



Republic of Namibia
Annotated Statutes

REGULATIONS

REGULATIONS MADE IN TERMS OF

National Road Safety Act 9 of 1972
section 27

National Road Safety Council Service Regulations

RSA Government Notice R.1100 of 1973

[\(RSA GG 3957\)](#)

came into force on date of publication: 29 June 1973

as amended by

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PART I
GENERAL

Definitions

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

“appoint” means appointment, transfer or promotion;

“calendar month” means a period extending from a day in one month to the day preceding the day corresponding numerically to that day in the following month;

“Chairman” means the person designated as such in terms of section 3(1)(a)(iii) of the Act;

“contract employee” means a person except an officer or employee appointed in terms of section 7(a) of the Act under a contract entered into between such person, and the Director acting with the approval of the Council;

“Director” means the person appointed in terms of section 4 of the Act, and includes the person designated by the Minister to act in the absence of the Director;

“employee” means a person temporarily appointed in terms of section 7(a) of the Act and who is not an officer;

“head of office” means the head of an office, branch, division or place of work and includes the Director;

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

“household” means -

- (a) the wife of an officer or employee and a child (including an adopted child) who is permanently resident with and necessarily dependant on the officer or employee;
- (b) a relative of an officer or employee who is permanently resident with and in the opinion of the Council dependent on him;
- (c) not more than two servants (including nursemaids) employed in a full-time capacity by the officer or employee;

“incremental month” means the month during which the salary of an officer or employee may be increased in accordance with the scale applicable to him;

“incremental period” means a period of 12 calendar months or another approved period which must elapse in regard to any officer or employee before his salary may be increased in accordance with the scale applicable to him;

“month” means a period extending from the first to the last day, both days inclusive, of any one of the 12 months of the year;

“officer” means a person appointed in terms of section 7(a) of the Act to an approved post on the fixed establishment of the Council and who qualifies for membership of the Council’s pension or provident fund and includes the Director appointed in terms of section 4 of the Act unless otherwise specifically stated in these regulations;

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

“the Act” means the National Road Safety Act, 1972 (Act 9 of 1972).

Interpretation of Regulations

2. If doubt arises regarding the interpretation of the provisions of these regulations the matter shall be referred to the Council for decision.

Date of Coming into Operation of the Regulations

3. These regulations shall come into operation on the 15th day of March 1972.

PART II

**STAFF OF THE COUNCIL: APPOINTMENT AND TERMINATION OF SERVICE
AND OTHER MATTERS**

Form of Application for Appointment

4. A person who desires to be considered for appointment in the service of the Council shall apply therefor in a form approved by the Council.

Primary Requirements for Appointment as Officer

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5. (1) No person shall be appointed as an officer who is not a South African citizen and who is not in possession of knowledge of both the official languages to the satisfaction of the Council.

(2) Subject to the provisions of subregulation (1) the Council may from time to time with the approval of the Minister prescribe the minimum qualifications and requirements for the appointment of an officer.

Medical Examination on Appointment as Officer

6. A person who desires to be considered for appointment as an officer with the exception of the Director shall with a view to his appointment submit himself to a medical examination and furnish the Director with a satisfactory medical certificate of health in the form prescribed by the Council. The Director, may require that such medical certificate be signed by a medical practitioner of whom he has approved. The cost of the medical examination shall be borne by the Fund.

[The comma after "The Director" in the next-to-last sentence is superfluous.]

Appointment of Officer on Probation

7. (1) With the exception of the Director the appointment of an officer to a post shall be made on probation for a specified period of not less than 12 calendar months: Provided that if an officer who is serving on probation is transferred or promoted to another post, a lesser period of service on probation may be authorised in the new post, which, together with the period of probation served in the former post, shall not be less than the period specified on his first appointment: Provided further that the probationary period of an officer shall be extended by the number of days leave taken by him during the period of probation or any extension thereof.

(2) If the Director certifies that during the period of probation or extended period of probation the officer concerned has been diligent and his conduct uniformly satisfactory and that he is in all respects suitable for the post which he holds, the Council may, if the officer has complied with all the conditions to which his appointment, transfer or promotion was subject, confirm the appointment, transfer or promotion; but if the Director is unable, for stated reasons, to certify accordingly he shall report such reasons to the Council who may then either extend the officer's probationary service for a specified period or take such steps in the matter as it may deem fit.

(3) Notwithstanding the provisions of subregulation (2) an officer who is serving on probation may be discharged from the service of the Council by the Council either during or at or after the expiry of the period of probation -

- (a) by the giving of 30 days' notice; or
- (b) forthwith, if his conduct is unsatisfactory.

Transfer of Officer and Employee to Another Post

8. Every officer and employee except the Director, shall, whenever the interests of the Council so require and the Council so decides, be liable to be transferred from the post or appointment held by him to any other post or appointment in the service of the Council whether or not such post or appointment is of a lower grade: Provided that -

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- (a) upon transfer an officer or employee shall not suffer any reduction in his scale of salary without his consent, except in accordance with the provisions of regulation 15(28)(d);
- (b) an officer or employee who has been transferred to or is employed in a post of lower or higher grade than his own grade without a change in his scale of salary, shall be transferred by the Council to a post to which his scale of salary is appropriate as soon as a suitable vacancy occurs;
- (c) an officer or employee who has been transferred to or is employed in a post which is graded higher than his own grade or which is regraded or converted to a post of a grade higher than his own grade, shall not by reason only of such transfer or employment be entitled to the higher scale of salary applicable to the post.

Seniority of Officers or Employees

- 9. Seniority of officers and employees shall be as determined by the Council.

Residential Addresses and Telephone Numbers

10. Every officer and employee shall notify the head of his office of his residential address and of his home telephone number (if any) and any change of address or home telephone number, and the head of the office shall record it in a register which shall be kept for the purpose.

Remuneration for Work Other Than for the Council

11. No officer or full-time employee shall perform or engage himself to perform, remunerative work outside his employment in the service of the Council without the permission of the Council.

Examination by a Medical Board

12. The Chairman, may at any time require an officer or employee to submit himself to an examination by a registered medical practitioner or a medical board nominated by the Chairman and at the cost of the Fund: Provided that the officer or employee may if he so desires arrange at his own expense for his private medical practitioner to be present at the meeting of the medical board.

Notice of Termination of Service of Officers or Employers

13. An officer or employee shall give notice of termination of service of at least 30 days in advance: Provided that the Director may accept a shorter period of notice.

Definition of Misconduct

14. An officer shall be guilty of misconduct and may be dealt with in accordance with the provisions of regulation 15 if he -

- (a) contravenes any provision of these regulations or fails to comply with any provision thereof with which it is his duty to comply; or

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- (b) does, or causes or permits to be done, or connives at, any act which is prejudicial to the administration, discipline or efficiency of the Council; or
 - (c) disobeys, disregards, or makes wilful default in carrying out a lawful order given to him by a person having authority to give it, or by word or conduct displays insubordination; or
 - (d) is negligent or indolent in the discharge of his duties; or
 - (e) undertakes, without the permission of the Council any private agency or private work in any matter connected with the performance of his official functions or the carrying out of his official duties; or
 - (f) actively participates in political matters; or
 - (g) attempts to secure intervention from political or outside sources in relation to his position and conditions of employment in the service of the Council; or
 - (h) conducts himself in a disgraceful, improper or unbecoming manner, or whilst on duty is grossly discourteous to any person; or
 - (i) uses intoxicants or stupefying or habit forming drugs excessively; or
- [The word "habit-forming" should be hyphenated.]**
- (j) becomes insolvent or compromises with his creditors or has a civil judgment decree made against him by a court of law, unless it is shown that his insolvency or composition or the making of a civil judgment decree against him has been occasioned by unavoidable misfortune; or
 - (k) becomes pecuniarily embarrassed, unless it is shown that his pecuniary embarrassment has not been occasioned by imprudence or other reprehensible cause and is not prejudicial to the faithful performance of his duties; or
 - (l) without first having obtained the permission of the Chairman discloses, otherwise than in the discharge of his official duties, information gained by or conveyed to him through his employment in the service of the Council, or uses such information for any purpose other than for the discharge of his official duties, whether or not he discloses such information; or
 - (m) accepts without the permission of the Chairman or demands in respect of the carrying out of or the failure to carry out his duties any commission, fee, or reward, pecuniary or otherwise (not being the emoluments payable to him in respect of his duties) or fails to report to the Director or if he is the Director to the Chairman the offer of any such commission, fee or reward; or
 - (n) misappropriates or improperly uses any property of the Council under such circumstances that his act does not constitute a criminal offence; or
 - (o) commits a criminal offence; or
 - (p) absents himself from his office or duty without leave or valid cause; or

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- (q) with a view to obtaining any privilege or advantages in relation to his official position or his duties, or to causing prejudice or injury to the Councilor a member of the Council or a sub-committee of the Council as the case may be, or an officer or employee of the Council 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 the regulations 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 Cases of Misconduct

15. (1) When an officer, except the Director, is accused of misconduct, the Chairman or any officer of the Council who has been authorised thereto by the Chairman, may charge him in writing under his hand with that misconduct.

(2) The signatory to the charge shall cause it to be served upon the officer charged.

(3) The charge shall contain or shall be accompanied by a direction calling upon the officer charged to transmit or deliver, within a reasonable period specified in the direction, 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 Chairman, or if authorised thereto by the Chairman, either specially in a particular case, or generally, the Director or any other officer of the Council, may at any time before or after the officer has been charged under this section, suspend him from duty.

(5) An officer who has been suspended from duty in terms of subregulation (4) shall not be entitled to any emoluments for the period of his suspension: Provided that the Chairman may, in his discretion, order payment to such officer of the whole or portion of his emoluments.

(6) If no charge under this regulation is preferred against an officer who has been suspended from duty, he shall be allowed to resume duty and be paid his full emoluments for the period of his suspension.

(7) The Chairman or the Director or other officer who suspended the officer may at any time cancel the suspension, but notwithstanding the cancellation of the suspension the proceedings on the charge of misconduct may be continued.

(8) If the officer charged denies the charge or fails to comply with the direction mentioned in subregulation (3), the Chairman shall appoint a person to enquire into the charge.

(9) The person who is to hold the enquiry shall, in consultation with the person who signed the charge, fix the time and place of the enquiry, and the person who signed the charge shall give the officer charged reasonable notice in writing of the time and place so fixed.

(10) The person who signed the charge may authorise any person to attend 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 officer charged shall have the right to be present and to be heard either personally or through a representative, to cross-examine any person

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called as a witness in support of the charge, to inspect any documents produced in evidence, to give evidence himself and call other persons as witnesses.

- (b) The person holding the enquiry shall keep a record of the proceedings at the enquiry and of all evidence given thereat.
- (c) The failure of the officer charged to attend the enquiry either personally or by a representative, shall not invalidate the proceedings.

(12) The acquittal or the conviction of an officer by a court of law upon a charge of a criminal offence shall not be a bar to proceedings against him under these regulations on a charge of misconduct, notwithstanding the fact that the facts set forth in the charge of misconduct would, if proved, constitute the offence set forth in the criminal charge on which he was so acquitted or convicted or another offence on which he might have been convicted on his trial on the said criminal charge.

(13) If the misconduct with which the officer is charged amounts to an offence of which he has been convicted by a court of law, a certified copy of the record of his trial and conviction by that court shall, upon the identification of such officer as the person referred to in the record, be sufficient proof of the commission by him of such offence, unless the conviction has been set aside by a superior court: Provided that it shall be competent for the officer charged to adduce evidence that he was in fact wrongly convicted.

(14) At the conclusion of the enquiry the person holding it shall find whether the officer charged is guilty or not guilty of the misconduct with which he has been charged and shall inform the officer charged of his finding. He shall report the result of the enquiry to the Chairman.

(15) If the officer charged is under suspension from duty under subregulation (4) and the person holding the enquiry finds that he is not guilty of the misconduct with which he has been charged, the said officer shall be allowed forthwith to resume duty in his post and be paid his full emoluments for the period of his suspension.

(16) If the person holding the enquiry finds the officer charged guilty of the misconduct with which he has been charged, the officer concerned may, within 14 days as from the date upon which he was informed of the finding, appeal therefrom to the Council by giving to the person who held the enquiry a written notice of appeal wherein he shall set forth fully the grounds upon which the appeal is based.

(17) If the person who held the enquiry has found the officer charged guilty of the misconduct with which he has been charged, he shall forward to the Chairman for consideration by the Council the record of the proceedings at the enquiry and any documentary evidence admitted thereat, a statement of his finding and his reasons therefor, and any observations on the case which he may desire to make.

(18) If the officer found guilty of misconduct has given notice of appeal in accordance with the provisions of subregulation (16) the person who held the enquiry shall forward to the Chairman the record and other documents referred to in subregulation (17), the appellant's notice and grounds of appeal and shall furnish the appellant with a copy of the reasons for the finding against which the appeal is brought.

(19) If notice of appeal has been given in accordance with the provisions aforesaid and the officer concerned applies to the Chairman for a copy of the record of the proceedings at the

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enquiry within seven days as from the date upon which he received a copy of the reasons for the finding, the Chairman shall furnish him with such a copy.

(20) The officer concerned may within 14 days from the date upon which he received the copy of the record of the proceedings, or if he did not apply for a copy of the record, within 21 days as from the date upon which he received the copy of the reasons for the findings, submit to the Chairman written representations, in quadruplicate, in support of his appeal.

(21) The Chairman shall forward the Director a copy of the record and documents referred to in subregulation (18) and a copy of the representations referred to in subregulation (20).

(22) The Director may, within 14 days after the date upon which he received the copies referred to in sub-regulation (21), submit to the Chairman, in quadruplicate, any representations which he desires to make in support of the finding against which the appeal is brought; and the Chairman shall furnish a copy of such representations to the officer concerned.

(23) (a) The officer concerned may within 14 days after the date upon which he received a copy of the representations referred to in subregulation (22) submit to the Chairman, in quadruplicate, any reply in writing he may wish to make to such representations.

(b) The Chairman shall furnish the Director with a copy of such reply.

(c) The Director shall have no right to submit further representations in answer to such reply.

(24) After consideration of the aforesaid record and documents, the Council may allow the appeal wholly or in part and set aside or alter the finding, or dismiss the appeal, and confirm the finding wholly or in part, or the Council may, before arriving at a final decision on the appeal, remit any question in connection with the enquiry to the person who held it, and direct him to report thereon or to hold a further enquiry and arrive at a finding thereon.

(25) If the Council directs the holding of a further enquiry, the provisions of subregulations (10) and (11) shall apply.

(26) When the Council has arrived at a final decision on an appeal, it shall convey that decision in writing to the appellant and to the Director.

(27) If the Council allows the appeal of an appellant who was suspended from duty, the appellant shall forthwith be allowed to resume his duties and be paid his full emoluments for the period of his suspension.

(28) If the record and documents referred to in subregulation (17) have in terms of that subregulation been forwarded to the Chairman or if an appeal was noted and the Council has dismissed such appeal wholly or in part, the Council may direct -

(a) that the said officer be cautioned or reprimanded; or

(b) that a fine not exceeding R400 be imposed upon him, which fine may be recovered by deduction from his emoluments in such instalments as may be determined by the Chairman; or

(c) that he be transferred to another post or be employed on other duties; or

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- (d) that his salary or grade or both his salary and grade be reduced to an extent determined by the Council; or
- (e) that he be discharged or be called upon to resign from the service of the Council as from a date to be specified by the Council: Provided that -
 - (i) except where a direction is made under paragraph (e) the Council shall not be precluded from making a direction under more than one of the foregoing paragraphs;
 - (ii) the Council may postpone a direction for a period not exceeding 12 calendar months; and
 - (iii) if an officer who has been called upon to resign from the service of the Council fails to resign, he shall be deemed to have been discharged therefrom as from a date to be specified by the Council.

(29) If the officer charged in terms of this regulation admits the charge, he shall be deemed to be guilty of the misconduct with which he has been charged.

(30) If an officer who has been suspended from duty in terms of subregulation (4), is dealt with in accordance with the provisions of subregulation (28)(a), (b) or (d) or of the second proviso to that subregulation, he shall forthwith be allowed to resume duty, and if he is dealt with in accordance with the provisions of subregulation (28)(c) he shall as soon as practicable be allowed to assume duty in the post or duties to which he is transferred, and in any such case he shall be paid his full emoluments for the period of his suspension: Provided that if his grade is reduced in terms of subregulation (28)(d) he shall as soon as practicable be allowed to assume duty in a post of the reduced grade and be paid for the period of suspension the emoluments of that post but if emoluments in excess of the emoluments of that post, were, during the period of his suspension, paid to him under subregulation (5), he shall not be obliged to refund the excess.

(31) An officer who has been suspended from duty in terms of subregulation (4), or against whom a charge has been preferred under this regulation and who resigns from the service of the Council or assumes other employment before such charge has been dealt with to finality in accordance with the provisions of this regulation, shall be deemed to have been discharged on account of misconduct, with effect from a date to be specified by the Chairman, unless prior to the receipt of his notification of resignation or the date of his assumption of other employment he had been notified that no charge would be preferred against him or that the charge preferred against him had been withdrawn.

Misconduct of Director

16. (1) When the Director is accused of misconduct, the Chairman may report the matter to the Minister who may direct the Chairman or another person to charge him with that misconduct; and if an inquiry becomes necessary under regulation 15 as applied by subregulation (2). Hereof, the Minister may appoint a person to hold the inquiry.

(2) The provisions of subregulations 15(2) to 15(31), both inclusive, shall *mutatis mutandis*, apply to any proceedings following upon a direction under subregulation (1) hereof; and for the purposes of such application every reference in the said subregulations to the Council or the Chairman shall be construed as a reference to the Minister and every reference in the said

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subregulations to the officer holding the inquiry shall be construed as a reference to the person appointed under subregulation (1) of this regulation.

Manner in which Notices, etc. may be Given or Furnished

17. Whenever by these regulations it is provided -
- (a) that any notice, statement or other document is to be given or furnished to or served upon any person or that any matter is to be or may be conveyed to any person, in writing, the notice, statement, document or writing may be sent by post in a registered letter or be delivered to him or left at his last known place of residence; or
 - (b) that any person is to be informed of any decision or finding, he may be informed thereof verbally or in writing sent by post in a registered letter or delivered to him or left at his last known place of residence.

Acceptance of Nomination for Parliament, Provincial Council. etc.

18. (1) If an officer or employee accepts a nomination or requisition as candidate for election as member of Parliament, or any Provincial Council, divisional council, city council, municipal council, village management board, health committee, management or consultative committee, local authority or school board, he shall be deemed to have voluntarily resigned from the service of the Council with effect from the date on which he accepted such nomination or requisition: Provided that where special circumstances warrant such a course the Council may suspend the application of this regulation to the officer or employee concerned, if it is satisfied that there will be no interference with his official duties.

(2) If an officer or employee accepts a nomination as a member of the Council he shall be deemed to have voluntarily resigned from the service of the Council.

Provisions regarding the retiring age of female officers

19. (1) An officer shall -
- (a) in the case of a male officer retire from the service of the Council on attaining the age of 65 years; and
 - (b) in the case of a female officer who was appointed to a post in the Council on or after 1 January 1979, retire from the service of the Council on attaining the age of 65 years: Provided that a female officer who was in the service of the Council before 1 January 1979 shall have the option of retiring either on attaining the age of 60 years or at any time between the ages of 60 years and 65 years.

[Regulation 19 is substituted by RSA GN R.2003/1979.]

Compulsory Membership of Pension or Provident Fund

20. Every officer shall become a member of and contribute to any pension or provident fund established under section 20 of the Act and the Council may require any employee to become a member of and contribute to any such fund provided he is qualified for membership thereof.

Compulsory Membership of Medical Benefit Scheme

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21. (1) Every officer shall become a member of and contribute to any medical benefit scheme established under section 20 of the Act or named by the Council: Provided that the Council may exempt an officer from compulsory membership of such a scheme.

(2) The Council may require any employee to become a member of and contribute to any medical benefit scheme established or carried on as provided for in section 20 of the Act provided he is qualified for membership thereof.

Benefits of Officers and Employees Upon Death or Retirement

22. Upon the death or retirement of an officer or employee the benefits applicable to him determined in accordance with any fund or benefit society or scheme established in terms of section 20 of the Act and in accordance with the rules of such fund, benefit society or scheme, shall be paid.

Administration of Pension and Provident Funds

23. (1) Any pension or provident fund established under section 20 of the Act shall be administered by a Board of Trustees constituted in accordance with the rules of such pension or provident fund.

(2) The Board of Trustees shall administer such fund or funds in accordance with the rules thereof.

PART III

REMUNERATION OF OFFICERS AND EMPLOYEES

Salary of Officer or Employee on Appointment or Promotion

24. Upon appointment or promotion to a post an officer or employee except the Director shall be paid a commencing salary at the minimum notch of the salary scale attached thereto: Provided that with the approval of the Council he may be paid a commencing salary at any notch of that scale according to his qualifications and experience.

Personal Salary or Salary Scale of Officer or Employee in Exceptional Cases

25. Subject to the approval of the Minister in consultation with the Minister of Finance the Council may in an exceptional case grant an officer or employee a personal salary or a personal salary scale where he possesses special qualifications, experience or ability or renders service of outstanding merit.

Salary Increments of Officer or Employee

26. (1) Subject to the provisions of subregulation (3) the salary of an officer or employee shall be increased by one salary increment within the limits of the scale applicable to him after completion of each incremental period and with effect from the first day of such officer's or employee's incremental month: Provided that in a case of exceptional merit the Council may grant an officer or employee more than one increment in salary within the said salary scale at any time during a period of 12 months.

(2) On the recommendation of the Council the Minister may, in consultation with the Minister of Finance approve of a scale for the payment of a long service allowance in the case of

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a Non-White officer or employee in receipt of remuneration based on local scales of pay and the Council may, in deserving cases where the officers or employees referred to have rendered at least five years uninterrupted satisfactory service, pay a long service allowance in accordance with such approved scale.

(3) If the Council considers that an officer's or employee's conduct as to industry, discipline, punctuality or sobriety was not uniformly satisfactorily during an incremental period or that he did not perform his work uniformly satisfactorily during such incremental period, the salary of such officer or employee shall not be increased in terms of the provisions of subregulation (1) and the Council shall notify such officer or employee accordingly in writing and also that at the expiry of a continuous period to be indicated and which shall be not longer than an incremental period, on condition that the officer's or employee's work performance and his conduct in regard to the qualities mentioned are considered by the Council to have been satisfactory during such period, the Council shall grant a salary increment with effect from the first day of the month following the date on which the said continuous period expired.

[The word "satisfactory" is misspelt in the *Government Gazette*, as reproduced above.]

(4) No officer or employee shall be entitled to claim the payment of a salary increment or allowance as of right.

Bonus for Service of Outstanding Merit and Study Bursaries

27. (1) On the recommendation of the Council, if it considers that a particular service rendered by an officer or employee is of outstanding merit and has contributed appreciably to the work of the Council in the carrying out of its objects or the performance of its functions or duties or the exercise of its powers under the Act, the Minister in consultation with the Minister of Finance may approve the grant of a bonus to such officer or employee.

(2) The Council may subject to such conditions as may in general be prescribed by the Minister in consultation with the Minister of Finance, grant an officer or employee a bursary for the continuation of his studies, provided such studies are connected with the promotion of the objects of the Council.

Salary or Wage Not Assignable

28. The Salary or wage shall be paid to the officer or employee entitled thereto personally and shall be incapable of being assigned to any other person except with the approval of the Director.

[The word "Salary" is capitalised in the *Government Gazette*, as reproduced above.]

Method of Payment of Salary or Wage

29. The salary shall be paid to an officer or employee monthly in arrear. No advance on salary or wage shall be made except with the approval given in an exceptional case by the Director or an officer authorised thereto by him.

Vacation Savings Bonus

30. Every officer or employee may in the discretion of the Council be paid a vacation savings bonus on such conditions and calculated on such basis as may be determined by the Minister in consultation with the Minister of Finance.

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PART IV
HOURS OF ATTENDANCE AND OVERTIME REMUNERATION

Official Hours

31. The normal official working hours which shall be observed by officers and employees shall be prescribed by the Council from time to time.

Duty at Any Time or Place

32. (1) The head of office may require an officer or full time employee to be in attendance or perform official duty on any day of the week or at any time during the day or night at his normal place of work or elsewhere.

(2) When such attendance was observed or duty was performed by an officer or employee -

- (a) (i) on a Saturday, a Sunday or on a public holiday in the case of an officer or employee who does not normally work on such day; or
- (ii) who normally works on a Saturday, a Sunday or on a public holiday and in lieu thereof is relieved from duty on another day, on such other day;
- (b) over and above the days on which he normally works during the working week prescribed for him as provided by regulation 31;

it shall for the purpose of regulation 33 be regarded as overtime duty, and no officer or employee shall receive additional remuneration in respect thereof except as provided by that regulation.

Overtime Remuneration

33. The Council may, in a particular case authorise payment of additional remuneration, calculated at such rates as the Minister may in consultation with the Minister of Finance approve, to an officer or employee in respect of overtime duty performed by him in the circumstances prescribed by regulation 32.

Commuted Overtime Allowance

34. The Council may, in an exceptional case where the duties of an officer or employee are of a nature to warrant it, authorise payment to him of a commuted allowance calculated at such rate as the Minister in consultation with the Minister of Finance deems appropriate in respect of overtime duty performed by him.

Whole Time of Officers and Employees to be at the Disposal of the Council

35. Every officer and employee shall place the whole of his time at the disposal of the Council and shall during his official hours of attendance and any periods of overtime duty give his full attention to the duties entrusted to him and may not without the consent of the head of his office be absent from his office or place of work during his official hours of attendance or any periods of overtime duty.

Inability to Report Punctually for Duty

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36. In the event of an officer or employee being unable to report for duty at the due time he shall inform the head of his office at the earliest opportunity.

Head of Office Responsible for Observance by Staff of Official Hours of Attendance

37. The head of office shall be responsible for the observance by the staff under his control of the official hours of attendance.

Attendance Register

38. An attendance register shall be kept in which every officer and employee in receipt of a salary or wage less than that specified by the Council shall personally record the time of his arrival at and departure from his place of work: Provided that in the case of an officer or employee who is serving in circumstances which in the opinion of the Director render the keeping of such a record of his attendance impracticable the Director may exempt him from this requirement or may make such other arrangements as he may consider adequate to ensure that the official hours of attendance applicable to such officer or employee are observed by him.

PART V

DUTIES OF STAFF

Duties of the Director

39. In addition to any functions or duties lawfully assigned to or imposed upon him the Director shall be responsible to the Council for maintenance of discipline of the staff of the Council, for the maintenance of efficient administration and for the proper use and care of the property of the Council and shall also be responsible to the Council for accounting of all expenditure from the Fund.

Duties of Heads of Offices

40. In addition to the duties assigned to him by the Director the head of office shall be responsible to the Director for maintaining discipline and efficient administration and for the proper use and care of the property of the Council in his office or place of work.

Absences from Duty Which are not Recorded as Leave

41. An officer or employee is in the following instances not regarded as being absent from duty -

- (1) When he must appear -
 - (a) as a witness -
 - (i) in a criminal court case;
 - (ii) in a civil court case (including a divorce case);
 - (iii) in a military court case;
 - (iv) in a misconduct case in terms of some law or other;

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- (v) before a commission or committee of inquiry appointed by the State;
 - (vi) at an inquest;
 - (vii) at a rent board inquiry, except when he is the person who took the initiative in a rent board inquiry, in which case his absence from duty must be covered by the granting of vacation leave with or without pay, as the case may be; or
- (b) as the respondent or co-respondent in a civil court case which arises out of his official duties and in which the Council has a direct interest;
 - (c) any witness fees received by the officer or employee shall be paid into the Fund.

(2) When he attends a course, for which a bursary has been awarded in terms of regulation 27(2).

(3) When he attends a course of instruction under the National Survival Plan presented by the Civil Defence Division.

(4) An officer or employee may be paid a subsistence allowance at the appropriate rate in terms of these regulations if such appearance results in his absence from his headquarters.

Obedience

42. An officer or employee shall forthwith obey unconditionally a lawful instruction given to him by a person who is competent to do so, and may demand that it be repeated in writing and may in writing submit to such competent person for decision by the Director any complaint he may have in connection therewith and the said competent person shall, through the official channels of communication, transmit it together with any comments he may wish to make, to the Director, and if the officer or employee is not satisfied with the decision of the Director he may demand that the matter be referred to the Council for final decision.

Official Channels of Communication

43. A request or communication from an officer or employee addressed to the Director shall be transmitted to him through the medium of the head of his office and a request or communication from an officer or employee in connection with any matter falling within the scope of the Council's powers, functions or duties shall be addressed to the Director and transmitted to him through the same medium and the Director, if requested to do so by the officer or employee, shall submit it to the Council for decision.

Private Financial Transactions

44. (1) An officer or full time employee shall not become a party to any form of promissory note for compromising purposes: Provided that the Director or in the case of the Director, the Chairman, may give his written consent to a departure from the provisions of the regulation if he has satisfied himself after investigation that the proposed transaction is being entered into for reasons acceptable to him not connected with speculation, gambling or other improper dealing which may lead to pecuniary embarrassment of the officer or employee concerned: Provided further that such consent shall not be given in respect of a transaction between two officers, an officer and an employee or two employees.

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(2) No officer or employee shall lend money to another officer or employee.

Acceptance of Gifts, Commission, Money or Reward

45. (1) An officer or employee shall not accept without the permission of the Council, a gift, pecuniary or otherwise, offered him by a member of the public by reason of his occupying or having occupied a particular office or post in the service of the Council.

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

Replying to Questions

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

Giving Notice of Change of Marital Status of Officer or Employee

47. An officer or employee shall, upon any change in his or her marital status, give the Director notice thereof.

PART VI
 OFFICIAL TRAVELLING AND TRANSPORT EXPENSES
 AND SUBSISTENCE ALLOWANCE

Journeys within the Republic

48. All official journeys undertaken at the cost of the Fund within the Republic of officers or employees which are necessary and in the interests of the Council shall be subject to approval by the Director or by an officer duly authorised by him: Provided that all such official journeys undertaken by the Director shall be subject to the approval of the Chairman.

Journeys beyond the Borders of the Republic

49. All official journeys beyond the borders of the Republic of officers or employees shall be subject to approval by the Minister on the recommendation of the Council.

Transport Expenses

50. Subject to the provisions of this Part, an officer or employee who is required to travel on official duty may be reimbursed from the Fund the cost of conveying himself and his necessary personal luggage as well as reasonable expenditure incurred in connection with taxi hire (if transport owned by the Council is not available), portorage, landing or shipping fees and other incidental services.

Means of Transport to be Used

51. (1) When an official journey is approved in terms of this Part the means of transport to be used and in the case of an official journey by train, the train service and the nature of the accommodation thereon and the route to be followed shall be specified.

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(2) Official journeys shall be planned on the most economical basis due regard being had to the exigencies of each case in determining the means of transport to be used.

(3) Official journeys by air may be approved by the Director in his discretion.

Subsistence Allowance and Incidental Travelling Expenses

52. (1) While travelling and while absent from his headquarters and his home on official duty and under circumstances set out in regulation 41 an officer or employee may be paid from the Fund subsistence allowance and incidental expenses at the rates approved by the Minister in consultation with the Minister of Finance and subject to the conditions determined by the Council.

(2) Incidental expenses may also be met as a charge to the Fund.

(3) Where the nature of his duties involves frequent travel and absences from his headquarters and his home on duty an officer or employee may, in the discretion of the Council, be paid from the Fund a fixed subsistence allowance as determined by the Minister in consultation with the Minister of Finance.

(4) Entertainment expenses actually incurred by an officer or employee in the interests of his official duty may be reimbursed to such officer or employee from the Fund on a basis to be determined by the Council.

Form for Submission of Claims

53. Claims for the reimbursement of transport expenses and subsistence allowances and other incidental expenses in terms of the provisions of this part shall be submitted on a form approved by the Council.

PART VII **TRANSFER EXPENSES AND TRANSPORT FACILITIES**

Transfer of Officer or Employee and Conveyance of his Household and Personal Effects

54. The Council may transfer an officer or employee and he and his household and personal effects may be conveyed from one headquarters to another at the cost of the Fund in accordance with the rates and provisions and subject to the conditions determined by the Council.

Transport Facilities on First Appointment

55. (1) On conditions relating to means of transport and classes of travel similar to those determined by the Council in accordance with the provisions of Part VI the Director or an officer duly authorised by him may approve that a person residing in the Republic who is appointed as an officer or employee be granted transport at the cost of the Fund from the place where he is recruited to the place where he is instructed to assume duty: Provided that where such person is appointed as Director the Chairman may approve that he be granted transport at the cost of the Fund from the place where he is recruited to the place where he is instructed to assume duty.

(2) Subject to the provisions of subregulation (3) the household and personal effects of a person referred to in subregulation (1) may, with the approval of the Director or an officer duly

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authorised by him or of the Chairman where such person is appointed as Director, be conveyed at the cost of the Fund from the place where the person is recruited to the place where he is instructed to assume duty, on the basis determined by the Council for an officer or employee transferred in accordance with regulation 54: Provided that the household and personal effects of such person are conveyed within 90 days from date of assumption of duty or such further extension of this period as the Council may approve.

(3) If a person whose household and personal effects have been conveyed in terms of the provisions of subregulation (2) resigns or his services are terminated as a result of unsatisfactory service within 180 days from the date of his assumption of duty he shall repay the expenditure incurred in respect of the conveyance of his household and personal effects.

Transport Facilities on Termination of Service or Death

56. (1) When the services of an officer or employee terminate on grounds which have, for purposes of this regulation, been approved by the Council and who has completed not less than 10 years' continuous full-time service or who would have completed not less than 10 years' continuous service on reaching the age of 65 years in the case of a male or 60 years in the case of a female officer or employee, but for such termination, the Director or any other officer duly authorised by him may allow as a charge to the Fund transport for him, his household and personal effects to any place in the Republic where he desires to reside subject to such limitations and conditions as may be approved by the Council.

(2) If an officer or employee dies whilst away from his headquarters on official duty his mortal remains may be conveyed as a charge to the Fund on such conditions as may be determined by the Director.

PART VIII LEAVE OF ABSENCE

Granting and Withdrawal of Leave

57. Leave of absence shall be granted in the case of the Director by the Chairman and in the case of all other officers and employees by the Director or any other officer authorised thereto by him and leave so granted may at any time be withdrawn.

Leave of Absence a Privilege

58. Leave of absence provided for in these regulations is a privilege and cannot be claimed as of right, and it is granted only with due regard to the exigencies of the service of the Council: Provided that the Council may at any time require an officer or employee to take any leave due to him.

Leave Application Form

59. Application for leave of absence shall be made in writing in a form approved by the Council and except in the case of the Director who shall submit his application to the Chairman. the applicant shall submit his application to the Director through the head of his office. The form of the medical certificate which is to serve in support of an application for sick leave shall also be approved by the Council.

Leave Must be Approved Prior to Absence from Duty

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60. Except where an officer or employee is suspended from duty or where an officer or employee is prevented by his sudden illness, or by other circumstances which are acceptable to the Director or in the case of the Director to the Chairman, from reporting for duty, he may not absent himself from duty until he has applied for leave and has been advised by the head of his office or the Chairman, as the case may be that the leave application has been approved.

Lapse of Leave on Termination of Service

61. (1) Immediately an officer or employee gives notice of termination of service any leave granted with pay shall lapse with effect from the date of such notice, or, if the notice is undated, from the date the notification is received by the head of office, or in the case of the Director by the Chairman and any leave applied for or absence from duty thereafter shall be regarded as vacation leave without pay: Provided that the provisions of this regulation shall -

- (a) apply only in respect of absence during an officer's or employee's last 30 days of service; and
- (b) not apply to -
 - (i) sick leave;
 - (ii) special leave granted in terms of regulation 72(b), (c) or (d); and
 - (iii) vacation leave granted in lieu of sick leave.

(2) When an officer or employee leaves the service of the Council any leave of absence granted to him shall lapse on the day preceding that on which such termination of service becomes effective or on the date determined in terms of subregulation (1) if it is applicable to him.

(3) The period of service of an officer or employee may not be extended in order to enable him to utilise leave which may have been granted to him.

Payment of Allowances During Leave

62. The continuance or cessation of the payment to an officer or employee during periods of leave of absence, of allowances or remuneration other than salary or wage shall be decided by the Council.

Provisions Regarding Granting of Leave of Absence

63. (1) Officers, and employees may be granted leave of absence in accordance with the following provisions:

- I. Full pay accumulative vacation leave per annum*

Group A

White officers whose basic salary, excluding recurring allowances, do not exceed R6 300 per annum having -

- (i) less than 10 years' service: 30 days;
- (ii) ten years' or longer service: 36 days.

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Group B

White officers whose basic salaries, excluding recurring allowances exceed R6 300 per annum: 36 days: Provided that an officer who falls within either Group A or Group B and who was appointed before 1 July 1966, shall be entitled to 38 days accumulative vacation leave per annum upon completion of 15 years' continuous permanent service with the Council including the Road Safety Council.

Group C

Full-time and part-time White employees having -

- (i) less than five years' service: 24 days;
- (ii) five years' and less than 10 years' service: 30 days;
- (iii) ten years' or longer service: 36 days.

Group D

Non-White officers and full-time non-white employees whose emoluments do not exceed R900 per annum having -

- (i) less than 10 years' service: 18 days;
- (ii) ten years' and less than 15 years' service: 24 days;
- (iii) fifteen years' or longer service: 30 days.

Group E

Non-White officers and full-time Non-White employees whose emoluments exceed R900 per annum but do not exceed R2 460 per annum having -

- (i) less than 10 years' service: 24 days;
- (ii) ten years' or longer service: 30 days.

Group F

Non-White officers and full-time Non-White employees whose emoluments exceed R2 460 per annum: 30 days.

[Regulation 63 is substituted by RSA GN R.1297/1976.]

Overgrant of Vacation Leave

64. In the event of an officer or employee being granted vacation leave with full pay in excess of that provided for in these regulations, such overgrant may be deducted from vacation leave which subsequently accrues to him: Provided that the Director or in the case of the Director, the Chairman, is satisfied that the overgrant was made in good faith: Provided further that, in the event of the officer or employee resigning or his services being terminated before sufficient

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vacation leave had accrued to him for the purpose of such deduction, the portion of the overgrant which has not yet been set off against his vacation leave accrual on his last day of service shall be regarded as an overpayment of salary which shall be recovered from the officer or employee concerned or otherwise dealt with as the Council may direct.

Days of Rest

65. (1) A day of rest shall not be regarded as leave and shall not be recorded as such in the leave register: Provided that -

- (a) a day of rest, or two or more consecutive days of rest, falling within a period of leave, shall be regarded as leave of the same kind as the leave which precedes and succeeds such day or days of rest;
- (b) a day of rest, or 2 or more consecutive days of rest, falling between a period of vacation leave and a period of sick leave (or vice versa) shall be regarded as vacation leave unless the officer or employee concerned produces evidence that he was actually ill on such day or days of rest;
- (c) if an officer or employee who is called upon to report for duty on a day of rest fails to do so, such day of rest shall be regarded as vacation leave without pay, unless he is prevented from reporting for duty by circumstances which are acceptable to the Director, or in the case of the Director, to the Chairman.

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

(3) The expression "day of rest" contained in this regulation means -

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

General Provisions: Vacation Leave

66. (1) Accumulative vacation leave shall accrue in respect of each completed month of service at the rate of one-twelfth of the provision applicable to an officer or employee in terms of regulation 63(1).

(2) Except as provided in subregulation (3) if an officer or employee is transferred from one post to another and his transfer results in a change of the leave provisions applicable to him or if, for any reason other than his transfer, he passes from one vacation leave group to another -

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

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(3) When an officer who has retired from a permanent post or who has relinquished a permanent post for any reason whatsoever, is reappointed, with or without a break in service, in a temporary capacity, such reappointment shall be regarded as a new appointment for all purposes of these regulations; previous permanent service shall not count as service for leave purposes and accumulated leave shall lapse when the permanent appointment terminates.

(4) The Director may at any time require an officer or employee and the Council may at any time require the Director to take the whole or a portion of the vacation leave due to him, provided that the maximum period of leave prescribed in sub-regulation (5) is not exceeded.

(5) Except as determined by the Council an officer or employee may not be granted vacation leave with full pay in excess of 184 days in any period of 18 calendar months and any absence from duty above this limit shall be covered by the grant of vacation leave without pay with due regard to the provisions of regulation 67. For the purpose of this subregulation no account shall be taken of vacation leave granted in terms of regulation 68(5).

(6) The accumulative vacation leave standing to the credit of an officer or employee on the first day of January of each year shall be recorded in the leave register, and in recording such credit any fraction of a day shall be regarded as one day.

(7) A person in the employment of the State, including the South African Railways, Provincial Administrations and the Administration of South West Africa and any statutory body whether they be financed out of the Consolidated Revenue Fund or not, who, without a break in service is appointed an officer or employee of the Council, may be permitted by the Council to transfer any vacation leave credit due to him by his previous employer at date of termination of service and such leave shall be recorded as a credit of the person concerned in the service of the Council. This concession also applies to any sick leave not utilised in his previous employment in the sick leave cycle of three years in which the appointment in the service of the Council occurs.

Vacation Leave Without Pay

67. Where an officer or employee has no vacation leave with pay to his credit and if sound reasons therefor exist, the Director or in the case of the Director the Council may, at his discretion but subject to the limits imposed by regulation 71(1)(c) grant the officer or employee in the aggregate in any period of 18 calendar months. In exceptional cases the limitation imposed by this regulation may be waived by the Council.

General Provisions: Sick Leave

68. (1) Sick leave accrues to an officer or employee on the first day of each cycle of 3 years reckoned from the first day of January, 1971 as provided in regulation 63(1) and with effect from the day of commencement of each such cycle the provisions in respect of sick leave of the relative cycle may be made applicable to him in full if the other provisions of these regulations are complied with: Provided that no officer or employee may be granted sick leave with full or half pay until he has completed 30 day's service and then only in respect of absences subsequent to the completion of such service.

(2) If an officer or employee, during such a cycle of three years and without a break in service -

- (a) passes to a group in which the sick leave provisions are less favourable than those formerly applicable to him, the sick leave provisions formerly applicable to him shall continue to be applicable to him for the duration of the relative cycle; or

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(b) passes to a group in which the sick leave provisions are more favourable than previously, the sick leave provisions of the new group shall immediately be made applicable to him except for any paid sick leave already used by him during the relative cycle.

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

(4) If an officer or employee who has been granted the maximum amount of sick leave provided for in these regulations is not yet able for health reasons to resume his duties, the Director, or in the case of the Director, the Chairman -

- (a) on the submission to him of a satisfactory certificate by a registered medical practitioner; and
- (b) if he is satisfied that the officer or employee at that particular time is not permanently unfit to resume his normal duties; and
- (c) if the officer or employee has no vacation leave to his credit;

may, at his discretion, grant the officer or employee further sick leave with half pay not exceeding 92 days in any one particular cycle of 3 years. This grant may be made in respect of separate periods of absence and in respect of different kinds of illnesses.

(5) (a) An officer or employee may, on application in writing, be granted any vacation leave which he may have to his credit in lieu of sick leave with half pay or without pay: Provided that such application is submitted not later than 30 days after he has resumed duty: Provided further that the number of days vacation leave with full pay thus granted shall not exceed 365 days in any particular cycle of 3 years: Provided lastly that the Director, or in the case of the Director, the Chairman, is satisfied that the officer or employee concerned is not at that stage permanently unfit for the resumption of his normal duties.

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

(6) (a) In the event of an officer or employee, to whom vacation leave with full pay has been granted, becoming ill after he has left; his duties to proceed on vacation leave that portion of vacation leave during which he was indisposed, may be converted into sick leave if -

- (i) the officer or employee submits a certificate by a registered medical practitioner [or a registered dentist if regulation 69(6) is applicable to him] which complies with the requirements prescribed in regulation 69; and
- (ii) the necessary sick leave is available in terms of these regulations.

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

(7) In calculating the number of days sick leave due to an officer or employee any fraction of a days' leave due to him shall be credited to him as one day's leave.

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Granting of Sick Leave

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

(2) Sick leave may be granted in respect of nervous complaints, insomnia, debility and similar in-defined illnesses or indispositions only if the Director, or in the case of the Director, the Chairman, is satisfied that the applicant's health condition -

- (a) incapacitates him for duty; and
 - (b) does not arise from, his failure to take vacation leave.
- (3) (a) The Director or in the case of the Director, the Chairman, may at any time require an officer or employee to submit to an examination by one or more registered medical practitioners nominated by the Director or the Chairman as the case may be.
- (b) The expenditure connected with such examination shall be met from the Fund.
- (4) (a) If an officer or employee is absent from duty for a continuous period of more than three days owing to illness he may be granted sick leave only if he submits a certificate by a registered medical practitioner [or a registered dentist if subregulation (6) is applicable to him] which clearly describes the nature of the illness, which states that he is not capable of performing his official duties and in which is indicated the period necessary for his recuperation.
- (b) The Director or in the case of the Director, the Chairman, may at his discretion, require the submission of a similar certificate in respect of periods of absence of three days or less.
- (c) If the Director or in the case of the Director the Chairman is satisfied that the absence of the officer or employee is bona fide due to illness and that there are good reasons for the non-production of a medical certificate he may waive the submission of a medical certificate by the officer or employee in respect of sick leave for a continuous period not exceeding 14 days. Such exemption shall be endorsed on the leave application.

(5) Sick leave, with or without pay, in respect of which a certificate mentioned in subregulation (4) is not submitted, may be granted only for an aggregate of 10 days during any year ending on 31 December and any further absences shall be covered by the granting of vacation leave or, if the officer or employee has no vacation leave to his credit of vacation leave without pay. The provisions of this subregulation are not applicable to periods of absence in respect of which exemption in terms of subregulation (4)(c) has been granted and neither are such periods taken into consideration in the determination of the 10 days.

- (6) (a) If an officer's or employee's absence is attributed to a dental abscess, a fracture of the jaw, acute Vincent infection of the mouth or complications following dental extractions, such as osteomyelitis, osteitis and secondary haemorrhage, a certificate as defined in subregulation (4) and issued by a registered dentist may be accepted for the purpose of that subregulation.

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- (b) A similar certificate issued by a registered dentist in respect of other conditions may be accepted only with the concurrence of a registered medical practitioner.
- (c) Notwithstanding the provisions of this subregulation, the Director or in the case of the Director, the Chairman, may require that a certificate by a registered medical practitioner be submitted before sick leave is granted by him.

(7) Notwithstanding the submission of a certificate as defined in subregulations (4) and (6) the Director or the Chairman, as the case may be, may, at his discretion, refuse to grant sick leave with pay in respect of any absence from duty to which the certificate relates, and in such case the absence shall be regarded as unauthorised and the provisions of regulation 74 shall apply.

Special Sick Leave

70. (1) An officer or employee who is absent from duty owing to an injury sustained in an accident arising out of and in the course of his duties or owing to a disease contracted in the course of and as a result of his duties may be granted special sick leave with full pay for the period he is incapacitated for the performance of his duties: Provided that if the case falls within the scope of the Workmen's Compensation Act, 1941 (Act 30 of 1941), and any amendment thereof he may be granted special sick leave with remuneration equal to the difference between full pay and the compensation payable to him in terms of that Act by way of periodical payments of his monthly earnings.

(2) Special sick leave in terms of this regulation shall not be granted if the Director, or in the case of the Director the Chairman, is of opinion that the accident is attributable to the serious and wilful misconduct of the officer or employee.

(3) The provisions of regulation 69(3), (4) and (6) are *mutatis mutandis* applicable to the granting of special sick leave.

Sick Leave Without Pay

- 71.** (1) (a) If an officer or employee has used his paid sick leave provided for in these regulations he may, notwithstanding the provisions of regulation 68(5) be granted sick leave without pay not exceeding 365 days in any cycle of three years.
 - (b) The grant of sick leave in terms of paragraph (a) may be made irrespective of whether the officer or employee has been granted additional sick leave with half pay in terms of regulation 68(4).
 - (c) If an officer or employee has been granted the sick leave without pay provided for in this regulation, he may not, during the particular cycle of three years be granted any further leave of whatever nature to cover his absence from duty owing to illness, except with the approval of the Council.
- (2) (a) The granting to an officer or employee of sick leave without pay in terms of subregulation (1) is subject to the submission by him of a satisfactory medical certificate in respect of each absence which exceeds three days.
 - (b) The provisions of regulation 69(4) and (5) are applicable in respect of absences which do not exceed three days.

Special Leave with Full Pay

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72. (1) Special leave with full pay may be granted to an officer or employee -
- (a) when he writes any examination which in the opinion of the Director is relative to the objects of the Council: In addition the Director may, in his discretion, grant to an officer or employee special leave with full pay equivalent to the number of days on which he writes examinations, to prepare himself for the examinations;
 - (b) when he is absent from duty as a result of segregation or isolation on medical instructions where he was in contact with a person who has contracted, or is suspected of having contracted, an infectious or contagious disease. The granting of special leave under this paragraph is subject to the submission of a certificate by a registered medical practitioner indicating the period of and reason for isolation;
 - (c) when he is arrested or has to appear before court on a criminal charge and he is subsequently acquitted or the charge withdrawn;
 - (d)
 - (i) when, as a member of the Citizen Force or a Commando he is required in terms of the Defence Act, 1957, and any amendment thereof, or any regulation promulgated thereunder, to undergo continuous or non-continuous training, except in the case of his initial training period not exceeding 16 months when special leave with pay equal to the difference between his full pay and the pay which he receives in terms of the Citizen Force and Commando Service Regulations may be granted to him: Provided that the provisions of this subparagraph are not applicable when he is performing full-time service in lieu of peace-time training in terms of section 20 of the Defence Act, 1957, as amended;
 - (ii) when, as a member of the Citizen Force or a Commando he voluntarily, or in pursuance of a special agreement between him and the Department of Defence relating to his training and with the permission of the Director, or in the case of the Director, the Chainnan, undertakes any continuous or non-continuous training or attends an instructional or qualifying course over and above any training to which he is liable in terms of the Defence Act, 1957, as amended;
 - (iii) when, as a member of a Commando, he is required in terms of the Defence Act, 1957, as amended, or any regulation promulgated thereunder, to attend training exercises or other annual training in terms of section 44 of the said Act: Provided that the Officer Commanding the Command concerned certifies that attendance at such training exercises or other annual training is in accordance with the provisions of the afore-said regulations;
 - (iv) when, as a member of a Commando, he attends an instructional or qualifying course: Provided that the Officer Commanding the respective Command certifies that attendance at such course is necessary in the interest of the South African Defence Force;
 - (v) when, as a member of the Reserve of Officers he is required to attend a refresher course or undergoes refresher training in order to maintain his proficiency, provided that the relative Army, Air or Naval Chief of Staff certifies that such course or training is necessary in the interest of the South African Defence Force;

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- (vi) when, as a member of any section of the South African Defence Force (except a member of the Citizen Force who is performing full-time service in lieu of peace-time training in terms of section 20 or is undergoing continuous training in terms of section 23 of the Defence Act, 1957, as amended, including a member of the Commando who is attending a training exercise or annual training in terms of section 44 of the Defence Act, 1957, as amended, he is called out in terms of the provisions of Chapter X of the said Act, for service in the prevention or suppression of disorder or other emergency in the Republic;
- (vii) when, as a member of the Police Reserve, he is called up in terms of the Police Act, 1958, and any amendment thereof, or any regulation made thereunder, for full-time training or service in the prevention or suppression of disorders and other emergencies in the Republic; and
- (e) in the discretion of the Council, when he is appointed or selected by a recognised amateur sports association to -
 - (i) represent South Africa as a competitor in international sporting events within and outside the Republic;
 - (ii) accompany teams representing South Africa in international sporting events outside the Republic as coach or manager; and
 - (iii) accompany an overseas national team visiting the Republic as a representative of the relative association.

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

Leave which Counts for Leave Purposes

73. (1) All leave, of whatever nature, with full or part pay, and vacation and sick leave without pay not exceeding 15 days in the aggregate in a month, shall count for the purpose of leave accrual. If the leave without pay is in excess of the number of days mentioned herein -

- (a) the month in which such excess occurs shall not be regarded as service for the purposes of regulation 66 (1); and
- (b) the number of days provided for in respect of sick leave with full pay and sick leave with half pay applicable to an officer or employee in terms of regulation 63(1) shall be reduced by one thirty-sixth in respect of each such excess and deducted from the leave accruing during the particular cycle of 3 years in which such excess occurs, or, if the available sick leave for the particular cycle of 3 years has already been taken, from the leave accruing during the next succeeding cycle.

(2) Vacation leave without pay and sick leave without pay shall count as service for the purpose of determining an officer's or employee's leave group under regulation 63.

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

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Unauthorised Absence from Duty

74. (1) Except as provided for in regulation 72 (1) (c) all unauthorised absences from duty shall, apart from any disciplinary steps which may be taken against an officer or employee, be regarded as being vacation leave without pay, unless the Council determines otherwise.

(2) The submission of a written application for leave is not required in the case of unauthorised absences.

Leave Counts for the Purpose of Salary Increments

75. All leave, of whatever nature, whether with or without pay, shall count for the purpose of salary increments.

Leave Register

76. A leave register shall be maintained by the Director in which shall be recorded in respect of each officer and employee all absences from duty in accordance with the nature of the leave granted and all applications for leave shall be filed for audit and other purposes together with the leave register.

PART IX
 LEAVE GRATUITIES

Eligibility for leave gratuity

77. (1) An officer or employee qualifies for payment of a leave gratuity in terms of regulation 78.

[Regulation 77 is substituted by RSA GN R.1297/1976. The subregulation number "(1)" appears to be in error as there are no additional subregulations.]

Leave Gratuity Payable in Respect of Accumulative Vacation Leave

78. (1) A leave gratuity is payable in respect of accumulative vacation leave, excluding any fraction of a day, standing to the credit of an officer or employee when his services terminate as result of -

- (a) death;
- (b) discharge owing to attainment of the retirement, age or on the grounds of advanced age;
- (c) discharge owing to ill-health occasioned without own default;
- (d) discharge owing to redundancy, abolition of post or reorganisation; or
- (e) retirement before he reaches the age of 65 years in the case of a male officer and 60 years in the case of a female officer provided such retirement is regarded as early retirement on pension in accordance with the rules of any pension or provident fund or benefit scheme established in terms of section 20 of the Act;

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- (f) discharge on account of unfitness for his duties, or incapacity to carry out efficiently such duties; or
- (g) discharge with a view to promoting efficiency or economy.

(2) The gratuity is not payable if an officer or employee leaves the service of the Council for one of the following reasons:

- (a) Resignation;
- (b) discharge owing to misconduct or unsatisfactory service;
- (c) abscondence;
- (d) discharge owing to ill-health occasioned through own default.

(3) Notwithstanding the provisions of subregulation (2) (a) a leave gratuity may, in the discretion of the Council be paid to an officer or employee who resigns on account of ill-health or failing powers after he has reached the age of 55 years in the case of a male and 50 years in the case of a female.

Maximum commutable leave

79. (1) Except in the case of death the maximum leave in respect of which a gratuity is payable, is 365 days, or a number of days which is calculated at 12 days for every completed year of service (and one day for every completed month of service, for a portion of a year) namely the lesser of the two number of days.

(2) The appropriate number of days referred to in subregulation (1) must be reduced by a number of days equal to the number of days' vacation leave with full pay taken by him in excess of his annual vacation leave accrual during his last year of service.

(3) On the death of an officer or employee the full number of days vacation leave with full pay standing to his credit shall be commuted.

(4) Vacation leave taken in lieu of sick leave on half pay or sick leave without pay shall be disregarded for the purposes of the application of the proviso to subregulation (2).

[Regulation 79 is substituted by RSA GN R.1297/1976]

Calculation of the cash value of leave

80. The amount of the leave gratuity is calculated by applying the following formula:

$$\frac{A \times B}{365}$$

where A represents the sum of the basic annual salary of the officer or employee and the annual equivalent of any allowances specifically approved by the Council for purposes of leave gratuity which, on the last day of his service, applies to him and where B represents the officer's or

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employee's commutable leave credit, subject to any reduction in accordance with the provisions of subregulation 79(2).

[Regulation 80 is substituted by RSA GN R.1297/1976.]

General Provisions

81. Where the services of an officer or employee terminate as the result of death the leave gratuity is payable to -

- (i) his widow; or
- (ii) if, he leaves no widow, to his fully dependant children (including any legally adopted child); or
- (iii) his estate, if he leaves no widow or fully dependant children and whether or not he leaves a fully partially dependant other than his widow or fully dependant child.

PART X

SUBSIDISED JOURNEYS FOR PRIVATE PURPOSES WITHIN THE REPUBLIC

When Application may be Made for Subsidised Journeys

82. An officer or full-time employee who has completed 12 months continuous service may apply to the Director or in the case of the Director the Chairman, for payment from the Fund once in every calendar year of a subsidy in respect of the cost of travel within the Republic undertaken in the circumstances and under the conditions prescribed in regulation 83.

Subsidised Journeys

83. (1) Application by an officer or full-time employee may be made as provided by regulation 82 for the payment of 40 per cent of the cost of a railway ticket over any section not more than once in each direction of the South African Railways for the purpose of travel from and to his home -

- (a) in respect of himself during a period of authorised leave of absence; and
- (b) in the case of a male officer or full-time male employee in respect of his wife and/or dependants at any time; or
- (c) in the case of a female officer or full-time female employee in respect of her dependants at any time: Provided that in respect of the newly married wife of an officer or full-time employee who has married at a place away from his home the application for payment may be for a journey from the railway station serving that place to his home: Provided further than the application shall be for 40 per cent of the cost of such travel by such train service and such nature of the accommodation thereon as may be specified in terms of regulation 51(1) for official journeys: Provided lastly that no application for payment may be made in respect of any extra cost involved in the special booking of railway accommodation for exclusive or private use.

(2) The Director or the Chairman as the case may be, before granting his approval of an application made to him under subregulation (1), shall determine what persons being members of

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the household of the officer or the full-time employee may be regarded as his dependants for the purpose of the application and any approval granted or determination made by him in regard thereto shall be final.

Meaning of Expression “Calendar Year”

84. The expression “calendar year” contained in regulation 82 means the period of 12 months ending on 31 December, during which the forward journey in respect of which the application for payment of a subsidy is made, is commenced.

PART XI
DEPARTURE FROM REGULATIONS

85. Any departure from the terms of the Regulations, generally or in specific cases may on the recommendation of the Council be approved by the Minister after consultation with the Minister of Finance.