

Government Gazette

Vol. 416, No. 20900, 25 February 2000

Regulation Gazette, No. 6735

No. R. 141

DEPARTMENT OF ARTS, CULTURE, SCIENCE AND TECHNOLOGY

SOUTH AFRICAN LIBRARY FOR THE BLIND ACT, 1998

REGULATIONS

The Minister of Arts, Culture, Science and Technology, has in terms of section 15 of the South African Library for the Blind Act, 1998 (Act No. 91 of 1998), made the regulations in the Schedule

SCHEDULE

ARRANGEMENT OF REGULATIONS

- PART I** : DEFINITIONS
- PART II** : BOARD
- PART III** : PROPERTY
- PART IV** : APPOINTMENTS AND TERMINATION OF SERVICE
- PART V** : MISCONDUCT
- PART VI** : FINANCE

PART I DEFINITIONS

1. In these regulations any word or expression to which a meaning has been assigned in the Act, has the meaning so assigned to it and, unless the context indicates otherwise

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

"Department" means the Department of Arts, Culture, Science and Technology;

"employee" means any person appointed by the Board;

"month" means a period extending from a date in any one calendar month to the date immediately preceding the corresponding date in the following calendar month, both dates inclusive;

"the Act" means the South African Library for the Blind Act, 1998 (Act No. 91 of 1998).

PART II BOARD

Appointment of Board member

2. (1) The Minister must appoint persons who represent stakeholders and who have the experience, expertise or skills necessary to enable the Library for the Blind to achieve its objects and perform its functions, but the Minister must take into account the desirability of appointing women and historically disadvantaged persons and ensure that the Board is equitably representative of the various provinces of the Republic.
- (2) Before persons contemplated in subregulation (1) are appointed, the Minister must—
 - a. invite nominations from stakeholders and others by notice in the Gazette, and in at least two nationally distributed newspapers, specifying a period within which nominations must be submitted; and

b. stipulate in such notice the form and procedure pertaining to these nominations.

(3) The Minister must appoint the Board from the persons so nominated.

Filling of vacancy on the Board

3. (1) If an office is vacated as contemplated in section 6 (3) and 6 (4) of the Act, the Minister may, after consultation with the Chairperson of the Board, appoint a person from the shortlist from which the existing Board was appointed.

(2) Should it not be possible to fill the vacancy through the process mentioned in subregulation (1), the Minister must fill the vacancy in the manner prescribed under regulation 2 (2) and 2 (3).

Meeting of the Board

4. (1) The first meeting of the Board must be held at a time and place determined by the Minister, and thereafter meetings are to be held at such times and places as the Board determines.

(2) The Chairperson of the Board must give each member of the Board 21 days' written notice of the time, date and place of a meeting as well as the matters to be discussed.

(3) The Chairperson of the Board or, in his or her absence, the Director, may at any time call a special meeting of the Board to be held at the time and place determined by him or her.

(4) The Board must ensure that a register of attendance is kept, financial reports are submitted for approval, and minutes are prepared of the proceedings of its meetings, and must have copies thereof circulated to the members of the Board and the Department.

(5) The minutes so prepared, when confirmed at the next meeting and signed by the person who chairs that meeting, will, in the absence of proof of error therein, be regarded and treated as a true and correct record of the proceedings and matters that they are intended to minute.

PART III PROPERTY

Safeguarding of records and documents and precaution. against loss,damage or theft

5. The Board must ensure that proper arrangements are made for the safe custody of all records and documents that belong to the Library for the Blind, or have been entrusted to its care, and must ensure that all practicable precautions are taken against loss, damage or theft..

Insurance

6. The Board must at all times keep all movable property, or part thereof, entrusted to the care of the Library for the Blind in terms of section 12 of the Act, insured against loss or damage with a short-term insurer as defined in section 1 of the Short-term Insurance Act, 1998 (Act No. 53 of 1998). However the Board may, in consultation with the Minister, exempt such property or part thereof from the provisions of this regulation.

PART IV APPOINTMENTS AND TERMINATION OF SERVICE

Appointments

7. (1) Appointments shall be on probation for one year, after which such appointments shall be confirmed, extended or terminated.

(2) An employee appointed on probation may have his or her services terminated either during or after the expiry of the period of probation in the manner as consistent with the requirements of South African labour legislation.

Resignations

8. An employee may terminate his or her service by giving one calendar month's notice in writing, or such shorter period as agreed upon.

Retirement

9. An employee shall retire from the service of the Library for the Blind—
- (1) on attaining the retirement age of 65 years;
 - (2) or such other age as approved by the Board. If an employee is retired by the Board prior to him or her reaching the retirement age, the Board may add to the employee's pension a gratuity related to the number of years left to reach retirement age.

Termination of service

10. (1) An employee's services may be terminated on account of—
- a. incapacity;
 - b. operational requirements of the employer;
 - c. misconduct.
- (2) Termination of service must be in accordance with the requirements of South African labour legislation applicable at the time of termination.

**PART V
MISCONDUCT****Misconduct by employees**

11. An employee employed at the Library for the Blind will be guilty of misconduct, if he or she—
- a. contravenes or fails to comply with any provision of the Act;
 - b. does, or causes to be done, anything detrimental to the Library for the [Blind;
 - c. disobeys, disregards or wilfully defaults in carrying out a lawful and reasonable instruction given to him or her, or by word or conduct displays insubordination;
 - d. is negligent in the discharge of his or her duties;
 - e. undertakes, with out permission by the Board, any private work and accepts remuneration for such work other than the remuneration payable to him or her by the Board;
 - f. attempts to secure personal advancement, through outside intervention, in relation to his or her position and conditions of service;
 - g. conducts himself or herself in a disgraceful, improper or unbecoming manner, or, while on duty, is grossly discourteous;
 - h. uses intoxicants or stupefying drugs while on duty;
 - i. discloses or uses information obtained through his or her employment otherwise than for his or her official duties;
 - j. misappropriates or negligently damages any property of the Library for the Blind;
 - k. is convicted of a criminal offence;
 - l. is absent, without leave, from duty.

Procedure

12. (1) If an employee is accused of misconduct, the Director or any person authorised thereto by him or her, may charge the employee, in writing, with that misconduct.
- (2) The charge must be served upon the employee by delivering it in person or by sending a registered letter to him or her.
- (3) The person charged must within the period of time specified in the letter referred to in subregulation (2), in writing admit or deny the charge.
- (4) The Director or any person authorised thereto by him or her may suspend from duty, with or without pay, any person accused of misconduct.
- (5) (a) If the person charged admits to the charge of misconduct, he or she will be deemed to have been found guilty as charged.

- b. If the person charged denies the charge, the Board must appoint a person to inquire into the charge.

(6) The person who is to hold the inquiry must fix the time and place of the inquiry, and the person charged must be given written notice of the time and place so fixed; however, the Chairperson of the Board has the power to postpone the inquiry on good cause shown.

(7) (a) At the inquiry the person charged may be present, and has the right to be heard, either in person or through a representative, 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, and may give evidence himself or herself.

- b. The failure of the person charged either to be present in person or to be represented at the inquiry does not invalidate the proceedings.

(8) The person holding the inquiry must decide whether the person charged is guilty or not guilty and inform him or her and the Chairperson of the Board of his or her decision.

(9) If the person holding the inquiry finds that the person charged is not guilty and the person charged was suspended from duty, he or she shall be allowed to resume duty and be paid in respect of the period of his or her suspension.

(10) If the person holding the inquiry finds that the person charged is guilty, he or she must forward to the Board—

- a. the record of the proceedings at the inquiry;
- b. the documentary evidence admitted thereat;
- c. a statement of his or her findings and his or her reasons therefore;
- d. if there is an appeal against the findings, the notice of appeal.

(11) The employee may make an appeal, within seven days of receipt of the notice stating the grounds of appeal, to the Director, who must submit the appeal to the Board.

(12) If the person charged has admitted to the charge of misconduct or if he or she has been found guilty of misconduct and has not appealed against the finding within the seven-day period, or has appealed against it and the appeal has been dismissed, the Board must decide whether the person charged shall—

- a. be cautioned or reprimanded;
- b. have his or her services terminated or be called upon to resign;
- c. have a fine imposed upon him or her not exceeding R6 000;
- d. have his or her salary or grade, or both, reduced to the extent recommended.

PART VI FINANCE

Banking account

13. (1) The Board must keep a banking account in the name of the South African Library for the Blind with a recognised banking institution.

(2) All moneys received by the Library for the Blind from whatever source must be paid into such banking account.

(3) Cheques must be signed by the Director and in his or her absence by his or her authorised alternative, and countersigned by the Chairperson of the Board or by any member of the Board specifically authorised thereto by the Board.

Books of account

14. The following records or any recognised and approved electronic substitute thereof must be kept:
 - a. A cash book;
 - b. a petty cash book;

- c. a ledger;
- d. a budget;
- e. a remittance register;
- f. a duplicate receipt book;
- g. a duplicate bank deposit book; and
- h. any other record which the Minister may deem necessary.