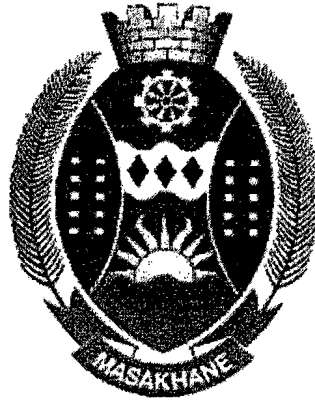

LOCAL AUTHORITY NOTICES

LOCAL AUTHORITY NOTICE 88



STEVE TSHWETE LOCAL MUNICIPALITY

BURSARY BY LAWS

STEVE TSHWETE LOCAL MUNICIPALITY

BURSARY BY-LAWS

Notice is hereby given in terms of Section 13 of the Local Government: Municipal Systems Act, 32 of 2000, as amended, read with Section 156 and 162 of the Constitution of the Republic of South Africa, 108 of 1996, that the Steve Tshwete Local Municipality resolved to adopt the following Bursary Loan By-Laws, with effect from the date of publication.

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CHAPTER ONE

INTERPRETATION

1. Definitions:

(i) In these By-Laws, unless the context indicates otherwise,

- | | |
|---------------------------|---|
| "bursary" | means a conditional bursary granted to an official for study purposes |
| "Bursary Fund" | means a fund established by the Council in terms of the provisions of Section 79 (51) of the Local Government Ordinance, 17 of 1939, as amended, to provide for bursary for part-time study by officials and wherein the Council may deposit funds from time to time as it may deem fit. |
| "contract period" | means a period of twelve (12) months for each R5 000,00 or part thereof for undergraduate and honours degree, R10 000.00 or part thereof for Master's degree and as determined by Council from time to time. |
| "Council" | means (a) the Steve Tshwete Local Municipality established by Provincial Notice 28 of 2004, in terms of Section 12 of the Local Government: Municipal Structures Act, 117 of 1998, exercising its legislative and executive powers by way of its municipal Council or its successor in title.

(b) a structure or person delegated or carrying out an instruction, where any power or function in terms of these by-laws has been delegated or sub-delegated as contemplated in Section 59 of the Local Government: Municipal Systems Act, 32 of 2000 |
| "educational institution" | means an institution as referred to in Section 79(16)(d), 79(17) and 79(51) of the Local Government Ordinance, 17 of 1939, as amended, or such other institution approved by Council |

"LGSETA"	means the Local Government Sectoral Education and Training Association
"office hours"	means the official working hours for officials as determined by Council from time to time with due consideration of the official's designation
"official"	means an employee permanently appointed in the service of the Council for a period of not less than 6 months.
"SAQA"	means the South African Qualifications Authority

CHAPTER TWO

PROCEDURES & CONDITIONS

2. ELIGIBILITY

Bursary's may be granted to officials who-

- (a) have been appointed permanently for not less than six months in the service of the Council unless the Council decides otherwise,
- (b) qualify for admission to the particular course, or the remainder thereof, at the particular educational institution

3. APPLICATION PROCEDURE

Officials shall apply on the prescribed form "schedule A" for a bursary for a loan and on application furnish full particulars of the intended course, stating the major and other subjects, the educational institution at which lectures will be attended or from which studies will be obtained and all other relevant information to enable the Council to consider such application.

The application form shall be signed by the applicant after the HOD has recommended the suitability approval of the course.

The application form to be submitted to HR for approval by Manager Corporate Services

4. APPROVAL OF BURSARIES

- (a) Approval shall be finalized by Manager Corporate Services upon being satisfied that the course intended is relevant to the Service of the Municipality.
- (b) Upon approval of a bursary by Council a written agreement shall be entered into between the official concerned and the Council wherein the provisions of these by-laws are reaffirmed.
- (c) An official will only be granted one active bursary at a time.

- (d) As many bursary may be granted each year as may be determined by the Council within the limitation of money available in the Bursary Fund on a first come first serve basis.
- (e) If funds are limited applications for studies in disciplines where a need has been identified by Council will have preference after determination by Manager Corporate Services and the Municipal Manager in consultation with the relevant Manager(s).

5. PURPOSE OF BURSARY

- (a) Bursary shall be granted by Council to officials for the payment of all fees in respect of part-time studies/courses or the remainder thereof for which such official(s) has enrolled for at an educational institution so as to assist such official(s) in obtaining training in the functions and activities of Council.
- (b) The payment of the fees as referred to in Sub-section 5 (a) is subject to the conditions as stipulated in Section 6.

6. AMOUNT OF THE BURSARY

Unless the Council approves a higher amount-

- (a) the maximum annual bursary shall be equal to the actual costs of the study units, the registration and other compulsory administrative fees.
- (b) an additional amount as approved by Council from time to time in respect of prescribed textbooks and or prescribed material shall be paid to the official on condition that proof of the purchase price thereof shall be submitted.

7. NATURE OF THE COURSES

- (a) Any course which is studied by an official, to whom a bursary has been granted, shall have bearing upon and be applicable to the functions and activities of the Council.
- (b) No bursary shall be granted to an official in respect of a course or the remainder thereof which such official intend to follow unless such course or the remainder thereof has been approved by the Council.
- (c) Only studies/courses which are accredited by the SAQA and or the LGSETA may be approved by Council on condition that it be studied at an accredited educational institution.
- (d) Bursary will not be granted for courses which the official has already passed.

8. FINANCING OF BURSARY

- (a) All payments in respect of a bursary shall, on receipt of an original account, be paid by the Council direct to the educational institution, provided that where the bursary has been granted for a part of any course, payment shall only be made for such part of the course; provided further that payment may be made direct to the official upon submission of an original account of the educational institution together with proof thereof that the fees as set out in the account have already been paid to the relevant institution by the official.
- (b) Application must be made in writing for the payment of any study related fees, accompanied by the necessary documentary proof and must be made at least fifteen (15) working days prior to the closing date of such application at the educational institution.

CHAPTER 3

REPAYMENT & CANCELLATION

9. CONDITIONS OF BURSARY

- (a) Bursary are not repayable in respect of successfully completed courses if the official serves the Council for the contract period.
- (b) If the official wishes to obtain a specific study unit or study units, but is forced to enroll for the complete qualification and the official passes the study units which he wishes to obtain and serves the Council for the contract period, the bursary in respect of the successfully passed study units is not repayable. If such official serves the Council for the contract period, in respect of the bursary amount advanced for the additional study units for which he had to enroll, the bursary is not repayable.
- (c) If the official does not pass all the study units for which he enrolled, during a study year, and or the bursary has not been cancelled in terms of Section 10, the official will be allowed to either:
 - i) re-enroll for such units at his/her own cost or
 - ii) still serve the Municipality for the contract period for the bursary allocated to him/her.
- (d) The contract period shall commence on the last date on which the official completed the examinations during a study year provided that proof be submitted as per Section 13 of these by-laws.

- (e) In the event of the official leaving the service of the Council or being dismissed for any reason whatsoever before completion of the contract period, he shall be liable for immediate repayment to the Council of a pro-rata portion of the bursary in respect of the unexpired contract period.
- (f) The payment referred to in Sub-section 9 (e) shall be repayable to the Council and the Council reserves the right to deduct such amount from the salary or any other monies which may be due by the official to the Council; provided that if the monies due by the official to the Council, is insufficient to cover the amount of the bursary, the Council shall, notwithstanding any preceding provision, have the right to claim payment of the full amount which is due to the Council together with interest thereon from the official.

10. CANCELLATION OF BURSARY

- a) The Council may at any time in its sole discretion cancel the bursary if it is of the opinion that an official's progress with the studies is unsatisfactory or if he fails to comply with any other obligation in terms of these by-laws or the bursary agreement.
- b) If the Council cancels a bursary, or if the official at any time discontinues the studies or abandons the bursary, the official shall immediately repay the full amount of the bursary which has been paid for his/her bursary for the particular year of study as well as any monies due in respect of Sub-section 9 (c) (ii), provided that such repayment may take place in monthly installments over a period as may be determined by the Council, plus interest on the amount due at a rate of interest as may be determined by the Council from time to time, calculated from the first day of the month following upon the month in which the bursary was cancelled or abandoned or during which such official discontinued such studies.

CHAPTER 4

DURATION & EXAMINATION

11. EXTENSION OF PERIOD

- a) The study period shall not be longer than twice the minimum duration of the course or the maximum time allowed by the education institution, whichever is the shortest.
- b) If the bursary has not been cancelled in terms of Section 10, and if it is deemed necessary, the Council may approve an application for extension of time on receipt of a written motivation by the official.

12. SPECIAL LEAVE

(a) Special leave on full salary or wage shall be granted to an employee when he/she sits for an examination as follows:

- i) Short courses equaling 6 months or less – the day of examination.
- ii) National diplomas or junior degrees two days granted – one day prior to the examination as well as the day of examination.
- iii) Honours and masters degree three days granted - two days prior to the examination as well as the day of examination.
- iv) Doctorates four days granted – three days prior to the examination as well as the day of examination or four days granted for preparation of the thesis/citation/assessment.

Provided that if the official does not sit for the specific examination or the official has failed the subject no further special leave will be granted in the following year in respect of such subject.

(b) Subject to the provisions of Sub-section 12 (a) special leave may be granted for study schools or compulsory/prescribed attendance of classes during official hours and in the following manner:

- i) One (1) day in respect of Sub-sections 12 (a) (i) & (ii)
- ii) Two (2) days in respect of Sub-section 12 (a) (iii)
- iii) Five (5) days in respect of Sub-section 12 (a) (iv)

13. SUBMITTANCE OF RESULTS

(a) The official will within two (2) months after an examination or one (1) month after such examination results are available, which ever is the shortest, furnish the Council with such results.

(b) If the official fails to comply with the provisions of these by-laws the Council will have the right to withdraw the bursary as stated in Section 10(a).

CHAPTER 5

REPEAL OF BY-LAWS

14. The following by-laws are hereby repealed:

- a) Middelburg Municipality: By-Laws for the Regulation of Bursary Loans published under Administrator's Notice 979 of 2 September 1970.
- b) Middelburg Municipality: By-Law for Regulating the Granting of Loans to Officials of the Council from the Bursary Loan Fund published under Administrator's Notice 92 of 31 January 1979.