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# ***Ministry of Education***

## **Teaching Service Commission**

### **(TSC)**

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MBABANE, SWAZILAND

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### FOREWORD

It is with much pleasure that I write this foreword in this very important booklet. The Teaching Service Commission extends an apology for the delay in the production of this. What is important for the Teaching Service Commission, for the Ministry of Education as a whole, for School Managers, for Heads of Schools and for every Teacher is that all of us come to know that Teaching Service Act of 1982 and the Teaching Service Regulations of 1983 and that we obey their prescriptions. This alone will guarantee the rights \responsibilities of members of the Teaching Service and cause the Teaching Service to be respected.

I appeal to Heads of Schools to see to it that members of their staff are Educated in the prescriptions of the Teaching Service Act and the Regulations. They can achieve this through study, discussion and the use of Seminars.

Members of the profession are also advised that amendments will be made from time to time in order to keep abreast with the time .For further clarification on the functions of the Teaching Service Commission can be lodged with the Executive Secretary.

REV. J.M.S. MNGOMEZULU.  
CHAIRMAN (TSC).

**THE TEACHING SERVICE ACT, 1982**  
(Act No.1 of 1982)

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#### **AN ACT**

entitled

An Act to repeal and replace the Unified Teaching Service Act, 1962 and to establish a Teaching Service Commission.

Date of commencement:

ENACTED by the King and the Parliament of Swaziland.

## PART 1-PRELIMINARY

### Short Title

1. This Act may be cited as the Teaching Service Act, 1982 and shall come into operation on such date as the Minister may by notice in the Gazette, appoint.

\*The Judicial Service, the Royal Swaziland Police force and prison service, The Teaching Service.

### Interpretation

2. In this Act, unless the context otherwise requires.

‘Appointment’ means the conferment of an office in the teaching service on a person and includes a probationary appointment, a promotion, a temporary appointments.

‘Commission’ means the Teaching Service Commission established by section 9:

‘Director’ means the Director of Education:

‘Member’ means;

(a) In relation to the Commission, a member of the Commission and includes the Chairman, an Acting Chairman and a temporary member appointed section 12:or

(b) In relation to the teaching service, a member of such service:

‘Minister’ means the Minister responsible for Education;

‘Service’ means the teaching service established by section 3.

**PART II- ESTABLISHMENT OF TEACHING SERVICE AND POWERS OF MINISTER  
DIRECTOR**

**The Teaching Service**

3. There is hereby established a service to be known as the Teaching Service which shall be governed by this act.

**Membership Of Service**

4. Every person employed or intending to be employed as a teacher in Swaziland and who on or after the coming into operation of the Act
- a) has successfully completed a course for teachers and has been awarded a qualification approved by the director for purposes of teaching :or
  - b) is in possession of a University degree, diploma or other similar qualification approved by the Director for teaching purpose :or
  - c) holds an honorary teachers certificate or has been awarded an honorary teachers certificate by the Minister :or
  - d) Is a teacher to whom the Unified Teaching Service Act, 1962 applies in terms of section 3 of the said Act:

shall, on application to the Director and upon being registered as such, become a member of the service.

‘Swaziland Teaching Service’ means the service under the Government of the Kingdom Swaziland and includes heads and principals in all Teachers Colleges, all Secondary and Primary Schools. All Adult Education Centers, the correspondence course unit, the curriculum unit and any other staff who may be transferred to the said service.

**Only Members To Be Appointed To Teaching Post**

5. No person who is not a member in accordance with section 4 shall, on or after a date determined by the Minister by Notice in the Gazette.

### **Membership Not To Be Construed As Public Office**

6. (1) The membership of any person in service shall not, per se, be construed as conferring a public office upon a member.
- (2) In this Act, the expression “public office has the same meaning as in the Public Service Act, 1981.

### **Powers Of Minister In Relation To The Service**

7. (1) For the purposes of giving effect to the objects set out in section 3 and other provisions of this Act, the Minister may make regulations prescribing-
  - a) the qualifications and other matters relating to the teaching profession;
  - b) the terms and conditions of service of the members of the service or in the teaching profession generally;
  - c) the administration and management of the service or the teaching profession;
  - d) any other matters conducive or incidental to the effective implementation of this Act.
- (2) The Minister may exempt any person from any of the provisions of Act or any Regulations made there under

### **Functions Of The Director**

8. In addition to any other powers, the functions of the Directors shall be-
  - (a) to promote and maintain appropriate standards of qualifications and matters in the teaching profession;
  - (b) to ensure the uniformity and harmony of the terms and conditions of service in the teaching profession;
  - (c) to facilitate the administration and management of the teaching profession;
  - (d) to promote any other objects conducive or incidental to the attainment of the objectives set out in this section.

## **PART 111- THE TEACHING SERVICE COMMISSION**

### **Establishment And Composition Of Teaching Service Commission.**

9. There is hereby established a body to be known as the Teaching Service Commission which shall consist of a Chairman and not less than three other members appointed by the Minister after consultation with the Prime Minister and on such terms and conditions as the Minister may determine.

### **Qualification For Membership**

10. A person shall not be qualified for appointment as member of the Commission if-
- a) he holds a public office or is a Minister, Deputy Minister or Assistant Minister or a Member of Parliament; or
  - b) he is declared bankrupt or is an undischarged bankrupt in accordance with the law any country; or
  - c) he has been convicted by a court of any offence involving dishonesty or moral turpitude in respect of which he has been sentenced to a fine or imprisonment;
  - d) He is a member of any body which, in the opinion of the Minister, is a staff association, a trade union or has as its object or one of its objects the control or influence over salaries, wages or other terms and conditions of service of any class of employees.

### **Term Of Office Of Members Of The Commission**

11. (1) A member of the Commission shall vacate his office-
- a) at the expiration of three years from the date of his appointment or at any earlier time which may be specified in the instrument by which he was appointed :or
  - b) If any circumstances arise that, if he were not a member, would render him unqualified for appointment as a member, or
  - c) upon giving three months notice of his resignation in writing and at the expiration of such notice ;or
  - d) If the Minister, after consultation with the Prime Minister, directs that he be removed fro office for inability to discharge the functions thereof

(whether such inability arises from infirmity of body or mind), for misbehavior or for any other reasonable cause.

- (2) A member of the Commission shall not be removed from office except in accordance with sub-section.
- (3) Subject to section 10; a member of the Commission shall be eligible for re-appointment if he is qualified for appointment.

### **Vacancies And Temporary Appointments**

- 12. (1) If the office of chairman of the Commission is vacant or the Chairman is, for any reason, unable to perform the functions of his office, the Minister may appoint any of the members to act as Chairman.
- (2) If the office of Chairman of the Commission is vacant or any member is for any reason, unable to perform the functions of his office, the Minister after consultation with the Prime Minister, may appoint a person qualified to be a member, and any person so appointed shall, subject to section 10 continue to act in such office until the office is filled or until the member is again able to perform the functions of his office or until the appointment is revoked by the Prime Minister.
- (3) The provisions of section 11 (2) shall not apply to a person appointed to act as Chairman or as temporary member of the Commission.

### **Oath Or Affirmation By Members, etc**

- 13. (1) A member of the Commission shall, on first appointment, take an oath or make an affirmation in the form set out in the schedule or in such other form as may be prescribed by the Minister.
- (2) The secretary and such other officers of the Commission as the Chairman may require so to do shall, on first appointment, take an oath or make an affirmation in the form set out in the Schedule or in such other form as may be prescribed by the Minister.
- (3) An oath or affirmation by a member shall be administered by a judge of the High Court and an oath or affirmation by the secretary or any other officer of the commission shall be administered by the chairman.

### **Powers And Functions Of The Commission.**

14. (1) Subject to this Act and any other law, the commission shall have the power to appoint persons to hold office in the teaching service or to act in such office (including the power to make appointments on promotion and to confirm appointments), to exercise disciplinary control over persons holding or acting in such office and to remove from office persons so appointed.
- (2) The Commission may, in writing or by Notice in the Gazette delegate subject to any such conditions as it may think fit, any of its functions under this Act to any of its members any member of the service or to public officer either generally or in any particular case or class or cases. Provide that nothing in this sub-section shall be construed as precluding the commission from itself performing any function delegated to any other person if the Commission has prior to the performance of such function or at any other time before the final determination of the matter in question by the person to whom such function has been delegated, informed that person that it intends to exercise or is exercising such function.
- (3) The Commission may, in the performance of any of its functions appoint any person or a body of persons to assist it in the discharge of such function and any such person or body of persons shall, for that purpose, have the powers and privileges set out in section 15 and 19.

### **Other Powers Of The Commission**

15. In the performance of its functions, the commission may-
- (a) Require any member of the service or any other person to attend and give information or evidence before it, concerning any matter which it is required to consider and may require the production of any document relating to any such matter by any person attending before it or whom, in writing it requires to do so.
- (b) Obtain information or advice from any public officer.
- (c) Do all such other things including the taking of evidence on oath as are incidental or conducive to the exercise of its functions.

### **Powers Of Commission In Relation To Pension, etc**

15. (1) This section applies to any benefits payable under any law relating to the grant of pensions, compensation, gratuities or other like allowances to persons in respect of their service in the teaching service or to widows, children, dependants or personal representatives of such persons in respect of such service.
- (2) Without prejudice to any other law, where any benefits to which this section applies may be withheld, reduced in amount, or suspended without the approval of the Commission.

### **Secretary to the Commission**

17. The Minister shall appoint a secretary to the commission.

Proceeding of the commission.

18. (1) the quorum for any meeting of the commission shall be the chairman or any person acting as chairman, and two other members.
- (2) Subject to sub-section (1) and any regulations made under this Act, the commission may regulate its own procedure.

### **Protection Of Commission And Members From Legal Proceedings**

19. (1) The question whether-
- (a) The commission has validly performed any function vested in it by this Act.
- (b) Any member of the commission or any other person or body of persons has validly performed any other function in relation to the work of the commission or in relation to any function as is referred to in paragraph (b); shall not be inquired into any court.
- (2.) Every member of the commission shall have such and the like protection and privilege in case of any act done or omitted to be done in the bona

fide words execution of his duties as is by law given to the acts done or words spoken by a judge of the High Court in the exercise of his judicial office.

### **Communications Of Commission To Be Privileged**

20. No person shall in any legal proceedings be permitted or compelled to produce or disclose any communication, written or oral, which has taken place between the commission or any members or officer thereof and any other person or between any members or officer of the commission, in commission, unless the chairman consents in writing to such production or disclosure.

### **Commission Not Considers Irregular Representations.**

21. In the performance of the functions of the commission, the commission a member thereof, the secretary or any other officer thereof or any person or body of persons exercising functions delegated or entrusted by the commission, shall not take into account any representations made otherwise than in accordance with this Act, any regulations made there- under or any other matter prescribed in pursuance of the object of this Act.

### **Annual reports**

22. The commission shall, not later than three months after the end of each financial year or such longer period as the Minister may in writing permit, submit to the Minister a report of its activities relating to that financial year.

## **REPLACEMENT OF PAGES**

### **THE TEACHING SERVICE ACT, 1982**

(Act No. 1 of 1982)

Pages s8 and s9 of the Act as published in gazette No. 142 of the 29<sup>th</sup> of January, 1982, i.e. section 23 to 31 should be replaced with the following:

#### **PART IV**

#### **OFFENCES AND PENALTIES**

##### **Offence To Influence Commission**

23. (1) without prejudice to any other law, any person who:

- (a) Otherwise than in the course of his official duty improperly, whether directly or indirectly, by himself or by any other person and any manner whatsoever influences or attempts to influence any decision of the commission.
- (b) In connection with the exercise by the commission of its functions or duties willfully gives to the commission any information which he knows to be false or does not believe to be true or which he knows to be false by reason of the omission of any material particular shall be guilty of an offence and on conviction to fine of E1, 000 or twelve months imprisonment or both.

Provide that nothing in paragraph (a) shall be construed as prohibiting any person from giving a certificate or testimonial to any applicant or candidate for any public office or providing any information or assistance upon a request made by the commission.

- (2) For the purpose of this section, the term “commission” includes any member of the commission, the secretary and any person or body of persons exercising any of the functions of the commission.

## **PART V**

### **PENSION AND OTHER TERMINAL BENEFITS**

#### **Application Of Part V**

24. (1) This part shall apply to every person who:
- (a) Immediately before the 1<sup>st</sup> April 1970 was a depositor in the unified Teaching Service’s provident fund established by the Unified teaching Service Act, 1962 and who would have continued to be a depositor on and after the 1<sup>st</sup> April 1970 or is a member in accordance with section 4.
- (2) For the purpose of computing the length of pensionable service of a person under this Act, the period during which a person was a depositor in the Unified teaching Service provident Fund established by the Unified Teaching Service Act, 1962 or the period thereafter, or both as the case may be shall be taken into account.

#### **Interpretation Of Part V**

25. In this part, unless the context otherwise requires: admission date means the date on which person became or becomes a member in accordance with section 4.

“ Beneficiary in relation to a member, means:

- (a) A spouse of the member, or
- (b) In the absence of spouse, a child including an adopted child and a step child, or
- (c) In the absence of any of the persons referred to in paragraphs (a) and (b), the executor of the deceased members estate or the person who

according to Swazi law and custom, is entitled to inherit the estate of a deceased person, or

- (d) In the absence of any the person referred to in paragraphs (a, b, c) a person nominated by a member in writing addressing to the Director:

“Normal retirement date” means the last day of the month in which a member attains the of fifty-five years.

“Compulsory retirement date” means the last day of the month in which a member attains the age of sixty years.

“Final pensionable salary” means the average of a member pensionable salary on the last five anniversaries of his admission date immediately prior to the date of his retirement.

“Pension” means the amount whether payable periodically or otherwise, which accrues to a member on retirement.

“Pensionable emoluments” means a member’s salary and such other payments as may be prescribed by the Minister.

“Pensionable service” means the period of the service of a member, which may be taken into account for the purpose of computing his pension.

### **Entitlement To Pension On Retirement**

26. Subject to this Act a member shall, on retirement, be entitled to receive from the Government a pension of an amount equal to one eightieth of the average of the total salary earned during the last five years of his pensionable service prior to his date of his retirement. Provide that, except as otherwise provided in section 27, no member shall be allowed to retire from the service unless he has been in pensionable service for ten years or more.

### **Entitlement To Pension On Early Retirement Or On Other Grounds**

27. (1) A member may at any time retire from the service:

- (a) On grounds of ill- health certified by a medical board appointed by the Minister in consultation with the Minister for health that such member is

- incapable of discharging the duties of his office and that the incapacity is likely to be permanent or
- (b) If having been in pensionable service for ten years or more he has attained the age of forty-five years.
  - (c) On abolition of his office, on reduction of establishment or on grounds of redundancy, or
  - (d) On compulsory retirement for the purpose of facilitating improvement in the organization of the service by which greater efficiency or economy may be effected, or
  - (e) If, his service are terminated in the public interest or
  - (f) If being a woman who has completed ten or more years of pensionable service and with the approval of the director for the reason that she has married or is about to marry.
- (2) A member who retires under this section shall be entitled to

#### **Mode of Payment of Pension**

28. A member entitled to a pension under this part shall be paid such pension in monthly installments commencing on the first day of each month thereafter:

Provide that if the monthly does not exceed sixty emalangeni, the Director may make such payment in two installments in every month.

#### **Commutation of pension, etc**

29. (1) Subject to any regulations made under this Act, a member may on his retirement elect:
- (a) To receive an amount not exceeding one- third of his pension in cash and periodic payment thereafter or, if the annual pension does not exceed sixty Emalangeni, the whole amount of his pension or
  - (b) To receive in lieu to the pension to which he is entitled under this Act, such other pension of equivalent actuarial value on his own life as h may select provided that the terms of such other pension shall not be less favorable than those applicable to a person awarded in accordance with this Act, or.

- (c) To surrender a portion of his pension in order to provide for a deferred pension of actuarial value equivalent to such pension payable to a beneficiary of his during the life of such dependant.

Provide that no member may surrender such portion if so doing such deferred pension will exceed in value the remaining portion of the pension payable to him:

Provided further that such deferred pension shall be payable to the beneficiary in monthly installments on the first day of the month immediately following the month in which the members pension ceases up to the first day of month in which the beneficiary dies.

- (2) If a member retires on or after attaining the age of forty- five years but before the normal retiring date he may opt to receive, in lieu of pension, a policy of whole-life or endowment assurance.

#### **Payment Of Death Gratuity To Beneficiary**

30. (1) This section applies in respect of a member who is not entitled to a pension under any other provisions of this act and who dies in the service.
- (2) If a member to whom this section applies dies, the Minister may grant to the beneficiary of such member a gratuity of an equal to one years pensionable emoluments or such other amounts as maybe prescribed by regulations made under this Act.
- (3) Nothing in this section shall be construed as affecting any person's rights to workmen's compensation under any law

#### **Non-assignability Of Pension Or Gratuity**

31. No pension or gratuity or any right relating there to may be ceded, assigned, pledged, hypothecated or otherwise disposed of, sequestered or encumbered.

Arrangement with insurance companies, etc

32. (1) The Minister may with approval of the Minister responsible for Finance, enter into an agreement with an insurance company or a financial

institution to for the purpose of providing for the payment of pensions and other benefits referred to in this Part.

- (2) The agreement entered into on the 12<sup>th</sup> day of June 1975 between the Minister and the Commercial Union Assurance Company of South Africa Limited and any agreement with the successors to such agreement shall be deemed to have been made under this section.

#### **PART IV-REPEAL AND CONSEQUENTIAL PROVISIONS**

##### **Repeal Of Unified Teaching Service Act, 1962**

33. The Unified Teaching Service Act 1962 is hereby repealed.

##### **Payment to depositors under the Unified Teaching Service, 1962**

34. (1) Notwithstanding the repeal of the Unified Teaching Service act, 1962 the Government shall pay to every person who was a depositor in the Unified teaching Service's Provident fund established by the Unified Teaching Service Act, 1962 and on application by such person addressed to the Permanent Secretary to the Ministry of Education, the sum of all deposits, bonuses and interest accrued to the credit of such depositor up to the date of coming into operation of this Act.
- (2) A person who does not apply for payment for payment under sub-section (1) shall have the sum of his deposits, bonus and interest preserved by the Government under the same as those applicable to the Unified Teaching Service Provident Fund Until he retires in accordance with this Act.
- (3) Where a depositor has died or cannot be found, the referred to in sub-section (1) shall be paid to his beneficiary in accordance with this Act.
- (4) Notwithstanding any payment made under this section, the period during which a person who is a member was a depositor in the fund shall be taken into account in computing the period of his pensionable service for the purpose of determining whether such person or any beneficiary is entitled to a pension or gratuity under this Act.

##### **Continuation Of Pending Proceedings, Etc**

35. Notwithstanding the repeal of the Unified Teaching Service Act, 1962 on the date of coming into operation of this Act, all proceedings (whether disciplinary or of any other nature) and all other matters pending before any officer or authority in respect of a person who was a member of the service or depositor under that Act shall be continued or otherwise dealt with by the Commission in accordance with this Act and regulations made thereunder.

## SCHEDULE

(Section 13)

### (Oath Or Affirmation For Due Execution Of Office)

1. \_\_\_\_\_ Do swear (or solemnly affirm)  
that I \_\_\_\_\_ will well and truly serve King, his  
heirs and successors, in the office of (here insert the description of the office).  
So help me God. (To be omitted in affirmation).

**LEGAL NOTICE NO.28 OF 1983**

**THE TEACHING SERVICE ACT, 1982**

(Act No.1 of 1982)

**THE TEACHING SERVICE REGULATIONS, 1983**

(Under section 7)

In exercise of the powers conferred upon him by section 7 of the Teaching Service Act, 1982, the Minister for Education hereby makes the following Regulations-

**Citation And Commencement**

1. These Regulations may be cited as the Teaching Service Regulations, 1983 and shall come into force on the 2<sup>nd</sup> May 1983.

**Interpretation.**

2. In this Regulations unless the context otherwise requires:  
“Act’ means the Teaching Service Act, 1982;  
“Headmaster’ includes headmistress or principal:  
“Manager’ means any person or responsible for the management of a school and includes the National Education Board established under the Education Act, 1981  
“Medical practitioner’ means a person practicing as a medical practitioner in a Government hospital, clinic or other Government establishment:  
“School’ means a school as defined in the Education act, 1981:  
“Register’ means the register to be kept by the Commission under these Regulations:  
“Teacher’ means a person registered as such under these Regulations.

**Functions of the Commission**

1. (1) The functions of the Commission shall be to: -
  - a) Keep a register of teachers in the service;
  - b) Maintain a service adequate to the needs of all schools in Swaziland and shall in liaison with the Director with the Director keep a record of the number of teachers in each school;

- c) Review the standard of education, training and fitness to teach of persons in the teaching profession;
  - d) Advise the Minister on matters affecting the profession from time to time.
  - e) Compile and publish a code of conduct binding on all persons in the teaching profession;
  - f) Pay the wages of all persons in the teaching profession at the times when the wages shall be deemed to be due.
2. Subject to the approval of the Minister the Commission may seek the advise of an existing Teachers association on matters affecting the teaching profession with a view to improving and promoting the conditions of service for al teachers.

### **Registration Of Teachers**

4. (1) Every person employed or intending to be employed as a teacher in Swaziland shall apply to be registered as such with the Commission
- (2) A person shall qualify to register if he-
- a) Has successfully completed a course for teachers and has been awarded a qualification approved by the Director for purpose of teaching; or
  - b) Is in possession of a University degree, diploma or other similar qualification approved by the Director for teaching purposes ;or
  - c) Holds an honorary teachers certificate or has been awarded an honorary teachers certificate by the Minister ;or
  - d) Is a teacher to whom the Unified Teaching Service Act 1962 applies in terms of section 3 of the said Act.
- (3) An application to register shall, in the case of persons not in training be in accordance with Form TS 1 in the First Schedule hereto and, in the case persons in training be in accordance with TS 2 in the First Schedule hereto.
- (4). An application in terms of sub regulations (1), (2) and (3) shall be accompanied by such proof as Commission may require and such proof shall be sufficient if an applicant producers –

- a) A birth certificate or an affidavit of birth to approve the applicant's date of birth or a presumed date of birth;
  - b) A certificate of registration or naturalization issued under the Citizenship Act, 1967 to prove nationability;
  - c) Original certificate of educational and professional qualifications to prove educational and professional qualifications.
- (5) Whether the Commission is satisfied that the proof required under regulation 4 cannot be provided it may in its discretion accept other forms of evidence as proof.

#### **Medical examination.**

- 5. (1) The Commission may in its discretion require a registered or applying to registered as a teacher to submit to medical examination by a medical practitioner under the Medical and Dental Practitioners Act, 1970.
- (2) The Commission may refuse to register a person applying to register or terminate the appointment of a person already registered, on medical grounds or upon the recommendation of a medical practitioner.

#### **Expatriate Teachers.**

- 6. An expatriate teacher shall-
  - a) Be employed on contract terms not exceeding two years per contract provided that the Commission may extend or renew the contract.
  - b) Not be admitted into the permanent and pensionable establishment;
  - c) Be entitled to such education for his children at primary and high school level in a school in Swaziland to be approved by the Commission or to an education allowance to be determined by the Commission for his children at primary and high school level in a school of his choice;
  - d) Be entitled to such inducements and gratuities as the Commission may prescribe from time to time;
  - e) Be entitled to free passage for himself, his wife and children under the of eighteen years;
  - f) Be entitled to repatriation, at the expense of the Commission to his place of origin at the end of his appointment;

- g) If he is from the United Kingdom, in addition be entitled to be paid compassionate leave.

### **Point Of Entry Into The Service**

7. (1) A person appointed as a teacher under these Regulations shall be appointed on probation for a period of two years calculated from the of his appointment.
- (2) The commission may in its discretion reduce or extend the probationary period.
- (3) A probationer may be confirmed in his appointment at the end of probationary period if in the opinion of the Commission he is a suitable person to keep in the service.
- (4) It shall be the duty of a manager to supervise and assess the progress of a probationer and, at the end of the probationary period, to make a report to the Commission on the progress of a probationer with such recommendations as the Manager deems merit the case.
- (5) The Commission in forming its opinion on whether or not a probationer is a suitable person to keep in the service shall be guided by the report made to its Manager.
- (6) The Manager shall, where he is of the opinion that the progress of a probationer is not likely to merit confirmation to the service at the end of the probationary period, warn the probationer in writing of the fact and give the reasons for such an opinion.
- (7) An appointment to a probationer made under these regulations shall be in accordance with Form TS 5 in the Second Schedule hereto

### **Confidential Reports**

8. (1) A manager shall, in a form to be prescribed by the Commission, compile a confidential report on the performance by a teacher in the service of his duties.

- (2) A report compiled under sub regulations (1) shall be submitted annually by the Manager to the Commission.
- (3) The Commission may at any time request the Manager to submit a confidential report on the performance by a teacher in the service of his duties.
- (4) In considering whether or not a teacher in the service qualifies for an increase in salary or for a promotion, the Commission shall be guided by a report made under sub regulation (1).

#### **Leave -General**

9. (1) an application for leave shall be made by a teacher to a manager in such a manner as the Commission may prescribe from time to time
- (2) A Manager may grant leave to a teacher during a school term if such leave is required for-
  - a) Attending a church conference;
  - b) Writing an examination recognized by the Commission;
  - c) Compassionate reasons:

Provided that such leave shall not be granted with out the approval of the Commission if it will exceed seven days in one calendar year.

#### **Maternity Leave**

10. (1) Subject to sub regulations (2) and (3) every female teacher who has been in the service for twelve months or more continuously, shall be entitled to paid maternity leave not exceeding sixty (60) calendar days.
- (2) All unmarried teachers shall be granted leave in terms of sub regulation (1) in respect of a first child and subsequently only unpaid leave shall be granted.
- (3) All female persons employed in the service on temporary basis shall not be entitled to pay maternity leave.

- (4) Maternity leave granted in terms of sub regulation (1) shall be granted at intervals of not less than two years calculated from the date of birth of each child.
- (5) An application for maternity leave shall be made in accordance with accordance with form TS 3 in the First Schedule hereto.

### **Sick Leave**

11. (1) a person in the service shall be granted sick leave as follows:
  - (a) Up to six month sick leave full pay
  - (b) Up to six months sick leave on half pay thereafter.
- (2) The commission may grant an extension of sick leave on half pay for a period not exceeding thirty days.
- (3) A further extension of leave with no pay may be granted by the commission for a period not exceeding three months if it appears to it that a teacher will be fit to resume his duties within a reasonable period after his sickness.
- (4) If after the expiry of an extension made sub regulation (2) a teacher is certified by a medical practitioner registered under the medical and dental practitioners Act, 1970 unfit to resume duty and it appears to the commission that the teacher will not be able to resume his duties within a reasonable period the commission may terminate the appointment of such teacher.
- (5) An application for sick leave under sub regulation (1) and (2) shall be accompanied by a certificate of incapacity covering the period of sick leave claimed signed by a medical practitioner.
- (6) An application for sick leave is made in accordance with form TS 3 in the first schedule hereto.

### **Study Leave**

12. A person in the service shall be entitled to paid study leave for a period not exceeding twelve months.

### **Resumption Of Duty**

13. A person resuming his duties after shall fill in and submit to the commission through his Manager form TS 4 in the first schedule hereto.

### **Discipline.**

14. (1) Subject to these regulation a person in the service who absent himself from duty for a period exceeding forty eight hours without either the permission of his headmaster or a certificate signed by a medical practitioner certifying that he was unfit for duty for a period shall forfeit such portion of his salary as cover s such period of absence.

### **Misconduct.**

15. (1) A teacher who:
- (a) Conducts himself in a way, which interferes to a material extent with the efficient operation of a school
  - (b) Uses or attempt to use for purposes unconnected with the service information which he may have gained in the course of his duties
  - (c) Is disobedient or insolent in the course of his duties
  - (d) Is negligent or lazy in the performance of his duties
  - (e) Renders himself unfit for duty by reason of the use of intoxicants or drugs
  - (f) Is guilty of immoral conduct
  - (g) Does or attempt to do anything, which is likely to bring the service into disrepute
  - (h) Uses or attempts to use his position in the service to further the end of a political party
  - (i) Uses or attempts to use his position in the service to further the ends of a political party
  - (j) For any other reason which entails for the service to encourage hatred or contempt towards the government of Swaziland
  - (k) For any other which entails for the service similar detrimental consequences to those set out in this regulation
- (2) A manager or teacher who has misconduct himself in terms of sub regulation (1) shall:

- (a) Inform the teacher in writing of misconduct alleged against him.
  - (b) Allow the teacher an opportunity to present his defence in writing.
- (3) If the manager is not satisfied with the defence presented by the teacher ,he shall forward to the Commission a written complaint and a copy of the teachers defence for consideration by the Commission.
- (4) If a manager considers the misconduct alleged against a teacher to be of a serious nature ,he may suspend the teacher from service pending a decision by the Commission thereon.
- (5) A teacher suspended in terms of subregulation (4) shall receive a portion of his salary not exceeding one-half of his full salary as the Commission may determine.
- (6) If a after consideration of his case by the Commission, a teacher is found not guilty of misconduct, he shall be entitled to receive the portion his salary withheld during the suspension period.
16. (1) If, in the opinion of the Manager, a teacher is not performing his duties in an efficient or satisfactory manner, the Manager shall-
- (a) Inform the teacher in his opinion and reasons for such opinion;
  - (b) Give the teacher a period not exceeding three months within which to improve his performance.
- (2) If, after the expiry of the said period the Manager is of the opinion that the has failed to improve the performance of his duties, the Manager shall inform such teacher in writing of his opinion and shall allow the teacher an opportunity to make any representations in writing as might explain his failure to improve his performance.
- (3) The Manager shall forward to the Commission a copy of his opinion made under sub regulation (2) together with any representations made by the teacher for consideration by the Commission.
- (4) The Commission shall after giving the teacher sufficient time to make any representations to it, appoint an officer in the Ministry of Education to

investigate the performances of such teacher and to report his observations to it.

### **Liability For Misconduct And Inefficiency**

17. (1) A teacher found guilty of misconduct in under Regulation 15 or inefficiency under Regulation 16 by the Commission may-
- a) Be dismissed from the service;
  - b) Be suspended from the service without pay for a period not exceeding 2 years see Govt. Gazette No.225 Vol 21 (xx1) legal notice No 99 of 1983.
  - c) Be reduced in rank if holds the position of headmaster or vice headmaster;
  - d) Have any allowance he might be receiving by virtue of his office withdrawn;
  - e) Have his increment stopped for a period as the Commission may determine.
  - f) Be given a written reprimand.
- (2) If a teacher had his increment with withheld, the Commission shall review his case at intervals not exceeding three months and shall, where appropriate restore such increment.
- (3) The withholding of a teacher's shall not where the increment is restored; prejudice a teacher's entitlement to future increments.

### **Suspension Following A Criminal Charge**

18. (1) if a teacher is remanded in terms of sub regulation (1) shall suspend such teacher from duty and shall refer the matter to Commission for its consideration.
- (2) A teacher suspended in terms of sub regulation (1) shall receive a portion of his salary not exceeding one half of his salary as the Commission may determine.
- (3) Where a teacher is subsequently acquitted of the charge for which he was placed in custody, the suspension shall be withdrawn and be entitled to receive the portion of his salary withheld during the suspension period.

- (4) Where a teacher is subsequently convicted of the charge for which he was placed in custody the Commission shall-
- a) Where the teacher is convicted and sentenced to a fine not exceeding one hundred Emalangeni or imprisonment not exceeding three months or to both such fine and imprisonment suspend such teacher without pay for the he was in custody;
  - b) Where the teacher is convicted and sentenced to a fine exceeding one hundred Emalangeni or to imprisonment exceeding three months or to both such fine and imprisonment terminate the appointment of such teacher and shall not re-employ the teacher into the service before the expiry of twelve months calculated from the day the sentence was passed on the teacher.

#### **Resignation.**

19. A teacher intending to resign from the service shall, if he is on probation give the Commission one month's notice in writing of his intention to resign and, if the teacher has been confirmed in his appointment, give the Commission three months notice in writing of his intention to resign.

#### **Retirement.**

20. (1) A teacher shall retire from the service upon the attaining the age of sixty years. No teacher may continue in the Teaching Service after attaining pension able age except on re-appointment on agreement terms by the T.S.C.
- (2) A teacher may retire from the service upon reaching the age of fifty five years by giving the Commission three months notice in writing of his intention to retire.
- (3) The Commission may on three months notice in writing retire a teacher-
- (a) Any time after such teacher has attained the age of fifty-five years ;
  - (b) For reasons of infirmity of mind or body certified by a Medical practitioner to be permanent or render the teacher unfit for service;
  - (c) Because the teacher is redundant.

#### **MISCELLANEOUS**

### **Subsistence Allowance**

21. A person holding the post of headmaster shall be entitled to a subsistence allowance in the same manner and at the same rate provided in the Swaziland Government General Order as amended from time to time.

### **Other Allowances**

22. (1) A teacher may be entitled to such allowances as the Commission may determine and in such manner as provided for in the Swaziland Government General Orders.  
  
(2) Such allowances may include a motor vehicle loan, a housing loan and a travel allowance.

### **Rent**

23. A teacher housed in school accommodation shall pay his rent in the manner and at the rates set out in the Establishment circular No.10 of 1980 as may be amended from time to time.
24. Political Appointments.
25. Policy on SNAT.
26. Secondant \ Unpaid leave.

### **FIRST SCHEDULE** (Under Regulation 4 (3))

Application for entry to the Swaziland Teaching Service

(This form is to be used by applicants other than in training in Swaziland Training Colleges.)

N.B. This form is to be submitted, (in duplicate) to the Education Department through the Grantee with whom the teacher is seeking employment.

1.a SURNAME

1b.Other Names

1c.If married: (Surname before marriage)

1d.Chief

1e.Induna

1f.Headman

2.Full Postal Address

3.Home Language  
may be)

(State Swazi, Zulu as the case

4.a Sex

4b. Graded tax No.

5.Date of Birth (or if unknown, year of birth)

6.a State whether married or single

7. Religious Denomination

8.Qualification;

(i)Academic;

(ii)

9.a Previous teaching Experience.

Name of School	Name and Address of Grantee or of school Manager	From	Until

9b. Subjects and Standard taught

10. Have you ever been dismissed from a teaching post?

11. Name and address of your last employer

12. Name and address of one other person who knows you well

13. State when you will be free to commence duty:

I certify that the information given above is correct.

Date

Signature of Applicant

Permanent Secretary for Education,

I am prepared to offer this teacher employment, subject to his \her being admitted to the Teaching Service.

Signed

Principal Secretary

Date

Note: The following documents Must accompany this application:

- (a) Birth of Baptismal Certificate or a affidavit of birth signed by a District Commissioner.
- (b) A certificate of Health completed by Medical Practitioner.
- (c) The original Certificate of your last school or University .
- (d) Your original Teachers Certificate.
- (e) The original of one testimonial from a person other than those given at paragraph 12 above.

- (f) Record of service issued by the Education Department of Headmaster(s) under whom you have been serving previously.

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DISTRICT EDUCATION OFFICER

Date:

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**FIRST SCHEDULE**  
(Under Regulation 4 (3))  
**APPLICATION FOR ENTRY TO TEACHING SERVICE**  
(Form to be used by Swaziland Students approaching the end of their teacher training)

1. Surname \_\_\_\_\_

Other names \_\_\_\_\_

1(a) Marital Status \_\_\_\_\_

2. Date of birth \_\_\_\_\_ 3. Graded Tax No. \_\_\_\_\_

4. Chief \_\_\_\_\_ 5. Indvuna \_\_\_\_\_

6. Headman \_\_\_\_\_ 7. Sex \_\_\_\_\_

8. Religious Denomination \_\_\_\_\_

9. I am attending the Lower Primary Course \_\_\_\_\_

Higher Primary Course \_\_\_\_\_

Domestic Science teacher's Course (two or three years)  
Junior Secondary Teachers Diploma Course (Delete whichever is  
Inapplicable)

\_\_\_\_\_ Degree Course

at \_\_\_\_\_ Teacher Training Centre/College

10. Preferred first posting \_\_\_\_\_

11. Reasons for choice given at paragraph 10 \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

12. My second choice of posting is \_\_\_\_\_

13. My home address is \_\_\_\_\_

I FULLY UNDERSTAND:

That under T.S. Regulations, I will be posted where I am needed and not necessarily to the school or District of my choice.

Signed \_\_\_\_\_

Date \_\_\_\_\_

I have checked the entries on this form with the student and I can certify that they are correct.

Signed \_\_\_\_\_  
Principal

Date \_\_\_\_\_

**FIRST SCHEDULE**  
(Under Regulation 10 (5) and 11 (6))

**SWAZILAND MINISTRY OF EDUCATION**  
**APPLICATION FOR SICK OR MATERNITY LEAVE**

(To be submitted to the Ministry of Education in triplicate at least one a month before leave is required except in cases of emergency)

I wish to apply for leave from \_\_\_\_\_ to \_\_\_\_\_  
For the following reasons:

\_\_\_\_\_  
\_\_\_\_\_

Note: Medical certificate below must be completed.

\_\_\_\_\_  
Teacher

Service no: \_\_\_\_\_

Above application recommended \_\_\_\_\_  
Principal or Headmaster

Date \_\_\_\_\_ Name of school \_\_\_\_\_

**TO BE COMPLETED BY GRANTEE /R.E.O**

Application is approved /not approved, notification of rate of pay during this period of leave will be given to you when the decision of the Permanent Secretary has received.

\_\_\_\_\_  
Signature of Grantee

Date \_\_\_\_\_

\_\_\_\_\_  
Signature of R.E.O.

**MEDICAL CERTIFICATE**

Maternity leave

I have examined the above teacher today. Confinement is expected on \_\_\_\_\_

Sick leave is recommended for \_\_\_\_\_ days from \_\_\_\_\_

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The ailment is it infectious or contagious YES/NO

Date \_\_\_\_\_

\_\_\_\_\_  
Medical Officer or Nurse

NOTIFICATION TO GRANTEE

Leave as described above has been approved on the following conditions

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A form must be submitted even if medical certificate is not yet available. This must however, follow as soon as possible.

**FIRST SCHEDULE**  
(Under Regulation (13))

**SWAZILAND MINISTRY OF EDUCATION**  
**Resumption of Duty**

(Copy to be sent to the Permanent Secretary, Ministry of Education, Mbabane through the D.E.O.)

Teacher's Name \_\_\_\_\_

T.S.C. Number \_\_\_\_\_

The above teacher, whose absence from duty from has already been reported to you, resumed duty on

\_\_\_\_\_

Total period absence was days (including week ends).

\_\_\_\_\_

Date

\_\_\_\_\_

Principal/Headmaster

\_\_\_\_\_

Date

\_\_\_\_\_

Grantee

\_\_\_\_\_

Date

\_\_\_\_\_

District education Officer

**SECOND SCHEDULE**  
(Under Regulation 7 (6))

**SWAZILAND MINISTRY OF EDUCATION**

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GRADED TAX NUMBER

New Appointment

Teacher on TS records  
TS 5

To: \_\_\_\_\_ Teacher's No. \_\_\_\_\_

Surname First Second \_\_\_\_\_  
NAME OF TEACHER \_\_\_\_\_  
School Number \_\_\_\_\_  
Establishment \_\_\_\_\_  
Post Number \_\_\_\_\_

\_\_\_\_\_ Address For Return \_\_\_\_\_ District \_\_\_\_\_

\_\_\_\_\_ if two copies of this form

LETTER OF APPOINTMENT TO BE ISSUED BY THE MANAGER TO A PROBATIONER  
TEACHER

TO BE COMPLETED IN 5 COPIES

CHECK HERE IF TEACHER IS A  
RELIEF TEACHER

COPY 1  
PERSONAL FILE

**PART 1**

1. You are hereby offered appointment as a teacher on the staff of the \_\_\_\_\_ school with  
effect from \_\_\_\_\_

**N.B.** You are liable to transfer to other aided or maintained schools, and if you occupy Government quarters, rental will be payable in terms of the regulations in force from time to time.

2. You will remain on probation for a period of two years, after which, subject to satisfactory service and conduct you may be confirmed in your appointment.
3. You are expected, as long as you are in the service, to serve the youth of the country to the best of your ability and to uphold the highest standard of the profession.
4. It is found that you are unable to perform efficiently the duties of your appointment, or, if you misconduct yourself, you may be discharged at one school term's notice of if the misconduct is serious you may be suspended from duty pending a decision by the Principal Secretary for Education.
5. If you wish to resign, you must give one school term's notice.
6. Your salary grade is \_\_\_\_\_
7. Your starting salary is \_\_\_\_\_ Emalangeni      cents per month.
8. Your increment date is \_\_\_\_\_
9. Your provisions of the Teaching Service apply to you and you are also expected to adhere to the code of professional conduct which is printed on the reverse side of this letter.
10. Your appointment is subject to the Rules governing the Swaziland Teaching Service as published by the Ministry of Education.

Date \_\_\_\_\_      Signed \_\_\_\_\_  
Grantee

on behalf of

Signed

D.E.O.

## PART II

I have received the original of this letter and copy of the Teaching Service Regulations, both of which I understand and agree to accept the terms thereon and to do my utmost to adhere to the code of professional conduct printed overleaf.

Date \_\_\_\_\_      Signature of Probationer \_\_\_\_\_

**PART III**

Accepted for payment \_\_\_\_\_  
For Principal Secretary Ministry of Education

**FOR INTERNAL USE ONLY**

Date of action by Senior Executive Officer	Date of action by payroll	Date of action by dispatch
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## MINIMUM STANDARDS OF PROFESSIONAL CONDUCT FOR TEACHERS IN SWAZILAND

The acceptance and practice of Christian Principles by teachers is the best and surest foundation for a system of education.

This may be a counsel of perfection, but every teacher should at least be expected to recognize that he has certain responsibilities to-

**the child under his care**  
**the community in which he lives**  
**his employer**

- (i) **To the Child.** A teacher agrees that his chief responsibility is towards the child under his care and that he has at all times a duty to give each child in and out of school in the development of his personality and as a member of the community.
- (ii) **To the Community.** A teacher must therefore fully understand the community among which he works. He must at all times be ready to explain his pupils their place in their families and in the community of which the family forms such an important part. He must explain to them their duty to obey all lawful authority and he should, by his own personal life, set them an example in these matters.
- (iii) **To the Profession.** A teacher recognizes that teaching is a vocation and more than mere gainful employment. He therefore undertakes to conduct himself according to the following rules:
  - (a) To follow at all times the highest standard of professional conduct.
  - (b) To work conscientiously and with diligence and regularity.
  - (c) To set a good example in his conduct, his person and his dress at all times to the children under his care.
  - (d) To try continually to improve his standard of work and ability.
  - (e) To take an active part in all school activities both in and out of school.
  - (f) To acknowledge that failure to maintain a high professional standard may involve disciplinary penalty.
  - (g) To acknowledge that the Commission of offence under regulation 19 of the Teaching Service Regulations Proclamation No. 34 of 1962, constitutes serious misconduct.
- (iv) **To the Employer.** A teacher agrees to serve according to the Conditions of Service laid down in the T.S. regulations.

1. HIGHEST ACADEMIC LEVEL ATTAINED:
2. PROFESSIONAL CERTIFICATE HELD:
3. ADDITIONAL CERTIFICATES HELD:
4. TEACHING EXPERIENCE:



