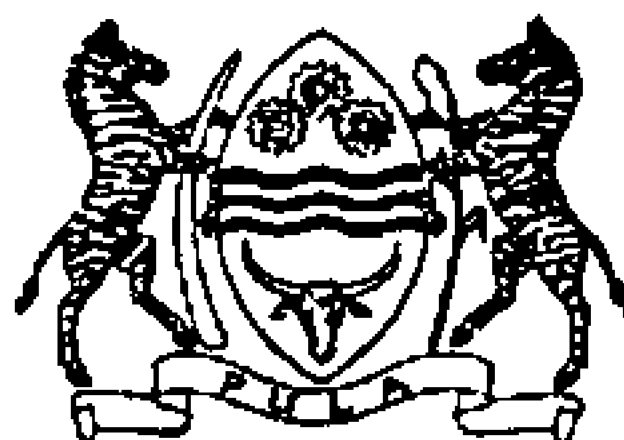


UNIFIED TEACHING SERVICE (AMENDMENT) ACT, 1996

No. 1



of 1996

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. General amendment, Cap. 62:01
3. Amendment of section 3
4. Amendment of section 6(2)
5. Amendment of section 7(3)
6. Deletion of section 9
7. Amendment of section 10
8. Replacement of section 23
9. Amendment of section 27(2)

An Act to amend the Unified Teaching Service Act

Date of Assent: 13.02.96

Date of Commencement: 23.02.96

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Unified Teaching Service (Amendment) Act, 1996.

Short title

2. In the long title, the short title and throughout the Unified Teaching Service Act, hereinafter referred to as "the Act", the expression Unified Teaching Service, wherever it occurs, is amended to read "Teaching Service" in each case.

General
amendment
Cap.62:01

3. Section 3 of the Act is amended by deleting therefrom subsections (3) and (4).

Amendment
of section 3

4. Section 6(2) of the Act is amended by deleting the words "in the Ministry" and by substituting for the word "education" the words "the supervision and administration of any school concerned".

Amendment
of section 6(2)

5. Section 7(3) of the Act is amended by substituting for the word "Minister" the words "Permanent Secretary".

Amendment
of section 7(3)

6. The Act is amended by deleting section 9 therefrom.

Deletion
of section 9

7. Section 10 of the Act is amended by substituting for subsections (6) and (7) thereof the following new subsections —

Amendment
of section 10

"(6) A teacher whose probationary appointment is terminated or not continued, may appeal against such termination or non-continuance to the Permanent Secretary, whose decision thereon shall be final.

(7) Notwithstanding anything contained elsewhere in this section or in any other written law, if a teacher on probation is not informed in writing that his probationary appointment is terminated within six months after the end of the probationary period, it shall be presumed that he has been confirmed in the post concerned.

(8) Nothing in this section shall be deemed to affect the termination of service of a teacher on probation in accordance with any provision in this Act or any regulations made thereunder relating to disciplinary action.”.

Replacement
of section 23

8. The Act is amended by replacing section 23 thereof by the following new section —

“Withholding
of salary

23. (1) Where a teacher is convicted of a criminal offence and is sentenced to imprisonment, whether such imprisonment takes immediate effect or is delayed pending an appeal, he shall receive no emoluments from the date of such conviction, pending a decision by the Director as to whether any emoluments shall be paid to him during the period of imprisonment and pending the taking of any disciplinary proceedings against him.

(2) Where a teacher is convicted of a criminal offence and is sentenced to a fine or a fine and imprisonment in lieu, and is sent to prison at that time or subsequently for the non-payment of the fine, he shall receive no emoluments from the date of such imprisonment, pending a decision by the Director as to whether any emoluments shall be paid to him during the period of imprisonment and pending the taking of disciplinary proceedings against him.

(3) Where a teacher is convicted of a criminal offence and is sent to prison in any of the circumstances referred to in subsections (1) and (2), the Director may, upon production of a certified copy of the criminal proceedings and of the warrant of committal to prison, dismiss the teacher without instituting disciplinary proceedings against him.

(4) If the teacher appeals against such conviction, his emoluments shall continue to be withheld pending the outcome of the appeal, but if the appeal is successful and the sentence of imprisonment is set aside, he shall, if his services have been terminated, be reinstated with effect from the date of termination, and he shall have repaid any emoluments withheld:

Provided that such setting aside shall not be a bar to disciplinary proceedings being instituted against such teacher arising out of the same facts, but in respect of a different offence under the laws or administrative orders governing the conduct of teachers, if those facts disclose such different offence.”.

9. Section 27(2) of the Act is amended by inserting immediately after the words “public officer” the words “from the Teaching Service”. Amendment of
section 27(2)

PASSED by the National Assembly this 6th day of December, 1995.

C.T. MOMPEI,
Clerk of the National Assembly.