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PROKLAMASIE

*van die
President*

van die Republiek van Suid-Afrika

No. 103, 1994

RASIONALISERING VAN STAATSADMINISTRASIE
KRAGTENS DIE GRONDWET VAN DIE REPUBLIEK
VAN SUID-AFRIKA, 1993: VERVANGING VAN
WETTE OP STAATSDIENSTE

Kragtens die bevoegdheid my verleen by artikel 237
(3) van die Grondwet van die Republiek van Suid-
Afrika, 1993 (Wet No. 200 van 1993), vervang ek
hierby die wette op die staatsdienste met die wet soos
uiteengesit in die Bylae.

Gegee onder my Hand en die Seël van die Repu-
bliek van Suid-Afrika te Pretoria, op hede die Eerste
dag van Junie Eenduisend Negehonderd Vier-en-
negentig.

N. R. MANDELA,
President.

Op las van die President-in-Kabinet:

Z. S. T. SKWEIYA,
Minister van die Kabinet.

PROCLAMATION

*by the
President*

of the Republic of South Africa

No. 103, 1994

RATIONALISATION OF PUBLIC ADMINISTRATION
UNDER THE CONSTITUTION OF THE REPUBLIC
OF SOUTH AFRICA, 1993: REPLACEMENT OF
LAWS ON PUBLIC SERVICES

Under the powers vested in me by section 237 (3) of
the Constitution of the Republic of South Africa, 1993
(Act No. 200 of 1993), I hereby replace the laws on
public services with the law as set out in the Schedule.

Given under my Hand and the Seal of the Republic
of South Africa at Pretoria this First day of June, One
thousand Nine hundred and Ninety-four.

N. R. MANDELA,
President.

By Order of the President-in-Cabinet:

Z. S. T. SKWEIYA,
Minister of the Cabinet.

HOOFSTUK I

UITLEG EN TOEPASSING VAN WET

Woordbepaling

1. (1) In hierdie Wet, tensy uit die samehang anders blyk, beteken—
 - (i) **“beampte”** ’n persoon wat vas aangestel is, al is sodanige aanstelling op proef, in ’n pos bedoel in artikel 8 (1) (a) en ook ’n persoon bedoel in artikel 8 (1) (b) of 8 (3) (c); (xviii)
 - (ii) **“departement”** ’n departement of ’n provinsiale administrasie in artikel 7 (2) bedoel; (viii)
 - (iii) **“departementshoof”, “hoof van ’n departement”** of **“hoof van die departement”** die bekleër van ’n pos bedoel in die tweede kolom van Bylae 1, met inbegrip van ’n beampte wat in sodanige pos waarneem; (xiv)
 - (iv) **“die dienste”**—
 - (a) die Staande Mag van die Nasionale Weermag;
 - (b) die Suid-Afrikaanse Polisie; en
 - (c) die Departement van Korrektiewe Dienste; (xxix)
 - (v) **“die Nasionale Intelligensiedienste”** die Departement van Nasionale Intelligensiedienste ingestel ingevolge artikel 7 (2); (xxviii)
 - (vi) **“Grondwet”** die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet No. 200 van 1993); (vi)
 - (vii) **“hierdie Wet”** ook die regulasies en die Staatsdienspersoneelkode onderskeidelik vermeld in artikels 41 en 42; (xxx)
 - (viii) **“inkomste”** die Nasionale Inkomstefonds ingestel by artikel 185 (1) van die Grondwet, of, met betrekking tot ’n beampte of werknemer van ’n provinsiale administrasie, die betrokke Provinsiale Inkomstefonds, beoog in artikel 159 (1) van die Grondwet, na gelang van die geval; (xxiv)
 - (ix) **“inligtingstegnologie”** alle aspekte van tegnologie wat gebruik word vir die bestuur en ondersteuning van die effektiewe versameling en benutting van inligting as ’n strategiese hulpbron; (xv)
 - (x) **“kalendermaand”** ’n tydperk wat strek vanaf ’n dag in een maand tot en met ’n dag wat die dag voorafgaan wat numeriek ooreenstem met daardie dag in die volgende maand, albei dae inbegrepe; (ii)
 - (xi) **“Kommissie”** die Staatsdienskommissie ingestel by artikel 209 van die Grondwet en, met betrekking tot ’n bevoegdheid of werksaamheid aan die Kommissie by hierdie Wet, die Kommissiewet of enige ander wet verleen, toegewys of opgedra, ook enige lid of lede van die Kommissie of enige beampte of beamptes aan wie die uitoefening van sodanige bevoegdheid of die uitvoering van sodanige werksaamheid deur die Kommissie ingevolge artikel 210 (1) (d) van die Grondwet of artikel 5 (2) van die Kommissiewet gedelegeer is; (iv)
 - (xii) **“Kommissiewet”** die Staatsdienskommissiewet, 1984 (Wet No. 65 van 1984), soos aangepas by Hoofstuk 13 en artikel 238 (3) en (6) van die Grondwet; (v)
 - (xiii) **“maand”** ’n tydperk wat strek van die eerste tot die laaste dag van enigeen van die 12 maande van ’n jaar, albei dae inbegrepe; (xvi)

CHAPTER I

INTERPRETATION AND APPLICATION OF ACT

Interpretation

1. (1) In this Act, unless the context indicates otherwise—

- (i) **"agreement"** means an agreement as defined in section 1 of the Public Service Labour Relations Act, 1993 (Act No. 102 of 1993); (xv)
- (ii) **"calendar month"** means a period extending from a day in one month to a day preceding the day corresponding numerically to that day in the following month, both days inclusive; (x)
- (iii) **"central level"** means the central level as defined in section 1 of the Public Service Labour Relations Act, 1993; (xxiii)
- (iv) **"Commission"** means the Public Service Commission established by section 209 of the Constitution and, in relation to any power or function conferred upon, assigned to or imposed upon the Commission by this Act, the Commission Act or any other law, includes any member or members of the Commission or any officer or officers to whom the exercise of such power or the performance of such function has been delegated by the Commission in terms of section 210 (1) (d) of the Constitution or section 5 (2) of the Commission Act; (xi)
- (v) **"Commission Act"** means the Public Service Commission Act, 1984 (Act No. 65 of 1984), as adapted by Chapter 13 and section 238 (3) and (6) of the Constitution; (xii)
- (vi) **"Constitution"** means the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993); (vi)
- (vii) **"Council"** means the Public Service Bargaining Council as defined in section 1 of the Public Service Labour Relations Act, 1993; (xx)
- (viii) **"department"** means a department or a provincial administration referred to in section 7 (2); (ii)
- (ix) **"educator"** means a teacher or other person performing education functions at a state educational institution; (xvii)
- (x) **"employee"** means a person contemplated in section 8 (1) (c); (xxxii)
- (xi) **"employer"** means an employer as defined in section 1 of the Public Service Labour Relations Act, 1993; (xxxj)
- (xii) **"executing authority"**, in relation to—
 - (a) the Office of the President, means the President;
 - (b) the Office of any Executive Deputy President, means the relevant Executive Deputy President;
 - (c) a department or organisational component within a Cabinet portfolio referred to in section 88 of the Constitution, means the Minister responsible for such portfolio;
 - (d) the Office of a Premier of a province, means the Premier of that province; and
 - (e) a provincial department or office within an Executive Council portfolio referred to in section 149 of the Constitution, means the member of such Executive Council responsible for such portfolio; (xxviii)
- (xiii) **"fixed establishment"** means the posts which have been created for the normal and regular requirements of a department; (xxix)

- (xiv) **“nasionale departement”** ’n departement of organisasiekomponent op nasionale regeringsvlak; (xvii)
- (xv) **“ooreenkoms”** ’n ooreenkoms soos omskryf in artikel 1 van die Wet op Arbeidsverhoudinge vir die Staatsdiens, 1993 (Wet No. 102 van 1993); (i)
- (xvi) **“oorplasing”** ook oorskakeling na ’n hergradeerde of herbenaamde pos, of van een graad na ’n hoër graad verbonde aan dieselfde pos, of van een rang na ’n hoër rang; (xxi)
- (xvii) **“opvoeder”** ’n onderwyser of ander persoon wat onderwyswerkzaamhede verrig by ’n staatsonderwysinstelling; (ix)
- (xviii) **“provinsiale administrasie”** ’n provinsiale administrasie bedoel in artikel 7 (2); (xx)
- (xix) **“provinsiale dienskommissie”** ’n provinsiale dienskommissie bedoel in artikel 213 (1) van die Grondwet; (xxi)
- (xx) **“Raad”** die Staatsdiensbedingingsraad soos omskryf in artikel 1 van die Wet op Arbeidsverhoudinge vir die Staatsdiens, 1993; (vii)
- (xxi) **“regulasie”** ’n regulasie kragtens hierdie Wet uitgevaardig of geag aldus uitgevaardig te wees; (xxiii)
- (xxii) **“salarisreeks”** ’n minimum en maksimum salarisperk gekoppel aan ’n bepaalde vlak van werk; (xxv)
- (xxiii) **“sentrale vlak”** die sentrale vlak soos omskryf in artikel 1 van die Wet op Arbeidsverhoudinge vir die Staatsdiens, 1993; (iii)
- (xxiv) **“skaal”**, met betrekking tot salaris, ook salaris teen ’n vaste tarief; (xxvi)
- (xxv) **“staatsdiens”** die staatsdiens bedoel in artikel 8; (xxii)
- (xxvi) **“staatsonderwysinstelling”** ’n instelling (met inbegrip van ’n kantoor wat so ’n instelling beheer), uitgesonderd ’n universiteit of teknikon, wat in die geheel of gedeeltelik deur die Staat befonds word en ten aansien waarvan die besoldiging en diensvoorwaardes van opvoeders by wet bepaal word; (xxvii)
- (xxvii) **“Tesourie”**—
- (a) die Minister van Finansies of ’n behoorlik gemagtigde beampte van die Departement van Staatsbesteding; of
- (b) die lid van ’n Uitvoerende Raad van ’n provinsie verantwoordelik vir die uitvoering van die tesouriefunksie in daardie provinsie, of ’n behoorlik-gemagtigde beampte van ’n provinsiale administrasie, na gelang van die geval; (xxxii)
- (xxviii) **“uitvoeringsgesag”**, met betrekking tot—
- (a) die Kantoor van die President, die President;
- (b) die Kantoor van enige Uitvoerende Adjunkpresident, die betrokke Uitvoerende Adjunkpresident;
- (c) ’n departement of organisasiekomponent binne ’n Kabinetsportefeuje bedoel in artikel 88 van die Grondwet, die Minister verantwoordelik vir sodanige portefeuje;
- (d) die Kantoor van ’n Premier van ’n provinsie, die Premier van dié provinsie; en

- (xiv) **“head of department”, “head of a department” or “head of the department”** means the incumbent of a post mentioned in the second column of Schedule 1 and includes any officer acting in such post; (iii)
- (xv) **“information technology”** means all aspects of technology which are used to manage and support the efficient gathering and utilisation of information as a strategic resource; (ix)
- (xvi) **“month”** means a period extending from the first to the last day, both days inclusive, of any one of the 12 months of a year; (xiii)
- (xvii) **“national department”** means a department or organisational component at the national level of government; (xiv)
- (xviii) **“officer”** means a person who has been appointed permanently, notwithstanding that such appointment may be on probation, to a post contemplated in section 8 (1) (a), and includes a person contemplated in section 8 (1) (b) or 8 (3) (c); (i)
- (xix) **“prescribed”** means prescribed by or under this Act; (xxx)
- (xx) **“provincial administration”** means a provincial administration referred to in section 7 (2); (xviii)
- (xxi) **“provincial service commission”** means a provincial service commission contemplated in section 213 (1) of the Constitution; (xix)
- (xxii) **“public service”** means the public service contemplated in section 8; (xxv)
- (xxiii) **“regulation”** means a regulation made or deemed to have been made under this Act; (xxi)
- (xxiv) **“revenue”** means the National Revenue Fund established by section 185 (1) of the Constitution, or, in relation to an officer or employee of a provincial administration, the relevant Provincial Revenue Fund contemplated in section 159 (1) of the Constitution, as the case may be; (viii)
- (xxv) **“salary range”** means a minimum and maximum salary limit linked to a specific level of work; (xxii)
- (xxvi) **“scale”**, in relation to salary, includes salary at a fixed rate; (xxiv)
- (xxvii) **“state educational institution”** means an institution (including an office controlling such institution), other than a university or technikon, which is wholly or partially funded by the State and in regard to which the remuneration and service conditions of educators are determined by law; (xxvi)
- (xxviii) **“the National Intelligence Services”** means the Department of National Intelligence Services established in terms of section 7 (2); (v)
- (xxix) **“the services”** means—
- (a) the Permanent Force of the National Defence Force;
 - (b) the South African Police Service; and
 - (c) the Department of Correctional Services; (iv)
- (xxx) **“this Act”** includes the regulations and Public Service Staff Code mentioned in sections 41 and 42, respectively; (vii)

- (e) 'n provinsiale departement of kantoor binne 'n Uitvoerende Raadsportefeuilje bedoel in artikel 149 van die Grondwet, die lid van sodanige Uitvoerende Raad verantwoordelik vir sodanige portefeulje; (xii)
- (xxix) "**vaste diensstaat**" die poste wat vir die normale en gereelde vereistes van 'n departement geskep is; (xiii)
- (xxx) "**voorgeskrif**" by of kragtens hierdie Wet voorgeskryf; (xix)
- (xxx1) "**werkgewer**" 'n werkgewer soos omskryf in artikel 1 van die Wet op Arbeidsverhoudinge vir die Staatsdiens, 1993; (xi)
- (xxxii) "**werknemer**" 'n persoon in artikel 8 (1) (c) bedoel. (x)

(2) 'n Verwysing in hierdie Wet na 'n verlaging van 'n salarisskaal of salaris, met betrekking tot 'n beampte, moet uitgelê word as 'n verwysing ook na die toepassing van 'n salarisskaal wat laer is as die skaal wat tevore toegepas is wat betref die maksimum van die skaal, of 'n salaris wat laer is in vergelyking met 'n salaris wat voor dié verlaging op enige tydstip sou gegeld het, na gelang van die geval, en 'n verwysing in dié verband na 'n verlaging in graad of na 'n graad laer as 'n ander graad, moet dienooreenkomstig uitgelê word.

Toepassing van Wet

2. (1) Behalwe vir sover in hierdie artikel anders bepaal word en behalwe waar dit met die samehang onbestaanbaar of duidelik onvanpas is, is die bepalings van hierdie Wet van toepassing op of ten opsigte van beamptes en werknemers hetsy hulle binne of buite die Republiek in diens is, en ten opsigte van persone wat in diens van die staatsdiens was of in die staatsdiens in diens geneem gaan word.

(2) Waar persone in diens van die dienste of staatsonderwysinstellings nie van die bepalings van hierdie Wet uitgesluit is nie, is daardie bepalings van toepassing slegs vir sover dit nie in stryd is met die wette wat hulle diens reël nie.

(3) Waar persone in diens van die Nasionale Intelligensiedienste nie van die bepalings van hierdie Wet uitgesluit is nie, is daardie bepalings van toepassing slegs vir sover dit nie in stryd is met die wette wat hulle diens reël nie, en word daardie bepalings nie uitgelê as sou dit afbreuk doen aan die bevoegdhede of pligte wat aan die Nasionale Intelligensiedienste verleen of opgedra is nie.

(4) Die bepalings van hierdie Wet is nie van toepassing nie ten opsigte van die indiensneming deur die Staat van persone wie se aanstelling, besoldiging en ander diensvoorwaardes ingevolge die een of ander wet deur 'n uitvoeringsgesag of ander persoon gedoen of bepaal kan word, sonder dat die Kommissie se aanbeveling vooraf verkry is.

(5) (a) Alle poste ingestel ingevolge 'n wet wat deur hierdie Wet herroep word en wat onmiddellik voor die inwerkingtreding van hierdie Wet bestaan, en alle magtigings vir die indiensneming van persone addisioneel tot sodanige poste wat ingevolge so 'n wet uitgevaardig is en onmiddellik voor sodanige inwerkingtreding van krag was, word, behalwe waar dit ooglopend onvanpas is, geag kragtens hierdie Wet ingestel of uitgevaardig te wees.

(b) Alle persone wat, onmiddellik voor die inwerkingtreding van hierdie Wet, uit hoofde van 'n wet deur hierdie Wet herroep, beamptes of werknemers was van 'n instelling bedoel in artikel 236 (1) van die Grondwet, bly in diens en word vanaf bedoelde inwerkingtreding geag, sonder onderbreking in diens, beamptes of werknemers te wees, na gelang van die geval, en die bepalings van hierdie Wet is op of ten opsigte van daardie beamptes en werknemers van toepassing.

(xxx) "transfer" includes a change-over to a regraded or renamed post, or from one grade to a higher grade connected to the same post, or from one rank to a higher rank; (xvi)

(xxxii) "Treasury" means—

- (a) the Minister of Finance or a duly authorised officer in the Department of State Expenditure; or
- (b) the member of an Executive Council of a province responsible for the treasury function in that province, or a duly authorised officer in a provincial administration,

as the case may be. (xxvii)

(2) Any reference in this Act to a reduction in a scale of salary or salary, in relation to an officer, shall be construed as including a reference to the application of a scale of salary which is lower than the scale previously applied as regards the maximum of the scale, or to a salary which is lower in comparison with a salary which would have applied at any time prior to that reduction, as the case may be, and a reference in that connection to a reduction in grade or to a grade being lower than another grade shall be construed correspondingly.

Application of Act

2. (1) Except in so far as this section provides otherwise and except where it is inconsistent with the context or clearly inappropriate, the provisions of this Act shall apply to or in respect of officers and employees whether they are employed within or outside the Republic, and in respect of persons who were employed in the public service or who are to be employed in the public service.

(2) Where persons employed in the services or state educational institutions are not excluded from the provisions of this Act, those provisions shall apply only in so far as they are not contrary to the laws governing their employment.

(3) Where persons employed in the National Intelligence Services are not excluded from the provisions of this Act, those provisions shall apply only in so far as they are not contrary to the laws governing their service, and those provisions shall not be construed as derogating from the powers or duties conferred or imposed upon the National Intelligence Services.

(4) The provisions of this Act shall not apply in respect of the employment by the State of persons whose appointment, remuneration and other conditions of service may, in terms of any law, be made or determined by an executing authority or other person without the recommendation of the Commission first having been obtained.

(5) (a) All posts established in terms of a law repealed by this Act and existing immediately before the commencement of this Act, and all authorisations for employment of persons additional to such posts issued in terms of such a law and in force immediately before such commencement, shall save where clearly inappropriate, be deemed to have been established or issued under this Act.

(b) All persons who immediately before the commencement of this Act were, by virtue of a law repealed by this Act, officers or employees in an institution referred to in section 236 (1) of the Constitution, shall remain in employment and shall from that commencement be deemed, without break in service, to be officers or employees, as the case may be, and the provisions of this Act shall apply to or in respect of those officers or employees.

(6) Die Kommissie oefen die bevoegdhede uit en verrig die werksaamhede in hierdie Wet uiteengesit ten opsigte van 'n provinsie, behalwe waar, en in die mate wat, die betrokke bevoegdhede en werksaamhede ingevolge artikel 213 van die Grondwet deur 'n provinsiale dienskommissie, behoudens die nasionale norme en standarde in daardie artikel beoog, uitgeoefen word.

HOOFSTUK II

ADMINISTRASIE

Staatsdienskommissie

3. (1) Die Kommissie het, benewens die bevoegdhede en werksaamhede ingevolge artikel 210 van die Grondwet aan hom toevertrou, die bevoegdhede en werksaamhede in hierdie Wet of enige ander wet uiteengesit, en oefen sodanige bevoegdhede uit en verrig sodanige werksaamhede ooreenkomstig die bepalings van artikel 212 van die Grondwet.

(2) (a) Behoudens die bepalings van die Kommissiewet kan die Kommissie—

(i) aanbevelings doen of lasgewings gee oor alle aangeleenthede waarvoor daar nie uitdruklik in hierdie Wet of enige ander wet voorsiening gemaak word nie, maar wat nie daarmee in stryd is nie, met betrekking tot of voortspuitend uit personeelpraktyke asook die indiensneming en ander loopbaaninsidente, en die diensvoorwaardes, in die algemeen, van beamptes en werknemers in die staatsdiens;

(ii) met betrekking tot of voortspuitend uit die indiensneming en, in die algemeen, die diensvoorwaardes, van voormalige beamptes en werknemers terwyl hulle beamptes en werknemers was, aanbevelings doen of lasgewings gee oor alle aangeleenthede ten opsigte waarvan hy, kragtens die bepalings van hierdie Wet of enige ander wet, aanbevelings kan doen of lasgewings kan gee in die geval van dienende beamptes en werknemers.

(b) 'n Aanbeveling of lasgewing bedoel in paragraaf (a) (ii) mag nie tot nadeel van 'n voormalige beampte of werknemer strek nie, en die Kommissie mag nie so 'n aanbeveling doen of so 'n lasgewing gee ten opsigte van 'n voormalige beampte of werknemer na verstryking van 'n tydperk van twee jaar nadat hy of sy opgehou het om 'n beampte of werknemer te wees nie.

(3) Die Kommissie kan aanbevelings doen—

(a) betreffende die instelling of afskaffing van departemente, die werksaamhede van departemente, die oordrag van werksaamhede van een departement aan 'n ander of van 'n departement aan 'n ander liggaam of van 'n ander liggaam aan 'n departement;

(b) betreffende die instelling of afskaffing van subdepartemente, takke, kantore of inrigtings;

(c) betreffende die beheer, organisasie of herreëling van departemente, subdepartemente, takke, kantore of inrigtings;

(d) betreffende die getal, gradering, hergradering, benaming, herbenaming of omskepping van poste op die vaste diensstaat;

(e) betreffende die getal persone wat tydelik of onder 'n spesiale kontrak in diens geneem moet word, hetsy in 'n heelydse of deelydse hoedanigheid—

(i) teen poste op die vaste diensstaat wat nie permanent gevul is nie;

(6) The Commission shall exercise the powers and perform the functions set out in this Act in respect of a province, except where, and to the extent to which the said powers and functions are exercised by a provincial service commission in terms of section 213 of the Constitution, subject to the norms and standards applying nationally as contemplated in that section.

CHAPTER II

ADMINISTRATION

Public Service Commission

3. (1) The Commission shall in addition to the powers and functions entrusted to it in terms of section 210 of the Constitution have the powers and functions set out in this Act or any other law, and shall exercise such powers and perform such functions in accordance with the provisions of section 212 of the Constitution.

(2) (a) Subject to the provisions of the Commission Act, the Commission may—

(i) make recommendations or give directions on all matters not specifically provided for in this Act or any other law, but not inconsistent therewith, relating to or arising out of personnel practices as well as the employment and other career incidents of and the conditions of service generally of officers and employees in the public service;

(ii) make recommendations or give directions on all matters relating to or arising from the employment and, in general, the conditions of service, of former officers and employees while they were officers and employees, in respect of which it may, under the provisions of this Act or any other law, make recommendations or give directions in the case of serving officers and employees.

(b) A recommendation or direction contemplated in paragraph (a) (ii) may not be to the detriment of a former officer or employee, and the Commission may not make such a recommendation or give such a direction in respect of any former officer or employee after the expiry of a period of two years after he or she ceased to be an officer or employee.

(3) The Commission may make recommendations—

(a) regarding the establishment or abolition of departments, the functions of departments, the transfer of functions from one department to another or from a department to any other body or from any other body to a department;

(b) regarding the establishment or abolition of subdepartments, branches, offices or institutions;

(c) regarding the control, organisation or readjustment of departments, subdepartments, branches, offices or institutions;

(d) regarding the number, grading, regrading, designation, redesignation or conversion of posts on the fixed establishment;

(e) regarding the number of persons to be employed temporarily or under a special contract, whether in a full-time or a part-time capacity—

(i) against posts on the fixed establishment which are not permanently filled;

- (ii) addisioneel tot die vaste diensstaat, hetsy weens die afwesigheid van die bekleër van 'n pos, of wanneer dit nodig is om personeel te voorsien vir die verrigting van 'n klas werk waarvoor personeel nie onder gewone omstandighede op 'n permanente grondslag in diens gehou word nie, of wanneer dit om enige ander rede nodig is om die personeel van 'n departement tydelik te vergroot;
- (f) wanneer hy dit nodig ag, betreffende die indiensneming van 'n persoon of die indienshouding van 'n beampte in of teen 'n pos wat hoër of laer as sy eie graad gradeer is, of addisioneel tot die vaste diensstaat;
- (g) ten einde effektiwiteit en doeltreffendheid te bevorder en besuiniging te bewerkstellig in die bestuur en funksionering van departemente, subdepartemente, takke, kantore en inrigtings deur—
 - (i) verbeterde organisasie, prosedure en metodes;
 - (ii) verbeterde toesig;
 - (iii) vereenvoudiging van werk en die uitskakeling van onnodige werk;
 - (iv) die aanwending van inligtingstegnologie;
 - (v) koördinering van werk;
 - (vi) beperking van die getal beamptes en werknemers van departemente, subdepartemente, takke, kantore en inrigtings, en die aanwending van die dienste van beamptes en werknemers op die voordeligste wyse;
 - (vii) die opleiding van beamptes en werknemers;
 - (viii) verbeterde werkfasiliteite;
 - (ix) die bevordering van gesonde arbeidsverhoudinge;
 - (x) enige ander optrede wat hy noodsaaklik ag;
- (h) betreffende die skale van salarisse, lone of toelaes van al die verskillende klasse, range en grade beamptes en werknemers, asook salarisreekse ten opsigte van bepaalde klasse, range en grade beamptes en werknemers;
- (i) betreffende die persoon wat aangestel of bevorder moet word, wanneer dit nodig is om 'n aanstelling in of bevordering van 'n persoon tot 'n pos in die A-afdeling, of wanneer hy dit nodig ag, betreffende die bevordering van 'n beampte tot 'n hoër rang;
- (j) betreffende regulasies wat kragtens artikel 41 (1) uitgevaardig moet word; en
- (k) betreffende 'n gedragskode van toepassing op lede van die Staatsdiens.

(4) Die Kommissie kan lasgewings gee—

- (a) betreffende—
 - (i) die vereistes rakende die ouderdom van persone, en die opvoedkundige, taal- en ander kwalifikasies waarvoor hulle moet beskik, vir doeleindes van aanstelling, oorplasing of bevordering in of na die staatsdiens, waar die vereistes of kwalifikasies nie by of kragtens hierdie Wet of enige ander wet voorgeskryf word nie;
 - (ii) die klasse poste en betrekkings met betrekking waartoe, die omstandighede waarin en die voorwaardes waarop 'n uitvoeringsgesag, of enige beampte aan wie sodanige gesag die bevoegdheid gedelegeer het om aanstellings, oorplasing of bevorderings te doen, ander kwalifikasies as dié in subparagraaf (i) bedoel, kan vereis;

- (ii) additional to the fixed establishment, either by reason of the absence of the incumbent of any post, or when it is necessary to provide staff for the performance of a class of work for which staff is not ordinarily employed on a permanent basis, or when it is necessary for any other reason to increase temporarily the staff of any department;
 - (f) when it considers it necessary, regarding the employment of a person or the continued employment of an officer in or against a post graded higher or lower than his or her own grade, or additional to the fixed establishment;
 - (g) in order to promote effectiveness, efficiency and effect economies in the management and functioning of departments, subdepartments, branches, offices and institutions by—
 - (i) improved organisation, procedure and methods;
 - (ii) improved supervision;
 - (iii) simplification of work and the elimination of unnecessary work;
 - (iv) the utilisation of information technology;
 - (v) co-ordination of work;
 - (vi) limitation of the number of officers and employees of departments, subdepartments, branches, offices and institutions, and the utilisation of the services of officers and employees to the best advantage;
 - (vii) the training of officers and employees;
 - (viii) improved work facilities;
 - (ix) the promotion of sound labour relations;
 - (x) any other action it may consider essential;
 - (h) regarding the scales of salaries, wages or allowances of all the various classes, ranks and grades of officers and employees, as well as salary ranges in respect of particular classes, ranks and grades of officers and employees;
 - (i) regarding the person to be appointed or promoted, when it is necessary to make any appointment in or promotion of a person to a post in the A division, or, when it considers it necessary, regarding the promotion of an officer to a higher rank;
 - (j) regarding regulations to be made under section 41 (1); and
 - (k) regarding a code of conduct applicable to members of the public service.
- (4) The Commission may give directions—
- (a) regarding—
 - (i) the requirements as to the age of persons, and the educational, language and other qualifications to be possessed by them for purposes of appointment, transfer or promotion in or to the public service, where those requirements or qualifications are not prescribed by or under this Act or any other law;
 - (ii) the classes of posts and positions in respect of which, the circumstances under which and the conditions on which an executing authority, or any officer to whom such authority has delegated the power of appointment, transfer or promotion, may require qualifications other than those contemplated in subparagraph (i);

- (b) betreffende die gesondheidsvereistes waaraan iemand moet voldoen voordat hy of sy as 'n beampte aangestel kan word;
 - (c) wanneer hy dit nodig ag, betreffende die sekerheidsvereistes waaraan beamptes of werknemers moet voldoen;
 - (d) betreffende die opleiding wat beamptes en werknemers moet ondergaan;
 - (e) betreffende inligtingstegnologie.
- (5) (a) Die Kommissie—
- (i) moet aantekening hou van beamptes wat in diens geneem is in poste in die A-afdeling;
 - (ii) moet ondersoek instel na die griewe van beamptes en werknemers en moet, behoudens die bepalings van hierdie Wet, dié aanbevelings daaroor doen wat hy goeddink;
 - (iii) moet, wanneer hy dit nodig ag, opleiding verskaf of laat verskaf of eksamens of toetse afneem of laat afneem, soos hy gelas of soos voorgeskryf as 'n kwalifikasie vir die aanstelling, bevordering of oorplasing van persone in of na die staatsdiens, en kan, op die voorwaardes wat die Tesourie goedkeur, 'n opleidingsfonds instel, wat gefinansier word uit donasies en skenkings, om sodanige opleiding te bevorder;
 - (iv) kan voorskrifte wat nie met hierdie Wet in stryd is nie, uitreik ter toeligting of aanvulling van 'n regulasie;
 - (v) kan, ondanks andersluidende bepalings van die een of ander wet, 'n aanbeveling doen betreffende die instelling of werking van, maar uitgesonderd die bestuur van en beheer oor, 'n pensioen-, behuising- of ander skema wat 'n diensvoorwaarde van beamptes of werknemers is of sal wees, maar wat nie by of kragtens hierdie Wet ingestel is of sal word nie;
 - (vi) kan aanbevelings doen en lasgewings gee ten einde duidelikheid met betrekking tot die jurisdiksie van die Kommissie *vis-à-vis* dié van 'n provinsiale dienskommissie te verseker.

(b) Ondanks die bepalings van artikel 5 (5) is die bepalings van artikel 5 (2) *mutatis mutandis* van toepassing ten opsigte van 'n aanbeveling ingevolge paragraaf (a) (v) van hierdie subartikel.

(6) Die bepalings van subartikels (3) (i) en (5) (a) (i) is *mutatis mutandis* van toepassing ten opsigte van dié werknemers wat die Kommissie gelas.

Oorgang en rasionalisasie van staatsadministrasie

4. (1) Ten einde die oorgang en rasionalisasie van staatsadministrasie te bewerkstellig soos beoog in artikels 236, 237 en 238 van die Grondwet, het die Kommissie, benewens enige bevoegdhede wat by of ingevolge enige ander wet aan hom opgedra is, die bevoegdheid om, behoudens die betrokke bepalings van die Grondwet en artikel 5 (7) van hierdie Wet, aanbevelings te doen, lasgewings te gee en ondersoeke uit te voer ten einde eenvormigheid daar te stel wat betref die bedinge en voorwaardes van indiensneming van die persone in diens van die instellings bedoel in artikel 236 (1) van die Grondwet.

(2) Ten einde die bevoegdhede ingevolge subartikel (1) aan hom opgedra, uit te voer, het die Kommissie die bevoegdheid om—

- (a) klasse en groepe personeel te omskryf as grondslag vir die bepaling van algemene geldende bedinge en voorwaardes van indiensneming van toepassing op sodanige groepe en klasse personeel; en

- (b) regarding the health requirements to which a person shall conform before he or she may be appointed as an officer;
 - (c) when it considers it necessary, regarding the security requirements with which officers and employees shall comply;
 - (d) regarding the training which officers and employees have to undergo;
 - (e) regarding information technology.
- (5) (a) The Commission—
- (i) shall keep a record of officers employed in posts in the A division;
 - (ii) shall inquire into the grievances of officers and employees and, subject to the provisions of this Act, shall make such recommendations thereon as it may think fit;
 - (iii) shall, when it deems it necessary, provide training or cause training to be provided or conduct examinations or tests or cause examinations or tests to be conducted, as it may direct or as may be prescribed as a qualification for the appointment, promotion or transfer of persons in or to the public service, and may, on such conditions as the Treasury may approve, establish a training fund, financed by donations and grants, to promote such training;
 - (iv) may issue directives which are not contrary to this Act to elucidate or supplement any regulation;
 - (v) may, notwithstanding anything to the contrary in any law contained, make a recommendation regarding the establishment or operation of, but excluding the management of and control over, any pension, housing or other scheme which is or will be a condition of service of officers and employees, but which has not or will not be established by or under this Act;
 - (vi) may make recommendations and give directions to ensure clarity in respect of the jurisdiction of the Commission *vis-à-vis* that of a provincial service commission.

(b) Notwithstanding the provisions of section 5 (5), the provisions of section 5 (2) apply *mutatis mutandis* in respect of a recommendation in terms of paragraph (a) (v) of this subsection.

(6) The provisions of subsections (3) (i) and (5) (a) (i) apply *mutatis mutandis* in respect of such employees as the Commission may direct.

Transition and rationalisation of public administration

4. (1) The Commission shall, in order to effect the transition and rationalisation of public administration as contemplated in sections 236, 237 and 238 of the Constitution, in addition to any powers assigned to it in or in terms of any other act, have the power, subject to the relevant provisions of the Constitution and section 5 (7) of this Act, to make recommendations, give directions and conduct enquiries in order to establish uniformity as regards the terms and conditions of employment of the persons employed by the institutions referred to in section 236 (1) of the Constitution.

(2) In order to exercise the powers assigned to it in subsection (1), the Commission shall have the power to—

- (a) define classes and groups of personnel as the basis for determining generally prevailing terms and conditions of employment applicable to such groups and classes of personnel; and

(b) die bedinge en voorwaardes van indiensneming wat algemeen geld, te bepaal met betrekking tot 'n klas of groep personeel kragtens paragraaf (a) omskryf.

(3) By die bepaling van die bedinge en voorwaardes wat algemeen geld met betrekking tot 'n klas of groep personeel bedoel in subartikel (2), moet die Kommissie die persentasie persone in 'n bepaalde klas of groep personeel waarop 'n bepaalde beding of voorwaarde van diens van toepassing is, in ag neem.

(4) Wanneer eenvormigheid in die bedinge en voorwaardes van indiensneming of enige bepaalde beding of voorwaarde van indiensneming van 'n klas of groep personeel bedoel in subartikel (2) bewerkstellig is op die aanbeveling of by lasgewing van die Kommissie, het geen persoon behorende tot so 'n klas of groep personeel, behoudens subartikels (6) en (7), die reg om 'n beding of voorwaarde van indiensneming te behou wat meer voordelig is as sodanige eenvormige beding of voorwaarde van indiensneming nie.

(5) In gevalle waar 'n bepaalde kontrak aangegaan is met 'n individu wat in diens is by 'n instelling bedoel in artikel 236 (1) van die Grondwet en sodanige kontrak op sigself en nie by wyse van verwysing na algemene bedinge en voorwaardes van indiensneming wat in 'n wet of maatreël ingevolge 'n wet vervat is nie, spesifieke bedinge en voorwaardes van indiensneming bevat wat verskil van die toepaslike eenvormige bedinge en voorwaardes van indiensneming, het die Kommissie nie ingevolge hierdie artikel die bevoegdheid om aan te beveel of te gelas dat sodanige spesifieke bedinge en voorwaardes van indiensneming verander word nie.

(6) Ondanks subartikels (1) en (2), het die Kommissie die bevoegdheid om aan te beveel of te gelas dat 'n persoon of klas of groep persone 'n spesifieke beding of voorwaarde van indiensneming wat gunstiger is as die eenvormige beding of voorwaarde van indiensneming van toepassing op die klas of groep personeel waarvan hy of sy lid is, behou of gedeeltelik behou, indien daar spesiale omstandighede is wat sodanige optrede regverdig: Met dien verstande dat so 'n behoud van sodanige gunstiger beding of voorwaarde nie vir langer as ses maande geld na die datum met ingang waarvan eenvormigheid van die betrokke beding of voorwaarde van indiensneming ingevolge hierdie artikel bewerkstellig is nie.

(7) Die bevoegdhede aan die Kommissie by of ingevolge hierdie artikel verleen, verval op 27 April 1995 behalwe in soverre enige aanbeveling gedoen of lasgewing gegee deur die Kommissie voor daardie datum, uitgevoer word asof hierdie subartikel nie verorden was nie.

Implementering, verwerping, verwysing en Tesourie-goedkeuring van aanbevelings en lasgewings van Kommissie

5. (1) (a) By die toepassing van hierdie Wet en enige ander wet word 'n aanbeveling of lasgewing van die Kommissie geag—

- (i) gedoen of gegee te gewees het op die datum van die skriftelike mededeling waarin die aanbeveling of lasgewing oorgedra word;
- (ii) in die geval van 'n aanbeveling, deur die betrokke uitvoeringsgesag geïmplementeer te word op die datum van die skriftelike mededeling van sodanige gesag waarby sy of haar goedkeuring van vermelde aanbeveling aan die geaffekteerde persoon of liggaam oorgedra word;
- (iii) in die geval van 'n lasgewing, geïmplementeer te wees op die datum waarop sodanige lasgewing gegee is.

(b) Waar 'n uitvoeringsgesag 'n datum vir die inwerkingtreding van so 'n aanbeveling moet bepaal, moet dit 'n datum binne ses maande vanaf die datum bedoel in paragraaf (a) (i) wees.

(b) determine the terms and conditions of employment which prevail generally in regard to a class or group of personnel defined under paragraph (a).

(3) In determining the terms and conditions of employment generally prevailing in regard to a class or group of personnel contemplated in subsection (2), the Commission shall properly take into account the percentage of persons in a particular class or group of personnel to which a particular term or condition of service is applicable.

(4) When uniformity of the terms and conditions of employment or any particular term or condition of employment of a class or group of personnel contemplated in subsection (2) has been established on the recommendation of or by direction of the Commission, no person belonging to such a class or group of personnel shall, subject to subsections (6) and (7), have the right to retain a term or condition of employment which is more favourable than such uniform term or condition of employment.

(5) In cases where a specific contract has been entered into with an individual employed by an institution referred to in section 236 (1) of the Constitution and such contract by itself and not by means of reference to general terms and conditions of employment embodied in a law or measure in terms of a law, contains particular terms and conditions of employment which differ from the applicable uniform terms and conditions of employment, the Commission shall not in terms of this section have the power to recommend or direct that such particular terms and conditions of employment be changed.

(6) Notwithstanding subsections (1) and (2), the Commission shall have the power to recommend or direct that a person or class or group of persons retain or partially retain a particular term or condition of employment that is more favourable than the uniform term or condition of employment applicable to the class or group of personnel of which he or she is a member where there are special circumstances which justify such action: Provided that any such retention of such more favourable term or condition of employment shall not continue for more than six months after the date with effect from which uniformity of the relevant term or condition of employment was established in terms of this section.

(7) The powers conferred upon the Commission by or in terms of this section shall lapse on 27 April 1995, save in so far as any recommendation made or direction given by the Commission before that date shall be acted upon as if this subsection had been enacted.

Implementation, rejection, referral and Treasury approval of recommendations and directions of Commission

5. (1) (a) For the purposes of this Act and any other law, a recommendation or direction of the Commission shall be deemed—

- (i) to have been made or given on the date of the written communication conveying that recommendation or direction;
- (ii) in the case of a recommendation, to have been implemented by the relevant executing authority on the date of the written communication by such authority conveying his or her approval of the said recommendation to the person or body affected thereby;
- (iii) in the case of a direction, to have been implemented on the date on which such direction is given.

(b) Where an executing authority has to determine a date for the commencement of a recommendation, it shall be a date within six months from the date referred to in paragraph (a) (i).

(2) (a) Behoudens die bepalings van subartikel (6) kan 'n aanbeveling of lasgewing van die Kommissie teruggetrek of gewysig of verder gewysig word deur die Kommissie, of, behoudens die bepalings van subartikel (4), deur die President verwerp en terugverwys word na die Kommissie voordat dit geïmplementeer word, te eniger tyd binne 'n tydperk van ses maande vanaf die datum waarop dit deur die Kommissie gedoen, gegee of gewysig of verder gewysig is, na gelang van die geval.

(b) Behoudens die bepalings van subartikel (6) moet elke aanbeveling of lasgewing van die Kommissie—

- (i) indien die President dit verwerp het, na die Kommissie terugverwys word;
- (ii) indien die President geweier het om dit te verwerp, onverwyld deur die betrokke uitvoeringsgesag uitgevoer word soos gedoen, gegee of gewysig deur die Kommissie;
- (iii) indien die tydperk in paragraaf (a) bedoel, verstryk het, en dit nie uitgevoer of deur die Kommissie teruggetrek of deur die President verwerp is nie, onverwyld deur die betrokke uitvoeringsgesag geïmplementeer word soos gedoen, gegee of gewysig deur die Kommissie.

(3) By die toepassing van subartikel (2) betreffende die verwerping deur die President van 'n aanbeveling of lasgewing van die Kommissie, word 'n weiering deur of 'n versuim van die Kommissie om 'n aanbeveling te doen of lasgewing te gee, geag 'n aanbeveling of lasgewing van die Kommissie te wees.

(4) 'n Aansoek om die verwerping van 'n aanbeveling of lasgewing in subartikel (2) bedoel, mag nie aan die President gerig word nie tensy die betrokke departement die Kommissie minstens 14 dae kennis gegee het van sy voorneme om aldus aansoek te doen, en dié kennisgewing moet die gronde uiteensit waarop die departement voornemens is om sy aansoek te baseer.

(5) (a) Die bepalings van subartikel (2) belet nie die Kommissie om te eniger tyd, behoudens die bepalings van subartikels (6), (7) en (8) (b) en die bepalings van artikel 34, enige aanbeveling of lasgewing betreffende die indiensneming of diensvoorwaardes van persone terug te trek of te wysig nie, al word diensvoordele daardeur verminder of al word persone daardeur diensvoordele ontnem.

(b) Die bepalings van subartikel (2) is *mutatis mutandis* van toepassing ten opsigte van 'n aanbeveling of lasgewing van die Kommissie betreffende enige aangeleentheid met betrekking tot persone, uitgesonderd persone bedoel in artikel 8 (1), ongeag of die aanbeveling of lasgewing op 'n besondere persoon betrekking het, al dan nie.

(6) (a) 'n Aanbeveling of lasgewing van die Kommissie wat uitgawes uit die Nasionale Inkomstefonds of 'n Provinsiale Inkomstefonds meebring, mag nie uitgevoer word nie tensy die Tesourie die uitgawes goedkeur.

(b) Die Tesourie kan na goeddunke en op die voorwaardes deur hom bepaal, sy bevoegdheid om sodanige uitgawes goed te keur, aan enige beaampte delegeer.

(7) Waar 'n bevoegdheid of werkzaamheid van die Kommissie, die Departement van Staatsbesteding, enige ander departement, 'n uitvoeringsgesag, 'n departementshoof of 'n persoon wat uit hoofde van gedelegeerde magtiging ingevolge hierdie Wet of enige ander toepaslike wet optree, betrekking het op 'n aangeleentheid van onderlinge belang soos beoog in artikel 13 (1) van die Wet op Arbeidsverhoudinge vir die Staatsdiens, 1993 (Wet No. 102 van 1993), moet hy, sy of hulle ingevolge die bepalings van artikel 13 (6) van genoemde Wet ten opsigte van genoemde aangeleentheid slegs 'n aanbeveling doen, 'n lasgewing gee of 'n besluit neem of bestaande bepalings en maatreëls (indien daar is) wysig ooreenkomstig 'n ooreenkoms wat oor sodanige aangeleentheid in die toepaslike kamer van die Raad tot stand gebring is.

(2) (a) Subject to the provisions of subsection (6), any recommendation or direction of the Commission may be withdrawn or varied or further varied by the Commission, or, subject to the provisions of subsection (4), may be rejected by the President and referred back to the Commission before it has been implemented, at any time within a period of six months from the date upon which it was made, given or varied or further varied by the Commission, as the case may be.

(b) Subject to the provisions of subsection (6), every recommendation or direction of the Commission shall—

- (i) if the President has rejected it, be referred back to the Commission;
- (ii) if the President has refused to reject it, be carried out as made, given or varied by the Commission, forthwith by the relevant executing authority;
- (iii) if the period contemplated in paragraph (a) has expired, and it has not been carried out or withdrawn by the Commission or rejected by the President, be implemented as made, given or varied by the Commission, forthwith by the relevant executing authority.

(3) For the purposes of subsection (2) regarding the rejection by the President of a recommendation or direction of the Commission, any refusal or failure by the Commission to make a recommendation or give a direction is deemed to be a recommendation or direction of the Commission.

(4) An application for the rejection of a recommendation or direction contemplated in subsection (2) shall not be made to the President unless the department in question has given the Commission at least 14 days notice of its intention so to apply, and that notice shall set forth the grounds upon which the department intends to base its application.

(5) (a) The provisions of subsection (2) shall not preclude the Commission from withdrawing or varying at any time, subject to the provisions of subsections (6), (7) and (8) (b) and the provisions of section 34, any recommendation or direction regarding the employment or conditions of service of persons, even if service benefits are thereby reduced or persons deprived of service benefits.

(b) The provisions of subsection (2) shall apply *mutatis mutandis* in respect of a recommendation or direction of the Commission regarding any matter relating to persons other than those contemplated in section 8 (1), irrespective of whether the recommendation or direction relates to a particular person or not.

(6) (a) A recommendation or direction by the Commission involving expenditure from the National Revenue Fund or a Provincial Revenue Fund, shall not be carried out unless the Treasury approves the expenditure.

(b) The Treasury may, in its discretion and upon such conditions as it may determine, delegate its power to approve such expenditure, to any officer.

(7) Where a power or function of the Commission, the Department of State Expenditure, any other department, an executing authority, a head of a department or any person acting under delegated authority in terms of this Act or any other applicable law, relates to a matter of mutual interest as contemplated in section 13 (1) of the Public Service Labour Relations Act, 1993 (Act No. 102 of 1993), it, he or she shall, in respect of such a matter and in terms of the provisions of section 13 (6) of the said Act, only make a recommendation, give a direction or take a decision or amend existing provisions and measures, if any, in terms of an agreement negotiated on such a matter in the relevant chamber of the Council.

(8) Ondanks subartikel (7) —

- (a) kan die Kommissie, of 'n departement of persoon in subartikel (7) vermeld, met die geval van 'n individu handel ingevolge die bepalings van hierdie Wet of enige ander toepaslike wet deur die doen van 'n aanbeveling, die gee van 'n lasgewing of die neem van 'n besluit: Met dien verstande dat waar so 'n aanbeveling, lasgewing of besluit 'n afwyking behels van 'n ooreenkoms oor 'n aangeleentheid van onderlinge belang soos in artikel 13 (1) van die Wet op Arbeidsverhoudinge vir die Staatsdiens, 1993, bedoel, dit nie aan sodanige ooreenkoms of die kollektiewe bedingingsverhouding afbreuk mag doen of dit ongedaan mag maak nie, of die individu se besoldiging, diensvoordele of werkerkompensering mag verminder nie, of sodanige individu sy of haar besoldiging, diensvoordele of werkerkompensering mag ontnem nie, behalwe ooreenkomstig die bepalings van artikel 34 van hierdie Wet; of
- (b) kan die Kommissie of 'n departement of persoon betrokke by onderhandelinge in die kamer van die Raad op sentrale vlak, ingevolge artikel 13 (7) van die Wet op Arbeidsverhoudinge vir die Staatsdiens, 1993, die laaste aanbod wat die werkgewer oor 'n bepaalde aangeleentheid in genoemde kamer gemaak het, implementeer indien 'n dooie punt in onderhandelinge bereik is, deur ingevolge die bepalings van hierdie Wet, die Kommissiewet of enige ander toepaslike wet 'n aanbeveling te doen, 'n lasgewing te gee of 'n besluit te neem, mits sodanige aanbeveling, lasgewing of besluit nie die uitwerking het dat dit bestaande besoldiging, diensvoordele of werkerkompensering verminder nie behalwe ooreenkomstig die bepalings van artikel 34 van hierdie Wet.

Inspeksiebevoegdhede van Kommissie

6. (1) Die Kommissie kan departemente inspekteer en het insae in dié amptelike stukke en kan dié inligting by hoofde van departemente en ander beamptes en werknemers en ander persone in diens van departemente verkry wat na die oordeel van die Kommissie nodig is vir die uitoefening van die Kommissie se bevoegdhede of die uitvoering van sy werksaamhede ingevolge hierdie Wet of enige ander wet.

(2) Wanneer 'n lid of die lede van die Kommissie beoog in artikel 5 (2) (a) (i) van die Kommissiewet 'n departement ingevolge subartikel (1) van hierdie artikel inspekteer, het hy of sy of hulle vir dié doel die bevoegdhede wat by artikel 8 van daardie Wet aan die Kommissie verleen word, en by die toepassing van dié artikel ten opsigte van so 'n inspeksie word 'n verwysing daarin na die Kommissie uitgelê as 'n verwysing na die lid of lede wat die inspeksie uitvoer.

(3) Die Kommissie kan 'n beampte aangestel kragtens artikel 9 (1) van die Kommissiewet aanwys om 'n departement ingevolge subartikel (1) van hierdie artikel te inspekteer, en 'n beampte aldus aangewys, het die bevoegdhede wat by hierdie artikel aan die Kommissie verleen word.

HOOFSTUK III**ORGANISASIE EN PERSONEEL****Staatsdiens, departemente en departementshoofde**

7. (1) Die Staatsdiens ingestel by artikel 212 (1) van die Grondwet word gestruktureer en georganiseer soos in hierdie Wet bepaal.

(2) Vir die doel van die administrasie van die staatsdiens is daar nasionale departemente en provinsiale administrasies genoem in die eerste kolom van Bylae 1, asook die organisasiekomponente genoem in die eerste kolom van Bylae 2.

(8) Notwithstanding subsection (7)—

- (a) the Commission, or any department or person mentioned in subsection (7), may deal with the case of an individual in terms of the provisions of this Act or any other applicable law by making a recommendation, giving a direction or taking a decision: Provided that where such a recommendation, direction or decision constitutes a deviation from an agreement on a matter of mutual interest as contemplated in section 13 (1) of the Public Service Labour Relations Act, 1993, it shall not derogate from or annul such an agreement or the collective bargaining relationship, or reduce the individual's remuneration, service benefits or worker compensation, or deprive such individual of his or her remuneration, service benefits or worker compensation, except in accordance with the provisions of section 34 of this Act; or
- (b) the Commission or any department or person involved in negotiations within the chamber of the Council at central level may, in terms of section 13 (7) of the Public Service Labour Relations Act, 1993, implement the last offer on a specific matter made by the employer in the said chamber if a deadlock in negotiations is reached, by making a recommendation, giving a direction or taking a decision in terms of the provisions of this Act, the Commission Act or any other applicable law, provided such recommendation, direction or decision does not have the effect of reducing existing remuneration, service benefits or worker compensation, except in accordance with the provisions of section 34 of this Act.

Powers of inspection of Commission

6. (1) The Commission may inspect departments and has access to such official documents, and may obtain such information from heads of department and other officers and employees and other persons in the service of departments, as in the opinion of the Commission may be necessary for the exercise of its powers or the performance of its functions in terms of this Act or any other law.

(2) When a member or the members of the Commission contemplated in section 5 (2) (a) (i) of the Commission Act, is or are inspecting a department in terms of subsection (1) of this section, he or she has or they shall for that purpose have the powers conferred upon the Commission by section 8 of that Act, and in the application of that section in relation to such an inspection, a reference therein to the Commission shall be construed as a reference to the member or members conducting the inspection.

(3) The Commission may designate any officer appointed under section 9 (1) of the Commission Act to inspect a department in terms of subsection (1) of this section, and any officer so designated, has the powers conferred upon the Commission by this section.

CHAPTER III

ORGANISATION AND STAFF

Public service, departments and heads of departments

7. (1) The public service established by section 212 (1) of the Constitution shall be structured and organised as provided for in this Act.

(2) For the purposes of the administration of the public service there shall be national departments and provincial administrations mentioned in the first column of Schedule 1, as well as the organisational components mentioned in the first column of Schedule 2.

(3) (a) Elke departement het 'n departementshoof wat as 'n beamppte die bekleër is van die pos op die vaste diensstaat wat aangedui word met die naam genoem in die tweede kolom van Bylae 1 teenoor die naam van die betrokke departement, of die beamppte wat in daardie pos waarneem.

(b) 'n Departementshoof is verantwoordelik vir die effektiewe bestuur en administrasie van sy of haar departement, met inbegrip van die doeltreffende benutting en opleiding van personeel, die handhawing van dissipline, die bevordering van gesonde arbeidsverhoudinge en die behoorlike gebruik en versorging van Staatseiendom, en hy of sy moet die werksaamhede verrig wat voorgeskryf word.

(4) (a) 'n Organisasiekomponent genoem in die eerste kolom van Bylae 2 en die beamppte wat die pos beklee wat aangedui word met die naam genoem in die tweede kolom van Bylae 2 teenoor die naam van die betrokke organisasiekomponent, of die beamppte wat in daardie pos waarneem, word, vir die doeleindes van die toepassing van die bepalings van hierdie Wet, geag onderskeidelik 'n departement en 'n departementshoof te wees.

(b) Die bekleër van 'n pos in hierdie subartikel bedoel, is nie bloot uit hoofde van sodanige bekleding op die diensvoorwaardes van die bekleër van 'n pos in subartikel (3) bedoel, geregig nie.

(5) Die President kan, nadat die Kommissie 'n aanbeveling gedoen het, Bylae 1 of 2 by proklamasie in die *Staatskoerant* wysig, welke wysiging, indien hy of sy dit nodig ag, retrospektiewelik tot die datum van die aanbeveling van die Kommissie, mag geskied.

Samestelling van staatsdiens

8. (1) Die staatsdiens bestaan uit persone wat—

(a) poste beklee op die vaste diensstaat—

- (i) ingedeel in die A-afdeling en die B-afdeling;
- (ii) in die dienste;
- (iii) in die Nasionale Intelligensiedienste; en
- (iv) in staatsonderwysinstellings;

(b) (i) nadat hulle opgehou het om poste op die vaste diensstaat bedoel in paragraaf (a) te beklee, en wat nie afgetree het of ontslaan is nie, addisioneel tot die vaste diensstaat in diens is of wat geag word poste in 'n afdeling te bly beklee in die omstandighede in subartikel (3) (c) bedoel;

(ii) addisioneel tot die vaste diensstaat, vas aangestel word;

(c) (i) poste op die vaste diensstaat beklee, uitgesonderd poste in paragraaf (a) bedoel;

(ii) tydelik of onder 'n spesiale kontrak in 'n departement, hetsy in 'n heeltydse of deelydse hoedanigheid, addisioneel tot die vaste diensstaat of in vakante poste op die vaste diensstaat in diens is.

(2) Die A- en B-afdeling bestaan uit die poste wat die Kommissie gelas het daarby ingesluit moet word.

(3) (a) Die Kommissie kan gelas dat enige pos wat by een afdeling ingesluit is, uit daardie afdeling verwyder en by die ander afdeling ingesluit word, of dat enige pos wat by die A- of B-afdeling ingesluit is, uit albei daardie afdelings uitgesluit moet word.

(3) (a) Each department shall have a head of department who as an officer shall be the incumbent of the post on the fixed establishment bearing the designation mentioned in the second column of Schedule 1 opposite the name of the relevant department, or the officer who is acting in that post.

(b) A head of department shall be responsible for the efficient management and administration of his or her department, including the effective utilisation and training of staff, the maintenance of discipline, the promotion of sound labour relations and the proper use and care of State property, and he or she shall perform the functions that may be prescribed.

(4) (a) An organisational component mentioned in the first column of Schedule 2 and the officer who is the incumbent of the post bearing the designation mentioned in the second column of Schedule 2 opposite the name of the relevant organisational component, or the officer who is acting in that post, shall, for the purposes of the application of the provisions of this Act, be deemed to be a department and a head of department, respectively.

(b) The incumbent of a post contemplated in this subsection shall not by reason only of such incumbency be entitled to the conditions of service of the incumbent of a post referred to in subsection (3).

(5) The President may, after the Commission has made a recommendation, amend Schedule 1 or 2 by proclamation in the *Gazette*, and which amendment, if he or she deems it necessary, may be effected retrospectively to the date of the recommendation of the Commission.

Composition of public service

8. (1) The public service shall consist of persons who—

(a) hold posts on the fixed establishment—

- (i) classified in the A division and the B division;
- (ii) in the services;
- (iii) in the National Intelligence Services; and
- (iv) in state educational institutions;

(b) (i) having ceased to hold posts on the fixed establishment contemplated in paragraph (a), and not having retired or having been discharged, are employed additional to the fixed establishment or who are deemed to continue to hold posts under the circumstances contemplated in subsection (3) (c);

(ii) are appointed permanently additional to the fixed establishment;

(c) (i) hold posts on the fixed establishment other than posts referred to in paragraph (a);

(ii) are employed temporarily or under a special contract in a department, whether in a full-time or part-time capacity, additional to the fixed establishment or in vacant posts on the fixed establishment.

(2) The A and B divisions shall consist of such posts as the Commission may direct to be included therein.

(3) (a) The Commission may direct that any post included in one division shall be removed from that division and be included in the other division, or that any post included in the A or B division shall be excluded from both those divisions.

(b) 'n Lasgewing kragtens hierdie subartikel mag nie 'n beampte enige verlof- of ander voorgeskrewe voorreg of reg wat sy of haar bekleding van 'n pos in een van genoemde afdelings meegebring het, ontnem nie.

(c) 'n Beampte wie se pos uit albei voornoemde afdelings uitgesluit is, word by die toepassing van hierdie Wet en die Regeringsdienspensioenwet, 1973 (Wet No. 57 van 1973), geag 'n pos te bly beklee in die afdeling waarin sy of haar pos ingesluit was onmiddellik voor die lasgewing waarby sodanige uitsluiting bewerkstellig is, van krag geword het.

HOOFSTUK IV

AANSTELLING, BEVORDERING EN OORPLASING

Bevoegdheids van uitvoeringsgesag

9. (1) Sonder om afbreuk te doen aan die werksaamhede van die Kommissie ingevolge hierdie Wet, moet die aanstelling van 'n persoon of die bevordering of oorplasing van 'n beampte of werknemer in die diens van 'n nasionale departement of provinsiale administrasie gedoen word deur die betrokke uitvoeringsgesag of deur 'n beampte of beamptes aan wie sodanige gesag, sy of haar bevoegdheid betreffende aanstelling, bevordering of oorplasing, gedelegeer het.

(2) Behoudens die bepalings van hierdie Hoofstuk moet aanstellings en bevorderings in, en oorplasing in of na, die staatsdiens gedoen word op die wyse en voorwaardes, met inbegrip van voorwaardes betreffende die kennis van die amptelike en ander tale, wat voorgeskryf word, of wat, vir sover hulle nie voorgeskryf is nie, deur die Kommissie gelas word.

Kwalifikasies vir aanstelling

10. (1) Niemand mag vas aangestel of kragtens artikel 15 (1) oorgeplaas en vas aangestel word, hetsy op proef al dan nie, in 'n pos in die A- of B-afdeling nie tensy hy of sy—

- (a) 'n Suid-Afrikaanse burger is;
- (b) van goeie karakter is; en
- (c) vir sover dit sy of haar gesondheidstoestand betref, voldoen aan die vereistes deur die Kommissie kragtens artikel 3 (4) (b) gelas.

(2) Ondanks die bepalings van subartikel (1) (c) kan iemand op proef aangestel word, maar sy of haar aanstelling mag nie bekragtig word nie tensy hy of sy voldoen aan die vereistes in daardie paragraaf beoog.

Aanstellings en vulling van poste

11. (1) By die doen van 'n aanstelling of die vulling van 'n pos in die staatsdiens—

- (a) mag niemand wat vir die betrokke aanstelling, oorplasing of bevordering kwalifiseer, begunstig of benadeel word nie;
- (b) mag slegs die kwalifikasies, vlak van opleiding, meriete, bekwaamheid en geskiktheid van die persone wat vir die betrokke aanstelling, bevordering of oorplasing kwalifiseer, en die voorwaardes wat bepaal of voorgeskryf word of deur die Kommissie gelas of aanbeveel word vir die doen van die aanstelling of die vulling van die pos, in ag geneem word.

(b) A direction under this subsection shall not deprive any officer of any leave or other prescribed privilege or right which arose from the occupancy by him or her of a post in one of the said divisions.

(c) Any officer whose post has been excluded from both the divisions aforementioned shall, for the purposes of this Act and the Government Service Pensions Act, 1973 (Act No. 57 of 1973), be deemed to continue to hold a post in the division in which his or her post was included immediately before the direction whereby such exclusion was effected came into force.

CHAPTER IV

APPOINTMENT, PROMOTION AND TRANSFER

Powers of executing authority

9. (1) Without derogating from the functions of the Commission in terms of this Act, the appointment of any person or the promotion or transfer of any officer or employee in the employ of a national department or provincial administration shall be made by the relevant executing authority or by an officer or officers to whom such authority has delegated his or her power of appointment, promotion or transfer.

(2) Subject to the provisions of this Chapter, appointments and promotions in, and transfers in or to, the public service shall be made in such manner and on such conditions, including conditions regarding the knowledge of official and other languages, as may be prescribed, or, in so far as they are not prescribed, as may be directed by the Commission.

Qualifications for appointment

10. (1) No person shall be appointed permanently or be transferred and appointed permanently under section 15 (1), whether on probation or not, to any post in the A or B division unless he or she—

- (a) is a South African citizen;
- (b) is of good character; and
- (c) in so far as his or her condition of health is concerned, complies with such requirements as may be directed by the Commission under section 3 (4) (b).

(2) Notwithstanding the provisions of subsection (1) (c), a person may be appointed on probation, but his or her appointment shall not be confirmed unless he or she complies with the requirements contemplated in that paragraph.

Appointments and filling of posts

11. (1) In the making of any appointment or the filling of any post in the public service—

- (a) no person who qualifies for the appointment, transfer or promotion concerned shall be favoured or prejudiced;
- (b) only the qualifications, level of training, merit, efficiency and suitability of the persons who qualify for the appointment, promotion or transfer in question, and such conditions as may be determined or prescribed or as may be directed or recommended by the Commission for the making of the appointment or the filling of the post, shall be taken into account.

(2) Vir die vulling van 'n pos in die A-afdeling, moet die Kommissie, behoudens die bepalings van subartikel (1)—

- (a) óf die oorplasing of bevordering van 'n beampte aanbeveel;
- (b) óf, indien die pos nie op bevredigende wyse deur so 'n oorplasing of bevordering gevul kan word nie, die aanstelling van 'n persoon wat nie 'n beampte is nie, aanbeveel.

Aanstelling van departementshoofde

12. (1) Behoudens die bepalings van hierdie Hoofstuk en van Hoofstukke V en VI—

- (a) moet—
 - (i) 'n persoon wat as beampte in die amp van 'n departementshoof aangestel word;
 - (ii) 'n beampte wat tot of na daardie amp bevorder of oorgeplaas word; of
 - (iii) 'n beampte wat by die inwerkingtreding van hierdie Wet daardie amp vir 'n vaste termyn beklee kragtens 'n wet deur hierdie Wet herroep,

in die geval van 'n persoon bedoel in subparagraaf (i) of (ii), dié amp vir 'n tydperk van vyf jaar of die korter tydperk wat die betrokke uitvoeringsgesag, behoudens die bepalings van subartikel (3), goedkeur, beklee vanaf die datum van sy of haar aanstelling, bevordering of oorplasing, en, in die geval van 'n persoon bedoel in subparagraaf (iii), die amp vir die onverstreke gedeelte van die termyn waarvoor hy of sy as departementshoof ingevolge die betrokke herroepe wet aangestel is, beklee;

- (b) moet 'n beampte wat uit die amp van departementshoof in paragraaf (a) bedoel na 'n ander amp van departementshoof bevorder of oorgeplaas word, laasbedoelde amp beklee vir die onverstreke gedeelte van die termyn wat ingevolge paragraaf (a), of enige verlengde termyn wat ingevolge paragraaf (c), ten opsigte van eersbedoelde amp op hom of haar van toepassing is;
- (c) kan 'n beampte se ampstermyn as departementshoof soos in paragraaf (a) of (b) bepaal, by die verstryking daarvan verleng word met 'n tydperk of agtereenvolgende tydperke van hoogstens vyf jaar, soos die betrokke uitvoeringsgesag goedkeur, behoudens die bepalings van subartikel (2).

(2) (a) Die betrokke uitvoeringsgesag moet die betrokke beampte minstens twee kalendermaande voor die verstryking van die termyn bedoel in paragraaf (a) of (b) van subartikel (1) of enige voorheen verlengde termyn bedoel in paragraaf (c) van daardie subartikel bedoel, skriftelik mededeel of hy of sy van voornemens is om sodanige beampte vir 'n verlengde termyn in diens te hou, al dan nie.

(b) Indien die betrokke beampte aldus meegedeel word van sodanige voorneme om hom of haar vir 'n verlengde termyn in diens te hou, moet hy of sy binne een kalendermaand na die datum van dié mededeling, die betrokke uitvoeringsgesag skriftelik van sy of haar aanvaarding, al dan nie, van sodanige verlengde indienshouding verwittig.

(c) Indien die betrokke beampte die betrokke uitvoeringsgesag aldus mededeel dat hy of sy verlengde indienshouding aanvaar, word sy of haar ampstermyn as departementshoof verleng met die verdere tydperk soos met sodanige uitvoeringsgesag ooreengekom.

(2) For the filling of any post in the A division, the Commission shall, subject to the provisions of subsection (1), recommend either—

- (a) the transfer or promotion of an officer; or
- (b) if the post cannot satisfactorily be filled by such a transfer or promotion, the appointment of a person who is not an officer.

Appointment of heads of department

12. (1) Subject to the provisions of this Chapter and of Chapters V and VI—

- (a)
 - (i) a person who is appointed as an officer in the office of head of department;
 - (ii) an officer who is promoted or transferred to that office; or
 - (iii) an officer who, at the commencement of this Act, occupies such an office for a fixed term under a law repealed by this Act,

shall in the case of a person referred to in subparagraph (i) or (ii), occupy that office for a period of five years, or such shorter period as the relevant executing authority may, subject to the provisions of subsection (3), approve from the date of his or her appointment, promotion or transfer, and, in the case of a person referred in subparagraph (iii), occupy that office for the unexpired portion of the term for which he or she was appointed as head of department in terms of the relevant repealed law;

(b) an officer who is promoted or transferred from the office of head of department referred to in paragraph (a) to another office of head of department, shall occupy the latter office for the remainder of the term of office which applies to him or her in regard to the first-mentioned office in terms of paragraph (a), or the remainder of any extended term in terms of paragraph (c);

(c) an officer's term of office as head of department as provided in paragraph (a) or (b) may be extended at the expiry thereof for a period or successive periods not exceeding five years, as the relevant executing authority may approve, subject to the provisions of subsection (2).

(2) (a) The relevant executing authority shall in writing inform the officer concerned at least two calendar months before the expiry of the terms contemplated in paragraph (a) or (b) of subsection (1) or any previously extended term contemplated in paragraph (c) of that subsection, whether he or she proposes to retain such officer in service for an extended term, or not.

(b) If the officer concerned is so informed of such intention to retain him or her in service for an extended term, he or she shall in writing inform the relevant executing authority, within one calendar month from the date of that communication, of his or her acceptance or not of such extended employment.

(c) If the officer concerned so informs the relevant executing authority of his or her acceptance of extended employment, his or her term of office as head of department shall be extended by the further period as have been agreed to with such executing authority.

(3) Voordat 'n uitvoeringsgesag 'n korter tydperk bedoel in subartikel (1) (a) goedkeur ten opsigte van 'n beampte wat nie 'n lid van die dienste of die Nasionale Intelligensiedienste is nie of 'n mededeling ingevolge subartikel (2) (a) aan so 'n beampte rig, moet die Kommissie 'n aanbeveling doen.

Aanstelling, oorplasing en bevordering op proef

13. (1) Die aanstelling van 'n persoon en die oorplasing en bevordering van 'n beampte in die A- of B-afdeling moet op proef geskied—

(a) tensy, in die geval van 'n aanstelling in—

- (i) die A-afdeling, die Kommissie anders aanbeveel; of
- (ii) die B-afdeling, die persoon wat die bevoegdheid het om so 'n aanstelling goed te keur, anders gelas; of

(b) indien, in die geval van 'n bevordering of 'n oorplasing in—

- (i) die A-afdeling, die Kommissie aldus aanbeveel; of
- (ii) die B-afdeling, die persoon wat die bevoegdheid het om so 'n oorplasing of bevordering goed te keur, dit gelas.

(2) (a) Behoudens paragrawe (b) en (c) van hierdie subartikel en die bepalings van subartikel (4), moet die proeftyd aldus aanbeveel of gelas minstens 12 kalendermaande wees.

(b) Indien 'n beampte wat diens of proef doen, na 'n ander pos oorgeplaas of bevorder word, kan 'n korter dienstydsperk op proef in die nuwe pos aanbeveel of gelas word wat, saam met die proeftyd in diens in die vorige pos, minstens 12 kalendermaande moet wees.

(c) Die proeftyd van 'n beampte moet verleng word met die getal dae verlof wat hy of sy gedurende die proeftyd of enige verlenging daarvan geneem het.

(3) Indien die hoof van die kantoor, tak, subdepartement, inrigting of departement sertifiseer dat die betrokke beampte gedurende die proeftyd of verlengde proeftyd ywerig en sy of haar gedrag deurgaans bevredigend was, en dat hy of sy in alle opsigte geskik is vir die pos wat hy of sy beklee, en indien die beampte voldoen het aan al die voorwaardes waaraan sy of haar aanstelling, oorplasing of bevordering onderworpe was, kan die persoon wat die bevoegdheid het om die betrokke aanstelling, oorplasing of bevordering te doen, die aanstelling, oorplasing of bevordering bekragtig, maar indien die aanstelling, oorplasing of bevordering op proef nie aldus bekragtig word nie—

(a) moet die departementshoof, in die geval van 'n beampte in diens in die A-afdeling, die redes vir die nie-bekragtiging aan die Kommissie rapporteer wat, behoudens die bepalings van subartikel (6), dié aanbeveling oor die aangeleentheid doen wat hy goeddink;

(b) kan die persoon wat die bevoegdheid het om die betrokke aanstelling, oorplasing of bevordering te doen, in die geval van 'n beampte in diens in die B-afdeling, die proeftyd verleng of ooreenkomstig die bepalings van subartikel (5) optree.

(4) Indien die aanstelling of bevordering van 'n beampte op proef geskied en die enigste voorwaarde van so 'n aanstelling of bevordering is dat die beampte moet voldoen aan die opleidingsvereistes wat deur die Kommissie gelas is, word sodanige aanstelling, ondanks die bepalings van subartikel (2), of daardie bevordering, ondanks enige andersluidende bepalings van hierdie Wet, geag bekragtig te wees met ingang van die dag wat onmiddellik volg op die datum waarop daardie beampte aan daardie vereistes voldoen het.

(3) Before an executing authority approves a shorter period contemplated in subsection (1) (a) in respect of an officer who is not a member of the services or the National Intelligence Services, or communicates with such an officer in terms of subsection (2) (a), the Commission shall make a recommendation.

Appointment, transfer and promotion on probation

13. (1) The appointment of a person and the transfer and promotion of an officer in the A or B division shall be made on probation—

- (a) unless, in the case of an appointment in—
 - (i) the A division, the Commission recommends otherwise; or
 - (ii) the B division, the person having the power to approve such an appointment, directs otherwise; or
- (b) if, in the case of a promotion or transfer in—
 - (i) the A division, the Commission so recommends; or
 - (ii) the B division, the person having the power to approve such a transfer or promotion, so directs.

(2) (a) Subject to paragraphs (b) and (c) of this subsection and the provisions of subsection (4), the period of probation so recommended or directed shall not be less than 12 calendar months.

(b) If an officer who is serving on probation is transferred or promoted to another post, a lesser period of service on probation may be recommended or directed in the new post, which together with the period of probation served in the former post, shall total at least 12 calendar months.

(c) The period of probation of an officer shall be extended by the number of days leave taken by him or her during the period of probation or any extension thereof.

(3) If the head of the office, branch, subdepartment, institution or department certifies that during the period of probation or extended period of probation, the officer concerned has been diligent and his or her conduct is uniformly satisfactory and that he or she is in all respects suitable for the post which he or she holds, and if the officer has complied with all the conditions to which his or her appointment, transfer or promotion was subject, the person having the power to make the appointment, transfer or promotion concerned, may confirm that appointment, transfer or promotion, but if the probationary appointment, transfer or promotion is not so confirmed—

- (a) the head of department shall, in the case of an officer serving in the A division, report the reasons for the non-confirmation to the Commission, which shall, subject to the provisions of subsection (6), make such recommendation regarding the matter as it may deem fit;
- (b) the person having the power to make the appointment, transfer or promotion concerned may, in the case of an officer serving in the B division, extend the period of probation or act in accordance with the provisions of subsection (5).

(4) If the appointment or promotion of an officer is made on probation and the only condition of such an appointment or promotion is that the officer shall comply with the training requirements directed by the Commission, such appointment shall, notwithstanding the provisions of subsection (2), or such promotion shall, notwithstanding provisions to the contrary in this Act, be deemed to have been confirmed with effect from the day immediately succeeding the date upon which that officer complied with those requirements.

(5) (a) Ondanks enige andersluidende bepalings van subartikel (2) of van Hoofstuk VI, maar behoudens die bepalings van paragraaf (b) en subartikel (6), kan 'n beampte wat op proef in diens is, deur die persoon wat die bevoegdheid van ontslag het, uit die staatsdiens ontslaan word, hetsy gedurende of by of na verstryking van die proeftyd—

- (i) deur skriftelik een maand kennis aan sodanige beampte te gee; of
- (ii) onverwyld, indien sy of haar gedrag of werkverrigting onbevredigend is.

(b) Voordat 'n beampte wat in die A-afdeling in diens is, aldus ontslaan word, moet die Kommissie eers 'n aanbeveling doen.

(6) (a) Ondanks andersluidende bepalings van artikels 14 en 34, maar behoudens die bepalings van paragraaf (b), moet 'n persoon wie se oorplasing of bevordering of proef nie bekragtig word nie en wat onmiddellik voor daardie oorplasing of bevordering op proef 'n beampte was, uitgesonderd 'n beampte op proef, oorgeplaas word na die pos wat hy of sy vantevore beklee het, of na 'n pos van gelyke gradering, en ontvang die salaris wat hy of sy in bedoelde vorige pos sou ontvang het as hy of sy nie op proef oorgeplaas of bevorder was nie.

(b) In die geval van die oorplasing van 'n beampte in diens in die A-afdeling, moet die Kommissie eers 'n aanbeveling doen.

Oorplasing in staatsdiens

14. (1) Behoudens die bepalings van hierdie Wet kan elke beampte of werknemer, wanneer die openbare belang dit vereis, oorgeplaas word uit die pos of betrekking wat hy of sy beklee na enige ander pos of betrekking in dieselfde of enige ander departement, ongeag of so 'n pos of betrekking in 'n ander afdeling is, of van 'n laer of hoër graad is, of binne of buite die Republiek is.

(2) (a) Die oorplasing van 'n beampte of werknemer uit een pos of betrekking na 'n ander pos of betrekking kan, behoudens paragrawe (b), (c) en (d) van hierdie subartikel en subartikel (3) (d), op gesag van die persoon wat die bevoegdheid het om oor te plaas, gedoen word.

(b) In die geval van 'n oorplasing van een departement na 'n ander departement moet die goedkeuring van die persone wat ten opsigte van elk van daardie departemente die bevoegdheid het om oor te plaas, vooraf verkry word.

(c) Die bepalings van hierdie subartikel word nie uitgelê nie as sou dit die Kommissie belet om—

- (i) die oorplasing van 'n beampte uit een pos na 'n ander pos in die A-afdeling aan te beveel; of
- (ii) aan te beveel dat 'n beampte uitgesonderd 'n lid van die dienste of 'n opvoeder of 'n lid van die Nasionale Intelligensiedienste, wat die amp van departementshoof beklee gedurende of by verstryking van die termyn in artikel 12 (1) (a) of (b) bedoel, of enige verlengde termyn in artikel 12 (1) (c) bedoel, op die voorwaardes wat die Kommissie aanbeveel, na 'n pos oorgeplaas word waarop die bepalings van artikel 12 nie van toepassing is nie.

(d) In die geval van 'n oorplasing van 'n beampte of werknemer vanaf 'n nasionale departement na 'n provinsiale administrasie of vanaf 'n provinsiale administrasie na 'n nasionale departement of vanaf een provinsiale administrasie na 'n ander, is sodanige oorplasing onderworpe aan 'n aanbeveling deur die Kommissie benewens 'n aanbeveling deur 'n betrokke provinsiale dienskommissie gedoen.

(5) (a) Notwithstanding anything to the contrary contained in subsection (2) or in Chapter VI, but subject to the provisions of paragraph (b) and subsection (6), an officer who is serving on probation may be discharged from the public service by the person having the power of discharge, either during or at or after the expiry of the period of probation—

- (i) by the giving of one month's written notice to such officer; or
- (ii) forthwith, if his or her conduct or performance is unsatisfactory.

(b) Before an officer serving in the A division is so discharged, the Commission shall first make a recommendation.

(6) (a) Notwithstanding anything to the contrary contained in sections 14 and 34, but subject to the provisions of paragraph (b), a person whose transfer or promotion on probation is not confirmed and who immediately prior to that transfer or promotion on probation was an officer, other than an officer on probation, shall be transferred to the post formerly held by him or her, or to a post of equivalent grading, and shall receive such salary as he or she would have received in the said former post if he or she had not been transferred or promoted on probation.

(b) In the case of the transfer of an officer serving in the A division, the Commission shall first make a recommendation.

Transfers within public service

14. (1) Subject to the provisions of this Act, every officer or employee may, when the public interest so requires, be transferred from the post or position occupied by him or her to any other post or position in the same or any other department, irrespective of whether such a post or position is in another division, or is of a lower or higher grade, or is within or outside the Republic.

(2) (a) The transfer of an officer or employee from one post or position to another post or position may, subject to paragraphs (b), (c) and (d) of this subsection and subsection (3) (d), be made on the authority of the person having the power to transfer.

(b) In the case of a transfer from one department to another department the approval of the persons who in respect of each of those departments have the power to transfer, shall first be obtained.

(c) The provisions of this subsection shall not be construed as precluding the Commission from—

- (i) recommending the transfer of an officer from one post to another post in the A division; or
- (ii) recommending that an officer, other than a member of the services or an educator or a member of the National Intelligence Services, who occupies the office of head of department be transferred to a post to which the provisions of section 12 do not apply during or at the expiry of the term contemplated in section 12 (1) (a) or (b), or of any extended term contemplated in section 12 (1) (c), on such conditions as the Commission may recommend.

(d) In the case of a transfer of an officer or employee from a national department to a provincial administration or from a provincial administration to a national department or from one provincial administration to another provincial administration, such a transfer shall be subject to a recommendation by the Commission in addition to any recommendation made by a relevant provincial service commission.

(3) 'n Beampte—

- (a) se salaris of salarisskaal mag nie sonder sy of haar instemming by oorplasing verlaag word nie, behalwe in ooreenstemming met die bepalings van Hoofstuk VI en artikel 38;
- (b) wat oorgeplaas is na of in diens is in 'n pos van 'n laer of hoër graad as sy of haar eie graad sonder 'n verandering in sy of haar salarisskaal, se oorplasing na 'n geskikte vakante pos waarby sy of haar salarisskaal pas, moet deur die Kommissie aanbeveel word;
- (c) wat oorgeplaas is na of in diens is in 'n pos wat hoër as sy of haar eie graad gegradeer is, of wat hergradeer is na, of omgeskep is in, 'n pos van 'n hoër graad as sy of haar eie graad, is nie bloot uit hoofde van die oorplasing of diens op die hoër salarisskaal wat op die pos van toepassing is, geregtig nie;
- (d) mag nie uit een pos oorgeplaas word na 'n ander pos wat van 'n hoër of laer graad as sy of haar eie graad is of 'n ander benaming het nie, tensy die Kommissie die oorplasing aanbeveel het, behalwe waar elkeen van die twee betrokke poste in die dienste of in die B-afdeling is;
- (e) wat 'n pos in die A- of B-afdeling beklee, mag nie sonder sy of haar instemming na 'n pos in 'n tak van die dienste of in die Nasionale Intelligensiedienste oorgeplaas word nie.

(4) 'n Lid van enigeen van die drie takke van die dienste mag nie sonder sy of haar instemming na 'n pos in 'n ander van daardie takke of na pos in die A- of B-afdeling oorgeplaas word nie, en 'n lid van die Nasionale Intelligensiedienste mag, behoudens die bepalings van 'n wet wat die diens van so 'n lid reël, nie sonder sy of haar instemming na 'n pos in so 'n afdeling oorgeplaas word nie.

Oorplasing en afstaan van amptenare

15. (1) 'n Persoon wat 'n pensioengewende betrekking beklee in 'n departement kragtens 'n ander wet as hierdie Wet, of 'n instelling wat by 'n Parlements wet ingestel is en wat sy fondse regstreeks in die geheel of gedeeltelik uit die Nasionale Inkomstefonds verkry, kan op aanbeveling van die Kommissie oorgeplaas word na en aangestel word in 'n pos in die A- of B-afdeling.

(2) 'n Persoon in diens van 'n departement kragtens 'n ander wet as hierdie Wet, of in diens van 'n ander regering, of van 'n raad, inrigting of liggaam wat by of kragtens die een of ander wet ingestel is, of van 'n ander liggaam of persoon, kan op aanbeveling van die Kommissie deur 'n ander departement of 'n departement, na gelang van die geval, in diens geneem word vir 'n besondere diens of vir 'n bepaalde tydperk en op dié voorwaardes, uitgesonderd voorwaardes wat by of kragtens 'n pensioenwet bepaal word, wat die Kommissie na oorleg met die betrokke persoon se werkgever aanbeveel en die Tesourie goedkeur.

(3) (a) 'n Beampte of werknemer kan met sy of haar instemming en op aanbeveling van die Kommissie vir 'n besondere diens of vir 'n bepaalde tydperk en op dié voorwaardes, benewens dié wat by of kragtens die een of ander wet voorgeskryf word, wat die Kommissie na oorleg met die Tesourie aanbeveel, tot die beskikking gestel word van 'n ander regering, of van 'n raad, inrigting of liggaam wat by of kragtens die een of ander wet ingestel is, of van 'n ander liggaam of persoon.

(b) So 'n beampte of werknemer bly terwyl hy of sy aldus ter beskikking gestel is onderworpe aan die wette wat op beamptes en werknemers in die staatsdiens van toepassing is.

- (3) An officer—
- (a) shall not upon transfer suffer any reduction in his or her salary or scale of salary without his or her consent, except in accordance with the provisions of Chapter VI and section 38;
 - (b) who has been transferred to or is employed in a post of a lower or higher grade than his or her own grade without a change in his or her scale of salary, shall be recommended by the Commission for transfer to a post to which his or her scale of salary is appropriate;
 - (c) who has been transferred to or who is employed in a post which is graded higher than his or her own grade, or which is regraded or converted to a post of a higher grade than his or her own grade, shall not by reason only of that transfer or employment be entitled to the higher scale of salary applicable to the post;
 - (d) shall not be transferred from one post to another post which is of a higher or lower grade than his or her own grade or bears a different designation, unless the Commission has recommended the transfer, except where each of the two posts concerned is in the services or in the B division;
 - (e) holding a post in the A or B division shall not without his or her consent be transferred to a post in any branch of the services or in the National Intelligence Services.

(4) A member of any of the three branches of the services shall not without his or her consent be transferred to a post in any other of those branches or to a post in the A or B division, and a member of the National Intelligence Services shall not, subject to the provisions of any law regulating the service of such a member, without his or her consent be transferred to a post in such a division.

Transfer and secondment of officials

15. (1) A person holding a pensionable appointment in a department under any law other than this Act, or an institution established by an Act of Parliament and which obtains its funds directly in whole or in part from the National Revenue Fund, may on the recommendation of the Commission be transferred to and appointed in a post in the A or B division.

(2) A person in the service of a department under any law other than this Act, or in the service of another government, or of a council, institution or body established by or under any law, or of any other body or person, may on the recommendation of the Commission be employed by another department or a department, as the case may be, for a particular service or for a stated period and on such conditions, other than conditions laid down by or under any pensions law, as may be recommended by the Commission after consultation with the employer of the person concerned and approved by the Treasury.

(3) (a) An officer or employee may with his or her consent and on the recommendation of the Commission and on such conditions, in addition to those prescribed by or under any law, as may be recommended by the Commission after consultation with the Treasury, be placed at the disposal of another government, or of a council, institution or body established by or under any law, or of any other body or person, for a particular service or for a stated period.

(b) Such an officer or employee remains subject to the laws applicable to officers and employees in the public service while so placed at such disposal.

(4) (a) 'n Persoon (in hierdie paragraaf die amptenaar genoem) in diens van 'n departement kragtens 'n ander wet as hierdie Wet, of van 'n ander regering, of van 'n raad, inrigting of liggaam wat by of kragtens die een of ander wet ingestel is, of van 'n ander liggaam of persoon, kan op aanbeveling van die Kommissie deur 'n ander departement of 'n departement, na gelang van die geval, in diens geneem word vir 'n bepaalde tydperk en op dié voorwaardes, uitgesonderd voorwaardes wat by of kragtens 'n pensioenwet bepaal word, wat die Kommissie na oorleg met die amptenaar se werk-gewer aanbeveel en die Tesourie goedkeur, en in so 'n geval kan, op aanbeveling van die Kommissie en op dié voorwaardes, benewens dié wat by of kragtens die een of ander wet voorgeskryf word, wat die Kommissie na oorleg met die Tesourie aanbeveel, 'n beampte of werknemer met sy of haar instemming en ingevolge 'n ooreenkoms tussen die departement waarin hy of sy in diens is en die amptenaar se werk-gewer op 'n uitruilgrondslag vir dieselfde tydperk tot die beskikking van die amptenaar se werk-gewer gestel word.

(b) So 'n beampte of werknemer bly, terwyl hy of sy aldus ter beskikking gestel is, onderworpe aan die wette wat op beamptes en werknemers in die staatsdiens van toepassing is.

HOOFSTUK V

DIENSEINDIGING

Aftreding en indienshouding

16. (1) (a) Behoudens die bepalings van hierdie artikel het 'n beampte, uitgesonderd 'n lid van die dienste of 'n opvoeder of 'n lid van die Nasionale Intelligensiedienste, die reg om uit die staatsdiens af te tree, en word hy of sy aldus verplig om af te tree op die datum waarop hy of sy die leeftyd van 65 jaar bereik.

(b) Indien so 'n beampte genoemde leeftyd na die eerste dag van 'n maand bereik, word hy of sy geag dit op die eerste dag van die eersvolgende maand te bereik het.

(2) (a) Ondanks die bepalings van subartikel (1) het 'n beampte of werknemer, uitgesonderd 'n lid van die dienste of 'n opvoeder of 'n lid van die Nasionale Intelligensiedienste, wat met ingang van 'n datum voor 1 Oktober 1993 ingevolge 'n wet herroep deur hierdie Wet in diens was, die reg om ooreenkomstig artikel 212 (7) (b) van die Grondwet af te tree uit die staatsdiens op of te eniger tyd na die aftree-ouderdom van toepassing op hom of haar soos op 1 Oktober 1993, en daardie aftree-ouderdom mag nie sonder sy of haar medewete verander word nie.

(b) 'n Beampte wat die reg op 'n vroeë aftree-ouderdom het ingevolge paragraaf (a) en wat kies om so verplig te word om af te tree, gee skriftelik kennis aan sy of haar departementshoof van sy of haar begeerte om so verplig te word om af te tree, en hy of sy word—

- (i) indien daardie kennis gegee word minstens drie kalendermaande voor die datum waarop hy of sy die aftree-ouderdom van toepassing op hom of haar ingevolge paragraaf (a) bereik, aldus verplig om af te tree op die datum waarop hy of sy daardie leeftyd bereik of, indien hy of sy dit na die eerste dag van 'n maand bereik, op die eerste dag van die eersvolgende maand; of
- (ii) indien daardie kennis nie minstens drie kalendermaande voor die datum waarop hy of sy genoemde leeftyd bereik, gegee word nie, aldus verplig om af te tree op die eerste dag van die vierde maand na die maand waarin die kennisgewing ontvang word.

(4) (a) A person (in this paragraph referred to as the official) in the service of a department under any law other than this Act, or of another government, or of a council, institution or body established by or under any law, or of any other body or person, may, on the recommendation of the Commission, be employed by another department or a department, as the case may be, for a stated period and on such conditions, other than conditions laid down by or under any pensions law, as may be recommended by the Commission after consultation with the employer of the official and approved by the Treasury, and in such a case, on the recommendation of the Commission and on such conditions, in addition to those laid down by or under any law, as may be recommended by the Commission after consultation with the Treasury, an officer or employee may with his or her consent and in terms of an agreement between the department in which he or she is employed and the employer of the official be placed at the disposal of the employer of the official for the same period on an exchange basis.

(b) Such an officer or employee remains subject to the laws applicable to officers and employees in the public service while so placed at such disposal.

CHAPTER V

TERMINATION OF SERVICE

Retirement and retention of services

16. (1) (a) Subject to the provisions of this section, an officer, other than a member of the services or an educator or a member of the National Intelligence Services, shall have the right to retire from the public service, and shall be so retired, on the date when he or she attains the age of 65 years.

(b) If such an officer attains the said age after the first day of a month, he or she shall be deemed to have attained it on the first day of the following month.

(2) (a) Notwithstanding the provisions of subsection (1), an officer or employee, other than a member of the services or an educator or a member of the National Intelligence Services, who is in employment with effect from a date prior to 1 October 1993 in terms of a law repealed by this Act, shall, in accordance with section 212 (7) (b) of the Constitution, have the right to retire from the public service at or at any time after the retirement age applicable to him or her as at 1 October 1993, and that retirement age shall not be changed without his or her consent.

(b) An officer who has the right to an earlier retirement age in terms of paragraph (a), and who wishes to be so retired, shall give written notification to his or her head of department of his or her wish to be so retired, and he or she shall—

(i) if that notification is given at least three calendar months prior to the date on which he or she attains the retirement age applicable to him or her in terms of paragraph (a), be so retired on the date on which he or she attains that age or, if he or she attains it after the first day of a month, on the first day of the following month; or

(ii) if that notification is not given at least three calendar months prior to the date on which he or she attains the said age, be so retired on the first day of the fourth month after the month in which the notification is received.

(c) (i) In die geval van 'n beampte wat die amp van departementshoof beklee, moet hy of sy minstens ses kalendermaande voor die datum waarop hy of sy genoemde leeftyd bereik, kennis gee van sy of haar begeerte om verplig te word om uit die staatsdiens af te tree, en indien hy of sy aldus kennis gegee het, geld die bepalings van paragraaf (b) (i) *mutatis mutandis*.

(ii) Indien so 'n beampte nie minstens ses kalendermaande voor die datum waarop hy of sy genoemde leeftyd bereik, aldus kennis gee nie, word hy of sy aldus verplig om af te tree op die eerste dag van die sewende maand na die maand waarin die kennisgewing ontvang word.

(3) (a) Behoudens die bepalings van hierdie artikel, artikel 12 (2) (a) en artikel 14, het 'n beampte wat die amp van departementshoof beklee die reg om uit die staatsdiens af te tree en word hy of sy aldus verplig om af te tree by verstryking van die termyn in artikel 12 (1) (a) of (b) bedoel, of van enige verlengde termyn in artikel 12 (1) (c) bedoel, na gelang van die geval.

(b) Indien 'n beampte ingevolge paragraaf (a) aftree of verplig word om af te tree, word hy of sy geag ingevolge artikel 17 (2) (b) uit die staatsdiens ontslaan te wees.

(4) 'n Beampte, uitgesonderd 'n lid van die dienste of 'n opvoeder of 'n lid van die Nasionale Intelligensiedienste wat die leeftyd van 60 jaar bereik het, mag, onderworpe in elke geval aan die aanbeveling van die Kommissie en die goedkeuring van die betrokke uitvoeringsgesag verplig word om uit die staatsdiens af te tree.

(5) (a) 'n Uitvoeringsgesag kan, op versoek van 'n beampte wat die amp van departementshoof beklee en, indien die beampte nie 'n lid van die dienste of 'n opvoeder of 'n lid van die Nasionale Intelligensiedienste is nie, onderworpe aan 'n aanbeveling van die Kommissie, hom of haar toelaat om voor die verstryking van die termyn in artikel 12 (1) (a) of (b) bedoel, of enige verlengde termyn in artikel 12 (1) (c) bedoel, en ondanks die afwesigheid van enige rede vir ontslag ingevolge artikel 17 (2), uit die staatsdiens af te tree indien daar 'n rede bestaan wat sodanige gesag voldoende ag.

(b) As 'n beampte toegelaat word om ingevolge paragraaf (a) uit die staatsdiens af te tree, word hy of sy, ondanks andersluidende bepalings van subartikel (4), geag ingevolge daardie subartikel uit die staatsdiens af te getree het, en is hy of sy geregtig op die pensioen waarop hy of sy geregtig sou gewees het indien hy of sy ingevolge daardie subartikel uit die staatsdiens afgetree het.

(6) (a) 'n Uitvoeringsgesag kan, op versoek van 'n beampte en onderworpe aan 'n aanbeveling van die Kommissie, hom toelaat om, ondanks die afwesigheid van enige rede vir ontslag ingevolge artikel 17 (2), uit die staatsdiens af te tree indien daar na die oordeel van sodanige gesag 'n voldoende rede daarvoor bestaan en die aftrede tot voordeel van die Staat sal strek.

(b) Die bepalings van subartikel (5) (b) is *mutatis mutandis* van toepassing op 'n beampte wat ingevolge paragraaf (a) toegelaat word om uit die staatsdiens te tree.

(7) Indien die openbare belang vereis dat 'n beampte, uitgesonderd 'n lid van die dienste of 'n opvoeder of 'n lid van die Nasionale Intelligensiedienste, in sy of haar pos in diens gehou word na die leeftyd waarop hy of sy ingevolge subartikel (1) verplig word om af te tree, kan hy of sy met sy of haar instemming aldus van tyd tot tyd op aanbeveling van die Kommissie en met die goedkeuring van die betrokke uitvoeringsgesag in diens gehou word vir verdere tydperke wat, behalwe met die goedkeuring, by besluit, van die Parlement, altesaam nie twee jaar te bowe mag gaan nie.

(c) (i) In the case of an officer who occupies the office of head of department, he or she shall give notification of his or her wish to be retired from the public service at least six calendar months prior to the date on which he or she attains the said age, and if he or she has so given notification, the provisions of paragraph (b) (i) apply *mutatis mutandis*.

(ii) If such an officer has not so given notification at least six calendar months prior to the date on which he or she attains the said age, he or she shall be so retired on the first day of the seventh month following the month in which that notification is received.

(3) (a) Subject to the provisions of this section, section 12 (2) (a) and section 14, an officer who occupies the office of head of department has the right to retire from the public service and he or she shall be so retired at the expiry of the term contemplated in section 12 (1) (a) or (b), or of any extended term contemplated in section 12 (1) (c), as the case may be.

(b) If an officer retires or is retired in terms of paragraph (a), he or she shall be deemed to have been discharged from the public service in terms of section 17 (2) (b).

(4) An officer, other than a member of the services or an educator or a member of the National Intelligence Services who has reached the age of 60 years may, subject in every case to the recommendation of the Commission and the approval of the relevant executing authority, be retired from the public service.

(5) (a) An executing authority may, at the request of an officer occupying the office of head of department and, if the officer is not a member of the services or an educator or a member of the National Intelligence Services, subject to a recommendation of the Commission, allow him or her to retire from the public service before the expiry of the term contemplated in section 12 (1) (a) or (b), or any extended term contemplated in section 12 (1) (c), and notwithstanding the absence of any reason for discharge in terms of section 17 (2), if a reason exists which such authority deems sufficient.

(b) If an officer is allowed to retire from the public service in terms of paragraph (a), he or she shall, notwithstanding anything to the contrary contained in subsection (4), be deemed to have retired in terms of that subsection, and he or she shall be entitled to such pension as he or she would have been entitled to if he or she had retired from the public service in terms of that subsection.

(6) (a) An executing authority may, at the request of an officer and subject to a recommendation of the Commission, notwithstanding the absence of any reason for discharge in terms of section 17 (2), allow him or her to retire from the public service if in the opinion of such authority a sufficient reason exists therefor and the retirement will be to the advantage of the State.

(b) The provisions of subsection (5) (b) shall *mutatis mutandis* apply to any officer who is allowed to retire from the public service in terms of paragraph (a).

(7) If it is in the public interest to retain an officer, other than a member of the services or an educator or a member of the National Intelligence Services, in his or her post beyond the age at which he or she is required to retire or to be retired in terms of subsection (1), he or she may with his or her consent be so retained from time to time, on the recommendation of the Commission and with the approval of the relevant executing authority, for further periods which shall not, except with the approval, by resolution, of Parliament, exceed in the aggregate two years.

Ontslag van beamptes

17. (1) (a) Behoudens paragrawe (b) en (c) van hierdie subartikel, subartikel (6) van hierdie artikel en artikel 19 (11) van die Wet op Arbeidsverhoudinge vir die Staatsdiens, 1993 (Wet No. 102 van 1993), berus die bevoegdheid om 'n beampte of werknemer te ontslaan by die betrokke uitvoeringsgesag wat dié bevoegdheid aan 'n beampte kan delegeer.

(b) Ondanks paragraaf (a) berus die bevoegdheid om 'n beampte, uitgesonderd 'n departementshoof, ingevolge subartikel (2) (e), te ontslaan, by die departementshoof.

(c) In die geval van 'n beampte wat 'n pos in die A-afdeling beklee, behalwe waar beoog word om hom of haar ingevolge subartikel (2) (e) te ontslaan of sy of haar dienste kragtens artikel 19 (11) (c) van die Wet op Arbeidsverhoudinge vir die Staatsdiens, 1993, te beëindig, moet die Kommissie eers sy of haar ontslag aanbeveel.

(2) Elke beampte, uitgesonderd 'n lid van die dienste of 'n opvoeder of 'n lid van die Nasionale Intelligensiedienste, kan uit die staatsdiens ontslaan word—

- (a) weens voortdurende swak gesondheid;
- (b) weens die afskaffing van sy of haar pos of 'n vermindering of reorganisasie of herreëling van departemente of kantore;
- (c) indien, om ander redes as sy of haar eie ongeskiktheid of onvermoë, sy of haar ontslag doeltreffendheid of besuiniging in die departement of kantoor waarin hy of sy in diens is, sal bevorder, of andersins in belang van die Staatsdiens sal wees;
- (d) weens ongeskiktheid vir sy of haar pligte of onvermoë om hulle op bekwame wyse uit te voer;
- (e) weens wangedrag;
- (f) indien, in die geval van 'n beampte wat op proef aangestel is, sy of haar aanstelling nie bekragtig word nie;
- (g) op grond van wanvoorstelling van sy of haar posisie met betrekking tot 'n voorwaarde vir vaste aanstelling;
- (h) indien sy of haar voortgesette indienshouding 'n sekerheidsrisiko vir die Staat inhou; en
- (i) indien die President of 'n Premier hom of haar in die openbare belang kragtens 'n wet in 'n amp aanstel waarop die bepalinge van hierdie Wet of die Kommissiewet nie van toepassing is nie.

(3) (a) Indien 'n beampte kragtens subartikel (2) (g) ontslaan word, word hy of sy geag kragtens subartikel (2) (e) ontslaan te wees.

(b) Indien 'n beampte kragtens subartikel (2) (h) ontslaan word, word hy of sy geag kragtens subartikel (2) (d) ontslaan te wees.

(c) Indien 'n beampte se dienste kragtens artikel 19 (11) (c) van die Wet op Arbeidsverhoudinge vir die Staatsdiens, 1993, beëindig word, word hy of sy geag kragtens subartikel (2) (e) ontslaan te wees.

(4) (a) 'n Beampte wat 'n pos in die A- of B-afdeling beklee, se dienste kan, ondanks die afwesigheid van enige rede vir ontslag ingevolge subartikel (2), op aanbeveling van die Kommissie deur skriftelike kennisgewing beëindig word, en die kennisgewing moet, in die geval van 'n beampte met minder as 10 jaar ononderbroke diens, een maand en, in die geval van 'n beampte met 10 jaar of langer ononderbroke diens, drie maande wees.

Discharge of officers

17. (1) (a) Subject to paragraphs (b) and (c) of this subsection, subsection (6) of this section and section 19 (11) of the Public Service Labour Relations Act, 1993 (Act No. 102 of 1993), the power to discharge an officer or employee shall vest in the relevant executing authority, who may delegate that power to an officer.

(b) Notwithstanding paragraph (a), the power to discharge an officer, excluding a head of department, in terms of subsection (2) (e), shall be vested in the head of department.

(c) In the case of an officer holding a post in the A division, except where it is contemplated to discharge him or her in terms of subsection (2) (e) or to terminate his or her services in terms of section 19 (11) (c) of the Public Service Labour Relations Act, 1993, the Commission shall first make a recommendation for his or her discharge.

(2) Every officer, other than a member of the services or an educator or a member of the National Intelligence Services, may be discharged from the public service—

- (a) on account of continued ill-health;
- (b) owing to the abolition of his or her post or any reduction in or reorganisation or readjustment of departments or offices;
- (c) if, for reasons other than his or her own unfitness or incapacity, his or her discharge will promote efficiency or economy in the department or office in which he or she is employed, or will otherwise be in the interest of the public service;
- (d) on account of unfitness for his or her duties or incapacity to carry them out efficiently;
- (e) on account of misconduct;
- (f) if, in the case of an officer appointed on probation, his or her appointment is not confirmed;
- (g) on account of misrepresentation of his or her position in relation to a condition for permanent appointment;
- (h) if his or her continued employment constitutes a security risk for the State; and
- (i) if the President or a Premier appoints him or her in the public interest under any law to an office to which the provisions of his Act or the Commission Act do not apply.

(3) (a) If an officer is discharged under subsection (2) (g), he or she shall be deemed to have been discharged under subsection (2) (e).

(b) If an officer is discharged under subsection (2) (h), he or she shall be deemed to have been discharged under subsection (2) (d).

(c) If the services of an officer is terminated under section 19 (11) (c) of the Public Service Labour Relations Act, 1993, he or she shall be deemed to have been discharged under subsection (2) (e).

(4) (a) The services of an officer who occupies a post in the A or B division may, notwithstanding the absence of any reason for discharge in terms of subsection (2), be terminated upon the recommendation of the Commission by the giving of notice in writing, and that notice shall, in the case of an officer with less than 10 years' continuous service, be one month, and in the case of an officer with 10 year's or more continuous service, be three months.

(b) 'n Aanbeveling ingevolge paragraaf (a) ten opsigte van 'n beampte in die A-afdeling word gedoen slegs nadat die betrokke beampte 'n geleentheid gebied is om verhoër met betrekking tot sy of haar posisie tot die Kommissie te rig, en nadat die Kommissie enige verhoër wat die beampte gerig het, behoorlik in aanmerking geneem het.

(c) By die toepassing van paragraaf (a) op 'n beampte in die A-afdeling kan die betrokke uitvoeringsgesag die bevoegdheid in subartikel (1) aan hom verleen slegs aan die hoof van die betrokke departement deleger.

(5) (a) (i) 'n Beampte, uitgesonderd 'n lid van die dienste of 'n opvoeder of 'n lid van die Nasionale Intelligensiedienste, wat sonder verlof van die hoof van sy of haar departement, kantoor of inrigting vir 'n tydperk van meer as een kalendermaand van sy of haar ampspligte wegbly, word geag uit die staatsdiens weens wangedrag ontslaan te wees met ingang van die datum wat onmiddellik volg op die laaste dag waarop hy of sy op sy of haar plek van diens teenwoordig was.

(ii) Indien so 'n beampte ander werk aanvaar, word hy of sy geag ontslaan te wees soos voormeld, ongeag of genoemde tydperk verstryk het al dan nie.

(b) Indien 'n beampte wat geag word aldus ontslaan te wees, hom of haar te eniger tyd na die verstryking van die tydperk in paragraaf (a) vermeld vir diens aanmeld, kan die Kommissie, ondanks andersluidende bepalings van die een of ander wet, aanbeveel dat, onderworpe aan die goedkeuring van die betrokke uitvoeringsgesag, hy of sy in die staatsdiens herstel word in sy of haar vorige of 'n ander pos of betrekking op dié voorwaardes wat die Kommissie aanbeveel, en in so 'n geval word die tydperk van sy of haar afwesigheid van sy of haar ampspligte geag afwesigheid met vakansieverlof sonder besoldiging te wees of verlof op dié ander voorwaardes wat die Kommissie aanbeveel.

(6) Indien dit in die openbare belang is om 'n beampte kragtens enige wet aan te stel in 'n amp waarop die bepalings van hierdie Wet of die Kommissiewet nie van toepassing is nie, kan die President of Premier hom of haar aldus in daardie amp aanstel en kan hy of sy hom of haar uit die staatsdiens ontslaan sonder dat die Kommissie eers sy of haar ontslag aanbeveel het.

HOOFSTUK VI

ONBEKWAAMHEID EN WANGEDRAG

Onbekwame beamptes

18. (1) Indien 'n departementshoof aan 'n uitvoeringsgesag verslag doen dat 'n beampte, uitgesonderd 'n beampte wat 'n pos in die B-afdeling beklee of 'n lid van die dienste of 'n opvoeder of 'n lid van die Nasionale Intelligensiedienste, in sy of haar departement, na sy of haar mening, ongeskik is vir sy of haar pligte of nie in staat is om hulle op bekwame wyse uit te voer nie, moet sodanige gesag 'n beampte aanstel om ondersoek na die bewerings in te stel, en indien so 'n verslag aan 'n departementshoof gedoen word deur 'n beampte wat ingevolge artikel 6 (3) aangewys is om departemente te inspekteer, moet die departementshoof binne een kalendermaand na die datum waarop hy of sy dit ontvang het, dit aan daardie gesag stuur, wat 'n beampte moet aanstel om ondersoek na die bewerings in te stel.

(2) Indien 'n ondersoek ingevolge subartikel (1) gehou gaan word, moet die betrokke beampte skriftelik daarvan in kennis gestel word, en daarop het hy of sy die reg—

(a) op 'n skriftelike uiteensetting van die gronde waarop beweer word dat hy of sy ongeskik vir sy of haar pligte is of nie in staat is om hulle op bekwame wyse uit te voer nie;

(b) A recommendation in terms of paragraph (a) in respect of an officer in the A division shall be made only after the officer concerned has been afforded an opportunity of making representations with regard to his or her position to the Commission and after the Commission has given due consideration to any representations made by the officer.

(c) In the application of paragraph (a) to an officer in the A division the relevant executing authority may delegate the power conferred upon him or her by subsection (1) only to the head of the department concerned.

(5) (a) (i) An officer, other than a member of the services or an educator or a member of the National Intelligence Services, who absents himself or herself from his or her official duties without permission of his or her head of department, office or institution for a period exceeding one calendar month, shall be deemed to have been discharged from the public service on account of misconduct with effect from the date immediately succeeding his or her last day of attendance at his or her place of duty.

(ii) If such an officer assumes other employment, he or she shall be deemed to have been discharged as aforesaid irrespective of whether the said period has expired or not.

(b) If an officer who is deemed to have been so discharged, reports for duty at any time after the expiry of the period referred to in paragraph (a), the Commission may, notwithstanding anything to the contrary contained in any law, recommend that, subject to the approval of the relevant executing authority, he or she be reinstated in the public service in his or her former or any other post or position on such conditions as the Commission may recommend, and in such a case the period of his or her absence from official duty shall be deemed to be absence on vacation leave without pay or leave on such other conditions as the Commission may recommend.

(6) If it is in the public interest to appoint an officer under any law to an office to which the provisions of this Act or the Commission Act do not apply, the President or a Premier may so appoint him or her to that office and may discharge him or her from the public service without the Commission first having made a recommendation for his or her discharge.

CHAPTER VI

INEFFICIENCY AND MISCONDUCT

Inefficient officers

18. (1) If a head of department reports to an executing authority that any officer, other than an officer who occupies a post in the B division or a member of the services or an educator or a member of the National Intelligence Services, in his or her department is, in his or her opinion, unfit for his or her duties or incapable of carrying them out efficiently, such authority shall appoint an officer to inquire into those allegations, and if such a report is made to a head of department by an officer designated in terms of section 6 (3) to inspect departments, the head of department shall, within one calendar month of the date on which he or she received it, sent it to the said authority, who shall appoint an officer to inquire into those allegations.

(2) If an inquiry is to be held in terms of subsection (1), the officer concerned shall be notified in writing thereof, and thereupon he or she shall have the right—

(a) to a written statement setting out the grounds on which he or she is alleged to be unfit for his or her duties or incapable of carrying them out efficiently;

- (b) om by die ondersoek teenwoordig te wees, om deur 'n ander persoon bygestaan of verteenwoordig te word, om getuienis af te lê en om, hetsy persoonlik of deur 'n verteenwoordiger—
- (i) aangehoor te word;
 - (ii) getuies op te roep;
 - (iii) iemand wat as getuie opgeroep is ter stawing van genoemde bewerings, onder kruisverhoor te neem; en
 - (iv) insae te hê in stukke wat as getuienis voorgelê is.

(3) Na afloop van die ondersoek moet die betrokke beampte in kennis gestel word van die bevinding van die beampte wat die ondersoek gehou het, en indien daar bevind is dat hy of sy ongeskik vir sy of haar pligte is of nie in staat is om hulle op bekwame wyse uit te voer nie, het hy of sy die reg om teen die bevinding by die Kommissie te appelleer.

(4) Die prosedure by 'n ondersoek en die aanteken en verhoor van 'n appél is soos voorgeskryf.

(5) Indien die beampte wat die ondersoek gehou het, bevind het dat die betrokke beampte ongeskik vir sy of haar pligte is of nie in staat is om hulle op bekwame wyse uit te voer nie, moet die Kommissie met inagneming van die stukke wat op die bevinding en enige appél betrekking het, by die betrokke uitvoeringsgesag aanbeveel—

- (a) dat geen verdere stappe in die saak gedoen word nie;
- (b) dat die betrokke beampte na 'n ander pos oorgeplaas word of addisioneel tot die vaste diensstaat in diens gehou word;
- (c) dat sy of haar salaris of graad sowel as beide sy of haar salaris as sy of haar graad verlaag word in die mate wat aanbeveel word;
- (d) dat teen hom of haar opgetree word soos in paragraaf (b) sowel as in paragraaf (c) voorgeskryf; of
- (e) dat hy of sy uit die staatsdiens ontslaan word met ingang van 'n datum wat die betrokke uitvoeringsgesag bepaal.

(6) Die Kommissie moet die stukke wat op die ondersoek en, waar toepaslik, die appél betrekking het saam met sy aanbeveling ingevolge subartikel (5) aan die betrokke uitvoeringsgesag stuur, en sodanige gesag kan volgens die aanbeveling van die Kommissie handel of, behoudens die bepalinge van artikel 5 volgens enige ander aanbeveling wat kragtens subartikel (5) gemaak kan word.

Onbekwame departementshoofde

19. (1) Indien daar na die mening van 'n uitvoeringsgesag redelike gronde bestaan om te vermoed dat 'n departementshoof ongeskik vir sy of haar pligte is of nie in staat is om hulle op bekwame wyse uit te voer nie, moet sodanige gesag dienooreenkomstig aan die President of in die geval van 'n provinsiale administrasie, die Premier van die provinsie, verslag doen, en die President of Premier kan 'n persoon of persone aanstel om ondersoek na die bewerings in te stel.

(2) Die bepalinge van artikel 18 (2) tot (6) is *mutatis mutandis* van toepassing op 'n ondersoek ingevolge subartikel (1) van hierdie artikel, en vir dié doel moet 'n verwysing in artikel 18 (5) en (6) na die betrokke uitvoeringsgesag as 'n verwysing na die President of die betrokke Premier, na gelang van die geval, uitgelê word.

(b) to be present at the inquiry, to be assisted or represented by another person, to give evidence and, either personally or through a representative—

- (i) to be heard;
- (ii) to call witnesses;
- (iii) to cross-examine any person called as a witness in support of the said allegations; and
- (iv) to have access to documents produced in evidence.

(3) At the conclusion of the inquiry, the officer concerned shall be notified of the finding of the officer conducting the inquiry, and if it has been found that he or she is unfit for his or her duties or that he or she is incapable of carrying them out efficiently, he or she shall have the right to appeal to the Commission against that finding.

(4) The procedure at any inquiry and the noting and hearing of an appeal shall be as prescribed.

(5) If the officer conducting the inquiry has found that the officer concerned is unfit for his or her duties or incapable of carrying them out efficiently, the Commission shall, having regard to the documents relating to the finding and any appeal, recommend to the relevant executing authority—

- (a) that no further action be taken in the matter;
- (b) that the officer concerned be transferred to another post or be employed additional to the fixed establishment;
- (c) that his or her salary or grade or both his or her salary and grade be reduced to an extent recommended;
- (d) that action be taken against him or her as prescribed in paragraph (b) as well as paragraph (c); or
- (e) that he or she be discharged from the public service from a date to be fixed by the relevant executing authority.

(6) The Commission shall send the documents relating to the inquiry and, where applicable, the appeal, together with its recommendation in terms of subsection (5), to the relevant executing authority and such authority may act according to the recommendation of the Commission or, subject to the provisions of section 5, according to any other recommendation which can be made under subsection (5).

Inefficient heads of department

19. (1) If in the opinion of an executing authority there are reasonable grounds for believing that a head of department is unfit for his or her duties or incapable of carrying them out efficiently, such authority shall report to the President or, in the case of a provincial administration, the Premier of the province, accordingly, and the President or Premier may appoint a person or persons to inquire into the allegations.

(2) The provisions of section 18 (2) to (6) shall apply *mutatis mutandis* to an inquiry in terms of subsection (1) of this section, and for that purpose a reference in section 18 (5) and (6) to the relevant executing authority shall be construed as a reference to the President or the relevant Premier, as the case may be.

Wangedrag

20. 'n Beamppte, uitgesonderd 'n lid van die dienste of 'n opvoeder of 'n lid van die Nasionale Intelligensiedienste, is aan wangedrag skuldig en daar kan ooreenkomstig artikel 21 met hom of haar gehandel word, indien hy of sy—

- (a) 'n bepaling van hierdie Wet oortree of versuim om aan 'n bepaling daarvan te voldoen;
- (b) 'n daad wat tot nadeel strek van die administrasie, dissipline of doeltreffendheid van 'n departement, kantoor of inrigting van die Staat, verrig, laat verrig of toelaat of oogluikend toelaat dat dit verrig word;
- (c) 'n wettige bevel aan hom of haar gegee deur 'n persoon wat die bevoegdheid het om dit te gee, nie gehoorsaam nie, dit verontagsaam of opsetlik versuim om dit uit te voer, of deur woord of gedrag hom of haar aan insubordinasie skuldig maak;
- (d) nalatig of traag is by die uitvoering van sy of haar pligte;
- (e) sonder toestemming van 'n betrokke uitvoeringsgesag (verleen op aanbeveling van die Kommissie in die geval van 'n beamppte in die A-afdeling) enige private agentskap of private werk in enige aangeleentheid wat met die verrigting van sy of haar amptelike werksaamhede of die uitvoering van sy of haar ampspligte in verband staan, onderneem;
- (f) hom of haar in die openbaar ten nadeel van die administrasie van enige departement uitlaat;
- (g) van sy of haar posisie in die staatsdiens gebruik maak om die belange van 'n politieke party te bevorder of te benadeel;
- (h) probeer om uit politieke of buitebronne ingryping in verband met sy of haar posisie en diensvoorwaardes in die staatsdiens te verkry, tensy dit geskied om herstel van 'n grief deur bemiddeling van die Parlement of 'n provinsiale wetgewer te probeer verkry;
- (i) hom of haar op 'n skandelige, onbehoorlike of onbetaamlike wyse gedra, of, terwyl hy of sy aan diens is, hom of haar aan growwe onbeleefdheid teenoor 'n persoon skuldig maak;
- (j) buitensporig van sterk drank of bedwelmende middels gebruik maak;
- (k) insolvent word of 'n akkoord met sy of haar skuldeisers aangaan, of indien 'n bevel tot gyseling deur 'n geregshof teen hom of haar gegee is, tensy bewys word dat sy of haar insolvensie of akkoord of die gee van die bevel deur onvermydelike teenspoed veroorsaak is;
- (l) in geldelike moeilikheid raak, tensy bewys word dat sy of haar geldelike moeilikheid nie die gevolg is van onversigtigheid of ander laakbare oorsaak nie en nie nadelig is vir die getroue uitvoering van sy of haar pligte nie;
- (m) sonder voorafverkreë toestemming van sy of haar departementshoof, inligting wat hy of sy ingewin of bekom het as gevolg van sy of haar werk in die staatsdiens, openbaar maak anders as in die uitvoering van sy of haar ampspligte, of die inligting vir 'n ander doel as vir die uitvoering van sy of haar ampspligte gebruik, hetsy hy of sy die inligting openbaar maak, al dan nie;
- (n) sonder toestemming van 'n betrokke uitvoeringsgesag (verleen op aanbeveling van die Kommissie in die geval van 'n beamppte in die A-afdeling), enige kommissie, geld of geldelike of ander beloning (wat nie die emolumente is wat ten opsigte van sy of haar pligte aan hom of haar betaalbaar is nie) aanneem of eis ten opsigte van die uitvoering van sy of haar pligte, of die versuim om dit uit te voer, of versuim om sy of haar departementshoof of, indien hy of sy 'n departementshoof is, sodanige gesag van die aanbod van so 'n kommissie, geld of ander beloning te verwillig;

Misconduct

20. An officer, other than a member of the services or an educator or a member of the National Intelligence Services, shall be guilty of misconduct and may be dealt with in accordance with section 21, if he or she—

- (a) contravenes any provision of this Act or fails to comply with any provision thereof;
- (b) performs or causes or permits to be performed or connives at any act which is to the prejudice of the administration, discipline or efficiency of any department, office or institution of the State;
- (c) disobeys, disregards or makes wilful default in carrying out a lawful order given to him or her by a person having the authority to give it, or by word or conduct displays insubordination;
- (d) is negligent or indolent in the carrying out of his or her duties;
- (e) undertakes, without permission of a relevant executing authority (granted on the recommendation of the Commission in the case of an officer in the A division) any private agency or private work in any matter connected with the performance of his or her official functions or the carrying out of his or her official duties;
- (f) publicly comments to the prejudice of the administration of any department;
- (g) makes use of his or her position in the public service to promote or to prejudice the interest of any political party;
- (h) attempts to secure intervention from political or outside sources in relation to his or her position and conditions of service in the public service, unless it occurs in an endeavour to obtain redress of any grievance through Parliament or a provincial legislature;
- (i) conducts himself or herself in a disgraceful, improper or unbecoming manner, or, while on duty, is grossly discourteous to any person;
- (j) uses intoxicants or stupefying drugs excessively;
- (k) becomes insolvent or compromises with his or her creditors, or has a decree of civil imprisonment made against him or her by any court of law, unless it is shown that his or her insolvency or composition or the making of the decree has been occasioned by unavoidable misfortune;
- (l) becomes pecuniarily embarrassed, unless it is shown that his or her pecuniary embarrassment has not been occasioned by imprudence or other reprehensible cause and is not prejudicial to the faithful carrying out of his or her duties;
- (m) without first having obtained the permission of his or her head of department, discloses, otherwise than in carrying out his or her official duties, information gained by or conveyed to him or her through his or her employment in the public service, or uses that information for any purpose other than for carrying out his or her official duties, whether or not he or she discloses that information;
- (n) accepts, without permission of a relevant executing authority (granted on the recommendation of the Commission in the case of an officer in the A division), or demands in respect of the carrying out of or the failure to carry out his or her duties any commission, fee or pecuniary or other reward (not being the emoluments payable to him or her in respect of his or her duties), or fails to report to his or her head of department or, if he or she is a head of department, to such authority, the offer of such a commission, fee or reward;

- (o) hom of haar eiendom van die Staat wederregtelik toeëien of onbehoorlike gebruik daarvan maak in omstandighede wat nie op 'n misdryf neerkom nie;
- (p) 'n misdryf pleeg;
- (q) sonder verlof of geldige rede van sy of haar kantoor of diens afwesig is;
- (r) 'n valse of onjuiste verklaring aflê in die wete dat dit vals of onjuis is met die oog op die verkryging van enige voorreg of voordeel met betrekking tot sy of haar amptelike posisie of sy of haar pligte, of op die benadeling van of skadeberokkening aan die Staat of 'n departement of die staatsdiens of 'n lid van die staatsdiens;
- (s) 'n reël van die konstitusie van 'n mediese hulpfonds of hulpskema of hulpvereniging waarvan hy of sy ingevolge die regulasies 'n lid is, oortree of versuim of daaraan te voldoen; of
- (f) 'n bepaling van 'n voorgeskrewe gedragskode oortree of versuim om daaraan te voldoen.

Ondersoek van klagte van wangedrag

21. (1) Wanneer—

- (a) 'n beampte, uitgesonderd 'n departementshoof of 'n lid van die dienste of 'n opvoeder of 'n lid van die Nasionale Intelligensiedienste, van wangedrag beskuldig word, kan die betrokke departementshoof of 'n beampte in die betrokke departement deur die departementshoof gemagtig; of
- (b) die Openbare Beskermer of 'n provinsiale openbare beskermer bedoel in onderskeidelik artikels 110 en 114 van die Grondwet redelike gronde het om te vermoed dat 'n beampte beoog in paragraaf (a) hom of haar aan wangedrag skuldig gemaak het en hy of sy die aangeleentheid na die betrokke departementshoof verwys het, moet sodanige departementshoof of so 'n gemagtigde beampte,

'n beampte (hieronder 'n ondersoekbeampte genoem) aanstel om die aangeleentheid te ondersoek en getuienis in te win ten einde vas te stel of daar gronde vir 'n klag van wangedrag teen die betrokke beampte is.

(2) Na afloop van die ondersoek moet die ondersoekbeampte die departementshoof meedeel of na sy of haar mening die betrokke beampte aangekla moet word al dan nie, en indien wel, wat na sy of haar mening die inhoud van die betrokke aanklag moet wees.

(3) Die bepalings van subartikels (1) en (2) is nie van toepassing nie op 'n geval bedoel in artikel 19 (11) van die Wet op Arbeidsverhoudinge vir die Staatsdiens, 1993 (Wet No. 102 van 1993).

Stappe na ondersoek deur ondersoekbeampte

22. (1) Indien die departementshoof van oordeel is dat daar tydens die ondersoek voldoende gronde vir 'n aanklag van wangedrag teen 'n beampte bedoel in artikel 21 gevind is, kan die departementshoof hom of haar skriftelik onder sy of haar handtekening van wangedrag aankla.

(2) Indien die departementshoof van oordeel is dat 'n ondersoek ingevolge artikel 21 nie nodig is nie, kan hy of sy die betrokke beampte skriftelik onder sy of haar handtekening van wangedrag aankla en 'n beampte aanstel om die bevoegdhede van 'n ondersoekbeampte ingevolge artikel 23 uit te oefen.

(3) 'n Departementshoof kan die bevoegdhede wat by subartikels (1) en (2) aan hom of haar verleen word, vir sover dit op 'n beampte in die B-afdeling betrekking het, aan 'n beampte in sy of haar departement deleger.

- (o) misappropriates or makes improper use of any property of the State under circumstances not amounting to an offence;
- (p) commits an offence;
- (q) absents himself or herself from his or her office or duty without leave or valid cause;
- (r) makes a false or incorrect statement, knowing it to be false or incorrect, with a view to obtaining any privilege or advantage in relation to his or her official position or his or her duties, or to causing prejudice or injury to the State or a department or the public service or a member of the public service;
- (s) contravenes any rule of the constitution of a medical aid fund or aid scheme or aid society of which he or she is a member in terms of the regulations, or fails to comply therewith; or
- (t) contravenes any provision of a prescribed code of conduct or fails to comply with any provision thereof.

Investigation of charge of misconduct

21. (1) When—

- (a) an officer, other than a head of department or a member of the services or an educator or a member of the National Intelligence Services, is accused of misconduct the head of department concerned, or an officer in the department concerned authorised by the head of department, may; or
- (b) the Public Protector or a provincial public protector contemplated in sections 110 and 114 of the Constitution, respectively, has reasonable grounds to suspect that an officer contemplated in paragraph (a) is guilty of misconduct and he or she has referred the matter to the head of department concerned, the head of department or such an authorised officer shall,

appoint an officer (hereinafter referred to as an investigating officer) to investigate the matter and obtain evidence in order to determine whether there are grounds for a charge of misconduct against the officer concerned.

(2) After the conclusion of the investigation the investigating officer shall inform the head of department whether in his or her opinion the officer concerned should be charged or not, and if so, what in his or her opinion the contents of the charge in question should be.

(3) The provisions of subsections (1) and (2) shall not apply to a case contemplated in section 19 (11) of the Public Service Labour Relations Act, 1993 (Act No. 102 of 1993).

Steps after investigation by investigating officer

22. (1) A head of department may in writing under his or her hand charge an officer referred to in section 21 with misconduct, if he or she is of the opinion that sufficient grounds for a charge of misconduct against him or her have been found during the investigation.

(2) If the head of department is of the opinion that an investigation in terms of section 21 is not necessary, he or she may in writing under his or her hand charge the officer concerned with misconduct and appoint an officer to exercise the powers of an investigating officer in terms of section 23.

(3) A head of department may delegate the powers conferred upon him or her by subsections (1) and (2) to an officer in his or her department, in so far as they pertain to an officer in the B division.

(4) 'n Aanklag beoog in subartikel (1) of (2) moet 'n aansegging bevat of van 'n aansegging vergesel gaan waarby die aangeklaagde beampte aangesê word om binne 'n redelike tydperk wat in die aansegging vermeld word aan 'n persoon wat ook daarin vermeld word 'n skriftelike erkenning of ontkenning van die aanklag en, indien hy of sy dit verlang, 'n skriftelike verduideliking betreffende die wangedrag waarvan hy of sy aangekla word, te stuur of by hom of haar af te lewer.

(5) Indien die aangeklaagde beampte erken dat hy of sy aan die aanklag skuldig is, word hy of sy geag skuldig bevind te wees aan wangedrag soos aangekla.

(6) Indien die beampte wat ingevolge subartikel (1) en (2) aangekla is—

(a) die aanklag ontken; of

(b) versuim om te voldoen aan die aansegging in subartikel (4) beoog, stel die departementshoof of die beampte aan wie die departementshoof hierdie bevoegdheid gedelegeer het 'n persoon aan (in hierdie artikel en artikels 23, 24 en 26 die voorsittende beampte genoem) om die aanklag te verhoor.

(7) 'n Beampte kan te eniger tyd voor of nadat hy of sy kragtens hierdie artikel aangekla is, in sy of haar diens geskors word op die voorwaardes wat voorgeskryf word.

Verhoor van aanklag van wangedrag

23. (1) (a) 'n Onderzoekbeampte kan vir doeleindes van 'n verhoor ingevolge artikel 22 (6) 'n persoon wat na sy of haar oordeel in staat is om inligting van wesenlike belang oor die onderwerp van die verhoor te verstrek, of wat, na hy of sy vermoed of glo, 'n boek, dokument of voorwerp in sy of haar besit of bewaring of onder sy of haar beheer het wat betrekking op die onderwerp van die verhoor het, dagvaar om op die tyd en plek in die dagvaarding vermeld voor die voorsittende beampte aangestel kragtens artikel 22 (6) te verskyn om ondervra te word of om daardie boek, dokument of voorwerp oor te lê.

(b) 'n Dagvaarding aan 'n persoon om voor die voorsittende beampte te verskyn of om 'n boek, dokument of voorwerp oor te lê, moet deur die onderzoekbeampte of voorsittende beampte onderteken wees, en word aan dié persoon beteken deur dit aan hom of haar te oorhandig of aan te bied of per aangetekende pos te stuur.

(c) Die onderzoekbeampte kan 'n boek, dokument of voorwerp aldus oorgelê vir die duur van die verhoor behou.

(2) 'n Onderzoekbeampte kan tydens 'n verhoor—

(a) getuienis en argumente ter stawing van die aanklag aanvoer en getuies onder kruisverhoor neem; en

(b) 'n persoon wat by die verhoor teenwoordig is en wat ingevolge subartikel (1) gedagvaar is of gedagvaar kon gewees het, oproep en hom of haar 'n eed oplê of van hom of haar 'n bevestiging aanneem, en hom of haar ondervra en aansê om 'n boek, dokument of voorwerp in sy of haar besit of bewaring of onder sy of haar beheer wat, na die onderzoekbeampte vermoed of glo, betrekking op die onderwerp van die verhoor het, oor te lê.

(3) (a) Indien iemand wat ingevolge subartikel (1) gedagvaar is, sonder voldoende rede versuim om op die tyd en plek in die dagvaarding vermeld teenwoordig te wees, of om teenwoordig te bly totdat hy of sy deur die voorsittende beampte van verdere bywoning onthef word, of as 'n persoon wat ingevolge subartikel (2) (b) opgeroep is, weier om as getuie beëdig te word of te bevestig, of sonder voldoende rede versuim om volledig en bevredigend na sy of haar beste wete alle vrae wat wettig aan hom of haar gestel word, te beantwoord, of om 'n boek, dokument of voorwerp in sy of haar besit of bewaring of onder sy of haar beheer oor te lê wat hy of sy aangesê is om oor te lê, is hy of sy, behoudens die bepalings van paragraaf (b), aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R2 000.

(4) A charge contemplated in subsection (1) or (2) shall contain or shall be accompanied by a direction calling upon the officer charged to send 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 or she so desires, a written explanation regarding the misconduct with which he or she is charged.

(5) If the officer charged admits that he or she is guilty of the charge, he or she shall be deemed to have been found guilty of misconduct as charged.

(6) If the officer charged in terms of subsection (1) or (2) —

(a) denies the charge; or

(b) fails to comply with the direction contemplated in subsection (4),

the head of department or the officer to whom the head of department has delegated this power shall appoint a person (in this section and sections 23, 24 and 26 referred to as the presiding officer) to hear the charge.

(7) An officer may at any time before or after he or she has been charged under this section be suspended from duty on such conditions as may be prescribed.

Hearing of charge of misconduct

23. (1) (a) An investigating officer may for the purposes of a hearing in terms of section 22 (6) summon any person who in his or her opinion may be able to give material information concerning the subject of the hearing, or who he or she suspects or believes has in his or her possession or custody or under his or her control any book, document or object which has any bearing on the subject of the hearing, to appear before the presiding officer appointed under section 22 (6) at the time and place specified in the summons, to be interrogated or to produce such book, document or object.

(b) A subpoena to a person to appear before the presiding officer or to produce a book, document or object, shall be signed by the investigating officer or presiding officer and be served on such person by delivering or tendering it to him or her or by sending it by registered post to him or her.

(c) The investigating officer may retain a book, document or object so produced, for the duration of the hearing.

(2) During a hearing an investigating officer may —

(a) lead evidence and advance arguments in support of the charge and cross-examine witnesses; and

(b) call upon and administer an oath to or accept an affirmation from any person present at the hearing who was or might have been summoned in terms of subsection (1), and interrogate him or her and order him or her to produce any book, document or object in his or her possession or custody or under his or her control which the investigating officer suspects or believes to have a bearing on the subject of the hearing.

(3) (a) If a person who has been summoned in terms of subsection (1), without sufficient cause fails to attend at the time and place specified in the subpoena, or to remain in attendance until excused by the presiding officer from further attendance, or if a person called upon in terms of subsection (2) (b) refuses to be sworn in or to affirm as a witness, or without sufficient cause fails to answer fully and satisfactorily to the best of his or her knowledge all questions lawfully put to him or her, or to produce any book, document or object in his or her possession or custody or under his or her control which he or she has been required to produce, he or she shall, subject to the provisions of paragraph (b), be guilty of an offence and be liable upon conviction to a fine not exceeding R2 000.

(b) Die regsbepalings met betrekking tot privilegie, soos van toepassing op 'n getuie wat gedagvaar is om in 'n siviele verhoor in 'n geregshof getuienis af te lê of om 'n boek, dokument of voorwerp oor te lê, is *mutatis mutandis* van toepassing in verband met die ondervraging van, of oorlegging van 'n boek, dokument of voorwerp aan die voorsittende beamppte deur, iemand wat ingevolge hierdie artikel as getuie opgeroep is.

(c) Iemand wat, nadat hy of sy as getuie beëdig is of bevestiging gedoen het, 'n valse verklaring doen oor enige aangeleentheid met die wete dat daardie antwoord of verklaring vals is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe wat regtens vir die misdryf meened opgelê kan word.

(d) Iemand wat 'n ander persoon verhinder om 'n dagvaarding wat ingevolge subartikel (1) uitgereik is, te eerbiedig of om getuienis af te lê of om 'n boek, dokument of voorwerp oor te lê wat hy of sy ingevolge hierdie artikel aangesê word om af te lê of oor te lê, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R2 000.

(4) By 'n verhoor het 'n aangeklaagde beamppte die reg om—

(a) persoonlik teenwoordig te wees, deur 'n ander persoon bygestaan of verteenwoordig te word, getuienis af te lê en, hetsy persoonlik of deur 'n verteenwoordiger—

(i) aangehoor te word;

(ii) getuies op te roep;

(iii) iemand wat as getuie opgeroep is ter staving van die aanklag, onder kruisverhoor te neem; en

(iv) insae te hê in stukke wat as getuienis voorgelê is;

(b) ondanks 'n ontkenning of versuim deur hom of haar bedoel in artikel 22 (6), te eniger tyd te erken dat hy of sy aan die aanklag skuldig is, waarop hy of sy geag word skuldig te wees aan die wangedrag soos aangekla;

(c) indien die wangedrag waarvan hy of sy aangekla word op 'n misdryf neerkom waaraan hy of sy deur 'n geregshof skuldig bevind is, redes aan te voer waarom hy of sy na sy of haar mening verkeerdelik skuldig bevind is.

(5) Na afloop van die verhoor moet die voorsittende beamppte 'n bevinding oor die aanklag maak, met vermelding, in die geval van 'n skuldigbevinding, van enige verswarende en versagende omstandighede wat hy of sy mag bevind, en 'n aanbeveling betreffende optrede kragtens artikel 24 (2) doen.

Verrigting na verhoor

24. (1) Na afloop van die verhoor moet die voorsittende beamppte die betrokke departementshoof van sy of haar bevinding en aanbeveling beoog in artikel 23 (5) in kennis stel.

(2) (a) Indien die aangeklaagde beamppte deur die voorsittende beamppte aan die wangedrag soos aangekla skuldig bevind word, of indien hy of sy erken dat hy of sy aan die aanklag skuldig is, moet die departementshoof, met behoorlike inagneming van die bevinding en aanbeveling van die voorsittende beamppte ingevolge artikel 23 (5)—

(i) die aangeklaagde beamppte waarsku of berispe;

(ii) hom of haar 'n boete van hoogstens R6 000 oplê;

(iii) hom of haar na 'n ander pos oorplaas of gelas dat hy of sy addisioneel tot die vaste diensstaat in diens gehou word;

(iv) sy of haar salaris of graad, of sowel sy of haar salaris as sy of haar graad, verlaag in die mate wat aanbeveel word;

(b) The law relating to privilege, as applicable to a witness summoned to give evidence or to produce a book, document or object in a civil trial before a court of law, shall *mutatis mutandis* apply in relation to the examination of, or the production of any book, document or object to the presiding officer, by any person called in terms of this section as a witness.

(c) A person who, after having been sworn in or having been affirmed as a witness, gives a false statement on any matter, knowing that answer or statement to be false, shall be guilty of an offence and liable upon conviction to the penalties which may lawfully be imposed for the offence of perjury.

(d) A person who prevents another person from obeying a subpoena issued under subsection (1), or from giving evidence or producing a book, document or object which he or she is in terms of this section required to give or produce, shall be guilty of an offence and liable upon conviction to a fine not exceeding R2 000.

(4) At a hearing an officer charged has the right—

(a) to be personally present, to be assisted or represented by another person, to give evidence and, either personally or through a representative—

(i) to be heard;

(ii) to call witnesses;

(iii) to cross-examine any person called as a witness in support of the charge; and

(iv) to have access to documents produced in evidence;

(b) notwithstanding a denial or failure by him or her referred to in section 22 (6), to admit at any time that he or she is guilty of the charge, whereupon he or she shall be deemed to be guilty of misconduct as charged;

(c) if the misconduct with which he or she is charged amounts to an offence of which he or she was convicted by a court of law, to show cause why in his or her opinion he or she was wrongfully convicted.

(5) After the conclusion of the hearing the presiding officer shall make a finding on the charge, mentioning in the case of a finding of guilty, any aggravating and mitigating circumstances he or she may find, and make a recommendation regarding action in terms of section 24 (2).

Proceedings after hearing

24. (1) At the conclusion of the hearing the presiding officer shall notify the head of department concerned of his or her finding and recommendation contemplated in section 23 (5).

(2) (a) If the officer charged is found guilty of the misconduct as charged by the presiding officer, or if he or she admits that he or she is guilty of the charge, the head of department shall, with due observance of the finding and recommendation of the presiding officer in terms of section 23 (5)—

(i) caution or reprimand the officer charged;

(ii) impose upon him or her a fine not exceeding R6 000;

(iii) transfer him or her to another post or direct that he or she be employed additional to the fixed establishment;

(iv) reduce his or her salary or grade or both his or her salary and grade to the extent recommended;

- (v) hom of haar ontslaan of aansê om uit die staatsdiens te bedank met ingang van die datum wat die departementshoof bepaal; of
- (vi) sy of haar besluit kragtens subparagrafe (i) tot (v) vir 'n tydperk van 12 kalendermaande uitstel.

(b) Behalwe waar 'n departementshoof kragtens paragraaf (a) (v) of (vi) optree, kan hy of sy beslissings kragtens meer as een van die subparagrafe van paragraaf (a) neem.

(3) 'n Departementshoof stel die aangeklaagde beampte so spoedig doenlik in kennis van die bevinding van die voorsittende beampte kragtens artikel 23 (5) en van sy of haar beslissing kragtens subartikel (2) en van die beampte se reg tot appèl ingevolge artikel 26.

Ander stappe teen aangeklaagde beampte

25. (1) Indien 'n beampte wat voor of tydens die verhoor in sy of haar diens geskors is, onskuldig bevind word, kan hy of sy onder die voorgeskrewe omstandighede weer diens aanvaar en op die voorgeskrewe wyse emolumente wat vir die tydperk van skorsing weerhou is, ontvang.

(2) Indien 'n beampte wat kragtens artikel 24 (2) (a) (v) aangesê is om te bedank, versuim om aldus te bedank, word hy of sy geag met ingang van die datum wat kragtens genoemde artikel bepaal is, ontslaan te wees.

(3) 'n Boete wat kragtens artikel 24 (2) (a) (ii) opgelê is, kan verhaal word deur die paaielemente wat die departementshoof bepaal van die salaris van die betrokke beampte af te trek.

(4) Indien 'n beampte wat kragtens artikel 22 (1) of (2) aangekla is of kragtens artikel 22 (7) in sy of haar diens geskors is—

- (a) uit die staatsdiens bedank; of
- (b) 'n ander werk [wat nie besoldigde werk beoog in artikel 30 (b) is nie] aanvaar,

voordat die verrigtinge in verband met die aanklag van wangedrag ooreenkomstig artikel 24 of, in die geval van 'n appèl, ooreenkomstig artikel 26 afgehandel is, word hy of sy geag weens wangedrag ontslaan te wees.

Appèl teen beslissing van voorsittende beampte of departementshoof

26. (1) 'n Beampte aangekla ingevolge artikel 22 het die reg om binne 21 dae nadat die departementshoof hom of haar ooreenkomstig artikel 24 (3) van sy of haar beslissing in kennis gestel het, by die Kommissie teen 'n skuldigbevinding van die voorsittende beampte of die beslissing van die departementshoof, of albei, te appelleer.

(2) Indien 'n aangeklaagde beampte ingevolge subartikel (1) appelleer, word die beslissing van die departementshoof kragtens artikel 24 (2) nie in werking gestel nie, alvorens die Kommissie 'n lasgewing kragtens subartikel (3) van hierdie artikel verstrek het.

(3) Na oorweging van 'n appèl ingevolge subartikel (1) kan die Kommissie gelas dat—

- (a) die appèl gehandhaaf word;
- (b) die appèl van die hand gewys word; of
- (c) enige ander stappe genoem in artikel 24 (2) (a) gedoen word.

- (v) discharge him or her or direct him or her to resign from the public service from a date to be determined by the head of department; or
- (vi) postpone his or her decision under subparagraphs (i) to (v) for a period not exceeding 12 calendar months.

(b) Except where a head of department acts under paragraph (a) (v) or (vi), he or she may take decisions under more than one of the subparagraphs of paragraph (a).

(3) A head of department shall notify the officer charged as soon as possible of the finding of the presiding officer under section 23 (5) and of his or her decision under subsection (2) and of the officer's right of appeal in terms of section 26.

Other steps against officer charged

25. (1) If an officer suspended from duty before or during the trial is found not guilty, he or she may resume duty under the prescribed circumstances and receive in the prescribed manner emoluments which were withheld during the period of suspension.

(2) If an officer who has been directed under section 24 (2) (a) (v) to resign, fails so to resign, he or she shall be deemed to have been discharged as from the date determined under the said section.

(3) A fine imposed under section 24 (2) (a) (ii) may be recovered by the deduction from the salary of the officer concerned of such instalments as the head of department may determine.

(4) If an officer who has been charged under section 22 (1) or (2) or who has been suspended from duty under section 22 (7)—

- (a) resigns from the public service; or
- (b) assumes other employment [not being remunerative work contemplated in section 30 (b)],

before the proceedings with regard to the charge of misconduct have been finalised in accordance with section 24 or, in the case of an appeal, in accordance with section 26, he or she shall be deemed to have been discharged on account of misconduct.

Appeal against decision of presiding officer or head of department

26. (1) An officer charged in terms of section 22 shall have the right to appeal to the Commission against a finding of guilty of the presiding officer or the decision of the head of department, or both, within 21 days after the head of department notified him or her of his or her decision in accordance with section 24 (3).

(2) If an officer charged lodges an appeal in terms of subsection (1), the decision of the head of department under section 24 (2) shall not be put into effect before the Commission has issued a direction under subsection (3) of this section.

(3) After considering an appeal in terms of subsection (1) the Commission may direct that—

- (a) the appeal be allowed;
- (b) the appeal be dismissed; or
- (c) any other steps mentioned in section 24 (2) (a) be taken.

Wangedrag van departementshoofde

27. (1) (a) Wanneer 'n departementshoof van wangedrag beskuldig word, kan die betrokke uitvoeringsgesag 'n persoon aanstel om die aangeleentheid te ondersoek en aan hom of haar daarvoor te rapporteer, en sodanige gesag kan daarop die aangeleentheid rapporteer aan die President of, in die geval van 'n provinsiale administrasie, aan die Premier van die provinsie, wat daardie gesag kan gelas om die betrokke departementshoof van daardie wangedrag aan te kla.

(b) As 'n verhoor ingevolge artikel 22 (6), gelees met subartikel (2) van hierdie artikel, nodig word, kan die President of Premier 'n persoon aanstel om die saak te verhoor.

(2) Die bepalings van artikels 21 tot 26 is *mutatis mutandis* van toepassing op verrigtinge wat op 'n ondersoek en 'n lasgewing ingevolge subartikel (1) (a) van hierdie artikel volg, en vir dié doel moet 'n verwysing in artikels 21, 22, 24, 25 (3) en 26 (2) na die departementshoof uitgelê word as 'n verwysing na die betrokke uitvoeringsgesag en 'n verwysing in artikels 22 (6) en 24 (2) (a) (v) na die departementshoof uitgelê word as 'n verwysing na die President of die betrokke Premier, na gelang van die geval, en 'n verwysing in artikels 22 (6), 23, 24 en 26 na die voorsittende beampete wat die saak verhoor, as 'n verwysing na die persoon wat ingevolge subartikel (1) van hierdie artikel aangestel is.

HOOFSTUK VII

VERPLIGTINGE, REGTE EN VOORREGTE VAN BEAMPTES EN WERKNEMERS

Regte en verpligtinge

28. 'n Beampete of werknemer moet die verpligtinge hom of haar opgelê by hierdie Wet of enige ander wet nakom, en het die regte en daar kan aan hom of haar die voorregte verleen word wat by of kragtens hierdie Wet of enige ander wet voorgeskryf word.

Voorbehoud betreffende regte en verpligtinge

29. Geen bepaling van hierdie Wet word uitgelê as sou dit enige bestaande aankomende of voorwaardelike reg, aanspreeklikheid of verpligting van enige persoon wat uit enige ander wet voortvloei, ophef of afbreuk daaraan doen nie.

Ander werk deur beamptes en werknemers

30. Tensy daar anders in sy of haar diensvoorwaardes bepaal word—

- (a) moet elke beampete en werknemer al sy of haar tyd tot die beskikking van die Staat stel;
- (b) mag geen beampete of werknemer besoldigde werk buite sy of haar werk in die staatsdiens verrig of hom of haar verbind om dit te verrig nie, sonder toestemming verleen op aanbeveling van die Kommissie deur die betrokke uitvoeringsgesag of 'n beampete deur sodanige gesag gemagtig;
- (c) kan geen beampete of werknemer aanspraak maak op addisionele besoldiging ten opsigte van enige amptelike diens of werk wat hy of sy vrywillig verrig of deur 'n bevoegde gesag aangesê word om te verrig nie.

Misconduct of heads of department

27. (1) (a) When a head of department is accused of misconduct, the relevant executing authority may appoint a person to investigate the matter and report to him or her thereon, and such authority may thereupon report the matter to the President or, in the case of a provincial administration, to the Premier of the province, who may direct the said authority to charge the head of department concerned with that misconduct.

(b) If a hearing becomes necessary in terms of section 22 (6), read with subsection (2) of this section, the President or Premier may appoint a person to conduct the hearing.

(2) The provisions of sections 21 to 26 shall apply *mutatis mutandis* to any proceedings following upon an investigation and a direction under subsection (1) (a) of this section, and for that purpose a reference in sections 21, 22, 24, 25 (3) and 26 (2) to the head of department shall be construed as a reference to the relevant executing authority, and a reference in sections 22 (6) and 24 (2) (a) (v) to the head of department shall be construed as a reference to the President or the relevant Premier, as the case may be, and a reference in sections 22 (6), 23, 24 and 26 to the presiding officer conducting the hearing, as a reference to the person appointed under subsection (1) of this section.

CHAPTER VII**OBLIGATIONS, RIGHTS AND PRIVILEGES OF OFFICERS AND EMPLOYEES****Rights and obligations**

28. An officer or employee shall fulfil the obligations imposed upon him by this Act or any other law, and he or she shall have the rights and may be granted the privileges which are prescribed by or under this Act or any other law.

Saving regarding rights and obligations

29. No provision of this Act shall be construed as abrogating or derogating from any existing, accruing or contingent right, liability or obligation of any person flowing from any other law.

Other work by officers and employees

30. Unless it is otherwise provided for in his or her conditions of employment—

(a) every officer and employee shall place the whole of his or her time at the disposal of the State;

(b) no officer or employee shall perform or engage himself or herself to perform remunerative work outside his or her employment in the public service, without permission granted on the recommendation of the Commission by the relevant executing authority or an officer authorized by such authority; and

(c) no officer or employee may claim any additional remuneration in respect of any official duty or work which he or she performs voluntarily or is required by a competent authority to perform.

Ongemagtigde besoldiging

31. (1) (a) (i) Indien enige besoldiging, toelae of ander beloning deur 'n beampte of werknemer in verband met die verrigting van sy of haar werk in die staatsdiens ontvang word anders as ooreenkomstig die bepalings van hierdie Wet of 'n aanbeveling van die Kommissie, of in stryd met die bepalings van artikel 30 (b) ontvang word, moet daardie beampte of werknemer 'n bedrag gelyk aan die bedrag van daardie besoldiging, toelae of ander beloning in inkomste stort, of waar dit nie uit geld bestaan nie, die waarde daarvan soos bepaal deur die hoof van die departement waarin hy of sy werksaam was ten tyde van die ontvangs daarvan, en indien hy of sy dit nie doen nie, moet dit deur dié hoof deur middel van regsproses of op die ander wyse wat die Tesourie goedkeur, op hom of haar verhaal en in inkomste gestort word.

(ii) Die betrokke beampte of werknemer kan teen so 'n bepaling deur die departementshoof by die betrokke uitvoeringsgesag appelleer, wat die bevel kan gee wat hy of sy goeddink.

(iii) Die Kommissie kan aanbeveel dat die betrokke beampte of werknemer die geheel of 'n gedeelte van die besoldiging, toelae of beloning kan behou.

(b) Indien 'n beampte of werknemer na die oordeel van die departementshoof vermeld in paragraaf (a) enige besoldiging, toelae of ander beloning bedoel in daardie paragraaf ontvang het, en dit nog in sy of haar besit of onder sy of haar beheer is of ten behoewe van hom of haar in die besit of onder die beheer van iemand anders is, of, indien dit geld is, in 'n depositonemende finansiële instelling gestort is op sy of haar naam of op naam van iemand anders ten behoewe van hom of haar, kan daardie departementshoof die beampte of werknemer of so iemand anders die finansiële instelling skriftelik aansê om, in afwagting van die uitslag van geregtelike stappe vir die verhaal van daardie besoldiging, toelae of beloning of die waarde daarvan, nie daarvoor te beskik nie, of, indien dit geld is, nie oor 'n ooreenstemmende bedrag geld te beskik nie, na gelang van die geval.

(c) 'n Persoon of 'n finansiële instelling in paragraaf (b) bedoel wat 'n aanseggings ingevolge daardie paragraaf nie nakom nie, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete of gevangenisstraf vir 'n tydperk van hoogstens een jaar.

(d) Die bepalings van hierdie artikel is ook van toepassing op 'n beampte wat 'n departementshoof is, en in so 'n geval moet 'n verwysing na 'n departementshoof uitgelê word as 'n verwysing na die Tesourie.

(2) (a) Behoudens die bepalings van paragraaf (b) moet enige salaris, toelae, geld, bonus of honorarium wat betaalbaar is ten opsigte van die dienste van 'n beampte of werknemer wat tydelik tot die beskikking van 'n ander regering, of van 'n raad, inrigting, liggaam of persoon bedoel in artikel 15 (3) of (4), gestel is, in inkomste gestort word.

(b) Die Kommissie kan onder omstandighede wat hy as buitengewoon beskou, aanbeveel dat daar aan die betrokke beampte uit inkomste 'n bedrag betaal word wat gelyk is aan daardie salaris, toelae, geld, bonus of honorarium, of 'n gedeelte daarvan.

Opdra van ander werksaamhede aan beamptes en werknemers

32. 'n Uitvoeringsgesag of die hoof van 'n departement, tak, kantoor of inrigting kan 'n beampte of werknemer onder sy of haar beheer gelas om tydelik ander pligte te verrig as dié wat normaalweg aan so 'n beampte of werknemer opgedra word of wat by die graad, benaming of indeling van sy of haar pos pas, en hy of sy moet so 'n lasgewing gehoorsaam.

Unauthorized remuneration

31. (1) (a) (i) If any remuneration, allowance or other reward is received by an officer or employee in connection with the performance of his or her work in the public service otherwise than in accordance with the provisions of this Act or a recommendation of the Commission, or is received contrary to the provisions of section 30 (b), that officer or employee shall pay into revenue an amount equal to the amount of such remuneration, allowance or other reward, or, where it does not consist of money, the value thereof as determined by the head of department in which he or she was employed at the time of the receipt thereof, and if he or she does not do so, it shall be recovered from him or her by that head by way of legal proceedings or in such other manner as the Treasury may approve, and be paid into revenue.

(ii) The officer or employee concerned may appeal against such a determination by the head of department to the relevant executing authority, who may make such order as he or she may think fit.

(iii) The Commission may recommend that the officer or employee concerned may retain the whole or a portion of the remuneration, allowance or reward.

(b) If in the opinion of the head of department mentioned in paragraph (a) an officer or employee has received any remuneration, allowance or other reward contemplated in that paragraph, and it is still in his or her possession or under his or her control or in the possession or under the control of any other person on his or her behalf, or, if it is money, has been deposited in any deposit-taking financial institution in his or her name or in the name of any other person on his or her behalf, that head of department may in writing require that officer or employee or that other person or that financial institution not to dispose thereof, or, if it is money, not to dispose of a corresponding sum of money, as the case may be, pending the outcome of any legal steps for the recovery of that remuneration, allowance or reward or the value thereof.

(c) A person of financial institution contemplated in paragraph (b) who or which fails to comply with a requirement in terms of that paragraph, shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding one year.

(d) The provisions of this section shall also apply to an officer who is a head of department, and in such a case a reference to a head of department shall be construed as a reference to the Treasury.

(2) (a) Subject to the provisions of paragraph (b), any salary, allowance, fee, bonus or honorarium which may be payable in respect of the services of an officer or employee placed temporarily at the disposal of any other government, or of a council, institution, body or person contemplated in section 15 (3) or (4), shall be paid into revenue.

(b) In circumstances regarded by the Commission as exceptional, it may recommend the payment out of revenue to the officer or employee concerned of an amount equal to that salary, allowance, fee, bonus or honorarium, or a portion thereof.

Assignment of other functions to officers and employees

32. An executing authority or the head of a department, branch, office or institution may direct any officer or employee under his or her control temporarily to perform duties other than those ordinarily assigned to such an officer or employee or appropriate to the grade, designation or classification of his or her post, and he or she shall comply with such a direction.

Sessie van emolumente

33. Geen beampte of werknemer mag sonder skriftelike goedkeuring van die rekenpligtige beampte, soos omskryf in artikel 1 van die Skatkiswet, 1975 (Wet No. 66 van 1975), van die departement of kantoor waarin hy of sy in diens is, die reg op die geheel of 'n gedeelte van enige salaris of toelae wat aan hom of haar betaalbaar is, sedeer nie.

Verlaging van salarisse

34. Behoudens die bepalings van artikel 236 (5) van die Grondwet mag 'n beampte se salaris of salarisskaal nie sonder sy of haar instemming verlaag word nie behalwe ingevolge—

- (a) die bepalings van artikel 4 of 38 of Hoofstuk VI van hierdie Wet, artikel 236 (6) van die Grondwet of 'n Parlements wet; of
- (b) 'n program van rasionalisasie bedoel in artikel 237 van die Grondwet.

Griewe en versoeke van beamptes en werknemers

35. Indien 'n beampte in die A- of B-afdeling 'n klag of 'n grief oor 'n amptelike handeling of versuim het, of indien 'n beampte in daardie afdelings of 'n werknemer 'n versoek of mededeling aan die Kommissie wil rig, het hy of sy die reg om die klag, grief, versoek of mededeling by die betrokke gesag onder die voorgeskrewe omstandighede en op die voorgeskrewe voorwaardes en wyse in te dien, en daardie gesag moet dit op die voorgeskrewe wyse en op die voorgeskrewe tyd of binne die voorgeskrewe tydperk aan die Kommissie voorlê.

Politieke regte van beamptes en werknemers

36. Behoudens die bepalings van artikel 20 (g) mag 'n beampte of werknemer—

- (a) lid wees en in die bestuur dien van 'n wettige politieke party;
- (b) 'n openbare politieke vergadering bywoon, maar nie op so 'n vergadering voorsit of as spreker optree nie; en
- (c) nie 'n geskryf opstel of publiseer of 'n openbare toespraak hou ter bevordering of benadeling van die belange van 'n politieke party nie.

HOOFSTUK VIII**DIVERSE****Besoldiging van beamptes en werknemers**

37. (1) Behoudens die bepalings van artikel 5 moet daar aan beamptes en werknemers die salarisse, lone en toelaes betaal word ooreenkomstig die skale wat vir hulle range en grade deur die Kommissie ingevolge artikel 3 (3) (g) aanbeveel is.

(2) Op aanbeveling van die Kommissie, maar behoudens die bepalings van artikel 5—

- (a) kan daar aan beamptes of werknemers of klasse beamptes of werknemers by aanstelling, oorplasing of bevordering hoër salarisse of lone as die minimum bedrae van die toepaslike skale betaal word;
- (b) kan daar aan beamptes of werknemers of klasse beamptes of werknemers spesiale verhoging in salarisse toegestaan word binne die skale wat op hulle van toepassing is;

Cession of emoluments

33. No officer or employee shall without written approval of the accounting officer, as defined in section 1 of the Exchequer Act, 1975 (Act No. 66 of 1975), of the department or office in which he or she is employed, cede the right to the whole or any part of any salary or allowance payable to him or her.

Reduction of salaries

34. Subject to the provisions of section 236 (5) of the Constitution, the salary or scale of salary of an officer shall not be reduced without his or her consent except in terms of—

- (a) the provisions of section 4 or 38 or Chapter VI of this Act, section 236 (6) of the Constitution or an Act of Parliament; or
- (b) a programme of rationalisation referred to in section 237 of the Constitution.

Grievances and requests of officers and employees

35. If an officer in the A or B division has a complaint or a grievance concerning an official act or omission, or if an officer in those divisions or an employee wants to address a request or communication to the Commission, he or she has the right to lodge that complaint, grievance, request or communication with the authority concerned under the prescribed circumstances, on the prescribed conditions and in the prescribed manner, and that authority shall submit it to the Commission in the prescribed manner, and at the prescribed time or within the prescribed period.

Political rights of officers and employees

36. Subject to the provisions of section 20 (g), an officer or employee may—

- (a) be a member and serve on the management of a lawful political party;
- (b) attend a public political meeting, but may not preside or speak at such a meeting; and
- (c) not draw up or publish any writing or deliver a public speech to promote or prejudice the interests of any political party.

CHAPTER VIII**MISCELLANEOUS****Remuneration of officers and employees**

37. (1) Subject to the provisions of section 5, officers and employees shall be paid the salaries, wages and allowances in accordance with the scales recommended by the Commission for their ranks and grades in terms of section 3 (3) (g).

(2) On the recommendation of the Commission, but subject to the provisions of section 5—

- (a) officers or employees or classes of officers or employees may on appointment, transfer or promotion be paid higher salaries or wages than the minimum amounts of the appropriate scales;
- (b) officers or employees or classes of officers or employees may be granted special advancement in salaries within the scales applicable to them;

- (c) kan die salaris of loon van 'n beampte of werknemer wat buitengewoon bekwaam is of wat spesiale kwalifikasies besit of wat voortrefflike diens gelewer het en, as dit in belang van die staatsdiens is, van enige beampte of werknemer, spesiaal verhoog word binne die skaal wat op hom of haar van toepassing is, of kan daar aan hom of haar 'n salaris of loon ooreenkomstig 'n hoër skaal betaal of enige ander geskikte beloning toegeken word; en
- (d) kan daar aan 'n departementshoof of klas departementshoofde voor of by verstryking van 'n termyn in artikel 12 (1) (a) of (b) bedoel, of enige verlengde termyn in artikel 12 (1) (c) bedoel, of ten tyde van aftrede of ontslag uit die staatsdiens, enige besondere diensvoordeel toegeken word.

Foutiewelik toegestane besoldiging

38. (1) Indien 'n foutiewe salaris of salarisskaal by aanstelling, oorpasing of bevordering, of 'n foutiewe verhoging in salaris binne die perke van die salarisskaal op sy of haar graad van toepassing, aan 'n beampte of werknemer toegeken of toegestaan is, of toegeken of toegestaan is teen die korrekte kerf of skaal maar op 'n tyd wanneer of in omstandighede waaronder dit nie aan hom of haar toegeken of toegestaan behoort te gewees het nie, moet die hoof van die departement waarin daardie beampte of werknemer in diens is sy of haar salaris of salarisskaal regstel met ingang van die datum waarop die foutiewe salaris, salarisskaal of salarisverhoging in werking getree het, ondanks die bepalings van artikel 14 (3) (a) en ondanks die feit dat die betrokke beampte of werknemer onbewus daarvan was dat 'n fout begaan is in die geval waar die regstelling neerkom op 'n verlaging van sy of haar salarisskaal of salaris.

(2) Indien 'n beampte of werknemer bedoel in subartikel (1) ten opsigte van sy of haar salaris, met inbegrip van enige gedeelte van 'n toelae of ander besoldiging of enige ander voordeel wat op sy of haar basiese salaris of salarisskaal bereken is of op grond van sy of haar basiese salaris aan hom of haar toegeken is—

- (a) onderbetaal is, moet 'n bedrag gelyk aan die bedrag van die onderbetaling aan hom of haar betaal word, en moet die ander voordeel wat hy of sy nie ontvang het nie, vanaf 'n lopende datum aan hom of haar toegeken word; of
- (b) oorbetaal is, of so 'n ander voordeel ontvang het wat hom of haar nie toekom nie—
 - (i) moet 'n bedrag gelyk aan die bedrag van die oorbetalings op hom of haar verhaal word by wyse van die aftrekking van sy of haar salaris van die paaiemente wat die departementshoof, met die goedkeuring van die Tesourie, bepaal, indien hy of sy in diens van die Staat is, of, indien hy of sy nie aldus in diens is nie, by wyse van die aftrekking van enige bedrae wat deur die Staat aan hom of haar verskuldig is, of by wyse van geregtelike stappe, of gedeeltelik op eersgenoemde en gedeeltelik op laasgenoemde wyse;
 - (ii) moet daardie ander voordeel vanaf 'n lopende datum gestaak of ingetrek word, maar die betrokke beampte of werknemer het die reg om deur die Staat vergoed te word vir enige vermoënsregtelike skade wat hy of sy as gevolg van daardie staking of intrekking gelyk het of sal ly.

(3) Met die goedkeuring van die Tesourie kan die bedrag van 'n oorbetalings wat ingevolge subartikel (2) (b) verhaal moet word geheel of gedeeltelik kwytgeskeld word.

- (c) the salary or wage of an officer or employee of exceptional ability or possessing special qualifications or who has rendered meritorious service, and, if it is in the interest of the public service, of any officer or employee, may be specially advanced within the scale applicable to him or her or may be paid a salary or wage in accordance with a higher scale or may be granted any other fitting reward; and
- (d) any special service benefit may be granted to a head of department or class of heads of department before or at the expiry of a term contemplated in section 12 (1) (a) or (b), or any extended term contemplated in section 12 (1) (c), or at the time of retirement or discharge from the public service.

Wrongly granted remuneration

38. (1) If an incorrect salary or scale of salary on appointment, transfer or promotion, or an incorrect advancement of salary within the limits of the scale of salary applicable to his or her grading, was awarded or granted to an officer or employee, or was awarded or granted at the correct notch or scale but at a time when or in circumstances under which it should not have been awarded or granted to him or her, the head of the department in which that officer or employee is employed, shall correct his or her salary or scale of salary with effect from the date on which the incorrect salary, scale of salary or salary advancement commenced, notwithstanding the provisions of section 14 (3) (a) and notwithstanding the fact that the officer or employee concerned was unaware that an error had been made in the case where the correction amounts to a reduction of his or her scale of salary or salary.

(2) If an officer or employee contemplated in subsection (1) has in respect of his or her salary, including any portion of any allowance or other remuneration or any other benefit calculated on his or her basic salary or scale of salary or awarded to him or her by reason of his or her basic salary—

(a) been underpaid, an amount equal to the amount of the underpayment shall be paid to him or her, and that other benefit which he or she did not receive, shall be awarded to him or her as from a current date; or

(b) been overpaid or received any such other benefit not due to him or her—

(i) an amount equal to the amount of the overpayment shall be recovered from him or her by way of the deduction from his or her salary of such instalments as the head of department, with the approval of the Treasury, may determine if he or she is in the service of the State, or, if he or she is not so in service, by way of deduction from any moneys owing to him or her by the State, or by way of legal proceedings, or partly in the former manner and partly in the latter manner;

(ii) that other benefit shall be discontinued or withdrawn as from a current date, but the officer or employee concerned shall have the right to be compensated by the State for any patrimonial loss which he or she has suffered or will suffer as a result of that discontinuation or withdrawal.

(3) With the approval of the Treasury the amount of an overpayment to be recovered in terms of subsection (2) (b) may be remitted in whole or in part.

Beperking van regsgedinge

39. (1) Geen regsgeding mag teen die Staat of 'n liggaam of persoon ten opsigte van enige beweerde handeling ingevolge hierdie Wet, of enige beweerde versuim om iets te doen wat ingevolge hierdie Wet gedoen behoort te word, ingestel word nie, tensy die regsgeding ingestel word voor die verstryking van 'n tydperk van 12 kalendermaande na die datum waarop die eiser kennis van die beweerde handeling of versuim gehad het, of na die datum waarop redelikerwys verwag kon word dat die eiser van die beweerde handeling of versuim bewus sou wees, na gelang van watter datum die vroegste is.

(2) Geen sodanige regsgeding mag ingestel word voor die verstryking van minstens een kalendermaand nadat 'n skriftelike kennisgewing, waarin besonderhede aangaande die beweerde handeling of versuim verstrekkend word, van die voorneme om die regsgeding in te stel, aan die verweerder bestel is nie.

(3) Subartikels (1) en (2) word nie uitgelê as sou dit 'n geregshof belet om die vereistes of verbodinge vervat in daardie artikels te hanteer waar die belange van geregtigheid dit vereis nie.

Beperking van aanspreeklikheid

40. Wanneer iemand in 'n voertuig, vliegtuig of vaartuig wat die eiendom van die Staat is, vervoer word of daarvan gebruik maak, is die Staat of iemand in diens van die Staat, nie teenoor so iemand of sy of haar eggenoot, ouer, kind of ander afhanklike aanspreeklik vir enige verlies of skade ten gevolge van liggaamlike besering, lewensverlies of verlies van of skade aan eiendom wat veroorsaak word deur of voortspuit uit of op enige wyse in verband staan met die vervoer in of die gebruik van bedoelde voertuig, vliegtuig of vaartuig nie, tensy so iemand aldus vervoer word of daarvan gebruik maak by, of in belang van, die verrigting van die werksaamhede van die Staat: Met dien verstande dat die bepalings van hierdie artikel nie die aanspreeklikheid van iemand in diens van die Staat raak wat bedoelde verlies of skade opsetlik veroorsaak nie.

Regulasies

41. (1) Die President kan, nadat die Kommissie 'n aanbeveling gedoen het, regulasies uitvaardig betreffende—

- (a) die indiensneming van persone en die oorplasing, bevordering en indienshouding van beamptes en werknemers;
- (b) die pligte, bevoegdhede, gedrag, dissipline, diensure en verlof van beamptes en werknemers en hulle ander diensvoorwaardes, met inbegrip van die bewoning van amptelike kwartiere;
- (c) 'n gedragskode wat beamptes en werknemers moet nakom;
- (d) reise in amptelike diens en die vervoerregte van beamptes en werknemers;
- (e) die voorwaardes waarop en die omstandighede waarin besoldiging vir oortyd-diens en reis-, verblyf-, klimaats-, plaaslike en ander toelaes, aan beamptes en werknemers betaal moet word;
- (f) die omstandighede waarin geneeskundige ondersoek vir die doeleindes van 'n bepaling van hierdie Wet vereis word, en die vorm van geneeskundige verslae en sertifikate;

Limitation of actions

39. (1) No legal proceedings shall be instituted against the State or any body or person in respect of any alleged act in terms of this Act, or any alleged omission to do anything which in terms of this Act should have been done, unless the legal proceedings are instituted before the expiry of a period of 12 calendar months after the date upon which the claimant had knowledge, or after the date on which the claimant might reasonably have been expected to have knowledge, of the alleged act or omission, whichever is the earlier date.

(2) No such legal proceedings shall be commenced before the expiry of at least one calendar month after a written notification, in which particulars as to the alleged act or omission are given, of intention to bring those proceedings has been served on the defendant.

(3) Subsections (1) and (2) shall not be construed as precluding a court of law from dispensing with the requirements or prohibitions of those sections where the interests of justice so require.

Limitation of liability

40. Whenever any person is conveyed in or makes use of any vehicle, aircraft or vessel which is the property of the State, the State or a person in the service of the State shall not be liable to such person or his or her spouse, parent, child or other dependant for any loss or damage resulting from any bodily injury, loss of life or loss of or damage to property caused by or arising out of or in any way connected with the conveyance in or the use of such vehicle, aircraft or vessel, unless such person is so conveyed or makes use thereof in, or in the interest of, the performance of the functions of the State: Provided that the provisions of this section shall not affect the liability of a person in the service of the State who wilfully causes the said loss or damage.

Regulations

41. (1) The President may, after the Commission has made a recommendation, make regulations regarding—

- (a) the employment of persons and the transfer, promotion and continued employment of officers and employees;
- (b) the duties, powers, conduct, discipline, hours of attendance and leave of absence of officers and employees and their other conditions of service, including the occupation of official quarters;
- (c) a code of conduct with which officers and employees shall comply;
- (d) journeys on official duty and transport privileges of officers and employees;
- (e) the conditions on which and the circumstances under which remuneration for overtime duty, and travelling, subsistence, climatic, local and other allowances, shall be paid to officers and employees;
- (f) the circumstances under which medical examination shall be required for the purposes of any provision of this Act, and the form of medical reports and certificates;

- (g) die besondere klasse beamptes en werknemers wat verplig kan word om sekerheid te stel, en die bedrag en vorm daarvan;
- (h) die omstandighede waarin en die voorwaardes en wyse waarop bevind kan word dat 'n beampte ongeskik vir sy of haar pligte is of nie in staat is om hulle op bekwame wyse uit te voer nie, en die voorwaardes en wyse waarop hy of sy teen so 'n bevinding kan appelleer;
- (i) die wyse waarop 'n beampte van wangedrag aangekla moet word, die vereistes waaraan 'n voorsittende beampte moet voldoen, die omstandighede waarin, die voorwaardes en wyse waarop en tyd wanneer 'n beampte in sy of haar diens geskors kan word, die wyse waarop teen 'n skuldigbevinding aan wangedrag en die beoogde optrede geappelleer kan word, en die verhoor van so 'n appèl;
- (j) die prosedure vir die behandeling van klagtes en griewe van beamptes, en die wyse waarop en die tyd wanneer stukke in verband daarmee en in verband met versoeke en mededelings van beamptes en werknemers, aan die Kommissie voorgelê moet word;
- (k) mediese hulpverlening aan beamptes en werknemers;
- (l)
 - (i) die instelling en bestuur van en beheer oor 'n opleidingsfonds vir die staatsdiens;
 - (ii) in die algemeen, alle aangeleenthede wat redelikerwys nodig is vir die reëling en werking van so 'n fonds;
- (m) die algemene sekerheid in departemente en die sekerheidsvereistes waaraan beamptes en werknemers moet voldoen;
- (n) alle aangeleenthede wat ingevolge hierdie Wet voorgeskryf moet of kan word;
- (o) die aanwysing of instelling van 'n gesag of meer as een gesag en die bevoegdhede van so 'n gesag om onder vermelde omstandighede ten opsigte van 'n beampte of werknemer of klas beamptes of werknemers 'n afwyking van die bepalings van 'n regulasie te magtig;
- (p) enige aangeleentheid wat die President nodig of dienstig ag om voor te skryf ten einde die oogmerke van hierdie Wet te verwesenlik.

(2) Verskillende regulasies kan uitgevaardig word ten opsigte van die A- en B-afdeling, of om te pas by die verskillende vereistes van besondere departemente of takke van departemente, of van besondere klasse beamptes of werknemers, of van besondere soorte diens in die staatsdiens.

(3) (a) 'n Regulasie wat kragtens hierdie Wet uitgevaardig word, is van krag tensy en totdat die Parlement die regulasie, by besluit, afkeur, in welke geval die regulasie verval met ingang van 'n datum wat in die besluit vermeld moet word.

(b) Die verval van 'n regulasie ingevolge hierdie subartikel raak nie die geldigheid van enigiets wat kragtens die regulasie voor die datum vermeld in die besluit gedoen is nie.

(c) Die bepalings van hierdie subartikel raak nie die bevoegdheid van die President om 'n nuwe regulasie uit te vaardig betreffende die aangeleentheid waaroor 'n regulasie wat ingevolge paragraaf (a) verval het, gehandel het nie.

- (g) the particular classes of officers and employees who may be required to provide security, and the amount and form thereof;
- (h) the circumstances under which, the conditions on which, and the manner in which an officer may be found unfit for his or her duties or incapable of carrying them out efficiently, and the conditions on which and the manner in which he or she may appeal against such a finding;
- (i) the manner of charging an officer with misconduct, the requirements with which a presiding officer must comply, the circumstances under which, the conditions on which, the manner in which, and the time when, an officer may be suspended from service, the manner in which a finding of guilty of misconduct and the contemplated action, may be appealed against, and the hearing of such an appeal;
- (j) the procedure for dealing with complaints and grievances of officers, and the manner in which and time when documents in connection therewith and in connection with requests and communications of officers and employees, shall be submitted to the Commission;
- (k) medical aid to officers and employees;
- (l)
 - (i) the establishment and management of and control over a training fund for the public service;
 - (ii) in general, all matters reasonably necessary for the regulation and operation of such a fund;
- (m) the general security in departments and the security requirements with which officers and employees shall comply;
- (n) all matters which shall or may be prescribed under this Act;
- (o) the designation or establishment of an authority or more than one authority and the powers of such an authority to authorize a departure from the provisions of a regulation in respect of an officer or employee or class of officers or employees under stated circumstances;
- (p) any matter which the President may consider necessary or expedient to prescribe in order to achieve the objects of this Act.

(2) Different regulations may be made in respect of the A and B divisions, or to suit the varying requirements of particular departments or branches of departments, or of particular classes of officers or employees, or of particular kinds of employment in the public service.

(3) (a) A regulation made under this Act shall be in force unless and until Parliament, by resolution, disapproves of the regulation, in which event the regulation shall lapse with effect from a date to be specified in the resolution.

(b) The lapsing of a regulation in terms of this subsection shall not affect the validity of anything done under the regulation prior to the date mentioned in the resolution.

(c) The provisions of this subsection shall not affect the power of the President to make a new regulation regarding the subject dealt with by a regulation that has lapsed in terms of paragraph (a).

Staatsdienspersoneelkode

42. (1) Behoudens die bepalings van artikel 5 (7) kan—

- (a) enige staande aanbeveling of lasgewing van 'n algemene aard wat die Kommissie gedoen of gegee het; en
- (b) enige voorskrifte deur die Kommissie ter toeligting of aanvulling van 'n regulasie,

en wat nie met hierdie Wet in stryd is nie, in 'n kode wat die Staatsdienspersoneelkode heet, vervat word.

(2) Die bepalings van artikel 41 (2) is *mutatis mutandis* van toepassing ten opsigte van die Staatsdienspersoneelkode.

(3) Die bepalings van die Staatsdienspersoneelkode bind 'n departement, beampte of werknemer vir sover dit op daardie departement, beampte of werknemer van toepassing is.

Herroeping van wette en voorbehoude

43. (1) Behoudens die bepalings van subartikel (2) word die wette in Bylae 3 genoem hierby herroep in die mate uiteengesit in die derde kolom van daardie Bylae.

(2) Ondanks die herroeping van die wette bedoel in subartikel 1, maar behoudens subartikel (3), (4) en (5)—

- (a) bly 'n departement, administrasie, kantoor of ander instelling wat ingestel is by of kragtens, of funksioneer ooreenkomstig sodanige wet, voortbestaan totdat dit by lasgewing van die Kommissie afgeskaf word of andersins kragtens hierdie Wet mee gehandel word;
- (b) gaan 'n persoon wat onmiddellik voor die inwerkingtreding van hierdie Wet in diens was by 'n instelling bedoel in paragraaf (a) of subartikel (3) (a), in sodanige diens voort totdat daar met hom of haar ingevolge hierdie Wet gehandel word, en die bedinge en voorwaardes op sy of haar diens van toepassing onmiddellik voor sodanige inwerkingtreding, bly op hom of haar van toepassing onderworpe aan enige verandering daarvan ingevolge hierdie Wet;
- (c) moet 'n aanbeveling gemaak, lasgewing gegee of besluit geneem deur 'n instelling bedoel in subartikel (3) (a) en wat nog nie uitgevoer is by die inwerkingtreding van hierdie Wet nie, behalwe waar dit deur die Kommissie teruggetrek word, geag word 'n aanbeveling gemaak of 'n lasgewing gegee of 'n besluit geneem deur die Kommissie te wees;
- (d) word enigiets wat gedoen is kragtens enige sodanige wet en wat kragtens 'n bepaling van hierdie Wet gedoen kan word, geag kragtens sodanige bepaling van hierdie Wet gedoen te wees; en
- (e) word 'n ondersoek van wangedrag en enige verrigtinge betreffende 'n grief of klagte wat kragtens enige sodanige wet ingestel is, voortgesit en afgehandel asof daardie wet nie herroep is nie: Met dien verstande dat 'n bevoegdheid of werksaamheid wat by sodanige wet aan 'n instelling bedoel in subartikel (3) (a) opgedra is, deur die Kommissie uitgeoefen of verrig word.

(3) (a) Subartikel (2) (a) geld nie ten opsigte van 'n staatsdienskommissie, kommissie vir administrasie of ander soortgelyke instelling wat ingestel is by of kragtens, of funksioneer ooreenkomstig, 'n wet bedoel in subartikel (1) nie, en enige sodanige kommissie of ander instelling hou, behoudens artikel 238 (5) van die Grondwet, by die inwerkingtreding van hierdie Wet op om te bestaan.

Public Service Staff Code

42. (1) Subject to the provisions of section 5 (7)—

- (a) any standing recommendation or direction of a general nature made or given by the Commission; and
- (b) any directive by the Commission to elucidate or supplement any regulation, and which is not contrary to this Act, may be included in a code called the Public Service Staff Code.

(2) The provisions of section 41 (2) shall apply *mutatis mutandis* in respect of the Public Service Staff Code.

(3) The provisions of the Public Service Staff Code shall be binding upon any department, officer or employee in so far as they apply to that department, officer or employee.

Repeal of laws and savings

43. (1) Subject to the provisions of subsection (2), the laws mentioned in Schedule 3 are hereby repealed to the extent indicated in the third column of that Schedule.

(2) Notwithstanding the repeal of the laws referred to in subsection (1), but subject to subsections (3), (4) and (5)—

- (a) any department, administration, office or other institution established by or under or functioning in accordance with any such law, shall continue to exist until abolished by direction of the Commission or otherwise dealt with under this Act;
- (b) any person employed immediately before the commencement of this Act by an institution referred to in paragraph (a) or subsection (3) (a), shall continue in such employment until he or she is dealt with in terms of this Act, and the terms and conditions applicable to his or her employment immediately before such commencement shall continue to apply to him or her, subject to any alteration thereof in terms of this Act;
- (c) any recommendation made, direction given or decision taken by an institution referred to in subsection (3) (a) and not yet executed at the commencement of this Act, shall, unless withdrawn by the Commission, be deemed to be a recommendation made or direction given or decision taken by the Commission;
- (d) anything done under any such law which is capable of being done under a provision of this Act, shall be deemed to have been done under such provision of this Act; and
- (e) any investigation of misconduct and any proceedings relating to a grievance or complaint, instituted under any such law, shall be continued and concluded as if such law were not repealed: Provided that any power or function assigned by such law to an institution referred to in subsection (3) (a), shall be exercised or performed by the Commission.

(3) (a) Subsection (2) (a) shall not apply to a public service commission, commission for administration or other like institution established by or under or functioning in accordance with a law referred to in subsection (1), and any such commission or other institution shall, subject to section 238 (5) of the Constitution, cease to exist upon the commencement of this Act.

(b) Die kantoor van 'n instelling bedoel in paragraaf (a) word, totdat daarmee kragtens hierdie Wet of die Kommissiewet gehandel is, geag 'n streekkantoor van die Kantoor van die Kommissie te wees.

(4) 'n Persoon wat onmiddellik voor die inwerkingtreding van hierdie Wet die amp van direkteur-generaal beklee het, of wat onder enige ander benaming die administratiewe hoof was van 'n instelling bedoel in subartikel (2) (a) moet, terwyl hy of sy ingevolge subartikel (2) (b) in sy of haar amp aanbly, sy of haar werksaamhede verrig en bevoegdhede uitoefen onder beheer van en in ooreenstemming met die lasgewings van 'n departementshoof bedoel in die tweede kolom van Bylae 1 of 2 wat in elke besondere geval deur die Kommissie aangewys word.

(5) Die bepalinge van hierdie Wet is *mutatis mutandis* van toepassing ten opsigte van enige instelling en persoon bedoel in onderskeidelik subartikel (2) (a) en (b), en by sodanige toepassing het die Kommissie en 'n uitvoeringsgesag al die bevoegdhede en werksaamhede wat aan hulle opgedra is by hierdie Wet of enige ander wet met betrekking tot 'n departement of 'n beampte as wat nodig is om effektief met sodanige instelling of persoon te handel vir doeleindes van die rasionalisering beoog in artikel 237 van die Grondwet.

Kort titel

44. Hierdie Wet heet die Staatsdienswet, 1994.

(b) The office of an institution referred to in paragraph (a) shall, until dealt with in terms of this Act or the Commission Act, be deemed to be a regional office of the Office of the Commission.

(4) A person who immediately before the commencement of this Act occupied the post of director-general, or was the administrative head under any other designation, of an institution referred to in subsection (2) (a) shall, while continuing in office in terms of subsection (2) (b), perform his or her functions and exercise his or her powers under the control of and in accordance with the directions of a head of department referred to in the second column of Schedule 1 or 2 and designated by the Commission in each particular case.

(5) The provisions of this Act shall apply *mutatis mutandis* in respect of any institution and person referred to in subsection (2) (a) and (b), respectively, and in such application the Commission and an executing authority shall have all such powers and functions assigned to them by this Act or any other law in relation to a department or an officer as are necessary to effectively deal with any such institution or person for the purposes of the rationalisation contemplated in section 237 of the Constitution.

Short title

44. This Act shall be called the Public Service Act, 1994.

BYLAE 1**DEPARTEMENTE EN DEPARTEMENTSHOOFDE**

KOLOM I	KOLOM II
Departement van Arbeid	Direkteur-generaal: Arbeid
Departement van Behuising.....	Direkteur-generaal: Behuising
Departement van Binnelandse Sake.....	Direkteur-generaal: Binnelandse Sake
Departement van Buitelandse Sake.....	Direkteur-generaal: Buitelandse Sake
Departement van Finansies	Direkteur-generaal: Finansies
Departement van Gesondheid en Welsyn.....	Direkteur-generaal: Gesondheid en Welsyn
Departement van Grondsake	Direkteur-generaal: Grondsake
Departement van Handel en Nywerheid.....	Direkteur-generaal: Handel en Nywerheid
Departement van Justisie.....	Direkteur-generaal: Justisie
Departement van Korrektiewe Dienste.....	Kommissaris: Korrektiewe Dienste
Departement van Kuns, Kultuur, Wetenskap en Tegnologie	Direkteur-generaal: Kuns, Kultuur, Wetenskap en Tegnologie
Departement van Landbou.....	Direkteur-generaal: Landbou
Departement van Minerale- en Energiesake ...	Direkteur-generaal: Minerale- en Energiesake
Departement van Nasionale Intelligensiedienste	Direkteur-generaal: Nasionale Intelligensiedienste
Departement van Omgewingsake en Toerisme	Direkteur-generaal: Omgewingsake en Toerisme
Departement van Onderwys	Direkteur-generaal: Onderwys
Departement van Openbare Werke	Direkteur-generaal: Openbare Werke
Departement van Sport en Ontspanning	Direkteur-generaal: Sport en Ontspanning
Departement van Staatkundige Ontwikkeling	Direkteur-generaal: Staatkundige Ontwikkeling
Departement van Staatsbesteding.....	Direkteur-generaal: Staatsbesteding
Departement van Vervoer	Direkteur-generaal: Vervoer
Departement van Waterwese en Bosbou.....	Direkteur-generaal: Waterwese en Bosbou
Kantoor van die President.....	Direkteur-generaal: Kantoor van die President
Kantoor van die Staatsdienskommissie	Direkteur-generaal: Kantoor van die Staatsdienskommissie
Nasionale Weermag	Hoof van die Nasionale Weermag
Provinsiale Administrasie: KwaZulu/Natal.....	Direkteur-generaal: Provinsiale Administrasie: KwaZulu/Natal
Provinsiale Administrasie: Noord-Kaap.....	Direkteur-generaal: Provinsiale Administrasie: Noord-Kaap
Provinsiale Administrasie: Noord-Transvaal ...	Direkteur-generaal: Provinsiale Administrasie: Noord-Transvaal
Provinsiale Administrasie: Noordwes.....	Direkteur-generaal: Provinsiale Administrasie: Noordwes
Provinsiale Administrasie: Oos-Kaap.....	Direkteur-generaal: Provinsiale Administrasie: Oos-Kaap
Provinsiale Administrasie: Oos-Transvaal	Direkteur-generaal: Provinsiale Administrasie: Oos-Transvaal
Provinsiale Administrasie: Oranje-Vrystaat.....	Direkteur-generaal: Provinsiale Administrasie: Oranje-Vrystaat
Provinsiale Administrasie: Pretoria-Witwatersrand-Vereeniging	Direkteur-generaal: Provinsiale Administrasie: Pretoria-Witwatersrand-Vereeniging
Provinsiale Administrasie: Wes-Kaap	Direkteur-generaal: Provinsiale Administrasie: Wes-Kaap
Suid-Afrikaanse Polisie diens	Nasionale Kommissaris: Suid-Afrikaanse Polisie diens

SCHEDULE 1**DEPARTMENTS AND HEADS OF DEPARTMENT**

COLUMN I	COLUMN II
Department of Agriculture	Director-General: Agriculture
Department of Arts, Culture, Science and Technology	Director-General: Arts, Culture, Science and Technology
Department of Constitutional Development.....	Director-General: Constitutional Development
Department of Correctional Services	Commissioner: Correctional Services
Department of Education	Director-General: Education
Department of Environmental Affairs and Tourism	Director-General: Environmental Affairs and Tourism
Department of Finance.....	Director-General: Finance
Department of Foreign Affairs	Director-General: Foreign Affairs
Department of Health and Welfare	Director-General: Health and Welfare
Department of Home Affairs.....	Director-General: Home Affairs
Department of Housing	Director-General: Housing
Department of Justice	Director-General: Justice
Department of Labour	Director-General: Labour
Department of Land Affairs	Director-General: Land Affairs
Department of Mineral and Energy Affairs.....	Director-General: Mineral and Energy Affairs
Department of National Intelligence Services	Director-General: National Intelligence Services
Department of Public Works.....	Director-General: Public Works
Department of Sport and Recreation.....	Director-General: Sport and Recreation
Department of State Expenditure	Director-General: State Expenditure
Department of Trade and Industry.....	Director-General: Trade and Industry
Department of Transport.....	Director-General: Transport
Department of Water Affairs and Forestry	Director-General: Water Affairs and Forestry
National Defence Force	Chief of the National Defence Force
Office of the President.....	Director-General: Office of the President
Office of the Public Service Commission.....	Director-General: Office of the Public Service Commission
Provincial Administration: Eastern Cape	Director-General: Provincial Administration: Eastern Cape
Provincial Administration: Eastern Transvaal	Director-General: Provincial Administration: Eastern Transvaal
Provincial Administration: KwaZulu/Natal	Director-General: Provincial Administration: KwaZulu/Natal
Provincial Administration: Northern Cape	Director-General: Provincial Administration: Northern Cape
Provincial Administration: Northern Transvaal	Director-General: Provincial Administration: Northern Transvaal
Provincial Administration: North-West.....	Director-General: Provincial Administration: North-West
Provincial Administration: Orange Free State	Director-General: Provincial Administration: Orange Free State
Provincial Administration: Pretoria-Witwatersrand-Vereeniging	Director-General: Provincial Administration: Pretoria-Witwatersrand-Vereeniging
Provincial Administration: Western Cape	Director-General: Provincial Administration: Western Cape
South African Police Service	National Commissioner: South African Police Service

BYLAE 2**ORGANISASIEKOMPONENTE EN POSTE IN ARTIKEL 7 (4) BEDOEL**

KOLOM I	KOLOM II
Kantoor van die Uitvoerende Adjunkpresident	Hoof: Kantoor van die Uitvoerende Adjunkpresident
Kantoor van die Uitvoerende Adjunkpresident vanuit die Grootste Minderheidsparty	Hoof: Kantoor van die Uitvoerende Adjunkpresident van- uit die Grootste Minderheidsparty
Kantoor vir Openbare Ondernemings	Hoof: Kantoor vir Openbare Ondernemings
Sentrale Ekonomiese Adviesdiens	Hoof: Sentrale Ekonomiese Adviesdiens
Sentrale Statistiekdiens	Hoof: Sentrale Statistiekdiens
Suid-Afrikaanse Kommunikasiediens	Hoof: Suid-Afrikaanse Kommunikasiediens

BYLAE 3**WETTE HERROEP DEUR ARTIKEL 43 (1)**

Nommer en jaar van wet	Kort titel	Omvang van herroeping
Wet No. 2 van 1972 (Lebowa)	Lebowa Staatsdienswet, 1972	Die herroeping van die geheel
Wet No. 4 van 1972 (Bophu- thatswana)	Bophuthatswana Staatsdienswet, 1972	Die herroeping van die geheel
Wet No. 5 van 1972 (Gazan- kulu)	Gazankulu Staatsdienswet, 1972	Die herroeping van die geheel
Wet No. 5 van 1973 (Qwa- Qwa)	QwaQwa Staatsdienswet, 1973	Die herroeping van die geheel
Wet No. 5 van 1973 (Ka- Ngwane)	KaNgwane Staatsdienswet, 1973	Die herroeping van die geheel
Wet No. 43 van 1978 (Trans- kei)	Transkei Staatsdienswet, 1978	Die herroeping van die geheel
Wet No. 2 van 1981 (Ciskei)....	Ciskei Staatsdienswet, 1981	Die herroeping van die geheel
Wet No. 3 van 1981 (KwaNde- bele)	KwaNdebele Staatsdienswet, 1981	Die herroeping van die geheel
Wet No. 111 van 1984	Staatsdienswet, 1984	Die herroeping van die geheel
Wet No. 67 van 1985	Wysigingswet op die Wette op die Staatsdiens, 1985	Die herroeping van artikels 2 en 3
Wet No. 7 van 1986 (Venda) ...	Venda Regeringsdienskommissiewet, 1986	Die herroeping van die geheel
Wet No. 8 van 1986 (Venda) ...	Venda Staatsdienswet, 1986	Die herroeping van die geheel
Wet No. 22 van 1986	Staatsdienswysigingswet, 1986	Die herroeping van die geheel
Wet No. 4 van 1989 (Ka- Ngwane)	KaNgwane Regeringsdienskommissie- wet, 1989	Die herroeping van die geheel
Wet No. 5 van 1990 (KwaZulu)	KwaZulu Staatsdienswet, 1990	Die herroeping van die geheel
Wet No. 6 van 1990 (KwaZulu)	KwaZulu Regeringsdienskommissie- wet, 1990	Die herroeping van die geheel
Wet No. 120 van 1990	Wysigingswet op die Wette op die Staatsdiens, 1990	Die herroeping van artikels 2, 3 en 4
Wet No. 57 van 1991	Staatsdienswysigingswet, 1991	Die herroeping van die geheel
Wet No. 47 van 1993	Wysigingswet op die Staatsdienswet, 1993	Die herroeping van artikels 2 tot 10
Wet No. 102 van 1993	Wet op Arbeidsverhoudinge vir die Staatsdiens, 1993	Die herroeping van artikel 27 en die Bylae
Wet No. 179 van 1993	Staatsdienswysigingswet, 1993	Die herroeping van die geheel

SCHEDULE 2**ORGANISATIONAL COMPONENTS AND POSTS
CONTEMPLATED IN SECTION 7 (4)**

COLUMN I	COLUMN II
Central Economic Advisory Service	Head: Central Economic Advisory Service
Central Statistical Service	Head: Central Statistical Service
Office of the Executive Deputy President	Head: Office of the Executive Deputy President
Office of the Executive Deputy President from the Largest Minority Party	Head: Office of the Executive Deputy President from the Largest Minority Party
Office for Public Enterprises.....	Head: Office for Public Enterprises
South African Communication Service.....	Head: South African Communication Service

SCHEDULE 3**LAWS REPEALED BY SECTION 43 (1)**

Number and year of law	Short title	Extent of repeal
Act No. 2 of 1972 (Lebowa)	Lebowa Public Service Act, 1972	The repeal of the whole
Act No. 4 of 1972 (Bophutha- tswana)	Bophuthatswana Public Service Act, 1972	The repeal of the whole
Act No. 5 of 1972 (Gazankulu)	Gazankulu Public Service Act, 1972.....	The repeal of the whole
Act No. 5 of 1973 (QwaQwa)...	QwaQwa Public Service Act, 1973	The repeal of the whole
Act No. 5 of 1973 (KaNgwane)	KaNgwane Public Service Act, 1973	The repeal of the whole
Act No. 43 of 1978 (Transkei)..	Transkei Public Service Act, 1978	The repeal of the whole
Act No. 2 of 1981 (Ciskei).....	Ciskei Public Service Act, 1981	The repeal of the whole
Act No. 3 of 1981 (KwaNde- bele)	KwaNdebele Public Service Act, 1981 ..	The repeal of the whole
Act No. 111 of 1984.....	Public Service Act, 1984.....	The repeal of the whole
Act No. 67 of 1985.....	Public Service Laws Amendment Act, 1985	The repeal of sections 2 and 3
Act No. 7 of 1986 (Venda)	Venda Public Service Commission Act, 1986	The repeal of the whole
Act No. 8 of 1986 (Venda)	Venda Public Service Act, 1986.....	The repeal of the whole
Act No. 22 of 1986.....	Public Service Amendment Act, 1986....	The repeal of the whole
Act No. 4 of 1989 (KaNgwane)	KaNgwane Public Service Commission Act, 1989	The repeal of the whole
Act No. 5 of 1990 (KwaZulu) ...	KwaZulu Public Service Act, 1990	The repeal of the whole
Act No. 6 of 1990 (KwaZulu) ...	KwaZulu Public Service Commission Act, 1990	The repeal of the whole
Act No. 120 of 1990.....	Public Service Laws Amendment Act, 1990	The repeal of sections 2, 3 and 4
Act No. 57 of 1991.....	Public Service Amendment Act, 1991....	The repeal of the whole
Act No. 47 of 1993.....	Public Service Acts Amendment Act, 1993	The repeal of sections 2 to 10
Act No. 102 of 1993.....	Public Service Labour Relations Act, 1993	The repeal of section 27 and the Schedule
Act No. 179 of 1993.....	Public Service Amendment Act, 1993....	The repeal of the whole

BELANGRIKE AANKONDIGING*Sluitingstye VOOR VAKANSIEDAE vir***WETLIKE KENNISGEWINGS
GOEWERMENSKENNISGEWINGS 1994***Die sluitingstyd is stiptelik 15:00 op die volgende dae:*

- ▶ **24 Maart**, Donderdag, vir die uitgawe van Donderdag **31 Maart**
- ▶ **29 Maart**, Dinsdag, vir die uitgawe van Vrydag **8 April**
- ▶ **21 April**, Donderdag, vir die uitgawe van Vrydag **29 April**
- ▶ **5 Mei**, Donderdag, vir die uitgawe van Vrydag **13 Mei**
- ▶ **26 Mei**, Donderdag, vir die uitgawe van Vrydag **3 Junie**
- ▶ **6 Oktober**, Donderdag, vir die uitgawe van Vrydag **14 Oktober**
- ▶ **8 Desember**, Donderdag, vir die uitgawe van Donderdag **15 Desember**
- ▶ **22 Desember**, Donderdag, vir die uitgawe van Vrydag **30 Desember**

Laat kennisgewings sal in die daaropvolgende uitgawe geplaas word. Indien 'n laat kennisgewing wel, onder spesiale omstandighede, aanvaar word, sal 'n dubbeltarief gehef word

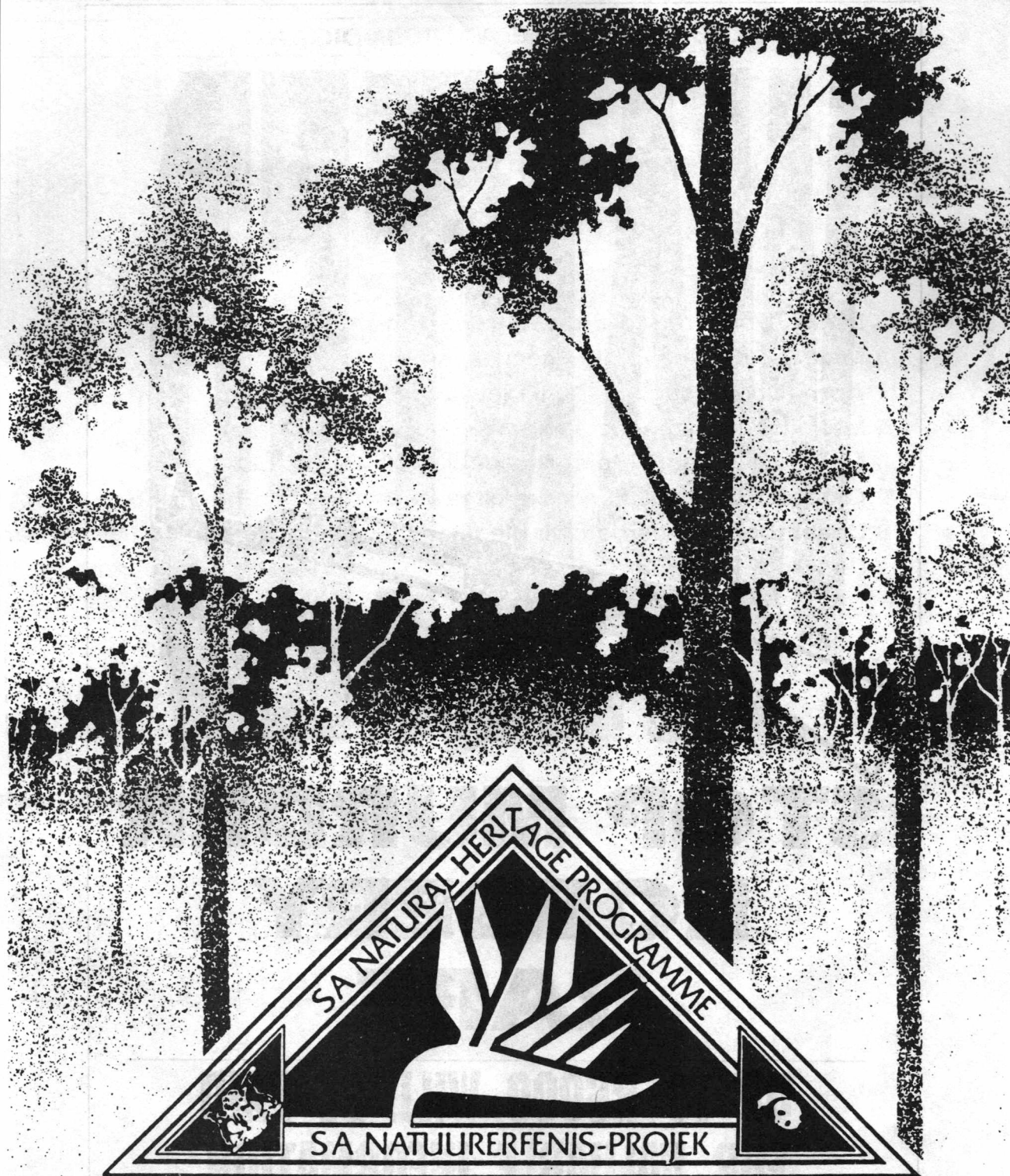
Wanneer 'n APARTE Staatskoerant verlang word moet die kopie drie kalenderweke voor publikasie ingedien word

IMPORTANT ANNOUNCEMENT*Closing times PRIOR TO PUBLIC HOLIDAYS for***LEGAL NOTICES
GOVERNMENT NOTICES 1994***The closing time is 15:00 sharp on the following days:*

- ▶ **24 March**, Thursday, for the issue of Thursday **31 March**
- ▶ **29 March**, Tuesday, for the issue of Friday **8 April**
- ▶ **21 April**, Thursday, for the issue of Friday **29 April**
- ▶ **5 May**, Thursday, for the issue of Friday **13 May**
- ▶ **26 May**, Thursday, for the issue of Friday **3 June**
- ▶ **6 October**, Thursday, for the issue of Friday **14 October**
- ▶ **8 December**, Thursday, for the issue of Thursday **15 December**
- ▶ **22 December**, Thursday, for the issue of Friday **30 December**

Late notices will be published in the subsequent issue, if under special circumstances, a late notice is being accepted, a double tariff will be charged

The copy for a SEPARATE Government Gazette must be handed in not later than three calendar weeks before date of publication



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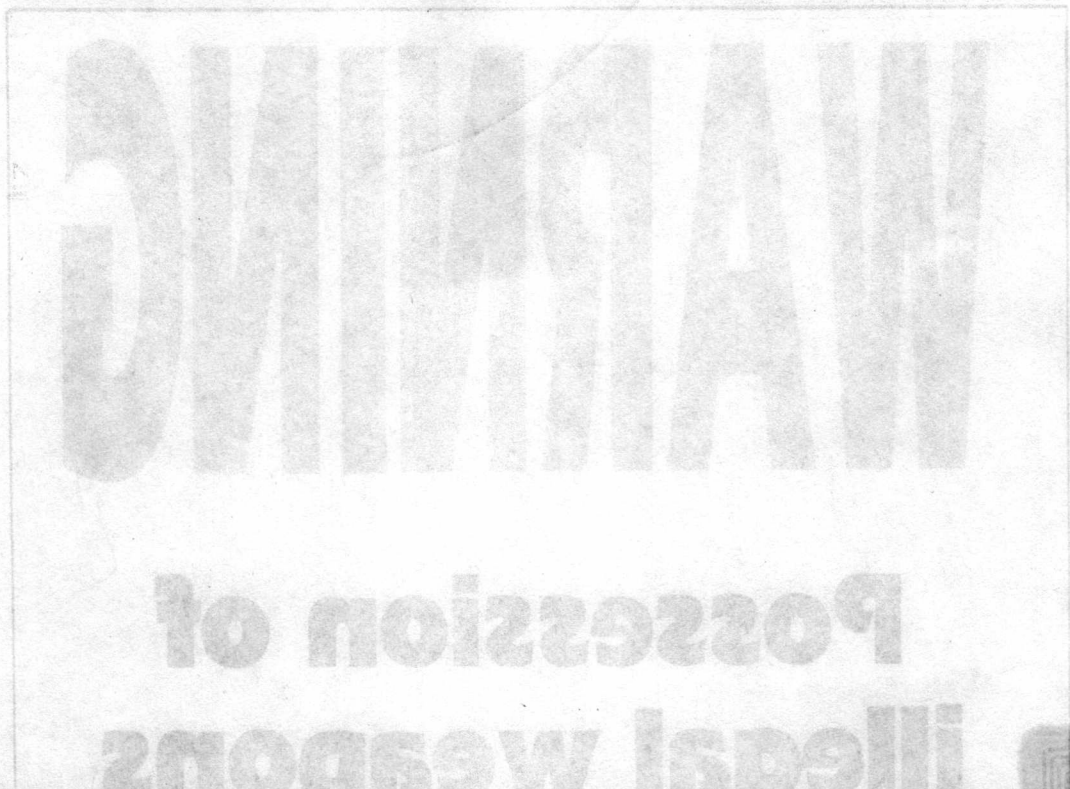
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