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STAATSKOERANT
VAN DIE REPUBLIEK VAN SUID-AFRIKA

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**DEPARTMENT OF BANTU ADMINISTRATION
AND DEVELOPMENT**

**KWAZULU PUBLIC SERVICE ACT, 1975 (ACT
7 OF 1975)**

It is hereby notified that the State President has approved of the following Act, which was passed by the kwaZulu Legislative Assembly and which is hereby published for general information:

REPUBLIC OF SOUTH AFRICA

**AREA OF THE KWAZULU LEGISLATIVE
ASSEMBLY**

KWAZULU PUBLIC SERVICE ACT, 1975

ACT

**TO REGULATE THE APPOINTMENT, CONDI-
TIONS OF EMPLOYMENT, DISCIPLINE, RETIRE-
MENT AND DISCHARGE OF MEMBERS OF THE
GOVERNMENT SERVICE AND OTHER INCIDENT-
TAL MATTERS**

ACT 7 OF 1975

BILL

Be it enacted by the kwaZulu Legislative Assembly, as follows:

CHAPTER I

PRELIMINARY

Definitions

1. (1) In this Act, unless the context otherwise indicates—
“allocated officer” means an officer of the public service of the Republic designated in terms of section 5 (4) of the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971), to assist the Executive Council;

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

**DEPARTEMENT VAN BANTOE-ADMINISTRASIE
EN -ONTWIKKELING**

**KWAZULU-WET OP DIE REGERINGSDIENS,
1975 (WET 7 VAN 1975)**

Hierby word bekendgemaak dat die Staatspresident sy goedkeuring geheg het aan die volgende Wet wat deur die kwaZulu- Wetgewende Vergadering aangeneem is en wat hierby vir algemene inligting gepubliseer word:

REPUBLIEK VAN SUID-AFRIKA

**GEBIED VAN DIE KWAZULU- WETGEWENDE
VERGADERING**

**KWAZULU-WET OP DIE REGERINGSDIENS,
1975**

WET

**TOT REËLING VAN DIE AANSTELLING, DIENS-
VOORWAARDES, DIENSTERMYN, DISSIPLINE,
AFTREDE, AFDANKING EN ONTSLAG VAN
LEDE VAN DIE REGERINGSDIENS EN ANDER
AANGELEENTHEDE WAT DAARMEE IN VER-
BAND STAAN**

WET 7 VAN 1975

WETSONTWERP

Daar word bepaal deur die kwaZulu- Wetgewende Vergadering, soos volg:

HOOFSTUK I

INLEIDENDE BEPALINGS

Woordoms krywing

1. (1) In hierdie Wet, tensy uit die samehang anders blyk, beteken—

“beampte” ’n persoon wat vas aangestel is, al is die aanstelling op proef, in ’n pos bedoel in artikel 3 (1) (a) en (b) en ook ’n persoon bedoel in artikel 3 (1) (c) en artikel 3 (2);

"citizen" means any person who in terms of the Bantu Homelands Citizenship Act, 1970 (Act 26 of 1970), is a citizen of kwaZulu or any other homeland;

"Commission" means the Public Service Commission referred to in section 4 of this Act;

"Councillor", in relation to an officer or employee or person who is or has been employed or is to be employed, means the Councillor responsible for the department in which such offices, employee or person is or was last employed or is to be employed; and in relation to an officer or employee or such other person who is or has been or is to be employed in the office of the Commission, means the Councillor for the Department of Community Affairs;

"department" means a department, subdepartment or office of the public service, established in terms of section 5 (2) of the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971);

"employee" means a person referred to in section 3 (1) (c) (ii);

"Executive Council" means the Executive Council constituted in terms of section 5 (1) of the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971);

"fixed establishment" means the posts created for the normal and regular requirements of a department;

"Government" means the Government of kwaZulu;

"Government of the Republic" means the Government of the Republic of South Africa and includes any provincial administration but does not include the Railways Administration;

"head of department" or any variation thereof means the officer or allocated officer holding or acting in a post on the fixed establishment and designated Director of a department;

"head of office" means the head of an office, branch, institution, division or place of work and includes the head of a department;

"kwaZulu" means the area for which the kwaZulu Legislative Assembly has been established;

"month" means a period extending from a day in any month to the day preceding the day corresponding numerically to that day in the following month, both days inclusive;

"officer" means a person who has been appointed permanently, notwithstanding that such appointment may be on probation, to a post referred to in section 3 (1) (a) and (b), and includes a person referred to in section 3 (1) (c) and section 3 (2);

"pensionable age" means the age at which, in terms of section 15 (1), an officer shall have the right to retire and shall be discharged from the public service;

"prescribed apparatus" means any apparatus (prescribed by the Executive Councillor for Community Affairs, on the recommendation of the Commission, by notice in the *Gazette*) by means of which the breath of any person is tested or analysed in order to determine whether or not the alcohol content of the blood of such person exceeds a given limit;

"public service" means the public service referred to in section 3;

"regulation" means a regulation made in terms of section 27 of this Act;

"Revenue Fund" means the revenue fund of kwaZulu established in terms of section 6 of the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971);

"scale", in relation to salary, includes salary at a fixed rate.

"burger" 'n persoon wat kragtens die Wet op Burgerkap van Bantoetuislande, 1970 (Wet 26 van 1970), 'n burger van kwaZulu is of van enige ander tuisland;

"departement" 'n departement, subdepartement of kantoor van die regeringsdiens ingestel kragtens artikel 5 (2) van die Grondwet van die Bantoetuislande, 1971 (Wet 21 van 1971);

"departementshoof" of enige variasie daarvan, die beampte of toegewese beampte wat 'n pos met die benaming Direkteur van 'n departement op die vaste diensstaat beklee of daarin waarneem;

"hoof van kantoor" die hoof van 'n kantoor, tak, inrigting, afdeling of werkplek en ook 'n departementshoof;

"Inkomstefonds" die inkomstefonds van kwaZulu ingestel kragtens artikel 6 van die Grondwet van die Bantoetuislande, 1971 (Wet 21 van 1971);

"kalendermaand" 'n tydperk wat van die eerste tot en met die laaste dag van enige een van die twaalf maande van die jaar strek;

"Kommissie" die Regeringsdienskommissie bedoel in artikel 4;

"kwaZulu" die gebied waarvoor die kwaZulu- Wetgewende Vergadering ingestel is;

"maand" 'n tydperk wat strek van 'n dag van 'n maand tot en met die dag wat die dag voorafgaan wat numeriek ooreenkom met daardie dag in die volgende maand;

"pensioenleeftyd" die leeftyd waarop 'n beampte kragtens artikel 15 (1) die reg het om uit die regeringsdiens af te tree en daaruit afgedank moet word;

"Raadslid" met betrekking tot 'n beampte of werknemer of persoon wat in diens is of was of wat in diens geneem gaan word, die Raadslid wat verantwoordelik is vir die departement waarin die beampte, werknemer of persoon in diens is of laas in diens was of in diens geneem gaan word; en met betrekking tot 'n beampte of werknemer of sodanige ander persoon wat in diens is of was of geneem gaan word in die kantoor van die Kommissie, die Raadslid vir die Departement van Gemeenskapsake;

"Regering" die regering van kwaZulu;

"Regering van die Republiek" die Regering van die Republiek van Suid-Afrika en ook 'n provinsiale administrasie, maar nie ook die Spoorwegadministrasie nie;

"regeringsdiens" die regeringsdiens bedoel in artikel 3;

"regulasie" 'n regulasie kragtens artikel 27 van hierdie Wet uitgevaardig;

"skaal" met betrekking tot salaris, ook salaris teen 'n vaste bedrag;

"toegewese beampte" 'n beampte van die Staatsdiens van die Republiek wat kragtens artikel 5 (4) van die Grondwet van die Bantoetuislande, 1971 (Wet 21 van 1971), aangewys is om die Uitvoerende Raad by te staan;

"Uitvoerende Raad" die Uitvoerende Raad van kwaZulu bedoel in artikel 5 (1) van die Grondwet van die Bantoetuislande, 1971 (Wet 21 van 1971);

"vaste diensstaat" die poste geskep vir die normale en gereelde vereistes van 'n departement;

"voorgeskrewe apparaat" enige apparaat (deur die Uitvoerende Raadslid vir Gemeenskapsake, op aanbeveling van die Kommissie, by kennisgewing in die *Staatskoerant* voorgeskryf) deur middel waarvan die asem van 'n persoon getoets of ontleed word om te bepaal of die alkohol-inhoud van die bloed van bedoelde persoon 'n gegewe perk oorskry, al dan nie;

"werknemer" 'n persoon in artikel 3 (1) (c) (ii) bedoel

(2) Where in this Act reference is made in relation to an officer to a reduction in a scale of salary the reference shall be construed as including the application of a scale of salary which is lower than the scale previously applied as regards the maximum or minimum of the scale or the rate of progression in the scale; and any such reference to a reduction in grade or to a grade being lower than any other grade shall be correspondingly construed.

Application of Act

2. Save as the context otherwise indicates the provisions of this Act shall apply to or in respect of all officers and employees of the public service.

CHAPTER II

ORGANISATION AND ADMINISTRATION

The public service

3. (1) The public service shall consist of persons other than members of the Legislative Assembly, Councillors and members of the Commission—

- (a) who hold posts on the fixed establishment—
 - (i) the administrative division;
 - (ii) the clerical division;
 - (iii) the professional division;
 - (iv) the technical division;
 - (v) the General A Division; and
 - (vi) the General B Division;

(b) who, having ceased to hold posts on the fixed establishment referred to in paragraph (a), and not having retired or been discharged, are employed additional to the fixed establishment in accordance with a recommendation made in terms of section 6 (2) (e) or who are deemed to continue to hold any post in a division in the circumstances contemplated by the second proviso to subsection (3);

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

(ii) who 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 in accordance with a recommendation made in terms of section 6 (2) (d).

(2) The administrative, clerical, professional, technical, General A and General B Divisions shall each consist of such posts as the Commission has directed, shall be included therein.

(3) It shall be competent for the Commission to direct that any post included in one division shall be removed from that division and be included in another division or that any post included in the administrative, clerical, professional, technical, General A or General B Divisions shall be excluded from all such divisions: Provided that no direction under this section shall deprive any officer of any leave or other privilege or right which flowed from the occupancy by him of a post in one of the said divisions: Provided further that any officer whose post has been excluded from all the divisions aforementioned shall, for the purposes of this Act and the Bantu Authorities Service Pensions Act, 1971 (Act 6 of 1971), be deemed to continue to hold a post in the division in which his post was included immediately before the direction became effective.

(2) Waar daar in hierdie Wet in verband met 'n beamppte van 'n verlaging van 'n salarisskaal melding gemaak word, word dit so uitgelê dat dit die toepassing van 'n salarisskaal insluit wat laer is as die skaal wat tevore toegepas is wat betref die maksimum of minimum van die skaal, of die tempo van vordering in die skaal; en so 'n vermelding van 'n verlaging in graad of dat 'n graad laer is as 'n ander graad, word in 'n ooreenstemmende sin uitgelê.

Toepassing van Wet

2. Behalwe waar uit die samehang anders blyk, is die bepalings van hierdie Wet van toepassing op of ten opsigte van alle beamptes en werknemers in die regeringsdiens.

HOOFSTUK II

ORGANISASIE EN ADMINISTRASIE

Die regeringsdiens

3. (1) Die regeringsdiens bestaan uit persone, uitgesonderd die lede van die Wetgewende Vergadering, Raadslede en lede van die Kommissie—

(a) wat poste beklee op die vaste diensstaat ingedeel by—

- (i) die administratiewe afdeling;
- (ii) die klerklike afdeling;
- (iii) die vakkundige afdeling;
- (iv) die tegniese afdeling;
- (v) die Algemene A-afdeling; en
- (vi) die Algemene B-afdeling;

(b) wat, nadat hulle opgehou het om poste op die vaste diensstaat in paragraaf (a) vermeld te beklee, en wat nie afgetree het of ontslaan is nie, bykomend tot die vaste diensstaat in diens is ooreenkomstig 'n aanbeveling gedoen ingevolge artikel 6 (2) (e), of wat geag word 'n pos in 'n afdeling te bly beklee onder die omstandighede in die tweede voorbehoudsbepaling van subartikel (3) bedoel;

(c) (i) wat ander poste op die vaste diensstaat beklee as dié in paragraaf (a) vermeld;

(ii) wat tydelik of onder 'n spesiale kontrak in 'n departement, hetsy in 'n voltydse of deeltydse hoedanigheid, addisioneel tot die vaste diensstaat in vakante poste op die vaste diensstaat ooreenkomstig 'n aanbeveling gedoen ingevolge artikel 6 (2) (d), in diens is.

(2) Die administratiewe, klerklike, vakkundige, tegniese, Algemene A- en Algemene B-afdelings bestaan elkeen uit die poste wat, volgens die Kommissie gelas het, daarby ingesluit moet word.

(3) Die Kommissie het die bevoegdheid om te gelas dat enige pos wat by een afdeling ingesluit is, uit daardie afdeling verwyder en by 'n ander afdeling ingesluit moet word of dat enige pos wat by die administratiewe, klerklike, vakkundige, tegniese, Algemene A- of Algemene B-afdelings ingesluit is, uit al daardie afdelings uitgesluit moet word: Met dien verstande dat 'n lasgewing ingevolge hierdie artikel nie aan 'n beamppte verlof of 'n ander voorreg of reg wat sy bekleding van 'n pos in een van genoemde afdelings meegebring het, mag ontnem nie: Met dien verstande voorts dat 'n beamppte wie se pos uit al voornoemde afdelings uitgesluit is, by die toepassing van hierdie Wet en die Wet op Pensioene vir Bantoe-Owerheidsdiens, 1971 (Wet 6 van 1971), geag word 'n pos in die afdeling waarin sy pos ingesluit was onmiddellik voordat die lasgewing van krag geword het, te bly beklee.

Public Service Commission: Appointment, remuneration and tenure of office

4. (1) In accordance with the provisions of section 16 of the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971), there shall be a commission known as the Public Service Commission with such powers, functions and duties as are prescribed in this Act or in any other law.

(2) (a) The Commission shall consist of not less than three and not more than five members who shall not be members of the kwaZulu Legislative Assembly and who shall be appointed by the Executive Council, and in making any such appointment the Executive Council shall have due regard to the knowledge of or experience in the public service of the persons to be appointed.

(b) The Executive Council shall designate one member as chairman and another member as vice-chairman of the Commission.

(c) During the absence of the chairman for any reason the vice-chairman shall act as chairman of the Commission and during the absence of both the chairman and the vice-chairman for any reason, the Executive Council shall designate a member or acting member of the Commission to act as chairman of the Commission.

(3) Subject to the provisions of subsections (9), (10), (11) and (12), a member of the Commission shall hold office for a period of five years, and shall be eligible for reappointment on the expiry of his period of office: Provided that a member of the Commission who has been duly nominated for election as a member of the Legislative Assembly shall relinquish his office as member of the Commission with effect from the date on which he was so nominated.

(4) The Executive Council shall fix the salaries payable to the chairman, vice-chairman and members of the Commission: Provided that the salary payable to the chairman, vice-chairman or a member shall not be reduced during a period of office except by Act of the Legislative Assembly.

(5) There shall be paid to members of the Commission such cost of living, reimbursive and other allowances, bonuses and gratuities, and there shall be granted to them such privileges in respect of leave of absence, transfer and transportation as would have been paid or granted to them had they been officers in the public service.

(6) A member of the Commission shall not without the permission of the Executive Council perform or engage himself to perform any remunerative work outside the duties of his office or actively take part in politics.

(7) In the case of illness, suspension or absence of any member of the Commission the Executive Council may appoint a person to act in his place as a member of the Commission during such illness, suspension or absence.

(8) A member of the Commission shall not be suspended or removed from office except in accordance with the provisions of subsections (9), (10) and (11).

(9) (a) The Executive Council may suspend a member of the Commission and, subject to the provisions of this subsection, remove him from office—

(i) for misconduct;

(ii) for unfitness for the duties of his office or incapacity to carry them out efficiently; or

(iii) if, for reasons other than his own unfitness or incapacity, his removal from office will promote efficiency or economy.

Regeringsdienskommissie: Aanstelling besoldiging en ampstermyn

4. (1) In ooreenstemming met die bepalings van artikel 16 van die Grondwet van die Bantoetuislande, 1971 (Wet 21 van 1971), is daar 'n kommissie bekend as die Regeringsdienskommissie, met die bevoegdhede, werksaamhede en pligte wat by hierdie Wet of enige ander wetsbepaling voorgeskryf word.

(2) (a) Die Kommissie bestaan uit minstens drie en hoogstens vyf lede (wat nie lede van die kwaZulu- Wetgewende Vergadering is nie) wat deur die Uitvoerende Raad aangestel word en by so 'n aanstelling neem die Uitvoerende Raad die kennis van of ondervinding in die regeringsdiens van die persone wat aangestel gaan word, behoorlik in ag.

(b) Die Uitvoerende Raad wys een lid as voorsitter en 'n ander lid as ondervoorsitter van die Kommissie aan.

(c) Gedurende die afwesigheid van die voorsitter, om watter rede ook al, tree die vise-voorsitter as voorsitter van die Kommissie op, en gedurende afwesigheid van sowel die voorsitter as die vise-voorsitter om watter rede ookal, wys die Uitvoerende Raad 'n lid of waarnemende lid van die Kommissie aan om as voorsitter van die Kommissie waar te neem.

(3) Behoudens die bepalings van subartikels (9), (10), (11) en (12), beklee 'n lid van die Kommissie sy amp vir 'n tydperk van vyf jaar en kan hy by die verstryking van sy ampstyd heraangestel word: Met dien verstande dat 'n lid van die Kommissie wat behoorlik as 'n kandidaat vir verkiesing tot lid van die Wetgewende Vergadering genomineer is, sy amp as lid van die Kommissie met ingang van die datum waarop hy aldus genomineer is, neerlê.

(4) Die Uitvoerende Raad stel die salarisse van die voorsitter, vise-voorsitter en lede van die Kommissie vas: Met dien verstande dat die salaris van die voorsitter, vise-voorsitter of 'n lid nie gedurende sy ampstermyn verminder mag word nie, behalwe by 'n wet van die Wetgewende Vergadering.

(5) Aan lede van die Kommissie word die lewenskoste-, vergoedende en ander toelaes, bonusse en gratifikasies betaal en aan hulle word dié voorregte ten opsigte van verlof, oorplasing en vervoer verleen wat aan hulle betaal of verleen sou geword het as hulle beamptes in die regeringsdiens was.

(6) 'n Lid van die Kommissie mag nie sonder die toestemming van die Uitvoerende Raad besoldigde werk buite sy ampspligte verrig of hom verbind om dit te verrig nie, of hom aktief met die politiek bemoei nie.

(7) In die geval van siekte, skorsing of afwesigheid van 'n lid van die Kommissie kan die Uitvoerende Raad 'n persoon aanstel om in sy plek as lid van die Kommissie gedurende sodanige siekte, skorsing of afwesigheid waar te neem.

(8) 'n Lid van die Kommissie mag nie in sy amp geskors of daarvan onthef word nie behalwe ooreenkomstig die bepalings van subartikels (9), (10) en (11).

(9) (a) Die Uitvoerende Raad kan 'n lid van die Kommissie in sy amp skors en, behoudens die bepalings van hierdie subartikel, hom daarvan onthef—

(i) weens wangedrag;

(ii) weens ongeskiktheid vir sy ampspligte of onvermoë om hulle op bekwame wyse uit te voer; of

(iii) indien, om ander redes as sy eie ongeskiktheid of onvermoë, sy onthefing van sy amp doeldreffendheid of besuiniging sal bevorder.

(b) Every suspension of a member of the Commission and the reason therefor shall be communicated to the Legislative Assembly within 14 days after the suspension, if the Legislative Assembly is then in session, or if the Legislative Assembly is not then in session, within 14 days of the commencement of its next session.

(c) If within 21 days from the date on which the aforesaid suspension and the reason therefor have been so communicated to the Legislative Assembly the Executive Council is presented with an address from the Legislative Assembly praying for the removal of the member from office and stating the reason for such removal, the Executive Council may remove him accordingly.

(d) If within the period referred to in paragraph (c) no such address is presented to the Executive Council, the member shall be restored to office.

(10) (a) If a member of the Commission becomes afflicted with a permanent infirmity of mind or body which disables him from the proper discharge of the duties of his office, the Executive Council may allow him to vacate his office.

(b) If a member such as is referred to in subsection (13), is allowed to vacate his office in terms of paragraph (a), he shall be deemed to have retired on the ground of ill-health and shall be entitled to such pension as he would under the pension law applicable to him have been entitled to if he had been discharged from the public service on the ground of ill-health occasioned with or without his own default as the Executive Council may direct.

(11) If an officer in the public service is appointed a member of the Commission he shall resign his post in the public service, in which case he shall be entitled to the pension to which he would have been entitled had he been discharged from the public service owing to the abolition of his post.

(12) If any officer or employee in the public service is appointed to be or to act as a member of the Commission—

(a) the period of his service as such member or acting member shall be reckoned as part of and continuous with his employment in the public service for purposes of leave and pension, and the provisions of any pension law applicable to him as such officer or employee, or in the event of his death, to his dependants, which are not in conflict with this section, shall *mutatis mutandis* continue to apply; and

(b) such member shall have the same right to vacate his office and to retire as he would have had on the attainment of an age prescribed by this Act or any other law or on any subsequent date on which he desires to do so, had he remained in the public service.

(13) A member of the Commission—

(a) who immediately before his appointment as such was an officer in the public service;

(b) who, at the expiry of his period of office as a member of the Commission, is not reappointed thereto; and

(c) who, at that expiry, has not reached the age at which he would in terms of section 15 (1) or (2) have had the right to retire and should have been retired, had he remained an officer;

shall have the right to retire, or may be required by the Executive Council to retire, and if he does so retire or is so required to retire he shall be entitled to such pension as he would under the pension law applicable to him have been entitled to, if he had been discharged from the public service owing to the abolition of his post.

(b) Elke skorsing van 'n lid van die Kommissie en die rede daarvoor moet binne 14 dae na die skorsing aan die Wetgewende Vergadering meegedeel word as die Wetgewende Vergadering dan sit, of as die Wetgewende Vergadering nie dan sit nie, binne 14 dae na die aanvang van sy eersvolgende sessie.

(c) As die Uitvoerende Raad binne 21 dae vanaf die datum waarop bedoelde skorsing en die rede daarvoor aldus aan die Wetgewende Vergadering meegedeel is, 'n adres aan die Wetgewende Vergadering voorgelê word waarin versoek word dat die lid van sy amp onthef word en waarin die rede vir die ontheffing genoem word, kan die Uitvoerende Raad hom dienoreenkomstig onthef.

(d) As geen sodanige adres binne die tydperk in paragraaf (c) bedoel aan die Uitvoerende Raad voorgelê word nie, moet die lid in sy amp herstel word.

(10) (a) As 'n lid van die Kommissie 'n blywende verstandelike of liggaamlike swakheid opdoen wat hom ongeskik maak vir die behoorlike vervulling van sy amppligte, kan die Uitvoerende Raad hom toelaat om sy amp neer te lê.

(b) As 'n lid in subartikel (13) bedoel toegelaat word om ingevolge paragraaf (a) sy amp neer te lê, word hy geag op grond van swak gesondheid afgedank te gewees het en is hy geregtig op die pensioen waarop hy kragtens die pensioenwet wat op hom van toepassing is, geregtig sou gewees het as hy uit die regeringsdiens ontslaan was op grond van swak gesondheid wat met of sonder sy toedoen veroorsaak is, soos die Uitvoerende Raad gelas.

(11) As 'n beampte of werknemer in die regeringsdiens aangestel word om lid van die Kommissie te wees, moet hy uit sy betrekking in die regeringsdiens bedank, en in dié geval is hy geregtig op die pensioen waarop hy geregtig sou gewees het as hy weens die afskaffing van sy pos uit die regeringsdiens ontslaan was.

(12) As 'n beampte of werknemer in die regeringsdiens aangestel word om 'n lid van die Kommissie te wees of om as sodanig waar te neem—

(a) word die tydperk van sy diens as sodanige lid of waarnemende lid gereken as deel van en as aaneenlopend met sy diens in die regeringsdiens vir doeleindes van verlof en pensioen, en die bepalings van enige pensioenwet wat op hom as sodanige beampte of werknemer, of in die geval van sy dood, op sy afhanklikes, van toepassing is en nie met hierdie artikel strydig is nie, bly *mutatis mutandis* van toepassing; en

(b) het sodanige lid dieselfde reg om sy amp neer te lê en af te tree as wat hy sou gehad het by die bereiking van 'n leeftyd voorgeskryf by hierdie Wet of enige ander wetsbepaling of op enige latere datum waarop hy wens sulks te doen, as hy in die regeringsdiens gebly het.

(13) 'n Lid van die Kommissie—

(a) wat onmiddellik voor sy aanstelling as sodanig, 'n beampte in die regeringsdiens was;

(b) wat by die verstryking van sy ampstyd as lid van die Kommissie, nie weer daarin aangestel word nie; en

(c) wat by daardie verstryking nog nie die leeftyd bereik het waarop hy ingevolge artikel 15 (1) of (2) die reg sou gehad het om af te tree en afgedank moes gewees het as hy 'n beampte gebly het;

het die reg om af te tree, of kan deur die Uitvoerende Raad aangesê word om af te tree, en as hy aldus afgetree of aldus aangesê word om af te tree, is hy geregtig op die pensioen waarop hy ingevolge die pensioenwet wat op hom van toepassing is, geregtig sou gewees het as hy weens die afskaffing van sy pos uit die regeringsdiens ontslaan was.

Exercise and delegation of powers and functions of the Commission

5. (1) Subject to the provisions of subsection (2), a recommendation or direction made or given by not less than two members of the Commission, if the Commission consists of three members or if only three of the members are then still in office, or by not less than three members if the Commission consists of four or five members, or if only four of the members are then still in office, shall be deemed for the purposes of this Act or any other law to be a recommendation or direction made or given by the Commission.

(2) Subject to the provisions of subsection (3), any power conferred upon or function entrusted to the Commission by this Act or any other law (except the power of delegation conferred hereby), may be exercised or carried out under a general or special delegation from the Commission and subject to such conditions as it may determine—

(a) by any member or members of the Commission; or

(b) by any officer or allocated officer employed in the office of the Commission.

(3) The Commission shall not delegate the powers conferred upon it by sections 6 (2) (a), (g), (j), (m) and (n), or sections 15 (2), (3), (4) (a) to (e), inclusive, (5) and (8), or Chapter IV, or section 26 of this Act.

(4) The Commission may designate one or more of its members or an officer or officers to conduct an enquiry into any matter upon which in terms of this Act or any other law it is competent for the Commission to make a recommendation or issue a direction.

(5) Any delegation or designation made by the Commission under this section may at any time be revoked by the Commission.

Powers, functions and duties of the Commission

6. (1) The Commission shall have the power—

(a) to perform the functions and carry out the duties categorically described in this section as well as the functions entrusted to and the duties imposed upon it by or under any other provision of this Act or by or under any other law; and

(b) to 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 the employment of and the conditions of employment generally of officers and employees in the public service.

(2) The Commission shall—

(a) make recommendations as to the creation or abolition of departments, subdepartments, branches or offices, 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) make recommendations as to the control, organisation and readjustment of any departments, subdepartments, branches or offices;

(c) make recommendations as to the number, grading, regrading and conversion of posts on the fixed establishment;

(d) make recommendations as to 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; or

Uitoefening en delegasie van Kommissie se bevoegdhede en werksaamhede

5. (1) Behoudens die bepalings van subartikel (2), word 'n aanbeveling of lasgewing wat deur minstens twee lede van die Kommissie, indien die Kommissie uit drie lede bestaan of indien net drie van die lede dan nog hul amp beklee, of deur minstens drie lede, indien die Kommissie uit vier of vyf lede bestaan of indien net vier van die lede dan nog hul amp beklee, gedoen of gegee is, by die toepassing van hierdie Wet of enige ander wetsbepaling, geag 'n aanbeveling of lasgewing te wees wat deur die Kommissie gedoen of gegee is.

(2) Behoudens die bepalings van subartikel (3), kan enige bevoegdheid wat verleen of werksaamheid wat opgedra is aan die Kommissie by hierdie Wet of enige ander wetsbepaling (behalwe die delegasiebevoegdheid wat hierby verleen word), ingevolge 'n algemene of spesiale delegasie van die Kommissie en onderworpe aan die voorwaardes deur hom bepaal, uitgeoefen of verrig word—

(a) deur 'n lid of lede van die Kommissie; of

(b) deur 'n beamppte of toegewese beamppte in diens in die kantoor van die Kommissie.

(3) Die Kommissie mag nie die bevoegdheid wat aan hom verleen is by artikels 6 (2) (a), (g), (j), (m) en (n), of artikel 15 (2), (3), (4) (a) tot en met (e), (5) en (8), of Hoofstuk IV, of artikel 26, van hierdie Wet, deleger nie.

(4) Die Kommissie kan een of meer van sy lede of 'n beamppte of beamptes aanwys om ondersoek in te stel na enige aangeleentheid waaroor hy ingevolge hierdie Wet of enige ander wetsbepaling die bevoegdheid het om 'n aanbeveling te doen of 'n lasgewing te gee.

(5) 'n Delegasie of aanwysing wat ingevolge hierdie artikel deur die Kommissie gedoen is, kan te eniger tyd deur die Kommissie ingetrek word.

Kommissie se bevoegdhede, werksaamhede en pligte

6. (1) Die Kommissie het die bevoegdheid—

(a) om die werksaamhede te verrig en die pligte uit te voer wat uitdruklik in hierdie artikel beskryf word asook die werksaamhede wat aan hom opgedra en die pligte wat aan hom opgelê is by of kragtens enige ander bepaling van hierdie Wet of by of kragtens enige ander wetsbepaling; en

(b) om aanbevelings te doen of lasgewing te gee oor alle aangeleenthede waarvoor daar nie uitdruklik in hierdie Wet of enige ander wetsbepaling voorsiening gemaak is nie maar wat nie daarmee strydig is nie, met betrekking tot of voortspruitende uit die indiensneming van en die diensvoorwaardes in die algemeen van beamptes en werknemers in die regeringsdiens.

(2) Die Kommissie moet—

(a) aanbevelings doen aangaande die skepping of afskaffing van departemente, subdepartemente, takke of kantore, 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) aanbevelings doen aangaande die beheer, organisasie en herreëling van departemente, subdepartemente, takke of kantore;

(c) aanbevelings doen aangaande die getal, gradering, hergradering en omskepping van poste op die vaste diensstaat;

(d) aanbevelings doen aangaande die getal persone wat tydelik of onder 'n spesiale kontrak, hetsy in 'n voltydse of 'n deeltydse hoedanigheid, in diens geneem moet word—

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

(ii) in addition to the fixed establishment, either by reason of the absence or illness 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 maintained on a permanent basis, or when it is necessary for any other reason to increase temporarily the staff of any department;

(e) whenever it considers it necessary, make a recommendation for the employment of an officer additional to the fixed establishment, or in a post graded lower or higher than his own grade;

(f) make recommendations in relation to economising and promoting efficiency in the management and working of departments, subdepartments, branches and offices by—

(i) improved organisation, procedure and methods;
(ii) improved supervision;
(iii) simplification of work and the elimination of unnecessary work;

(iv) co-ordination of work;
(v) limitation of the number of officers and employees of departments, subdepartments, branches and offices and the utilisation of the services of officers and employees to the best advantage;

(g) make recommendations as to the scales of salaries, wages and allowances of all the various classes and grades of officers and employees;

(h) whenever it is necessary to make any appointment or promotion to a post in the administrative, clerical, professional, technical or General A Division whether such necessity arises from the fact that the post is vacant or has been regraded or converted, make a recommendation as to the person to be appointed or promoted: Provided that in such posts in the General A Division as may be specified by the Commission, appointments and promotions may be made without a recommendation of the Commission;

(i) keep a record of officers employed in posts in the administrative, clerical, professional, technical and General A Divisions;

(j) inquire into the grievances of officers and, subject to the provisions of this Act, make such recommendations thereon as it may deem fit;

(k) give directions as to the educational, language and other qualifications to be possessed by persons as well as the age of persons on appointment, transfer or promotion to or in the public service where such qualifications or age are not prescribed by or under this Act or any other law;

(l) where it deems it necessary, conduct examinations or cause examinations to be conducted in such subjects, including languages, as may be directed by it or prescribed as a qualification to be possessed by persons on appointment, transfer or promotion to or in the public service;

(m) make recommendations as to the provisions of the regulations to be made;

(n) as soon as practicable after the 31 day of December of each year compile a report on the matters dealt with by the Commission during the year, as well as special reports which the Commission may deem expedient from time to time;

(o) exercise such other powers, perform such other functions, and carry out such other duties not repugnant to this Act as may be conferred upon, entrusted to or imposed upon it by the Executive Council.

(3) The provisions of paragraph (h) (excluding the proviso thereto), and paragraph (i) of subsection (2), shall apply *mutatis mutandis* in respect of such employees as may be directed by the Commission.

(ii) bykomend tot die vaste diensstaat, hetsy weens die afwesigheid of siekte 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 basis aangehou word nie, of wanneer dit om enige ander rede nodig is om die personeel van 'n departement tydelik te vergroot;

(e) wanneer hy dit nodig ag 'n aanbeveling doen vir die indiensneming van 'n beampte bykomend tot die vaste diensstaat, of in 'n pos wat hoër of laer as sy eie graad gegradeer is;

(f) aanbevelings doen met betrekking tot besuiniging en die bevordering van doeltreffendheid in die bestuur en funksionering van departemente, subdepartemente, takke en kantore deur—

(i) verbeterde organisasie, prosedures en metodes;
(ii) verbeterde toesig;
(iii) vereenvoudiging van werk en die uitskakeling van onnodige werk;

(iv) koördinasie van werk;
(v) beperking van die getal beamptes en werknemers van departemente, subdepartemente, takke en kantore en die aanwending van die dienste van beamptes en werknemers op die voordeligste wyse;

(g) aanbevelings doen aangaande die skale van salarisse, lone en toelaes van al die verskillende klasse en grade van beamptes en werknemers;

(h) wanneer dit nodig is om 'n aanstelling of bevordering te doen in of tot 'n pos in die administratiewe, klerklike, vakkundige, tegniese of Algemene A-afdeling, hetsy dit nodig is weens die feit dat die pos vakant of hergradeer of omgeskep is, 'n aanbeveling doen aangaande die persoon wat aangestel of bevorder moet word: Met dien verstande dat in dié poste in die Algemene A-afdeling wat deur die Kommissie vermeld word, aanstellings en bevorderings sonder 'n aanbeveling van die Kommissie gedoen kan word;

(i) aantekeninge hou van beamptes wat in diens geneem is in poste in die administratiewe, klerklike, vakkundige, tegniese en Algemene A-afdelings;

(j) ondersoek instel na griewe van beamptes en, behoudens die bepalings van hierdie Wet, die aanbevelings daarvoor doen wat hy goed dink;

(k) lasgewings gee aangaande die opvoedkundige, taal- en ander kwalifikasies wat persone moet besit sowel as die leeftyd van persone, by aanstelling, oorplasing of bevordering in of na die regeringsdiens, waar die kwalifikasies of leeftyd nie by of kragtens hierdie Wet of enige ander wetsbepaling voorgeskryf word nie;

(l) waar hy dit nodig ag, eksamens afneem of laat afneem in vakke, insluitende tale, soos hy gelas, of soos voorgeskryf as 'n kwalifikasie wat persone by aanstelling, oorplasing na of bevordering in die regeringsdiens moet besit;

(m) aanbevelings doen aangaande die bepalings van die regulasies wat uitgevaardig moet word;

(n) so spoedig doenlik na die een-en-dertigste dag van Desember van elke jaar 'n verslag oor aangeleenthede wat die Kommissie gedurende die jaar behandel het, asook van tyd tot tyd spesiale verslae wat die Kommissie wenslik ag, opstel;

(o) die ander bevoegdhede uitoefen, die ander werksaamhede verrig en die ander pligte uitvoer wat nie met hierdie Wet strydig is nie en wat aan hom deur die Uitvoerende Raad verleen, opgedra of opgelê word.

(3) Die bepalings van paragraaf (h) (behalwe die voorbehoudsbepaling daarby), en paragraaf (i) van subartikel (2) is *mutatis mutandis* ten opsigte van sodanige werknemers as wat die Kommissie gelas, van toepassing.

(4) The Executive Council may delegate to the Commission such powers, functions and duties as are by any law conferred upon, entrusted to or imposed upon a Minister in respect of the appointment, grading, classification, promotion, retirement, discipline, hours of attendance, leave of absence and generally the conditions of employment of persons in the employment of Councils, similar institutions and other establishments which obtain their funds from the Revenue Fund, wholly or in part.

Implementation of recommendations of the Commission

7. (1) Subject to the provisions of subsection (2) every recommendation made by the Commission by law and which relates to any particular person—

(a) may be withdrawn or varied by the Commission or may be rejected or varied by the Executive Council before it has been carried out, at any time within a period of six months from the date upon which it was made by the Commission or within a period of six months from the date upon which it was varied by the Commission: Provided that it shall not be competent for the Commission to withdraw or vary any recommendation which has been varied by the Executive Council;

(b) shall, if the Executive Council has varied it, forthwith be carried out by the Councillor as so varied;

(c) shall, if the Executive Council has refused to vary or reject it, forthwith be carried out by the Councillor as made or varied by the Commission;

(d) shall, if the said period has expired, and it has not been carried out, or withdrawn by the Commission or rejected or varied by the Executive Council forthwith be carried out by the Councillor as made or varied by the Commission.

(2) Every recommendation of the Commission as to—

(a) the number, grading, regrading and conversion of posts on the fixed establishment;

(b) the employment of officers and employees additional to the fixed establishment or in posts graded lower than their own grading;

(c) the scales of salaries, wages and allowances of officers and employees;

(d) the payment of officers and employees, or classes of officers or employees, of salaries at higher rates than the minimum of the scales applicable to their posts on appointment, transfer or promotion;

(e) the special advancement of officers and employees, or classes of officers or employees, within the scales of salary applicable to their posts or the payment to them of salaries in accordance with higher scales;

(f) the payment to officers and employees of extra remuneration for the performance of overtime duties;

(g) the amounts of bonuses, awards, gratuities, honoraria and any other extra payments to be made to officers and employees;

(h) the grant of bursaries and grants-in-aid for purposes of study and research;

(i) the conditions of employment generally of officers and employees;

(j) the provisions of the regulations; involving expenditure from the Revenue Fund, shall be communicated to the Treasury and shall not be carried out unless the Treasury approves such expenditure: Provided that the Treasury may, in its discretion and upon such conditions as it may determine, delegate its power to approve of such expenditure, to any officer.

(4) Die Uitvoerende Raad kan aan die Kommissie die bevoegdheede, werksaamhede en pligte wat by enige wetsbepaling verleen, opgedra of opgelê is aan 'n Minister ten opsigte van die aanstelling, gradering, indeling, bevordering, aftreding, dissipline, diensure, verlof en in die algemeen die diensvoorwaardes van persone in die diens van rade, dergelike inrigtings en ander instellings wat hul fondse geheel of gedeeltelik uit die Inkomstefonds verkry, aan die Kommissie deleger.

Die uitvoering van aanbevelings van die Kommissie

7. (1) Elke aanbeveling wat deur die Kommissie by wet gedoen word en wat op 'n bepaalde persoon betrekking het, behoudens die bepalinge van subartikel (2)—

(a) kan, voordat dit uitgevoer is, deur die Kommissie teruggetrek of gewysig word of deur die Uitvoerende Raad verwerp of gewysig word te eniger tyd binne 'n tydperk van ses maande vanaf die datum waarop dit deur die Kommissie gedoen is of binne 'n tydperk van ses maande vanaf die datum waarop dit deur die Kommissie gewysig is: Met dien verstande dat die Kommissie nie 'n aanbeveling wat deur die Uitvoerende Raad gewysig is, mag terugtrek of wysig nie;

(b) word, as dit deur die Uitvoerende Raad gewysig is, onverwyld deur die Raadslid soos aldus gewysig, uitgevoer;

(c) word, as die Uitvoerende Raad geweier het om dit te wysig of te verwerp, onverwyld deur die Raadslid soos deur die Kommissie gedoen of gewysig, uitgevoer;

(d) word, as bedoelde tydperk verstryk het en dit nie uitgevoer of deur die Kommissie teruggetrek of deur die Uitvoerende Raad verwerp of gewysig is nie, onverwyld deur die Raadslid soos deur die Kommissie gedoen of gewysig, uitgevoer.

(2) Elke aanbeveling van die Kommissie aangaande—

(a) die getal, gradering, hergradering en omskepping van poste op die vaste diensstaat;

(b) die indiensneming en indienshouding van beamptes en werknemers bykomstig tot die vaste diensstaat of in poste wat laer gegradeer is as hulle eie gradering;

(c) die skale van salarisse, lone en toelaes van beamptes en werknemers;

(d) die betaling aan beamptes en werknemers, of klasse beamptes of werknemers, van salarisse teen hoër bedrae as die minimum van skale wat op hulle poste by aanstelling, oorpasing of bevordering van toepassing is;

(e) die spesiale verhoging van beamptes en werknemers, of klasse beamptes of werknemers, binne die salarisskale wat op hulle poste van toepassing is of die betaling aan hulle van salarisse ooreenkomstig hoër skale;

(f) die betaling aan beamptes en werknemers van ekstra besoldiging vir die verrigting van oortyd-diens;

(g) die bedrae van bonusse, toekennings, gratifikasies, honorariums en ander ekstra betalings wat aan beamptes en werknemers gedoen moet word;

(h) die toekenning van beurse en hulptoelaes vir studie- en navorsingsdoeleindes;

(i) die diensvoorwaardes in die algemeen van beamptes en werknemers;

(j) die bepalinge van die regulasies; wat uitgawes uit die Inkomstefonds meebring, word aan die Tesourie meegedeel en nie uitgevoer nie tensy die Tesourie sodanige uitgawe goedkeur: Met dien verstande dat die Tesourie na goeddunke en op die voorwaardes deur hom bepaal, sy bevoegdheid om sodanige uitgawes goed te keur, aan 'n beampte kan deleger.

(3) Where a recommendation of the Commission has been rejected or varied by the Executive Council, the Councillor shall act in the matter, in connection with which the recommendation was made, in accordance with any authority granted by the Executive Council or in accordance with the recommendation of the Commission as so varied, without obtaining a further recommendation of the Commission.

(4) In the application of the provisions of subsections (1) and (3), relating to the rejection or variation by the Executive Council of a recommendation of the Commission, any refusal or failure by the Commission to make a recommendation shall be deemed to be a recommendation of the Commission.

(5) No application for the rejection or variation of a recommendation shall be made to the Executive Council unless the department concerned has given the Commission at least 14 days notice of its intention so to apply and such notice shall set forth the grounds upon which the department intends basing the application.

(6) In the application of this Act or any other law, a recommendation shall be deemed—

(a) to have been made on the date of the written communication conveying such recommendation; and

(b) if it relates to a particular person, to have been carried out by the Councillor on the date of the written communication to such person stating that the Councillor has approved such recommendation.

(7) If the Executive Council is unable or unwilling to adopt, or rejects or varies, a recommendation of the Commission made in accordance with law, the Commission shall report the matter fully to the Legislative Assembly either by means of a special report or in its annual report.

The Commission may inspect departments and has access to official documents

8. (1) The Commission shall have the power to inspect all departments, to have access to such official documents and records, and to obtain all such information from heads of departments and other officers and employees as in its opinion may be necessary for the exercise of its powers, the performance of its functions and the carrying out of its duties under this Act or under any other law.

(2) The Commission may—

(a) summons any person who in the opinion of the Commission may be able to give material information concerning the subject of any inquiry held or inspection made by it, or who it suspects or believes has in his possession or custody or under his control any book, document or thing which has any bearing upon the subject of the inquiry or inspection, to appear before it at a time and place specified in the summons, to be interrogated or to produce that book, document or thing;

(b) call and administer an oath to or take an affirmation from any person present at the inquiry or inspection who was or might have been summoned in terms of paragraph (a), and may interrogate him and require him to produce any book, document or thing in his possession or custody or under his control which the Commission suspects or believes to have a bearing upon the subject of the inquiry or inspection.

(3) Waar 'n aanbeveling van die Kommissie deur die Uitvoerende Raad verwerp of gewysig is, handel die Raadslid in die aangeleentheid in verband waarmee die aanbeveling gedoen is, ooreenkomstig enige magtiging deur die Uitvoerende Raad verleen of ooreenkomstig die aanbeveling van die Kommissie soos aldus gewysig, sonder om 'n verdere aanbeveling van die Kommissie te verkry.

(4) By die toepassing van die bepalings van subartikels (1) en (3) betreffende die verwerping of wysiging deur die Uitvoerende Raad van 'n aanbeveling van die Kommissie, word 'n weiering deur of 'n versuim van die Kommissie om 'n aanbeveling te maak, geag 'n aanbeveling van die Kommissie te wees.

(5) Geen aansoek om die verwerping of wysiging word aan die Uitvoerende Raad gerig nie tensy die betrokke departement aan die Kommissie ten minste veertien dae kennis gegee het van sy voorneme om aldus aansoek te doen en sodanige kennisgewing sit die gronde uiteen waarop die departement van voorneme is om die aansoek te baseer.

(6) By die toepassing van hierdie Wet of van enige ander wetsbepalings, word 'n aanbeveling geag—

(a) gedoen te gewees het op die datum van die skriftelike mededeling waarin so 'n aanbeveling oorge- dra word; en

(b) as dit op 'n bepaalde persoon betrekking het, deur 'n Raadslid uitgevoer te gewees het op die datum van die skriftelike mededeling aan daardie persoon waarin verklaar word dat die Raadslid die aanbeveling goedgekeur het.

(7) As die Uitvoerende Raadslid nie in staat of nie bereid is om 'n aanbeveling van die Kommissie wat ooreenkomstig die wet gedoen is, aan te neem nie, of dit verwerp of wysig, moet die Kommissie die aangeleentheid, hetsy deur middel van 'n spesiale verslag of in sy jaarverslag, volledig aan die Wetgewende Vergadering rapporteer.

Kommissie mag departemente inspekteer en het insae in amptelike dokumente

8. (1) Die Kommissie het die bevoegdheid om alle departemente te inspekteer, om insae te hê in die amptelike dokumente en stukke en om al die inligting by hoofde van departemente en ander beamptes en werknemers te verkry wat na sy mening nodig is vir die uitoefening van sy bevoegdhede, die verrigting van sy werksaamhede en die uitvoering van sy pligte ingevolge hierdie Wet of ingevolge enige ander wetsbepaling.

(2) Die Kommissie kan—

(a) 'n persoon wat na die mening van die Kommissie in staat is om inligting van wesenlike belang oor die onderwerp van 'n ondersoek deur hom ingestel of inspeksie deur hom uitgevoer, te verstrek, of wat, na hy vermoed of glo, 'n boek, dokument of ding in sy besit of bewaring of onder sy beheer het wat betrekking op die onderwerp van die ondersoek of inspeksie het, dagvaar om op 'n tyd en plek in die dagvaarding vermeld, voor hom te verskyn om ondervra te word of om daardie boek, dokument of ding oor te lê;

(b) 'n persoon wat by die ondersoek of inspeksie teenwoordig is en wat ingevolge paragraaf (a) gedagvaar is of gedagvaar kon gewees het, oproep en hom 'n eed oplê of van hom 'n bevestiging aanneem, en kan hom ondervra en hom aansê om 'n boek, dokument of ding in sy besit of bewaring of onder sy beheer wat, na die Kommissie vermoed of glo, betrekking op die onderwerp van die ondersoek of inspeksie het, oor te lê.

(3) If any person, having been duly summoned under paragraph (a) of subsection (2), fails, without sufficient cause, to attend at the time and place specified in the summons, or to remain in attendance until excused by the Commission from further attendance, or if any person called in terms of paragraph (b) of that subsection refuses to be sworn or to affirm as a witness, or fails without sufficient cause to answer fully and to the best of his knowledge all questions lawfully put to him, or to produce any book, document or thing in his possession or custody or under his control, he shall be guilty of an offence, and liable upon conviction to a fine not exceeding fifty Rand: Provided that in connection with the interrogation of any such person by, or the production of any such book, document or thing before the Commission, the law relating to privilege, as applicable to a witness summoned to give evidence or to produce any book, document or thing before a court of law, shall apply.

(4) Any person who, after having been sworn or after having affirmed as a witness, gives a false answer to any question put to him by the Commission, or makes a false statement on any matter, knowing that answer or statement to be false, shall be guilty of an offence and liable on conviction to the punishment prescribed by law for the crime of perjury.

(5) Any person who hinders or prevents any person from attending in obedience to any summons issued under paragraph (a) of subsection (2), or from giving any evidence or producing any book, document or thing which he may be required to give or produce, shall be guilty of an offence, and liable upon conviction to a fine not exceeding R50.

(6) Any person who holds any inquiry or makes any inspection by virtue of a delegation made under section 5 (2) (a), or holds an inquiry by virtue of a designation or an appointment made under sections 5 (4), 16 (1), 17 (1), 19 (1) and 20 (1), shall for the purposes of the inquiry or inspection have all the powers conferred upon the Commission by this section, and for the purposes of the application of the provisions of this section to any such inquiry or inspection every reference therein to the Commission shall be construed as including a reference to a person so holding an inquiry or making an inspection.

Staff of the Commission, inspection of departments and convening of the Commission

9. (1) There shall be appointed subject to the provisions of this Act a secretary to the Commission and so many other officers, and employees from the ranks of officers or allocated officers as may from time to time be necessary to enable the Commission effectually to exercise its powers, to perform its functions and to carry out its duties.

(2) The secretary referred to in subsection (1) shall observe such directions and carry out such duties as may from time to time be given to or imposed upon him by the Commission.

(3) The Commission may designate any officer appointed in terms of subsection (1) to carry out the inspection of departments and any officer so designated shall have the powers conferred upon the Commission by section 8 (1).

(4) The secretary referred to in subsection (1) or an officer or an allocated officer authorised by him shall, after consultation with the chairman or acting chairman, convene the Commission: Provided that nothing shall

(3) As 'n persoon wat behoorlik ingevolge paragraaf (a) van subartikel (2) gedagvaar is, sonder voldoende rede in gebreke bly om teenwoordig te wees op die tyd en plek wat in die dagvaarding vermeld is, of om teenwoordig te bly totdat die Kommissie hom daarvan vrygestel het om langer teenwoordig te wees, of as 'n persoon wat ingevolge paragraaf (b) van daardie subartikel opgeroep is, weier om as getuie beëdig te word of om te bevestig, of sonder voldoende rede in gebreke bly om volledig en na sy beste wete alle vrae wat wettig aan hom gestel word, te beantwoord, of om 'n boek, dokument of ding in sy besit of bewaring of onder sy beheer oor te lê, is hy skuldig aan 'n misdryf en by skuldigbevinding strafbaar met 'n boete van hoogstens R50: Met dien verstande dat in verband met die ondervraging van so 'n persoon deur, of die oorlegging van so 'n boek, dokument of ding aan die Kommissie, die wetsbepalings met betrekking tot privilege, soos van toepassing op 'n getuie wat gedagvaar is om voor 'n geregshof getuie af te lê of om 'n boek, dokument of ding oor te lê, van toepassing is.

(4) 'n Persoon wat, nadat hy as getuie beëdig is of bevestig het, 'n valse antwoord gee op 'n vraag deur die Kommissie aan hom gestel, of 'n valse verklaring doen oor enige aangeleentheid wetende dat daardie antwoord of verklaring vals is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die by wet voorgeskrewe straf vir meeneed.

(5) 'n Persoon wat 'n persoon verhinder om in gehoorzaamheid aan 'n dagvaarding uitgereik ingevolge paragraaf (a) van subartikel (2), teenwoordig te wees of om getuie af te lê of om 'n boek, dokument of ding oor te lê wat hy aangesê word om af te lê of oor te lê, is skuldig aan 'n misdryf en by skuldigbevinding strafbaar met 'n boete van hoogstens R50.

(6) 'n Persoon wat 'n ondersoek instel of 'n inspeksie uitvoer uit hoofde van 'n delegasie gemaak kragtens artikel 5 (2) (c), of 'n ondersoek instel uit hoofde van 'n aanwysing of 'n aanstelling gedoen kragtens artikel 5 (4), artikel 16 (1), artikel 17 (1), artikel 19 (8) of artikel 20 (1), het vir die doeleindes van die ondersoek of inspeksie al die bevoegdhede wat by hierdie artikel aan die Kommissie verleen is, en vir die doeleindes van die toepassing van die bepalinge van hierdie artikel op so 'n ondersoek of inspeksie word elke verwysing daarin na die Kommissie uitgelê as ook 'n verwysing na 'n persoon wat aldus 'n ondersoek instel of 'n inspeksie aldus uitvoer.

Personeel van die Kommissie, inspeksie van departemente en byeenroeping van Kommissie

9. (1) Daar word met inagneming van die bepalinge van hierdie Wet, 'n sekretaris van die Kommissie en dié aantal ander beamptes en werknemers uit die geledere van beamptes of toegewese beamptes, aangestel wat van tyd tot tyd nodig is om dié Kommissie in staat te stel om op doeltreffende wyse sy bevoegdhede uit te oefen, sy werksaamhede te verrig en sy pligte uit te voer.

(2) Die Sekretaris bedoel in subartikel (1) moet die opdragte nakom en die pligte uitvoer wat van tyd tot tyd deur die Kommissie aan hom gegee of opgelê word.

(3) Die Kommissie kan 'n beampte wat kragtens subartikel (1) aangestel is aanwys om die inspeksie van departemente uit te voer, en 'n beampte aldus aangewys het die bevoegdhede wat by artikel 8 (1) aan die Kommissie verleen is.

(4) Die sekretaris in subartikel (1) bedoel of 'n beampte of toegewese beampte deur hom daartoe gemagtig, moet die Kommissie, na oorlegpleging met die voorsitter of waarnemende voorsitter, byeenroep: Met dien verstande dat niks die voorsitter of waarnemende voorsitter van die

prevent the Chairman or acting chairman of the Commission from convening a meeting of the Commission at any time: Provided further that the Commission shall meet at least once a month.

(5) The secretary referred to in subsection (1) or an officer or an allocated officer authorised by him shall attend all meetings of the Commission.

Delegation of powers and functions

10. (1) (a) Any power conferred upon a Councillor by this Act may, with the concurrence of the Councillor, be exercised or carried out by an officer (including any allocated officer).

(b) A Councillor shall not delegate the functions conferred upon him by section 7 (1).

(2) (a) Any power conferred upon a head of department by this Act may be delegated by him to another officer or allocated officer, on such conditions determined by him.

(b) A head of department may at any time withdraw a delegation granted in terms of this section.

CHAPTER III

APPOINTMENTS, PROMOTIONS, TRANSFERS, RETIREMENTS AND DISCHARGES

By whom appointments and promotions are made

11. Notwithstanding the provisions of any law passed before the commencement of this Act and without derogation from the functions to be performed by the Commission under this Act, the appointment or promotion of any person in the public service shall be made by the Councillor.

Conditions for the filling of posts

12. (1) Subject to the provisions of this section and of section 13, appointments, transfers and promotions in the public service shall be made in such manner and subject to such conditions (including to possession of knowledge of the official languages) as may be prescribed, or if not so prescribed, as may be directed by the Commission: Provided that no person shall be admitted to the clerical division unless he has passed in the official languages at the examination, prescribed or directed as aforesaid, which qualified him for appointment in the public service or unless he is transferred to a post in the clerical division in terms of the provisions of this Act, having displayed special aptitude and possessing qualifications which render him suitable for such a post.

(2) No person shall be appointed permanently, or be transferred and appointed permanently whether on probation or not, to any post in the administrative, clerical, professional, technical, General A or General B Division unless such person—

(a) is a citizen;

(b) is of good character; and

(c) is in the opinion of the Commission free from any mental or physical defect, disease or infirmity which would be likely to interfere with the proper carrying out of his duties or to render necessary his retirement from the public service before reaching the pensionable age and the Commission has so declared:

Provided that a person may be so appointed on probation, notwithstanding the provisions of paragraph (c), if the Commission withholds the declaration referred to therein and directs, as a condition of the appointment, that it may be confirmed only after the Commission has

Kommissie verhinder om op enige tyd 'n vergadering van die Kommissie te belê nie: Met dien verstande voorts dat die Kommissie minstens een keer per maand moet vergader.

(5) Die sekretaris in subartikel (1) bedoel of 'n beamppte of toegewese beamppte wat deur hom daartoe gemagtig is, moet alle vergaderings van die Kommissie bywoon.

Delegasie van bevoegdheide en werksaamhede

10. (1) (a) Enige bevoegdheid verleen aan 'n Raadslid by hierdie Wet kan, met die instemming van die Raadslid, deur enige beamppte (met inbegrip van 'n toegewese beamppte) uitgevoer of uitgeoefen word.

(b) 'n Raadslid mag nie die werksaamhede by artikel 7 (1) aan hom opgedra, deleger nie.

(2) (a) Enige bevoegdheid wat kragtens hierdie Wet aan 'n departementshoof verleen is, kan deur hom aan 'n ander beamppte of toegewese beamppte, gedelegeer word op die voorwaardes wat hy bepaal.

(b) 'n Departementshoof kan 'n delegasie wat kragtens hierdie artikel verleen is te eniger tyd terugtrek.

HOOFSTUK III

AANSTELLINGS, BEVORDERINGS, OORPLASINGS, AFTREDINGS, AFDANKINGS EN ONTSLAG

Deur wie aanstellings en bevorderings gedoen word

11. Ondanks die bepalings van enige wet wat voor die inwerkingtreding van hierdie Wet van krag was is en sonder om afbreuk te doen aan die werksaamhede wat deur die Kommissie ingevolge hierdie Wet verrig moet word, word die aanstelling of bevordering van 'n persoon in die regeringsdiens deur die Raadslid gedoen.

Voorwaardes aangaande die vulling van poste

12. (1) Behoudens die bepalings van hierdie artikel en van artikel 13, word aanstellings, oorplasing en bevorderings in die regeringsdiens gedoen op die wyse en op die voorwaardes (insluitende die besit van kennis van die amptelike tale) wat voorgeskryf word, of indien nie aldus voorgeskryf nie, wat deur die Kommissie gelas word: Met dien verstande dat geen persoon in die klerklike afdeling opgeneem word nie, tensy hy geslaag het in die amptelike tale in die eksamen wat voorgeskryf of gelas is soos voormeld, wat hom vir aanstelling in die regeringsdiens gekwalifiseer het of tensy hy oorgeplaas word na 'n pos in die klerklike afdeling ingevolge die bepalings van hierdie Wet, nadat hy spesiale aanleg aan die dag gelê het en kwalifikasies besit wat hom vir so 'n pos geskik maak.

(2) Niemand word vas aangestel, hetsy op proef al dan nie, in 'n pos in die administratiewe, klerklike, vak-kundige, tegniese, Algemene A- of Algemene B-afdeling nie tensy so iemand—

(a) 'n burger is;

(b) van goeie karakter is; en

(c) na die mening van die Kommissie vry van enige siekte of liggams- of geestesgebrek is, wat waarskynlik die behoorlike uitvoering van sy pligte sal belemmer, of sy aftreding uit die regeringsdiens voordat hy die pensioenleeftyd bereik, nodig sal maak en die Kommissie aldus verklaar het:

Met dien verstande dat iemand aldus op proef aangestel kan word, ondanks die bepalings van paragraaf (c), as die Kommissie die daarin bedoelde verklaring agterweë hou en dit as 'n voorwaarde van die aanstelling gelas dat dit bekragtig kan word slegs nadat die Kommissie

issued such declaration: Provided further that such declaration by the Commission shall be made immediately upon adequate medical proof being furnished to it that such person is free from any mental or physical defect, disease or infirmity which would be likely to interfere with the proper carrying out of his duties or to render necessary his retirement from the public service before reaching the pensionable age.

(3) In the filling of any post or the making of any appointment in the public service, due regard shall be had to the qualifications, relative merit, efficiency and suitability of the persons who are eligible for promotion, transfer or appointment.

(4) For the filling of any post in the administrative, clerical, professional, technical or General A Division the Commission shall, subject to the provisions of subsection (3), recommend either—

(a) the transfer or promotion of an officer; or

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

Provided that within one calendar month from the commencement of each ordinary session of the Legislative Assembly the Executive Councillor for Community Affairs shall lay upon the Table in the Legislative Assembly a return showing—

(a) the name of every person who has, since the commencement of the preceding ordinary session of the Legislative Assembly, been appointed to a post in the administrative division, and who was, immediately prior to such appointment, not an officer;

(b) the post to which such person has been appointed;

(c) the salary scale attached to such post; and

(d) the special qualifications of such person for the post and the special reasons for his appointment.

Appointments, transfers and promotions on probation

13. (1) Appointments, transfers and promotions in the administrative, clerical, professional, technical, General A and General B Divisions shall be made on probation if—

(a) in the case of the administrative, clerical, professional, technical and General A Divisions, the Commission so recommends; or

(b) in the case of the General B Division, the person holding the power to approve appointments, transfers and promotions therein, so authorizes.

(2) The period of probation so recommended or authorized shall not be less than 12 months: Provided that if an officer who is serving a probation is transferred or promoted to another post, a lesser period of service on probation may be recommended or authorized in the new post, which, together with the period of probation served in the former post, shall total at least 12 months: Provided further that the probationary period of an officer shall be extended by the number of days leave taken by him during the period of probation or any extension thereof.

(3) If the head of the office, branch, subdepartment or department certifies that during the period of probation or extended period of probation the officer concerned has been diligent and his conduct uniformly satisfactory and that he is in all respects suitable for the post which he holds, the Executive Councillor may if the officer has complied with all the conditions to which his appointment, transfer or promotion was subject, confirm the

sodanige verklaring uitgereik het: Met dien verstande voorts dat sodanige verklaring deur die Kommissie gedoen word onmiddellik nadat afdoende mediese bewys aan hom verskaf is dat sodanige persoon vry van enige siekte of liggaams- of geestesgebrek is, wat waarskynlik die behoorlike uitvoering van sy pligte sal belemmer of sy aftreding uit die regeringsdiens voordat hy die pensioenleef tyd bereik, nodig sal maak.

(3) By die vulling van 'n pos of die doen van 'n aanstelling in die regeringsdiens, moet daar behoorlik rekening gehou word met die kwalifikasies, betreklike verdienstelikheid, bekwaamheid en geskiktheid van die persone wat vir bevordering, oorplasing of aanstelling in aanmerking kom.

(4) Vir die vulling van 'n pos in die administratiewe, klerklike, vakkundige, tegniese of Algemene A-afdeling, moet die Kommissie, behoudens die bepalings van subartikel (3), of—

(a) die oorplasing of bevordering van 'n beamp te aanbeveel; of

(b) as die pos nie op bevredigende wyse deur so 'n oorplasing of bevordering gevul kan word nie, die aanstelling van 'n persoon wat nie 'n beamp te is nie, aanbeveel:

Met dien verstande dat binne een maand na die aanvang van elke gewone sessie van die Wetgewende Vergadering, die Raadslid vir Gemeenskapsake in die Wetgewende Vergadering 'n opgawe ter tafel moet lê waarin opgegee word—

(a) die naam van elke persoon wat sedert die aanvang van die vorige gewone sessie van die Wetgewende Vergadering in 'n pos in die administratiewe afdeling aangestel is en wat onmiddellik voor sodanige aanstelling nie 'n beamp te was nie;

(b) die pos waarin daardie persoon aangestel is;

(c) die salarisskaal aan daardie pos verbonde; en

(d) die spesiale kwalifikasies van daardie persoon vir die pos en die spesiale redes vir sy aanstelling.

Aanstellings, oorplasinge en bevorderings op proef

13. (1) Aanstellings, oorplasinge en bevorderings in die administratiewe, klerklike, vakkundige, tegniese, Algemene A- en Algemene B-afdelings geskied op proef as—

(a) in die geval van die administratiewe, klerklike, vakkundige, tegniese en Algemene A-afdeling, die Kommissie aldus aanbeveel; of

(b) in die geval van die Algemene B-afdeling, die persoon wat die bevoegdheid het om aanstellings, oorplasinge en bevorderings daarin goed te keur, magtiging daartoe verleen.

(2) Die proeftyd aldus aanbeveel of waartoe magtiging aldus verleen word is minstens 12 maande: Met dien verstande dat as 'n beamp te wat diens op proef doen, oorgeplaas of bevorder word na 'n ander pos, 'n korter diens tyd op proef in die nuwe pos aanbeveel kan word of magtiging daartoe verleen kan word, wat, saam met die proeftyd in diens in die vorige pos minstens 12 maande is: Met dien verstande voorts dat die proeftyd van 'n beamp te verleng word met die getal dae verlof wat hy gedurende die proeftyd of enige verlenging daarvan geneem het.

(3) As die hoof van die kantoor, tak, subdepartement of departement sertifiseer dat gedurende die proeftyd of verlengde proeftyd, die betrokke beamp te ywerig en sy gedrag deurgaans bevredigend was en dat hy in alle opsigte geskik is vir die pos wat hy bekleed, kan die Raadslid, as die beamp te voldoen het aan al die voor-

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 administration, clerical, professional, technical or General A Division report the reasons for the non-confirmation to the Commission which, subject to the provisions of subsection (5), may make such recommendation in the matter as it may deem fit;

(b) the Executive Councillor may extend the period of probation or act as is provided in subsection (4), if the officer is serving in the General B Division.

(4) Notwithstanding anything to the contrary contained in subsection (2) or in Chapter IV, but subject to the provisions of subsection (5), an officer who is serving on probation may be discharged from the public service by the Executive Councillor either during or at or after the expiry of the period of probation—

(a) by the giving of one calendar month's notice; or
(b) forthwith, if his conduct is unsatisfactory:

Provided that, before an officer serving in the administrative, clerical professional, technical or General A Division is so discharged, the Commission shall first have made a recommendation.

(5) Notwithstanding anything to the contrary contained in sections 14 and 23 a person who immediately prior to his transfer or promotion on probation was an officer, not being a probationary officer, shall revert to the post formerly held by him, or to a post of equivalent grading, and to the salary he would have attained in his former post, if his probationary transfer or promotion be not confirmed: Provided that, in the case of an officer serving in the administrative, clerical, professional, technical or General A Division, the Commission shall first make a recommendation.

Transfer and secondment of officers and employees

14. (1) Subject to the provisions of this Act, every officer and employee shall, whenever the public interest so requires, be liable to be transferred from the post or appointment held by him to any other post or appointment in the same or any other department, whether or not such post or appointment is in another division, or is of a lower grade: Provided that—

(a) upon transfer, an officer shall not suffer any reduction in his scale of salary without his consent except in accordance with the provisions of Chapter IV;

(b) an officer who has been transferred to or is employed in a post of lower or higher grade than his own grade without a change in his scale of salary shall be recommended by the Commission for transfer to a post to which his scale of salary is appropriate as soon as a suitable vacancy occurs;

(c) an officer who has been transferred to or is employed in a post which is graded higher than his own grade or which is regraded or converted to a post of a grade higher than his own grade, shall not by reason only of such transfer or employment be entitled to the higher scale of salary applicable to the post.

(2) The transfer of an officer or employee from one post or appointment to another post or appointment may, subject to the provisions of subsection (3), be made on the authority of the Executive Councillor: Provided that such transfer from one department to another department shall not be made except on the authority of the Executive Councillors responsible for the two departments concerned: Provided further that the provisions of this

waardes waaraan sy aanstelling, oorpasing of bevordering onderworpe was, die aanstelling, oorpasing of bevordering bekragtig; maar as die aanstelling, oorpasing of bevordering op proef nie aldus bekragtig word nie—

(a) moet die departementshoof in die geval van 'n beampte in diens in die administratiewe, klerklike, vak-kundige, tegniese of Algemene A-afdeling die redes vir die nie-bekragtiging rapporteer aan die Kommissie wat, behoudens die bepalings van subartikel (5), die aanbeveling oor die aangeleentheid kan doen wat hy goed dink;

(b) kan die Raadslid die proeftyd verleng of optree soos in subartikel (4) bepaal word, as die beampte in die Algemene B-afdeling in diens is.

(4) Ondanks andersluidende bepalings in subartikel (2) of in Hoofstuk IV vervat, maar behoudens die bepalings van subartikel (5), kan 'n beampte wat op proef in diens is, deur die Raadslid, uit die regeringsdiens ontslaan word, hetsy gedurende of by of na die verstryking van die proeftyd—

(a) deur een maand kennis te gee; of

(b) onverwyld as sy gedrag onbevredigend is:

Met dien verstande dat voordat 'n beampte wat in die administratiewe, klerklike, vak-kundige, tegniese of Algemene A-afdeling in diens is, aldus ontslaan word, die Kommissie eers 'n aanbeveling gedoen het.

(5) Ondanks andersluidende bepalings in artikels 14 en 23 vervat, keer 'n persoon wat onmiddellik voor sy oorpasing of bevordering op proef 'n beampte was, maar wat nie 'n beampte op proef was nie, terug na die pos wat hy tevore beklee het, of na 'n pos van gelyke grade-ring, en na die salaris wat hy in sy vorige pos sou bereik het, as sy oorpasing of bevordering op proef nie bekragtig word nie: Met dien verstande dat in die geval van 'n beampte in diens in die administratiewe, klerklike, vak-kundige, tegniese of Algemene A-afdeling, die Kommissie eers 'n aanbeveling moet doen.

Oorpasing en afstaan van beamptes en werknemers

14. (1) Behoudens die bepalings van hierdie Wet, kan elke beampte en werknemer wanneer die openbare belang dit vereis, oorgeplaas word uit die pos of betrekking wat hy beklee, na enige ander pos of betrekking in dieselfde of enige ander departement, hetsy so 'n pos of betrekking in 'n ander afdeling of van 'n laer graad is al dan nie: Met dien verstande dat—

(a) by oorpasing 'n beampte se salarisskaal nie sonder sy toestemming verlaag mag word nie, behalwe in ooreenstemming met die bepalings van Hoofstuk IV;

(b) 'n beampte wat oorgeplaas is na of in diens is in 'n pos van 'n laer of hoër graad as sy eie graad sonder 'n verandering in sy salarisskaal, deur die Kommissie aanbeveel moet word vir oorpasing na 'n pos waarby sy salarisskaal pas sodra 'n geskikte vakature ontstaan;

(c) 'n beampte wat oorgeplaas is na of in diens is in 'n pos wat hoër as sy eie graad gegradeer is, of wat hergradeer is na of omgeskep is in 'n pos van 'n hoër graad as sy eie graad, nie uit hoofde alleen van bedoelde oorpasing of diens op die hoër salarisskaal wat op die pos van toepassing is, geregtig is nie.

(2) Die oorpasing van 'n beampte of werknemer uit een pos of betrekking na 'n ander pos of betrekking kan, behoudens die bepalings van subartikel (3), op gesag van die Raadslid gedoen word: Met dien verstande dat so 'n oorpasing van een departement na 'n ander departement nie mag geskied nie behalwe op gesag van die Raadslide wat verantwoordelik is vir die twee betrokke departemente: Met dien verstande voorts dat die bepalings van

subsection shall not preclude the Commission from recommending the transfer of any officer from any post in the administrative, clerical, professional, technical or General A Division to any other post in one of the said divisions.

(3) An officer shall not be transferred from one post to another post which is of a higher or lower grade than his own grade or bears a different designation, unless the Commission has recommended the transfer; but this subsection shall not apply if each of the two posts in question is a post in the General B Division.

(4) A person in the service of another body or person may, on the recommendation of the Commission, be employed by a department for a particular service or for a period of time and on such conditions (excluding conditions laid down by or under a pensions law) as may be recommended by the Commission and approved by the Treasury.

(5) An officer or employee may, with his own consent, and on the recommendation of the Commission upon such conditions (in addition to those prescribed by or under any law) as may be determined by it in consultation with the Treasury, be seconded either for a particular service or for a period of time, to the service of the Government of the Republic or the Government of an area for which a Legislative Assembly has been established in terms of the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971), or of any board, institution or body established by or under any law, or of any other body or person, and such officer or employee while so seconded shall remain subject to the laws governing officers in the public service.

(6) A citizen who is an officer or employee of the public service of the Republic or is employed by the Government of the Republic, who is being transferred to the public service shall be appointed on such conditions as recommended by the Commission in consultation with the Director of Authority Affairs and Finance, after an agreement regarding such transfer has been reached with the Government of the Republic.

Retirement and discharge of officers

15. (1) (a) Subject to the provisions of subsections (2) and (3) and any law governing the pension rights of officers, an officer shall have the right to retire from the public service on attaining the age of 60 years and shall be so retired on reaching the said age if that day is the first day of a month or, if that day is any later day, on the first of the month immediately following the month in which he attains the age of 60 years.

(b) An officer who has been transferred from the public service of the Republic to the public service without a break in service, shall have the right to be retired with effect from the date determined by section 14 of the Public Service Act, 1957 (Act 54 of 1957), as if he had remained an officer of the public service of the Republic.

(2) If it is in the public interest to retain an officer in his post beyond the age at which in accordance with subsection (1) he shall be retired, he may be so retained from time to time on the recommendation of the Commission and the approval of the Councillor for further periods which shall not, except with the approval of the Legislative Assembly, be beyond the officer's 67th birthday.

(3) (a) An officer [except an officer referred to in subsection (7)] who has reached the age of 55 years may, subject in every case to the recommendation of the Commission, be retired from the public service.

hierdie subartikel nie die Kommissie belet om die oorpasing van 'n beampte uit 'n pos in die administratiewe, klerklike, vakkundige, tegniese of Algemene A-afdeling na 'n ander pos in een van genoemde afdelings aan te beveel nie.

(3) 'n Beampte mag nie uit een pos oorgeplaas word na 'n ander pos wat van 'n hoër of laer graad as sy eie graad is of 'n ander benaming het nie, tensy die Kommissie die oorpasing aanbeveel het; maar hierdie subartikel is nie van toepassing nie as elkeen van die twee betrokke poste 'n pos in die Algemene B-afdeling is.

(4) Enige persoon in diens van 'n ander liggaam of persoon kan op aanbeveling van die Kommissie deur 'n departement in diens geneem word vir 'n besondere diens of vir 'n tydperk en op die voorwaardes (uitgesonderd voorwaardes wat by of kragtens 'n pensioenwet bepaal word) wat die Kommissie aanbeveel en die Tesourie goedkeur.

(5) 'n Beampte of werknemer kan met sy eie toestemming en op aanbeveling van die Kommissie op sodanige voorwaardes (benewens dié by of kragtens enige wet voorgeskryf) as wat die Kommissie in oorleg met die Tesourie bepaal of vir 'n bepaalde diens of tydperk, aan die diens van die Regering van die Republiek of die regering van 'n gebied waarvoor 'n Wetgewende Vergadering kragtens die Grondwet van die Bantoetuislande, 1971 (Wet 21 van 1971) ingestel is, of van 'n raad, inrigting of liggaam ingestel by of kragtens enige wet, of van enige ander liggaam of persoon, gesecondeer word en terwyl sodanige beampte of werknemer aldus gesecondeer is, bly hy onderworpe aan die wette wat op beamptes in die regeringsdiens van toepassing is.

(6) 'n Burger wat 'n beampte of werknemer van die staatsdiens van die Republiek is of wat in diens van die Regering van die Republiek is, wat na die regeringsdiens oorgeplaas word, word aangestel op die voorwaardes wat die Kommissie aanbeveel in oorleg met die Direkteur van Owerheidsake en Finansies nadat 'n ooreenkoms oor sodanige oorpasing met die Regering van die Republiek bereik is.

Afstreding, afdisking en ontslag van beamptes

15. (1) (a) Behoudens die bepalings van subartikels (2) en (3) en enige wet betreffende die pensioenregte van beamptes, het 'n beampte die reg om uit die regeringsdiens af te tree wanneer hy die leeftyd van 60 jaar bereik en tree hy aldus af wanneer hy gemelde leeftyd bereik indien daardie dag op die eerste dag van 'n maand is of, indien daardie dag 'n latere dag is, op die eerste dag van die maand onmiddellik na die maand waarin hy die leeftyd van 60 jaar bereik het.

(b) 'n Beampte wat uit die staatsdiens van die Republiek na die regeringsdiens oorgeplaas is sonder 'n onderbreking in diens, het die reg om af te tree met ingang van die datum bepaal by artikel 14 van die Staatsdienswet, 1957 (Wet 54 van 1957), asof hy 'n beampte van die staatsdiens van die Republiek gebly het.

(2) As dit in die openbare belang is om 'n beampte in sy pos in diens te hou na die leeftyd waarop hy ooreenkomstig subartikel (1) moet aftree, kan hy aldus van tyd tot tyd op aanbeveling van die Kommissie en met goedkeuring van die Raadslid vir verdere tydperke in diens gehou word wat, behalwe met die goedkeuring van die wetgewende vergadering, nie strek tot na die beampte se 67ste verjaarsdag nie.

(3) (a) 'n Beampte [uitgesonderd 'n beampte genoem in subartikel (7)] wat die leeftyd van 55 jaar bereik het, kan, in elk geval behoudens die aanbeveling van die Kommissie, uit die regeringsdiens afgedank word.

(b) An officer who has been transferred from the public service of the Republic to the public service without a break in service, may be retired on the recommendation of the Commission with effect from the date determined in section 14 (5) of the Public Service Act, 1957 (Act 54 of 1957), read with section 6 of the Government Service Pensions Act, 1956 (Act 62 of 1956), as if he had remained an officer of the public service of the Republic.

(4) Every officer shall be liable to be discharged from the public service—

(a) on account of continued ill-health;

(b) owing to the abolition of his post or any reduction in or reorganisation or readjustment of departments or offices;

(c) if, for reasons other than his own unfitness or incapacity, his discharge will promote efficiency or economy in the department or office in which he is employed;

(d) on account of unfitness for his duties, or incapacity to carry them out efficiently;

(e) on account of misconduct; or

(f) if, in the case of an officer appointed on probation, his appointment is not confirmed.

(5) A female officer who marries, shall be deemed to have retired voluntarily from the public service in contemplation of marriage with effect from the date of her marriage, or if she has discharged her duties on that day, with effect from the day following the date of her marriage, unless the Commission recommends and the Executive Councillor approves that she be retained in the public service.

(6) An officer who absents himself from his official duties without the permission of the head of his department or the head of his office for a period exceeding one month, shall be deemed to have been discharged from the public service on account of misconduct with effect from the date immediately succeeding his last day of attendance at his place of duty: Provided that if such officer assumes other employment he shall be deemed to have been discharged as aforesaid notwithstanding that the said period has not expired: Provided further that if such officer reports for duty at any time after the expiry of the said period the Commission may, notwithstanding anything to the contrary contained in this Act or any other law, recommend that he be reinstated in the public service in his former or any other post or appointment, on such conditions as the Commission may recommend, in which event the period of his absence from official duty shall be deemed to have been absence on vacation leave without pay or leave on such other conditions as the Commission may recommend.

(7) The services of an officer who was appointed after the commencement of this Act to a post classified in the General B Division may, while he is the holder of a post in the General B Division and notwithstanding the absence of any cause of discharge under subsection (4), be terminated upon the recommendation of the Commission by the giving of notice in writing. Such 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 years' or more continuous service, be three months.

(8) Save as is provided in subsection (9), the power of discharge of an officer or employee is vested in the Executive Councillor: Provided that in the case of an officer holding a post in the administrative, clerical, professional, technical or General A Division, the Commission shall first make a recommendation for his discharge.

(b) 'n Beampte wat uit die staatsdiens van die Republiek oorgeplaas is na die regeringsdiens sonder 'n onderbreking in diens kan, op aanbeveling van die Kommissie, afgedank word met ingang van die datum bepaal in artikel 14 (5) van die Staatsdienswet, 1957 (Wet 54 van 1957), gelees met artikel 6 van die Regeringsdienspensioenwet, 1956 (Wet 62 van 1956), asof hy 'n beampte van die staatsdiens van die Republiek gebly het.

(4) Elke beampte kan uit die regeringsdiens ontslaan word—

(a) weens voortdurende swak gesondheid;

(b) weens die afskaffing van sy pos of vermindering of reorganisasie of herreëling van departemente of kantore;

(c) as, om ander redes as sy eie ongeskiktheid of onvermoë, sy ontslag doeltreffendheid of besuiniging in die departement of kantoor waarin hy in diens is, sal bevorder;

(d) weens ongeskiktheid vir sy pligte of onvermoë om hulle op bekwame wyse uit te voer;

(e) weens wangedrag; of

(f) as, in die geval van 'n beampte wat op proef aangestel is, sy aanstelling nie bekragtig word nie.

(5) 'n Vroulike beampte wat in die huwelik tree, word geag vrywillig uit die regeringsdiens met die oog op die huwelik te getree het, met ingang van die datum van haar huwelik of, as sy haar pligte op daardie dag vervul het, met ingang van die dag wat op die datum van haar huwelik volg, tensy die Kommissie aanbeveel en die Raadslid goedkeur dat sy in die regeringsdiens in diens gehou word.

(6) 'n Beampte wat sonder verlof van sy departementshoof of hoof van sy kantoor of inrigting, vir 'n tydperk van meer as een maand van sy ampspligte wegbly, word geag uit die regeringsdiens weens wangedrag ontslaan te gewees het met ingang van die datum wat onmiddellik volg op die laaste dag waarop hy op sy plek van diens teenwoordig was: Met dien verstande dat as so 'n beampte ander werk aanvaar, hy geag word ontslaan te gewees het soos voormeld, nieteenstaande dat bedoelde tydperk nog nie verstryk het nie: Met dien verstande voorts dat as so 'n beampte hom te eniger tyd na die verstryking van bedoelde tydperk vir diens aanmeld, die Kommissie, ondanks andersluidende wetsbepalings, kan aanbeveel dat, onderworpe aan die goedkeuring van die Raadslid, hy in die regeringsdiens in sy vorige of enige ander pos of betrekking herstel word op die voorwaardes wat die Kommissie aanbeveel, en in so 'n geval word die tydperk van sy afwesigheid van sy ampspligte, geag afwesigheid met vakansieverlof sonder besoldiging of verlof op die ander voorwaardes wat die Kommissie aanbeveel, te wees.

(7) Die dienste van 'n beampte wat na die inwerking-treding van hierdie Wet aangestel is in 'n pos wat by die Algemene B-afdeling ingedeel is, kan terwyl hy die bekleër is van 'n pos in die Algemene B-afdeling en ondanks die afwesigheid van enige rede vir ontslag ingevolge sub-artikel (4), op aanbeveling van die Kommissie beëindig word deur skriftelike kennisgewing. Sodanige 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.

(8) Behalwe in die gevalle bedoel in subartikel (9) berus die bevoegdheid van ontslag van 'n beampte of werknemer by die Raadslid: Met dien verstande dat in die geval van 'n beampte wat 'n pos in die administratiewe, klerklike, vakkundige, tegniese of Algemene A-afdeling beklee, die Kommissie eers sy ontslag moet aanbeveel.

(9) If it is in the public interest to appoint an officer under any provision of any act of the Legislative Assembly to an office to which the provisions of this Act do not apply, the Executive Council may so appoint him to that office and may discharge him from the public service without the Commission first having made a recommendation for his discharge.

CHAPTER IV

INEFFICIENCY AND MISCONDUCT

Inefficient officers

16. (1) If a head of a department reports to the Councillor that any officer (other than an officer who is the holder of a post in the General B Division) is, in his opinion, unfit for his duties or incapable of carrying them out efficiently, the Councillor shall appoint an officer or an allocated officer to inquire into the subject matter of that report; and if any such report is made to a head of department by an officer or an allocated officer, who is authorised to inspect departments in terms of section 9 (3), the said head of department shall within one month of the date on which he received it, transmit it to the Councillor who shall appoint an officer or an allocated officer to inquire into the subject matter of that report.

(2) The officer or allocated officer who is to hold the inquiry shall, in consultation with the head of department, fix the time and place of the inquiry and the head of department shall give the officer concerned reasonable notice in writing of the time and place so fixed and shall furnish him with a written statement of the grounds on which it is alleged that he is unfit for his duties or incapable of carrying them out efficiently.

(3) The head of department may authorise any person to attend the inquiry and to adduce evidence and arguments in support of the allegation referred to in subsection (2) and to cross-examine any person who has given evidence to rebut those allegations.

(4) (a) At the inquiry officer concerned shall have the right to be present and to be heard, either personally or through a representative, to cross-examine any person called as a witness in support of the allegations referred to in subsection (2), to inspect any documents produced in evidence, to give evidence himself and to call any other person as a witness.

(b) The officer or allocated officer holding the inquiry shall keep a record of the proceedings at the inquiry and of all evidence given thereat.

(c) The failure of the officer concerned to attend the inquiry, either personally or by a representative, shall not invalidate the proceedings.

(5) At the conclusion of the inquiry the officer or allocated officer holding it shall find whether or not the officer concerned is unfit for his duties or incapable of carrying them out efficiently, shall inform the officer concerned of his findings and shall report the result of the inquiry to the Councillor.

(6) If the officer or allocated officer who held the inquiry has found that the officer concerned is unfit for his duties or incapable of carrying them out efficiently, the officer concerned, may, within 14 days of the date upon which he was informed of the finding, appeal therefrom to the Commission by giving to the officer or allocated officer who held the inquiry a written notice of appeal wherein he shall set forth fully the grounds upon which the appeal is based.

(9) As dit in die openbare belang is om 'n beamppte kragtens 'n bepaling van 'n wet van die Wetgewende Vergadering aan te stel in 'n amp waarop die bepalings van hierdie Wet nie van toepassing is nie, kan die Uitvoerende Raad hom aldus in daardie amp aanstel en kan hy hom uit die regeringsdiens ontslaan sonder dat die Kommissie eers sy ontslag aanbeveel het.

HOOFSTUK IV

ONBEKWAAMHEID EN WANGEDRAG

Onbekwame beampptes

16. (1) As 'n departementshoof aan die Raadslid verslag doen dat 'n beamppte (behalwe 'n beamppte wat 'n pos in die Algemene B-afdeling beklee), na sy mening ongeskik is vir sy pligte of nie in staat is om hulle op bekwame wyse uit te voer nie, stel die Raadslid 'n beamppte of 'n toegewese beamppte aan om ondersoek na die inhoud van daardie verslag in te stel; en as enige sodanige verslag aan 'n departementshoof gedoen word deur 'n beamppte of 'n toegewese beamppte, wat ingevolge artikel 9 (3) gemagtig is om departemente te inspekteer, stuur genoemde departementshoof dit binne een maand na die datum waarop hy dit ontvang het deur na die Raadslid wat 'n beamppte of toegewese beamppte moet aanstel om ondersoek na die inhoud van daardie verslag in te stel.

(2) Die beamppte of toegewese beamppte wat die ondersoek moet instel, stel, in ooreenstemming met die departementshoof, die tyd en die plek van die ondersoek vas en die departementshoof gee aan die betrokke beamppte redelike skriftelike kennis van die tyd en plek aldus vasgestel en verstrekk aan hom 'n skriftelike uiteensetting van die redes op grond waarvan beweer word dat hy ongeskik is vir sy pligte of nie in staat is om hulle op bekwame wyse uit te voer nie.

(3) Die departementshoof kan enige persoon magtig om by die ondersoek teenwoordig te wees en om getuienis en argumente ter stawing van die bewerings in subartikel (2) bedoel, aan te voer en om enige persoon wat getuienis afgelê het om daardie bewerings te weerlê, te kruisvra.

(4) (a) By die ondersoek het die betrokke beamppte die reg om teenwoordig te wees en aangehoor te word, hetsy persoonlik of deur 'n verteenwoordiger, om enige persoon wat as getuie opgeroep is ter stawing van die bewerings in subartikel (2) bedoel, te kruisvra, om insae te hê in alle dokumente wat as getuienis voorgelê is, om self getuienis af te lê en om enige ander persoon as getuie op te roep.

(b) Die beamppte of toegewese beamppte wat die ondersoek instel, moet notule hou van die verrigtings by die ondersoek en van alle getuienis wat aldaar afgelê word.

(c) Die versuim van die betrokke beamppte om by die ondersoek teenwoordig te wees, hetsy persoonlik of deur 'n verteenwoordiger, maak die verrigtings nie ongeldig nie.

(5) Na afloop van die ondersoek moet die beamppte of toegewese beamppte wat dit instel, bevind of die betrokke beamppte ongeskik is vir sy pligte of nie in staat is om hulle op bekwame wyse uit te voer nie, die betrokke beamppte van sy bevinding verwittig en van die uitslag van die ondersoek aan die Raadslid verslag doen.

(6) As die beamppte of toegewese beamppte wat die ondersoek ingestel het, bevind dat die betrokke beamppte ongeskik is vir sy pligte of nie in staat is om hulle op bekwame wyse uit te voer nie, kan die betrokke beamppte binne 14 dae na die datum waarop hy van die bevinding verwittig is, by die Kommissie daarteen appelleer deur aan die beamppte of toegewese beamppte wat die ondersoek ingestel het, skriftelik kennis van appêl te gee, waarin hy volledig die gronde waarop die appêl gebasseer word, moet uiteensit.

(7) If the officer or allocated officer who held the inquiry has found that the officer concerned is unfit for his duties or incapable of carrying them out efficiently, he shall forward to the Commission the record of the proceedings at the inquiry and any documentary evidence admitted thereat, a written statement of his findings and his reasons therefor and any observations on the case which he may desire to make. If notice of appeal has been given in accordance with the provisions of subsection (6), he shall forward, with the record, the notice and grounds of appeal, and shall furnish the officer concerned with a copy of the reasons for his findings.

(8) If the officer concerned applies to the Commission for a copy of the record of the proceedings at the inquiry within seven days of the date upon which he received a copy of the reasons for the finding, the Commission shall furnish him with such copy.

(9) The officer concerned may, within fourteen days of the date upon which he received the copy of the record of the proceedings, or if he did not apply for a copy of the record, within 21 days of the date upon which he received the copy of the reasons for the finding, submit to the Commission written representations, in quadruplicate, in support of his appeal.

(10) The Commission shall forward to the head of department a copy of the record and documents referred to in subsection (7) and a copy of the representations referred to in subsection (9).

(11) The head of department may, within 14 days of the date upon which he received the copies referred to in subsection (10), submit to the Commission, in quadruplicate, any representations which he desires to make in support of the finding against which the appeal is brought; and the Commission shall furnish the officer concerned with a copy of such representations.

(12) (a) The officer concerned may, within 14 days of the date upon which he received a copy of the representations referred to in subsection (11), submit to the Commission, in quadruplicate, any reply in writing he may wish to make to such representations.

(b) The Commission shall furnish the head of department with a copy of such reply.

(c) The head of department shall not have the right to submit further representations in answer to such reply, except by leave of the Commission.

(13) After consideration of the aforesaid record and documents, the Commission may allow the appeal wholly or in part and set aside or alter the finding, or dismiss the appeal and confirm the finding wholly or in part, or the Commission may, before arriving at a final decision on the appeal, remit any question in connection with the inquiry to the officer or allocated officer who held it, and direct him to report thereon or to hold a further inquiry and arrive at a finding thereon.

(14) If the Commission directs the holding of a further inquiry, the provisions of subsections (3) and (4) shall apply.

(15) When the Commission has arrived at a final decision on an appeal, it shall convey that decision in writing to the appellant and to the Councillor.

(16) If the officer or allocated officer who held the inquiry has found that the officer is unfit for his duties or incapable of carrying them out efficiently and the officer has not appealed against the finding as herein-before provided, or if he has so appealed and his appeal

(7) As die beampte of toegewese beampte wat die ondersoek ingestel het, bevind het dat die betrokke beampte ongeskik is vir sy pligte of nie in staat is om hulle op bekwame wyse uit te voer nie, moet hy die notule van die verrigtings by die ondersoek en alle dokumentêre getuienis wat aldaar toegelaat is, 'n skriftelike uiteensetting van sy bevinding en sy redes daarvoor en enige opmerkings oor die saak wat hy wens te maak, aan die Kommissie stuur. As kennis van appèl ooreenkomstig die bepalings van subartikel (6) gegee is, moet hy saam met die notule die kennisgewing en gronde van appèl aanstuur en aan die betrokke beampte 'n afskrif van die redes vir sy bevinding verstrek.

(8) As die betrokke beampte binne sewe dae na die datum waarop hy 'n afskrif van die redes vir die bevinding ontvang het, by die Kommissie om 'n afskrif van die notule van die verrigtings by die ondersoek aansoek doen, moet die Kommissie sodanige afskrif aan hom verstrek.

(9) Die betrokke beampte kan binne veertien dae na die datum waarop hy die afskrif van die notule van die verrigtings ontvang het, of as hy nie om 'n afskrif van die notule aansoek gedoen het nie, binne 21 dae na die datum waarop hy die afskrif van die redes vir die bevinding ontvang het, aan die Kommissie skriftelike ver-
toë, in viervoud, ter stawing van sy appèl voorlê.

(10) Die Kommissie stuur 'n afskrif van die notule en dokumente in subartikel (7) bedoel en 'n afskrif van die ver-
toë in subartikel (9) bedoel aan die departementshoof.

(11) Die departementshoof kan binne 14 dae na die datum waarop hy die afskrifte in subartikel (10) bedoel, ontvang het, ver-
toë wat hy wens voor te lê ter stawing van die bevinding waarteen die appèl aangeteken is, in viervoud tot die Kommissie rig; en die Kommissie moet 'n afskrif van sodanige ver-
toë aan die betrokke beampte verstrek.

(12) (a) Die betrokke beampte kan binne 14 dae na die datum waarop hy 'n afskrif van die ver-
toë in sub-
artikel (11) bedoel, ontvang het, enige skriftelike repliek wat hy op sodanige ver-
toë wil lewer, in viervoud aan die Kommissie voorlê.

(b) Die Kommissie verstrek 'n afskrif van bedoelde repliek aan die departementshoof.

(c) Die departementshoof het nie die reg om verdere ver-
toë in antwoord op bedoelde repliek voor te lê nie, behalwe met verlof van die Kommissie.

(13) Na oorweging van bedoelde notule en dokumente kan die Kommissie die appèl in sy geheel of gedeeltelik handhaaf en die bevinding tersyde stel of wysig of die appèl van die hand wys en die bevinding in sy geheel of gedeeltelik bekrachtig, of kan die Kommissie, voordat hy tot 'n finale beslissing oor die appèl kom, enige vraag in verband met die ondersoek na die beampte of toegewese beampte wat dit ingestel het, terugverwys, en hom gelas om verslag daaroor te doen of om 'n verdere ondersoek in te stel en sy bevinding daaroor te gee.

(14) As die Kommissie gelas dat 'n verdere ondersoek ingestel moet word, is die bepalings van subartikels (3) en (4) van toepassing.

(15) Wanneer die Kommissie tot 'n finale beslissing oor 'n appèl geraak het, deel hy daardie beslissing skriftelik aan die appellant en aan die Raadslid mee.

(16) As die beampte of toegewese beampte wat die ondersoek ingestel het, bevind het dat die beampte ongeskik is vir sy pligte of nie in staat is om hulle op bekwame wyse uit te voer nie en die beampte nie teen die bevinding soos hierbo bepaal, geappelleer het nie, of as hy aldus geappelleer het en sy appèl van die hand gewys is, stuur

has been dismissed, the Commission shall forward the record and all documents relating to the inquiry to the Councillor and recommend—

- (a) that no further action be taken in the matter; or
- (b) that the officer concerned be transferred to another post or be employed additional to the fixed establishment; or
- (c) that his salary or grade or both his salary and grade be reduced to the extent recommended; or
- (d) that he be discharged from the public service from a date to be specified by the Councillor.

If the Commission makes a recommendation in terms of paragraph (b), it may also make recommendation in terms of paragraph (c).

(17) The Councillor may adopt the course recommended by the Commission or, subject to the provisions of section 7 (1), any other course which the Commission could lawfully have recommended under subsection (16).

Inefficient heads of departments

17. (1) If in the opinion of the Councillor there are reasonable grounds for believing that a head of department who is an officer is unfit for his duties or incapable of carrying them out efficiently, the Councillor reports accordingly to the Executive Council and the Executive Council may appoint a person or persons to inquire into the subject matter of that report.

(2) The provisions of section 16 (2) to (17), inclusive, shall *mutatis mutandis* apply to any inquiry under subsection (1) of this section; and for the purposes of such application the reference in section 16 (17) to a Councillor shall be construed as a reference to the Executive Council, every reference to a head of department shall be construed as a reference to the Councillor and every reference to the officer or allocated officer holding the inquiry shall be construed as including a reference to the person or persons appointed under subsection (1) of this section.

Description of misconduct

18. Any officer shall be guilty of misconduct and may be dealt with in accordance with the provisions of section 19 if he—

- (a) contravenes any provision of this Act or fails to comply with any provision thereof with which it is his duty to comply; or
- (b) does, or causes or permits to be done, or connives at, any act which is prejudicial to the administration, discipline or efficiency of any department, office or institution of the Government; or
- (c) disobeys, disregards, or makes wilful default in carrying out a lawful order given to him by a person having authority to give it, or by word or conduct displays insubordination; or
- (d) is negligent or indolent in the discharge of his duties; or
- (e) undertakes, without the permission of the Councillor (granted on the recommendation of the Commission in the case of an officer in the administrative, clerical, professional, technical or General A Division), any private agency or private work in any matter connected with the performance of his official functions or the carrying out of his official duties; or
- (f) publicly comments upon the administration of any department; or

die Kommissie die notule en alle ander dokumente wat op die ondersoek betrekking het, aan die Raadslid en beveel hy aan—

- (a) dat geen verdere stappe in die saak gedoen word nie; of
- (b) dat die betrokke beampte na 'n ander pos oorgeplaas of in diens gehou word bykomend tot die vaste diensstaat; of
- (c) dat sy salaris of graad of sy salaris sowel as sy graad verlaag word in die mate wat aanbeveel word; of
- (d) dat hy uit die regeringsdiens ontslaan word met ingang van 'n datum deur die Raadslid bepaal.

As die Kommissie 'n aanbeveling ingevolge paragraaf (b) doen, kan hy ook 'n aanbeveling ingevolge paragraaf (c) doen.

(17) Die Raadslid van die gedragsslyn volg wat die Kommissie aanbeveel het of, behoudens die bepalinge van artikel 7 (1), enige ander gedragsslyn wat die Kommissie wettiglik ingevolge subartikel (16) kon aanbeveel het.

Onbekwame Departementshoofde

17. (1) As daar na die mening van die Raadslid redelike gronde bestaan om te vermoed dat 'n departementshoof wat 'n beampte is, ongeskik is vir sy pligte of nie in staat is om hulle op bekwame wyse uit te voer nie, doen die Raadslid dienooreenkomstig verslag aan die Uitvoerende Raad en die Uitvoerende Raad kan 'n persoon of persone aanstel om ondersoek na die inhoud van daardie verslag in te stel.

(2) Die bepalinge van artikel 16 (2) tot en met (17) is *mutatis mutandis* van toepassing op 'n ondersoek ingevolge subartikel (1) van hierdie artikel en vir doeleindes van sodanige toepassing word die verwysing in artikel 16 (17) na 'n Raadslid uitgelê as 'n verwysing na die Uitvoerende Raad, word elke verwysing na 'n departementshoof uitgelê as 'n verwysing na die Raadslid en word elke verwysing na die beampte of toegewese beampte wat die ondersoek instel, uitgelê asook 'n verwysing na die persoon of persone wat ingevolge subartikel (1) van hierdie artikel aangestel is.

Omskrywing van wangedrag

18. 'n Beampte is skuldig aan wangedrag en daar kan ooreenkomstig die bepalinge van artikel 19 met hom gehandel word, as hy—

- (a) 'n bepaling van hierdie Wet oortree of versuim om te voldoen aan 'n bepaling daarvan waaraan dit sy plig is om te voldoen; of
- (b) 'n daad wat nadelig vir die administrasie, dissipline of doeltreffendheid van 'n departement, kantoor of inrigting van die Regering is, doen, laat doen of toelaat of oogluikend toelaat dat dit gedoen word; of
- (c) 'n wettige bevel wat aan hom gegee is 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 insubordinasie aan die dag lê; of
- (d) nalatig of traag is in die vervulling van sy pligte; of
- (e) sonder die toestemming van die Raadslid (verleen op aanbeveling van die Kommissie in die geval van 'n beampte in die administratiewe, klerklike, vak-kundige, tegniese of Algemene A-afdeling) enige private agentskap of private werk in enige aangeleentheid in verband met die verrigting van sy amptelike werk-saamhede of die uitvoering van sy ampspligte onderneem; of

(f) hom in die openbaar uitlaat oor die administrasie van enige departement; of

(g) although permitted to be a member of a political organisation, takes active part in political matters; or

(h) attempts to secure intervention from political or outside source in relation to his position and conditions of service in the public service: Provided that nothing in this paragraph contained shall preclude any officer from endeavouring to obtain redress of any grievance through the Legislative Assembly; or

(i) conducts himself in a disgraceful, improper or unbecoming manner, or whilst on duty is grossly discourteous to any person; or

(j) uses intoxicating liquor or habit-forming drugs excessively; or

(k) at any time during the hours of attendance prescribed by or under a regulation in respect of his employment—

(i) is under the influence of intoxicating liquor; or

(ii) has a blood alcohol content, expressed in grams per 100 millilitres of blood, of not less than 70 milligrams (0,07 per cent); or

(l) becomes insolvent or compromises with his creditors or has a decree of civil imprisonment made against him by any court of law, unless it is shown that his insolvency or compromise or the making of a decree of civil imprisonment against him has been occasioned by unavoidable misfortune; or

(m) becomes pecuniarily embarrassed, unless it is shown that his pecuniary embarrassment has not been occasioned by imprudence or other reprehensible cause and is not prejudicial to the faithful performance of his duties; or

(n) without first having obtained the permission of his head of department discloses, otherwise than in the discharge of his official duties, information gained by or conveyed to him through his employment in the public service, or uses such information for any purpose other than for the discharge of his official duties, whether or not he discloses such information; or

(o) without the permission of the Councillor (granted on the recommendation of the Commission in case of an officer in the administrative, clerical, professional, technical or General A Division) accepts or demands in respect of the carrying out of or the failure to carry out his duties, any commission, fee or reward, pecuniary or otherwise (not being the emoluments payable to him in respect of his duties), or fails to report to his head of department or if he is the head of a department who is an officer, to the Councillor, the offer of any such commission, fee or reward; or

(p) misappropriates or improperly uses any property of the Government under such circumstances that his act does not constitute a criminal offence; or

(q) commits a criminal offence; or

(r) absents himself from his office or duty without leave or valid cause; or

(s) with a view to obtaining any privilege or advantage in relation to his official position or his duties, or to causing prejudice or injury to the Government or a department or the public service or a member of the public service, makes a false or incorrect statement knowing it to be false or incorrect.

Procedures in cases of misconduct

19. (1) When an officer (other than a head of department) is accused of misconduct, his head of department, or any officer or allocated officer in that department who has been authorised thereto by the head of department

(g) alhoewel hy toegelaat word om 'n lid van 'n politieke organisasie te word, aktief aan politieke aangeleenthede deelneem; of

(h) probeer om uit politieke of buitebronne ingryping in verband met sy posisie en diensvoorwaardes in die regeringsdiens te verkry: Met dien verstande dat niks in hierdie paragraaf vervat 'n beamppte verhinder om herstel van 'n grief deur bemiddeling van die Wetgewende Vergadering te probeer verkry nie; of

(i) hom op skandelige, onbehoorlike of onbetaamlike wyse gedra, of terwyl hy diens doen, hom uiters onbeleeft teenoor 'n persoon gedra; of

(j) buitensporige gebruik maak van bedwelmende drank of gewoontevormende middels; of

(k) te eniger tyd gedurende die diensure wat deur of kragtens 'n regulasie ten opsigte van sy werk voorgeskryf is—

(i) onder die invloed van bedwelmende drank is; of

(ii) 'n bloedalkoholinhoud, uitgedruk in gram per 100 milliliter bloed, van minstens 70 milligram (0,07 persent) het; of

(l) insolvent word of 'n akkoord met sy skuldeisers aangaan of as 'n bevel tot siviele gyseling deur 'n geregshof teen hom gegee is, tensy daar bewys word dat sy insolvensie of akkoord of die gee van 'n bevel tot siviele gyseling teen hom deur onvermydelike teenspoed veroorsaak is; of

(m) in geldelike moeilikheid geraak, tensy daar bewys word dat sy geldelike moeilikheid nie die gevolg is van onversigtigheid of ander laakbare oorsaak nie en nie nadelig is vir die getroue uitvoering van sy pligte nie; of

(n) sonder dat hy eers die toestemming van sy departementshoof verkry het, inligting wat hy ingewin of waaraan hy gekom het as gevolg van sy werk in die regeringsdiens, openbaar maak anders as in die vervulling van sy ampspligte of sodanige inligting gebruik vir 'n ander doel as vir die vervulling van sy ampspligte, hetsy hy sodanige inligting openbaar maak of nie; of

(o) sonder die toestemming van die Raadslid (verleen op aanbeveling van die Kommissie in die geval van 'n beamppte in die administratiewe, klerklike, vak-kundige, tegniese of Algemene A-afdeling) enige kommissie, geld of beloning, geldelik of anders (wat nie die emolumente is wat ten opsigte van sy pligte aan hom betaalbaar is nie; aanneem of dit eis ten opsigte van die uitvoering van sy pligte of die versuim om sy pligte uit te voer, of versuim om aan sy departementshoof of, as hy die departementshoof is, wat 'n beamppte is, aan die Raadslid, die aanbod van sodanige kommissie, geld of beloning te rapporteer; of

(p) hom eiendom van die Regering wederregtelik toeëien of onbehoorlike gebruik daarvan maak onder sodanige omstandighede dat sy daad nie 'n kriminele misdryf uitmaak nie; of

(q) 'n kriminele misdryf begaan; of

(r) sonder verlof of geldige rede van sy kantoor of diens wegbly; of

(s) met die oog op die verkryging van enige voorreg of voordeel met betrekking tot sy amptelike posisie of sy pligte, of met die oog op die veroorsaking van enige nadeel of skade aan die Regering of 'n departement of die regeringsdiens of 'n lid van die regeringsdiens, 'n valse of onjuiste verklaring doen, wetende dat dit vals of onjuis is.

Prosedure in gevalle van wangedrag

19. (1) Wanneer 'n beamppte (uitgesonderd 'n departementshoof) van wangedrag beskuldig word, kan sy departementshoof of 'n beamppte of toegewese beamppte in daardie departement wat deur die departementshoof daar-

may, subject to the provisions of subsections (22) and (30) charge him in writing under his hand with that misconduct.

(2) The officer or allocated officer who signed the charge shall cause it to be served upon the officer charged.

(3) The charge shall contain or shall be accompanied by a direction calling upon the officer charged to transmit or deliver, within a reasonable period specified in the direction, which shall not be less than 14 working days, to a person likewise specified, a written admission or denial of the charge and, if he so desires, a written explanation of the misconduct with which he is charged.

(4) The Councillor or the head of department or, if authorised thereto by the head of department, any other officer or allocated officer in the department may at any time before or after the officer has been dealt with under this section, suspend him from duty.

(5) An officer who has been suspended from duty in terms of subsection (4) shall not be entitled to any emoluments for the period of his suspension: Provided that the Councillor may, at his discretion, order payment to such officer of the whole or portion of his emoluments.

(6) If no charge of misconduct is preferred or is pending against an officer who has been suspended from duty, he shall be allowed to resume duty and be paid his full emoluments for the period of his suspension.

(7) The Councillor or the head of department or other officer or allocated officer who suspended the officer may at any time cancel the suspension but, notwithstanding the cancellation of the suspension, the proceedings on the charge of misconduct may be continued.

(8) If the officer charged denies the charge or fails to comply with the direction mentioned in subsection (3), the Councillor may, if in his opinion there is sufficient cause for further proceedings, appoint an officer or allocated officer to inquire into the charge.

(9) The officer or allocated officer who is to hold the inquiry shall, in consultation with the officer or allocated officer who signed the charge, fix the time and place of the inquiry and the officer or allocated officer who signed the charge shall give the officer charged reasonable notice in writing of the time and place so fixed.

(10) The officer or allocated officer who signed the charge may authorise any person to attend the inquiry and to adduce evidence and arguments in support of the charge and to cross-examine any person called as a witness for the defence.

(11) (a) At the inquiry the officer charged shall have the right to be present and to be heard either personally or through a representative to cross-examine any person called as a witness in support of the charge, to inspect any documents produced in evidence, to give evidence himself and call other persons as witnesses.

(b) The officer or allocated officer holding the inquiry shall keep a record of the proceedings at the inquiry and of all evidence given thereat.

(c) The failure of the officer charged to attend the inquiry, either personally or by a representative, shall not invalidate the proceedings.

toe gemagtig is, behoudens die bepalings van subartikels (22) en (30), hom skriftelik onder sy handtekening van daardie wangedrag aankla.

(2) Die beampte of toegewese beampte wat die aanklag onderteken het, moet dit aan die aangeklaagde beampte laat beteken.

(3) Die aanklag moet 'n aanseggings bevat of van 'n aanseggings vergesels gaan waarby die aangeklaagde beampte aangesê word om binne 'n redelike tydperk van minstens veertien werksdae wat in die aanseggings vermeld word, aan 'n persoon wat ook daarin vermeld word, 'n skriftelike erkenning of ontkenning van die aanklag en, as hy dit verlang, 'n skriftelike verklaring van die wangedrag waarvan hy aangekla word te stuur, of by hom af te lewer.

(4) Die Raadslid of die departementshoof of, indien daartoe gemagtig deur die departementshoof, enige ander beampte of toegewese beampte in die departement, kan te eniger tyd voor of nadat daar met die beampte ooreenkomstig die bepalings van hierdie artikel gehandel is, die beampte in sy diens skors.

(5) 'n Beampte wat ingevolge subartikel (4) in sy diens geskors is, is nie op enige emolumente vir die tydperk van sy skorsing geregtig nie: Met dien verstande dat die Raadslid na goeë dunks kan gelas dat die geheel of 'n gedeelte van sy emolumente aan sodanige beampte betaal word.

(6) As geen aanklag van wangedrag teen 'n beampte wat in sy diens geskors is, ingebring word of hangende is nie, word hy toegelaat om weer diens te aanvaar en word sy volle emolumente vir die tydperk van sy skorsing aan hom betaal.

(7) Die Raadslid of die departementshoof of ander beampte of toegewese beampte wat die beampte geskors het, kan die skorsing te eniger tyd intrek, maar ondanks die intrekking van die skorsing kan die verrigtings in verband met die aanklag van wangedrag voortgesit word.

(8) As die aangeklaagde beampte die aanklag ontken of nie handel volgens die aanseggings in subartikel (3) vermeld nie kan die Raadslid, indien daar na sy oordeel voldoende grond vir verdere stappe bestaan, 'n beampte of toegewese beampte aanstel om ondersoek na die aanklag in te stel.

(9) Die beampte of toegewese beampte wat die ondersoek moet instel, moet in oorleg met die beampte of toegewese beampte wat die aanklag onderteken het, die tyd en plek van die ondersoek vasstel, en die beampte of toegewese beampte wat die aanklag onderteken het, moet aan die aangeklaagde beampte redelike skriftelike kennis gee van die tyd en plek aldus vasgestel.

(10) Die beampte of toegewese beampte wat die aanklag onderteken het, kan enige persoon magtig om by die ondersoek teenwoordig te wees en om getuienis en argumente ter stawing van die aanklag aan te voer en om enige persoon wat as getuie vir die verweer opgeroep is, te kruisvra.

(11) (a) By die ondersoek het die aangeklaagde beampte die reg om teenwoordig te wees en om aangehoor te word, hetsy persoonlik of deur 'n verteenwoordiger, om enige persoon wat ter stawing van die aanklag opgeroep is, te kruisvra, om insae te lê in alle dokumente wat as getuienis voorgelê is, om self getuienis af te lê en ander persone as getuies op te roep.

(b) Die beampte of toegewese beampte wat die ondersoek instel, moet notule hou van die verrigtings by die ondersoek en van alle getuienis wat aldaar afgelê word.

(c) Die versuim van die aangeklaagde beampte om persoonlik of deur 'n verteenwoordiger by die ondersoek teenwoordig te wees, maak die verrigtings nie ongeldig nie.

(12) At the conclusion of the inquiry the officer or allocated officer holding it shall—

(a) find whether the officer charged is guilty or not guilty of the misconduct with which he has been charged;

(b) inform the officer charged of his findings; and

(c) report the result of the inquiry to the Councillor.

(13) If the officer charged is under suspension from duty under subsection (4) and the officer or allocated officer holding the inquiry finds that he is not guilty of the misconduct with which he has been charged, the said officer shall be allowed forthwith to resume duty in his post and be paid his full emoluments for the period of his suspension.

(14) If the officer or allocated officer holding the inquiry finds the officer charged guilty of the misconduct with which he has been charged, the provisions of section 16 (6) shall *mutatis mutandis* apply.

(15) If the officer or allocated officer who held the inquiry has found the officer charged guilty of the misconduct with which he has been charged, he shall forward to the Commission the record of the proceedings at the inquiry and any documentary evidence admitted thereat, a statement of his findings and his reasons therefor and any observations on the case which he may desire to make: Provided that if the officer found guilty of misconduct fills a post in the General B Division and he has not given notice of appeal in accordance with the provisions of section 16 (6), as applied by subsection (14) of this section, the officer or allocated officer who held the inquiry shall forward the said record and other documents not to the Commission but to the head of department in which the officer found guilty of misconduct is employed.

(16) If the officer found guilty of misconduct has given notice of appeal in accordance with the provisions aforesaid, as so applied, the officer or allocated officer who held the inquiry shall forward to the Commission with the record and other documents referred to in subsection (15), the appellant's notice and grounds of appeal and shall furnish the appellant with a copy of the reasons for the finding against which the appeal is brought.

(17) If notice of appeal has been given in accordance with the provisions aforesaid, as so applied, the provisions of section 16 (8) to (15) inclusive, shall *mutatis mutandis* apply.

(18) If the Commission allows the appeal of an appellant who was suspended from duty, he shall forthwith be allowed to resume his duties and be paid his full emoluments for the period of his suspension.

(19) If the record and documents referred to in subsection (15) have, in terms of that subsection, been forwarded to the head of the department in which the officer found guilty of misconduct is employed or if the said record and documents have, in terms of that subsection been forwarded to the Commission and no appeal was noted against the finding, or if an appeal was so noted and the Commission has dismissed such appeal wholly or in part, the Commission or the head of the department, as the case may be, may recommend to the Councillor that—

(a) the said officer be cautioned or reprimanded; or

(12) Na afloop van die ondersoek moet die beampte of toegewese beampte wat dit instel—

(a) bevind of die aangeklaagde beampte skuldig is of nie skuldig is nie aan die wangedrag waarvan hy aangekla is;

(b) die aangeklaagde beampte van sy bevinding ver-wittig; en

(c) aan die Raadslid verslag doen oor die uitslag van die ondersoek.

(13) As die aangeklaagde beampte ingevolge subartikel (4) in sy diens geskors is en die beampte of toegewese beampte wat die ondersoek instel, bevind dat hy nie skuldig is aan die wangedrag waarvan hy aangekla is nie, moet genoemde beampte toegelaat word om dadelik weer diens in sy pos te aanvaar en moet aan hom sy volle emolumente vir die tydperk van sy skorsing betaal word.

(14) As die beampte of toegewese beampte wat die ondersoek instel, die aangeklaagde beampte skuldig bevind aan die wangedrag waarvan hy aangekla is, is die bepalings van artikel 16 (6) *mutatis mutandis* van toepassing.

(15) As die beampte of toegewese beampte wat die ondersoek ingestel het, die aangeklaagde beampte skuldig bevind het aan die wangedrag waarvan hy aangekla is, moet hy die notule van die verrigtings by die ondersoek en enige dokumentêre getuienis wat aldaar toegelaat is, 'n uiteensetting van sy bevinding en sy redes daarvoor, en enige opmerkings oor die saak wat hy wens te maak, aan die Kommissie stuur: Met dien verstande dat as die beampte wat aan wangedrag skuldig bevind is 'n pos in die Algemene B-afdeling beklee en nie ooreenkomstig die bepalings van artikel 16 (6), soos toegepas by subartikel (14) van hierdie artikel, kennis van appèl teen die bevinding gegee het nie, die beampte of toegewese beampte wat die ondersoek ingestel het, genoemde notule en ander dokumente nie aan die Kommissie nie maar aan die hoof van die departement waarin die beampte wat aan wangedrag skuldig bevind is, in diens is, moet stuur.

(16) As die beampte wat aan wangedrag skuldig bevind is, kennis van appèl ooreenkomstig voormelde bepalings, soos aldus toegepas, gegee het, moet die beampte of toegewese beampte wat die ondersoek ingestel het, saam met die notule en ander dokumente genoem in subartikel (15), die appellant se kennisgewing en gronde van appèl aan die Kommissie stuur en 'n afskrif van die redes vir die bevinding waarteen die appèl aangeteken is, aan die appellant verstrek.

(17) As kennis van appèl ooreenkomstig voormelde bepalings, soos aldus toegepas, gegee is, is die bepalings van artikel 16 (8) tot en met (15) *mutatis mutandis* van toepassing.

(18) As die Kommissie die appèl van 'n appellant wat in sy diens geskors is, toestaan, moet die appellant dadelik toegelaat word om weer sy diens te aanvaar en moet sy volle emolumente vir die tydperk van sy skorsing aan hom betaal word.

(19) As die notule en dokumente genoem in subartikel (15) ingevolge daardie subartikel aan die hoof van die departement waarin die beampte wat aan wangedrag skuldig bevind is, in diens is, gestuur is, of as gemelde notule en dokumente ingevolge daardie subartikel aan die Kommissie gestuur is en geen appèl teen die bevinding aangeteken is nie, of as 'n appèl aldus aangeteken is en die Kommissie die appèl in sy geheel of gedeeltelik van die hand gewys het, kan bedoelde departementshoof of die Kommissie, na gelang van die geval, by die Raadslid aanbeveel dat—

(a) bedoelde beampte gewaarsku of berispe word; of

(b) a fine not exceeding R400 be imposed upon him, which fine may be recovered by deduction from his emoluments in such instalments as may be determined by the Councillor; or

(c) he be transferred to some other post or be employed additional to the fixed establishment; or

(d) his salary or grade or both his salary and grade be reduced to the extent recommended; or

(e) he be discharged or be called upon to resign from the public service as from a date to be specified by the Councillor:

Provided that—

(i) except where a recommendation is made under paragraph (e), the Commission or the head of department shall not be precluded from making a recommendation under more than one of the foregoing paragraphs;

(ii) the Commission or the head of department may postpone for a period not exceeding 12 months, the making of a recommendation; and

(iii) if an officer who has been called upon to resign from the public service, fails so to resign, he shall be deemed to have been discharged therefrom as from a date to be specified by the Councillor.

(20) The Councillor may adopt the course recommended by the Commission or head of department or any other course which the Commission or head of department could lawfully have recommended under subsection (19) but subject always to the provisions of section 7 (1) in the case of a recommendation of the Commission.

(21) The Commission or head of department, as the case may be, shall forward to the Councillor with its recommendation, in terms of subsection (19), the record of the proceedings at the inquiry and all documents in its or his possession which relate to the inquiry or to the appeal.

(22) If the misconduct amounts to an offence of which the officer has been convicted by a court of law, it shall not be necessary to charge him under subsection (1) but he shall be deemed conclusively to be guilty of that misconduct unless the conviction has been set aside by a superior court or he has been granted a free pardon.

(23) The acquittal of an officer by a court of law upon a charge of a criminal offence shall not be a bar to proceedings against him under this Act on a charge of misconduct notwithstanding the fact that the facts set forth in the charge of misconduct would, if proved, constitute the offence set forth in the criminal charge on which he was acquitted or some other offence of which he might have been convicted at his trial on the said criminal charge.

(24) If the officer charged in terms of this section admits the charge, he shall be deemed to be guilty of the misconduct with which he has been charged.

(25) If the officer referred to in subsection (22), (24) or (30) is employed in the administrative, clerical, professional, technical or General A Division the head of department shall forward to the Commission all documents available to him which relate to the misconduct and any observations thereon which he may desire to make, and the Commission shall make a recommendation to the Councillor in terms of subsection (19).

(26) If the officer referred to in subsection (22), (24) or (30) is employed in the General B Division the head of department shall make a recommendation to the Councillor in terms of subsection (19).

(27) The provisions of subsection (20) shall apply in respect of a recommendation under subsection (25) or (26) as if the recommendation had been made under subsection (19).

(b) 'n boete van hoogstens vierhonderd rand hom opgelê word, en die boete kan verhaal word deur aftrekking van sy emolumente in die paalemente wat deur die Raadslid vasgestel word; of

(c) hy na 'n ander pos oorgeplaas of bykomend by die vaste diensstaat in diens gehou word; of

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

(e) hy ontslaan word of aangesê word om uit die regeringsdiens te bedank met ingang van 'n datum wat deur die Raadslid bepaal word:

Met dien verstande dat—

(i) behalwe waar 'n aanbeveling kragtens paragraaf (e) gedoen word, die Kommissie of departementshoof nie belet word om 'n aanbeveling kragtens meer as een van die voorgaande paragrawe te doen nie;

(ii) die Kommissie of die departementshoof die doen van 'n aanbeveling vir 'n tydperk van hoogstens 12 maande kan uitstel; en

(iii) as 'n beampte wat aangesê is om uit die regeringsdiens te bedank, versuim om aldus te bedank, hy geag word daaruit ontslaan te gewees het met ingang van 'n datum wat deur die Raadslid bepaal word.

(20) Die Raadslid kan die gedraglyns volg wat die Kommissie of departementshoof aanbeveel of enige ander gedraglyns wat die Kommissie of departementshoof wettiglik ingevolge subartikel (19) kon aanbeveel het, maar altyd onderworpe aan die bepalinge van artikel 7 (1) in die geval van 'n aanbeveling van die Kommissie.

(21) Die Kommissie of departementshoof, na gelang van geval, stuur saam met sy aanbevelings ingevolge subartikel (19) die notule van die verrigtings by die ondersoek en alle dokumente in sy besit wat op die ondersoek of op die appèl betrekking het, aan die Raadslid.

(22) As die wangedrag neerkom op 'n misdryf waarvan die beampte deur 'n geregshof skuldig bevind is, is dit nie nodig om hom ingevolge subartikel (1) aan te kla nie maar word dit afdoende geag dat hy skuldig is aan daardie wangedrag, tensy die skuldigbevinding deur 'n hoër hof tersyde gestel of hy ten volle begenadig is.

(23) Die vryspreking van 'n beampte deur 'n geregshof op 'n aanklag van 'n kriminele misdryf, belet nie dat stappe ingevolge hierdie Wet op 'n aanklag van wangedrag teen hom ingestel word nie, ondanks die feit dat die feite uiteengesit in die aanklag van wangedrag, as dit bewys sou word, die misdryf sou uitmaak wat uiteengesit is in die kriminele aanklag waarop hy vrygespreek is of 'n ander misdryf waaraan hy, by sy verhoor op genoemde kriminele aanklag, skuldig bevind kon geword het.

(24) As die beampte wat ingevolge hierdie artikel aangekla is, die aanklag erken word hy geag skuldig te wees aan die wangedrag waarvan hy aangekla is.

(25) As die beampte in subartikel (22), (24) of (30) bedoel 'n beampte in die administratiewe, klerklike, vak-kundige, tegniese of Algemene A-afdeling is, stuur die departementshoof alle dokumente wat hy tot sy beskikking het en wat op die wangedrag betrekking het en enige opmerkings daaroor wat hy wens te maak, aan die Kommissie, en die Kommissie doen 'n aanbeveling ingevolge subartikel (19) by die Raadslid.

(26) As die beampte in subartikel (22), (24) of (30) bedoel 'n beampte in die Algemene B-afdeling is, doen die departementshoof ingevolge subartikel (19) 'n aanbeveling by die Raadslid.

(27) Die bepalinge van subartikel (20) is van toepassing ten opsigte van 'n aanbeveling ingevolge subartikel (25) of (26) asof die aanbeveling ingevolge subartikel (19) gedoen is.

(28) If an officer who has been suspended from duty in terms of subsection (4) is dealt with in accordance with the provisions of subsection (19) (a), (b) or (d) or of the second proviso to that subsection, he shall forthwith be allowed to resume duty and, if he is dealt with in accordance with the provisions of subsection (19) (c), he shall as soon as practicable be allowed to assume duty in the post or duties to which he is transferred and, in any such case, he shall be paid his full emoluments for the period of his suspension: Provided that, if his grade is reduced in terms of the said subsection (19) (d), he shall as soon as practicable be allowed to assume duty in a post of the reduced grade and be paid, for the period of suspension, the emoluments of that post but, if emoluments in excess of the emoluments of that post were, during the period of his suspension, paid to him under subsection (5), he shall not be obliged to refund the excess.

(29) An officer who has been suspended from duty in terms of subsection (4) or against whom a charge has been preferred under this section and who resigns from the public service or assumes other employment before such charge has been dealt with to finality in accordance with the provisions of this section, shall be deemed to have been discharged on account of misconduct with effect from a date to be specified by the Councillor unless, prior to the receipt of his notification of resignation or the date of his assumption of other employment, he had been notified that no charge would be preferred against him or that the charge preferred against him had been withdrawn.

(30) (a) A head of office may require an officer whom he suspects on reasonable grounds to be guilty of misconduct as defined in section 18 (k) (i) or (ii)—

(i) to breathe into the prescribed apparatus for such period as he may direct; or

(ii) to undergo examination by a district surgeon or other medical practitioner, including any blood test which such district surgeon or other medical practitioner may deem necessary in order to determine the alcohol content of the blood of such officer; or

(iii) to breathe into the prescribed apparatus and to undergo the examination referred to in subparagraph (ii).

(b) If—

(i) any officer fails or refuses to breathe into the prescribed apparatus or to undergo any examination when so required under paragraph (a); or

(ii) the prescribed apparatus records that the alcohol content of the blood of an officer exceeds a limit specified, on the recommendation of the Commission, by the Executive Councillor for Community Affairs by notice in the *Gazette* in respect of that particular make of prescribed apparatus;

such officer shall be deemed conclusively to be guilty of misconduct as defined in section 18 (k) (i).

(31) (a) The provisions of section 239 (4) of the Criminal Procedure Act, 1955 (Act 56 of 1955), apply *mutatis mutandis* in relation to any inquiry into a charge of misconduct as defined in section 18 (k) (i) or (ii).

(b) Where in any inquiry into a charge of misconduct as defined in section 18 (k) (i) or (ii), evidence is tendered of the analysis of a specimen of the blood of any person, it shall be presumed until the contrary is proved, that any syringe used for obtaining such specimen and the

(28) As daar met 'n beampte wat ingevolge subartikel (4) in sy diens geskors is, ooreenkomstig die bepalings van subartikel 19 (a), (b) of (d) of van die tweede voorbehoudsbepaling van daardie subartikel gehandel word, moet hy onverwyld toegelaat word om weer diens te aanvaar, en as daar met hom ooreenkomstig die bepalings van subartikel (19) (c) gehandel word, moet hy so gou doenlik toegelaat word om diens te aanvaar in die pos of pligte waarna hy oorgeplaas word, en in sodanige geval moet sy volle emolumente vir die tydperk van sy skorsing aan hom betaal word: Met dien verstande dat as sy graad ingevolge genoemde subartikel (19) (d) verlaag word, hy so gou doenlik toegelaat moet word om diens in 'n pos van die verlaagde graad te aanvaar, en moet aan hom vir die tydperk van sy skorsing die emolumente van daardie pos betaal word, maar as hoër emolumente as die emolumente van daardie pos aan hom gedurende die tydperk van sy skorsing ingevolge subartikel (5) betaal is, hy nie verplig is om die verskil terug te betaal nie.

(29) 'n Beampte wat ingevolge subartikel (4) in sy diens geskors is, of teen wie 'n aanklag ingevolge hierdie artikel ingebring is, en wat uit die regeringsdiens bedank of ander werk aanvaar voordat sodanige aanklag finaal ooreenkomstig die bepalings van hierdie artikel afgehandel is, word geag weens wangedrag ontslaan te gewees het met ingang van 'n datum wat deur die Raadslid bepaal word, tensy hy voor die ontvangs van sy kennisgewing van bedanking of die datum van sy aanvaarding van ander werk, in kennis gestel is dat geen aanklag teen hom ingebring sal word nie of dat die aanklag wat teen hom ingebring is, teruggetrek is.

(30) (a) 'n Hoof van kantoor kan 'n beampte wat hy redelikerwys vermoed skuldig te wees aan wangedrag soos omskryf in artikel 18 (k) (i) of (ii), gelas om—

(i) in die voorgeskrewe apparaat uit te asem vir die tydperk wat hy mag bepaal; of

(ii) hom aan 'n ondersoek deur 'n distriksgeneesheer of ander mediese praktisyn te onderwerp, met inbegrip van enige bloedtoets wat sodanige distriksgeneesheer of ander mediese praktisyn nodig mag ag om die alkoholinhoud van die bloed van bedoelde beampte te bepaal; of

(iii) in die voorgeskrewe apparaat uit te asem en om hom aan die ondersoek bedoel in subparagraaf (ii) te onderwerp.

(b) Indien—

(i) 'n beampte versuim of weier om in die voorgeskrewe apparaat uit te asem of hom aan 'n ondersoek te onderwerp nadat hy aldus kragtens paragraaf (a) gelas is; of

(ii) die voorgeskrewe apparaat wys dat die alkoholinhoud van die bloed van 'n beampte 'n perk oorskry wat, op aanbeveling van die Kommissie deur die Raadslid vir Gemeenskapsake by kennisgewing in die *Staatskoerant* met betrekking tot daardie besondere fabrikaat van voorgeskrewe apparaat gespesifiseer is;

word bedoelde beampte onweerelegbaar geag skuldig te wees aan wangedrag soos in artikel 18 (k) (i) omskryf.

(31) (a) Die bepalings van artikel 239 (4) van die Strafproseswet, 1955 (Wet 56 van 1955), is *mutatis mutandis* van toepassing met betrekking tot 'n ondersoek na 'n aanklag van wangedrag soos omskryf in artikel 18 (k) (i) of (ii).

(b) Waar daar by enige ondersoek na 'n aanklag van wangedrag soos omskryf in artikel 18 (k) (i) of (ii) getuienis aangevoer word van 'n ontleding van 'n monster van die bloed van enige persoon, word daar vermoed, totdat die teendeel bewys word, dat enige spuit wat

receptacle in which such specimen was placed for dispatch to an analyst, were free of any substance or contamination which could have affected the result of such analysis.

Misconduct of heads of departments

20. (1) When a head of department who is an officer is accused of misconduct, the Councillor may report the matter to the Executive Council who may instruct the Councillor to charge him with that misconduct; and if an inquiry becomes necessary under section 19 (8) as applied by subsection (2) of this section, the Executive Council may appoint a person or persons to hold the inquiry.

(2) The provisions of section 19 (2) to (31) inclusive, shall *mutatis mutandis* apply to any proceedings following upon a direction under subsection (1) of this section; and for the purposes of such application the reference in the said subsections to the Councillor shall be construed as a reference to the Executive Council, the reference in subsection (25) to head of department shall be construed as a reference to the Councillor and every reference in the said subsections to the officer or allocated officer holding the inquiry shall be construed as including a reference to a person or persons appointed under subsection (1) of this section.

Manner in which notice, etc., may be given or furnished

21. Whenever by section 16, 17, 19 or 20 it is provided—

(a) that any notice, statement or other document is to be given or furnished to or served upon any person or that any matter is to be or may be conveyed to any person in writing, the notice, statement, document or writing may be sent by registered post or be delivered to him or left at his last known place of residence; or

(b) that any person is to be informed of any decision or finding, he may be informed thereof verbally or in writing sent by registered post or delivered to him or left at his last known place of residence.

CHAPTER V

GENERAL

Rumeration of officers and employees

22. (1) Subject to the provisions of section 7 officers and employees shall be paid salaries, wages and allowances in accordance with the scales, appropriate to their grades, as recommended by the Commission in terms of section 6 (2) (g).

(2) On the recommendation of the Commission but subject to the provisions of section 7—

(a) officers or employees or classes of officers or employees may, on appointment, transfer or promotion be paid salaries or wages at higher rates than the minimum of the appropriate scales; and

(b) officers or employees or classes of officers or employees may be specially advanced within the scales applicable to them; and

(c) an officer or employee of exceptional ability or possessing special qualifications or who has rendered meritorious service may, and any officer or employee may, if it is in the interests of the public service, be specially advanced within the scale applicable to him or may be paid a salary or wage in accordance with a higher scale, or may be granted any other fitting reward.

gebruik is om sodanige monsters te neem en die houters waarin sodanige monster geplaas is vir versending na 'n ontleder vry van enige stof of kontaminasie was wat die uitslag van sodanige ontleding kon geaffekteer het.

Wangedrag van departementshoofde

20. (1) Wanneer 'n departementshoof, wat 'n beamppte is, van wangedrag beskuldig word, kan die Raadslid die aangeleentheid aan die Uitvoerende Raad rapporteer wat die Raadslid kan gelas om hom van daardie wangedrag aan te kla; en as 'n ondersoek ingevolge artikel 19 (8), soos toegepas by subartikel (2) van hierdie artikel, nodig word, kan die Uitvoerende Raad 'n persoon of persone aanstel om die ondersoek in te stel.

(2) Die bepalinge van artikel 19 (2) tot en met (31) is *mutatis mutandis* van toepassing op verrigtings wat op 'n lasgewing ingevolge subartikel (1) van hierdie artikel volg; en vir doeleindes van sodanige toepassing word die verwysing in genoemde subartikels na die Raadslid uitgelê en as 'n verwysing na die Uitvoerende Raad, word die verwysing in subartikel (25) na departementshoof uitgelê as 'n verwysing na die Raadslid en word elke verwysing in genoemde subartikels na die beamppte of toegewese beamppte wat die ondersoek instel, uitgelê as ook 'n verwysing na 'n persoon of persone wat ingevolge subartikel (1) van hierdie artikel aangestel is.

Wyse waarop kennis, ens., gegee of verstrek word

21. Waar daar by artikel 16, 17, 19 of 20 bepaal word—

(a) dat enige kennis, verklaring of ander dokument aan 'n persoon gegee of verstrek of beteken moet word of dat enige aangeleentheid skriftelik aan 'n persoon meegedeel moet of kan word, kan die kennisgewing, verklaring, dokument of geskrif per aangetekende pos aan hom gestuur word of aan hom afgelewer of by sy laaste bekende woonplek gelaat word; of

(b) dat 'n persoon van 'n beslissing of bevinding verwittig moet word, kan hy mondeling of per geskrif wat per aangetekende pos aan hom gestuur word of aan hom afgelewer of by sy laaste bekende woonplek gelaat word, daarvan verwittig word.

HOOFSTUK V

ALGEMEEN

Besoldiging van beamptes en werknemers

22. (1) Behoudens die bepalinge van artikel 7, word aan beamptes en werknemers salarisse, lone en toelaes betaal ooreenkomstig die skale wat by hul grade pas, soos deur die Kommissie ingevolge artikel 6 (2) (g) aanbeveel.

(2) Op aanbeveling van die Kommissie, maar behoudens die bepalinge van artikel 7—

(a) kan aan beamptes of werknemers of aan klasse beamptes of werknemers by aanstelling, oorplasing of bevordering salarisse of lone teen hoër bedrae as die minimum van die toepaslike skale betaal word; en

(b) kan aan beamptes of werknemers of aan klasse beamptes of werknemers spesiale vordering toegestaan word binne die skale wat op hulle van toepassing is; en

(c) kan aan 'n beamppte of werknemer wat buitengewoon bekwaam is of wat spesiale kwalifikasies besit of wat verdienstelike diens gelewer het, en kan aan enige beamppte of werknemer, as dit in die regeringsdiens se belang is, spesiale vordering toegestaan word binne die skaal wat op hom van toepassing is of kan aan hom 'n salaris of loon ooreenkomstig 'n hoër skaal betaal of enige ander geskikte beloning toegeken word.

(3) Subject to the provisions of section 7, no officer or employee shall in respect of his employment as such be paid any remuneration, allowance, honorarium, award or bonus of any kind whatsoever other than such as has been recommended by the Commission.

Salaries of officers not to be reduced except as specially provided

23. An officer's salary or salary scale shall not be reduced without his own consent except in accordance with the provisions of Chapter IV or in terms of an act of the Legislative Assembly.

Session of emoluments prohibited

24. No officer or employee shall, without the written approval of the head of department in which he is employed, cede the whole or any part of any salary or allowance payable to him.

Whole time of officers to be at the disposal of the public service

25 (1) Unless it is otherwise provided in his conditions of service—

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

(b) no officer or employee shall perform or engage himself to perform remunerative work outside his employment in the public service without the permission of the Councillor, which in the case of an officer shall be granted only on the recommendation of the Commission; and

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

(2) It shall be competent for the Councillor or the head of a department, branch, office or institution to require any officer or employee under his control temporarily to perform duties other than those ordinarily assigned to such officer or appropriate to the grade, designation or classification of his post.

(3) Any remuneration or allowance whatsoever received by an officer or employee otherwise than in accordance with the provisions of this Act or a recommendation made by the Commission under any other law shall be paid by such officer or employee into the Revenue Fund, and if he does not do so, shall be recovered from him by the Director of Authority Affairs and Finance by legal proceedings or in such other manner as the Director of Authority Affairs and Finance may think fit and be paid into the Revenue Fund.

(4) All fees received by an officer or employee in his official capacity shall be paid into the Revenue Fund unless the Commission has recommended that he may retain the whole or a portion of the said fees as part of his remuneration.

(5) Where on account of his professional, technical or other special qualifications the services of an officer or employee are placed temporarily at the disposal of the Government of the Republic or of an institution or body established by or under any law of the Legislative Assembly or of the Republic, or of any other person or body, any salary, allowance, fee, bonus or honorarium which may be payable in respect of his services shall be paid into the Revenue Fund: Provided that in special circumstances the Commission may recommend the payment to the officer or employee of an amount equal to the said salary, allowance, fee, bonus or honorarium or a portion thereof.

(3) Behoudens die bepalings van artikel 7, kan aan geen beampte of werknemer ten opsigte van sy diens as sodanig enige besoldiging, toelae, honorarium, toekenning of bonus van watter aard ook al betaal word nie behalwe dié wat deur die Kommissie aanbeveel is.

Salarisse van beamptes mag nie verlaag word nie behalwe soos spesiaal bepaal

23. 'n Beampte se salaris of salarisskaal mag nie sonder sy eie toestemming verlaag word nie, behalwe in ooreenstemming met die bepalings van Hoofstuk IV of ingevolge 'n wet van die Wetgewende Vergadering.

Sessie van emolumente verbode

24. Geen beampte of werknemer mag sonder die skriftelike goedkeuring van die departementshoof die geheel of 'n gedeelte van enige salaris of toelae wat aan hom betaalbaar is, sedgeer nie.

Beamptes en werknemers moet al hulle tyd ter beskikking van die regeringsdiens stel

25. (1) Tensy anders in sy diensvoorwaardes bepaal word—

(a) moet elke beampte en werknemer al sy tyd ter beskikking van die regeringsdiens stel;

(b) mag geen beampte of werknemer besoldigde werk buite sy werk in die regeringsdiens sonder die toestemming van die Raadslid verrig of hom verbind om dit te verrig nie, en dié toestemming word in die geval van 'n beampte slegs op aanbeveling van die Kommissie verleen; en

(c) kan geen beampte of werknemer regtens aanspraak maak op addisionele besoldiging vir die verrigting van enige amptelike plig of werk wat hy deur 'n bevoegde owerheid aangesê is om te verrig nie.

(2) Die Raadslid of die hoof van 'n departement, tak, kantoor of inrigting is bevoeg om 'n beampte of werknemer onder sy beheer aan te sê om tydelik ander pligte te verrig as dié wat gewoonlik aan sodanige beampte opgedra word of wat by die graad, benaming of indeling van sy pos pas.

(3) Enige besoldiging of toelae van watter aard ook al wat 'n beampte of werknemer ontvang anders as ooreenkomstig die bepalings van hierdie Wet of 'n aanbeveling wat deur die Kommissie kragtens enige ander wet gedoen is, moet deur sodanige beampte of werknemer in die Inkomstefonds gestort word en as hy dit nie doen nie moet dit deur die Direkteur van Owerheidsake en Finansies deur middel van geregtelike stappe of op sodanige ander wyse as wat die Direkteur van Owerheidsake en Finansies goeddink op die beampte of werknemer verhaal en in die Inkomstefonds gestort word.

(4) Alle gelde wat 'n beampte of werknemer in sy amptelike hoedanigheid ontvang, moet in die Inkomstefonds gestort word, tensy die Kommissie aanbeveel het dat hy die geheel of 'n gedeelte van genoemde gelde as deel van sy besoldiging kan behou.

(5) Waar die dienste van 'n beampte of werknemer weens sy vakkundige, tegniese of ander spesiale kwalifikasies tydelik ter beskikking van die Regering van die Republiek of van 'n inrigting of liggaam ingestel by of ingevolge 'n wet van die Wetgewende Vergadering of van die Republiek of 'n ander persoon of liggaam geplaas word, moet enige salaris, toelae, geld, bonus of honorarium wat ten opsigte van sy dienste betaalbaar is, in die Inkomstefonds gestort word: Met dien verstande dat onder spesiale omstandighede die Kommissie kan aanbeveel dat 'n bedrag wat gelyk is aan genoemde salaris, toelae, geld, bonus of honorarium, of 'n gedeelte daarvan, aan die beampte of werknemer betaal word.

Establishment and functions of Public Service Joint Advisory Council

26. (1) There shall be established a council, to be known as the Public Service Joint Advisory Council, constituted as prescribed by regulation and consisting of—

(a) officers who shall be nominated by the Commission; and

(b) officers representing officers in the public service who shall, subject to such conditions and exceptions as may likewise be prescribed, be nominated by staff associations recognised by the Commission.

(2) The functions and duties of the Public Service Joint Advisory Council shall be to advise the Commission from time to time on—

(a) the matters to be dealt with by it under this Act or any other law, including the regulations made or to be made thereunder;

(b) legislation passed or proposed to be passed, in so far as such legislation affects or may affect the public service; and

(c) such other matters as may be prescribed by regulation.

Regulations

27. (1) Subject to the provisions of section 7 (2) the Executive Councillor for Community Affairs, may after the Commission has made a recommendation, make regulations in respect of any of the following matters:

(a) The promotion, transfer, discipline, conduct, powers and duties, hours of attendance and leave of absence of officers and employees and their other conditions of service, including the occupation of official quarters;

(b) the rates of payments for exceptional overtime duty performed by officers and employees and of any travelling expenses and subsistence or other allowances to be paid to officers and employees and the circumstances under which such payment shall be made;

(c) the circumstances in which medical examination shall be required for the purposes of any provision of this Act and the form of medical reports and certificates of indisposition;

(d) the particular classes of officers and employees who may be required to give security, and the amount and form thereof;

(e) the procedure to be observed in inquiring into and dealing with alleged misconduct committed by officers;

(f) all matters which under this Act are required or permitted to be prescribed; and

(g) generally, all matters which he considers necessary or expedient to prescribe in order that the purposes of this Act may be achieved;

and such regulations may authorise the deviation thereof in regulation to any specific officer or employee or class of officer or employee.

(2) Different regulations may be made in respect of officers in the administrative, clerical, professional technical, General A or B Divisions, or to suit the varying

Instelling en werksaamhede van die Gesamentlike Adviserende Raad van die Regeringsdiens

26. (1) Daar word 'n raad ingestel wat bekend staan as die Gesamentlike Adviserende Raad van die Regeringsdiens, saamgestel soos by regulasie voorgeskryf en bestaande uit—

(a) beamptes wat benoem word deur die Kommissie; en

(b) beamptes wat beamptes in die regeringsdiens verteenwoordig wat, onderworpe aan die voorwaardes en uitsonderings wat insgelyks voorgeskryf word, benodig word deur personeelverenigings wat deur die Kommissie erken word.

(2) Die werksaamhede en pligte van die Gesamentlike Adviserende Raad van die Regeringsdiens is om die Kommissie van tyd tot tyd van advies te bedien oor—

(a) die aangeleenthede waarmee by ingevolge hierdie Wet of enige ander wetsbepalings, insluitende die regulasies wat daarkragtens uitgevaardig is, of uitgevaardig gaan word, moet handel;

(b) aangenome of voorgenome wetgewing vir sodanige wetgewing die regeringsdiens raak of kan raak; en

(c) die ander aangeleenthede wat by regulasie voorgeskryf word.

Regulasies

27. (1) Behoudens die bepalinge van artikel 7 (2), kan die Uitvoerende Raadslid vir Gemeenskapsake, nadat die Kommissie 'n aanbeveling gedoen het, regulasies met betrekking tot enigeen van die volgende aangeleenthede uitvaardig:

(a) Die bevordering, oorplasing, dissipline, gedrag, bevoegdheide en pligte, diensure en afwesigheidsverlof van beamptes en werknemers en hulle ander diensvoorwaardes insluitende die bewoning van amptelike kwartiere;

(b) die tarief van besoldiging vir uitsonderlike oortyd diens verrig deur beamptes en werknemers en van reiskoste en verblyf- of ander toelaes wat aan beamptes en werknemers betaal moet word en die omstandighede waaronder sodanige betalings gedoen moet word;

(c) die omstandighede waaronder 'n geneeskundige ondersoek vereis word vir doeleindes van enige bepaling van hierdie Wet, en die vorm van geneeskundige verslae en sertifikate van ongesteldheid;

(d) die bepaalde klasse beamptes en werknemers van wie dit vereis kan word om sekuriteit te gee, en die bedrag en vorm daarvan;

(e) die prosedure wat gevolg moet word by die ondersoek van en optrede in verband met beweerde wangedrag waaraan beamptes hulle skuldig maak;

(f) alle aangeleenthede wat ingevolge hierdie Wet voorgeskryf moet of kan word; en

(g) in die algemeen alle aangeleenthede wat hy nodig of dienstig ag om voor te skryf ten einde die doeleindes van hierdie Wet te bereik;

en sodanige regulasies kan magtiging verleen vir die afwyking daarvan met betrekking tot enige bepaalde beampte of werknemer of klas beamptes of werknemers.

(2) Verskillende regulasies kan uitgevaardig word ten opsigte van beamptes in die administratiewe, klerklike, vakkundige, tegniese, Algemene A- of B-afdelings of om

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) Every regulation made in terms of this Act shall be published in the *Gazette* and shall be laid upon the Table of the Legislative Assembly within seven days of such publication if the Legislative Assembly is then in session, or, if the Legislative Assembly is then not in session, within seven days of the commencement of its next ensuing session.

(4) Every regulation made under this Act shall be of force and effect unless and until, during the session in which it has been laid upon the Table of the Legislative Assembly as provided by subsection (3), the Legislative Assembly has by resolution disapproved of the regulation, in which event the regulation shall lapse as from the date to be specified in the resolution; but the lapsing of the regulation shall not affect the validity of anything done under the regulation before the date of the resolution, and nothing contained in this subsection shall affect the power of the Executive Councillor for Community Affairs to make on the recommendation of the Commission, a new regulation as to the subject matter of that regulation.

Commission's reports to be tabled in the Legislative Assembly

28. Every report made by the Commission in pursuance of section 6 (2) (n) or section 7 (7), shall be laid upon the Table of the Legislative Assembly is then in session, the Table of the Legislative Assembly within seven days after it has received it if the Legislative Assembly is then in session, or if the Legislative Assembly is not then in session, within seven days of the commencement of its next ensuing session.

Limitations to actions

29. (1) No legal proceedings of any nature shall be brought against the Government or any body or person in respect of anything done or omitted under this Act, unless the proceedings are brought before the expiry of a period of 12 months after the date upon which the claimant had knowledge, or after the date upon which the claimant might reasonably have been expected to have knowledge, of the act or omission alleged, whichever is the earlier date.

(2) No such proceedings shall be commenced before the expiry of at least one month after written notice of the intention to bring such proceedings has been served on the Government or the body or person concerned. In that notice particulars of the alleged act or omission shall be clearly and explicitly given.

Savings

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

Short title and commencement

31. This Act shall be called the kwaZulu Public Service Act, 1975, and shall come into operation on a date to be fixed by the Executive Councillor for Community Affairs by notice in the *Gazette*.

te pas by die verskillende vereistes van bepaalde departemente of takke van departemente, of van bepaalde klasse beamptes of werknemers, of van bepaalde soorte diens in die regeringsdiens.

(3) Elke regulasie wat ingevolge hierdie Wet uitgevaardig word, moet in die *Staatskoerant* gepubliseer word en binne sewe dae nadat dit gepubliseer is, in die Wetgewende Vergadering ter tafel gelê word as die Wetgewende Vergadering dan sit, of as die Wetgewende Vergadering nie dan sit nie, binne sewe dae na die aanvang van sy eersvolgende sessie.

(4) Elke regulasie wat ingevolge hierdie Wet uitgevaardig word, is van krag en regsgeldig, tensy en totdat, gedurende die sessie waarin dit in die Wetgewende Vergadering ter tafel gelê is soos in subartikel (3) bepaal, die Wetgewende Vergadering die regulasie by besluit afgekeur het, en in dié geval verval die regulasie met ingang van 'n datum wat in die besluit vermeld word; maar die verval van die regulasie raak nie die geldigheid van enigiets wat ingevolge die regulasie voor die datum van die besluit gedoen is nie, en niks wat in hierdie subartikel vervat is, raak die bevoegdheid van die Uitvoerende Raadslid vir Gemeenskapsake om op aanbeveling van die Kommissie 'n nuwe regulasie aangaande die inhoud van daardie regulasie uit te vaardig nie.

Kommissie se verslae moet in die Wetgewende Vergadering ter tafel gelê word

28. Elke verslag wat die Kommissie ingevolge artikel 6 (2) (n) of artikel 7 (7) doen, word in die Wetgewende Vergadering ter tafel gelê binne sewe dae nadat hy dit ontvang het, as die Wetgewende Vergadering dan sit, of as die Wetgewende Vergadering nie dan sit nie, binne sewe dae na die aanvang van sy eersvolgende sessie.

Bepierking van regsgedinge

29. (1) Geen regsgeding van watter aard ook al mag teen die Regering of 'n liggaam of persoon ten opsigte van enigiets wat ingevolge hierdie Wet gedoen of versuim is, ingestel word nie, tensy die geding ingestel word voor die verstryking van 'n tydperk van 12 maande na die datum waarop die eiser kennis van die beweerde daad of versuim gehad het of na die datum waarop redelikerwyse verwag kon word dat die eisers van genoemde daad of versuim bewus sou wees, na gelang van watter datum die eerste is.

(2) Geen sodanige geding mag ingestel word voor die verstryking van minstens een maand nadat 'n skriftelike kennisgewing van die voorneme om sodanige geding in te stel aan die Regering of die betrokke liggaam of persoon bestel is nie. In daardie kennisgewing moet besonderhede aangaande die beweerde daad of versuim duidelik en uitdruklik verstrek word.

Voorbehoud

30. Geen bepaling van hierdie Wet word so uitgelê dat 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.

Kort titel en inwerkingtreding

31. Hierdie Wet heet die kwaZulu-wet op die Regeringsdiens, 1975, en tree in werking op 'n datum wat die Uitvoerende Raadslid vir Gemeenskapsake by kennisgewing in die *Staatskoerant* bepaal.

PROCLAMATION

*by the State President of the Republic of
South Africa*

No. R. 270, 1975

**REPEAL OF THE ZULU STAFF REGULATIONS,
1971**

Under and by virtue of the powers vested in me by section 25 of the Bantu Administration Act, 1927 (Act 38 of 1927), read with section 21 of the Bantu Trust and Land Act, 1936 (Act 18 of 1936), I hereby repeal the Zulu Staff Regulations, 1971, as promulgated under Government Notice R. 2406, dated 7 January 1972.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Nineteenth day of September, One thousand Nine hundred and Seventy-five.

N. DIEDERICHS, State President.

By Order of the State President-in-Council:

M. C. BOTHA.

(File R 218/4/2/16)

GOVERNMENT NOTICES

**DEPARTMENT OF BANTU ADMINISTRATION
AND DEVELOPMENT**

No. R. 2297

5 December 1975

The following Government Notice, issued by the Government of kwaZulu, is published for general information:

KWAZULU GOVERNMENT

KWAZULU GOVERNMENT NOTICE 36 OF 1975

**KWAZULU GOVERNMENT SERVICE REGULA-
TIONS**

Under and by virtue of the powers vested in me by section 27 (1) (a) of the kwaZulu Public Service Act, 1975, I Walter Simon Peter Kanye, Executive Councillor to whom the control of the Department of Community Affairs has been assigned on the recommendation of the Public Service Commission, hereby make the regulations contained in the Schedule hereto which provide for the promotion, transfer, discipline, conduct, powers and duties, hours of attendance and leave of absence of officers and employees of the kwaZulu Government Service and their other conditions of service, including the occupation of official quarters. The said regulations which may be cited for all purposes as the kwaZulu Government Service Regulations, 1975, shall come into operation on 5 December, 1975.

W. S. P. KANYE, Executive Councillor, Community Affairs.

(File R218/4/2/16)

PROKLAMASIE

*van die Staatspresident van die Republiek van Suid-
Afrika*

No. R. 270, 1975

**HERROEPING VAN DIE ZOEOLOEPERSONEEL-
REGULASIES, 1971**

Kragtens die bevoegdheid my verleen by artikel 25 van die Bantoe-administrasie Wet, 1927 (Wet 38 van 1927), gelees met artikel 21 van die Bantoe-trust en -grond Wet, 1936 (Wet 18 van 1936), herroep ek hierby die Zoeloepersoneelregulasies, 1971, soos afgekondig by Goewermentskennisgewing R. 2406 gedateer 7 Januarie 1972.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die Negentiende dag van September Eenduisend Negehoenderd Vyf-en-sewentig.

N. DIEDERICHS, Staatspresident.

Op las van die Staatspresident-in-rade;

M. C. BOTHA.

(Lêer R218/4/2/16)

GOEWERMENSKENNISGEWINGS

**DEPARTEMENT VAN BANTOE-ADMINISTRASIE
EN -ONTWIKKELING**

No. R. 2297

5 Desember 1975

Die volgende Goewermentskennisgewing, uitgereik deur die Regering van kwaZulu, word vir algemene inligting gepubliseer:

KWAZULU-REGERING

**KWAZULU-GOEWMENSKENNISGEWING 36
VAN 1975**

KWAZULU-REGERINGSDIENSREGULASIES

Ek, Walter Simon Peter Kanye, die Uitvoerende Raads-lid aan wie die beheer van die Departement van Gemeenskapsake toegewys is, handelende kragtens die bevoegdheid verleen by artikel 27 (1) (a) van die kwaZulu-wet op die Regeringsdiens, 1975, en op aanbeveling van die Regeringsdienskommissie vaardig hiermee die regulasies wat in die Bylae hierby vervat is, wat voorsien vir die bevordering, oorplasing, dissipline, gedrag, bevoegdhede en pligte, diensure en afwesigheidsverlof van beampies en werknemers van die kwaZulu-regeringsdiens en hulle ander diensvoorwaardes insluitende die bewoning van amptelike kwartiere. Die genoemde regulasies wat vir alle doeleindes bekend sal staan as die kwaZulu-regeringsdiensregulasies, 1975, sal op 5 Desember 1975 in werking tree.

W. S. P. KANYE, Uitvoerende Raads-lid, Gemeenskapsake.

(Lêer R218/4/2/16)

CHAPTER A

GENERAL

Definitions

A1. In these regulations, unless the context otherwise indicates, an expression defined in the Act bears the same meaning, and—

“accommodation” means lodging, bedding, meals, liquid refreshment, laundries, hotel board levy and service charge or any combination thereof, but excluding alcoholic liquor and dry cleaning;

“adverse remark” means any written remark by a reporting officer or head of office which, read in its full context, is adverse and also includes anything else in a report which the Commission may indicate as adverse;

“camping allowance” means payment designed to compensate an officer or employee in respect of—

(a) reasonable expenses necessarily incurred by him on items which are included in accommodation and which are not part of the camping equipment provided officially while absent from his headquarters on official duty, over and above his normal living expenses at his home; and

(b) the inconvenience attached to camp life.

“cycle” means a period of three years reckoned from 1 April 1975, and each succeeding period of three years;

“day of rest” means—

(a) a Sunday or public holiday in the case of an officer or employee who normally does not work on such a day; or

(b) such other day as he is normally relieved from duty in lieu thereof in the case of an officer or employee who normally works on a Sunday or public holiday; or

(c) a Saturday in the case of an officer or employee who usually observes a five day working week;

“equipment officer” means the officer or employee in charge of equipment;

“expendable items” means fuses and fuse wire, dry cell batteries, electric light bulbs, tubes for fluorescent lights, tap or valve washers, bath, sink and washbasin plugs and chains, oil and gas-lamp wicks, mantles and chimney glasses and such other items of a similar nature as may be approved by the Director of Authority Affairs and Finance;

“head of office” means the head of an office, branch, institution, division or place of work and includes head of department;

“head quarters” means the city, town or place where the principal duties of an officer or employee are or have to be performed or which may be indicated as his headquarters by the head of department.

“tenant” means the officer or employee to whom official quarters are assigned in terms of regulation H5 or allotted in terms of regulation H6;

“subsistence allowance” means payment designed to recompense an officer or employee in respect of reasonable expenses necessarily incurred by him on accommodation, whilst absent from his headquarters on official duty, over and above his normal living expenses at his home;

“Sunday” means—

(a) also a public holiday mentioned in the Second Schedule to the Public Holidays Act, 1952 (Act 5 of 1952), or any public holiday which is instituted by a law of the Legislative Assembly in lieu of a public holiday mentioned in the Second Schedule to the said Public Holiday Act, 1952; or

HOOFSTUK A

ALGEMEEN

Woordbepalings

A1. In hierdie regulasies, tensy uit die samehang anders blyk, het 'n uitdrukking wat in die Wet omskryf is, dieselfde beteken en beteken—

“amptelike kwartiere” dié kwartiere, insluitende geboue, buitegeboue, die terrein, vaste toebehore, toebehore, masjinerie en uitrusting, maar uitgesonderd meubels, wat die eiendom van die Regeringsdiens is of wat onder huurkontrak of andersins in die wettige besit van die Regeringsdiens is en wat tot die beskikking van 'n departementshoof gestel is vir toewysing kragtens regulasie H5 of wat aan 'n beampte of werknemer kragtens regulasie H6 toegeken is;

“betaling” die salaris of loon wat gewoonlik aan 'n beampte of werknemer betaalbaar is wanneer hy in diens is en sluit in toelaes wat nie by salaris of loon inbegrepe is nie, met inagneming van regulasies met betrekking tot en opdragte deur die Kommissie of die Direkteur van Owerheidsake en Finansies of deur die Direkteur van Owerheidsake en Finansies op aanbeveling van die Kommissie uitgereik in verband met sulke toelaes;

“buiteland” 'n land of landstreek buite die grense van die Republiek en die gebied;

“diens” enige onafgebroke voltydse regeringsdiens in enige hoedanigheid;

“die Wet” die kwaZulu-wet op die Regeringsdiens (Wet 7 van 1975);

“enkelkwartiere” dié amptelike kwartiere wat tot die beskikking van 'n departementshoof gestel is vir toewysing kragtens regulasie H5 en wat bedoel is vir 'n beampte of werknemer wat ongetroud is of wat nie afhanklikes het wat gewoonlik by hom inwoon nie;

“getroudekwartiere” dié amptelike kwartiere wat tot die beskikking van 'n departementshoof gestel is vir toewysing kragtens regulasie H5 en wat bedoel is vir 'n beampte of werknemer met 'n gesin of ander afhanklikes wat gewoonlik by hom inwoon;

“herberg” slaapplek, beddegoed, etes, vloeibare verversings, was en stryk van wasgoed, hotelraadtoeslag en dienstoelag of enige samestelling van hierdie items, maar uitgesonderd alkoholiese drank en droogskoonmaak”;

“hoofkwartier” die stad, dorp of plek waar die ver naamste werk van 'n beampte of werknemer verrig word of verrig moet word, of wat deur die departementshoof as sy hoofkwartier aangewys is;

“hoof van kantoor” die hoof van 'n kantoor, tak, inrigting, afdeling of werkplek en sluit departementshoof in;

“huishouding”—

(a) die vrou van 'n beampte of werknemer en/of 'n nie-selfonderhoudende kind wat permanent by hom inwoon; en/of

(b) 'n familielid van 'n beampte of werknemer wat permanent by hom inwoon en noodsaaklikerwys van hom afhanklik is en wie se inkomste nie die toepaslike maksimum bedrag voorgeskryf by regulasies uitgevaardig kragtens die Wet op Bejaarde Persone, 1967 (Wet 81 van 1967), soos gewysig, met uitsluiting van die toelae van 'n oppasser betaalbaar kragtens artikel 2 (c) van genoemde Wet, oorskry nie; asook

(c) nie meer as twee bediendes (insluitende kinderoppassers) nie, wat in 'n voltydse hoedanigheid by die beampte of werknemer in diens is;

(b) such days as he is normally relieved from duty in lieu thereof, in the case of an officer or employee who normally works on a Sunday or on a first-mentioned public holiday;

"the Act" means the kwaZulu Public Service Act, 1975 (Act 7 of 1975).

"working week" means the official period of service which an officer or employee is required to complete in respect of a period which extends from midnight between a Saturday and a Sunday to midnight between the following Saturday and Sunday;

"pay means the salary or wage normally payable to an officer or employee when on duty and includes allowances which do not form part of salary or wage, due regard being had to regulations pertaining to and direction in connection with such allowances issued by the Commission or the Director of Authority Affairs and Finance or by the said Director on the recommendation of the Commission;

"personal effects" means the movable property of an officer or employee and of his household which is normally applied to personal use, including vehicles, but excluding livestock, domestic animals and pets;

"reporting officer" means any officer or allocated officer who, as first party, completes a report in respect of another officer;

"salary increment" means the approved amount by which a salary may be increased according to the appropriate scale;

"service" means any continuous full-time government service in any capacity;

"single quarters" means those official quarters available to a head of department for assignment in terms of regulation H5 and designed for an officer or employee who is not married, or has no dependants who normally reside with him;

"married quarters" means those official quarters available to a head of department for assignment in terms of regulation H 5 and designed for an officer or employee with a family or other dependants who normally reside with him;

"official quarters" means those premises, inclusive of buildings, outbuildings, grounds, fixtures, fittings, plant and equipment, but exclusive of furniture, which, being owned or held on lease or otherwise in the lawful possession of the Government, are available to a head of department for assignment in terms of regulation H5 or which have been allotted to an officer or employee in terms of regulation H6;

"night" means the hours between 20h00 and 06h00;

"overtime duty" means official duty performed by an officer or employee—

(a) (i) on a Sunday or on a public holiday in the case of an officer or employee who does not normally work on such a day; or

(ii) who normally works on a Sunday or on a public holiday and in lieu thereof is relieved from duty on another day, on such other day;

(b) over and above the working week prescribed for him or in terms of Chapter G on days on which he normally works;

"household" means—

(a) the wife of an officer or employee and/or a non-selfsupporting child who is permanently resident with him; and/or

(b) a relative of an officer or employee who is permanently resident with and necessarily dependent on him and whose income does not exceed the appropriate maximum amount prescribed by regulations promulgated

"kamptoele" betaling wat bedoel is om 'n beampete of werknemer te vergoed vir—

(a) redelike uitgawes wat hy, benewens sy normale bestaansuitgawes by sy tuiste, noodwendig aan items wat hy herberg inbegrepe is en wat nie deel uitmaak van die kampuistrusting wat van regeringsweë aan hom verskaf word nie, aangaan wanneer hy in amptelike diens van sy hoofkwartier afwesig is; en

(b) die ongereif verbonde aan kamplewe;

"huurder" die beampete of werknemer aan wie amptelike kwartiere kragtens regulasie H5 toegewys of kragtens regulasie H6 toegeken is;

"nag" die ure tussen 20h00 en 06h00;

"ongunstige opmerking" enige skriftelike opmerking deur 'n verslaggewende beampete of hoof van die kantoor wat, in sy volle verband gelees, ongunstig is en sluit ook enige iets anders in 'n verslag in wat die Kommissie as ongunstig mag aandui;

"oortyd diens" amptelike diens wat 'n beampete of werknemer—

(a) (i) op 'n Sondag of op 'n openbare feesdag verrig, in die geval van 'n beampete of werknemer wat nie gewoonlik op sodanige dag werk nie; of

(ii) wat gewoonlik op 'n Sondag of op 'n openbare feesdag werk en in plaas daarvan op 'n ander dag van diens vrygestel word, op sodanige ander dag verrig;

(b) bo en behalwe die werkweek wat vir hom in of kragtens die bepalings van hierdie regulasies voorgeskryf is, verrig op dae waarop hy gewoonlik werk;

"persoonlike besittings" die roerende goed van 'n beampete of werknemer en van sy huishouding, wat normaalweg vir persoonlike gebruik aangewend word, met inbegrip van voertuie, maar uitgesonderd lewende hawe, huis- en troeteldiere;

"rusdag"—

(a) 'n Sondag of 'n openbare feesdag in die geval van 'n beampete of werknemer wat nie gewoonlik op sodanige dag werk nie;

(b) 'n ander dag wat hy gewoonlik in plaas daarvan van diens vrygestel is in die geval van 'n beampete of werknemer wat gewoonlik werk op 'n Sondag of 'n openbare feesdag; of

(c) 'n Saterdag in die geval van 'n beampete of werknemer wat 'n volwaardige vyfdaagse werkweek nakom;

"salarisverhoging" die goedgekeurde bedrag waarmee 'n salaris volgens die toepaslike skaal verhoog kan word;

"salarisverhogingstydperk" 'n tydperk van 12 maande of 'n ander goedgekeurde tydperk wat met betrekking tot enige beampete of werknemer moet verstryk voordat sy salaris volgens die skaal wat op hom van toepassing is, verhoog kan word;

"skriftelike mededeling" 'n ander verslag as 'n verslag in die vorm deur die Kommissie voorgeskryf, wat ten opsigte van 'n bepaalde beampete ingedien word of 'n verslag of opmerking in verband met 'n bepaalde aangeleentheid of voorval waarby 'n beampete betrokke was;

"Sondag"—

(a) ook 'n openbare feesdag genoem in die Tweede Bylae by the Wet op Openbare Feesdae, 1952 (Wet 5 van 1952), in die geval van 'n beampete of werknemer wat nie gewoonlik op sodanige dag werk nie; of

(b) 'n ander dag wat hy gewoonlik in plaas daarvan van diens vrygestel is, in die geval van 'n beampete of werknemer wat gewoonlik werk op 'n Sondag of op 'n eersgenoemde openbare feesdag;

"tydkring" 'n tydperk van drie jaar gereken vanaf 1 April 1975 en elke daaropvolgende tydperk van drie jaar;

in terms of the Aged Persons Act, 1967 (Act 81 of 1967), as amended, including the attendant's allowance payable in terms of section 2 (c) of the said Act; "incremental month" means the month during which the salary of an officer or employee may be increased in accordance with the scale which is applicable to him;

"incremental period" means a period of 12 months or another approved period which must elapse in regard to any officer or employee before his salary may be increased in accordance with the salary applicable to him;

"landlord department" means the Department of Works or any other Department charged by the Director of Authority Affairs and Finance with the duty of providing, maintaining and controlling the tenancy of official quarters;

"written communication" means a report, other than a report in the form prescribed by the Commission which is submitted in respect of a particular officer or a report or a remark in regard to a particular event or incident in which an officer was involved.

Interpretation of the regulations

A2. If doubt arises regarding the interpretation of the provisions of these regulations, the matter shall be referred to the Commission for decision.

Departures in time of war or national emergency

A3. If a state of war or national emergency arises the Commission may recommend a departure from the provisions of these regulations, either in general or in respect of a particular officer, employee or person or classes of officers, employees or persons; but subject to the provisions of section 7 (2) of the Act.

Duties of heads of departments and heads of offices

A4. (1) In addition to any functions or duties lawfully assigned to or imposed upon him, a head of department shall be responsible for maintaining discipline, efficient administration and the proper use and care of Government property in his department.

A4. (2) A head of office is responsible to the officer or employee who exercises authority over him, for maintaining discipline, efficient administration and the proper use and care of property of the Government in his office, branch, institution, division or place of work.

Delegation of the powers of a head of department

A5. (1) If he deems it expedient for the efficient administration of his department, a head of department may delegate any power conferred upon him in terms of the provisions of these regulations to another officer or allocated officer or employee on such conditions as he may determine.

A5. (2) A head of department may at any time revoke a delegation made in terms of this regulation.

Official channels of communication

A6. (1) A request or communication from an officer or employee who is not a head of department, in connection with any matter falling within the scope of the Commission's powers, functions or duties, shall be addressed

"uitrustingsbeampte" die beampte of werknemer wat oor uitrusting toesig hou;

"verblyftoelae" betaling wat bedoel is om 'n beampte of werknemer te vergoed vir redelike uitgawes wat hy, benewens sy normale bestaansuitgawes by sy tuiste, noodwendig aan herberg moet aangaan wanneer hy in amptelike diens van sy hoofkwartier afwesig is;

"verbruikbare artikels" sekerings en smeltdraad, droëselbatterye, elektriese gloeilampe, buise vir fluoresseerligte, kraan- of klepwasters, proppe en kettings vir badens, opwasbakke en wasbakke, pitte, kappe en lampglase vir olie- en gaslampe en sodanige ander soortgelyke items as wat die Direkteur van Owerheidsake en Finansies goedkeur;

"verhogingsmaand" die maand waarin die salaris van 'n beampte of werknemer verhoog kan word volgens die skaal wat op hom van toepassing is;

"werkweek" die amptelike dienstryd wat 'n beampte of werknemer moet voltooi ten opsigte van 'n tydperk wat strek vanaf middernag tussen 'n Saterdag en Sondag tot middernag tussen die volgende Saterdag en Sondag.

"verskaffingsdepartement" die Departement van Werke of enige ander departement waaraan die plig deur die Direkteur van Owerheidsake en Finansies opgedra is om amptelike kwartiere te verskaf en te onderhou en om die bewoning daarvan te beheer;

"verslaggewende beampte" enige beampte of toegewese beampte wat as eerste party, 'n verslag ten opsigte van 'n ander beampte voltooi;

Vertolking van die regulasies

A2. As daar twyfel ontstaan betreffende die vertolking van die bepalings van hierdie regulasies, moet die saak aan die Kommissie vir beslissing voorgelê word.

Afwykinge in tyd van oorlog of landsnood

A3. As daar 'n toestand van oorlog of landsnood ontstaan, kan die Kommissie 'n afwyking van die bepalings van hierdie regulasies aanbeveel, hetsy in die algemeen of ten opsigte van 'n besondere beampte, werknemer of persoon of klasse beamptes, werknemers of persone, dog onderworpe aan die bepalings van artikel 7 (2) van die Wet.

Pligte van departementshoofde en hoofde van kantore

A4. (1) Benewens enige werksaamhede of pligte wat wettiglik aan hom opgedra of opgelê is, is die departementshoof verantwoordelik vir die handhawing van dissipline, doeltreffende administrasie en die behoorlike gebruik en versorging van eiendom van die Regering in sy departement.

A4. (2) Die hoof van die kantoor is aan die beampte of werknemer wat oor hom die gesag voer verantwoordelik vir die handhawing van dissipline en die behoorlike gebruik en versorging van eiendom van die Regering in sy kantoor, tak, inrigting, afdeling of werkplek.

Delegasie van departementshoof se bevoegdhede

A5. (1) As hy dit dienstig ag vir die doeltreffende administrasie van sy departement, kan 'n departementshoof enige bevoegdheid wat kragtens die bepalings van hierdie regulasies aan hom verleen is, aan 'n ander beampte of toegewese beampte of werknemer deleger op dié voorwaardes wat hy bepaal.

A5. (2) 'n Departementshoof kan 'n delegasie wat kragtens hierdie regulasie verleen is, te eniger tyd intrek.

Amptelike kommunikasiekanale

A6. (1) 'n Versoek of mededeling van 'n beampte of werknemer wat nie 'n departementshoof is nie, oor enige aangeleentheid wat binne die bestek van die Kommissie se bevoegdhede, werksaamhede of pligte val, moet deur

to the head of the department through the medium of the head of the office: Provided that an officer or employee may demand that such request or communication be submitted to the Commission subject to the provisions of subregulation (2).

A6. (2) A request or communication to the Commission whether written or otherwise, from a department or a head of department in connection with any matter falling within the scope of the Commission's powers, functions or duties, or which is to be submitted to the Commission in terms of the proviso to subregulation (1), shall be addressed to the Secretary of the Commission by or on behalf of the head of department. Such request or communication shall not be addressed direct to the Commission or a member of the Commission.

A6. (3) If circumstances arise which justify a departure from the provisions of this regulation, the Councillor may, on the recommendation of the Commission approve that the head of a division, branch, institution or office be regarded as a head of department for the purposes of subregulations (1) and (2).

Obedience

A7. (1) Subject to the provisions of subregulation (2) an officer or employee shall obey unconditionally a lawful instruction given to him by a person who is competent to do so.

A7. (2) An officer or employee may, after having carried it out, demand that an instruction referred to in subregulation (1) be repeated in writing and he may submit for decision any complaint he may have in connection therewith, but subject to the provisions of regulation A6.

Residential addresses and telephone numbers

A8. An officer or employee shall notify the head of the office of his residential address and of his telephone number at home, if he has a telephone, and any change thereof, and the head of the office shall make a record thereof in a register which shall be kept for this purpose.

Private financial transactions

A9. (1) An officer or employee shall not become a party of any form of promissory note for compromising purposes: Provided that the head of department may give his written consent to a departure from the provisions of this subregulation if he has satisfied himself by investigation that the proposed transaction is being entered into for acceptable reasons not connected with speculation, gambling, or any other improper dealing which may lead to the pecuniary embarrassment of the officer or employee concerned: Provided further that such consent shall not be given in respect of a transaction between two officers, an officer and an employee or two employees.

A9. (2) An officer or employee shall under no circumstances borrow money from a subordinate serving in the same department.

A9. (3) If it is evident that an officer or employee is in debt to an unreasonable extent, if he becomes insolvent or assigns his estate for the benefit of his creditors or if a judgement for debt or a decree of civil imprisonment has been obtained against him in a court of law, he shall if the head of department so requires, furnish the head of department with a detailed and complete statement of his liabilities together with an explanation as to how the liabilities were incurred and how he proposes to liquidate them.

Legal proceedings for debt

A10. The granting of a judgement for the payment of a sum of money or of a sequestration order against an

bemiddeling van die hoof van die kantoor aan die departementshoof gerig word: Met dien verstande dat 'n beampte of werknemer kan eis dat sodanige versoek of mededeling aan die Kommissie voorgelê word, behoudens die bepalings van subregulasie (2).

A6. (2) 'n Versoek of mededeling aan die Kommissie, hetsy skriftelik of andersins, van 'n departement of departementshoof oor enige aangeleentheid wat binne die bestek van die Kommissie se bevoegdhede, werksaamhede of pligte val, of wat kragtens die voorbehoudsbepaling by subregulasie (1) aan die Kommissie voorgelê moet word, moet deur of namens die departementshoof aan die Sekretaris van die Kommissie gerig word. Sodanige versoek of mededeling mag nie regstreeks aan die Kommissie, of 'n lid van die Kommissie, gerig word nie.

A6. (3) As daar omstandighede ontstaan wat 'n afwyking van die bepalings van hierdie regulasie regverdig, kan 'n Raadslid op aanbeveling van die Kommissie, goedkeur dat die hoof van 'n afdeling, tak, inrigting of kantoor geag word 'n departementshoof te wees vir die doeleindes van subregulasies (1) en (2).

Gehoorzaamheid

A7. (1) Behoudens die bepalings van subregulasie (2), moet 'n beampte of werknemer 'n wettige bevel wat aan hom gegee is deur 'n persoon wat die bevoegdheid het om dit te gee, onvoorwaardelik gehoorsaam.

A7. (2) 'n Beampte of werknemer kan eis dat 'n in subregulasie (1) bedoelde bevel skriftelik herhaal word na gehoorsaming daaraan en hy kan enige klagte wat hy in verband daarmee het vir beslissing voorlê, dog onderworpe aan die bepalings van regulasie A6.

Woonadresse en telefoonnommers

A8. 'n Beampte of werknemer moet die hoof van die kantoor in kennis stel van sy woonadres en van sy telefoonnommer tuis, as hy 'n telefoon het, en enige verandering daarvan, en die hoof van die kantoor moet daarvan aantekenig maak in 'n register wat vir die doel gehou word.

Private geldelike transaksies

A9. (1) Vir skikkingsdoeleindes mag 'n beampte of werknemer nie medepligtig wees aan enige vorm van skuldbewys nie: Met dien verstande dat die departementshoof skriftelike toestemming daartoe kan verleen dat daar van die bepalings van hierdie subregulasie afgewyk word as hy hom deur ondersoek oortuig het dat die voorgename transaksie aangegaan word om aanneemlike redes wat niks met spekulasie, dobbelary of enige onbehoorlike handeling wat die betrokke beampte of werknemer in geldelike moeilikheid kan laat kom, te doen het nie: Met dien verstande voorts dat sodanige toestemming nie ten opsigte van 'n transaksie tussen twee beamptes, 'n beampte en werknemer of twee werknemers verleen mag word nie.

A9. (2) Onder geen omstandighede mag 'n beampte of werknemer geld van 'n ondergeskikte leen wat in dieselfde departement dien nie.

A9. (3) As dit blyk dat 'n beampte of werknemer in 'n onredelike mate in die skuld is, as hy insolvent raak of sy boedel afstaan ten behoeve van sy skuldeisers of as 'n vonnis weens skuld of 'n gyselingsbevel teen hom in 'n geregshof verkry is, moet hy, as die departementshoof dit vereis, 'n uitvoerige en volledige staat van sy skulde aan die departementshoof voorlê tesame met 'n verklaring van hoe die skulde aangegaan is en hoe hy van voorneme is om sodanige skulde te vereffen.

Regsvordering weens skuld

A10. Die verlening van 'n vonnis vir die betaling van 'n som geld of van 'n sekwestrasie-order teen 'n beampte

officer or employee shall forthwith be reported to the head of department of the office or employee concerned by—

- (a) the registrar or clerk of the court concerned; and
- (b) the officer or employee concerned.

Acceptance of gifts, commission, money or reward

A11. (1) An officer or employee shall not accept without the permission of the head of department, or, in the case of the head of department who is an officer, without the permission of the Councillor, a gift, pecuniary or otherwise, offered to him by a member of the public by reason of his occupying or having occupied a particular office or post in the Government.

A11. (2) An employee shall not, without the permission of the head of department, accept or demand in respect of the carrying out of or the failure to carry out his duties, any commission, fee or reward, pecuniary or otherwise (not being the emoluments payable to him in respect of his duties) and shall not fail to report to the head of department the offer of such commission, fee or reward.

Replying to questions

A12. An officer or employee shall reply explicitly to a lawful question put to him by a person who is competent to put such question to him: Provided that an officer or employee is not compelled to furnish to a question a reply which may incriminate him.

Acceptance of nomination as candidate for election or of designation as member of the Legislative Assembly, etc.

A13. If an officer or employee—

- (a) accepts nomination as candidate for election as member of the Legislative Assembly or a regional authority; or
- (b) is designated as member of the Legislative Assembly; or
- (c) is acknowledged or appointed as member of a tribal or community authority;

he shall be deemed to have voluntarily retired from the Government Service with effect from the date on which he accepted such nomination as candidate or designation or was acknowledged or appointed as member of a tribal or community authority.

Giving notice of marriage: Female officers

A14. A female officer shall, before her marriage, give the head of department notice in writing of the date on which she proposes to marry.

Secondment of an officer or employee from one department to another

A15. A head of department may, on the recommendation of the Commission and on the conditions which the Commission may recommend in consultation with the Director of Authority Affairs and Finance, second an officer or employee to the service of another department either for a particular service or for a period of time.

Confidential nature of documents concerning officers and employees

A16. All documents, files and correspondence concerning any officer or employee or anything which may be done in terms of the Act or these regulations and which are the property of the Government, are of a confidential nature and officers and employees or their legal representatives shall not have the right of access thereto or inspection thereof: Provided that officers and employees may be permitted to have such access to and inspection of the documents, files and correspondence mentioned as

of werknemer, moet dadelik aan die betrokke beampte of werknemer se departementshoof gerapporteer word deur—

- (a) die griffier of klerk van die betrokke hof; en
- (b) die betrokke beampte of werknemer.

Aanneem van geskenke, kommissie, geld of beloning

A11. (1) 'n Beampte of werknemer mag nie sonder die toestemming van die departementshoof, of, in die geval van die departementshoof, sonder die toestemming van die Raadslid, 'n geskenk, geldelik of anders, aanneem wat hom deur 'n lid van die publiek aangebied word uit hoofde daarvan dat hy 'n bepaalde amp of pos in die regeringsdiens beklee of beklee het nie.

A11. (2) 'n Werknemer mag nie sonder die toestemming van die departementshoof enige kommissie, geld of beloning, geldelik of anders (wat nie die emolumente is wat ten opsigte van sy pligte van hom betaalbaar is nie) aanneem of dit eis ten opsigte van die uitvoering van sy pligte of die versuim om sy pligte uit te voer, of versuim om aan die departementshoof die aanbod van so 'n kommissie, geld of beloning te rapporteer nie.

Beantwoording van vrae

A12. 'n Beampte of werknemer moet uitdruklik antwoord op 'n wettige vraag wat aan hom gestel is deur 'n persoon wat die bevoegdheid het om so 'n vraag aan hom te stel: Met dien verstande dat 'n beampte of werknemer nie verplig is om 'n antwoord wat hom sal inkrimineer op 'n vraag te verstrek nie.

Aanneem van nominasie as kandidaat vir verkiesing tot of van aanwysing as lid van Wetgewende Vergadering, ens.

A13. As 'n beampte of werknemer—

- (a) nominasie as kandidaat vir verkiesing tot lid van die Wetgewende Vergadering of 'n streeksowerheid aanvaar; of
- (b) as lid van die Wetgewende Vergadering aangewys word; of
- (c) as lid van 'n stam- of gemeenskapsowerheid erken of aangestel word;

word hy geag vrywillig uit die Regeringsdiens te getree het met ingang van die datum waarop hy sodanige nominasie as kandidaat of aanwysing aanvaar het, of as lid van 'n stam- of gemeenskapsowerheid erken of aangestel is.

Kennigewing van huwelik: Vroulike beamptes

A14. Voor haar huwelik moet 'n vroulike beampte aan die departementshoof skriftelik kennis gee van die datum waarop sy voornemens is om te trou.

Afstaan van 'n beampte of werknemer van een departement aan 'n ander

A15. 'n Departementshoof kan, op aanbeveling van die Kommissie en op sulke voorwaardes as wat die Kommissie in oorleg met die Direkteur van Owerheidsake en Finansies aanbeveel, 'n beampte of werknemer aan die diens van 'n ander departement afstaan, hetsy vir 'n besondere diens of vir 'n tydperk.

Vertroulike aard van dokumente rakende beamptes en werknemers

A16. Alle dokumente, lêers en korrespondensie met betrekking tot enigiets wat kragtens die Wet en hierdie regulasies gedoen kan word en wat die eiendom van die Regering is, is vertroulik van aard en beamptes en werknemers, of hul regsverteenwoordigers by enige ondersoek wat deur die Kommissie gelas is kragtens die Wet, het nie die reg op toegang daartoe of insae daarin nie: Met dien verstande dat beamptes en werknemers toegelaat mag word om dié toegang tot en insae in genoemde

may be necessary for the performance of their official duties: Provided further that, in the case where the Commission directs an enquiry into the grievance of an officer in terms of section 5 (4) of the Act, the provisions of section 19 (11) (a) of the Act shall apply *mutatis mutandis*.

Reports on staff and adverse remarks

A17. (1) A report in the form prescribed by the Commission, shall, as frequently as the exigencies of the Government Service so demand, be completed and submitted by the reporting officer in respect of any officer.

A17. (2) Subject to the provisions of subregulation (3), an officer in respect of whom a report has been completed in terms of subregulation (1), shall not have the right of access thereto.

A17. (3) Any adverse remark contained in a report shall be brought to the notice of the officer reported upon by the reporting-officer in writing and in its full context. The officer reported upon must sign the written communication and return it, together with any representations, in writing which he desires to submit to the reporting-officer. The foregoing provisions also apply to adverse remarks made in respect of an officer in a written communication, except that such remarks shall be brought to the notice of the officer by the head of the office.

A17. (4) Notwithstanding the provisions of subregulation (3), a head of department or an officer or allocated officer authorised thereto by him, may approve that adverse remarks not be brought to the notice of an officer if he is of opinion that it is not in the interest of the Government Service or the officer concerned: Provided that the Commission may direct that any adverse remarks be brought to the notice of an officer, either in writing or verbally.

A17. (5) If it is found by a person or body who has to counter-sign or consider a report in respect of an officer that no justification exists for an adverse remark appearing therein, the adverse remark shall be expunged therefrom and the officer concerned be advised in writing of the expunction if the adverse remark had already been brought to his notice. Such advice of expunction shall then form part of the report.

A17. (6) After a reporting officer has completed a report, it shall be submitted to the head of department who shall send it to the Commission together with any comments or remarks he wishes to furnish, if the officer is employed in the administrative, clerical, professional, technical or general A division. These provisions must also be complied with by a head of department in respect of adverse remarks contained in a written communication.

Medical examination and immunisation

A18. (1) (a) A head of department may, in consultation with the Secretary for Health of the Republic or an officer of the said Secretary's Department authorised by him, direct that an officer or employee or the officers or employees of a departmental branch or office be subjected to a medical examination to determine whether any infection with infectious or a contagious disease, has occurred, or that an officer or employee be immunised against an infectious or contagious disease, to—

- (i) prevent an epidemic;
- (ii) comply with international standards; or

dokumente, lêers en korrespondensie te hê wat vir die verrigting van hul amptelike pligte nodig is: Met dien verstande voorts dat in die geval waar die Kommissie kragtens artikel 5 (4) van die Wet 'n ondersoek na die grief van 'n beampte gelas, die bepalings van artikel 19 (11) (a) van die Wet *mutatis mutandis* van toepassing is.

Verslae oor personeel en ongunstige opmerkings

A17. (1) 'n Verslag op 'n vorm deur die Kommissie voorgeskryf, moet so dikwels as wat die behoeftes van die regeringsdiens dit vereis, ten opsigte van enige beampte deur die verslaggewende beampte ingevul en ingedien word.

A17. (2) Behoudens die bepalings van subregulasie (3) het 'n beampte ten opsigte van wie 'n verslag ingevolge subregulasie (1) voltooi is, nie die reg om insae daarin te hê nie.

A17. (3) Enige ongunstige opmerking in 'n verslag vervat, moet deur die beampte deur wie dit gemaak is, skriftelik en in sy volledige samehang onder die aandag gebring word van die beampte oor wie gerapporteer word. Laasgenoemde beampte moet die skriftelike mededeling onderteken en dit tesame met enige skriftelike vertoë wat hy wil voorlê aan eersgenoemde beampte terugbesorg. Die voorafgaande bepalings is ook van toepassing op ongunstige opmerkings wat ten opsigte van 'n beampte gemaak word in 'n skriftelike mededeling, behalwe dat sodanige opmerkings deur die hoof van die kantoor onder die beampte se aandag gebring moet word.

A17. (4) Ondanks die bepalings van subregulasie (3) kan die departementshoof of 'n beampte deur hom daartoe gemagtig, goedkeur dat ongunstige opmerkings nie onder die aandag van 'n beampte gebring word nie indien hy van oordeel is dat dit nie in die belang van die regeringsdiens of die betrokke beampte is nie: Met dien verstande dat die Kommissie kan gelas dat enige ongunstige opmerkings skriftelik of mondeling onder 'n beampte se aandag gebring word.

A17. (5) Indien dit deur 'n persoon of liggaam wat 'n verslag ten opsigte van 'n beampte moet mede-onderteken of moet oorweeg, bevind word dat daar geen regverdiging bestaan vir 'n ongunstige opmerking wat daarin voorkom nie, word daardie ongunstige opmerking uit die verslag geskrap en die betrokke beampte skriftelik van die skraping verwittig indien die ongunstige opmerking reeds onder sy aandag gebring was. Sodanige verwittiging van skraping moet dan 'n deel van die verslag uitmaak.

A17. (6) Nadat 'n verslaggewende beampte 'n verslag voltooi het word dit aan die departementshoof besorg wat dit aan die Kommissie moet deurstuur tesame met enige kommentaar of opmerkings wat hy daaromtrent wil maak, indien die betrokke beampte in die administratiewe, klerklike, vakkundige, tegniese of algemene A-afdeling in diens is. Hierdie bepalings moet ook deur 'n departementshoof nagekom word ten opsigte van ongunstige opmerkings in 'n skriftelike mededeling vervat.

Geneeskundige ondersoeke en immunisering

A18. (1) (a) 'n Departementshoof kan, in oorleg met die Sekretaris van Gesondheid of 'n beampte deur hom daartoe gemagtig, gelas dat 'n beampte of werknemer of die beamptes of werknemers van 'n departementele tak of kantoor onderwerp word aan 'n geneeskundige ondersoek om vas te stel of enige besmetting met besmetlike of aansteeklike siekte plaasgevind het, of dat 'n beampte of werknemer geïmmuniseer word teen 'n besmetlike of aansteeklike siekte, om—

- (i) 'n epidemie te voorkom;
- (ii) aan internasionale standaarde te voldoen; of

(iii) protect him/them against infection with infectious or contagious diseases if he/they sojourns/sojourn or will sojourn in a country or territory where the danger of such infection exists:

Provided that the services rendered by the Department of Health of the Republic be made use of as far as possible and that an officer or employee who does not make use of medical services on grounds of religious or conscientious objections may, on application, be exempted from such examination or immunisation.

(b) The expenditure connected with such an examination or immunisation shall be met from the Revenue Fund.

A18. (2) (a) The Commission or a head of department may at any time require that an officer or employee submit himself to an examination by a registered medical practitioner designated or a medical board constituted by the Commission in the case of an officer holding a post classified in the administrative, clerical, professional or technical division and by the head of department in the case of an officer holding a post classified in the general A or B divisions or an employee. The expenditure incurred shall be met from the Revenue Fund: Provided that the officer or employee who is to be examined, may, if he so desires, arrange at his own expense for his prove medical practitioner to be present at the proceedings of a medical board.

(b) The report of the medical board shall be in the form prescribed by the Commission.

Salary increments

A19. (1) Subject to the provisions of section 6 (2) (g) of the Act, the salary of an officer or employee shall be increased by one salary increment within the limits of the scale applicable to him, after completion of each incremental period and with effect from the first day of such officer's or employee's incremental month.

A19. (2) If a head of the office issues a certificate in which it is declared that the officer's or employee's conduct as to industry, discipline, punctuality or sobriety was not uniformly satisfactory during an incremental period or that he did not perform his work uniformly satisfactorily during such incremental period, the salary of such officer or employee shall not be increased in terms of the provisions of subregulation (1): Provided that a head of department may, at his discretion, approve that the salary of an officer or employee be increased in terms of the provisions of subregulation (1) notwithstanding the issue of such a certificate.

A19 (3) If the salary of an officer or employee is not increased in terms of the provisions of subregulation (1) on account of the issue of a certificate mentioned in subregulation (2)—

(a) the head of department shall notify such officer or employee in writing of the reasons therefore and also that at the expiry of a continuous period to be indicated and which shall not be longer than an incremental period, a salary increment may be granted by the head of department on condition that a certificate is issued by the head of the office in which it is declared that the officer's or employee's work performance and his conduct in regard to the qualities mentioned in subregulation (2) were satisfactory during such period; and

(b) the case shall be reported to the Commission in the case of an officer in a post classified in the administrative, clerical, professional or technical divisions.

A19 (4) (a) If the period mentioned in subregulation (3) (a) is shorter than an incremental period, the head of department shall grant the officer or employee one

(iii) hom/hulle te vrywaar teen besmetting met besmetlike of aansteeklike siektes indien hy/hulle in 'n land of gebied verkeer of sal verkeer waar die gevaar van sodanige besmetting bestaan:

Met dien verstande dat sover moontlik gebruik gemaak word van die dienste wat gelewer word deur die Departement van Gesondheid en dat 'n beamppte of werknemer wat vanweë geloofs- of gewetenbesware nie van geneeskundige dienste gebruik maak nie, op aansoek, van sodanige ondersoek of immunisering vrygestel kan word.

(b) Die koste verbonde aan so 'n ondersoek of immunisering word uit Inkomstefonds betaal.

A18. (2) (a) Die Kommissie of 'n departementshoof kan te eniger tyd eis dat 'n beamppte of werknemer hom onderwerp aan 'n ondersoek deur 'n geregistreerde geneesheer aangewys of 'n geneeskundige raad saamgestel, deur die Kommissie in die geval van 'n beamppte wat 'n pos in die administratiewe, klerklike, vakkundige of tegniese afdelings beklee en deur die departementshoof in die geval van 'n beamppte wat 'n pos in die algemeen A- of B-afdelings beklee: Die koste verbonde aan die ondersoek word uit staatsfondse betaal: Met dien verstande dat die beamppte of werknemer wat ondersoek moet word, indien hy dit verlang, op eie koste kan reël dat sy private geneesheer by die verrigtinge van 'n geneeskundige raad teenwoordig kan wees.

(b) Die verslag van die geneeskundige raad moet in die vorm wees wat die Kommissie voorskryf.

Salarisverhogings

A19. (1) Behoudens die bepalinge van artikel 6 (2) (g) van die Wet word die salaris van 'n beamppte of werknemer verhoog met een salarisverhoging binne die perke van die skaal wat op hom van toepassing is, na die voltooiing van elke salarisverhogingstydperk en wel met ingang van die eerste dag van sodanige beamppte of werknemer se verhogingsmaand.

A19. (2) As die hoof van die kantoor 'n sertifikaat uitreik waarin verklaar word dat 'n beamppte of werknemer se gedrag met betrekking tot ywer, dissipline, presiesheid op tyd of matigheid gedurende 'n salarisverhogingstydperk nie deurgaans bevredigend was nie of dat hy sy werk gedurende sodanige salarisverhogingstydperk nie deurgaans op 'n bevredigende wyse verrig het nie, word die salaris van sodanige beamppte of werknemer nie kragtens die bepalinge van subregulasie (1) verhoog nie: Met dien verstande dat 'n departementshoof na goeddunke kan goedkeur dat die salaris van 'n beamppte of werknemer kragtens die bepalinge van subregulasie (1) verhoog word nieteenstaande dat 'n sertifikaat soos in hierdie subregulasie bedoel, uitgereik is.

A19. (3) Indien die salaris van 'n beamppte of werknemer nie kragtens die bepalinge van subregulasie (1) of vanweë die uitreiking van 'n in subregulasie (2) bedoelde sertifikaat, word—

(a) sodanige beamppte of werknemer deur die departementshoof skriftelik verwittig van die redes daarvoor asook dat by verstryking van 'n aaneenlopende tydperk wat aangedui moet word en wat nie langer as 'n salarisverhogingstydperk is nie, 'n salarisverhoging deur die departementshoof toegeken kan word op voorwaarde dat 'n sertifikaat deur die hoof van die kantoor uitgereik word waarin verklaar word dat die beamppte of werknemer se werkverrigting en gedrag met betrekking tot die in subregulasie (2) bedoelde eienskappe gedurende sodanige tydperk bevredigend was; en

(b) die saak aan die Kommissie gerapporteer in die geval van 'n beamppte in die administratiewe, klerklike, vakkundige of tegniese afdelings.

A19. (4) (a) Indien die in subregulasie (3) (a) bedoelde tydperk korter is as 'n salarisverhogingstydperk, word een salarisverhoging deur die departementshoof aan die

salary increment with effect from the first day of the month following the date on which such period expired: Provided that such salary increment may be granted only if the head of the office issues a certificate in which it is declared that the officer's or employee's work performance and his conduct in regard to the qualities mentioned in subregulation (2) were satisfactory during such period.

(b) If an officer or employee has been granted a salary increment in terms of paragraph (a), the head of department shall grant him a further salary increment after the expiry of an incremental period reckoned from the date on which his salary would have been increased in terms of subregulation (1) had such increase not been withheld in terms of subregulation (2): Provided that such salary increment may be granted only if the head of the office issues a certificate in which it is declared that the officer's or employee's work performance and his conduct in regard to the qualities mentioned in subregulation (2) continued to be satisfactory from the date of the granting of the salary increment mentioned in paragraph (a) to the date preceding that on which a salary increment may be granted in terms of this paragraph: Provided further that the provisions of this paragraph shall not apply to an officer or employee if his salary is already equal to the maximum notch of the appropriate scale.

A19 (5) If an officer or employee is not granted a salary increment in terms of subregulations (4) (a)—

(a) such officer or employee shall again be notified in writing by the head of department of the reasons therefor as well as that at the expiry of a continuous period which must be indicated and which must be equal to the difference between the period mentioned in subregulation 3 (a) and an incremental period, a salary increment may be granted by the head of department on condition that the head of the office issues a certificate in which it is declared that the officer's or employee's work performance and his conduct in regard to the qualities mentioned in subregulation (2) were satisfactory during the continuous period mentioned;

(b) the provisions of subregulation (3) (b) shall apply *mutatis mutandis*; and

(c) the head of department shall grant the officer or employee two salary increments after the expiry or an incremental period reckoned from the date on which his salary would have been increased in terms of subregulation (1) if such increase had not been withheld in terms of the provisions of subregulation (2): Provided that such salary increments may be granted only if the head of the office issues a certificate in which it is declared that the officer's or employee's work performance and his conduct in regard to the qualities mentioned in subregulation (2) were satisfactory during the continuous period mentioned in paragraph (a): Provided further that only one salary increment may be granted to such officer or employee if his salary is already equal to the penultimate notch of the appropriate scale.

A19 (6) If the period mentioned in subregulation (3) (a) is equal to an incremental period, the head of department shall grant such officer or employee two salary increments after the expiry of such period: Provided that such salary increments may be granted only if the head of the office issues a certificate in which it is declared that the officer's or employee's work performance and

beampte of werknemer toegeken met ingang van die eerste dag van die maand wat volg op die datum waarop genoemde tydperk verstryk: Met dien verstande dat sodanige salarisverhoging slegs toegeken kan word as die hoof van die kantoor 'n sertifikaat uitreik waarin verklaar word dat die beampte of werknemer se werkverrigting en gedrag met betrekking tot die in subregulasie (2) bedoelde eienskappe gedurende sodanige tydperk bevredigend was.

(b) Indien 'n salarisverhoging kragtens paragraaf (a) aan 'n beampte of werknemer toegeken is, word 'n verdere salarisverhoging deur die departementshoof aan hom toegeken na verstryking van 'n salarisverhogingstydperk gereken vanaf die datum waarop sy salaris kragtens subregulasie (1) verhoog sou gewees het as sodanige verhoging nie kragtens die bepalings van subregulasie (2) weerhou was nie: Met dien verstande dat sodanige salarisverhoging slegs toegeken kan word as die hoof van die kantoor 'n sertifikaat uitreik waarin verklaar word dat die beampte of werknemer se werkverrigting en gedrag met betrekking tot die in subregulasie (2) bedoelde eienskappe steeds bevredigend was vanaf die datum van toekenning van die in paragraaf (a) bedoelde salarisverhoging tot die datum voorafgaande dié waarop 'n salarisverhoging kragtens hierdie paragraaf toegeken kan word: Met dien verstande voorts dat die bepalings van hierdie paragraaf nie op 'n beampte of werknemer van toepassing is nie as sy salaris reeds gelyk is aan die maksimum kerf van die toepaslike skaal.

A19. (5) Indien 'n salarisverhoging kragtens subregulasie (4) (a) nie aan 'n beampte of werknemer toegeken word nie—

(a) word sodanige beampte of werknemer weer eens deur die departementshoof skriftelik verwittig van die redes daarvoor asook dat by verstryking van 'n aaneenlopende tydperk wat aangedui moet word en wat gelykstaande moet wees aan die verskil tussen die in subregulasie (3) (a) bedoelde tydperk en 'n salarisverhogingstydperk, 'n salarisverhoging deur die departementshoof toegeken kan word op voorwaarde dat 'n sertifikaat deur die hoof van die kantoor uitgereik word waarin verklaar word dat die beampte of werknemer se werkverrigting en gedrag met betrekking tot die in subregulasie (2) bedoelde eienskappe bevredigend was gedurende genoemde aaneenlopende tydperk;

(b) is die bepalings van subregulasie (3) (b) *mutatis mutandis* van toepassing; en

(c) word twee salarisverhogings deur die departementshoof aan sodanige beampte of werknemer toegeken na verstryking van 'n salarisverhogingstydperk gereken vanaf die datum waarop sy salaris kragtens subregulasie (1) verhoog sou gewees het as sodanige verhoging nie kragtens die bepalings van subregulasie (2) weerhou was nie: Met dien verstande dat sodanige salarisverhogings slegs toegeken kan word as die hoof van die kantoor 'n sertifikaat uitreik waarin verklaar word dat die beampte of werknemer se werkverrigting en gedrag met betrekking tot die in subregulasie (2) bedoelde eienskappe bevredigend was gedurende die in paragraaf (a) bedoelde aaneenlopende tydperk: Met dien verstande voorts dat slegs een salarisverhoging aan sodanige beampte of werknemer toegeken kan word as sy salaris reeds gelyk is aan die tweede laaste kerf van die toepaslike skaal.

A19. (6) Indien die in subregulasie (3) (a) bedoelde tydperk gelyk is aan 'n salarisverhogingstydperk, word twee salarisverhogings deur die departementshoof aan sodanige beampte of werknemer toegeken na verstryking van sodanige tydperk: Met dien verstande dat sodanige salarisverhogings slegs toegeken kan word as die hoof van die kantoor 'n sertifikaat uitreik waarin verklaar word

his conduct in regard to the qualities mentioned in subregulation (2) were satisfactory during such period: Provided further that such officer or employee may be granted one salary increment only if his salary is already equal to the penultimate notch of the appropriate scale.

A19 (7) If an officer or employee is not granted a salary increment in terms of subregulation (4) (b), (5) (c) or (6) the provisions of subregulations (2), (3), (4), (5) and (6) shall *mutatis mutandis* become operative afresh.

A19 (8) Subject to the provisions of this regulation, the salary of an officer or employee to whom a salary increment has been granted in terms of subregulation (4) (b), (5) (c) or (6) shall, at the expiry of each further incremental period, be increased by one salary increment within the limits of the scale applicable to him.

Exceptional cases

A20. If circumstances arise which justify a departure from the provisions of the regulations contained in this Chapter, the Commission may recommend such a departure.

CHAPTER B

CONDITIONS CONCERNING THE FILLING OF POSTS

General

B1. (1) A person who desires to be considered for permanent appointment in a post in the administrative, clerical professional, technical, general A or general B division of the Government Service shall apply therefore in a form prescribed by the Commission.

B1. (2) A head of department may, at his discretion, require that a person who desires to be considered for appointment in a capacity other than that mentioned in subregulation (1), shall apply therefore in the form mentioned in subregulation (1).

B1. (3) A person mentioned in subregulation (1) shall, with a view of his appointment, complete and sign a declaration on a form prescribed by the Commission and, if he is required to do so, submit himself to a medical examination.

B1. (4) The district surgeon or government official who undertakes the medical examination of a person mentioned in subregulation (3) shall, after the examination, draw up a report thereon on a form prescribed by the Commission.

Minimum age on appointment

B2. No one who has not reached the age of 16 years shall be appointed in a post on the fixed establishment of the Government Service unless he is in possession of a matriculation certificate or a certificate which, in the opinion of the Commission, is equivalent to or higher than the said certificate.

CHAPTER C

LEAVE OF ABSENCE

Applicability of leave regulations

C1. (1) The provisions of this Chapter shall apply to all officers and employees of the Government Service except as specified in subregulation (2).

C1. (2) The provisions of this Chapter shall not apply to—

- (a) nursing staff of hospitals and institutions; and
- (b) part-time medical and part-time paramedical staff.

dat die beampte of werknemer se werkverrigting en gedrag met betrekking tot die in subregulasie (2) bedoelde eenskappe gedurende sodanige tydperk bevredigend was: Met dien verstande voorts dat slegs een salarisverhoging aan sodanige beampte of werknemer toegeken kan word as sy salaris reeds gelyk is aan die tweede laaste kerf van die toepaslike skaal.

A19. (7) Indien 'n salarisverhoging nie kragtens subregulasie (4) (b), subregulasie (5) (c) of subregulasie (6) aan 'n beampte of werknemer toegeken word nie, tree die bepalinge van subregulasies (2), (3), (4), (5) en (6) *mutatis mutandis* opnuut in werking.

A19. (8) Behoudens die bepalinge van hierdie regulasie, word die salarisse van 'n beampte of werknemer aan wie 'n salarisverhoging kragtens subregulasie (4) (b), subregulasie (5) (c) of subregulasie (6) toegeken is, by die verstryking van elke verdere salarisverhogingstydperk verhoog met een salarisverhoging binne die perke van die skaal wat op hom van toepassing is.

Buitengewone gevalle

A20. As daar omstandighede ontstaan wat 'n afwyking regverdig van die bepalinge van die regulasies in hierdie Hoofstuk vervat, kan die Kommissie sodanige afwyking aanbeveel.

HOOFSTUK B

VOORWAARDES AANGAANDE DIE VULLING VAN POSTE

Algemeen

B1. (1) 'n Persoon wat in aanmerking wil kom vir vaste aanstelling in die administratiewe, klerklike, vakkundige, tegniese, algemene A- of algemene B-afdeling van die Regeringsdiens moet daarom aansoek doen op 'n vorm deur die Kommissie voorgeskryf.

B1. (2) 'n Departementshoof kan na goedgekeurde vereis dat 'n persoon wat in aanmerking wil kom vir aanstelling in die Regeringsdiens in 'n ander hoedanigheid as dié in subregulasie (1) bedoel daarom aansoek doen op die vorm in subregulasie (1) bedoel.

B1. (3) 'n In subregulasie (1) bedoelde persoon moet, met die oog op sy aanstelling, 'n verklaring op 'n vorm deur die Kommissie voorgeskryf, invul en onderteken en indien dit van hom vereis word, hom aan 'n geneeskundige ondersoek onderwerp.

B1. (4) Die distriksgeneesheer of staatsmediese beampte wat die geneeskundige ondersoek van in subregulasie (3) bedoelde persoon waarneem, moet na die ondersoek, 'n verslag daaroor opstel op 'n vorm deur die Kommissie voorgeskryf.

Minimum ouderdom by aanstelling

B2. Niemand word in vaste hoedanigheid in die Regeringsdiens aangestel wat nie die ouderdom van 16 jaar bereik het nie tensy hy in besit is van die matrikulasiesertifikaat of 'n sertifikaat wat volgens die mening van die Kommissie gelykwaardig aan of hoër as gemelde sertifikaat is.

HOOFSTUK C

AFWESIGHEIDSVEROLOF

Toepaslikheid van verlofregulasies

C1. (1) Die regulasies van hierdie Hoofstuk is van toepassing op alle beamptes en werknemers van die Regeringsdiens behalwe soos in subregulasie (2) aangedui.

C1. (2) Die regulasies van hierdie Hoofstuk is nie van toepassing nie op—

- (a) verpleegpersoneel van hospitale en inrigtings; en
- (b) deeltydse mediese en deeltydse para-mediese personeel.

Leave of absence a privilege

C2. (1) Leave of absence provided for in these regulations is a privilege and is granted only with due regard to the exigencies of the Government Service.

C2. (2) Leave cannot be claimed as of right, and when an officer or employee leaves the Government Service, for any reason whatsoever, he cannot claim payment in respect of the cash value of leave standing to his credit.

C2. (3) The provisions of this regulation shall not preclude the payment of leave gratuities on conditions recommended by the Commission and approved by the Director of Authority Affairs and Finance.

Leave application forms, granting and withdrawal of leave and unauthorised absences from duty

C3. (1) (a) Application for leave shall be made in writing in the form prescribed by the Commission.

(b) The certificate of indisposition, which is to serve in support of an application for sick leave, shall also be in the form prescribed by the Commission.

C3. (2) (a) The granting of all leave of absence shall be subject to approval by the head of the department in which the officer or employee concerned is serving at the time he applies for leave: Provided that the granting of leave of absence to a head of a department who is an officer, shall be subject to the approval of the Councillor.

(b) Leave already granted, may at any time be withdrawn by the head of department or, in the case of a head of department who is an officer, by the Councillor.

C3. (3) Except in the case where an officer is suspended from duty or where an officer or employee is prevented by his sudden illness, or by other circumstances which are acceptable to the head of department, from remaining on or reporting for duty, he shall not leave or stay away from work until he has applied in writing, for leave and has been advised by the head of his office that the leave application has been approved.

C3. (4) (a) Except as provided for in regulation C14 (1) (c) all unauthorised absences from duty shall, apart from any disciplinary action which may be taken against an officer or employee, be regarded as vacation leave without pay unless the Commission recommends otherwise.

(b) The submission of a written application for leave, referred to in subregulation (1) (a), shall not be required in the case of unauthorised absences.

Leave registers

C4. (1) The department or departments directed by the Commission shall keep a leave register in respect of each officer and employee in which all absences from duty shall be recorded in accordance with the classification contained in regulation C5 (1).

All applications for leave shall be filled for audit and other purposes in the office where the leave register is kept, for such period as the Commission may direct.

Classification of leave of absence

C5. (1) All absences from duty on leave are classified under one or more of the following heads:

- (a) Vacation leave (accumulative) with full pay.
- (b) Non-accumulative leave with full pay.
- (c) Vacation leave without pay.
- (d) Sick leave with full pay.
- (e) Sick leave with half pay.
- (f) Sick leave without pay.

Afwesigheidsverlof 'n vergunning

C2. (1) Afwesigheidsverlof waarvoor in hierdie regulasies voorsiening gemaak word, is 'n vergunning en word toegestaan slegs met inagneming van die behoeftes van die Regeringsdiens.

C2. (2) Verlof kan nie as 'n reg geëis word nie en wanneer 'n beampte of werknemer die Regeringsdiens verlaat, om watter rede ook al, kan hy nie eis dat die geldwaarde van ongebruikte verlof aan hom uitbetaal word nie.

C3. (3) Die bepalings van hierdie regulasie belet nie die betaling van verlofgratifikasie onder voorwaardes deur die Kommissie aanbeveel en deur die Direkteur van Owerheidsake en Finansies goedgekeur nie.

Verlofaansoekvorms, toestaan en intrekking van verlof en ongemagtigde afwesighede van diens

C3. (1) (a) Aansoek om verlof moet skriftelik gedoen word op 'n vorm wat deur die Kommissie goedgekeur is.

(b) Die vorm van die sertifikaat van ongesteldheid wat ter staving van 'n aansoek om siekteverlof moet dien, moet ook deur die Kommissie goedgekeur word.

C3. (2) (a) Die toestaan van alle afwesigheidsverlof is onderworpe aan die goedkeuring van die hoof van die departement waarin die betrokke beampte of werknemer ten tyde van sy aansoek om verlof dien: Met dien verstande dat die toestaan van afwesigheidsverlof aan 'n departementshoof wat 'n beampte is onderworpe is aan dié goedkeuring van die Raadslid.

(b) Verlof reeds toegestaan kan te eniger tyd deur die departementshoof, of in die geval van 'n departementshoof wat 'n beampte is, die Raadslid, ingetrek word.

C3. (3) Behalwe in die geval waar 'n beampte in sy diens geskors is of waar 'n beampte of werknemer weens sy skielike siekte of weens ander omstandighede wat vir die hoof van die departement aanneemlik is, verhinder word om in sy werk aan te bly of hom vir diens aan te meld, mag hy nie sy werk verlaat of van diens wegbly voordat hy skriftelik om verlof aansoek gedoen het en hy deur die hoof van sy kantoor in kennis gestel is dat die verlofaansoek goedgekeur is nie.

C3. (4) (a) Behalwe soos in regulasie C14 (1) (c) bepaal word, word alle ongemagtigde afwesighede van diens, ongeag enige tugmaatreëls wat teen 'n beampte of werknemer geneem mag word, geag vakansieverlof sonder betaling te wees, tensy die Kommissie anders aanbeveel.

(b) Die indiening van 'n skriftelike verlofaansoek wat in subregulasie (1) (a) genoem word, is nie 'n vereiste in die geval van ongemagtigde afwesighede nie.

Verlofstase

C4. (1) 'n Departement moet ten opsigte van elke beampte of werknemer 'n verlofstase hou waarin alle afwesighede van diens aangeteken word volgens die indeling vervat in regulasie C5 (1).

Alle verlofaansoeke moet vir audit- en ander doeleindes bewaar word in die kantoor waar die verlofstase gehou word, en wel vir die tydperk wat die Kommissie gelas.

Indeling van afwesigheidsverlof

C5. (1) Alle afwesigheid van diens met verlof word onder geen of meer van die volgende hoofde ingedeel:

- (a) Vakansieverlof (oplopend) met volle betaling.
- (b) Nie-oplopende verlof met volle betaling.
- (c) Vakansieverlof sonder betaling.
- (d) Siekteverlof met volle betaling.
- (e) Siekteverlof met halwe betaling.
- (f) Siekteverlof sonder betaling.

- (g) Special sick leave with full pay.
 (h) Special sick leave with half pay.
 (i) Special sick leave without pay.
 (j) Special leave with full pay.
 (k) Special leave with conditions of pay as recommended by the Commission.

C5. (2) The granting of leave under any one of the heads mentioned in subregulation (1) shall not affect the granting of leave under any of the other heads mentioned, except in so far as is specifically provided elsewhere in these regulations.

Grouping of officers and employees for leave purposes and leave provision

C6. (1) With due regard to the provisions of regulations C1, C7 (2) and C11 (2), officers and employees shall, for the purpose of their being granted leave of absence, be classified in the undermentioned groups and may be granted leave accordingly:

(a) *Vacation leave (accumulative)* [N.B.—Subparagraphs (i) to (iii) inclusive, hereunder shall also apply to officers and full-time employees employed at a school or an educational institution controlled by the Government and who are required to remain on duty during all periods when instruction is suspended.]:

Classification	Group	Accrual (days per annum)
(i) Officers who were appointed in the Public Service of the Republic prior to 1 July 1966 and who—		
were in the pre-revised vacation leave Group I of the Public Service of the Republic;	IA	38
or		
were in the general B division of the Public Service of the Republic, upon completion of 15 years service	IB	36
or		
were in the pre-revised vacation leave Group II of the Public Service of the Republic until they have completed the appropriate period of service for inclusion in Group IA above;	II	30
or		
were in the pre-revised vacation leave Group III of the Public Service of the Republic, upon completion of 10 year's service	II	30
or		
were in the pre-revised vacation leave Group III of the Public Service of the Republic until they have completed 10 year's service.....	II	30
(ii) Officers who were appointed in the Public Service of the Republic or in the Government Service on or after 1 July 1966—		
on completion of 10 year's service.....	IB	36
until they have completed 10 year's service	II	30
(iii) Full-time employees who have completed the undermentioned service:		
Fifteen years or longer.....	II	30
Ten years or longer but less than 15 years	III	24
Less than 10 years.....	IV	18
(iv) Persons who are employed at a school or an educational institution and who are eligible for non-accumulative leave in accordance with paragraph (b) and who are—		
officers.....	V	12
full-time employees.....	VI	6

- (g) Spesiale siekteverlof met volle betaling.
 (h) Spesiale siekteverlof met halwe betaling.
 (i) Spesiale siekteverlof sonder betaling.
 (j) Spesiale verlof met volle betaling.

(k) Spesiale verlof met betalingsvoorwaardes soos deur die Kommissie aanbeveel.

C5. (2) Die toestaan van verlof onder enige een van die hoofde in subregulasie (1) genoem, beïnvloed nie die toestaan van verlof onder enige van die ander genoemde hoofde nie, behalwe soos elders in hierdie regulasies uitdruklik bepaal word.

Groepering van beamptes en werknemers vir verlofdoeleindes en verlofvoorsiening

C6 (1) Met inagneming van die bepalings van regulasies C1, C7 (2) en C11 (2), word beamptes en werknemers vir die doeleindes van die toestaan van afwesigheidsverlof in ondergemelde groepe ingedeel en kan verlof dienooreenkomstig aan hulle toegestaan word.

(a) *Vakansieverlof (oplopende)* [L.W.—Subparagrafe (i) tot en met (iii) hieronder is ook van toepassing op beamptes en volttydse en deelttydse werknemers wat in diens is by onderwys- en opleidingsinrigtings onder die beheer van die Regering en wat verplig is om gedurende alle tydperke waartydens onderrig opgeskort word, op diens te bly.]:

Indeling	Groep	Aanwas (dae per jaar)
(i) Beamptes wat voor 1 Julie 1966 in die Staatsdiens van die Republiek aangestel is en—		
in voorherseiene vakansie-verlofgroep I van die Staatsdiens van die Republiek was;	IA	38
of		
in die algemene B-afdeling van die Staatsdiens van die Republiek was, sodra hulle 15 jaar diens voltooi het;	IB	36
in voorherseiene vakansieverlofgroep II van die Staatsdiens van die Republiek was, tot dat hulle die toepaslike dienstrydperk vir insluiting in groep IA hierbo voltooi het;		
of	II	30
in voorherseiene vakansieverlofgroep III van die Staatsdiens van die Republiek was, sodra hulle 10 jaar diens voltooi het;		
in voorherseiene vakansieverlofgroep III van die Staatsdiens van die Republiek was, tot dat hulle 10 jaar diens voltooi het.....	II	30
(ii) Beamptes wat op of na 1 Julie 1966 in die Staatsdiens van die Republiek of in die Regeringsdiens aangestel is—		
sodra hulle 10 jaar diens voltooi het.....	IB	36
tot dat hulle 10 jaar diens voltooi het.....	II	30
(iii) Volttydse werknemers wat onderstaande diens voltooi het:		
Vyftien jaar of langer.....	II	30
Tien jaar of langer, maar minder as 15 jaar	III	24
Minder as 10 jaar.....	IV	18
(iv) Persone wat in diens is by 'n skool of opvoedkundige inrigting van die Regering en wat vir nie-oplopende verlof ooreenkomstig paragraaf (b) in aanmerking kom en wat—		
beamptes is.....	V	12
volttydse werknemers is.....	VI	6

(b) *Non-accumulative leave*.—Officers and full-time employees at a school or educational institution controlled by the Government and which close completely during periods when instruction is suspended may, during such periods, be granted non-accumulative leave with full pay not exceeding, in the aggregate, 70 days in each year ending on 31 December, subject to the following conditions:

(i) The leave shall accrue from the commencement and for the duration of the first school or institutional holidays after appointment and thereafter from the commencement and for the duration of each succeeding period of school or institutional holidays.

(ii) A head of department may, at his discretion, require an officer or employee to remain on duty during any period of school or institutional holidays: Provided that, where an officer or employee is so required to remain on duty, he may be credited, in addition to the vacation leave mentioned in paragraph (a) (iv), with accumulative leave equal to half the number of days for which he remained on duty during periods of school or institutional holidays: Provided further that an officer or employee shall not so be credited with more than 25 days' accumulative vacation leave in a year ending on 31 December.

(c) *Sick leave*.—[N.B.—Subparagraphs (i), (ii), (iv), (vi) and (vii) below shall also apply to officers and full-time employees who are employed at a school or educational institution controlled by the Government and who are required to remain on duty during all periods when instruction is suspended.]:

Classification	Group	Number of days in each cycle with	
		full pay	half pay
(i) All officers.....	A	120	120
(ii) Full-time employees who have completed 20 year's service or longer.....	B	90	90
(iii) Officers employed at a school or educational institution controlled by the Government and which close completely during periods when in struction is suspended			
(iv) Full-time employees who have completed 10 year's service or longer but less than 20 year's service.....	C	60	60
(v) Full-time employees employed at a school or educational institution controlled by the Government and which close completely during periods when instruction is suspended.....			
(vi) Full-time employees who have completed five year's service or longer but less than 10 year's service.....	D	30	30
(vii) Full-time employees who have completed less than five year's service.....	E	15	15

Contract employees

C6. (2) A person serving under contract shall, unless his service contract provides otherwise, be granted leave in accordance with these regulations and his grouping for leave purposes shall be determined in the same manner as that of a comparable officer or employee.

(b) *Nie-oplopende verlof*.—Aan beamptes en voltydse werknemers in diens by 'n skool of opvoedkundige inrigting onder beheer van die Regering en wat gedurende tydperke waartydens onderrig opgeskort word, geheel en al sluit, kan gedurende sodanige tydperke nie-oplopende verlof met volle betaling toegestaan word wat in die geheel nie 70 dae in elke jaar wat op 31 Desember eindig, oorskry nie, behoudens die volgende voorwaardes:

(i) Die verlof kom vanaf die begin en vir die duur van die eerste skool- of inrigtingsvakansie na aanstelling toe en daarna vanaf die begin en vir die duur van elke daaropvolgende skool- of inrigtingsvakansie.

(ii) 'n Departementshoof kan, na goeë dunks, vereis dat 'n beampte of werknemer gedurende enige skool- of inrigtingsvakansie tydperk op diens bly: Met dien verstande dat waar 'n beampte of werknemer aldus verplig word om op diens te bly, hy gekrediteer kan word met oplopende vakansieverlof, bo en behalwe die vakansieverlof in paragraaf (a) (iv) bedoel, gelyk aan die helfte van die getal dae wat hy gedurende skool- of inrigtingsvakansie tydperk op diens gebly het: Met dien verstande voorts dat 'n beampte of werknemer nie aldus met meer as 25 dae oplopende vakansieverlof in 'n jaar wat op 31 Desember eindig, gekrediteer mag word nie.

(c) *Siekteverlof* [L.W.—Subparagrafe (i), (ii), (iv), (vi) en (vii) hieronder is ook van toepassing op beamptes en voltydse werknemers wat in diens is by 'n skool of opvoedkundige inrigting onder beheer van die Regering en wat verplig is om gedurende alle tydperke waartydens onderrig opgeskort word, op diens te bly]:

Indeling	Groep	Getal dae in elke tydkring met—	
		volle betaling	halwe betaling
(i) Alle beamptes.....	A	120	120
(ii) Voltydse werknemers wat 20 jaar of langer diens voltooi het.....	B	90	90
(iii) Beamptes in diens by 'n skool of opvoedkundige inrigting onder beheer van die Regering en wat gedurende tydperke waartydens onderrig opgeskort word, geheel en al sluit.....			
(iv) Voltydse werknemers wat 10 jaar of langer, maar minder as 20 jaar diens voltooi het.....	C	60	60
(v) Voltydse werknemers in diens by 'n skool of opvoedkundige inrigting onder beheer van die Regering en wat gedurende tydperke waartydens onderrig opgeskort word, geheel en al sluit.....			
(vi) Voltydse werknemers wat vyf jaar of langer, maar minder as 10 jaar diens voltooi het.....	D	30	30
(vii) Voltydse werknemers wat minder as vyf jaar diens voltooi het....	E	15	15

Kontrakwerknemers

C6. (2) Aan 'n persoon wat onder kontrak dien, word, tensy sy dienskontrak anders bepaal, verlof toegestaan kragtens hierdie regulasies en sy groepering vir verlofdoeleindes word net so bepaal soos dié van 'n vergelykbare beampte of werknemer.

General provisions: Vacation leave

C7. (1) Subject to the provisions or regulation C18 (1), accumulative vacation leave, shall accrue in respect of each completed month of service at the rate of one-twelfth of the provision applicable to an officer or employee in terms of regulation C6 (1) (a).

C7. (2) If an officer or employee is transferred from one post to another and his transfer results in a change in his classification for leave purposes or if, for any reason other than his transfer, he passes from one vacation leave group to another—

(a) he shall retain the accumulative vacation leave which accrued during his service in the previous group or groups; and

(b) the accumulative vacation leave of the new group shall become applicable to him from the first day of the month during which such transfer or passing become effective;

unless the provisions of regulation C21 (2) apply to him.

C7. (3) A head of department may at any time require an officer or employee, and a Councillor may at any time require a head of department who is an officer to take the whole or a portion of the vacation and non-accumulative leave due to him: Provided that the maximum period of leave prescribed in subregulation (4) shall not be exceeded.

C7. (4) Except on the recommendation of the Commission an officer or employee shall not be granted vacation and non-accumulative leave in excess of 184 days in the aggregate in any period of 18 calendar months and any absence from duty for a longer period than this limit shall be covered by the granting of vacation leave without pay with due regard to the provisions of regulation C10 (1). For the purposes of this subregulation no account shall be taken of vacation leave granted in terms of regulation C11 (7) (a).

C7. (5) The accumulative vacation leave standing to the credit of an officer or employee on 1 January of each year shall be recorded in the leave register, and in the recording of such credit any portion of a day shall be regarded as one day.

Overgrant of vacation leave

C8. If an officer or employee has been granted vacation leave with full pay in excess of that which stood to his credit at the time, such overgrant may be deducted from vacation leave which subsequently accrues to him provided the head of a department is satisfied that the overgrant was made in good faith: Provided that, if such officer or employee resigns or his services are terminated before sufficient vacation leave has accrued to him for the purpose of such deduction, that portion of the overgrant which exceeds his vacation leave credit on his last day of service shall be regarded as an overpayment of salary which must be recovered or written off under competent authority.

Vacation leave in respect of persons transferred from other services

C9. (1) The transfer of an officer or employee from the Public Service of the Republic to the Government Service shall in no way affect the continuity of the accumulative vacation leave privileges of such an officer or employee who was transferred without a break in service and accumulated vacation leave shall remain to the credit of such officer or employee.

Algemene bepalinge: Vakansieverlof

C7. (1) Behoudens die bepalinge van regulasie C18 (1) was oplopende vakansieverlof, aan ten opsigte van elke voltooiende maand van diens en wel teen een twaalfde van die voorsiening wat kragtens regulasie C6 (1) (a) op 'n beampte of werknemer van toepassing is.

C7. (2) As 'n beampte of werknemer van een betrekking na 'n ander betrekking oorgeplaas word en sy oorpasing 'n verandering van sy groepering vir verlofdoeleindes meebring of as hy om enige ander rede as sy oorpasing van die een na die ander vakansieverlofgroep oorgaan—

(a) behou hy die oplopende vakansieverlof wat gedurende sy dienstydperk in die vorige groep of groepe aangewas het; en

(b) word die nuwe groep se oplopende vakansieverlof op hom van toepassing vanaf die eerste dag van die maand waarin sodanige oorpasing of oorgang van krag word;

teny die bepalinge van regulasie C21 (2) op hom van toepassing is.

C7. (3) 'n Departementshoof kan te eniger tyd van 'n beampte of werknemer vereis, en 'n Raadslid kan te eniger tyd van 'n departementshoof wat 'n beampte is, vereis, dat hy 'n gedeelte of die geheel van die vakansieverlof en nie-oplopende verlof wat hom toekom, neem: Met dien verstande dat die maksimum tydperk van verlof wat in subregulasie (4) voorgeskryf word, nie oorskry word nie.

C7. (4) Behalwe op aanbeveling van die Kommissie mag nie aan 'n beampte of werknemer vakansie- en nie-oplopende verlof van altesaam meer as 184 dae in enige tydperk van 18 maande toegestaan word nie en enige afwesigheid van diens bo hierdie beperking word gedek deur die toestaan van vakansieverlof sonder betaling met inagneming van die bepalinge van regulasie C10 (1). Vir doeleindes van hierdie subregulasie word vakansieverlof wat kragtens regulasie C11 (7) (a) toegestaan word, buite rekening gelaat.

C7. (5) Die oplopende vakansieverlof wat 'n beampte of werknemer op 1 Januarie van elke jaar tot sy krediet het, word in die verlofstaat aangeteken, en by die aantekening van sodanige krediet word enige gedeelte van 'n dag as een dag gereken.

Oortoekenning van vakansieverlof

C8. As daar aan 'n beampte of werknemer meer vakansieverlof met volle betaling toegestaan is as wat hy op daardie tydstip tot sy krediet gehad het, kan sodanige oortoekenning afgetrek word van vakansieverlof wat later aan hom toeval mits die departementshoof oortuig is dat die oortoekenning te goeder trou gedoen is: Met dien verstande dat as sodanige beampte of werknemer bedank of sy diensleë beëindig word voordat voldoende vakansieverlof vir die doel van sodanige aftrekking aan hom toegeval het, die gedeelte van die oortoekenning wat sy vakansieverlofkrediet op die laaste dag van sy diens oorskry, as 'n oorbetalings van salaris geag word wat of teruggevorder of met bevoegde magtigings afgeskryf moet word.

Vakansieverlof ten opsigte van persone oorgeplaas uit ander dienste

C9. (1) Die oorpasing van 'n beampte of werknemer uit die Staatsdiens van die Republiek na die Regeringsdiens raak in geen opsig die aaneenlopendheid van die oplopende vakansieverlofvoorregte van so 'n beampte of werknemer wat oorgeplaas is sonder 'n onderbreking in diens nie en opgelope vakansieverlof bly staan tot die krediet van sodanige beampte of werknemer.

C9. (2) The Commission may recommend that a person who is in full-time employment of an institution recognised by the Commission for the purposes of this regulation and who is transferred or appointed, without a break in service, to a post or position in which these regulations become applicable to him, shall retain the accumulative vacation leave standing to his credit on the day before his appointment or transfer, subject to the provisions of subregulation (3), and the previous service in respect of which the leave credit is carried forward, shall count as service for leave purposes: Provided that if this appointment or transfer is effected on a day other than the first day of a month, he shall retain the accumulative vacation leave which stood to his credit on the last day of the month preceding the month during which his appointment or transfer is effected, in which case these regulations shall become applicable to him on the first day of the month in which his appointment or transfer is effected: Provided further that if such leave would have become available for utilisation only after the completion of a specified period of service and such period of service is uncompleted on the date on which these regulations become applicable to the officer or employee, the credit may be calculated in proportion to the portion of the relative period of service which he has completed on the last-mentioned date, and the leave concerned may be granted forthwith.

C9. (3) In the application of the provision of subregulation (2) any portion of a day shall be regarded as one day when the accumulated vacation leave is placed to the credit of an officer or employee on the date on which these regulations become applicable to him.

Vacation leave without pay

C10. (1) If sound reason exist, the head of department may, at his discretion, but subject to the limits imposed by regulation C11 (5) (c), grant an officer or employee who has no vacation leave with pay to his credit, vacation leave without pay but not exceeding 184 days in the aggregate in any period of 18 calendar months. In exceptional cases the limitation imposed by this regulation may be waived on the recommendation of the Commission.

C10. (2) Unless the provisions of regulation C3 (4), C7 (4) or C18 (2) are to be applied, all vacation leave with full pay standing to an officer's or employee's credit shall first be exhausted before vacation leave without pay may be granted to him.

General provisions: Sick leave

C11. (1) Sick leave shall accrue to an officer or employee on the first day of a cycle and with effect from that day the full provision of the relative cycle may be granted to him if the other provisions of these regulations are complied with: Provided that no officer or employee shall be granted sick leave with full or half pay until he has completed 30 days' service reckoned from the date of his appointment and then only in respect of absences subsequent to the completion of such service.

C11. (2) If an officer or employee, during a cycle and without a break in service—

(a) passes to a group in which the sick leave provision is less favourable than that formerly applicable to him, he shall for the duration of the relative cycle, retain the sick leave provision formerly applicable to him; or

(b) passes to a group in which the sick leave provision is more favourable than previously, he shall

C9. (2) Die Kommissie kan aanbeveel dat 'n persoon wat voltyds in diens is van 'n liggaam wat vir die doel van hierdie regulasies deur die Kommissie erken word en wat sonder 'n onderbreking van diens oorgeplaas word na of aangestel word in 'n pos of betrekking waarin hierdie regulasies op hom van toepassing word, die oplopende vakansieverlof wat tot sy krediet gestaan het op die dag voor sy aanstelling op oorplasing behou, behoudens die bepalings van subregulasie (3), en die vorige diens ten opsigte waarvan die verlofkrediet oorgeplaas word, tel as diens vir verlofdoeleindes: Met dien verstande dat as sy aanstelling of oorplasing op 'n ander dag as die eerste dag van 'n maand bewerkstellig word, hy die oplopende vakansieverlof behou wat tot sy krediet gestaan het op die laaste dag van die maand wat die maand voorafgaan waarin sy aanstelling of oorplasing bewerkstellig word, in welke geval hierdie regulasies op die eerste dag van die maand waarin sy aanstelling of oorplasing bewerkstellig word, op hom van toepassing word: Met dien verstande voorts dat as sodanige verlof eers na voltooiing van 'n vasgestelde dienstydsperk vir benutting beskikbaar sou geword het, en sodanige dienstydsperk op die datum waarop hierdie regulasies op die beampte of werknemer van toepassing word, nog nie voltooi is nie, die krediet in verhouding tot die gedeelte van die betrokke dienstydsperk wat hy op laasgenoemde datum voltooi het, bereken kan word en die betrokke verlof onmiddellik toegestaan kan word.

C9. (3) By die toepassing van die bepalings van subregulasie (2) word enige gedeelte van 'n dag as een dag gereken wanneer die opgelope vakansieverlof tot 'n beampte of werknemer se krediet geplaas word op die datum waarop hierdie regulasies op hom van toepassing word.

Vakansieverlof sonder betaling

C10. (1) As gegronde redes daarvoor bestaan, kan die departementshoof na goeddunke, maar behoudens die beperkings wat deur regulasie C11 (5) (c) opgelê word, aan 'n beampte of werknemer wat geen vakansieverlof met betaling tot sy krediet het nie, vakansieverlof sonder betaling toestaan maar vir nie langer as altesaam 184 dae in enige tydperk van 18 kalendermaande nie. In uitsonderlike gevalle kan die beperking opgelê deur hierdie regulasie opgehef word op aanbeveling van die Kommissie.

C10. (2) Tensy die bepalings van regulasie C3 (4), C7 (4) of C18 (2) toegepas moet word, moet alle vakansieverlof met volle betaling wat 'n beampte of werknemer tot sy krediet het eers uitgeput wees voordat vakansieverlof sonder betaling aan hom toegestaan mag word.

Algemene bepalings: Siekteverlof

C11. (1) Siekteverlof val toe aan 'n beampte of werknemer op die eerste dag van 'n tydkring, en met ingang van daardie dag kan die volle voorsiening vir die betrokke tydkring aan hom toegestaan word, mits aan die ander bepalings van hierdie regulasies voldoen word: Met dien verstande dat aan geen beampte of werknemer siekteverlof met volle of halwe betaling toegestaan mag word voordat hy 30 dae diens gereken na sy datum van aanstelling voltooi het nie en dan slegs ten opsigte van afwesighede na die voltooiing van sodanige diens.

C11. (2) As 'n beampte of werknemer gedurende 'n tydkring sonder onderbreking van diens—

(a) oorgaan na 'n groep waarin die siekteverlofvergunning minder gunstig is as dié wat voorheen op hom van toepassing was, behou hy vir die duur van die betrokke tydkring die siekteverlofvergunning wat voorheen op hom van toepassing was; of

(b) oorgaan na 'n groep waar die siekteverlofvergunning gunstiger is as voorheen, verwerf hy onmiddellik

immediately acquire the sick leave provision of the new group, less any paid sick leave already used by him during the relative cycle;

unless the provisions of regulation C21 (2) apply to him.

C11. (3) Unused sick leave prescribed for a particular cycle shall lapse at the end of that cycle and shall not be carried forward to the next cycle.

C11. (4) If an officer or employee who has been granted the maximum amount of sick leave provided for in these regulations, is not yet able, for health reasons, to resume his duties, the head of department—

(a) on the submission to him of a satisfactory certificate by a registered medical practitioner or a registered dentist; and

(b) if he is satisfied that the officer or employee at that particular time is not permanently unfit to resume his normal duties; and

(c) if the officer or employee has no vacation leave to his credit, excluding vacation leave mentioned in regulation C18 (2);

may, at his discretion, grant such officer or employee further sick leave with half pay not exceeding 92 days in the aggregate in any one cycle. Such grant may be made in respect of separate periods of absence and in respect of different kinds of illnesses.

C11. (5) (a) If an officer or employee has used his paid sick leave provided for in these regulations, he may, notwithstanding the provisions of subregulation (7), be granted sick leave without pay not exceeding 365 days in the aggregate in any particular cycle.

(b) The grant in terms of paragraph (a) may be made irrespective of whether the officer or employee has been granted additional sick leave with half pay in terms of subregulation (4).

(c) If an officer or employee has been granted the sick leave without pay provided for in this subregulation, he shall not, during the particular cycle, be granted any further leave, of whatever nature, to cover his absence from duty owing to illness, except on the recommendation of the Commission.

C11. (6) (a) The granting of an officer or employee of sick leave without pay in terms of subregulation (5) shall be subject to the submission by him to the head of department of a satisfactory certificate of indisposition in respect of each absence which exceeds three days.

(b) The provisions of regulations C12 (4) and C12 (5) shall apply in respect of absences which do not exceed three days.

C11. (7) (a) An officer or employee may, on application in writing, be granted any vacation leave which he may have to his credit, in lieu of sick leave with half pay or sick leave without pay: Provided that—

(i) such application is submitted not later than three calendar months after he has resumed duty;

(ii) the number of days vacation leave so granted shall not exceed 365 days in the aggregate in any cycle; and

(iii) the head of department shall be satisfied that the officer or employee concerned is not at that stage permanently unfit for the resumption of his normal duties.

die siekteverlofvergunning van die nuwe groep min enige betaalde siekteverlof wat hy reeds gedurende die betrokke tydkring gebruik het;

tensy die bepalings van regulasie C21 (2) op hom van toepassing is.

C11. (3) Ongebruikte siekteverlof wat vir 'n bepaalde tydkring voorgeskryf is, vervel aan die einde van die betrokke tydkring en kan nie na die volgende tydkring oorgedra word nie.

C11. (4) As aan 'n beamppte of werknemer die maksimum hoeveelheid siekteverlof waarvoor in hierdie regulasies voorsiening gemaak is, toegestaan is, en hy weens gesondheidsredes nog nie in staat is om sy pligte te hervat nie, kan die departementshoof—

(a) by die voorlegging aan hom van 'n bevredigende sertifikaat van 'n geregistreerde geneesheer of 'n geregistreerde tandarts; en

(b) as hy oortuig is dat die beamppte of werknemer op die betrokke tydperk nie permanent ongeskik is vir die hervatting van sy normale pligte nie; en

(c) as die beamppte of werknemer geen vakansieverlof tot sy krediet het nie, uitgesonderd vakansieverlof in regulasie C18 (2) gemeld;

na goedgekeurde verdere siekteverlof met halwe betaling aan sodanige beamppte of werknemer toeken vir altesaam hoogstens 92 dae in enige besondere tydkring. Sodanige toekenning kan gedoen word ten opsigte van afsonderlike tydperke van afwesigheid en ten opsigte van ongesteldhede van verskillende aard.

C11. (5) (a) Aan 'n beamppte of werknemer wat sy betaalde siekteverlof waarvoor in hierdie regulasies voorsiening gemaak is, opgebruik het, kan, ondanks die bepalings van subregulasie (7), siekteverlof sonder betaling toegestaan word vir altesaam hoogstens 365 dae in enige besondere tydkring.

(b) Die toekenning kragtens paragraaf (a) kan gedoen word ongeag of addisionele siekteverlof met halwe betaling kragtens subregulasie (4) aan die beamppte of werknemer toegestaan is.

(c) As die siekteverlof sonder betaling waarvoor in hierdie subregulasie voorsiening gemaak word, aan 'n beamppte of werknemer toegestaan is, mag geen verdere verlof, van watter aard ook al, gedurende die betrokke tydkring aan hom toegestaan word om sy afwesigheid van diens weens siekte te dek nie, behalwe op aanbeveling van die Kommissie.

C11. (6) (a) Die toekenning aan 'n beamppte of werknemer van siekteverlof sonder betaling kragtens subregulasie (5) is onderworpe aan die voorlegging deur hom aan die departementshoof van 'n bevredigende sertifikaat van ongesteldheid ten opsigte van elke afwesigheid van langer as drie dae.

(b) Ten opsigte van afwesighede wat nie drie dae oorskry nie, is die bepalings van regulasies C12 (4) en C12 (5) van toepassing.

C11. (7) (a) Aan 'n beamppte of werknemer kan, op sy skriftelike aansoek, enige vakansieverlof wat hy tot sy krediet het, toegestaan word in plaas van siekteverlof met halwe betaling of siekteverlof sonder betaling: Met dien verstande dat—

(i) sodanige aansoek nie later nie as drie kalendermaande nadat hy diens hervat het, ingedien word;

(ii) die getal dae vakansieverlof wat aldus toegestaan word nie altesaam 365 dae in enige tydkring oorskry nie;

(iii) die departementshoof oortuig moet wees dat die betrokke beamppte of werknemer op die betrokke tydperk nie permanent ongeskik is vir die hervatting van sy normale pligte nie.

(b) Once the vacation leave referred to has been granted to an officer or employee and he has received payment in respect thereof, such leave shall not be reconverted into sick leave with half pay or without pay.

C11. (8) (a) If an officer or employee to whom vacation leave has been granted, becomes ill after he has left his duties to proceed on vacation leave, that portion of the vacation leave referred to in respect of which he submits a certificate by a registered medical practitioner or a registered dentist which complies with the requirements prescribed in regulation C12, may be converted into sick leave, provided the necessary sick leave is available in terms of these regulations.

(b) Vacation leave without pay shall not be converted into sick leave.

Granting of sick leave

C12. (1) Sick leave shall be granted only in respect of the absence from duty of an officer or employee owing to an illness, indisposition or injury not due to his misconduct or failure to take reasonable precautions.

C12. (2) Sick leave may be granted in respect of nervous complaints, insomnia, debility and similar ill-defined illness or indispositions only if the head of department is satisfied that the applicant's state of health—

(a) incapacitate him for duty; and

(b) does not arise from his failure to take vacation leave.

C12. (3) (a) A head of department may at any time require an officer or employee to submit to an examination by one or more registered medical practitioners or registered dentists nominated by the head of department.

(b) The expenses in connection with such examination shall be met from the Revenue Fund.

C12. (4) (a) If an officer or employee is absent from duty for a continuous period of more than three days owing to illness, he may be granted sick leave only if he furnishes the head of department with a certificate by a registered medical practitioner or a registered dentist which clearly describes the nature of the illness, which states that he is not capable of performing his official duties, and in which is indicated the period necessary for his recuperation.

(b) The head of department may, at his discretion require the submission of a similar certificate in respect of periods of three days or less.

(c) If the head of department is satisfied that the absence of the officer or employee is bona fide due to illness and that there are good reasons for the non-submission of a certificate of indisposition, he may waive the submission of such certificate by the officer or employee in respect of sick leave for a continuous period not exceeding 14 days. Such exemption shall be endorsed on the leave application.

C12. (5) Sick leave, with or without pay, in respect of which a certificate referred to in subregulation (4) is not submitted, may be granted only for an aggregate of 10 days during any year ending on 31 December and any further absences shall be covered by the granting of vacation leave with full pay or, if the officer or employee has no vacation leave to his credit, of vacation leave without pay. The provisions of this subregulation shall not apply to periods of absence in respect of which exemption in terms of subregulation (4) (c) has been granted and such periods shall not be taken into account in the determination of the 10 days.

(b) As bedoelde vakansieverlof aan 'n beamppte of werknemer toegestaan is en hy ten opsigte daarvan betaling ontvang het, mag sodanige verlof nie weer in siekteverlof met halwe betaling of sonder betaling omgesit word nie.

C11. (8) (a) As 'n beamppte of werknemer aan wie vakansieverlof toegestaan is, siek word nadat hy reeds sy diens verlaat het om met vakansieverlof te gaan, kan daardie gedeelte van bedoelde vakansieverlof ten opsigte waarvan hy 'n sertifikaat van 'n geregistreerde geneesheer of 'n geregistreerde tandarts indien wat aan die vereistes voorgeskryf in regulasie C12 voldoen in siekteverlof omgeskep word mits die nodige siekteverlof kragtens hierdie regulasies beskikbaar is.

(b) Vakansieverlof sonder betaling mag nie in siekteverlof omgeskep word nie.

Toestaan van siekteverlof

C12. (1) Siekteverlof word toegestaan slegs in verband met 'n beamppte of werknemer se afwesigheid van diens weens 'n siekte, ongesteldheid of besering wat nie te wyte is aan sy wangedrag of gebrek aan behoorlike voorsorg nie.

C12. (2) In verband met senuwee-aandoenings, slape-loosheid, swakte en dergelike minder goed omskrewe siektes of ongesteldhede word siekteverlof toegestaan slegs as die hoof van die departement oortuig is dat die applikant se gesondheidstoestand—

(a) hom ongeskik maak vir sy werk; en

(b) nie voortvloei uit sy versuim om van vakansieverlof gebruik te maak nie.

C12. (3) (a) Die departementshoof kan te eniger tyd eis dat 'n beamppte of werknemer hom onderwerp aan 'n ondersoek deur een of meer geregistreerde geneesheer deur die departementshoof aangewys.

(b) Die onkoste verbonde aan sodanige ondersoek word uit inkomstefonds betaal.

C12. (4) (a) As 'n beamppte of werknemer weens siekte van diens afwesig is vir 'n aaneenlopende tydperk van langer as drie dae kan siekteverlof aan hom toegestaan word slegs as hy 'n sertifikaat van 'n geregistreerde geneesheer of 'n geregistreerde tandarts wat duidelik die aard van die siekte omskryf, wat verklaar dat hy nie in staat is om sy ampspligte waar te neem nie en wat aantoon watter tydperk nodig is vir sy herstel, by sy departementshoof indien.

(b) Die departementshoof kan na goeë dunde eis dat 'n dergelike sertifikaat ook ten opsigte van tydperke van drie dae of minder ingedien word.

(c) Indien die departementshoof daarvan oortuig is dat die beamppte of werknemer se afwesigheid bona fide te wyte is aan siekte en dat daar goeie redes bestaan waarom 'n sertifikaat van ongesteldheid nie ingedien is nie, kan hy die beamppte of werknemer van die indiening van sodanige sertifikaat vrystel ten opsigte van 'n aaneenlopende tydperk van siekteverlof van nie langer as 14 dae nie. Sodanige vrystelling moet op die verlofaansoek geëndoseer word.

C12. (5) Siekteverlof met of sonder betaling ten opsigte waarvan 'n sertifikaat in subregulasie (4) bedoel nie ingedien is nie, kan toegestaan word slegs vir altesaam 10 dae gedurende enige jaar eindigende op 31 Desember en enige verdere afwesighede moet gedek word deur die toestaan van vakansieverlof met volle betaling, of as die beamppte of werknemer geen vakansieverlof tot sy krediet het nie, van vakansieverlof sonder betaling. Die bepalinge van hierdie subregulasie is nie van toepassing op tydperke van afwesigheid ten opsigte waarvan vrystelling kragtens subregulasie (4) (c) verleen is nie, en sodanige tydperke word ook nie ingereken by die vasstelling van die 10 dae nie.

C12. (6) Notwithstanding the submission of a certificate as defined in subregulation (4) the head of department may, at his discretion, refuse to grant sick leave with pay in respect of any absence from duty to which the certificate relates, and in such case the absence shall be regarded as unauthorised and the provisions of regulation C3 (4) shall apply.

Special sick leave

C13. (1) An officer or employee who is absent from duty owing to an injury sustained in an accident arising out of and in the course of and as a result of his duties, may be granted special sick leave with full pay for the period he is incapacitated for his normal duties or, if the case falls within the scope of the Workmen's Compensation Act, 1941, as amended, special sick leave with pay equal to the difference between full pay and the compensation payable to him in terms of that Act in the form of periodical payments of his monthly earnings.

C13. (2) Special sick leave in terms of this regulation shall not be granted if the head of department is of opinion that the accident is attributable to the serious and wilful misconduct of the officer or employee.

C13. (3) The provision of regulations C12 (3), C12 (4) and C12 (5) shall apply *mutatis mutandis* to the granting of special sick leave.

Special leave with full pay

C14. (1) Special leave with full pay may be granted to an officer or employee—

(a) when he sits for any examination prescribed by the Act, an examination of a recognised university within the Republic, any law examination of the Public Service of the Republic and any other examination which the Commission may indicate;

(b) when he is absent from duty as a result of segregation or isolation on medical instructions where he was in contact with a person who has contracted, or is suspected of having contracted an infectious or contagious disease: Provided that the granting of special leave under this paragraph shall be subject to the submission of a certificate by a registered medical practitioner indicating the period of and reason for segregation or isolation;

(c) when he is arrested or has to appear before court on a criminal charge and he is subsequently acquitted or the charge withdrawn;

(d) when, as a member of a staff association which has been officially recognised in terms of the rules prescribed in terms of regulation J6, he is permitted to attend meetings of departmental promotion committees as an observer, and as a result of such attendance he is absent from duty for one or more full working days;

(e) when he is selected by a recognised amateur sports association to—

(i) take part, as a member of an organised sports group, in a sports tour outside the Republic and kwaZulu, whether as a competitor, coach or manager; or

(ii) represent South Africa, and note merely a club or province, as a competitor, coach or manager at international sporting events within the Republic or kwaZulu; or

(iii) accompany a foreign national team visiting the Republic or kwaZulu, as a representative of the South African sports association organising the tour.

C12. (6) Ondanks die indiening van 'n sertifikaat soos in subregulasie (4) omskryf, kan die departementshoof na goeëdunke weier om siekteverlof met betaling toe te staan ten opsigte van enige afwesigheid van diens waarop die sertifikaat betrekking het, en in so 'n geval word die afwesigheid as ongemagtig beskou en is die bepalings van regulasie C3 (4) ten opsigte daarvan van toepassing.

Spesiale siekteverlof

C13. (1) Aan 'n beampte of werknemer wat van diens afwesig is weens 'n besering wat voortspruit uit 'n ongeval wat uit sy diens ontstaan en in die loop daarvan plaasvind of wees 'n siekte wat in die loop van en as gevolg van sy diens opgedoen is, kan spesiale siekteverlof met volle betaling toegestaan word vir die tydperk wat hy nie geskik is om sy gewone pligte uit te voer nie, of, indien die geval binne die bestek van die Ongevallewet, 1941, soos gewysig, val, spesiale siekteverlof met betaling gelykstaande met die verskil tussen volle betaling en die skadeloosstelling wat aan hom kragtens daardie Wet by wyse van periodieke uitkerings van sy maandelikse verdienste betaalbaar is.

C13. (2) Spesiale siekteverlof kragtens hierdie regulasie word nie toegestaan as die departementshoof van oordeel is dat die ongeval aan die ernstige en opsetlike wangedrag van die beampte of werknemer toe te skryf is nie.

C13. (3) Die bepalings van regulasies C12 (3), C12 (4) en C12 (5) is *mutatis mutandis* van toepassing op die toestaan van spesiale siekteverlof.

Spesiale verlof met volle betaling

C14. (1) Spesiale verlof met volle betaling kan aan 'n beampte of werknemer toegestaan word—

(a) wanneer hy enige eksamen voorgeskryf by die Wet, 'n eksamen van 'n erkende universiteit binne die Republiek, enige regseksamen van die Staatsdiens en enige ander eksamen wat die Kommissie mag aanwys, aflê;

(b) wanneer hy van diens afwesig is as gevolg van afsondering of isolasie kragtens geneeskundige instruksies waar hy in aanraking was met 'n persoon wat 'n besmetlike of aansteeklike siekte opgedoen of vermoedelik opgedoen het. Die toestaan van spesiale verlof kragtens hierdie paragraaf is onderworpe aan die indiening van 'n sertifikaat van 'n geregistreerde geneesheer wat die tydperk en oorsaak van afsondering of isolasie aandui;

(c) wanneer hy gevange geneem is of voor die hof moet verskyn op 'n aanklag van misdaad en later vrygespreek of die aanklag teruggetrek word;

(d) wanneer hy as lid van 'n personeelvereniging, wat amptelik kragtens die reëls voorgeskryf ingevolge regulasie J6 erken word, toegelaat word om vergaderings van departementele bevorderingskomitees as waarnemer by te woon en hy as gevolg van sodanige bywoning vir een of meer volle werkdade van diens afwesig is; en

(e) wanneer hy deur 'n erkende amateursportvereniging gekies word om—

(i) as lid van 'n georganiseerde sportgroep, hetsy as 'n deelnemer, afrigter of bestuurder, aan 'n sporttoer buite die Republiek en die gebied mee te doen; of

(ii) Suid-Afrika, en nie slegs 'n klub of provinsie nie, by internasionale sportwedstryde binne die Republiek of kwaZulu as deelnemer, afrigter of bestuurder te verteenwoordig; of

(iii) 'n buitelandse nasionale span wat die Republiek of kwaZulu besoek, as verteenwoordiger van die Suid-Afrikaanse sportliggaam wat die toer reël, te vergesel.

C14. (2) Special leave granted in terms of subregulation (1) may include any period actually and necessarily occupied in travelling for the purpose for which the leave is granted.

C14. (3) The provisions of subregulation (1), (d), (e) and (f) is applicable to employees whose conditions of service is in compliance with the provisions as determined by industrial and similar agreements.

Leave for study purposes

C15. Leave may be granted to an officer or employee for study purposes on the basis and conditions approved by the Director of Authority Affairs and Finance on the recommendation of the Commission.

Days of rest

C16. (1) A day of rest shall not be regarded as leave and shall not be recorded as such in the leave register: Provided that a day of rest, or two or more consecutive days of rest—

(a) falling within a period of leave, shall be regarded as leave falling under the same heading, according to the classification in regulation C5 (1), as the leave preceding and succeeding such day or days of rest;

(b) falling between a period of authorised vacation or non-accumulative leave and a period of sick leave (or vice versa) shall be regarded as vacation leave, unless the officer or employee concerned produces evidence that he was actually ill on such day or days of rest, in which case it shall be regarded as sick leave;

(c) falling between a period of authorised vacation, non-accumulative or special leave and a period of authorised vacation leave (or vice versa), shall be regarded as vacation leave with full pay, if available or else vacation leave without pay; and

(d) falling between a period of sick leave and a period of unauthorised vacation leave (or vice versa), shall be regarded as vacation leave with full pay, if available, or else vacation leave without pay, unless the officer or employee concerned produces evidence that he was actually ill on such day or days of rest, in which case it shall be regarded as sick leave.

C16. (2) If an officer or employee who is called upon to report for duty on a day of rest fails to do so, such day of rest shall be regarded as vacation leave without pay, unless he is prevented from reporting for duty by circumstances which are acceptable to the head of department.

C16. (3) An officer or employee shall not be paid salary or wage in respect of a day of rest unless he is entitled to such payment for the day in terms of his conditions of service.

Payment of allowances, etc., during leave

C17. The continuance or cessation of the payment to an officer or employee of allowances or remuneration other than salary or wage and the liability of an officer or employee for payments due to the Government in respect of goods supplied or services rendered by the Government during periods of leave shall be subject to the provisions of the regulations applicable thereto and directions issued by the Commission or the Director of Authority Affairs and Finance on the recommendation of the Commission in connection therewith.

Leave which counts for leave purposes

C18. (1) All leave, of whatever nature, with full or part pay, and vacation and sick leave without pay not exceeding 15 days in the aggregate in a month, shall

C14. (2) Spesiale verlof wat ooreenkomstig subregulasie (1) toegestaan word, kan enige tydperk werklik en noodsaaklikerwys deurgebring met reise vir doeleindes waarvoor die verlof toegestaan word, insluit.

C14. (3) Die bepalings van subregulasie (1), (d), (e) en (f) is van toepassing op werknemers wie se diensvoorwaardes in ooreenstemming met die bepalings van nywerheids- en dergelike ooreenkomste vasgestel is.

Verlof vir studiedoeleindes

C15. Verlof kan vir studiedoeleindes op dié grondslag en voorwaardes wat die Direkteur van Owerheidsake en Finansies op aanbeveling van die Kommissie goedkeur, aan 'n beamppte of werknemer toegestaan word.

Rusdae

C16. (1) 'n Rusdag word nie geag verlof te wees nie en word nie in die verlofstaat as sodanige aangeteken nie: Met dien verstande dat 'n rusdag, of twee of meer opeenvolgende rusdae—

(a) wat binne 'n tydperk van verlof val, geag word verlof te wees wat onder dieselfde hoof volgens die indeling in regulasie C5 (1) val as die verlof wat sodanige rusdag of rusdae voorafgaan en daarop volg;

(b) wat tussen 'n tydperk van gemagtigde vakansie of nie-oplopende verlof en 'n tydperk van siekteverlof (of omgekeerd) val, geag word vakansieverlof te wees, tensy die betrokke beamppte of werknemer bewys lewer dat hy werklik op sodanige rusdag of rusdae siek was, in welke geval dit geag word siekteverlof te wees;

(c) wat tussen 'n tydperk van gemagtigde vakansie-, nie-oplopende- of spesiale verlof en 'n tydperk van ongemagtigde vakansieverlof (of omgekeerd) val, geag word vakansieverlof met volle betaling, indien beskikbaar, of andersins vakansieverlof sonder betaling te wees; en

(d) wat tussen 'n tydperk van siekteverlof en 'n tydperk van opgemagtigde vakansieverlof (of omgekeerd) val, geag word vakansieverlof met volle betaling, indien beskikbaar, of andersins vakansieverlof sonder betaling te wees, tensy die betrokke beamppte of werknemer bewys lewer dat hy werklik op sodanige rusdag of rusdae siek was, in welke geval dit geag word siekteverlof te wees.

C16. (2) As 'n beamppte of werknemer aangesê word om hom op 'n rusdag vir diens aan te meld en hy in gebreke bly om dit te doen, word sodanige rusdag geag vakansieverlof sonder betaling te wees, tensy hy weens omstandighede wat vir die departementshoof aanneemlik is, verhinder word om hom vir diens aan te meld.

C16. (3) 'n Beamppte of werknemer word nie salaris of loon ten opsigte van 'n rusdag betaal nie tensy hy kragtens sy diensvoorwaardes op betaling vir die dag geregtig is.

Betaling van toelaes, ens., tydens verlof

C17. Die voortsetting of staking van die betaling aan 'n beamppte of werknemer van toelaes of ander besoldiging as sy salaris of loon en die aanspreeklikheid aan 'n beamppte of werknemer vir die betaling aan die Regering van gelde vir goedere of dienste deur die Regering gelewer gedurende tydperke van verlof is onderworpe aan die bepalings van die regulasies wat daarop van toepassing is en opdragte wat deur die Kommissie of deur die Direkteur van Owerheidsake en Finansies op aanbeveling van die Kommissie, daaromtrent uitgereik is.

Verlof wat vir verlofdoeleindes tel

C18. (1) Alle verlof, van watter aard ook al, met volle of gedeeltelike betaling, en vakansie- en siekteverlof sonder betaling van altesaam hoogstens 15 dae in 'n

count for the purpose of leave accrual. If the leave without pay exceeds the number of days mentioned herein—

(a) the month in which such excess occurs, shall not be regarded as service for the purposes of regulation C7 (1); and

(b) the provision in respect of sick leave with full pay and sick leave with half pay which applies to an officer or employee in terms of regulation C6 (1), shall be reduced by one thirty-sixth in respect of each month in which such excess occurs, which reduction shall be made from the provision of the cycle in which the excess occurs, or, if the available sick leave for the relative cycle has already been used, from the provision of the next succeeding cycle.

C18. (2) Vacation leave which, in terms of subregulation (1), accrued during a period of vacation leave without pay or sick leave without pay, shall not be granted to an officer or employee until he has resumed his duties after his absence on vacation or sick leave without pay, and then only in respect of absences after such resumption of duty.

C18. (3) Vacation leave without pay and sick leave without pay shall count as service for the purpose of determining an officer's or employee's leave group under regulation C6.

Leave counts for the purpose of salary increments

C19. All leave, of whatever nature, whether with or without pay, shall count for the purpose of salary increments, unless the Commission directs otherwise.

Lapse of granted leave on termination of service

C20. (1) Immediately an officer or employee gives notice of resignation or a female officer gives notice of her contemplation of marriage, any leave with pay which at the time may already have been granted for a period or periods as from or after the date of such notice, or if the notice is undated, as from or after the date the notification is received by the head of the office, shall lapse and any absences from duty on or after the date referred to shall be regarded as vacation leave without pay: Provided that the provisions of this subregulation shall—

(a) apply only in respect of absences during an officer's or employee's last 30 days of service; and

(b) not apply to—

(i) sick leave;

(ii) special leave granted in terms of regulation C14 (1) (b) or (c);

(iii) vacation leave granted in terms of regulation C11 (7); and

(iv) an employee whose contract of service or letter of appointment contains a clause expressly providing that his services may be terminated on 24 hours' notice on either side, but who nevertheless gives more than 24 hours' notice of resignation.

C20. (2) (a) If an officer's or employee's services terminate for any reason other than that mentioned in subregulation (1), any leave of absence which at that time may already have been granted to him for a period or periods after the date of termination of his services, shall lapse.

maand, tel vir die doel van verlofaanwas. As die verlof sonder betaling die hierin gemelde getal dae oorskry, word—

(a) die maand waarin sodanige oorskryding plaasvind, nie as diens vir die doeleindes van regulasie C7 (1) gereken nie; en

(b) die voorsiening ten opsigte van siekteverlof met volle betaling en siekteverlof met halwe betaling wat kragtens regulasie C6 (1) (c) op 'n beampte of werknemer van toepassing is, met een ses-en-dertigste ten opsigte van elke maand waarin sodanige oorskryding plaasvind, verminder en hierdie vermindering word aangebring aan die voorsiening vir die tydkring waarin die oorskryding voorkom, of, as die beskikbare siekteverlof van die betrokke tydkring reeds gebruik is, aan die voorsiening vir die eersvolgende tydkring.

C18. (2) Vakansieverlof wat kragtens subregulasie (1) aanwas gedurende 'n tydperk van vakansieverlof sonder betaling of siekteverlof sonder betaling mag nie aan 'n beampte of werknemer toegestaan word voordat hy, na sy afwesigheid met vakansie- of siekteverlof sonder betaling, weer sy dienste hervat het nie en dan slegs ten opsigte van afwesighede na sodanige hervatting van diens.

C18. (3) Vakansieverlof sonder betaling en siekteverlof sonder betaling tel as diens vir die vasstelling van die indeling van 'n beampte of werknemer by 'n verlofgroep kragtens regulasie C6.

Verlof tel vir salarisverhogingsdoeleindes

C19. Alle verlof, van watter aard ook al, hetsy met of sonder betaling, tel vir salarisverhogingsdoeleindes, tensy die Kommissie anders gelas.

Verval van toegestane verlof by beëindiging van diens

C20. (1) Sodra 'n beampte of werknemer kennis gee van bedanking of sodra 'n vroulike beampte kennis gee van haar voorneme om in die huwelik te tree, verval enige verlof met betaling wat op daardie tydstip reeds toegestaan mag wees vir 'n tydperk of tydperke vanaf of na die datum van sodanige kennisgewing, of indien die kennisgewing nie gedateer is nie, vanaf of na die datum van ontvangs daarvan deur die hoof van die kantoor, en word alle afwesighede van diens op of na bedoelde datum geag vakansieverlof sonder betaling te wees: Met dien verstande dat die bepalinge van hierdie subregulasie—

(a) van toepassing is slegs ten opsigte van afwesighede gedurende die laaste 30 dae van 'n beampte of werknemer se diens; en

(b) nie van toepassing is nie op—

(i) siekteverlof;

(ii) spesiale verlof wat kragtens regulasie C14 (1) (b), (c) of (d) toegestaan word;

(iii) vakansieverlof wat kragtens regulasie C11 (7) toegestaan word; en

(iv) 'n werknemer wie se dienskontrak of aanstellingsbrief 'n klousule bevat wat uitdruklik bepaal dat sy dienste met wedersydse kennisgewing van 24 uur beëindig kan word, maar wat desnieteenstaande langer as 24 uur kennis van sy bedanking gee.

C20. (2) (a) As 'n beampte of werknemer se dienste om enige ander rede as dié in subregulasie (1) genoem, eindig, verval enige afwesigheidsverlof wat op daardie tydstip reeds toegestaan mag wees vir 'n tydperk of tydperke na die datum van sy diensbeëindiging.

(b) The period of service of an officer or employee may not be extended in order to enable him to utilise leave which may have been granted to him.

Lapse of accumulated leave on termination of service

C21. (1) If—

(a) an officer retires from a post or relinquishes a permanent appointment or if his permanent appointment is terminated for any reason whatsoever; or

(b) an employee relinquishes a temporary appointment or if his temporary appointment is terminated for any reason whatsoever, excluding an employee appointed in a permanent capacity without a break in service; any accumulated leave standing to his credit on the date on which his services terminate shall lapse, subject to the provisions of regulation C2 (3).

C21. (2) If a person referred to in—

(a) subregulation (1) (a) is reappointed, with or without a break in service, in a permanent or temporary capacity; or

(b) subregulation (1) (b)—

(i) is reappointed, with or without a break in service, in a temporary capacity; or

(ii) is reappointed, with a break in service, in a permanent capacity;

such reappointment shall be regarded as a new appointment for all purposes of these regulations, his previous service shall not count as service for leave purposes, and accumulated leave which has lapsed in terms of subregulation (1), shall not be placed to his credit again.

Exceptional cases

C22. In the event of circumstances arising which justify a departure from the provisions of this Chapter, the head of department may grant leave to an officer or employee or classes of officers or employees on such conditions as the Commission may recommend. The Commission may also, at its discretion, prescribe special leave privileges for an officer or employee or classes of officers or employees and also make recommendations in connection with leave matters which are not covered by these regulations or which result in a departure from the provisions of these regulations.

CHAPTER D

SUBSISTENCE, CAMP AND SPECIAL ALLOWANCES

Daily rates of subsistence allowance

D1. (1) Subject to the provisions of regulation D2 and save where other special provisions is made in this Chapter, or unless accommodation or subsistence allowance is otherwise provided or paid by the Government or where an officer or employee during his absence from his headquarters stays at home, the head of the department may pay to an officer or employee who is necessarily absent from his headquarters for a period of 24 hours or longer on official duty in the Republic, or kwaZulu including the travelling time, subsistence allowance at the rate recommended by the Commission.

D1. (2) Save where other special provision is made in this Chapter or unless accommodation or subsistence allowance is otherwise provided or paid by the Government, the head of department may reimburse an officer

(b) 'n Beampte of werknemer se dienstydkperk mag nie verleng word ten einde hom in staat te stel om gebruik te maak van verlof wat aan hom toegestaan mag gewees het nie.

Verval van opgelope verlof by beëindiging van diens

C21. (1) As—

(a) 'n beampte aftree uit 'n pos of 'n permanente betrekking neerlê of as sy permanente aanstelling beëindig word om watter rede ook al; of

(b) 'n werknemer 'n tydelike betrekking neerlê of as sy tydelike aanstelling beëindig word om watter rede ook al, uitgesonderd 'n werknemer wat sonder onderbreking van diens in 'n permanente hoedanigheid aangestel word;

verval enige opgelope verlof wat tot sy krediet staan op die datum waarop sy dienste eindig, behoudens die bepalings van regulasie C2 (3).

C21. (2) As 'n—

(a) persoon in subregulasie (1) (a) bedoel met of sonder onderbreking van diens in 'n permanente of tydelike hoedanigheid heraangestel word; of

(b) persoon in subregulasie (1) (b) bedoel—

(i) met of sonder onderbreking van diens in 'n tydelike hoedanigheid heraangestel word; of

(ii) met onderbreking van diens in 'n permanente hoedanigheid heraangestel word;

word sodanige heraanstelling vir alle doeleindes van hierdie regulasies as 'n nuwe aanstelling beskou, tel sy vorige diens nie as diens vir verlofdoeleindes nie, en opgelope verlof wat ingevolge subregulasie (1) verval het, word nie weer tot sy krediet geplaas nie.

Buitengewone gevalle

C22. As daar omstandighede ontstaan wat 'n afwyking van die bepalings van hierdie hoofstuk regverdig, mag die departementhoof aan 'n beampte of werknemer of klasse beamptes of werknemers verlof toestaan op dié voorwaardes wat die Kommissie aanbeveel. Die Kommissie kan ook na goeie dinge spesiale verlofvoorregte vir 'n beampte of werknemer of klasse beamptes of werknemers voorskryf, asook aanbevelings doen in verband met verlofaangeleenthede wat nie deur hierdie regulasies gedek word nie of wat 'n afwyking van die bepalings van hierdie regulasies meebring.

HOOFSTUK D

VERBLYF-, KAMP- EN SPESIALE TOELAES

Daaglikse tariewe vir verblyftoelae

D1. (1) Behoudens die bepalings van regulasie D2 en uitgesonderd waar in hierdie Hoofstuk ander spesiale voorsiening gemaak word, of tensy herberg of verblyftoelae van Regeringsweë op 'n ander manier verskaf of betaal word of waar 'n beampte of werknemer tydens sy afwesigheid van sy hoofkwartier by sy tuiste tuisgaan, kan die departementshoof aan 'n beampte of werknemer wat vir 'n tydperk van 24 uur of langer noodwendig van sy hoofkwartier en sy tuiste in amptelike diens in die Republiek of kwaZulu afwesig is, verblyftariewe soos deur die Kommissie aanbeveel, betaal.

D1. (2) Behoudens waar ander spesiale voorsiening in hierdie Hoofstuk gemaak word of tensy herberg of verblyftoelae van Regeringsweë op 'n ander manier verskaf of betaal word, kan die departementshoof aan 'n beampte

or employee who is absent from his normal place of work and his home for a period of less than 24 hours, on official duty in the Republic of kwaZulu reasonable actual expenditure necessarily incurred by him on accommodation.

Maximum period in respect of which subsistence allowance is payable and hourly rates

D2. (1) Save where other special provision is made in this Chapter the subsistence allowances mentioned in regulation D1 may be paid to an officer or employee during periods of absence from his headquarters for a continuous period not exceeding six months in the same town or place. The time occupied by an officer's or employee's journey to and from his destination shall be disregarded for the purpose of the calculation of the period of six months and, for the purpose of this subregulation, the continuity of any period of sojourn at the same town or place shall not be regarded as having been interrupted by an absence, for any reason whatsoever, of less than one month.

D2. (2) In respect of every full hour in excess of 24 hours, or in excess of a multiple of 24 hours, the head of the department may pay to an officer or employee the subsistence allowance mentioned in subregulation D1 (1) or the subsistence allowance camp or special allowance prescribed in this Chapter, excluding the subsistence allowance mentioned in regulation D1 (1) at the rates recommended by the Commission.

Camp allowance

D3. When an officer or employee is provided with adequate camping equipment by the Government, he shall not be paid subsistence allowance in respect of a period during which he stays in camp; in lieu thereof the head of the department may pay camp allowance at the rate recommended by the Commission.

Sojourn at a Government institution

D4. (1) If an officer or employee stays at an institution of the Government or the Government of the Republic during a period of absence from his headquarters on official duty, subsistence allowance shall not be paid to him in respect of the period of such sojourn; in lieu thereof the head of the department may—

(a) (i) refund the charges normally levied by the institution for accommodation in respect of visitors, to the officer or employee if he paid such charges; or

(ii) pay the charges referred to in (i) to the institution if the officer or employee did not pay such charges; and

(b) pay the officer or employee a special allowance at the rate recommended by the Commission to cover incidental expenses:

Provided that if accommodation is partly provided by a private person or a member of the staff of the institution, the charges levied by the host may also be refunded to the officer or employee by the head of the department.

D4. (2) The provisions of subregulation (1)—

(a) shall not apply to an officer or employee who—

(i) stays at an institution of the Government or the Government of the Republic but is absent from his headquarters for a shorter period than 24 hours; or

of werknemer wat vir 'n tydperk van minder as 24 uur in die Republiek, of in kwaZulu van sy gewone werkplek en sy tuiste in amptelike diens afwesig is, redelike werklike uitgawes terugbetaal wat hy noodwendig aan herberg moes aangaan.

Maksimum tydperk ten opsigte waarvan verblyftoelae betaalbaar is en uurlikse tariewe

D2. (1) Behoudens waar in hierdie Hoofstuk ander spesiale voorsiening gemaak word, kan die verblyftoelae in regulasie D1 bedoel aan 'n beamppte of werknemer betaal word gedurende tydperke van afwesigheid van sy hoofkwartier vir 'n deurlopende tydperk van hoogstens ses maande in dieselfde dorp of plek. Die tydsduur van 'n beamppte of werknemer se reis na van sy bestemming word nie by die berekening van die tydperk van ses maande in aanmerking geneem nie en vir doeleindes van hierdie subregulasie word daar nie beskou dat die deurlopendheid van 'n tydperk van verblyf in dieselfde dorp of plek deur 'n afwesigheid, om watter rede ook al, van minder as een maand onderbreek word nie.

D2. (2) Ten opsigte van elke volle uur langer as 24 uur, of tydperke van 24 uur, mag die hoof van die departement aan 'n beamppte of werknemer die verblyftoelae betaal vermeld in subregulasie D1 (1) of die verblyftoelae, kamp of spesiale toelae voorgeskryf in hierdie Hoofstuk, uitgesluit die verblyftoelae vermeld in regulasie D1 (1) teen die tariewe soos aanbeveel deur die Kommissie.

Kamptoelae

D3. Wanneer toereikende kampuitrusting deur die Regering aan 'n beamppte of werknemer verskaf word, mag verblyftoelae nie aan hom ten opsigte van 'n tydperk wat hy in die kamp bly, betaal word nie, in plaas daarvan kan die departementshoof kamptoelae soos deur die Kommissie aanbeveel, betaal.

Verblyf by 'n staatsinrigting

D4. (1) As 'n beamppte of werknemer gedurende 'n tydperk van afwesigheid van sy hoofkwartier in amptelike diens by 'n inrigting van die Regering of van die Regering van die Republiek tuisgaan, mag verblyftoelae nie ten opsigte van die tydsduur van sy verblyf aldaar aan hom betaal word nie; in plaas daarvan kan die departementshoof—

(a) (i) die gelde wat normaalweg ten opsigte van besoekers deur die inrigting vir herberg gehef word aan die beamppte of werknemer terugbetaal indien hy sodanige gelde betaal het; of

(ii) die gelde bedoel in (i) aan die inrigting betaal indien die beamppte of werknemer sodanige gelde nie betaal het nie; en

(b) aan die beamppte of werknemer 'n spesiale toelae soos deur die Kommissie aanbeveel betaal om bykomstige uitgawes te dek:

Met die verstande dat, indien herberg gedeeltelik deur 'n private persoon of 'n personeellid van die inrigting verskaf word, die gelde wat deur die gasheer gehef word, ook deur die departementshoof aan die beamppte of werknemer terugbetaal kan word.

D4. (2) Die bepalings van subregulasie (1)—

(a) is nie van toepassing nie op 'n beamppte of werknemer wat—

(i) by 'n inrigting van die Regering of van die Regering van die Republiek tuisgaan maar vir 'n korter tydperk as 24 uur van sy hoofkwartier afwesig is; of

(ii) visits an institution of the Government or the Government of the Republic but is not accommodated or is only partly accommodated by the institution;

in which case the provisions or regulation D1 shall apply; but

(b) shall apply to an officer or employee who visits an institution of the Government or the Government of the Republic and—

(i) is provided with partial accommodation by the institution and all remaining items of accommodation as defined in regulation A1 by a private person at, or member of the staff of the institution; or

(ii) while the institution is equipped to provide all items of accommodation as defined in regulation A1, of his own free will does not make use of all such items.

Inadequate subsistence allowance

D5. If the subsistence or special allowance prescribed in or in terms of this Chapter is inadequate to cover the expenses which an officer or employee incurs over and above his normal living expenses when he is absent from his headquarters on official duty, the head of the department may refund to the officer or employee the difference between the amount payable as subsistence or special allowance in respect of the whole continuous period of such officer's or employee's absence from his headquarters and the reasonable expenses actually and necessarily incurred by him on accommodation in respect of such period, on condition that—

(a) the head of department is satisfied that the accommodation of which the officer or employee availed himself, is commensurate with his status as an officer of the Government Service;

(b) the relative claim is supported by receipts or other vouchers, or where such evidence is not available, by a written statement;

(c) items not covered by the definition of "accommodation" in regulation A1 are excluded in calculating the amount which may be refunded;

(d) amounts allowed in respect of the hire of bedding on a train are limited to the cost of a bedding ticket obtainable at ticket and reservation offices—the cost of luxury bedding and special mattress shall not be allowed;

Provided that the provisions of this subregulation shall not apply to camp allowance or commuted subsistence allowance.

Payment of subsistence and camp allowance during periods of leave

D6. (1) Subject to the provisions of subregulation (2), the subsistence, camp or special allowance payable in terms of the provisions of this Chapter, shall not be paid to an officer or employee during a period of leave, unless the Director of Authority Affairs and Finance approves such payment on the recommendation of the Commission.

D6. (2) Notwithstanding the provisions of subregulation (1)—

(a) the subsistence, camp or special allowance mentioned in subregulation (1) may be paid to an officer

(ii) 'n inrigting van die Regering of van die Regering van die Republiek besoek maar nie geherberg word nie of slegs gedeeltelik geherberg word deur die inrigting;

in welke geval die bepalings van regulasie D1 van toepassing is; maar

(b) is van toepassing op 'n beampte of werknemer wat 'n inrigting van die Regering of van die Regering van die Republiek besoek en—

(i) aan wie gedeeltelike herberg deur die inrigting en alle oorblywende items van herberg, soos in regulasie A1 omskryf, deur 'n private persoon by, of 'n personeel-lid van, die inrigting verskaf word; of

(ii) hoewel die inrigting ingerig is om alle items van herberg, soos in regulasie A1 omskryf, te verskaf, uit eie keuse nie van alle sodanige items gebruik maak nie.

Ontoereikende verblyfstoelae

D5. As die verblyf- of spesiale toelae wat in of kragtens die bepalings van hierdie Hoofstuk voorgeskryf is, ontoereikend is om die uitgawes te dek wat 'n beampte of werknemer benewens sy normale bestaanuitgawes moet aangaan wanneer hy in amptelike diens van sy hoofkwartier afwesig is, kan die departementshoof die verskil tussen die bedrag wat aan verblyf- of spesiale toelae betaalbaar is ten opsigte van die hele deurlopende tydperk van sodanige beampte of werknemer se afwesigheid van sy hoofkwartier en die redelike uitgawes wat hy werklik en noodwendig aan herberg ten opsigte van sodanige tydperk aangegaan, aan hom terugbetaal, op voorwaarde dat—

(a) die departementshoof oortuig is dat die herberg waarvan die beampte of werknemer gebruik gemaak het, by sy status as 'n amptenaar van die Regering pas;

(b) die betrokke eis deur kwitansies of ander bewysstukke, of, in gevalle waar sodanige bewyse nie beskikbaar is nie, 'n skriftelike verklaring gestaaf word;

(c) items wat nie deur die omskrywing van "herberg" in regulasie A1 gedek word nie, uitgesluit word by die berekening van die bedrag wat terugbetaal kan word;

(d) bedrae wat toegelaat word ten opsigte van die huur van beddegoed op 'n trein, beperk word tot die koste van 'n beddegoedkaartjie wat by kaartjies- en pleksbesprekingskantore verkrygbaar is—die koste van luukse-beddegoed en spesiale matras is nie toelaatbaar nie;

Met dien verstande dat die bepalings van hierdie subregulasie nie op kamp of omgesette verblyfstoelae van toepassing is nie.

Betaling van verblyf- en kamptoelae gedurende tydperke van verlof

D6. (1) Behoudens die bepalings van subregulasie (2) mag die verblyf-, kamp- of spesiale toelae wat kragtens die bepalings van hierdie Hoofstuk betaal kan word, nie aan 'n beampte of werknemer gedurende 'n tydperk van verlof betaal word nie, tensy die Direkteur van Owerheidsake en Finansies sodanige betaling, op aanbeveling van die Kommissie, goedkeur.

D6. (2) Ondanks die bepalings van subregulasie (1), kan—

(a) die verblyf-, kamp- of spesiale toelae in subregulasie (1) bedoel aan 'n beampte of werknemer betaal

or employee in respect of a period of sick leave, including special sick leave granted in terms of regulations C13: Provided that—

(i) the officer or employee does not turn to his headquarters and actually and necessarily incurs expenditure on accommodation for himself during the period of his illness; and

(ii) expenses in respect of hospitalisation shall not be regarded as expenditure on accommodation; and

(b) the commuted subsistence allowance mentioned in regulation D8 may be paid in respect of leave not exceeding 12 days in the aggregate, excluding sick leave, during a year ending 31 December.

Payment of subsistence allowance on appointment

D7. Subsistence allowance shall not be paid to a person on his first appointment in the Government Service in respect of his journey to the place where he is required to assume duty.

Commuted subsistence allowance

D8. Notwithstanding anything to the contrary contained in this Chapter the Director of Authority Affairs and Finance may, on the recommendation of the Commission approve that the head of the department pay a commuted subsistence allowance to an officer or employee.

Form for the submission of claims

D9. Applications for the payment of the subsistence, camp or special allowance prescribed in or in terms of the provisions of this Chapter, excluding commuted subsistence allowance, shall be made in a form prescribed by the Commission.

Exceptional cases

D10. If circumstances arise which justify a departure from the provisions of this Chapter, the head of the department may pay to an officer or employee or classes of officers or employees such subsistence, camp or special allowance as the Director of Authority Affairs and Finance may approve on the recommendation of the Commission.

CHAPTER E

OFFICIAL TRAVELLING AND TRANSPORT

Economy and control

E1. (1) All official journeys shall be approved by the head of department who shall ensure that they are necessary and in the interests of the Government.

E1. (2) An officer or employee shall, subject to the provisions of regulation E3, undertake an official journey by the most economical means with due regard to available means of transport, routes, duration and all other items of expenditure applicable in the circumstances.

E1. (3) The reason(s) for any non-observance of the provisions of regulation E1. (2) shall be furnished by the officer or employee, in writing, and such explanation shall be attached to the form mentioned in regulation E10.

word ten opsigte van 'n tydperk van siekteverlof, insluitende spesiale siekteverlof wat kragtens regulasie C13 toegestaan is: Met dien verstande dat—

(i) die beampte of werknemer nie na sy hoofkwartier terugkeer nie en werklik en noodwendig herberguitgawes ten opsigte van homself gedurende sy tydperk van siekte aangaan; en

(ii) uitgawes aan hospitalisasie nie as herberguitgawes beskou word nie; en

(b) die omgesette verblyftoelae, in regulasie D8 bedoel, betaal word ten opsigte van altesaam hoogstens 12 dae verlof, uitgesonderd siekteverlof, gedurende 'n jaar eindigende op 31 Desember.

Betaling van verblyftoelae by aanstelling

D7. Verblyftoelae word nie aan 'n persoon by sy eerste aanstelling in die Regeringsdiens ten opsigte van sy reis na die plek waar hy moet diens aanvaar, betaal nie.

Omgesette verblyftoelae

D8. Ondanks andersluidende bepalinge van hierdie Hoofstuk kan die Direkteur van Owerheidsake en Finansies op aanbeveling van die Kommissie goedkeur dat die departementshoof 'n omgesette verblyftoelae aan 'n beampte of werknemer betaal.

Vorm vir die indiening van eise

D9. Aansoek om die betaling van die verblyf-, kamp- of spesiale toelae wat in of kragtens die bepalinge van hierdie Hoofstuk voorgeskryf is, uitgeslote omgesette verblyftoelae moet gedoen word in 'n vorm wat deur die Kommissie goedgekeur is.

Buitengewone gevalle

D10. As daar omstandighede ontstaan wat 'n afwyking van die bepalinge van hierdie Hoofstuk regverdig kan die departementshoof aan 'n beampte of werknemer of klasse beamptes of werknemers sodanige verblyf-, kamp- of spesiale toelae betaal as wat die Direkteur van Owerheidsake en Finansies op aanbeveling van die Kommissie goedkeur.

HOOFSTUK E

AMPTELIKE REISE EN VERVOER

Besuiniging en beheer

E1. (1) Alle amptelike reise moet deur die departementshoof goedgekeur word wat moet toesien dat dit noodsaaklik en in belang van die Regering is.

E1. (2) 'n Beampte of werknemer moet, behoudens die bepalinge van regulasie E3, 'n amptelike reis op die mees ekonomiese wyse onderneem met behoorlike inagneming van beskikbare vervoermiddels, roete, tydskuur en alle ander uitgawe-items wat in die omstandighede van toepassing is.

E1. (3) Die rede(s) vir nie-nakoming van die bepalinge van regulasie E1 (2) moet skriftelik deur die beampte of werknemer verstrekk word en 'n uitleg daarvan moet aan die vorm in regulasie E10 vermeld, geheg word.

E1. (4) If an officer or employee has travelled in a manner which results in greater transport expenditure or which involves a longer period of time than was necessary—

(a) the head of department shall limit the amount payable to him in reimbursement of his travelling expenses to what it would have amounted to had he observed the provisions of regulation E1 (2);

(b) he shall refund the expenditure unnecessarily incurred if he has travelled on a Government warrant or by means of Government-owned motor transport; and

(c) each working day by which the normal travelling time has been exceeded, shall be covered by leave of absence in accordance with Chapter C.

Transport expenses

E2. Subject to the provisions of this chapter and other conditions which the Director of Authority Affairs and Finance may approve on the recommendation of the Commission, the head of department may reimburse an officer or employee, who is required to travel on official duty, the costs of conveying himself and his necessary personal luggage, as well as reasonable expenditure incurred in connection with taxi hire (if Government-owned or contract transport is not available), portage and other incidental services.

Means of transport to be used

E3. (1) If an officer or employee has to travel on official duty, he shall use public transport and if public transport is not available or the use thereof is impracticable, he shall use available Government-owned motor transport, or if such motor transport is not available, he shall requisition on the Department of Works or a person having a transport contract with the Government for such means of transport as may be necessary for the performance of the journey, or, if none of these means of transport is available, he shall make the best and most economical transport arrangements, including the use of private transport: Provided that the provisos contained in regulation E3 (2) (a) and (b) shall apply *mutatis mutandis* in cases where private motor transport is used.

E3. (2) Notwithstanding the provisions of regulation E3 (1), a head of department may authorise an officer or employee to undertake an official journey or part thereof, by any means of transport irrespective of whether or not it is possible to undertake the journey by other means of transport, if the head of department is satisfied that the public interest will be better served thereby or if it is necessary in the interests of the officer's or employee's health or that of a member of his household, excluding a servant, who travels at Government expense, in which case the head of department may, at his discretion, require the submission of a supporting medical certificate: Provided that in the case of frequent or regular travelling by privately-owned motor transport the prior recommendation of the Director of Works shall be obtained.

E1. (4) Indien 'n beampte of werknemer op 'n wyse gereis het wat groter vervoeruitgawes meegebring het of 'n langer tydperk in beslag geneem het as wat nodig was, moet—

(a) die departementshoof die bedrag wat ter vereffening van sy reiskoste aan hom betaal kan word, beperk tot wat dit sou beloop het as hy die bepalings van regulasie E1 (2) nagekom het;

(b) hy die uitgawes wat onnodig aangegaan is, terugbetaal as hy op Regeringsorder of met Regeringsmotorvervoer gereis het; en

(c) elke werkdag waarmee die normale reistyd oorskry word deur afwesigheidsverlof ooreenkomstig Hoofstuk C gedek word.

Vervoeruitgawes

E2. Behoudens die bepalings van hierdie Hoofstuk en ander voorwaardes wat die Direkteur van Owerheidsake en Finansies op aanbeveling van die Kommissie goedkeur, kan die departementshoof aan 'n beampte of werknemer van wie dit vereis word dat hy in amptelike diens moet reis, die uitgawe verbonde aan die vervoer van hom en sy noodsaaklike persoonlike bagasie, asook redelike uitgawes wat in verband met huurmotors (as Regerings of kontrakvervoer nie beskikbaar is nie), kruiersloon en ander bykomende dienste aangegaan is, terugbetaal.

Vervoermiddels wat gebruik moet word

E3. (1) Indien 'n beampte of werknemer in amptelike diens moet reis, moet hy van 'n openbare vervoermiddel gebruik maak en as 'n openbare vervoermiddel nie beskikbaar is nie of die gebruik daarvan onprakties is, moet hy van sy gesubsidieerde motorvervoer of, in afwesigheid daarvan, van beskikbare staatsmotorvervoer gebruik maak of, as sodanig motorvervoer ook nie beskikbaar is nie moet hy by die Departement van Werke of 'n persoon wat 'n vervoerkontrak met die Regering het, 'n bestelling plaas vir dié vervoermiddel wat vir die aflê van die reis nodig is, of, as nie een van hierdie vervoermiddels beskikbaar is nie, moet hy die beste en mees ekonomiese vervoerreëlings, insluitende die gebruik van private vervoer, tref: Met dien verstande dat die voorbehoudsbepalings vervat in regulasie E3 (2) (a) en (b) *mutatis mutandis* van toepassing is in gevalle waar private motorvervoer gebruik word.

E3. (2) Ondanks die bepalings van regulasie E3 (1) kan die departementshoof 'n beampte of werknemer magtig om 'n amptelike reis of 'n gedeelte daarvan met enige vervoermiddel te onderneem ongeag of dit moontlik is om die reis met 'n ander vervoermiddel te onderneem, as die departementshoof oortuig is dat die openbare belang beter daardeur gedien sal word of as dit noodsaaklik is in die belang van die gesondheid van die beampte of werknemer of van 'n lid van sy huishouding, uitgesonderd 'n bediende, wat op Regeringskoste vervoer word, in welke geval die departementshoof na goeddunke, kan vereis dat 'n stawende geneeskundige sertifikaat ingedien word: Met dien verstande dat 'n aanbeveling vooraf van die Direkteur van Werke verkry moet word indien dikwels of gereeld met private motorvervoer gereis moet word.

E3. (3) Notwithstanding any provisions to the contrary in this Chapter—

(a) a head of department or any other officer or employee with a salary of higher than the maximum of the scale attaching to a post of Chief Clerk may, at his discretion undertake an official journey by any means of transport if it is in the public interest: Provided that such journey by Blue Train of the South African Railways shall occur only on such conditions as the Director of Authority Affairs and Finance approves on the recommendation of the Commission;

(b) any officer or employee, other than an officer or employee referred to in paragraph (a), may, at his discretion, use privately-owned transport or travel by air or by boat to undertake an official journey subject to such conditions as may be prescribed by the Director of Authority Affairs and Finance on the recommendation of the Commission and provided that—

(i) privately-owned transport shall be utilised at own risk in so far as it is not in conflict with the provisions of the Workmen's Compensation Act, 1941, as amended, or any other legal provision; and

(ii) such means of transport shall not be used on official duty instead of allocated Government-owned motor transport.

E3. (4) Members of an officer's or employee's household (servants excluded), who are conveyed at Government expense, may, if they accompany him, use the same means of transport and travel in the same class or grade as the officer or employee concerned and shall be regarded for this purpose as official passengers: Provided that when they do not accompany him the provisions of regulations E3 (3) and E4 (3) shall apply *mutatis mutandis* to such members in so far as the choice of means of transport and the classes and grades in which they may travel, are concerned.

E3. (5) A Non-White servant of an officer or employee, who is conveyed at Government expense, may use the same means of transport and travel in the same class or grade as an officer or employee.

Class of travel by train

E4. An officer or employee who is required to travel on official duty by train in the classes indicated hereunder:

(a) Officers with salaries equal to or higher than the minimum notch attaching to a post of Principal Clerk: First Class.

(b) Officers with salaries lower than the salary referred to in subparagraph (a): Second Class.

(c) Employees: Third Class: Provided that a head of department may approve that a employee may travel second class if he is satisfied that the status of the employee concerned justifies travelling in that class.

Government-owned motor transport

E5. (1) If a head of department is satisfied that the interests of the Government will be best served thereby, he may, on the recommendation of the Director of Works and notwithstanding any provisions to the contrary in this Chapter, require an officer or employee whose duties necessitate frequent or regular travelling on official duty to utilise such Government-owned motor transport as may be deemed necessary for the efficient performance of his duties.

E3. (3) Ondanks andersluidende bepalings in hierdie Hoofstuk kan—

(a) 'n departementshoof of 'n ander beampte of werknemer met 'n salaris van hoër as die maksimum kerf van die salarisskaal as 'n pos van Hoofklerk na goëddunke van enige vervoermiddel gebruik maak om 'n amptelike reis te onderneem indien dit in die openbare belang is: Met dien verstande dat sodanige reis met die Bloutrein van die Suid-Afrikaanse Spoorweë slegs sal geskied op sodanige voorwaardes as wat die Direkteur van Owerheidsake en Finansies op aanbeveling van die Kommissie goedkeur.

(b) 'n ander beampte of werknemer as dié in paragraaf (a) bedoel na goëddunke van private vervoer gebruik maak of per vliegtuig of boot reis om 'n amptelike reis te onderneem op sodanige voorwaardes as wat die Direkteur van Owerheidsake en Finansies op aanbeveling van die Kommissie bepaal en met dien verstande dat—

(i) private vervoer op eie risiko gebruik word vir sover dit nie strydig met die bepalings van die Ongevallewet, 1941, soos gewysig, of enige ander wetsbepaling is nie;

(ii) sodanige vervoermiddels nie in amptelike diens gebruik mag word in die plek van toegewese staatsmotorvervoer nie.

E3. (4) Lede van 'n beampte of werknemer se huishouding (uitgesonderd bediendes) wat op regeringskoste vervoer word, kan, indien hulle hom vergesel, van dieselfde vervoermiddel as die betrokke beampte of werknemer gebruik maak asook in dieselfde klas of graad reis en hulle word vir dié doel as amptelike passasiers beskou: Met dien verstande dat wanneer hulle hom nie vergesel nie, die bepalings van regulasies E3 (3) en E4 (3) *mutatis mutandis* op sodanige lede van toepassing is vir sover dit die keuse van vervoermiddels en klasse en grade waarin gereis kan word, betref.

E3. (5) 'n Nie-Blanke bediende van 'n beampte of werknemer wat op staatskoste vervoer word, kan in dieselfde klas of graad as 'n beampte of werknemer reis.

Klas waarin per trein gereis moet word

E4. 'n Beampte of werknemer wat in amptelike diens per trein moet reis, kan in die hieronder aangeduide klas reis:

(a) Beamptes met salarisse gelyk aan of hoër as die minimumkerf verbonde aan 'n pos van Eerste Klerk: Eersteklas.

(b) Beamptes met salarisse laer as die salaris vermeld in subparagraph (a): Tweedeklas:

(c) Werknemers: Derdeklas: Met dien verstande dat 'n departementshoof kan goedkeur dat 'n werknemer tweedeklas mag reis as hy oortuig is dat die status van die betrokke werknemer 'n reis in daardie klas regverdig.

Regeringsmotorvervoer

E5. (1) As 'n departementshoof oortuig is dat dit in staatsbelang is, kan hy, op aanbeveling van die Direkteur van Werke en ondanks andersluidende bepalings in hierdie Hoofstuk, van 'n beampte of werknemer wie se pligte hom noodsaak om dikwels of gereeld in amptelike diens te reis, vereis dat hy van sodanige staatsmotorvervoer as wat vir die doeltreffende verrigting van sy pligte nodig geag word, gebruik moet maak.

E5. (2) An officer or employee who is required in terms of the provisions of regulation E5 (1) to utilise Government-owned motor transport shall not be entitled to be provided with a driver at Government expense.

E5. (3) If an officer or employee, who is required in terms of the provisions of regulation E5 (1) to use Government-owned motor transport is not in possession of an appropriate driver's licence, the head of department may provide him with the necessary tuition at Government expense and may pay from public funds all examination or driver's licence fees, the cost of photographs which must be affixed to the licence and the fee for any medical examination required.

Amounts and allowances payable for the voluntary use of privately-owned or public transport

E6. The head of department may pay the following to an officer or employee who, in terms of the provisions of regulations E3 (1), E3 (2) or E3 (3), uses privately-owned or a means of public transport instead of the proper means of public transport instead of the proper means of transport for the undertaking of an official journey:

(a) In the case of privately-owned motor transport which is used in terms of the provisions of regulations E3 (1), E3 (2) or E3 (3) (a): The appropriate allowances in respect of privately-owned motor transport and, the running and depreciation allowances prescribed by the Director of Authority Affairs and Finance on the recommendation of the Director of Works for the use of such transport.

(b) In the case of privately-owned motor transport or a means of public transport which is used in terms of the provisions of regulation E3 (3) (b): An amount equal to what it would have cost, at Government rate, where applicable, had the officer or employee and any official passenger(s) accompanying him travelled by the proper means of public transport (inclusive of the expenditure which would have been defrayed from public funds to convey him and the passenger(s) to and from the point of departure or arrival by means of public transport) or in the absence of such means of public transport by any other means of transport in terms of the provisions of regulation E1 (2): Provided that—

(i) reimbursement for the use of privately-owned motor transport instead of Government-owned motor transport shall not exceed the allowances mentioned in paragraph (a); and

(ii) expenditure incidental to journeys by means of public transport, such as portage (at railway stations and airports), surcharges on coupés and baggage room fees, where applicable, shall be disregarded for the purposes of this paragraph.

(c) In the case of other means of private transport: The amounts or allowances approved by the Director of Authority Affairs and Finance on the recommendation of the Commission.

E5. (2) 'n Beampte of werknemer van wie daar kragtens die bepalinge van regulasie E5 (1) vereis word dat hy van Regeringsmotorvervoer gebruik maak is nie daarop geregtig om van 'n motorbestuurder op Regeringskoste voorsien te word nie.

E5. (3) As 'n beampte of werknemer van wie daar kragtens die bepalinge van regulasie E5 (1) vereis word dat hy staatsvervoer gebruik, nie 'n gepaste bestuurderslisensie besit nie, kan die departementshoof hom op Regeringskoste van die nodige onderrig voorsien en alle eksamen- of bestuurderslisensiegelde, die koste van foto's wat aan die lisensie geheg moet word en die gelde vir enige vereiste geneeskundige ondersoek uit staatsgelde betaal.

Bedrae en toelaes betaalbaar vir die gebruik van private of gesubsidieerde vervoer of openbare vervoermiddels uit eie keuse

E6. Die departementshoof kan aan 'n beampte of werknemer wat kragtens die bepalinge van regulasie E3 (1), E3 (2) of E3 (3) van private of van 'n openbare vervoermiddel gebruik maak in plaas van die aangewese vervoermiddel, om 'n amptelike reis te onderneem, die volgende betaal:

(a) In die geval van private of gesubsidieerde motorvervoer wat kragtens die bepalinge van regulasie E3 (1), E3 (2) of E3 (3) (a) gebruik word: Die toepaslike toelaes ten opsigte van private motorvervoer wat die Direkteur van Owerheidsake en Finansies op aanbeveling van die Direkteur van Werke vir gebruik van sodanige vervoer voorskryf.

(b) In die geval van private motorvervoer op 'n openbare vervoermiddel wat kragtens die bepalinge van regulasie E3 (3) (b) gebruik word: 'n Bedrag gelyk aan wat dit sou gekos het, teen Regeringstarief waar van toepassing, indien die beampte of werknemer en enige amptelike passasier(s) wat hom vergesel, gebruik gemaak het van die aangewese openbare vervoermiddel (met inbegrip van die uitgawe wat uit Regeringsgelde bestry sou gewees het om hom en die passasier(s) na en van die punt van vertrek of aankoms van die openbare vervoermiddel te vervoer) of, in afwesigheid van sodanige openbare vervoermiddel, van enige ander vervoermiddel ingevolge die bepalinge van regulasie E1 (2): Met dien verstande dat—

(i) vergoeding vir die gebruik van private motorvervoer in die plek van Regeringsmotorvervoer nie die toelaes in paragraaf (a) vermeld, oorskry nie; en

(ii) toevallige vervoeruitgawes verbonde aan reise met openbare vervoermiddels, naamlik kruiersloon (by spoorwegstasies en lughawes), toeslag op koepes en bagasiekamergelde, waar van toepassing, vir doeleindes van hierdie paragraaf buite rekening gelaat moet word.

(c) In die geval van ander private vervoermiddels: Die bedrae of toelaes wat die Direkteur van Owerheidsake en Finansies op aanbeveling van die Kommissie goedkeur.

Commuted transport allowance

E7. Notwithstanding any provisions to the contrary in this Chapter, the Director of Authority Affairs and Finance may, on the recommendation of the Commission, approve that the head of department pays a transport allowance on a commuted basis to an officer or employee.

Payment of commuted transport allowance during periods of leave and while duties are performed which do not necessitate the use of transport

E8. The payment of a commuted transport allowance to an officer or employee in terms of the provisions of regulation E7, shall be continued during the periods indicated below, while he is on leave or is performing duties not necessitating the use of transport:

(a) In the case of motor transport: Fourteen days in the aggregate during a year ending on 31 December.

(b) In the case of transport other than motor transport: Any period in respect of which the transport is placed at the disposal of the Government whether or not it is used for official purposes.

Travelling privileges on selection, appointment, termination of services and death

E9. (1) The head of department may grant a person who is resident in the Republic or kwaZulu and who is a candidate for appointment or promotion to a post in the administrative, clerical, professional, technical, general A or general B division of the Government service, such travelling privileges at Government expense as the Director of Authority Affairs and Finance may approve on the recommendation of the Commission, in order to enable him to report for an interview.

E9. (2) In cases where the local recruitment of suitable candidates is not possible, the head of department may grant a person who is resident in the Republic or kwaZulu and who is appointed to a post mentioned in regulation E9 (1) or as an employee (including an employee on contract), travelling privileges at Government expense for himself and members of his household from the place where he is recruited or the place where he is resident, whichever is applicable, to the place where he is instructed to assume duty on the same conditions concerning means of transport and classes and grades of travel as those prescribed in this Chapter for comparable offices and employees.

E9. (3) The head of department may grant a person who resides outside the Republic or kwaZulu and who is appointed to a post mentioned in regulation E9. (1) or on contract for a fixed period of time, such travelling privileges at Government expense in respect of himself and members of his household as the Director of Authority Affairs and Finance may approve on the recommendation of the Commission.

E9. (4) The head of department may grant an officer or employee who on termination of services qualifies for his retirement benefits prescribed in Chapter F, and/or his household, travelling privileges at Government expense from his place of residence to a place in the Republic or kwaZulu where he and/or his household wishes to reside on the conditions concerning the means of transport and classes and grades of travel prescribed in this Chapter.

Form for the submission of claims

E10. Claims for the reimbursement of transport expenses which may be paid in terms of the provisions of this Chapter, excluding a commuted transport allowance, shall be made in a form approved by the Commission.

Omgesette vervoertoelae

E7. Ondanks andersluidende bepalings in hierdie Hoofstuk, kan die Direkteur van Owerheidsake en Finansies op aanbeveling van die Kommissie goedkeur dat die departementshoof 'n vervoertoelae op 'n omgesette grondslag aan 'n beampete of werknemer betaal.

Betaling van 'n omgesette vervoertoelae gedurende tydperke van afwesigheidsverlof en wanneer pligte verrig word waarby die gebruik van vervoer nie noodsaaklik is nie

E8. Die betaling van 'n omgesette vervoertoelae aan 'n beampete of werknemer kragtens die bepalings van regulasie E7 word voortgesit gedurende die tydperke hieronder aangedui, terwyl hy met verlof is of pligte verrig waarby die gebruik van vervoer nie noodsaaklik is nie:

(a) In die geval van motorvervoer: 'n Totaal van 14 dae gedurende 'n jaar eindigende op 31 Desember.

(b) In die geval van ander vervoer as motorvervoer: Enige tydperk waarin die vervoer tot beskikking van die Regering gestel word, ongeag of dit vir amptelike diens gebruik word, al dan nie.

Reisvoorregte by keuring, aanstelling, diensbeëindiging en die dood

E9. (1) Aan 'n persoon wat in die Republiek of in kwaZulu woonagtig is en wat 'n kandidaat is vir aanstelling in of bevordering tot 'n pos in die administratiewe, klerklike, vakkundige, tegniese, algemene A- of die algemene B-afdeling van die regeringsdiens, kan die departementshoof sodanige reisvoorregte op Regeringskoste toestaan as wat die Direkteur van Owerheidsake en Finansies op aanbeveling van die Kommissie goedkeur, om hom vir 'n onderhoud aan te meld.

E9. (2) Die departementshoof kan aan 'n persoon wat in die Republiek of kwaZulu woonagtig is en in 'n pos in regulasie E9 (1) gemeld of as 'n werknemer (insluitende 'n werknemer op kontrak) aangestel word in gevalle waar dit nie moontlik is om 'n geskikte kandidaat plaaslik te werf nie, reisvoorregte vir hom en lede van sy huishouding op staatskoste toestaan van die plek waar hy gewerk is of die plek waar hy woonagtig is, welke ookal van toepassing is, tot by die plek waar hy aangesê is om diens te aanvaar op voorwaardes betreffende vervoermiddels, reisklasse en -grade wat ooreenstem met dié vir vergelykbare beampetes en werknemers wat in hierdie Hoofstuk voorgeskryf is.

E9. (3) Aan 'n persoon wat buite die Republiek of kwaZulu woonagtig is en wat in 'n pos in regulasie E9 (1) gemeld of vir 'n bepaalde tydperk op kontrak aangestel word, kan die departementshoof sodanige reisvoorregte ten opsigte van hom en lede van sy huishouding op Regeringskoste toestaan as wat die Direkteur van Owerheidsake en Finansies op aanbeveling van die Kommissie goedkeur.

E9. (4) Die departementshoof kan aan 'n beampete of werknemer wat vir uitdienstredingsvoordele by diensbeëindiging kwalifiseer soos voorgeskryf in Hoofstuk F, en/of aan sy huishouding reisvoorregte op Regeringskoste toestaan van sy woonplek na 'n plek in die Republiek of in kwaZulu waar hy en/of sy huishouding voornemens is om te woon op die voorwaardes betreffende vervoermiddels, reisklasse en -grade, wat in hierdie Hoofstuk voorgeskryf is.

Vorm vir die indiening van eise

E10. Aansoeke om die vergoeding van vervoeruitgawes wat kragtens die bepalings van hierdie Hoofstuk betaal kan word, uitgesonderd 'n omgesette vervoertoelae, moet gedoen word in 'n vorm wat deur die Kommissie goedgekeur is.

Exceptional cases

E11. If circumstances arise which justify a departure from the provisions of this Chapter or which are not covered thereby, the Director of Authority Affairs and Finance may approve or prescribe official travelling by such manner or means of transport or the payment of such compensation, expenses or allowances or the granting of such travelling privileges as the Commission or the Director of Works, as the case may be, recommends.

CHAPTER F

TRANSFER EXPENDITURE AND TRANSPORT PRIVILEGES ON APPOINTMENT AND ON TERMINATION OF SERVICES AND DEATH

Transfer of officers and employees within kwaZulu or the Republic

F1. (1) (a) Subject to the provisions of this Chapter, an officer or employee who is transferred and his household and personal effects may be moved at Government expense from one headquarters to another within kwaZulu or the Republic.

(b) If an officer or employee is transferred at his own request no expenditure in connection therewith shall be met from public funds, and any absence from duty as a result of such transfer shall be covered by the granting of vacation leave in terms of Chapter C: Provided that the provisions of this paragraph shall not apply to an officer or employee if the head of department is satisfied that such transfer—

- (i) is in the interests of the department; or
- (ii) is necessary in the interests of the officer's or employee's health or that of his wife or child, including an adopted child, in which case the head of department may, at his discretion, require the submission of a supporting medical certificate.

F1. (2) If an officer or employee is transferred at Government expense, he shall be deemed to travel on official duty and he and his household may be—

(a) granted the privileges prescribed in this Chapter and in Chapter E; and

(b) paid subsistence allowance in terms of the provisions of Chapter D: Provided that the head of department may pay to the officer or employee subsistence allowance at the full rate applicable to himself, in respect of each member of his household who is 10 years old or older, and at half such rate in respect of each other member, for the period necessarily spent in travelling from one headquarters to another, but excluding a servant in respect of whom the head of department may refund reasonable living expenses actually and necessarily incurred.

F1. (3) On the transfer of an officer or employee at Government expense, the following conditions shall be applicable to the transport from one headquarters to another of himself, his household and personal effects, provided that the officer or employee transfers his household and personal effects within two calendar months of the date on which his services at his old headquarters terminate, unless he obtains permission to defer the transfer of his household and personal effects, which permission may be granted by the head of department:

(a) Excess luggage not exceeding 225 kg (gross) may be transported by passenger train.

(b) Personal effects not exceeding 6 350 kg (gross) may be transported by goods train or the road motor service of the South African Railways or other public conveyance or Government-owned transport, from one headquarters to another and from the dwelling to the railway

Buitengewone gevalle

E11. As daar omstandighede ontstaan wat 'n afwyking van die bepalings van hierdie Hoofstuk regverdig of wat nie daardeur gedek word nie, kan die Direkteur van Owerheidsake en Finansies amptelike reise op die wyse of met die vervoermiddels of die betaling van die vergoeding, uitgawes of toelaes of die toestaan van reisvoorregte of voorskryf wat die Kommissie of die Direkteur van Werke, na gelang van die geval, aanbeveel.

HOOFSTUK F

OORPLASINGSKOSTE EN VERVOERVOORREGTE BY KEURING, AANSTELLING EN BY DIENS-BEÏNDIGING EN DIE DOOD

Oorplasing van beamptes en werknemers binne kwaZulu of die Republiek

F1. (1) (a) Behoudens die bepalings van hierdie Hoofstuk, kan 'n beampte of werknemer wat oorgeplaas word en sy huishouding en persoonlike besittings op Regeringskoste van een hoofkwartier na 'n ander binne kwaZulu of die Republiek vervoer word.

(b) As 'n beampte of werknemer op eie versoek oorgeplaas word, mag geen uitgawe in verband daarmee uit die Inkomstefonds gedek word nie en enige afwesigheid van diens as gevolg van sodanige oorplasing moet deur die toestaan van vakansieverlof kragtens Hoofstuk C gedek word: Met dien verstande dat die bepalings van hierdie paragraaf nie op 'n beampte of werknemer van toepassing is nie as die departementshoof oortuig is dat sodanige oorplasing—

- (i) in die belang van die departement is; of
- (ii) noodsaaklik is in die belang van die gesondheid van die beampte of werknemer of van sy vrou of kind, insluitende 'n aangenome kind, in welke geval die departementshoof, na goeë dunnke, kan vereis dat 'n stawende geneeskundige sertifikaat ingedien word.

F1. (2) As 'n beampte of werknemer op Regeringskoste oorgeplaas word, word geag dat hy in amptelike diens reis en kan aan hom—

(a) die voorregte in hierdie Hoofstuk en in Hoofstuk E voorgeskryf toegestaan word; en

(b) verblyftoelae kragtens die bepalings van Hoofstuk D betaal word: Met dien verstande dat die departementshoof aan die beampte of werknemer verblyftoelae teen die volle tarief wat op hom van toepassing is, kan betaal ten opsigte van elke lid van sy huishouding wat 10 jaar of ouer is, en teen die helfte van sodanige tarief ten opsigte van elke ander lid, vir die tydperk wat die reis van een hoofkwartier na 'n ander noodwendig in beslag neem, maar uitgesonderd 'n bediende ten opsigte van wie die departementshoof redelike bestaansuitgawes wat werklik en noodwendig aangegaan is, kan terugbetaal.

F1. (3) By die oorplasing van 'n beampte of werknemer op Regeringskoste, is onderstaande voorwaardes van toepassing op die vervoer van een hoofkwartier na 'n ander van homself, sy huishouding en persoonlike besittings mits die beampte of werknemer sy huishouding en persoonlike besittings binne twee kalendermaande na die datum waar op sy diens by sy ou hoofkwartier eindig, oorplaas, tensy hy toestemming vir die uitstel van oorplasing van sy huishouding en persoonlike besittings verkry, welke toestemming deur die departementshoof verleen kan word

(a) Oormassabagasje tot hoogstens 225 kg (bruto) kan per passasierstrein vervoer word.

(b) Persoonlike besittings wat nie die gewig van 6 350 kg oorskry nie kan met 'n goederetrein of die padmotor diens van die Suid-Afrikaanse Spoorweë of 'n ander openbare vervoermiddel of Regeringsvervoermiddel van een

station, and vice versa and to and from a warehouse if the personal effects have been or are to be stored: Provided that if conveyance by one of the said means of transport is impossible or impracticable or is more expensive, the head of department may, at his discretion, approve the use of any other means of transport. The prescribed mass shall include the mass of the vehicle or vehicles, caravan or trailer of an officer or employee and his household, but not the mass of an animal maintained for official purposes; such animal may be transported at Government expense over and above the provision made for personal effects.

(c) The conveyance of the motor vehicle or vehicles, caravan or trailer of an officer or employee and his household at Government expense is subject to the condition that—

(i) the Government accepts no liability for loss of or damage to a motor vehicle or motor vehicles, caravan or trailer during the loading, conveyance or unloading thereof; and

(ii) motor vehicles are transported by goods train at a tariff approved by the Director of Authority Affairs and Finance on the recommendation of the Commission.

(d) The cost of packing (including the cost of packing material) and unpacking of personal effects within the prescribed mass limit may be met from government funds: Provided that—

(i) the packing material be handed over to the Department of Works;

(ii) if that department indicates that the material is not required, it shall be sold by public auction or sold to the officer or employee concerned or to any other person at a price decided upon by the head of department; and

(iii) the head of department, after consultation with the Department of Works, may retain such packing material for subsequent use by a transferred officer or employee.

(e) Written tenders shall be obtained for the packing and unpacking and loading and unloading of personal effects and, where applicable, for the conveyance and storage thereof, and the lowest tender shall be accepted: Provided that the head of department may authorise the acceptance of a higher tender if he is satisfied that there are adequate reasons for the rejection of the lowest tender.

(f) In a exceptional case the head of department may approve that an officer's or employee's personal effects within the prescribed mass limit, be stored at Government expense for a period not exceeding six months at either his old or his new headquarters.

F1. (4) The head of department may pay or refund the following to an officer or employee who has been transferred at Government expense provided that the officer or employee transfer his household and personal effects within two calendar months of the date on which his services terminate at his old headquarters, unless he obtains permission to defer the transfer of his household and personal effects, which permission may be granted by the head of department:

(a) The amount actually and necessarily expended on rent or board and lodging and servants' wages at the original headquarters and forfeited in consequence of short notice of transfer, provided expenditure on rent or board and lodging and servants' wages is concurrently incurred at the headquarters to which the officer or employee is transferred.

hoofkwartier na 'n ander en van die woning na die spoorwegstasie, en omgekeerd, en na en van 'n opbergplek, as die persoonlike besittings opgeberg is of moet word, vervoer word: Met dien verstande dat as vervoer met een van gemelde vervoermiddels nie moontlik of doenlik is nie, of duurder is, die departementshoof na goeiddunke kan goedkeur dat 'n ander vervoermiddel gebruik word. Die voorgeskrewe massa sluit die massa van 'n beampste of werknemer se voertuig of voertuie, karavaan of sleepwa en ook dié van sy huishouding in maar nie die massa van 'n dier wat vir amptelike doeleindes aangehou word nie; sodanige dier kan op Regeringskoste vervoer word, benewens die voorsiening wat vir persoonlike besittings gemaak word.

(c) Die vervoer van 'n beampste of werknemer se motorvoertuig of voertuie, karavaan of sleepwa en dié van sy huishouding op Regeringskoste is onderworpe aan die voorwaardes dat—

(i) die Regering geen aanspreeklikheid aanvaar vir die verlies van of skade aan die motorvoertuig of motorvoertuie, karavaan of sleepwa tydens die oplaai, vervoer, of aflaai daarvan nie; en

(ii) motorvoertuie per goederetrein vervoer word teen 'n tarief wat die Direkteur van Owerheidssake en Finansies op aanbeveling van die Kommissie goedkeur.

(d) Die verpakkingskoste (insluitende die koste van verpakkingsmateriaal) en uitpakkingskoste van persoonlike besittings binne die voorgeskrewe massabeperking kan uit regeringsgelde bestry word: Met dien verstande dat—

(i) die verpakkingsmateriaal aan die Departement van Werke oorhandig word;

(ii) as daardie departement te kenne gee dat die materiaal nie nodig is nie, dit per openbare veiling verkoop of aan die betrokke beampste of werknemer of aan 'n ander persoon verkoop moet word teen 'n prys waarop die departementshoof besluit; en

(iii) die departementshoof, na oorlegpleging met die Departement van Werke, sodanige verpakkingsmateriaal kan behou vir latere gebruik deur 'n oorgeplaaste beampste of werknemer.

(e) Skriftelike tenders moet verkry word vir die verpakking en laai en aflaai van persoonlike besittings en, waar van toepassing, vir die vervoer en opberging daarvan, en die laagste tender moet aangeneem word: Met dien verstande dat die departementshoof die aanname van 'n hoër tender kan magtig as hy oortuig is dat daar voldoende redes vir die verwerping van die laagste tender is.

(f) In 'n uitsonderlike geval kan die departementshoof goedkeur dat 'n beampste of werknemer se persoonlike besittings, binne die voorgeskrewe massabeperking, vir 'n tydperk van hoogstens ses maande of by sy ou of by sy nuwe hoofkwartier op regeringskoste opgeberg word.

F1. (4) Die departementshoof kan die volgende aan 'n beampste of werknemer wat op regeringskoste oorgeplaas is, betaal of terugbetaal mits die beampste of werknemer sy huishouding en persoonlike besittings binne twee kalendermaande na die datum waarop sy dienste by sy ou hoofkwartier eindig oorplaas tensy hy toestemming vir die uitsel van oorplasing van sy huishouding en persoonlike besittings verkry, welke toestemming deur die departementshoof verleen kan word:

(a) Die bedrag wat werklik en noodwendig aan huur of losies en bediendeloon by die oorspronklike hoofkwartier uitgegee en verbeur is weens kort kennisgewing van oorplasing, mits daar ook uitgawes aan huur of losies en bediendeloon by die hoofkwartier waarheen die beampste of werknemer oorgeplaas is, gelyktydig aangeaan word.

(b) The amount actually and necessarily expended on board and lodging or hotel accommodation at the original headquarters for a period not exceeding seven days through the officer or employee and his household being compelled to reside at a boarding-house or hotel or to board privately while his personal effects are being packed or transported to his new headquarters.

(c) The amount actually and necessarily expended on board and lodging or hotel accommodation at the new headquarters through the officer or employee and his household being compelled to reside in a boarding-house or an hotel or the board privately for a period not exceeding seven days while his personal effects are being unpacked or transported from the old headquarters, or while he is in search of a house or flat.

(d) (i) The difference between normal living expenses comprising rent, rates, water, light, fuel, food and servants' wages and the abnormal expenses actually and necessarily incurred by the officer or employee at his new headquarters through being compelled to—

(aa) reside for a period of longer than seven days in an hotel, boarding-house, furnished house, furnished flat, furnished rooms or to board privately; or

(bb) occupy married official quarters assigned to him; while his personal effects are being unpacked or transported from the old headquarters, or while he is in search of an unfurnished house or flat or if his household is divided owing to this children's schooling: Provided that abnormal living expenses may be paid for a period not exceeding two calendar months: Provided further that where such expenses are due to children's schooling, abnormal living expenses may be paid till the end of the school year in which the officer or employee concerned has been transferred.

(ii) Claims for the refund of abnormal living expenses shall be submitted in writing in a form approved by the Commission.

(e) Expenditure necessarily incurred as a result of the officer's or employee's transfer, in connection with the reregistration of privately-owned vehicles which are normally applied to personal use, but excluding expenditure incurred on the fitting, adjustment or replacement of defective parts and accessories.

(f) Expenditure necessarily incurred as a result of the officer's or employee's transfer, in connection with the replacement of number plates by standard number plates in respect of privately-owned vehicles which are normally applied to personal use.

(g) Telephone rental on a pro rata basis in respect of the period during which the officer or employee is unable to use the telephone as a result of his transfer: Provided that telephone rental which is recoverable from the postal services shall not be refunded.

(h) The cost of transferring or installing a telephone: Provided that such cost shall be payable only where an officer or employee had a telephone at his previous headquarters.

(i) Subject to such limitations and conditions as may be approved by the Director of Authority Affairs and Finance on the recommendation of the Commission—

(i) the cost of repairs to or replacement of personal effects damaged in transit;

(ii) the cost of disconnecting and connecting and altering or replacing domestic appliances; and

(b) Die bedrag wat werklik en noodwendig aan losies of hotelakkommodasie by die oorspronklike hoofkwartier vir hoogstens sewe dae uitgegee is deurdat die beamppte of werknemer en sy huishouding verplig is om in 'n losieshuis of hotel tuis te gaan of privaat te loseer terwyl sy persoonlike besittings ingepak of na sy nuwe hoofkwartier vervoer word.

(c) Die bedrag wat werklik en noodwendig aan losies of hotelakkommodasie by die nuwe hoofkwartier uitgegee is deurdat die beamppte of werknemer en sy huishouding verplig is om vir 'n tydperk van hoogstens sewe dae in 'n losieshuis of hotel tuis te gaan of privaat te loseer terwyl sy persoonlike besittings uitgepak of van die ou hoofkwartier vervoer word, of terwyl hy op soek na 'n huis of woonstel is.

(d) (i) Die verskil tussen die normale bestaanuitgawes bestaande uit huur, belasting water, ligte, brandstof, voedsel en bediendeloon en die abnormale uitgawes werklik en noodwendig deur 'n beamppte of werknemer by sy nuwe hoofkwartier aangegaan deurdat hy verplig is om—

(aa) vir 'n tydperk van langer as sewe dae in 'n hotel, losieshuis, gemeubileerde huis, gemeubileerde woonstel of gemeubileerde kamers tuis te gaan of privaat te loseer; of

(bb) toegewese getroude amptelike kwartiere te betrek;

terwyl sy persoonlike besittings uitgepak of van die ou hoofkwartier vervoer word of terwyl hy op soek na 'n ongemeubileerde huis of woonstel is of as sy huishouding as gevolg van die skoolbelange van kinders verdeel is: Met dien verstande dat abnormale bestaansuitgawes vir 'n tydperk van hoogstens twee kalendermaande betaal kan word: Met dien verstande voorts dat waar sodanige uitgawes uit die skoolbelange van kinders voortspruit abnormale bestaansuitgawes betaal kan word tot aan die einde van die skooljaar waarin die betrokke beamppte of werknemer oorgeplaas is.

(ii) Eise om die terugbetaling van abnormale bestaansuitgawes moet skriftelik in 'n vorm wat deur die Kommissie goedgekeur is, ingedien word.

(e) Uitgawes wat noodwendig as gevolg van die beamppte of werknemer se oorplasing aangegaan is in verband met die herregistrasie van private voertuie wat normaalweg vir persoonlike gebruik aangewend word maar uitgesonderd uitgawes wat aangegaan is vir die aanbring, verstelling of vervanging van defektiewe onderdele en toebehore.

(f) Uitgawes wat noodwendig as gevolg van die beamppte of werknemer se oorplasing aangegaan is in verband met die vervanging van die nommerplate deur standaardnommerplate ten opsigte van private voertuie wat normaalweg vir persoonlike gebruik aangewend word.

(g) Telefoonhuur op 'n pro rata-grondslag ten opsigte van die tydperk waarvoor die beamppte of werknemer, as gevolg van sy oorplasing nie die telefoon kan gebruik nie: Met dien verstande dat telefoonhuur wat op die poswese verhaalbaar is, nie terugbetaal word nie.

(h) Die koste verbonde aan die oorplasing of installering van 'n telefoon: Met dien verstande dat sodanige koste betaalbaar is slegs waar 'n beamppte of werknemer 'n telefoon by sy vorige hoofkwartier gehad het.

(i) Behoudens sodanige beperkings en voorwaardes as wat die Direkteur van Owerheidsake en Finansies op aanbeveling van die Kommissie goedkeur—

(i) die koste van herstel of vervanging van persoonlike besittings wat in transit beskadig is;

(ii) die koste van ontkoppeling en aankoppeling en verandering of vervanging van huishoudelike toestelle; en

(iii) the cost involved in purchasing essential school books and school uniforms for a child or other dependent member of the officer's or employee's household.

F1. (5) To an officer or employee who is transferred at Government expense and who moves his personal effects from—

(a) a house or flat at or in the vicinity of his old headquarters, which was wholly or partly furnished by himself, to a house or flat at or in the vicinity of his new headquarters or to a warehouse; or

(b) a warehouse to a house or flat in which he sets up a home at or in the vicinity of his new headquarters or to another warehouse;

a head of department may pay an amount not exceeding R50 in respect of depreciation of personal effects and to meet expenses arising from his transfer, other than those for which provision is made elsewhere in these regulations.

Transfer of officers and employees abroad and between kwaZulu and abroad

F2. (1) The provision of regulation F1, but with the exclusion of those contained in regulations F1 (3) (f) and F1 (4) (i) (i), shall apply *mutatis mutandis* to an officer or employee transferred from a headquarter in kwaZulu to a headquarters abroad, or vice versa, or from one headquarters abroad to another headquarters abroad: Provided that—

(a) no expenditure shall be incurred in connection with the transfer of a servant unless the Director of Authority Affairs and Finance approves such expenditure on the recommendation of the Commission;

(b) the provisions of regulation F1 (4) (b) shall apply only to be an officer or employee who is transferred from a headquarters in kwaZulu to a headquarters abroad; and

(c) the provisions of regulations F1 (4) (c) and (d) shall apply only to an officer or employee who is transferred from a headquarters abroad to a headquarters in kwaZulu, but the provisions of regulation F1 (4) (d) shall not apply in such cases where abnormal living expenses are incurred solely owing to the schooling of children.

F2. (2) When an officer or employee is transferred at Government expense, the following provisions shall apply to such officer or employee, his household and personal effects, in addition to the provisions applicable to him in terms of subregulation (1):

(a) Subject to the provisions of Chapter D, subsistence allowance may be paid to an officer or employee who is transferred from a headquarters in kwaZulu to a headquarters abroad, or vice versa, or from one headquarters abroad to another headquarters abroad, in respect of himself and each member of his household, who is entitled to travel at Government expense, at the rate applicable to official journeys in the country in which they are travelling by officers or employees whose headquarters are in that country: Provided that in respect of journeys within kwaZulu and the Republic the appropriate rates which apply in kwaZulu and the Republic shall apply: Provided further that half rates shall apply in respect of any member of the household who is younger than 10 years.

(iii) die koste verbonde aan die aankoop van noodsaaklike skoolboeke en skooluniforms vir 'n kind of ander afhanklike lid van die beampte of werknemer se huishouding.

F1. (5) Aan 'n beampte of werknemer wat op staatskoste oorgeplaas word en wat sy persoonlike besittings vervoer uit—

(a) 'n huis of woonstel by of in die omgewing van sy ou hoofkwartier, wat hy self ten volle of gedeeltelik gemeubileer het, na 'n huis of woonstel by of in die omgewing van sy nuwe hoofkwartier of na 'n opbergplek; of

(b) 'n opbergplek na 'n huis of woonstel wat hy self gaan bewoon by of in die omgewing van sy nuwe hoofkwartier of na 'n ander opbergplek;

kan 'n departementshoof 'n bedrag van hoogstens R50 betaal ten opsigte van waardevermindering van persoonlike besittings en ter dekking van uitgawes wat uit sy oorplasing voortspruit, uitgesonderd dié waarvoor elders in hierdie regulasies voorsiening gemaak word.

Oorplasing van beamptes en werknemers in die buiteland en tussen kwaZulu en die buiteland

F2. (1) Die bepalinge van regulasie F1, maar uitgesonderd dié vervat in regulasies F1 (3) (f) en F1 (4) (i) (i), is *mutatis mutandis* van toepassing op 'n beampte of werknemer wat van 'n hoofkwartier in kwaZulu of na 'n hoofkwartier in die buiteland, of omgekeerd, of van een hoofkwartier in die buiteland na 'n ander hoofkwartier in die buiteland, oorgeplaas word: Met dien verstande dat—

(a) geen uitgawes aangegaan mag word in verband met die oorplasing van 'n bediende nie tensy die Direkteur van Owerheidsake en Finansies sodanige uitgawes, op aanbeveling van die Kommissie, goedkeur;

(b) die bepalinge van regulasie F1 (4) (b) van toepassing is slegs op 'n beampte of werknemer wat van 'n hoofkwartier in kwaZulu of in die gebied na 'n hoofkwartier in die buiteland oorgeplaas word; en

(c) die bepalinge van regulasies F1 (4) (c) en (d) van toepassing is slegs op 'n beampte of werknemer wat van 'n hoofkwartier in die buiteland na 'n hoofkwartier in kwaZulu oorgeplaas word, maar dat die bepalinge van regulasie F1 (4) (d) nie in sodanige gevalle van toepassing is nie waar abnormale bestaansuitgawes uitsluitlik weens skoolbelange van kinders aangegaan word.

F. (2) Wanneer 'n beampte of werknemer op regeringskoste oorgeplaas word, is, benewens die bepalinge wat kragtens subregulasie (1) op hom van toepassing is die volgende bepalinge op sodanige beampte of werknemer, sy huishouding en sy persoonlike besittings van toepassing:

(a) Behoudens die toepaslike bepalinge van Hoofstuk D, kan aan 'n beampte of werknemer wat van 'n hoofkwartier in kwaZulu na 'n hoofkwartier in die buiteland, of omgekeerd, of van een hoofkwartier in die buiteland na 'n ander hoofkwartier in die buiteland oorgeplaas word, verblyfstoelae betaal word ten opsigte van hom en elke lid van sy huishouding wat daarop geregtig is om op regeringskoste te reis, en wel teen die tarief wat van toepassing is op amptelike reise in die land waarin hulle reis deur beamptes en werknemers wie se hoofkwartier in daardie land is: Met dien verstande dat, ten opsigte van reise binne kwaZulu en die Republiek die toepaslike tariewe wat in kwaZulu en die Republiek geld, van toepassing is: Met dien verstande voorts dat halftariewe van toepassing is ten opsigte van 'n lid van die huishouding wat jonger as 10 jaar is.

(b) An officer's or employee's personal effects not exceeding 9 100 kg (gross), may, at the discretion of the head of department, be transported and packed in terms of the provisions of regulations F1 (3) (b) and (d).

(c) Personal effects may be insured at Government expense (at appraised valuation accepted for compensation purposes by the insurance company concerned) against risk of loss or damage in transit between the old and new headquarters by any means of surface transport authorised by or in terms of the provisions of these regulations: Provided that—

(i) appraisal charges may be accepted as part of the insurance charges;

(ii) the insurance charges paid from public funds shall be limited to those applicable to personal effects which are insurable in terms of the provisions of these regulations and of which the appraised value does not exceed R6 000 plus the appraised value of one motor vehicle;

(iii) if the circumstances so justify, the head of department may approve that the insurance policy concerned be extended at Government expense for a period not exceeding six calendar months if the personal effects have to be stored until the officer or employee can move into quarters;

(iv) no money or jewellery may be insured at Government expense and no compensation for loss of or damage to such articles may be met from public funds;

(v) the insurance policy shall be taken out in the name of the officer or employee; and

(vi) if an officer or employee travels by aeroplane, the cost of insurance on such amount of personal luggage as his fare entitles him to have transported free of charge, may be paid from public funds, provided the maximum amount prescribed in the second proviso to this paragraph is reduced by the insured value concerned.

(d) Subject to such limitations and conditions as may be approved by the Director of Authority Affairs and Finance on the recommendation of the Commission, the personal effects of an officer or employee may be stored at Government expense.

Transport privileges on appointment

F3. (1) In cases where the local recruitment of suitable candidates is not possible, a head of department may, subject to the provisions of subregulation (2), grant a person who is resident in kwaZulu or the Republic and who is appointed to a post in the administrative, clerical, professional, technical, general A or the general B division of the Government Service or as an employee (including an employee on contract) free transport for himself and his household in accordance with Chapter E and have his personal effects conveyed at Government expense on the basis laid down for a transferred officer, or employee in regulations F1 (1) (a) and F1 (3) (a), (b) (c) (d) and (e).

F3. (2) If a person who has been granted the transport privileges mentioned in subregulation (1), resigns or his services are, as a result of unsatisfactory service, terminated within six months of the date of his assumption of duty, he shall refund the expenditure incurred in respect of his household and personal effects.

(b) 'n Beampte of werknemer se persoonlike besittings tot hoogstens 9 100 kg (bruto) kan na goeddunke van die departementshoof vervoer en verpak word kragtens die bepalings van regulasies F1 (3) (b) en (d).

(c) Persoonlike besittings kan op regeringskoste (teen getakseerde waarde deur die betrokke versekeringsmaatskappy aanvaar vir vergoedingsdoeleindes) verseker word teen die risiko van verlies of skade tydens vervoer tussen die ou en nuwe hoofkwartier met enige oppervlaktevervoermiddel wat by of kragtens die bepalings van hierdie regulasies gemagtig word: Met dien verstande dat—

(i) takseringskoste as deel van die versekeringskoste aanvaar kan word;

(ii) die versekeringskoste wat uit regeringsgelde betaal word, beperk word tot dié wat van toepassing is op persoonlike besittings wat kragtens die bepalings van hierdie regulasies versekerbaar is en waarvan die getakseerde waarde nie meer as R6 000 plus die getakseerde waarde van een motorvoertuig beloop nie;

(iii) as die omstandighede dit regverdig, die departementshoof kan goedkeur dat die betrokke versekeringspolis op regeringskoste vir 'n tydperk van hoogstens ses kalendermaande verleng word as die persoonlike besittings opgeberg moet word tot tyd en wyl die beampte of werknemer huisvesting kan betrek;

(iv) geen geld of juwele op regeringskoste verseker en geen vergoeding vir verlies van of skade aan sodanige items uit regeringsgelde betaal kan word nie;

(v) die versekeringspolis op naam van die betrokke beampte of werknemer uitgeneem moet word; en

(vi) indien 'n beampte of werknemer per vliegtuig reis, die versekeringskoste vir die hoeveelheid persoonlike bagasie wat hy kragtens sy reiskaartjie kosteloos kan vervoer, uit staatsgelde betaal kan word, mits die maksimum bedrag wat in die tweede voorbehoudsbepaling van hierdie paragraaf voorgeskryf word, met die betrokke versekerde waarde verminder word.

(d) Behoudens sodanige beperkings en voorwaardes as wat die Direkteur op aanbeveling van die Kommissie goedkeur, kan 'n beampte of werknemer se persoonlike besittings op staatskoste opgeberg word.

Vervoervoorregte by aanstelling

F3. (1) Aan 'n persoon wat in kwaZulu of in die Republiek woonagtig is en wat in 'n pos in die administratiewe, klerklike, vakkundige, tegniese, algemene A- of die algemene B-afdeling van die regeringsdiens of as 'n werknemer (insluitende 'n werknemer op kontrak) aangestel word in gevalle waar dit nie moontlik is om geskikte kandidate plaaslik te werf nie, kan die departementshoof, behoudens die bepalings van subregulasie (2) kostelose vervoer vir hom en sy huishouding ooreenkomstig Hoofstuk E toestaan en sy persoonlike besittings op regeringskoste laat vervoer op die grondslag vir 'n oorgeplaaste beampte of werknemer, soos bepaal in regulasie F1 (1) (a) en F1 (3) (a), (b), (c), (d) en (e).

F3. (2) As 'n persoon aan wie die vervoervoorregte gemeld in subregulasie (1), toegestaan is, bedank of as sy diens as gevolg van onbevredigende diens beëindig word binne ses maande na die datum van sy diensaanvaarding, moet hy die koste wat ten opsigte van sy huishouding en persoonlike besittings aangegaan is, terugbetaal.

F3. (3) The head of department may grant a person who resides outside kwaZulu and who is appointed on contract for a fixed period or in a permanent capacity to a post in one of the divisions mentioned in subregulation (1), the travelling privileges for himself and members of his household prescribed in Chapter E and such transport privileges for the conveyance of his personal effects as the Director of Authority Affairs and Finance may approve on the recommendation of the Commission.

Transport privileges on termination of services and death

F4. (1) Subject to the provisions of subregulation 2, the head of department may grant an officer or employee whose services terminate on grounds approved for the purpose of this regulation by the Director of Authority Affairs and Finance on the recommendation of the Commission, and who has completed or would have completed not less than 10 years' continuous service on attainment of the age of 60 years, conveyance at Government expense for his personal effects (or those of his household in the event of his death) apart from the travelling privileges prescribed in Chapter E, from his place of residence to a place in kwaZulu or the Republic where he or his household wishes to reside, subject to such limitations and conditions as the Director of Authority Affairs and Finance may approve on the recommendation of the Commission.

F4. (2) Notwithstanding anything to the contrary contained in this regulation, the head of department may grant an officer or employee (or his household in the event of his death) who is stationed outside kwaZulu and who qualified for the benefits in subregulation (1) on termination of services or death the transfer privileges referred to in regulation F2: Provided that—

- (a) the expenditure be limited to the cost of a transfer to the previous headquarters of the officer or employee in kwaZulu; and
- (b) the benefits referred to in subregulation (1) may be granted thereafter, if necessary.

Conveyance of personal requirements to a camp

F5. The head of department may grant an officer or employee who, for the purpose of carrying out his personal duties is required to live in a camp, free conveyance for his personal requirements, including provisions, between the nearest railway station or trading store and the camp, provided the most economical transport arrangements are made in accordance with Chapter E.

Transport and other privileges of officers or employees who vacate or move into official quarters assigned or allotted to them at their headquarters

F6. (1) If an officer or employee is obliged, as a result of departmental requirements—

- (a) to permanently vacate official quarters assigned or allotted to him and to move into other official quarters or private quarters; or
 - (b) to vacate private quarters because he has to occupy official quarters assigned or allotted to him;
- his headquarters, the provisions of this chapter shall apply *mutatis mutandis* to him and members of his household, subject to the approval of the head of department. The provisions of this subregulation shall also apply to an officer or employee and members of his

F3. (3) Aan 'n persoon wat buite kwaZulu woonagtig is en wat vir 'n bepaalde tydperk op kontrak of in 'n permanente hoedanigheid in 'n pos in een van die afdelings gemeld in subregulasie (1) aangestel word, kan die departementshoof die reisvoorregte vir hom en lede van sy huishouding wat ooreenkomstig Hoofstuk E voorgeskryf is en sodanige vervoervoorregte ten opsigte van sy persoonlike besittings as wat die Direkteur van Owerheidsake en Finansies op aanbeveling van die Kommissie goedkeur, toestaan.

Vervoervoorregte by diensbeëindiging en die dood

F4. (1) Behoudens die bepalings van subregulasie (2), kan die departementshoof aan 'n beampte of werknemer wie se dienste eindig op gronde wat vir doeleindes van hierdie regulasie deur die Direkteur van Owerheidsake en Finansies, op aanbeveling van die Kommissie goedkeur is en wat minstens 10 jaar aaneenlopende diens voltooi het of by bereiking van die ouderdom van 60 jaar sou voltooi het, vervoer ten opsigte van sy persoonlike besittings (of dié van sy huishouding indien hy te sterwe kom), benewens die reisvoorregte voorgeskryf in Hoofstuk E, op regeringskoste toestaan van sy woonplek na 'n plek in kwaZulu of in die Republiek waar hy of sy huishouding begerig is om te woon, onderworpe aan sodanige beperkings en voorwaardes as wat die Direkteur van Owerheidsake en Finansies op aanbeveling van die Kommissie goedkeur.

F4. (2) Ondanks andersluidende bepalings van hierdie regulasie, kan die departementshoof die oorplasingsoorregte genoem in regulasie F2 toestaan aan 'n beampte of werknemer (of aan sy huishouding indien hy te sterwe kom) wat buite kwaZulu gestasioneer is en wat vir die voordele in subregulasie (1) by diensbeëindiging of die dood kwalifiseer: Met dien verstande dat—

- (a) die uitgawe beperk word tot die koste van 'n oorplasing na die beampte of werknemer se vorige hoofkwartier in kwaZulu; en
- (b) die voordele genoem in subregulasie (1) daarna toegestaan kan word, indien nodig.

Vervoer van persoonlike benodigdhede na 'n kamp

F5. Die departementshoof kan aan 'n beampte of werknemer, wie se amptelike pligte vereis dat hy in 'n kamp moet woon, kostelose vervoer toestaan tussen die naaste spoorwegstasie of winkel en die kamp vir sy persoonlike benodigdhede, insluitende voedselvoorrade, mits die mees ekonomiese vervoerreëling ooreenkomstig Hoofstuk E getref word.

Vervoer en ander voorregte van beamptes of werknemers wat toegewese of toegekende amptelike kwartiere by hulle hoofkwartier betrek of ontruim

F6. (1) As 'n beampte of werknemer as gevolg van departementele vereistes verplig is om by sy hoofkwartier—

- (a) sy toegewese/toegekende amptelike kwartiere permanent te ontruim en ander amptelike kwartiere of private huisvesting te betrek; of
 - (b) private huisvesting te ontruim omdat hy toegewese of toegekende amptelike kwartiere moet betrek;
- is die bepalings van hierdie hoofstuk, behoudens die goedkeuring van die departementshoof, *mutatis mutandis* op hom en lede van sy huishouding van toepassing. Die bepalings van hierdie subregulasie is ook van toepassing op 'n beampte of werknemer en lede van sy huishouding

household who are required to move into or permanently vacate official quarters assigned to him to which Chapter H of the regulations is not applicable.

F6. (2) If an officer or employee is required, in terms of the provisions of regulation H11 (1), temporarily to vacate official quarters assigned or allotted to him, the head of department may approve that his personal effects be conveyed and stored at Government expense for the duration of the evacuation as set out in regulation F1 (3) (b), (d) and (f) and subject to the limitations contained therein.

F6. (3) The head of department may grant an officer or employee who is required, in terms of regulation H11 (2), temporarily to vacate official quarters assigned or allotted to him, the transport and storage privileges in respect of his personal effects prescribed in subregulation (2) and the head of department may refund to such an officer or employee from public funds the difference between his normal and abnormal living expenses for the period of evacuation in accordance with the provisions of regulation F1 (4) (d) (i): Provided that the head of the landlord department may refund an amount less than the amount claimed for abnormal living expenses if he is of the opinion that the claim is excessive.

F6. (4) The expenditure under subregulations (2) and (3) shall form a charge against the vote of the department which required the temporary evacuation of the official quarters.

Exceptional cases

F7. If circumstances arise which justify a departure from the provisions of this chapter, the Director of Authority Affairs and Finance may approve such conditions regarding transfer expenses and transport privileges on appointment, on termination of services or death or other matters related thereto, as the Commission may recommend.

CHAPTER G

OFFICIAL HOURS OF ATTENDANCE, ATTENDANCE REGISTERS, WORKING WEEKS AND OVERTIME REMUNERATION

Official hours of attendance

G1. (1) Notwithstanding any provisions to the contrary contained in this Chapter, the head of the office may require an officer or employee to perform official duty on any day of the week or at any time during the day or night or to attend at his normal place of work or elsewhere for such duty.

G1. (2) Subject to the provisions of subregulation (1) and of regulation G3, an officer or employee shall be present for duty at his place of work at the discretion of the head of a department with due observance of local conditions and the public interest.

G1. (3) The head of a department shall determine the meal break of an officer or employee or classes of officers or employees: Provided that a meal break falling within the official hours of attendance prescribed in terms of the provisions of this chapter shall not be reckoned as official duty time for the completion of the working week.

wat toegewese amptelike kwartiere waarop Hoofstuk H van die regulasies nie van toepassing is nie moet betrek of permanent moet ontruim.

F6. (2) Indien 'n beampte of werknemer sy toegewese of toegekende amptelike kwartiere kragtens die bepalings van regulasie H11 (1) tydelik moet ontruim, kan die departementshoof goedkeur dat sy persoonlike besittings op rekeringskoste vervoer en opgeberg word vir die duur van die ontruiming op die wyse uiteengesit in regulasie F1 (3) (b), (d) en (f) en behoudens die beperkings daarin vervat.

F6. (3) Aan 'n beampte of werknemer wat sy toegewese of toegekende amptelike kwartiere kragtens die bepalings van regulasie H11 (2) tydelik moet ontruim, kan die departementshoof die vervoer- en opbergingsvoorregte voorgeskryf in subregulasie (2) ten opsigte van sy persoonlike besittings toestaan en die departementshoof kan aan sodanige beampte of werknemer ook die verskil tussen sy normale en abnormale bestaansuitgawes ooreenkomstig die bepalings van regulasie F1 (4) (d) (i) gedurende die tydperk van ontruiming uit regeringsgelde terugbetaal: Met dien verstande dat die hoof van die verskaffingsdepartement 'n kleiner bedrag as die bedrag wat ten opsigte van abnormale bestaansuitgawes geëis word kan terugbetaal as hy van mening is dat die eis buitensporig is.

F6. (4) Die uitgawe kragtens subregulasies (2) en (3) kom ten laste van die begrotingspos van die departement wat vereis het dat die amptelike kwartiere tydelik ontruim moes word.

Buitengewone gevalle

F7. As daar omstandighede ontstaan wat 'n afwyking van die bepalings van hierdie hoofstuk regverdig, kan die Direkteur van Owerheidsake en Finansies sodanige voorwaardes betreffende oorplasingkoste en vervoervoorregte by aanstelling, of by diensbeëindiging en die doo of ander aangeleenthede wat daarmee verband hou, goedkeur as wat die Kommissie aanbeveel.

HOOFSTUK G

AMPTELIKE DIENSURE, BYWONINGSREGISTERS, WERKWEKE EN OORTYDBESOLDIGING

Amptelike diensure

G1. (1) Ondanks enige andersluidende bepalings in hierdie Hoofstuk vervat, kan die hoof van die kantoor van 'n beampte of werknemer vereis om op enige dag van die week of op enige tyd van die dag of die nag amptelike diens te verrig of om by sy normale werkplek of elders aanwesig te wees vir sodanige diens.

G1. (2) Behoudens die bepalings van subregulasie (1) en van regulasie G3, moet 'n beampte of werknemer n goeë dunde van die departementshoof met inagneming van plaaslike toestande en die openbare belang, in diens aanwesig wees.

G1. (3) Die departementshoof bepaal die etenspos van 'n beampte of werknemer of klasse beamptes of werknemers: Met dien verstande dat 'n etenspose wat binne die amptelike diensure val wat kragtens die bepalings van hierdie hoofstuk voorgeskryf is, nie as amptelike diensure vir die voltooiing van die werkweek gereken word nie.

G1. (4) The head of a department shall determine the times, within the official hours of attendance prescribed in terms of the provisions of **this Chapter**, during which the public shall have access to the government offices or places of work under his control for the purpose of official business.

G1. (5) An officer or employee—

(a) shall, during his official hours of attendance, give his full attention to the duties entrusted to him; and

(b) shall not without the consent of the head of his office be absent from his office or place of work during his official hours of attendance.

Attendance registers

G2. (1) The head of each office shall be responsible for the observance by the staff under his control of the prescribed hours of attendance.

G2. (2) An attendance register shall be kept in which an officer in the clerical, technical, general A or general B division or an employee shall personally record the time of his arrival at and departure from his place of work: Provided that the provisions of this subregulation shall not be applicable to—

(a) an officer or employee who is in receipt of a salary which exceeds the maximum notch of the salary scale attached to a post of Senior Clerk in the clerical division; and

(b) an officer or employee who serves under circumstances which, in the opinion of the head of a department, render the keeping of a record of his attendance impracticable or undesirable; in such event the head of a department shall make such other arrangements as he may consider adequate to ensure that the prescribed hours of attendance are observed.

G2. (3) The attendance register shall be entrusted by the head of the office to the personal custody of an officer or employee whose duty it shall be to—

(a) ensure that the attendance register is accessible to members of the staff for the purpose mentioned in subregulation (2) and then only during such limited periods at the commencement and conclusion of the day's duties as may be indicated by the head of the office;

(b) ensure that only authentic recordings of arrival and departure are made by the officers and employees mentioned in subregulation (2);

(c) examine the entries made in the attendance register and submit it daily for inspection by the head of the office or by an officer delegated for that purpose;

(d) report any irregularity to the officer whose duty it is to inspect the record of attendance in terms of paragraph (c); and

(e) ensure that recorded absences are covered by leave.

Working weeks

G3. (1) Subject to the provisions of regulation G1 and the approval of the Councillor concerned, the head of department shall decide, with due regard to the public interest, which officers and employees, or classes or groups of officers or employees, sections, branches or offices shall observe a five-day working week or otherwise, and he may prescribe different working weeks for different classes or groups of officers and employees, or for individuals within such classes or groups, or for sections, branches or offices.

G1. (4) Die departementshoof bepaal gedurende welke tye die publiek vir amptelike besigheidsdoeleindes toegang sal hê tot die staatskantore of -werkplekke onder sy beheer, binne die amptelike diensure kragtens die bepalings van hierdie Hoofstuk voorgeskryf.

G1. (5) 'n Beampte of werknemer—

(a) moet gedurende sy amptelike diensure sy volle aandag wy aan die pligte wat aan hom toevertrou is; en

(b) mag nie van sy kantoor of werkplek gedurende sy amptelike diensure sonder toestemming van die hoof van sy kantoor afwesig wees nie.

Bywoningsregisters

G2. (1) Die hoof van elke kantoor is verantwoordelik vir die nakoming deur die personeel onder sy beheer van die voorgeskrewe amptelike diensure.

G2. (2) 'n Bywoningsregister moet gehou word waarin 'n beampte in die klerklike, tegniese, algemene A- of algemene B-afdeling of 'n werknemer persoonlik die tyd van sy aankoms by en vertrek van sy werkplek moet aanteken: Met dien verstande dat die voorskrifte van hierdie subregulasie nie van toepassing is nie op—

(a) 'n beampte of werknemer wat besoldig word teen 'n salaris wat hoër is as die maksimum kerf van die salarisskaal verbonde aan 'n pos van senior klerk in die klerklike afdeling; en

(b) 'n beampte of werknemer wat onder omstandighede dien wat, na die departementshoof se mening, die hou van 'n register van sy bywoning onprakties of onwenslik maak; in sodanige geval moet die departementshoof dié ander reëlins tref wat hy geskik ag ten einde te verseker dat die voorgeskrewe amptelike diensure nagekom word.

G2. (3) Die bywoningsregister moet deur die hoof van die kantoor toevertrou word aan die persoonlike toesig van 'n beampte of werknemer wie se plig dit is om—

(a) toe te sien dat die bywoningsregister moet deur die hoof van die kantoor toevertrou word aan die persoonlike toesig van 'n beampte of werknemer wie se plig dit is om—

(a) toe te sien dat die bywoningsregister beskikbaar is vir lede van die personeel vir die doel in subregulasie (2) genoem en dan slegs gedurende sodanige beperkte tye aan die begin en aan die einde van die dagtaak as wat deur die hoof van die kantoor aangedui mag word;

(b) toe te sien dat slegs outentieke aantekeninge van aankoms en vertrek gemaak word deur die beamptes en werknemers in subregulasie (2) genoem;

(c) die aantekeninge in die bywoningsregister na te gaan en die register daagliks vir inspeksiedoeleindes voor te lê aan die hoof van die kantoor of aan 'n beampte wat vir daardie doel aangewys is;

(d) verslag te doen van enige onreëlmatigheid aan die beampte wie se plig dit kragtens paragraaf (c) is om die bywoningsregister te inspekteer; en

(e) toe te sien dat aangetekende gevalle van afwesigheid deur verlof gedek word.

Werkweke

G3. (1) Behoudens die bepalings van regulasie G1 en die goedkeuring van die betrokke Uitvoerende Raadslid besluit die departementshoof met inagneming van die openbare belang, welke beamptes en werknemers, of klasse of groepe beamptes of werknemers, afdelings, takke of kantore 'n vyfdaagse werkweek of andersins moet nakom, en hy kan verskillende werkweke vir verskillende klasse of groepe beamptes en werknemers, of vir individue binne sodanige klasse of groepe, of vir afdelings, takke of kantore voorskryf.

G3. (2) Unless explicitly otherwise prescribed in or in terms of the provisions of this Chapter, an officer or employee shall render the undermentioned *minimum* hours of service:

	*Who is usually on duty during a working week of—		
	5 days	5 and 5½ days alternately or at longer intervals	5½, 6 or 7 days
	Weekly hours of attendance	Fortnightly hours of attendance	Weekly hours of attendance
<i>Generally in the case of—</i>			
(i) an officer in the administrative, clerical or professional division*	40	80	39
(ii) an officer in the technical or general A division*	44	88	44
(iii) an officer in the general B division or a full-time employee*	48	96	48
(iv) a member of the nursing staff in a hospital or institution*	50	100	50

Provided that the head of a department may permit an officer in the technical, general A or general B division or a full-time employee to work not less than 40 hours per week where a regular five-day working week is operative, or not less than 80 hours per fortnight where is partial five-day working week is operative, or not less than 39 hours per week where neither a regular nor a partial five-day working week is operative unless, in the case of an employee serving under contract, his service contract provides otherwise.

G3. (3) The working week and minimum hours of attendance of a part-time employee shall be as recommended by the Commission from time to time.

G3. (4) Where the official hours of attendance prescribed for an officer or employee in terms of regulation G1 (2) fall wholly or partially during the night, the working week of such officer or employee shall, for the purposes of calculating overtime duty, be reduced by one-sixth of that portion of the said hours of attendance falling during the night: Provided that the provisions of this subregulation shall not apply to a member of the nursing staff of a hospital or institution or to an officer or employee falling in a class whose conditions of service require him to perform night duty.

G3. (5) (a) If an officer or employee, during the official hours of attendance prescribed for him in or in terms of the provisions of this Chapter, is absent from duty as a result of leave granted or as a result of other circumstances which are acceptable to the head of a department, he shall be regarded as having been on duty during such absence for the purpose of the completion of his working week.

(b) The official hours of attendance which have been prescribed for an officer or employee in respect of the provisions of this chapter and which—

(i) fall on a public holiday, in the case of an officer or employee who does not normally work on such day; or

(ii) in the case of an officer or employee who normally works on a public holiday, fall on such other day on which he may be relieved from duty in lieu thereof;

G3. (2) Tensy uitdruklik in of kragtens die bepaling van hierdie Hoofstuk andersins voorgeskryf, moet 'n beamppte of werknemer onderstaande *minimum* ure dien: lewer:

	*Wat gewoonlik op diens is gedurende 'n werkweek van—		
	5 dae	5 en 5½ dae om die beurt of met langer tussenpose	5½, 6 of 7 dae
	Weeklikse diensure	Tweeweeklikse diensure	Weeklikse diensure
<i>In die algemeen in die geval van—</i>			
(i) 'n beamppte in die administratiewe, klerklike of vak-kundige afdeling*	40	80	39
(ii) 'n beamppte in die tegniese of algemene A-afdeling*	44	88	44
(iii) 'n beamppte in die algemene B-afdeling of 'n voltydse werknemer*	48	96	48
(iv) 'n lid van die verpleegpersoneel in 'n hospitaal of inrigting*	50	100	50

Met dien verstande dat die departementshoof kan toelaat dat 'n beamppte in die tegniese, algemene A- of algemene B-afdeling of 'n voltydse werknemer nie minder nie as 40 uur per week werk waar 'n gereelde vyfdaagse werkweek geld of nie minder nie as 80 uur per twee week waar 'n gedeeltelike vyfdaagse werkweek geld of nie minder nie as 39 uur per week waar 'n gereelde of 'n gedeeltelike vyfdaagse werkweek geld tensy, in die geval van 'n werknemer wat op kontrak dien, sy dienskontra anders bepaal.

G3. (3) Die werkweek en minimum diensure van 'n deeltydse werknemer is soos van tyd tot tyd deur die Kommissie aanbeveel.

G3. (4) Waar die amptelike diensure wat vir 'n beamppte of werknemer kragtens regulasie G1 (2) voorgeskryf is in die geheel of gedeeltelik gedurende die nag val, moet sodanige beamppte of werknemer se werkweek vir doeleindes van die berekening van oortyd diens vermind word met een sesde van daardie gedeelte van genoemde diensure wat gedurende die nag val: Met dien verstande dat die bepalings van hierdie subregulasie nie van toepassing is nie op 'n lid van die verpleegpersoneel van 'n hospitaal of inrigting of op 'n beamppte of werknemer wat in 'n klas val wat as 'n diensvoorwaarde nagedien moet verrig.

G3. (5) (a) Wanneer 'n beamppte of werknemer gedurende die amptelike diensure wat in of kragtens die bepalings van hierdie Hoofstuk vir hom voorgeskryf is, van diens afwesig is as gevolg van verlof toegestaan of weens ander omstandighede wat vir die departementshoof aanvaarbaar is, moet hy, vir doeleindes van die voltooiing van sy werkweek, geag word op diens te gewees te hê gedurende sodanige afwesigheid.

(b) Die amptelike diensure wat ten opsigte van 'n beamppte of werknemer op 'n bepaalde dag in of kragtens die bepalings van hierdie Hoofstuk vir 'n beamppte of werknemer voorgeskryf is, moet—

(i) op 'n openbare feesdag val, in die geval van 'n beamppte of werknemer wat nie normaalweg op sodanige dag werk nie; of

(ii) op sodanige ander dag val as wat hy normaalweg in plaas daarvan van diens vrygestel mag word in die geval van 'n beamppte of werknemer wat normaalweg op 'n openbare feesdag werk;

shall be reckoned for the purposes of the completion of the working week.

Overtime duty and overtime remuneration

G4. (1) If the head of an officer's or employee's office requires him, in terms of regulation G1 (1), to perform overtime duty which entails exceeding the officer's or employee's official hours of attendance prescribed in or in terms of the provisions of this chapter, no overtime remuneration shall of right be claimable in respect of such overtime duty: Provided that the Director of Authority Affairs and Finance may, on the recommendation of the Commission, approve that the head of a department pay to an officer or employee non-pensionable overtime remuneration in respect of overtime duty on conditions recommended by the commission.

G4. (2) Notwithstanding the provisions of subregulation (1) the head of a department may pay non-pensionable overtime remuneration to officers and employees who perform unavoidable overtime duty in sections, branches or offices indicated by the Commission and approved by the Director of Authority Affairs and Finance.

G4. (3) Subject to the provisions of subregulations (4) and (7) overtime remuneration which is authorised in or in terms of the provisions of this Chapter shall be paid at the following rates:

(a) *In respect of overtime duty on a Sunday.*—Double the hourly equivalent of the annual pensionable remuneration of the officer or employee concerned.

(b) *In respect of overtime duty on a day other than a Sunday.*—One and third times the hourly equivalent of the annual pensionable remuneration of the officer or employee concerned.

G4. (4) Overtime remuneration shall not be paid at a rate higher than the rate calculated on the maximum notch of the salary scale attaching to a post of Senior Clerk in the clerical division.

G4. (5) In the calculation of the overtime duty performed by an officer or employee—

(a) a period of overtime duty of shorter duration than quarter of an hour, which is continuous with the official hours of attendance prescribed for the officer or employee concerned in or in terms of the provisions of this Chapter, shall be ignored;

(b) a period of overtime duty of shorter duration than an hour, which is not continuous with the official hours of attendance prescribed for the officer or employee concerned in or in terms of the provisions of this Chapter, shall be reckoned as one hour;

(c) one hour shall be added to the period of overtime duty in respect of each case where an officer or employee is—

(i) notified of overtime duty; or

(ii) informed that overtime duty of which he has been notified but for which he has not yet reported, has been cancelled;

later than 18h00 on the previous day or after the close of the period of service immediately preceding the period of overtime duty, whichever may be the later; and

(d) the full period of overtime duty of which an officer or employee has been notified, to a maximum of two hours, shall be added to the extra duty in respect of overtime duty which has been cancelled but for which such officer or employee reported because he was not notified beforehand of the cancellation.

moet ingereken word vir doeleindes van die voltooiing van sy werkweek.

Oortyddiens en oortydbesoldiging

G4. (1) Wanneer die hoof van 'n beampte of werknemer se kantoor dit kragtens regulasie G1 (1) van hom vereis om oortyddiens te verrig wat 'n oorskryding meebring van die beampte of werknemer se amptelike diensure soos in of kragtens die bepalings van hierdie Hoofstuk voorgeskryf, mag oortydbesoldiging ten opsigte van sodanige oortyddiens nie as 'n reg geëis word nie: Met dien verstande dat die Direkteur van Owerheidsake en Finansies, op aanbeveling van die Kommissie, kan goedkeur dat die departementshoof nie-pensioendraende oortydbesoldiging aan 'n beampte of werknemer ten opsigte van oortyddiens betaal op voorwaardes deur die Kommissie aanbeveel.

G4. (2) Ondanks die bepalings van subregulasie (1) kan 'n departementshoof aan beamptes en werknemers wat onvermydelike oortyddiens verrig in afdelings, takke of kantore deur die Kommissie aangedui en deur die Direkteur van Owerheidsake en Finansies goedgekeur, nie-pensioendraende oortydbesoldiging betaal.

G4. (3) Behoudens die bepalings van subregulasie (4) en (7), word oortydbesoldiging wat in of kragtens hierdie Hoofstuk gemagtig is teen die volgende koerse betaal:

(a) *Ten opsigte van oortyddiens op 'n Sondag.*—Dubbel uurlikse ekwivalent van die betrokke beampte of werknemer se jaarlikse pensioendraende besoldiging.

(b) *Ten opsigte van oortyddiens op 'n ander dag as 'n Sondag.*—Een en 'n derde maal die uurlikse ekwivalent van die betrokke beampte of werknemer se jaarlikse pensioendraende besoldiging.

G4. (4) Oortydbesoldiging word nie betaal teen 'n koers wat hoër is as dié wat op die maksimum kerf van die salarisskaal verbonde aan 'n pos van Senior Klerk in die klerklike afdeling bereken is nie.

G4. (5) By die berekening van oortyddiens deur 'n beampte of werknemer verrig, moet—

(a) 'n tydperk van oortyddiens van korter as 'n kwartier wat aaneenlopend is met die amptelike diensure wat vir die betrokke beampte of werknemer in of kragtens die bepalings van hierdie Hoofstuk voorgeskryf is, buite rekening gelaat word;

(b) 'n tydperk van oortyddiens van korter as 'n uur wat nie aaneenlopend is nie met die amptelike diensure wat vir die betrokke beampte of werknemer in of kragtens die bepalings van hierdie Hoofstuk voorgeskryf is, as een uur gereken word;

(c) een uur by die tydperk van oortyddiens gereken word ten opsigte van elke geval waar 'n beampte of werknemer later as 18h00 op die vorige dag of na afsluiting van die dienstdagperk wat die oortyddiens onmiddellik voorafgaan, naamlik die laatste—

(i) vir oortyddiens aangesê word; of

(ii) kennis gegee word dat oortyddiens waarvoor hy aangesê is maar waarvoor hy hom nog nie aangemeld het nie, gekanselleer is; en

(d) die volle tydperk van oortyddiens waarvoor 'n beampte of werknemer aangesê is, tot 'n maksimum van twee uur, by die ekstra diens gereken word ten opsigte van oortyddiens wat gekanselleer is, maar waarvoor sodanige beampte of werknemer hom aangemeld het omdat hy nie vooraf van die kansellering in kennis gestel is nie.

G4. (6) In the calculation of the overtime duty performed by an officer or employee during a period covered by a working week, and subject to the provisions of paragraph (b) of subregulation (5), portions of an hour in each total which is calculated at a separate tariff shall be—

- (a) ignored if less than half an hour;
- (b) reckoned as one hour if half an hour or longer.

G4. (7) Overtime remuneration in respect of overtime duty performed during the night shall be calculated at the rates which have been prescribed for overtime duty on a Sunday in accordance with the provisions of regulation G4. (3): Provided that the provisions of this subregulation shall not apply to a member of the nursing staff in a hospital or institution or to an officer or employee falling in a class performing night duty as a condition of service.

G4. (8) An officer or employee shall give his full attention to the duties entrusted to him during periods of overtime duty and shall not without the consent of his supervisor be absent from his office or place of work during such periods.

Commuted overtime allowance

G5. Notwithstanding anything to the contrary contained in this Chapter, the Director of Authority Affairs and Finance may, in cases where the payment of overtime remuneration according to hourly rates is impracticable or undesirable, approve, on the recommendation of the Commission, that the head of a department pay to an officer or employee who is eligible for overtime remuneration, overtime remuneration on a commuted basis in respect of overtime duty.

Exceptional cases

G6. If circumstances arise which justify a departure from the provisions of this Chapter, the head of a department may require an officer or employee or classes of officers or employees to observe such official hours of attendance or working weeks as may be recommended by the Commission, or the Director of Authority Affairs and Finance may approve that the head of a department pay overtime remuneration in respect of overtime duty to an officer or employee or classes of officers or employees at a rate and on conditions recommended by the Commission. The Commission may also at its discretion, recommend special conditions and exceptions in regard to the keeping of attendance registers and the recording of an officer's or employee's time of arrival at and departure from his place of work.

CHAPTER H

OFFICIAL QUARTERS

Applicability of regulations

H1. (1) Subject to the provisions of subregulation (1) of regulation H7, all the regulations of this Chapter shall apply to a tenant, but, save as is provided for in regulation H2, shall not apply to—

- (a) a temporary worker; or
- (b) a casual labourer.

H1. (2) The obligations devolving upon a tenant in terms of the regulations of this Chapter shall—

- (a) commence on the date on which he assumes duty in a post to which official quarters are attached or on the date on which he moves into the quarters, whichever is the earlier;

G4. (6) By die berekening van die oortyd diens wat 'n beamppte of werknemer oor 'n tydperk wat deur 'n werkweek gedek word, verrig het, en behoudens die bepalings van paragraaf (b) van subregulasie (5), moet gedeeltes van 'n uur in elke totaal wat teen 'n afsonderlike tarief bereken word—

- (a) buite rekening gelaat word as dit korter as 'n halfuur is;
- (b) as een uur gereken word as dit 'n halfuur of langer is.

G4. (7) Oortydbesoldiging ten opsigte van oortyd diens wat gedurende die nag verrig is, moet bereken word teen die tariewe wat vir oortyd diens op 'n Sondag ooreenkomstig die bepalings van regulasie G4 (3) voorgeskrif is: Met dien verstande dat die bepalings van hierdie subregulasie nie van toepassing is nie op 'n lid van die verpleegpersoneel in 'n hospitaal of inrigting of op 'n beamppte of werknemer wat in 'n klas val wat as 'n diensvoorwaarde nagdiens moet verrig.

G4. (8) 'n Beamppte of werknemer moet gedurende tydperke van oortyd diens sy volle aandag wy aan die pligte wat aan hom toevertrou is en mag nie van sy kantoor of werkplek sonder die toestemming van sy toesighouer gedurende sodanige tydperke afwesig wees nie.

Omgesette oortydoelae

G5. Ondanks andersluidende bepalings van hierdie Hoofstuk kan die Direkteur van Owerheidsake en Finansies, op aanbeveling van die Kommissie, goedkeur dat die departementshoof in gevalle waar die betaling van oortydbesoldiging volgens uurtariewe onprakties is of onwenslik is, aan 'n beamppte of werknemer wat vir oortydbesoldiging in aanmerking kom, oortydbesoldiging op 'n omgesette grondslag ten opsigte van oortyd diens betaal.

Buitengewone gevalle

G6. As daar omstandighede ontstaan wat 'n afwyking van hierdie Hoofstuk regverdig, kan die departementshoof van 'n beamppte of werknemer of klasse beamptes of werknemers vereis om dié amptelike diensure of werke na te kom wat die Kommissie aanbeveel of kan die Direkteur van Owerheidsake en Finansies goedkeur dat die departementshoof oortydbesoldiging ten opsigte van oortyd diens aan 'n beamppte of werknemer of klasse beamptes of werknemers betaal teen 'n tarief en op voorwaardes deur die Kommissie aanbeveel. Die Kommissie kan ook na goeë dunks spesiale voorwaardes en uitsonderings aanbeveel met betrekking tot die hou van bywoningsregisters en die aantekening van 'n beamppte of werknemer se tyd van aankoms by en vertrek van sy werkplek.

HOOFSTUK H

AMPTELIKE KWARTIERE

Toepaslikheid van regulasies

H1. (1) Behoudens die bepalings van subregulasie (1) van regulasie H7, is al die regulasies van hierdie Hoofstuk op 'n huurder van toepassing, dog, behalwe soos bepaal in regulasie H2, is dié regulasies nie van toepassing nie op—

- (a) 'n tydelike werker; of
- (b) 'n los arbeider.

H1. (2) Die verpligtinge wat 'n huurder deur die regulasies van hierdie Hoofstuk opgelê word—

- (a) neem 'n aanvang op die datum waarop hy diens aanvaar in 'n pos waaraan amptelike kwartiere verbode is of op die datum waarop hy die kwartiere betrek, naamlik die vroegste datum;

(b) cease from the date—

(i) on which his services in the post mentioned in paragraph (a) terminate or on which he actually vacates the official quarters, whichever is the later; or

(ii) on which the assignment of the official quarters to the holder of the post in question is withdrawn or on which he actually vacates the official quarters, whichever is the later;

(c) be suspended for any period during which he is required to vacate the official quarters to permit of occupation by a *locum tenens* or of repairs and renovations being carried out;

except in the case mentioned in subregulation (2) of regulation H7: Provided that the obligations of a tenant to whom official quarters have been allotted in terms of regulation H6 shall commence on a date mutually agreed upon by him and the head of department but not later than the date on which he actually takes occupation of the quarters, and cease on a date mutually agreed upon by him and head of department, failing which agreement, on the expiry of a period of notice of not less than one calendar month on either side, but in no case earlier than the date on which he vacates the quarters.

H1. (3) Notwithstanding the provisions of subregulation (2), an officer to whom official quarters have been assigned in terms of regulation H5 or allotted in terms of regulation H6 and to whom vacation leave has been granted immediately before his retirement on attaining the pensionable age, shall be exempted from the obligations devolving upon him by the regulation with effect from the date on which he vacates relative quarters: Provided that the period of such exemption shall not exceed a period of three months and shall not be less than one month.

Temporary workers and casual labourers

H2. The conditions of occupation and the rentals of quarters provided to a temporary worker or casual labourer shall be as approved by the Director of Authority Affairs and Finance on the Recommendation of the Commission.

Provision of furniture

H3. (1) Furniture for married quarters shall not be provided unless the Director of Authority Affairs and Finance so approves on the recommendation of the Department of Community Affairs.

H3. (2) Furniture for single quarters may be provided by the landlord department.

H3. (3) Where furniture is provided the provisions of subregulation (5) of regulation H8 are applicable.

Classification of official quarters

H4. (1) Subject to the provisions of subregulation (2), official quarters shall be classified by the landlord department as—

(a) married quarters; or

(b) single quarters.

H4. (2) Official quarters assigned in terms of regulation H5 or allotted in terms of regulation H6 to an officer or employee with a family or dependants who normally reside with him, shall be classified as married quarters notwithstanding that such official quarters are designed for an officer or employee who is not married or who has no dependants who normally reside with him.

(b) eindig op die datum—

(i) waarop sy dienste in die pos in paragraaf (a) genoem, eindig, of waarop hy die amptelike kwartiere werklik ontruim, naamlik die laatste datum; of

(ii) waarop die toewysing van amptelike kwartiere aan die bekleër van die betrokke pos teruggetrek word of waarop hy die amptelike kwartiere werklik ontruim, naamlik die laatste datum;

(c) word opgeskort vir enige tydperk waartydens dit van hom vereis word om die amptelike kwartiere te ontruim sodat 'n plaasvervanger hulle kan bewoon of sodat herstel- of opknappingswerk uitgevoer kan word;

behalwe in die geval genoem in subregulasie (2) van regulasie H7: Met dien verstande dat die verpligtinge van 'n huurder aan wie amptelike kwartiere kragtens regulasie H6 toegeken is 'n aanvang neem op 'n datum wat deur onderlinge ooreenkoms tussen hom en die departementshoof bepaal is, maar nie later nie as die datum waarop hy die kwartiere werklik betrek, en eindig op 'n datum wat deur onderlinge ooreenkoms tussen hom en die departementshoof bepaal is of, as daar nie so 'n ooreenkoms aangegaan is nie, by verstryking van 'n tydperk van kennisgewing van nie korter nie as een kalendermaand deur enigeen van die partye, maar in geen geval vroeër as die datum waarop hy die kwartiere ontruim nie.

H1. (3) Ondanks die bepalings van subregulasie (2) word 'n beampte aan wie amptelike kwartiere kragtens regulasie H5 toegewys of kragtens regulasie H6 toegeken is, en aan wie vakansieverlof onmiddellik voor sy uitdienstreding by bereiking van die pensioenleefyd toegestaan is, vrygestel van die verpligtinge wat hom deur die regulasie opgelê word met ingang van die datum waarop hy die betrokke kwartiere ontruim: Met dien verstande dat die tydperk van sodanige vrystelling nie drie maande oorskry nie en nie korter as een maand is nie.

Tydlike werkers en los arbeiders

H2. Die voorwaardes van okkupasie en die verhuring van kwartiere wat verskaf word aan tydelike werkers en los arbeiders sal wees soos bepaal deur die Direkteur van Owerheidsake en Finansies op aanbeveling van die Kommissie.

Verskaffing van meubels

H3. (1) Meubels word nie vir getroudekwartiere verskaf nie tensy die Direkteur van Owerheidsake en Finansies sodanige verskaffing op aanbeveling van die Departement van Gemeenskapsake goedkeur.

H3. (2) Meubels vir enkelkwartiere kan deur die verskaffingsdepartement verskaf word.

H3. (3) Waar meubels verskaf word, is die bepalings van subregulasie (5) van regulasie H8 van toepassing.

Indeling van amptelike kwartiere

H4. (1) Behoudens die bepalings van subregulasie (2), word amptelike kwartiere deur die verskaffingsdepartement ingedeel onder—

(a) getroudekwartiere; of

(b) enkelkwartiere.

H4. (2) Amptelike kwartiere wat kragtens regulasie H5 toegewys of kragtens regulasie H6 toegeken is aan 'n beampte of werknemer met 'n gesin of afhanklikes wat gewoonlik by hom inwoon, word onder getroudekwartiere ingedeel niesteenstaande dat sodanige amptelike kwartiere ontwerp is vir 'n beampte of werknemer wat ongetroud is of wat geen afhanklikes het wat gewoonlik by hom inwoon nie.

Assignment of official quarters

H5. Official quarters available to a head of department shall be assigned by him as residential accommodation to the officer or employee holding the particular post specified by the landlord department: Provided that if the public interest so demands—

(a) the whole or portion of official quarters may be withheld or withdrawn from assignment with the approval of the Director of Authority Affairs and Finance given on the recommendation of the Commission; and

(b) the head of department may, with the approval of the Director of Authority Affairs and Finance given on the recommendation of the Commission, withhold or withdraw the assignment of—

(i) married quarters to such an officer or employee who is not married or who has no dependants who reside with him; or

(ii) single quarters to such an officer or employee who is married or who has dependants who normally reside with him:

Provided that if, for reasons acceptable to the head of department, the officer or employee who occupies the particular post specified by the landlord department, is not prepared or is unable to occupy the official quarters, the head of department may grant him exemption from occupying the quarters concerned.

Allotment of official quarters

H6. (1) Official quarters withheld or withdrawn in terms of paragraph (b) of the first proviso to regulation H5 or from the occupation of which exemption has been granted in terms of the second proviso to regulation H5 or which cannot be assigned owing to the post in respect of which they have been provided being vacant, may be allotted by the head of a department to any other officer or employee of his department for the period they are not assigned or for the period during which the incumbent of the post for which they have been provided has been exempted from occupying them or for the period such post is vacant. Such allotment shall be subject, in all respects, to the provisions of the regulations of this Chapter.

H6. (2) If the head of department cannot allot the official quarters in terms of subregulation (1), he shall immediately notify the landlord department which may then, at its discretion, make the quarters available to another department for assignment or allotment or let them temporarily—

(a) to a person who is not an officer or employee; or

(b) to an officer or employee mentioned in paragraph (a) of regulation H2;

on such terms and conditions as the Department of Community Affairs may, on the recommendation of the Commission, determine.

Liability for rent

H7. (1) A tenant is liable to pay rent for official quarters in terms of regulation H9 unless he is—

(a) in terms of his appointment, entitled to free quarters; or

(b) in terms of arrangements approved by the Director of Authority Affairs and Finance, on the recommendation of the Commission, provided with both board and lodging either free of charge or at an inclusive charge.

Toewysing van amptelike kwartiere

H5. Amptelike kwartiere wat tot die beskikking van 'n departementshoof gestel is, word deur hom as huisvesting toegewys aan die beamppte of werknemer wat die besondere pos beklee wat die verskaffingsdepartement aangewys het: Met dien verstande dat, as dit in die openbare belang is—

(a) die geheel of 'n gedeelte van amptelike kwartiere met die goedkeuring van die Direkteur van Owerheidsake en Finansies verleen op aanbeveling van die Kommissie, van toewysing teruggehou of teruggetrek kan word; en

(b) die departementshoof met die goedkeuring van die Direkteur van Owerheidsake en Finansies verleen op aanbeveling van die Kommissie, die toewysing van—

(i) getroudekwartiere aan sodanige beamppte of werknemer wat ongetroud is of wat geen afhanklikes het wat by hom inwoon nie; of

(ii) enkelkwartiere aan sodanige beamppte of werknemer wat getroud is of wat afhanklikes het wat gewoonlik by hom inwoon;

kan teruggehou of terugtrek: Met dien verstande voorts dat indien die beamppte of werknemer wat die bepaalde pos beklee wat die verskaffingsdepartement aangewys het, om redes wat vir die departementshoof aanneemlik is, nie bereid is of nie in staat is om die amptelike kwartiere te bewoon nie, die departementshoof hom vrystelling kan verleen van bewoning van die betrokke kwartiere.

Toekenning van amptelike kwartiere

H6. (1) Amptelike kwartiere wat kragtens paragraaf (b) van die eerste voorbehoudsbepaling van regulasie H5 teruggehou of teruggetrek is of van die bewoning waarvan kragtens die tweede voorbehoudsbepaling van regulasie H5 vrystelling verleen is of wat nie toegewys kan word nie omdat die pos ten opsigte waarvan hulle verskaf is, vakant is, kan deur die departementshoof aan 'n ander beamppte of werknemer van sy departement toegeken word of vir die tydperk wat hulle nie toegewys is nie of vir die tydperk waartydens die bekleër van die pos waaraan hulle toegewys is, van bewoning daarvan vrystel is of vir die tydperk waartydens sodanige pos vakant is. Sodanige toekenning is in alle opsigte onderworpe aan die bepalings van die regulasies van hierdie Hoofstuk.

H6. (2) As die departementshoof die amptelike kwartiere nie kragtens subregulasie (1) kan toeken nie, moet hy die verskaffingsdepartement onmiddellik daarvan in kennis stel, wat dan die kwartiere na goeddunke tot die beskikking van 'n ander departement vir toewysing of toekenning kan stel of hulle tydelik kan verhuur aan—

(a) 'n persoon wat nie 'n beamppte of werknemer is nie; of

(b) 'n beamppte of werknemer genoem in paragraaf (a) van regulasie H2;

op sodanige bedinge en voorwaardes as wat die Departement van Gemeenskapsake op aanbeveling van die Kommissie mag bepaal.

Aanspreeklikheid vir huurgeld

H7. (1) 'n Huurder is aanspreeklik vir die betaling van huurgeld ten opsigte van amptelike kwartiere kragtens regulasie H9 tensy hy—

(a) kragtens sy aanstellingsvoorwaardes op vry huisvesting geregtig is; of

(b) kragtens reëlins wat deur die Direkteur van Owerheidsake en Finansies op aanbeveling van die Kommissie goedgekeur is, van losies en inwoning of gratis of teen 'n allesinsluitende tarief voorsien word.

H7. (2) A tenant shall pay rent in respect of the whole period during which he is subject to the obligations of tenancy in terms of subregulation (2) of regulation H1, except that—

(a) when he is transferred from one headquarters to another, at both of which official quarters are available and assigned, he shall pay rent in respect of the official quarters at the old headquarters up to and including the day preceding the date on which he becomes liable to pay rent in respect of the official quarters at the new headquarters; and

(b) if he is absent on official duty or leave, of whatever nature, for a continuous period exceeding 30 days during which the official quarters are not required for a *locum tenens*, nor sub-let, nor occupied, rent at one half the rate prescribed in or in terms of the provisions of this Chapter may be paid in respect of the whole period of his absence.

Assessment of rent for official quarters, furniture and garages

H8. (1) The annual rental to be paid by a tenant of married quarters (inclusive of garage and/or outbuildings) shall be as approved by the Director of Authority Affairs and Finance on the recommendation of the Commission.

H8. (2) A rebate of the rental calculated in terms of subregulation (1) may be allowed in consideration of such aggregate of structural defects, shortcomings and other disadvantages inherent in a dwelling or its situation as is deemed materially to diminish enjoyment of occupation. The basis on which such rebate may be granted shall be as determined from time to time by the Director of Authority Affairs and Finance on the recommendation of the Commission.

H8. (3) Where it is proved to the satisfaction of the Department of Community Affairs that there are circumstances extraneous to those taken into consideration in connection with the assessment of rent for married quarters which militate against full beneficial occupation of such quarters, that department may authorise reduction of the rent payable in terms of regulation H8 (1) by an amount which, in its opinion, is adequate.

H8. (4) (a) Subject to the provisions of paragraph (b), a tenant to whom single quarters have been assigned in terms of regulation H5 or allotted in terms of regulation H6, shall pay rent as approved by the Director of Authority Affairs and Finance on the recommendation of the Commission.

(b) Where it is proved to the satisfaction of the Department of Community Affairs that there are circumstances which militate against the full beneficial occupation of single quarters, that department may authorise a reduction of the rent payable in terms of paragraph (a) by an amount which, in its opinion, is adequate.

H8. (5) The rent which a tenant shall pay in respect of the use of furniture provided in official quarters by the landlord department shall be as approved by the Director of Authority Affairs and Finance on the recommendation of the Commission.

H8. (6) A tenant of single quarters to whom a garage is made available, shall pay such rent as approved by the Director of Authority Affairs and Finance on the recommendation of the Commission.

H7. (2) 'n Huurder moet huurgeld betaal ten opsigte van die hele tydperk waartydens hy aan die verpligtinge van bewoning genoem in subregulasie (2) van regulasie H1, onderworpe is, behalwe dat—

(a) wanneer hy van een hoofkwartier na 'n ander oorgeplaas word by albei waarvan amptelike kwartiere beskikbaar en toegewys is, hy huurgeld ten opsigte van die amptelike kwartiere by die ou hoofkwartier moet betaal tot en met die datum voorafgaande dié waarop sy aanspreeklikheid vir die betaling van huurgeld ten opsigte van die amptelike kwartiere by die nuwe hoofkwartier 'n aanvang neem; en

(b) as hy in amptelike diens of met verlof, van water aard ook al, vir 'n aaneenlopende tydperk van langer as 30 dae afwesig is waartydens die amptelike kwartiere nie vir 'n plaasvervanger nodig is, onderverhuur of bewoon word nie, huurgeld teen die helfte van die tarief wat in of kragtens die bepalings van hierdie Hoofstuk voorgeskryf is, betaal kan word ten opsigte van die hele tydperk van sy afwesigheid.

Vasstelling van huurgeld ten opsigte van amptelike kwartiere, meubels en motorhuise

H8. (1) Die jaarlikse huurgeld wat deur 'n huurder van getroudekwartiere (insluitende 'n motorhuis en/of buitegeboue) betaalbaar is, is soos goedgekeur deur die Direkteur van Owerheidsake en Finansies op aanbeveling van die Kommissie.

H8. (2) 'n Korting op die huurgeld bereken ooreenkomstig subregulasie (1) kan toegestaan word met inagneming van sodanige aggreëat van struktuurgebreke, tekortkominge en ander nadele inherent aan 'n woning of die ligging daarvan as wat die bewoning daarvan wesenlik minder aangenaam maak. Die grondslag waarvolgens sodanige korting toegestaan kan word is soos van tyd tot tyd deur die Direkteur van Owerheidsake en Finansies op aanbeveling van die Kommissie, bepaal.

H8. (3) As daar tot tevredenheid van die Departement van Gemeenskapsake bewys word dat daar omstandighede bestaan wat nie by die vasstelling van huurgeld vir getroudekwartiere in aanmerking geneem is nie en wat die volle benutting van sodanige kwartiere verhinder, kan daardie departement magtiging verleen dat die huurgeld wat kragtens regulasie H8. (1) betaal moet word, verminder word met 'n bedrag wat, na sy mening, voldoende is.

H8. (4) (a) Behoudens die bepaling van paragraaf (b), moet 'n huurder aan wie enkelkwartiere kragtens regulasie H5 toegewys of kragtens regulasie H6 toegeken is, huurgeld betaal soos goedgekeur deur die Direkteur van Owerheidsake en Finansies op aanbeveling van die Kommissie.

(b) As daar tot tevredenheid van die Departement van Gemeenskapsake bewys word dat daar omstandighede bestaan wat die volle benutting van enkelkwartiere verhinder, kan daardie departement magtiging verleen dat die huurgeld wat kragtens paragraaf (a) betaal moet word, verminder word met 'n bedrag wat, na sy mening, voldoende is.

H8. (5) Die huurgeld wat 'n huurder moet betaal ten opsigte van die gebruik van meubels wat vir amptelike kwartiere deur die verskaffingsdepartement verskaf word, is soos goedgekeur deur die Direkteur van Owerheidsake en Finansies op aanbeveling van die Kommissie.

H8. (6) 'n Huurder van enkelkwartiere tot wie se beskikking 'n motorhuis gestel is, betaal sodanige huurgeld soos goedgekeur deur die Direkteur van Owerheidsake en Finansies op aanbeveling van die Kommissie.

Collection of rent and other amounts due

H9. The head of department shall deduct from the salary of a tenant the rent payable in terms of the regulations of this Chapter and, at the request of the landlord department, such other amounts, levies and impositions as may, in terms of such regulations, be payable by or recoverable from a tenant.

Occupation of official quarters by household of deceased tenant

H10. In the event of the death of a tenant, his household shall be entitled to remain in occupation of the official quarters free of rent until the end of the month following that in which he died, but subject in all other respects to compliance with the provisions of the regulations in this Chapter and the Staff Code.

Temporary vacating of official quarters

H11. (1) A tenant to whom official quarters have been assigned in terms of regulation H5 and who is absent from his normal place of duty for any reason, shall, on reasonable notice from the head of department, temporarily vacate such quarters for the period they are required for occupation by a *locum tenens*, and he shall remove all his personal effects unless he comes to some arrangements with the *locum tenens* whereby the personal effects may remain upon the premises.

H11. (2) A tenant to whom official quarters have been assigned in terms of regulation H5, shall on reasonable notice from the landlord department, temporarily vacate his official quarters for such period as vacant possession is required by that department for the purpose of effecting repairs or renovation and he shall, if so required, remove his personal effects therefrom.

H11. (3) (a) A tenant who is required to remove his personal effects in terms of the provisions of subregulation (1), may be reimbursed reasonable expenses actually incurred by him in connection with the removal and storage of his personal effects not exceeding 14 000 lb in weight (gross), provided the arrangements made in regard to the removal and storage have had the prior approval of the head of department.

(b) A tenant who is required in terms of the provisions of subregulation (2) temporarily to vacate the official quarters allocated to him may be reimbursed—

(i) the amount by which his actual living expenses for the period of compulsory non-occupation of the quarters exceeds his normal living expenses while resident in the official quarters: Provided that the head of the landlord department may refund a lesser amount than that claimed if he is of opinion that the claim is excessive; and

(ii) reasonable expenses actually incurred by him in connection with the removal and storage of his personal effects not exceeding 14 000 lb in weight (gross) provided it is necessary for him temporarily to remove his personal effects from the official quarters and provided the arrangements made in regard to the removal and storage have had the prior approval of the head of the landlord department.

(c) Claims submitted in terms of this subregulation must be supported by properly certified and completed vouchers and the cost of all reimbursements made shall form a charge against the vote of the department requiring that the official quarters be temporarily vacated.

Invordering van huurgeld en ander verskuldigde gelde

H9. Die departementshoof moet die huurgeld wat kragtens die regulasies van hierdie Hoofstuk betaal moet word en, op versoek van die verskaffingsdepartement, sodanige ander gelde, heffings en opleggings as wat kragtens sodanige regulasies deur 'n huurder betaal of op hom verhaal moet word, van 'n huurder se salaris aftrek.

Bywoning van amptelike kwartiere deur huishouding van 'n oorlede huurder

H10. In geval van die dood van 'n huurder is sy huishouding daarop geregtig om, sonder om huurgeld te betaal, in die amptelike kwartiere aan te bly tot aan die einde van die maand wat volg op dié waarin hy oorlede is, dog onderworpe daaraan dat aan die bepalings van die regulasies in hierdie Hoofstuk en die personeelkode in alle ander opsigte voldoen word.

Tydlike ontruiming van amptelike kwartiere

H11. (1) 'n Huurder aan wie amptelike kwartiere kragtens regulasie H5 toegewys is en wat van sy gewone werkplek afwesig is, om watter rede ook al, moet, na redelike kennisgewing deur die departementshoof, sodanige kwartiere tydelik ontruim vir die tydperk wat hulle deur 'n plaasvervanger vir bewoning nodig is, en hy moet al sy persoonlike besittings verwyder tensy hy 'n ooreenkoms met die plaasvervanger tref waarvolgens hy die persoonlike besittings op die perseel mag laat bly.

H11. (2) 'n Huurder aan wie amptelike kwartiere kragtens regulasie H5 toegewys is, moet, na redelike kennisgewing deur die verskaffingsdepartement, sy amptelike kwartiere tydelik ontruim vir sodanige tydperk as wat daardie departement hulle onbewoon nodig het om herstel of opknappingswerk daaraan te doen en, indien nodige, moet hy sy persoonlike besittings daaruit verwyder.

H11. (3) (a) Aan 'n huurder wat sy persoonlike besittings kragtens die bepalings van subregulasie (1) moet verwyder, kan die redelike uitgawes terugbetaal word werklik deur hom aangegaan in verband met die verwydering en opberging van sy persoonlike besittings van hoogstens 14 000 lb in gewig (bruto), mits die reëlins wat in verband met die verwydering en opberging getref is, vooraf deur die departementshoof goedgekeur is.

(b) Aan 'n huurder wat kragtens die bepalings van subregulasie (2) sy toegewese amptelike kwartiere tydelik moet ontruim, kan die volgende terugbetaal word:

(i) Die bedrag waarmee sy werklike bestaansuitgawes gedurende die tydperk van verpligte ontruiming van die kwartiere sy normale bestaansuitgawes terwyl hy die amptelike kwartiere bewoon, oorskry: Met dien verstande dat die hoof van die verskaffingsdepartement 'n kleiner bedrag as die bedrag wat geëis word, kan terugbetaal as hy van mening is dat die eis buitensporig is; en

(ii) die redelike uitgawes werklik deur hom aangegaan in verband met die verwydering en opberging van persoonlike besittings van hoogstens 14 000 lb in gewig (bruto), mits dit vir hom nodig is om die persoonlike besittings tydelik uit die amptelike kwartiere te verwyder en mits die reëlins wat in verband met die verwydering en opberging getref is, vooraf deur die hoof van die verskaffingsdepartement goedgekeur is.

(c) Eise wat kragtens hierdie subregulasie ingedien word, moet gestaaf word deur behoorlik gesertifiseerde en ingevulde bewysstukke en die koste van alle terugbetalings wat gedoen word, maak 'n las uit teen die begrotingspos van die departement wat vereis het dat die amptelike kwartiere tydelik ontruim word.

Occupation of official quarters by locum tenens

H12. Where official quarters are occupied by a *locum tenens* he shall pay rent calculated in accordance with the relevant provisions of regulation H8 which shall be applicable to him *mutatis mutandis* and he shall be responsible for all obligations devolving upon a tenant in terms of the regulations of this Chapter and the Staff Code.

Temporary sub-letting of official quarters

H13. (1) If through absence on leave or official duty for a continuous period exceeding 30 days a tenant is unable to occupy his official quarters and they are not required for a *locum tenens*, he may be permitted by the head of department to sub-let them for a period and to a person approved by the landlord department, subject to the tenant remaining in all respects liable for his obligations under these regulations including the payment of rent on the basis prescribed in this Chapter. If the rent paid by the sub-tenant exceeds the rent payable by the tenant, the landlord department shall decide, in consultation with the Department of Community Affairs, what portion of such excess shall be paid into Revenue and what portion retained by the tenant as compensation for the use of personal effects belonging to him and utilised by the sub-tenant.

H13. (2) In exceptional circumstances, other than the circumstances mentioned in subregulation (1), the landlord department, may, in consultation with the head of the tenant's department if the tenant is not employed in the landlord department, permit the tenant to sub-let the official quarters subject to such terms and conditions as may be determined by the Department of Community Affairs: Provided that if such official quarters are sub-let at a higher rental than that payable by the tenant in terms of the provisions of this Chapter, such excess shall be paid into Revenue.

Conditions of tenancy

H14. (1) The tenant shall be liable and responsible for—

(a) keeping the buildings in a clean and tidy condition;

(b) keeping the buildings free of vermin: Provided that the landlord department may, at its discretion, undertake the extermination of bugs and either recover the cost from the tenant whom it deems liable for the infestation, or accept liability in cases where it cannot fix responsibility for the infestation;

(c) repairs and maintenance of the buildings and the furniture, fittings, fixtures, plant and equipment, other than repairs required to be made as a result of fair wear and tear, structural defects and *vis major*, and for the cost of rectifying defects, dilapidations and deficiencies occasioned by his default;

(d) the maintenance and keeping clean and in order of the grounds, playing courts and gardens pruning of trees, shrubs and hedges, spraying of fruit trees and the cutting and trimming of lawns and grass: Provided that where grounds are extensive or form part of the lay-out of a Government institution the landlord department may, at its discretion, reimburse the tenant portion of the cost incurred in keeping clean and maintaining uncultivated portions thereof;

Bewoning van amptelike kwartiere deur 'n plaasvervanger

H12. As amptelike kwartiere deur 'n plaasvervanger bewoon word, betaal hy huurgeld wat bereken is ooreenkomstig die tersaaklike bepalings van regulasie H8 wat *mutatis mutandis* op hom van toepassing is en is hy aanspreeklik vir al die verpligtinge wat 'n huurder by die regulasies van hierdie Hoofstuk en die Personeelkode opgelê word.

Tydlike onderverhuur van amptelike kwartiere

H13. (1) As 'n huurder as gevolg van afwesigheid met verlof of in amptelike diens vir 'n aaneenlopende tydperk van langer as 30 dae nie in staat is om sy amptelike kwartiere te bewoon nie en as hulle nie vir 'n plaasvervanger nodig is nie, kan hy deur die departementshoof toegelaat word om hulle te onderverhuur vir 'n tydperk en aan 'n persoon wat deur die verskaffingsdepartement goedgekeur is, onderworpe daaraan dat die huurder in alle opsigte aanspreeklik bly vir sy verpligtinge ingevolge hierdie regulasies, insluitende die betaling van huurgeld volgens die grondslag wat in hierdie hoofstuk voorgeskryf is. As die huurgeld wat deur die onderhuurder betaal word, die huurgeld wat deur die huurder betaalbaar is, oorskry, besluit die verskaffingsdepartement in oorleg met die Departement van Gemeenskapsake watter gedeelte van sodanige oorskryding in Inkomste gestort moet word en watter gedeelte daarvan deur die huurder behou kan word ter vergoeding van die gebruik van persoonlike besittings wat aan hom behoort en waarvan die onderhuurder gebruik gemaak het.

H13. (2) In buitengewone omstandighede, uitgesonderd die omstandighede genoem in subregulasie (1), kan die verskaffingsdepartement in oorleg met die hoof van die huurder se departement as die huurder nie in die verskaffingsdepartement in diens is nie, die huurder toelaat om die amptelike kwartiere te onderverhuur, onderworpe aan sodanige bedinge en voorwaardes as wat die Departement van Gemeenskapsake bepaal: Met dien verstande dat as sodanige amptelike kwartiere onderverhuur word teen 'n huurgeld wat die huurgeld oorskry wat die huurder kragtens die bepalings van hierdie Hoofstuk moet betaal, die bedrag van sodanige oorskryding in Inkomste gestort moet word.

Voorwaardes van bewoning

H14. (1) Die huurder is aanspreeklik en verantwoordelik—

(a) om die geboue skoon en netjies te hou;

(b) om die geboue van ongedierte skoon te hou: Met dien verstande dat die verskaffingsdepartement na goeie dinge die uitroeiing van weeluse kan onderneem en die koste op die huurder verhaal wat hy vir die besmetting aanspreeklik hou of self die las aanvaar as aanspreeklikheid vir die besmetting nie bepaal kan word nie;

(c) vir herstelwerk aan en onderhoud van die geboue en die meubels, toebehore, vaste toebehore, masjinerie en uitrusting, uitgesonderd herstelwerk wat gedoen moet word as gevolg van gewone slytasie, struktuurgebreke en *vis major* en vir die koste verbonde aan die herstel van defekte, bouvallighede en tekorte wat deur sy toedoen veroorsaak is;

(d) om die terrein, speelbane en tuine in 'n goeie toestand en skoon te hou, om bome, struik en heinings te snoei, om vrugtebome te bespuit en om grasperke en gras te knip en te sny: Met dien verstande dat waar die terrein uitgestrek is of deel uitmaak van die aanleg van 'n staatsinrigting die verskaffingsdepartement na goeie dinge 'n gedeelte van die koste aan die huurder kan terugbetaal wat hy aangegaan het in verband met die skoonhou en onderhoud van onbewerkte gedeeltes daarvan;

(e) all glass, except where replacement is necessitated by fair wear and tear, structural defects and *vis major*;

(f) all keys received by him;

(g) the cost of operating, maintaining and repairing (other than repairs necessitated by fair wear and tear, mechanical defects or *vis major*), of all lighting and pumping equipment installed for his use: Provided that the landlord department may undertake such maintenance if, in its opinion, it is desirable that it should be undertaken departmentally, in which case a reasonable monthly charge, to be determined by the Department of Community Affairs, shall be recovered from the tenant;

(h) the replacement of expendable items;

(i) maintaining an equipment register, in a form approved by the Director of Authority Affairs and Finance, of all fixtures, fittings, furniture, plant and equipment provided in the official quarters; and

(j) reporting immediately any defects, dilapidations or deficiency and the cause thereof to the head of department who shall transmit the report to the landlord department.

H14. (2) (a) The tenant shall be liable for any levy, rate or other charges raised by the Government, a local authority or other undertaking for sewage and rubbish removal and any other sanitary services and for water, gas and electric current supply, irrespective of whether such levy is imposed on the tenant, occupier, landlord or owner, and whether use has been made of such supply or service and shall pay the amounts owing on the dates due and, if so required, furnish proof of payment thereof to the landlord department: Provided that the tenant shall not be liable for the payment of any such levy, or portion thereof, which does not cover a direct service or confer an immediate and direct benefit on the tenant: Provided further that the landlord department shall have the right to effect payment to the local authority of all such levies for which the tenant is liable and to recover the whole or a portion thereof from the tenant in the manner prescribed in regulation H9.

(b) Where the levy, rate or imposition for sewage and rubbish removal and any other sanitary services and for water, gas and electric current supply is included in any general or assessment rate, being a tax levied by a local authority, the tenant shall pay such proportion thereof as is determined by the landlord department.

(c) Where water, gas and electricity are supplied and sewage and rubbish removal or other sanitary services are rendered to two or more official quarters jointly and a single amount is charged or levied, either by means of a levy or rate or by a charge based on joint consumption or services rendered, or in any other manner, the tenant shall pay such proportion of the joint levy, rate or charge as is determined by the landlord department.

(d) Where the services mentioned in paragraph (f) of subregulation (4) are provided by the Government, the tenant shall be liable for and shall pay for such services, concurrently with payment of rent, such amount as is determined by the landlord department from time to time: Provided that the landlord department may levy a fixed monthly charge for the purpose of this paragraph.

(e) vir alle glas, behalwe as vervanging nodig is as gevolg van gewone slytasie, struktuurgebreke en *vis major*;

(f) vir alle sleutels deur hom ontvang;

(g) vir die bedryfskoste en die koste verbonde aan die onderhoud en herstel van alle beligtings- en pompuitrusting wat vir sy gebruik geïnstalleer is (uitgesonderd herstelwerk wat as gevolg van gewone slytasie, meganiese gebreke of *vis major* gedoen moet word): Met dien verstande dat die verskaffingsdepartement sodanige onderhoud kan onderneem as dit na sy mening wenslik is dat dit departementeel onderneem word, en in dié geval moet 'n redelike maandelikse vordering wat deur die Departement van Gemeenskapsake bepaal word, op die huurder verhaal word;

(h) vir die vervanging van verbruikbare artikels;

(i) om 'n uitrustingsregister te hou in 'n vorm deur die Direkteur van Owerheidsake en Finansies goedgekeur, van alle vaste toebehore, toebehore, meubels, masjinerie en uitrusting wat vir die amptelike kwartiere verskaf is; en

(j) om enige defek, bouvalligheid of tekort asook die oorsaak daarvan, onmiddellik aan die departementshoof te rapporteer wat op sy beurt die rapport aan die verskaffingsdepartement moet deurstuur.

H14. (2) (a) Die huurder is aanspreeklik vir enige belasting of ander vordering opgelê deur die Regering, 'n plaaslike owerheid of ander onderneming vir die verwydering van rioolvuil en vuilgoed en enige ander sanitêre dienste en vir die verskaffing van water-, gas- en elektrisiteitstoever, ongeag of sodanige heffing die huurder, bewoner, huisbaas of eienaar opgelê word en of daar van sodanige toever of diens gebruik gemaak is en hy moet die verskuldigde bedrae op die betrokke vervaldatum betaal en indien nodig die verskaffingsdepartement van bewys van betaling daarvan voorsien: Met dien verstande dat die huurder nie vir die betaling van enige sodanige heffing, of gedeelte daarvan, wat nie vir die huurder 'n direkte diens of 'n onmiddellike en direkte voordeel inhou nie, aanspreeklik is nie: Met dien verstande voorts dat die verskaffingsdepartement die reg het om sodanige heffings waarvoor die huurder aanspreeklik is, regstreeks aan 'n plaaslike owerheid te betaal en om die geheel of 'n gedeelte daarvan op die huurder te verhaal op die wyse in regulasie H9 voorgeskryf.

(b) As die heffing, belasting of oplegging vir die verwydering van rioolvuil en vuilgoed en enige ander sanitêre dienste en vir water-, gas- en elektrisiteitstoever by enige algemene of eiendomsbelasting wat deur 'n plaaslike owerheid gehef word, ingesluit is, betaal die huurder sodanige gedeelte daarvan as wat die verskaffingsdepartement bepaal.

(c) As die verskaffing van water, gas en elektrisiteit en die verwydering van rioolvuil en vuilgoed of enige ander sanitêre verwyderingsdienste aan twee of meer amptelike kwartiere gesamentlik geskied en 'n enkelbedrag gehef of gevorder word, of by wyse van 'n heffing of belasting of by wyse van 'n vordering gebaseer op gesamentlike verbruik of dienste gelewer, of op enige ander wyse, betaal die huurder sodanige gedeelte van die gesamentlike heffing, belasting of vordering as wat die verskaffingsdepartement bepaal.

(d) As die dienste genoem in paragraaf (f) van subregulasie (4) deur die Regering verskaf word, is die huurder aanspreeklik vir en betaal hy vir sodanige dienste tesame met die betaling van huurgeld, sodanige bedrag as wat die verskaffingsdepartement van tyd tot tyd bepaal: Met dien verstande dat die verskaffingsdepartement 'n vaste maandelikse bedrag vir die doeleindes van hierdie paragraaf kan vorder.

H14. (3) The tenant shall not—

(a) effect any additions or alterations to the official quarters or to equipment and installations;

(b) effect any material alterations to the layout of the grounds, except with the prior written consent of the landlord department and on such conditions as that department may stipulate: Provided that the tenant may, prior to the date of termination of his tenancy, remove any additions or improvements so effected and not taken over by the landlord department, on condition that such removal will not result in any damage to the official quarters;

(c) cut down or remove any trees, shrubs or plants of a perennial variety without the prior consent of the landlord department;

(d) utilise the official quarters in any way as a source of income or sub-let them except as provided for in the regulations of this Chapter; or

(e) effect any replacement or repairs to official quarters except replacement of glass and expendable items and such further items as the landlord department may approve.

H14. (4) The landlord department shall be responsible for—

(a) the maintenance, internally and externally, of all buildings, fixtures, fittings, furniture, plant, equipment and fences provided by it and for the rectification of defects and dilapidations, where such maintenance or rectification is necessitated by fair wear and tear, structural defects or *vis major*;

(b) the provision and maintenance, at its discretion, of water, gas, electricity and sewerage connections;

(c) the provision of rubbish bins for external use, where necessary;

(d) the provision and replacement of sanitary buckets, where necessary;

(e) the initial and basic layout of grounds which it deems necessary, including the erection of fences, the provision of gates, and the construction of terraces, paths and driveways, and may, at its discretion, reimburse the tenant a portion of the cost of water consumed in the initial layout of grounds; and

(f) determining what services are necessary for the communal benefit of the occupants, and the time and manner of rendering such services, where there are two or more official quarters in a building.

H14. (5) The Government is not responsible for any loss of or damage to a tenant's personal effects in the official quarters.

H14. (6) When official quarters are vacated, the outgoing tenant shall hand over to the incoming tenant or, in the absence of the incoming tenant, to a responsible officer or employee, or in the case of single quarters, to the equipment officer or head of office, the official quarters and the furniture provided by the landlord department and shall at the same time bring to notice in writing on a handing over certificate, in a form approved the Director of Authority Affairs and Finance, any defects, dilapidations and deficiencies. The incoming tenant, equipment officer, head of office or responsible officer or employee, as the case may be, shall inspect the condition of the official quarters and all items reflected in the equipment register, complete the handing-over certificate, indicating thereon the conditions in which he received the official quarters, and hand one copy to the outgoing tenant. When the official quarters are taken

H14. (3) Die huurder mag nie—

(a) toevoegings of veranderings aan die amptelike kwartiere of uitrusting en installasies aanbring nie;

(b) enige noemenswaardige verandering aan die aanleg van die terrein aanbring nie, behalwe met die voorafgaande skriftelike toestemming van die verskaffingsdepartement en op sodanige voorwaardes as wat daardie departement stel: Met dien verstande dat die huurder, voor die verstryking van sy huurtermyn, enige toevoegings of verbeteringe wat aldus aangebring is en wat nie deur die verskaffingsdepartement oorgeneem is nie, kan verwyder mits sodanige verwydering nie die beskadiging van die amptelike kwartiere tot gevolg sal hê nie;

(c) bome, struik of plante van 'n meerjarige soort sonder die toestemming van die verskaffingsdepartement afkap of verwyder nie;

(d) amptelike kwartiere op enige manier as 'n bron van inkomste gebruik of hulle onderverhuur nie, behalwe soos in die regulasies van hierdie Hoofstuk bepaal is; of

(e) enige vervangings of herstelwerk aan die amptelike kwartiere bewerkstellig nie, behalwe die vervanging van glas en verbruikbare artikels en sodanige ander artikels as wat die verskaffingsdepartement goedkeur.

H14. (4) Die verskaffingsdepartement is verantwoordelik—

(a) vir die onderhoud, binnens- en buitenshuis, van al die geboue, vaste toebehore, toebehore, meubels, masjinerie, uitrusting en omheinings wat hy verskaf het en vir die herstel en defekte en bouvallighede, as sodanige onderhoud of herstelwerk deur gewone slytasie, struktuurgebreke of *vis major* genoodsaak is;

(b) vir die aanbring en onderhoud, na sy goeddunke, van water-, gas-, elektrisiteits- en rioolaansluitings;

(c) vir die verskaffing, waar nodig, van vuilgoed-blikke vir gebruik buitenshuis;

(d) vir die verskaffing en vervanging, waar nodig, van sanitêre emmers;

(e) vir die aanvanklike en basiese aanleg van die terrein wat hy nodig ag insluitende die oprigting van omheinings, die verskaffing van hekke en die maak van terrasse, loop- en rypaie en kan, na goeddunke, aan die huurder 'n gedeelte van die koste van water wat in verband met die aanvanklike aanleg van die gronde gebruik word, terugbetaal; en

(f) om te bepaal watter dienste vir die gesamentlike voordeel van die bewoners nodig is as daar twee of meer amptelike kwartiere in 'n gebou is, en die tye en wyse waarop sodanige dienste verskaf moet word.

H14. (5) Die Regering is nie vir enige verlies van of skade aan 'n huurder se persoonlike besittings in die amptelike kwartiere aanspreeklik nie.

H14. (6) Wanneer amptelike kwartiere ontruim word, oorhandig die uitgaande huurder die amptelike kwartiere en die meubels wat deur die verskaffingsdepartement verskaf is, aan die inkomende huurder of, in sy afwesigheid, aan 'n verantwoordelike beampte of werknemer, of, in die geval van enkelkwartiere, aan die uitrustings-beampte of kantoorhoof en terselfdertyd vermeld hy op 'n oorhandigingstifikaat in 'n vorm deur die Departement van Gemeenskapsake goedgekeur, enige defekte, bouvallighede en tekorte. Die inkomende huurder, uitrustingsbeampte, kantoorhoof of verantwoordelike beampte of werknemer, na gelang van die geval, stel ondersoek in na die toestand van die amptelike kwartiere en al die items wat in die uitrustingregister verskyn, vul die oorhandigingstifikaat in waarop die toestand waarin hy die amptelike kwartiere en meubels ontvang het, aangedui word en oorhandig een afskrif daarvan aan die uitgaande huurder. Wanneer die amptelike kwartiere

over by the incoming tenant in the absence of the outgoing tenant, the former shall, in the company of a responsible officer or employee, or in the case of single quarters, the equipment officer or head of office, inspect the official quarters and furniture and indicate in writing, on the handing-over certificate the condition in which he has received them. The incoming tenant shall be deemed to have received the official quarters and furniture in good order and condition unless he reports in writing within seven days of the date of commencement of the obligations imposed by the regulations of this Chapter any defects, dilapidations or deficiencies.

Settlement of disputes

H15. A dispute between a department and the Department of Community Affairs, arising from the application of the provisions of this Chapter, shall be referred to the Director of Authority Affairs and Finance for decision in consultation with the Commission.

Exceptional cases

H16. If circumstances arise which justify a departure from the provisions of this Chapter, the Director of Authority Affairs and Finance may authorise the occupation of official quarters on such terms and conditions as the Commission may recommend.

Delegation of authority

H17. With the exception of the powers provided for in regulations H15 and H16 the Director of Authority Affairs and Finance may subject to such conditions as it deems expedient, delegate to the Department of Community Affairs or landlord department such of its functions as are prescribed in this Chapter or in any relevant supplementary code.

CHAPTER J

GOVERNMENT SERVICE JOINT ADVISORY COUNCIL

Constitution of the Government Service Joint Advisory Council

J1. (1) The Government Service Joint Advisory Council, hereinafter referred to as the Council, established in terms of section 26 (1) of the Act, shall consist of the six staff members mentioned in subregulations (2) and (3) and the six official members mentioned in subregulation (4).

J1. (2) The staff associations which are recognised by the Commission in accordance with the rules prescribed in terms of regulation J6 and which represent the under-mentioned officers, may nominate five staffmembers as follows to represent officers in the divisions concerned:

- (a) One staff member for officers in the administrative division.
- (b) One staff member for officers in the clerical division.
- (c) One staff member for officers in the professional division.
- (d) One staff member for officers in the technical division.
- (e) One staff member for officers in the general A and general B divisions combined.

J1. (3) In addition to the five staff members mentioned in subregulation (2), the staff associations which are recognised by the Commission in accordance with the rules prescribed in terms of regulation J6, and which represent the officers mentioned in subregulation (2), may nominate one female staff member who shall represent the female officers of the Government Service.

deur die inkomende huurder in die afwesigheid van die uitgaande huurder oorgeneem word, stel hy, in die teenwoordigheid van 'n verantwoordelike beampte of werknemer of, in die geval van enkelkwartiere, van die uitrustingsbeampte of kantoorhoof, ondersoek in na die toestand van die amptelike kwartiere en meubels en toon die toestand waarin hy hulle ontvang het skriftelik op die oorhandigingsertifikaat aan. Die inkomende huurder word geag die amptelike kwartiere en meubels in goeie toestand te ontvang het, tensy hy enige defekte, bouvalhede en tekorte skriftelik aanmeld binne sewe dae vanaf die datum waarop die verpligtings wat hom deur die regulasies van hierdie Hoofstuk opgelê word, 'n aanvang neem.

Beslegting van geskille

H15. 'n Geskil wat tussen 'n departement en die Departement van Gemeenskapsake ontstaan as gevolg van die toepassing van die bepalings van hierdie Hoofstuk, word na die Direkteur van Owerheidsake en Finansies verwys wat, in oorleg met die Kommissie, 'n beslissing daaromtrent gee.

Buitengewone gevalle

H16. As daar omstandighede ontstaan wat 'n afwyking van die bepalings van hierdie Hoofstuk regverdig, kan die Direkteur van Owerheidsake en Finansies die bewoning van amptelike kwartiere goedkeur op sodanige bedinge en voorwaardes as wat die Kommissie aanbeveel.

Delegasie van bevoegdhede

H17. Met uitsondering van die bevoegdhede ingevolge regulasies H15 en H16 kan die Direkteur van Owerheidsake en Finansies onderworpe aan sodanige voorwaardes as wat hy goeddink, aan die Departement van Gemeenskapsake of 'n verskaffingsdepartement sodanige van sy funksies deleger as wat in hierdie Hoofstuk of in enige toepaslike aanvullende kode voorgeskryf word.

HOOFSTUK J

GESAMENTLIKE ADVISERENDE RAAD VAN DIE REGERINGSDIENS

Samestelling van die Gesamentlike Adviserende Raad van die Regeringsdiens

J1. (1) Die Gesamentlike Adviserende Raad van die Regeringsdiens, hieronder die Raad genoem, wat kragtens artikel 25 (1) van die Wet ingestel, bestaan uit die ses personeellede in subregulasies (2) en (3) bedoel en die ses amptelike lede in subregulasie (4) bedoel.

J1. (2) Die personeelverenigings wat deur die Kommissie erken word ooreenkomstig die reëls kragtens regulasie J6 voorgeskryf, en wat ondergenoemde beamptes verteenwoordig, kan vyf personeellede soos volg benoem om beamptes in die betrokke afdelings te verteenwoordig:

- (a) Een personeellid vir beamptes in die administratiewe afdeling.
- (b) Een personeellid vir beamptes in die klerklike afdeling.
- (c) Een personeellid vir beamptes in die vakkundige afdeling.
- (d) Een personeellid vir beamptes in die tegniese afdeling.
- (e) Een personeellid vir beamptes in die algemene A- en die algemene B-afdeling gesamentlik.

J1. (3) Bo en behalwe die vyf personeellede in subregulasie (2) bedoel, kan die personeelverenigings wat deur die Kommissie erken word ooreenkomstig die reëls kragtens regulasie J6 voorgeskryf en wat die beamptes in subregulasie (2) bedoel verteenwoordig een vrouepersoneellid benoem wat die vrouebeamptes van die Regeringsdiens, uitgesonderd vrouebeamptes in die poswese en die dienste, verteenwoordig. Indien die personeelverenigings wat verantwoordelik is vir die benoeming van die

If the staff associations responsible for the nomination of this member fail to reach unanimity in regard to such nomination, they shall submit separate nominations to the Commission who shall appoint a member from the list of nominations submitted.

J1. (4) Six official members shall be nominated by the Commission.

J1. (5) Except as is provided in regulatiin J2 (4) and (6), members shall hold office for a period of two years with effect from 1 October of the year in which they have been elected or nominated.

J1. (6) No provision of this Chapter shall preclude the re-election or the renomination of a member whose term of office has expired by the effluxion of time.

Nomination or election of members

J2. (1) (a) Nominations for the filling of vacancies occurring on the Council upon the expiry of the terms of office of members in accordance with the provisions of regulation J1 (5) shall, in the case of the staff members mentioned in regulation J1 (2) and (3) be submitted to the Commission by the respective staff associations, and in the case of the official members mentioned in regulation J1 (4) be made by the Commission on or before 1 August of the year in which the vacancies occur.

J2. (2) When a staff member nominated by a staff association or staff associations or an official member nominated by the Commission is unable to attend a meeting of the Council, an accredited deputy may be appointed *pro hac vice* by the staff association or staff associations or by the Commission, as the case may be.

J2. (3) (a) If a division referred to in regulation J1 (2) is not represented by a staff association or if a staff association fails to nominate a member for the division which it represents, the Commission shall arrange for the election of a member and an alternate by ballot by the officers of such division.

(b) If a member is not nominated by at least one staff association to represent the female officers referred to in regulation J1 (3), the Commission shall arrange for the election of a member and an alternate by ballot by the said female officers.

J2. (4) (a) If the Commission withdraws its official recognition of a staff association—

(i) the member nominated in accordance with the provisions of regulation J1 (2) by the staff association concerned shall no longer be entitled to a seat on the Council. In such event the Commission may arrange for the election by ballot by the officers of the division which was represented by the staff association concerned, of a member and an alternate, or, if some other staff association is recognised as representing the division, the Commission may request the latter staff association to nominate a member to fill the vacancy;

(ii) and the staff association concerned is the only one which nominated a member in accordance with the provisions of regulation J1 (3), the member concerned shall no longer be entitled to a seat on the Council. In such event the Commission may arrange for the election of a member and an alternate by ballot by the officers who were represented by such member.

(b) A member elected or nominated in accordance with the provisions of paragraph (a) shall hold office for the unexpired portion of the period of office of the person in whose stead he has been elected or nominated.

J2. (5) If a member elected by ballot is unable to attend a meeting of the Council owing to unavoidable circumstances, the duly elected alternate shall be entitled to attend the meeting.

lid, nie eenstemmigheid betreffende sodanige benoeming kan bereik nie, moet hulle afsonderlik nominasies voorlê aan die Kommissie wat 'n lid uit die lys van die voor-gelegde nominasies aanstel.

J1. (4) Ses amptelike lede deur die Kommissie benoem.

J1. (5) Behoudens die bepalings van regulasie J2 (4) en (6), beklee lede hul amp vir 'n tydperk van twee jaar met ingang van 1 Oktober van die jaar waarin hulle verkies of benoem is.

J1. (6) Geen bepaling van hierdie Hoofstuk belet die herkiesing of die herbenoeming van 'n lid wie se amps-termyn deur tydsverloop verstryk het nie.

Nominasie of verkiesing van lede

J2. (1) (a) Nominasies vir die vulling van vakatures wat by verstryking van die ampstermyn van lede ooreenkomstig die bepalings van regulasie J1 (5) in die Raad ontstaan, moet, in die geval van die personeellede in regulasie J1 (2) en (3) bedoel, deur die onderskeie personeelverenigings aan die Kommissie voorgelê en in die geval van die amptelike lede in regulasie J1 (4) bedoel deur die Kommissie gedoen word op of voor 1 Augustus van die jaar waarin die vakatures ontstaan.

J2. (2) Wanneer 'n personeel lid wat deur 'n personeelvereniging of personeelverenigings benoem is of 'n amptelike lid wat deur die Kommissie benoem is, nie in staat is om 'n vergadering van die Raad by te woon nie kan 'n gevolmagtigde plaasvervanger *pro hac vice* deur die personeelvereniging of personeelverenigings of die Kommissie, na gelang van die geval, aangestel word.

J2. (3) (a) As 'n afdeling wat in regulasie J1 (2) genoem word, nie deur 'n personeelvereniging verteenwoordig word nie of as 'n personeelvereniging in gebreke bly om 'n lid vir die afdeling wat hy verteenwoordig te benoem, moet die Kommissie reël dat 'n lid en 'n plaasvervanger deur die beampes van sodanige afdeling by wyse van stemming per stembrief verkies word.

(b) As 'n lid nie deur ten minste een personeelvereniging benoem word om die vrouebeamptes in regulasie J1 (3) bedoel te verteenwoordig nie, moet die Kommissie reël dat 'n lid en 'n plaasvervanger deur genoemde vroue-beampes by wyse van stemming per stembrief verkies word.

J2. (4) (a) As die Kommissie sy amptelike erkenning van 'n personeelvereniging intrek—

(i) is 'n lid wat ooreenkomstig die bepalings van regulasie J1 (2) deur die betrokke personeelvereniging benoem is, nie meer geregtig om sitting op die Raad te hê nie. In so 'n geval kan die Kommissie reël dat 'n lid en 'n plaasvervanger deur die beampes van die afdeling wat deur die betrokke personeelvereniging verteenwoordig was, by wyse van stemming per stembrief verkies word, of, as 'n ander personeelvereniging as verteenwoordiger van die afdeling erken word, kan die Kommissie laasgenoemde personeelvereniging versoek om 'n lid te benoem om die vakature te vul;

(ii) en die betrokke personeelvereniging die enigste is wat 'n lid ooreenkomstig die bepalings van regulasie J1 (3) benoem het, is die betrokke lid nie meer geregtig om sitting op die Raad te hê nie. In so 'n geval kan die Kommissie reël dat 'n lid en 'n plaasvervanger deur die beampes wat deur die betrokke lid verteenwoordig was by wyse van stemming per stembrief verkies word.

(b) 'n Lid wat ooreenkomstig die bepalings van paragraaf (a) verkies of benoem word, beklee sy amp vir die onverstreke gedeelte van die ampstermyn van die persoon in wie se plek hy verkies of benoem is.

J2. (5) As 'n lid wat by wyse van stemming per stembrief verkies is, weens onvermydelike omstandighede nie in staat is om 'n vergadering van die Raad by te woon nie, is die behoorlike verkose plaasvervanger geregtig om die vergadering by te woon.

J2. (6) (a) A member, or an alternate for a member, shall vacate his office if he—

(i) gives notice, in writing, to the Chairman of the Council of his desire to resign his office and his resignation is accepted by the Commission;

(ii) is an official member and is promoted to a post of head of department or if the Commission is of the opinion that his continued membership is not in the interest of the Government Service and the Commission notifies the Chairman of the Council and the member concerned accordingly; or

(iii) ceases to be an officer of the Government Service.

(b) A vacancy caused by the death or by the vacation of office in terms of paragraph (a) of a member nominated in terms of subregulation (1) or (4), shall be filled by the appointment of some other officer for the unexpired portion of the period for which the member whose office has become vacant, had been appointed. Such appointment shall be made by—

(i) the staff association concerned if the vacancy was caused by the death or the vacation of office of a staff member nominated by a staff association; or

(ii) the Commission if the vacancy was caused by the death or the vacation of office of an official member nominated by the Commission.

(c) a vacancy caused by the death or by the vacation of office in terms of paragraph (a) of a member elected by ballot in terms of subregulation (3) or (4) or appointed in terms of this paragraph, shall be filled by the appointment by the Commission of the alternate for such member for the unexpired portion of the period for which the member whose office has become vacant had been elected or appointed.

(d) When a vacancy is caused—

(i) by the death or by the vacation of office in terms of paragraph (a) of an alternate elected by ballot; or

(ii) by the appointment of an alternate as a member in terms of paragraph (c);

the Commission may either arrange for the election by ballot by the officers of the division or group concerned of some other member as an alternate, or it may request the staff association or staff associations representing the division or group concerned to nominate some other officer to fill the vacancy, as the case may be.

Purpose of the Council

J3. When the Council advises the Commission its purpose shall be—

(a) to secure the greatest measure of co-operation between the Government in its capacity as employer and the officers and employees in the Government Service;

(b) to promote the efficiency of the Government Service;

(c) to promote the well-being of the officers and employees; and

(d) to afford the Commission the benefit of the experience and views of the various divisions in regard to conditions of service.

Functions and duties of the Council

J4. (1) In addition to the functions and duties mentioned in section 25 (2) (a) and (b) of the Act, the Council shall advise the Commission on—

(a) the manner in which the ideas and experience of the staff can best be utilised;

J2. (6) (a) 'n Lid, of plaasvervanger van 'n lid, ontruim sy amp as hy—

(i) die Voorsitter van die Raad skriftelik in kennis stel dat hy sy amp wil ontruim en sy bedanking deur die Kommissie aanvaar word;

(ii) 'n amptelike lid is en tot 'n pos van departementshoof bevorder word of indien die Kommissie meen dat sy voortgesette lidmaatskap nie in belang van die Staatsdiens is nie en die Kommissie die Voorsitter van die Raad en die betrokke lid aldus in kennis stel; of

(iii) nie meer 'n beampte van die Staatsdiens is nie.

(b) 'n Vakature wat ontstaan deur die dood of deur die ontruiming van sy amp kragtens paragraaf (a) van 'n lid wat ingevolge subregulasie (1) of (4) benoem was, moet gevul word deur die aanstelling van 'n ander beampte vir die onverstreke gedeelte van die tydperk waarvoor die lid wie se amp vakant geword het, aangestel was. Sodanige aanstelling word gedoen deur—

(i) die betrokke personeelvereniging, as die vakature ontstaan het deur die dood of die ontruiming van sy amp van 'n personeellid wat deur 'n personeelvereniging benoem is; of

(ii) die Kommissie, as die vakature ontstaan het deur die dood of ontruiming van sy amp van 'n amptelike lid wat deur die Kommissie benoem is.

(c) 'n Vakature wat ontstaan deur die dood of deur die ontruiming van sy amp kragtens paragraaf (a) van 'n lid wat by wyse van stemming ingevolge subregulasie (3) of (4) verkies of kragtens hierdie paragraaf aangestel is, moet gevul word deur die aanstelling deur die Kommissie van die plaasvervanger vir sodanige lid vir die onverstreke gedeelte van die praktyk waarvoor die lid wie se amp vakant geword het, verkies of aangestel was.

(d) Wanneer 'n vakature ontstaan—

(i) deur die dood of deur die ontruiming van sy amp kragtens paragraaf (a) van 'n plaasvervanger wat by wyse van stemming per stembrief verkies is; of

(ii) deur die aanstelling van 'n plaasvervanger as lid ingevolge paragraaf (c);

kan die Kommissie, na gelang van die geval, of reël dat 'n ander beampte as plaasvervanger verkies word by wyse van stemming per stembrief deur die beamptes van die betrokke afdeling of groep, of die personeelvereniging of personeelverenigings wat die betrokke afdeling of groep verteenwoordig, versoek om 'n ander beampte te benoem om die vakature te vul.

Doel van die Raad

J3. Wanneer die Raad die Kommissie adviseer, moet dit sy doel wees om—

(a) die grootste mate van samewerking tussen die Regering as werkgever en die beamptes en werknemers in die Staatsdiens te bewerkstellig;

(b) die doeltreffendheid van die Staatsdiens te bevorder;

(c) die welsyn van die beamptes en werknemers te bevorder; en

(d) die Kommissie in staat te stel om te kan put uit die ondervinding en sienswyses van die verskillende afdelings in verband met diensvoorwaardes.

Wersaamhede en pligte van die Raad

J4. (1) Benewens die wersaamhede en pligte in artikel 26 (2) (a) en (b) van die Wet bedoel, moet die Raad die Kommissie adviseer oor—

(a) hoe die idees en ondervinding van die personeel die beste benut kan word;

- (b) the training of officers and employees; and
- (c) any other matter referred to the Council by the Commission.

J4. (2) The Council shall not consider the case of an individual officer or employee.

Resolutions of the Council

J5. (1) If requested by the Council, the Commission shall transmit any resolution which has been taken by the Council and which has not been accepted by the Commission, to the Councillor who shall forward it, as soon as possible, to the Executive Council.

J5. (2) In its annual report to the Legislative Assembly the Commission shall indicate—

- (a) the Council's resolutions which have been accepted; and
- (b) the Council's resolutions which have been rejected.

The Commission may prescribe rules

J6. After consultation with the Council, the Commission may prescribe rules, not inconsistent with the regulations of this Chapter, in respect of—

- (a) the recognition of staff associations;
- (b) the conduct of ballots under regulation J2;
- (c) the conduct of the business of the Council; and
- (d) anything connected with the regulations of this chapter and in connection with which the Commission deems it advisable that rules should be made.

RULES PRESCRIBED BY THE COMMISSION IN TERMS OF THE PROVISIONS OF GOVERNMENT SERVICE REGULATION J6

A. RULES FOR THE RECOGNITION OF STAFF ASSOCIATIONS

1. Subject to the provisions of these rules, the Commission shall afford official recognition to staff associations representing officers as defined in section 1 of the kwaZulu Public Service Act, 1975 (Act 7 of 1975).

2. A head of a department or an officer who is a member of the staff of the Commission shall not be a member of a staff association.

3.1 A staff association shall not be recognised or continue to be recognised unless 50 per cent of the officers who, on the date on which the association applies for recognition and thereafter on 30 June of every year, occupy posts in the division represented by the association are subscribing members of that association.

3.2 A subscribing member is a member who is not more than six months in arrear with his subscription.

3.3 The Commission shall have the right to have the records of a staff association examined at any time in order to determine whether the conditions imposed by these rules are being observed.

4. When a staff association has been formed and recognised by the Commission, an officer of the division which is represented by the staff association concerned, shall be eligible for membership of that staff association only.

5. A staff association shall, together with its application for recognition, submit a copy of its constitution for the Commission's information and, if the Commission so desires, also a list in alphabetical order of all its members.

6. All communications to the Commission by a staff association shall be signed by or on behalf of the secretary of the staff association concerned and copies of all communications by a staff association to the Commission or the Government Service Joint Advisory Council relating to a particular department shall be forwarded to the head of the department concerned by the secretary of the staff association.

- (b) die opleiding van beamptes en werknemers; en
- (c) enige ander aangeleentheid wat die Kommissie na die Raad verwys.

J4. (2) Die Raad mag nie die geval van 'n individuele beampte of werknemer oorweeg nie.

Besluite van die Raad

J5. (1) Indien die Raad dit versoek, moet die Kommissie enige besluit wat deur die Raad geneem is en wat nie deur die Kommissie aanvaar is nie, aan die Raadslid deurstuur wat dit so gou doenlik aan die Uitvoerende Raad moet stuur.

J5. (2) In sy jaarverslag aan die Parlement moet die Kommissie aantoon—

- (a) die Raad se besluite wat aangeneem is; en
- (b) die Raad se besluite wat verwerp is.

Die Kommissie kan reëls voorskryf

J6. Na raadpleging met die Raad kan die Kommissie reëls wat nie met die regulasies van hierdie Hoofstuk strydig is nie, voorskryf ten opsigte van—

- (a) die erkenning van personeelverenigings;
- (b) die hou van stemmings ingevolge regulasie J2;
- (c) die behartiging van die sake van die Raad; en
- (d) enigiets wat met die regulasies van hierdie hoofstuk verband hou en waaromtrent die Kommissie dit raadsaam ag dat reëls gemaak moet word.

REËLS VOORGESKRYF DEUR DIE KOMMISSIE Kragtens die BEPALINGS VAN REGERINGSDIENSREGULASIE J6

A. REËLS VIR DIE ERKENNING VAN PERSONEELVERENIGINGS

1. Behoudens die bepalings van hierdie reëls, verleen die Kommissie amptelike erkenning aan personeelverenigings wat beamptes, soos omskryf in artikel 1 van die kwaZulu Regeringsdienswet, 1975 (Wet 7 van 1975), verteenwoordig.

2. 'n Departementshoof of 'n beampte wat lid is van die personeel van die Kommissie mag nie lid van 'n personeelvereniging wees nie.

3.1 'n Personeelvereniging mag nie erken word of erken bly nie tensy 50 persent van die beamptes wat op die datum waarop die vereniging aansoek om erkenning doen en daarna op 30 Junie van elke jaar, poste beklee in die afdeling wat die vereniging verteenwoordig, subskripsie-betalende lede van die personeelvereniging is.

3.2 'n Subskripsie-betalende lid is 'n lid wat nie meer as ses maande met die betaling van sy ledegeld agterstallig is nie.

3.3 Die Kommissie het die reg om te eniger tyd die rekords van 'n personeelvereniging te laat ondersoek ten einde te bepaal of die voorwaardes wat deur hierdie reëls voorgeskryf word, nagekom word.

4. Wanneer 'n personeelvereniging gestig en deur die Kommissie erken is, is 'n beampte van die afdeling wat deur die betrokke personeelvereniging verteenwoordig word, bevoeg vir lidmaatskap van slegs daardie personeelvereniging.

5. 'n Personeelvereniging moet, tesame met sy aansoek om erkenning, 'n afskrif van sy konstitusie vir die inligting van die Kommissie indien en, as die Kommissie dit verlang, ook 'n lys van al sy lede in alfabetiese volgorde.

6. Alle mededelings aan die Kommissie deur 'n personeelvereniging moet deur of namens die sekretaris van die betrokke personeelvereniging onderteken word en afskrifte van alle mededelings deur 'n personeelvereniging aan die Kommissie of aan die Gesamentlike Adviserende Raad van die Regeringsdiens wat op 'n besondere departement betrekking het, moet aan die hoof van die betrokke departement deur die sekretaris van die personeelvereniging gestuur word.

7. A staff association shall not affiliate or be connected with any association of employees outside the Government Service or any trade organisation without the special sanction of the Commission having first been obtained, which sanction may be given conditionally and be withdrawn at any time: Provided that this rule shall not be construed as prohibiting connection, for consultation purposes only, with associations of Government employees outside the Government Service.

8. If a staff association fails to observe any of the provisions of these rules or ceases to comply therewith, the Commission may withdraw the official recognition afforded by it to such staff association.

B. RULES FOR THE CONDUCT OF BALLOTS FOR THE ELECTION OF MEMBERS OF THE GOVERNMENT SERVICE JOINT ADVISORY COUNCIL

1. If a division mentioned in regulation J1 (2) is not represented by a staff association or a staff association fails to nominate a member for a division which it represents, the Commission shall, as soon as convenient after 1 August of each year, request the officers of the division concerned to nominate an officer to represent the particular division in the Council.

2.1 Nominations shall be submitted in the form set out in Schedule 1 to these rules.

2.2 Each nomination form shall, subject to the provisions of rule 12, be signed by at least 20 officers of the division concerned in the presence of the respective departmental supervising officers of the offices in which the signatories serve.

2.3 The nominated officer shall indicate on the nomination form his willingness to accept the nomination and, if he is elected, to serve on the Council.

2.4 Nomination forms shall be forwarded by registered post to the Secretary: Public Service Commission, Ulundi, or such other person as the Commission may indicate to receive the forms, within a period specified by the Commission: Provided that the period shall not be less than 21 days reckoned from the date of publication of the notice referred to in rule 1.

2.5 The Commission may, at its discretion, and if good reasons are given before the expiry of the specified period, grant such extension of the period as it may consider reasonable.

3. If only one candidate is nominated to represent a division or if only one candidate is nominated as the alternate member for a division, such candidate shall be declared by the Commission to be the duly elected member or the alternate member, as the case may be.

4. If more than one candidate is nominated, either as a member or as an alternate member for a division, the Commission shall arrange immediately for a member or an alternate member, as the case may be, to be elected by ballot by the offices of the division concerned.

5. Subject to the provisions of rule 12, every officer in a division in respect of which an election is held, shall be entitled to record one vote for the representative and also one vote for the alternate.

6. The Commission shall arrange for each officer who is entitled to vote to be supplied with a printed ballot paper in the form set out in Schedule 2 to these rules.

7. An officer shall record his vote in accordance with the instructions printed on the ballot paper and set out in Schedule 3 to these rules.

7. 'n Personeelvereniging mag nie affilieer by of hom verbind met 'n vereniging van werknemers buite die Regeringsdiens of 'n vakorganisasie alvorens die spesiale goedkeuring van die Kommissie verkry is nie, welke goedkeuring voorwaardelik gegee en te eniger tyd ingetrek kan word: Met dien verstande dat hierdie reël nie vertolk moet word as sou dit verbindings slegs vir raadplegingsdoeleindes met verenigings van Regeringswerknemers buite die Regeringsdiens belet nie.

8. Indien 'n personeelvereniging enigeen van die bepalings van hierdie reëls nie nakom nie of ophou om daaraan te voldoen, kan die Kommissie die amptelike erkenning wat hy aan sodanige personeelvereniging verleen het, intrek.

B. REËLS VIR DIE HOU VAN STEMMINGS VIR DIE VERKIESING VAN LEDE VAN DIE GESAMENTLIKE ADVISERENDE RAAD VAN DIE REGERINGSDIENS

1. Indien 'n afdeling in regulasie J1 (2) bedoel nie deur 'n personeelvereniging verteenwoordig word nie of 'n personeelvereniging in gebreke bly om 'n lid vir 'n afdeling wat hy verteenwoordig, te benoem, moet die Kommissie so gou doenlik na 1 Augustus van elke jaar, die beamptes van die betrokke afdeling versoek om 'n beampte te benoem om die bepaalde afdeling in die Raad te verteenwoordig.

2.1 Nominasies moet in die vorm wat in Bylae 1 van hierdie reëls uiteengesit is, ingedien word.

2.2 Elke nominasievorm moet, behoudens die bepalings van reël 12, onderteken word deur minstens 20 beamptes van die betrokke afdeling in die teenwoordigheid van die departementele toesighoudende beamptes van die kantore waarin die ondertekenaars dien.

2.3 Die genomineerde beampte moet sy bereidwilligheid om die nominasie te aanvaar en, indien hy verkies word, in die Raad te dien, op die nominasievorm aandui.

2.4 Nominasievorms moet per geregistreerde pos gerig word aan die Sekretaris: Regeringsdienskommissie, Ulundi, of 'n ander persoon wat die Kommissie aanwys om die vorms te ontvang, binne 'n tydperk deur die Kommissie bepaal: Met dien verstande dat die tydperk nie korter as 21 dae gereken vanaf die datum van publikasie van die kennisgewing wat in reël 1 genoem word, moet wees nie.

2.5 Die Kommissie kan na goeë dunnke en indien gegronde redes voor die verstryking van die bepaalde tydperk verstrekk word, die tydperk sodanig verleng as wat hy redelik beskou.

3. Indien daar slegs een kandidaat benoem word om 'n afdeling te verteenwoordig of indien daar slegs een kandidaat as die plaasvervangende lid van 'n afdeling benoem word, word sodanige kandidaat deur die Kommissie as die behoorlik verkose lid of die plaasvervangende lid, na gelang van die geval, verklaar.

4. Indien meer as een kandidaat benoem word, hetsy as lid of as plaasvervangende lid vir 'n afdeling, moet die Kommissie onmiddellik reëlins tref dat 'n lid of plaasvervangende lid, na gelang van die geval, by wyse van stemming per stembrief deur die beamptes van die betrokke afdeling verkies word.

5. Behoudens die bepalings van reël 12 is elke beampte in 'n afdeling ten opsigte waarvan 'n stemming gehou word, geregtig om een stem vir die verteenwoordiger en ook een stem vir die plaasvervanger uit te bring.

6. Die Kommissie moet reëlins tref dat aan elke stemgeregtigde beampte 'n gedrukte stembrief in die vorm wat in Bylae 2 van hierdie reëls uiteengesit is, verskaf word.

7. 'n Beampte moet sy stem uitbring ooreenkomstig die voorskrifte wat op die stembrief gedruk is en wat in Bylae 3 van hierdie reëls uiteengesit is.

8. After an officer has recorded his vote his ballot paper shall be forwarded under sealed cover to the Secretary, Public Service Commission, Ulundi, to reach the latter or some other person or address indicated by the Commission, before a date specified by the Commission: Provided that the specified date shall not be earlier than 21 days after the date on which the ballot papers in connection with the election were issued or distributed.

9.1 The candidate obtaining the highest number of votes shall be declared by the Commission as the duly elected representative or the duly elected alternate member, as the case may be, of the division concerned.

9.2 If two or more candidates obtain the same number of votes and the result of the election is affected thereby, the Chairman of the Commission shall decide by lot which candidate shall be declared the elected representative or the alternate member, as the case may be.

10. If a candidate who has been nominated as the representative of a division as well as the alternate member obtains a majority of votes in each ballot, he shall be declared by the Commission as the elected representative of the division, and the candidate who obtained the second highest number of votes in the ballot for the alternate member shall be declared by the Commission as the elected alternate member.

11. A nomination or election shall not be invalid if—

(a) the notice referred to in rule 1 had not been brought to the attention of an officer who is entitled to vote;

(b) a ballot paper referred to in rule 6 had accidentally not been sent to an officer who is entitled to vote; or

(c) an officer who is entitled to vote had not received a ballot paper.

12. An officer who entered a division after 1 August of the year in which an election of a member or an alternate member to represent that division is held, shall not be entitled to sign a nomination form or to record a vote in connection with the election concerned.

13. These rules shall apply *mutatis mutandis* to an election held in the circumstances referred to in regulation J2 (3) (b), (4) and (6) (d).

C. RULES FOR THE CONDUCT OF THE BUSINESS OF THE GOVERNMENT SERVICE JOINT ADVISORY COUNCIL

1.1 At the commencement of—

(a) each ordinary meeting; or

(b) a special meeting immediately prior to which the Chairman's functions are performed in terms of the proviso to this rule;

the members of the Council shall elect a chairman and a vice-chairman from among the official members and the staff members, respectively, to hold office until the commencement of the next ordinary meeting: Provided that if—

(i) the Chairman relinquishes his membership of the Council, the Vice-chairman shall act as Chairman; or

(ii) the Chairman and Vice-chairman both relinquish their membership of the Council the Commission shall nominate one of the members to act as Chairman;

until the commencement of the next meeting of the Council.

1.2 The Commission shall designate an officer on its establishment to undertake the duties of Secretary to the Council.

8. Nadat 'n beampte gestem het, moet sy stembrief in 'n verseelde omslag aan die Sekretaris, Regeringsdienskommissie, Ulundi, gestuur word sodat dit laasgenoemde of 'n ander persoon of adres wat die Kommissie mag aanwys, bereik voor 'n datum deur die Kommissie vasgestel: Met dien verstande dat die vasgestelde datum nie vroeër mag wees as 21 dae na die datum waarop die stembriewe in verband met die verkiesing uitgereik of versprei is nie.

9.1 Die kandidaat wat die meeste stemme verkry het, word deur die Kommissie as die behoorlik verkose verteenwoordiger of die behoorlik verkose plaasvervangde lid, na gelang van die geval, van die betrokke afdeling verklaar.

9.2 Indien twee of meer kandidate eweveel stemme verkry het en die uitslag van die verkiesing daardeur beïnvloed word, moet die Voorsitter van die Kommissie by wyse van loting beslis watter kandidaat as die verkose verteenwoordiger of plaasvervangde lid, na gelang van die geval, verklaar moet word.

10. Indien 'n kandidaat wat as verteenwoordiger sowel as plaasvervangde lid van 'n afdeling benoem is, in elke stemming per stembrief 'n meerderheid van stemme verkry, word hy deur die Kommissie as die verkose verteenwoordiger van die afdeling verklaar, en die kandidaat wat die tweede meeste stemme in die stemming vir die plaasvervangde lid verwerf het, word deur die Kommissie as die verkose plaasvervangde lid verklaar.

11. 'n Nominasie of verkiesing is nie ongeldig nie as—

(a) die kennisgewing wat in reël 1 genoem word, nie onder 'n stemgeregtigde beampte se aandag gebring is nie;

(b) 'n stembrief wat in reël 6 genoem word, per abuis nie aan 'n stemgeregtigde beampte gestuur is nie; of

(c) 'n stemgeregtigde beampte nie 'n stembrief ontvang het nie.

12. 'n Beampte wat tot 'n afdeling toegetree het na 1 Augustus van die jaar waarin 'n verkiesing van 'n lid of 'n plaasvervangende lid om daardie afdeling te verteenwoordig, gehou word, is nie geregtig om in verband met die betrokke verkiesing 'n nominasievorm te teken of te stem nie.

13. Hierdie reëls is *mutatis mutandis* van toepassing op 'n verkiesing wat gehou word onder die omstandighede in regulasie J2 (3) (b), (4) en (6) (d) genoem.

C. REÛLS VIR DIE BEHARTIGING VAN DIE SAKE VAN DIE GESAMENTLIKE ADVISERENDE RAAD VAN DIE REGERINGSDIENS

1.1 Aan die begin van—

(a) elke gewone vergadering; of

(b) 'n buitengewone vergadering onmiddellik voor die aanvang waarvan die funksies van die Voorsitter uitgeoefen word kragtens die voorbehoudsbepaling van hierdie reël;

kies die lede van die Raad 'n voorsitter en 'n vise-voorsitter uit onderskeidelik die amptelike lede en die personeellede, wat dié ampte tot aan die begin van die volgende gewone vergadering beklee: Met dien verstande dat indien—

(i) die Voorsitter sy lidmaatskap van die Raad neerlê, die Vise-voorsitter as Voorsitter optree; of

(ii) die Voorsitter en die Vise-voorsitter albei hul lidmaatskap van die Raad neerlê, die Kommissie een van die lede benoem om as Voorsitter op te tree;

tot aan die begin van die volgende vergadering van die Raad.

1.2 Die Kommissie moet 'n beampte van sy personeel aanwys om die pligte van sekretaris van die Raad te onderneem.

2.1 Ordinary meetings of the Council shall be held at least once in each year ending on 31 December at such places and times as the Commission may determine.

2.2 A special meeting of the Council—

(a) shall be called at the request of the Commission; or

(b) shall, with the approval of the Commission, be called at the written request of a recognised staff association, such request to be addressed to the Secretary to the Commission; or

(c) may, with the concurrence of the Commission be called by the Chairman of the Council on his own initiative.

3.1 The Chairman shall, at least 28 days before a meeting, forward an agenda to all members of the Council and to the Commission: Provided that in the case of a special meeting the agenda shall be forwarded not less than seven days before the commencement of the meeting.

3.2 Business which does not appear on the agenda may be dealt with only with the permission of the Council: Provided that the Commission may, at its discretion, and notwithstanding the provisions of paragraph 1, request the Council to consider business of urgency and importance.

3.3 At a special meeting called in accordance with rule C2.2, no business other than that for which the meeting was called, shall be considered.

4.1 Each member of the Council, including the Chairman, shall have one vote. In addition, the Chairman shall have a casting vote.

4.2 Decisions on motions before the Council shall be taken by a majority of votes of the members present.

5. For the conduct of its business the Council shall draw up such standing orders, not inconsistent with these rules as it may deem necessary. Such standing orders shall be subject to the approval of the Commission.

6. The Council shall maintain a record of the proceedings of each meeting. Copies of such record, signed by the Chairman and Vice-chairman, shall be transmitted to the Commission as soon as practicable after each meeting.

7. Only statements issued under the authority of the Council shall be published, and such statements shall be as informative as possible.

8. When attending a meeting of the Council the members and the Secretary shall be regarded as being on official duty and, if resident elsewhere than at the centre where the meeting is held, they shall be furnished with rail warrants for return train tickets and be paid subsistence allowance at the rates applicable to them in terms of Chapter D of the Government Service Regulations.

SCHEDULE I

GOVERNMENT SERVICE JOINT ADVISORY COUNCIL
NOMINATION FORM

For the election of an officer—

*(a) to represent the.....;

*(b) as alternate member for the.....;

on the Government Service Joint Advisory Council for the period ending 30 September 19.....

Full name of candidate.....

Rank.....

Address.....

Department.....

Signatures of 20 officers of the division or group supporting the nomination:

2.1 Gewone vergaderings van die Raad moet minstens een maal in elke jaar wat op 31 Desember eindig, gehou word, op dié plekke en tye wat die Kommissie bepaal.

2.2 'n Buitengewone vergadering van die Raad—

(a) moet op versoek van die Kommissie belê word; of

(b) moet, met die goedkeuring van die Kommissie, belê word op die skriftelike versoek van 'n erkende personeelvereniging en sodanige versoek moet aan die Sekretaris van die Kommissie gerig word; of

(c) kan, met die toestemming van die Kommissie, deur die Voorsitter van die Raad uit eie beweging belê word.

3.1 Die Voorsitter moet minstens 28 dae voor 'n vergadering 'n agenda aan al die lede van die Raad en aan die Kommissie stuur: Met dien verstande dat in die geval van 'n buitengewone vergadering die agenda nie minder as sewe dae voor die vergadering 'n aanvang sal neem, uitgestuur moet word nie.

3.2 Sake wat nie op die agenda verskyn nie mag selgs met die toestemming van die Raad behandel word: Met dien verstande dat die Kommissie na goeddunke, en ondanks die bepalings van paragraaf 1, die Raad kan versoek om sake wat dringend en belangrik is, te oorweeg.

3.3 Op 'n buitengewone vergadering wat ooreenkomstig reël C2.2 belê word, mag geen ander sake as dié waarvoor die vergadering belê is, oorweeg word nie.

4.1 Elke lid van die Raad, met inbegrip van die Voorsitter, het een stem. Daarbenewens het die Voorsitter 'n beslissende stem.

4.2 Besluite oor voorstelle voor die Raad word geneem deur 'n meerderheid van stemme van die aanwesige lede.

5. Vir die verrigting van sy sake moet die Raad dié reglement wat hy nodig ag en wat nie met hierdie reëls onbestaanbaar is nie, opstel. Sodanige reglement is onderworpe aan die goedkeuring van die Kommissie.

6. Die Raad moet rekord hou van die verrigtinge van elke vergadering. Afskrifte van sodanige rekord, geteken deur die Voorsitter en Vise-voorsitter, moet so gou doenlik na elke vergadering aan die Kommissie gestuur word.

7. Slegs verklarings wat op gesag van die Raad uitgereik is, mag gepubliseer word, en sodanige verklarings moet so volledig moontlik wees.

8. Wanneer hulle 'n vergadering van die Raad bywoon, word die lede en die Sekretaris geag in amptelike diens te wees en indien hulle elders as op die plek waar die vergadering gehou word, woonagtig is, moet spoorwegorders vir retoertreinkaartjies aan hulle uitgereik en verblyftoelae teen die tariewe wat kragtens Hoofstuk D van die Regeringsdiensregulasies op hulle van toepassing is, aan hulle betaal word.

BYLAE I

GESAMENTLIKE ADVISERENDE RAAD VAN DIE
REGERINGSDIENS NOMINASIEVORM

Vir die verkiesing van 'n beampte—

*(a) om die..... te verteenwoordig;

*(b) as plaasvervange lid vir die.....;

in die Gesamentlike Adviserende Raad van die Regeringsdiens vir die tydperk eindigende 30 September 19.....

Volle naam van kandidaat.....

Rang.....

Adres.....

Departement.....

Handtekeninge van 20 beamptes van die afdeling of groep wat die nominasie ondersteun:

Name	Rank and department	Station	Signature of departmental supervising officer(s)

* Delete whichever is not applicable

I, (full name).....
hereby accept the above nomination—

*(a) as representative;

*(b) as alternate;

and undertake to serve, if elected, on the Government Service Joint Advisory Council.

Date..... Signature of officer nominated

Address.....

* Delete whichever is not applicable

SCHEDULE II

GOVERNMENT SERVICE JOINT ADVISORY COUNCIL BALLOT PAPER

For the election of an officer—

*(a) to represent the.....;

*(b) as alternate member for the.....;

on the Government Service Joint Advisory Council for the period ending 30 September 19.....

Name of candidate.....

Rank.....

Department.....

Address.....

Name of candidate.....

Rank.....

Department.....

Address.....

Signature of officer voting.....

Rank.....

Department.....

Date.....

Address.....

This ballot paper must be completed and forwarded under sealed cover so as to reach the Secretary: Public Service Commission,

Ulundi, on or before the..... day of

..... 19.....

* Delete whichever is not applicable

SCHEDULE III

INSTRUCTIONS REGARDING THE COMPLETION OF THE BALLOT PAPER BEFORE SUBMISSION TO THE PUBLIC SERVICE COMMISSION

1. In order to record his vote an officer must—

(a) make a cross (X) on the ballot paper opposite the name of the candidate for whom he desires to vote;

(b) sign the ballot paper and indicate his rank, the department in which he serves, his address and the date on which the ballot paper was signed.

2. A ballot paper is invalid if—

(a) a cross (X) is made on it, which does not clearly indicate for which candidate the vote is recorded;

(b) a cross (X) is made opposite the name of more than one candidate;

(c) no cross is made on it; or

(d) it is not signed or is signed by an officer who is not entitled to vote.

Naam	Rang en Departement	Standplaas	Handtekening van departementele toesighoudende beampte(s)

* Skrap wat nie van toepassing is nie.

Ek, (volle naam).....
neem hierby bogenoemde nominasie aan—

*(a) as verteenwoordiger;

*(b) as plaasvervangende lid;

en onderneem om, indien verkies, in die Gesamentlike Adviserende Raad van die Regeringsdiens te dien.

Datum..... Handtekening van genomineerde beampte

Adres.....

* Skrap wat nie van toepassing is nie.

BYLAE II

GESAMENTLIKE ADVISERENDE RAAD VAN DIE REGERINGSDIENS

STEMBRIEF

Vir die verkiesing van 'n beampte—

*(a) om die..... te verteenwoordig;

*(b) as plaasvervangende lid vir.....;

in die Gesamentlike Adviserende Raad van die Regeringsdiens vir die tydperk eindigende 30 September 19.....

Naam van kandidaat.....

Rang.....

Departement.....

Adres.....

Naam van kandidaat.....

Rang.....

Departement.....

Adres.....

Handtekening van beampte wat stem.....

Rang.....

Departement.....

Datum.....

Adres.....

Hierdie stembrief moet ingevul en onder verseëde omslag gestuur word aan die Sekretaris: Regeringsdienskommissie, Ulundi, sodat

dit hom op of voor die..... dag van..... 19..... bereik.

*Skrap wat nie van toepassing is nie.

BYLAE III

VOORSKRIFTE BETREFFENDE DIE INVUL VAN DIE STEM- BRIEF VOORDAT DIT AAN DIE RegeringsdiensKOM- MISSIE VOORGELE WORD

1. Ten einde sy stem uit te bring moet 'n beampte—

(a) 'n kruisie (X) maak op die stembrief teenoor die naam van die kandidaat vir wie hy wil stem;

(b) die stembrief onderteken en sy rang, die departement waarin hy dien, sy adres, en die datum van ondertekening van die stembrief vermeld.

2. 'n Stembrief is ongeldig indien—

(a) 'n kruisie (X) daarop gemaak is wat nie duidelik aantoon vir watter kandidaat die stem uitgebring word nie;

(b) daar 'n kruisie (X) teenoor die naam van meer as een kandidaat gemaak is;

(c) geen kruise daarop gemaak is nie; of

(d) dit nie geteken is nie of geteken is deur 'n beampte wat nie stemberegtig is nie.

No. R. 2298

5 December 1975

The following Government Notice, issued by the Government of kwaZulu, is published for general information:

KWAZULU GOVERNMENT

KWAZULU PUBLIC SERVICE ACT, 1975

DATE OF COMING INTO OPERATION

Under and by virtue, of the powers vested in me by section 31 of the kwaZulu Public Service Act, 1975 (Act 7 of 1975), I, Walter Simon Peter Kanye, Executive Councillor to whom the control of the Department of Community Affairs has been assigned, hereby fix the date of the coming into operation of the said kwaZulu Public Service Act, 1975, as 5 December 1975.

W. S. P. KANYE,

Executive Councillor,

Community Affairs.

(File R218/4/2/16)

No. R. 2298

5 Desember 1975

Die volgende Goewermentskennisgewing, uitgereik deur die Regering van kwaZulu, word vir algemene inligting gepubliseer:

KWAZULU-REGERING

KWAZULU-WET OP DIE REGERINGSDIENS, 1975

DATUM VAN INWERKINGTREDING

Ek, Walter Simon Peter Kanye, die Uitvoerende Raads-lid aan wie die beheer van die Departement van Gemeenskapsake toegewys is, handelende kragtens die bevoegdheid my verleen by artikel 31 van die kwaZulu-wet op die Regeringsdiens, 1975 (Wet 7 van 1975), bepaal hiermee dat genoemde kwaZulu-wet op die Regeringsdiens, 1975, op 5 Desember 1975 in werking tree.

W. S. P. KANYE,

Uitvoerende Raadslid,

Gemeenskapsake.

(Lêer R218/4/2/16)

Use it.

Don't abuse it.

water is for everybody



Werk mooi daarmee.

Ons leef daarvan



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