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GOVERNMENT GAZETTE

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DEPARTMENT OF THE PRIME MINISTER.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 1089.

27th June, 1969.

No. 1089.

27 Junie 1969.

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 86 of 1969: Public Service Amendment Act, 1969.

No. 86 van 1969: Staatsdienswysigingswet, 1969.

Act No. 86, 1969

PUBLIC SERVICE AMENDMENT ACT, 1969.

ACT

To amend the Public Service Act, 1957, so as to make provision for the creation of a Bureau for State Security; to make provision in relation to the said Bureau for the delegation of certain powers, functions and duties of the Public Service Commission to a Minister; and to provide for incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 19th June, 1969.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 54 of 1957, as amended by section 1 of Act 71 of 1963, section 1 of Act 47 of 1965, section 1 of Act 63 of 1967 and section 29 of Act 67 of 1968.

1. Section 1 of the Public Service Act, 1957 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the insertion after the definition of "Administrator" of the following definition:

"'Bureau' means the Bureau for State Security;";

(b) by the substitution for the definition of "Commission" of the following definition:

"'Commission' means the Public Service Commission established by section 4 (1) and, in relation to any power conferred upon or function entrusted to or duty imposed upon the Commission by this Act or any other law, includes any member or members of the Commission or any officer or any Minister to whom the exercise of such power or the performance of such function or duty has been lawfully delegated by the Commission in terms of section 5 (2) or by the State President in terms of section 6A;"; and

(c) by the substitution for the definition of "department" of the following definition:

"'department' means any bureau, office, department, provincial or other administration of the Government referred to in the first column of the First Schedule to this Act, as amended from time to time in terms of section 27;".

Insertion of section 6A in Act 54 of 1957.

2. The following section is hereby inserted after section 6 of the principal Act:

"Delegation of certain powers, functions and duties of the Commission to a Minister.

6A. The State President may delegate all the powers, functions and duties which are by this Act or any other law conferred upon, entrusted to or imposed upon the Commission in relation to the organization and functions of the Bureau or to a person holding a post or appointment in the Bureau (except the powers conferred upon the Commission by sections 3 (2), 3 (3), 13 (1) (d) and 25 of this Act or the duty imposed upon the Commission by section 6 (2) (n) of this Act), to the Minister responsible for the Bureau."

WET

Tot wysiging van die Staatsdienswet, 1957, om voorsiening te maak vir die skepping van 'n Buro vir Staatsveiligheid; om met betrekking tot bedoelde Buro voorsiening te maak vir die delegering van sekere bevoegdhede, werksaamhede en pligte van die Staatsdienskommissie aan 'n Minister; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 19 Junie 1969.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. Artikel 1 van die Staatsdienswet, 1957 (hieronder die Hoofwet genoem), word hierby gewysig—

(a) deur na die omskrywing van „beampte” die volgende omskrywing in te voeg:

„„Buro” die Buro vir Staatsveiligheid;”;

(b) deur die omskrywing van „departement” deur die volgende omskrywing te vervang:

„„departement” ’n buro, kantoor, departement, provinsiale of ander administrasie van die Regering bedoel in die eerste kolom van die Eerste Bylae by hierdie Wet, soos van tyd tot tyd ingevolge artikel 27 gewysig;”;

(c) deur die omskrywing van „Kommissie” deur die volgende omskrywing te vervang:

„„Kommissie” die by artikel 4 (1) ingestelde Staatsdienskommissie en, in verband met ’n bevoegdheid, werksaamheid of plig wat aan die Kommissie by hierdie Wet of enige ander wetsbepaling verleen, opgedra of opgelê word, ook enige lid of lede van die Kommissie of ’n beampte of ’n Minister aan wie die uitoefening van daardie bevoegdheid of die verrigting van daardie werksaamheid of plig wettiglik deur die Kommissie ingevolge artikel 5 (2) of deur die Staatspresident ingevolge artikel 6A gedelegeer is;”.

Wysiging van artikel 1 van Wet 54 van 1957, soos gewysig deur artikel 1 van Wet 71 van 1963, artikel 1 van Wet 47 van 1965, artikel 1 van Wet 63 van 1967 en artikel 29 van Wet 67 van 1968.

2. Die volgende artikel word hierby in die Hoofwet na artikel 6 ingevoeg:

„Delegering van sekere bevoegdhede, werksaamhede en pligte van die Kommissie aan ’n Minister.

6A. Die Staatspresident kan al die bevoegdhede, werksaamhede en pligte wat by hierdie Wet of ’n ander wetsbepaling aan die Kommissie verleen, opgedra of opgelê word met betrekking tot die organisasie en werksaamhede van die Buro of tot iemand wat ’n pos of betrekking in die Buro bekleed (behalwe die bevoegdhede wat by artikels 3 (2), 3 (3), 13 (1) (d) en 25 van hierdie Wet aan die Kommissie verleen word of die plig wat by artikel 6 (2) (n) van hierdie Wet aan die Kommissie opgelê word), delegeer aan die Minister wat verantwoordelik is vir die Buro.”.

Invoeging van artikel 6A in Wet 54 van 1957.

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Amendment of section 7 of Act 54 of 1957, as amended by section 4 of Act 63 of 1967.

3. Section 7 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

- “(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 to officers and employees, or classes of officers or employees, of salaries at higher rates than the minima 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 Consolidated Revenue Fund, other than a recommendation relating to the organization or functions of the Bureau or to a person holding a post or appointment in the Bureau or a recommendation required to be carried out by or on the authority of an Administrator of a province or of the territory, 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.”.

Amendment of section 11 of Act 54 of 1957, as amended by section 2 of Act 9 of 1961.

4. Section 11 of the principal Act is hereby amended by the substitution for the proviso to subsection (4) of the following proviso:

“Provided that, except in the case of the filling of a post in the Bureau, within one calendar month from the commencement of each ordinary session of Parliament the Minister of the Interior shall lay upon the Table in the Senate and in the House of Assembly a return showing—

- (a) the name of every person who has, since the commencement of the preceding ordinary session of Parliament, 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.”.

Amendment of section 13 of Act 54 of 1957.

5. Section 13 of the principal Act is hereby amended—

- (a) by the addition to the proviso to subsection (1) of the following paragraph:

“(d) an officer or employee holding a post or appointment in the Bureau may, subject to the provisions of subsection (4), be transferred from the post or appointment held by him to any other post or appointment in any other department on such

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3. Artikel 7 van die Hoofwet word hierby gewysig deur sub-artikel (2) deur die volgende subartikel te vervang:

Wysiging van artikel 7 van Wet 54 van 1957, soos gewysig deur artikel 4 van Wet 63 van 1967.

- „(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 addisioneel 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 minimums van skale wat op hulle poste by aanstelling, oorplasing 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 bepalings van die regulasies,

wat uitgawes uit die Gekonsolideerde Inkomstefonds meebring, behalwe 'n aanbeveling met betrekking tot die organisasie of werksaamhede van die Buro of tot 'n persoon wat 'n pos of betrekking in die Buro beklee of 'n aanbeveling wat deur of op gesag van 'n Administrateur van 'n provinsie of van die gebied uitgevoer moet word, 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 delegeer.”.

4. Artikel 11 van die Hoofwet word hierby gewysig deur die voorbehoudsbepaling by subartikel (4) deur die volgende voorbehoudsbepaling te vervang:

Wysiging van artikel 11 van Wet 54 van 1957, soos gewysig deur artikel 2 van Wet 9 van 1961.

- „Met dien verstande dat, behalwe in die geval van die vulling van 'n pos in die Buro, binne een kalendermaand na die aanvang van elke gewone sessie van die Parlement, die Minister van Binnelandse Sake in die Senaat en in die Volksraad '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 Parlement in 'n pos in die administratiewe afdeling aangestel is en wat, onmiddellik voor sodanige aanstelling, nie 'n beampte 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.”.

5. Artikel 13 van die Hoofwet word hierby gewysig—

Wysiging van artikel 13 van Wet 54 van 1957.

- (a) deur die volgende paragraaf by die voorbehoudsbepaling by subartikel 1 te voeg:
 - „(d) 'n beampte of werknemer wat 'n pos of betrekking in die Buro beklee, behoudens die bepalings van subartikel (4) uit die pos of betrekking wat hy beklee, na 'n ander pos of betrekking in 'n ander

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conditions as may be determined in consultation with the Commission: Provided that if such transfer cannot be effected, the services of the officer or employee concerned shall be terminated as determined by the Minister.”; and

- (b) by the substitution for subsection (4) of the following subsection:

“(4) A member of any of the three branches of the services shall not, without his consent, be transferred to a post in any other of the said branches of the services or to a post in the administrative, clerical, professional, technical, general A or general B division; an officer holding a post in any such division shall not, without his consent, be transferred to a post in any branch of the services; and an officer holding a post in any such division outside the Bureau shall not, without his consent, be transferred to a post in the Bureau, and an officer holding a post in the Bureau shall not, without his consent, be transferred to a post in any such division outside the Bureau, if such transfer will result in a change in his conditions of service.”.

Amendment of
section 14 of
Act 54 of 1957.

6. Section 14 of the principal Act is hereby amended by the substitution for subsections (1) to (8), inclusive, of the following subsections:

“(1) Subject to the provisions of subsections (4) and (5), an officer (other than a member of the services or an officer employed in the Bureau) appointed on or after the twenty-fourth day of June, 1955, shall have the right to retire from the public service on attaining the age of sixty-five years and shall be so retired on reaching the said age.

(2) Subject to the provisions of subsections (3), (4) and (5), an officer (other than a member of the services or an officer employed in the Bureau) who was appointed with effect from a date prior to the twenty-fourth day of June, 1955, shall have the right to retire from the public service and shall be so retired—

- (a) on attaining the age of sixty-one years, if he was born before the first day of January, 1900;
- (b) on attaining the age of sixty-three years, if he was born on or after the first day of January, 1900, but before the first day of January, 1903;
- (c) on attaining the age of sixty-five years, if he was born on or after the first day of January, 1903.

(3) An officer (other than a member of the services or an officer employed in the Bureau) who was appointed with effect from a date prior to the twenty-fourth day of June, 1955, shall have the right at any time before or after attaining, in the case of a male officer, the age of sixty years or, in the case of a female officer, the age of fifty-five years, to give written notification to his head of department of his wish to be retired from the public service, and if he gives such notification he shall—

- (a) if such notification is given at least three calendar months prior to the date on which he attains the said age, be so retired on attaining that age; or
- (b) if such notification is not given at least three calendar months prior to the date on which he attains the said age, be so retired on the first day of the fourth month following the month in which such notification is received.

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departement oorgeplaas kan word op die voorwaardes wat in oorleg met die Kommissie bepaal word: Met dien verstande dat indien so 'n oorplasing nie bewerkstellig kan word nie, die dienste van die betrokke beampte of werknemer beëindig word soos die Minister bepaal."; en

- (b) deur subartikel (4) deur die volgende subartikel te vervang:

„(4) 'n Lid van enigeen van die drie takke van die dienste mag nie sonder sy toestemming na 'n pos in 'n ander van bedoelde takke van die dienste of na 'n pos in die administratiewe, klerklike, vakkundige, tegniese, algemene A- of algemene B-afdeling oorgeplaas word nie; 'n beampte wat 'n pos in so 'n afdeling beklee, mag nie sonder sy toestemming na 'n pos in 'n tak van die dienste oorgeplaas word nie; en 'n beampte wat 'n pos in so 'n afdeling buite die Buro beklee, mag nie sonder sy toestemming na 'n pos in die Buro oorgeplaas word nie, en 'n beampte wat 'n pos in die Buro beklee, mag nie sonder sy toestemming na 'n pos in so 'n afdeling buite die Buro oorgeplaas word nie, indien so 'n oorplasing 'n verandering in sy diensvoorwaardes sal meebring.”.

6. Artikel 14 van die Hoofwet word hierby gewysig deur subartikels (1) tot en met (8) deur die volgende subartikels te vervang:

Wysiging van
artikel 14 van
Wet 54 van 1957,

„(1) Behoudens die bepalings van subartikels (4) en (5), het 'n beampte (behalwe 'n lid van die dienste of 'n beampte in diens van die Buro) wat op of na die vier-en-twintigste dag van Junie 1955 aangestel is, die reg om uit die staatsdiens af te tree wanneer hy die leeftyd van vyf-en-sestig jaar bereik en word hy aldus afgedank wanneer hy genoemde leeftyd bereik.

(2) Behoudens die bepalings van subartikels (3), (4) en (5), het 'n beampte (behalwe 'n lid van die dienste of 'n beampte in diens van die Buro) wat met ingang van 'n datum voor die vier-en-twintigste dag van Junie 1955 aangestel is, die reg om uit die staatsdiens af te tree en word hy aldus afgedank—

- (a) by bereiking van die leeftyd van een-en-sestig jaar as hy voor die eerste dag van Januarie 1900 gebore is;
- (b) by bereiking van die leeftyd van drie-en-sestig jaar as hy op of na die eerste dag van Januarie 1900 maar voor die eerste dag van Januarie 1903 gebore is;
- (c) by bereiking van die leeftyd van vyf-en-sestig jaar as hy op of na die eerste dag van Januarie 1903 gebore is.

(3) 'n Beampte (behalwe 'n lid van die dienste of 'n beampte in diens van die Buro) wat met ingang van 'n datum voor die vier-en-twintigste dag van Junie 1955 aangestel is, het die reg om te eniger tyd voor of nadat hy, in die geval van 'n manlike beampte, die leeftyd van sestig jaar of, in die geval van 'n vroulike beampte, die leeftyd van vyf-en-vyftig jaar bereik, aan sy departementshoof kennis te gee van sy begeerte om uit die staatsdiens afgedank te word, en indien hy aldus kennis gee, word hy—

- (a) indien bedoelde kennisgewing minstens drie kalendermaande voor die datum waarop hy bedoelde leeftyd bereik, gegee word, aldus afgedank wanneer hy daardie leeftyd bereik; of
- (b) indien bedoelde kennisgewing nie minstens drie kalendermaande voor die datum waarop hy bedoelde leeftyd bereik, gegee word nie, aldus afgedank op die eerste dag van die vierde maand na die maand waarin bedoelde kennisgewing ontvang word.

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(4) If it is in the public interest to retain an officer, not being a member of the services or an officer employed in the Bureau, in his post beyond the age at which in accordance with subsection (1) or (2) he shall be retired, he may be so retained from time to time, on the recommendation of the Commission and subject to the approval of the Minister or Administrator, for further periods which shall not, except with the approval, by resolution, of the Senate and the House of Assembly, exceed in the aggregate two years: Provided that in the case of an officer whose pensionable age is sixty-one years, the further period which shall not be exceeded shall be four years.

(5) An officer (other than a member of the services, an officer employed in the Bureau or an officer referred to in subsection (9)) who has reached the age of sixty years may, subject in every case to the recommendation of the Commission and the approval of the Minister or Administrator, be retired from the public service: Provided that in the case of an officer to whom subsection (2) refers, the age at or after which he may be so retired shall in the case of a male officer be fifty-five years and in the case of a female officer be fifty years.

(6) Every officer (other than a member of the services or an officer employed in the Bureau) is 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 reorganization 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;
- (f) if, in the case of an officer appointed on probation his appointment is not confirmed.

(7) A female officer (other than a member of the services or an officer employed in the Bureau) 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 Minister or Administrator approves that she be retained in the public service.

(8) An officer (other than a member of the services or an officer employed in the Bureau) who absents himself from his official duties without permission of his head of department, office or institution for a period exceeding one calendar month, shall be deemed to have been discharged from the public service on account of misconduct with effect from the date immediately succeeding his 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, subject to the Minister's or Administrator's approval, he be reinstated in the public service in his former or any other post or appointment, on such conditions as the Commission may recommend, and in that

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(4) As dit in die openbare belang is om 'n beampte wat nie 'n lid van die dienste of 'n beampte in diens van die Buro is nie, in sy pos in diens te hou na die leeftyd waarop hy ooreenkomstig subartikel (1) of (2) afgedank moet word, kan hy aldus van tyd tot tyd op aanbeveling van die Kommissie en met die goedkeuring van die Minister of Administrateur in diens gehou word vir verdere tydperke wat, behalwe met die goedkeuring, by besluit, van die Senaat en die Volksraad altesaam nie twee jaar te bowe mag gaan nie: Met dien verstande dat in die geval van 'n beampte wie se pensioenleef tyd een-en-sestig jaar is, die verdere tydperk wat nie te bowe gegaan mag word nie, vier jaar is.

(5) 'n Beampte (behalwe 'n lid van die dienste, 'n beampte in diens van die Buro of 'n in subartikel (9) bedoelde beampte) wat die leeftyd van sestig jaar bereik het, kan, onderworpe in elke geval aan die aanbeveling van die Kommissie en die goedkeuring van die Minister of Administrateur, uit die staatsdiens afgedank word: Met dien verstande dat in die geval van 'n in subartikel (2) bedoelde beampte, die leeftyd waarop of waarna hy aldus afgedank kan word, in die geval van 'n manlike beampte vyf-en-vyftig jaar en in die geval van 'n vroulike beampte vyftig jaar is.

(6) Elke beampte (behalwe 'n lid van die dienste of 'n beampte in diens van die Buro) kan uit die staatsdiens 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;
- (f) as, in die geval van 'n beampte wat op proef aangestel is, sy aanstelling nie bekragtig word nie.

(7) 'n Vroulike beampte (behalwe 'n lid van die dienste of 'n beampte in diens van die Buro) wat in die huwelik tree, word geag vrywillig uit die staatsdiens 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 Minister of Administrateur goedkeur dat sy in die staatsdiens in diens gehou word.

(8) 'n Beampte (behalwe 'n lid van die dienste of 'n beampte in diens van die Buro) wat sonder verlof van sy departementshoof, of hoof van sy kantoor of inrigting, vir 'n tydperk van meer as een kalendermaand van sy ampspligte wegbly, word geag uit die staatsdiens 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 Minister of Administrateur, hy in die staatsdiens in sy vorige of enige ander pos of betrekking herstel word op die voorwaardes wat die

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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.”.

Amendment of
section 15 of
Act 54 of 1957.

7. Section 15 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) If a head of department reports to the Minister or Administrator that any officer (other than an officer who is the holder of a post in the general B division, and other than a member of the services or an officer employed in the Bureau) in his department is, in his opinion, unfit for his duties or incapable of carrying them out efficiently, the Minister or Administrator shall appoint an officer to enquire into the subject matter of that report; and if any such report is made to a head of department by an officer designated to inspect departments in terms of section 9 (3), the said head of department shall, within one calendar month of the date on which he received it, transmit it to the Minister or Administrator who shall appoint an officer to enquire into the subject matter of that report.”.

Amendment of
section 17 of
Act 54 of 1957,
as amended by
section 5 of
Act 63 of 1967.

8. Section 17 of the principal Act is hereby amended by the substitution for the words preceding paragraph (a) of the following words:

“Any officer (other than a member of the services or an officer employed in the Bureau) shall be guilty of misconduct and may be dealt with in accordance with the provisions of section 18, if he—”.

Amendment of
section 18 of
Act 54 of 1957.

9. Section 18 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) When an officer (other than a head of department, a member of the services or an officer employed in the Bureau) is accused of misconduct, his head of department, or any officer in that department who has been authorized thereto by the head of department, may charge him in writing under his hand with that misconduct.”.

Amendment of
section 26 of
Act 54 of 1957,
as amended by
section 4 of
Act 71 of 1963
and section 6 of
Act 63 of 1967.

10. Section 26 of the principal Act is hereby amended—

(a) by the insertion after paragraph (e) of subsection (1) of the following paragraph:

“(eA) disciplinary measures in respect of officers and employees employed in the Bureau; the definition of misconduct by such officers and employees; and the procedure to be observed in investigating and dealing with allegations of inefficiency of such officers and employees and of misconduct committed by such officers and employees;”;

(b) by the substitution for subsection (3) of the following subsection:

“(3) It shall not be necessary to lay upon the Table in the Senate or in the House of Assembly any regulation made under this Act on the recommendation of the Minister referred to in section 6A but every other 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 in the Senate and in the House of Assembly as provided by section 17 of the Interpretation Act, 1957 (Act No. 33 of 1957), both the Senate and the House of Assembly have by

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Kommissie aanbeveel, en in so 'n geval word die tydperk van sy afwesigheid van sy ampspligte, geag afwesigheid met vakansie-verlof sonder besoldiging of verlof op die ander voorwaardes wat die Kommissie aanbeveel, te wees."

7. Artikel 15 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

Wysiging van
artikel 15 van
Wet 54 van 1957.

„(1) As 'n departementshoof aan die Minister of Administrateur verslag doen dat 'n beampte (behalwe 'n beampte wat 'n pos in die algemene B-afdeling beklee, en behalwe 'n lid van die dienste of 'n beampte in diens van die Buro) in sy departement, na sy mening, ongeskik is vir sy pligte of nie in staat is om hulle op bekwame wyse uit te voer nie, stel die Minister of Administrateur 'n beampte aan om ondersoek na die inhoud van daardie verslag in te stel; en as so 'n verslag aan 'n departementshoof gedoen word deur 'n beampte wat ingevolge artikel 9 (3) aangewys is om departemente te inspekteer, stuur die departementshoof binne een kalendermaand na die datum waarop hy dit ontvang het, dit deur na die Minister of Administrateur wat 'n beampte aanstel om ondersoek na die inhoud van daardie verslag in te stel."

8. Artikel 17 van die Hoofwet word hierby gewysig deur die woorde wat paragraaf (a) voorafgaan, deur die volgende woorde te vervang:

Wysiging van
artikel 17 van
Wet 54 van 1957,
soos gewysig deur
artikel 5 van
Wet 63 van 1967.

„'n Beampte (behalwe 'n lid van die dienste of 'n beampte in diens van die Buro) is skuldig aan wangedrag en daar kan ooreenkomstig die bepalings van artikel 18 met hom gehandel word, as hy—"

9. Artikel 18 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

Wysiging van
artikel 18 van
Wet 54 van 1957.

„(1) Wanneer 'n beampte (behalwe 'n departementshoof, 'n lid van die dienste of 'n beampte in diens van die Buro) van wangedrag beskuldig word, kan sy departementshoof, of 'n beampte in daardie departement wat deur die departementshoof daartoe gemagtig is, hom skriftelik onder sy handtekening van daardie wangedrag aankla."

10. Artikel 26 van die Hoofwet word hierby gewysig—

(a) deur na paragraaf (e) van subartikel (1) die volgende paragraaf in te voeg:

Wysiging van
artikel 26 van
Wet 54 van 1957,
soos gewysig deur
artikel 4 van
Wet 71 van 1963
en artikel 6 van
Wet 63 van 1967.

„(eA) tugmaatreëls ten opsigte van beamptes en werknemers in diens van die Buro; die omskrywing van wangedrag deur sodanige beamptes en werknemers; en die prosedure wat gevolg moet word by die ondersoek van en optrede in verband met bewerings van onbekwaamheid van sodanige beamptes en werknemers of van wangedrag waaraan sodanige beamptes en werknemers hulle skuldig maak;"

(b) deur subartikel (3) deur die volgende subartikel te vervang:

„(3) 'n Regulasie wat ingevolge hierdie Wet op aanbeveling van die in artikel 6A bedoelde Minister uitgevaardig word, hoef nie in die Senaat of in die Volksraad ter Tafel gelê te word nie maar elke ander regulasie wat ingevolge hierdie Wet uitgevaardig word, is van krag en regsgeldig tensy en totdat, gedurende die sessie waarby dit in die Senaat en in die Volksraad ter Tafel gelê is soos bepaal by artikel 17 van die Interpretasiewet, 1957 (Wet No. 33 van 1957), sowel die Senaat as die Volksraad die regulasie by besluit afgekeur het,

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resolution disapproved of the regulation, in which event the regulation shall lapse as from a 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 State President to make a new regulation as to the subject matter of that regulation."; and

(c) by the addition of the following subsection:

"(4) It shall not be necessary to publish in the *Gazette* any regulation made under this Act on the recommendation of the Minister referred to in section 6A but every such regulation shall be notified to the officers and employees to whom it applies, in such manner as the State President may determine."

Short title and
commencement.

11. This Act shall be called the Public Service Amendment Act, 1969, and shall be deemed to have come into operation on the first day of April, 1969.

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in welke geval die regulasie verval 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 Staatspresident om 'n nuwe regulasie aangaande die inhoud van daardie regulasie uit te vaardig nie.'; en

- (c) deur die volgende subartikel by genoemde artikel te voeg:

„(4) 'n Regulasie wat ingevolge hierdie Wet op aanbeveling van die in artikel 6A bedoelde Minister uitgevaardig word, hoef nie in die *Staatskoerant* gepubliseer te word nie, maar elke sodanige regulasie word op die wyse wat die Staatspresident bepaal, bekendgemaak aan die beamptes en werknemers vir wie dit geld.”.

11. Hierdie Wet heet die Staatsdienswysigingswet, 1969, en Kort titel en word geag op die eerste dag van April 1969 in werking te getree inwerkingtreding. het.

