



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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[No. 8249

KANTOOR VAN DIE EERSTE MINISTER

No. 1153.

16 Junie 1982.

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

No. 85 van 1982: Staatsdienswysigingswet, 1982.

OFFICE OF THE PRIME MINISTER

No. 1153.

16 June 1982.

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

No. 85 of 1982: Public Service Amendment Act, 1982.

Wet No. 85, 1982

STAATSDIENSWYSIGINGSWET, 1982

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hake dui skappings uit bestaande verordenings aan.

Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Staatsdienswet, 1957, ten einde te bepaal dat lede van die Kommissie vir Administrasie ophou om lede van die Kommissie te wees by aanstelling in sekere ampte; voorsiening te maak dat sekere aangeleenthede waaroor genoemde Kommissie aanbevelings kan of moet doen of lasgewings kan of moet gee, opgedra kan word aan Ministers, Administrateurs, departementshoofde of bekleërs van sekere poste in die staatsdiens om met sodanige aangeleenthede tot uitsluiting van die Kommissie te handel; die Kommissie te magtig om aanbevelings te doen of lasgewings te gee betreffende die opleiding van beamptes en werknemers en betreffende die vereistes waaraan iemand se gesondheidstoestand moet voldoen voordat hy as 'n beampte in die staatsdiens aangestel kan word; die bepalinge betreffende die afstaan van beamptes in die staatsdiens aan 'n ander regering, raad, inrigting of liggaam, uit te brei tot werknemers in die staatsdiens; en sekere verouderde bepalinge te skrap; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 4 Junie 1982.)

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

Wysiging van
artikel 3 van
Wet 54 van 1957,
soos gewysig deur
artikel 31 van
Wet 67 van 1968,
artikel 53 van
Wet 66 van 1974,
artikel 2 van
Wet 64 van 1976 en
artikel 38 van
Wet 104 van 1978.

1. Artikel 3 van die Staatsdienswet, 1957 (hieronder die Hoofwet genoem), word hierby gewysig—

(a) deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:

„(b) wat nadat hulle opgehou het om poste op die in paragraaf (a) bedoelde vaste diensstaat te beklee, en wat nie afgetree het of ontslaan is nie, addisioneel tot die vaste diensstaat in diens is **[ooreenkomstig 'n aanbeveling gedoen ingevolge paragraaf (e) van subartikel (2) van artikel ses]** of wat geag word 'n pos in 'n afdeling te bly beklee onder die in die tweede voorbehoudsbepaling by subartikel (3) beoogde omstandighede;”;

(b) deur subparagraaf (ii) van paragraaf (c) van subartikel (1) deur die volgende subparagraaf te vervang:

„(ii) wat tydelik of onder 'n spesiale kontrak in 'n departement, hetsy in 'n voltydse of deeltydse hoedanigheid, addisioneel tot die vaste diensstaat of in vakante poste op die vaste diensstaat **[ooreenkomstig 'n aanbeveling gedoen ingevolge paragraaf (d) van subartikel (2) van artikel ses]** in diens is.”; en

(c) deur subartikel (4) te skrap.

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GENERAL EXPLANATORY NOTE:

[Words in bold type in square brackets indicate omissions from existing enactments.

— Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Public Service Act, 1957, so as to provide that members of the Commission for Administration shall cease to be members of the Commission upon being appointed to certain offices; to provide that certain matters concerning which the said Commission may or is required to make recommendations or give directions may be assigned to Ministers, Administrators, heads of department or incumbents of certain posts in the public service to deal with such matters to the exclusion of the Commission; to authorize the Commission to make recommendations or give directions with respect to the training of officers and employees and with respect to the requirements with which a person's condition of health shall comply before such person may be appointed as an officer in the public service; to extend to employees in the public service the provisions relating to the seconding of officers in the public service to another government, board, institution or body; and to delete certain obsolete provisions; and to provide for incidental matters.

(English text signed by the State President.)
(Assented to 4 June 1982.)

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

1. Section 3 of the Public Service Act, 1957 (hereinafter referred to as the principal Act), is hereby amended—
 - 5 (a) by the substitution for paragraph (b) of subsection (1) of the following paragraph:

“(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 paragraph (e) of subsection (2) of section six]** or who are deemed to continue to hold posts in a division in the circumstances contemplated by the second proviso to subsection (3);”;
 - 10 (b) by the substitution for subparagraph (ii) of paragraph (c) of subsection (2) of the following subparagraph:

“(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 paragraph (d) of subsection (2) of section six]**.”; and
 - 15 (c) by the deletion of subsection (4).

Amendment of section 3 of Act 54 of 1957, as amended by section 31 of Act 67 of 1968, section 53 of Act 66 of 1974, section 2 of Act 64 of 1976 and section 38 of Act 104 of 1978.

Wet No. 85, 1982

STAATSDIENSWYSIGINGSWET, 1982

Wysiging van
artikel 4 van
Wet 54 van 1957,
soos gewysig deur
artikel 2 van
Wet 63 van 1967,
artikel 1 van
Wet 17 van 1968,
artikel 45 van
Wet 70 van 1968,
artikel 5 van
Wet 92 van 1970,
artikel 1 van
Wet 4 van 1975 en
artikel 3 van
Wet 64 van 1976.

2. Artikel 4 van die Hoofwet word hierby gewysig deur die volgende subartikel by te voeg:

„(15) Indien 'n lid van die Kommissie wat onmiddellik
voor sy aanstelling as sodanig, 'n beamppte of werknemer in
die staatsdiens was, kragtens 'n Wet van die Parlement en
met sy instemming aangestel word in 'n amp waarop die be- 5
palings van hierdie Wet nie van toepassing is nie, hou hy
vanaf die datum waarop hy aldus aangestel word, op om 'n
lid van die Kommissie te wees, en indien hy op daardie da-
tum nog nie die leeftyd bereik het waarop hy ingevolge arti- 10
kel 14 (1) of (2) die reg sou gehad het om af te tree nie,
word daar behoudens die bepalings van artikel 41 (10) van
die Skatkis- en Ouditwet, 1975 (Wet No. 66 van 1975), geag
dat hy op daardie datum afgetree het en is hy, behoudens
genoemde bepalings, geregtig op die pensioen waarop hy 15
ingevolge die pensioenwet wat op hom van toepassing is,
geregtig sou gewees het as hy weens die afskaffing van sy
pos uit die staatsdiens ontslaan was.”.

Wysiging van
artikel 5 van
Wet 54 van 1957,
soos gewysig deur
artikel 3 van
Wet 71 van 1963,
artikel 3 van
Wet 47 van 1965,
artikel 3 van
Wet 63 van 1967,
artikel 33 van
Wet 67 van 1968,
artikel 6 van
Wet 92 van 1970,
artikel 2 van
Wet 65 van 1971 en
artikel 4 van
Wet 64 van 1976.

3. Artikel 5 van die Hoofwet word hierby gewysig—

(a) deur subartikel (3) deur die volgende subartikel te ver- 20
vang:

„(3) Die Kommissie mag nie die bevoegdhede wat
aan hom verleen is by artikel 5A, of artikel 6 (2) (a),
(g), (j), (m) en (n), of artikel **[14 (4)]** 14 (3), (4) **[(5)]**,
(6) (a) tot en met (e), en (8), of Hoofstuk IV, of artikel 25
25, of artikel 27, van hierdie Wet deleger nie.”; en

(b) deur subartikel (5) deur die volgende subartikel te ver-
vang:

„(5) 'n Delegasie of aanwysing wat ingevolge hierdie
artikel deur die Kommissie gedoen is, kan te eniger tyd 30
deur die Kommissie gewysig of ingetrek word.”.

Invoeging van
artikel 5A in
Wet 54 van 1957.

4. Die volgende artikel word hierby in die Hoofwet na artikel
5 ingevoeg:

„Uitsluiting
van Kommis-
sie betref-
fende sekere
aangeleent-
hede.

5A. (1) Die Staatspresident kan by proklamasie in
die *Staatskoerant* 'n aangeleentheid waaroor die 35
Kommissie kragtens 'n bepaling van hierdie Wet of
enige ander wet 'n aanbeveling kan of moet doen of
'n lasgewing kan of moet gee, op die voorwaardes in
die proklamasie vermeld en met betrekking tot 'n de-
partement opdra aan die Minister of Administrateur 40
wat vir daardie departement verantwoordelik is of
aan die bekleër van 'n pos in daardie departement,
en daarop—

(a) kan bedoelde Minister, Administrateur of be-
kleër van 'n pos, na gelang van die geval, na 45
goeddunde ten opsigte van daardie aangeleent-
heid optree asof sy optrede op aanbeveling
of na aanleiding van 'n lasgewing van die Kom-
missie geskied; en

(b) is die Kommissie, ondanks andersluidende bepa- 50
lings van hierdie Wet of enige ander wet en so-
lank daardie aangeleentheid aldus opgedra bly,
nie bevoeg om met betrekking tot die betrokke
departement 'n aanbeveling oor daardie aange-
leentheid te doen of 'n lasgewing daarvoor te gee 55
nie.

(2) 'n Proklamasie kragtens subartikel (1) kan te
eniger tyd deur die Staatspresident by proklamasie
in die *Staatskoerant* gewysig of ingetrek word.

(3) By die toepassing van subartikels (1) en (2)— 60

(a) word geen proklamasie uitgereik, gewysig of
ingetrek nie behalwe op aanbeveling van die
Kommissie;

(b) word geen aangeleentheid waaroor die Kom-
missie 'n aanbeveling kragtens 'n bepaling ver- 65
meld in artikel 5 (3) kan doen, aan 'n Minis-

PUBLIC SERVICE AMENDMENT ACT, 1982

Act No. 85, 1982

2. Section 4 of the principal Act is hereby amended by the addition of the following subsection:

“(15) If a member of the Commission who immediately before his appointment as such was an officer or employee in the public service, is appointed with his assent and under an Act of Parliament to an office to which the provisions of this Act do not apply, he shall as from the date on which he is so appointed cease to be a member of the Commission, and if at that date he has not reached the age at which he would in terms of section 14 (1) or (2) have had the right to retire, he shall, subject to the provisions of section 41 (10) of the Exchequer and Audit Act, 1975 (Act No. 66 of 1975), be deemed to have retired on that date and he shall, subject to the said provisions, be entitled to such pension as he would under the pension law applicable to him have been entitled to, had he been discharged from the public service owing to the abolition of his post.”.

Amendment of section 4 of Act 54 of 1957, as amended by section 2 of Act 63 of 1967, section 1 of Act 17 of 1968, section 45 of Act 70 of 1968, section 5 of Act 92 of 1970, section 1 of Act 4 of 1975 and section 3 of Act 64 of 1976.

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

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

“(3) The Commission shall not delegate the powers conferred upon it by section 5A, or section 6 (2) (a), (g), (j), (m) and (n), or section ~~14 (4)~~ 14 (3), (4) ~~[(5)]~~, (6) (a) to (e), inclusive, and (8), or Chapter IV, or section 25, or section 27, of this Act.”; and

(b) by the substitution for subsection (5) of the following subsection:

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

Amendment of section 5 of Act 54 of 1957, as amended by section 3 of Act 71 of 1963, section 3 of Act 47 of 1965, section 3 of Act 63 of 1967, section 33 of Act 67 of 1968, section 6 of Act 92 of 1970, section 2 of Act 65 of 1971 and section 4 of Act 64 of 1976.

4. The following section is hereby inserted in the principal Act after section 5:

“Exclusion of Commission concerning certain matters. 5A. (1) The State President may by proclamation in the *Gazette*, on such conditions as may be specified in such proclamation and with respect to a department, assign a matter concerning which the Commission under a provision of this Act or any other law may or is required to make a recommendation or give a direction, to the Minister or Administrator responsible for that department or to an incumbent of a post in that department, and thereupon—
(a) the said Minister, Administrator or incumbent of a post, as the case may be, may at his discretion act in respect of that matter as if he is acting on the recommendation or in pursuance of a direction of the Commission; and
(b) the Commission shall, notwithstanding the provisions of this Act or any other law to the contrary and for as long as such matter remains to be so assigned, not be competent with respect to the department concerned to make a recommendation or to give a direction concerning such matter.
(2) A proclamation under subsection (1) may at any time be amended or withdrawn by the State President by proclamation in the *Gazette*.
(3) In the application of subsections (1) and (2)—
(a) no proclamation shall be issued, amended or withdrawn except on the recommendation of the Commission;
(b) no matter concerning which the Commission may make a recommendation under a provision mentioned in section 5 (3), shall be as-

Insertion of section 5A in Act 54 of 1957.

Wet No. 85, 1982

STAATSDIENSWYSIGINGSWET, 1982

ter, Administrateur of bekleër van 'n pos opgedra nie.

(4) 'n Minister, Administrateur of bekleër van 'n pos kan op aanbeveling van die Kommissie 'n bevoegdheid hom ingevolge 'n proklamasie kragtens hierdie artikel verleen skriftelik aan 'n beampte in die departement waarvoor hy verantwoordelik is of waarin hy 'n pos beklee, na gelang van die geval, delegeer.

(5) 'n Bepaling van hierdie Wet of 'n ander wet wat van toepassing is ten opsigte van 'n aangeleentheid waaroor die Kommissie 'n aanbeveling kan of moet doen of 'n lasgewing kan of moet gee, is *mutatis mutandis* van toepassing wanneer 'n Minister, Administrateur of bekleër van 'n pos ten opsigte van daardie aangeleentheid ingevolge 'n proklamasie kragtens hierdie artikel optree, vir sover sodanige bepaling nie met die proklamasie onbestaanbaar is nie."

Wysiging van artikel 6 van Wet 54 van 1957, soos gewysig deur artikel 3 van Wet 65 van 1971 en artikel 5 van Wet 64 van 1976.

5. Artikel 6 van die Hoofwet word hierby gewysig—

(a) deur die volgende subparagraaf by paragraaf (f) van subartikel (2) te voeg:

„(vi) die opleiding van beamptes en werknemers;”;

(b) deur die voorbehoudsbepaling by paragraaf (h) van subartikel (2) te skrap;

(c) deur paragraaf (k) van subartikel (2) deur die volgende paragraaf te vervang:

„(k) lasgewings gee aangaande—

(i) die leeftyds-, opvoedkundige, taal- en ander kwalifikasies wat persone moet besit by aanstelling, oorplasing of bevordering in of na die staatsdiens, waar die kwalifikasies nie by of kragtens hierdie Wet of enige ander wetsbepaling voorgeskryf word nie;

(ii) die opleiding wat beamptes en werknemers moet ondergaan;

(iii) die klasse poste en betrekkings met betrekking waartoe, die omstandighede waarin en die voorwaardes waarop 'n Minister of 'n Administrateur, of 'n beampte aan wie 'n Minister of Administrateur die bevoegdheid gedelegeer het om aanstellings, oorplasing of bevorderings te doen, ander kwalifikasies as die in subparagraaf (i) bedoel, kan vereis;”;

(d) deur paragraaf (l) van subartikel (2) deur die volgende paragraaf te vervang:

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

(e) deur na paragraaf (n) van subartikel (2) die volgende paragraaf in te voeg:

„(nA) lasgewings gee aangaande die vereistes waaraan iemand se gezondheidstoestand moet voldoen voordat hy as 'n beampte aangestel kan word;”;

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

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

PUBLIC SERVICE AMENDMENT ACT, 1982

Act No. 85, 1982

signed to a Minister, an Administrator or an incumbent of a post.

(4) A Minister, an Administrator or an incumbent of a post may on the recommendation of the Commission delegate a power granted to him in terms of a proclamation under this section to an officer in the department for which he is responsible or in which he occupies a post, as the case may be.

(5) A provision of this Act or any other law which is applicable in respect of a matter concerning which the Commission may or is required to make a recommendation or give a direction, shall *mutatis mutandis* apply when a Minister, Administrator or incumbent of a post, acts in respect of such matter in terms of a proclamation under this section, in so far as such provision is not inconsistent with the proclamation.”

5. Section 6 of the principal Act is hereby amended—

(a) by the addition to paragraph (f) of subsection (2) of the following subparagraph:

“(vi) the training of officers and employees;”;

(b) by the deletion of the proviso to paragraph (h) of subsection (2);

(c) by the substitution for paragraph (k) of subsection (2) of the following paragraph:

“(k) give directions as to—

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

(ii) the training which officers and employees have to undergo;

(iii) the classes of posts and positions in respect of which, the circumstances in which and the conditions on which a Minister or an Administrator, or any officer to whom a Minister or Administrator has delegated such power of appointment, transfer or promotion, may require qualifications other than those referred to in subparagraph (i);”;

(d) by the substitution for paragraph (l) of subsection (2) of the following paragraph:

“(l) where it deems it necessary, provide training or cause training to be provided, or conduct examinations or tests or cause examinations or tests to be conducted 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;”;

(e) by the insertion after paragraph (n) of subsection (2) of the following paragraph:

“(nA) give directions as to the requirements with which a person's condition of health shall comply before such person may be appointed as an officer;”;

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

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

Amendment of section 6 of Act 54 of 1957, as amended by section 3 of Act 65 of 1971 and section 5 of Act 64 of 1976.

Wet No. 85, 1982

STAATSDIENSWYSIGINGSWET, 1982

Wysiging van
artikel 11 van
Wet 54 van 1957,
soos gewysig deur
artikel 2 van
Wet 9 van 1961,
artikel 4 van
Wet 86 van 1969,
artikel 1 van
Wet 54 van 1973,
artikel 1 van
Wet 97 van 1976 en
artikel 41 van
Wet 104 van 1978.

6. Artikel 11 van die Hoofwet word hierby gewysig—
- (a) deur paragraaf (c) van subartikel (2) deur die volgende paragraaf te vervang:
„(c) vir sover dit sy gesondheidstoestand betref, voldoen aan die vereistes deur die Kommissie kragtens artikel 6 (2) (nA) gelas.”;
- (b) deur die voorbehoudsbepalings by subartikel (2) deur die volgende voorbehoudsbepaling te vervang:
„Met dien verstande dat iemand ondanks die bepaling van paragraaf (c) aldus op proef aangestel kan word, maar dat sy aanstelling nie bekragtig word nie tensy hy aan die vereistes in daardie paragraaf bedoel, voldoen.”;
- (c) deur subartikel (3) deur die volgende subartikel te vervang:
„(3) By die vulling van 'n pos of die doen van 'n aanstelling in die staatsdiens, 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, en met die voorwaardes wat voorgeskryf word of deur die Kommissie gelas word vir die vulling van die pos of die doen van die aanstelling.”; en
- (d) deur die voorbehoudsbepaling by subartikel (4) te skrap.

Wysiging van
artikel 12 van
Wet 54 van 1957.

7. Artikel 12 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:
„(1) Aanstellings, oorplasings en bevorderings in die administratiewe, klerklike, vakkundige, tegniese, algemene A- en algemene B-afdelings geskied op proef [as]—
- (a) tensy, in die geval van [die administratiewe, klerklike, vakkundige, tegniese en algemene A-afdelings, die Kommissie aldus aanbeveel] aanstellings in—
- (i) die algemene B-afdeling, die persoon wat die bevoegdheid het om sodanige aanstellings goed te keur, anders gelas; of
- (ii) enige ander afdeling, die Kommissie anders aanbeveel; of
- (b) as, in die geval van bevorderings en oorplasings in—
- (i) die algemene B-afdeling, die persoon wat die bevoegdheid het om [aanstellings,] sodanige oorplasings en bevorderings [daarin] goed te keur, magtiging daartoe verleen; of
- (ii) enige ander afdeling, die Kommissie aldus aanbeveel.”.

Wysiging van
artikel 13 van
Wet 54 van 1957,
soos gewysig deur
artikel 5 van
Wet 86 van 1969,
artikel 4 van
Wet 65 van 1971,
artikel 2 van
Wet 54 van 1973,
artikel 54 van
Wet 66 van 1974 en
artikel 42 van
Wet 104 van 1978.

8. Artikel 13 van die Hoofwet word hierby gewysig deur subartikel (6) deur die volgende subartikel te vervang:
„(6) 'n Beampte of werknemer kan met sy eie toestemming en op aanbeveling van die Kommissie en op die voorwaardes (benewens dié wat by of kragtens een of ander wetsbepaling voorgeskryf word) wat die Kommissie in ooreenstemming met die Tesourie aanbeveel, hetsy vir 'n besondere diens of vir 'n tydperk, aan die diens van 'n ander regering, of van 'n raad, inrigting of liggaam wat by of kragtens een of ander wetsbepaling ingestel is, of van 'n ander liggaam of persoon, afgestaan word; en so 'n beampte of werknemer bly, terwyl hy aldus afgestaan is, onderworpe aan die wette wat op beamptes en werknemers in die staatsdiens van toepassing is.”.

Kort titel en inwerking-treding.

9. Hierdie Wet heet die Staatsdienswysigingswet, 1982, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

PUBLIC SERVICE AMENDMENT ACT, 1982

Act No. 85, 1982

6. Section 11 of the principal Act is hereby amended—

- (a) by the substitution for paragraph (c) of subsection (2) of the following paragraph:

“(c) in so far as his condition of health is concerned
 5 complies with such requirements as may be directed by the Commission under section 6 (2) (nA);”;

- (b) by the substitution for the provisos to subsection (2) of the following proviso:

10 “Provided that a person may notwithstanding the provisions of paragraph (c) be so appointed on probation, but that his appointment shall not be confirmed unless he complies with the requirements referred to in that paragraph.”;

- 15 (c) by the substitution for subsection (3) of the following subsection:

20 “(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, and to such conditions as may be prescribed or as may be directed by the Commission for the filling of such post or the making of such appointment.”; and

- 25 (d) by the deletion of the proviso to subsection (4).

7. Section 12 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

30 “(1) Appointments, transfers and promotions in the administrative, clerical, professional, technical, general A and general B divisions shall be made on probation **[if]**—

- (a) unless, in the case of [the administrative, clerical, professional, technical and general A divisions] appointments in—

35 (i) the general B division, the [Commission so recommends] person holding the power to approve such appointments directs otherwise; or

(ii) any other division, the Commission recommends otherwise; or

- 40 (b) if, in the case of promotions and transfers in—

(i) the general B division, the person holding the power to approve [appointments,] such transfers and promotions [therein] so authorizes; or

45 (ii) any other division, the Commission so recommends.”.

8. Section 13 of the principal Act is hereby amended by the substitution for subsection (6) of the following subsection:

50 “(6) An officer or employee may, with his own consent and on the recommendation of the Commission and upon such conditions (in addition to those prescribed by or under any law) as may be recommended by it in consultation with the Treasury, be seconded either for a particular service or for a period of time, to the service of any other government, 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 and employees in the public service.”.

9. This Act shall be called the Public Service Amendment Act, 1982, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

Amendment of section 11 of Act 54 of 1957, as amended by section 2 of Act 9 of 1961, section 4 of Act 86 of 1969, section 1 of Act 54 of 1973, section 1 of Act 97 of 1976 and section 41 of Act 104 of 1978.

Amendment of section 12 of Act 54 of 1957.

Amendment of section 13 of Act 54 of 1957, as amended by section 5 of Act 86 of 1969, section 4 of Act 65 of 1971, section 2 of Act 54 of 1973, section 54 of Act 66 of 1974 and section 42 of Act 104 of 1978.

Short title and commencement.

