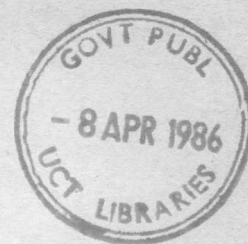




S. 559



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 490.

26 Maart 1986

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

No. 22 van 1986: Staatsdienswysigingswet, 1986.

No. 490.

26 March 1986

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

No. 22 of 1986: Public Service Amendment Act, 1986.

Wet No. 22, 1986

STAATSDIENSWYSIGINGSWET, 1986

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, 1984, ten einde voorsiening te maak vir die skepping van ander organisasiekomponente as departemente; verdere voorsiening te maak vir die oorpasing van beamptes en werknemers; ander voorsiening te maak vir die ontslag van beamptes; en die Staat se aanspreeklikheid rakende die gebruik van vervoermiddels te reël; en om vir bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 10 Maart 1986.)

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

Wysiging van
artikel 6 van
Wet 111 van 1984.

1. Artikel 6 van die Staatsdienswet, 1984 (hierna die Hoofwet genoem), word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Vir die doel van die administrasie van die staatsdiens is daar die departemente, met inbegrip van administrasies, wat genoem word of genoem gaan word in die eerste kolom van Bylae 1, asook die organisasiekomponente wat genoem word of genoem gaan word in die eerste kolom van Bylae 2.”;

(b) deur na subartikel (2) die volgende subartikel in te voeg:

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

(b) Die bekleër van 'n pos in hierdie subartikel bedoel, is nie bloot uit hoofde van sodanige bekleëring op die diensvoorwaardes van die bekleër van 'n pos in subartikel (2) bedoel, geregtig nie.”;

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

“(3) Die Staatspresident kan, nadat die Kommissie 'n aanbeveling gedoen het, Bylae 1 en Bylae 2 by proklamasie in die Staatskoerant wysig.”.

PUBLIC SERVICE AMENDMENT ACT, 1984

Act No. 22, 1986

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, 1984, so as to make provision for the establishment of organizational components other than departments; to make further provision for the transfer of officers and employees; to make other provision for the discharge of officers; and to regulate the State's liability concerning the use of conveyances; and to provide for incidental matters.

*(English text signed by the State President.)
(Assented to 10 March 1986.)*

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

1. Section 6 of the Public Service Act, 1984 (hereinafter referred to as the principal Act), is hereby amended—

Amendment of
section 6 of
Act 111 of 1984.

5 (a) by the substitution for subsection (1) of the following subsection:

10 “(1) For the purposes of the administration of the public service there are the departments, including administrations, which are mentioned, or which are to be mentioned, in the first column of Schedule 1, as well as the organizational components which are mentioned, or which are to be mentioned, in the first column of Schedule 2.”;

15 (b) by the insertion after subsection (2) of the following subsection:

20 “(2A) (a) An organizational component mentioned in the first column of Schedule 2 and the officer who is the incumbent of the post designated by the name mentioned in the second column of the Schedule opposite the name of the organizational component concerned, or the officer who is acting in that post, are, for the purposes of the application of the provisions of this Act, deemed to be a department and a head of department, respectively.

25 (b) The incumbent of a post contemplated in this subsection is not by reason only of such incumbency entitled to the conditions of service of the incumbent of a post referred to in subsection (2).”; and

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

“(3) The State President may, after the Commission has made a recommendation, amend Schedule 1 and Schedule 2 by proclamation in the *Gazette*.”.

Wet No. 22, 1986

STAATSDIENSWYSIGINGSWET, 1986

Wysiging van
artikel 14 van
Wet 111 van 1984.

2. Artikel 14 van die Hoofwet word hierby gewysig—

(a) deur paragraaf (a) van subartikel (5) deur die volgende paragraaf te vervang:

“(a) Ondanks andersluidende bepalings van die een of ander wet kan ’n beampte of werknemer **[wat ’n pos of betrekking beklee in ’n departement wat genoem word in Bylae 2]**, wanneer die openbare belang dit vereis, met sy instemming en op aanbeveling van die Kommissie en op dié voorwaardes wat op aanbeveling van die Kommissie voorgeskryf word, na die diens van ’n Swart owerheid oorgeplaas word.”; en

(b) deur paragraaf (c) van subartikel (5) te skrap.

Wysiging van
artikel 16 van
Wet 111 van 1984,
soos gewysig deur
artikel 3 van
Wet 67 van 1985.

3. Artikel 16 van die Hoofwet word hierby gewysig deur paragraaf (g) van subartikel (2) deur die volgende paragraaf te vervang:

“(g) op grond van wanvoorstelling van sy posisie met betrekking tot ’n voorwaarde vir vaste aanstelling **[soos in artikel 9 bepaal]**.”

Invoeging van
artikel 34A in
Wet 111 van 1984.

4. Die volgende artikel word hierby in die Hoofwet na artikel 34 ingevoeg:

“Beperking
van aansprek-
likheid.

34A. (1) Die Staat of iemand in diens van die Staat is nie aanspreklik nie teenoor enige ander persoon (uitgesonderd ’n beampte of werknemer van die Staat wat in die uitvoering van sy pligte optree) wat gebruik maak van enige voertuig, vliegtuig of vaartuig wat die eiendom van die Staat is of wat deur of ten behoeve van die Staat gebruik word of wat deur die Staat vir gebruik deur iemand anders beskikbaar gestel word, of teenoor die gade, of ’n ouer, kind of ander afhanklike van so ’n ander persoon, of teenoor enigiemand wat wetlik verplig is om enigeen van so ’n ander persoon se afhanklikes te onderhou, vir enige verlies of skade wat veroorsaak word deur of voortspruit uit of op enige wyse in verband staan met die gebruik van so ’n voertuig, vliegtuig of vaartuig.

(2) Die bepalings van subartikel (1) raak nie die aanspreklikheid van iemand in diens van die Staat wat bedoelde verlies of skade opsetlik veroorsaak nie.”.

Vervanging van
Bylae 2 by
Wet 111 van 1984.

5. Bylae 2 by die Hoofwet word hierby deur die volgende bylae vervang:

“Bylae 2

Organisasiekomponente en poste in artikel 6 (2A) bedoel

KOLOM I	KOLOM II

Kort titel en inwerkingtreding.

6. (1) Hierdie Wet heet die Staatsdienswysigingswet, 1986, en tree in werking op ’n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

(2) Verskillende datums kan kragtens subartikel (1) ten opsigte van verskillende bepalings van hierdie Wet bepaal word.

PUBLIC SERVICE AMENDMENT ACT, 1984

Act No. 22, 1986

2. Section 14 of the principal Act is hereby amended—

Amendment of
section 14 of
Act 111 of 1984.

- (a) by the substitution for paragraph (a) of subsection (5) of the following paragraph:

5 “(a) Notwithstanding anything to the contrary contained in any law, an officer or employee **[who occupies a post or position in a department mentioned in Schedule 2]** may, when the public interest so requires, with his consent and on the recommendation of the Commission and on such conditions as may be prescribed on the recommendation of the Commission, be transferred to the service of a Black authority.”; and

- (b) by the deletion of paragraph (c) of subsection (5).

3. Section 16 of the principal Act is hereby amended by the substitution for paragraph (g) of subsection (2) of the following paragraph:

Amendment of
section 16 of
Act 111 of 1984,
as amended by
section 3 of
Act 67 of 1985.

- 15 “(g) on account of misrepresentation of his position in relation to a condition for permanent appointment **[as determined in section 9]**”.

4. The following section is hereby inserted in the principal Act after section 34:

Insertion of
section 34A in
Act 111 of 1984.“Limitation
of liability.

25 **34A. (1)** The State or any person in the service of the State is not liable to any other person (except an officer or employee of the State acting in the execution of his duty) who makes use of any vehicle, aircraft or vessel which is the property of the State or which is used by or on behalf of the State or which has been made available by the State for use by any person, or to the spouse, or any parent, child, or other dependant of such other person, or to any person who is required by law to maintain any of the dependants of such other person, for any loss or damage caused by or arising out of or in any way connected with the use of such a vehicle, aircraft or vessel.

35 (2) The provisions of subsection (1) do not affect the liability of any person in the service of the State who wilfully causes the said loss or damage.”.

5. The following schedule is hereby substituted for Schedule 2 to the principal Act;

Substitution of
Schedule 2 to
Act 111 of 1984.

“Schedule 2

Organizational components and posts contemplated in section 6 (2A)

COLUMN I	COLUMN II

6. (1) This Act is called the Public Service Amendment Act, 1986, and comes into operation on a date fixed by the State President by proclamation in the *Gazette*.

Short title and commencement.

45 (2) Different dates may be fixed under subsection (1) in respect of different provisions of this Act.

THE STATE SERVICE ACT, 1964

Section 14 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (2) of the following paragraph:

- (a) notwithstanding anything to the contrary contained in any law, an officer or employee (who occupies a post or position in a department mentioned in Schedule 2) may, when the public interest so requires, with the consent and on the recommendation of the Commission, be transferred to the service of a black authority, and

(b) the deletion of paragraph (e) of subsection (2).

Section 15 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (2) of the following paragraph:

- (a) on account of mistaken selection of his position in relation to a condition of permanent appointment (as determined in section 21).

Section 24 of the principal Act is hereby amended by the deletion of subsection (1).

24A (1) The State or any person in the service of the State is not liable to any other person (except an officer or employee of the State acting in the execution of his duty) who makes use of any vehicle, aircraft or vessel which is the property of the State or which is used by or on behalf of the State or which has been made available by the State for use by any person, or to the spouse of any person, child or other dependent of such person, or to any person who is required by law to maintain any of the dependants of such other person, for any loss or damage caused by or arising out of or in any way connected with the use of such a vehicle, aircraft or vessel.

(2) The provisions of subsection (1) do not affect the liability of any person in the service of the State who actually causes the said loss or damage.

Section 25 of the principal Act is hereby substituted for Schedule 2.

Schedule 2

Organisations, companies and persons contemplated in section 25A

COLUMN I	COLUMN II

(1) The Act is hereby amended by the deletion of section 25A and the insertion of a new section 25A in the following terms:

(2) The Act is hereby amended by the deletion of subsection (1) in the following terms: