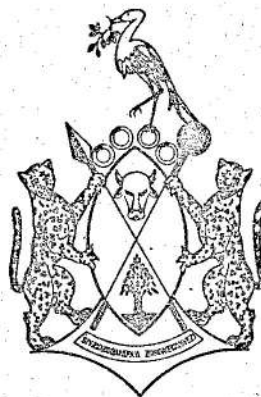


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OFFICE OF THE PRESIDENCY

GOVERNMENT NOTICE NO. 69

IT IS HEREBY NOTIFIED THAT THE PRESIDENT HAS
ASSENTED TO THE FOLLOWING ACT WHICH IS HEREBY
PUBLISHED FOR GENERAL INFORMATION:-

PUBLIC SERVICE AMENDMENT ACT, 1986

· ACT NO. 13 OF 1986

PUBLIC SERVICE AMENDMENT ACT, 1986

ACT

To amend the Public Service Act, 1981.

(English text signed by the President. Assented to on 18 September 1986.)

BE IT ENACTED by the National Assembly of the Republic of Ciskei, as follows:-

1. Amendment of section 1 of Act 2 of 1981. — Section 1 of the Public Service Act, 1981 (hereinafter in this Act referred to as the principal Act) is hereby amended —

(a) by the insertion in subsection (1) before the definition of "branch" of the following definition:

"'Advisory Council' means the Staff Advisory Council established by section 8;"

(b) by the deletion in the Xhosa text of subsection (1) of the definition of "ummi";

(c) by the substitution in subsection (1) for the definition of "controlling Minister" of the following definition:

"'controlling Minister', as distinct from a Minister as hereinafter defined, means the member of the Executive Council to whom the powers, authorities and functions of the controlling Minister under this Act have been assigned by the President;"

(d) by the insertion in the Xhosa text of subsection (1) after the definition of "iGazethi" of the following definition:

"'uRhulumente' kuthethwa uRhulumente we Ciskei;"

(e) by the substitution in subsection (1) for the definition of "government of South Africa" of the following definition:

"'Government of South Africa' means the Government of the Republic of South Africa but excluding that Government's Department of Posts and Telecommunications and the South African Transport Services;"

(f) by the addition to the definition of "Minister" of the expression "and, for the purposes of section 3(3), includes a Deputy Minister";

(g) by the insertion in subsection (1) after the definition of "prescribed apparatus" of the following definition:

"'President-in-Council' means the President in Executive Council;" and

(h) by the substitution in subsection (1) for the definition of "the Forces" of the following definition:

"'the Forces' means —

- (a) the Permanent Force referred to in section 5 of the Defence Act, 1981 (Act 1 of 1981);
- (b) the Ciskeian Police established by section 2 of the Police Act, 1983 (Act 32 of 1983) — and
- (c) the Prisons' Service established by section 2 of the Prisons Act, 1983 (Act 36 of 1983);"

2. Amendment of section 2 of Act 2 of 1981. — Section 2 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) The provisions of this Act which do not expressly exclude a person employed in the Forces or a teacher as defined in section 1 of the Education Act, 1985 (Act 27 of 1985) shall apply to or in respect of such person only to the extent to which they are not in conflict with the laws governing his employment."

3. Amendment of section 3 of Act 2 of 1981. — Section 3 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) the public service shall not include any Minister or Deputy Minister, any member of the National Assembly, the Chief Justice or any judge of the Supreme Court of Ciskei, the Auditor-General or any paramount chief, chief or headman as defined in section 1 of the Administrative Authorities Act, 1984 (Act 37 of 1984)."

4. Amendment of section 5 of Act 2 of 1981. — Section 5 of the principal Act, is hereby amended by the insertion after paragraph (g) of subsection (2) of the following paragraph:

PUBLIC SERVICE AMENDMENT ACT, 1986

"(gA) whenever it is necessary to make an appointment or promotion to a prescribed post on the fixed establishment, 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;"

5. Amendment of section 6 of act 2 of 1981. — Section 6 of the principal Act is hereby amended by the substitution in paragraph (a)(i) of subsection (1) for the words "it was varied" of the words "it was made".

6. Amendment of Xhosa text of section 9 of Act 2 of 1981. — Section 9 of the Xhosa text of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

(a) ukunika icebo okanye ukwenza ingcebiso kuMongameli-Mbuso, kuMongameli neSigqeba, kuMphathiswa olawulayo okanye nawuphina omnye uMphathiswa, okanye kuyo nayiphina intloko yesebe, ngokwemeko leyo -".

7. Amendment of Xhosa text of section 13 of Act 2 of 1981. — Section 13 of the Xhosa text of the principal Act is hereby amended by the deletion of subparagraph (ii) of the proviso to subsection (1) and the renumbering of subparagraphs (iii) and (iv) as subparagraph (ii) and (iii) respectively.

8. Amendment of section 15 of Act 2 of 1981. — Section 15 of the principal Act is hereby amended by the substitution for paragraph (d) of subsection (1) of the following paragraph:

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

9. Amendment of Xhosa text of section 16 of Act 2 of 1981. — Section 16 of the Xhosa text of the principal Act is hereby amended by the substitution for paragraph (S) of subsection (1) of the following paragraph:

"(S) uthi ngenjongo yokufumana nayiphina imfanelo okanye ilungelo ngokuphatelele kwisikhundla sakhe okanye imisebenzi yakhe eburhulumenteni, okanye ukwenza udlondlala okanye ingozi kuRulumente, kwinkonzo yoburhulumente ngokubanzi, nakuliphina ilungu okanye amalungu enkonzo yoburhulumente, enze ingxelo engeyonyani okanye engachanekanga esazi ukuba ayiyonyani okanye ayichanekanga."

10. Amendment of Xhosa text of section 21 of Act 2 of 1981. — Section 21 of the Xhosa text of the principal Act is hereby amended by the substitution for the words preceding paragraph (a) of subsection (1) of the following words:

"(21) (1) Ukuba igosa elimangalelwe ngentswela kuziphatha (ekubhekiselwa kulo apha nasemva koku ngokuba ngummangalelwa) liya likhanyela ityala okanye aliphumeleli okanye liyala ukulivuma okanye ukukhanyela uMphathiswa uyakuthi ngokokubana kwakhe ukuba kukho isizathu esoneleyo, sokuthabatha amanyathelo."

11. Amendment of Xhosa text of section 24 of Act 2 of 1981. — Section 24 of the Xhosa text of the principal Act is hereby amended by the substitution in paragraph (c) of subsection (1) for the word "ezilikhulu" the words "ezingamakhulu amane".

12. Amendment of section 25 of Act 2 of 1981. — Section 25 of the principal Act is hereby amended by the substitution in subsection (2) for the expression "section 17 to 25" of the expression "sections 17 to 24".

13. Amendment of Schedule 2 of Act 2 of 1981. — Schedule 2 of the principal Act is hereby amended —

(a) by the substitution, in the particulars relating to Act 58 of 1972, for the expression "Public Service Act, 1972" of the expression "Public Service Amendment Act, 1972"; and

(b) by the substitution in the particulars relating to Act 104 of 1978, for the word "exclusive" of the word "inclusive".

14. Amendment of section 20 of Act 32 of 1983. — Section 20 of the Police Act, 1983 (Act 32 of 1983) is hereby amended by the deletion therein of subsection (6).

15. Amendment of section 60 of Act 36 of 1983. — Section 60 of the Prisons Act, 1983 (Act 36 of 1983) is hereby amended by the deletion therein of subsection (5).

16. Short title. — This Act shall be called the Public Service Amendment Act, 1986.

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