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REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

Tot samenvatting en wysiging van die wette met betrekking tot die
organisasie van die samewerking, dienstevoorsiening,
disipliene, afrekening, afrekening en ontvanging van besprekings en
aankomste in die Departement van Pos- en Telekommunikasie
van die Republiek.

(Gedrukt op 23 Oktober 1974)

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

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 2001.

30 October 1974.

No. 2001.

30 Oktober 1974.

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. 66 of 1974: Post Office Service Act, 1974.

No. 66 van 1974: Poskantoor dienswet, 1974.

Wet No. 66, 1974

POSKANTOORDIENSWET, 1974.

WET

Tot samevatting en wysiging van die wette met betrekking tot die organisasie van, en die aanstelling, diensvoorwaardes, dissipline, aftreding, afdanking en ontslag van beamptes en werknemers in, die Departement van Pos- en Telekommunikasiewese van die Republiek.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 23 Oktober 1974.)

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

HOOFSTUK I

INLEIDENDE BEPALINGS

Woord-
omskrywing.

1. (1) Tensy uit die samehang anders blyk, beteken in hierdie Wet—

- (i) „beampte” ’n persoon wat vas aangestel is, al is die aanstelling op proef, in ’n pos bedoel in artikel 3 (1) (a), en ook ’n persoon bedoel in artikel 3 (1) (b) en ’n persoon bedoel in die tweede voorbehoudsbepaling by artikel 3 (3); (viii)
- (ii) „departement” die Departement van Pos- en Telekommunikasiewese; (ii)
- (iii) „die gebied” die gebied Suidwes-Afrika; (xv)
- (iv) „fonds” die Poskantoorfonds ingestel deur artikel 3 (1) van die Poskantoor-herreëlingswet, 1968 (Wet No. 67 van 1968); (v)
- (v) „hierdie Wet” ook die regulasies; (xvi)
- (vi) „Minister” die Minister van Pos- en Telekommunikasiewese; (vi)
- (vii) „Nieblanke-owerheid” die regering van ’n gebied wat deur of ingevolge ’n Wet van die Parlement tot ’n selfregerende gebied binne die Republiek verklaar is of word, ’n Bantoe-owerheid bedoel in die Wet op Bantoe-owerhede, 1951 (Wet No. 68 van 1951), of ’n raad, inrigting of liggaam wat deur of ingevolge ’n Wet van die Parlement ingestel is of word met uitvoerende gesag ten opsigte van ’n bepaalde Nieblanke-bevolkingsgroep of gebied, of ’n uitvoerende raad of owerheid bedoel in die Wet op die Ontwikkeling van Selfbestuur vir Naturellevolke in Suidwes-Afrika, 1968 (Wet No. 54 van 1968), of die uitvoerende raad van ’n gebied waarvoor ’n wetgewende vergadering kragtens artikel 1 van die Grondwet van die Bantoeuistande, 1971 (Wet No. 21 van 1971), ingestel is; (vii)
- (viii) „pensioenleeftyd” die leeftyd waarop ’n beampte ingevolge artikel 17 (1) die reg het om uit die diens van die departement af te tree en daaruit afgedank moet word; (ix)
- (ix) „Posmeester-generaal” die beampte wat die pos op die vaste diensstaat met daardie benaming beklee of wat in daardie pos waarneem; (x)

POST OFFICE SERVICE ACT, 1974.

Act No. 66, 1974

ACT

To consolidate and amend the laws relating to the organization of, and the appointment, conditions of service, discipline, retirement and discharge of officers and employees in, the Department of Posts and Telecommunications of the Republic.

(Afrikaans text signed by the State President.)

(Assented to 23 October 1974.)

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

CHAPTER 1**PRELIMINARY PROVISIONS**

1. (1) In this Act, unless the context otherwise indicates— **Definitions.**
 - (i) "Board" means the Staff Management Board referred to in section 4; (x)
 - (ii) "department" means the Department of Posts and Telecommunications; (ii)
 - (iii) "employee" means a person referred to in section 3 (1) (c); (xvi)
 - (iv) "fixed establishment" means the posts created for the normal and regular requirements of the department; (xiv)
 - (v) "fund" means the Post Office Fund established by section 3 (1) of the Post Office Re-adjustment Act, 1968 (Act No. 67 of 1968); (iv)
 - (vi) "Minister" means the Minister of Posts and Telecommunications; (vi)
 - (vii) "non-White authority" means the government of any territory which has been or is declared by or in terms of an Act of Parliament to be a self-governing territory within the Republic, any Bantu authority referred to in the Bantu Authorities Act, 1951 (Act No. 68 of 1951), or any board, institution or body which has been or is established by or in terms of any Act of Parliament with executive authority in respect of any specific non-White population group or territory, or any executive council or authority referred to in the Development of Self-government for Native Nations in South West Africa Act, 1968 (Act No. 54 of 1968), or the executive council of any area for which a legislative assembly has been established in terms of section 1 of the Bantu Homelands Constitution Act, 1971 (Act No. 21 of 1971); (vii)
 - (viii) "officer" means any person who has been appointed permanently, notwithstanding that such appointment may be on probation, to any post referred to in section 3 (1) (a), and includes any person referred to in section 3 (1) (b) and any person referred to in the second proviso to section 3 (3); (i)
 - (ix) "pensionable age" means the age at which, in terms of section 17 (1), an officer shall have the right to retire and shall be retired from the service of the department; (viii)

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- (x) „Raad” die Personeelbestuursraad bedoel in artikel 4;
- (i)
- (xi) „regulasie” ’n regulasie wat kragtens hierdie Wet uitgevaardig is; (xii)
- (xii) „Republiek” ook die gebied; (xiii)
- (xiii) „skaal”, met betrekking tot salaris, ook salaris teen ’n vaste bedrag; (xiv)
- (xiv) „vaste diensstaat” die poste vir die normale en gereelde vereistes van die departement geskep; (iv)
- (xv) „voorgeskryf” of „voorgeskrewe” by hierdie Wet of by regulasie voorgeskryf; (ix) en
- (xvi) „werknemer” ’n persoon in artikel 3 (1) (c) bedoel. (iii)

(2) Waar daar in hierdie Wet in verband met ’n beampte na ’n verlaging van ’n salarisskaal verwys word, word die verwysing 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 verwysing na ’n verlaging in graad of dat ’n graad laer is as ’n ander graad, word in ’n ooreenstemmende sin uitgelê.

Toepassing van
Wet.

2. Tensy uit die samehang anders blyk, is die bepalings van hierdie Wet van toepassing ten opsigte van alle beamptes en werknemers, hetsy hulle binne of buite die Republiek diens verrig, en ten opsigte van persone wat in diens van die departement was of geneem gaan word.

HOOFTUK II

ORGANISASIE EN ADMINISTRASIE

Indeling van
personeel.

3. (1) Die personeel van die departement bestaan uit persone—

- (a) wat poste beklee op die vaste diensstaat ingedeel by—
die administratiewe afdeling,
die klerklike afdeling,
die vakkundige afdeling,
die tegniese afdeling,
die algemene A-afdeling, en
die algemene B-afdeling,
- (b) wat nadat hulle opgehou het om poste op die vaste diensstaat te beklee, en wat nie afgetree het of ontslaan is nie, in die departement in diens gehou word addisioneel tot die vaste diensstaat kragtens artikel 9 (1) (f), of wat geag word poste in ’n afdeling te bly beklee onder die in die tweede voorbehoudsbepaling by subartikel (3) beoogde omstandighede;
- (c) (i) wat ander poste op die vaste diensstaat beklee as die in paragraaf (a) bedoelde poste;
- (ii) wat tydelik of kragtens spesiale kontrakte, hetsy in ’n heeltydse of deeltydse hoedanigheid, in die departement in diens is addisioneel tot die vaste diensstaat, of teen vakante poste op die vaste diensstaat, kragtens artikel 9 (2) (d).

(2) Die administratiewe, klerklike, vakkundige, tegniese, algemene A- en algemene B-afdelings bestaan elkeen uit die poste wat die Raad gelas.

(3) Die Raad kan gelas dat ’n pos wat by een afdeling ingesluit is, uit daardie afdeling verwyder en by ’n ander afdeling ingesluit moet word, of dat ’n pos wat by die administratiewe, klerklike, vakkundige, tegniese, algemene A- of algemene B-afdeling ingesluit is, uit al daardie afdelings uitgesluit moet word: Met dien verstande dat ’n lasgewing kragtens hierdie artikel gegee, ’n beampte nie verlof of ’n ander voorreg of reg wat sy bekleding van ’n pos in enige van daardie afdelings meebring het, ontnem nie: Met dien verstande voorts dat ’n

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- (x) "Postmaster General" means the officer who holds the post with that designation on the fixed establishment or who acts in that post; (ix)
- (xi) "prescribed" means prescribed by this Act or by regulation; (xv)
- (xii) "regulation" means any regulation made under this Act; (xi)
- (xiii) "Republic" includes the territory; (xii)
- (xiv) "scale", in relation to salary, includes salary at a fixed rate; (xiii)
- (xv) "the territory" means the territory of South West Africa; (iii)
- (xvi) "this Act" includes the regulations. (v)

(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 construed in a corresponding sense.

2. Unless the context otherwise indicates, the provisions of this Act shall apply in respect of all officers and employees, whether they serve within or outside the Republic, and in respect of persons who were in or are to be taken into the service of the department. Application of Act.

CHAPTER II

ORGANIZATION AND ADMINISTRATION

3. (1) The staff of the department shall consist of persons— Classification of staff.
(a) who hold posts on the fixed establishment classified in—

- the administrative division,
- the clerical division,
- the professional division,
- the technical division,
- the general A division, and
- the general B division,

(b) who, having ceased to hold posts on the fixed establishment and not having retired or been discharged, are employed in the department additional to the fixed establishment under section 9 (1) (f), or who are deemed to continue to hold posts in a division in the circumstances contemplated in 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 special contracts in the department, whether in a full-time or part-time capacity, additional to the fixed establishment, or in vacant posts on the fixed establishment, under section 9 (2) (d).

(2) The administrative, clerical, professional, technical, general A and general B divisions shall each consist of such posts as may be directed by the Board.

(3) The Board may direct that any post included in one division shall be removed from that division and be included in any other division, or that any post included in the administrative, clerical, professional, technical, general A or general B division, shall be excluded from all those divisions: Provided that a direction given under this section shall not deprive any officer of any leave or other privilege or right which flowed from the occupancy by him of a post in any of those divisions: Provided further that any officer whose post has been excluded

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Instelling en
samestelling van
Personeelbe-
stuursraad.

beampte wie se pos uit al daardie afdelings uitgesluit is, by die toepassing van hierdie Wet en die Regeringsdienspensioenwet, 1973 (Wet No. 57 van 1973), geag word 'n pos in die afdeling waarin sy pos ingesluit was onmiddellik voordat die lasgewing van krag geword het, te bly beklee.

4. (1) (a) Daar is 'n Raad met die naam die Personeelbestuursraad.

(b) Die Raad bestaan uit die Posmeester-generaal, wat voorsitter daarvan is, en hoogstens ses ander beamptes wat ingevolge die bepalings van subartikel (2) lede van die Raad is.

(2) Die beamptes wat vas aangestel is in poste van die voorgeskrewe graad of grade, is lede van die Raad.

(3) Die Minister wys 'n lid as ondervoorsitter van die Raad aan.

(4) Wanneer die voorsitter afwesig is, neem die ondervoorsitter as voorsitter van die Raad waar, en wanneer sowel die voorsitter as die ondervoorsitter afwesig is, wys die Minister 'n lid aan om gedurende sodanige gelyktydige afwesigheid van die voorsitter en die ondervoorsitter as voorsitter van die Raad waar te neem.

(5) Wanneer 'n beampte waarneem in 'n pos waarvan die bekleër ingevolge subartikel (2) 'n lid van die Raad sou wees, is sodanige beampte gedurende die tydperk waarin hy aldus waarneem, 'n lid van die Raad.

Bevoegdhede en
werksaamhede van
Raad.

5. (1) Die Raad kan die bevoegdhede uitoefen, die werksaamhede verrig en die pligte uitvoer wat aan hom verleen, opgedra of opgelê word deur of ingevolge 'n bepaling van hierdie Wet of 'n ander wet, en kan na goeë dunske dié stappe doen of laat doen wat nie met hierdie Wet strydig is nie en wat deur die Minister goedgekeur is ten opsigte van enige aangeleentheid met betrekking tot die indiensneming of aanstelling van persone waarvoor daar nie spesifiek in hierdie Wet voorsiening gemaak is nie.

(2) Behoudens die bepalings van subartikel (3), kan 'n bevoegdheid, werksaamheid of plig wat ingevolge hierdie Wet of 'n ander wet aan die Raad verleen, opgedra of opgelê is, uitgeoefen, verrig of uitgevoer word deur 'n beampte ingevolge 'n algemene of spesiale delegasie deur die Raad en onderworpe aan die voorwaardes deur die Raad bepaal.

(3) Die Raad deleger nie die delegeringsbevoegdheid by subartikel (2) van hierdie artikel aan hom verleen, of die bevoegdhede aan hom verleen by artikels 3 (2) en (3), 8 (1), 9 (1) (b) en (g), 16 (3), 17 (3), (6) en (7) (a), Hoofstuk IV en artikels 34, 40 (b), 41, 42, 43 (1), 47 en 48 nie.

(4) 'n Delegasie kragtens hierdie artikel kan te eniger tyd deur die Raad ingetrek word.

(5) 'n Bevoegdheid of werksaamheid wat deur of ingevolge 'n bepaling van 'n ander wet as die Staatsdienswet, 1957 (Wet No. 54 van 1957), aan die Staatsdienskommissie verleen of opgedra word, word geag aan die Raad verleen of opgedra te wees vir sover sodanige bevoegdheid of werksaamheid betrekking het op die departement, of op beamptes of werknemers, of op persone wat in diens van die departement was of geneem gaan word.

(6) 'n Bepaling van 'n ander wet as die Staatsdienswet, 1957, met betrekking tot 'n aanbeveling, lasgewing, ondersoek, inspeksie, verslag of ander handeling van die Staatsdienskommissie uit hoofde van 'n bevoegdheid of werksaamheid in subartikel (5) bedoel, is *mutatis mutandis* van toepassing met betrekking tot die ooreenstemmende aanbeveling, lasgewing, ondersoek, inspeksie, verslag of ander handeling van die Raad uit hoofde van die betrokke bevoegdheid of werksaamheid soos ingevolge daardie subartikel aan hom verleen of opgedra.

(7) 'n Bepaling van 'n ander wet as die Staatsdienswet, 1957, waarvolgens 'n bevoegdheid of werksaamheid aan die Staats-

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from all those divisions shall, for the purposes of this Act and the Government Service Pension Act, 1973 (Act No. 57 of 1973), be deemed to continue to hold a post in the division in which his post was included immediately before the direction became effective.

4. (1) (a) There shall be a Board to be known as the Staff Management Board. Establishment and constitution of Staff Management Board.
- (b) The Board shall consist of the Postmaster General, who shall be chairman thereof, and not more than six other officers who are members of the Board in terms of the provisions of subsection (2).
- (2) The officers permanently appointed to posts of the prescribed grade or grades shall be members of the Board.
- (3) The Minister shall designate a member as vice-chairman of the Board.
- (4) When the chairman is absent, the vice-chairman shall act as chairman of the Board, and when both the chairman and vice-chairman are absent, the Minister shall designate a member to act as chairman of the Board during such simultaneous absence of the chairman and vice-chairman.
- (5) When any officer acts in any post of which the holder would be a member of the Board in terms of subsection (2), such officer shall be a member of the Board during the period in which he so acts.
5. (1) The Board may exercise the powers, perform the functions and carry out the duties conferred upon, entrusted to or imposed upon it by or in terms of this Act or any other law, and may in its discretion take or cause to be taken such steps as are not inconsistent with this Act and have been approved by the Minister in respect of any matter relating to the employment or appointment of persons for which specific provision has not been made in this Act. Powers and functions of Board.
- (2) Subject to the provisions of subsection (3), a power, function or duty conferred upon, entrusted to or imposed upon the Board in terms of this Act or any other law, may be exercised, performed or carried out by an officer in terms of a general or special delegation by the Board and subject to the conditions determined by the Board.
- (3) The Board shall not delegate the power of delegation conferred upon it by subsection (2) of this section, or the powers conferred upon it by sections 3 (2) and (3), 8 (1), 9 (1) (b) and (g), 16 (3), 17 (3), (6) and 7 (a), Chapter IV and sections 34, 40 (b), 41, 42, 43 (1), 47 and 48.
- (4) Any delegation under this section may at any time be withdrawn by the Board.
- (5) Any power or function conferred upon or entrusted to the Public Service Commission by or in terms of any provision of any law other than the Public Service Act, 1957 (Act No. 54 of 1957), shall be deemed to be conferred upon or entrusted to the Board in so far as such power or function relates to the department, or to officers or employees, or to persons who were in or are to be taken into the service of the department.
- (6) Any provision of any law other than the Public Service Act, 1957, in relation to any recommendation, direction, investigation, inspection, report or other act of the Public Service Commission by virtue of any power or function referred to in subsection (5), shall apply *mutatis mutandis* in respect of the corresponding recommendation, direction, investigation, inspection, report or other act of the Board by virtue of the power or function in question conferred upon or entrusted to it in terms of that subsection.
- (7) Any provision of any law other than the Public Service Act, 1957, in terms of which any power or function may be

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dienskommissie verleen of opgedra kan word, word geag 'n bepaling te wees waarvolgens die betrokke bevoegdheid of werksaamheid aan die Raad verleen of opgedra kan word vir sover daardie bevoegdheid of werksaamheid betrekking het op die departement, of op beamptes of werknemers, of op persone wat in diens van die departement was of geneem gaan word.

(8) By die toepassing van subartikels (5), (6) en (7) en by die toepassing, met betrekking tot die departement, of beamptes of werknemers, of persone wat in diens van die departement was of geneem gaan word, van 'n bepaling van 'n ander wet as die Staatsdienswet, 1957, word, tensy uit die samehang anders blyk, 'n verwysing in so 'n bepaling of in 'n ooreenkoms, vasstelling of ander dokument daarkragtens aangegaan, gedoen of opgestel, na—

- (a) die Staatsdiens, uitgelê as 'n verwysing na die diens van die departement;
- (b) 'n persoon wat 'n beampte of werknemer in die Staatsdiens is ingevolge die omskrywing van „beampte” en „werknemer” in artikel 1 van die Staatsdienswet, 1957, uitgelê as 'n verwysing na 'n beampte of werknemer in die diens van die departement;
- (c) die Staatsdienskommissie, uitgelê as 'n verwysing na die Raad en, in verband met 'n bevoegdheid, werksaamheid of plig wat deur sodanige bepaling, ooreenkoms, vasstelling of dokument aan die Staatsdienskommissie verleen, opgedra of opgelê word, as ook 'n verwysing na 'n beampte aan wie die uitoefening van sodanige bevoegdheid, die verrigting van sodanige werksaamheid of die uitvoering van sodanige plig deur die Raad gedelegeer is kragtens hierdie artikel;
- (d) die Tesourie of die Minister van Finansies, uitgelê as 'n verwysing na die Minister van Pos- en Telekommunikasiewese of 'n beampte wat deur bedoelde Minister gemagtig is om die werksaamhede te verrig wat deur sodanige bepaling aan die Tesourie of die Minister van Finansies opgedra word;
- (e) die Gekonsolideerde Inkomstefonds, uitgelê as 'n verwysing na die fonds; en
- (f) 'n in subartikels (5), (6) en (7) bedoelde wetsbepaling, uitgelê as 'n verwysing na sodanige wetsbepaling soos vertolk ingevolge hierdie artikel.

Vergaderings en beslissings van Raad.

6. (1) Die Raad vergader so dikwels as wat nodig is en daarbenewens wanneer die Minister versoek dat 'n vergadering gehou word ten einde 'n besondere aangeleentheid of aangeleenthede te oorweeg.

(2) Die getal lede wat op 'n vergadering van die Raad 'n kworum uitmaak is drie wanneer die getal lede van die Raad nie meer as vier is nie, en vier wanneer die getal lede van die Raad meer as vier is.

(3) Die Raad beslis oor 'n aangeleentheid—

- (a) by meerderheid van stemme uitgebring deur die lede wat op 'n vergadering van die Raad aanwesig is, of
- (b) by skriftelike instemming van al die lede van die Raad.

(4) By 'n staking van stemme oor 'n aangeleentheid wat die Raad op 'n vergadering daarvan oorweeg, het die voorsitter 'n beslissende stem benewens sy beraadslagende stem.

(5) Elke lid wat op 'n vergadering aanwesig is, bring sy stem uit oor elke aangeleentheid wat daarop oorweeg word.

(6) (a) Die eerste vergadering van die Raad word gehou op 'n tyd en plek wat die Minister in oorleg met die voorsitter bepaal en 'n latere vergadering van die Raad word gehou op 'n tyd en plek wat die voorsitter bepaal.

(b) By 'n vergadering van die Raad word die voorgeskrewe prosedure gevolg: Met dien verstande dat tot tyd en wyl 'n prosedure voorgeskryf is, die prosedure daarby gevolg word wat die voorsitter bepaal.

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conferred upon or entrusted to the Public Service Commission, shall be deemed to be a provision in terms of which the power or function in question may be conferred upon or entrusted to the Board in so far as that power or function relates to the department, or to officers or employees, or to persons who were in or are to be taken into the service of the department.

(8) In the application of subsections (5), (6) and (7) and in the application of any provision of any law, other than the Public Service Act, 1957, in relation to the department, or officers or employees, or persons who were in or are to be taken into the service of the department, a reference in any such provision or in any agreement, determination or other document concluded, made or drawn up in terms of it, unless the context otherwise indicates, to—

- (a) the Public Service, shall be construed as a reference to the service of the department;
- (b) a person who is an officer or employee in the Public Service in terms of the definition of "officer" and "employee" in section 1 of the Public Service Act, 1957, shall be construed as a reference to an officer or employee in the service of the department;
- (c) the Public Service Commission, shall be construed as a reference to the Board and, in connection with any power, function or duty conferred upon, entrusted to or imposed upon the Public Service Commission by any such provision, agreement, determination or document, also as a reference to any officer to whom the exercise of such power, the performance of such function or the execution of such duty has been delegated by the Board under this section;
- (d) the Treasury or the Minister of Finance, shall be construed as a reference to the Minister of Posts and Telecommunications or an officer authorized by the said Minister to perform the functions entrusted to the Treasury or the Minister of Finance by any such provision;
- (e) the Consolidated Revenue Fund, shall be construed as a reference to the fund; and
- (f) any provision of any law referred to in subsections (5), (6) and (7), shall be construed as a reference to such provision as interpreted in terms of this section.

6. (1) The Board shall meet as often as may be necessary and in addition thereto whenever the Minister requests that a meeting be held for the purpose of considering a particular matter or matters. Meetings and decisions of Board.

(2) The number of members constituting a quorum at a meeting of the Board shall be three when the number of members of the Board does not exceed four, and four when the number of members of the Board exceeds four.

(3) The Board shall decide on any matter—

- (a) by a majority of votes cast by the members present at any meeting of the Board, or
- (b) by written consent of all of the members of the Board.

(4) In the event of an equality of votes on any matter considered by the Board at a meeting thereof, the chairman shall have a casting vote in addition to his deliberative vote.

(5) Every member present at a meeting shall cast his vote on every matter considered at that meeting.

(6) (a) The first meeting of the Board shall be held at a time and place determined by the Minister in consultation with the chairman and any subsequent meeting shall be held at a time and place determined by the chairman.

(b) The prescribed procedure shall be followed at a meeting of the Board: Provided that until a procedure has been prescribed, the procedure determined by the chairman shall be followed thereat.

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Goedkeuring, verwerping of wysiging deur Minister en uitvoering van besluite van Raad.

7. (1) Die Minister kan of in die algemeen of in 'n besondere geval bepaal dat 'n bevoegdheid wat ingevolge 'n bepaling van hierdie Wet (behalwe 'n bepaling van artikels 17 (3) en (7) (a), 21 (4), 26 (3), 27 (3), 41 (4) en 48) met sy goedkeuring uitgeoefen moet word, ondanks so 'n bepaling sonder sy goedkeuring uitgeoefen kan word.

(2) 'n Besluit, aanbeveling, magtiging of lasgewing (in hierdie artikel 'n besluit genoem) van die Raad wat ingevolge 'n bepaling van hierdie Wet aan die goedkeuring van die Minister onderworpe is, kan te eniger tyd nadat dit aan die Minister vir goedkeuring voorgelê is en voordat die handeling waarop daardie besluit betrekking het, verrig is, deur die Raad met die toestemming van die Minister teruggetrek of gewysig word, of kan, behoudens die bepalinge van subartikel (3), deur die Minister verwerp, vervang of gewysig word.

(3) Indien die Minister kragtens subartikel (2) 'n besluit van die Raad wat op 'n besondere persoon betrekking het verwerp of wysig of so 'n besluit deur 'n ander besluit vervang, word die aangeleentheid aan die Staatspresident voorgelê, wat sodanige verwerping, wysiging of vervanging deur die Minister kan bekragtig, of die besluit van die Raad kan goedkeur.

(4) Indien die Minister nie 'n besluit van die Raad wat op 'n besondere persoon betrekking het binne 'n tydperk van drie maande vanaf die datum waarop dit aan die Minister vir sy goedkeuring voorgelê is, goedgekeur het nie, of die Staatspresident nie 'n verwerping, wysiging of vervanging daarvan deur die Minister binne daardie tydperk bekragtig het nie, word die besluit van die Raad geag deur die Minister goedgekeur te wees.

(5) 'n Handeling waarop 'n besluit van die Raad betrekking het, word so gou moontlik uitgevoer—

(a) ooreenkomstig die besluit van die Raad;
(b) in die geval van 'n handeling wat ingevolge hierdie Wet met die goedkeuring van die Minister verrig moet word, ooreenkomstig die besluit van die Raad soos deur die Raad geneem en deur die Minister goedgekeur, of indien bedoelde besluit deur die Minister ingevolge subartikel (2) gewysig of vervang is, ooreenkomstig bedoelde besluit soos aldus gewysig of vervang.

(6) By die toepassing van hierdie Wet word 'n handeling waarop 'n besluit van die Raad betrekking het, geag verrig te gewees het—

(a) indien bedoelde handeling op 'n besondere persoon betrekking het, op die datum van die geskrif waarin daardie persoon van daardie besluit verwittig word;
(b) indien bedoelde handeling nie op 'n besondere persoon betrekking het nie, op die datum waarop die gesag wat bevoeg of verplig is om daardie handeling te verrig, van daardie besluit verwittig is.

(7) Indien die Raad 'n besluit met betrekking tot 'n handeling wat ingevolge 'n bepaling van hierdie Wet aan die goedkeuring van die Minister onderworpe is en wat op 'n besondere persoon betrekking het aan die Minister voorgelê het, en die Minister die betrokke besluit verwerp, gewysig of vervang het, en die Staatspresident so 'n verwerping, wysiging of vervanging bekragtig het, doen die Raad volledig verslag oor die aangeleentheid aan die Parlement in sy jaarverslag.

8. (1) Die Raad stel so spoedig doenlik na 31 Maart 1975 'n verslag op oor die aangeleenthede wat deur hom behandel is gedurende die tydperk 1 November 1974 tot 31 Maart 1975, en stel daarna so spoedig doenlik na 31 Maart van elke jaar 'n verslag op oor die aangeleenthede wat deur hom behandel is gedurende die jaar wat op daardie dag geëindig het.

(2) 'n Verslag in subartikel (1) bedoel, word opgeneem in elke jaarverslag wat die Posmeester-generaal opstel ingevolge artikel 120A van die Poswet, 1958 (Wet No. 44 van 1958).

Jaarverslae van Raad.

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7. (1) The Minister may either generally or in a particular case determine that any power which in terms of any provision of this Act (except any provision of sections 17 (3) and (7) (a), 21 (4), 26 (3), 27 (3), 41 (4) and 48) shall be exercised with his approval, may notwithstanding such provision be exercised without his approval.

Approval, rejection or amendment by Minister, and carrying out of decisions of Board.

(2) Any decision, recommendation, authorization or direction (in this section referred to as a decision) of the Board which in terms of any provision of this Act is subject to the approval of the Minister, may at any time after it has been submitted to the Minister for approval and before the act to which that decision relates has been performed, be withdrawn or amended by the Board with the consent of the Minister or may, subject to the provisions of subsection (3), be rejected, substituted or amended by the Minister.

(3) If the Minister under subsection (2) rejects or amends any decision of the Board which relates to a particular person or substitutes for such decision any other decision, the matter shall be submitted to the State President, who may confirm such rejection, amendment or substitution by the Minister, or may approve the decision of the Board.

(4) If the Minister has not approved any decision of the Board which relates to a particular person within a period of three months from the date on which it was submitted to the Minister for his approval, or if the State President has not confirmed within that period any rejection, amendment or substitution thereof by the Minister, the decision of the Board shall be deemed to have been approved by the Minister.

(5) An act to which a decision of the Board relates, shall be performed as soon as possible—

- (a) in accordance with the decision of the Board;
- (b) in the case of an act which in terms of this Act shall be performed with the approval of the Minister, in accordance with the decision of the Board as taken by the Board and approved by the Minister or, if such decision has been amended or substituted by the Minister in terms of subsection (2), in accordance with such decision as so amended or substituted.

(6) For the purposes of this Act an act to which a decision of the Board relates shall be deemed to have been performed—

- (a) if such act relates to a particular person, on the date of the document in which that person is informed of that decision;
- (b) if such act does not relate to a particular person, on the date on which the authority who is competent or obliged to perform that act was informed of that decision.

(7) If the Board has submitted to the Minister any decision relating to any act which in terms of any provision of this Act is subject to the approval of the Minister and which relates to a particular person, and the Minister has rejected, amended or substituted the decision in question, and the State President has confirmed such rejection, amendment or substitution, the Board shall report fully to Parliament on the matter in its annual report.

8. (1) As soon as practicable after 31 March 1975, the Board shall frame a report on matters dealt with by it during the period 1 November 1974 to 31 March 1975, and shall thereafter, as soon as practicable after 31 March of each year, frame a report on matters dealt with by it during the year which ended on that date.

Annual reports of Board.

(2) A report referred to in subsection (1) shall be included in every annual report framed by the Postmaster General in terms of section 120A of the Post Office Act, 1958 (Act No. 44 of 1958).

Wet No. 66, 1974

POSKANTOORDIENSWET, 1974.

(3) Die Posmeester-generaal moet so spoedig doenlik na 1 November 1974 uit die registers van die Poskantoorpersoneelraad, ingestel by artikel 7 van die Poskantoor-herreëlingswet, 1968 (Wet No. 67 van 1968), 'n verslag opstel oor aangeleenthede wat bedoelde Poskantoorpersoneelraad gedurende die tydperk 1 Julie 1974 tot 31 Oktober 1974 behandel het, en moet daardie verslag opneem in die verslag wat ingevolge artikel 120A van die Poswet, 1958, opgestel word oor die werksaamhede van die departement gedurende die jaar wat op 31 Maart 1975 eindig.

HOOFSTUK III

AANSTELLINGS, BEVORDERINGS, OORPLASINGS,
AFDANKINGS EN ONTSLAG

Bevoegdheid met betrekking tot aanstellings, bevorderings, oorplasinge, afdankings en ontslag, die skepping, afskaffing, gradeering, hergradeering en omskepping van poste en die indienshouding van beamptes.

9. (1) Ondanks die bepalings van 'n wet wat voor die inwerkingtreding van hierdie Wet aangeneem is, berus die bevoegdheid om—

- (a) iemand aan te stel in of te bevorder tot 'n pos in die administratiewe, klerklike, vakkundige of tegniese afdeling, of persone aan te stel in of te bevorder tot dié poste in die algemene A-afdeling wat die Raad bepaal;
- (b) 'n ander beampte as 'n beampte in die algemene B-afdeling uit die diens van die departement af te dank of te ontslaan;
- (c) poste op die vaste diensstaat te skep, af te skaf, te gradeer, te hergradeer of om te skep;
- (d) die getal te bepaal van persone wat tydelik of onder spesiale kontrakte, hetsy in 'n heeltydse of deeltydse hoedanigheid, in diens geneem kan word teen poste op die vaste diensstaat wat nie permanent gevul is nie;
- (e) die getal te bepaal van persone wat tydelik of onder spesiale kontrakte addisioneel tot die vaste diensstaat in diens geneem of gehou kan word, hetsy in 'n heeltydse of deeltydse hoedanigheid, weens die afwesigheid van die bekleërs van poste, ten einde personeel te voorsien vir die verrigting van 'n klas werk waarvoor personeel nie onder gewone omstandighede op permanente grondslag in diens gehou word nie, of wanneer dit om 'n ander rede nodig is om die personeel van die departement tydelik te vergroot;
- (f) 'n beampte addisioneel tot die vaste diensstaat of teen 'n pos wat hoër of laer as sy eie graad gegradeer is in diens te hou;
- (g) as dit in die openbare belang is, 'n beampte in sy pos in diens te hou na die leeftyd waarop hy ingevolge artikel 17(1) afgedank moet word,

by die Raad handelende met die goedkeuring van die Minister.

(2) Die bevoegdheid om—

- (a) iemand aan te stel in of te bevorder tot 'n ander pos in die departement as 'n pos in subartikel (1) (a) bedoel;
- (b) 'n beampte of werknemer van een pos of betrekking na 'n ander pos of betrekking in die departement oor te plaas;
- (c) 'n beampte in die algemene B-afdeling of 'n werknemer uit die diens van die departement af te dank of te ontslaan;
- (d) 'n persoon in subartikel (1) (d) of (e) bedoel, in diens te neem of te hou,

berus, onderworpe aan die gesag van die Minister, by die Posmeester-generaal of 'n beampte aan wie die Posmeester-generaal sodanige bevoegdheid gedelegeer het.

(3) 'n Beampte wat in diens gehou word teen 'n pos van 'n hoër of laer graad as sy eie graad, moet so gou doenlik oorgeplaas word na 'n pos waarby sy salarisskaal pas.

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(3) As soon as practicable after 1 November 1974, the Postmaster General shall from the records of the Post Office Staff Board, established by section 7 of the Post Office Re-adjustment Act, 1968 (Act No. 67 of 1968), frame a report on matters dealt with by the said Post Office Staff Board during the period 1 July 1974 to 31 October 1974, and shall include that report in the report framed in terms of section 120A of the Post Office Act, 1958, on the activities of the department during the year ending on 31 March 1975.

CHAPTER III

APPOINTMENTS, PROMOTIONS, TRANSFERS, RETIREMENTS AND DISCHARGES

9. (1) Notwithstanding the provisions of any law passed before the commencement of this Act, the power to—

- (a) appoint or promote a person to a post in the administrative, clerical, professional, or technical division, or appoint or promote persons to such posts in the general A division as may be determined by the Board;
- (b) discharge any officer other than an officer in the general B division from the service of the department;
- (c) create, abolish, grade, regrade or convert posts on the fixed establishment;
- (d) determine the number of persons who may be employed temporarily or under special contracts, either in a full-time or part-time capacity, against posts on the fixed establishment which are not permanently filled;
- (e) determine the number of persons who may be employed additional to the fixed establishment, temporarily or under special contracts, either in a full-time or part-time capacity, by reason of the absence of the incumbents of posts, in order to provide staff for the performance of a class of work for which staff is not under ordinary circumstances employed on a permanent basis, or when it is necessary for any other reason to increase the staff of the department temporarily;
- (f) retain in service any officer additional to the fixed establishment, or against a post of higher or lower grade than his own grade;
- (g) if it is in the public interest, retain any officer in service in his post beyond the age at which in terms of section 17 (1) he shall be retired,

Powers relating to appointments, promotions, transfers, retirements and discharges, the creation, abolition, grading, regrading and conversion of posts and the continued employment of officers.

shall be vested in the Board acting with the approval of the Minister.

(2) The power to—

- (a) appoint or promote any person to any post in the department other than a post referred to in subsection (1) (a);
- (b) transfer any officer or employee from one post or appointment to another post or appointment in the department;
- (c) discharge from the service of the department any officer in the general B division or any employee;
- (d) employ or retain in service any person referred to in subsection (1) (d) or (e),

shall, subject to the authority of the Minister, be vested in the Postmaster General or any officer to whom the Postmaster General has delegated such power.

(3) An officer who is employed against a post of higher or lower grade than his own grade shall as soon as practicable be transferred to a post to which his salary scale is appropriate.

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(4) Behalwe met die goedkeuring, by besluit, van die Senaat en die Volksraad, word 'n beampte wat kragtens subartikel (1) (g) in sy pos in diens gehou word na die leeftyd waarop hy ingevolge artikel 17 (1) afgedank moet word, nie aldus in diens gehou vir 'n verdere tydperk of tydperke wat altesaam twee jaar te bowe gaan nie.

(5) Ondanks die bepalinge van subartikel (1), word 'n bevoegdheid in daardie subartikel bedoel deur die Minister uitgeoefen waar sodanige bevoegdheid betrekking het op die pos van Posmeester-generaal, of 'n pos waarvan die bekleër, uit hoofde van sy bekleding daarvan, 'n lid van die Raad is.

Wyse waarop
aanstellings,
oorplasinge en
bevorderings
gedoen moet word.

10. Behoudens die bepalinge van artikels 11, 12 en 13, word aanstellings, oorplasinge en bevorderings in die departement gedoen op die wyse en onderworpe aan die voorwaardes (met inbegrip van die besit van kennis van die amptelike en ander tale) wat voorgeskryf of in die kode in artikel 48 bedoel, bepaal word, of vir sover dit nie voorgeskryf of aldus bepaal is nie, wat deur die Raad bepaal word: Met dien verstande dat die Raad met die goedkeuring van die Minister in 'n buitengewone geval 'n afwyking van 'n voorgeskrewe of in genoemde kode bepaalde wyse of voorwaarde kan magtig.

Kwalifikasies
vir aanstelling
in departement.

11. Niemand word vas aangestel, of kragtens die bepalinge van artikel 16 (1) oorgeplaas en vas aangestel, hetsy op proef of nie, in 'n pos in die administratiewe, klerklike, vakkundige, tegniese, algemene A- of algemene B-afdeling nie, tensy so iemand—

- (a) 'n Suid-Afrikaanse burger is;
- (b) van goeie karakter is; en
- (c) na die oordeel van die Raad vry is van enige siekte of liggaams- of geestesgebrek wat waarskynlik die behoorlike uitvoering van sy pligte sal belemmer of sy aftreding uit die departement voordat hy die pensioenleef tyd bereik, nodig sal maak, en die Raad aldus verklaar het:

Met dien verstande dat iemand aldus op proef aangestel kan word, ondanks die bepalinge van paragraaf (c), as die Raad die daarin bedoelde verklaring agterweë hou en dit as 'n voorwaarde van die aanstelling gelas dat dit bekragtig kan word slegs nadat die Raad sodanige verklaring uitgereik het: Met dien verstande voorts dat sodanige verklaring deur die Raad gedoen word onmiddellik nadat afdoende mediese bewys aan hom gelewer 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 voordat hy die pensioenleef tyd bereik, nodig sal maak.

Voorbehoud met
betrekking tot
vul van vakante
poste in sekere
afdelings.

12. 'n Vakante pos in die administratiewe, klerklike, vakkundige, tegniese of algemene A-afdeling word, behoudens die bepalinge van artikel 13, gevul by wyse van of—

- (a) die oorplasing of bevordering van 'n beampte, of van 'n werknemer bedoel in artikel 9 (1) (d) wat in die diens van die departement is kragtens 'n spesiale kontrak; of
- (b) as die vakante pos nie op bevredigende wyse deur so 'n oorplasing of bevordering gevul kan word nie, die aanstelling van 'n persoon wat nie 'n beampte of so 'n werknemer is nie:

Met dien verstande dat die Raad die volgende besonderhede in sy jaarverslag moet verstrek—

- (i) die naam van elke persoon wat gedurende die tydperk waarop bedoelde jaarverslag betrekking het in 'n pos in die administratiewe afdeling aangestel is en wat, onmiddellik voor sodanige aanstelling, nie 'n beampte was nie;
- (ii) die pos waarin bedoelde persoon aangestel is;
- (iii) die salarisskaal aan bedoelde pos verbonde; en
- (iv) die spesiale kwalifikasies van bedoelde persoon vir die pos en die spesiale redes vir sy aanstelling.

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(4) An officer who in terms of subsection (1) (g), is retained in service in his post beyond the age at which in terms of section 17 (1) he shall be retired, shall not be so retained in service for a further period or periods which, except with the approval, by resolution, of the Senate and the House of Assembly, exceed two years in the aggregate.

(5) Notwithstanding the provisions of subsection (1), any power referred to in that subsection shall be performed by the Minister where such power relates to the post of Postmaster General, or any post of which the holder is, by virtue of his occupancy thereof, a member of the Board.

10. Subject to the provisions of sections 11, 12 and 13, appointments, transfers and promotions in the department shall be effected in such manner and subject to such conditions (including the possession of knowledge of the official and other languages) as may be prescribed or determined in the code referred to in section 48, or in so far as they have not been prescribed or thus determined, as may be determined by the Board: Provided that the Board may with the approval of the Minister in an exceptional case authorize any deviation from a manner or condition which is prescribed or is determined in the said code.

Manner in which appointments, transfers and promotions shall be effected.

11. No person shall be appointed permanently, or be transferred and appointed permanently under the provisions of section 16 (1), whether on probation or not, to a post in the administrative, clerical, professional, technical, general A or general B division unless such person—

Qualifications for appointment in department.

(a) is a South African citizen;

(b) is of good character; and

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

Provided that a person may be so appointed on probation, notwithstanding the provisions of paragraph (c), if the Board withholds the declaration referred to therein and directs, as a condition of the appointment, that it may be confirmed only after the Board has issued such declaration: Provided further that such declaration by the Board shall be made immediately upon conclusive medical proof being furnished to it that such person is free from any disease or physical or mental defect which would be likely to interfere with the proper carrying out of his duties or to render necessary his retirement before reaching the pensionable age.

12. Subject to the provisions of section 13, a vacant post in the administrative, clerical, professional, technical or general A division, shall be filled by way of either—

Saving with regard to filling of vacant posts in certain divisions.

(a) the transfer or promotion of an officer, or of an employee referred to in section 9 (1) (d) who is in service in the department under special contract; or

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

Provided that the Board shall furnish the following particulars in its annual report—

(i) the name of every person who has during the period to which such annual report relates been appointed to a post in the administrative division, and who was, immediately before such appointment, not an officer;

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

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

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

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POSKANTOORDIENSWET, 1974.

Voorbehoud met
betrekking tot
bevorderings.

13. By die doen van 'n bevordering word daar behoorlik rekening gehou met die betreklike bekwaamheid van die beamptes of werknemers wat vir die bevordering in aanmerking kom of, in gevalle waar hul aansprake op die bevordering gelyk is ten opsigte van bekwaamheid, hul betreklike senioriteit.

Aanstellings, oor-
plasings en bevoor-
derings op proef.

14. (1) Aanstellings, oorplasings en bevorderings geskied op proef—

- (a) in die administratiewe, klerklike, vakkundige, tegniese en algemene A-afdeling, as die Raad met die goedkeuring van die Minister aldus besluit;
- (b) in die algemene B-afdeling, as die Posmeester-generaal aldus besluit.

(2) 'n Proeftydperk is minstens twaalf maande: Met dien verstande dat as 'n beampte wat diens op proef doen, bevorder of oorgeplaas word na 'n ander pos, 'n korter diens tyd op proef in die nuwe pos van toepassing gemaak kan word wat, saam met die proeftyd in diens in die vorige pos, minstens twaalf maande is: Met dien verstande voorts dat die proeftyd van 'n beampte verleng word met die getal dae verlof wat hy geneem het gedurende die proeftyd of 'n verlenging daarvan, behalwe daardie gedeeltes van die proeftydperk of 'n verlenging daarvan wat die gesag by wie die bevoegdheid berus om daardie beampte aan te stel, oor te plaas en te bevorder, gelas.

(3) As die Posmeester-generaal, of die hoof van 'n beampte se kantoor, sertifiseer dat gedurende die proeftyd of verlengde proeftyd, die betrokke beampte ywerig en sy gedrag deurgaans bevredigend was en dat hy in alle opsigte geskik is vir die pos wat hy beklee, en as die beampte voldoen het aan al die voorwaardes waaraan sy aanstelling, bevordering of oorplasing onderworpe was, kan die gesag by wie die bevoegdheid berus om die betrokke aanstelling, bevordering of oorplasing te doen, die aanstelling, bevordering of oorplasing bekragtig.

(4) As die aanstelling, bevordering of oorplasing op proef nie aldus bekragtig word nie—

- (a) kan die Raad in die geval van 'n ander beampte as 'n beampte wat in die algemene B-afdeling in diens is, met behoorlike inagneming van die redes vir die nie-bekragtiging en behoudens die bepalings van subartikel (6), met die goedkeuring van die Minister dié stappe in die saak doen wat hy goedvind;
- (b) kan die Posmeester-generaal, in die geval van 'n beampte wat in die algemene B-afdeling in diens is, die proeftyd verleng of ooreenkomstig die bepalings van subartikel (5) optree.

(5) Ondanks andersluidende bepalings in subartikel (2) of in Hoofstuk IV vervat, maar behoudens die bepalings van subartikel (6) en artikel 17 (8), kan 'n beampte wat op proef in diens is ontslaan word, hetsy gedurende of by of na die verstryking van die proeftyd—

- (a) deur minstens een maand kennis te gee; of
- (b) onverwyld, as sy gedrag onbevredigend is.

(6) Ondanks andersluidende bepalings in artikels 15 en 35 vervat, beklee 'n persoon wat onmiddellik voor sy bevordering of oorplasing op proef 'n beampte was, maar wat nie 'n beampte op proef was nie, weer die pos wat hy tevore beklee het of 'n pos van gelyke gradering na gelang die Raad met die goedkeuring van die Minister besluit, en ontvang hy die salaris wat hy in sy vorige pos sou ontvang het, as sy bevordering of oorplasing op proef nie bekragtig word nie.

Ooplasings binne
departement.

15. Behoudens die bepalings van hierdie Wet, kan elke beampte en werknemer oorgeplaas word uit die pos of betrekking wat hy beklee na 'n ander pos of betrekking in die departement, hetsy so 'n pos of betrekking in 'n ander afdeling of van 'n laer graad is of nie, en hetsy die diens in so 'n pos of betrekking binne of buite die Republiek gelewer moet word: Met dien verstande dat—

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13. In effecting any promotion, due regard shall be had to the comparative ability of the officers or employees who are eligible for the promotion or, in instances where their claims to the promotion are equal in respect of ability, their comparative seniority.

Saving with regard to promotions.

14. (1) Appointments, transfers and promotions shall be made on probation—

Appointments, transfers and promotions on probation.

(a) in the administrative, clerical, professional, technical and general A division, if the Board with the approval of the Minister so decides;

(b) in the general B division, if the Postmaster General so decides.

(2) A period of probation shall not be less than twelve months: Provided that if an officer who is serving on probation is transferred or promoted to another post, a lesser period of service on probation may be applied in the new post, which, together with the period of probation served in the former post, shall be at least twelve months: Provided further that the period of probation of an officer shall be extended by the number of days' leave taken by him during the period of probation or any extension thereof, except such portions of the period of probation or any extension thereof as may be directed by the authority in whom the power is vested to appoint, transfer and promote such officer.

(3) If the Postmaster General, or the head of an officer's office, 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, and if the officer has complied with all the conditions to which his appointment, promotion or transfer was subject, the authority in whom the power is vested to effect the appointment, promotion or transfer in question may confirm the appointment, promotion or transfer.

(4) If the probationary appointment, promotion or transfer is not so confirmed—

(a) the Board may, in the case of an officer other than an officer serving in the general B division, with due regard to the reasons for the non-confirmation and subject to the provisions of subsection (6), with the approval of the Minister take such steps in the matter as it may deem fit;

(b) the Postmaster General may, in the case of an officer serving in the general B division, extend the period of probation or act in accordance with the provisions of subsection (5).

(5) Notwithstanding anything to the contrary contained in subsection (2) or in Chapter IV, but subject to the provisions of subsection (6) and section 17 (8), an officer who is serving on probation may be discharged either during or at or after the expiry of the period of probation—

(a) by the giving of at least one month's notice; or

(b) forthwith, if his conduct is unsatisfactory.

(6) Notwithstanding anything to the contrary contained in sections 15 and 35, a person who immediately before 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 according as the Board may decide with the approval of the Minister, and shall receive the salary he would have received in his former post, if his probationary transfer or promotion is not confirmed.

15. Subject to the provisions of this Act, every officer and employee may be transferred from the post or appointment held by him to any other post or appointment in the department, whether or not such post or appointment is in another division, or is of a lower grade, and whether or not the service in such post or appointment is to be rendered within or outside the Republic: Provided that—

Transfers within department.

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Oorplasinge van
of na ander
Staatsdepartemente,
owerhede of
liggame.

- (a) by oorplasing 'n beampte se salarisskaal nie sonder sy toestemming verlaag mag word nie, behalwe ooreenkomstig die bepalings van Hoofstuk IV;
- (b) 'n beampte 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 oorplasing deur die Raad met die goedkeuring van die Minister gemagtig is of tensy elkeen van die twee betrokke poste 'n pos in die algemene B-afdeling is;
- (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 oorplasing of diens op die hoër salarisskaal wat op daardie pos van toepassing is, geregtig is nie.

16. (1) 'n Persoon wat 'n pensioengewende betrekking in 'n ander Staatsdepartement of in die administrasie van die gebied beklee, kan met die goedkeuring van die Minister deur die Raad op die voorwaardes wat die Raad bepaal (uitgesonderd voorwaardes wat deur of ingevolge 'n pensioenwet bepaal word) oorgeplaas word na en aangestel word in 'n pos in die administratiewe, klerklike, vakkundige, tegniese, algemene A- of algemene B-afdeling.

(2) 'n Beampte kan met sy toestemming en met die magtiging van die Raad, verleen met die goedkeuring van die Minister, na 'n pos of betrekking in 'n ander Staatsdepartement of die administrasie van die gebied oorgeplaas word.

(3) 'n Persoon in die diens van 'n ander regering of 'n Nie-blanke-owerheid, of van 'n raad, inrigting of liggaam wat deur of kragtens 'n wet ingestel is, of van 'n ander Staatsdepartement, die administrasie van die gebied of 'n liggaam of persoon, kan met die goedkeuring van die Minister deur die Raad vir 'n besondere diens of vir die tydperk en op die voorwaardes (uitgesonderd voorwaardes wat deur of ingevolge 'n pensioenwet bepaal word) wat die Raad bepaal, in diens van die departement geneem word.

(4) 'n Beampte kan met sy toestemming en die goedkeuring van die Minister deur die Raad op die voorwaardes (benewens die voorwaardes wat deur of kragtens 'n wet voorgeskryf word) wat die Raad bepaal, 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 'n wet ingestel is, of van 'n ander Staatsdepartement, die administrasie van die gebied of 'n liggaam of persoon afgestaan word; en so 'n beampte bly, terwyl hy aldus afgestaan is, onderworpe aan die wette wat op beamptes van toepassing is.

(5) Na 'n datum wat deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal word en wanneer die openbare belang dit vereis kan 'n Nieblanke beampte of werknemer met die goedkeuring van die Minister en op die voorwaardes wat voorgeskryf word deur die Raad na die diens van 'n Nieblanke-owerheid oorgeplaas word met die toestemming van sodanige beampte of werknemer: Met dien verstande dat totdat 'n wet wat in die gebied van die betrokke Nieblanke-owerheid geld, anders bepaal, die diens van so 'n beampte of werknemer by so 'n owerheid vir doeleindes van verlof en pensioen gereken word as deel van en as aaneenlopend met sy diens in die departement en dat totdat 'n wet anders bepaal, die bepalings van die pensioenwet wat op hom as sodanige beampte of werknemer, of in die geval van sy dood, op sy afhanklikes, van toepassing is, *mutatis mutandis* van toepassing bly.

Aftreding, af-
danking en ontslag
van beamptes.

17. (1) Behoudens die bepalings van artikel 9 (1) (g) en (4) en subartikels (2), (3) en (4) van hierdie artikel, het 'n beampte die reg om met pensioen af te tree en word hy met pensioen afgedank—

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- (a) upon transfer the scale of salary of an officer shall not be reduced without his consent, except in accordance with the provisions of Chapter IV;
- (b) an officer shall not be transferred from one post to another post of a higher or lower grade than his own grade or bearing a different designation, unless the transfer has been authorized by the Board with the approval of the Minister or unless each of the two posts concerned is a post in the general B division;
- (c) an officer who has been transferred to or is employed in a post of a higher grade than his own grade, or which has been regraded to or converted into a post of a higher grade than his own grade, shall not by reason only of such transfer or employment be entitled to the higher scale of salary applicable to that post.

16. (1) A person holding a pensionable appointment in any other department of State or in the administration of the territory may, with the approval of the Minister, on such conditions as may be determined by the Board (excluding conditions determined by or under any pension law) be transferred and appointed by the Board to a post in the administrative, clerical, professional, technical, general A or general B division.

Transfers from or to other departments of State, authorities or bodies.

(2) An officer may, with his consent and on the authorization of the Board, granted with the approval of the Minister, be transferred to a post or appointment in any other department of State or the administration of the territory.

(3) A person in the service of another government or a non-White authority, or of a board, institution or body established by or under any law, or of any other department of State, the administration of the territory or any body or person, may with the approval of the Minister be employed in the service of the department by the Board for a particular service or for such period and on such conditions (excluding conditions laid down by or under a pension law) as may be determined by the Board.

(4) An officer may, with his consent and the approval of the Minister and on such conditions (in addition to the conditions prescribed by or under any law) as the Board may determine, be seconded by the Board either for a particular service or for a period, to the service of any other government, or of any board, institution or body established by or under any law, or of any other department of State, the administration of the territory or any body or person; and such officer shall while he is so seconded remain subject to the laws governing officers.

(5) After a date fixed by the State President by proclamation in the *Gazette* and when the public interest so requires, a non-White officer or employee may with the approval of the Minister and on such conditions as may be prescribed, be transferred by the Board to the service of a non-White authority, with the consent of such officer or employee: Provided that until any law in force in the territory of the non-White authority in question provides otherwise, the service of such officer or employee with such authority shall be regarded, for purposes of leave and pension, as part of and continuous with his service in the department and that, until any law provides otherwise, the provisions of a pension law which is applicable to him as such officer or employee or, in the event of his death, to his dependants, shall *mutatis mutandis* remain applicable.

17. (1) Subject to the provisions of section 9 (1) (g) and (4) and subsections (2), (3) and (4) of this section, an officer shall have the right to retire on pension and shall be retired on pension—

Retirement and discharge of officers.

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(a) op die dag waarop hy die leeftyd van vyf-en-sestig jaar bereik indien hy bedoelde leeftyd op die eerste dag van 'n maand bereik; of

(b) op die eerste dag van die maand onmiddellik na die maand waarin hy die leeftyd van vyf-en-sestig jaar bereik indien hy daardie leeftyd na die eerste dag van 'n maand bereik.

(2) Behoudens die bepalings van subartikel (1), het 'n beamppte wat met ingang van 'n datum voor 24 Junie 1955 as sodanig aangestel is die reg om te eniger tyd voor of nadat hy, in die geval van 'n manlike beamppte, die leeftyd van sestig jaar of, in die geval van 'n vroulike beamppte, die leeftyd van vyf-en-vyftig jaar bereik het, aan die Posmeester-generaal skriftelik kennis te gee van sy begeerte om met pensioen af te tree en word hy—

(a) indien kennis aldus gegee word minstens drie maande voor die datum waarop hy bedoelde leeftyd bereik, met pensioen afgedank—

(i) op die dag waarop hy bedoelde leeftyd bereik indien hy bedoelde leeftyd op die eerste dag van 'n maand bereik; of

(ii) op die eerste dag van die maand onmiddellik na die maand waarin hy bedoelde leeftyd bereik indien hy bedoelde leeftyd na die eerste dag van 'n maand bereik; of

(b) indien kennis nie minstens drie maande voor die datum waarop hy bedoelde leeftyd bereik, aldus gegee word nie, aldus afgedank op die eerste dag van die vierde maand na die maand waarin bedoelde kennisgewing ontvang word.

(3) 'n Beamppte (behalwe 'n in subartikel (7) bedoelde beamppte) wat die leeftyd van sestig jaar bereik het, kan, onderworpe aan die goedkeuring van die Minister, deur die Raad afgedank word: Met dien verstande dat in die geval van 'n in subartikel (2) bedoelde beamppte, die leeftyd waarop of waarna hy aldus afgedank kan word in die geval van 'n manlike beamppte vyf-en-vyftig jaar en in die geval van 'n vroulike beamppte vyftig jaar is.

(4) 'n Beamppte kan ontslaan word—

(a) weens voortdurende swak gesondheid;

(b) weens die afskaffing van sy pos of reorganisasie of herreëling van die departement;

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

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

(e) weens wangedrag;

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

(g) as die Staatspresident hom in die openbare belang kragtens 'n bepaling van 'n Wet van die Parlement aanstel in 'n amp ten opsigte waarvan die bepalings van hierdie Wet nie van toepassing is nie.

(5) (a) 'n Vroulike beamppte wat in die huwelik tree, word geag met die oog op die huwelik vrywillig uit diens 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 Raad met die goedkeuring van die Minister besluit dat sy in die diens van die departement gehou word.

(b) Indien 'n vroulike beamppte ingevolge paragraaf (a) in die diens van die departement gehou word, word sy in daardie diens gehou in 'n pos van dieselfde of 'n ander graad as die wat sy onmiddellik voor die datum van haar huwelik bekleed het, na gelang die Raad met die goedkeuring van die Minister besluit.

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(a) on the day on which he attains the age of sixty-five years if he attains such age on the first day of any month; or

(b) on the first day of the month immediately following the month in which he attains the age of sixty-five years if he attains that age after the first day of any month.

(2) Subject to the provisions of subsection (1), an officer who was appointed as such with effect from a date before 24 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 notice to the Postmaster General of his wish to be retired on pension and he shall—

(a) if notice is so given at least three months before the date on which he attains such age be retired on pension—

(i) on the day on which he attains such age if he attains such age on the first day of any month; or

(ii) on the first day of the month immediately following the month in which he attains such age if he attains such age after the first day of any month; or

(b) if notice is not so given at least three months before the date on which he attains such age, be so retired on the first day of the fourth month following the month in which such notice is received.

(3) An officer (except an officer referred to in subsection (7)) who has attained the age of sixty years may, subject to the approval of the Minister, be retired by the Board: Provided that in the case of an officer referred to in subsection (2), 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.

(4) Any officer may be discharged—

(a) on account of continued ill-health;

(b) owing to the abolition of his post or re-organization or re-adjustment of the department;

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

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

(e) on account of misconduct;

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

(g) if the State President in the public interest appoints him under any provision of any Act of Parliament to an office in respect of which the provisions of this Act do not apply.

(5) (a) A female officer who marries shall be deemed to have voluntarily retired in contemplation of the 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 Board decides with the approval of the Minister that she be retained in the service of the department.

(b) If a female officer is retained in the service of the department in terms of paragraph (a), she shall be retained in that service in a post of a grade which is the same as or different from that held by her immediately before the date of her marriage, according as the Board may decide with the approval of the Minister.

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(6) 'n Beamppte wat sonder verlof van die Posmeester-generaal of die hoof van sy kantoor vir 'n tydperk van meer as een maand van sy diens wegbly, word geag weens wangedrag ontslaan te gewees het met ingang van die dag wat onmiddellik volg op die laaste dag waarop hy op sy plek van diens teenwoordig was: Met dien verstande dat as so 'n beamppte ander werk aanvaar, hy geag word aldus ontslaan te gewees het nie-teenstaande dat bedoelde tydperk nog nie verstryk het nie: Met dien verstande voorts dat die Raad sodanige beamppte ondanks andersluidende bepalings van 'n wet, met die goedkeuring van die Minister en op voorwaardes wat die Raad met die goedkeuring van die Minister bepaal, in sy vorige pos of betrekking kan heraanstel of in 'n ander pos of betrekking kan aanstel, en in daardie geval word die tydperk van sy afwesigheid van sy diens geag afwesigheid met vakansieverlof sonder besoldiging, of verlof op die ander voorwaardes wat die Raad met die goedkeuring van die Minister bepaal, te wees.

(7) (a) Die dienste van 'n beamppte—

(i) wat op of na die datum van inwerkingtreding van hierdie Wet aangestel word in 'n pos wat by die algemene B-afdeling ingedeel is; of

(ii) wat op of na 1 Augustus 1923 aangestel is in 'n pos wat ingevolge artikel 1 (5) van die Staatsdienswet, 1923 (Wet No. 27 van 1923), in die algemene afdeling ingesluit was; of

(iii) wat op of na 1 Augustus 1957 aangestel is in 'n pos wat ingevolge artikel 3 (2) van die Staatsdienswet, 1957 (Wet No. 54 van 1957), in die algemene B-afdeling ingedeel is,

kan, terwyl hy die bekleër is van 'n pos in die algemene B-afdeling (bedoel in artikel 3 van hierdie Wet) en ondanks die afwesigheid van enige rede vir ontslag kragtens subartikel (4), deur die Raad, met die goedkeuring van die Minister, by skriftelike kennisgewing beëindig word.

(b) Sodanige kennisgewing moet, behoudens die bepalings van subartikel (8), in die geval van 'n beamppte met minder as tien jaar ononderbroke diens, minstens een maand, en in die geval van 'n beamppte met tien jaar of meer ononderbroke diens, minstens drie maande wees.

(8) Geen beamppte word kragtens subartikel (7) of artikel 14 (5) (a) ontslaan met ingang van 'n ander dag as die eerste dag van 'n maand nie.

(9) As dit in die openbare belang is om 'n beamppte kragtens 'n bepaling van 'n Wet van die Parlement aan te stel in 'n amp waarop die bepalings van hierdie Wet nie van toepassing is nie, kan die Staatspresident hom aldus in daardie amp aanstel en hom, ondanks andersluidende bepalings van hierdie Wet, uit die diens van die departement ontslaan.

HOOFTUK IV

DIENSONREËLMATIGHEDE, ONBEKWAAMHEID EN WANGEDRAG

Diensonreël-
matigheede.

18. (1) 'n Beamppte wat 'n bepaling van 'n voorskrif of regulasie bedoel in artikel 2 van die Poswet, 1958 (Wet No. 44 van 1958), oortree of versuim om te voldoen aan so 'n bepaling waaraan dit sy plig is om te voldoen, is skuldig aan 'n dienssonreëlmatigheid.

(2) 'n Voorgeskrewe beamppte is bevoeg om te bevind of 'n beamppte 'n dienssonreëlmatigheid gepleeg het al dan nie.

(3) Geen bevinding dat 'n dienssonreëlmatigheid gepleeg is, word gedoen nie tensy die betrokke beamppte—

(a) skriftelik verwittig is van die dienssonreëlmatigheid wat na bewering deur hom gepleeg is;

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(6) An officer who without the permission of the Postmaster General or the head of his office absents himself from duty for a period exceeding one month, shall be deemed to have been discharged on account of misconduct with effect from the day 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 so discharged notwithstanding that such period has not yet expired: Provided further that the Board may, notwithstanding anything to the contrary contained in any law, with the approval of the Minister and on such conditions as the Board may with the approval of the Minister determine, reappoint such officer to his former post or appointment or may appoint him to any other post or appointment, and in that event the period of his absence from duty shall be deemed to have been absence on vacation leave without pay, or leave on such other conditions as the Board may with the approval of the Minister determine.

(7) (a) The services of an officer—

- (i) appointed on or after the date of commencement of this Act to a post classified in the general B division; or
- (ii) appointed on or after 1 August 1923 to a post which was included in the general division in terms of section 1 (5) of the Public Service Act, 1923 (Act No. 27 of 1923); or
- (iii) appointed on or after 1 August 1957 to a post which was included in the general B division in terms of section 3 (2) of the Public Service Act, 1957 (Act No. 54 of 1957),

may, while he is the holder of a post in the general B division (referred to in section 3 of this Act) and notwithstanding the absence of any cause for discharge under subsection (4), with the approval of the Minister be terminated by the Board by giving written notice.

(b) Subject to the provisions of subsection (8), such notice shall in the case of an officer with less than ten years' continuous service, be at least one month, and in the case of an officer with ten years' or more continuous service, be at least three months.

(8) No officer shall be discharged under subsection (7) or section 14 (5) (a) with effect from any other day than the first day of a month.

(9) If it is in the public interest to appoint an officer under any provision of any Act of Parliament to an office to which the provisions of this Act do not apply, the State President may so appoint him to that office and may, notwithstanding anything to the contrary contained in this Act, discharge him from the service of the department.

CHAPTER IV

SERVICE IRREGULARITIES, INEFFICIENCY AND MISCONDUCT

18. (1) An officer who contravenes any provision of an instruction or regulation referred to in section 2 of the Post Office Act, 1958 (Act No. 44 of 1958), or fails to comply with any such provision with which it is his duty to comply, shall be guilty of a service irregularity. Service irregularities.

(2) A prescribed officer shall be competent to find whether or not an officer has committed a service irregularity.

(3) No finding that a service irregularity has been committed shall be made unless the officer concerned—

- (a) has been notified in writing of the service irregularity alleged to have been committed by him;

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- (b) 'n geleentheid gegee is om 'n verduideliking ten opsigte van die beweerde diensonreëlmatigheid te verstrek.
- (4) Voordat hy 'n bevinding ingevolge hierdie artikel ten opsigte van die beweerde pleging van 'n diensonreëlmatigheid doen, moet die voorgeskrewe beampte wat met die aangeleentheid handel die feite betreffende daardie aangeleentheid en die verduideliking (as daar is) wat ingevolge subartikel (3) verstrek is, oorweeg.
- (5) (a) Indien 'n voorgeskrewe beampte bevind dat 'n beampte 'n diensonreëlmatigheid gepleeg het, moet hy aan sodanige beampte een van die volgende strawwe oplê—
- (i) 'n waarskuwing of berisping; of
 - (ii) 'n boete van hoogstens twintig rand.
- (b) 'n Boete ingevolge hierdie artikel opgelê, word verhaaldeur die bedrag van sodanige boete van die emolumente van die beampte af te trek, in 'n enkelbedrag of in paaiemente soos bepaal word deur die voorgeskrewe beampte wat die boete oplê.
- (6) (a) 'n Beampte aan wie 'n boete ingevolge hierdie artikel opgelê word, kan binne 'n tydperk van veertien dae vanaf die datum waarop hy van die betrokke bevinding verwittig word, op die voorgeskrewe wyse na die Posmeester-generaal teen die bevinding of boete of teen sowel daardie bevinding as daardie boete, appelleer.
- (b) Die Posmeester-generaal moet—
- (i) sowel die bevinding wat die onderwerp is van 'n appèl kragtens paragraaf (a), as die boete wat ten opsigte van sodanige bevinding opgelê is, bekragtig; of
 - (ii) sowel sodanige bevinding as sodanige boete tersyde stel; of
 - (iii) sodanige bevinding bekragtig en sodanige boete tersyde stel.
- (c) Indien die Posmeester-generaal 'n boete ingevolge paragraaf (b) (iii) tersyde stel, moet hy in die plek daarvan enige straf oplê wat ingevolge subartikel (5) opgelê sou kon word.
- (7) (a) 'n Straf wat ingevolge hierdie artikel ten opsigte van 'n diensonreëlmatigheid opgelê is, moet in die diensregister van die betrokke beampte aangeteken word indien dit in die regulasies bepaal word dat sodanige straf aldus aangeteken moet word ten opsigte van daardie diensonreëlmatigheid.
- (b) 'n Aantekening wat ingevolge paragraaf (a) aangebring is, moet geskrap word—
- (i) indien die betrokke bevinding ingevolge subartikel (6) tersyde gestel is of ingevolge subartikel (8) verval het;
 - (ii) in die voorgeskrewe omstandighede.
- (8) 'n Beampte wat 'n diensonreëlmatigheid gepleeg het of na bewering gepleeg het, kan van wangedrag aangekla word as die handeling of versuim wat die diensonreëlmatigheid uitmaak ook wangedrag uitmaak: Met dien verstande dat indien 'n beampte teen wie stappe ingevolge hierdie artikel gedoen word, van wangedrag aangekla word ten opsigte van die handeling of versuim wat die diensonreëlmatigheid uitmaak, daardie stappe gestaak moet word: Met dien verstande voorts dat indien 'n beampte ten opsigte van wie bevind is dat hy 'n diensonreëlmatigheid gepleeg het, ingevolge artikel 24 van wangedrag aangekla word ten opsigte van die handeling of versuim wat sodanige diensonreëlmatigheid uitmaak, die bevinding wat gedoen is ten opsigte van die diensonreëlmatigheid verval wanneer 'n bevinding ten opsigte van die aanklag van wangedrag gedoen word.

Bewering van
onbekwaamheid.

19. (1) As die Posmeester-generaal aan die Minister verslag doen dat 'n beampte (behalwe 'n beampte wat 'n pos in die algemene B-afdeling beklee), na sy oordeel ongeskik is vir sy pligte of nie in staat is om sy pligte op bekwame wyse uit te

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(b) has been given an opportunity to furnish an explanation in respect of the alleged service irregularity.

(4) Before making a finding under this section in respect of the alleged commission of a service irregularity, the prescribed officer dealing with the matter shall consider the facts relating to that matter and the explanation (if any) furnished in terms of subsection (3).

(5) (a) If a prescribed officer finds that an officer has committed a service irregularity he shall impose upon such officer one of the following penalties—

- (i) a warning or reprimand; or
- (ii) a fine not exceeding twenty rand.

(b) A fine imposed under this section shall be recovered by deducting the amount of such fine from the emoluments of the officer, as a single amount or in instalments as may be determined by the prescribed officer imposing the fine.

(6) (a) An officer upon whom a fine is imposed in terms of this section, may within a period of fourteen days from the date on which he is notified of the finding in question, appeal to the Postmaster General in the prescribed manner against the finding or the fine or against such finding as well as such fine.

(b) The Postmaster General shall—

- (i) confirm the finding which is the subject of an appeal under paragraph (a), as well as the fine imposed in respect of such finding; or
- (ii) set aside such finding as well as such fine; or
- (iii) confirm such finding and set aside such fine.

(c) If the Postmaster General sets aside a fine in terms of paragraph (b) (iii), he shall impose in its stead any penalty that could have been imposed under subsection (5).

(7) (a) A penalty imposed in terms of this section in respect of any service irregularity shall be entered in the service record of the officer concerned, if it is provided in the regulations that such penalty shall be so entered in respect of that service irregularity.

(b) Any entry effected in terms of paragraph (a), shall be deleted—

- (i) if the finding in question has been set aside in terms of subsection (6) or has lapsed in terms of subsection (8);
- (ii) in the prescribed circumstances.

(8) An officer who has committed or is alleged to have committed a service irregularity, may be charged with misconduct if the act or omission which constitutes the service irregularity constitutes misconduct also: Provided that if an officer against whom steps are being taken in terms of this section, is charged with misconduct in respect of the act or omission constituting the service irregularity, such steps shall be discontinued: Provided further that if an officer who has been found to have committed a service irregularity, is charged in terms of section 24 with misconduct in respect of the act or omission constituting such service irregularity, the finding made in respect of the service irregularity shall lapse when any finding is made in respect of the charge of misconduct.

19. (1) If the Postmaster General reports to the Minister that any officer (other than an officer who holds a post in the general B division) is, in his opinion, unfit for his duties or is incapable Allegation of inefficiency.

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voer nie, stel die Minister 'n persoon aan om ondersoek na die inhoud van daardie verslag in te stel.

(2) Die persoon wat die ondersoek moet instel, stel in oorleg met die Posmeester-generaal, of 'n beampte deur die Posmeester-generaal aangewys, die tyd en die plek van die ondersoek vas, en die Posmeester-generaal of die beampte aldus aangewys, gee aan die betrokke beampte minstens veertien dae 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 sy pligte op bekwame wyse uit te voer nie.

Prosedure by
ondersoek na
bewering van
onbekwaamheid.

20. (1) Die Posmeester-generaal, of 'n beampte deur hom aangewys, kan iemand magtig om by 'n ondersoek ingevolge artikel 19 (1) ingestel, teenwoordig te wees en om getuienis en argumente ter stawing van die in artikel 19 (2) bedoelde bewerings aan te voer en om iemand wat getuienis afgelê het om daardie bewerings te weerlê, te kruisvra.

(2) By die ondersoek het die beampte van wie beweer word dat hy ongeskik is vir sy pligte of nie in staat is om sy pligte op bekwame wyse uit te voer nie, die reg om teenwoordig te wees, bygestaan en verteenwoordig te word, om getuienis af te lê en om, hetsy persoonlik of deur bemiddeling van sy verteenwoordiger—

- (i) aangehoor te word;
- (ii) getuies op te roep;
- (iii) iemand wat as getuie opgeroep is ter stawing van die in artikel 19 (2) bedoelde bewerings, te kruisvra; en
- (iv) stukke wat as getuienis voorgelê is, in te sien.

(3) Die persoon wat die ondersoek instel, hou notule van die verrigtinge en van die getuienis wat afgelê word.

(4) Die versuim van die betrokke beampte om by die ondersoek teenwoordig te wees of die feit dat bedoelde beampte nie daarby verteenwoordig is nie, maak nie die verrigtinge ongeldig nie.

(5) Die persoon wat die ondersoek instel, doen by afloop daarvan 'n bevinding aangaande die vraag of die betrokke beampte ongeskik is vir sy pligte of nie in staat is om sy pligte op bekwame wyse uit te voer nie, en verwittig die betrokke beampte en die Minister van sy bevinding.

(6) As die persoon wat die ondersoek ingestel het, bevind het dat die betrokke beampte ongeskik is vir sy pligte of nie in staat is om sy pligte op bekwame wyse uit te voer nie, stuur hy aan die Posmeester-generaal vir oorweging deur die Raad—

- (a) die notule van die verrigtinge by die ondersoek;
- (b) die dokumentêre getuienis wat daarby toegelaat is;
- (c) 'n skriftelike uiteensetting van sy bevinding en sy redes daarvoor; en
- (d) enige opmerkings wat hy oor die saak wil maak.

Stappe teen
onbekwame
beampte.

21. (1) As die persoon wat die ondersoek in artikel 19 bedoel, ingestel het, bevind het dat die betrokke beampte ongeskik is vir sy pligte of nie in staat is om sy pligte op bekwame wyse uit te voer nie, en daardie beampte nie ingevolge artikel 31 teen die bevinding geappelleer het nie, of as hy aldus geappelleer het en sy appêl geheel of gedeeltelik afgewys is, beveel die Raad by die Minister aan—

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

(2) As die Raad 'n aanbeveling ingevolge paragraaf (b) van subartikel (1) doen, kan hy ook 'n aanbeveling ingevolge paragraaf (c) van daardie subartikel doen.

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of carrying out his duties efficiently, the Minister shall appoint a person to enquire into the subject matter of that report.

(2) The person who is to hold the enquiry shall, in consultation with the Postmaster General, or any officer designated by the Postmaster General, fix the time and place of the enquiry, and the Postmaster General or the officer so designated shall give the officer concerned at least fourteen days' 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 out his duties efficiently.

20. (1) The Postmaster General, or any officer designated by him, may authorize any person to attend an enquiry instituted in terms of section 19 (1) and to adduce evidence and arguments in support of the allegations referred to in section 19 (2) and to cross-examine any person who has given evidence to rebut those allegations.

Procedure at investigation into allegation of inefficiency.

(2) At the enquiry the officer allegedly unfit for his duties or incapable of carrying out his duties efficiently, shall have the right to be present, to be assisted and represented, to give evidence and, either personally or through his representative—

- (i) to be heard;
- (ii) to call witnesses;
- (iii) to cross-examine any person called as a witness in support of the allegations referred to in section 19 (2); and
- (iv) to inspect documents produced in evidence.

(3) The person holding the enquiry shall keep a record of the proceedings and of the evidence given.

(4) The failure of the officer concerned to be present at the enquiry or the fact that such officer is not represented thereat, shall not invalidate the proceedings.

(5) The person holding the enquiry shall at the conclusion thereof make a finding concerning the question whether the officer concerned is unfit for his duties or is incapable of carrying out his duties efficiently, and shall inform the officer concerned and the Minister of his finding.

(6) If the person who held the enquiry has found that the officer concerned is unfit for his duties or is incapable of carrying out his duties efficiently, he shall forward to the Postmaster General for consideration by the Board—

- (a) the record of the proceedings at the enquiry;
- (b) the documentary evidence admitted thereat;
- (c) a written statement of his finding and his reasons therefor; and
- (d) any observations on the matter which he may desire to make.

21. (1) If the person who held the enquiry referred to in section 19 has found that the officer concerned is unfit for his duties or is incapable of carrying out his duties efficiently, and that officer has not appealed against the finding in terms of section 31, or if he has so appealed and his appeal has been dismissed in its entirety or in part, the Board shall recommend to the Minister—

Steps against inefficient officer.

- (a) that no further action be taken in the matter;
- (b) that the officer concerned be transferred to another post or be employed additional to the fixed establishment;
- (c) that his salary or grade or his salary as well as his grade be reduced to the extent recommended; or
- (d) that he be discharged with effect from a date fixed by the Minister.

(2) If the Board makes a recommendation in terms of paragraph (b) of subsection (1), it may also make a recommendation in terms of paragraph (c) of that subsection.

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(3) Die Posmeester-generaal stuur die aanbeveling van die Raad saam met die notule van die verrigtinge by die ondersoek en alle ander dokumente wat op die ondersoek betrekking het, aan die Minister.

(4) Die Minister kan op die weg besluit wat deur die Raad ingevolge subartikel (1) aanbeveel is of kan, behoudens die bepalings van artikel 7, op 'n ander weg wat die Raad ingevolge subartikel (1) kon aanbeveel het, besluit.

(5) Die Minister deel sy besluit aan die Posmeester-generaal mee, wat die besluit oordra aan die bevoegde gesag en indien daardie besluit betrekking het op die verrigting van die een of ander handeling bedoel in paragraaf (b), (c) of (d) van subartikel (1), verrig bedoelde gesag daardie handeling.

Onbekwame
Posmeester-
generaal of lid
van Raad.

22. (1) As daar na die oordeel van die Minister redelike gronde bestaan om te vermoed dat die Posmeester-generaal of 'n lid van die Raad ongeskik is vir sy pligte of nie in staat is om sy pligte op bekwame wyse uit te voer nie, doen die Minister dienoreenkomstig verslag aan die Staatspresident.

(2) Die Staatspresident kan 'n persoon of persone aanstel om ondersoek na die inhoud van daardie verslag in te stel.

(3) Die bepalings van artikels 19 (2), 20, 21 en 31 is *mutatis mutandis* van toepassing ten opsigte van 'n ondersoek ingevolge subartikel (2).

(4) Vir die doeleindes van sodanige toepassing word 'n verwysing in genoemde artikels na die Minister uitgelê as 'n verwysing na die Staatspresident, word 'n verwysing na die Raad of die Posmeester-generaal uitgelê as 'n verwysing na die Minister, en word 'n verwysing na die persoon wat die ondersoek instel, uitgelê as ook 'n verwysing na die persoon of persone wat ingevolge subartikel (2) aangestel is.

Omskrywing van
wangedrag.

23. 'n Beampte is skuldig aan wangedrag 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;

(b) 'n daad wat nadelig is vir die administrasie, dissipline of doeltreffendheid van die departement, of 'n ander departement, kantoor of inrigting van die Staat of die administrasie van die gebied, doen of laat doen of toelaat of oogluikend toelaat dat dit gedoen word;

(c) 'n wettige bevel wat aan hom gegee is deur iemand wat die bevoegdheid besit om dit te gee, nie gehoorsaam nie of verontagsaam of opsetlik versuim om dit uit te voer, of hom deur woord of gedrag aan insubordinasie skuldig maak;

(d) nalatig of traag by die vervulling van sy pligte is;

(e) sonder die toestemming van die Minister (verleen op aanbeveling van die Raad in die geval van 'n beampte in die administratiewe, klerklike, vakkundige, tegniese of algemene A-afdeling) 'n private agentskap of private werk in 'n aangeleentheid in verband met die verrigting van sy amptelike werksaamhede of die uitvoering van sy ampspligte, onderneem;

(f) hom in die openbaar uitlaat oor die administrasie van die departement of 'n ander Staatsdepartement of die administrasie van die gebied;

(g) van sy posisie in die departement gebruik maak om die belange van 'n politieke party te bevorder of te benadeel;

(h) deur iemand wat nie in diens van die departement is nie, probeer om ingryping in verband met sy posisie en diensvoorwaardes te verkry, tensy dit geskied om herstel van 'n grief deur bemiddeling van die Parlement te verkry;

(i) hom op skandelijke, onbehoorlike of onbetaamlike wyse gedra, of terwyl hy diens doen, hom aan growwe onbeleefdheid skuldig maak;

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(3) The Postmaster General shall forward to the Minister the recommendation of the Board together with the record of the proceedings at the enquiry and all other documents relevant to the enquiry.

(4) The Minister may decide upon the course recommended by the Board in terms of subsection (1) or may, subject to the provisions of section 7, decide upon any other course which the Board could have recommended under subsection (1).

(5) The Minister shall inform the Postmaster General of his decision, who shall convey the decision to the competent authority and if such decision relates to the performance of any act referred to in paragraph (b), (c), or (d) of subsection (1), such authority shall perform that act.

22. (1) If in the opinion of the Minister there are reasonable grounds for believing that the Postmaster General or a member of the Board is unfit for his duties or is incapable of carrying out his duties efficiently, the Minister shall report to the State President accordingly.

Inefficient Postmaster General or member of Board.

(2) The State President may appoint a person or persons to enquire into the subject-matter of that report.

(3) The provisions of sections 19 (2), 20, 21 and 31 shall apply *mutatis mutandis* in respect of any enquiry in terms of subsection (2).

(4) For the purposes of such application any reference in the said sections to the Minister shall be construed as a reference to the State President, a reference to the Board or the Postmaster General shall be construed as a reference to the Minister, and any reference to the person holding the enquiry shall be construed as including a reference to the person or persons appointed under subsection (2).

23. An officer shall be guilty of misconduct if he—

Definition of misconduct.

- (a) contravenes any provision of this Act or fails to comply with any provision thereof with which it is his duty to comply;
- (b) does, or causes or permits to be done, or connives at, any act which is prejudicial to the administration, discipline or efficiency of the department, or any other department, office or institution of the State or the administration of the territory;
- (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;
- (d) is negligent or indolent in the discharge of his duties;
- (e) undertakes, without the permission of the Minister (granted on the recommendation of the Board 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;
- (f) publicly comments upon the administration of the department or any other department of State or the administration of the territory;
- (g) makes use of his position in the department to promote or prejudice the interests of any political party;
- (h) attempts to secure intervention through any person not in the employment of the Department, in relation to his position and conditions of service, unless it is done to obtain redress of any grievance through Parliament;
- (i) conducts himself in a disgraceful, improper or unbecoming manner, or while on duty, is grossly discourteous;

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- (j) buitensporig gebruik maak van sterk drank of bedwel-
mende middels;
- (k) insolvent word, of 'n akkoord met sy skuldeisers aan-
gaan, of as 'n bevel tot siviele gyseling deur 'n geregs-
hof teen hom uitgereik word, tensy daar bewys word
dat sy insolvensie of bedoelde akkoord of die uit-
reiking van bedoelde bevel teen hom deur onver-
mydelike teenspoed veroorsaak is;
- (l) in geldelike moeilikheid raak, 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;
- (m) sonder dat hy eers die toestemming van die Posmeester-
generaal verkry het, inligting wat hy ingewin of
bekom het as gevolg van sy diens in die departement,
openbaar maak anders as by die vervulling van sy
pligte, of sodanige inligting gebruik vir 'n ander doel
as die vervulling van sy pligte, hetsy hy sodanige
inligting openbaar maak of nie;
- (n) (i) sonder die toestemming van die Minister (verleen
op aanbeveling van die Raad in die geval van 'n
beampte in die administratiewe, klerklike, vak-
kundige, tegniese of algemene A-afdeling) enige
kommissie, geld of ander beloning, wat nie die
emolumente is wat ten opsigte van sy pligte aan
hom betaalbaar is nie, aanneem of eis ten opsigte
van die uitvoering van sy pligte of die versuim
om sy pligte uit te voer;
- (ii) versuim om die Posmeester-generaal, of as hy
die Posmeester-generaal is, die Minister te ver-
wittig van die aanbod van enige kommissie, geld
of ander beloning in paragraaf (i) vermeld, ten
opsigte van die uitvoering van sy pligte of die
versuim om sy pligte uit te voer;
- (o) 'n misdryf begaan;
- (p) sonder verlof of grondige rede van sy kantoor of
diens afwesig is;
- (q) hom eiendom van die Staat toe-eien of op onbe-
hoorlike wyse gebruik daarvan maak, en sodanige
toe-eiening of gebruik nie 'n misdryf uitmaak nie; of
- (r) met die oog daarop om 'n voorreg of voordeel met
betrekking tot sy amptelike posisie of pligte te verkry,
of om nadeel of skade aan die Staat of die departement
of 'n ander Staatsdepartement of die administrasie
van die gebied, of 'n persoon in die diens van die
departement of 'n ander Staatsdepartement of die
administrasie van die gebied, te veroorsaak, 'n valse of
onjuiste verklaring aflê, terwyl hy weet dat dit vals
of onjuis is.

Aanklag van
wangedrag.

24. (1) Wanneer 'n beampte (behalwe die Posmeester-
generaal of 'n lid van die Raad) van wangedrag beskuldig word,
kan die Posmeester-generaal, of 'n beampte wat deur die
Posmeester-generaal daartoe gemagtig is, hom skriftelik onder
sy handtekening van daardie wangedrag aankla.

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

(3) Die aanklag moet 'n aansegging bevat of van 'n aan-
segging vergesel gaan waarby die aangeklaagde beampte aan-
gesê word om binne 'n redelike tydperk wat in die aansegging
vermeld word, aan 'n persoon wat insgelyks vermeld word, 'n
skriftelike erkenning of ontkenning van die aanklag en, as hy
dit verlang, 'n skriftelike verduideliking van die wangedrag
waarvan hy aangekla word, te stuur of by hom af te lewer.

(4) As die aangeklaagde beampte die aanklag ontken of
versuim om aan die in subartikel (3) vermelde aansegging te
voldoen, stel die Minister 'n landdros aan om ondersoek na die
aanklag in te stel.

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- (j) uses intoxicants or narcotic drugs excessively;
- (k) becomes insolvent or compromises with his creditors, or if a decree of civil imprisonment is made against him by any court of law, unless it is proved that his insolvency or such composition or the making of such decree against him has been occasioned by unavoidable misfortune;
- (l) becomes pecuniarily embarrassed, unless it is proved 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;
- (m) without first having obtained the permission of the Postmaster General, discloses, otherwise than in the discharge of his duties, information gained or obtained by him through his employment in the department, or uses such information for any purpose other than the discharge of his duties, whether or not he discloses such information;
- (n) (i) without the permission of the Minister (granted on the recommendation of the Board in the case of an officer in the administrative, clerical, professional, technical or general A division) accepts or demands in respect of the discharge of his duties or failure to discharge his duties any commission, fee or other reward, not being the emoluments payable to him in respect of his duties;
- (ii) fails to report to the Postmaster General or, if he is the Postmaster General, to the Minister, the offer of any commission, fee or other reward, referred to in paragraph (i), in respect of the discharge of his duties or failure to discharge his duties;
- (o) commits an offence;
- (p) absents himself from his office or duty without leave or valid reason;
- (q) misappropriates or improperly uses any property of the State, and such misappropriation or use does not constitute an offence; or
- (r) with a view to obtaining any privilege or advantage in relation to his official position or duties, or to causing prejudice or injury to the State or the department or any other department of State or the administration of the territory, or any person in the employment of the department or any other department of State or the administration of the territory, makes a false or incorrect statement, knowing it to be false or incorrect.

24. (1) When an officer (other than the Postmaster General or a member of the Board) is accused of misconduct, the Postmaster General, or an officer who has been authorized thereto by the Postmaster General, may charge him in writing under his hand with that misconduct.

Charge of misconduct.

(2) The 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 send or deliver within a reasonable period specified in the direction, 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) If the officer charged denies the charge or fails to comply with the direction referred to in subsection (3), the Minister shall appoint a magistrate to enquire into the charge.

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(5) Die landdros wat die ondersoek moet instel, stel in oorleg met die beampte wat die aanklag onderteken het of 'n ander beampte wat vir hierdie doel deur die Posmeester-generaal aangewys word, die tyd en plek van die ondersoek vas, en die beampte wat die aanklag onderteken het of bedoelde ander beampte gee aan die aangeklaagde beampte redelike skriftelike kennis van die tyd en plek aldus vasgestel.

(6) Die Posmeester-generaal of 'n ander beampte wat deur die Posmeester-generaal daartoe gemagtig is, kan te eniger tyd die aanklag van wangedrag terugtrek.

Prosedure by
ondersoek na aan-
klag van
wangedrag.

25. (1) Die beampte wat die aanklag in artikel 24 bedoel, onderteken het, of 'n ander beampte wat vir hierdie doel deur die Posmeester-generaal aangewys word, kan iemand magtig om by die ondersoek in artikel 24 bedoel teenwoordig te wees en om getuienis en argumente ter stawing van bedoelde aanklag aan te voer en om iemand wat as getuie vir die verweer opgeroep is, te kruisvra.

(2) By die ondersoek het die aangeklaagde beampte die reg om teenwoordig te wees, om bygestaan en verteenwoordig te word, om getuienis af te lê en om, hetsy persoonlik of deur bemiddeling van sy verteenwoordiger—

(i) aangehoor te word;

(ii) getuienis op te roep;

(iii) iemand wat as getuie opgeroep is ter stawing van die aanklag, te kruisvra; en

(iv) stukke wat as getuienis voorgelê is, in te sien.

(3) Die landdros wat die ondersoek instel, hou notule van die verrigtinge en van die getuienis wat afgelê word.

(4) Die versuim van die aangeklaagde beampte om by die ondersoek teenwoordig te wees of die feit dat bedoelde beampte nie daarby verteenwoordig is nie, maak nie die verrigtinge ongeldig nie.

(5) Die landdros wat die ondersoek instel, bevind by afloop daarvan of die aangeklaagde beampte skuldig is of nie skuldig is nie aan die wangedrag waarvan hy aangekla is, en verwittig die aangeklaagde beampte en die Minister van sy bevinding.

(6) As die landdros wat die ondersoek instel die aangeklaagde beampte skuldig bevind aan die wangedrag waarvan hy aangekla is, stuur hy aan die Posmeester-generaal, vir oorweging deur die Raad behalwe in 'n geval waar die beampte wat aan wangedrag skuldig bevind is in die algemene B-afdeling in diens is en nie kennis van appèl ooreenkomstig artikel 31 (1) gegee het nie—

(a) die notule van die verrigtinge by die ondersoek;

(b) die dokumentêre getuienis wat daarby toegelaat is;

(c) 'n skriftelike uiteensetting van sy bevinding en sy redes daarvoor; en

(d) enige opmerkings wat hy oor die saak wil maak.

Stappe teen
beampte wat
aan wangedrag
skuldig bevind
is.

26. (1) As die landdros wat die ondersoek in artikel 25 bedoel ingestel het die aangeklaagde beampte skuldig bevind het aan die wangedrag waarvan hy aangekla is en die beampte nie ingevolge artikel 31 (1) teen die bevinding geappelleer het nie, of as so 'n appèl geheel of gedeeltelik afgewys is, kan die Posmeester-generaal, in 'n geval waar die beampte wat skuldig bevind is in die algemene B-afdeling in diens is, of die Raad, in 'n geval waar bedoelde beampte in 'n ander afdeling as die algemene B-afdeling in diens is, by die Minister aanbeveel—

(a) dat die betrokke beampte gewaarsku of berispe word;

(b) dat hom 'n boete van hoogstens vierhonderd rand opgelê word, watter boete verhaal kan word deur dit van sy emolumente in die paaiemente wat deur die Minister bepaal word, af te trek;

(c) dat hy na 'n ander pos oorgeplaas of addisioneel tot die vaste diensstaat in diens gehou word;

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

(e) dat hy ontslaan of aangesê word om te bedank met ingang van 'n datum wat die Minister vasstel:

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(5) The magistrate who is to hold the enquiry shall in consultation with the officer who signed the charge or any other officer designated for this purpose by the Postmaster General, fix the time and place of the enquiry, and the officer who signed the charge or such other officer shall give the officer charged reasonable notice in writing of the time and place so fixed.

(6) The Postmaster General or any other officer authorized thereto by the Postmaster General, may at any time withdraw the charge of misconduct.

25. (1) The officer who signed the charge referred to in section 24, or any other officer designated for this purpose by the Postmaster General, may authorize any person to attend the enquiry referred to in section 24 and to adduce evidence and arguments in support of such charge and to cross-examine any person called as a witness for the defence.

Procedure at enquiry into charge of misconduct.

(2) At the enquiry the officer charged shall have the right to be present, to be assisted and represented, to give evidence and, either personally or through his representative—

- (i) to be heard;
- (ii) to call witnesses;
- (iii) to cross-examine any person called as a witness in support of the charge; and
- (iv) to inspect documents produced in evidence.

(3) The magistrate holding the enquiry shall keep a record of the proceedings and of the evidence given.

(4) The failure of the officer charged to be present at the enquiry or the fact that such officer is not represented thereat, shall not invalidate the proceedings.

(5) The magistrate holding the enquiry shall at the conclusion thereof find whether the officer charged is guilty or not guilty of the misconduct with which he has been charged, and shall inform the officer charged and the Minister of his finding.

(6) If the magistrate holding the enquiry finds the officer charged guilty of the misconduct with which he has been charged, he shall send to the Postmaster General, for consideration by the Board except in a case where the officer who has been found guilty of misconduct is employed in the general B division and has not given notice of appeal in accordance with section 31 (1)—

- (a) the record of the proceedings at the enquiry;
- (b) the documentary evidence admitted thereat;
- (c) a written statement of his finding and his reasons therefor; and
- (d) any observations on the matter which he may desire to make.

26. (1) If the magistrate who held the enquiry referred to in section 25 has found the officer charged guilty of the misconduct with which he has been charged and the officer has not appealed against the finding in terms of section 31 (1), or if such appeal has been dismissed in its entirety or in part, the Postmaster General, in a case where the officer who has been found guilty of misconduct is employed in the general B division, or the Board, in a case where such officer is employed in a division other than the general B division, may recommend to the Minister—

Steps against officer found guilty of misconduct.

- (a) that the officer concerned be cautioned or reprimanded;
- (b) that a fine not exceeding four hundred rand be imposed upon him, which fine may be recovered by deduction from his emoluments in such instalments as may be determined by the Minister;
- (c) that he be transferred to another post or be employed additional to the fixed establishment;
- (d) that his salary or grade or his salary as well as his grade be reduced to the extent recommended; or
- (e) that he be discharged or be called upon to resign as from a date fixed by the Minister:

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Met dien verstande dat—

- (i) behalwe waar 'n aanbeveling ingevolge paragraaf (e) gedoen word, die Posmeester-generaal of die Raad 'n aanbeveling ingevolge meer as een van die paragrawe van hierdie subartikel kan doen;
- (ii) die Posmeester-generaal of die Raad die doen van 'n aanbeveling ingevolge hierdie subartikel vir 'n tydperk van hoogstens twaalf maande kan uitstel; en
- (iii) as 'n beampte wat aangesê is om te bedank, versuim om aldus te bedank, hy geag word ontslaan te gewees het met ingang van die datum wat deur die Minister kragtens subparagraaf (e) vasgestel is.

(2) Die Posmeester-generaal stuur, saam met sy aanbeveling ingevolge subartikel (1), of, na gelang van die geval, die aanbeveling van die Raad ingevolge bedoelde subartikel, die notule van die verrigtinge by die ondersoek en die dokumente in sy besit wat op die ondersoek betrekking het, aan die Minister.

(3) Die Minister kan op die weg besluit wat deur die Posmeester-generaal of die Raad ingevolge subartikel (1) van hierdie artikel aanbeveel is, of kan, behoudens die bepalinge van artikel 7 in die geval van 'n aanbeveling deur die Raad, op 'n ander weg wat die Posmeester-generaal of die Raad ingevolge subartikel (1) kon aanbeveel het, besluit.

(4) Die Minister deel sy besluit aan die Posmeester-generaal mee wat die besluit oordra aan die bevoegde gesag, en bedoelde gesag moet die handeling of handelinge verrig waarop daardie besluit betrekking het.

Erkenning van
wangedrag.

27. (1) As die beampte wat ingevolge artikel 24 van wangedrag aangekla is, die aanklag erken, word hy geag skuldig te wees aan die wangedrag waarvan hy aangekla is en kan die Posmeester-generaal, in 'n geval waar die betrokke beampte in die algemene B-afdeling in diens is, of die Raad, in 'n geval waar die betrokke beampte in 'n ander afdeling as die algemene B-afdeling in diens is, 'n aanbeveling ingevolge artikel 26 (1) by die Minister doen.

(2) Die Posmeester-generaal stuur saam met sy aanbeveling ingevolge subartikel (1) van artikel 26 of, na gelang van die geval, die aanbeveling van die Raad ingevolge bedoelde subartikel, die dokumente in sy besit wat op die wangedrag betrekking het en die opmerkings wat hy daarvoor wil maak, aan die Minister.

(3) Die Minister kan op die weg besluit wat deur die Posmeester-generaal of die Raad aldus aanbeveel is, of kan, behoudens die bepalinge van artikel 7 in die geval van 'n aanbeveling deur die Raad, op 'n ander weg wat die Posmeester-generaal of die Raad aldus kon aanbeveel het, besluit.

(4) Die Minister deel sy besluit aan die Posmeester-generaal mee wat die besluit oordra aan die bevoegde gesag, en bedoelde gesag verrig die handeling of handelinge waarop daardie besluit betrekking het.

Hofuitspraak oor
misdryf wat
wangedrag
uitmaak.

28. (1) Die vryspreking of skuldigbevinding van 'n beampte deur 'n geregshof op of aan 'n aanklag van 'n 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 of waaraan hy aldus vrygespreek of skuldig bevind is of 'n ander misdryf waaraan hy by sy verhoor op bedoelde kriminele aanklag skuldig bevind kon geword het.

(2) As die wangedrag waarvan die beampte aangekla word, 'n misdryf uitmaak waaraan hy deur 'n geregshof skuldig bevind is, is 'n gesertifiseerde afskrif van die notule van sy verhoor en skuldigbevinding deur daardie geregshof, nadat bedoelde beampte geïdentifiseer is as die persoon wat in die notule genoem word, afdoende bewys dat hy bedoelde misdryf begaan het, tensy die skuldigbevinding deur 'n bevoegde hof tersyde

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Provided that—

- (i) except where a recommendation is made in terms of paragraph (e), the Postmaster General or the Board may make a recommendation in terms of more than one of the paragraphs of this subsection;
- (ii) the Postmaster General or the Board may postpone for a period not exceeding twelve months the making of a recommendation under this subsection; and
- (iii) if an officer who has been called upon to resign, fails so to resign, he shall be deemed to have been discharged with effect from the date fixed by the Minister in terms of subparagraph (e).

(2) The Postmaster General shall send to the Minister together with his recommendation in terms of subsection (1) or, as the case may be, the recommendation of the Board in terms of the said subsection, the record of the proceedings at the enquiry and the documents in his possession relating to the enquiry.

(3) The Minister may decide upon the course recommended by the Postmaster General or the Board in terms of subsection (1), or may, subject to the provisions of section 7 in the case of a recommendation by the Board, decide upon any other course which the Postmaster General or the Board could have recommended in terms of subsection (1).

(4) The Minister shall inform the Postmaster General of his decision who shall convey the decision to the competent authority, and such authority shall perform the act or acts to which that decision relates.

27. (1) If the officer charged with misconduct in terms of section 24, admits the charge, he shall be deemed to be guilty of the misconduct with which he has been charged and the Postmaster General, in a case where the officer concerned is employed in the general B division, or the Board, in a case where the officer concerned is employed in a division other than the general B division, may make a recommendation to the Minister in terms of section 26 (1).

Admission of misconduct.

(2) The Postmaster General shall send to the Minister together with his recommendation in terms of subsection (1) of section 26 or, as the case may be, the recommendation of the Board in terms of the said subsection, the documents in his possession relating to the misconduct and the observations he may desire to make thereon.

(3) The Minister may decide upon the course so recommended by the Postmaster General or the Board or may, subject to the provisions of section 7 in the case of a recommendation by the Board, decide upon any other course which the Postmaster General or the Board could have so recommended.

(4) The Minister shall inform the Postmaster General of his decision who shall convey the decision to the competent authority, and such authority shall perform the act or acts to which that decision relates.

28. (1) The acquittal or conviction of an officer by a court of law on a charge of an offence shall not be a bar to proceedings being instituted 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 so acquitted or convicted or another offence of which he could have been convicted at his trial on the said criminal charge.

Court verdict on offence constituting misconduct.

(2) If the misconduct with which the officer is charged, amounts to an offence of which he has been convicted by a court of law, a certified copy of the record of his trial and conviction by that court of law shall, upon the identification of such officer as the person referred to in the record, be conclusive proof that he committed that offence, unless the conviction has been set

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Skorsing van
beampte wat van
wangedrag
beskuldig of
aangekla is.

gestel is: Met dien verstande dat die aangeklaagde beampte getuienis kan aanvoer dat hy in werklikheid verkeerdlik skuldig bevind is.

29. (1) Die Minister of 'n beampte aan wie die Minister dié bevoegdheid gedelegeer het, kan te eniger tyd 'n beampte wat beskuldig word van wangedrag in sy diens skors, hetsy daardie beampte van wangedrag aangekla is of nie.

(2) 'n Beampte wat ingevolge subartikel (1) in sy diens geskors is, is nie op enige emolumente ten opsigte van die tydperk van sy skorsing geregtig nie: Met dien verstande dat die Minister of 'n beampte aan wie die Minister dié bevoegdheid gedelegeer het na goeë dunde kan gelas dat sy volle emolumente of 'n gedeelte daarvan, aan so 'n beampte betaal word.

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

(4) Die Minister of 'n beampte aan wie die Minister dié bevoegdheid gedelegeer het, kan die skorsing te eniger tyd intrek, maar die intrekking van die skorsing raak geen verrigtinge in verband met die beskuldiging van wangedrag nie.

(5) As die aangeklaagde beampte ingevolge subartikel (1) in sy diens geskors is en die persoon wat die ondersoek instel, bevind dat hy nie skuldig is aan die wangedrag waarvan hy aangekla is nie, of as bedoelde beampte ingevolge artikel 31 teen die skuldigbevinding aan die wangedrag waarvan hy aangekla is, geappelleer het en die appèl toegestaan is, moet bedoelde beampte toegelaat word om onverwyld weer diens in sy pos te aanvaar en moet aan hom sy volle emolumente vir die tydperk van sy skorsing betaal word, in soverre dit nie reeds gedoen is nie.

(6) As daar met 'n beampte wat in sy diens geskors is, ooreenkomstig die bepalings van paragraaf (a), (b) of (d) van subartikel (1) van artikel 26 of van die tweede voorbehoudsbepaling by daardie subartikel gehandel word, moet hy onverwyld toegelaat word om sy diens te hervat, en as daar met hom ooreenkomstig die bepalings van paragraaf (c) van gemelde subartikel gehandel word, moet hy so gou doenlik toegelaat word om diens te aanvaar in die pos of pligte waarna hy oorgeplaas word, en in so 'n geval moet sy volle emolumente ten opsigte van die tydperk van sy skorsing aan hom betaal word in soverre dit nie reeds gedoen is nie: Met dien verstande dat as sy graad ingevolge gemelde paragraaf (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 ten opsigte van die tydperk van skorsing die emolumente van daardie pos betaal word in soverre dit nie reeds gedoen is nie, maar as hoër emolumente as die emolumente van daardie pos aan hom gedurende die tydperk van sy skorsing ingevolge subartikel (2) betaal is, hy nie verplig is om die verskil terug te betaal nie.

(7) 'n Beampte wat ingevolge subartikel (1) in sy diens geskors is of teen wie 'n aanklag van wangedrag ingevolge artikel 24 ingebring is, en wat bedank of ander werk aanvaar voordat bedoelde aanklag ooreenkomstig die bepalings van artikels 25, 26, 27 en 31 afgehandel of kragtens artikel 24 (6) teruggetrek is, word geag 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, tensy die Minister of 'n beampte aan wie die Minister dié bevoegdheid gedelegeer het, 'n later datum vir hierdie doel bepaal: Met dien verstande dat die bepalings van hierdie subartikel nie sal geld nie indien die betrokke beampte, voordat sy kennisgewing van bedanking ontvang is of hy die ander werk aanvaar het, in kennis gestel is dat geen aanklag van wangedrag teen hom ingebring sal word nie of dat die aanklag van wangedrag wat teen hom ingebring is, teruggetrek is.

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aside by a competent court: Provided that the officer charged may adduce evidence that he was in fact wrongly convicted.

29. (1) The Minister or any officer to whom the Minister has delegated this power, may at any time suspend from duty any officer accused of misconduct, whether or not that officer has been charged with misconduct. Suspension of officer accused of or charged with misconduct.

(2) An officer suspended from duty in terms of subsection (1) shall not be entitled to any emoluments in respect of the period of his suspension: Provided that the Minister or any officer to whom the Minister has delegated this power may in his discretion order that his full emoluments or part thereof be paid to such officer.

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

(4) The Minister or any officer to whom the Minister has delegated this power, may withdraw the suspension at any time, but the withdrawal of the suspension shall not affect any proceedings in connection with the accusation of misconduct.

(5) If the officer charged is suspended from duty in terms of subsection (1) and the person holding the enquiry finds that he is not guilty of the misconduct with which he has been charged, or if the said officer has in terms of section 31 appealed against the conviction of the misconduct with which he has been charged and the appeal has been upheld, such officer shall forthwith be allowed to resume duty in his post and he shall be paid his full emoluments in respect of the period of his suspension in so far as this has not already been done.

(6) If an officer who has been suspended from duty is dealt with in accordance with the provisions of paragraph (a), (b) or (d) of subsection (1) of section 26 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 paragraph (c) of the said subsection 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 in respect of the period of his suspension in so far as this has not already been done: Provided that if his grade is reduced in terms of the said paragraph (d), he shall as soon as practicable be allowed to assume duty in a post of the reduced grade, and be paid in respect of the period of suspension the emoluments of that post in so far as this has not already been done, but if emoluments in excess of the emoluments of that post were during the period of his suspension paid to him under subsection (2), he shall not be obliged to refund the excess.

(7) Any officer who is suspended from duty in terms of subsection (1) or against whom a charge of misconduct has been preferred in terms of section 24, and who resigns or assumes other employment before such charge has been disposed of in accordance with the provisions of sections 25, 26, 27 and 31 or has been withdrawn in terms of section 24 (6), shall be deemed to have been discharged on account of misconduct with effect from the date immediately following the last day on which he was present at his place of duty, unless the Minister or an officer to whom the Minister has delegated this power, determines a later date for this purpose: Provided that the provisions of this subsection shall not apply if, before the receipt of his notice of resignation or his assumption of other employment, the officer concerned had been notified that no charge of misconduct would be preferred against him or that the charge of misconduct preferred against him had been withdrawn.

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Wangedrag van
Posmeester-
generaal of lid
van Raad.

Appel teen be-
vinding van
onbekwaamheid of
skuldigbevinding
aan wangedrag.

30. (1) Wanneer die Posmeester-generaal of 'n lid van die Raad van wangedrag beskuldig word, kan die Minister die aangeleentheid rapporteer aan die Staatspresident, wat die Minister kan gelas om die Posmeester-generaal of daardie lid van daardie wangedrag aan te kla.

(2) Indien 'n ondersoek ingevolge artikel 24 (4), soos toegepas by subartikel (3), nodig word, kan die Staatspresident 'n persoon of persone aanstel om die ondersoek in te stel.

(3) Die bepalinge van artikels 24 (2) tot en met (6), 25 tot en met 29 en 31 is *mutatis mutandis* van toepassing op verrigtinge wat op 'n lasgewing ingevolge subartikel (1) volg.

(4) Vir die doeleindes van sodanige toepassing word 'n verwysing in gemelde artikels na die Minister uitgelê as 'n verwysing na die Staatspresident, word 'n verwysing na die Posmeester-generaal of Raad uitgelê as 'n verwysing na die Minister en word 'n verwysing na die landdros wat die ondersoek instel, uitgelê as ook 'n verwysing na 'n persoon of persone wat kragtens subartikel (2) aangestel is.

31. (1) As die persoon wat 'n ondersoek in artikel 19 of 24 bedoel ingestel het, bevind het dat die betrokke beamppte ongeskik is vir sy pligte of nie in staat is om sy pligte op bekwame wyse uit te voer nie of dat die betrokke beamppte skuldig is aan die wangedrag waarvan hy aangekla is, na gelang van die geval, kan die betrokke beamppte binne veertien dae na die datum waarop hy van bedoelde bevinding (in hierdie artikel „die bevinding” genoem) verwittig is, by die Raad teen die bevinding appelleer deur aan die persoon wat die ondersoek ingestel het 'n skriftelike kennisgewing van appel te gee waarin die appèlgronde uiteengesit is.

(2) As sodanige kennisgewing van appel gegee is, stuur die persoon wat die ondersoek ingestel het daardie kennisgewing aan die Posmeester-generaal, vir oorweging deur die Raad, en verstrek hy aan die appellant 'n afskrif van die redes vir die bevinding.

(3) As die appellant binne sewe dae na die datum waarop hy 'n afskrif van die redes vir die bevinding ontvang het, by die Posmeester-generaal om 'n afskrif van die notule van die verrigtinge by die ondersoek aansoek doen, verstrek die Posmeester-generaal so 'n afskrif aan hom.

(4) Die appellant kan binne veertien dae na die datum waarop hy die afskrif van die notule van die verrigtinge ontvang het of, as hy nie om 'n afskrif van die notule aansoek gedoen het nie, binne een-en-twintig dae na die datum waarop hy die afskrif van die redes vir die bevinding ontvang het, aan die Posmeester-generaal skriftelike verhoë ter stawing van sy appèl voorlê vir oorweging deur die Raad.

(5) (a) Na oorweging van bedoelde notule en die ander dokumente wat op die appèl betrekking het, kan die Raad die appèl geheel of gedeeltelik toestaan en die bevinding tersyde stel of wysig, of die appèl afwys en die bevinding bekragtig, of, voordat hy tot 'n beslissing oor die appèl geraak, 'n vraag in verband met die ondersoek terugverwys na die persoon wat dit ingestel het, en hom gelas om verslag daaroor te doen of om 'n nadere ondersoek in te stel en 'n bevinding daaroor te doen.

(b) Die bepalinge van subartikels (1) tot en met (4) van artikel 20 is van toepassing ten opsigte van so 'n nadere ondersoek.

(6) Wanneer die Raad tot 'n beslissing oor die appèl geraak het, deel die Posmeester-generaal daardie beslissing skriftelik aan die appellant mee.

(7) As die Raad die appèl afgewys of gedeeltelik toegestaan het, kan die betrokke beamppte, binne veertien dae na die datum waarop hy die beslissing van die Raad ontvang het, by die Minister teen die bevinding appelleer deur aan die Posmeester-generaal 'n skriftelike kennisgewing van appel te gee waarin die appèlgronde uiteengesit is.

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30. (1) When the Postmaster General or any member of the Board is accused of misconduct, the Minister may report the matter to the State President, who may direct the Minister to charge the Postmaster General or that member with that misconduct.

Misconduct of
Postmaster
General or
member of Board.

(2) If an enquiry becomes necessary in terms of section 24 (4), as applied by subsection (3), the State President may appoint a person or persons to hold the enquiry.

(3) The provisions of sections 24 (2) to (6), inclusive, 25 to 29, inclusive, and 31 shall apply *mutatis mutandis* to any proceedings following upon a direction under subsection (1).

(4) For the purposes of such application a reference in the said sections to the Minister shall be construed as a reference to the State President, a reference to the Postmaster General or the Board shall be construed as a reference to the Minister and a reference to the magistrate holding the enquiry shall be construed as including a reference to a person or persons appointed under subsection (2).

31. (1) If the person who held an enquiry referred to in section 19 or 24, has found the officer concerned unfit for his duties or incapable of efficiently carrying out his duties, or that the officer concerned is guilty of the misconduct with which he has been charged, as the case may be, the officer concerned may within fourteen days after the date upon which he was informed of such finding (in this section referred to as "the finding") appeal to the Board against the finding by giving to the person who held the enquiry a written notice of appeal in which the grounds of appeal are set out.

Appeal against
finding of
inefficiency or
conviction of
misconduct.

(2) If such notice of appeal has been given, the person who held the enquiry shall send that notice to the Postmaster General, for consideration by the Board, and he shall furnish the appellant with a copy of the reasons for the finding.

(3) If the appellant within seven days after the date upon which he received a copy of the reasons for the finding, applies to the Postmaster General for a copy of the record of the proceedings at the enquiry, the Postmaster General shall furnish him with such copy.

(4) The appellant may, within fourteen days after the date on which he received the copy of the record of the proceedings or, if he did not apply for a copy of the record, within twenty-one days after the date upon which he received a copy of the reasons for the finding, submit written representations in support of his appeal to the Postmaster General for consideration by the Board.

(5) (a) After consideration of such record and the other documents relevant to the appeal, the Board may allow the appeal in its entirety or in part and set aside or alter the finding, or dismiss the appeal and confirm the finding or, before arriving at a decision on the appeal, remit any question in connection with the enquiry to the person who held it, and direct him to report thereon or to hold a further enquiry and arrive at a finding thereon.

(b) The provisions of subsections (1) to (4), inclusive, of section 20 shall apply in respect of such further enquiry.

(6) When the Board has arrived at a decision on the appeal, the Postmaster General shall convey that decision in writing to the appellant.

(7) If the Board has dismissed the appeal or allowed the appeal in part, the officer concerned may, within fourteen days after the date upon which he received the decision of the Board, appeal to the Minister against the decision by giving to the Postmaster General a written notice of appeal in which the grounds of appeal are set out.

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(8) Die Posmeester-generaal stuur bedoelde kennisgewing van appèl aan die Minister tesame met die dokumente wat deur die Raad oorweeg is en die redes vir die beslissing van die Raad, en stuur 'n afskrif van die redes vir die beslissing van die Raad aan die appellant.

(9) Die appellant kan binne veertien dae na die datum waarop hy die redes vir die beslissing van die Raad ontvang het, skriftelike verhoër aan die Minister voorlê ter stawing van sy appèl.

(10) Na oorweging van die dokumente wat aan hom voorgelê is, kan die Minister die beslissing van die Raad bekrachtig of daardie beslissing tersyde stel en terselfdertyd die bevinding tersyde stel of wysig.

(11) Die Minister kan, voordat hy tot 'n beslissing oor die appèl geraak, 'n vraag oor enige aangeleentheid in verband met die saak na die Posmeester-generaal verwys en hom gelas om verslag daaroor te doen na oorweging van daardie vraag deur die Raad, of 'n vraag in verband met die ondersoek of nadere ondersoek in artikel 19 of 24 of in subartikel (5) bedoel, na die persoon wat bedoelde ondersoek ingestel het, verwys en hom gelas om verslag daaroor te doen.

Wyse waarop kennis gegee en dokumente bestel kan word.

32. Waar daar in hierdie Hoofstuk bepaal word dat—

- (a) 'n kennisgewing, verklaring of ander dokument aan 'n persoon gegee of verstrekk of bestel moet word, of dat 'n aangeleentheid skriftelik aan iemand meegedeel moet of kan word, kan daardie kennisgewing, verklaring, dokument of geskrif per pos in 'n aangetekende brief aan hom gestuur word of aan homself afgelewer word of gelaat word by die plek waar, sover bekend, hy laas gewoon het; of
- (b) iemand van 'n beslissing of bevinding verwittig moet word, kan hy mondeling daarvan verwittig word of deur middel van 'n geskrif wat per pos in 'n aangetekende brief aan hom gestuur word of aan homself afgelewer word of by die plek waar, sover bekend, hy laas gewoon het, gelaat word.

Aantekening in diensregister ten opsigte van onbekwaamheid of wangedrag.

33. 'n Bevinding dat 'n beampte ongeskik is vir sy pligte of nie in staat is om sy pligte op bekwame wyse uit te voer nie, die skuldigbevinding van 'n beampte aan wangedrag en die stappe wat teen 'n beampte ten opsigte van so 'n bevinding of skuldigbevinding gedoen is, moet in die diensregister van die betrokke beampte aangeteken word.

HOOFTUK V

ALGEMEEN

Besoldiging van beamptes en werknemers.

34. (1) Aan beamptes en werknemers (behalwe die Posmeester-generaal en bekleërs van poste in artikel 4 (2) bedoel) word salarisse, lone en toelaes betaal ooreenkomstig skale wat by hulle grade pas en wat deur die Raad met die goedkeuring van die Minister gemagtig is.

(2) Aan die Posmeester-generaal en bekleërs van poste in artikel 4 (2) bedoel, word salarisse en toelaes betaal ooreenkomstig die skale wat die Minister bepaal.

(3) Die Raad kan met die goedkeuring van die Minister gelas dat—

- (a) aan beamptes of werknemers, of klasse van beamptes of werknemers, by aanstelling, oorplasing of bevordering salarisse of lone teen hoër bedrae as die minimums van die toepaslike skale betaal word;
- (b) die emolumente van klasse van beamptes of werknemers spesiaal verhoog word binne die skale wat op hulle van toepassing is.

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(8) The Postmaster General shall send such notice of appeal to the Minister together with the documents considered by the Board and the reasons for the decision of the Board, and shall send to the appellant a copy of the reasons for the decision of the Board.

(9) The appellant may, within fourteen days after the date upon which he received the reasons for the decision of the Board, submit written representations to the Minister in support of his appeal.

(10) After consideration of the documents submitted to him, the Minister may confirm the decision of the Board or set aside that decision and at the same time set aside or alter the finding.

(11) The Minister may, before arriving at a decision on the appeal, remit any question on any matter in connection with the case to the Postmaster General and direct him to report thereon after consideration of that question by the Board, or refer any question in connection with the enquiry or further enquiry referred to in section 19 or 24 or in subsection (5), to the person who held the said enquiry and direct him to report thereon.

32. Whenever in this Chapter it is provided that—

Manner in which notice may be given and documents delivered.

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

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

33. Any finding that an officer is unfit for his duties or is incapable of carrying out his duties efficiently, the conviction of any officer of misconduct and the steps taken against any officer in respect of any such finding or conviction shall be entered in the service record of the officer concerned.

Entry in service record in respect of inefficiency or misconduct.

CHAPTER V

GENERAL

34. (1) Officers and employees (except the Postmaster General and holders of posts referred to in section 4 (2)) shall be paid salaries, wages and allowances in accordance with the scales appropriate to their grades and authorized by the Board with the approval of the Minister.

Remuneration of officers and employees.

(2) The Postmaster General and holders of posts referred to in section 4 (2), shall be paid salaries and allowances in accordance with the scales determined by the Minister.

(3) The Board may with the approval of the Minister direct that—

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

(b) the emoluments of classes of officers or employees shall be specially advanced within the scales applicable to them.

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(4) Aan geen beampte of werknemer mag ten opsigte van sy indienshouding as beampte of werknemer, enige besoldiging, toelae, honorarium, toekenning of bonus betaal word nie behalwe dié besoldiging, toelae, honorarium, toekenning of bonus wat voorgeskryf is of wat deur die Raad met die goedkeuring van die Minister gemagtig is of, in die geval van die Posmeester-generaal en die bekleërs van poste in artikel 4 (2) bedoel, wat deur die Minister bepaal is.

Voorbehoud met betrekking tot verlaging van salarisse.

35. Die salaris of salarisskaal van 'n beampte mag nie sonder sy toestemming verlaag word nie, behalwe ooreenkomstig die bepalings van Hoofstuk IV of ingevolge 'n Wet van die Parlement.

Verbod op sessie van reg ten opsigte van emolumente.

36. (1) Geen beampte of werknemer mag, sonder skriftelike goedkeuring van die Posmeester-generaal, die reg op enige salaris of toelae wat aan hom betaalbaar is, of op 'n gedeelte van daardie salaris of toelae, sedeer nie.

(2) 'n Sessie in stryd met die bepalings van subartikel (1), is nietig.

Diensvoorwaardes.

37. Behoudens die bepalings van artikel 34, is die diensvoorwaardes van beamptes en werknemers soos voorgeskryf of soos vervat in die kode in artikel 48 bedoel of, in die geval van persone in artikel 9 (1) (d) of (e) bedoel, soos bepaal in die spesiale kontrakte wat op hul diens betrekking het: Met dien verstande dat in 'n buitengewone geval daar van 'n voorgeskrewe diensvoorwaarde, of van 'n diensvoorwaarde wat in gemelde kode vervat is, afgewyk kan word in die mate wat die Raad met die goedkeuring van die Minister magtig.

Verrigting van ander werk deur beamptes en werknemers.

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

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

(b) mag geen beampte of werknemer besoldigde werk buite die bestek van sy pligte in die departement sonder die toestemming van die Minister of van 'n beampte aan wie die Minister die bevoegdheid om sodanige toestemming te verleen, gedelegeer het, verrig, of hom verbind om dit te verrig nie; en

(c) kan geen beampte of werknemer regtens aanspraak maak op addisionele besoldiging ten opsigte van enige amptelike diens of werk wat hy deur 'n bevoegde gesag aangesê word om te verrig nie.

(2) Die Minister of 'n beampte aan wie die Minister dié bevoegdheid gedelegeer het, kan aan 'n beampte of werknemer kwytskelding van 'n oortreding van die bepalings van subartikel (1) verleen.

(3) Die Minister of die Posmeester-generaal of die hoof van 'n kantoor kan 'n beampte of werknemer onder sy beheer aansê om tydelik ander pligte te verrig as dié wat gewoonlik aan so 'n beampte of werknemer opgedra word of wat by die graad, benaming of indeling van sy pos pas.

(4) Besoldiging of toelae wat 'n beampte of werknemer ontvang anders as ooreenkomstig die bepalings van hierdie Wet, of 'n aanbeveling wat deur die Raad ingevolge 'n ander wet gedoen is, moet deur so 'n beampte of werknemer in die fonds gestort word, en as hy dit nie doen nie, moet dit deur die Posmeester-generaal deur middel van geregtelike stappe of op die ander wyse wat die Posmeester-generaal goedgevind, op hom verhaal en in die fonds gestort word.

(5) Alle gelde wat 'n beampte of werknemer in sy amptelike hoedanigheid ontvang, moet in die fonds gestort word, tensy die Raad hom met die goedkeuring van die Minister gemagtig het om die geheel of 'n gedeelte van bedoelde gelde as deel van sy besoldiging te behou.

(6) Indien die dienste van 'n beampte of werknemer weens sy vakkundige, tegniese of ander spesiale kwalifikasies tydelik

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(4) No officer or employee shall in respect of his employment as officer or employee be paid any remuneration, allowance, honorarium, award or bonus other than such remuneration, allowance, honorarium, award or bonus as is prescribed or has been authorized by the Board with the approval of the Minister or, in the case of the Postmaster General and the holders of posts referred to in section 4 (2), as is determined by the Minister.

35. The salary or scale of salary of an officer shall not be reduced without his consent, except in accordance with the provisions of Chapter IV or in terms of an Act of Parliament.

Saving with regard to reduction of salaries.

36. (1) No officer or employee shall, without the written approval of the Postmaster General, cede the right to any salary or allowance payable to him, or to any part of that salary or allowance.

Prohibition of cession of right in respect of emoluments.

(2) Any cession in conflict with the provisions of subsection (1) shall be null and void.

37. Subject to the provisions of section 34, the conditions of service of officers and employees shall be as prescribed or as contained in the code referred to in section 48 or, in the case of persons referred to in section 9 (1) (d) or (e), as determined in the special contracts applicable to their service: Provided that in an exceptional case any prescribed condition of service, or any condition of service contained in the said code, may be deviated from to the extent authorized by the Board with the approval of the Minister.

Conditions of service.

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

Performance of other work by officers and employees.

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

(b) no officer or employee shall perform, or engage himself to perform, remunerative work outside the scope of his duties in the department without the permission of the Minister, or of an officer to whom the power to give such permission has been delegated by the Minister; and

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

(2) The Minister or an officer to whom the Minister has delegated this power may grant to an officer or employee absolution from a contravention of the provisions of subsection (1).

(3) The Minister or the Postmaster General or the head of an office may require any officer or employee under his control temporarily to perform duties other than those ordinarily assigned to such officer or employee or appropriate to the grade, designation or classification of his post.

(4) Any remuneration or allowance received by an officer or employee otherwise than in accordance with the provisions of this Act, or a recommendation made by the Board under any other law, shall be paid by such officer or employee into the fund, and if he does not do so, it shall be recovered from him by the Postmaster General by legal proceedings or in such other manner as the Postmaster General may think fit and be paid into the fund.

(5) All moneys received by an officer or employee in his official capacity shall be paid into the fund, unless the Board has authorized him with the approval of the Minister to retain the whole or a portion of the said moneys as part of his remuneration.

(6) If on account of his professional, technical or other special qualifications the services of an officer or employee are tempo-

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ter beskikking van 'n ander regering of administrasie of van 'n inrigting of liggaam ingestel by of ingevolge 'n wet, of van 'n ander Staatsdepartement, die administrasie van die gebied of 'n liggaam of persoon geplaas word, moet enige salaris, toelae, geld, bonus of honorarium wat ten opsigte van sy dienste betaalbaar is, in die fonds gestort word: Met dien verstande dat onder spesiale omstandighede die Raad met die goedkeuring van die Minister die betaling aan die beampte of werknemer van 'n bedrag wat gelyk is aan bedoelde salaris, toelae, geld, bonus of honorarium, of 'n gedeelte daarvan, kan magtig.

Politieke regte
van beamptes en
werknemers.

39. Behoudens die bepalinge van artikel 23 (g), mag 'n beampte of werknemer—

- (a) lid wees en in die bestuur dien van 'n wettige politieke party;
- (b) 'n openbare politieke vergadering bywoon, maar nie op so 'n vergadering voorsit of as spreker optree nie;
- (c) nie 'n geskrif opstel of publiseer of laat publiseer of 'n openbare toespraak hou ter bevordering of benadeling van die belange van 'n politieke party nie.

Spesiale verhoging,
beloning of
bevordering van
beamptes of
werknemers.

40. Die Raad kan met die goedkeuring van die Minister—

- (a) die salaris of loon van 'n beampte of werknemer wat buitengewoon bekwaam is of wat spesiale kwalifikasies besit of wat verdienstelike diens gelewer het, en, as dit in die departement se belang is, van enige beampte of werknemer, spesiaal verhoog binne die skaal wat op hom van toepassing is, of aan hom 'n salaris of loon ooreenkomstig 'n hoër skaal laat betaal of 'n ander geskikte beloning toeken;
- (b) ondanks andersluidende bepalinge van hierdie Wet, as dit nodig is in die belang van die departement of ter beskerming of herstel van die posisie in die departement van 'n beampte met betrekking tot 'n ander beampte of beamptes, 'n beampte spesiaal tot 'n hoër graad bevorder en bedoelde beampte, behoudens die bepalinge van artikel 9 (3), in diens hou teen 'n pos van 'n laer gradering as die graad waartoe hy bevorder is.

Appèlle oor
bevorderings.

41. (1) 'n Beampte wat van oordeel is dat 'n bevordering (behalwe 'n bevordering tot 'n pos waarvan die bekleër ingevolge die bepalinge van artikel 4 (2) 'n lid van die Raad is) gedoen of goedgekeur is sonder behoorlike inagneming van die bepalinge van hierdie Wet, en dat sy posisie in die departement met betrekking tot 'n ander beampte of beamptes as gevolg van bedoelde bevordering benadeel is of sal word, kan op die voorgeskrewe wyse na die Raad appelleer.

(2) As bedoelde bevordering nie deur die Raad gedoen is nie, is die Raad se eenparige beslissing oor die appèl afdoende.

(3) As bedoelde bevordering deur die Raad gedoen is of as die beslissing van die Raad oor die appèl nie eenparig was nie, kan die betrokke beampte op die voorgeskrewe wyse teen die beslissing van die Raad appelleer na die Minister.

(4) Indien 'n appèl ingevolge hierdie artikel toegestaan word, besluit die Raad met die goedkeuring van die Minister op die handeling of handelinge wat nodig skyn te wees om benadeling van die betrokke beampte, vir sover doenlik, te voorkom of te verwyder, en sodanige handeling of handelinge word verrig deur die gesag wat ingevolge hierdie Wet bevoeg of verplig is om daardie handeling of handelinge te verrig.

Griewe van
beamptes.

42. (1) 'n Beampte wat, na sy oordeel, nadelig geraak word of mag word deur die verrigting van 'n ander handeling as 'n handeling ten opsigte waarvan Hoofstuk IV of artikel 41 van toepassing is, kan onder die omstandighede, en op die voorwaardes en wyse wat voorgeskryf word, appelleer na die Posmeester-generaal en, as hy nie met die beslissing van die Posmeester-generaal tevrede is nie, na die Raad.

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rarily placed at the disposal of another government or administration or of an institution or body established by or in terms of any law, or of any other department of State, the administration of the territory or any body or person, any salary, allowance, fee, bonus or honorarium which may be payable in respect of his services, shall be paid into the fund: Provided that under special circumstances the Board may with the approval of the Minister authorize the payment to the officer or employee of an amount equal to the said salary, allowance, fee, bonus or honorarium, or a portion thereof.

39. Subject to the provisions of section 23 (g), an officer or employee may— Political rights of officers and employees.

- (a) be a member and serve on the management of a lawful political party;
- (b) attend a public political meeting but may not preside or speak at such a meeting;
- (c) not draw up or publish or cause to be published any writing or deliver a public speech to promote or prejudice the interests of any political party.

40. The Board may with the approval of the Minister—

- (a) specially increase the salary or wage of any officer or employee of exceptional ability or possessing special qualifications or who has rendered meritorious service, and, if it is in the interests of the department, of any officer or employee, within the scale applicable to him or pay him a salary or wage in accordance with a higher scale, or grant him any other fitting reward;
 - (b) notwithstanding provisions to the contrary contained in this Act, specially promote any officer to a higher grade if it is necessary in the interests of the department or in order to safeguard or restore the position in the department of such officer in relation to any other officer or officers and, subject to the provisions of section 9 (3), employ such officer against a post of lower grading than the grade to which he has been promoted.
- Special advancement, reward or promotion of officers and employees.

41. (1) Any officer who is of the opinion that a promotion (except a promotion to a post of which the holder is by virtue of the provisions of section 4 (2) a member of the Board) was effected or approved without due observance of the provisions of this Act, and that his position in the department in relation to any other officer or officers is or will be prejudiced as a result of such promotion, may appeal to the Board in the prescribed manner. Appeals regarding promotions.

(2) If such promotion was not effected by the Board, the Board's unanimous decision on the appeal shall be final.

(3) If such promotion was made by the Board or if the decision of the Board on the appeal was not unanimous, the officer concerned may appeal to the Minister in the prescribed manner against the decision of the Board.

(4) If an appeal under this section is allowed, the Board shall with the approval of the Minister decide on the act or acts which may appear necessary to prevent or remove as far as possible any detriment to the officer concerned, and such act or acts shall be performed by the authority who is in terms of this act competent or obliged to perform such act or acts.

42. (1) Any officer who, in his opinion, is or may be detrimentally affected by the performance of any act other than an act to which Chapter IV or section 41 applies, may under the circumstances, on the conditions and in the manner prescribed appeal to the Postmaster General and, if he is not satisfied with the decision of the Postmaster General, to the Board. Grievances of officers.

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(2) As bedoelde appèl voortspruit uit 'n handeling wat nie deur die Raad verrig is nie, is die beslissing van die Raad afdoende.

(3) As bedoelde appèl voortspruit uit 'n handeling wat deur die Raad verrig is, kan die betrokke beampte op die voorgeskrewe wyse na die Minister teen die beslissing van die Raad appelleer.

(4) Indien 'n appèl ingevolge hierdie artikel toegestaan word, besluit die Raad met die goedkeuring van die Minister op die handeling of handelinge wat nodig skyn te wees om benadeling van die betrokke beampte, vir sover doenlik, te voorkom of te verwyder, en sodanige handeling of handelinge word verrig deur die gesag wat ingevolge hierdie Wet bevoeg of verplig is om daardie handeling of handelinge te verrig.

Instelling en werksaamhede van Personeelskakeraad van die Poskantoor.

43. (1) Hierby word 'n raad ingestel, met die naam die Personeelskakeraad van die Poskantoor, wat bestaan uit—

- (a) die voorgeskrewe getal beamptes wat deur die Raad benoem word; en
- (b) 'n getal beamptes gelyk aan die getal in paragraaf (a) bedoel, wat, onderworpe aan die voorgeskrewe voorwaardes, benoem word deur personeelverenigings wat deur die Minister op aanbeveling van die Raad erken is.

(2) Bedoelde Personeelskakeraad oorweeg en dien die Minister of die Raad, of die Minister en die Raad van advies oor—

- (a) aangeleenthede waarmee die Raad ingevolge 'n wet moet of kan handel;
- (b) die bepalings van uitgevaardigde regulasies en voorgestelde regulasies, die bepalings van die kode in artikel 48 bedoel of voorgestelde bepalings van daardie kode, en die bepalings van aangenome of voorgestelde wetgewing vir sover sodanige bepalings die diens van beamptes of werknemers raak of kan raak; en
- (c) die ander voorgeskrewe aangeleenthede, wat op die voorgeskrewe wyse na die Personeelskakeraad verwys word.

Toepassing van sekere pensioenwette ten opsigte van beamptes en werknemers.

44. Vir pensioen- en aftredingsdoeleindes word—

- (a) die poste bedoel in artikel 3 (1) (a) geag poste te wees wat by die staatsdiens, soos omskryf in artikel 1 van die Regeringsdienspensioenwet, 1973 (Wet No. 57 van 1973) geklassifiseer is;
- (b) die persone bedoel in artikel 3 (1) (a) en (b) geag persone te wees wat poste beklee wat in die staatsdiens, soos aldus omskryf, geklassifiseer is;
- (c) die poste bedoel in artikel 3 (1) (c) wat deur Blanke werknemers beklee word, geag poste te wees in die diens van die Regering, soos omskryf in artikel 1 van die Regeringsdienspensioenwet, 1965 (Wet No. 62 van 1965), en word bedoelde Blanke werknemers geag werknemers te wees wat poste in die diens van die Regering, soos aldus omskryf, beklee;
- (d) die poste bedoel in artikel 3 (1) (c) wat deur Nieblanke werknemers beklee word, geag poste te wees in die diens van die Regering, soos omskryf in artikel 1 van die Wet op Pensioene vir Nie-blanke Regeringswerknemers, 1966 (Wet No. 42 van 1966), en word bedoelde Nie-blanke werknemers geag werknemers te wees wat poste in die diens van die Regering, soos aldus omskryf, beklee.

Voorbehoud met betrekking tot regte en verpligtinge.

45. Geen bepaling van hierdie Wet word uitgelê dat dit 'n bestaande, aankomende of voorwaardelike reg, aanspreeklikheid of verpligting van 'n persoon ingevolge 'n bepaling van 'n ander wet, ophef of afbreuk daaraan doen nie.

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(2) If such appeal arises from any act which was not performed by the Board, the decision of the Board shall be final.

(3) If such appeal arises from any act performed by the Board, the officer concerned may in the prescribed manner appeal to the Minister against the decision of the Board.

(4) If an appeal under this section is allowed, the Board shall with the approval of the Minister decide on the act or acts which may appear necessary to prevent or remove as far as possible any detriment to the officer concerned, and such act or acts shall be performed by the authority which is in terms of this act competent to perform such act or acts.

43. (1) There is hereby established a council, to be known as the Post Office Staff Relations Council, consisting of—

Establishment
and functions of
Post Office Staff
Relations Council.

(a) the prescribed number of officers nominated by the Board; and

(b) a number of officers equal to the number referred to in paragraph (a), nominated, subject to the prescribed conditions, by staff associations recognized by the Minister on the recommendation of the Board.

(2) Such Staff Relations Council shall consider and advise the Minister or the Board, or the Minister and the Board, on—

(a) matters which may or are required to be dealt with by the Board in terms of any law;

(b) the provisions of promulgated regulations and proposed regulations, the provisions of the code referred to in section 48 or proposed provisions of such code, and the provisions of legislation passed or proposed to be passed in so far as such provisions affect or may affect the service of officers or employees; and

(c) such other matters as may be prescribed, referred to the Staff Relations Council in the prescribed manner.

44. For pension and retirement purposes—

Application of
certain pension
laws in respect
of officers and
employees.

(a) the posts referred to in section 3 (1) (a) shall be deemed to be posts classified in the public service, as defined in section 1 of the Government Service Pension Act, 1973 (Act No. 57 of 1973);

(b) the persons referred to in section 3 (1) (a) and (b) shall be deemed to be persons occupying posts classified in the public service, as so defined;

(c) the posts referred to in section 3 (1) (c) which are occupied by White employees shall be deemed to be posts in the service of the Government as defined in the Government Service Pensions Act, 1965 (Act No. 62 of 1965), and such White employees shall be deemed to be employees occupying posts in the service of the Government, as so defined;

(d) the posts referred to in section 3 (1) (c) which are occupied by non-White employees, shall be deemed to be posts in the service of the Government, as defined in section 1 of the Government non-White Employees Pensions Act, 1966 (Act No. 42 of 1966), and such non-White employees shall be deemed to be employees occupying posts in the service of the Government, as so defined.

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

Saving with
regard to rights
and liabilities.

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Beperking van
regsgedinge.

46. (1) Geen regsgeding word teen die Staat of 'n persoon ten opsigte van iets wat kragtens hierdie Wet gedoen is of enige versuim om iets te doen wat ingevolge hierdie Wet gedoen moes word, ingestel nie, tensy die regsgeding ingestel word voor die verstryking van 'n tydperk van twaalf maande na die datum waarop die eiser kennis van die beweerde daad of versuim gehad het, of na die datum waarop redelikerwys verwag kon word dat die eiser van bedoelde daad of versuim bewus sou wees, na gelang van watter datum die eerste is.

(2) Geen sodanige regsgeding word ingestel voor die verstryking van minstens een maand nadat 'n skriftelike kennisgewing van die voorneme om sodanige regsgeding in te stel aan die Staat of die betrokke persoon bestel is nie.

(3) In bedoelde kennisgewing word besonderhede aangaande die beweerde daad of versuim duidelik en uitdruklik verstrek.

Regulasies.

47. (1) Die Minister kan op aanbeveling van die Raad regulasies uitvaardig betreffende—

- (a) die indiensneming van persone en die oorplasing, bevordering en indienshouding van beamptes en werknemers;
- (b) die pligte, bevoegdhede, gedrag, dissipline, diensure en voorregte ten opsigte van afwesigheidsverlof van die verskillende klasse van beamptes en werknemers;
- (c) die bedrae wat van die besoldiging van beamptes en werknemers afgetrek kan word ten opsigte van afwesigheid van diens sonder gegronde rede of toestemming;
- (d) reise in amptelike diens en die vervoervoorregte van beamptes en werknemers by aanstelling, oorplasing en beëindiging van diens;
- (e) die aanwysing, en voorwaardes van bewoning van, amptelike kwartiere wat beamptes en werknemers verplig kan word om te bewoon, en die toewysing van sodanige kwartiere aan beamptes en werknemers of klasse van beamptes en werknemers;
- (f) die voorwaardes waarop en die omstandighede waaronder besoldiging vir oortyd, en reis-, verblyf-, klimaat-, plaaslike of ander toelaes aan beamptes en werknemers betaal moet word;
- (g) die omstandighede waaronder geneeskundige ondersoek vir die doeleindes van 'n bepaling van hierdie Wet vereis word, en die vorm van geneeskundige verslae en sertifikate wat ten opsigte van sodanige ondersoek uitgereik moet word;
- (h) die besondere klasse van beamptes en werknemers wat verplig kan word om sekuriteit te gee, en die bedrag en vorm daarvan;
- (i) die beamptes wat bevoeg is om te bevind of beamptes diensonreëlmatahede gepleeg het, die strawwe wat verskillende voorgeskrewe beamptes kan oplê, die strawwe wat in die diensregisters van beamptes aangeteken moet word, die diensonreëlmatahede ten opsigte waarvan sodanige aantekeninge aangeteken moet word, die omstandighede waaronder sodanige aantekeninge geskrap moet word, en die wyse waarop appêlle teen skuldigbevindings aan diensonreëlmatahede aangeteken en voortgesit moet word;
- (j) die prosedure wat gevolg moet word by die ondersoek van bewerings van wangedrag deur beamptes;
- (k) die prosedure wat gevolg moet word by appêlle in verband met bevorderings ingevolge artikel 41 en by appêlle in verband met griewe ingevolge artikel 42, en die omstandighede waaronder en die voorwaardes waarop appêlle ingevolge artikel 42 aangeteken kan word;

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46. (1) No legal proceedings shall be instituted against the State or any person in respect of anything done or any failure to do anything required to be done in terms of this Act, unless the legal proceedings are instituted before the expiry of a period of twelve months after the date upon which the claimant had knowledge of the act or failure alleged, or after the date on which the claimant might reasonably have been expected to have knowledge of such act or failure, whichever is the earlier date.

Limitation of actions.

(2) No such legal proceedings shall be instituted before the expiry of at least one month after written notice of the intention to bring such legal proceedings has been served on the State or the person concerned.

(3) In such notice particulars concerning the alleged act or failure shall be clearly and explicitly given.

47. (1) The Minister may, on the recommendation of the Board, make regulations relating to—

- (a) the employment of persons and the transfer, promotion and continued employment of officers and employees;
- (b) the duties, powers, conduct, discipline, hours of duty and privileges in respect of leave of absence of the various classes of officers and employees;
- (c) the amounts which may be deducted from the emoluments of officers and employees in respect of absence from duty without valid reason or permission;
- (d) journeys on official duty and the transport privileges of officers and employees on appointment, transfer and termination of service;
- (e) the designation of, and the conditions of occupation of, official quarters which officers and employees may be required to occupy, and the allocation of such quarters to officers and employees or classes of officers and employees;
- (f) the conditions on which and the circumstances under which remuneration for overtime duty, and travelling, subsistence, climatic, local or other allowances, shall be paid to officers and employees;
- (g) the circumstances under which medical examination shall be required for the purposes of any provision of this Act, and the form of medical reports and certificates which shall be furnished in respect of such examination;
- (h) the particular classes of officers and employees who may be required to give security, and the amount and form thereof;
- (i) the officers who are competent to find whether officers have committed service irregularities, the penalties which may be imposed by different prescribed officers, the penalties to be entered in the service records of officers, the service irregularities in respect of which such entries shall be so entered, the circumstances under which such entries are to be deleted, and the manner in which appeals against convictions of service irregularities shall be noted and prosecuted;
- (j) the procedure to be followed in the investigation of allegations of misconduct by officers;
- (k) the procedure to be followed in appeals in connection with promotions in terms of section 41 and in appeals in connection with grievances in terms of section 42, and the circumstances under which and the conditions upon which appeals in terms of section 42 may be lodged;

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- (l) die graad of grade in artikel 4 (2) bedoel, vergaderings van die Raad, die prosedure van die Raad en die prosedure wat gevolg moet word by die voorlegging aan die Raad van aangeleenthede wat deur die Raad oorweeg moet of kan word;
- (m) die samestelling, werksaamhede en prosedure van die Personeelskakeelraad in artikel 43 bedoel, die benoeming van lede daarvan, die aangeleenthede wat na bedoelde raad vir advies verwys kan word waarvoor nie uitdruklik in artikel 43 voorsiening gemaak is nie, en die wyse waarop aangeleenthede na bedoelde raad vir advies verwys moet word;
- (n) die erkenning van personeelverenigings;
- (o)
 - (i) die instelling, bestuur van en beheer oor 'n mediese hulpskema of mediese hulpskemas vir die departement;
 - (ii) die klasse beamptes en werknemers van wie vereis kan word om lede van sodanige skema of skemas te word en daartoe by te dra;
 - (iii) die skale van die bydraes;
 - (iv) die regte, voorregte en verpligtinge van lede; en
 - (v) in die algemeen, alle aangeleenthede wat redelikerwys nodig is vir die reëling en werking van sodanige skema of skemas, en sodanige aangeleenthede kan, ondanks die bepalinge van artikel 34 (1) en (2), die omstandighede, wyse en voorwaardes insluit waaronder en waarop bydraes en ander gelde wat deur of ten opsigte van beamptes of werknemers aan sodanige skema of skemas betaalbaar of verskuldig is, op sodanige beamptes of werknemers se salarisse of lone of op ander gelde wat kragtens hierdie Wet aan hulle betaalbaar is, verhaal en aan sodanige skema of skemas oorbetal moet word;
- (p)
 - (i) die erkenning deur die Raad van 'n bepaalde mediese hulpskema of mediese hulpvereniging of bepaalde mediese hulpskemas of mediese hulpverenigings as 'n instelling of instellings waarvan beamptes en werknemers verplig is of kan word om lede te word en te bly;
 - (ii) die voorwaardes waaronder sodanige erkenning en voortgesette erkenning of die intrekking van sodanige erkenning in die algemeen kan geskied en, in die besonder, die bevoegdheid van die Raad om die vereistes voor te skryf waaraan die konstitusie, reëls, beheer, bestuur, bevoegdhede, pligte, skale van lidmaatskapgelde en enige ander aspek van die bedrywighede van 'n mediese hulpskema of mediese hulpvereniging moet voldoen voordat dit vir erkenning of voortgesette erkenning soos hierin beoog, in aanmerking kan kom;
 - (iii) beamptes en werknemers se verpligte lidmaatskap van die een of ander mediese hulpskema of mediese hulpvereniging deur die Raad erken;
 - (iv) die klasse beamptes en werknemers wat aldus verplig is of kan word om lede van so 'n mediese hulpskema of mediese hulpvereniging te word en te bly;
 - (v) die voorwaardes van sodanige verpligte lidmaatskap, en sodanige voorwaardes kan, ondanks die bepalinge van artikel 34 (1) en (2), die omstandighede, wyse en voorwaardes insluit waaronder en waarop lidmaatskapgelde en ander gelde wat deur of ten opsigte van beamptes of werknemers aan sodanige mediese hulpskema of mediese hulpvereniging betaalbaar of verskuldig is, op sodanige beamptes of werknemers se salarisse of lone of op

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- (l) the grade or grades referred to in section 4 (2), meetings of the Board, the procedure of the Board and the procedure to be observed in submitting to the Board matters which shall or may be considered by the Board;
- (m) the constitution, functions and procedure of the Staff Relations Council referred to in section 43, the nomination of members thereof, the matters not specifically provided for in section 43 which may be referred to the said Council for advice, and the manner in which matters shall be referred to the said council for advice;
- (n) the recognition of staff associations;
- (o)
 - (i) the establishment, management and control of a medical aid scheme or medical aid schemes for the department;
 - (ii) the classes of officers and employees who may be required to become members of and to contribute to such scheme or schemes;
 - (iii) the scales of the contributions;
 - (iv) the rights, privileges and obligations of members; and
 - (v) generally, all matters reasonably necessary for the regulation and operation of such scheme or schemes, and such matters may, notwithstanding the provisions of section 34 (1) and (2), include the circumstances, manner and conditions under, in and upon which contributions and other moneys payable to or due to such scheme or schemes by or in respect of officers or employees, are to be recovered from the salaries or wages or from other moneys payable to such officers or employees under this Act, and paid to such scheme or schemes;
- (p)
 - (i) the recognition by the Board of a specific medical aid scheme or medical aid society or specific medical aid schemes or medical aid societies as an institution or institutions of which officers and employees are or may be required to become and to remain members;
 - (ii) the conditions under which such recognition and continued recognition or the withdrawal of such recognition may in general take place and, in particular, the power of the Board to prescribe the requirements with which the constitution, rules, control, management, powers, duties, scales of membership fees and any other aspect of the activities of any medical aid scheme or medical aid society must comply before it may become eligible for recognition or continued recognition as contemplated herein;
 - (iii) officers' and employees' compulsory membership of a medical aid scheme or medical aid society recognized by the Board;
 - (iv) the classes of officers and employees who are so required or who may be so required to become and to remain members of such medical aid scheme or medical aid society;
 - (v) the conditions of such compulsory membership, and such conditions may, notwithstanding the provisions of section 34 (1) and (2), include the circumstances, manner and conditions under, in and upon which membership fees and other moneys payable or due to such medical aid scheme or medical aid society by officers and employees, may be recovered from the salaries or

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ander gelde wat kragtens hierdie Wet aan hulle betaalbaar is, verhaal en aan sodanige mediese hulpskema of mediese hulpvereniging oorbetaal moet word; en

(vi) die omstandighede waaronder 'n beampte of werknemer of klasse beamptes en werknemers van verpligte lidmaatskap van 'n erkende mediese hulpskema of mediese hulpvereniging vrygestel is of kan word;

(g) enige aangeleentheid wat ingevolge hierdie Wet voorgeskryf moet of kan word; en

(r) in die algemeen, en sonder dat die algemeenheid van hierdie bepaling deur die voorafgaande paragrawe van hierdie subartikel beperk word, enige aangeleentheid wat die Minister nodig of dienstig ag om voor te skryf vir die doeltreffender uitvoering van die doelstellings en oogmerke van hierdie Wet,

en die regulasies kan die Raad magtig om met die goedkeuring van die Minister in buitengewone gevalle van die bepaling daarvan af te wyk.

(2) Verskillende regulasies kan uitgevaardig word ten opsigte van die administratiewe, klerklike, vakkundige, tegniese, algemene A- of algemene B-afdeling, of om te pas by die verskillende vereistes van verskillende afdelings of takke van die departement, of van besondere klasse van beamptes of werknemers of van besondere werksaamhede in die departement.

(3) Ondanks die bepaling van subartikel (1) word 'n regulasie betreffende die graad of grade in paragraaf (l) van daardie subartikel vermeld, sonder 'n aanbeveling van die Raad uitgevaardig.

(4) Geen regulasie word kragtens subartikel (1) sonder die goedkeuring van die Staatspresident uitgevaardig nie.

(5) (a) 'n Regulasie wat ingevolge hierdie Wet uitgevaardig word, het regskrag tensy, gedurende die sessie waartydens 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, in watter geval die regulasie verval met ingang van 'n datum wat in die besluit vasgestel word.

(b) Die verval van 'n regulasie ingevolge hierdie subartikel raak nie die geldigheid van iets wat kragtens die regulasie voor die datum vasgestel in die besluit gedoen is nie.

(c) Die bepaling van hierdie subartikel raak nie die bevoegdheid van die Minister om 'n nuwe regulasie aangaande die onderwerp van 'n regulasie ingevolge paragraaf (a) verval het, uit te vaardig nie.

Kode betreffende sekere aspekte van diensvoorwaardes van beamptes en werknemers.

48. (1) Die Raad kan 'n kode opstel vir die leiding en voorligting van beamptes en werknemers by die uitvoering van die bepaling van hierdie Wet, en sodanige kode kan bepalinge bevat betreffende—

(a) die tariewe van besoldiging vir oortyddiens wat deur beamptes en werknemers verrig word;

(b) die tariewe van reis-, verblyf-, klimaats-, plaaslike en ander toelaes wat aan beamptes en werknemers betaalbaar is;

(c) die bedrae van en die voorwaardes met betrekking tot subsidies en ander voordele ten opsigte van behuising, bonusse en ander konsessies ten opsigte van vakansie, die uitbetaling van die kontantwaarde van opgeloopte vakansieverlof, en die bedrae van en voorwaardes met betrekking tot ander voordele of voorregte ten opsigte van diens wat aan beamptes en werknemers toegestaan word;

(d) die indiensneming, besoldiging, diensvoorwaardes, griewe, dissipline en ontslag van werknemers vir sover

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wages or from other moneys payable to such officers or employees under this Act, and paid to such medical aid scheme or medical aid society; and

(vi) the circumstances under which any officer or employee or classes of officers and employees are or may be exempted from compulsory membership of a recognized medical aid scheme or medical aid society;

(q) any matter which shall or may be prescribed in terms of this Act; and

(r) generally, and without the generality of this provision being restricted by the foregoing paragraphs of this subsection, any matter which the Minister may consider it necessary or expedient to prescribe for the more efficient execution of the aims and purposes of this Act,

and such regulations may authorize the Board in exceptional cases to depart from the provisions thereof with the approval of the Minister.

(2) Different regulations may be made in respect of the administrative, clerical, professional, technical, general A or general B division, or to suit the different requirements of the different divisions or branches of the department, or of particular classes of officers or employees or of particular operations in the department.

(3) Notwithstanding the provisions of subsection (1), a regulation relating to the grade or grades referred to in paragraph (l) of that subsection shall be made without a recommendation by the Board.

(4) No regulation shall be made in terms of subsection (1) without the approval of the State President.

(5) (a) Any regulation made under this Act shall be of force and effect unless, during the session in which it has been laid upon the Table in the Senate and 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 resolution disapproved the regulation, in which event the regulation shall lapse as from a date fixed in the resolution.

(b) The lapsing of a regulation in terms of this subsection shall not affect the validity of anything done under the regulation before the date fixed in the resolution.

(c) The provisions of this subsection shall not affect the power of the Minister to make a new regulation as to the subject matter of a regulation which has lapsed in terms of paragraph (a).

48. (1) The Board may draw up a code for the conduct and guidance of officers and employees in the administration of the provisions of this Act, and such code may contain provisions relating to—

Code relating to certain aspects of conditions of service of officers and employees.

(a) the rates of remuneration for overtime duty performed by officers and employees;

(b) the rates of travelling, subsistence, climatic, local and other allowances payable to officers and employees;

(c) the amounts of and the conditions relating to subsidies and other benefits in respect of housing, bonuses and other concessions in respect of vacation, the payment of the cash value of accumulated vacation leave, and the amounts of and the conditions relating to other benefits and privileges in respect of service which are granted to officers and employees;

(d) the employment, remuneration, conditions of service, grievances, discipline and discharge of employees in

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bedoelde aangeleenthede nie gereël word deur die regulasies of deur spesiale kontrakte wat op hulle diens betrekking het nie;

(e) behoudens andersluidende bepalings vervat in spesiale kontrakte wat op hulle diens betrekking het, die strawwe wat werknemers opgelê kan word ten opsigte van die oortreding van regulasies en instruksies wat op hulle van toepassing is en wangedrag deur hulle gepleeg;

(f) enige ander aangeleentheid betreffende die diensvoorwaardes van beamptes en werknemers wat deur die Minister bepaal word.

(2) Die bepalings van artikel 47 (2) is *mutatis mutandis* van toepassing ten opsigte van die bepalings van sodanige kode.

(3) Die Raad moet die kode wat ingevolge subartikel (1) opgestel is, aan die Minister vir sy goedkeuring voorlê.

(4) Die Raad kan van tyd tot tyd wysigings van die kode wat kragtens subartikel (2) goedgekeur is, laat opstel en sodanige wysigings aan die Minister vir sy goedkeuring voorlê.

(5) Die bepalings van sodanige kode—

(a) mag nie in stryd met 'n bepaling van hierdie Wet wees nie;

(b) is, indien dit deur die Minister goedgekeur is, regtens bindend vir die departement en 'n beampte of werknemer ten opsigte van wie sodanige bepalings van toepassing is.

Oorgangsbepalings
en voorbehoude.

49. (1) 'n Lid van die Poskantoorpersoneelraad ingestel by artikel 7 (1) van die Poskantoorherreëlingswet, 1968 (Wet No. 67 van 1968), wat onmiddellik voor die inwerkingtreding van hierdie Wet die amp van lid van bedoelde raad beklee het en wie se ampstermyn as sodanige lid na 31 Oktober 1974 verstryk, word—

(a) met ingang van 1 November 1974 van sy amp onthef onderworpe aan die voorwaardes (uitgesonderd voorwaardes met betrekking tot die pensioenvoordele betaalbaar aan bedoelde lid uit die Regeringsdienspensioenfonds ingestel by artikel 3 van die Regeringsdienspensioenwet, 1973 (Wet No. 57 van 1973)) wat by ooreenkoms tussen die Minister en bedoelde lid bepaal word;

(b) vir die doeleindes van die toepassing op hom of, in die geval van sy dood, op sy afhanklikes, van die bepalings van die Regeringsdienspensioenwet, 1973, en regulasies daarkragtens uitgevaardig, geag 'n beampte in die staatsdiens te wees wat weens die afskaffing van sy pos met pensioen afgedank is of word met ingang van 'n datum in die in paragraaf (a) bedoelde ooreenkoms bepaal, en vir die doeleindes van sodanige toepassing word 'n tydperk (as daar is) vanaf 1 November 1974 tot gemelde datum gereken as deel van en as aaneenlopend met sy diens in die staatsdiens, en indien dit nodig is om enige wet te wysig om aan 'n ooreenkoms bedoel in paragraaf (a) gevolg te gee, word sodanige wysiging geag hierby aangebring te wees.

(2) Vanaf die inwerkingtreding van hierdie Wet en totdat die Raad anders gelas, bestaan 'n afdeling bedoel in artikel 3 (1) uit daardie poste waaruit die ooreenstemmende afdeling in die staatsdiens onmiddellik voor daardie inwerkingtreding bestaan het en wat toe deur beamptes of werknemers in die departement beklee is.

(3) Iemand wat onmiddellik voor die inwerkingtreding van hierdie Wet in diens was in die departement en wat kragtens 'n bepaling van die Staatsdienswet, 1957 (Wet No. 54 van 1957), 'n beampte of werknemer in die staatsdiens was, word vanaf daardie inwerkingtreding geag 'n beampte of werknemer, na gelang van die geval, in die diens van die departement te wees.

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so far as such matters are not governed by the regulations or by special contracts relating to their service;

(e) subject to provisions to the contrary contained in special contracts relating to their service, the penalties which may be imposed on employees in respect of the contravention of regulations and instructions applying to them and misconduct committed by them;

(f) any other matter relating to the conditions of service of officers and employees which may be determined by the Minister.

(2) The provisions of section 47 (2) shall apply *mutatis mutandis* in respect of the provisions of such code.

(3) The Board shall submit the code drawn up in terms of subsection (1) to the Minister for his approval.

(4) The Board may from time to time draw up amendments to the code approved under subsection (2) and may submit such amendments to the Minister for his approval.

(5) The provisions of such code—

(a) shall not be in conflict with any provision of this Act;

(b) shall, if it has been approved by the Minister, be legally binding upon the department and any officer or employee in respect of whom such provisions apply.

49. (1) A member of the Post Office Staff Board established by section 7 (1) of the Post Office Re-adjustment Act, 1968 (Act No. 67 of 1968), who immediately before the commencement of this Act held office as member of the said Board and whose period of office as such member expires after 31 October 1974, shall—

Transitional provisions and savings.

(a) with effect from 1 November 1974 be relieved of his office subject to the conditions (excluding conditions relating to the pension benefits payable to the said member from the Government Service Pension Fund established by section 3 of the Government Service Pension Act, 1973 (Act No. 57 of 1973)), determined by agreement between the Minister and the said member;

(b) for the purposes of the application to him or, in the case of his death, his dependants, of the provisions of the Government Service Pension Act, 1973, and regulations made thereunder, be deemed to be an officer in the public service who, owing to the abolition of his post, has been or will be retired on pension with effect from a date determined in the agreement referred to in paragraph (a), and for the purposes of such application a period (if any) from 1 November 1974 to the date mentioned shall be reckoned as part of and continuous with his employment in the public service, and if it is necessary to amend any law to give effect to an agreement referred to in paragraph (a), such amendment shall be deemed to be effected hereby.

(2) As from the commencement of this Act and until the Board otherwise directs, any division referred to in section 3 (1) shall consist of those posts of which the corresponding division in the public service consisted immediately before that commencement and which were then held by officers or employees in the department.

(3) Any person who immediately before the commencement of this Act was employed in the department and who was under any provision of the Public Service Act, 1957 (Act No. 54 of 1957), an officer or employee in the public service, shall as from such commencement be deemed to be an officer or employee, as the case may be, in the service of the department.

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(4) 'n Persoon, uitgesonderd 'n persoon in subartikel (3) bedoel, wat onmiddellik voor die inwerkingtreding van hierdie Wet in die een of ander hoedanigheid in die departement in diens was, word vanaf bedoelde inwerkingtreding geag in die diens van die departement te wees.

(5) Die regulasies kan voorsiening daarvoor maak dat 'n reg wat kragtens die regulasies uitgevaardig kragtens die Staatsdienswet, 1957, verkry is deur iemand ten opsigte van wie hierdie Wet van toepassing is, geag word 'n reg te wees wat deur bedoelde persoon kragtens eersgenoemde regulasies verkry is.

(6) 'n Regulasie wat op of na 1 Julie 1969 ingevolge die Staatsdienswet, 1957, uitgevaardig is sonder dat 'n aanbeveling eers gedoen is deur die Poskantoorpersoneelraad bedoel in subartikel (1), word geag uitgevaardig te wees nadat 'n aanbeveling aldus gedoen is in soverre bedoelde regulasie van toepassing is ten opsigte van beamptes of werknemers (soos in hierdie Wet omskryf), of ten opsigte van iemand wat in die departement in diens is of was.

Herroeping van wette.

50. (1) Die wette in die Bylae vermeld, word, behoudens die bepalinge van subartikel (2), hierby herroep in die mate wat in die derde kolom van daardie Bylae uiteengesit word.

(2) Enigiets wat gedoen is ingevolge 'n bepaling van 'n wet wat by subartikel (1) herroep is, word geag ingevolge die ooreenstemmende bepaling van hierdie Wet gedoen te gewees het.

(3) Regulasies, skale van salarisse, lone en toelaes, of 'n aanbeveling, lasgewing of ander handeling kragtens die Staatsdienswet, 1957 (Wet No. 54 van 1957), die Regeringsdienspensionwet, 1965 (Wet No. 62 van 1965), die Wet op Pensioene vir Nie-blanke Regeringswerknemers, 1966 (Wet No. 42 van 1966) of die Regeringsdienspensionwet, 1973 (Wet No. 57 van 1973) uitgevaardig, vasgestel, gedoen, gegee of verrig, wat onmiddellik voor die inwerkingtreding van hierdie Wet van krag was, word, in soverre dit betrekking het op die departement, of op beamptes of werknemers in diens van die departement, of op persone wat in diens van die departement was of geneem gaan word, geag uitgevaardig, vasgestel, gedoen, gegee of verrig te gewees het kragtens hierdie Wet, of bedoelde ander wet soos vertolk ingevolge artikel 5 (8), na gelang van die geval.

(4) 'n Verwysing na die Staatsdienswet, 1957, of die regulasies daarkragtens uitgevaardig of na 'n besondere bepaling van daardie Wet of regulasies, in 'n kennisgewing, goedkeuring, magtiging, aanbeveling, ooreenkoms of dokument, uitgevaardig, gegee, verleen, gedoen, aangegaan of uitgereik voor die inwerkingtreding van hierdie Wet, word in soverre dit betrekking het op die departement, of op beamptes en werknemers, of op persone wat in die diens van die departement was of geneem gaan word, geag 'n verwysing te wees na hierdie Wet of na die ooreenstemmende bepaling van hierdie Wet of die regulasies kragtens hierdie Wet uitgevaardig.

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, artikel 29 van Wet 67 van 1968, artikel 1 van Wet 86 van 1969 en artikel 1 van Wet 65 van 1971.

51. Artikel 1 van die Staatsdienswet, 1957, word hierby gewysig deur die omskrywing van „Regering” deur die volgende omskrywing te vervang:

„Regering”, die Regering van die Republiek en ook 'n provinsiale administrasie en die administrasie van die gebied, maar nie ook die spoorwegadministrasie of die departement van Pos- en Telekommunikasiewese nie.”.

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(4) Any person, other than a person referred to in subsection (3) who, immediately before the commencement of this Act, was employed in any capacity in the department, shall as from such commencement be deemed to be in the service of the department.

(5) The regulations may provide that any right acquired in terms of the regulations made in terms of the Public Service Act, 1957, by any person in respect of whom this Act applies, shall be deemed to be a right acquired by that person in terms of the first-mentioned regulations.

(6) Any regulation made on or after 1 July 1969 in terms of the Public Service Act, 1957, without a recommendation first having been made by the Post Office Staff Board referred to in subsection (1), shall be deemed to have been made after a recommendation was so made in so far as such regulation applies in respect of officers or employees (as defined in this Act), or in respect of any person who is or was employed in the department.

50. (1) Subject to the provisions of subsection (2), the laws specified in the Schedule are hereby repealed to the extent set out in the third column of that Schedule. **Repeal of laws.**

(2) Anything done in terms of any provision of a law repealed by subsection (1), shall be deemed to have been done in terms of the corresponding provision of this Act.

(3) Regulations, scales of salaries, wages and allowances, or any recommendation, direction or other action made, fixed given or taken in terms of the Public Service Act, 1957 (Act No. 54 of 1957), the Government Service Pensions Act, 1965 (Act No. 62 of 1965), the Government non-White Employees Pension Act, 1966 (Act No. 42 of 1966) or the Government Service Pension Act, 1973 (Act No. 57 of 1973), which was in force immediately before the commencement of this Act, shall, in so far as it or they relate to the department, or to officers or to persons who were in or are to be taken into the service of the department, be deemed to have been made, fixed, given or taken under this Act, or such other law as interpreted in terms of section 5 (8), as the case may be.

(4) Any reference to the Public Service Act, 1957, or the regulations made thereunder or to a particular provision of that Act or those regulations in any notice, approval, authority, recommendation, agreement or document, issued, given, granted, made or entered into before the commencement of this Act, shall, in so far as it or they relate to the department, or to officers and employees, or to persons who were or are to be taken into the service of the department, be deemed to be a reference to this Act or to the corresponding provision of this Act or the regulations made under this Act.

51. Section 1 of the Public Service Act, 1957, is hereby amended by the substitution for the definition of "Government" of the following definition:

" 'Government' means the Government of the Republic and includes any provincial Administration and the administration of the territory, but does not include the railway administration or the department of Posts and Telecommunications."

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, section 29 of Act 67 of 1968, section 1 of Act 86 of 1969 and section 1 of Act 65 of 1971.

Wet No. 66, 1974

POSKANTOORDIENSWET, 1974.

Wysiging van
artikel 2 van
Wet 54 van 1957,
soos gewysig deur
artikel 1 van
Wet 9 van 1961
en artikel 30 van
Wet 67 van 1968.

52. Artikel 2 van die Staatsdienswet, 1957, word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

„(3) Behalwe die bepalings van artikel 4 is die bepalings van hierdie Wet nie van toepassing nie ten opsigte van die indiensneming deur die Regering van persone wie se aanstelling, besoldiging en ander diensvoorwaardes ingevolge een of ander wetsbepaling deur die Staatspresident of 'n Minister of Administrateur of ander persoon gedoen of bepaal kan word, sonder dat die Kommissie se aanbeveling vooraf verkry is.”.

Wysiging van
artikel 3 van
Wet 54 van 1957,
soos gewysig deur
artikel 31 van
Wet 67 van 1968.

53. Artikel 3 van die Staatsdienswet, 1957, word hierby gewysig deur subartikel (6) deur die volgende subartikel te vervang:

„(6) Die staatsdiens sluit nie Ministers, die Administrateur van 'n provinsie of van die gebied, die Hoofregter van Suid-Afrika, 'n regter van die Hooggeregshof van Suid-Afrika, amptenare van die Parlement of lede van die Kommissie in nie.”.

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
en artikel 2 van
Wet 54 van 1973.

54. Artikel 13 van die Staatsdienswet, 1957, word hierby gewysig deur subartikel (5) deur die volgende subartikel te vervang:

„(5) 'n Persoon wat 'n pensioengewende betrekking in die spoorwegadministrasie, die departement van Pos- en Telekommunikasiewese of onder die Regering, behalwe in die staatsdiens, beklee, kan op aanbeveling van die Kommissie oorgeplaas word na en aangestel word in 'n pos in die administratiewe, klerklike, vakkundige, tegniese, algemene A- of algemene B-afdeling.”.

Wysiging van
artikel 2 van
Wet 44 van 1958.

55. Artikel 2 van die Poswet, 1958, word hierby gewysig deur subartikels (1), (2) en (4) deur onderskeidelik die volgende subartikels te vervang:

„(1) Die administrasie, beheer en bestuur van die departement berus, onderworpe aan die gesag van die Minister, by 'n beampte genoem die Posmeester-generaal.

(2) Die Posmeester-generaal het die toesig en beheer oor alle persone in die diens van die departement en alle poskantore en pos- en telegraafdienste, en kan die opdragte uitreik wat hy vir die leiding en voorligting van beamptes by die uitvoering van die bepalings van hierdie Wet nodig ag.

(4) Die Posmeester-generaal kan, met instemming van die Minister, afdelings, takke en kantore van die departement, poskantore, spaarbankkantore en pos- en telegraafdienste na goeddunke instel, in stand hou, reorganiseer en afskaf, die departement reorganiseer, werksaamhede van die departement, onderworpe aan die bepalings van enige wet van toepassing op ander Staatsdepartemente, die administrasie van die gebied Suidwes-Afrika of liggame, aan 'n ander Staatsdepartement, die administrasie van die gebied Suidwes-Afrika of 'n liggaam oorneem, pos- en telegraafreëlins tref en wysig en verdrae en ooreenkomste met ander pos- en telegraafadministrasies aangaan, en kan van tyd tot tyd regulasies uitvaardig vir die bestuur van enige besigheid aan hom toevertrou of betreffende die wyse waarop die bevoegdhede en pligte deur hierdie Wet aan hom opgedra, uitgeoefen moet word, en sodanige verdrae, ooreenkomste of regulasies wat deur die Staatspresident goedgekeur en in die Staatskoerant afgekondig is, het dieselfde krag en uitwerking asof dit in hierdie Wet vervat was.”.

POST OFFICE SERVICE ACT, 1974.

Act No. 66, 1974

52. Section 2 of the Public Service Act, 1957, is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) Nothing in this Act, excepting the provisions of section 4, shall apply in respect of the employment by the Government of persons whose appointment, remuneration and other conditions of employment may, in terms of any law, be made and determined by the State President, or a Minister or Administrator or other person without the recommendation of the Commission first having been obtained.”

Amendment of section 2 of Act 54 of 1957, as amended by section 1 of Act 9 of 1961 and section 30 of Act 67 of 1968

53. Section 3 of the Public Service Act, 1957, is hereby amended by the substitution for subsection (6) of the following subsection:

“(6) The public service shall not include Ministers, the Administrator of a province or the territory, the Chief Justice of South Africa, any judge of the Supreme Court of South Africa, officers of Parliament or members of the Commission.”

Amendment of section 3 of Act 54 of 1957, as amended by section 31 of Act 67 of 1968.

54. Section 13 of the Public Service Act, 1957, is hereby amended by the substitution for subsection (5) of the following subsection:

“(5) A person holding a pensionable appointment under the railway administration, in the department of Posts and Telecommunications or under the Government, other than in the public service, may, on the recommendation of the Commission, be transferred and appointed to a post in the administrative, clerical, professional, technical, general A or general B division.”

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 and section 2 of Act 54 of 1973.

55. Section 2 of the Post Office Act, 1958, is hereby amended by the substitution for subsections (1), (2) and (4) of the following subsections, respectively:

“(1) The administration, control and management of the department shall, subject to the authority of the Minister, be vested in an officer to be styled the Postmaster General.

(2) The Postmaster General shall have the supervision and control of all persons in the service of the department and all post offices and post and telegraph services, and may issue such instructions as he may deem necessary for the conduct and guidance of officers in carrying out the provisions of this Act.

(4) The Postmaster General may with the concurrence of the Minister establish, maintain, re-organize and abolish divisions, branches and offices of the department, post offices, savings bank offices and post and telegraph services, as he may deem fit, re-organize the department, subject to the provisions of any law applicable to other departments of State, the administration of the territory of South West Africa or bodies, transfer activities of the department to, or take over activities from any other department of State, the administration of the territory of South West Africa or any body, make and alter postal and telegraph arrangements and enter into conventions and agreements with other postal and telegraph administrations, and may from time to time make regulations for the conduct of any business entrusted to him or as to the manner of exercising the powers and duties assigned to him by this Act, and any such conventions, agreements or regulations which have been approved by the State President and published in the *Gazette*, shall have the same force and effect as if they were contained in this Act.”

Amendment of section 2 of Act 44 of 1958.

Wet No. 66, 1974

POSKANTOORDIENSWET, 1974.

Invoeging van
artikel 120A in
Wet 44 van 1958.

56. Die volgende artikel word hierby in die Poswet, 1958, na artikel 120 ingevoeg:

„Jaarver-
slae.

120A. Die Posmeester-generaal stel so spoedig doenlik na 31 Maart van elke jaar 'n verslag op oor die werksaamhede van die departement gedurende die jaar wat op daardie dag geëindig het, en elke verslag ingevolge hierdie artikel opgestel word aan die Minister gestuur en word deur hom in die Senaat en die Volksraad ter Tafel gelê binne veertien dae na ontvangs daarvan, as die Parlement dan in gewone sessie is of as die Parlement nie dan in gewone sessie is nie, binne veertien dae na die aanvang van sy eersvolgende gewone sessie.”.

Wysiging van
artikel 3 van
Wet 78 van 1968.

57. Artikel 3 van die Finansiëwet, 1968, word hierby gewysig deur subartikel (1) die volgende subartikel in te voeg:

„(1A) By die toepassing van subartikel (1) word die Posmeester-generaal geag 'n departementshoof, binne die bedoeling van die Staatsdienswet, 1957 (Wet No. 54 van 1957), te wees.”.

Kort titel en
inwerkingtreding.

58. Hierdie Wet heet die Poskantoorwet, 1974, en die bepalinge daarvan tree in werking op 1 November 1974.

Bylae

WETTE HERROEP

Nummer en jaar	Kort titel	In hoeverre herroep
Wet No. 67 van 1968.	Poskantoor-herreëlingswet, 1968.	Artikels 7 tot en met 11.
Wet No. 59 van 1969.	Poskantoor-herreëlingswysigingswet, 1969.	Die geheel.
Wet No. 3 van 1970.	Poskantoor-herreëlingswysigingswet, 1970.	Die geheel.

POST OFFICE SERVICE ACT, 1974.

Act No. 66, 1974

56. The following section is hereby inserted in the Post Office Act, 1958, after section 120:

Insertion of section 120A in Act 44 of 1958.

"Annual reports.

120A. As soon as is practicable after 31 March of each year, the Postmaster General shall frame a report upon the activities of the department during the year which ended on that date, and every report framed in terms of this section shall be sent to the Minister and shall be laid upon the Table in the Senate and in the House of Assembly within fourteen days after receipt thereof, if Parliament is then in ordinary session, or if Parliament is not then in ordinary session, within fourteen days of the commencement of its next ensuing ordinary session."

57. Section 3 of the Finance Act, 1968, is hereby amended by the insertion after subsection (1) of the following subsection:

Amendment of section 3 of Act 78 of 1968.

"(1A) For the purposes of subsection (1) the Postmaster General shall be deemed to be a head of department within the meaning of the Public Service Act, 1957 (Act No. 54 of 1957)."

58. This Act shall be called the Post Office Service Act, 1974, and the provisions thereof shall come into operation on 1 November 1974.

Schedule

LAWS REPEALED

Number and Year	Short Title	Extent of Repeal
Act No. 67 of 1968.	Post Office Re-adjustment Act, 1968.	Sections 7 to 11, inclusive.
Act No. 59 of 1969.	Post Office Re-adjustment Amendment Act, 1969.	The whole.
Act No. 3 of 1970.	Post Office Re-adjustment Amendment Act, 1970.	The whole.

Act No. 66, 1974

POST OFFICE SERVICE ACT, 1974

56. The following section is hereby inserted in the Post Office Act, 1958, after section 120:

120A. As soon as is practicable after 31 March of each year, the Postmaster General shall frame a report upon the activities of the department during the year which ended on that date, and every report framed in terms of this section shall be sent to the Minister and shall be laid upon the Table in the Senate and in the House of Assembly within fourteen days after receipt thereof, if Parliament is then in ordinary session, or if Parliament is not then in ordinary session, within fourteen days of the commencement of its next ensuing ordinary session."

57. Section 3 of the Finance Act, 1968, is hereby amended by the insertion after subsection (1) of the following subsection: section 3 of Act 78 of 1968.

"(1A) For the purposes of subsection (1) the Postmaster General shall be deemed to be a head of department within the meaning of the Public Service Act, 1957 (Act No. 54 of 1957)."

58. This Act shall be called the Post Office Service Act, 1974, Short title and the provisions thereof shall come into operation on 1 commencement November 1974.

Schedule

LAW REPEALED

Number and Year	Short Title	Extent of Repeal
Act No. 67 of 1968.	Post Office Re-adjustment Act, 1968.	Sections 7 to 11, inclusive.
Act No. 52 of 1968. Act, 1969.	Post Office Re-adjustment Amendment Act, 1969.	The whole.
Act No. 3 of 1970.	Post Office Re-adjustment Amendment Act, 1970.	The whole.