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PROCLAMATIONS

by the

State President of the Republic of South Africa

No. R. 121, 1987

AMENDMENT OF MATTERS INVOLVING THE PUBLIC SERVICE ASSIGNED TO MINISTERS AND ADMINISTRATORS

By virtue of the powers vested in me by section 6 (2) of the Commission for Administration Act, 1984 (Act 65 of 1984), I hereby amend Part A of the Annexure to Proclamation 88 of 1983, as published in *Government Gazette* 8745 of 1 June 1983, to the extent indicated in the Annexure hereto.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town on this Seventh day of August, One thousand Nine hundred and Eighty-seven.

P. W. BOTHA,
State President.

By Order of the State President-in-Cabinet:

A. L. SCHLEBUSCH,
Minister of the Cabinet.

ANNEX

Substitute for paragraph (a) of item No. 1 of Section I the following paragraph:

“(a) posts in all divisions of the Public Service, as well as non-classified posts, with a salary scale average lower than that for the post of Director: Administration, excepting posts in the occupational classes Personnel Officer, Programmer, Computer Operator, Data Technologist, Data Systems Adviser, Facilities Controller, Network Controller, Systems Analyst and Computerised Information Systems Control Personnel, the creation/abolition of which should be recommended by the Commission;”.

PROKLAMASIES

van die

Staatspresident van die Republiek van Suid-Afrika

No. R. 121, 1987

WYSIGING VAN AANGELEENTHEDE RAKENDE DIE STAATSDIENS OPGEDRA AAN MINISTERS EN AD- MINISTRATEURS

Kragtens die bevoegdheid my verleen by artikel 6 (2) van die Wet op die Kommissie vir Administrasie, 1984 (Wet 65 van 1984) wysig ek hierby Deel A van die Bylae tot Proklamasie 88 van 1983, soos afgekondig in *Staatskoerant* 8745 van 1 Junie 1983, in die mate aangetoon in die Bylae hiervan.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Sewende dag van Augustus Eenduisend Negehoenderd Sewe-en-tagtig.

P. W. BOTHA,
Staatspresident.

Op las van die Staatspresident-in-Kabinet:

A. L. SCHLEBUSCH,
Minister van die Kabinet.

BYLAE

Vervang paragraaf (a) van item No. 1 van Afdeling I deur die volgende paragraaf:

“(a) poste in al die afdelings van die Staatsdiens asook nie-geklassifiseerde poste, waarvan die salarisskaalgemiddeld laer as dié verbonde aan 'n pos van Direkteur: Administrasie is, uitgesonderd poste in die beroepsklasse Personeelbeampte, Programmeerder, Rekenaaroperateur, Data-technoloog, Datastelseladviseur, Fasiliteitekontroleur, Netwerkkontroleur, Stelselontleder en Gerekenariseerde Inligtingstelsels Beheerpersoneel wat deur die Kommissie aanbeveel moet word;”.

No. R. 122, 1987**DATE OF COMMENCEMENT OF CERTAIN SECTIONS OF THE PUBLIC SERVICE ACT, 1984 (ACT 111 OF 1984)**

Under the powers vested in me by section 38 of the Public Service Act, 1984 (Act 111 of 1984), as amended, I hereby declare that the provisions of sections 17 to 21 and 37 (in so far as it has not yet been put into operation) of the said Act shall come into operation on 1 September 1987.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Seventh day of August, One thousand Nine hundred and Eighty-seven.

P. W. BOTHA,
State President.

By Order of the State President-in-Cabinet:

A. L. SCHLEBUSCH,
Minister of the Cabinet.

GOVERNMENT NOTICE**OFFICE OF THE COMMISSION FOR ADMINISTRATION****No. R. 1868****31 August 1987****ANNEXURE**

For general information it is hereby notified that the State President has, under the powers vested in him by section 35 of the Public Service Act, 1984 (Act 111 of 1984), made the following regulations:

The Public Service Regulations, published under Government Notice 2047 of 11 December 1959, as amended, are hereby amended by the insertion of the following regulations after regulation A23 and the renumbering of regulation A24 to A26, effective from 1 September 1987:

“Procedure at inquiry into allegation of inefficiency:

A24.1 When a Minister or Administrator appoints an officer in terms of section 17 (1) of the Act to inquire into an allegation of inefficiency, the following procedure is applicable:

- (a) The inquiring officer, in consultation with the head of department, shall determine the time and place of the inquiry and the head of department shall give the officer concerned reasonable notice in writing of the time and place thus determined.
- (b) The head of department may authorise any person to attend the inquiry and to adduce evidence and arguments in support of the allegations meant by section 17 (2) (a) of the Act and to cross-examine any person who has given evidence to rebut those allegations.
- (c) The inquiring officer shall keep a record of the proceedings at the inquiry and of all evidence given there.
- (d) the failure of the officer concerned to attend the inquiry, either personally or through a representative, shall not invalidate the proceedings.
- (e) After the inquiry the inquiring officer shall find whether the officer concerned is unfit for his duties or unable to execute them in an

No. R. 122, 1987**DATUM VAN INWERKINGTREDING VAN BEPAALDE ARTIKELS VAN DIE STAATSDIENSWET, 1984 (WET 111 VAN 1984)**

Kragtens die bevoegdheid my verleen by artikel 38 van die Staatsdienswet, 1984 (Wet 111 van 1984), soos gewysig, verklaar ek hierby dat die bepalings van artikels 17 tot 21 en 37 (in soverre dit nog nie in werking gestel is nie) van genoemde Wet in werking tree op 1 September 1987.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Sewende dag van Augustus Eenduisend Negehoenderd Sewe-en-tagtig.

P. W. BOTHA,
Staatspresident.

Op las van die Staatspresident-in-Kabinet:

A. L. SCHLEBUSCH,
Minister van die Kabinet.

GOEWERMENTSKENNISGEWING**KANTOOR VAN DIE KOMMISSIE VIR ADMINISTRASIE****No. R. 1868****31 Augustus 1987****BYLAE**

Hierby word vir algemene inligting bekendgemaak dat die Staatspresident kragtens artikel 35 van die Staatsdienswet, 1984 (Wet 111 van 1984) die ondergenoemde regulasies uitgevaardig het:

Die Staatsdiensregulasies gepubliseer by Goewermentskennisgewing 2047 van 11 Desember 1959, soos gewysig, word hierby gewysig deur met ingang van 1 September 1987 na regulasie A23 die volgende regulasies in te voeg en regulasie A24 te hernoem na regulasie A26:

“Prosedure by ondersoek na bewering van onbekwaamheid:

A24.1 Wanneer 'n Minister of Administrateur ingevolge artikel 17(1) van die Wet 'n beampte aanstel om ondersoek na 'n bewering van onbekwaamheid in te stel, geld die volgende prosedure:

- (a) Die ondersoekbeampte stel in oorleg met die departementshoof, die tyd en die plek van die ondersoek vas en die departementshoof gee aan die betrokke beampte redelike skriftelike kennisgewing van die tyd en plek aldu vasgestel.
- (b) Die departementshoof kan enige persoon magtig om by die ondersoek teenwoordig te wees en om getuienis en argumente ter stawing van die in artikel 17 (2) (a) van die Wet bedoelde bewerings aan te voer en om enige persoon wat getuienis afgelê het om daardie bewerings te weerlê, onder kruisverhoor te neem.
- (c) Die ondersoekbeampte moet notule hou van die verrigtings by die ondersoek en van alle getuienis wat aldaar afgelê word.
- (d) Die versuim van die betrokke beampte om by die ondersoek teenwoordig te wees, hetsy persoonlik of deur 'n verteenwoordiger, maak die verrigtings nie ongeldig nie.
- (e) Na afloop van die ondersoek moet die ondersoekbeampte bevind of die betrokke beampte ongeskik is vir sy pligte of nie in staat is om hulle op 'n bekwaame wyse uit te voer nie,

efficient manner, inform the officer concerned of his finding and report on the result of the inquiry to the Minister or Administrator.

- (f) If the inquiring officer has found that the officer concerned is unfit for his duties or incapable of carrying them out efficiently, the officer concerned may, within ten working days as from the date upon which he was informed of the finding, appeal to the Commission by giving to the officer who held the inquiry a written notice of appeal wherein he shall set forth fully the grounds upon which his appeal is based.
- (g) If the inquiring officer has found that the officer concerned is unfit for his duties or incapable of carrying them out efficiently, he shall forward to the Commission the record of the proceedings at the inquiry and any documentary evidence admitted there, a written statement of his finding and his reasons therefor and any observations on the case which he desires to make. If notice of appeal has been given he shall forward with the record the notice and grounds of appeal, and shall furnish the officer concerned with a copy of the reasons for his finding.
- (h) If the officer concerned applies to the Commission for a copy of the record of the proceedings at the inquiry within five working days from the date upon which he received a copy of the reasons for the finding, the Commission shall furnish him with such a copy.
- (i) The officer concerned may within ten working days from the date upon which he received the copy of the record of the proceedings, or if he did not apply for a copy of the record, within fifteen working days from the date upon which he received the copy of the reasons for the finding, submit to the Commission written representations in support of his appeal.
- (j) The Commission shall forward to the head of department a copy of the record and documents and a copy of the officer's representations.
- (k) The head of department may, within ten working days from the date upon which he received the copies submit to the Commission any representations which he desires to make in support of the finding against which the appeal is brought, and the Commission shall furnish a copy of such representations to the officer concerned.
- (l) The officer concerned may within ten working days from the date upon which he received a copy of the head of the department's representations submit to the Commission any reply in writing he wishes to make to such representations.
- (m) The Commission shall furnish the head of department with a copy of such reply.
- (n) The head of department shall have no right to submit further representations in answer to such reply, except with permission of the Commission.
- (o) After consideration of the record and documents, the Commission may allow the appeal wholly or in part and set aside or alter

die betrokke beampte van sy bevinding in kennis stel en oor die uitslag van die ondersoek aan die Minister of Administrateur verslag doen.

- (f) As die ondersoekbeampte bevind het dat die betrokke beampte ongeskik is vir sy pligte of nie in staat is om hulle op bekwame wyse uit te voer nie, kan die betrokke beampte binne tien werksdae na die datum waarop hy van die bevinding verwittig is, by die Kommissie daarteen appelleer deur aan die ondersoekbeampte skriftelik kennis van appèl te gee, waarin hy volledig die gronde waarop die appèl gebaseer word, moet uiteensit.
- (g) As die ondersoekbeampte bevind het dat die betrokke beampte ongeskik is vir sy pligte of nie in staat is om hulle op bekwame wyse uit te voer nie, moet hy die notule van die verrigtings by die ondersoek en alle dokumentêre getuienis wat aldaar toegelaat is, asook 'n skriftelike uiteensetting van die redes vir sy bevinding en enige opmerkings oor die saak wat hy wens te maak, direk aan die Kommissie stuur. As kennis van appèl gegee is, moet hy saam met die notule die kennisgewing en gronde van appèl aanstuur, en moet hy aan die betrokke beampte 'n afskrif van die redes vir sy bevinding verstrek.
- (h) As die betrokke beampte binne vyf werksdae na die datum waarop hy 'n afskrif van die redes vir die bevinding ontvang het, by die Kommissie om 'n afskrif van die notule van die verrigtings by die ondersoek aansoek doen, verstrek die Kommissie so 'n afskrif aan hom.
- (i) Die betrokke beampte kan binne tien werksdae na die datum waarop hy die afskrif van die notule van die verrigtings ontvang het, of as hy nie om 'n afskrif van die notule aansoek gedoen het nie, binne vyftien werksdae na die datum waarop hy die afskrif van die redes vir die bevinding ontvang het, aan die Kommissie skriftelike vertoë ter stawing van sy appèl voorlê.
- (j) Die Kommissie stuur 'n afskrif van die notule en dokumente en 'n afskrif van die betrokke beampte se vertoë aan die departementshoof.
- (k) Die departementshoof kan binne tien werksdae na die datum waarop hy die afskrifte ontvang het, vertoë wat hy wil voorlê ter stawing van die bevinding waarteen die appèl aangeteken is, tot die Kommissie rig en die Kommissie moet 'n afskrif van bedoelde vertoë aan die betrokke beampte verstrek.
- (l) Die betrokke beampte kan binne tien werksdae na die datum waarop hy 'n afskrif van die departementshoof se vertoë ontvang het, enige skriftelike repliek wat hy op die vertoë wil lewer, aan die Kommissie voorlê.
- (m) Die Kommissie verstrek 'n afskrif van bedoelde repliek aan die departementshoof.
- (n) Die departementshoof het nie die reg om verdere vertoë in antwoord op bedoelde repliek voor te lê nie, behalwe met verlof van die Kommissie.
- (o) Na oorweging van die notule en dokumente kan die Kommissie die appèl in sy geheel of gedeeltelik toestaan en die bevinding tersyde

the finding, or dismiss the appeal and confirm the finding wholly or in part, or the Commission may, before arriving at a final decision on the appeal, remit any question in connection with the inquiry to the inquiring officer and direct him to report thereon or to hold a further inquiry and arrive at a finding thereon.

(p) If the Commission directs a further inquiry, the provisions of paragraphs (b) to (d) as well as section 17 (2) of the Act shall apply.

(q) When the Commission has arrived at a final decision on an appeal, that decision shall be conveyed in writing to the appellant and via the head of department to the Minister or Administrator and a recommendation shall be furnished in terms of section 17 (5) of the Act.

(r) (i) Any notice, statement or other document which is to be given or furnished to or served upon any person in terms of section 17 of the Act or this subregulation or any matter which is to be or may be conveyed to any person in writing, may be sent by post in a registered letter or be delivered to him or left at his last known residential address which he should have furnished in terms of Public Service Regulation A8.1; or

(ii) any person who has to be informed of any decision or finding, may be informed thereof verbally or in writing sent by post in a registered letter or delivered to him or left at his last known residential address.

A.24.2 The provisions of subregulation 1 is, subject to the provisions of section 18 (2) of the Act, *mutatis mutandis* applicable to an inquiry which has been instituted into alleged inefficiency of a head of department in terms of section 18 (1) of the Act and for this purpose a reference in that subregulation to the head of department shall be interpreted as a reference to the Minister or Administrator.

Procedure at inquiry into charge of misconduct:

A25.1 (a) The Minister or Administrator or if authorised thereto by the Minister or Administrator, whether especially in a particular case or in general, the head of department or any other officer in the department, may at any time before or after the officer is charged in terms of section 20 (1) of the Act, suspend the officer from duty in terms of section 20 (2) of the Act.

(b) (i) An officer who is suspended from duty in terms of section 20 (2) of the Act is not entitled to any emoluments for the period of his suspension.

(ii) The Minister or Administrator may, notwithstanding the provisions of subparagraph (i), in his discretion, direct that his emoluments be paid in full or in part to such officer.

(c) If no charge in terms of section 20 (1) of the Act is brought against an officer who has been suspended from duty, he shall be

stel of wysig, of die appèl afwys en die bevinding in sy geheel of gedeeltelik bekragtig, of kan die Kommissie, voordat hy tot 'n finale beslissing oor die appèl geraak, enige vraag in verband met die ondersoek na die ondersoekbeampte terugverwys, en hom gelas om verslag daaroor te doen of om 'n verdere ondersoek in te stel en tot 'n bevinding daaroor te geraak.

(p) As die Kommissie gelas dat 'n verdere ondersoek ingestel moet word, is die bepalings van paragrafe (b) tot (d) asook artikel 17 (2) van die Wet van toepassing.

(q) Wanneer die Kommissie tot 'n finale beslissing oor 'n appèl geraak het, deel hy daardie beslissing skriftelik aan die appellant en deur middel van die departementshoof aan die Minister of Administrateur mee en doen hy 'n aanbeveling kragtens artikel 17 (5) van die Wet.

(r) (i) Enige kennisgewing, verklaring of ander dokument wat ingevolge artikel 17 van die Wet of ingevolge hierdie subregulasie aan 'n persoon gegee of verstrekt of bestel moet word of enige aangeleentheid wat skriftelik aan 'n persoon meegedeel moet of kan word, kan per pos in 'n geregistreerde brief aan hom gestuur word of aan hom afgelewer of by sy laaste bekende woonadres wat hy ingevolge Staatsdiensregulasie A8.1 moes verskaf het, gelaat word; of

(ii) 'n persoon wat van 'n beslissing of bevinding verwittig moet word, kan mondeling of per geskrif wat per pos in 'n geregistreerde brief aan hom gestuur word of aan hom afgelewer of by sy laaste bekende woonadres gelaat word, daarvan verwittig word.

A24.2 Die bepalings van subregulasie 1 is, behoudens die bepalings van artikel 18 (2) van die Wet, *mutatis mutandis* van toepassing op 'n ondersoek wat ingevolge artikel 18 (1) van die Wet na die beweerde onbekwaamheid van 'n departementshoof ingestel word en vir dié doel word 'n verwysing in daardie subregulasie na die departementshoof uitgelê as 'n verwysing na die Minister of Administrateur.

Prosedure by ondersoek na aanklag van wangedrag:

A25.1 (a) Die Minister of Administrateur of indien daartoe gemagtig deur die Minister of Administrateur, hetsy spesiaal in 'n besondere geval of in die algemeen, die departementshoof of enige ander beampte in die departement, kan te eniger tyd voor of nadat die beampte ingevolge artikel 20 (1) van die Wet aangekla is, die beampte ingevolge artikel 20 (2) van die Wet in sy diens skors.

(b) (i) 'n Beampte wat ingevolge artikel 20 (2) van die Wet geskors is, is nie op enige emolumente vir die tydperk van sy skorsing geregtig nie.

(ii) Ondanks die bepalings van subparagraaf (i) kan die Minister of Administrateur na goeddunke gelas dat die geheel of 'n gedeelte van sy emolumente aan so 'n beampte betaal word.

(c) As geen aanklag ingevolge artikel 20 (1) van die Wet teen 'n beampte wat in sy diens geskors is ingebring word nie, word hy toegelaat om weer diens te aanvaar en word sy

allowed to resume duty and be paid his full emoluments for the period of his suspension.

- (d) The Minister or Administrator or the head of department or other officer who suspended the officer may at any time cancel the suspension, but notwithstanding the cancellation of the suspension the proceedings on the charge of misconduct may be continued.

A25.2 When a Minister or Administrator appoints an officer in terms of section 20 (3) (b) of the Act to inquire into a charge of misconduct, the following procedure is applicable:

- (a) The officer who signed the charge shall cause it to be served upon the officer charged.
- (b) The officer who is to hold the inquiry shall, in consultation with the officer who signed the charge, determine the time and place of the inquiry and the officer who signed the charge shall give the officer concerned reasonable notice in writing of the time and place thus determined.
- (c)
 - (i) The officer who signed the charge may authorise any person to attend the inquiry and to adduce evidence and arguments in support of the charge and to cross-examine any person called as a witness for the defence.
 - (ii) The officer holding the inquiry shall keep a record of the proceedings at the inquiry and of all evidence given there.
 - (iii) The failure of the officer charged to attend the inquiry either personally or through a representative, shall not invalidate the proceedings.
- (d) The acquittal or the conviction of an officer by a court of law upon a charge of a criminal offence shall not be a bar to proceedings against him in terms of the 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 on which he might have been convicted on his trial on the said criminal charge.
- (e)
 - (i) 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 shall, upon the identification of such officer as the person referred to in the record, be sufficient proof of the commission by him of such offence, unless the conviction has been set aside by a superior court.
 - (ii) Notwithstanding the provisions of subparagraph (i) of the officer charged

volle emolumente vir die tydperk van skorsing aan hom betaal.

- (d) Die Minister of Administrateur of die departementshoof of ander beampte wat die beampte geskors het, kan die skorsing te eniger tyd intrek, maar ondanks die intrekking van die skorsing kan die verrigtings in verband met die aanklag van wangedrag voortgesit word.

A25.2 Wanneer 'n Minister of Administrateur ingevolge artikel 20 (3) (b) van die Wet 'n beampte aanstel om 'n ondersoek na 'n aanklag van wangedrag in te stel, geld die volgende prosedure:

- (a) Die beampte wat die aanklag onderteken het, moet dit aan die aangeklaagde beampte laat bestel.
- (b) Die beampte wat ondersoek moet instel, moet in oorleg met die beampte wat die aanklag onderteken het, die tyd en plek van die ondersoek vasstel, en die beampte wat die aanklag onderteken het, moet die aangeklaagde beampte redelike skriftelike kennis gee van die tyd en plek aldus vasgestel.
- (c)
 - (i) Die beampte wat die aanklag onderteken het, kan enige persoon magtig om by die ondersoek teenwoordig te wees en om getuienis en argumente ter stawing van die aanklag aan te voer en om enige persoon wat as getuie vir die verweer opgeroep is, onder kruisverhoor te neem.
 - (ii) Die beampte wat die ondersoek instel, moet notule hou van die verrigtings by die ondersoek en van alle getuienis wat aldaar afgeleë word.
 - (iii) Die versuim van die aangeklaagde beampte om persoonlik of deur 'n verteenwoordiger by die ondersoek teenwoordig te wees maak die verrigtings nie ongeldig nie.
- (d) Die vryspreking of die skuldigbevinding van 'n beampte deur 'n geregshof op 'n aanklag van 'n kriminele misdryf, belet nie dat stappe ingevolge die 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 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.
- (e)
 - (i) As die wangedrag waarvan die beampte aangekla word, neerkom op 'n misdryf waaraan hy deur 'n geregshof skuldig bevind is, is 'n gesertifiseerde afskrif van die notule van sy verhoor en skuldigbevinding deur daardie hof, nadat bedoelde beampte geïdentifiseer is as die persoon wat in die notule genoem word, voldoende bewys dat hy die bedoelde misdryf begaan het, tensy die skuldigbevinding deur 'n hoër hof tersyde gestel is.
 - (ii) Ondanks die bepalinge van subparagraaf (i) het die aangeklaagde beampte

shall have the right to adduce evidence that he was in fact wrongly convicted.

- (f) At the conclusion of the inquiry the inquiring officer shall find whether the officer charged is guilty or not guilty of the misconduct with which he has been charged and shall in terms of section 20 (5) of the Act inform the officer charged of his finding, and shall report the result of the inquiry to the Minister or Administrator.
- (g) If the officer charged is under suspension from duty and the inquiring officer finds that he is not guilty of the misconduct with which he has been charged, the said officer has the right in terms of section 20 (5) (b) of the Act to resume duty in his post forthwith and to receive the full emoluments that had been withheld from him for the period of his suspension.
- (h) When the officer charged with misconduct wishes to appeal under section 20 (5) (a) of the Act against his being found guilty, he has to notify the inquiring officer, within ten working days after him being notified of his being found guilty, in writing of the appeal together with a full exposition of the grounds on which his appeal is based.
- (i) If the officer who held the inquiry has found the officer charged guilty of the misconduct with which he has been charged, he shall forward to the Commission the record of the proceedings at the inquiry and any documentary evidence admitted there, a statement of his finding and his reasons therefor, and any observations on the case which he may desire to make.
- (j) If the officer who has been found guilty of misconduct, is employed in the B Division and has not given notice of appeal against the finding, the officer who held the inquiry shall forward the said report and other relevant documents to the head of the department in which the officer found guilty of misconduct, is employed.
- (k) If the officer who was found guilty of misconduct has given notice of appeal, the officer who held the inquiry shall forward to the Commission, with the record and other relevant documents, the appellant's notice and grounds of appeal and shall furnish the appellant with a copy of the reasons for the finding against which the appeal is brought.
- (l) If the officer concerned applies to the Commission for a copy of the record of the proceedings at the inquiry within five working days from the date upon which he received a copy of the reasons for the finding, the Commission shall furnish him with such a copy.
- (m) The officer concerned may within ten working days from the date upon which he received the copy of the record of the proceedings, or if he did not apply for a copy of the record, within fifteen working days from the date upon which he received the copy of the reasons for the finding, submit to the Commission written representations in support of his appeal.

die reg om getuienis aan te voer dat hy in werklikheid verkeerdlik skuldig bevind is.

- (f) Na afloop van die ondersoek moet die ondersoekbeampte bevind of die aangeklaagde beampte skuldig is of nie skuldig is nie aan die wangedrag waarvan hy aangekla is en moet hy ingevolge artikel 20 (5) van die Wet die aangeklaagde beampte van sy bevinding in kennis stel en aan die Minister of Administrateur verslag doen oor die uitslag van die ondersoek.
- (g) As die aangeklaagde beampte in sy diens geskors is en die ondersoekbeampte bevind dat hy nie skuldig is aan die wangedrag waarvan hy aangekla is nie, het die aangeklaagde beampte ingevolge artikel 20 (5) (b) van die Wet die reg om dadelik weer diens in sy pos te aanvaar en om die volle emolumente wat vir die tydperk van sy skorsing van hom weerhou is, te ontvang.
- (h) Indien die aangeklaagde beampte kragtens artikel 20 (5) (a) van die Wet teen sy skuldigbevinding wil appelleer, moet hy binne tien werksdae nadat hy van sy skuldigbevinding in kennis gestel is skriftelik aan die ondersoekbeampte kennis van die appèl gee met 'n volledige uiteensetting van die gronde waarop hy sy appèl baseer.
- (i) As die beampte wat die ondersoek ingestel het, die aangeklaagde beampte skuldig bevind het aan die wangedrag waarvan hy aangekla is, moet hy die notule van die verrigtings by die ondersoek en enige dokumentêre getuienis wat aldaar toegelaat is, 'n uiteensetting van sy bevinding en sy redes daarvoor, en enige opmerkings oor die saak wat hy wens te maak aan die Kommissie stuur.
- (j) As die beampte wat aan wangedrag skuldig bevind is, in die B-afdeling in diens is en nie kennis van appèl teen die bevinding gegee het nie, stuur die beampte wat die ondersoek ingestel het bedoelde notule en ander tersaaklike dokumente aan die hoof van die departement waarin die beampte wat aan wangedrag skuldig bevind is, in diens is.
- (k) As die beampte wat aan wangedrag skuldig bevind is, kennis van appèl gegee het, moet die ondersoekbeampte saam met die notule en ander tersaaklike dokumente die appellant se kennisgewing en gronde van appèl aan die Kommissie stuur en 'n afskrif van die redes vir die bevinding waarteen die appèl aangeteken is, aan die appellant verstrek.
- (l) As die betrokke beampte binne vyf werksdae na die datum waarop hy 'n afskrif van die redes vir die bevinding ontvang het, by die Kommissie om 'n afskrif van die notule van die verrigtings by die ondersoek aansoek doen, verstrek die Kommissie so 'n afskrif aan hom.
- (m) Die betrokke beampte kan binne tien werksdae na die datum waarop hy die afskrif van die notule van die verrigtings ontvang het, of as hy nie om 'n afskrif van die notule aansoek gedoen het nie, binne vyftien werksdae na die datum waarop hy die afskrif van die redes vir die bevinding ontvang het, aan die Kommissie skriftelike vertoë ter stawing van sy appèl voorleë.

- (n) The Commission shall forward to the head of department a copy of the record and documents and a copy of the officer's representations.
 - (o) The head of department may, within ten working days from the date upon which he received the copies, submit to the Commission any representations which he desires to make in support of the finding against which the appeal is brought, and the Commission shall furnish a copy of such representations to the officer concerned.
 - (p) The officer concerned may within ten working days from the date upon which he received a copy of the head of department's representations submit to the Commission any reply in writing he wishes to make to such representations.
 - (q) The Commission shall furnish the head of department with a copy of such reply.
 - (r) The head of department shall have no right to submit further representations in answer to such reply, except with permission of the Commission.
 - (s) After consideration of the record and documents, the Commission may allow the appeal wholly or in part and set aside or alter the finding, or dismiss the appeal and confirm the finding wholly or in part, or the Commission may, before arriving at a final decision on the appeal, remit any question in connection with the inquiry to the inquiring officer and direct him to report thereon or to hold a further inquiry and arrive at a finding thereon.
 - (t) If the Commission directs a further inquiry, the provisions of paragraph (c) and section 20 (4) of the Act shall apply.
 - (u) If the officer charged is found guilty on the charge or if he admits that he is guilty of misconduct, he shall be dealt with in accordance with the provisions of sections 20 (7), (8) and (9) of the Act.
 - (v) If the Commission allows the appeal of an appellant who was suspended from duty, the appellant shall be allowed forthwith to resume duty and his full emoluments shall be paid for the period of his suspension.
 - (w)
 - (i) If an officer who was suspended from duty is dealt with in accordance with the provisions of section 20 (7) (a), (b) and (d) or section 20 (8) (b) of the Act, he shall be allowed forthwith to resume duty.
 - (ii) If the officer is dealt with in accordance with the provisions of section 20 (7) (c) of the Act, he shall be allowed to resume duty as soon as possible in the post or duties to which he is transferred.
 - (iii) In the application of subparagraphs (i) and (ii) the officer's full emoluments shall be paid to him for the period of his suspension.
 - (x)
 - (i) If the officer's grade is reduced according to the provisions of section 20 (7) (d) of the Act, he shall be allowed to assume duty in a post of the
- (n) Die Kommissie stuur 'n afskrif van die notule en dokumente en 'n afskrif van die betrokke beampte se vertoë aan die departementshoof.
 - (o) Die departementshoof kan binne tien werksdae na die datum waarop hy die afskrifte ontvang het, vertoë wat hy wil voorlê ter stawing van die bevinding waarteen die appèl aangeteken is, tot die Kommissie rig, en die Kommissie moet 'n afskrif van bedoelde vertoë aan die betrokke beampte verstrek.
 - (p) Die betrokke beampte kan binne tien werksdae na die datum waarop hy 'n afskrif van die departementshoof se vertoë ontvang het, enige skriftelike repliek wat hy op die vertoë wil lewer, aan die Kommissie voorlê.
 - (q) Die Kommissie verstrek 'n afskrif van bedoelde repliek aan die departementshoof.
 - (r) Die departementshoof het nie die reg om verdere vertoë in antwoord op bedoelde repliek voor te lê nie, behalwe met verlof van die Kommissie.
 - (s) Na oorweging van die notule en dokumente kan die Kommissie die appèl in sy geheel of gedeeltelik toestaan en die bevinding tersyde stel of wysig, of die appèl afwys en die bevinding in sy geheel of gedeeltelik bekragtig, of kan die Kommissie, voordat hy tot 'n finale beslissing oor die appèl geraak, enige vraag in verband met die ondersoek na die ondersoekbeampte terugverwys, en hom gelas om verslag daaroor te doen of om 'n verdere ondersoek in te stel en tot 'n bevinding daaroor te geraak.
 - (t) As die Kommissie gelas dat 'n verdere ondersoek ingestel moet word, is die bepalings van paragraaf (c) en artikel 20 (4) van die Wet van toepassing.
 - (u) Indien die aangeklaagde beampte aan die aanklag skuldig bevind word of indien hy erken dat hy aan die aanklag skuldig is, word daar ooreenkomstig die bepalings van artikels 20 (7), (8) en (9) van die Wet met hom gehandel.
 - (v) As die Kommissie die appèl van 'n appellant wat in sy diens geskors is, toestaan, moet die appellant dadelik toegelaat word om weer sy diens te aanvaar en moet aan hom sy volle emolumente vir die tydperk van sy skorsing betaal word.
 - (w)
 - (i) As daar met 'n beampte wat in sy diens geskors is, ooreenkomstig die bepalings van artikel 20 (7) (a), (b) en (d) of artikel 20 (8) (b) van die Wet gehandel word, moet hy onverwyld toegelaat word om weer diens te aanvaar.
 - (ii) As daar met die beampte ooreenkomstig die bepalings van artikel 20 (7) (c) van die Wet gehandel word, moet hy so gou doenlik toegelaat word om diens te aanvaar in die pos of pligte waarna hy oorgeplaas word.
 - (iii) By die toepassing van subparagrafe (i) en (ii) moet die beampte se volle emolumente vir die tydperk van sy skorsing aan hom betaal word.
 - (x)
 - (i) As die beampte se graad ooreenkomstig die bepalings van artikel 20 (7) (d) van die Wet verlaag word, moet hy so gou doenlik toegelaat word om diens

lower grade as soon as possible and the emoluments of that post shall be paid to him for the period of his suspension.

- (ii) If higher emoluments than the emoluments of the post meant in subparagraph (i) were paid to the officer in terms of regulation A25.1 (b) during the period of his suspension, he shall not be obliged to repay the difference.
- (y) An officer, who has been suspended from duty or against whom a charge of misconduct has been brought and who resigns from the Public Service or assumes other employment before such charge has been dealt with to finality in accordance with the provisions of the Act and regulations, shall be deemed to have been discharged on account of misconduct, with effect from a date determined by the Minister or Administrator, unless prior to the receipt of his notification of resignation or the date of his assumption of other employment he had been notified that no charge would be brought against him or that the charge brought against him had been withdrawn.
- (z) (i) Any notice, statement or other document which is to be given or furnished to or served upon any person or any matter which is to be or may be conveyed to any person in writing in terms of section 20 of the Act or in terms of this subregulation and subregulation 1, may be sent by post in a registered letter or delivered to him or left at his last known residential address which he should have furnished in terms of Public Service Regulation A8.1; or
- (ii) any person who has to be informed of any decision or finding, may be informed thereof verbally or in writing sent by post in a registered letter or delivered to him or left at his last known residential address.

A25.3 The provisions of subregulations 1 and 2 are, subject to the provisions of section 21 (2) of the Act, *mutatis mutandis* applicable to the proceedings that follow on a directive to charge a head of department with misconduct in terms of section 21 (1) of the Act and for this purpose a reference in those subregulations to the head of department shall be construed as a reference to the Minister or Administrator."

in 'n pos van die verlaagde graad te aanvaar, en moet aan hom vir die tydperk van skorsing en emolumente van daardie pos betaal word.

- (ii) As hoër emolumente as die emolumente van die pos in subparagraaf (i) bedoel aan hom gedurende die tydperk van die beampte se skorsing ingevolge regulasie A25.1 (b) betaal is, is hy nie verplig om die verskil terug te betaal nie.
- (y) 'n Beampte wat in sy diens geskors is, of teen wie 'n aanklag van wangedrag ingebring is, en wat uit die Staatsdiens bedank of ander werk aanvaar voordat bedoelde aanklag finaal ooreenkomstig die bepalings van die Wet en regulasies afgehandel is, word geag weens wangedrag ontslaan te gewees het met ingang van 'n datum deur die Minister of Administrateur bepaal, tensy hy voor die ontvangs van sy kennisgewing van bedanking of die datum van sy aanvaarding van ander werk, in kennis gestel is dat geen aanklag teen hom ingebring sal word nie of dat die aanklag wat teen hom ingebring is, teruggetrek is.
- (z) (i) Enige kennisgewing, verklaring of ander dokument wat ingevolge artikel 20 van die Wet of ingevolge hierdie subregulasie en subregulasie 1 aan 'n persoon gegee of verstrekk of bestel moet word of enige aangeleentheid wat skriftelik aan 'n persoon meege-deel moet word of kan word, kan per pos in 'n geregistreerde brief aan hom gestuur word of aan hom afgelewer of by sy laaste bekende woonadres wat hy ingevolge Staatsdiensregulasie A8.1 moes verskaf het, gelaat word; of
- (ii) 'n persoon wat van 'n beslissing of bevinding verwittig moet word, kan mondeling of per geskrif wat per pos in 'n geregistreerde brief aan hom gestuur word of aan hom afgelewer of by sy laaste bekende woonadres gelaat word, daarvan verwittig word.

A25.3 Die bepalings van subregulasies 1 en 2 is, behoudens die bepalings van artikel 21 (2) van die Wet, *mutatis mutandis* van toepassing op die verrigtinge wat volg op 'n lasgewing dat 'n departementshoof ingevolge artikel 21 (1) van die Wet van wangedrag aangekla word en vir dié doel word 'n verwysing in daardie subregulasies na die departementshoof uitgelê as 'n verwysing na die Minister of Administrateur."

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IMPORTANT!!

Placing of languages: *Government Gazettes*

1. Notice is hereby given that the interchange of languages in the *Government Gazette* will be effected annually from the first issue in October.
2. For the period 1 October 1986 to 30 September 1987, English is to be placed **FIRST**.
3. This arrangement is in conformity with Gazettes containing Acts of Parliament etc. where the language sequence remains constant throughout the sitting of Parliament.
4. *It is therefore expected of you, the advertiser, to see that your copy is in accordance with the above-mentioned arrangement in order to avoid unnecessary style changes and editing to correspond with the correct style.*



BELANGRIK!!

Plasing van tale: *Staatskoerante*

1. Hiermee word bekendgemaak dat die omruil van tale in die *Staatskoerant* jaarliks geskied met die eerste uitgawe in Oktober.
2. Vir die tydperk 1 Oktober 1986 tot 30 September 1987 word Engels **EERSTE** geplaas.
3. Hierdie reëling is in ooreenstemming met dié van die Parlement waarby koerante met Wette ens. die taalvolgorde deurgaans behou vir die duur van die sitting.
4. *Dit word dus van u, as adverteerder, verwag om u kopie met bogenoemde reëling te laat strook om onnodige omskakeling en stylredigering in ooreenstemming te bring.*

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PHYTOPHYLACTICA

This publication deals with plant pathology, mycology, microbiology, entomology, nematology, and other zoological plant pests. Four parts of the journal are published annually.

Contributions of scientific merit on agricultural research are invited for publication in this journal. Directions for the preparation of such contributions are obtainable from the Director, Agricultural Information, Private Bag X144, Pretoria, to whom all communications in connection with the journal should be addressed.

The journal is obtainable from the above-mentioned address at R5 plus GST per copy or R20 per annum, post free (Other countries R6,25 per copy or R25 per annum).

PHYTOPHYLACTICA

Hierdie publikasie bevat artikels oor plantpatologie, mikologie, mikrobiologie, entomologie, nematologie en ander diërkundige plantplae. Vier dele van die tydskrif word per jaar gepubliseer.

Verdienselike landboukundige bydraes van oorspronklike wetenskaplike navorsing word vir plasing in hierdie tydskrif verwelkom. Voorskrifte vir die opstel van sulke bydraes is verkrygbaar van die Direkteur, Landbou-inligting, Privaatsak X144, Pretoria, aan wie ook alle navrae in verband met die tydskrif gerig moet word.

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THE FLOWERING PLANTS OF AFRICA

This publication is issued as an illustrated serial, much on the same lines as Curtis's Botanical Magazine, and for imitating which no apology need be tendered.

The desire and object of the promoters of the publication will be achieved if it stimulates further interest in the study and cultivation of our indigenous plants.

The illustrations are prepared mainly by the artists at the Botanical Research Institute, but the Editor welcomes contributions of suitable artistic and scientific merit from kindred institutions.

Each part contains 10 plates. Two parts are published in one cover and costs R15 per issue of two parts (other countries R16 per issue). Two, three or four parts may be published annually, depending on the availability of illustrations. A volume consists of four parts. From Volume 27, the price per volume is: Rexine binding, R40; de luxe binding R45 (other countries, rexine binding R45; de luxe binding R50).

Obtainable from the Director, Division of Agricultural Information, Private Bag X144, Pretoria.

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DIE BLOMPLANTE VAN AFRIKA

Hierdie publikasie word uitgegee as 'n geïllustreerde reeks, baie na die aard van Curtis se "Botanical Magazine". Die doel van die werk is om die skoonheid en variasie van vorm van die flora van Afrika aan die leser bekend te stel, om belangstelling in die studie en kweek van die inheemse plante op te wek, en om plantkunde in die algemeen te bevorder.

Die meeste van die illustrasies word deur kunstenaars van die Navorsingsinstituut vir Plantkunde gemaak, dog die Redakteur verwelkom geskikte bydraes van 'n wetenskaplike en kunsstandaard afkomstig van verwante inrigtings.

Onder huidige omstandighede word twee dele van die werk in een omslag gepubliseer, maar met onreëlmatige tussenpose; elke deel bevat 10 kleurplate. Intekengeld bedra R15 per uitgawe van twee dele (buitelands R16 per uitgawe): Vier dele per band. Vanaf band 27 is die prys per band in rexine gebind R40; in luukse rexine gebind R45. (Buitelands, rexine gebind R45; luukse band R50).

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