



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

Price 20c Prys
Overseas 30c Oorsée
POST FREE—POSVRY

ISBN 0 621 00981 4

Vol. 96.]

CAPE TOWN, 13TH JUNE, 1973.

KAAPSTAD, 13 JUNIE 1973.

[No. 3925.]

DEPARTMENT OF THE PRIME MINISTER.

No. 1016.

13th June, 1973.

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

No. 54 of 1973: Public Service Amendment Act, 1973.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 1016.

13 Junie 1973.

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

No. 54 van 1973: Staatsdienswysigingswet, 1973.

Act No. 54, 1973.

PUBLIC SERVICE AMENDMENT ACT, 1973.

ACT

To amend the Public Service Act, 1957, so as better to regulate the requirements in regard to medical fitness on appointment; to simplify the tabling of particulars of certain persons appointed in the administrative division; to provide to which departments section 13 (7) applies; to substitute for the prohibition on certain officers from becoming members of political parties a prohibition on such officers to make use of their positions in the public service to promote or to prejudice the interests of political parties; to provide for political rights of officers and employees; to extend the power to make regulations in regard to medical aid funds and medical aid societies; and to provide for matters incidental thereto.

(English text signed by the State President.)
(Assented to 30th May, 1973.)

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

Amendment of section 11 of Act 54 of 1957, as amended by section 2 of Act 9 of 1961 and section 4 of Act 86 of 1969.

1. Section 11 of the Public Service Act, 1957 (hereinafter referred to as the principal Act), is hereby amended—

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

“(2) No person shall be appointed permanently, or be transferred and appointed permanently under the provisions of section 13 (5), whether on probation or not, to any post in the administrative, clerical, professional, technical, general A or general B division unless such person—

- (a) is a South African citizen;
- (b) is of good character; and
- (c) is in the opinion of the Commission 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 public service before reaching the pensionable age and the Commission has so declared:

Provided that a person may be so appointed on probation, notwithstanding the provisions of paragraph (c), if the Commission withholds the declaration referred to therein and directs, as a condition of the appointment, that it may be confirmed only after the Commission has issued such declaration: Provided further that such declaration by the Commission shall be made immediately upon adequate 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 from the public service before reaching the pensionable age.”; and

WET

Tot wysiging van die Staatsdienswet, 1957, om die vereistes met betrekking tot geneeskundige geskiktheid by aanstelling beter te reël; om die tertafellegging van besonderhede van sekere persone aangestel in die administratiewe afdeling te vergemaklik; om te bepaal op watter departemente artikel 13 (7) van toepassing is; om die verbod op sekere beamptes om lede van politieke partye te word, te vervang deur 'n verbod op daardie beamptes om gebruik te maak van hulle posisies in die staatsdiens om die belange van politieke partye te bevorder of te benadeel; om voorsiening te maak vir politieke regte van beamptes en werknemers; om die bevoegdheid om regulasies uit te vaardig met betrekking tot mediese hulpfondse en mediese hulpverenigings uit te brei; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 30 Mei 1973.)

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

1. Artikel 11 van die Staatsdienswet, 1957 (hieronder die Hoofwet genoem), word hierby gewysig—

(a) deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Niemand word vas aangestel, of kragtens die bepalings van artikel 13 (5) oorgeplaas en vas aangestel, hetsy op proef al dan 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 mening van die Kommissie vry van enige siekte of liggaams- of geestesgebrek is, wat waarskynlik die behoorlike uitvoering van sy pligte sal belemmer, of sy aftreding uit die staatsdiens voordat hy die pensioenleeftyd bereik, nodig sal maak en die Kommissie aldus verklaar het:

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

Wysiging van artikel 11 van Wet 54 van 1957, soos gewysig deur artikel 2 van Wet 9 van 1961 en artikel 4 van Wet 86 van 1969.

Act No. 54, 1973.

PUBLIC SERVICE AMENDMENT ACT, 1973.

(b) by the substitution for subsection (4) of the following subsection:

“(4) For the filling of any post in the administrative, clerical, professional, technical or general A division the Commission shall, subject to the provisions of subsection (3), recommend either—

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

Provided that, if the Commission recommends the appointment of a person who is not an officer, to fill any post in the administrative division, the Commission shall, except in the case of the filling of a post in the Bureau, furnish in its annual report the following particulars:

- (i) The name of every person who has, during the period which is covered by the said annual report, been appointed on the recommendation of the Commission to a post in the administrative division, and who was, immediately prior to 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.”.

Amendment of section 13 of Act 54 of 1957, as amended by section 5 of Act 86 of 1969 and section 4 of Act 65 of 1971.

2. Section 13 of the principal Act is hereby amended by the substitution for subsection (7) of the following subsection:

“(7) Notwithstanding anything to the contrary in any law contained, a non-White officer or employee who occupies a post or position in a department mentioned in the Third Schedule to this Act, may, when the public interest so requires, be transferred, on the recommendation of the Commission, and with the consent of such officer or employee, to the service of a non-White authority on such conditions as may be prescribed on the recommendation of the Commission: Provided that, until any law in force within the territory of the non-White authority concerned provides otherwise, the service of such an officer or employee with such an authority shall be regarded, for purposes of leave and pension, as part of and continuous with his service in the public service and that, until any law provides otherwise, the provisions of a pensions 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.”.

Amendment of section 17 of Act 54 of 1957, as amended by section 5 of Act 63 of 1967 and section 8 of Act 86 of 1969.

3. Section 17 of the principal Act is hereby amended by the substitution for paragraph (g) of the following paragraph:

“(g) makes use of his position in the public service to promote or to prejudice the interests of any political party; or”.

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- (b) deur subartikel (4) deur die volgende subartikel te vervang:

„(4) Vir die vulling van 'n pos in die administratiewe, klerlike, vakkundige, tegniese of algemene A-afdeling, moet die Kommissie, behoudens die bepalinge van subartikel (3), òf—

- (a) die oorplasing of bevordering van 'n beampte aanbeveel; òf
- (b) as die pos nie op bevredigende wyse deur so 'n oorplasing of bevordering gevul kan word nie, die aanstelling van 'n persoon wat nie 'n beampte is nie, aanbeveel:

Met dien verstande dat, indien die Kommissie die aanstelling van 'n persoon wat nie 'n beampte is nie, aanbeveel om 'n pos in die administratiewe afdeling te vul, die Kommissie, behalwe in die geval van die vulling van 'n pos in die Buro, in sy jaarverslag die volgende besonderhede moet verstrek:

- (i) Die naam van elke persoon wat gedurende die tydperk wat deur bedoelde jaarverslag gedek word, op aanbeveling van die Kommissie in 'n pos in die administratiewe afdeling aangestel is en wat, onmiddellik voor sodanige aanstelling, nie 'n beampte was nie;
- (ii) die pos waarin daardie persoon aangestel is;
- (iii) die salarisskaal aan daardie pos verbonde;
- (iv) die spesiale kwalifikasies van daardie persoon vir die pos en die spesiale redes vir sy aanstelling.”.

2. Artikel 13 van die Hoofwet word hierby gewysig deur subartikel (7) deur die volgende subartikel te vervang:

Wysiging van artikel 13 van Wet 54 van 1957, soos gewysig deur artikel 5 van Wet 86 van 1969 en artikel 4 van Wet 65 van 1971.

„(7) Ondanks andersluidende wetsbepalinge, kan 'n Nieblanke-beampte of -werknemer wat 'n pos of betrekking beklee in 'n departement wat genoem word in die Derde Bylae by hierdie Wet, wanneer die openbare belang dit vereis, op aanbeveling van die Kommissie, met die toestemming van sodanige beampte of werknemer en op voorwaardes wat op aanbeveling van die Kommissie voorgeskryf word, oorgeplaas word na die diens van 'n Nieblanke-owerheid: 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 staatsdiens en dat, totdat 'n wet anders bepaal, die bepalinge 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.”.

3. Artikel 17 van die Hoofwet word hierby gewysig deur paragraaf (g) deur die volgende paragraaf te vervang:

Wysiging van artikel 17 van Wet 54 van 1957, soos gewysig deur artikel 5 van Wet 63 van 1967 en artikel 8 van Wet 86 van 1969.

- „(g) van sy posisie in die staatsdiens gebruik maak om die belange van 'n politieke party te bevorder of te benadeel; of”.

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Insertion of
section 24A in
Act 54 of 1957.

4. The following section is hereby inserted in the principal Act after section 24:

"Political
rights of
officers and
employees.

24A. Subject to the provisions of section 17 (g), an officer or employee may—

- (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."

Amendment of
section 26 of
Act 54 of 1957,
as amended by
section 4 of
Act 71 of 1963,
section 6 of
Act 63 of 1967 and
section 10 of
Act 86 of 1969.

5. Section 26 of the principal Act is hereby amended by the substitution for paragraphs (b)*bis* and (b)*ter* of subsection (1) of the following paragraphs:

"(b)*bis* (i) the establishment and management of and control over a medical aid fund or medical aid funds for the public service;

(ii) the classes of officers and employees who may be required to become members of and to contribute to such fund or funds;

(iii) the scales of contributions;

(iv) the rights, privileges and obligations of members; and

(v) generally all matters reasonably necessary for the regulation and operation of such fund or funds and such matters may, notwithstanding the provisions of section 21 (1), include the circumstances, ways and conditions under, in and upon which contributions and any other moneys which are payable or owing by or in respect of officers or employees to such fund or funds, are to be recovered from the salaries or wages of such officers or employees or from any other moneys which are payable to them under this Act, and paid to such fund or funds;

(b)*ter* (i) the recognition by the Commission of a specific medical aid fund or medical aid society or specific medical aid funds 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 Commission to prescribe the requirements with which the constitution, rules, control, management, powers, duties, scales of membership fees and any other aspect whatsoever of the activities of any medical aid fund or medical aid society must comply before such medical aid fund or medical aid society may become eligible for recognition or continued recognition as contemplated herein;

(iii) officers' and employees' compulsory membership of any medical aid fund or medical aid society recognized by the Commission;

(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 fund or medical aid society;

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4. Die volgende artikel word hierby in die Hoofwet na artikel 24 ingevoeg:

„Politieke
regte van
beamptes en
werknemers.

24A. Behoudens die bepalings van artikel 17 (g), mag 'n beampte of werknemer—

Invoeging van
artikel 24A in
Wet 54 van 1957.

- (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.”.

5. Artikel 26 van die Hoofwet word hierby gewysig deur paragrawe (b)*bis* en (b)*ter* van subartikel (1) deur die volgende paragrawe te vervang:

- „(b)*bis* (i) die instelling en bestuur van en beheer oor 'n mediese hulpfonds of mediese hulpfondse vir die staatsdiens;
- (ii) die klasse beamptes en werknemers van wie vereis kan word om lede van sodanige fonds of fondse 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 fonds of fondse en sodanige aangeleenthede kan, ondanks die bepalings van artikel 21 (1), die omstandighede, wyse en voorwaardes insluit waaronder en waarop bydraes en ander gelde wat deur of ten opsigte van beamptes of werknemers aan sodanige fonds of fondse 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 fonds of fondse oorbetal moet word;
- (b)*ter* (i) die erkenning deur die Kommissie van 'n bepaalde mediese hulpfonds of mediese hulpvereniging of bepaalde mediese hulpfondse 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 Kommissie om die vereistes voor te skryf waaraan die konstitusie, reëls, beheer, bestuur, bevoegdheid, pligte, skale van lidmaatskapgelde en enige ander aspek hoegenaamd van die bedrywighede van 'n mediese hulpfonds of mediese hulpvereniging moet voldoen voordat dié mediese hulpfonds of mediese hulpvereniging 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 hulpfonds of mediese hulpvereniging deur die Kommissie erken;
- (iv) die klasse beamptes en werknemers wat aldus verplig is of kan word om lede van so 'n mediese hulpfonds of mediese hulpvereniging te word en te bly;

Wysiging van
artikel 26 van
Wet 54 van 1957,
soos gewysig deur
artikel 4 van
Wet 71 van 1963,
artikel 6 van
Wet 63 van 1967 en
artikel 10 van
Wet 86 van 1969.

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- (v) the conditions of such compulsory membership and such conditions, notwithstanding the provisions of section 21 (1), may include the circumstances, ways and conditions under, in and upon which membership fees and any other moneys which are payable or owing by or in respect of officers or employees to such medical aid fund or medical aid society, are to be recovered from the salaries or wages of such officers or employees or from any other moneys which are payable to them under this Act, and paid to such medical aid fund or medical aid society; and
- (vi) the circumstances under which an officer or employee or classes of officers and employees are or may be exempted from compulsory membership of a recognized medical aid fund or medical aid society;”.

Insertion of section
27A in Act 54 of
1957.

6. The following section is hereby inserted in the principal Act after section 27:

“Amendment of Third Schedule. 27A. The State President may, as circumstances may require, amend the Third Schedule to this Act by proclamation in the *Gazette*.”.

Addition of Third
Schedule to
Act 54 of 1957.

7. The following Schedule is hereby added to the principal Act:

“Third Schedule

LIST OF DEPARTMENTS REFERRED TO IN SECTION 13 (7) OF THE ACT

Department of Agricultural Technical Services
Department of Bantu Administration and Development
Department of Bantu Education
Department of Forestry
Department of Health
Department of Prisons
Department of the South African Police

”.

Short title.

8. This Act shall be called the Public Service Amendment Act, 1973.

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- (v) die voorwaardes van sodanige verpligte lidmaatskap en sodanige voorwaardes kan, ondanks die bepalings van artikel 21 (1), 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 hulpfonds of mediese hulpvereniging betaalbaar of verskuldig is, op sodanige beamptes of werknemers se salaris of lone of op ander gelde wat kragtens hierdie Wet aan hulle betaalbaar is, verhaal en aan sodanige mediese hulpfonds 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 hulpfonds of mediese hulpvereniging vrygestel is of kan word;”.

6. Die volgende artikel word hierby in die Hoofwet na Invoeging van artikel 27A in artikel 27 ingevoeg: Wet 54 van 1957.

„Wysiging van Derde Bylae. 27A. Die Staatspresident kan, na gelang omstandighede dit vereis, die Derde Bylae by hierdie Wet by proklamasie in die *Staatskoerant* wysig.”.

7. Die volgende Bylae word hierby in die Hoofwet gevoeg: Byvoeging van Derde Bylae by Wet 54 van 1957.

„Derde Bylae

LYS VAN DEPARTEMENTE IN ARTIKEL 13 (7) VAN DIE WET BEDOEL

Departement van Bantoe-administrasie en -ontwikkeling
 Departement van Bantoe-onderwys
 Departement van Bosbou
 Departement van Gesondheid
 Departement van Gevangenisse
 Departement van Landbou-tegniese Dienste
 Departement van die Suid-Afrikaanse Polisie

”.

8. Hierdie Wet heet die Staatsdienswysigingswet, 1973.

Kort titel.

PRINTED FOR THE GOVERNMENT PRINTER, PRETORIA, BY CAPE & TRANSVAAL PRINTERS LTD., CAPE TOWN—B587/25 700.
GEDRUK VIR DIE STAATSDRUKKER, PRETORIA, DEUR KAAP & TRANSVAAL DRUKKERS BPK., KAAPSTAD—B587/25 700.

ISBN 0 621 00981 4