



GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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KAAPSTAD, 14 MEI 1976

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 824. 14 Mei 1976.

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

No. 64 van 1976: Staatsdienswysigingswet, 1976.

Wet No. 64, 1976

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WET

Tot wysiging van die Staatsdienswet, 1957, ten einde sekere uitdrukkings te omskryf of nader te omskryf; die samestelling, en die ampstermyn van lede, van die Staatsdienskommissie te verander; die diensvoorwaardes van genoemde lede verder te reël; die uitoefening van die bevoegdhede van genoemde Kommissie verder te reël; sekere bevoegdhede ten opsigte van sekere voormalige beamptes en werknemers in die Staatsdiens aan genoemde Kommissie te verleen; die uitvoering van sekere aanbevelings van genoemde Kommissie verder te reël; die plig van genoemde Kommissie om sekere aangeleenthede aan die Parlement te rapporteer, op te hef; die ontslag van sekere beamptes verder te reël; die verbod op die ontvangs van besoldiging en toelaes deur beamptes en werknemers anders as ooreenkomstig die bepalinge van genoemde Wet verder te reël; sekere bepalinge by ander nuwe wetgewing aan te pas; en voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 4 Mei 1976.)

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

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, artikel 1 van Wet 65 van 1971 en artikel 51 van Wet 66 van 1974.

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

- (a) deur in subartikel (1) die omskrywing van „departementshoof”, „hoof van ’n departement” of „hoof van die departement” deur die volgende omskrywing te vervang:
„departementshoof”, „hoof van ’n departement” of „hoof van die departement” die beampte wat die bekleër is van die pos op die vaste diensstaat wat aangedui word met die naam uiteengesit in die tweede kolom van die Eerste Bylae by hierdie Wet, soos van tyd tot tyd ingevolge artikel 27 gewysig, teenoor die naam van elke onderskeie departement, of wat in daardie pos waarneem, en ook die Ouditeur-generaal soos omskryf in artikel 1 van die Skatkis- en Ouditwet, 1975 (Wet No. 66 van 1975), of die persoon wat in sy plek waarneem;”;
- (b) deur in genoemde subartikel (1) die omskrywing van „inkomste” deur die volgende omskrywing te vervang:
„inkomste” die Staatsinkomstefonds of, met betrekking tot ’n beampte of werknemer van ’n provinsiale administrasie of van die administrasie van die gebied, die betrokke provinsiale inkomstefonds of die Inkomstefonds van die gebied, na gelang van die geval;”;

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ACT

To amend the Public Service Act, 1957, so as to define or further define certain expressions; to alter the constitution, and the period of office of members, of the Public Service Commission; to further regulate the conditions of service of the said members; to further regulate the exercise of the powers of the said Commission; to confer certain powers upon the said Commission in respect of certain former officers and employees of the Public Service; to further regulate the carrying out of certain recommendations of the said Commission; to abolish the duty of the said Commission to report certain matters to Parliament; to further regulate the discharge of certain officers; to further regulate the prohibition of the receipt by officers and employees of remuneration and allowances otherwise than in accordance with the provisions of the said Act; to adjust certain provisions to other new legislation; and to provide for matters connected therewith.

*(Afrikaans text signed by the State President.)
(Assented to 4 May 1976.)*

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

1. Section 1 of the Public Service Act, 1957 (hereinafter referred to as the principal Act), is hereby amended—
- (a) by the substitution, in subsection (1), for the definition of “head of department”, “head of a department” or “head of the department” of the following definition: “‘head of department’, ‘head of a department’ or ‘head of the department’ means the officer holding or acting in the post on the fixed establishment designated by the name set forth in the second column of the First Schedule to this Act, as amended from time to time in terms of section 27, opposite the name of each respective department, and includes the Auditor-General as defined in section 1 of the Exchequer and Audit Act, 1975 (Act No. 66 of 1975), or the person acting in his stead;”;
- (b) by the substitution in the said subsection (1) for the definition of “Minister” of the following definition: “‘Minister’, in relation to an officer or employee or person who is or has been employed or is to be employed otherwise than under the administration of a province or of the territory, means the Minister responsible for the department in which such officer, employee or person is or was last employed or is to be employed, and, in relation to an officer or employee or such other person who is or has been employed or is to be employed in the office of the Commission, means the Prime Minister;”;
- 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, section 1 of Act 65 of 1971 and section 51 of Act 66 of 1974.

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- (c) deur in genoemde subartikel (1) die omskrywing van „Minister” deur die volgende omskrywing te vervang: „„Minister”, met betrekking tot ’n beampte of werknemer of persoon wat in diens is of was of wat in diens geneem gaan word, behalwe onder die administrasie van ’n provinsie of van die gebied, die Minister wat verantwoordelik is vir die departement waarin die beampte, werknemer of persoon in diens is of laas in diens was of in diens geneem gaan word, en, met betrekking tot ’n beampte of werknemer of sodanige ander persoon wat in diens is of was of wat in diens geneem gaan word in die kantoor van die Kommissie, die Eerste Minister;” en
- (d) deur in genoemde subartikel (1) die omskrywing van „Tesourie” deur die volgende omskrywing te vervang: „„Tesourie”, met betrekking tot die een of ander aangeleentheid, die Minister van Finansies of ’n beampte in die Departement van Finansies vermeld in die Eerste Bylae by hierdie Wet wat, uit hoofde van die indeling van werk in daardie departement, met daardie aangeleentheid handel;”.

Wysiging van artikel 3 van Wet 54 van 1957, soos gewysig deur artikel 31 van Wet 67 van 1968 en artikel 53 van Wet 66 van 1974.

2. Artikel 3 van die Hoofwet 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, die Ouditeur-generaal, amptenare van die Parlement of lede van die Kommissie in nie.”.

Wysiging van artikel 4 van Wet 54 van 1957, soos gewysig deur artikel 2 van Wet 71 van 1963, artikel 2 van Wet 47 van 1965, artikel 2 van Wet 63 van 1967, artikel 1 van Wet 17 van 1968, artikel 32 van Wet 67 van 1968, artikel 45 van Wet 70 van 1968, artikel 5 van Wet 92 van 1970 en artikel 1 van Wet 4 van 1975.

3. Artikel 4 van die Hoofwet word hierby gewysig—

- (a) deur subartikel (1) deur die volgende subartikel te vervang:
 - „(1) Daar is ’n kommissie bekend as die Staatsdienskommissie, met die bevoegdhede, werksaamhede en pligte wat by hierdie Wet of enige ander wetsbepaling voorgeskryf word.”;
- (b) deur paragraaf (a) van subartikel (2) deur die volgende paragraaf te vervang:
 - „(a) Vanaf ’n datum deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal, bestaan die Kommissie uit drie lede wat deur die Staatspresident aangestel word, en by so ’n aanstelling neem die Staatspresident, onder andere, die kennis van of ondervinding in die staatsdiens van die persone wat aangestel gaan word, behoorlik in ag.”;
- (c) deur paragrafe (bA) en (bB) van genoemde subartikel (2) te skrap;
- (d) deur paragraaf (c) van genoemde subartikel (2) deur die volgende paragraaf te vervang:
 - „(c) Gedurende die afwesigheid van die voorsitter, om watter rede ook al, neem as voorsitter van die Kommissie waar die lid van die Kommissie wat die langste diens as sodanig het of, waar twee of meer sodanige lede ewe veel diens as sodanig het, die lid van die Kommissie deur die Staatspresident aangewys.”;
- (e) deur subartikel (4) deur die volgende subartikel te vervang:
 - „(4) Behoudens die bepalings van subartikels (10), (11), (12), (12A) en (13) beklee ’n lid van die Kommissie sy amp vir ’n tydperk van vyf jaar maar kan hy by die verstryking van sy ampstermyn weer aangestel word.”;
- (f) deur subartikel (5) deur die volgende subartikel te vervang:
 - „(5) Die Staatspresident stel die salarisse vas wat aan die voorsitter en ander lede van die Kommissie

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- (c) by the substitution in the said subsection (1) for the definition of "revenue" of the following definition:

"'revenue' means the State Revenue Fund or, in relation to an officer or employee of a provincial administration or of the administration of the territory, the provincial revenue fund concerned or the territory Revenue Fund, as the case may be;"; and

- (d) by the substitution in the said subsection (1) for the definition of "Treasury" of the following definition:

"'Treasury, in relation to any matter, means the Minister of Finance or an officer in the Department of Finance mentioned in the First Schedule to this Act who, by virtue of a division of work in that department, deals with that matter;".

2. Section 3 of the principal Act 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, the Auditor-General, 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 and section 53 of Act 66 of 1974.

3. Section 4 of the principal Act is hereby amended—

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

"(1) There shall be a commission to be known as the Public Service Commission, with such powers, functions and duties as are prescribed by this Act or any other law."

Amendment of section 4 of Act 54 of 1957, as amended by section 2 of Act 71 of 1963, section 2 of Act 47 of 1965, section 2 of Act 63 of 1967, section 1 of Act 17 of 1968, section 32 of Act 67 of 1968, section 45 of Act 70 of 1968, section 5 of Act 92 of 1970 and section 1 of Act 4 of 1975.

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

"(a) From a date fixed by the State President by proclamation in the *Gazette*, the Commission shall consist of three members, who shall be appointed by the State President, and in making any such appointment the State President shall have due regard to, *inter alia*, the knowledge of or experience in the public service of the persons to be appointed."

- (c) by the deletion of paragraphs (bA) and (bB) of the said subsection (2);

- (d) by the substitution for paragraph (c) of the said subsection (2) of the following paragraph:

"(c) During the absence of the chairman for any reason the member of the Commission having the longest service as such or, where two or more such members have the same service as such, the member of the Commission designated by the State President shall act as chairman of the Commission."

- (e) by the substitution for subsection (4) of the following subsection:

"(4) Subject to the provisions of subsections (10), (11), (12), (12A) and (13), a member of the Commission shall hold office for a period of five years, but shall be eligible for reappointment on the expiry of his period of office."

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

"(5) The State President shall fix the salaries payable to the chairman and other members of the Com-

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betaal word: Met dien verstande dat die salaris betaalbaar aan die voorsitter of 'n ander lid nie gedurende 'n ampstermyn verminder mag word nie behalwe by Parlements wet.”; en

- (g) deur subartikel (6) deur die volgende subartikel te vervang:

„(6) Aan lede van die Kommissie word die vergoedende en ander toelaes, bonusse en gratifikasies betaal, en aan hulle word die ander voorregte verleen, en vir hulle geld die ander diensvoorwaardes, wat aan hulle betaal of verleen sou geword het of vir hulle sou gegeld het as hulle departementshoofde was.”.

Wysiging van artikel 5 van Wet 54 van 1957, soos gewysig deur artikel 3 van Wet 71 van 1963, artikel 3 van Wet 47 van 1965, artikel 3 van Wet 63 van 1967, artikel 33 van Wet 67 van 1968, artikel 6 van Wet 92 van 1970 en artikel 2 van Wet 65 van 1971.

4. Artikel 5 van die Hoofwet word hierby gewysig—

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

„(1) Behoudens die bepalinge van subartikel (2), word 'n aanbeveling of lasgewing wat deur minstens twee lede van die Kommissie gedoen of gegee is, by die toepassing van hierdie Wet of enige ander wetsbepaling geag 'n aanbeveling of lasgewing te wees wat deur die Kommissie gedoen of gegee is.”; en

- (b) deur subartikel (3) deur die volgende subartikel te vervang:

„(3) Die Kommissie mag nie die bevoegdheid wat aan hom verleen is by artikel 6 (2) (a), (g), (j), (m) en (n), of artikel 14 (4), (5), (6) (a) tot en met (e), en (8), of Hoofstuk IV, of artikel 25, of artikel 27, van hierdie Wet deleger nie.”.

Wysiging van artikel 6 van Wet 54 van 1957, soos gewysig deur artikel 2 van Wet 86 van 1969.

5. Artikel 6 van die Hoofwet word hierby gewysig deur paragraaf (b) van subartikel (1) deur die volgende subartikel te vervang:

- „(b) om aanbevelings te doen of lasgewings te gee oor alle aangeleenthede waarvoor daar nie uitdruklik in hierdie Wet of enige ander wetsbepaling voorsiening gemaak is nie maar wat nie daarmee strydig is nie, met betrekking tot of voortspruitende uit die indiensneming van en die diensvoorwaardes in die algemeen van beamptes en werknemers in die staatsdiens of voormalige sodanige beamptes en werknemers terwyl hulle sodanige beamptes en werknemers was: Met dien verstande dat so 'n aanbeveling of lasgewing nie tot nadeel van so 'n voormalige beampte of werknemer mag strek nie: Met dien verstande voorts dat die Kommissie nie sodanige aanbevelings kan doen of sodanige lasgewings kan gee nie ten opsigte van so 'n voormalige beampte of werknemer na verstryking van 'n tydperk van twee jaar nadat hy opgehou het om so 'n beampte of werknemer te wees.”.

Wysiging van artikel 7 van Wet 54 van 1957, soos gewysig deur artikel 4 van Wet 63 van 1967 en artikel 3 van Wet 86 van 1969.

6. Artikel 7 van die Hoofwet word hierby gewysig—

- (a) deur na subartikel (1) die volgende subartikel in te voeg:

„(1A) 'n Aanbeveling bedoel in subartikel (1) wat nie op 'n besondere persoon betrekking het nie—

- (a) kan, behoudens die bepalinge van subartikel (2), voordat dit uitgevoer is deur die Kommissie teruggetrek of gewysig word te eniger tyd binne 'n tydperk van ses kalendermaande vanaf die datum waarop dit deur die Kommissie gedoen is of binne 'n tydperk van ses kalendermaande vanaf die datum waarop dit deur die Kommissie gewysig is; en

- (b) word, behoudens die bepalinge van subartikel (2), as bedoelde tydperk verstryk het en dit nie uitgevoer of deur die Kommissie teruggetrek is nie, onverwyld deur elke betrokke departementshoof

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mission; Provided that the salary payable to the chairman or any other member shall not be reduced during a period of office except by Act of Parliament.”; and

- (g) by the substitution for subsection (6) of the following subsection:

“(6) There shall be paid to members of the Commission such re-imbursive and other allowances, bonuses and gratuities, and there shall be granted to them such other privileges, and such conditions of service shall apply to them, as would have been paid or granted or would have applied to them had they been heads of departments.”

4. Section 5 of the principal Act is hereby amended—

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

“(1) Subject to the provisions of subsection (2), a recommendation or direction made or given by not less than two members of the Commission shall be deemed for the purposes of this Act or any other law to be a recommendation or direction made or given by the Commission.”; and

- (b) by the substitution for subsection (3) of the following subsection:

“(3) The Commission shall not delegate the powers conferred upon it by section 6 (2) (a), (g), (j), (m) and (n), or section 14 (4), (5), (6) (a) to (e), inclusive, and (8), or Chapter IV, or section 25, or section 27, of this Act.”

Amendment of section 5 of Act 54 of 1957, as amended by section 3 of Act 71 of 1963, section 3 of Act 47 of 1965, section 3 of Act 63 of 1967, section 33 of Act 67 of 1968, section 6 of Act 92 of 1970 and section 2 of Act 65 of 1971.

5. Section 6 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:

- “(b) to make recommendations or give directions on all matters not specifically provided for in this Act or any other law, but not inconsistent therewith, relating to or arising out of the employment of and the conditions of employment generally of officers and employees in the public service or former such officers and employees while they were such officers and employees: Provided that such a recommendation or direction shall not be to the detriment of any such former officer or employee: Provided further that the Commission shall not have the power to make such recommendations or give such directions in respect of any such former officer or employee after the expiration of a period of two years after he has ceased to be such an officer or employee.”

Amendment of section 6 of Act 54 of 1957, as amended by section 2 of Act 86 of 1969.

6. Section 7 of the principal Act is hereby amended—

- (a) by the insertion after subsection (1) of the following subsection:

“(1A) Subject to the provisions of subsection (2), a recommendation referred to in subsection (1) which does not relate to a particular person—

- (a) may be withdrawn or varied by the Commission before it has been carried out, at any time within a period of six calendar months from the date upon which it was made by the Commission or within a period of six calendar months from the date upon which it was varied by the Commission; and

- (b) shall, if the said period has expired and it has not been carried out or withdrawn by the Commission, forthwith be carried out by any head of

Amendment of section 7 of Act 54 of 1957, as amended by section 4 of Act 63 of 1967 and section 3 of Act 86 of 1969.

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uitgevoer soos deur die Kommissie gedoen of gewysig.”;

(b) deur in subartikel (2) die woorde „Gekonsolideerde Inkomstefonds” deur die woord “Staatsinkomstefonds” te vervang;

(c) deur subartikel (5) deur die volgende subartikel te vervang:

„(5) Geen aansoek om die verwerping of wysiging van ’n in subartikel (1) bedoelde aanbeveling word aan die Staatspresident gerig nie tensy die betrokke departement aan die Kommissie ten minste veertien dae kennis gegee het van sy voorneme om aldus aansoek te doen, en sodanige kennisgewing sit die gronde uiteen waarop die departement van voorneme is om die aansoek te baseer.”; en

(d) deur subartikel (7) te skrap.

Wysiging van artikel 14 van Wet 54 van 1957, soos gewysig deur artikel 6 van Wet 86 van 1969 en artikel 1 van Wet 58 van 1972.

7. Artikel 14 van die Hoofwet word hierby gewysig—

(a) deur in subartikel (6) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

„(6) Elke beampte (behalwe ’n lid van die dienste kan uit die staatsdiens ontslaan word—”; en

(b) deur subartikel (7) te skrap.

Vervanging van artikel 23 van Wet 54 van 1957.

8. Artikel 23 van die Hoofwet word hierby deur die volgende artikel vervang:

„Sessie van emolumente verbode. 23. Geen beampte of werknemer mag sonder die skriftelike goedkeuring van die rekenpligtige beampte (soos omskryf by artikel 1 van die Skatkis- en Ouditwet, 1975 (Wet No. 66 van 1975)) van die departement of kantoor waarin hy in diens is, die geheel of ’n gedeelte van enige salaris of toelae wat aan hom betaalbaar is, sedeer nie.”.

Vervanging van artikel 24 van Wet 54 van 1957.

9. Artikel 24 van die Hoofwet word hierby deur die volgende artikel vervang:

„Beamptes en werknemers moet al hulle tyd ter beskikking van die Regering stel. 24. (1) Tensy anders in sy diensvoorwaardes bepaal word—

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

(b) mag geen beampte of werknemer, behoudens die bepalinge van subartikel (2), besoldigde werk buite sy werk in die staatsdiens 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 bevoegde gesag aangesê word om te verrig nie.

(2) Ondanks die bepalinge van subartikel 1 (b), kan die Minister of ’n Administrateur (of ’n beampte wat kragtens ’n toepaslike delegasie deur die Minister of ’n Administrateur optree) op aanbeveling van die Kommissie, toestemming aan ’n beampte of werknemer verleen om besoldigde werk buite sy werk in die staatsdiens te verrig of om hom te verbind om dit te verrig.

(3) Die Minister of Administrateur of die hoof van ’n departement, tak, kantoor of inrigting is bevoeg om ’n beampte of werknemer onder sy beheer aan te sê om tydelik ander pligte te verrig as dié wat gewoonlik aan so ’n beampte opgedra word of wat by die graad, benaming of indeling van sy pos pas.

(4) (a) Waar enige besoldiging, toelae of ander beloning, van watter aard ook al, deur ’n beampte of werknemer in verband met die

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department concerned as made or varied by the Commission.”;

- (b) by the substitution in subsection (2) for the word “Consolidated” of the word “State”;
- (c) by the substitution for subsection (5) of the following subsection:
“(5) No application for the rejection or variation of a recommendation referred to in subsection (1) shall be made to the State President unless the department concerned has given the Commission at least fourteen days’ notice of its intention so to apply, and such notice shall set forth the grounds upon which the department intends basing the application.”; and
- (d) by the deletion of subsection (7).

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

- (a) by the substitution in subsection (6) for the words preceding paragraph (a) of the following words:
“(6) Every officer (other than a member of the services) is liable to be discharged from the public service—”; and
- (b) by the deletion of subsection (7).

Amendment of section 14 of Act 54 of 1957, as amended by section 6 of Act 86 of 1969 and section 1 of Act 58 of 1972.

8. The following section is hereby substituted for section 23 of the principal Act:

Substitution of section 23 of Act 54 of 1957.

“Cession of emoluments prohibited.

23. No officer or employee shall, without the written approval of the accounting officer (as defined by section 1 of the Exchequer and Audit Act, 1975 (Act No. 66 of 1975)), of the department or office in which he is employed, cede the whole or any part of any salary or allowance payable to him.”.

9. The following section is hereby substituted for section 24 of the principal Act:

Substitution of section 24 of Act 54 of 1957.

“Whole time of officers and employees to be at disposal of the Government.

24. (1) Unless it is otherwise provided in his conditions of employment—

- (a) every officer and employee shall place the whole of his time at the disposal of the Government;
- (b) no officer or employee shall, subject to the provisions of subsection (2), perform or engage himself to perform remunerative work outside his employment in the public service; and
- (c) no officer or employee may claim as of right additional remuneration in respect of any official duty or work which he is required by competent authority to perform.

(2) Notwithstanding the provisions of subsection 1 (b), the Minister or an Administrator (or an officer acting under an appropriate delegation by the Minister or an Administrator) may, on the recommendation of the Commission, grant permission to an officer or employee to perform or engage himself to perform remunerative work outside his employment in the public service.

(3) It shall be competent for the Minister or Administrator or the head of a department, branch, office or institution to require any officer or employee under his control temporarily to perform duties other than those ordinarily assigned to such officer or appropriate to the grade, designation or classification of his post.

- (4) (a) Where any remuneration, allowance or other reward whatsoever is received by an officer or employee in connection with the

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verrigting van sy werk in die staatsdiens ontvang word anders as ooreenkomstig die bepalings van hierdie Wet of 'n aanbeveling wat deur die Kommissie kragtens enige ander wetsbepaling gedoen is, of in stryd met die bepalings van subartikel (1) (b) ontvang word, moet daardie beampte of werknemer in die Staatsinkomstefonds 'n bedrag stort gelykstaande met die bedrag van daardie besoldiging, toelae of beloning of, waar dit nie uit geld bestaan nie, die waarde daarvan, soos bepaal deur die hoof van die departement waarin hy werksaam was ten tyde van die ontvangs daarvan, en as hy dit nie doen nie moet dit deur genoemde hoof deur middel van geregtelike stappe of op so 'n ander wyse as wat die Tesourie goedkeur, op hom verhaal en in daardie fonds gestort word: Met dien verstande dat—

- (i) daar 'n reg van appèl na die Minister teen bedoelde bepaling deur 'n hoof van 'n departement is; en
 - (ii) die Kommissie kan aanbeveel dat 'n beampte of werknemer die geheel of 'n gedeelte van bedoelde besoldiging, toelae of beloning kan behou.
- (b) Waar 'n beampte of werknemer, volgens die oordeel van die hoof van die departement bedoel in paragraaf (a), enige besoldiging, toelae of ander beloning soos bedoel in genoemde paragraaf ontvang het en dit nog in sy besit of onder sy beheer is of ten behoeve van hom in die besit of onder die beheer van iemand anders is of dit, indien dit geld is, in 'n bank, die pospaarbank, 'n bougenootskap of ander finansiële instelling gestort is op sy naam of op naam van iemand anders ten behoeve van hom, kan daardie departementshoof daardie beampte of werknemer of so iemand anders of daardie bank, die poskantoor of daardie bougenootskap of finansiële instelling skriftelik aansê om, hangende die uitslag van geregtelike stappe vir die verhaal van daardie besoldiging, toelae of beloning of die waarde daarvan, dit nie van die hand te sit of anders daarvoor te beskik nie of, indien dit geld is, nie oor 'n ooreenstemmende bedrag geld te beskik nie, na gelang van die geval.
- (c) Iemand wat 'n aansegging ingevolge paragraaf (b) nie nakom nie, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens duisend rand of gevangenisstraf vir 'n tydperk van hoogstens 'n jaar.
- (d) Indien 'n beampte wat enige besoldiging, toelae of beloning soos bedoel in paragraaf (a) ontvang het, 'n departementshoof is, moet die Tesourie ten opsigte van hom die pligte wat by hierdie subartikel aan 'n hoof van 'n departement ten opsigte van 'n beampte of werknemer opgelê word, uitvoer en kan die Tesourie ten opsigte van hom die bevoegdhede wat by hierdie subartikel aan 'n hoof van 'n departement ten opsigte van 'n beampte of werknemer verleë word, uitoefen.
- (5) Enige salaris, toelae, geld, bonus of honorarium wat betaalbaar is ten opsigte van die dienste van 'n beampte of werknemer wat tydelik tot die beskikking van 'n ander regering of 'n raad, inrigting, liggaam of persoon bedoel in artikel 13 (6) gestel is, moet in inkomste gestort word: Met dien

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performance of his work in the public service, but otherwise than in accordance with the provisions of this Act or a recommendation made by the Commission under any other law, or is received by him in contravention of the provisions of subsection (1) (b), such officer or employee shall pay into the State Revenue Fund an amount equal to the amount of such remuneration, allowance or reward or, where it does not consist of money, the value thereof, as determined by the head of the department in which he was employed at the time of the receipt thereof, and if he does not do so, it shall be recovered from him by the said head by legal proceedings or in such other manner as the Treasury may approve and be paid into that fund: Provided that—

- (i) there shall be a right of appeal to the Minister against that determination by a head of a department; and
 - (ii) the Commission may recommend that an officer or employee may retain the whole or a portion of that remuneration, allowance or reward.
- (b) Where in the opinion of the head of the department referred to in paragraph (a) an officer or employee has received any remuneration, allowance or other reward as contemplated in the said paragraph and it is still in his possession or under his control or in the possession or under the control of any other person on his behalf or, if it is money, has been deposited in any bank, the post office savings bank or any building society or other financial institution in his name or in the name of any other person on his behalf, that head of department may in writing require such officer or employee or such other person or such bank, the post office or such building society or financial institution not to dispose thereof or, if it is money, not to dispose of a corresponding sum of money, as the case may be, pending the outcome of any legal steps for the recovery of such remuneration, allowance or reward or the value thereof.
- (c) Any person who fails to comply with a requirement in terms of paragraph (b) shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand rand or imprisonment for a period not exceeding one year.
- (d) If an officer who has received any remuneration, allowance or reward as contemplated in paragraph (a), is a head of a department, the Treasury shall in respect of him perform the duties imposed by this subsection upon a head of a department in respect of an officer or employee and may in respect of him exercise the powers conferred upon a head of a department by this subsection in respect of an officer or employee.
- (5) Any salary, allowance, fee, bonus or honorarium which may be payable in respect of the services of an officer or employee placed temporarily at the disposal of any other government or any board, institution, body or person referred to in section 13 (6), shall be paid into revenue: Provided that in

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verstande dat die Kommissie onder spesiale omstandighede kan aanbeveel dat 'n bedrag wat gelyk is aan bedoelde salaris, toelae, geld, bonus of honorarium, of 'n gedeelte daarvan, uit inkomste aan die beampte of werknemer betaal word."

Vervanging van artikel 28 van Wet 54 van 1957.

10. Artikel 28 van die Hoofwet word hierby deur die volgende artikel vervang:

„Kommissie se verslae moet in die Parlement ter Tafel gelê word.

28. Elke verslag wat die Kommissie ingevolge artikel 6 (2) (n) doen, word aan die Eerste Minister gestuur en word deur hom in die Senaat en die Volksraad ter Tafel gelê binne sewe dae nadat hy dit ontvang het, as die Parlement dan sit, of as die Parlement nie dan sit nie, binne sewe dae na die aanvang van sy eersvolgende sessie."

Kort titel en inwerkingtreding.

11. Hierdie Wet heet die Staatsdienswysigingswet, 1976, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

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special circumstances the Commission may recommend the payment out of revenue to the officer or employee of an amount equal to the said salary, allowance, fee, bonus or honorarium, or a portion thereof.”.

10. The following section is hereby substituted for section 28 of the principal Act:

Substitution of
section 28 of
Act 54 of 1957.

“Commis-
sion's
reports
to be
tabled in
Parliament.

28. Every report made by the Commission in pursuance of section 6 (2) (n), shall be transmitted to the Prime Minister and shall be laid by him upon the Tables of the Senate and the House of Assembly within seven days after he has received it if Parliament is then in session, or if Parliament is not then in session, within seven days after the commencement of its next ensuing session.”.

11. This Act shall be called the Public Service Amendment Act, 1976, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

Short title and
commencement.

