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No. 9666

STATE PRESIDENT'S OFFICE

No. 718.

29 March 1985

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

No. 27 of 1985: Post Office Service Amendment Act, 1985.

KANTOOR VAN DIE STAATSPRESIDENT

No. 718.

29 Maart 1985

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

No. 27 van 1985: Poskantoor dienswysigingswet, 1985.

Act No. 27, 1985

POST OFFICE SERVICE AMENDMENT ACT, 1985

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

 Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Post Office Service Act, 1974, so as to delete the definition of certain expressions and to define or further define certain expressions; to amend the categories in which personnel and posts in the Department of Posts and Telecommunications are classified; to extend the powers of the Staff Management Board regarding former officers and employees and to change the limitations on the delegation of powers by the Board; to empower the Board to determine the procedure to be followed at its meetings and for the submission of matters to it; to make provision for the appointment of officers or employees to act in the place of absent incumbents of posts; to empower the Postmaster General to change the rank designation of an officer or employee on his transfer from one post or appointment to another; to express more clearly the provision according to which the Board may in an exceptional case authorize any deviation from a condition of service; to provide for the appointment of a person as Postmaster General for a specified term and for the extension of such term; to make other provision relating to the health requirements with which persons appointed permanently in the department, should comply; to delete the provision which requires that particulars in respect of persons appointed from outside the department in certain posts, shall be furnished by the Board in its annual report; to delete the provision which requires that certain decisions of the Board relating to probationary appointments shall be approved by the Minister; to extend the powers of the Board and the Postmaster General relating to steps to be taken when probationary appointments in certain posts cannot be confirmed; to define more closely the arrangements relating to the transfer of personnel between the department and other State Departments, governments, bodies, institutions or authorities; to make other provision relating to the retirement of the officer occupying the post of Postmaster General; to extend the grounds on which officers may be discharged; to delete the provision which prohibits a female officer from remaining in the service of the department after her marriage; to define more closely the manner in which an officer may be punished for a service irregularity and to increase the fine that may be imposed in respect of such an irregularity; to extend the definition of misconduct; to provide for the Minister to delegate to an officer the power to appoint a person to investigate a charge of misconduct; to transfer from the Minister to the Postmaster General the power to decide on the punishment for misconduct by the incumbents of certain posts; to increase the maximum fine that may be imposed for misconduct; to empower the Postmaster General to delegate to an officer his power to postpone his decision on punishment in a specific case of misconduct; to empower the Minister to grant any particular service benefit to the incumbent of the post of Postmaster General; to provide for certain procedures and

ALGEMENE VERDUIDELIKENDE NOTA:

[**]** Woorde in vet druk tussen vierkantige hake dui skappings uit bestaande verordenings aan.

_____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Poskantoorwetswet, 1974, ten einde die omskrywing van sekere uitdrukkings te skrap en sekere uitdrukkings te omskryf of nader te omskryf; die kategorieë waarin personeel en poste in die Departement van Pos- en Telekommunikasiewese ingedeel word, te wysig; die bevoegdhede van die Personeelbestuursraad met betrekking tot voormalige beamptes en werknemers uit te brei en die beperkings op die delegering van bevoegdhede deur die Raad te wysig; aan die Raad bevoegdheid te verleen om die procedure wat by sy vergaderings en by die voorlegging van sake aan hom gevolg moet word, te bepaal; voorsiening te maak vir die aanstelling van beamptes of werknemers om as plaasvervangers van afwesige bekleërs van poste op te tree; bevoegdheid aan die Posmeester-generaal te verleen om, by die oorpasing van 'n beampte of werknemer van een pos of betrekking na 'n ander, sy rangbenaming te verander; die bepaling waarvolgens die Raad in 'n buitengewone geval 'n afwyking van 'n diensvoorwaarde kan magtig, duideliker te stel; voorsiening te maak vir die aanstelling van 'n persoon as Posmeester-generaal vir 'n bepaalde termyn en vir die verlenging van sodanige termyn; ander voorsiening te maak met betrekking tot die gesondheidsvereistes waaraan persone wat vas in die departement aangestel word, moet voldoen; die bepaling te skrap wat vereis dat besonderhede ten opsigte van persone wat van buite die departement in sekere poste aangestel word, deur die Raad in sy jaarverslag verstrekk moet word; die bepaling te skrap wat vereis dat sekere besluite van die Raad met betrekking tot proefaanstellings deur die Minister goedgekeur moet word; die bevoegdhede van die Raad en die Posmeester-generaal met betrekking tot stappe wat gedoen moet word wanneer proefaanstellings in sekere poste nie bekragtig word nie, uit te brei; die reëlings met betrekking tot die oorpasing van personeel tussen die departement en ander Staatsdepartemente, regerings, liggame, instellings of owerhede nader te omskryf; ander voorsiening te maak met betrekking tot die aftrede van 'n beampte wat die pos van Posmeester-generaal beklee; die gronde waarop beamptes ontslaan kan word, uit te brei; die vereiste te skrap wat 'n vroulike beampte verbied om na haar huwelik in diens van die departement aan te bly; die wyse waarop 'n beampte vir 'n diensonreëlmatigheid gestraf kan word, nader te omskryf en die boete wat ten opsigte van so 'n onreëlmatigheid opgelê kan word, te verhoog; die omskrywing van wangedrag uit te brei; voorsiening te maak vir delegering deur die Minister aan 'n beampte van die bevoegdheid om 'n persoon aan te stel om 'n aanklag van wangedrag te ondersoek; die bevoegdheid om oor die straf vir wangedrag deur die bekleërs van sekere poste te besluit, vanaf die Minister op die Posmeester-generaal oor te dra; die maksimum boete wat vir wangedrag opgelê kan word, te verhoog; die Posmeester-generaal te magtig om sy bevoegdheid om in 'n bepaalde ge-

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actions relating to the receipt by officers and employees of unauthorized and wrongly granted remuneration; to further define the provisions relating to the decreasing of officers' salaries; to delete the provision that the Minister may delegate his power to condone the infringement of certain provisions of the Act; to extend the circumstances under which officers may be specially promoted; to repeal the restrictions on legal proceedings against the department; to extend the powers of the Minister to make regulations; and to transfer from the Board to the Postmaster General the powers relating to the drawing up of a code regarding certain aspects of conditions of service; and to provide for incidental matters.

*(Afrikaans text signed by the State President.)
(Assented to 19 March 1985.)*

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

Amendment of
section 1 of
Act 66 of 1974.

1. Section 1 of the Post Office Service Act, 1974 (hereinafter referred to as the principal Act), is hereby amended—

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

"Black authority" means the government of a territory which has been or is declared by or under an Act of Parliament to be a self-governing territory within the Republic, an authority contemplated in the Black Authorities Act, 1951 (Act No. 68 of 1951), or the government of an area for which a legislative assembly has been established under section 1 of the National States Constitution Act, 1971 (Act No. 21 of 1971);"

(b) by the substitution in subsection (1) for the definition of "employee" of the following definition:

"employee" means a person [referred to in section 3 (1) (c)] who is employed in the department temporarily or under a special contract, either in a full-time or part-time capacity;"

(c) by the insertion in subsection (1) after the definition of "employee" of the following definition:

"entry post" means a post for which minimum appointment requirements have been determined in the code referred to in section 48;"

(d) by the deletion in subsection (1) of the definition of "non-White authority"; and

(e) by the substitution in subsection (1) for the definition of "officer" of the following definition:

"officer" means any person who has been appointed permanently in the service of the department, notwithstanding that such appointment may be on probation [to any post referred to in section 3 (1) (a), and includes any person referred to in section 3 (1) (b) and any person referred to in the second proviso to section 3 (3)];"

Substitution of
section 3 of Act
66 of 1974.

2. The following section is hereby substituted for section 3 of the principal Act:

"Classifica-
tion of staff
and posts.

3. (1) Officers and employees shall be employed—
(a) in posts on the fixed establishment, either as the permanent incumbents of such posts or on a temporary basis in vacant posts; or

val van wangedrag sy besluit oor die straf uit te stel, aan 'n beampte te deleger; bevoegdheid aan die Minister te verleen om enige besondere diensvoordeel aan die bekleër van die pos van Posmeester-generaal toe te ken; voorsiening te maak vir sekere prosedures en handeling met betrekking tot die ontvangs deur beamptes en werknemers van ongemagtigde en foutiewelik toegestane besoldiging; die bepalings met betrekking tot die verlaging van die salarisse van beamptes duideliker te stel; die bepaling te skrap waarvolgens die Minister sy bevoegdheid om die oortreding van sekere bepalings van die Wet te kondoneer, kan deleger; die omstandighede waaronder beamptes spesiaal bevorder kan word, uit te brei; die beperkings op regsgedinge teen die departement te herroep; die bevoegdhede van die Minister om regulasies uit te vaardig, uit te brei; en die bevoegdhede met betrekking tot die opstel van 'n kode betreffende sekere aspekte van diensvoorwaardes, vanaf die Raad op die Posmeester-generaal oor te dra; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 19 Maart 1985.)

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

1. Artikel 1 van die Poskantoorwetswet, 1974 (hieronder die Hoofwet genoem), word hierby gewysig—

Wysiging van
artikel 1 van
Wet 66 van 1974.

- 5 (a) deur in subartikel (1) die omskrywing van "beampte" deur die volgende omskrywing te vervang:
"‘beampte’ ’n persoon wat vas in die diens van die departement aangestel is, al is die aanstelling op proef [in ’n pos bedoel in artikel 3 (1) (a), en ook ’n persoon bedoel in artikel 3 (1) (b) en ’n persoon bedoel in die tweede voorbehoudsbepaling by artikel 3 (3)];";
- 10 (b) deur in subartikel (1) die omskrywing van "Nieblanke-owerheid" te skrap;
- 15 (c) deur in subartikel (1) na die omskrywing van "skaal" die volgende omskrywings in te voeg:
"‘Swart owerheid’ die regering van ’n gebied wat by of kragtens ’n Wet van die Parlement tot ’n selfregerende gebied binne die Republiek verklaar is of word, ’n owerheid bedoel in die Wet op Swart Owerhede, 1951 (Wet No. 68 van 1951), of die regering van ’n gebied waarvoor ’n wetgewende vergadering kragtens artikel 1 van die Grondwet van die Nasionale State, 1971 (Wet No. 21 van 1971), ingestel is;
- 20 'toetreepos' ’n pos waarvoor minimum aanstellingsvereistes bepaal is in die kode in artikel 48 bedoel;"; en
- 25 (d) deur in subartikel (1) die omskrywing van "werknemer" deur die volgende omskrywing te vervang:
"‘werknemer’ ’n persoon [in artikel 3 (1) (c) bedoel] wat tydelik of onder ’n spesiale kontrak, hetsy in ’n heeltydse of deelydse hoedanigheid, in die departement in diens is."
- 30

35 2. Artikel 3 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van
artikel 3 van
Wet 66 van 1974.

"Indeling van
personeel en
poste.

3. (1) Beamptes en werknemers word in diens gehou—

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- (a) in poste op die vaste diensstaat, hetsy as die permanente bekleërs van sodanige poste of op tydelike grondslag in vakante poste; of

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- (b) additional to the fixed establishment for the performance of a class of work for which staff is under ordinary circumstances not employed on a permanent basis, or when it is necessary for any other reason to increase the staff of the department temporarily. 5
- (2) (a) There shall be assigned to the posts on the fixed establishment the various designations and gradings determined by the Board with the approval of the Minister. 10
- (b) The posts on the fixed establishment shall be classified in the A division or B division, according to the directions of the Board. 10
- (3) The Board may direct that any post included in one division be removed from that division and either be included in the other division, or be excluded from both divisions: Provided that a direction given under this section shall not deprive any officer of any leave or other privilege or right which flowed from the occupancy by him of a post in the A division or the B division: Provided further that any officer whose post has been excluded from both divisions shall, for purposes of this Act and the Government Service Pension Act, 1973 (Act No. 57 of 1973), be deemed to continue to hold a post in the division in which his post was included immediately before the direction became effective. 15 20 25
- (4) The Board may at its discretion allocate job designations to classes of personnel or persons employed additional to the fixed establishment. 30
- (5) All posts which immediately prior to the substitution of this section by the Post Office Service Amendment Act, 1985, were included in, and all officers who immediately prior to such substitution were employed in— 35
- (a) the administrative, clerical, professional, technical and general A divisions, shall with effect from the said substitution be deemed to be included or employed in the A division; 40
- (b) the general B division, shall with effect from the said substitution be deemed to be included or employed in the B division.”. 40

Amendment of
section 5 of
Act 66 of 1974.

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

- (a) by the insertion after subsection (1) of the following subsection: 45
- “(1A) The Board may exercise the powers relating to or arising out of the employment of and, in general, the conditions of service of former officers and employees while they were officers and employees, in all matters which it may under the provisions of this Act or any other law exercise in the case of serving officers and employees: Provided that the execution of such a power shall not be to the detriment of such a former officer or employee: Provided further that the Board shall not exercise such power in respect of such a former officer or employee after the expiry of a period of two years after he ceased to be such an officer or employee.”; 50 55
- and
- (b) by the substitution for subsection (3) of the following subsection: 60
- “(3) The Board shall not delegate the power of delegation conferred upon it by subsection (2) of this section, or the powers conferred upon it by sections 3 (2)

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- (b) addisioneel tot die vaste diensstaat vir die ver-
rigting van 'n klas werk waarvoor personeel nie
5 onder gewone omstandighede op permanente
grondslag in diens gehou word nie, of wanneer
dit om 'n ander rede nodig is om die personeel
van die departement tydelik te vergroot.
- (2) (a) Daar word aan die poste op die vaste diens-
staat die verskillende benamings en graderings
10 toegeken wat die Raad met die goedkeuring van
die Minister bepaal.
- (b) Die poste op die vaste diensstaat word by die A-
afdeling of die B-afdeling ingedeel, na gelang
die Raad gelas.
- (3) Die Raad kan gelas dat 'n pos wat by een afde-
ling ingesluit is, uit daardie afdeling verwyder en of
15 by die ander afdeling ingesluit word, of uit beide af-
delings uitgesluit word: Met dien verstande dat 'n
lasgewing kragtens hierdie artikel gegee, 'n beampte
nie verlot of 'n ander voorreg of reg wat sy bekleding
20 van 'n pos in die A-afdeling of die B-afdeling meege-
bring het, mag ontnem nie: Met dien verstande
voorts dat 'n beampte wie se pos uit albei afdelings
uitgesluit is, by die toepassing van hierdie Wet en die
25 Regeringsdienspensioenwet, 1973 (Wet No. 57 van
1973), geag word 'n pos in die afdeling waarin sy pos
ingesluit was onmiddellik voordat die lasgewing van
krag geword het, te bly bekle.
- (4) Die Raad kan na goeddunke werksbenamings
toeken aan klasse personeel of persone wat addisio-
neel tot die vaste diensstaat in diens gehou word.
- (5) Alle poste wat onmiddellik voor die vervanging
van hierdie artikel deur die Poskantoorwysig-
ingswet, 1985, ingesluit was in, en alle beamptes
35 wat onmiddellik voor sodanige vervanging in diens
was in—
- (a) die administratiewe, klerklike, vakkundige, teg-
niese en algemene A-afdelings, word vanaf
daardie vervanging geag ingesluit of in diens te
wees in die A-afdeling;
- 40 (b) die algemene B-afdeling, word vanaf daardie ver-
vanging geag ingesluit of in diens te wees in die
B-afdeling.”

3. Artikel 5 van die Hoofwet word hierby gewysig—

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

“(1A) Die Raad kan, met betrekking tot of voort-
spruitend uit die indiensneming van en, in die alge-
meen, die diensvoorwaardes van voormalige beamptes
50 en werknemers terwyl hulle beamptes en werknemers
was, 'n bevoegdheid uitoefen oor enige aangeleentheid
ten opsigte waarvan hy kragtens die bepalings van hier-
die Wet of enige ander wetsbepaling so 'n bevoegdheid
kan uitoefen ten opsigte van dienende beamptes en
55 werknemers: Met dien verstande dat die uitoefening
van so 'n bevoegdheid nie tot nadeel van so 'n voorma-
lige beampte of werknemer strek nie: Met dien ver-
stande voorts dat die Raad nie sodanige bevoegdheid
ten opsigte van so 'n voormalige beampte of werkne-
60 mer uitoefen nie na verstryking van 'n tydperk van
twee jaar nadat hy opgehou het om so 'n beampte of
werknemer te wees.”; en

- (b) deur subartikel (3) deur die volgende subartikel te ver-
vang:

65 “(3) Die Raad deleger nie die delegeringsbevoegd-
heid by subartikel (2) van hierdie artikel aan hom ver-
leen, of die bevoegdhede aan hom verleen by artikels 3

Wysiging van
artikel 5 van
Wet 66 van 1974.

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and (3), 8 (1), 9 (1) (b) and (g), 16 (3), 17 (3), (6) and (7) **[(a)]**, Chapter IV and sections 34, 40 (b), 41, 42, 43 (1), 47 and 48: Provided that this provision shall not apply in relation to the powers granted by section 9 (1) (b) in cases where an officer on probation is discharged, or where an officer is retired on pension on the grounds of continuous ill-health, on the ground of medical evidence which complies with the requirements as prescribed, or as determined in the code referred to in section 48." 5 10

Amendment of
section 6 of
Act 66 of 1974.

4. Section 6 of the principal Act is hereby amended by the substitution for subsection (6) of the following subsection:

- "(6) (a) **[The first meeting of the Board shall be held at a time and place determined by the Minister in consultation with the chairman and any subsequent meeting]** 15
A meeting of the Board shall be held at a time and place determined by the chairman.
(b) **[The prescribed procedure shall be followed at]** At a meeting of the Board and upon the submission of matters for consideration by the Board **[Provided that until** 20
a procedure has been prescribed] the procedure **[determined by the chairman]** shall be followed **[thereat]** that the Board may from time to time determine."

Amendment of
section 7 of
Act 66 of 1974.

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

- (a) by the substitution for subsection (1) of the following subsection:
“(1) The Minister may either generally or in a particular case determine that any power which in terms of any provision of this Act (except any provision of sections 17 (3) and (7) **[(a)]**, 21 (4), 26 (3), 27 (3), 41 (4) 30 and 48) shall be exercised with his approval, may notwithstanding such provision be exercised without his approval.”; and
(b) by the substitution for paragraph (a) of subsection (6) of the following paragraph: 35
“(a) if such act relates to a particular person, on the date of the **[document]** written communication in which that person **[is]** was informed of that decision;”

Amendment of
section 9 of
Act 66 of 1974.

6. Section 9 of the principal Act is hereby amended— 40

- (a) by the substitution for paragraphs (a) and (b) of subsection (1) of the following paragraphs, respectively:
“(a) appoint or promote a person to a post **[in the administrative, clerical, professional, or technical division or appoint or promote persons to such posts]** 45
in the **[general]** A division **[as may be determined by the Board]**;
(b) discharge any officer **[other than an officer]** in the **[general B]** A division from the service of the department;” 50
(b) by the addition to subsection (1) of the following paragraph:
“(h) appoint an officer or employee to act in the place of the incumbent of a post on the fixed establishment during the absence of such incumbent;” 55
(c) by the substitution for paragraph (b) of subsection (2) of the following paragraph:
“(b) transfer any officer or employee with or without change of his designation from one post or appointment in the department to another post or 60
appointment in the department;” and

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(2) en (3), 8 (1), 9 (1) (b) en (g), 16 (3), 17 (3), (6) en (7) [(a)], Hoofstuk IV en artikels 34, 40 (b), 41, 42, 43 (1), 47 en 48 nie: Met dien verstande dat hierdie bepaling nie van toepassing is nie met betrekking tot die bevoegdhede verleen by artikel 9 (1) (b) in gevalle waar 'n beampte op proef afgedank of ontslaan word, of waar 'n beampte met pensioen afgedank word weens voortdurende swak gesondheid, op grond van mediese getuienis wat voldoen aan die vereistes wat voorgeskryf is of wat in die kode in artikel 48 bedoel, bepaal is."

4. Artikel 6 van die Hoofwet word hierby gewysig deur subartikel (6) deur die volgende subartikel te vervang:

Wysiging van
artikel 6 van
Wet 66 van 1974.

"(6) (a) [Die eerste vergadering van die Raad word gehou op 'n tyd en plek wat die Minister in oorleg met die voorsitter bepaal en 'n latere vergadering] 'n Vergadering van die Raad word gehou op 'n tyd en plek wat die voorsitter bepaal.
(b) By 'n vergadering van die Raad en by die voorlegging van sake vir oorweging deur die Raad word die [voorgeskrewe] prosedure gevolg [Met dien verstande dat tot tyd en wyl 'n prosedure voorgeskryf is, die prosedure daarby gevolg word] wat die [voorsitter] Raad van tyd tot tyd bepaal."

5. Artikel 7 van die Hoofwet word hierby gewysig—

Wysiging van
artikel 7 van
Wet 66 van 1974.

(a) deur subartikel (1) deur die volgende subartikel te vervang:
"(1) Die Minister kan of in die algemeen of in 'n besondere geval bepaal dat 'n bevoegdheid wat ingevolge 'n bepaling van hierdie Wet (behalwe 'n bepaling van artikels 17 (3) en (7) [(a)], 21 (4), 26 (3), 27 (3), 41 (4) en 48) met sy goedkeuring uitgeoefen moet word, ondanks so 'n bepaling sonder sy goedkeuring uitgeoefen kan word."; en
(b) deur paragraaf (a) van subartikel (6) deur die volgende paragraaf te vervang:
"(a) indien bedoelde handeling op 'n besondere persoon betrekking het, op die datum van die [geskryf] skriftelike mededeling waarin daardie persoon van daardie besluit verwittig [word] is;"

6. Artikel 9 van die Hoofwet word hierby gewysig—

Wysiging van
artikel 9 van
Wet 66 van 1974.

(a) deur paragrafe (a) en (b) van subartikel (1) deur onderskeidelik die volgende paragrafe te vervang:
"(a) iemand aan te stel in of te bevorder tot 'n pos [in die administratiewe, klerklike, vakkundige of tegniese afdeling, of persone aan te stel in of te bevorder tot dié poste] in die [algemene] A-afdeling [wat die Raad bepaal];
(b) 'n [ander] beampte [as 'n beampte] in die [algemene B-afdeling] A-afdeling uit die diens van die departement af te dank of te ontslaan;"
(b) deur die volgende paragraaf by subartikel (1) te voeg:
"(h) 'n beampte of werknemer aan te stel om tydens die afwesigheid van die bekleër van 'n pos op die vaste diensstaat as die plaasvervanger van bedoelde bekleër op te tree;"
(c) deur paragraaf (b) van subartikel (2) deur die volgende paragraaf te vervang:
"(b) 'n beampte of werknemer met of sonder verandering van sy rangbenaming van een pos of betrekking in die departement na 'n ander pos of betrekking in die departement oor te plaas;" en

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

“(c) discharge from the service of the department any officer in the **[general]** B division or any employee;”.

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Amendment of
section 10
of Act 66 of
1974.

7. Section 10 of the principal Act is hereby amended by the substitution for the proviso of the following proviso:

“Provided that the Board may with the approval of the Minister in an exceptional case authorize any deviation from a manner or condition which is prescribed or is determined in the said code, or which has been determined by the Board by way of approving the provisions of a special contract or in any other manner.”.

Insertion of
section 10A in
Act 66 of 1974.

8. The following section is hereby inserted in the principal Act after section 10:

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“Appointment of
Postmaster
General.

10A. (1) Subject to the provisions of this Chapter and of Chapter IV—

(a) (i) a person who is appointed to the office of Postmaster General;

(ii) an officer who is promoted or transferred to that office; and

(iii) an officer who, at the commencement of the Post Office Service Amendment Act, 1985, occupies that office,

shall occupy that office for a period of five years or for such shorter period as the Minister may approve, from, in the case of a person referred to in subparagraphs (i) and (ii), the date of appointment, promotion or transfer concerned, and in the case of a person referred to in subparagraph (iii), the commencement of the Post Office Service Amendment Act, 1985;

(b) an officer's term of office as Postmaster General as prescribed in paragraph (a) may, subject to the provisions of subsection (2), be extended at the expiry thereof for a period or successive periods of at least one year at a time but not exceeding five years, as the Minister may approve.

(2) (a) The Minister shall in writing inform the officer concerned at least six months before the expiry of the term referred to in paragraph (a) or any previously extended term referred to in paragraph (b), of his intention to retain him in service for an extended term, or not.

(b) If the Minister has informed an officer concerned of his intention to retain him in service for an extended term, such officer shall in writing inform the Minister, within one month from the date of the communication, of his acceptance or not of that extended employment.

(c) If an officer informs the Minister of his acceptance of the further employment, his term of office as Postmaster General shall be extended by such further period as has been agreed upon with the Minister.”.

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(d) deur paragraaf (c) van subartikel (2) deur die volgende paragraaf te vervang:

“(c) ’n beampte in die [algemene] B-afdeling of ’n werknemer uit die diens van die departement af te dank of te ontslaan;”.

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7. Artikel 10 van die Hoofwet word hierby gewysig deur die voorbehoudsbepaling deur die volgende voorbehoudsbepaling te vervang: Wysiging van artikel 10 van Wet 66 van 1974.

10 “Met dien verstande dat die Raad met die goedkeuring van die Minister in ’n buitengewone geval ’n afwyking [van ’n voorgeskrewe of in genoemde kode bepaalde wyse of voorwaarde] kan magtig van ’n wyse of voorwaarde wat voorgeskryf is of in genoemde kode bepaal is of wat deur die Raad by wyse van goedkeuring van die bepalings van ’n spesiale kontrak of op ’n ander wyse, bepaal is.”.

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8. Die volgende artikel word hierby in die Hoofwet na artikel 10 ingevoeg: Invoeging van artikel 10A in Wet 66 van 1974.

“Aanstelling van Posmeester-generaal. 10A. (1) Behoudens die bepalings van hierdie Hoofstuk en van Hoofstuk IV—

- 20 (a) moet—
- (i) ’n persoon wat in die amp van Posmeester-generaal aangestel word;
 - (ii) ’n beampte wat tot of na daardie amp bevorder of oorgeplaas word; en
 - 25 (iii) ’n beampte wat by die inwerkingtreding van die Poskantoor-dienswysigingswet, 1985, daardie amp beklee, die amp vir ’n tydperk van vyf jaar of dié korter tydperk wat die Minister goedkeur, beklee vanaf, in die geval van ’n persoon bedoel in subparagrafe (i) en (ii), die datum van die betrokke aanstelling, bevordering of oorplasing, en in die geval van ’n persoon bedoel in subparagraaf (iii), die inwerkingtreding van die Poskantoor-dienswysigingswet, 1985;
 - 30 (b) kan ’n beampte se ampstermyn as Posmeester-generaal soos in paragraaf (a) voorgeskryf, by die verstryking daarvan met ’n tydperk of agtereenvolgende tydperke van minstens een jaar op ’n keer maar hoogstens vyf jaar, soos die Minister goedkeur, behoudens die bepalings van subartikel (2) verleng word.
 - 35 (2) (a) Die Minister moet die betrokke beampte minstens ses maande voor die verstryking van die termyn in paragraaf (a) of enige voorheen verlengde termyn in paragraaf (b) bedoel, skriftelik meedeel of hy van voorneme is om hom vir ’n verlengde termyn in diens te hou, al dan nie.
 - 40 (b) Indien die Minister die betrokke beampte meedeel het van sy voorneme om hom vir ’n verlengde termyn in diens te hou, moet sodanige beampte binne een maand na die datum van die mededeling die Minister skriftelik van sy aanvaarding al dan nie van die verlengde indienshouding verwittig.
 - 45 (c) Indien ’n beampte die Minister meedeel dat hy die verdere indienshouding aanvaar, word sy ampstermyn as Posmeester-generaal verleng met die verdere tydperk waarvoor met die Minister ooreengekom is.”.
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Substitution of
section 11 of
Act 66 of 1974.

9. The following section is hereby substituted for section 11 of the principal Act:

"Qualifica-
tions for ap-
pointment in
department.

11. (1) No person shall be appointed permanently, or be transferred and appointed permanently under the provisions of section 16 (1), whether on proba- 5
tion or not, to a post in the [administrative, clerical, professional, technical, general] A or [general] B div-
ision unless such person—

- (a) is a South African citizen, or is a citizen of any territory which formed part of the Republic and 10
in terms of an Act of Parliament became an in-
dependent State;
- (b) is of good character; and
- (c) [is in the opinion of the Board free from any dis- 15
ease or physical or mental defect which would be
likely to interfere with the proper carrying out of
his duties or to render necessary his retirement
from the department before reaching the pen-
sionable age, and the Board has so declared] in
so far as his condition of health is concerned, 20
complies with such requirements as may be di-
rected by the Board.

[Provided that a person may be so appointed on pro-
bation, notwithstanding the provisions of paragraph
(c), if the Board withholds the declaration referred to 25
therein and directs, as a condition of the appoint-
ment, that it may be confirmed only after the Board
has issued such declaration: Provided further that
such declaration by the Board shall be made immedi-
ately upon conclusive medical proof being furnished
to it that such person is free from any disease or
physical or mental defect which would be likely to in-
terfere with the proper carrying out of his duties or to
render necessary his retirement before reaching the
pensionable age.] 35

(2) Notwithstanding the provisions of subsection
(1) (c), a person may be appointed on probation, but
his appointment shall not be confirmed unless he
complies with the requirements referred to in that
paragraph." 40

Amendment of
section 12 of
Act 66 of 1974.

10. Section 12 of the principal Act is hereby amended—

- (a) by the substitution for the words preceding paragraph
(a) of the following words:
"Subject to the provisions of section 13, a vacant
post in the [administrative, clerical, professional, 45
technical or general] A division shall be filled by
way of either—"; and
- (b) by the deletion of the proviso.

Amendment of
section 14 of
Act 66 of 1974.

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

- (a) by the substitution for subsection (1) of the following 50
subsection:
"(1) Appointments, transfers and promotions shall
be made on probation—
(a) in the [administrative, clerical, professional, tech-
nical and general] A division, if the Board [with 55
the approval of the Minister] so decides;
- (b) in the [general] B division, if the Postmaster Gen-
eral so decides."; and
- (b) by the substitution for subsection (4) of the following
subsection: 60
"(4) If the probationary appointment, promotion or
transfer is not so confirmed—
(a) the Board may, in the case of an officer other than
an officer serving in the [general] B division, or in

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9. Artikel 11 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van
artikel 11 van
Wet 66 van 1974.

“Kwalifika-
sies vir aan-
stelling in de-
partement.

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

(a) 'n Suid-Afrikaanse burger is, of 'n burger is van 'n gebied wat deel van die Republiek uitgemaak het en ingevolge 'n Wet van die Parlement 'n onafhanklike Staat geword het;

(b) van goeie karakter is; en

(c) [na die oordeel van die Raad vry is van enige siekte of liggaams- of geestesgebrek wat waarskynlik die behoorlike uitvoering van sy pligte sal belemmer of sy aftrede uit die departement voordat hy die pensioenleeftyd bereik, nodig sal maak, en die Raad aldus verklaar het] vir sover dit sy gesondheidstoestand betref, voldoen aan die vereistes deur die Raad gestel.

[Met dien verstande dat iemand aldus op proef aangestel kan word, ondanks die bepalings van paragraaf (c), as die Raad die daarin bedoelde verklaring agterweë hou en dit as 'n voorwaarde van die aanstelling gelas dat dit bekragtig kan word slegs nadat die Raad sodanige verklaring uitgereik het: Met dien verstande voorts dat sodanige verklaring deur die Raad gedoen word onmiddellik nadat afdoende mediese bewys aan hom gelewer is dat sodanige persoon vry van enige siekte of liggaams- of geestesgebrek is wat waarskynlik die behoorlike uitvoering van sy pligte sal belemmer of sy aftreding voordat hy die pensioenleeftyd bereik, nodig sal maak.]

(2) Ondanks die bepalings van subartikel (1) (c) kan iemand op proef aangestel word, maar sy aanstelling word nie bekragtig nie tensy hy aan die vereistes in daardie paragraaf bedoel, voldoen.”.

10. Artikel 12 van die Hoofwet word hierby gewysig—

Wysiging van
artikel 12 van
Wet 66 van 1974.

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

“'n Vakante pos in die [administratiewe, klerklike, vakkundige, tegniese of algemene] A-afdeling word, behoudens die bepalings van artikel 13, gevul by wyse van òf—”; en

(b) deur die voorbehoudsbepaling te skrap.

11. Artikel 14 van die Hoofwet word hierby gewysig—

Wysiging van
artikel 14 van
Wet 66 van 1974.

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

“(1) Aanstellings, oorplasinge en bevorderings geskied op proef—

(a) in die [administratiewe, klerklike, vakkundige, tegniese en algemene] A-afdeling, as die Raad [met die goedkeuring van die Minister] aldus besluit;

(b) in die [algemene] B-afdeling, as die Posmeester-generaal aldus besluit.”; en

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

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

(a) kan die Raad in die geval van 'n ander beampte as 'n beampte wat

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an entry post in the A division, with due regard to the reasons for the non-confirmation and subject to the provisions of subsection (6), with the approval of the Minister take such steps in the matter as it may deem fit;

- (b) the Postmaster General may, in the case of an officer serving in the **[general]** B division, or in an entry post in the A division, extend the period of probation or act in accordance with the provisions of subsection (5)."

Amendment of
section 15 of
Act 66 of 1974.

12. Section 15 of the principal Act is hereby amended by the substitution for paragraph (b) of the proviso of the following paragraph:

- "(b) an officer shall not be transferred from one post to another post of a higher or lower grade than his own grade or bearing a different designation, unless the transfer has been authorized by the Board with the approval of the Minister or unless each of the two posts concerned is a post in the **[general]** B division;"

Substitution of
section 16 of
Act 66 of 1974.

13. The following section is hereby substituted for section 16 20 of the principal Act:

"Transfers
from or to
other depart-
ments of
State, author-
ities, institu-
tions or bod-
ies.

(1) A person holding a pensionable appointment in any other department of State **[or in the administration of the territory]** or in an institution established by an Act of Parliament and which obtains its funds directly in whole or in part from the State Revenue Fund referred to in section 81 of the Republic of South Africa Constitution Act, 1983 (Act No. 110 of 1983), may, with the approval of the Minister, on such conditions as may be determined by the Board (excluding conditions determined by or under any pension law) be transferred and appointed by the Board to a post in the **[administrative, clerical, professional, technical, general]** A or **[general]** B division.

(2) An officer or employee may, with his consent and on the authorization of the Board, granted with the approval of the Minister, be transferred to a post or appointment in any other department of State or **[the administration of the territory]** an institution referred to in subsection (1).

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

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

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- 5 'n toetreepos in die A-afdeling in diens is, met be-
 hoorlike inagneming van die redes vir die nie-be-
 kragtiging en behoudens die bepalings van subarti-
 10 kel (6), met die goedkeuring van die Minister dié
 stappe in die saak doen wat hy goedvind;
 (b) kan die Posmeester-generaal, in die geval van 'n
 beampte wat in die **[algemene]** B-afdeling of in 'n
 toetreepos in die A-afdeling in diens is, die proef-
 15 tyd verleng of ooreenkomstig die bepalings van
 subartikel (5) optree."

12. Artikel 15 van die Hoofwet word hierby gewysig deur Wysiging van
 paragraaf (b) van die voorbehoudsbepaling deur die volgende artikel 15 van
 paragraaf te vervang: Wet 66 van 1974.

- 15 "(b) 'n beampte nie uit een pos oorgeplaas word na 'n ander
 pos wat van 'n hoër of laer graad as sy eie graad is of 'n
 ander benaming het nie, tensy die oorpasing deur die
 Raad met die goedkeuring van die Minister gemagtig is
 of tensy elkeen van die twee betrokke poste 'n pos in
 die **[algemene]** B-afdeling is;"

20 13. Artikel 16 van die Hoofwet word hierby deur die volgende Vervanging van
 artikel vervang: artikel 16 van
 Wet 66 van 1974.

- 25 "Oorplasing van of na ander Staatsdepartemente, owerhede, instellings of liggame.
 (1) 'n Persoon wat 'n pensioengewende betrekking
 beklee in 'n ander Staatsdepartement **[of in die admini-
 nistrasie van die gebied beklee]** of in 'n instelling wat
 by 'n Parlements wet ingestel is en wat sy fondse reg-
 streëks in die geheel of gedeeltelik uit die Staatsin-
 komstefonds bedoel in artikel 81 van die Grondwet
 van die Republiek van Suid-Afrika, 1983 (Wet No.
 110 van 1983), verkry, kan met die goedkeuring van
 30 die Minister deur die Raad op die voorwaardes wat
 die Raad bepaal (uitgesonderd voorwaardes wat deur
 of ingevolge 'n pensioenwet bepaal word) oorgeplaas
 word na en aangestel word in 'n pos in die **[admini-
 stratiwe, klerklike, vakkundige, tegniese, algemene]**
 35 A- of **[algemene]** B-afdeling.

- (2) 'n Beampte of werknemer kan met sy toestem-
 ming en met die magtiging van die Raad, verleen
 met die goedkeuring van die Minister, na 'n pos of
 betrekking in 'n ander Staatsdepartement of **[die ad-
 ministrasie van die gebied]** 'n instelling in subartikel
 40 (1) bedoel, oorgeplaas word.

- (3) 'n Persoon in die diens van 'n ander regering of
 'n **[Nieblanke-owerheid]** Swart owerheid, of van 'n
 raad, inrigting of liggaam wat deur of kragtens 'n wet
 45 ingestel is, of van 'n ander Staatsdepartement, die
 administrasie van die gebied of 'n liggaam of per-
 soon, kan met die goedkeuring van die Minister deur
 die Raad vir 'n besondere diens of vir die tydperk en
 op die voorwaardes (uitgesonderd voorwaardes wat
 50 deur of ingevolge 'n pensioenwet bepaal word) wat
 die Raad bepaal, in diens van die departement ge-
 neem word.

- (4) 'n Beampte of werknemer kan met sy toestem-
 ming en die goedkeuring van die Minister deur die
 Raad op die voorwaardes (benewens die voor-
 55 waardes wat deur of kragtens 'n wet voorgeskryf
 word) wat die Raad bepaal, hetsy vir 'n besondere
 diens of vir 'n tydperk, aan die diens van 'n ander re-
 gering, of van 'n raad, inrigting of liggaam wat by of
 60 kragtens 'n wet ingestel is, of van 'n ander Staatsde-
 partement, die administrasie van die gebied of 'n lig-
 gaam of persoon afgestaan word; en so 'n beampte of
 werknemer bly, terwyl hy aldus afgestaan is, onder-

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so seconded remain subject to the laws governing officers and employees.

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

Amendment of
section 17 of
Act 66 of 1974.

14. Section 17 of the principal Act is hereby amended—

(a) by the insertion after subsection (2) of the following subsections:

- “(2A) (a) In the case of an officer to whom subsection (2) is applicable and who occupies the office of Postmaster General, he shall give notification of his wish to be compelled to retire from the service of the department at least six months prior to the date on which he attains the age referred to in that subsection, and if he has so given notification, the provisions of subsection (2) (a) apply *mutatis mutandis*.
- (b) If such an officer has not so given notification at least six months prior to the date on which he attains the said age, he shall be compelled to retire on the first day of the seventh month following the month in which that notification is received.
- (2B) (a) Subject to the provisions of this section and section 10A (2) (a), an officer who occupies the office of Postmaster General has the right to retire from the service of the department and he shall be compelled to retire at the expiry of the term referred to in section 10A (1) (a), or of any extended term contemplated in section 10A (1) (b), as the case may be.
- (b) If an officer retires in terms of paragraph (a) or is compelled to retire, he shall be deemed to have been discharged from the service of the department in terms of subsection (4) (b).
- (2C) (a) The Minister may, at the request of an officer occupying the office of Postmaster General, allow him to retire from the service of the department before the expiry of the term referred to in section 10A (1) (a), or any extended term referred to in section 10A (1) (b), and notwithstanding the absence of any reason for discharge in terms of subsection (4), if a reason exists which the Minister deems sufficient.
- (b) If an officer is allowed to retire from the service of the department in terms of paragraph (a), he shall, notwithstanding anything to the contrary contained in subsection (3), be deemed to have retired from the service of the department in terms of that subsection, and he shall be entitled to such pension as he would have been entitled to if he had retired from the service of the department in terms of that subsection.”;

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worpe aan die wette wat op beamptes en werknemers van toepassing is.

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

14. Artikel 17 van die Hoofwet word hierby gewysig—

Wysiging van
artikel 17 van
Wet 66 van 1974.

(a) deur na subartikel (2) die volgende subartikels in te voeg:

- (2A) (a) In die geval van 'n beampte op wie subartikel (2) van toepassing is en wat die amp van Posmeester-generaal beklee, moet hy minstens ses maande voor die datum waarop hy die leeftyd in daardie subartikel bedoel, bereik, kennis gee van sy begeerte om verplig te word om uit die diens van die departement af te tree, en indien hy aldus kennis gegee het, geld die bepalings van subartikel (2) (a) *mutatis mutandis*.
- (b) Indien so 'n beampte nie minstens ses maande voor die datum waarop hy genoemde leeftyd bereik aldus kennis gee nie, word hy verplig om af te tree op die eerste dag van die sewende maand na die maand waarin die kennisgewing ontvang word.
- (2B) (a) Behoudens die bepalings van hierdie artikel en artikel 10A (2) (a) het 'n beampte wat die amp van Posmeester-generaal beklee die reg om uit die diens van die departement af te tree en word hy aldus verplig om af te tree by verstryking van die termyn in artikel 10A (1) (a) bedoel, of van enige verlengde termyn in artikel 10A (1) (b) bedoel, na gelang van die geval.
- (b) Indien 'n beampte ingevolge paragraaf (a) aftree of verplig word om af te tree, word hy geag ingevolge subartikel (4) (b) uit die diens van die departement ontslaan te wees.
- (2C) (a) Die Minister kan, op versoek van 'n beampte wat die amp van Posmeester-generaal beklee, hom toelaat om voor die verstryking van die termyn in artikel 10A (1) (a) bedoel, of enige verlengde termyn in artikel 10A (1) (b) bedoel, en ondanks die afwesigheid van enige rede vir ontslag ingevolge subartikel (4), uit die diens van die departement af te tree indien daar 'n rede bestaan wat die Minister voldoende ag.
- (b) As 'n beampte toegelaat word om ingevolge paragraaf (a) uit die diens van die departement af te tree, word hy, ondanks andersluidende bepalings van subartikel (3), geag ingevolge daardie subartikel uit die diens van die departement af te getree het, en is hy geregtig op die pensioen waarop hy geregtig sou gewees het indien hy ingevolge daardie subartikel uit die diens van die departement afgetree het."

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- (b) by the substitution for paragraph (c) of subsection (4) of the following paragraph:
 “(c) if, for reasons other than his own unfitness or incapacity, his discharge will promote efficiency or economy in the department or will otherwise be in the interests of the department;”;
- (c) by the insertion after paragraph (f) of subsection (4) of the following paragraphs:
 “(fA) on account of misrepresentation of his position in relation to a condition for permanent appointment as determined in section 11;
 (fB) if his continued employment constitutes a security risk for the State;”;
- (d) by the insertion after subsection (4) of the following subsection:
 “(4A) (a) If an officer is discharged under subsection (4) (fA), he shall for the purposes of any pension or other retirement benefits be deemed to have been discharged under subsection (4) (e).
 (b) If an officer is discharged under subsection (4) (fB), he shall for the purposes of any pension or other retirement benefits be deemed to have been discharged under subsection (4) (d).”;
- (e) by the deletion of subsection (5); and
 (f) by the substitution for subsection (7) of the following subsection:
 “(7) The services of an officer who occupies a post in the B division may, notwithstanding the absence of any reason for discharge in terms of subsection (4), be terminated by the Board with the approval of the Minister by written notice, and such notice shall, in the case of an officer with less than 10 years’ continuous service, be one month, and in the case of an officer with 10 years’ or more continuous service, be three months.”.

Amendment of
section 18 of
Act 66 of 1974.

15. Section 18 of the principal Act is hereby amended—
 (a) by the substitution for paragraph (a) of subsection (5) of the following paragraph:
 “(a) If a prescribed officer finds that an officer has committed a service irregularity he shall impose upon such officer one or both of the following penalties—
 (i) a warning or reprimand; [or]
 (ii) a fine not exceeding [twenty rand] R50.”;
- (b) by the substitution for paragraph (a) of subsection (7) of the following paragraph:
 “(a) A penalty imposed in terms of this section in respect of any service irregularity shall be entered in [the service] a record against the name of the officer concerned, if it is provided in the regulations that such penalty shall be so entered in respect of that service irregularity.”.

Amendment of
section 19 of
Act 66 of 1974.

16. Section 19 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:
 “(1) If the Postmaster General reports to the Minister that any officer (other than an officer who holds a post in the [general] B division) is, in his opinion, unfit for his duties or is incapable of carrying out his duties efficiently, the Minister shall appoint a person to enquire into the subject matter of that report.”.

Amendment of
section 23 of
Act 66 of 1974.

17. Section 23 of the principal Act is hereby amended—
 (a) by the substitution for paragraphs (e) and (f) of the following paragraphs, respectively:
 “(e) undertakes, without the permission of the Minister (granted on the recommendation of the Board in the case of an officer in the [administrative, cleri-

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- (b) deur paragraaf (c) van subartikel (4) deur die volgende paragraaf te vervang;
- “(c) as, om ander redes as sy eie ongeskiktheid of on-
vermoë, sy ontslag doeltreffendheid of besuiniging
in die departement sal bevorder of andersins in be-
lang van die departement sal wees.”;
- (c) deur na paragraaf (f) van subartikel (4) die volgende
paragrafe in te voeg:
- “(fA) op grond van wanvoorstelling van sy posisie met
betrekking tot ’n voorwaarde vir vaste aanstelling
soos in artikel 11 bepaal;
- (fB) indien sy voortgesette indienshouding ’n
sekerheidsrisiko vir die Staat inhou.”;
- (d) deur na subartikel (4) die volgende subartikel in te
voeg:
- “(4A) (a) Indien ’n beampte kragtens subartikel (4)
(fA) ontslaan word, word hy vir die doeleindes
van enige pensioen- of ander uitdienstredingsvoor-
dele geag kragtens subartikel (4) (e) ontslaan te wees.
(b) Indien ’n beampte kragtens subartikel (4) (fB)
ontslaan word, word hy vir die doeleindes van
enige pensioen- of ander uitdienstredingsvoordele
geag kragtens subartikel (4) (d) ontslaan te wees.”;
- (e) deur subartikel (5) te skrap; en
- (f) deur subartikel (7) deur die volgende subartikel te ver-
vang:
- “(7) ’n Beampte wat ’n pos in die B-afdeling beklee
se dienste kan, ondanks die afwesigheid van enige rede
vir ontslag ingevolge subartikel (4), deur die Raad met
die goedkeuring van die Minister deur skriftelike ken-
nisgewing beëindig word, en die kennisgewing moet, in
die geval van ’n beampte met minder as 10 jaar on-
onderbroke diens, een maand, en in die geval van ’n
beampte met 10 jaar of langer ononderbroke diens,
drie maande wees.”.

15. Artikel 18 van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (a) van subartikel (5) deur die volgende
paragraaf te vervang:
- “(a) Indien ’n voorgeskrewe beampte bevind dat ’n
beampte ’n diensonreëlmatigheid gepleeg het,
moet hy aan sodanige beampte een van of albei die
volgende strawwe ople—
- (i) ’n waarskuwing of berisping; [of]
- (ii) ’n boete van hoogstens [twintig rand] R50.”;
- (b) deur paragraaf (a) van subartikel (7) deur die volgende
paragraaf te vervang:
- “(a) ’n Straf wat ingevolge hierdie artikel ten opsigte
van ’n diensonreëlmatigheid opgelê is, moet in
[die diensregister] ’n register teen die naam van die
betrokke beampte aangeteken word indien dit in
die regulasies bepaal word dat sodanige straf aldus
aangeteken moet word ten opsigte van daardie
diensonreëlmatigheid.”.

Wysiging van
artikel 18 van
Wet 66 van 1974.16. Artikel 19 van die Hoofwet word hierby gewysig deur sub-
artikel (1) deur die volgende subartikel te vervang:

- “(1) As die Posmeester-generaal aan die Minister verslag
doen dat ’n beampte (behalwe ’n beampte wat ’n pos in die
[algemene] B-afdeling beklee) na sy oordeel ongeskik is vir
sy pligte of nie in staat is om sy pligte op bekwame wyse uit
te voer nie, stel die Minister ’n persoon aan om ondersoek
na die inhoud van daardie verslag in te stel.”.

Wysiging van
artikel 19 van
Wet 66 van 1974.

17. Artikel 23 van die Hoofwet word hierby gewysig—

- (a) deur paragrafe (e) en (f) deur onderskeidelik die vol-
gende paragrafe te vervang:
- “(e) sonder die toestemming van die Minister (verleen
op aanbeveling van die Raad in die geval van ’n
beampte in die [administratiewe, klerklike, vak-

Wysiging van
artikel 23 van
Wet 66 van 1974.

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- cal, professional, technical or general]** A division) any private agency or private work in any matter connected with the performance of his official functions or the carrying out of his official duties;
- (f) publicly comments **[upon]** to the prejudice of the administration of the department or any other department of State or the administration of the territory;";
- (b) by the substitution for paragraph (h) of the following paragraph:
- "(h) attempts to secure intervention **[through any person not in the employment of the Department]** from outside sources in relation to his position and conditions of service in the department, unless it **[is done]** occurs in an endeavour to obtain redress of any grievance through Parliament;";
- (c) by the substitution for subparagraph (i) of paragraph (n) of the following subparagraph:
- "(i) without the permission of the Minister (granted on the recommendation of the Board in the case of an officer in the **[administrative, clerical, professional, technical or general]** A division) accepts or demands in respect of the discharge of his duties or failure to discharge his duties any commission, fee or other reward, not being the emoluments payable to him in respect of his duties;";
- (d) by the deletion at the end of paragraph (q) of the word "or"; and
- (e) by the addition of the following paragraphs:
- "(s) contravenes any rule of the constitution of a medical aid fund or medical aid scheme or medical aid society of which he is a member, or fails to comply therewith;
- (t) contravenes any provision of a prescribed code of conduct or fails to comply with any provision thereof.".

Amendment of
section 24 of
Act 66 of 1974.

18. Section 24 of the principal Act is hereby amended by the substitution for subsection (4) of the following subsection:

"(4) If the officer charged denies the charge or fails to comply with the direction referred to in subsection (3), the Minister or an officer authorized thereto by him, shall appoint a magistrate to enquire into the charge.".

Amendment of
section 25 of
Act 66 of 1974.

19. Section 25 of the principal Act is hereby amended—

- (a) by the substitution for subsection (5) of the following subsection:
- "(5) The magistrate holding the enquiry shall at the conclusion thereof find whether the officer charged is guilty or not guilty of the misconduct with which he has been charged, and shall inform the officer charged and the Minister or the officer who appointed him to hold the enquiry, as the case may be, of his finding."; and
- (b) by the substitution in subsection (6) for the words preceding paragraph (a) of the following words:
- "If the magistrate holding the enquiry finds the officer charged guilty of the misconduct with which he has been charged, he shall send to the Postmaster General, for consideration by the Board except in a case where the officer who has been found guilty of misconduct is employed in the **[general]** B division and has not given notice of appeal in accordance with section 31 (1)—".

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- 5 **kundige, tegniese of algemene**] A-afdeling) 'n private agentskap of private werk in 'n aangeleentheid in verband met die verrigting van sy amptelike werksaamhede of die uitvoering van sy ampspligte, onderneem;
- (f) hom in die openbaar **[uitlaat oor]** ten nadele van die administrasie van die departement of 'n ander Staatsdepartement of die administrasie van die gebied uitlaat;;
- 10 (b) deur paragraaf (h) deur die volgende paragraaf te vervang:
- “(h) **[deur iemand wat nie in diens van die departement is nie]** probeer om uit buitebronne ingryping in verband met sy posisie en diensvoorwaardes in die departement te verkry, tensy dit geskied om herstel van 'n grief deur bemiddeling van die Parlement te probeer verkry;;”;
- 15 (c) deur subparagraaf (i) van paragraaf (n) deur die volgende subparagraaf te vervang:
- 20 “(i) sonder die toestemming van die Minister (verleen op aanbeveling van die Raad in die geval van 'n beampte in die **[administratiewe, klerklike, vak-**
- 25 **kundige, tegniese of algemene]** A-afdeling) enige kommissie, geld of ander beloning wat nie die emolumente is wat ten opsigte van sy pligte aan hom betaalbaar is nie, aanneem of eis ten opsigte van die uitvoering van sy pligte of die versuim om sy pligte uit te voer;;”;
- (d) deur die woord “of” aan die einde van paragraaf (q) te skrap; en
- 30 (e) deur die volgende paragrawe by te voeg:
- “(s) 'n reël van die konstitusie van 'n mediese hulpfonds of -hulpskema of -hulpvereniging waarvan hy lid is, oortree of versuim om daaraan te voldoen;
- 35 (t) 'n bepaling van 'n voorgeskrewe gedragskode oortree of versuim om daaraan te voldoen.”.

18. Artikel 24 van die Hoofwet word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang:
- 40 “(4) As die aangeklaagde beampte die aanklag ontken of versuim om aan die in subartikel (3) vermelde aansegging te voldoen, stel die Minister of 'n beampte deur hom daartoe gemagtig 'n landdros aan om ondersoek na die aanklag in te stel.”.

Wysiging van
artikel 24 van
Wet 66 van 1974.

- 45 19. Artikel 25 van die Hoofwet word hierby gewysig—
- (a) deur subartikel (5) deur die volgende subartikel te vervang:
- “(5) Die landdros wat die ondersoek instel, bevind by afloop daarvan of die aangeklaagde beampte skuldig is of nie skuldig is nie aan die wangedrag waarvan hy aangekla is, en verwittig die aangeklaagde beampte en die Minister of die beampte wat hom aangestel het om die ondersoek in te stel, na gelang van die geval, van sy bevinding.”; en
- 50 (b) deur in subartikel (6) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:
- “As die landdros wat die ondersoek instel die aangeklaagde beampte skuldig bevind aan die wangedrag waarvan hy aangekla is, stuur hy aan die Posmeester-generaal, vir oorweging deur die Raad behalwe in 'n geval waar die beampte wat aan wangedrag skuldig bevind is in die **[algemene]** B-afdeling in diens is en nie kennis van appèl ooreenkomstig artikel 31 (1) gegee het nie—”.
- 60

Wysiging van
artikel 25 van
Wet 66 van 1974.

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Amendment of
section 26 of
Act 66 of 1974.

20. Section 26 of the principal Act is hereby amended—

- (a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

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

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

"(b) that a fine not exceeding **[four hundred rand]** R2 000 be imposed upon him, which fine may be recovered by deduction from his emoluments in such instalments as may be determined by the Minister or the Postmaster General, as the case may be;"

- (c) by the substitution for paragraph (e) of subsection (1) of the following paragraph:

"(e) that he be discharged or be called upon to resign as from a date fixed by the Minister or the Postmaster General, as the case may be;"

- (d) by the substitution for the proviso to subsection (1) of the following proviso:

"Provided that—

- (i) except where a decision is taken or a recommendation is made in terms of paragraph (e), the Postmaster General may take a decision or the Board may make a recommendation in terms of more than one of the paragraphs of this subsection;

- (ii) **[the Postmaster General or the Board may postpone for a period not exceeding twelve months the making of a recommendation under this subsection]** the taking of a decision by the Postmaster General or by an officer delegated by him to do so on his behalf, or the making of a recommendation by the Board, under this subsection, may be postponed for a period not exceeding 12 months; and

- (iii) if an officer who has been called upon to resign, fails so to resign, he shall be deemed to have been discharged with effect from the date fixed by the Minister or the Postmaster General, as the case may be, in terms of subparagraph (e).";

- (e) by the substitution for subsection (2) of the following subsection:

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

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

"(3) The Minister may decide upon the course recommended by **[the Postmaster General or]** the Board in

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20. Artikel 26 van die Hoofwet word hierby gewysig—

Wysiging van
artikel 26 van
Wet 66 van 1974.

- (a) deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

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

- (b) deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:

20 "(b) dat hom 'n boete van hoogstens **[vierhonderd rand] R2 000** opgelê word, watter boete verhaal kan word deur dit van sy emolumente in die paaie-mente wat deur die Minister of die Posmeester-generaal, na gelang van die geval, bepaal word, af te trek";

- (c) deur paragraaf (e) van subartikel (1) deur die volgende paragraaf te vervang:

30 "(e) dat hy ontslaan of aangesê word om te bedank met ingang van 'n datum wat die Minister of die Posmeester-generaal, na gelang van die geval, vasstel";

- (d) deur die voorbehoudsbepaling by subartikel (1) deur die volgende voorbehoudsbepaling te vervang:

35 "Met dien verstande dat—

- (i) behalwe waar 'n besluit geneem of 'n aanbeveling gedoen word ingevolge paragraaf (e) **[gedoen word]**, die Posmeester-generaal 'n besluit kan neem of die Raad 'n aanbeveling kan doen ingevolge meer as een van die paragrawe van hierdie subartikel **[kan doen]**;

- 40 (ii) die Posmeester-generaal of 'n deur hom daartoe gedelegeerde beampte namens hom die neem van 'n besluit, of die Raad die doen van 'n aanbeveling, ingevolge hierdie subartikel vir 'n tydperk van hoogstens 12 maande kan uitstel; en

- 45 (iii) as 'n beampte wat aangesê is om te bedank, versuim om aldus te bedank, hy geag word ontslaan te gewees het met ingang van die datum wat deur die Minister of die Posmeester-generaal, na gelang van die geval, kragtens subparagraaf (e) vasgestel is.";

- 50 (e) deur subartikel (2) deur die volgende subartikel te vervang:

55 "(2) **[Die Posmeester-generaal stuur, saam met sy aanbeveling ingevolge subartikel (1), of, na gelang van die geval] In 'n geval waar die Raad ingevolge subartikel (1) 'n aanbeveling aan die Minister kan doen, stuur die Posmeester-generaal die aanbeveling van die Raad ingevolge bedoelde subartikel, die notule van die verrigtinge by die ondersoek en die dokumente in sy besit wat op die ondersoek betrekking het, aan die Minister.**";

- 60 (f) deur subartikel (3) deur die volgende subartikel te vervang:

65 "(3) Die Minister kan op die weg besluit wat **[deur die Posmeester-generaal of] die Raad ingevolge subarti-**

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terms of subsection (1), or may, subject to the provisions of section 7, **[in the case of a recommendation by the Board]** decide upon any other course which **[the Postmaster General or]** the Board could have recommended in terms of subsection (1)."; and

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

"(4) (a) In a case where the Minister takes a decision in terms of subsection (1), the [The] Minister shall inform the Postmaster General of his decision, who shall convey the decision to the competent authority, and such authority shall perform the act or acts to which that decision relates.

(b) In a case where the Postmaster General takes such a decision, the Postmaster General shall convey his decision to the competent authority, and such authority shall perform the act or acts to which that decision relates."

Substitution of section 27 of Act 66 of 1974.

21. The following section is hereby substituted for section 27 of the principal Act:

"Admission of misconduct.

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

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

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

(4) **[The Minister shall inform the Postmaster General of his decision who shall convey the decision to the competent authority, and such authority shall perform the act or acts to which that decision relates]** The provisions of section 26 (4) shall *mutatis mutandis* apply in respect of cases referred to in this section in so far as the performance of the act or acts relating to a decision by the Minister or the Postmaster General, as the case may be, is concerned."

Substitution of section 33 of Act 66 of 1974.

22. The following section is hereby substituted for section 33 of the principal Act:

"Entry in record in respect of inefficiency or misconduct.

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

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kel (1) **[van hierdie artikel]** aanbeveel **[is]** het, of kan, behoudens die bepalinge van artikel 7, **[in die geval van 'n aanbeveling deur die Raad]** op 'n ander weg wat **[die Posmeester-generaal of]** die Raad ingevolge subartikel

(g) deur subartikel (4) deur die volgende subartikel te vervang:

“(4) (a) In 'n geval waar die Minister 'n besluit ingevolge subartikel (1) neem, deel **[Die]** die Minister **[deel]** sy besluit aan die Posmeester-generaal mee, wat die besluit oordra aan die bevoegde gesag, en bedoelde gesag moet die handeling of handelinge verrig waarop daardie besluit betrekking het.

(b) In 'n geval waar die Posmeester-generaal sodanige besluit neem, dra die Posmeester-generaal sy besluit aan die bevoegde gesag oor, en bedoelde gesag moet die handeling of handelinge verrig waarop daardie besluit betrekking het.”.

21. Artikel 27 van die Hoofwet word hierby deur die volgende 20 artikel vervang:

Vervanging van artikel 27 van Wet 66 van 1974.

“Erkenning van wangedrag.

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

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

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

(4) **[Die Minister deel sy besluit aan die Posmeester-generaal mee wat die besluit oordra aan die bevoegde gesag, en bedoelde gesag verrig die handeling of handelinge waarop daardie besluit betrekking het]** Ten opsigte van gevalle in hierdie artikel bedoel, is die bepalinge van artikel 26 (4) *mutatis mutandis* van toepassing met betrekking tot die verrigting van die handeling of handelinge waarop 'n besluit deur die Minister of die Posmeester-generaal, na gelang van die geval, betrekking het.”.

22. Artikel 33 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 33 van Wet 66 van 1974.

“Aanteekening in register ten opsigte van onbekwaamheid of wangedrag.

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

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Amendment of
section 34 of
Act 66 of 1974.

23. Section 34 of the principal Act is hereby amended by the addition of the following subsection:

"(5) The Minister may grant to an officer who holds the office of Postmaster General any particular service benefit, prior to or at the termination of a term referred to in section 10A (1) (a), or any extended term referred to in section 10A (1) (b), or at the time of retirement or discharge from the service of the department."

Insertion of
sections 34A
and 34B in Act
66 of 1974.

24. The following sections are hereby inserted in the principal Act after section 34:

"Unauthor-
ized re-
muneration.

34A. (1) (a) If any remuneration, allowance or other reward is received by any officer or employee in connection with the performance of his work in the department otherwise than in accordance with the provisions of this Act, or is received contrary to the provisions of section 38 (1) (b), that officer or employee shall pay into the fund an amount equal to the amount of such remuneration, allowance or other reward, or, where it does not consist of money, the value thereof as determined by the Postmaster General, and if he does not do so, it shall be recovered from him by way of legal proceedings or in such other manner as the Postmaster General may think fit, and be paid into the fund.

(b) The officer or employee concerned may appeal against such a determination by the Postmaster General to the Minister, who may make such order as he may think fit.

(c) The Board may recommend that the officer or employee concerned may retain the whole or a portion of the remuneration, allowance or reward.

(2) If in the opinion of the Postmaster General an officer or employee has received any remuneration, allowance or other reward referred to in subsection (1) 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 account in his name or in the name of any other person on his behalf, the Postmaster General may in writing require that officer or employee or that other person or the person who controls that account 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 that remuneration, allowance or reward or the value thereof.

(3) A person referred to in subsection (2) who fails to comply with a requirement in terms of that subsection, shall be guilty of an offence and liable on conviction to a fine not exceeding R3 000 or to imprisonment for a period not exceeding one year.

(4) The provisions of this section shall also apply to the Postmaster General, and in such a case a reference to the Postmaster General shall be construed as a reference to the Minister.

Wrongly
granted
remune-
ration.

34B. (1) If an incorrect salary or scale of salary on appointment, transfer or promotion, or an incorrect advancement of salary within the limits of the scale of salary applicable to his grading, was awarded or granted to an officer or employee, or was awarded or granted at the correct notch or scale but at a time when or in circumstances under which it should not have been awarded or granted to him, the Postmas-

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23. Artikel 34 van die Hoofwet word hierby gewysig deur die volgende subartikel by te voeg:

Wysiging van
artikel 34 van
Wet 66 van 1974.

- 5 “(5) Die Minister kan aan ’n beamppte wat die pos van Posmeester-generaal beklee, voor of by verstryking van ’n termyn in artikel 10A (1) (a) bedoel, of enige verlengde termyn in artikel 10A (1) (b) bedoel, of ten tyde van aftrede of ontslag uit die diens van die departement, enige besondere diensvoordeel toeken.”

24. Die volgende artikels word hierby in die Hoofwet na artikel 34 ingevoeg:

Invoeging van
artikels 34A en
34B in Wet 66
van 1974.

“Ongemagtigde besoldiging.

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60 Foutiewelik
toegestane
besoldiging.

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34A. (1) (a) Indien enige besoldiging, toelae of ander

beloning deur ’n beamppte of werknemer in verband met die verrigting van sy werk in die departement ontvang word anders as ooreenkomstig die bepalings van hierdie Wet, of in stryd met die bepalings van artikel 38 (1) (b) ontvang word, moet daardie beamppte of werknemer ’n bedrag gelyk aan die bedrag van daardie besoldiging, toelae of ander beloning, of waar dit nie uit geld bestaan nie, die waarde daarvan soos bepaal deur die Posmeester-generaal, in die fonds stort, en indien hy dit nie doen nie, moet dit deur middel van regsproses of op die ander wyse wat die Posmeester-generaal goeddink op hom verhaal en in die fonds gestort word.

(b) Die betrokke beamppte of werknemer kan teen so ’n bepaling deur die Posmeester-generaal by die Minister appelleer, wat die bevel kan gee wat hy goeddink.

(c) Die Raad kan aanbeveel dat die betrokke beamppte of werknemer die geheel of ’n gedeelte van die besoldiging, toelae of beloning kan behou.

(2) Indien ’n beamppte of werknemer na die oordeel van die Posmeester-generaal enige besoldiging, toelae of ander beloning bedoel in subartikel (1) 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, indien dit geld is, in ’n rekening gestort is op sy naam of op naam van iemand anders ten behoeve van hom, kan die Posmeester-generaal die beamppte of werknemer of so iemand anders of die persoon wat daardie rekening beheer skriftelik aansê om, in afwagting van die uitslag van geregtelike stappe vir die verhaal van daardie besoldiging, toelae of beloning of die waarde daarvan, nie daarvoor te beskik nie, of, indien dit geld is, nie oor ’n ooreenstemmende bedrag geld te beskik nie, na gelang van die geval.

(3) ’n Persoon in subartikel (2) bedoel wat ’n aansegging ingevolge daardie subartikel nie nakom nie, is aan ’n misdryf skuldig en by skuldigbevinding strafbaar met ’n boete van hoogstens R

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ter General shall correct the salary or scale of salary of that officer or employee with effect from the date on which the incorrect salary, scale of salary or salary advancement commenced, notwithstanding the provisions of section 15 (a) and notwithstanding the fact that the officer or employee concerned was unaware that an error had been made in the case where the correction amounts to a reduction of his scale of salary or salary.

(2) If an officer or employee referred to in subsection (1) has in respect of his salary, including any portion of any allowance or other remuneration or any other benefit calculated on his basic salary or scale of salary or awarded to him by reason of his basic salary—

(a) been underpaid, an amount equal to the amount of the underpayment shall be paid to him, and that other benefit which he did not receive shall be awarded to him as from a current date; or
(b) been overpaid or received any such other benefit not due to him—

(i) an amount equal to the amount of the overpayment shall be recovered from him by way of the deduction from his salary of such instalments as the Postmaster General may determine, if he is in the service of the department, or, if he is not so in service, by way of deduction from any money owing or payable to him by the State, or by way of legal proceedings, or partly in the former manner and partly in the latter manner;

(ii) that other benefit shall be discontinued or withdrawn as from a current date, but the officer or employee concerned has the right to be compensated by the department for any patrimonial loss which he has suffered or will suffer as a result of that discontinuation or withdrawal.

(3) With the approval of the Postmaster General the amount of an overpayment to be recovered in terms of subsection (2) (b) may be remitted in whole or in part.”.

Substitution of section 35 of Act 66 of 1974.

25. The following section is hereby substituted for section 35 of the principal Act:

“Saving with regard to reduction of salaries.

35. The salary or scale of salary of an officer shall not be reduced without his consent except in accordance with the provisions of Chapter IV or in terms of an Act of Parliament: Provided that this provision shall not be construed as prohibiting the withholding of a salary increment of an officer under the circumstances provided for by regulation.”.

Substitution of section 37 of Act 66 of 1974.

26. The following section is hereby substituted for section 37 of the principal Act:

“Conditions of service.

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

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gewees het nie, moet die Posmeester-generaal daar-
die beampte of werknemer se salaris of salarisskaal
regstel met ingang van die datum waarop die fou-
tiewe salaris, salarisskaal of salarisverhoging in wer-
king getree het, ondanks die bepalings van artikel 15
(a) en ondanks die feit dat die betrokke beampte of
werknemer onbewus daarvan was dat 'n fout begaan
is in die geval waar die regstelling neerkom op 'n
verlaging van sy salarisskaal of salaris.

(2) Indien 'n beampte of werknemer bedoel in
subartikel (1) ten opsigte van sy salaris, met inbegrip
van enige gedeelte van 'n toelae of ander besoldiging
of enige ander voordeel wat op sy basiese salaris of
salarisskaal bereken is of op grond van sy basiese sa-
laris aan hom toegeken is—

(a) onderbetaal is, moet 'n bedrag gelyk aan die be-
drag van die onderbetaling aan hom betaal
word, en moet die ander voordeel wat hy nie
ontvang het nie, vanaf 'n lopende datum aan
hom toegeken word; of

(b) oorbetaal is, of so 'n ander voordeel ontvang het
wat hom nie toekom nie—

(i) moet 'n bedrag gelyk aan die bedrag van die
oorbetaling op hom verhaal word by wyse
van die aftrekking van sy salaris van die
paaientemente wat die Posmeester-generaal
bepaal, indien hy in diens van die departe-
ment is, of, indien hy nie aldus in diens is
nie, by wyse van die aftrekking van enige
bedrag wat deur die Staat aan hom verskul-
dig of betaalbaar is, of by wyse van geregte-
like stappe, of gedeeltelik op eersgenoemde
en gedeeltelik op laasgenoemde wyse;

(ii) moet daardie ander voordeel vanaf 'n lo-
pende datum gestaak of ingetrek word,
maar het die betrokke beampte of werkne-
mer die reg om deur die departement ver-
goed te word vir enige vermoënsregtelike
skade wat hy as gevolg van daardie staking
of intrekking gelyk het of sal ly.

(3) Met die goedkeuring van die Postmeester-
generaal kan die bedrag van 'n oorbetalings wat inge-
volg subartikel (2) (b) verhaal moet word geheel of
gedeeltelik kwytskeld word.”.

45 25. Artikel 35 van die Hoofwet word hierby deur die volgende
artikel vervang:

Vervanging van
artikel 35 van
Wet 66 van 1974.

“Voorbehoud 35. Die salaris of salarisskaal van 'n beampte mag
met betrek- nie sonder sy toestemming verlaag word nie, be-
king tot ver- halwe ooreenkomstig die bepalings van Hoofstuk IV
50 larisse. of ingevolge 'n Wet van die Parlement: Met dien ver-
stande dat hierdie bepaling nie so uitgelê word nie
dat dit die terughouding belet van 'n salarisverhoging
van 'n beampte onder die omstandighede wat by
regulasie bepaal word.”.

55 26. Artikel 37 van die Hoofwet word hierby deur die volgende
artikel vervang:

Vervanging van
artikel 37 van
Wet 66 van 1974.

“Diensvoor- 37. Behoudens die bepalings van artikel 34 is die
waardes. diensvoorwaardes van beamptes en werknemers soos
voorgeskrif of soos vervat in die kode in artikel 48
60 bedoel of, in die geval van persone in artikel 9 (1)
(d) of (e) bedoel, soos bepaal in die spesiale kon-
trakte wat op hul diens betrekking het: Met dien ver-
stande dat in 'n buitengewone geval daar van 'n
voorgeskrewe diensvoorwaarde, of van 'n diensvoor-

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the said code or the said special contracts, may be deviated from to the extent authorized by the Board with the approval of the Minister.”.

Amendment of
section 38 of
Act 66 of 1974.

27. Section 38 of the principal Act is hereby amended—

- (a) by the substitution for paragraph (c) of subsection (1) 5
of the following paragraph:
“(c) no officer or employee may as of right claim additional remuneration in respect of any official duty or work which he performs voluntarily or is required by a competent authority to perform.”; 10
- (b) by the substitution for subsection (2) of the following subsection:
“(2) The Minister **[or an officer to whom the Minister has delegated this power]** may grant to an officer or employee absolution from a contravention of the provisions of subsection (1).”; and 15
- (c) by the substitution for subsection (3) of the following subsection:
“(3) The Minister or the Postmaster General or the head of an office may **[require]** direct any officer or 20
employee under his control temporarily to perform duties other than those ordinarily assigned to such officer or employee or appropriate to the grade, designation or classification of his post, and the officer or employee shall obey such direction.” 25

Amendment of
section 40 of
Act 66 of 1974.

28. Section 40 of the principal Act is hereby amended by the substitution for paragraph (b) of the following paragraph:

- “(b) notwithstanding provisions to the contrary contained in this Act, specially promote any officer to a higher grade if it is necessary in the interests of the department or in 30
order to safeguard or restore the position in the department of such officer in relation to any other officer or officers, or to provide suitable staff to an independent State, and, subject to the provisions of section 9 (3),
employ such officer against a post of lower grading than 35
the grade to which he has been promoted.”.

Substitution of
section 44 of
Act 66 of 1974.

29. The following section is hereby substituted for section 44 of the principal Act:

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

44. For pension and retirement purposes—
- (a) **[the posts referred to in section 3 (1) (a)]** posts in 40
the A and B divisions and other posts occupied
by persons who have been appointed in a per-
manent capacity in the service of the depart-
ment, shall be deemed to be posts classified in
the public service, as defined in section 1 of the 45
Government Service Pension Act, 1973 (Act
No. 57 of 1973);
- (b) the persons **[referred to in section 3 (1) (a) and**
(b)] who occupy the posts referred to in para-
graph (a) and have been appointed in a perma- 50
nent capacity in the service of the department,
shall be deemed to be persons occupying posts
classified in the public service, as so defined;
- (c) **[the posts referred to in section 3 (1) (c) which**
are occupied by White employees shall be 55
deemed to be posts in the service of the Govern-
ment as defined in the Government Service Pen-
sion Act, 1965 (Act No. 62 of 1965), and such
White employees occupying posts in the service of
the Government, as so defined] an employee who 60
complies with the requirements referred to in
section 5 (2) (c) of the Temporary Employees
Pension Fund Act, 1979 (Act No. 75 of 1979),

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waarde wat in gemelde kode of gemelde spesiale kontrakte vervat is, afgewyk kan word in die mate wat die Raad met die goedkeuring van die Minister magtig.”.

5 27. Artikel 38 van die Hoofwet word hierby gewysig—

Wysiging van artikel 38 van Wet 66 van 1974.

(a) deur paragraaf (c) van subartikel (1) deur die volgende paragraaf te vervang:

10 “(c) kan geen beamppte of werknemer regtens aanspraak maak op addisionele besoldiging ten opsigte van enige amptelike diens of werk wat hy vrywillig verrig of deur ’n bevoegde gesag aangesê word om te verrig nie.”;

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

15 “(2) Die Minister [of ’n beamppte aan wie die Minister dié bevoegdheid gedelegeer het] kan aan ’n beamppte of werknemer kwytskelding van ’n oortreding van die bepalings van subartikel (1) verleen.”; en

20 (c) deur subartikel (3) deur die volgende subartikel te vervang:

25 “(3) Die Minister of die Posmeester-generaal of die hoof van ’n kantoor kan ’n beamppte of werknemer onder sy beheer aansê om tydelik ander pligte te verrig as dié wat gewoonlik aan so ’n beamppte of werknemer opgedra word of wat by die graad, benaming of indeling van sy pos pas, en die beamppte of werknemer moet so ’n lasgewing gehoorsaam.”.

28. Artikel 40 van die Hoofwet word hierby gewysig deur paragraaf (b) deur die volgende paragraaf te vervang:

Wysiging van artikel 40 van Wet 66 van 1974.

30 “(b) ondanks andersluidende bepalings van hierdie Wet, as dit nodig is in die belang van die departement of ter beskerming of herstel van die posisie in die departement van ’n beamppte met betrekking tot ’n ander beamppte of beamptes, of om geskikte personeel aan ’n onafhanklike Staat te voorsien, ’n beamppte spesiaal tot ’n hoër graad bevorder en bedoelde beamppte, behoudens die bepalings van artikel 9 (3), in diens hou teen ’n pos van ’n laer gradering as die graad waartoe hy bevorder is.”.

29. Artikel 44 van die Hoofwet word hierby deur die volgende 40 artikel vervang:

Vervanging van artikel 44 van Wet 66 van 1974.

“Toepassing van sekere pensioenwette ten opsigte van beamptes en werknemers.

45 44. Vir pensioen- en aftredingsdoeleindes word—

(a) [die poste bedoel in artikel 3 (1) (a)] poste in die A- en B-afdelings, en ander poste wat beklee word deur persone wat vas in die diens van die departement aangestel is, geag poste te wees wat by die staatsdiens, soos omskryf in artikel 1 van die Regeringsdienspensioenwet, 1973 (Wet No. 57 van 1973), geklassifiseer is;

50 (b) die persone [bedoel in artikel 3 (1) (a) en (b)] wat die poste in paragraaf (a) bedoel, beklee en vas in die diens van die departement aangestel is, geag persone te wees wat poste beklee wat in die staatsdiens, soos aldus omskryf, geklassifiseer is;

55 (c) [die poste bedoel in artikel 3 (1) (c) wat deur Blanke werknemers beklee word, geag poste te wees in die diens van die Regering, soos omskryf in artikel 1 van die Regeringsdienspensioenwet, 1965 (Wet No. 62 van 1965), en word bedoelde Blanke werknemers geag werknemers te wees wat poste in die diens van die Regering, soos aldus omskryf, beklee] ’n werknemer wat voldoen aan die voorgeskrewe vereistes bedoel in artikel 5 (2) (c) van die Wet op die Pensioenfonds vir Tydelike Werknemers, 1979 (Wet No. 75 van

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shall be deemed to be a person who in terms of the said section 5 (2) (c) is a member of the Fund referred to in that Act.

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

Repeal of section 46 of Act 66 of 1974.

30. Section 46 of the principal Act is hereby repealed.

Amendment of section 47 of Act 66 of 1974.

31. Section 47 of the principal Act is hereby amended—

- (a) by the substitution for paragraph (d) of subsection (1) of the following paragraph: 15
 “(d) journeys on official duty and the transport privileges of persons, officers and employees and former officers and employees on appointment, transfer and termination of service;”;
- (b) by the deletion of the word “and” at the end of paragraph (q) of subsection (1); 20
- (c) by the addition to subsection (1) of the following paragraph:
 “(s) the general security in the department and the security requirements with which officers and employees shall comply,”;
- (d) by the substitution for subsection (2) of the following subsection:
 “(2) Different regulations may be made in respect of the **[administrative, clerical, professional, technical, general]** A or **[general]** B division, or to suit the different requirements of the different divisions or branches of the department, or of particular classes of officers or employees or of particular operations in the department.”; and 30
- (e) by the deletion of subsection (4). 35

Amendment of section 48 of Act 66 of 1974.

32. Section 48 of the principal Act is hereby amended—

- (a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:
 “The **[Board]** Postmaster General may, in terms of a decision of the Board and with the approval of the Minister in so far as standing decisions relating to the matters referred to in paragraphs (a) to (f) of this subsection are concerned, draw up a code for the conduct and guidance of officers and employees in the administration of the provisions of this Act, and such code may contain provisions relating to—”;
- (b) by the deletion of subsection (3);
- (c) by the substitution for subsection (4) of the following subsection:
 “(4) The **[Board]** Postmaster General may, in terms of a decision of the Board, and with the approval of the Minister, where applicable in terms of subsection (1), from time to time **[draw up]** effect amendments to the code **[approved under subsection (2) and may submit such amendments to the Minister for his approval]**.”; and 55
- (d) by the substitution for paragraph (b) of subsection (5) of the following paragraph: 60
 “(b) shall, if it has been approved by the Minister in respect of matters which are subject to his approval

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1979), geag 'n persoon te wees wat ingevolge genoemde artikel 5 (2) (c) 'n lid is van die Fonds in daardie Wet bedoel.

5 [(d) die poste bedoel in artikel 3 (1) (c) wat deur Nie-blanke werknemers bekleed word, geag poste te wees in die diens van die Regering, soos omskryf in artikel 1 van die Wet op Pensioene vir Nie-blanke Regeringswerknemers, 1966 (Wet No. 42 van 1966), en word bedoelde Nie-blanke werknemers geag werknemers te wees wat poste in die diens van die Regering, soos aldus omskryf, bekleed.]”.

30. Artikel 46 van die Hoofwet word hierby herroep.

Herroeping van artikel 46 van Wet 66 van 1974.

31. Artikel 47 van die Hoofwet word hierby gewysig—

Wysiging van artikel 47 van Wet 66 van 1974.

15 (a) deur paragraaf (d) van subartikel (1) deur die volgende paragraaf te vervang:

“(d) reise in amptelike diens en die vervoervoorregte van persone, beamptes en werknemers en voormalige beamptes en werknemers by aanstelling, oorpasing en beëindiging van diens;”;

20 (b) deur die woord “en” aan die einde van paragraaf (q) van subartikel (1) te skrap;

(c) deur by subartikel (1) die volgende paragraaf te voeg:

25 “(s) die algemene sekerheid in die departement en die sekerheidsvereistes waaraan beamptes en werknemers moet voldoen,”;

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

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

35 (e) deur subartikel (4) te skrap.

32. Artikel 48 van die Hoofwet word hierby gewysig—

Wysiging van artikel 48 van Wet 66 van 1974.

40 (a) deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan, deur die volgende woorde te vervang:

“Die **[Raad]** Posmeester-generaal kan, ingevolge 'n besluit van die Raad, en met die goedkeuring van die Minister vir sover dit staande besluite betref wat betrekking het op die aangeleenthede in paragrafe (a) tot (f) van hierdie subartikel bedoel, 'n kode opstel vir die leiding en voorligting van beamptes en werknemers by die uitvoering van die bepalings van hierdie Wet, en sodanige kode kan bepalings bevat betreffende—”;

45 (b) deur subartikel (3) te skrap;

50 (c) deur subartikel (4) deur die volgende subartikel te vervang:

55 “(4) Die **[Raad]** Posmeester-generaal kan, ingevolge 'n besluit van die Raad, en met die goedkeuring van die Minister, waar van toepassing ingevolge subartikel (1), van tyd tot tyd wysigings van die kode **[wat kragtens subartikel (**

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in terms of subsection (1), be legally binding, in so far as such matters are concerned, upon the department and any officer [or], employee or other person in respect of whom such provisions apply."

Short title and
commencement.

33. This Act shall be called the Post Office Service Amend- 5
ment Act, 1985, and shall come into operation on 1 April 1985.

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(1) aan sy goedkeuring onderworpe is, regtens bindend vir sover dit bedoelde aangeleenthede betref, vir die departement en 'n beampte [of], werknemer of ander persoon ten opsigte van wie sodanige
bepalings van toepassing is."

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33. Hierdie Wet heet die Poskantoor dienswysigingswet, 1985, en tree op 1 April 1985 in werking.

Kort titel en
inwerkingtreding.

