



REPUBLIEK VAN SUID-AFRIKA

STAATSKOERANT

GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

As 'n Nuusblad by die Poskantoor Geregistreer

Registered at the Post Office as a Newspaper

Verkoopprys • Selling price
(AVB uitgesluit/GST excluded)
Plaaslik **70c** Local
Buitelands R1,00 Other countries
Posvry • Post free

VOL. 301

KAAPSTAD, 13 JULIE 1990

No. 12642

CAPE TOWN, 13 JULY 1990

KANTOOR VAN DIE STAATSPRESIDENT

No. 1622.

13 Julie 1990

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

No. 120 van 1990: Wysigingswet op die Wette op die Staatsdiens, 1990.

STATE PRESIDENT'S OFFICE

No. 1622.

13 July 1990

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

No. 120 of 1990: Public Service Laws Amendment Act, 1990.

Wet No. 120, 1990**WYSIGINGSWET OP DIE WETTE OP DIE STAATSDIENS, 1990****ALGEMENE VERDUIDELIKENDE NOTA:**

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

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

WET

Tot wysiging van die Wet op die Kommissie vir Administrasie, 1984, en die Staatsdienswet, 1984, ten einde die bevoegdheid wat aan die Kommissie vir Administrasie kragtens die Wet op die Kommissie vir Administrasie, 1984, verleen word om die bevoegdhede en werkzaamhede wat kragtens gemelde Wette of enige ander wette aan die Kommissie verleent of opgedra word, te deleer aan 'n lid of lede van die Kommissie of aan 'n beampete of beamptes in die staatsdiens, uit te brei, en die bevoegdheid van die Staatspresident kragtens die Wet op die Kommissie vir Administrasie, 1984, om sekere aangeleenthede met betrekking tot 'n departement op te dra aan 'n Minister of Administrateur, uit te brei; tot wysiging van die Staatsdienswet, 1984, ten einde te bepaal dat waar die bevordering van 'n beampete gedoen word onderworpe aan die voorwaarde dat die beampete aan sekere opleidingsvereistes moet voldoen, daardie bevordering geag word bekragtig te wees met ingang van die dag wat onmiddellik volg op die datum waarop aan die vereistes voldoen is; en die teks van paragraaf (a) van artikel 15 (4) van die Staatsdienswet te emendeer; en om vir bykomstige aangeleenthede voorsiening te maak.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 28 Junie 1990.)*

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

Wysiging van artikel 5 van Wet 65 van 1984, soos gewysig deur artikel 37 van Wet 111 van 1984 en artikel 1 van Wet 67 van 1985

1. Artikel 5 van die Wet op die Kommissie vir Administrasie, 1984, word hierby 5 gewysig deur paragraaf (a) van subartikel (2) deur die volgende paragraaf te vervang:

"(a) Die Kommissie kan, onderworpe aan die voorwaardes deur hom bepaal, enige bevoegdheid wat aan hom verleent of enige werkzaamheid wat aan hom opgedra is by hierdie Wet of die Staatsdienswet of enige ander wet, behalwe die bevoegdhede aan hom verleent by hierdie subartikel of by artikel 6 of by artikel 10 (1) van hierdie Wet, of artikel 3 (2) (a) [(g)] en (i), of artikel 3 (4) (a) (ii) [en (v)], of artikel 6 (3), of artikel 11, of artikel 13 (2) (c) (ii), of artikel 15 [(4)] (5) (a), [(5A)] (a) en (6)], of artikel 16 (2) [(a)] (d) [tot] en (e), [of artikel 16 (2) (g) en (h), of artikel 16 (4) (a) en (5) (b)], of Hoofstuk VI, of artikel 33, van die Staatsdienswet, deleer aan— 10
 (i) een of meer van sy lede; of
 (ii) 'n beampete of beamptes.".

PUBLIC SERVICE LAWS AMENDMENT ACT, 1990

Act No. 120, 1990

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 Commission for Administration Act, 1984, and the Public Service Act, 1984, so as to extend the power conferred upon the Commission for Administration under the Commission for Administration Act, 1984, to delegate the powers and functions conferred upon or entrusted to the Commission under the said Acts or any other law, to a member or members of the Commission or to an officer or officers in the public service, and to extend the power of the State President under the Commission for Administration Act, 1984, to assign certain matters in relation to a department to a Minister or Administrator; to amend the Public Service Act, 1984, so as to provide that where the promotion of an officer is made subject to the condition that the officer shall comply with certain training requirements, that promotion shall be deemed to have been confirmed with effect from the day which immediately succeeds the date on which the requirements were complied with; and to amend the text of paragraph (a) of section 15 (4) of the Public Service Act; and to provide for incidental matters.

*(English text signed by the State President.)
(Assented to 28 June 1990.)*

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

Amendment of section 5 of Act 65 of 1984, as amended by section 37 of Act 111 of 1984 and section 1 of Act 67 of 1985

5 1. Section 5 of the Commission for Administration Act, 1984, is hereby amended by the substitution for paragraph (a) of subsection (2) of the following paragraph:

- 10 “(a) The Commission may, subject to the conditions determined by it, delegate any power conferred upon it or any function entrusted to it under this Act or the Public Service Act or any other law, except the powers conferred upon it by this subsection or by section 6 or section 10 (1) of this Act, or by section 3 (2) (a) [(g)] and (i), or section 3 (4) (a) (ii) [**and (v)**], or section 6 (3), or section 11, or section 13 (2) (c) (ii), or section 15 [(4)], (5) (a), [**(5A) (a) and (6)**], or section 16 (2)[**(a)**] (d) [**to**] and (e), [**or** section 16 (2) (g) and (h), or section 16 (4) (a) and (5) (b)], or Chapter VI, or section 33, of the Public Service Act, to—
- 15 (i) one or more of its members; or
 (ii) an officer or officers.”.

Wet No. 120, 1990

WYSIGINGSWET OP DIE WETTE OP DIE STAATSDIENS, 1990

Wysiging van artikel 3 van Wet 111 van 1984**2.** Artikel 3 van die Staatsdienswet, 1984, word hierby gewysig—

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

(a) betreffende die instelling of afskaffing van departemente **[subdepartemente, takke, kantore of inrigtings]**, die werksaamhede van departemente, die oordrag van werksaamhede van een departement aan 'n ander of van 'n departement aan 'n ander liggaam of van 'n ander liggaam aan 'n departement;”; en(b) deur na paragraaf (a) van subartikel (2) die volgende paragraaf in te voeg: **(aA)** betreffende die instelling of afskaffing van subdepartemente, takke, kantore of inrigtings;”.**Wysiging van artikel 12 van Wet 111 van 1984****3.** Artikel 12 van die Staatsdienswet, 1984, word hierby gewysig—

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

(a) Behoudens die bepalings van paragrawe (b) en (c) en subartikel (3A) moet die proeftyd aldus aanbeveel of gelas minstens 12 kalendermaande wees.”; en

(b) deur na subartikel (3) die volgende subartikel in te voeg:

(3A) Indien die bevordering van 'n beampete op proef geskied en die enigste voorwaarde van so 'n bevordering is dat die beampete moet voldoen aan die opleidingsvereistes wat deur die Kommissie gelas is, word daardie bevordering, ondanks andersluidende bepalings van hierdie Wet, geag bekragtig te wees met ingang van die dag wat onmiddellik volg op die datum waarop daardie beampete aan daardie vereistes voldoen het.”.

Wysiging van artikel 15 van Wet 111 van 1984, soos gewysig deur artikel 2 van Wet 67 van 1985**4.** Artikel 15 van die Staatsdienswet, 1984, word hierby gewysig deur paragraaf (a) van subartikel (4) deur die volgende paragraaf te vervang:(a) Behoudens die bepalings van paragraaf (b) kan 'n beampete, uitgesonderd 'n lid van die dienste of die Nasionale Intelligen西iediens of 'n beampete **[bedoel in artikel 16 (4)]** in die B-afdeling, wat die leeftyd van 60 jaar bereik het, onderworpe in elke geval aan die aanbeveling van die Kommissie en die goedkeuring van die Minister of Administrateur, verplig word om uit die staatsdiens af te tree.”.**Kort titel en inwerkingtreding****5.** (1) Hierdie Wet heet die Wysigingswetsontwerp op die Wette op die Staatsdiens, 1990, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

(2) Verskillende datums kan kragtens subartikel (1) ten opsigte van die verskilende bepalings van hierdie Wet bepaal word.

PUBLIC SERVICE LAWS AMENDMENT ACT, 1990

Act No. 120, 1990

Amendment of section 3 of Act 111 of 1984

2. Section 3 of the Public Service Act, 1984, is hereby amended—
(a) by the substitution for paragraph (a) of subsection (2) of the following paragraph:
5 “(a) regarding the establishment or abolition of departments [subdepartments, branches, offices or institutions], the functions of departments, the transfer of functions from one department to another or from a department to any other body or from any other body to a department;”; and
10 (b) by the insertion after paragraph (a) of subsection (2) of the following paragraph:
“(aA) regarding the establishment or abolition of subdepartments, branches, offices or institutions;”.

Amendment of section 12 of Act 111 of 1984

- 15 3. Section 12 of the Public Service Act, 1984, is hereby amended—
(a) by the substitution for paragraph (a) of subsection (2) of the following paragraph:
“(a) Subject to the provisions of paragraphs (b) and (c) and subsection (3A), the period of probation so recommended or directed shall not be less than 12 calendar months.”; and
20 (b) by the insertion after subsection (3) of the following subsection:
“(3A) If the promotion of an officer is made on probation and the only condition of such promotion is that the officer shall comply with the training requirements directed by the Commission, such promotion shall, notwithstanding provisions to the contrary in this Act, be deemed to have been confirmed with effect from the day immediately succeeding the date upon which that officer complied with those requirements.”.

Amendment of section 15 of Act 111 of 1984, as amended by section 2 of Act 67 of 1985

- 30 4. Section 15 of the Public Service Act, 1984, is hereby amended by the substitution for paragraph (a) of subsection (4) of the following paragraph:
“(a) Subject to the provisions of paragraph (b), an officer, other than a member of the services or the National Intelligence Service or an officer [contemplated in section 16 (4)] in the B division, who has reached the age of 60 years may, subject in every case to the recommendation of the Commission and the approval of the Minister or Administrator, be retired from the public service.”.

Short title and commencement

- 40 5. (1) This Act shall be called the Public Service Laws Amendment Act, 1990, and shall come into operation on a date determined by the State President by proclamation in the *Gazette*.
40 (2) Different dates may in terms of subsection (1) be fixed in respect of the different provisions of this Act.

