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PROKLAMASIE

*van die
President*

van die Republiek van Suid-Afrika

No. 104, 1994

WYSIGING VAN WET OP DIE KOMMISSIE VIR
ADMINISTRASIE, 1984

Kragtens artikel 237 (3) van die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet No. 200 van 1993), wysig ek hierby die Wet op die Kommissie vir Administrasie, 1984 (Wet No. 65 van 1984), soos uiteengesit in die Bylae hierby.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die Sesde dag van Junie Eenduisend Negehonderd Vier-en-negentig.

N. R. MANDELA,
President.

Op las van die President-in-Kabinet:

Z. S. T. SKWEYIYA,
Minister van die Kabinet.

BYLAE

WYSIGING VAN WET OP DIE KOMMISSIE VIR
ADMINISTRASIE, 1984

Wysiging van langtitel van Wet 65 van 1984

1. Die langtitel van die Wet op die Kommissie vir Administrasie, 1984 (hieronder die Hoofwet genoem), word hierby deur die volgende vervang:

“Om die bevoegdhede en werksaamhede van die Staatsdienskommissie ingestel by die Grondwet van die Republiek van Suid-Afrika, 1993, nader te omskryf; om voorsiening te maak vir aan

PROCLAMATION

*by the
President*

of the Republic of South Africa

No. 104, 1994

AMENDMENT OF COMMISSION FOR
ADMINISTRATION ACT, 1984

Under section 237 (3) of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), I hereby amend the Commission for Administration Act, 1984 (Act No. 65 of 1984), as set out in the Schedule hereto.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Sixth day of June, One thousand Nine hundred and Ninety-four.

N. R. MANDELA,
President.

By Order of the President-in-Cabinet:

Z. S. T. SKWEYIYA,
Minister of the Cabinet.

SCHEDULE

AMENDMENT OF COMMISSION FOR
ADMINISTRATION ACT, 1984

Amendment of long title of Act 65 of 1984

1. The following is hereby substituted for the long title of the Commission for Administration Act, 1984 (hereinafter referred to as the principal Act):

“To closer define the powers and functions of the Public Service Commission established by the Constitution of the Republic of South Africa, 1993;

- (ii) deur die woord "Staatspresident" waar dit in paragraaf (b) voorkom, deur die woord "President" te vervang.

Herroeping van artikel 6 van Wet 65 van 1984, soos gewysig by artikel 37 van Wet 111 van 1984

7. Artikel 6 van die Hoofwet word hierby herroep.

Wysiging van artikel 7 van Wet 65 van 1984

8. Artikel 7 van die Hoofwet word hierby gewysig—

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

"(1) Sonder om afbreuk te doen aan die bepalings van die Grondwet, kan die Kommissie die bevoegdhede uitoefen en die werksaamhede verrig, en moet hy die pligte uitvoer, wat aan hom verleen of opgelê word by of toevertrou word ingevolge hierdie Wet en die wette wat betrekking het op persone in diens van die Regering.";

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

"(2) Die President kan die bevoegdhede, werksaamhede en pligte wat kragtens enige wet aan 'n Minister verleen, opgelê of toevertrou is ten opsigte van die indiensneming, besoldiging en ander diensvoorwaardes, in die algemeen, van persone in diens van rade, inrigtings of ander liggame wat nie departemente is nie, aan die Kommissie deleger.";

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

"(3) (a) Die Kommissie kan, ter nakoming van 'n lasgewing van die President of op versoek van enige uitvoeringsgesag, die President of die betrokke uitvoeringsgesag adviseer oor enige aangeleentheid met betrekking tot, in die algemeen, die indiensneming, besoldiging of ander diensvoorwaardes van funksionariese wie se besoldiging of toelaes in die geheel of gedeeltelik afkomstig is uit geld wat deur die Parlement bewillig word, of van persone wat ingevolge 'n ander wet as die Staatsdienswet in 'n departement in diens is, of die indiensneming van personeel, of die besoldiging en ander diensvoorwaardes van die personeel of ampsbekerleërs, van rade, inrigtings of ander liggame in subartikel (2) bedoel, of met betrekking tot enige ander aangeleentheid betreffende sodanige funksionariese, persone, rade, inrigtings of liggame ten opsigte waarvan aan die President of dié uitvoeringsgesag of 'n ander uitvoeringsgesag 'n bevoegdheid, werksaamheid of plig kragtens enige wet verleen, opgelê of toevertrou is, en wat die President of so 'n uitvoeringsgesag na die Kommissie verwys.

- (ii) by the deletion of the word "State" where it occurs in paragraph (b).

Repeal of section 6 of Act 65 of 1984, as amended by section 37 of Act 111 of 1984

7. Section 6 of the principal Act is hereby repealed.

Amendment of section 7 of Act 65 of 1984

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

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

"(1) Without derogating from the provisions of the Constitution, the Commission may exercise the powers and perform the functions, and shall carry out the duties, conferred or imposed upon it by, or entrusted to it in terms of, this Act and the laws relating to persons in the service of the Government.";

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

"(2) The President may delegate to the Commission such powers, functions and duties as are under any law conferred or imposed upon or entrusted to a Minister in respect of the employment, remuneration and other conditions of service, in general, of persons in the employment of councils, institutions or other bodies which are not departments.";

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

"(3) (a) The Commission may, in compliance with a direction of the President or at the request of any executing authority, advise the President or the relevant executing authority on any matter in relation to, generally, the employment, remuneration or other conditions of service of functionaries whose remuneration or allowances derive wholly or partially from money appropriated by Parliament, or of persons employed in a department in terms of any law other than the Public Service Act, or the employment of staff, or remuneration and other conditions of service of the staff or office-bearers, of councils, institutions or other bodies referred to in subsection (2), or in relation to any other matter with regard to such functionaries, persons, councils, institutions or bodies in respect of which any power, function or duty has under any law been conferred or imposed upon or entrusted to the President or that executing authority or another executing authority and which the President or any such executing authority may refer to the Commission.

(b) Indien 'n aangeleentheid beoog in paragraaf (a), na die Kommissie ingevolge daardie paragraaf verwys is, het die Kommissie, of die beampte of beamptes in die Kantoor van die Kommissie wat die Kommissie vir dié doel aanwys, die bevoegdheid om al die amptelike dokumente en stukke te ondersoek en om al die inligting by die betrokke funksionaris of departementshoof of die uitvoerende hoof van die betrokke raad, inrigting of liggaam (na gelang van die geval) in te win wat na sy oordeel nodig is om te ondersoek of in te win ten einde die President of die betrokke uitvoeringsgesag van advies te bedien.

(c) Vir sover die adviserende werksaamheid van die Kommissie ingevolge paragraaf (a) betrekking het op die personeel of ampsbekleërs van rade, inrigtings of liggame in subartikel (2) bedoel, word 'n verwysing in paragraaf (a) of (b) van hierdie subartikel na 'n uitvoeringsgesag uitgelê as sou dit 'n verwysing na die betrokke Minister beoog in subartikel (2) inbegryp.”;

(d) deur die woord “Staatspresident” waar dit in subartikel (4) voorkom, deur die woord “President” te vervang; en

(e) deur subartikel (5) te skrap.

Nysiging van artikel 8 van Wet 65 van 1984, soos gewysig by artikel 37 van Wet 111 van 1984

9. Artikel 8 van die Hoofwet word hierby gewysig deur subartikel (6) deur die volgende subartikel te vervang:

“(6) 'n Persoon wat 'n ondersoek instel na aanleiding van 'n delegasie kragtens artikel 5 (2) (a) (i) van hierdie Wet of 'n ondersoek instel na aanleiding van 'n aanwysing of aanstelling kragtens artikel 5 (3) daarvan of artikel 18 (1), 19 (1), 22 (2) of 27 (1) van die Staatsdienswet, het vir die doeleindes van die ondersoek al die bevoegdhede wat by hierdie artikel aan die Kommissie verleen is, en by die toepassing van hierdie artikel op so 'n ondersoek word elke verwysing in genoemde bepalings na die Kommissie uitgelê as 'n verwysing ook na sodanige persoon.”.

Nysiging van artikel 10 van Wet 65 van 1984

10. Artikel 10 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Elke verslag deur die Kommissie uit hoofde van subartikel (1) opgestel, moet aan die President voorgelê word en word binne sewe dae na sy of haar ontvangs daarvan, deur hom of haar aan die Parlement gestuur.”.

(b) If a matter contemplated in paragraph (a) has been referred to the Commission in terms of that paragraph, the Commission, or such officer or officers in the Office of the Commission as may be designated by the Commission for that purpose, shall have the power to inspect all such official documents and records and to obtain all such information from the relevant functionary or head of department, or from the executive head of the relevant council, institution or body (as the case may be), as in its opinion may be necessary to inspect or to obtain in order to advise the President or the relevant executing authority.

(c) In so far as the advisory function of the Commission in terms of paragraph (a) of this subsection relates to the staff or office-bearers of councils, institutions or bodies mentioned in subsection (2), any reference in paragraph (a) or (b) of this subsection to an executing authority shall be construed so as to include a reference to the relevant Minister contemplated in subsection (2).”;

(d) by the deletion of the word “State” where it occurs in subsection (4); and

(e) by the deletion of subsection (5).

Amendment of section 8 of Act 65 of 1984, as amended by section 37 of Act 111 of 1984

9. Section 8 of the principal Act is hereby amended by the substitution for subsection (6) of the following subsection:

“(6) Any person who holds an inquiry in pursuance of a delegation under section 5 (2) (a) (i) of this Act or holds an inquiry in pursuance of any designation or appointment under section 5 (3) thereof or section 18 (1), 19 (1), 22 (2) or 27 (1) of the Public Service Act, shall for the purposes of the inquiry have all the powers conferred upon the Commission by this section, and in applying this section to any such inquiry, every reference in the said provisions to the Commission shall be construed as including a reference to such a person.”.

Amendment of section 10 of Act 65 of 1984

10. Section 10 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) Every report framed by the Commission in pursuance of subsection (1), shall be submitted to the President and be transmitted by him or her to Parliament within seven days after his or her receipt thereof.”.

Wysiging van artikel 11 van Wet 65 van 1984

11. Artikel 11 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Tensy ’n hof anders gelas, mag ’n regsding nie ingestel word nie teen die Staat of ’n liggaam of persoon ten opsigte van enigiets wat ingevolge hierdie Wet gedoen is of enige versuim om iets te doen wat ingevolge hierdie Wet gedoen moes word, tensy die regsding ingestel word voor die verstryking van ’n tydperk van 12 kalendermaande na die datum waarop die eiser kennis van die beweerde handeling of versuim gehad het of na die datum waarop redelikerwys verwag kon word dat die eiser daarvan bewus sou wees, watter datum ook al eerste is.”.

Vervanging van artikel 12 van Wet 65 van 1984

12. Artikel 12 van die Hoofwet word hierby deur die volgende artikel vervang:

“Kompensering van sekere voormalige lede van sekere staatsdiensliggame afgeskaf by Staatsdienswet, 1994

12. Die President kan aan ’n persoon—

(a) wat onmiddellik voor die inwerkingtreding van die Staatsdienswet, 1994, gedien het, ingevolge enige wet by artikel 43 (1) van daardie Wet herroep, as lid van ’n kommissie vir administrasie, ’n sentrale personeelgesag of ’n staatsdienskommissie wat by of ingevolge sodanige wet ingestel was ten opsigte van enige gebied beoog in artikel 235 (1) (c) van die Grondwet; en

(b) wie se diens as so ’n lid ten einde loop by die afskaffing van enige sodanige liggaam ten gevolge van bedoelde herroeping van so ’n wet; en

(c) wat, na sodanige beëindiging van sy of haar voornoemde diens, nie by die instelling van ’n provinsiale dienskommissie vir die provinsie waarbinne die gebied bedoel in paragraaf (a) of enige gedeelte van sodanige gebied geleë is, ’n lid van daardie provinsiale dienskommissie word nie,

as kompensasie die gratifikasie of ander enkelbedrag betaal soos deur die President met behoorlike inagneming van die omstandighede van die geval bepaal.”.

Vervanging van artikel 13 van Wet 65 van 1984

13. Artikel 13 van die Hoofwet word hierby deur die volgende artikel vervang:

“Korttitel

13. Hierdie Wet heet die **Wet op die Staatsdienskommissie, 1984.”.**

Amendment of section 11 of Act 65 of 1984

11. Section 11 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) Unless a court otherwise directs, legal proceedings shall not be brought against the State or any body or person in respect of anything done in terms of this Act or in respect of any failure to do anything which should have been done in terms of this Act, unless the legal proceedings are brought before the expiry of a period of 12 calendar months after the date upon which the claimant had knowledge, or after the date on which the claimant might reasonably have been expected to have knowledge, of the act or omission alleged, whichever is the earlier date.”.

Substitution of section 12 of Act 65 of 1984

12. The following section is hereby substituted for section 12 of the principal Act:

“Compensation of certain former members of certain public service bodies abolished by Public Service Act, 1994

12. The President may pay to any person—

(a) who, immediately prior to the commencement of the Public Service Act, 1994, served, in terms of any law repealed by section 43 (1) of that Act, as a member of a commission for administration, a central personnel authority or a public service commission which was established by or in terms of such law in respect of any area contemplated in section 235 (1) (c) of the Constitution; and

(b) whose service as such a member terminates upon the abolition of any such body in consequence of the said repeal of such a law; and

(c) who, after such termination of his or her aforesaid service, does not, upon the establishment of a provincial service commission for the province within which the area referred to in paragraph (a) or any part of such area is situated, become a member of that provincial service commission,

as compensation such gratuity or other lump sum as the President, with due regard to the circumstances of the case, may determine.”.

Substitution of section 13 of Act 65 of 1984

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

“Short title

13. This Act shall be called the **Public Service Commission Act, 1984.”.**

Spaar 'n druppel — en vul die dam

Indien almal van ons besparingsbewus optree, besnoei
ons nie slegs uitgawes nie maar wen ook ten opsigte van
ons kosbare water- en elektrisiteitsvoorraad



Save a drop — and save a million

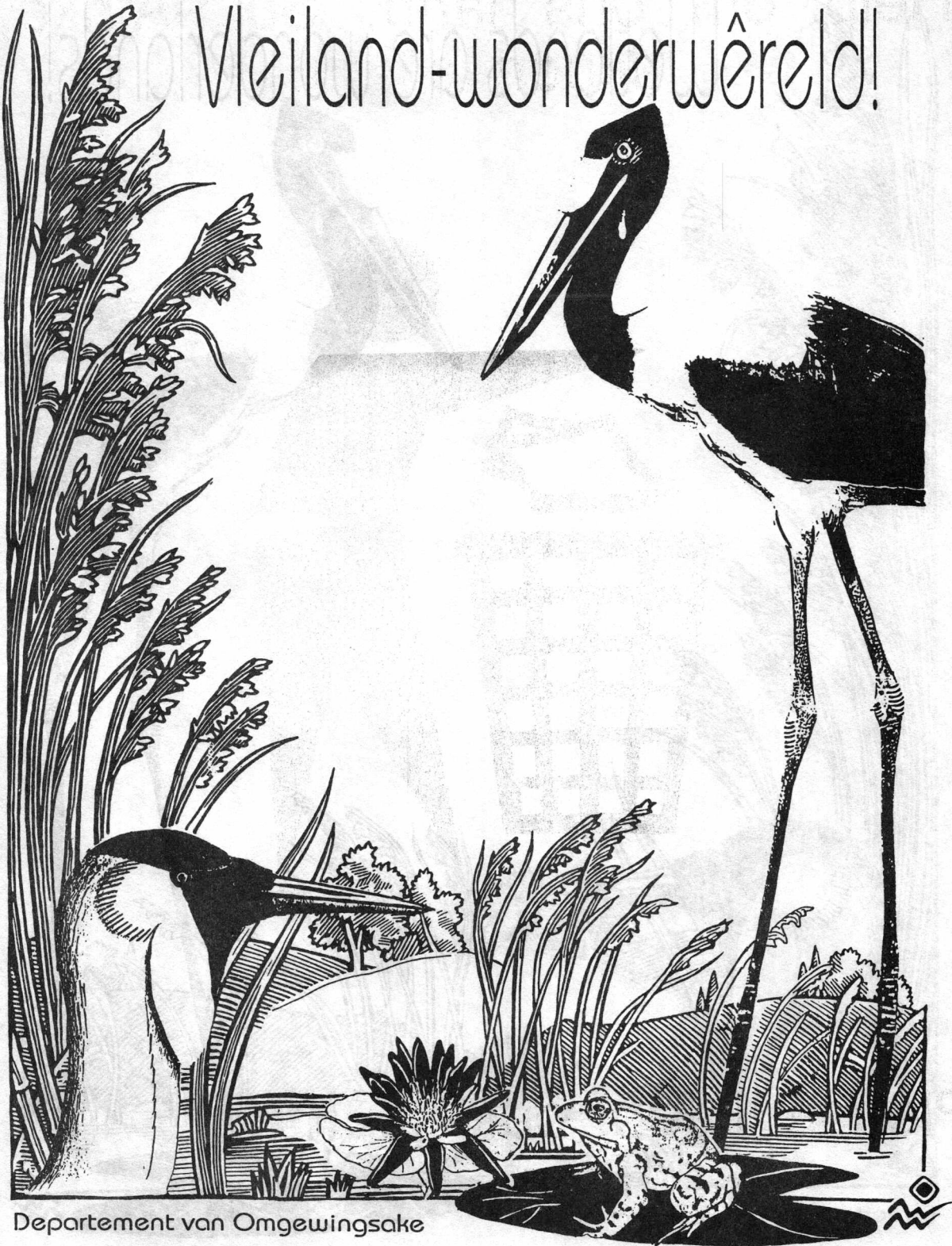
Water conservation is very important to the community
and industry to ensure their survival. So save water!

**Help om ons land, Suid-Afrika,
skoon te hou!**



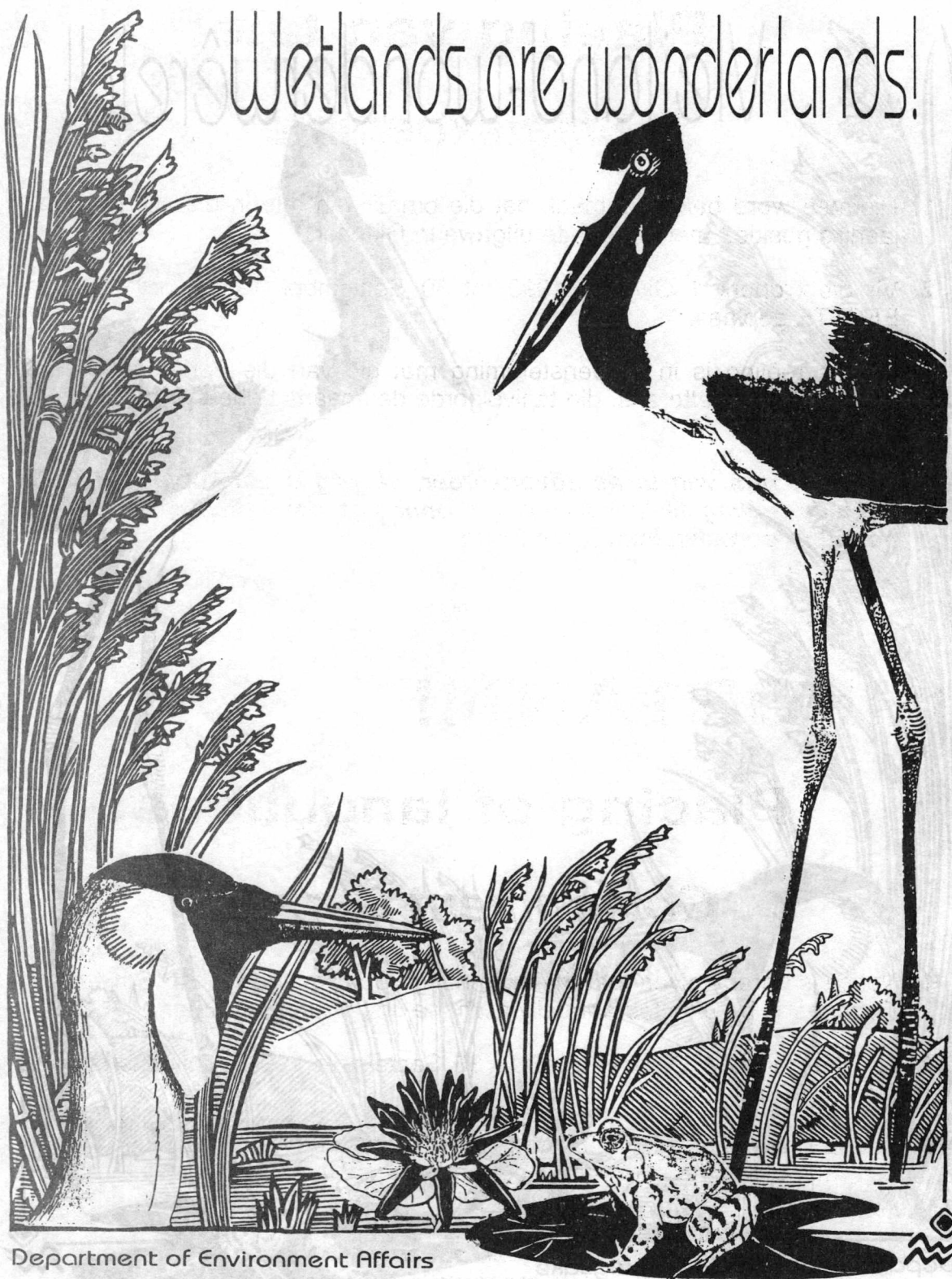
**Please keep our country, South
Africa, clean!**

Vleiland-wonderwêreld!



Departement van Omgewingsake

Wetlands are wonderlands!



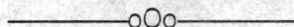
Department of Environment Affairs

BELANGRIK!!

Plasing van tale:

Staatskoerante

1. Hiermee word bekendgemaak dat die omruil van tale in die *Staatskoerant* jaarliks geskied met die eerste uitgawe in Oktober.
2. Vir die tydperk 1 Oktober 1993 tot 30 September 1994 word Afrikaans EERSTE geplaas.
3. Hierdie reëling is in ooreenstemming met dié van die Parlement waarby koerante met Wette ens. die taalvolgorde deurgaans behou vir die duur van die sitting.
4. *Dit word dus van u, as adverteerder, verwag om u kopie met bogenoemde reëling te laat strook om onnodige omskakeling en stylredigering in ooreenstemming te bring.*

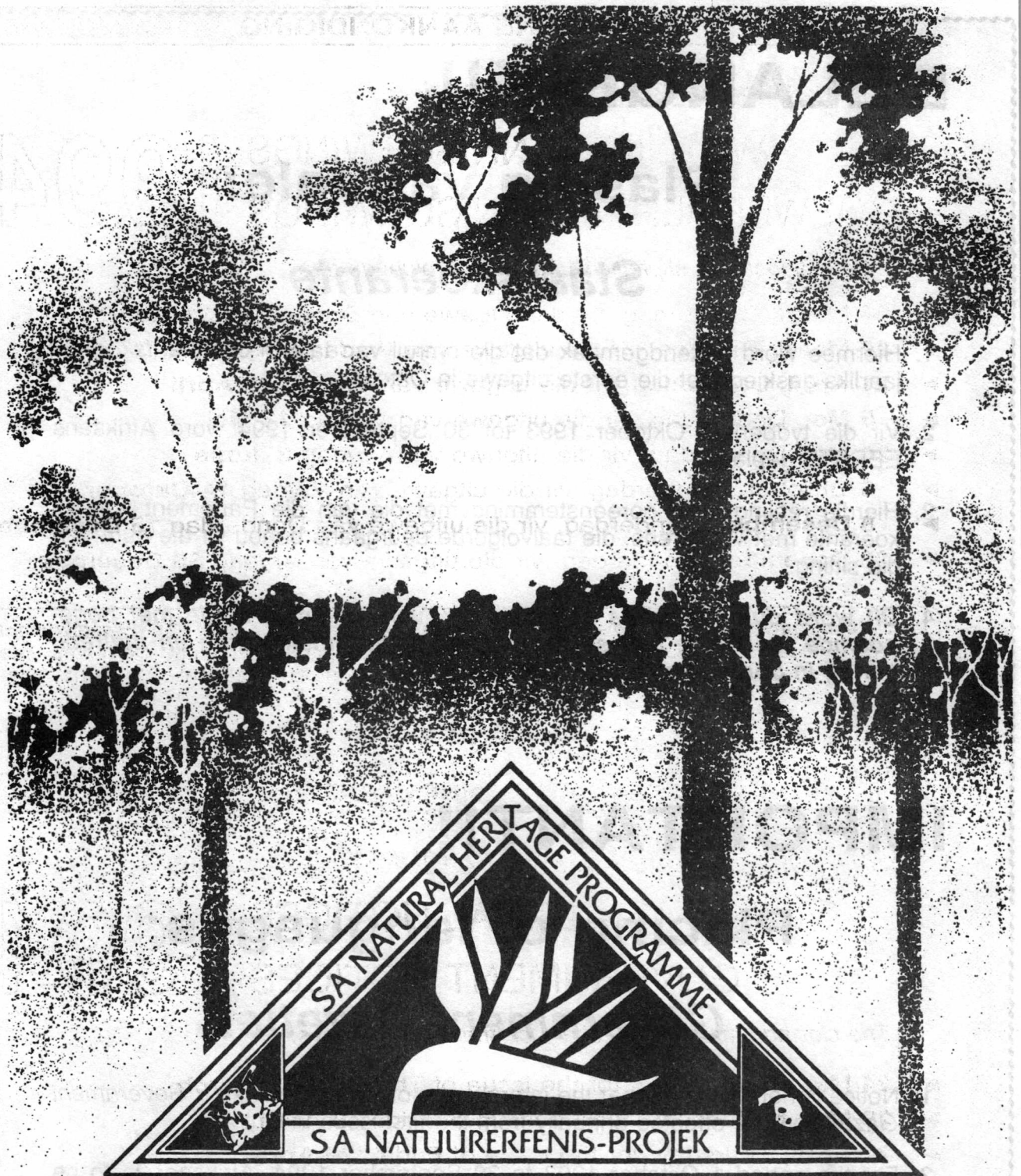


IMPORTANT!!

Placing of languages:

Government Gazettes

1. Notice is hereby given that the interchange of languages in the *Government Gazette* will be effected annually from the first issue in October.
2. For the period 1 October 1993 to 30 September 1994, Afrikaans is to be placed FIRST.
3. This arrangement is in conformity with Gazettes containing Act of Parliament etc. where the language sequence remains constant throughout the sitting of Parliament.
4. *It is therefore expected of you, the advertiser, to see that your copy is in accordance with the above-mentioned arrangement in order to avoid unnecessary style changes and editing to correspond with the correct style.*



**IS JOU TERREIN GEREGISTREER?
IS YOUR SITE REGISTERED?**

Departement van Omgewingsake



Department of Environment Affairs

BELANGRIKE AANKONDIGING

Sluitingstye VOOR VAKANSIEDAE vir

WETLIKE KENNISGEWINGS
GOEWERMENSKENNISGEWINGS **1994**

Die sluitingstyd is stiptelik 15:00 op die volgende dae:

- ▶ **24 Maart**, Donderdag, vir die uitgawe van Donderdag **31 Maart**
- ▶ **29 Maart**, Dinsdag, vir die uitgawe van Vrydag **8 April**
- ▶ **21 April**, Donderdag, vir die uitgawe van Vrydag **29 April**
- ▶ **5 Mei**, Donderdag, vir die uitgawe van Vrydag **13 Mei**
- ▶ **26 Mei**, Donderdag, vir die uitgawe van Vrydag **3 Junie**
- ▶ **6 Oktober**, Donderdag, vir die uitgawe van Vrydag **14 Oktober**
- ▶ **8 Desember**, Donderdag, vir die uitgawe van Donderdag **15 Desember**
- ▶ **22 Desember**, Donderdag, vir die uitgawe van Vrydag **30 Desember**

Laat kennisgewings sal in die daaropvolgende uitgawe geplaas word. Indien 'n laat kennisgewing wel, onder spesiale omstandighede, aanvaar word, sal 'n dubbeltarief gehef word

Wanneer 'n **APARTE Staatskoerant** verlang word moet die kopie drie kalenderweke voor publikasie ingedien word

IMPORTANT ANNOUNCEMENT

Closing times PRIOR TO PUBLIC HOLIDAYS for

LEGAL NOTICES
GOVERNMENT NOTICES **1994**

The closing time is 15:00 sharp on the following days:

- ▶ **24 March**, Thursday, for the issue of Thursday **31 March**
- ▶ **29 March**, Tuesday, for the issue of Friday **8 April**
- ▶ **21 April**, Thursday, for the issue of Friday **29 April**
- ▶ **5 May**, Thursday, for the issue of Friday **13 May**
- ▶ **26 May**, Thursday, for the issue of Friday **3 June**
- ▶ **6 October**, Thursday, for the issue of Friday **14 October**
- ▶ **8 December**, Thursday, for the issue of Thursday **15 December**
- ▶ **22 December**, Thursday, for the issue of Friday **30 December**

Late notices will be published in the subsequent issue, if under special circumstances, a late notice is being accepted, a double tariff will be charged

The copy for a **SEPARATE Government Gazette** must be handed in not later than three calendar weeks before date of publication

BELANGRIKE AANKONDIGING

Sluitingstye VOOR VAKANSIEDAE vir

GOEWERMENTSKENNISGEWINGS
WETLIKE KENNISGEWINGS 1994

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- 26 Mei, Donderdag, vir die uitgawe van Vrydag 3 Junie
- 6 Oktober, Donderdag, vir die uitgawe van Vrydag 14 Oktober
- 8 Desember, Donderdag, vir die uitgawe van Donderdag 15 Desember
- 22 Desember, Donderdag, vir die uitgawe van Vrydag 30 Desember

INHOUD

No.

PROKLAMASIE

- 104 Grondwet van die Republiek van Suid-Afrika (200/1993): Wysiging van Wet op die Kommissie vir Administrasie, 1984.....

Bladsy
No.Koerant
No.

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Closing times prior to public holidays for

GOVERNMENT NOTICES
LEGAL NOTICES 1994

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- 22 December, Thursday, for the issue of Friday 30 December