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VAN DIE REPUBLIEK VAN SUID-AFRIKA
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GOVERNMENT GAZETTE

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GOEWERMENSKENNISGEWINGS

DEPARTEMENT VAN ARBEID

No. R. 238 15 Februarie 1974
WET OP NYWERHEIDSVERSOENING, 1956
MOTORVERVOERONDERNEMING (GOEDERE).—
WYSIGING VAN OOREENKOMS

Ek, Marais Viljoen, Minister van Arbeid, verklaar hierby—

(a) kragtens artikel 48 (1) (a) van die Wet op Nywerheidsversoening, 1956, dat al die bepalings van die Ooreenkoms (hierna die Wysigingsooreenkoms genoem) wat in die Bylae hiervan verskyn en op die Motorvervoeronderneming (Goedere) betrekking het, met ingang van die tweede Maandag na die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 24 Januarie 1975 eindig, bindend is vir die werkgewersorganisasie en die vakvereniging wat die Wysigingsooreenkoms aangegaan het en vir die werkgewers en werknemers wat lede van genoemde organisasie of vereniging is;

(b) kragtens artikel 48 (1) (b) van genoemde Wet, dat die bepalings van die Wysigingsooreenkoms met ingang van die tweede Maandag na die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 24 Januarie 1975 eindig, bindend is vir alle ander werkgewers en werknemers as dié genoem in paragraaf (a) van hierdie kennisgewing, wat betrokke is by of in diens is in genoemde Onderneming in die landdrosdistrikte Alberton, Benoni, Boksburg, Brakpan [uitgesonderd daardie gedeeltes van die landdrosdistrikte Boksburg en Brakpan wat voor die publikasie van Goewermentskennisgewing 1779 van 6 November 1964 binne die landdrosdistrik Heidelberg geval het en uitgesonderd daardie gedeeltes van die landdrosdistrik Brakpan wat voor 1 April 1966 en 1 Julie 1972 (Goewermentskennisgewings 498 en 871 van onderskeidelik 1 April 1966 en 26 Mei 1972) binne die landdrosdistrik Nigel geval het], Delmas, Germiston, Johannesburg, Kempton Park [uitgesonderd daardie gedeeltes wat voor 29 Maart 1956 en 1 November 1970 (Goewermentskennisgewings 556 en 1618 van onderskeidelik 29 Maart 1956 en 2 Oktober 1970) binne die landdrosdistrik Pretoria geval het], Krugersdorp [met inbegrip

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GOVERNMENT NOTICES

DEPARTMENT OF LABOUR

No. R. 238 15 February 1974
INDUSTRIAL CONCILIATION ACT, 1956
MOTOR TRANSPORT UNDERTAKING (GOODS).—
AMENDMENT OF AGREEMENT

I, Marais Viljoen, Minister of Labour, hereby—

(a) in terms of section 48 (1) (a) of the Industrial Conciliation Act, 1956, declare that all the provisions of the Agreement (hereinafter referred to as the Amending Agreement) which appears in the Schedule hereto and which relates to the Motor Transport Undertaking (Goods), shall be binding, with effect from the second Monday after the date of publication of this notice and for the period ending 24 January 1975, upon the employer's organisation and the trade union which entered into the Amending Agreement and upon the employers and employees who are members of the said organisation or union;

(b) in terms of section 48 (1) (b) of the said Act, declare that the provisions of the Amending Agreement shall be binding, with effect from the second Monday after the date of publication of this notice and for the period ending 24 January 1975, upon all employers and employees other than those referred to in paragraph (a) of this notice, who are engaged or employed in the said Undertaking in the Magisterial Districts of Alberton, Benoni, Boksburg, Brakpan [excluding those portions of the Magisterial Districts of Boksburg and Brakpan, which, prior to the publication of Government Notice 1779 of 6 November 1964, fell within the Magisterial District of Heidelberg and excluding those portions of the Magisterial District of Brakpan which, prior to 1 April 1966 and 1 July 1972 (Government Notices 498 and 871 of 1 April 1966 and 26 May 1972, respectively) fell within the Magisterial District of Nigel], Delmas, Germiston, Johannesburg, Kempton Park [excluding those portions which, prior to 29 March 1956 and 1 November 1970 (Government Notices 556 and 1618 of 29 March 1956 and 2 October 1970, respectively), fell

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van daardie gedeeltes van die landdrostdistrikte Koster en Brits wat voor onderskeidelik 26 Julie 1963 en 1 Junie 1972 (Goewermentskennisgewings 1105 van 26 Julie 1963 en 872 van 26 Mei 1972) binne die landdrostdistrik Krugersdorp geval het], Oberholzer, Odendaalsrus, Randfontein (met inbegrip van daardie gedeelte van die landdrostdistrik Koster wat voor die publikasie van Goewermentskennisgewing 1105 van 26 Julie 1963 binne die landdrostdistrik Randfontein geval het, maar uitgesonderd die plase Moadowns 1, Holfontein 17, Leeuwpan 18, Ireton 19, Pahtiki 20, Bospan 21 en Rietfontein 48), Roodepoort, Springs, Vanderbijlpark, Ventersburg, Vereeniging, Welkom (uitgesonderd daardie gedeelte wat voor die publikasie van Goewermentskennisgewing 2 van 5 Januarie 1973 binne die landdrostdistrik Virginia geval het); Westonaria, in daardie gedeelte van die landdrostdistrik Virginia wat voor die publikasie van Goewermentskennisgewing 396 van 13 Maart 1959 binne die landdrostdistrik Ventersburg geval het, in daardie gedeelte van die landdrostdistrik Wesselsbron wat voor die publikasie van Goewermentskennisgewing 509 van 19 Maart 1954 binne die landdrostdistrik Odendaalsrus geval het en in daardie gedeelte van die landdrostdistrik Hennenman wat voor die publikasie van Goewermentskennisgewing 790 van 30 Mei 1963 binne die landdrostdistrik Ventersburg geval het; en

(c) kragtens artikel 48 (3) (a) van genoemde Wet, dat die bepalings van die Wysigingsooreenkoms, met ingang van die tweede Maandag na die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 24 Januarie 1975 eindig, in die gebiede gespesifiseer in paragraaf (b) van hierdie kennisgewing *mutatis mutandis* bindend is vir alle Bantoes in diens in genoemde Onderneming by dié werkgewers vir wie enigeen van genoemde bepalings ten opsigte van werknemers bindend is en vir daardie werkgewers ten opsigte van Bantoes in hul diens.

M. VILJOEN, Minister van Arbeid.

NYWERHEIDSRAAD VIR DIE MOTORVERVOERONDERNEMING (GOEDERE)

OOREENKOMS

ingevolge die Wet op Nywerheidsversoening, 1956, gesluit deur en tussen die

Motor Transport Owners' Association of South Africa
aan die een kant, en die
Motor Transport Workers' Union (South Africa)
aan die ander kant

wat die partye is by die Nywerheidsraad vir die Motorvervoeronderneming (Goedere),

om die Ooreenkoms tussen die partye, soos gepubliseer by Goewermentskennisgewing R. 41 van 15 Januarie 1971, soos volg te wysig:

1. Vervang klousule 4 (1) en (2) deur die volgende:

"(1) Weeklone in Gebied A vir—

- (a) drywer van 'n ligte aflewering: R17,32;
- (b) drywer van 'n ligte voertuig: R29,42;
- (c) drywer van 'n swaar voertuig: R34,37;
- (d) drywer van 'n ekstra swaar voertuig: R39,21;
- (e) arbeider: R13.

(2) Weeklone in Gebied B vir—

- (a) drywer van 'n ligte aflewering: R14,30;
- (b) drywer van 'n ligte voertuig: R22;
- (c) drywer van 'n swaar voertuig en/of 'n drywer van 'n ekstra swaar voertuig: R30,80;
- (d) arbeider: R11,50".

2. In klousule 4 (3), voeg die uitdrukking "in Gebied A" in na die woord "werkgewer".

3. Skrap klousule 4 (5) en hernoem klousule 4 (6) tot en met (8) tot onderskeidelik 4 (5), 4 (6) en 4 (7).

4. Skrap klousule 7 (2).

within the Magisterial District of Pretoria], Krugersdorp [including those portions of the Magisterial Districts of Koster and Brits which, prior to 26 July 1963 and 1 June 1972, respectively (Government Notices 1105 of 26 July 1963 and 872 of 26 May 1972), fell within the Magisterial District of Krugersdorp], Oberholzer, Odendaalsrus, Randfontein (including that portion of the Magisterial District of Koster which, prior to the publication of Government Notice 1105 of 26 July 1963, fell within the Magisterial District of Randfontein but excluding the farms Moadowns 1, Holfontein 17, Leeuwpan 18, Ireton 19, Pahtiki 20, Bospan 21 and Rietfontein 48), Roodepoort, Springs, Vanderbijlpark, Ventersburg, Vereeniging, Welkom (excluding that portion which, prior to the publication of Government Notice 2 of 5 January 1973, fell within the Magisterial District of Virginia), Westonaria, in that portion of the Magisterial District of Virginia which, prior to the publication of Government Notice 396 of 13 March 1959, fell within the Magisterial District of Ventersburg, in that portion of the Magisterial District of Wesselsbron which, prior to the publication of Government Notice 509 of 19 March 1954, fell within the Magisterial District of Odendaalsrus and in that portion of the Magisterial District of Hennenman which, prior to the publication of Government Notice 790 of 30 May 1963, fell within the Magisterial District of Ventersburg; and

(c) in terms of section 48 (3) (a) of the said Act, declare that in the areas specified in paragraph (b) of this notice and with effect from the second Monday after the date of publication of this notice and for the period ending 24 January 1975 the provisions of the Amending Agreement shall *mutatis mutandis* be binding upon all Bantu employed in the said Undertaking by the employers upon whom any of the said provisions are binding in respect of employees and upon those employers in respect of Bantu in their employ.

M. VILJOEN, Minister of Labour.

INDUSTRIAL COUNCIL FOR THE MOTOR TRANSPORT UNDERTAKING (GOODS)

AGREEMENT

in accordance with the provisions of the Industrial Conciliation Act, 1956, made and entered into between the

Motor Transport Owners' Association of South Africa
of the one part, and the
Motor Transport Workers' Union (South Africa)
of the other part,

being parties of the Industrial Council for the Motor Transport Undertaking (Goods),

to amend the Agreement between the parties, as published under Government Notice R. 41 of 15 January 1971, as follows:

1. Substitute the following for clause 4 (1) and (2):

"(1) Weekly wages in Area A for—

- (a) a driver of a light delivery vehicle: R17,32;
- (b) a driver of a light vehicle: R29,42;
- (c) a driver of a heavy vehicle: R34,37;
- (d) a driver of an extra heavy vehicle: R39,21;
- (e) a labourer: R13.

(2) Weekly wages in Area B for—

- (a) a driver of a light delivery vehicle: R14,30;
- (b) a driver of a light vehicle: R22;
- (c) a driver of a heavy vehicle and/or a driver of an extra heavy vehicle: R30,80;
- (d) a labourer: R11,50".

2. In clause 4 (3), insert the expression "in Area A" after the word "employer".

3. Delete clause 4 (5) and renumber clause 4 (6), 4 (7) and 4 (8) to read 4 (5), 4 (6) and 4 (7) respectively.

4. Delete clause 7 (2).

5. In klousule 17 (1) (a), vervang die uitdrukking "12c" deur die uitdrukking "16c".

6. In klousule 17 (1) (b), vervang die uitdrukking "3c" deur die uitdrukking "4c".

Vir en namens die partye op hede die 9de dag van November 1973 te Johannesburg onderteken.

D. J. SCHUTTE, Voorsitter van die Raad.

A. M. SERRAN, Ondervoorsitter van die Raad.

E. NEL, Sekretaris van die Raad.

DEPARTEMENT VAN BANTOE-ADMINISTRASIE EN -ONTWIKKELING

No. R. 192 15 Februarie 1974

TOEPASSING VAN DIE BEPALINGS VAN ARTIKEL 18 VAN DIE NATURELLE-ADMINISTRASIE-PROKLAMASIE, 1928 (PROKLAMASIE 15 VAN 1928) (SUIDWES-AFRIKA), EN VAN DIE REGULASIES AFGEKONDIG BY GOEWERMENSKENNISGEWING 70 VAN 1954 (SUIDWES-AFRIKA) IN DIE GEBIED SUIDWES-AFRIKA

Kragtens die bevoegdheid my verleen by artikels 27 en 18 (9) van die Naturelle-administrasie-Proklamasie, 1928 (Proklamasie 15 van 1928) (Suidwes-Afrika), gelees met artikel 2 van die Proklamasie op die Administrasie van Naturellesake in Suidwes-Afrika, 1958 (Unieproklamasie 119 van 1958), verklaar ek, Michiel Coenraad Botha, Minister van Bantoe-administrasie en -ontwikkeling, hierby dat die bepalings van artikel 18 van genoemde Naturelle-administrasie-Proklamasie, 1928, en die regulasies afgekondig by Goewermenskennisgewing 70 van 1954 (Suidwes-Afrika) van toepassing is in die hele gebied Suidwes-Afrika, uitgesonderd die gebiede bedoel in paragrawe (d), (e) en (f) van artikel 2 (1) van die Wet op die Ontwikkeling van Selfbestuur vir Naturellevolke in Suidwes-Afrika, 1968 (Wet 54 van 1968).

M. C. BOTHA, Minister van Bantoe-administrasie en -ontwikkeling.

(Lêer N106/7)

No. R. 211 15 Februarie 1974

WETGEWENDE VERGADERING VAN BASOTHO-QWAQWA

Hiermee word bekendgemaak dat die Staatspresident sy goedkeuring geheg het aan die volgende Wet wat deur die Wetgewende Vergadering van Basotho-Qwaqwa aangenem is en wat hiermee vir algemene inligting gepubliseer word:

BASOTHO-QWAQWA-WET OP DIE REGERINGS-DIENS, 1973 (WET 5 VAN 1973)

TOT REËLING VAN DIE AANSTELLING, DIENSVOORWAARDES, DIENSTERMYN, DISSIPLINE, AFTREDE, AFDANKING EN ONTSLAG VAN LEDE VAN DIE REGERINGSDIENS EN ANDER AANGELEENTHEDE WAT DAARMEE IN VERBAND STAAN

Daar word bepaal deur die Wetgewende Vergadering van die Basotho-Qwaqwa, soos volg:

HOOFTUK 1

INLEIDENDE BEPALINGS

Woordomskrywing

1. (1) In hierdie Wet, tensy uit die samehang anders blyk, beteken—

(i) "Basotho-Qwaqwa" die gebied waarvoor die Wetgewende Vergadering van die Basotho-Qwaqwa ingestel is;

5. In clause 17 (1) (a), substitute the word "sixteen" for the word "twelve".

6. In clause 17 (1) (b), substitute the word "four" for the word "three."

Signed for and on behalf of the parties at Johannesburg this 9th day of November 1973.

D. J. SCHUTTE, Chairman of the Council.

A. M. SERRAN, Vice Chairman of the Council.

E. NEL, Secretary of the Council.

DEPARTMENT OF BANTU ADMINISTRATION AND DEVELOPMENT

No. R. 192 15 February 1974

APPLICATION OF THE PROVISIONS OF SECTION 18 OF THE NATIVE ADMINISTRATION PROCLAMATION, 1928 (PROCLAMATION 15 OF 1928) (SOUTH-WEST AFRICA), AND OF THE REGULATIONS PUBLISHED UNDER GOVERNMENT NOTICE 70 OF 1954 (SOUTH-WEST AFRICA), IN THE TERRITORY OF SOUTH-WEST AFRICA

By virtue of the powers vested in me by sections 27 and 18 (9) of the Native Administration Proclamation, 1928 (Proclamation 15 of 1928) (South-West Africa), read with section 2 of the South-West Africa Native Affairs Administration Proclamation, 1958 (Union Proclamation 119 of 1958), I, Michiel Coenraad Botha, Minister of Bantu Administration and Development, hereby declare that the provisions of section 18 of the said Native Administration Proclamation, 1928 and the regulations published under Government Notice 70 of 1954 (South-West Africa) shall apply in the whole of the Territory of South-West Africa, excluding the areas referred to in paragraphs (d), (e) and (f) of section 2 (1) of the Development of Self-government for Native Nations in South-West Africa Act, 1968 (Act 54 of 1968).

M. C. BOTHA, Minister of Bantu Administration and Development.

(File N106/7)

No. R. 211 15 February 1974

BASOTHO-QWAQWA LEGISLATIVE ASSEMBLY

It is hereby notified that the State President has approved of the following Act which was passed by the Basotho-Qwaqwa Legislative Assembly and which is hereby published for general information:

BASOTHO-QWAQWA PUBLIC SERVICE ACT, 1973 (ACT 5 OF 1973)

TO REGULATE THE APPOINTMENT, CONDITIONS OF EMPLOYMENT, TENURE OF OFFICE, DISCIPLINE, RETIREMENT AND DISCHARGE OF MEMBERS OF THE PUBLIC SERVICE AND OTHER INCIDENTAL MATTERS

Be it enacted by the Basotho-Qwaqwa Legislative Assembly, as follows:

CHAPTER 1

PRELIMINARY

Definitions

1. (1) In this Act, unless the context otherwise indicates—

(i) "allocated officer" means an officer of the Public Service of the Republic designated in terms of section 5 (4) of the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971), to assist the Executive Council; (xix)

(ii) "beampte" 'n persoon wat vas aangestel is, al is die aanstelling op proef, in 'n pos bedoel in artikel 3 (1) (a) en (b) en ook 'n persoon bedoel in artikel 3 (1) (c) en artikel 3 (2) (b) wat 'n voorgeskrewe pos beklee het wat as 'n nie-voorgeskrewe pos herklassifiseer is;

(iii) "burger" 'n persoon wat kragtens die Wet op Burgerkap van Bantoeuisslande, 1970 (Wet 26 van 1970), 'n burger is van Basotho-Qwaqwa;

(iv) "departement" 'n departement, subdepartement of kantoor van die Regeringsdiens ingestel kragtens artikel 5 (2) van die Grondwet van die Bantoeuisslande, 1971 (Wet 21 van 1971);

(v) "departementshoof" of enige variasie daarvan, die beampte of toegewese beampte wat 'n pos met die benaming Direkteur van 'n departement op die vaste diensstaat beklee of daarin waarneem;

(vi) "hoof van kantoor" die hoof van 'n kantoor, tak, inrigting, afdeling of werkplek en ook 'n departementshoof;

(vii) "Inkomstefonds" die Inkomstefonds van Basotho-Qwaqwa, ingestel kragtens artikel 6 van die Grondwet van die Bantoeuisslande, 1971 (Wet 21 van 1971);

(viii) "kalendermaand" 'n tydperk wat strek van 'n dag van 'n maand tot en met die dag wat die dag voorafgaan wat numeriek ooreenstem met daardie dag in die volgende maand;

(ix) "Kommissie" die Regeringsdienskommissie bedoel in artikel 4 van hierdie Wet;

(x) "maand" 'n tydperk wat van die eerste tot en met die laaste dag van enige een van die 12 maande van die jaar strek;

(xi) "nie-voorgeskrewe pos" 'n pos as sodanig geklassifiseer kragtens artikel 3 (2);

(xii) "pensioenleef tyd" die leeftyd waarop 'n beampte kragtens artikel 15 (1) die reg het om uit die Regeringsdiens af te tree en daaruit afgedank moet word;

(xiii) "Raadslid" met betrekking tot 'n beampte- of werknemer of persoon wat in diens is of was of wat in diens geneem gaan word, die Raadslid wat verantwoordelik is vir die departement waarin die beampte, werknemer of persoon in diens is of was in diens was of in diens geneem gaan word; en met betrekking tot 'n beampte of werknemer of sodanige ander persoon wat in diens is of was of geneem gaan word in die kantoor van die Kommissie, die Raadslid vir die Departement van Gemeenskapsake;

(xiv) "Regering" die Regering van Basotho-Qwaqwa;

(xv) "Regering van die Republiek" die Regering van die Republiek van Suid-Afrika en ook 'n provinsiale administrasie, maar nie ook die Spoorwegadministrasie nie;

(xvi) "Regeringsdiens" die regeringsdiens bedoel in artikel 3;

(xvii) "regulasie" 'n regulasie kragtens artikel 26 van hierdie Wet uitgevaardig;

(xviii) "skaal" met betrekking tot salaris, ook salaris teen 'n vaste bedrag;

(xix) "toegewese beampte" 'n beampte van die Staatsdiens van die Republiek wat kragtens artikel 5 (4) van die Grondwet van die Bantoeuisslande, 1971 (Wet 21 van 1971) aangewys is om die Uitvoerende Raad by te staan;

(xx) "Uitvoerende Raad" Die uitvoerende Raad saamgestel kragtens artikel 5 (1) van die Grondwet van die Bantoeuisslande, 1971 (Wet 21 van 1971);

(xxi) "vaste diensstaat" die poste geskep vir die normale en gereelde vereiste van 'n departement;

(xxii) "voorgeskrewe apparaat" enige apparaat (deur die Uitvoerende Raadslid vir Gemeenskapsake, op aanbeveling van die Kommissie, by kennisgewing in die *Staatskoerant* voorgeskryf) deur middel waarvan die asem van 'n persoon getoets of ontleed word om te bepaal of die alkoholinhoud van die bloed van bedoelde persoon 'n gegewe perk oorskry al dan nie;

(ii) "Basotho-Qwaqwa" means the area for which the Basotho-Qwaqwa Legislative Assembly has been established; (i)

(iii) "calendar month" means a period extending from a day in any month to the day preceeding the day corresponding numerically, to that day in the following month, both days inclusive; (viii)

(iv) "citizen" means any person who in terms of the Bantu Homelands Citizenship Act, 1970 (Act 26 of 1970) is a citizen of Basotho-Qwaqwa; (iii)

(v) "Commission" means the Public Service Commission referred to in section 4 of this Act; (ix)

(vi) "Councillor" in relation to an officer or employee or person who is or has been employed or is to be employed, means the Councillor responsible for the department in which such officer, employee or person is or was last employed or is to be employed; and in relation to an officer or employee or such other person who is or has been or is to be employed in the office of the Commission, means the Councillor for the Department of Community Affairs;

(vii) "department" means a department, subdepartment or office of the Public Service, established in terms of section 5 (2) of the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971);

(viii) "employee" means a person referred to in section 3 (1) (d);

(ix) "Executive Council" means the Executive Council constituted in terms of section 5 (1) of the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971);

(x) "fixed establishment" means the posts created for the normal and regular requirements of a department;

(xi) "Government" means the Government of Basotho-Qwaqwa;

(xii) "Government of the Republic" means the Government of the Republic of South Africa and includes any provincial administration but does not include the Railway Administration;

(xiii) "head of department" or any variation thereof, means the officer or allocated officer holding or acting in a post on the fixed establishment and designated Director of a department;

(xiv) "head of office" means the head of an office, branch, institution, division or place of work and includes the head of a department;

(xv) "month" means a period extending from the first to the last day, both days inclusive, of any one of the 12 months of the year;

(xvi) "non-prescribed post" means a post classified as such in terms of section 3 (2);

(xvii) "officer" means a person who has been appointed permanently, notwithstanding that such appointment may be on probation, to a post referred to in section 3 (1) (a) and (b), and includes a person referred to in section 3 (1) (c) and section 3 (2) (b) who occupied a prescribed post that has been reclassified as a non-prescribed post;

(xviii) "pensionable age" means the age at which, in terms of section 15 (1), an officer shall have the right to retire and shall be discharged from the Public Service;

(xix) "prescribed apparatus" means any apparatus (prescribed by the Executive Councillor for Community Affairs, on the recommendation of the Commission, by notice in the *Government Gazette*) by means of which the breath of any person is tested or analysed in order to determine whether or not the alcohol content of the blood of such person exceeds a given limit;

(xx) "prescribed post" means a post classified as such in terms of section 3 (2);

(xxi) "public Service" means the Public Service referred to in section 3;

(xxii) "regulation" means a regulation made in terms of section 26 of this Act;

(xxiii) "voorgeskrewe pos" 'n pos as sodanig geklassifiseer kragtens artikel 3 (2);

(xxiv) "werknemer" 'n persoon in artikel 3 (1) (d) bedoel.

(2) Waar daar in hierdie Wet in verband met 'n beampte van 'n verlaging van 'n salarisskaal melding gemaak word, word dit so uitgelê dat dit die toepassing van 'n salarisskaal insluit wat laer is as die skaal wat tevore toegepas is wat betref die maksimum of minimum van die skaal, of die tempo van vordering in die skaal; en so 'n vermelding van 'n verlaging in graad of dat 'n graad laer is as 'n ander graad, word in 'n ooreenstemmende sin uitgelê.

Toepassing van Wet

2. Behalwe waar uit die samehang anders blyk, is die bepalings van hierdie Wet van toepassing op of ten opsigte van alle beamptes en werknemers in die Regeringsdiens.

HOOFTUK 2

ORGANISASIE EN ADMINISTRASIE

Die Regeringsdiens

3. (1) Die Regeringsdiens bestaan uit persone, uitsonderd die lede van die Wetgewende Vergadering, Raadslede en lede van die Kommissie—

(a) wat voorgeskrewe poste op die vaste diensstaat beklee;

(b) wat ander poste op die vaste diensstaat beklee as die poste in paragraaf (a) genoem;

(c) wat, nadat hulle opgehou het om poste op die vaste diensstaat in paragraaf (a) vermeld, te beklee en wat nie uit diens getree het of ontslaan is nie, bykomend by die vaste diensstaat in diens gehou word kragtens 'n aanbeveling gedoen ingevolge artikel 6 (2) (e), of wat geag word 'n voorgeskrewe pos te bly beklee onder die omstandighede in die voorbehoudsbepaling van subartikel (2) (b) bedoel;

(d) wat tydelik of onder 'n spesiale kontrak in 'n departement, hetsy in 'n voltydse of deeltydse hoedanigheid, bykomend by die vaste diensstaat, in diens gehou word ooreenkomstig 'n aanbeveling gedoen kragtens artikel 6 (2) (d).

(2) Die Kommissie het die bevoegdheid om te gelas dat—

(a) enige pos op die vaste diensstaat as 'n voorgeskrewe of nie-voorgeskrewe pos geklassifiseer word; en

(b) enige voorgeskrewe pos, as 'n nie-voorgeskrewe pos herklassifiseer word of enige nie-voorgeskrewe pos as 'n voorgeskrewe pos herklassifiseer word: Met dien verstande dat geen lasgewing kragtens hierdie paragraaf 'n beampte of werknemer verlof of 'n ander voorreg of reg wat sy bekleding van 'n voorgeskrewe of 'n nie-voorgeskrewe pos meegebring het, mag ontnem nie.

Regeringsdienskommissie: Aanstelling, besoldiging en Ampstermyn

4. (1) In ooreenstemming met die bepalings van artikel 16 van die Grondwet van die Bantoetuislande, 1971 (Wet 21 van 1971), is daar 'n kommissie bekend as die Regeringsdienskommissie, met die bevoegdhede, werksaamhede en pligte wat by hierdie Wet of enige ander wetsbepaling voorgeskryf word.

(2) (a) Die Kommissie bestaan uit drie lede wat nie lede van die Wetgewende Vergadering is nie en wat deur die Uitvoerende Raad aangestel word.

(b) Die Uitvoerende Raad wys een lid as voorsitter en een lid as ondervoorsitter van die Kommissie aan.

(3) Behoudens die bepalings van subartikels (8), (9), (10) en (11), beklee 'n lid van die Kommissie sy amp vir 'n tydperk van drie jaar en kan hy by die verstryking van sy ampstyd heraan gestel word: Met dien verstande dat 'n

(xxiii) "Revenue Fund" means the Revenue Fund of Basotho-Qwaqwa, established in terms of section 6 of the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971);

(xxiv) "scale" in relation to salary, includes salary at a fixed rate.

(2) Where in this Act reference is made in relation to an officer to a reduction in a scale of salary, the reference shall be construed as including the application of a scale of salary which is lower than the scale previously applied as regards the maximum or minimum of the scale or the rate of progression in the scale; and any such reference to a reduction in grade or to a grade being lower than any other grade shall be correspondingly construed.

Application of Act

2. Save as the context otherwise indicates, the provisions of this Act shall apply to or in respect of all officers and employees of the Public Service.

CHAPTER 2

ORGANISATION AND ADMINISTRATION

The Public Service

3. (1) The Public Service shall consist of persons other than members of the Legislative Assembly, Councillors and members of the Commission—

(a) who hold prescribed posts on the fixed establishment;

(b) who hold posts on the fixed establishment other than posts referred to in paragraph (a);

(c) who, having ceased to hold posts on the fixed establishment referred to in paragraph (a), and not having retired or having been discharged are employed additional to the fixed establishment in accordance with a recommendation made in terms of section 6 (2) (e), or who are deemed to continue to hold prescribed posts in the circumstances contemplated by the proviso to subsection (2) (b);

(d) who are employed temporarily or under a special contract in a department, whether in a full-time or part-time capacity, additional to the fixed establishment, in accordance with a recommendation made in terms of section 6 (2) (d).

(2) It shall be competent for the Commission to direct that—

(a) any post on the fixed establishment be classified as a prescribed post or as a non-prescribed post; and

(b) any prescribed post be reclassified as a non-prescribed post or any non-prescribed post be reclassified as a prescribed post: Provided that no direction under this paragraph shall deprive an officer or employee of any leave or other privilege or right which flowed from the occupancy by him of a prescribed or non-prescribed post.

Public Service Commission: Appointment, Remuneration and Tenure of Office

4. (1) In accordance with the provisions of section 16 of the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971), there shall be a commission known as the Public Service Commission with such powers, functions and duties as are prescribed in this Act or in any other law.

(2) (a) The Commission shall consist of three members, not being members of the Legislative Assembly, to be appointed by the Executive Council.

(b) The Executive Council shall designate one member as chairman and one member as vice-chairman of the Commission.

(3) Subject to the provisions of subsections (8), (9), (10) and (11), a member of the Commission shall hold office for a period of three years, and shall be eligible for reappointment on the expiry of his period of office: Provided

lid van die Kommissie wat behoorlik as 'n kandidaat vir verkiesing tot lid van die Wetgewende Vergadering genomineer is, sy ampt as lid van die Kommissie met ingang van die datum waarop hy aldus genomineer is, neêrlê.

(4) Die Uitvoerende Raad stel die salaris en diensvoorwaardes van lede van die Kommissie vas: Met diên verstande dat die salaris van 'n lid nie gedurende sy ampstermyn verminder mag word nie, behalwe by 'n Wet van die Wetgewende Vergadering.

(5) 'n Lid van die Kommissie mag nie sonder die toestemming van die Uitvoerende Raad besoldigde werk buite sy amppligte verrig of hom verbind om dit te verrig nie of hom aktief met die politiek bemoei nie.

(6) (a) Gedurende die afwesigheid van die voorsitter van die Kommissie, om watter rede ook al, of as daar geen voorsitter is nie, moet die ondervoorsitter as voorsitter van die Kommissie optree.

(b) Gedurende die afwesigheid van enige een of meer as een van die drie lede van die Kommissie kan die Uitvoerende Raad 'n persoon of persone aanstel om waar te neem in die plek van sodanige afwesige lid of lede.

(c) Gedurende die afwesigheid van beide die voorsitter en ondervoorsitter van die Kommissie kan die Uitvoerende Raad 'n lid of waarnemende lid aanstel om op te tree as voorsitter van die Kommissie.

(7) 'n Lid van die Kommissie mag nie in sy amp geskors of daarvan onthef word nie, behalwe ooreenkomstig die bepalings van subartikels (8), (9) en (10).

(8) (a) Die Uitvoerende Raad van 'n lid van die Kommissie in sy amp skors en, behoudens die bepalings van hierdie subartikel hom daarvan onthef—

(i) weens wangedrag;

(ii) weens ongeskiktheid vir sy amppligte of onvermoë om hulle op bekwame wyse uit te voer; of

(iii) as, om ander redes as sy eie ongeskiktheid of onvermoë, sy ontheffing van sy amp doeltreffend of of besuiniging sal bevorder.

(b) Elke skorsing van 'n lid van die Kommissie en die rede daarvoor moet aan die Wetgewende Vergadering binne 14 dae na die skorsing meegedeel word as die Wetgewende Vergadering dan sit of as die Wetgewende Vergadering nie dan sit nie, binne 14 dae na die aanvang van sy eersvolgende sessie.

(c) As aan die Uitvoerende Raad, binne 21 dae vanaf die datum waarop genoemde skorsing en die rede daarvoor aldus aan die Wetgewende Vergadering meegedeel is, 'n adres van die Wetgewende Vergadering voorgelê word waarin versoek word dat die lid van sy amp onthef word en waarin die rede vir die ontheffing genoem word, kan die Uitvoerende Raad hom dienooreenkomstig onthef.

(d) As geen sodanige adres binne die tydperk in paragraaf (c) genoem aan die Uitvoerende Raad voorgelê word nie, moet die lid in sy amp herstel word.

(9) As 'n lid van die Kommissie 'n blywende verstandelike of liggaamlike swaakteid opdoen wat hom ongeskik maak vir die behoorlike vervulling van sy amppligte, kan die Uitvoerende Raad—

(a) hom toelaat om sy amp neer te lê; of

(b) hom, behoudens die bepalings van subartikel (8), van sy amp op grond van onvermoë onthef.

(10) 'n Lid van die Kommissie moet minstens 40 jaar oud wees en aftree wanneer hy die leeftyd van 70 jaar bereik.

(11) As 'n beampete in die Regeringsdiens aangestel word om lid van die Kommissie te wees, moet hy uit sy betrekking in die Regeringsdiens bedank, en in dié geval is hy geregtig op die pensioen waarop hy geregtig sou gewees het as hy weens die afskaffing van sy pos uit die Regeringsdiens ontslaan was.

that a member of the Commission who has duly been nominated for election as a member of the Legislative Assembly shall relinquish his office as member of the Commission with effect from the date on which he was so nominated.

(4) The Executive Council shall determine the salaries and conditions of service of members of the Commission: Provided that the salary of a member shall not be reduced during his tenure of office, except by an Act of the Legislative Assembly.

(5) A member of the Commission shall not without the permission of the Executive Council perform or engage himself to perform any remunerative work outside the duties of his office or actively engage in politics.

(6) (a) During the absence of the chairman of the Commission for any reason whatsoever, or where there is no chairman, the vice-chairman shall act as chairman.

(b) During the absence of any one or more than one of the three members of the Commission the Executive Council may appoint a person or persons to act in the place of such absent person or persons.

(c) During the absence of both the chairman and vice-chairman the Executive Council may appoint a member or an acting member to act as chairman.

(7) A member of the Commission shall not be suspended or removed from office except in accordance with the provisions of subsections (8), (9) and (10).

(8) (a) The Executive Council may suspend a member of the Commission from office and subject to the provisions of this subsection, remove him from office—

(i) for misconduct;

(ii) for unfitness for the duties of his office or incapacity to carry them out efficiently; or

(iii) if for reasons other than his own unfitness or incapacity his removal from office will promote efficiency or economy.

(b) Every pension of a member of the Commission and the reason therefor shall be communicated to the Legislative Assembly within 14 days of the suspension, if the Legislative Assembly is then in session, or, if the Legislative Assembly is not then in session, within 14 days of the commencement of its next session.

(c) If, within 21 days of the date on which the said suspension and the reason therefor have been so communicated to the Legislative Assembly, an address of the Legislative Assembly is presented to the Executive Council requesting the removal of the member from office and stating the reason for such removal the Executive Council may remove him accordingly.

(d) If no such address is presented to the Executive Council within the period referred to in paragraph (c), the member shall be reinstated in office.

(9) If a member of the Commission becomes afflicted with a permanent infirmity of mind or body which disables him from the proper discharge of the duties of his office, the Executive Council may—

(a) allow him to vacate his office; or

(b) subject to the provisions of subsection (8), remove him from office on the ground of incapacity.

(10) A member of the Commission shall be at least 40 years of age and shall retire when he reaches the age of 70 years.

(11) If an officer in the Public Service is appointed a member of the Commission he shall resign his post in the Public Service, in which case he shall be entitled to the pension to which he would have been entitled had he been discharged from the Public Service owing to the abolition of his post.

*Uitoefening en Delegasie van die Kommissie se Bevoegd-
hede en Werkzaamhede*

5. (1) Behoudens die bepalings van subartikel (2), word 'n aanbeveling of lasgewing wat deur minstens twee lede van die Kommissie gegee is by die toepassing van hierdie Wet of enige ander Wetsbepaling geag 'n aanbeveling of lasgewing te wees wat deur die Kommissie gegee is.

(2) Behoudens die bepalings van subartikel (3), kan enige bevoegdheid wat verleen of werkzaamheid wat opgedra is aan die Kommissie by hierdie Wet of enige ander wetsbepaling (uitgesonderd die delegasiebevoegdheid wat hierby verleen word), met die instemming van die Kommissie uitgeoefen of verrig word—

(a) deur 'n lid van die Kommissie ingevolge 'n algemene of spesiale delegasie van die Kommissie; of

(b) deur 'n beampete of toegewese beampete in diens in die kantoor van die Kommissie.

(3) Die Kommissie mag nie die bevoegdhede aan hom verleen by artikel 6 (2), (g) en (n), of by artikels 15 (2), 15 (3), 15 (4) (a) tot en met (e), 15 (5) en 15 (7) of Hoofstuk 4 van hierdie Wet deleger nie.

(4) Die Kommissie kan enige persoon magtig om 'n ondersoek in te stel na enige aangeleentheid waarvoor hy kragtens hierdie Wet of enige ander wetsbepaling die bevoegdheid het om 'n aanbeveling te doen of 'n lasgewing te gee.

(5) Enige delegasie of magtiging deur die Kommissie kragtens hierdie artikel verleen, kan te eniger tyd deur die Kommissie gewysig of ingetrek word.

*Bevoegdhede, Werkzaamhede en Pligte van die
Kommissie*

6. (1) Die Kommissie het die bevoegdheid—

(a) om die werkzaamhede aan hom opgedra en die pligte aan hom toevertrou by hierdie Wet of by of kragtens enige ander wet, te verrig; en

(b) om aanbevelings te doen of lasgewings te gee oor alle aangeleenthede waarvoor daar nie uitdruklik in hierdie Wet of enige ander wet voorsiening gemaak is nie maar wat nie daarmee strydig is nie, met betrekking tot of voortspruitende uit die indiensneming van en die diensvoorwaardes in die algemeen van beamptes en werknemers.

(2) Die Kommissie moet—

(a) aanbevelings doen aangaande die skepping of afskaffing van departemente, subdepartemente, takke of kantore, die oordrag van werkzaamhede van een departement aan 'n ander, of van 'n departement aan 'n ander liggaam of van 'n ander liggaam aan 'n departement;

(b) aanbevelings doen aangaande die beheer, organisasie en herreëling van departemente, subdepartemente, takke of kantore;

(c) aanbevelings doen aangaande die getal, gradering, hergradering en omskepping van poste op die vaste diensstaat;

(d) aanbevelings doen aangaande die getal persone wat tydelik of onder 'n spesiale kontrak, hetsy in 'n voltydse of 'n deeltydse hoedanigheid, in diens geneem moet word—

(i) teen poste op die vaste diensstaat, wat nie permanent gevul is nie; of

(ii) bykomend by die vaste diensstaat, hetsy weens die afwesigheid of siekte van die bekleër van 'n pos, of wanneer dit nodig is om personeel te verskaf vir die verrigting van 'n klas werk waarvoor personeel nie onder gewone omstandighede op 'n permanente basis aangehou word nie, of wanneer dit om enige ander rede nodig is om die personeel van 'n departement tydelik te vergroot;

*Exercise and Delegation of Powers and Functions
of the Commission*

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

(2) Subject to the provisions of subsection (3), any power conferred upon or function entrusted to the Commission by this Act or any other law (except the power of delegation conferred hereby) may, with the concurrence of the Commission, be exercised or performed—

(a) by any member or members of the Commission under a general or special delegation from the Commission; or

(b) by any officer or allocated officer employed in the office of the Commission.

(3) The Commission shall not delegate the powers conferred upon it by section 6 (2) (a), (g) and (n) or by section 15 (2), 15 (3), 15 (4) (a) to (e) inclusive, 15 (5) and 15 (7) or Chapter 4 of this Act.

(4) The Commission may authorise any person to conduct an inquiry into any matter upon which in terms of this Act or of any other law it is competent for the Commission to make a recommendation or give a direction.

(5) Any delegation or authorisation made or given by the Commission under this section may at any time be amended or revoked by the Commission.

Powers, Functions and Duties of the Commission

6. (1) The Commission shall have the power—

(a) to perform the functions entrusted to and to carry out the duties imposed upon it by this Act or by or under other law; and

(b) to make recommendations or give directions on all matters not specifically provided for in this Act or any other law, but not inconsistent therewith, relating to or arising out of the employment of and the conditions of service generally of officers and employees.

(2) The Commission shall—

(a) make recommendations on the creation or abolition of departments, subdepartments, branches or offices, 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;

(b) make recommendations on the control, organisation and readjustment of departments, subdepartments, branches or offices;

(c) make recommendations on the number, grading, regrading and conversion of posts on the fixed establishment;

(d) make recommendations on the number of persons to be employed temporarily or under a special contract, whether in a full-time or a part-time capacity—

(i) against posts on the fixed establishment which are not permanently filled; or

(ii) in addition to the fixed establishment, either by reason of the absence or illness of the incumbent of any post, or when it is necessary to provide staff for the performance of a class of work for which staff is not ordinarily maintained on a permanent basis, or when it is necessary for any other reason to increase temporarily the staff of any department;

(e) wanneer hy dit nodig ag 'n aanbeveling doen vir die indiensneming van 'n beampte bykomend by die vaste diensstaat, of in 'n pos wat hoër of laer as sy eie graad ggradeer is;

(f) aanbevelings doen vir die bewerkstelling van besuiniging en die bevordering van doeltreffendheid in die bestuur en funksionering van departemente, subdepartemente, takke en kantore deur—

(i) verbeterde organisasie, prosedure en metodes;

(ii) verbeterde toesig;

(iii) vereenvoudiging van werk en die uitskakeling van onnodige werk;

(iv) koördinasie van werk;

(v) beperking van die getal beamptes en werknemers van departemente, subdepartemente, takke en kantore en die aanwending van die dienste van beamptes en werknemers op die voordeligste wyse;

(g) aanbevelings doen aangaande die skale van salarisse, lone en toelaes van al die verskillende klasse en grade van beamptes en werknemers;

(h) wanneer dit nodig is om 'n aanstelling of bevordering te doen in of tot 'n voorgeskrewe pos op die vaste diensstaat, hetsy dit nodig is weens die feit dat die pos vakant of hergradeer of omskep is, 'n aanbeveling doen aangaande die persoon wat aangestel of bevorder moet word;

(i) aantekening hou van beamptes wat in voorgeskrewe poste in diens geneem is;

(j) ondersoek instel na griewe van beamptes en, behoudens die bepalinge van hierdie Wet, die aanbevelings daarvoor doen wat hy goeë dink;

(k) lasgewings gee aangaande die leeftyds-, opvoedkundige, taal- en ander kwalifikasies wat persone moet besit by aanstelling in, oorpasing na of bevordering in die Regeringsdiens, waar die kwalifikasies nie by of kragtens hierdie Wet of enige ander wet voorgeskryf is nie;

(l) waar hy dit nodig ag, eksamens afneem of laat afneem in vakke, insluitende tale, soos hy gelas, of soos voorgeskryf as 'n kwalifikasie wat persone by aanstelling in, oorpasing na of bevordering in die Regeringsdiens moet besit;

(m) dié ander bevoegdhede uitoefen, dié ander werksaamhede verrig en dié ander pligte uitvoer wat nie met hierdie Wet strydig is nie en wat die Uitvoerende Raad aan hom opgedra of hom opgelê het;

(n) aanbevelings doen by die Uitvoerende Raad vir die uitvaardiging of wysiging van regulasies in artikel 26 van hierdie Wet bedoel;

(o) so spoedig doenlik na dié 31ste dag van Desember van elke jaar 'n verslag opstel oor aangeleenthede wat die Kommissie gedurende die vorige jaar behandel het, asook spesiale verslae wat die Kommissie van tyd tot tyd wenslik ag.

(3) Die Uitvoerende Raad kan die bevoegdhede, werksaamhede en pligte wat by enige wet aan hom en/of 'n Raadslid verleen, opgedra of opgelê is ten opsigte van die aanstelling, gradering, bevordering, aftreding, dissipline, diensure, verlof en, in die algemeen, diensvoorwaardes van persone in diens van rade, dergelike inrigtings en ander instellings wat hul fondse geheel of gedeeltelik uit die Inkomstefonds verkry, aan die Kommissie delegeer.

Uitvoering van Aanbevelings van die Kommissie

7. (1) Elke aanbeveling wat deur die Kommissie ooreenkomstig hierdie Wet gedoen word en wat op 'n bepaalde persoon betrekking het—altdy behoudens die bepalinge van subartikel (2)—

(a) kan voordat dit uitgevoer is, deur die Kommissie teruggetrek of gewysig word of deur die Uitvoerende Raad verwerp of gewysig word te eniger tyd binne 'n tydperk van ses kalendermaande na die datum waarop

(e) whenever it considers it necessary, make a recommendation for the employment of an officer additional to the fixed establishment, or in a post graded lower or higher than his own grade;

(f) make recommendations for effecting economy and promoting efficiency in the management and working of departments, subdepartments, branches, and offices by—

(i) improved organisation, procedure and methods;

(ii) improved supervision;

(iii) simplification of work and the elimination of unnecessary work;

(iv) co-ordination of work;

(v) limitation of the number of officers and employees of departments, subdepartments, branches and offices and the utilisation of the services of officers and employees to the best advantage;

(g) make recommendations on the scales of salaries, wages and allowances of all the various classes and grades of officers and employees;

(h) whenever it is necessary to make any appointment or promotion to a prescribed post on the fixed establishment, whether such necessity arises from the fact that the post is vacant or has been regraded or converted, make a recommendation on the person to be appointed or promoted;

(i) keep a record of officers employed in prescribed posts;

(j) inquire into the grievances of officers and, subject to the provisions of this Act, make such recommendations thereon as it may deem fit;

(k) give directions regarding the age, educational, language and other qualifications to be possessed by persons on appointment, transfer or promotion to or in the Public Service where such qualifications are not prescribed by or under this Act or any other law;

(l) where it deems it necessary, conduct examinations or cause examinations to be conducted in such subjects including languages, as it may direct or as may be prescribed as a qualification to be possessed by persons on appointment, transfer or promotion to or in the Public Service;

(m) exercise such other powers, perform such other functions, and carry out such other duties, not repugnant to this Act, as may be entrusted to or conferred upon it by the Executive Council;

(n) make recommendations to the Executive Council for the promulgation or amendment of regulations referred to in section 26 of this Act;

(o) as soon as practicable after the 31st day of December of each year compile a report on the matters dealt with by the Commission during the previous year, as well as special reports which the Commission may deem expedient from time to time.

(3) The Executive Council may delegate to the Commission the powers, functions and duties as are by any law granted or entrusted to or imposed upon the Executive Council and/or a Councillor in connection with the appointment, grading, promotion, retirement, discipline, hours of attendance, leave and conditions of service in general, of persons in the employment of councils, similar institutions and other establishments which obtain their funds from the Revenue Fund, wholly or in part.

Implementation of Recommendations of the Commission

7. (1) Subject to the provisions of subsection (2) every recommendation made by the Commission in accordance with this Act and relating to a particular person—

(a) may be withdrawn or varied by the Commission or may be rejected or varied by the Executive Council before it has been implemented, at any time within a period of six calendar months of the date

dit deur die Kommissie gedoen is of binne 'n tydperk van ses kalendermaande na die datum waarop dit deur die Kommissie gewysig is: Met dien verstande dat die Kommissie nie 'n aanbeveling wat deur die Uitvoerende Raad gewysig is, mag intrek of wysig nie;

(b) word, as dit deur die Uitvoerende Raad gewysig is, onverwyld deur die Raadslid, soos aldus gewysig, uitgevoer;

(c) word, as die Uitvoerende Raad geweier het om dit te wysig of te verwerp, onverwyld deur die Raadslid soos deur die Kommissie gedoen of gewysig, uitgevoer;

(d) word, as genoemde tydperk verstryk het en dit nie uitgevoer of deur die Kommissie teruggetrek of deur die Uitvoerende Raad verwerp of gewysig is nie, onverwyld deur die Raadslid soos deur die Kommissie gedoen of gewysig, uitgevoer.

(2) Elke aanbeveling van die Kommissie aangaande—

(a) die getal, gradering, hergradering, en omskepping van poste op die vaste diensstaat;

(b) die indiensneming en indienshouding van beamptes en werknemers bykomend by die vaste diensstaat of teen poste wat laer of hoër gegradeer is as hulle eie gradering;

(c) die skale van salarisse, lone, en toelaes van beamptes en werknemers;

(d) die betaling aan beamptes en werknemers of aan klasse beamptes of werknemers van salarisse teen hoër bedrae as die minimum van skale wat op hulle poste by aanstelling, oorpasing of bevordering van toepassing is;

(e) die spesiale vordering van beamptes en werknemers of van klasse beamptes of werknemers binne die salarisskale wat op hulle poste van toepassing is of die betalings aan hulle van salarisse ooreenkomstig hoër skale;

(f) die betaling aan beamptes en werknemers van ekstra besoldiging vir die verrigting van oortyd diens;

(g) die bedrae aan bonusse, toekennings, gratifikasies, honorariums en enige ander ekstra betalings wat aan beamptes en werknemers gedoen moet word;

(h) die toekenning van beurse en hulptoelaes vir studie- en navorsingsdoeleindes;

(i) die diensvoorwaardes, in die algemeen, van beamptes en werknemers;

en al die aanbevelings gedoen kragtens artikel 6 (2) (n) wat uitgawes deur die Inkomstefonds meebring, word aan die Direkteur van Owerheidsake en Finansies meegedeel en nie uitgevoer nie, tensy die Direkteur sodanige uitgawes goedgekeur het.

(3) Waar 'n aanbeveling van die Kommissie deur die Uitvoerende Raad verwerp of gewysig is, handel die Raadslid in die aangeleentheid in verband waarmee die aanbeveling gedoen is, ooreenkomstig enige magtiging deur die Uitvoerende Raad verleen of ooreenkomstig die aanbeveling van die Kommissie, soos aldus gewysig, sonder om 'n verdere aanbeveling van die Kommissie te verkry.

(4) Vir die toepassing van die bepalinge van subartikels (1) en (3) betreffende die verwerping of wysiging deur die Uitvoerende Raad van 'n aanbeveling van die Kommissie word 'n weiering deur of 'n versuim van die Kommissie om 'n aanbeveling te doen, gegag 'n aanbeveling van die Kommissie te wees.

(5) Geen aansoek om die verwerping of wysiging van 'n aanbeveling word by die Uitvoerende Raad gedoen nie, tensy die Raadslid aan die Kommissie minstens 14 dae kennis gegee het van sy voorneme om aldus aansoek te doen en sodanige kennisgewing moet die gronde uitceensit waarop die Raadslid van voorneme is om die aansoek te baseer.

upon which it was made by the Commission or within a period of six calendar months of the date upon which it was varied by the Commission: Provided that it shall not be competent for the Commission to withdraw or vary any recommendation which has been varied by the Executive Council;

(b) shall, if the Executive Council has varied it, forthwith be implemented by the Councillor as so varied;

(c) shall, if the Executive Council has refused to vary or reject it, forthwith be implemented by the Councillor as made or varied by the Commission;

(d) shall, if the said period has expired, and it has not been implemented or withdrawn by the Commission or rejected or varied by the Executive Council, forthwith be implemented by the Councillor as made or varied by the Commission.

(2) Every recommendation of the Commission on—

(a) the number, grading, regrading and conversion of posts on the fixed establishment;

(b) the employment and continued employment of officers and employees, additional to the fixed establishment or against posts graded higher or lower than their own grading;

(c) the scales of salaries, wages and allowances of officers and employees;

(d) the payment to officers and employees or to classes of officers or employees of salaries at higher rates than the minima of the scales applicable to their posts on appointment, transfer or promotion;

(e) the special advancement of officers and employees or of classes of officers or employees within the scales of salary applicable to their posts or the payment to them of salaries in accordance with higher scales;

(f) the payment to officers and employees of extra remuneration for the performance of overtime duties;

(g) the amounts of bonuses, awards, gratuities, honoraria and any other extra payments to be made to officers and employees;

(h) the grant of bursaries and grants-in-aid for purposes of study and research;

(i) the conditions of service generally of officers and employees;

and every recommendation made in terms of section 6 (2) (n) involving expenditure from the Revenue Fund shall be communicated to the Director of Authority Affairs and Finance and shall not be implemented unless the Director has approved the expenditure involved.

(3) Where a recommendation of the Commission has been rejected or varied by the Executive Council, the Councillor shall act in the matter in connection with which the recommendation was made, in accordance with any authority granted by the Executive Council or in accordance with the recommendation of the Commission as so varied, without obtaining a further recommendation of the Commission.

(4) For the purposes of the provisions of subsection (1) and (3), relating to the rejection or variation by the Executive Council of a recommendation of the Commission, any refusal or failure by the Commission to make a recommendation shall be deemed to be a recommendation of the Commission.

(5) No application for the rejection or variation of a recommendation shall be made to the Executive Council unless the Councillor has given the Commission at least 14 days notice of its intention so to apply and such notice shall set forth the grounds upon which the Councillor intends basing the application.

(6) Vir die toepassing van hierdie Wet of enige ander wet word 'n aanbeveling geag—

(a) gedoen te gewees het op die datum van die skriftelike mededeling waarin sodanige aanbeveling oorgedra word; en

(b) as dit op 'n bepaalde persoon betrekking het, deur die Raadslid uitgevoer te gewees het op die datum van die skriftelike mededeling aan daardie persoon dat die Raadslid sodanige aanbeveling goedgekeur het.

(7) As die Uitvoerende Raad nie in staat of nie bereid is om 'n aanbeveling van die Kommissie wat ooreenkomstig hierdie Wet gedoen is, aan te neem nie, of dit verwerp of wysig, moet die Kommissie die aangeleentheid, hetsy deur middel van 'n spesiale verslag of in sy jaarverslag, volledig aan die Wetgewende Vergadering rapporteer.

Delegasie van Bevoegdheid en Werksaamhede

8. (1) (a) Enige bevoegdheid verleen aan 'n Raadslid by hierdie Wet kan, met die instemming van die Raadslid uitgevoer of uitgeoefen word—

(i) deur enige toegewese beampte; of

(ii) deur enige beampte.

(b) 'n Raadslid mag nie die werksaamhede by artikel 7 (1) aan hom opgedra deleger nie.

(2) (a) Enige bevoegdheid wat kragtens hierdie Wet aan 'n departementshoof verleen is, kan deur hom aan 'n ander beampte of toegewese beampte, gedelegeer word op voorwaardes wat hy bepaal.

(b) 'n Departementshoof kan 'n delegasie wat kragtens hierdie artikel verleen is te eniger tyd terugtrek.

Die Kommissie kan Departemente Inspekteer en het Insae in Amptelike Dokumente

9. Die Kommissie het die bevoegdheid om, vergesel van die Sekretaris van die Kommissie, enige departement te inspekteer, en moet insae gegee word in amptelike dokumente en stukke en moet voorsien word van alle inligting deur hoofde van departemente en ander beamptes en werknemers, wat na sy mening nodig is vir die uitoefening van sy bevoegdhede, die verrigting van sy werksaamhede en die uitvoering van sy pligte kragtens hierdie Wet of kragtens enige ander wet.

Personeel van die Kommissie, Inspeksie van Departemente en Byeenroeping van Kommissie

10. (1) Daar word met inagneming van die bepalinge van hierdie Wet 'n sekretaris vir die Kommissie en dié aantal ander beamptes en werknemers aangestel, as wat van tyd tot tyd nodig is om die Kommissie in staat te stel om op doeltreffende wyse sy bevoegdhede uit te oefen, sy werksaamhede te verrig en sy pligte uit te voer.

(2) Die sekretaris in subartikel (1) bedoel, moet die opdragte nakom en die pligte uitvoer wat die Kommissie van tyd tot tyd aan hom gegee of hom opgelê het.

(3) Die Kommissie kan enige persoon magtig om die inspeksie van departemente namens die Kommissie uit te voer en enige persoon aldus gemagtig het die bevoegdhede wat by artikel 9 aan die Kommissie verleen is.

(4) Die sekretaris in subartikel (1) bedoel of 'n beampte of toegewese beampte deur hom daartoe gemagtig, moet die Kommissie, na oorlegpleging met die voorsitter of waarnemende voorsitter, byeenroep: Met dien verstande dat niks die voorsitter of waarnemende voorsitter van die Kommissie verhinder om op enige tyd 'n vergadering van die Kommissie te belê nie: Met dien verstande voorts dat die Kommissie minstens een keer per maand moet vergader.

(5) Die sekretaris in subartikel (1) bedoel of 'n beampte of toegewese beampte wat deur hom daartoe gemagtig is, moet alle vergaderings van die Kommissie bywoon.

(6) For the purposes of this Act or any other law, a recommendation shall be deemed—

(a) to have been made on the date of the written communication conveying such recommendation; and

(b) if it relates to a particular person, to have been implemented by the Councillor on the date of the written communication to such person stating that the Councillor has approved such recommendation.

(7) If the Executive Council is unable or not prepared to accept a recommendation by the Commission in accordance with this Act, or rejects or varies it, the Commission shall report the matter fully to the Legislative Assembly, either by means of a special report or in its annual report.

Delegation of Powers and Functions

8. (1) (a) Any power conferred upon a Councillor by this Act may, with the concurrence of the Councillor, be exercised or carried out—

(i) by any allocated officer; or

(ii) by any officer.

(b) A Councillor shall not delegate the functions conferred upon him by section 7 (1).

(2) (a) Any power conferred upon a head of department by this Act may be delegated by him to another officer or allocated officer, on conditions determined by him.

(b) A head of department may at any time withdraw a delegation granted in terms of this section.

The Commission may Inspect Departments and has Access to Official Documents

9. The Commission accompanied by the secretary of the Commission shall have the power to inspect any department and shall be given access to official documents and records, and shall be furnished with all such information by heads of departments and other officers and employees as in its opinion may be necessary for the exercise of its powers, the performance of its functions and the carrying out of its duties under this Act or under any other law.

Staff of the Commission, Inspection of Departments and Convening of the Commission

10. (1) There shall be appointed, subject to the provisions of this Act, a secretary to the Commission and so many other officers and employees as may from time to time be necessary to enable the Commission effectually to exercise its powers, to perform its functions and to carry out its duties.

(2) The secretary referred to in subsection (1) shall observe such directions and carry out such duties as may from time to time be given to or imposed upon him by the Commission.

(3) The Commission may authorise any person to carry out an inspection of departments on behalf of the Commission and any person so authorised shall have the powers conferred upon the Commission by section 9.

(4) The secretary referred to in subsection (1) or an officer or an allocated officer authorised by him shall, after consultation with the chairman or acting chairman convene the Commission: Provided that nothing shall prevent the chairman or acting chairman of the Commission from convening a meeting of the Commission at any time: Provided further that the Commission shall meet at least once a month.

(5) The secretary referred to in subsection (1) or an officer or an allocated officer authorised by him shall attend all meetings of the Commission.

HOOFSTUK 3

AANSTELLINGS, BEVORDERINGS, OORPLASINGS, AFTREDINGS, AFDANKINGS EN ONTSLAG

Deur Wie Aanstellings en Bevorderings Gedoen Word

11. Ondanks die bepalings van enige wet wat voor die inwerkingtreding van hierdie Wet aangeneem is en sonder om afbreuk te doen aan die werksaamhede wat deur die Kommissie kragtens hierdie Wet verrig moet word, word die aanstelling of bevordering van enige persoon in die Regeringsdiens deur die Raadslid gedoen.

Voorwaardes vir die Vulling van Poste

12. (1) Behoudens die bepalings van hierdie artikel en artikel 13, word aanstellings, oorplasinge en bevorderings in die Regeringsdiens gedoen op die wyse en onder die voorwaardes deur die Kommissie gelas of aanbeveel, insluitende die besit van kennis van amptelike tale, tale wat kragtens artikel 108 van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet 32 van 1961), as addisionele amptelike tale van Basotho-Qwaqwa erken is, of ander tale.

(2) Niemand word vas aangestel, of oorgeplaas en vas aangestel, hetsy op proef al dan nie, in enige pos op die vaste diensstaat van die Regeringsdiens nie, tensy so iemand—

- (a) 'n burger is;
- (b) van goeie karakter is; en
- (c) na die mening van die Kommissie vry van enige verstandelike of liggaamlike gebrek, siekte of swakheid is, wat waarskynlik die behoorlike uitvoering van sy pligte sal belemmer, of sy aftreding uit die Regeringsdiens voordat hy die pensioenleefyd bereik, nodig sal maak en die Kommissie aldus verklaar het.

Met dien verstande dat 'n persoon aldus op proef aangestel kan word, ondanks die bepalings van paragraaf (c), as die Kommissie die verklaring daarin bedoel, agterweë hou en as 'n voorwaarde van die aanstelling aanbeveel dat dit bekragtig kan word slegs nadat die Kommissie sodanige verklaring uitgereik het.

(3) By die vulling van 'n pos in die Regeringsdiens moet daar behoorlik rekening gehou word met die kwalifikasies, betreklike verdienstelikheid, bekwaamheid en geskiktheid van die persone wat vir bevordering, oorplasing of aanstelling in aanmerking kom.

(4) Vir die vulling van 'n voorgeskrewe pos op die vaste diensstaat moet die Kommissie, behoudens die bepalings van subartikel (3), of—

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

Met dien verstande dat binne een kalendermaand na die aanvang van elke gewone sessie van die Wetgewende Vergadering, die Raadslid van die Departement van Gemeenskapsake in die Wetgewende Vergadering 'n op-gawe ter tafel moet lê waarin opgegee word—

- (a) die naam van elke persoon wat sedert die aanvang van die vorige gewone sessie van die Wetgewende Vergadering in 'n pos hoër as 'n toetredingsrang aangestel is en wat onmiddellik voor sodanige aanstelling nie 'n beampte was nie;
- (b) die pos waarin daardie persoon aangestel is;
- (c) die salarisskaal aan daardie pos verbonde; en
- (d) die spesiale kwalifikasies van daardie persoon vir die pos en die spesiale redes vir sy aanstelling.

CHAPTER 3

APPOINTMENTS, PROMOTIONS, TRANSFERS, RETIREMENTS AND DISCHARGES

By Whom Appointments and Promotions are made

11. Notwithstanding the provisions of any law passed before the commencement of this Act and without derogation from the functions to be performed by the Commission under this Act, the appointment or promotion of any person in the Public Service shall be made by the Councillor.

Conditions for the Filling of Posts

12. (1) Subject to the provisions of this section and of section 13, appointments, transfers and promotions in the Public Service shall be made in such manner and subject to such conditions as the Commission may direct or recommend, including the possession of knowledge of the official languages, languages which are recognised in terms of section 108 of the Republic of South Africa Constitution Act, 1961 (Act 32 of 1961) as additional official languages for Basotho-Qwaqwa or other languages.

(2) No person shall be appointed permanently, or be transferred and appointed permanently, whether on probation or not, to any post on the fixed establishment of the Public Service unless such person is—

- (a) a citizen;
- (b) of good character; and
- (c) in the opinion of the Commission, free from any mental or physical defect, disease of infirmity which would be likely to interfere with the proper carrying out of his duties or to render necessary his retirement from the Public Service before reaching the pensionable age and the Commission has so declared:

Provided that a person may be so appointed on probation, notwithstanding the provisions of paragraph (c), if the Commission withholds the declaration referred to therein and recommends, as a condition of the appointment, that it may be confirmed only after the Commission has issued such declaration.

(3) In the filling of any post in the Public Service due regard shall be had to the qualifications, relative merit, efficiency and suitability of the persons who are eligible for promotion, transfer or appointment.

(4) For the filling of any prescribed post on the fixed establishment the Commission shall, subject to the provisions of subsection (3), recommend either—

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

Provided that within one calendar month from the commencement of each ordinary session of the Legislative Assembly the Councillor for the Department of Community Affairs shall lay upon the Table of the Legislative Assembly a return showing—

- (a) the name of every person who has, since the commencement of the preceding ordinary session of the Legislative Assembly, been appointed to a post higher than an entry grade and who was, immediately prior to such appointment, not an officer;
- (b) the post to which such person has been appointed;
- (c) the salary scale attached to such post; and
- (d) the special qualifications of such person for the post and the special reasons for his appointment.

Aanstellings In, Oorplasing Na en Bevorderings Tot Poste op die Vaste Diensstaat Geskied op Proef

13. (1) Aanstellings in, oorplasing na en bevorderings tot poste op die vaste diensstaat geskied op proef as—

(a) in die geval van voorgeskrewe poste, die Kommissie aldus aanbeveel; of

(b) in die geval van nie-voorgeskrewe poste, die persoon wat die bevoegdheid het om aanstellings, oorplasing en bevorderings goed te keur, magtiging daartoe verleen.

(2) Die proeftyd aldus aanbeveel of waartoe magtiging aldus verleen is, is minstens twaalf kalendermaande: Met dien verstande dat as 'n beampte wat diens op proef doen, oorgeplaas word na of bevorder word tot 'n ander pos, 'n korter dienstyd op proef in die nuwe pos aanbeveel kan word of magtiging daartoe verleen kan word wat, saam met die proeftyd in diens in die vorige pos, minstens twaalf kalendermaande is: Met dien verstande voorts dat die proeftyd van 'n beampte verleng word met die getal dae verlof wat hy gedurende die proeftyd of enige verlenging daarvan geneem het.

(3) As die hoof van die kantoor, tak, subdepartement of departement sertifiseer dat gedurende die proeftyd, of verlengde proeftyd, die betrokke beampte ywerig en sy gedrag deurgaans bevredigend was en dat hy in alle opsigte geskik is vir die pos wat hy beklee, kan die Raadslid, as die beampte voldoen het aan al die voorwaardes waaraan sy aanstelling, oorplasing of bevordering onderhewig was, die aanstelling, oorplasing of bevordering bekragtig; maar as die aanstelling, oorplasing of bevordering op proef nie aldus bekragtig word nie—

(a) moet die departementshoof in die geval van 'n beampte wat 'n voorgeskrewe pos beklee die redes vir die nie-bekragtiging aan die Kommissie rapporteer wat behoudens die bepaling van subartikel (5) 'n aanbeveling wat hy goedgevind oor die aangeleentheid kan doen;

(b) kan die Raadslid die proeftyd verleng of optree soos in subartikel (4) as die beampte 'n nie-voorgeskrewe pos beklee.

(4) Ondanks andersluidende bepalinge in subartikel (2) of in Hoofstuk 4 vervat, maar behoudens die bepalinge van subartikel (5), kan 'n beampte wat op proef in diens is, deur die Raadslid uit die Regeringsdiens ontslaan word, hetsy gedurende of by of na die verstryking van die proeftyd—

(a) deur een maand kennis te gee; of

(b) onverwyld as sy gedrag onbevredigend is:

Met dien verstande dat voordat 'n beampte wat 'n voorgeskrewe pos beklee aldus ontslaan word, die Kommissie eers 'n aanbeveling gedoen het.

(5) Ondanks andersluidende bepalinge in artikels 14 en 23 keer 'n persoon wat onmiddellik voor sy oorplasing of bevordering op proef 'n beampte was, maar wat nie 'n beampte op proef was nie, terug na die pos wat hy tevore beklee het, of na 'n pos van gelyke gradering, en na die salaris wat hy in sy vorige pos sou bereik het, as sy oorplasing of bevordering op proef nie bekragtig word nie: Met dien verstande dat, in die geval van 'n beampte wat 'n voorgeskrewe pos beklee, die Kommissie eers 'n aanbeveling moet doen.

Oorplasing en Sekondering van Beamptes en Werknemers

14. (1) Behoudens die bepalinge van hierdie Wet kan elke beampte en werknemer, wanneer die openbare belang dit vereis, oorgeplaas word uit die pos of betrekking wat

Appointments, Transfers and Promotions on Probation

13. (1) Appointments, transfers or promotions to posts on fixed establishment shall be made on probation if—

(a) in the case of prescribed posts the Commission recommends accordingly; or

(b) in the case of non-prescribed posts, the person holding power to approve appointments, transfers and promotions therein, so authorises.

(2) The period of probation so recommended or authorised shall not be less than 12 calendar months: Provided that if an officer who is serving on probation is transferred or promoted to any other post, a lesser period of service on probation in the new post may be recommended or authorised, which, together with the period of probation served in the former post, shall total at least 12 calendar months: Provided further that the probationary period of an officer shall be extended by the number of days leave taken by him during the period of probation or any extension thereof.

(3) If the head of the office, branch, subdepartment or department certifies that during the period of probation or extended period of probation the officer concerned has been diligent and his conduct uniformly satisfactory and that he is in all respects suitable for the post which he holds, the Councillor may, if the officer has complied with all the conditions to which his appointment, transfer or promotion was subject, confirm the appointment, transfer or promotion but if the probationary appointment, transfer or promotion is not so confirmed—

(a) the head of department shall, in the case of an officer holding a prescribed post, report the reasons for the non-confirmation to the Commission which, subject to the provisions of subsection (5) make such recommendation in the matter as it may deem fit:

(b) the Councillor may extend the period of probation or act as is provided in subsection (4) if the officer holds a non-prescribed post.

(4) Notwithstanding anything to the contrary in subsection (2) or in Chapter 4 contained, but subject to the provisions of subsection (5), an officer who is serving on probation may be discharged from the Public Service by the Councillor either during or at or after the expiry of the period of probation—

(a) by giving one month's notice; or

(b) forthwith, if his conduct is unsatisfactory:

Provided that before an officer holding a prescribed post is so discharged the Commission shall first have made a recommendation.

(5) Notwithstanding anything contained in sections 14 and 23 a person who immediately prior to his transfer or promotion on probation was an officer not being a probationary officer, shall revert to the post formerly held by him or to a post of equivalent grading, and to the salary he would have attained in his former post, if his probationary transfer or promotion he not confirmed: Provided that in the case of an officer holding a prescribed post the Commission shall first have made a recommendation.

Transfer and Secondment of Officers and Employees

14. (1) Subject to the provisions of this Act, every officer and employee shall, whenever the public interest so requires, be liable to be transferred from the post or

hy beklee na enige ander pos of betrekking in dieselfde of in enige ander departement, hetsy sodanige pos of betrekking van 'n laer of hoër graad is al dan nie: Met dien verstande dat—

(a) by oorpasing 'n beampte of werknemer se salarisskaal nie sonder sy toestemming verlaag mag word nie, behalwe in ooreenstemming met die bepalings van Hoofstuk 4;

(b) 'n beampte wat oorgeplaas is na of in diens is in 'n pos van 'n laer of hoër graad as sy eie graad sonder 'n verandering in sy salarisskaal, deur die Kommissie aanbeveel moet word vir oorpasing na 'n pos waarby sy salarisskaal pas sodra 'n geskikte vakature ontstaan;

(c) 'n beampte of werknemer wat oorgeplaas is na of in diens is in 'n pos wat hoër as sy eie graad gegradeer is, of wat hergradeer is na, of omskep is in 'n pos van 'n hoër graad as sy eie graad, nie uit hoofde alleen van sodanige oorpasing of diens op die hoër salarisskaal of salaris wat op die pos van toepassing is, geregtig is nie.

(2) Die oorpasing van 'n beampte of werknemer uit een pos of betrekking na 'n ander pos of betrekking kan, behoudens die bepalings van subartikel (3), geskied op gesag van die Raadslid: Met dien verstande dat sodanige oorpasing van een departement na 'n ander nie mag geskied nie behalwe op gesag van die Raadslid wat verantwoordelik is vir elk van die twee betrokke departemente: Met dien verstande voorts dat die bepalings van hierdie subartikel nie die Kommissie belet om die oorpasing van 'n beampte of 'n werknemer uit 'n voorgeskrewe pos op die vaste diensstaat na 'n ander voorgeskrewe pos op die vaste diensstaat aan te beveel nie.

(3) 'n Beampte mag 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 Kommissie die oorpasing aanbeveel het; maar hierdie subartikel is nie van toepassing nie as elkeen van die twee poste 'n nie-voorgeskrewe pos is.

(4) 'n Beampte of werknemer kan met sy eie toestemming en op aanbeveling van die Kommissie op sodanige voorwaardes (benewens dié by of kragtens enige wet voorgeskryf) as wat die Kommissie in oorleg met die Direkteur van Owerheidsake en Finansies bepaal of vir 'n bepaalde diens of tydperk, na die diens van die Regering van die Republiek of die regering van 'n gebied waarvoor 'n Wetgewende Vergadering kragtens die Grondwet van die Bantoeuislande, 1971 (Wet 21 van 1971), ingestel is, of van 'n raad, inrigting of liggaam ingestel by of kragtens enige wet, of van enige ander liggaam of persoon, gesecondeer word en terwyl sodanige beampte of werknemer aldus gesecondeer is, bly hy onderworpe aan die wette wat op beamptes in die Regeringsdiens van toepassing is.

(5) 'n Burger wat 'n beampte of werknemer van die Staatsdiens van die Republiek is of wat in diens van die Regering van die Republiek is, kan oorgeplaas word na die Regeringsdiens op die voorwaardes wat die Kommissie aanbeveel in oorleg met die Direkteur van Owerheidsake en Finansies nadat 'n ooreenkoms oor sodanige oorpasing met die Regering van die Republiek bereik is.

Aftrading, Afdanking en Ontslag van Beamptes

15. (1) (a) Behoudens die bepalings van subartikels (2) en (3) en enige wet betreffende pensioenregte van beamptes, het 'n beampte die reg om uit die Regeringsdiens af te tree wanneer hy die leeftyd van 60 jaar bereik en tree hy aldus af wanneer hy gemelde leeftyd bereik indien daardie dag op die eerste dag van 'n maand is of, indien daardie dag 'n latere dag is op die eerste dag van die maand onmiddellik na die maand waarin hy die leeftyd van 60 jaar bereik het.

appointment held by him to any other post or appointment in the same or any other department, whether or not such post or appointment is of a lower or higher grade: Provided that—

(a) upon transfer an officer or employee shall not suffer any reduction in his salary scale without his consent except in accordance with the provisions of Chapter 4;

(b) an officer who has been transferred to or is employed in a post of lower or higher grade than his own grade without a change in his salary scale shall be recommended by the Commission for transfer to a post to which his salary scale is appropriate as soon as a suitable vacancy occurs;

(c) an officer or employee who has been transferred to or is employed in a post which is graded higher than his own grade or which is regraded or converted to a post of a grade higher than his own grade, shall not by reason only of such transfer or employment be entitled to the higher scale or salary applicable to the post.

(2) The transfer of an officer or employee from one post or appointment to some other post or appointment may, subject to the provisions of subsection (3), be made on the authority of the Councillor: Provided that such transfer from one department to another shall not be made except on the authority of the Councillor responsible for each of the two departments concerned: Provided further that the provisions of this subsection shall not preclude the Commission from recommending the transfer of any officer or employee from a prescribed post on the fixed establishment to any other prescribed post on the fixed establishment.

(3) An officer shall not be transferred from one post to some other post which is of higher or lower grade than his own grade or bears a different designation, unless the Commission has recommended the transfer; but this subsection shall not apply if each of the two posts is a non-prescribed post.

(4) An officer or employee may, with his own consent, and on the recommendation of the Commission upon such conditions (in addition to those prescribed by or under any law) as may be determined by it in consultation with the Director of Authority Affairs and Finance, be seconded either for a particular service or for a period of time, to the service of the Government of the Republic or the Government of an area for which a Legislative Assembly has been established in terms of the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971), or of any board, institution or body established by or under any law, or of any other body or person, and such officer or employee while so seconded shall remain subject to the laws governing officers in the Public Service.

(5) A citizen who is an officer or employee of the Public Service of the Republic or is employed by the Government of the Republic, may be transferred to the Public Service on conditions recommended by the Commission in consultation with the Director of Authority Affairs and Finance, after an agreement regarding such transfer has been reached with the Government of the Republic.

Retirement and Discharge of Officers

15. (1) (a) Subject to the provisions of subsections (2) and (3) and any law governing the pension rights of officers an officer shall have the right to retire from the Public Service on attaining the age of 60 years and shall be so retired on reaching the said age if that day is the first day of a month or if that day is any later day, on the first of the month immediately following the month in which he attains the age of 60 years.

(b) 'n Beampte wat uit die Staatsdiens van die Republiek na die Regeringsdiens oorgeplaas word sonder 'n onderbreking in diens, het die reg om af te tree met ingang van die datum bepaal by artikel 14 van die Staatsdienswet, 1957 (Wet 54 van 1957), asof hy 'n beampte van die Staatsdiens van die Republiek gebly het.

(2) As dit in die openbare belang is om 'n beampte in sy pos in diens te hou na die leeftyd waarop hy ooreenkomstig subartikel (1) moet aftree, kan hy aldus van tyd tot tyd op aanbeveling van die Kommissie en met goedkeuring van die Raadslid vir verder tydsperke in diens gehou word wat, behalwe met die goedkeuring van die Wetgewende Vergadering, altesaam nie twee jaar te bowe mag gaan nie.

(3) (a) 'n Beampte [uitgesonderd 'n beampte genoem in subartikel (7)] wat die leeftyd van 55 jaar bereik het, kan, in elke geval behoudens die aanbeveling van die Kommissie, uit die Regeringsdiens afgedank word.

(b) 'n Beampte wat uit die Staatsdiens van die Republiek oorgeplaas is na die Regeringsdiens sonder 'n onderbreking in diens, kan, op aanbeveling van die Kommissie, afgedank word met ingang van die datum bepaal in artikel 14 (5) van die Staatsdienswet, 1957 (Wet 54 van 1957), gelees met artikel 6 van die Regeringsdienspensioenwet, 1965 (Wet 62 van 1965), asof hy 'n beampte van die Staatsdiens van die Republiek gebly het.

(4) Elke beampte kan uit die Regeringsdiens ontslaan word—

(a) weens voortdurende swak gesondheid;

(b) weens die afskaffing van sy pos of vermindering of reorganisasie of herreëling van departemente of kantore;

(c) as, om ander redes as sy eie ongeskiktheid of onvermoë, sy ontslag, doeltreffendheid of besuiniging in die departement of kantoor waarin hy in diens is, sal bevorder;

(d) weens ongeskiktheid vir sy pligte of onvermoë om hulle op bekwame wyse uit te voer;

(e) weens wangedrag;

(f) as, in die geval van 'n beampte wat op proef aangestel is, sy aanstelling nie bekragtig word nie.

(5) 'n Vroulike beampte wat in die huwelik tree, word geag vrywillig met die oog op die huwelik uit die Regeringsdiens te getree het, met ingang van die datum van haar huwelik, of as sy haar pligte op daardie dag vervul het, met ingang van die dag wat op die datum van haar huwelik volg, tensy die Kommissie aanbeveel dat sy in die Regeringsdiens in diens gehou word.

(6) 'n Beampte wat sonder verlof van die departementshoof of die hoof van sy kantoor vir 'n tydperk van meer as een kalendermaand van sy amppligte wegbly, word geag uit die Regeringsdiens weens wangedrag ontslaan te gewees het met ingang van die datum wat onmiddellik volg op die laaste dag waarop hy op sy plek van diens teenwoordig was: Met dien verstande dat as sodanige beampte ander werk aanvaar, hy geag word ontslaan te gewees het soos voormeld nieteenstaande dat genoemde tydperk nog nie verstryk het nie: Met dien verstande voorts dat as sodanige beampte hom te eniger tyd na die verstryking van sodanige tydperk vir diens aanmeld, die Kommissie, ondanks andersluidende wetsbepalings kan aanbeveel dat hy in die Regeringsdiens in sy vorige of enige ander pos of betrekking herstel word op dié voorwaardes wat die Kommissie aanbeveel, en in so 'n geval word die tydperk van sy afwesigheid van sy amppligte, geag afwesigheid met vakansieverlof sonder besoldiging of verlof op dié ander voorwaardes wat die Kommissie aanbeveel, te wees.

(b) An officer who has been transferred from the Public Service of the Republic of the Public Service without a break in service, shall have the right to be retired with effect from the date determined by section 14 of the Public Service Act, 1957 (Act 54 of 1957), as if he had remained an officer of the Public Service of the Republic.

(2) If it is in the public interest to retain an officer in his post beyond the age at which in accordance with subsection (1) he shall be retired, he may be so retained from time to time on the recommendation of the Commission and the approval of the Councillor for further periods which shall not, except with the approval of the Legislative Assembly, exceed in the aggregate two years.

(3) (a) An officer [except an officer referred to in subsection (7)] who has reached the age of 55 years may, subject in every case to the recommendation of the Commission, be retired from the Public Service.

(b) An officer who has been transferred from the Public Service of the Republic to the Public Service without a break in service, may be retired on recommendation of the Commission with effect from the date determined in section 14 (5) of the Public Service Act, 1957 (Act 54 of 1957) read with section 6 of the Government Service Pensions Act, 1965 (Act 62 of 1965) as if he had remained an officer of the Public Service of the Republic.

(4) Every officer shall be liable to be discharged from the Public Service—

(a) on account of continued ill-health;

(b) owing to the abolition of his post or any reduction in or reorganisation or readjustment of departments or officers;

(c) if, for reasons other than his own unfitness or incapacity, his discharge will promote efficiency or economy in the department or office in which he is employed;

(d) on account of unfitness for his duties, or incapacity to carry them out efficiently;

(e) on account of misconduct;

(f) if, in the case of an officer appointed on probation his appointment is not confirmed.

(5) A female officer who marries, shall be deemed to have retired voluntarily from the Public Service in contemplation of marriage with effect from the date of her marriage, or if she has discharged her duties on that day with effect from the day following the date of her marriage unless the Commission recommends that she be retained in the Public Service.

(6) An officer who absents himself from his official duties without the permission of the head of his department or the head of his office for a period exceeding one calendar month, shall be deemed to have been discharged from the Public Service on account of misconduct with effect from the date immediately succeeding his last day of attendance at his place of duty: Provided that if such officer assumes other employment he shall be deemed to have been discharged as aforesaid notwithstanding that the said period has not expired: Provided further that if such officer reports for duty at any time after the expiry of the said period the Commission may, notwithstanding anything to the contrary contained in this Act or any other law, recommend that he be reinstated in the Public Service in his former or any other post or appointment, on such conditions as the Commission may recommend, in which event the period of his absence from official duty shall be deemed to have been absence on vacation leave without pay or leave on such other condition as the Commission may recommend.

(7) Die dienste van 'n beampte wat 'n nie-voorgeskrewe pos op die vaste diensstaat beklee, kan ondanks die afwesigheid van enige rede vir ontslag ooreenkomstig subartikel (4), beëindig word na minstens een maand skriftelike kennisgewing. Met dien verstande dat, in die geval van 'n beampte met 10 jaar of langer ononderbroke diens, die Kommissie eers die beëindiging van sy dienste moet aanbeveel.

(8) Die bevoegdheid om 'n beampte of werknemer te ontslaan berus by die Raadslid: Met dien verstande dat in die geval van 'n beampte wat 'n voorgeskrewe pos beklee die Kommissie eers sy ontslag moet aanbeveel.

HOOFSTUK 4

ONBEKWAAMHEID EN WANGEDRAG

Onbekwame Beamptes

16. (1) As 'n departementshoof aan die Raadslid verslag doen dat 'n beampte wat 'n voorgeskrewe pos in sy departement beklee, na sy mening ongeskik is vir sy pligte of nie in staat is om hulle op bekwame wyse uit te voer nie, stel die Raadslid 'n beampte of 'n toegewese beampte aan om ondersoek na die inhoud van daardie verslag in te stel; en as enige sodanige verslag aan 'n departementshoof gedoen word deur 'n beampte of 'n toegewese beampte, wat ingevolge artikel 10 (3) gemagtig is om departemente te inspekteer, stuur genoemde departementshoof dit binne een kalendermaand na die datum waarop hy dit ontvang het deur na die Raadslid wat 'n beampte of toegewese beampte moet aanstel om ondersoek na die inhoud van daardie verslag in te stel.

(2) Die beampte of toegewese beampte wat die ondersoek instel, stel, in oorleg met die departementshoof, die tyd en die plek van die ondersoek vas en die departementshoof gee aan die betrokke beampte redelike skriftelike kennis van die tyd en plek aldus vasgestel en verstrek aan hom 'n skriftelike uiteensetting van die redes op grond waarvan beweer word dat hy ongeskik is vir sy pligte of nie in staat is om hulle op bekwame wyse uit te voer nie.

(3) Die Departementshoof kan enige persoon magtig om by die ondersoek teenwoordig te wees en om getuënis en argumente ter staving van die bewerings in subartikel (2) bedoel, aan te voer en om enige persoon wat getuënis afgelê het om daardie bewerings te weerlê, te kruisvra.

(4) (a) By die ondersoek het die betrokke beampte die reg om teenwoordig te wees en aangehoor te word, hetsy persoonlik of deur 'n verteenwoordiger, om enige persoon wat as getuë opgeroep is ter staving van die bewerings in subartikel (2) bedoel, te kruisvra om insae te hê in alle dokumente wat as getuënis voorgelê is, om self getuënis af te lê en om enige ander persoon as getuë op te roep.

(b) Die beampte of toegewese beampte wat die ondersoek instel, moet notule hou van die verrigtings by die ondersoek en van alle getuënis wat aldaar afgelê word.

(c) Die versuim van die betrokke beampte om by die ondersoek teenwoordig te wees, hetsy persoonlik of deur 'n verteenwoordiger, maak die verrigtings nie ongeldig nie.

(5) Na afloop van die ondersoek moet die beampte of toegewese beampte wat dit instel, bevind of die betrokke beampte ongeskik is vir sy pligte of nie in staat is om hulle op bekwame wyse uit te voer nie, die betrokke beampte van sy bevinding verwittig en oor die uitslag van die ondersoek aan die Raadslid verslag doen.

(6) As die beampte of toegewese beampte wat die ondersoek ingestel het, bevind het dat die betrokke beampte ongeskik is vir sy pligte of nie in staat is om hulle op bekwame wyse uit te voer nie, kan die betrokke beampte binne 14 dae na die datum waarop hy van

(7) The services of an officer who occupies a non-prescribed post on the fixed establishment may, notwithstanding the absence of any cause of discharge under subsection (4), be terminated by the giving of not less than one month's notice in writing: Provided that in the case of an officer with 10 years continuous service or longer, the Commission shall first make a recommendation for his discharge.

(8) The power of discharge of an officer or employee is vested in the Councillor: Provided that in the case of an officer who occupies a prescribed post the Commission shall first make a recommendation for his discharge.

CHAPTER 4

INEFFICIENCY AND MISCONDUCT

Inefficient Officers

16 (1) If a head of a department reports to the Councillor that any officer who occupies a prescribed post in his department is, in his opinion, unfitted for his duties or incapable of carrying them out efficiently, the Councillor shall appoint an officer or an allocated officer to inquire into the subject matter of that report; and if any such report is made to a head of department by an officer or an allocated officer, who is authorised to inspect departments in terms of section 10 (3), the said head of department shall within one calendar month of the date on which he received it transmit it to the Councillor who shall appoint an officer or an allocated officer to inquire into the subject matter of that report.

(2) The officer or allocated officer who is to hold the inquiry shall, in consultation with the head of department, fix the time and place of the enquiry and the head of department shall give the officer concerned reasonable notice in writing of the time and place so fixed and shall furnish him with a written statement of the grounds on which it is alleged that he is unfitted for his duties or incapable of carrying them out efficiently.

(3) The head of department may authorise any person to attend the inquiry and to adduce evidence and arguments in support of the allegation referred to in subsection (2) and to cross-examine any person who has given evidence to rebut those allegations.

(4) (a) At the inquiry the officer concerned shall have the right to be present and to be heard either personally or through a representative, to cross-examine any person called as a witness in support of the allegations referred to in subsection (2), to inspect any documents produced in evidence, to give evidence himself and to call any other person as a witness.

(b) The officer or allocated officer holding the inquiry shall keep a record of the proceedings at the inquiry and of all evidence given thereat.

(c) The failure of the officer concerned to attend the inquiry, either personally or by a representative, shall not invalidate the proceedings.

(5) At the conclusion of the inquiry the officer or allocated officer holding it shall find whether or not the officer concerned is unfitted for his duties or incapable of carrying them out efficiently, shall inform the officer concerned of his finding and shall report the result of the inquiry to the Councillor.

(6) If the officer or allocated officer who held the inquiry has found that the officer concerned is unfitted for his duties or incapable of carrying them out efficiently, the officer concerned, may, within 14 days of the date upon which he was informed of the finding, appeal

die bevinding verwittig is, by die Kommissie daarteen appelleer deur aan die beampte of toegewese beampte wat die ondersoek ingestel het, skriftelik kennis van appèl te gee, waarin hy volledig die gronde waarop die appèl gebaseer word, moet uiteensit.

(7) As die beampte of toegewese beampte wat die ondersoek ingestel het, bevind het dat die betrokke beampte ongeskik is vir sy pligte of nie in staat is om hulle op bekwame wyse uit te voer nie, moet hy die notule van die verrigtings by die ondersoek en alle dokumentêre getuienis wat aldaar toegelaat is, 'n skriftelike uiteensetting van sy bevinding en sy redes daarvoor en enige opmerkings oor die saak wat hy wens te maak, aan die Kommissie stuur. As kennis van appèl ooreenkomstig die bepaling van subartikel (6) gegee is, moet hy saam met die notule die kennisgewing en gronde van appèl aanstuur en aan die betrokke beampte 'n afskrif van die redes vir sy bevinding verstrek.

(8) As die betrokke beampte binne sewe dae na die datum waarop hy 'n afskrif van die redes vir die bevinding ontvang het, by die Kommissie om 'n afskrif van die notule van die verrigtings by die ondersoek aansoek doen, moet die Kommissie sodanige afskrif aan hom verstrek.

(9) Die betrokke beampte kan binne veertien dae na die datum waarop hy die afskrif van die notule van die verrigtings ontvang het, of as hy nie om 'n afskrif van die notule aansoek gedoen het nie, binne 21 dae na die datum waarop hy die afskrif van die redes vir die bevinding ontvang het, aan die Kommissie skriftelike vertoë, in viervoud, ter staving van sy appèl voorlê.

(10) Die Kommissie stuur 'n afskrif van die notule en dokumente in subartikel (7) bedoel en 'n afskrif van die vertoë in subartikel (9) bedoel aan die departementshoof.

(11) Die departementshoof kan binne 14 dae na die datum waarop hy die afskrif in subartikel (10) bedoel, ontvang het, vertoë wat hy wens voor te lê ter staving van die bevinding waarteen die appèl aangeteken is, in viervoud tot die Kommissie rig en die Kommissie moet 'n afskrif van sodanige vertoë aan die betrokke beampte verstrek.

(12) (a) Die betrokke beampte kan binne 14 dae na die datum waarop hy 'n afskrif van die vertoë in subartikel (11) bedoel, ontvang het, enige skriftelike repliek wat hy op sodanige vertoë wil lewer, in viervoud aan die Kommissie voorlê.

(b) Die Kommissie verstrek 'n afskrif van bedoelde repliek aan die departementshoof.

(c) Die departementshoof het nie die reg om verdere vertoë in antwoord op bedoelde repliek voor te lê nie, behalwe met verlof van die Kommissie.

(13) Na oorweging van bedoelde notule en dokumente kan die Kommissie die appèl in sy geheel of gedeeltelik handhaaf en die bevinding tersyde stel of wysig of die appèl van die hand wys en die bevinding in sy geheel of gedeeltelik bekrachtig, of kan die Kommissie, voordat hy tot 'n finale beslissing oor die appèl geraak, enige vraag in verband met die ondersoek na die beampte of toegewese beampte wat dit ingestel het, terugverwys, en hom gelas om verslag daaroor te doen of om 'n verdere ondersoek in te stel en tot 'n bevinding daaroor te geraak.

(14) As die Kommissie gelas dat 'n verdere ondersoek ingestel moet word, is die bepaling van subartikels (3) en (4) van toepassing.

(15) Wanneer die Kommissie tot 'n finale beslissing oor 'n appèl geraak het, deel hy daardie beslissing skriftelik aan die appellant en aan die Raadslid mee.

(16) As die beampte of toegewese beampte wat die ondersoek ingestel het, bevind het dat die beampte ongeskik is vir sy pligte of nie in staat is om hulle op bekwame wyse uit te voer nie en die beampte nie teen die bevinding soos hierbo bepaal, geappelleer het nie of

therefrom to the Commission by giving to the officer or allocated officer who held the inquiry a written notice of appeal wherein he shall set forth fully the grounds upon which the appeal is based.

(7) If the officer or allocated officer who held the inquiry has found that the officer concerned is unfitted for his duties or incapable of carrying them out efficiently, he shall forward to the Commission the record of the proceedings at the inquiry and any documentary evidence admitted thereat, a written statement of his finding and his reasons therefor and any observations on the case which he may desire to make. If notice of appeal has been given in accordance with the provisions of subsection (6), he shall forward with the record the notice and grounds of appeal, and shall furnish the officer concerned with a copy of the reasons for his findings.

(8) If the officer concerned applies to the Commission for a copy of the record of the proceedings at the inquiry within seven days of the date upon which he received a copy of the reasons for the finding, the Commission shall furnish him with such copy.

(9) The officer concerned may within 14 days of the date upon which he received the copy of the record of the proceedings, or if he did not apply for a copy of the record, within 21 days of the date upon which he received the copy of the reasons for the finding, submit to the Commission written representations, in quadruplicate, in support of his appeal.

(10) The Commission shall forward to the head of department a copy of the record and documents referred to in subsection (7) and a copy of the representations referred to in subsection (9).

(11) The head of department may, within 14 days of the date upon which he received the copies referred to in subsection (10), submit to the Commission, in quadruplicate any representations which he desires to make in support of the finding against which the appeal is brought; and the Commission shall furnish the officer concerned with a copy of such representations.

(12) (a) The officer concerned may within 14 days of the date upon which he received a copy of the representations referred to in subsection (11), submit to the Commission, in quadruplicate, any reply in writing he may wish to make to such representations.

(b) The Commission shall furnish the head of department with a copy of such reply.

(c) The head of department shall have no right to submit further representations in answer to such reply, except by leave of the Commission.

(13) After consideration of the aforesaid record and documents, the Commission may allow the appeal wholly or in part and set aside or alter the finding, or dismiss the appeal and confirm the finding wholly or in part, or the Commission may, before arriving at a final decision on the appeal, remit any question in connection with the inquiry to the officer or allocated officer who held it and direct him to report thereon or to hold a further inquiry and arrive at a finding thereon.

(14) If the Commission directs the holding of a further inquiry, the provisions of subsections (3) and (4) shall apply.

(15) When the Commission has arrived at a final decision on an appeal, it shall convey that decision in writing to the appellant and to the Councillor.

(16) If the officer or allocated officer who held the inquiry has found that the officer is unfitted for his duties or incapable of carrying them out efficiently and the officer has not appealed against the finding as hereinbefore

as hy aldus geappelleer het en sy appêl van die hand gewys is, stuur die Kommissie die notule en alle ander dokumente wat op die ondersoek betrekking het, aan die Raadslid en beveel hy aan—

- (a) dat geen verdere stappe in die saak gedoen word nie; of
- (b) dat die betrokke beampte na 'n ander pos oorgeplaas of in diens gehou word bykomend tot die vaste diensstaat; of
- (c) dat sy salaris of graad of sy salaris sowel as sy graad verlaag word in die mate wat aanbeveel word; of
- (d) dat hy uit die Regeringsdiens ontslaan word met ingang van 'n datum deur die Raadslid bepaal.

As die Kommissie 'n aanbeveling ingevolge paragraaf (b) doen, kan hy ook 'n aanbeveling ingevolge paragraaf (c) doen.

(17) Die Raadslid kan die gedrag slyn volg wat die Kommissie aanbeveel het of, behoudens die bepalings van artikel 7 (1), enige ander gedrag slyn wat die Kommissie wettiglik ingevolge subartikel (16) kon aanbeveel het.

Onbekwame Departementshoofde

17. (1) As daar na die mening van die Raadslid redelike gronde bestaan om te vermoed dat 'n departementshoof wat 'n beampte is, ongeskik is vir sy pligte of nie in staat is om hulle op bekwame wyse uit te voer nie, doen die Raadslid dienoreenkomstig verslag aan die Uitvoerende Raad en die Uitvoerende Raad kan 'n persoon of persone aanstel om ondersoek na die inhoud van daardie verslag in te stel.

(2) Die bepalings van artikel 16 (2) tot en met (17) is *mutatis mutandis* van toepassing op 'n ondersoek ingevolge subartikel (1) van hierdie artikel en vir doeleindes van sodanige toepassing word die verwysing in artikel 16 (17) na 'n Raadslid uitgelê as 'n verwysing na die Uitvoerende Raad, word elke verwysing na 'n departementshoof uitgelê as 'n verwysing na die Raadslid en word elke verwysing na die beampte of toegewese beampte wat die ondersoek instel, uitgelê as ook 'n verwysing na die persoon of persone wat ingevolge subartikel (1) van hierdie artikel aangestel is.

Omskrywing van Wangedrag

18. 'n Beampte is skuldig aan wangedrag en daar kan ooreenkomstig die bepalings van artikel 19 met hom gehandel word, as hy—

- (a) 'n bepaling van hierdie Wet oortree of versuim om te voldoen aan 'n bepaling daarvan waaraan dit sy plig is om te voldoen; of
- (b) 'n daad wat nadelig vir die administrasie, dissipline of doeltreffendheid van 'n departement, kantoor of inrigting van die Regering is, doen, laat doen of toelaat of oogluikend toelaat dat dit gedoen word; of
- (c) 'n wettige bevel wat aan hom gegee is deur 'n persoon wat die bevoegdheid het om dit te gee, nie gehoorsaam nie, dit verontagsaam of opsetlik versuim om dit uit te voer, of deur woord of gedrag insubordinasie aan die dag lê; of
- (d) nalatig of traag is in die vervulling van sy pligte; of
- (e) sonder die toestemming van die Raadslid (verleen op aanbeveling van die Kommissie in die geval van 'n beampte wat 'n voorgeskrewe pos op die vaste diensstaat beklee) enige private agentskap of private werk in enige aangeleentheid in verband met die verrigting van sy amptelike werksaamhede of die uitvoering van sy ampspligte onderneem; of
- (f) hom in die openbaar uitlaat oor die administrasie van enige departement; of
- (g) lid van 'n politieke organisasie word of aktief aan politieke aangeleenthede deelneem; of

provided, or if he has so appealed and his appeal has been dismissed, the Commission shall forward the record and all documents relating to the inquiry to the Councillor and recommend—

- (a) that no further action be taken in the matter; or
- (b) that the officer concerned be transferred to another post or be employed additional to the fixed establishment; or
- (c) that his salary or grade or both his salary and grade be reduced to an extent recommended; or
- (d) that he be discharged from the Public Service from a date to be specified by the Councillor.

If the Commission makes a recommendation in terms of paragraph (b), it may also make a recommendation in terms of paragraph (c).

(17) The Councillor may adopt the course recommended by the Commission or, subject to the provisions of section 7 (1) any other course which the Commission could lawfully have recommended under subsection (16).

Inefficient Heads of Departments

17. (1) If in the opinion of the Councillor there are reasonable grounds for believing that a head of department, who is an officer, is unfit for his duties or incapable of carrying them out efficiently the Councillor reports accordingly to the Executive Council and the Executive Council may appoint a person or persons to inquire into the subject matter of that report.

(2) The provisions of section 16 (2) to (17), inclusive, shall *mutatis mutandis* apply to any inquiry under subsection (1) of this section; and for the purposes of such application the reference in section 16 (17) to a Councillor shall be construed as a reference to the Executive Council, every reference to a head of department shall be construed as a reference to the Councillor and every reference to the officer or allocated officer holding the inquiry shall be construed as including a reference to the person or persons appointed under subsection (1) of this section.

Definition of Misconduct

18. Any officer shall be guilty of misconduct and may be dealt with in accordance with the provisions of section 19 if he—

- (a) contravenes any provision of this Act or fails to comply with any provision thereof with which it is his duty to comply; or
- (b) does, or causes or permits to be done, or connives at, any act which is prejudicial to the administration discipline or efficiency of any department office or institution of the Government; or
- (c) disobeys, disregards, or makes wilful default in carrying out a lawful order given to him by a person having authority to give it, or by word or conduct displays insubordination; or
- (d) is negligent or indolent in the discharge of his duties; or
- (e) undertakes, without the permission of the Councillor (granted on the recommendation of the Commission in the case of an officer who holds a prescribed post on the fixed establishment), 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; or
- (f) publicly comments upon the administration of any department; or
- (g) becomes a member of any political organisation or takes active part in political matters; or

(h) probeer om uit politieke of buitebronne ingryping in verband met sy posisie en diensvoorwaardes in die Regeringsdiens te verkry: Met dien verstande dat niks in hierdie paragraaf vervat 'n beampte verhinder om herstel van 'n grief deur bemiddeling van die Wetgewende Vergadering te probeer verkry nie; of

(i) hom op 'n skandelige, onbehoorlike of onbetaamlike wyse gedra, of terwyl hy diens doen, hom uiters onbeleefd teenoor 'n persoon gedra; of

(j) buitensporig gebruik maak van bedwelmende drank of gewoontevormende middels; of

(k) te eniger tyd gedurende die diensure wat deur of kragtens 'n regulasie ten opsigte van sy werk voorgeskryf is—

(i) onder die invloed van bedwelmende drank is; of

(ii) 'n bloedalkoholinhoud, uitgedruk in gram per honderd milliliter bloed, van minstens 70 milligram (0,07 persent) het; of

(l) insolvent word of akkoord met sy skuldeisers aangaan of as 'n bevel tot siviele gyseling deur 'n geregshof teen hom gegee is, tensy daar bewys word dat sy insolvensie of akkoord of die gee van 'n bevel tot siviele gyseling teen hom deur onvermydelike teenspoed veroorsaak is; of

(m) in geldelike moeilikheid geraak, tensy daar bewys word dat sy geldelike moeilikheid nie die gevolg is van onversigtigheid of ander laakbare oorsaak nie en nie nadelig is vir die getroue uitvoering van sy pligte nie; of

(n) sonder dat hy eers die toestemming van sy departementshoof verkry het, inligting wat hy ingewin of waaraan hy gekom het as gevolg van sy werk in die Regeringsdiens, openbaar maak anders as in die vervulling van sy amppligte of sodanige inligting gebruik vir 'n ander doel as vir die vervulling van sy amppligte, hetsy hy sodanige inligting openbaar maak of nie; of

(o) sonder die toestemming van die Raadslid (verleen op aanbeveling van die Kommissie in die geval van 'n beampte wat 'n voorgeskrewe pos op die vaste diensstaat beklee) enige kommissie, geld of beloning, geldelik of anders (wat nie die emolumente is wat ten opsigte van sy pligte aan hom betaalbaar is nie) aanneem of dit eis ten opsigte van die uitvoering van sy pligte of die versuim om sy pligte uit te voer, of versuim om aan sy departementshoof of, as hy die departementshoof is, wat 'n beampte is, aan die Raadslid, die aanbod van sodanige kommissie, geld of beloning te rapporteer; of

(p) hom eiendom van die Regering wederregtelik toeëien of onbehoorlike gebruik daarvan maak onder sodanige omstandighede dat sy daad nie 'n kriminele misdryf uitmaak nie; of

(q) 'n kriminele misdryf begaan; of

(r) sonder verlof of geldige rede van sy kantoor of diens wegbly; of

(s) met die oog op die verkryging van enige voorreg of voordeel met betrekking tot sy amptelike posisie of sy pligte, of met die oog op die veroorsaking van enige nadeel of skade aan die Regering of 'n departement of die Regeringsdiens of 'n lid van die Regeringsdiens, 'n valse of onjuiste verklaring doen, wetende dat dit vals of onjuis is.

Procedure in gevalle van Wangedrag

19. (1) Wanneer 'n beampte (uitgesonderd 'n departementshoof) van wangedrag beskuldig word, kan sy departementshoof of 'n beampte of toegewese beampte in daardie departement wat deur die departementshoof daartoe gemagtig is, behoudens die bepalinge van subartikels (22) en (30) hom skriftelik onder sy handtekening van daardie wangedrag aankla.

(h) attempts to secure intervention from political or outside sources in relation to his position and conditions of service in the Public Service: Provided that nothing in this paragraph contained shall preclude any officer from endeavouring to obtain redress of any grievance through the Legislative Assembly; or

(i) conducts himself in a disgraceful, improper or unbecoming manner, or whilst on duty is grossly discourteous to any person; or

(j) uses intoxicating liquor or habit-forming drugs excessively; or

(k) at any time during the hours of attendance prescribed by or under a regulation in respect of his employment—

(i) is under the influence of intoxicating liquor; or

(ii) has a blood alcohol content, expressed in grams per 100 millilitres of blood of not less than 70 milligrams (0,07 per cent); or

(l) becomes insolvent or compromises with his creditors or has a decree of civil imprisonment made against him by any court of law, unless it is shown that his insolvency or compromise or the making of a decree of civil imprisonment against him has been occasioned by unavoidable misfortune; or

(m) becomes pecuniarily embarrassed, unless it is shown, that his pecuniary embarrassment has not been occasioned by imprudence or other reprehensible cause and is not prejudicial to the faithful performance of his duties; or

(n) without first having obtained the permission of his head of department discloses, otherwise than in the discharge of his official duties, information gained by or conveyed to him through his employment in the Public Service, or uses such information for any purpose other than for the discharge of his official duties, whether or not he discloses such information; or

(o) without the permission of the Councillor (granted on the recommendation of the Commission in the case of an officer holding a prescribed post on the fixed establishment) accepts or demands in respect of the carrying out of or the failure to carry out his duties, any commission, fee, or reward, pecuniary or otherwise (not being the emoluments payable to him in respect of his duties), or fails to report to his head of department or if he is the head of a department who is an officer, to the Councillor, the offer of any such commission, fee or reward; or

(p) misappropriates or improperly uses any property of the Government under such circumstances that his act does not constitute a criminal offence; or

(q) commits a criminal offence; or

(r) absents himself from his office or duty without leave or valid cause; or

(s) with a view to obtaining any privilege or advantage in relation to his official position or his duties, or to causing prejudice or injury to the Government or a department or the Public Service or a member of the Public Service, makes a false or incorrect statement knowing it to be false or incorrect.

Procedure in Cases of Misconduct

19. (1) When an officer (other than a head of department) is accused of misconduct, his head of department, or any officer or allocated officer in that department who has been authorised thereto by the head of department may, subject to the provisions of subsections (22) and (30) charge him in writing under his hand with that misconduct.

(2) Die beampte of toegewese beampte wat die aanklag onderteken het, moet dit aan die aangeklaagde beampte laat beteken.

(3) Die aanklag moet 'n aansegging bevat of van 'n klag onderteken het, moet dit aan die aangeklaagde beampte aangesê word om binne 'n redelike tydperk van minstens 14 werksdae wat in die aansegging vermeld word, aan 'n persoon wat ook daarin vermeld word, 'n skriftelike erkenning of ontkenning van die aanklag en, as hy dit verlang, 'n skriftelike verklaring van die wangedrag waarvan hy aangekla word te stuur, of by hom af te lewer.

(4) Die Raadslid of die departementshoof of, indien daartoe gemagtig deur die departementshoof, enige ander beampte of toegewese beampte in die departement, kan te eniger tyd voor of nadat daar met die beampte ooreenkomstig die bepaling van hierdie artikel gehandel is, die beampte in sy diens skors.

(5) 'n Beampte wat ingevolge subartikel (4) in sy diens geskors is, is nie op enige emolumente vir die tydperk van sy skorsing geregtig nie: Met dien verstande dat die Raadslid na goëddunke kan gelas dat die geheel of 'n gedeelte van sy emolumente aan sodanige beampte betaal word.

(6) As geen aanklag van wangedrag teen 'n beampte wat in sy diens geskors is, ingebring word of hangende is nie, word hy toegelaat om weer diens te aanvaar en word sy volle emolumente vir die tydperk van sy skorsing aan hom betaal.

(7) Die Raadslid of die departementshoof of ander beampte of toegewese beampte wat die beampte geskors het, kan die skorsing te eniger tyd intrek, maar ondanks die intrekking van die skorsing kan die verrigtings in verband met die aanklag van wangedrag voortgesit word.

(8) As die aangeklaagde beampte die aanklag ontken, kan die Raadslid, indien daar na sy oordeel voldoende grond vir verdere stappe bestaan, 'n beampte of toegewese beampte aanstel om ondersoek na die aanklag in te stel.

(9) Die beampte of toegewese beampte wat die ondersoek moet instel, moet in oorleg met die beampte of toegewese beampte wat die aanklag onderteken het, die tyd en plek van die ondersoek vasstel, en die beampte of toegewese beampte wat die aanklag onderteken het, moet aan die aangeklaagde beampte redelike skriftelike kennis gee van die tyd en plek aldus vasgestel.

(10) Die beampte of toegewese beampte wat die aanklag onderteken het, kan enige persoon magtig om by die ondersoek teenwoordig te wees en om getuienis en argumente ter stawing van die aanklag aan te voer en om enige persoon wat as getuie vir die verweer opgeroep is, te kruisvra.

(11) (a) By die ondersoek het die aangeklaagde beampte die reg om teenwoordig te wees en om aangehoor te word, hetsy persoonlik of deur 'n verteenwoordiger, om enige persoon wat ter stawing van die aanklag opgeroep is, te kruisvra, om insae te hê in alle dokumente wat as getuienis voorgelê is, om self getuienis af te lê en ander persone as getuies op te roep.

(b) Die beampte of toegewese beampte wat die ondersoek instel, moet notule hou van die verrigtings by die ondersoek en van alle getuienis wat aldaar afgelê word.

(c) Die versuim van die aangeklaagde beampte om persoonlik of deur 'n verteenwoordiger by die ondersoek teenwoordig te wees, maak die verrigtings nie ongeldig nie.

(12) Na afloop van die ondersoek moet die beampte of toegewese beampte wat dit instel—

(a) bevind of die aangeklaagde beampte skuldig is of nie skuldig is nie aan die wangedrag waarvan hy aangekla is;

(2) The officer or allocated officer who signed the charge shall cause it to be served upon the officer charged.

(3) The charge shall contain or shall be accompanied by a direction calling upon the officer charged to transmit or deliver, within a reasonable period specified in the direction, which shall not be less than 14 working days, to a person likewise specified, a written admission or denial of the charge and, if he so desires, a written explanation of the misconduct with which he is charged.

(4) The Councillor or the head of department or, if authorised thereto by the head of department, any other officer or allocated officer in the department may at any time before or after the officer has been dealt with under this section suspend him from duty.

(5) An officer who has been suspended from duty in terms of subsection (4) shall not be entitled to any emoluments for the period of his suspension: Provided that the Councillor may, at his discretion, order payment to such officer of the whole or portion of his emoluments.

(6) If no charge of misconduct is preferred or is pending against an officer who has been suspended from duty, he shall be allowed to resume duty and be paid his full emoluments for the period of his suspension.

(7) The Councillor or the head of department or other officer or allocated officer who suspended the officer may at any time cancel the suspension but, notwithstanding the cancellation of the suspension, the proceedings on the charge of misconduct may be continued.

(8) If the officer charged denies the charge, the Councillor may, if in his opinion there is sufficient cause for further proceedings, appoint an officer or allocated officer to inquire into the charge.

(9) The officer or allocated officer who is to hold inquiry shall, in consultation with the officer or allocated officer who signed the charge fix the time and place of the inquiry and the officer or allocated officer who signed the charge shall give the officer charged reasonable notice in writing of the time and place so fixed.

(10) The officer or allocated officer who signed the charge may authorise any person to attend the inquiry and to adduce evidence and arguments in support of the charge and to cross-examine any person called as a witness for the defence.

(11) (a) At the inquiry the officer charged shall have the right to be present and to be heard either personally or through a representative, to cross-examine any person called as a witness in support of the charge, to inspect any documents produced in evidence, to give evidence himself and call other persons as witnesses.

(b) The officer or allocated officer holding the inquiry shall keep a record of the proceedings at the inquiry and of all evidence given thereat.

(c) The failure of the officer charged to attend the inquiry, either personally or by a representative, shall not invalidate the proceedings.

(12) At the conclusion of the inquiry the officer or allocated officer holding it shall—

(a) find whether the officer charged is guilty or not guilty of the misconduct with which he has been charged;

(b) die aangeklaagde beampte van sy bevinding verwittig; en

(c) aan die Raadslid verslag doen oor die uitslag van die ondersoek.

(13) As die aangeklaagde beampte ingevolge subartikel (4) in sy diens geskors is en die beampte of toegewese beampte wat die ondersoek instel, bevind dat hy nie skuldig is aan die wangedrag waarvan hy aangekla is nie, moet genoemde beampte toegelaat word om dadelik weer diens in sy pos te aanvaar en moet aan hom sy volle emolumente vir die tydperk van sy skorsing betaal word.

(14) As die beampte of toegewese beampte wat die ondersoek instel, die aangeklaagde beampte skuldig bevind aan die wangedrag waarvan hy aangekla is, is die bepalinge van artikel 16 (6) *mutatis mutandis* van toepassing.

(15) As die beampte of toegewese beampte wat die ondersoek ingestel het, die aangeklaagde beampte skuldig bevind het aan die wangedrag waarvan hy aangekla is, moet hy die notule van die verrigtings by die ondersoek en enige dokumentêre getuienis wat aldaar toegelaat is, 'n uiteensetting van sy bevinding en sy redes daarvoor, en enige opmerkings oor die saak wat hy wens te maak, aan die Kommissie stuur. Met dien verstande dat as die beampte wat aan wangedrag skuldig bevind is 'n nie-voorgeskrewe pos beklee en nie ooreenkomstig die bepalinge van artikel 16 (6), soos toegepas by subartikel (14) van hierdie artikel, kennis van appèl teen die bevinding gegee het nie, die beampte of toegewese beampte wat die ondersoek ingestel het, genoemde notule en ander dokumente nie aan die Kommissie nie maar aan die hoof van die departement waarin die beampte wat aan wangedrag skuldig bevind is, in diens is, moet stuur.

(16) As die beampte wat aan wangedrag skuldig bevind is, kennis van appèl ooreenkomstig voormelde bepalinge, soos aldus toegepas, gegee het, moet die beampte of toegewese beampte wat die ondersoek ingestel het, saam met die notule en ander dokumente genoem in subartikel (15), die appellant se kennisgewing en gronde van appèl aan die Kommissie stuur en 'n afskrif van die redes vir die bevinding waarteen die appèl aangeteken is, aan die appellant verstrek.

(17) As kennis van appèl ooreenkomstig voormelde bepalinge, soos aldus toegepas, gegee is, is die bepalinge van artikel 16 (8) tot en met (15) *mutatis mutandis* van toepassing.

(18) As die Kommissie die appèl van 'n appellant wat in sy diens geskors is, toestaan, moet die appellant dadelik toegelaat word om weer sy diens te aanvaar en moet sy volle emolumente vir die tydperk van sy skorsing aan hom betaal word.

(19) As die notule en dokumente genoem in subartikel (15) ingevolge daardie subartikel aan die hoof van die departement waarin die beampte wat aan wangedrag skuldig bevind is, in diens is, gestuur is, of as gemelde notule en dokumente ingevolge daardie subartikel aan die Kommissie gestuur is en geen appèl teen die bevinding aangeteken is nie, of as 'n appèl aldus aangeteken is en die Kommissie die appèl in sy geheel of gedeeltelik van die hand gewys het, kan bedoelde departementshoof of die Kommissie, na gelang van die geval, by die Raadslid aanbeveel dat—

(a) bedoelde beampte gewaarsku of berispe word; of

(b) 'n boete van hoogstens R400 hom opgelê word, en die boete kan verhaal word deur aftrekking van sy emolumente in die paaiemente wat deur die Raadslid vasgestel word; of

(c) hy na 'n ander pos oorgeplaas of bykomend by die vaste diensstaat in diens gehou word; of

(d) sy salaris of graad of sy salaris sowel as sy graad verlaag word in die mate wat aanbeveel word; of

(b) inform the officer charged of his finding; and

(c) report the result of the inquiry to the Councillor.

(13) If the officer charged is under suspension from duty under subsection (4) and the officer or allocated officer holding the inquiry finds that he is not guilty of the misconduct with which he has been charged, the said officer shall be allowed forthwith to resume duty in his post and be paid his full emoluments for the period of his suspension.

(14) If the officer or allocated officer holding the inquiry finds the officer charged guilty of the misconduct with which he has been charged, the provisions of section 16 (6) shall *mutatis mutandis* apply.

(15) If the officer or allocated officer who held the inquiry has found the officer charged guilty of the misconduct with which he has been charged he shall forward to the Commission the record of the proceedings at the inquiry and any documentary evidence admitted thereat, a statement of his finding and his reasons therefor and any observations on the case which he may desire to make: Provided that if the officer found guilty of misconduct holds a non-prescribed post and he has not given notice of appeal in accordance with the provisions of section 16 (6), as applied by subsection (14) of this section, the officer or allocated officer who held the inquiry shall forward the said record and other documents not to the Commission but to the head of department in which the officer found guilty of misconduct is employed.

(16) If the officer found guilty of misconduct has given notice of appeal in accordance with the provisions aforesaid, as so applied, the officer or allocated officer who held the inquiry shall forward to the Commission, with the record and other documents referred to in subsection (15), the appellant's notice and grounds of appeal and shall furnish the appellant with a copy of the reasons for the finding against which the appeal is brought.

(17) If notice of appeal has been given in accordance with the provisions aforesaid, as so applied, the provisions of section 16 (8) to (15), inclusive, shall *mutatis mutandis* apply.

(18) If the Commission allows the appeal of an appellant who was suspended from duty, he shall forthwith be allowed to resume his duties and be paid his full emoluments for the period of his suspension.

(19) If the record and documents referred to in subsection (15) have, in terms of that subsection been forwarded to the head of the department in which the officer found guilty of misconduct is employed or if the said record and documents have, in terms of that subsection been forwarded to the Commission and no appeal was noted against the finding, or if an appeal was so noted and the Commission has dismissed such appeal wholly or in part, the Commission or the head of the department, as the case may be, may recommend to the Councillor that—

(a) the said officer be cautioned or reprimanded; or

(b) a fine not exceeding four hundred rand be imposed upon him, which fine may be recovered by deduction from his emoluments in such instalments as may be determined by the Councillor; or

(c) he be transferred to some other post or be employed additional to the fixed establishment; or

(d) his salary or grade or both his salary and grade be reduced to an extent recommended; or

(e) hy ontslaan word of aangesê word om uit die Regeringsdiens te bedank met ingang van 'n datum wat deur die Raadslid bepaal word:

Met dien verstande dat—

(i) behalwe waar 'n aanbeveling kragtens paragraaf (e) gedoen word, die Kommissie of departementshoof nie belet word om 'n aanbeveling kragtens meer as een van die voorgaande paragrawe te doen nie;

(ii) die Kommissie of die departementshoof die doen van 'n aanbeveling vir 'n tydperk van hoogstens 12 kalendermaande kan uitstel; en

(iii) as 'n beampte wat aangesê is om uit die Regeringsdiens te bedank, versuim om aldus te bedank, hy geag word daaruit ontslaan te gewees het met ingang van 'n datum wat deur die Raadslid bepaal word.

(20) Die Raadslid kan die gedrag slyn volg wat die Kommissie of departementshoof aanbeveel of enige ander gedrag slyn wat die Kommissie of departementshoof wettiglik ingevolge subartikel (19) kon aanbeveel het, maar altyd onderworpe aan die bepaling van artikel 7 (1) in die geval van 'n aanbeveling van die Kommissie.

(21) Die Kommissie of departementshoof, na gelang van die geval, stuur saam met sy aanbeveling ingevolge subartikel (19) die notule van die verrigtings by die ondersoek en alle dokumente in sy besit wat op die ondersoek of op die appèl betrekking het, aan die Raadslid.

(22) As die wangedrag neerkom op 'n misdryf waaraan die beampte deur 'n gereghof skuldig bevind is, is dit nie nodig om hom ingevolge subartikel (1) aan te kla nie maar word dit afdoende geag dat hy skuldig is aan daardie wangedrag, tensy die skuldigbevinding deur 'n hoër hof tersyde gestel of hy ten volle begenadig is.

(23) Die vryspreking van 'n beampte deur 'n gereghof op 'n aanklag van 'n kriminele misdryf, belet nie dat stappe ingevolge hierdie Wet op 'n aanklag van wangedrag teen hom ingestel word nie, ondanks die feit dat die feite uiteengesit in die aanklag van wangedrag, as dit bewys sou word, die misdryf sou uitmaak wat uiteengesit is in die kriminele aanklag waarop hy vrygespreek is of 'n ander misdryf waaraan hy, by sy verhoor op genoemde kriminele aanklag, skuldig bevind kon geword het.

(24) As die beampte wat ingevolge hierdie artikel aangekla is, die aanklag erken, word hy geag skuldig te wees aan die wangedrag waarvan hy aangekla is.

(25) As die beampte in subartikel (22), (24) of (30) bedoel 'n voorgeskrewe pos beklee, stuur die departementshoof alle dokumente wat hy tot sy beskikking het en wat op die wangedrag betrekking het en enige opmerkings daaroor wat hy wens te maak, aan die Kommissie, en die Kommissie doen 'n aanbeveling ingevolge subartikel (19) by die Raadslid.

(26) As die beampte in subartikel (22), (24) of (30) bedoel 'n nie-voorgeskrewe pos beklee, doen die departementshoof ingevolge subartikel (19) 'n aanbeveling by die Raadslid.

(27) Die bepaling van subartikel (20) is van toepassing ten opsigte van 'n aanbeveling ingevolge subartikel (25) of (26) asof die aanbeveling ingevolge subartikel (19) gedoen is.

(28) As daar met 'n beampte wat ingevolge subartikel (4) in sy diens geskors is, ooreenkomstig die bepaling van subartikel (19) (a), (b) of (d) of van die tweede voorbehoudsbepaling van daardie subartikel gehandel word, moet hy onverwyld toegelaat word om weer diens te aanvaar, en as daar met hom ooreenkomstig die bepaling van subartikel (19) (c) gehandel word, moet hy so gou doenlik toegelaat word om diens te aanvaar in die pos of pligte waarna hy oorgeplaas word, en in sodanige geval moet sy volle emolumente vir die tydperk van sy skorsing aan hom betaal word. Met dien verstande dat as sy graad ingevolge genoemde subartikel

(e) he be discharged or be called upon to resign from the Public Service as from a date to be specified by the Councillor:

Provided that—

(i) except where a recommendation is made under paragraph (e), the Commission or the head of department shall not be precluded from making a recommendation under more than one of the foregoing paragraphs;

(ii) the Commission or the head of department may postpone, for a period not exceeding 12 calendar months, the making of a recommendation; and

(iii) if an officer, who has been called upon to resign from the Public Service, fails so to resign, he shall be deemed to have been discharged therefrom as from a date to be specified by the Councillor.

(20) The Councillor may adopt the course recommended by the Commission or head of department or any other course which the Commission or head of department could lawfully have recommended under subsection (19) but subject always to the provisions of section 7 (1) in the case of a recommendation of the Commission.

(21) The Commission or head of department, as the case may be, shall forward to the Councillor with its recommendation, in terms of subsection (19), the record of the proceedings at the inquiry and all documents in its possession which relate to the inquiry or to the appeal.

(22) If the misconduct amounts to an offence of which the officer has been convicted by a court of law, it shall not be necessary to charge him under subsection (1) but he shall be deemed conclusively to be guilty of that misconduct unless the conviction has been set aside by a superior court or he has been granted a free pardon.

(23) The acquittal of an officer by a court of law upon a charge of a criminal offence shall not be a bar to proceedings against him under this Act on a charge of misconduct notwithstanding the fact that the facts set forth in the charge of misconduct would, if proved, constitute the offence set forth in the criminal charge on which he was acquitted or some other offence of which he might have been convicted at his trial on the said criminal charge.

(24) If the officer charged in terms of this section admits the charge, he shall be deemed to be guilty of the misconduct with which he has been charged.

(25) If the officer referred to in subsection (22), (24) or (30) holds a prescribed post the head of department shall forward to the Commission all documents available to him which relate to the misconduct and any observations thereon which he may desire to make, and the Commission shall make a recommendation to the Councillor in terms of subsection (19).

(26) If the officer referred to in subsection (22), (24) or (30) holds a non-prescribed post the head of department shall make a recommendation to the Councillor in terms of subsection (19).

(27) The provisions of subsection (20) shall apply in respect of a recommendation under subsection (25) or (26) as if the recommendation had been made under subsection (19).

(28) If an officer who has been suspended from duty in terms of subsection (4) is dealt with in accordance with the provisions of subsections (19) (a), (b), or (d) or of the second proviso to that subsection, he shall forthwith be allowed to resume duty and, if he is dealt with in accordance with the provisions of subsection (19) (c), he shall as soon as practicable be allowed to assume duty in the post or duties to which he is transferred and, in any such case, he shall be paid his full emoluments for the period

(19) (d) verlaag word, hy so gou doenlik toegelaat moet word om diens in 'n pos van die verlaagde graad te aanvaar, en moet aan hom vir die tydperk van sy skorsing die emolumente van daardie pos betaal word, maar as hoër emolumente as die emolumente van daardie pos aan hom gedurende die tydperk van sy skorsing ingevolge subartikel (5) betaal is, hy nie verplig is om die verskil terug te betaal nie.

(29) 'n Beampte wat ingevolge subartikel (4) in sy diens geskors is, of teen wie 'n aanklag ingevolge hierdie artikel ingebring is, en wat uit die Regeringsdiens bedank of ander werk aanvaar voordat sodanige aanklag finaal ooreenkomstig die bepalinge van hierdie artikel afgehandel is, word geag weens wangedrag ontlaan te gewees het met ingang van 'n datum wat deur die Raadslid bepaal word, tensy hy voor die ontvangs van sy kennisgewing van bedanking of die datum van sy aanvaarding van ander werk, in kennis gestel is dat geen aanklag teen hom ingebring sal word nie of dat die aanklag wat teen hom ingebring is, teruggetrek is.

(30) (a) 'n Hoof van 'n kantoor kan 'n beampte wat hy redelikerwys vermoed skuldig te wees aan wangedrag soos omskryf in artikel 18 (k) (i) of (ii), gelas om—

(i) in die voorgeskrewe apparaat uit te asem vir die tydperk wat hy mag bepaal; of

(ii) hom aan ondersoek deur 'n distriksgeneesheer of ander mediese praktisyn te onderwerp, met inbegrip van enige bloedtoets wat sodanige distriksgeneesheer of ander mediese praktisyn nodig mag ag om die alkoholinhoud van die bloed van bedoelde beampte te bepaal; of

(iii) in die voorgeskrewe apparaat uit te asem en om hom aan die in subparagraaf (ii) bedoelde ondersoek te onderwerp.

(b) Indien—

(i) 'n beampte versuim of weier om in die voorgeskrewe apparaat uit te asem of hom aan 'n ondersoek te onderwerp nadat hy aldus kragtens paragraaf (a) gelas is; of

(ii) die voorgeskrewe apparaat wys dat die alkoholinhoud van die bloed van 'n beampte 'n perk oorskry wat, op aanbeveling van die Kommissie deur die Raadslid vir Gemeenskapsake by kennisgewing in die *Staatskoerant* met betrekking tot daardie besondere fabriek van voorgeskrewe apparaat gespesifiseer is;

word bedoelde beampte onweierlegbaar geag skuldig te wees aan wangedrag soos in artikel 18 (k) (i) omskryf.

(31) (a) Die bepalinge van artikel 239 (4) van die Strafproseswet, 1955 (Wet 56 van 1955) is *mutatis mutandis* van toepassing met betrekking tot 'n ondersoek na 'n aanklag van wangedrag soos omskryf in artikel 18 (k) (i) of (ii).

(b) Waar daar by enige ondersoek na 'n aanklag van wangedrag soos omskryf in artikel 18 (k) (i) of (ii) getuie-nis aangevoer word van 'n ontleding van 'n monster van die bloed van enige persoon, word daar vermoed, totdat die teendeel bewys word, dat enige spuit wat gebruik is om sodanige monsters te neem en die houër waarin sodanige monster geplaas is vir versending na ontleder vry van enige stof of kontaminasie was wat die uitslag van sodanige ontleding kon geaffekteer het.

Wangedrag van Departementshoofde

20. (1) Wanneer 'n departementshoof, wat 'n beampte is, van wangedrag beskuldig word, kan die Raadslid die aangeleentheid aan die Uitvoerende Raad rapporteer wat die Raadslid kan gelas om hom van daardie wangedrag aan te kla, en as 'n ondersoek ingevolge artikel 19 (8), soos toegepas by subartikel (2) van hierdie artikel, nodig word, kan die Uitvoerende Raad 'n persoon of persone aanstel om die ondersoek in te stel.

of his suspension: Provided that, if his grade is reduced in terms of the said subsection (19) (d), he shall as soon as practicable be allowed to assume duty in a post of the reduced grade and be paid, for the period of suspension, the emoluments of that post but, if emoluments in excess of the emoluments of that post were, during the period of his suspension, paid to him under subsection (5), he shall not be obliged to refund the excess.

(29) An officer who has been suspended from duty in terms of subsection (4) or against whom a charge has been preferred under this section and who resigns from the Public Service or assumes other employment before such charge has been dealt with to finality in accordance with the provisions of this section, shall be deemed to have been discharged on account of misconduct with effect from a date to be specified by the Councillor unless, prior to the receipt of his notification of resignation or the date of his assumption of other employment, he had been notified that no charge would be preferred against him or that the charge preferred against him had been withdrawn.

(30) (a) A head of office may require an officer whom he suspects on reasonable grounds to be guilty of misconduct as defined in section 18 (k) (i) or (ii)—

(i) to breathe into the prescribed apparatus for such period as he may direct; or

(ii) to undergo examination by a district surgeon or other medical practitioner, including any blood test which such district surgeon or other medical practitioner may deem necessary in order to determine the alcohol content of the blood of such officer; or

(iii) to breathe into the prescribed apparatus and to undergo the examination referred to in subparagraph (ii).

(b) If—

(i) any officer fails or refuses to breathe into the prescribed apparatus or to undergo any examination when so required under paragraph (a); or

(ii) the prescribed apparatus records that the alcohol content of the blood of an officer exceeds a limit specified, on the recommendation of the Commission, by the Executive Councillor for Community Affairs by notice in the *Government Gazette* in respect of that particular make of prescribed apparatus;

such officer shall be deemed conclusively to be guilty of misconduct as defined in section 18 (k) (i).

(31) (a) The provisions of section 239 (4) of the Criminal Procedure Act, 1955 (Act 56 of 1955), apply *mutatis mutandis* in relation to any inquiry into a charge of misconduct as defined in section 18 (k) (i) or (ii).

(b) Where in any inquiry into a charge of misconduct as defined in section 18 (k) (i) or (ii), evidence is tendered of the analysis of a specimen of the blood of any person it shall be presumed until the contrary is proved, that any syringe used for obtaining such specimen and the receptacle in which such specimen was placed for dispatch to an analyst, were free of any substance or contamination which could have affected the result of such analysis.

Misconduct of Heads of Departments

20. (1) When a head of department who is an officer is accused of misconduct, the Councillor may report the matter to the Executive Council who may instruct the Councillor to charge him with that misconduct; and if an inquiry becomes necessary under section 19 (8) as applied by subsection (2) of this section, the Executive Council may appoint a person or persons to hold the inquiry.

(2) Die bepalings van artikel 19 (2) tot en met (31) is *mutatis mutandis* van toepassing op verrigtings wat op 'n lasgewing ingevolge subartikel (1) van hierdie artikel volg, en vir doeleindes van sodanige toepassing word die verwysing in genoemde subartikels na die Raadslid uitgelê as 'n verwysing na die Uitvoerende Raad, word die verwysing in subartikel (25) na departementshoof uitgelê as 'n verwysing na die Raadslid en word elke verwysing in genoemde subartikels na die beampte of toegewese beampte wat die ondersoek instel, uitgelê as ook 'n verwysing na 'n persoon of persone wat ingevolge subartikel (1) van hierdie artikel aangestel is.

Wyse waarop Kennis, ens., gegee of Verstrekk word

21. Waar daar by artikel 16, 17, 19 of 20 bepaal word—

(a) dat enige kennis, verklaring of ander dokument aan 'n persoon gegee of verstrekk of beteken moet word of dat enige aangeleentheid skriftelik aan 'n persoon meegedeel moet of kan word, kan die kennisgewing, verklaring, dokument of geskrif per pos in 'n geregistreerde brief aan hom gestuur word of aan hom afgelewer of by sy laaste bekende woonplek gelaat word; of

(b) dat 'n persoon van 'n beslissing of bevinding verwittig moet word, kan hy mondeling of per geskrif wat per pos in 'n geregistreerde brief aan hom gestuur word of aan hom afgelewer of by sy laaste bekende woonplek gelaat word, daarvan verwittig word.

HOOFTUK 5

ALGEMEEN

Besoldiging van Beampes en Werknemers

22. (1) Behoudens die bepalings van artikel 7, word aan beampes en werknemers salarisse, lone en toelae betaal ooreenkomstig die skale wat by hulle grade pas, soos deur die Kommissie ingevolge artikel 6 (2) (g) aanbeveel.

(2) Op aanbeveling van die Kommissie, maar behoudens die bepalings van artikel 7—

(a) kan aan beampes of werknemers of aan klasse beampes of werknemers by aanstelling, oorpasing of bevordering salarisse of lone teen hoër bedrae as die minimums van die toepaslike skale betaal word; en

(b) kan aan beampes of werknemers of aan klasse beampes of werknemers spesiale vordering toegestaan word binne die skale wat op hulle van toepassing is; en

(c) kan aan 'n beampte of werknemer wat buitengewoon bekwaam is of wat spesiale kwalifikasies besit of wat verdienstelike diens gelewer het, en kan aan enige beampte of werknemer, as dit in die Regeeringsdiens se belang is, spesiale vordering toegestaan word binne die skaal wat op hom van toepassing is of kan aan hom 'n salaris of loon ooreenkomstig 'n hoër skaal betaal of enige ander geskikte beloning toegeken word.

(3) Behoudens die bepalings van artikel 7, kan aan geen beampte of werknemer ten opsigte van sy diens as sodanig enige besoldiging, toelae, honorarium, toekening of bonus van watter aard ook al betaal word, nie behalwe dié wat deur die Kommissie aanbeveel is.

*Salarisse van Beampes mag nie Verlaag word nie
Behalwe soos Spesiaal Bepaal*

23. 'n Beampte se salaris of salarisskaal mag nie sonder sy eie toestemming verlaag word nie, behalwe in ooreenstemming met die bepalings van Hoofstuk 4 of ingevolge 'n wet van die Wetgewende Vergadering.

(2) The provisions of section 19 (2) to (31), inclusive, shall *mutatis mutandis* apply to any proceedings following upon a direction under subsection (1) of this section; and for the purposes of such application the reference in the said subsections to the Councillor shall be construed as a reference to the Executive Council, the reference in subsection (25) to head of department shall be construed as a reference to the Councillor and every reference in the said subsections to the officer or allocated officer holding the inquiry shall be construed as including a reference to a person or persons appointed under subsection (1) of this section.

*Manner in which Notice, etc., may be Given or
Furnished*

21. Whenever by section 16, 17, 19 or 20 it is provided—

(a) that any notice, statement or other document is to be given or furnished to or served upon any person or that any matter is to be or may be conveyed to any person in writing the notice, statement, document or writing may be sent by post in a registered letter or be delivered to him or left at his last known place of residence; or

(b) that any person is to be informed of any decision or finding, he may be informed thereof orally or in writing sent by post in a registered letter or delivered to him or left at his last known place or residence.

CHAPTER 5

GENERAL

Remuneration of Officers and Employees

22. (1) Subject to the provisions of section 7 officers and employees shall be paid salaries, wages and allowances in accordance with the scales, appropriate to their grades, as recommended by the Commission in terms of section 6 (2) (g).

(2) On the recommendation of the Commission but subject to the provisions of section 7—

(a) officers or employees or classes of officers or employees may, on appointment, transfer or promotion be paid salaries or wages at higher rates than the minima of the appropriate scales; and

(b) officers or employees or classes of officers or employees may be specially advanced within the scales applicable on them; and

(c) an officer or employee of exceptional ability or possessing special qualifications or who has rendered meritorious service may, and any officer or employee may, if it is in the interests of the Public Service, be specially advanced within the scale applicable to him or may be paid a salary or wage in accordance with a higher scale, or may be granted any other fitting reward.

(3) Subject to the provisions of section 7, no officer or employe shall in respect of his employment as such be paid any remuneration, allowance, honorarium, award or bonus of any kind whatsoever other than such as has been recommended by the Commission.

*Salaries of Officers not to be Reduced Except as
Specially Provided*

23. An officer's salary or salary scale shall not be reduced without his own consent except in accordance with the provisions of Chapter 4 or in terms of an act of the Legislative Assembly.

Sessie van Emolumente Verbode

24. Geen beampte of werknemer mag sonder die skriftelike goedkeuring van die rekenpligtige amptenaar die geheel of 'n gedeelte van enige salaris of toelae wat aan hom betaalbaar is, sedeer nie.

Beamptes en Werknemers moet al hulle tyd ter beskikking van die Regeringsdiens Stel

25. (1) Tensy anders in sy diensvoorwaardes bepaal word—

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

(b) mag geen beampte of werknemer besoldigde werk buite sy werk in die Regeringsdiens sonder die toestemming van die Raadslid verrig of hom verbind om dit te verrig nie, en dié toestemming word in die geval van 'n beampte slegs op aanbeveling van die Kommissie verleen; en

(c) kan geen beampte of werknemer regtens aanspraak maak op addisionele besoldiging vir die verrigting van enige amptelike plig of werk wat hy deur 'n bevoegde owerheid aangesê is om te verrig nie.

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

(3) Enige besoldiging of toelae van watter aard ook al wat 'n beampte of werknemer ontvang anders as ooreenkomstig die bepalinge van hierdie Wet of 'n aanbeveling wat deur die Kommissie kragtens enige ander wet gedoen is, moet deur sodanige beampte of werknemer in die Inkomstefonds gestort word en as hy dit nie doen nie moet dit deur die Direkteur van Owerheidsake en Finansies deur middel van geregtelike stappe of op sodanige ander wyse as wat die Direkteur van Owerheidsake en Finansies goeddink op die beampte of werknemer verhaal en in die Inkomstefonds gestort word.

(4) Alle gelde wat 'n beampte of werknemer in sy amptelike hoedanigheid ontvang, moet in die Inkomstefonds gestort word, tensy die Kommissie aanbeveel het dat hy die geheel of 'n gedeelte van genoemde gelde as deel van sy besoldiging kan behou.

(5) Waar die dienste van 'n beampte of werknemer weens sy vakkundige, tegniese of ander spesiale kwalifikasies tydelik ter beskikking van die Regering van die Republiek of van 'n inrigting of liggaam ingestel by of ingevolge 'n wet van die Wetgewende Vergadering of van die Republiek of 'n ander persoon of liggaam geplaas word, moet enige salaris, toelae, geld, bonus of honorarium wat ten opsigte van sy dienste betaalbaar is, in die Inkomstefonds gestort word: Met dien verstande dat onder spesiale omstandighede die Kommissie kan aanbeveel dat 'n bedrag wat gelyk is aan genoemde salaris, toelae, geld, bonus of honorarium, of 'n gedeelte daarvan, aan die beampte of werknemer betaal word.

Regulasies

26. (1) Behoudens die bepalinge van artikel 7 (2) van hierdie Wet, kan die Uitvoerende Raadslid vir Gemeenskapsake, nadat die Kommissie 'n aanbeveling gedoen het, regulasies met betrekking tot enigeen van die volgende aangeleenthede uitvaardig:

(a) Die bevordering, oorpasing, dissipline, gedrag, bevoegdhede en pligte, diensure en afwesigheidsverlof van beamptes en werknemers en hulle ander diensvoorwaardes;

(b) die tarief van besoldiging vir uitsonderlike oortyd-diens verrig deur beamptes en werknemers en van reiskoste en verblyf- of ander toelae wat aan beamptes

Session of Emoluments Prohibited

24. No officer or employee shall, without the written approval of the accounting officer, cede the whole or any part of any salary or allowance payable to him.

Whole Time of Officers to be at the Disposal of the Public Service

25. (1) Unless it is otherwise provided in his conditions of service—

(a) every officer and employee shall place the whole of his time at the disposal of the Government;

(b) no officer or employee shall perform or engage himself to perform remunerative work outside his employment in the Public Service without the permission of the Councillor, which in the case of an officer shall be granted only on the recommendation of the Commission; and

(c) no officer or employee may claim as of right additional remuneration in respect of any official duty or work which he is required by competent authority to perform.

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

(3) Any remuneration or allowance whatsoever received by an officer or employee otherwise than in accordance with the provisions of this Act or a recommendation made by the Commission under any other law shall be paid by such officer or employee into the Revenue Fund, and if he does not do so, shall be recovered from him by the Director of Authority Affairs and Finance by legal proceedings or in such other manner as the Director of Authority Affairs and Finance may think fit and be paid into the Revenue Fund.

(4) All fees received by an officer or employee in his official capacity shall be paid into the Revenue Fund unless the Commission has recommended that he may retain the whole or a portion of the said fees as part of his remuneration.

(5) Where on account of his professional, technical or other special qualifications the services of an officer or employee are placed temporarily at the disposal of the Government of the Republic or of an institution or body established by or under any law of the Legislative Assembly or of the Republic, or of any other person or body, any salary, allowance, fee, bonus or honorarium which may be payable in respect of his services shall be paid into the Revenue Fund: Provided that in special circumstances the Commission may recommend the payment to the officer or employee of an amount equal to the said salary, allowance, fee, bonus or honorarium or a portion thereof.

Regulations

26. (1) Subject to the provisions of section 7 (2) of this Act, the Executive Councillor for Community Affairs may, after the Commission has made a recommendation, make regulations with respect to any of the following matters:

(a) The promotion, transfer, discipline, conduct, powers and duties, hours of attendance and leave of absence of officers and employees and their other conditions of service;

(b) the rates of payment for exceptional overtime duty performed by officers and employees and of any travelling expenses and subsistence or other allowances to be

en werknemers betaal moet word en die omstandighede waaronder sodanige betalings gedoen moet word;

(c) die omstandighede waaronder 'n geneeskundige ondersoek vereis word vir doeleindes van enige bepaling van hierdie Wet, en die vorm van geneeskundige verslae en sertifikate van ongesteldheid;

(d) die bepaalde klasse beamptes en werknemers van wie dit vereis kan word om sekuriteit te gee, en die bedrag en vorm daarvan;

(e) die prosedure wat gevolg moet word by die ondersoek van en optrede in verband met beweerde wangedrag waaraan beamptes hulle skuldig maak;

(f) alle aangeleenthede wat ingevolge hierdie Wet voorgeskryf moet of kan word; en

(g) in die algemeen alle aangeleenthede wat hy nodig of dienstig ag om voor te skryf ten einde die doeleindes van hierdie Wet te bereik;

en sodanige regulasies kan 'n gesag of meer as een gesag voorskryf, asook die bevoegdhede van sodanige gesag om ten opsigte van enige beampte of werknemer of klas beamptes of werknemers van die bepalings daarvan af te wyk.

(2) Verskillende regulasies kan uitgevaardig word ten opsigte van beamptes wat voorgeskrewe of nie-voorgeskrewe poste op die vaste diensstaat beklee of om te pas by die verskillende vereistes van bepaalde departemente of takke van departemente, of van bepaalde klasse beamptes of werknemers, of van bepaalde soorte diens in die Regeringsdiens.

(3) Elke regulasie wat ingevolge hierdie Wet uitgevaardig word, moet in die *Staatskoerant* gepubliseer word en binne sewe dae nadat die gepubliseer is, in die Wetgewende Vergadering ter tafel gelê word as die Wetgewende Vergadering dan sit, of as die Wetgewende Vergadering nie dan sit nie, binne sewe dae na die aanvang van sy eersvolgende sessie.

(4) Elke regulasie wat ingevolge hierdie Wet uitgevaardig word, is van krag en regsgeldig, tensy en totdat, gedurende die sessie waarin dit in die Wetgewende Vergadering ter tafel gelê is soos in subartikel (3) bepaal, die Wetgewende Vergadering die regulasie by besluit afgekeur het, en in dié geval verval die regulasie met ingang van 'n datum wat in die besluit vermeld word; maar die verval van die regulasie raak nie die geldigheid van enigiets wat ingevolge die regulasie voor die datum van die besluit gedoen is nie, en niks wat in hierdie subartikel vervat is, raak die bevoegdheid van die Uitvoerende Raadslid vir Gemeenskapsake om op aanbeveling van die Kommissie 'n nuwe regulasie aangaande die inhoud van daardie regulasie uit te vaardig nie.

Kommissie se Verslae moet in die Wetgewende Vergadering ter Tafel gelê word

27. Elke verslag wat die Kommissie ingevolge artikel 6 (2) (o) of artikel 7 (7) doen, word in die Wetgewende Vergadering ter tafel gelê binne sewe dae nadat hy dit ontvang het, as die Wetgewende Vergadering dan sit, of as die Wetgewende Vergadering nie dan sit nie, binne sewe dae na die aanvang van sy eersvolgende sessie.

Beperking van Regsgedinge

28. (1) Geen regsgeding van watter aard ookal mag teen die Regering of 'n liggaam of persoon ten opsigte van enigiets wat ingevolge hierdie Wet gedoen of versuim is, ingestel word nie, tensy die geding ingestel word voor die verstryking van 'n tydperk van 12 kalendermaande na die datum waarop die eiser kennis van die beweerde daad of versuim gehad het of na die datum waarop redelikerwyse verwag kon word dat die eiser van genoemde daad of versuim bewus sou wees, na gelang van watter datum die eerste is.

paid to officers and employees and the circumstances under which such payment shall be made;

(c) the circumstances in which medical examination shall be required for the purposes of any provision of this Act and the form of medical reports and certificates of indisposition;

(d) the particular classes of officers and employees who may be required to give security, and the amount and form thereof;

(e) the procedure to be observed in inquiring into and dealing with alleged misconduct committed by officers;

(f) all matters which under this Act are required or permitted to be prescribed; and

(g) generally, all matters which he considers necessary or expedient to prescribe in order that the purpose of this Act may be achieved;

and such regulations may prescribe an authority or more than one authority and the powers of any such authority to deviate, in respect of any officer or employee or class of officers or employees, from the provisions thereof.

(2) Different regulations may be made in respect of officers holding prescribed or non-prescribed posts on the fixed establishment, or to suit the varying requirements of particular departments or branches of departments, or of particular classes of officers or employees, or of particular kinds of employment in the Public Service.

(3) Every regulation made in terms of this Act shall be published in the *Government Gazette* and shall be laid upon the Table of the Legislative Assembly within seven days of such publication if the Legislative Assembly is then in session, or if the Legislative Assembly is then not in session, within seven days of the commencement of its next ensuing session.

(4) Every regulation made under this Act shall be of force and effect unless and until, during the session in which it has been laid upon the Table of the Legislative Assembly as provided by subsection (3), the Legislative Assembly has by resolution disapproved of the regulation, in which event the regulation shall lapse as from the date to be specified in the resolution; but the lapsing of the regulation shall not affect the validity of anything done under the regulation before the date of the resolution, and nothing contained in this subsection shall affect the power of the Executive Councillor for Community Affairs to make, on the recommendation of the Commission, a new regulation as to the subject matter of that regulation.

Commission's Reports to be Tabled in the Legislative Assembly

27. Every report made by the Commission in pursuance of section 6 (2) (o) or section 7 (7), shall be laid upon the Table of the Legislative Assembly within seven days after it has received it if the Legislative Assembly is then in session, or if the Legislative Assembly is not then in session, within seven days of the commencement of its next ensuing session.

Limitations to Actions

28. (1) No legal proceedings of any nature shall be brought against the Government or any body or person in respect of anything done or omitted under this Act, unless the 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 upon which the claimant might reasonably have been expected to have knowledge, of the act or omission alleged, whichever is the earlier date.

(2) Geen sodanige geding mag ingestel word voor die verstryking van minstens een kalendermaand nadat 'n skriftelike kennisgewing van die voorneme om sodanige geding in te stel aan die Regering of die betrokke liggaam of persoon bestel is nie. In daardie kennisgewing moet besonderhede aangaande die beweerde daad of versuim duidelik en uitdruklik verstrek word.

Voorbehoud

29. Geen bepaling van hierdie Wet word so uitgelê dat dit enige bestaande, aankomende of voorwaardelike reg, aanspreeklikheid of verpligting van enige persoon wat uit enige ander wet voortvloei, ophêf of afbreek daaraan doen nie.

Herroeping van Wette

30. (1) Behoudens die bepalings van subartikel (2) word die Basotho ba Borwa-personeelregulasies, 1971, afgekondig by Goewermentskennisgewing R. 515 van 1971, hierby herroep.

(2) Totdat regulasies kragtens artikel 26 uitgevaardig word, bly die Basotho ba Borwa-personeelregulasies, 1971, ondanks die herroeping daarvan, van krag vir sover hulle nie onbestaanbaar met die bepalings van hierdie Wet is nie en betrekking het op die aangeleenthede in artikel 26 bedoel.

Kort Titel en Inwerkingtreding

31. Hierdie Wet heet die Basotho-Qwaqwa-wet op die Regeringsdiens, 1973 en tree in werking op 'n datum wat die Uitvoerende Raadslid vir Gemeenskapsake by kennisgewing in die *Staatskoerant* bepaal.

DEPARTEMENT VAN DOEANE EN AKSYNS

No. R. 204 15 Februarie 1974

DOEANE- EN AKSYNSWET, 1964.—WYSIGING VAN BYLAE 1 (No. 1/1/258)

Kragtens artikel 48 van die Doean- en Aksynswet, 1964, word Deel 1 van Bylae 1 by genoemde Wet hierby gewysig in die mate in die Bylae hiervan aangetoon.

J. C. HEUNIS, Adjunk-minister van Finansies.

(2) No such proceedings shall be commenced before the expiry of at least one calendar month after written notice of the intention to bring such proceedings has been served on the Government or the body or person concerned. In that notice particulars of the alleged act or omission shall be clearly and explicitly given.

Savings

29. No provision of this Act shall be construed as in any way abrogating or derogating from any existing, accruing or contingent right, liability or obligation of any person flowing from any other law.

Repeal of Laws

30. (1) Subject to the provisions of subsection (2), the Basotho-Qwaqwa Staff Regulations, 1971, published under Government Notice R. 515 of 1971, are hereby repealed.

(2) Until regulations have been made under section 26, the Basotho-Qwaqwa Staff Regulations, 1971, shall, notwithstanding their repeal, continue to be of force and effect in so far as they are not inconsistent with the provisions of this Act and relate to the matters referred to in section 26.

Short Title and Commencement

31. This Act shall be called the Basotho-Qwaqwa Public Service Act, 1973, and shall come into operation on a date to be fixed by the Executive Councillor for Community Affairs by notice in the *Government Gazette*.

DEPARTMENT OF CUSTOMS AND EXCISE

No. R. 204 15 February 1974

CUSTOMS AND EXCISE ACT, 1964.—AMENDMENT OF SCHEDULE 1 (No. 1/1/258)

Under section 48 of the Customs and Excise Act, 1964, Part 1 of Schedule 1 to the said Act is hereby amended to the extent set out in the Schedule hereto.

J. C. HEUNIS, Deputy Minister of Finance.

BYLAE

| I Tariefpos | II Statistiese Eenheid | III IV V Skaal van Reg | | |
|---|---------------------------|---------------------------|--------|--------------------|
| | | Algemeen | M.B.N. | Voorkeur |
| 10.02 Deur tariefpos No. 10.02 deur die volgende te vervang: „10.02 Rog | kg | vry | | |
| 29.14 Deur na subpos No. 29.14.60 die volgende in te voeg: „29.14.65 Bioallectrien | kg | vry | | |
| 82.03 Deur subpos No. 82.03.45 deur die volgende te vervang: „82.03.45 Vyle en raspers | getal | 3% | | vry (V.K.; Kanada) |

OPMERKINGS.—

- (1) Die reg op rog word verlaag van 70c per 100 kg na vry.
- (2) Spesifieke voorsiening word gemaak vir bioallectrien en die reg daarop word verlaag van 10% na vry.
- (3) Die reg op vyle word verlaag van 23% (Algemeen) en 20% (Voorkeur) na 3% (Algemeen) en vry (Voorkeur).

SCHEDULE

| I Tariff Heading | II Statistical Unit | III IV V Rate of Duty | | |
|--|------------------------|--------------------------|--------|----------------------------|
| | | General | M.F.N. | Preferential |
| 10.02 By the substitution for tariff heading No. 10.02 of the following: "10.02 Rye | kg | free" | | |
| 29.14 By the insertion after subheading No. 29.14.60 of the following: "29.14.65 Bioallethrin | kg | free" | | |
| 82.03 By the substitution for subheading No. 82.03.45 of the following: "82.03.45 Files and rasps | no. | 3% | | free (U.K.; Canada)" |

NOTES.—

- (1) The duty on rye is reduced from 70c per 100 kg to free.
- (2) Specific provision is made for bioallethrin and the duty thereon is reduced from 10% to free.
- (3) The duty on files is reduced from 23% (General) and 20% (Preferential) to 3% (General) and free (Preferential).

No. R. 201

15 Februarie 1974

DOEANE- EN AKSYNSWET, 1964.—WYSIGING VAN BYLAE 3 (No. 3/371)

Kragtens artikel 75 van die Doeane- en Aksynswet, 1964, word Bylae 3 by genoemde Wet hierby gewysig in die mate in die Bylae hiervan aangetoon.

J. C. HEUNIS, Adjunk-minister van Finansies.

No. R. 201

15 February 1974

CUSTOMS AND EXCISE ACT, 1964.—AMENDMENT OF SCHEDULE 3 (No. 3/371)

Under section 75 of the Customs and Excise Act, 1964, Schedule 3 to the said Act is hereby amended to the extent set out in the Schedule hereto.

J. C. HEUNIS, Deputy Minister of Finance.

BYLAE

| I Item | II Tariefpos en Beskrywing | III Mate van Korting |
|-----------|--|---|
| 307.01 | Deur tariefpos No. 29.01 deur die volgende te vervang: „29.01 Xileen; toluen; metielstireen (vinieltoluen); pentaan; butileen Deur paragraaf (2) van tariefpos No. 29.14 deur die volgende te vervang: „(2) Aluminiumstearaat; kalsiumstearaat Deur tariefpos No. 29.16 deur die volgende te vervang: „29.16 (1) Butiellaktaat; hidrosisteariensuur; metielepoksistearaat (2) Oktadekiël - 3,5 - dietersiere - butiel - 4 - hidroksihidrosin-namaat Deur tariefpos No. 29.31 die volgende te vervang: „29.31 (1) Lourielmerkaptaan (2) 4,4-Tiobis-(3-metiel-6-tersiere-butiefenol) (3) Dilourieltiodipropionaat Deur na tariefpos No. 29.33 die volgende in te voeg: „29.34 Aluminiumtriëtiel; aluminiumisopreniel | Volle reg" Volle reg" Volle reg Volle reg" Volle reg Volle reg Volle reg" Volle reg" |
| 311.19 | Deur tariefpos No. 51.04 te skrap. | |
| 311.20 | Deur tariefpos No. 51.04 deur die volgende te vervang: „51.04 Weefstowwe van gefabriseerde vesels (kontinu), met 'n waarde vir belastingdoeleindes per m ² van meer as 42c, vir die vervaardiging van swemdrag | Volle reg" |
| 311.40 | Deur na tariefpos No. 42.05 die volgende in te voeg: „51.04 Weefstowwe van gefabriseerde vesels (kontinu) met waterwerende preparate behandel, vir gebruik as buitestof by die vervaardiging van reënjasse (met inbegrip van omkeertipe reënjasse), baadjies gewoonlik as windjakke bekend, ander boklere (met inbegrip van broeke en halfrokke) ontwerp vir gebruik as beskerming teen die elemente en reddingsbaadjies | Volle reg" |

OPMERKINGS.—

- (1) Voorsiening word gemaak vir 'n volle korting op reg op sekere chemikalië vir die vervaardiging van sintetiese harse en kunplastieke.
- (2) Die uitwerking van hierdie kennisgewing is dat die voorsiening vir 'n korting op reg op weefstowwe van gefabriseerde vesels (kontinu), met waterwerende preparate behandel, gebruik as buitestof by die vervaardiging van reënjasse en windjakke, uitgebrei word om ook ander boklere ontwerp vir gebruik as beskerming teen die elemente te dek.

SCHEDULE

| I Item | II Tariff Heading and Description | III Extent of Rebate |
|-----------|--|---|
| 307.01 | By the substitution for tariff heading No. 29.01 of the following: "29.01 Xylene; toluene; methylstyrene (vinyl toluene); pentane; butylene By the substitution for paragraph (2) of tariff heading No. 29.14 of the following: "(2) Aluminium stearate; calcium stearate By the substitution for tariff heading No. 29.16 of the following: "29.16 (1) Butyl lactate; hydroxy stearic acid; methyl epoxy stearate (2) Octadecyl - 3,5 - ditertiary - butyl - 4 - hydroxy-hydrocinnamate By the substitution for tariff heading No. 29.31 of the following: "29.31 (1) Lauryl mercaptan (2) 4,4-Thiobis-(3-methyl-6-tertiary-butylphenol) (3) Dilauryl thiodipropionate By the insertion after tariff heading No. 29.33 of the following: "29.34 Aluminium triethyl; aluminium isprenyl | Full duty" Full duty" Full duty Full duty" Full duty Full duty Full duty" Full duty" |
| 311.19 | By the deletion of tariff heading No. 51.04. | |
| 311.20 | By the substitution for tariff heading No. 51.04 of the following: "51.04 Woven fabrics of man-made fibres (continuous), of a value for duty purposes per m ² exceeding 42c, for the manufacture of swimwear | Full duty" |
| 311.40 | By the insertion after tariff heading No. 42.05 of the following: "51.04 Woven fabrics of man-made fibres (continuous) treated with water-repellent preparations, for use as outercloth in the manufacture of raincoats (including reversible raincoats), jackets commonly known as windbreakers, other outer garments (including trousers and skirts) designed for use as protection against the elements and life-jackets | Full duty" |

NOTES.—

(1) Provision is made for a rebate of the full duty on certain chemicals for the manufacture of synthetic resins and artificial plastics.

(2) The effect of this notice is that the provision for a rebate of duty on woven fabrics of man-made fibres (continuous), treated with water-repellent preparations, used as outercloth in the manufacture of raincoats and windbreakers, is extended to also cover other outer garments designed for use as protection against the elements.

No. R. 205 15 Februarie 1974

DOEANE- EN AKSYNSWET, 1964.—WYSIGING VAN BYLAE 1 (No. 1/1/259)

Kragtens artikel 48 van die Doeane- en Aksynswet, 1964, word Deel 1 van Bylae 1 by genoemde Wet hierby gewysig in die mate in die Bylae hiervan aangetoon.

J. C. HEUNIS, Adjunk-minister van Finansies.

No. R. 205

15 February 1974

CUSTOMS AND EXCISE ACT, 1964.—AMENDMENT OF SCHEDULE 1 (No. 1/1/259)

Under section 48 of the Customs and Excise Act, 1964, Part 1 of Schedule 1 to the said Act is hereby amended to the extent set out in the Schedule hereto.

J. C. HEUNIS, Deputy Minister of Finance.

BYLAE

| I Tariëfpos | II Statistiese Eenheid | III IV V Skaal van Reg | | |
|--|---------------------------|---------------------------|--------|----------|
| | | Algemeen | M.B.N. | Voorkeur |
| 29.16 Deur subpos No. 29.16.70 deur die volgende te vervang: „29.16.70 2:4 Dichloorfenoksisynsuur en derivate daarvan | kg | vry | | |
| 37.01 Deur subpos No. 37.01.90 deur die volgende te vervang: „37.01.90 Ander | kg | 10% | 5% | |
| 37.02 Deur subpos No. 37.02.90 deur die volgende te vervang: „37.02.90 Ander | m | 10% | 5% | |

OPMERKINGS.—

(1) Die reg op 2:4 dichloorfenoksisynsuur en derivate daarvan word verlaag van 10% na vry.

(2) Die algemene reg op sekere gevoelige fotografiese plate en plaatfilm en op sekere gevoelige film in rolle, word verlaag van 15% na 10%.

SCHEDULE

| I Tariff Heading | II Statistical Unit | III IV V Rate of Duty | | |
|---|------------------------|--------------------------|--------|--------------|
| | | General | M.F.N. | Preferential |
| 29.16 By the substitution for subheading No. 29.16.70 of the following: "29.16.70 2:4 Dichlorphenoxy acetic acid and its derivatives | kg | free" | | |
| 37.01 By the substitution for subheading No. 37.01.90 of the following: "37.01.90 Other | kg | 10% | 5%" | |
| 37.02 By the substitution for subheading No. 37.02.90 of the following: "37.02.90 Other | m | 10% | 5%" | |

NOTES.—

- (1) The duty on 2:4 dichlorphenoxy acetic acid and its derivatives is reduced from 10% to free.
- (2) The general duty on certain sensitised photographic plates and film in the flat and on certain sensitised film in rolls, is reduced from 15% to 10%.

No. R. 206 15 Februarie 1974
DOEANE- EN AKSYNSWET, 1964.—WYSIGING VAN BYLAE 1 (No. 1/1/260)

Kragtens artikel 48 van die Doeane- en Aksynswet, 1964, word Deel 1 van Bylae 1 by genoemde Wet hierby gewysig in die mate in die Bylae hiervan aangetoon.

J. C. HEUNIS, Adjunk-minister van Finansies.

No. R. 206 15 February 1974
CUSTOMS AND EXCISE ACT, 1964.—AMENDMENT OF SCHEDULE 1 (No. 1/1/260)

Under section 48 of the Customs and Excise Act, 1964, Part 1 of Schedule 1 to the said Act is hereby amended to the extent set out in the Schedule hereto.

J. C. HEUNIS, Deputy Minister of Finance.

BYLAE

| I Tariefpos | II Statistiese Eenheid | III IV V Skaal van Reg | | |
|---|---------------------------|---------------------------|--------|----------|
| | | Algemeen | M.B.N. | Voorkeur |
| Afdeling XVI Deur paragraaf (a) van Opmerking 8 by Afdeling XVI deur die volgende te vervang: „(a) Vierslag, sonder aanjaer, met 'n kubieke verplasing van minstens 5 250 cm ³ maar hoogstens 6 350 cm ³ ;" | | | | |

OPMERKING.—Die verwysing na sekere kompressie-ontstekingsenjins met 'n kubieke verplasing van hoogstens 6 150 cm³ word gewysig na dié met 'n kubieke verplasing van hoogstens 6 350 cm³.

SCHEDULE

| I Tariff Heading | II Statistical Unit | III IV V Rate of Duty | | |
|---|------------------------|--------------------------|--------|--------------|
| | | General | M.F.N. | Preferential |
| Section XVI By the substitution for paragraph (a) of Note 8 to Section XVI of the following: " (a) Four-stroke, normally aspirated, with a cubic displacement of 5 250 cm ³ or more but not exceeding 6 350 cm ³ ;" | | | | |

NOTE.—The reference to certain compression ignition engines with a cubic displacement not exceeding 6 150 cm³ is amended to those of a cubic displacement not exceeding 6 350 cm³.

No. R. 207 15 Februarie 1974
DOEANE- EN AKSYNSWET, 1964.—WYSIGING VAN BYLAE 1 (No. 1/1/261)

Kragtens artikel 48 van die Doeane- en Aksynswet, 1964, word Deel 1 van Bylae 1 by genoemde Wet hierby gewysig in die mate in die Bylae hiervan aangetoon.

J. C. HEUNIS, Adjunk-minister van Finansies.

No. R. 207 15 February 1974
CUSTOMS AND EXCISE ACT, 1964.—AMENDMENT OF SCHEDULE 1 (No. 1/1/261)

Under section 48 of the Customs and Excise Act, 1964, Part 1 of Schedule 1 to the said Act is hereby amended to the extent set out in the Schedule hereto.

J. C. HEUNIS, Deputy Minister of Finance.

BYLAE

| I Tariefpos | II Statistiese Eenheid | III IV V Skaal van Reg | | |
|--|---------------------------|---------------------------|--------|----------|
| | | Algemeen | M.B.N. | Voorkeur |
| | | | | |
| 84.22 Deur na subpos No. 84.22.10 die volgende in te voeg: „84.22.13 Garageroldomkragte; onderdele daarvan: .10 Hidroulies, met 'n hysvermoë van hoogstens 11 t .90 Ander | getal getal | 15% vry" | | |

OPMERKING.—Spesifieke voorsiening word gemaak om garageroldomkragte en die reg op hidrouliese domkragte met 'n hysvermoë van hoogstens 11 t word verhoog van vry na 15%.

SCHEDULE

| I Tariff Heading | II Statistical Unit | III IV V Rate of Duty | | |
|--|------------------------|--------------------------|--------|--------------|
| | | General | M.F.N. | Preferential |
| | | | | |
| 84.22 By the insertion after subheading No. 84.22.10 of the following: “84.22.13 Trolley mounted garage jacks; parts thereof: .10 Hydraulic, of a lifting capacity not exceeding 11 t .90 Other | no. no. | 15% free" | | |

NOTE.—Specific provision is made for trolley mounted garage jacks and the duty on hydraulic jacks of a lifting capacity not exceeding 11 t is increased from free to 15%.

No. R. 208

15 Februarie 1974

DOEANE- EN AKSYNSWET, 1964.—WYSIGING VAN BYLAE 1 (No. 1/1/262)

Kragtens artikel 48 van die Doeane- en Aksynswet, 1964, word Deel I van Bylae 1 by genoemde Wet hierby gewysig in die mate in die Bylae hiervan aangetoon.

J. C. HEUNIS, Adjunk-minister van Finansies.

No. R. 208

15 February 1974

CUSTOMS AND EXCISE ACT, 1964.—AMENDMENT OF SCHEDULE 1 (No. 1/1/262)

Under section 48 of the Customs and Excise Act, 1964, Part I of Schedule 1 to the said Act is hereby amended to the extent set out in the Schedule hereto.

J. C. HEUNIS, Deputy Minister of Finance.

BYLAE

| I Tariefpos | II Statistiese Eenheid | III IV V Skaal van Reg | | |
|---|---------------------------|--|--------|----------|
| | | Algemeen | M.B.N. | Voorkeur |
| | | | | |
| 85.19 Deur subpos No. 85.19.05 deur die volgende te vervang: „85.19.04 Meerpenstopkontakte en -sokke, om elektriese aansluitings tussen motorvoertuie en sleepwaens (met inbegrip van woonwaens) te maak: .10 Stopkontakte .50 Sokke 85.19.05 Uitkenbaar as vir gebruik slegs of hoofsaaklik met motorvoertuie (uitgesonderd motorfietse), nie in subpos No. 85.19.04 vermeld nie | | 30% of 15c elk 30% of 15c elk 20%” | | |

OPMERKING.—Spesifieke voorsiening word gemaak vir meerpenstopkontakte en -sokke, om elektriese aansluitings tussen motorvoertuie en sleepwaens te maak en die reg word verhoog tot die mate aangedui.

SCHEDULE

| I Tariff Heading | II Statistical Unit | III IV V Rate of Duty | | |
|---|------------------------|--|--------|--------------|
| | | General | M.F.N. | Preferential |
| 85.19 By the substitution for subheading No. 85.19.05 of the following: "85.19.04 Multi-pin plugs and sockets, for making electrical connections between motor vehicles and trailers (including caravans): .10 Plugs .50 Sockets 85.19.05 Identifiable for use solely or principally with motor vehicles (excluding motor cycles), not falling within subheading No. 85.19.04 | | 30% or 15c each 30% or 15c each 20%" | | |

NOTE.—Specific provision is made for multi-pin plugs and sockets, for making electrical connections between motor vehicles and trailers and the duty is increased to the extent indicated.

No. R. 209 15 Februarie 1974
DOEANE- EN AKSYNSWET, 1964.—WYSIGING VAN BYLAE I (No. 1/1/263)
Kragtens artikel 48 van die Doeane- en Aksynswet, 1964, word Deel 1 van Bylae I by genoemde Wet hierby gewysig in die mate in die Bylae hiervan aangetoon.
J. C. HEUNIS, Adjunk-minister van Finansies.

No. R. 209 15 February 1974
CUSTOMS AND EXCISE ACT, 1964.—AMENDMENT OF SCHEDULE I (No. 1/1/263)
Under section 48 of the Customs and Excise Act, 1964, Part I of Schedule I to the said Act is hereby amended to the extent set out in the Schedule hereto.
J. C. HEUNIS, Deputy Minister of Finance.

BYLAE

| I Tariefpos | II Statistiese Eenheid | III IV V Skaal van Reg | | |
|---|---------------------------|---|--------|----------|
| | | Algemeen | M.B.N. | Voorkeur |
| 85.24 Deur na subpos No. 85.24.10 die volgende in te voeg: „85.24.20 Koolelektrodes (met inbegrip van grafiet- en semigrafiet-elektrodes), silindries, met 'n dwarsdeursnee-afmeting van minstens 70 mm maar hoogstens 725 mm en met 'n lengte van minstens 1 000 mm | kg | 10% of 5 300c per 100 kg min 85 per sent van die prys v.a.b." | | |

OPMERKING.—Spesifieke voorsiening word gemaak vir sekere koolelektrodes teen 'n skaal van reg van 10% of 5 300c per 100 kg min 85 per sent van die prys v.a.b.

SCHEDULE

| I Tariff Heading | II Statistical Unit | III IV V Rate of Duty | | |
|--|------------------------|--|--------|--------------|
| | | General | M.F.N. | Preferential |
| 85.24 By the insertion after subheading 85.24.10 of the following: "85.24.20 Carbon electrodes (including graphite and semi-graphite electrodes), cylindrical, with a cross-sectional dimension of not less than 70 mm but not exceeding 725 mm and with a length of not less than 1 000 mm | kg | 10% or 5 300c per 100 kg less 85 per cent of the f.o.b. price" | | |

NOTE.—Specific provision is made for certain carbon electrodes at a rate of duty of 10% or 5 300c per 100 kg less 85 per cent of the f.o.b. price.

No. R. 210 15 Februarie 1974
DOEANE- EN AKSYNSWET, 1964.—WYSIGING VAN BYLAE 3 (No. 3/372)

Kragtens artikel 75 van die Doeane- en Aksynswet, 1964, word Bylae 3 by genoemde Wet hierby gewysig in die mate in die Bylae hiervan aangetoon.

J. C. HEUNIS, Adjunk-minister van Finansies.

No. R. 210 15 February 1974
CUSTOMS AND EXCISE ACT, 1964.—AMENDMENT OF SCHEDULE 3 (No. 3/372)

Under section 75 of the Customs and Excise Act, 1964, Schedule 3 to the said Act is hereby amended to the extent set out in the Schedule hereto.

J. C. HEUNIS, Deputy Minister of Finance.

BYLAE

| I Item | II Tariefpos en Beskrywing | III Mate van Korting |
|------------------|--|-------------------------|
| 315.01 316.15 | Deur tariefpos No. 85.24 te skrap. Deur na tariefpos No. 38.19 die volgende in te voeg: „85.24 Koolelektrodes, nie gebak nie, silindries, met 'n dwarsdeursnee-afmeting van minstens 600 mm maar hoogstens 750 mm en met 'n lengte van minstens 1 000 mm, vir die vervaardiging van gebakte elektrodes | Volle reg" |

OPMERKINGS—

1. Die voorsiening vir 'n korting op reg op koolelektrodes vir gebruik in vlamboogoonde, word ingetrek.

2. Voorsiening word gemaak vir 'n volle korting op reg op silindriese koolelektrodes, nie gebak nie, met 'n dwarsdeursnee-afmeting van minstens 600 mm maar hoogstens 750 mm en met 'n lengte van minstens 1 000 mm vir die vervaardiging van gebakte elektrodes.

SCHEDULE

| I Item | II Tariff Heading and Description | III Extent of Rebate |
|------------------|---|-------------------------|
| 315.01 316.15 | By the deletion of tariff heading No. 85.24. By the insertion after tariff heading No. 38.19 of the following: "85.24 Carbon electrodes, not fired, cylindrical, with a cross-sectional dimension of not less than 600 mm but not exceeding 750 mm and with a length of not less than 1 000 mm, for the manufacture of fired electrodes | Full duty" |

NOTES—

1. The provision for a rebate of duty on carbon electrodes for use in arc furnaces, is withdrawn.

2. Provision is made for a rebate of the full duty on cylindrical carbon electrodes, not fired, with a cross-sectional dimension of not less than 600 mm but not exceeding 750 mm and with a length of not less than 1 000 mm, for the manufacture of fired electrodes.

No. R. 212 15 Februarie 1974
DOEANE- EN AKSYNSWET, 1964.—WYSIGING VAN BYLAE 1 (No. 1/1/264)

Kragtens artikel 48 van die Doeane- en Aksynswet, 1964, word Deel 1 van Bylae 1 by genoemde Wet hierby gewysig in die mate in die Bylae hiervan aangetoon.

J. C. HEUNIS, Adjunk-minister van Finansies.

No. R. 212 15 February 1974
CUSTOMS AND EXCISE ACT, 1964.—AMENDMENT OF SCHEDULE 1 (No. 1/1/264)

Under section 48 of the Customs and Excise Act, 1964, Part 1 of Schedule 1 to the said Act is hereby amended to the extent set out in the Schedule hereto.

J. C. HEUNIS, Deputy Minister of Finance.

BYLAE

| I Tariefpos | II Statistiese Eenheid | III IV V Skaal van Reg | | |
|---|---------------------------|---------------------------|--------|----------|
| | | Algemeen | M.B.N. | Voorkeur |
| 39.02 Deur na subpos No. 39.02.10.20 die volgende in te voeg: „23 Kopolimere van etileen en akrielsuur waarin die karboksielgroepe gedeeltelik verbind is deur metaalione, in poeiers, korrels of dergelike massavorms | kg | vry" | | |

OPMERKING.—Spesifieke voorsiening, vry van reg, word gemaak vir sekere kopolimere van etileen en akrielsuur waarin die karboksielgroepe gedeeltelik verbind is deur metaalione.

SCHEDULE

| I Tariff Heading | II Statistical Unit | III IV V Rate of Duty | | |
|--|------------------------|--------------------------|--------|--------------|
| | | General | M.F.N. | Preferential |
| 39.02 By the insertion after subheading No. 39.02.10.20 of the following: "23 Copolymers of ethylene and acrylic acid in which the carboxyl groups are partially linked by metal ions, in powders, granules or similar bulk forms | kg | free | | |

NOTE.—Specific provision, free of duty, is made for certain copolymers of ethylene and acrylic acid in which the carboxyl groups are partially linked by metal ions.

No. R. 213

15 Februarie 1974

DOEANE- EN AKSYNSWET, 1964.—WYSIGING VAN BYLAE 3 (No. 3/373)

Kragtens artikel 75 van die Doeane- en Aksynswet, 1964, word Bylae 3 by genoemde Wet hierby gewysig in die mate in die Bylae hiervan aangetoon.

J. C. HEUNIS, Adjunk-minister van Finansies.

No. R. 213

15 February 1974

CUSTOMS AND EXCISE ACT, 1964.—AMENDMENT OF SCHEDULE 3 (No. 3/373)

Under section 75 of the Customs and Excise Act, 1964, Schedule 3 to the said Act is hereby amended to the extent set out in the Schedule hereto.

J. C. HEUNIS, Deputy Minister of Finance.

BYLAE

| I Item | II Tariefpos en Beskrywing | III Mate van Korting |
|-----------|---|--|
| 316.08 | Deur na item 316.07 die volgende in te voeg: „316.08 Nywerheid: Elektriese Gloeilampe 32.12 Doppasta, vir die vervaardiging van elektriese gloeilampe met spannings van hoogstens 24 V 70.11 Glasomhulsels (met inbegrip van bolle en buise), vir die vervaardiging van elektriese gloeilampe met spannings van hoogstens 24 V 85.20 (1) Beslae, gloeidrade, doppe en elektrodes, vir die vervaardiging van elektriese gloeilampe met spannings van hoogstens 24 V (2) Glasomhulsels toegerus met beslae, gloeidrade en elektrodes, vir die vervaardiging van elektriese gloeilampe met spannings van hoogstens 24 V | Volle reg Volle reg Volle reg Volle reg |

OPMERKING.—Voorsiening word gemaak vir 'n volle korting op reg op sekere onderdele vir die vervaardiging van elektriese gloeilampe met spannings van hoogstens 24 V.

SCHEDULE

| I Item | II Tariff Heading and Description | III Extent of Rebate |
|-----------|---|--|
| 316.08 | By the insertion after item 316.07 of the following: "316.08 Industry: Electric Filament Lamps 32.12 Capping paste, for the manufacture of electric filament lamps of voltages not exceeding 24 V 70.11 Glass envelopes (including bulbs and tubes), for the manufacture of electric filament lamps of voltages not exceeding 24 V 85.20 (1) Mountings, filaments, caps and electrodes, for the manufacture of electric filament lamps of voltages not exceeding 24 V (2) Glass envelopes equipped with mountings, filaments and electrodes, for the manufacture of electric filament lamps of voltages not exceeding 24 V | Full duty Full duty Full duty Full duty |

NOTE.—Provision is made for a rebate of the full duty on certain parts for the manufacture of electric filament lamps of voltages not exceeding 24 V.

No. R. 214 15 Februarie 1974
DOEANE- EN AKSYNSWET, 1964.—WYSIGING VAN BYLAE 4 (No. 4/139)

Kragtens artikel 75 van die Doeane- en Aksynswet, 1964, word Bylae 4 by genoemde Wet hierby gewysig in die mate in die Bylae hiervan aangetoon.

J. C. HEUNIS, Adjunk-minister van Finansies.

No. R. 214 15 February 1974
CUSTOMS AND EXCISE ACT, 1964.—AMENDMENT OF SCHEDULE 4 (No. 4/139)

Under section 75 of the Customs and Excise Act, 1964, Schedule 4 to the said Act is hereby amended to the extent set out in the Schedule hereto.

J. C. HEUNIS, Deputy Minister of Finance.

BYLAE

| I Item | II Tariefpos en Beskrywing | III Mate van Korting |
|-----------|--|-------------------------|
| 410.02 | Deur tariefpos No. 51.04 deur die volgende te vervang: „51.04 (1) Weefstowwe van polivinilideenvesels (kontinu), vir gebruik as skaduweedoek vir tuinboudoeleindes (2) Weefstowwe van polipropileenvesels (kontinu), vir gebruik as skaduweedoek vir tuinboudoeleindes | Volle reg Volle reg” |

OPMERKING.—Voorsiening word gemaak vir 'n volle korting op reg op weefstowwe van polipropileenvesels (kontinu), vir gebruik as skaduweedoek vir tuinboudoeleindes.

SCHEDULE

| I Item | II Tariff Heading and Description | III Extent of Rebate |
|-----------|--|-------------------------|
| 410.02 | By the substitution for tariff heading No. 51.04 of the following: “51.04 (1) Woven fabrics of polyvinylidene fibres (continuous), for use as shade cloth for horticultural purposes (2) Woven fabrics of polypropylene fibres (continuous), for use as shade cloth for horticultural purposes | Full duty Full duty” |

NOTE.—Provision is made for a rebate of the full duty on woven fabrics of polypropylene fibres (continuous), for use as shade cloth for horticultural purposes.

No. R. 215 15 Februarie 1974
DOEANE- EN AKSYNSWET, 1964.—WYSIGING VAN BYLAE 5 (No. 5/56)

Kragtens artikel 75 van die Doeane- en Aksynswet, 1964, word Bylae 5 by genoemde Wet hierby gewysig in die mate in die Bylae hiervan aangetoon.

J. C. HEUNIS, Adjunk-minister van Finansies.

No. R. 215 15 February 1974
CUSTOMS AND EXCISE ACT, 1964.—AMENDMENT OF SCHEDULE 5 (No. 5/56)

Under section 75 of the Customs and Excise Act, 1964, Schedule 5 to the said Act is hereby amended to the extent set out in the Schedule hereto.

J. C. HEUNIS, Deputy Minister of Finance.

BYLAE

| I Item | II Tariefpos en Beskrywing | III Mate van Teruggawe |
|-----------|-------------------------------|---------------------------|
| 516.08 | Deur item 516.08 te skrap. | |

OPMERKING.—Die voorsiening vir 'n teruggawe van reg op sekere onderdele gebruik by die vervaardiging van elektriese gloeilampe vir uitvoer, word ingetrek.

SCHEDULE

| I Item | II Tariff Heading and Description | III Extent of Drawback |
|-----------|--------------------------------------|---------------------------|
| 516.08 | By the deletion of item 516.08. | |

NOTE.—The provision for a drawback of duty on certain parts used in the manufacture of electric filament lamps for export, is withdrawn.

DEPARTEMENT VAN INDIËRSAKE

No. R. 191 15 Februarie 1974

KINDERWET, 1960**WYSIGING VAN REGULASIES**

Kragtens artikel 92 van die Kinderwet, 1960 (Wet 33 van 1960), wysig ek, Owen Pieter Faure Horwood, Minister van Indiërsake, hierby, vir sover die uitvoering van die Wet by Proklamasie R. 52 van 1963 aan my opgedra is, die regulasies gepubliseer by Goewermentskennisgewing R. 701 van 10 Mei 1963, en wel met ingang van 1 Oktober 1973, soos volg:

Regulasies 44

(i) Subregulasie (1) (c): "R8" word deur "R21" vervang.

(ii) Subregulasie (1) (d): "R30" word in die laaste reël deur "R42" vervang.

Regulasie 45

(i) Subregulasie (1) (a): "R20" word deur "R22,25" vervang.

(ii) Subregulasie (1) (b): "R22" word deur "R24,25" vervang.

Regulasie 46

(i) Paragraaf (a): "R240" word deur "R267" vervang.

(ii) Paragraaf (b): "R264" word deur "R291" vervang.

Regulasie 48

Die volgende subregulasies word toegevoeg:

"(3) Benewens die ouertoelaag waarvoor in regulasie 44 (1) (a) voorsiening gemaak word, word aan elke ouer wat 'n ouertoelae ingevolge bedoelde regulasie ontvang, 'n bonus van R3 per maand betaal.

(4) Benewens die kindertoelae wat ingevolge regulasie 44 (1) (a) betaal word, word ten opsigte van elke kind wat op 'n kindertoelae geregtig is, 'n toelae van 75 sent per maand betaal."

DEPARTEMENT VAN JUSTISIE

No. R. 193 15 Februarie 1974

REGTERS—VERLOF, VERVOER EN TOELAES IN VERBAND MET VERVOER, REIS EN ONDERHOUD.—WYSIGING

Die Staatspresident het kragtens die bevoegdheid hom verleen by artikel 4 van die Wet op Salarisse en Pensioene van Regters, 1959 (Wet 73 van 1959), die regulasies afgekondig by Goewermentskennisgewing R. 15 van 7 Januarie 1972 gewysig soos in die Bylae hiervan uitengesit.

BYLAE

Vervang die bestaande regulasie 1. (1) (iii) deur die volgende nuwe regulasie:

"'hoofkwartier' die setel van die afdeling waarin 'n regter permanent aangestel is of, in die geval van die Transvaalse Provinsiale Afdeling, Natalse Provinsiale Afdeling en Oos-Kaapse Afdeling, dié plek wat deur die Minister as hoofkwartier van 'n bepaalde regter aangewys word;"

DEPARTEMENT VAN LANDBOU-EKONOMIE EN -BEMARKING

No. R. 223 15 Februarie 1974

VERBOD OP DIE VERKOOP VAN SUURLEMOENE, MEYERSUURLEMOENE EN GROWWESKILSUURLEMOENE

Ingevolge artikel 79 (b) van die Bemerkingswet, 1968 (No. 59 van 1968), maak ek, Hendrik Stephanus Johan Schoeman, Minister van Landbou, hierby bekend dat die

DEPARTMENT OF INDIAN AFFAIRS

No. R. 191 15 February 1974

CHILDREN'S ACT, 1960**AMENDMENT OF REGULATIONS**

In terms of section 92 of the Children's Act, 1960 (Act 33 of 1960), I, Owen Pieter Faure Horwood, Minister of Indian Affairs, in so far as the administration of the Act has been assigned to me by Proclamation R. 52 of 1963, hereby amend, with effect from 1 October 1973, the regulations published by Government Notice R. 701, dated 10 May 1963, as follows:

Regulation 44

(i) Subregulation (1) (c): "R21" is substituted for "R8".

(ii) Subregulation (1) (d): "R42" is substituted for "R30" in the last line.

Regulation 45

(i) Subregulation (1) (a): "R22,25" is substituted for "R20".

(ii) Subregulation (1) (b): "R24,25" is substituted for "R22".

Regulation 46

(i) Paragraph (a): "R267" is substituted for "R240".

(ii) Paragraph (b): "R291" is substituted for "R264".

Regulation 48

The following subregulations are added:

"(3) In addition to the grant to any parent provided for in regulation 44 (1) (a) there shall be paid to each parent who receives an allowance in terms of the said regulation a bonus of R3 per month.

(4) In addition to the grant in respect of children provided for in regulation 44 (1) (a) there shall be paid to each child who is entitled to a grant an allowance of 75 cents per month."

DEPARTMENT OF JUSTICE

No. R. 193 15 February 1974

JUDGES—LEAVE, TRANSPORT AND ALLOWANCES IN RESPECT OF TRANSPORT, TRAVELLING AND SUBSISTENCE.—AMENDMENT

The State President has, under the powers vested in him by section 4 of the Judges' Salaries and Pensions Act, 1959 (Act 73 of 1959), amended the regulations published by Government Notice R. 15 of 7 January 1972 as set out in the Schedule hereto.

SCHEDULE

Substitute the following new regulation for the existing regulation 1. (1) (iii):

"'headquarters' means the seat of the division in which a judge is permanently appointed or in the case of the Transvaal Provincial Division, Natal Provincial Division and Eastern Cape Division, such place as may be assigned by the Minister to a particular judge as his headquarters;"

DEPARTMENT OF AGRICULTURAL ECONOMICS AND MARKETING

No. R. 223 15 February 1974

PROHIBITION OF THE SALE OF LEMONS, MEYER LEMONS AND ROUGH LEMONS

In terms of section 79 (b) of the Marketing Act, 1968 (No. 59 of 1968), I, Hendrik Stephanus Johan Schoeman, Minister of Agriculture, hereby make known that the

Sitrusraad, genoem in artikel 3 van die Suid-Afrikaanse Sitruskema, afgekondig by Proklamasie R. 121 van 1964, soos gewysig, kragtens artikel 21 van genoemde Skema, met my goedkeuring en met ingang van 18 Februarie 1974, die verbodsbepaling in die Bylae hiervan uiteengesit, opgelê het.

H. S. J. SCHOEMAN, Minister van Landbou.

BYLAE

1. In hierdie kennisgewing, tensy uit die samehang anders blyk, het 'n woord of uitdrukking waaraan in die Suid-Afrikaanse Sitruskema afgekondig by Proklamasie R. 121 van 1964, soos gewysig, 'n betekenis geheg is, 'n ooreenstemmende betekenis en beteken—

“graad” ’n graad voorgeskryf by regulasie kragtens artikel 89 van die Bemarkingswet, 1968;

“groottegroep” ’n groottegroep voorgeskryf by regulasie kragtens artikel 89 van die Bemarkingswet, 1968;

“growweskiisuurlemoene” die vrugte van die plant *Citrus jambhiri Lushington*;

“Meyersuurlemoene” suurlemoene van die variëteit Meyer;

“suurlemoene” suurlemoene (uitgesonderd Meyersuurlemoene en growweskiisuurlemoene), en suurlemoentemmetjekruisings en lemmetjiesuurlemoenkruisings.

2. (1) Behoudens ’n vrystelling verleen ingevolge die bepalings van artikel 21 (b) van die genoemde Skema, mag geen produsent suurlemoene, Meyersuurlemoene en growweskiisuurlemoene anders as deur bemiddeling van die Raad verkoop nie.

(2) Die bepalings van subklousule (1) is nie van toepassing op Ondergraad suurlemoene, Meyersuurlemoene en growweskiisuurlemoene nie.

3. Behoudens die voorbehoudsbepaling tot artikel 21 (b) van die genoemde Skema, mag geen produsent—

(a) Uitvoergraad en Keurgraad suurlemoene van die groottegroeppe Ekstragroot, Klein en Ekstraklein;

(b) Standaardgraad en Substandaardgraad suurlemoene; en

(c) Uitvoergraad, Keurgraad, Standaardgraad en Substandaardgraad Meyersuurlemoene en growweskiisuurlemoene;

verkoop nie, behalwe op gesag van ’n permit wat deur die Raad uitgereik is of anders as ooreenkomstig die voorwaardes waaronder sodanige permit uitgereik is.

4. Niemand mag suurlemoene, Meyersuurlemoene of growweskiisuurlemoene vir handelsdoeleindes verwerk nie behalwe op gesag van ’n permit wat deur die Raad uitgereik is of anders as ooreenkomstig die voorwaardes waaronder sodanige permit uitgereik is.

No. R. 237

15 Februarie 1974

PRYSE VAN SUID-AFRIKAANSE WYN WAT NA DIE EUROPESE EKONOMIESE GEMEENSAP UITGEVOER WORD.—WYSIGING

Kragtens die bevoegdheid my verleen by artikel 84E van die Bemarkingswet, 1968 (No. 59 van 1968), maak ek, Hendrik Stephanus Johan Schoeman, Minister van Landbou, hierby bekend dat ek die verbod afgekondig by Goewermentskennisgewing R. 2493 van 28 Desember 1973, met ingang van die datum van publikasie hiervan gewysig het soos in die Bylae hiervan uiteengesit.

H. S. J. SCHOEMAN, Minister van Landbou.

BYLAE

Die Bylae van Goewermentskennisgewing R. 2493 van 28 Desember 1973 word hierby gewysig deur item (e) onder die opskrif “Type wyn” in klousule 2 deur die volgende item te vervang:

“(e) Likeurwyn bestem vir omsetting in vermoet en ander wyn geëur met aromatiese ekstrakte.”.

Citrus Board, referred to in section 3 of the South African Citrus Scheme, published by Proclamation R. 121 of 1964, as amended, has in terms of section 21 of that Scheme, with my approval and with effect from 18 February 1974, imposed the prohibitions set out in the Schedule hereto.

H. S. J. SCHOEMAN, Minister of Agriculture.

SCHEDULE

1. In this notice, unless inconsistent with the context, any word or expression to which a meaning has been assigned in the South African Citrus Scheme, published by Proclamation R. 121 of 1964, as amended, shall have a corresponding meaning, and—

“grade” means a grade prescribed by regulation under section 89 of the Marketing Act, 1968;

“lemons” means lemons (excluding Meyer lemons and rough lemons), lime-lemon hybrids and lemon-lime hybrids;

“Meyer lemons” means lemons of the variety Meyer;

“rough lemons” means the fruit of the plant *Citrus jambhiri Lushington*;

“size group” means a size group prescribed by regulation under section 89 of the Marketing Act, 1968.

2. (1) Subject to any exemption granted in terms of the provisions of section 21 (b) of the said Scheme, no producer shall sell lemons, Meyer lemons and rough lemons, except through the Board.

(2) The provisions of subclause (1) shall not apply to Under Grade lemons, Meyer lemons and rough lemons.

3. Subject to the proviso to section 21 (d) of the said Scheme, no producer shall sell—

(a) Export Grade and Choice Grade lemons of the size groups Extra Large, Small and Extra Small;

(b) Standard Grade and Substandard Grade lemons;

(c) Export Grade, Choice Grade, Standard Grade and Substandard Grade Meyer lemons and rough lemons; except under authority of a permit issued by the Board or otherwise than in accordance with the conditions subject to which such permit has been issued.

4. No person shall process lemons, Meyer lemons and rough lemons for commercial purposes, except under authority of a permit issued by the Board or otherwise than in accordance with the condition subject to which such permit has been issued.

No. R. 237

15 February 1974

PRICES OF SOUTH AFRICAN WINE EXPORTED TO THE EUROPEAN ECONOMIC COMMUNITY.—AMENDMENT

Under the powers vested in me by section 84E of the Marketing Act, 1968 (No. 59 of 1968), I, Hendrik Stephanus Johan Schoeman, Minister of Agriculture, hereby make known, that I have with effect from the date of publication hereof, amended the prohibition published by Government Notice R. 2493 of 28 December 1973, as set out in the Schedule hereto.

H. S. J. SCHOEMAN, Minister of Agriculture.

SCHEDULE

The Schedule to Government Notice R. 2493 of 28 December 1973 is hereby amended by the substitution for item (e) under the heading “Type of Wine” in clause 2 of the following item:

“(e) Liqueur wine destined to be transformed into vermouth and other wine flavoured with aromatic extracts.”.

DEPARTEMENT VAN POS- EN TELEKOMMUNIKASIEWESE

No. R. 234

15 Februarie 1974

POSREGULASIES.—WYSIGING VAN

Dit het die Staatspresident behaag om, kragtens die bepaling van artikel 2 (4) van Wet 44 van 1958, soos gewysig, die volgende wysiging in die Posregulasies, afgekondig by Goewermentskennisgewing R. 550 van 14 April 1960, soos gewysig, met ingang van 1 April 1974 goed te keur:

Regulasie 36

Vervang die regulasie en sy opskrif deur die volgende:

“NUUSBLAAIE

Registrasie van Nuusblaaië

36. (1) Onderworpe aan die vereistes van subregulasie (7) word publikasies wat by die Posmeester-generaal as nuusblaaië geregistreer is vir versending deur die pos teen die uitgewerspostarief voorgeskryf in item 5 van Bylae B by hierdie regulasies aangeneem.

(2) Ten einde te kwalifiseer vir registrasie by die Posmeester-generaal as 'n nuusblad, moet 'n publikasie aan die volgende vereistes voldoen:

(a) Dit moet bestaan uit politieke of ander nuus of artikels wat daarop betrekking het of op ander sake van die dag, met of sonder gravures, afdrukke of litografieë of enige ander soort prent en met of sonder advertensies: Met dien verstande dat die totale nuus- en artikelinhoud van die publikasie en sy bylaes nie minder nie as eenderde van die totale drukruimte van sodanige publikasie en bylaes beslaan.

(b) Vir die doeleindes van subregulasie (a) word inligting wat in tabel- of lysvorm aangebied word nie as nuus beskou nie tensy sodanige inligting deel uitmaak van 'n nuusverslag of 'n artikel. 'n Publikasie wat vir sy sirkulasie in die eerste plek afhanklik is van inligting oor die aankoms en vertrek van skepe en vliegtuie, of oor skuldenaars of ander soortgelyke inligting wat in tabel- of lysvorm aangebied word, kwalifiseer nie vir registrasie as 'n nuusblad nie al sou die nuus- en artikelinhoud eenderde van die totale drukruimte van sodanige publikasie en sy bylae oorskry.

(c) Dit moet op papier gedruk word.

(d) Dit moet in sy geheel in die Republiek gedruk en uitgegee word en met tussenposes van hoogstens een maand uitgegee word.

(e) Die volle titel en datum van publikasie moet bo-aan die eerste bladsy en die titel of deel daarvan en die datum van publikasie op elke daaropvolgende bladsy gedruk word: Met dien verstande dat sodanige besonderhede uit 'n binneblad wat geheel en al in kleur gedruk is, weggelaat kan word indien dit op die keersy van sodanige blad gedruk is.

(f) Die woorde 'By die Poskantoor as 'n nuusblad geregistreer' moet op die eerste, laaste of voorlaaste bladsy gedruk word.

(g) Dit moet nie versprei word hoofsaaklik met die doel om die produkte of koopware van enige een persoon te adverteer of om sy eie besigheidsbelange op 'n ander wyse te bevorder nie.

(h) Indien dit 'n bylae bevat, moet die bylae aan die volgende vereistes voldoen:

(i) Dit moet bestaan uit leesstof soortgelyk aan dié van 'n nuusblad of uit advertensies.

(ii) Dit moet op papier gedruk word.

(iii) Dit moet in sy geheel in die Republiek gedruk word.

(iv) Die titel of deel daarvan en die datum van die nuusblad voorafgegaan of gevolg deur die woorde 'Bylae tot' of 'Bylae' moet op elke bladsy daarvan of op elke

DEPARTMENT OF POSTS AND TELECOMMUNICATIONS

No. R. 234

15 February 1974

POSTAL REGULATIONS.—AMENDMENT TO

The State President has been pleased, under the provisions of section 2 (4) of Act 44 of 1958, as amended, to approve, with effect from 1 April 1974, the following amendment to the Postal Regulations promulgated by Government Notice R. 550 of 14 April 1960, as amended:

Regulation 36

Substitute the following for the regulation and its heading:

“NEWSPAPERS

Registration of Newspapers

36. (1) Subject to the requirements of subregulation (7) publications which are registered with the Postmaster General as newspapers shall be eligible for transmission by post at the publishers' rate of postage prescribed in item 5 of Schedule B to these regulations.

(2) In order to qualify for registration with the Postmaster General as a newspaper, a publication must meet the following requirements:

(a) It must consist of political or other news, or of articles relating thereto or to other current topics, with or without engravings, prints or lithographs or any other sort of picture and with or without advertisements: Provided that the aggregate news and article content of the publication and its supplements shall not occupy less than one third of the total printing space of such publication and supplements.

(b) For the purposes of subregulation (a), information presented in tabular or list form unless such information forms an integral part of a news report or an article, shall not be regarded as news. A publication which depends primarily upon information about the arrivals and departures of ships and aircraft, or about debtors, or other similar information presented in tabular or list form for its circulation shall not qualify for registration as a newspaper even though the news or article content may exceed one third of the total printing space of such publication and its supplement.

(c) It must be printed on paper.

(d) It must be printed and published in its entirety within the Republic and must be published at intervals of not more than one month.

(e) The full title and date of publication must be printed at the top of the first page thereof and the whole or part of the title and the date of publication on every subsequent page: Provided that such particulars may be omitted from an inner page wholly printed in colour if they are printed on the reverse side of such page.

(f) The words 'Registered as a newspaper at the Post Office' must be printed on the first, last or penultimate page.

(g) It must not be distributed primarily for the purpose of advertising the products or wares of any one person or of otherwise furthering his own business interests.

(h) If it contains a supplement, the supplement must meet the following requirements:

(i) It must consist of matter similar to that of a newspaper or of advertisements.

(ii) It must be printed on paper.

(iii) It must be printed in its entirety within the Republic.

(iv) The whole or part of the title and the date of the newspaper, preceded or followed by 'Supplement to' or 'Supplement' must be printed on every page thereof

vel of kant waarop enige illustrasie of ander drukwerk voorkom, gedruk word: Met dien verstande dat sodanige besonderhede uit 'n binneblad wat geheel en al in kleur gedruk is, weggelaat kan word indien dit op die keersy van sodanige blad gedruk is.

(v) Al die bylae tot 'n nuusblad moet saam in een plek in of met die nuusblad gegroepeer word. Vir die doeleindes van hierdie subregulasie word 'n bladsy advertensiemateriaal waarop die aanduiding 'Bylae tot' of 'Bylae' nie voorkom nie, wat in 'n publikasie gegom of vasgewerk is, nie as 'n bylae beskou nie.

(i) 'n Publikasie en sy bylae mag nie—

(i) meer as een kaart of koevert—sodanige kaart of koevert kan 'n besigheidsantwoordkaart of -koevert wees—wat van die uitgewer afkomstig is en waarop sy naam en adres voorkom; en

(ii) meer as een kaart afkomstig van 'n adverteerder ten opsigte van elk van sy advertensies in sodanige publikasie of bylae bevat nie: Met dien verstande dat in die geval van 'n adverteerder, die kaart, wat geperforeer kan wees en nie noodwendig aan die adverteerder self geadresseer hoef te wees nie, 'n integrerende deel van die advertensie moet uitmaak en andersins moet voldoen aan sodanige voorwaardes vir private poskaarte as wat die Posmeester-generaal mag bepaal en bekend maak.

(3) Die uitgewer van elke publikasie wat as 'n nuusblad by die Posmeester-generaal geregistreer is, moet binne 24 uur na terposbesorging daarvan gratis 'n eksemplaar van elke uitgawe van sodanige publikasie insluitend enige bylae aan die Posmeester-generaal of aan 'n beaampte deur die Posmeester-generaal aangewys, stuur.

(4) Die eienaar, drukker of uitgewer van enige publikasie wat nie by die Posmeester-generaal geregistreer is nie, wat die woorde 'By die Poskantoor as nuusblad geregistreer' of enige ander bewoording met 'n soortgelyke strekking op sodanige publikasie druk of laat druk, is skuldig aan 'n oortreding en by skuldigbevinding strafbaar met 'n boete van hoogstens R10 vir elke sodanige oortreding.

(5) Die gelde vir die registrasie van 'n publikasie as 'n nuusblad by die Posmeester-generaal word in Bylae B by hierdie regulasies voorgeskryf.

(6) 'n Geregistreerde nuusblad wat ingevolge artikel 13 (5) (c) van die Wet aan die redakteur van enige ander sodanige publikasie geos word, moet in 'n koevert of omslag ingesluit word wat duidelik gemerk is 'Ruilnommer' en aan die redakteur in dié hoedanigheid geadresseer word en dit moet saam met nuusblaaie wat ingevolge subregulasie (7) geos is by die poskantoor ingelewer word.

(7) Onderworpe aan die volgende vereistes sal publikasies wat ingevolge artikel 17 (1) van die Wet as nuusblaaie geregistreer is, vir versending deur die pos teen die uitgewerspostarief aangeneem word:

(a) Sodanige publikasies moet deur die uitgewers of hul behoorlik gemagtigde agente met tussenposes van hoogstens een maand geos word.

(b) Behalwe soos in subregulasie (c) bepaal is, moet eksemplare van sodanige publikasies aan bona fide intekenare binne die Republiek geadresseer wees. Vir die doeleindes van hierdie subregulasie word 'n bona fide intekenaar geag 'n persoon te wees—

(i) wat 'n bestelling geplaas het vir die versending van 'n publikasie deur die pos met gereelde tussenposes en vir 'n spesifieke tydperk aan hom of aan 'n persoon deur hom benoem en wat vir die publikasie teen die heersende intekengeld betaal het; of

or on every sheet or side on which any illustration or other printing appears: Provided that these particulars may be omitted from an inner page wholly printed in colour if they are printed on the reverse side of such page.

(v) All the supplements to a newspaper must be grouped together in or with the newspaper in one place. For the purpose of this subregulation a page of advertising matter which does not bear the indication 'Supplement to' or 'Supplement' and which is gummed or stitched into a publication, shall not be regarded as a supplement.

(i) A publication and its supplement may not contain—

(i) more than one card or envelope—such card or envelope may be a business reply service card or envelope—originating from the publisher and bearing his printed name and address; and

(ii) more than one card originating from an advertiser in respect of each of his advertisements in such a publication or its supplement: Provided that such card, which may be perforated and need not necessarily be addressed to the advertiser himself, forms an integral part of the advertisement and otherwise complies with such conditions for private postcards as may be determined and notified by the Postmaster General.

(3) The publisher of every publication registered as a newspaper with the Postmaster General shall send to the Postmaster General or to an officer designated by the Postmaster General free of charge a copy of each issue of such publication including any supplement within 24 hours of posting thereof.

(4) The proprietor, printer or publisher of any publication that is not registered with the Postmaster General, who prints or permits or causes to be printed on such publication the words 'Registered at the Post Office as a newspaper' or any other wording to this effect shall be guilty of an offence and liable upon conviction to a penalty not exceeding R10 for every such offence.

(5) The fee for the registration of a publication as a newspaper with the Postmaster General is prescribed in Schedule B to these regulations.

(6) A registered newspaper posted to the editor of any other such newspaper in terms of section 13 (5) (c) of the Act shall be enclosed in an envelope or wrapper clearly marked 'Exchange Copy', addressed to the editor in his capacity as such and shall be handed to the post office direct from the office of the publisher together with newspapers posted in terms of subregulation (7).

(7) Subject to the following requirements publications registered as newspapers in terms of section 17 (1) of the Act will be accepted for transmission by post at the publishers' rate of postage:

(a) Such publications must be posted by the publishers or their duly authorised agents at intervals of not more than one month.

(b) Save as is provided for in subregulation (c) copies of such publications must be addressed to bona fide subscribers within the Republic. For the purpose of this subregulation a bona fide subscriber shall be deemed to be a person—

(i) who has ordered that a publication be sent by post at regular intervals and for a specific period to him, or to a person nominated by him, and who has paid for the publication at the prevailing subscription rates; or

- (ii) wat op grond van sy lidmaatskap van 'n organisasie of vereniging of 'n beweging geregtig is om 'n nuusblad van sodanige organisasie, vereniging of beweging minstens een maal 'n maand te ontvang.
- (c) Ondanks andersluidende bepalings van subregulasie (b) kan die Posmeester-generaal publikasies wat nie aan bona fide intekenare geadresseer is, maar wat nie afhanklik is van advertering as 'n bron van inkomste nie, vir versending teen die uitgewerstaref aanneem.
- (d) Wanneer publikasies ingevolge subregulasies (b) en (c) gepos word, moet die uitgewers 'n verklaring aan die posmeester by die kantoor van terposbesorging verstrek—
- (i) ten effekte dat al die eksemplare van sodanige publikasies aan bona fide intekenare geadresseer is of dat die eksemplare eksemplare is van publikasies wat as nuusblaaieregistreer is en wat nie van advertering as 'n bron van inkomste afhanklik is nie; en
- (ii) wat die getal enkel eksemplare aandui wat nie 'n massa van meer as 250 g het nie en dié wat 'n massa van meer as 250 g maar nie meer as 500 g het nie.
- (e) Minstens 200 eksemplare van elke uitgawe moet gelyktydig gepos word.
- (f) Elke eksemplaar van sodanige publikasie moet in 'n afsonderlike koevert of omhulsel ingesluit word op 'n wyse wat ondersoek sal vergemaklik.
- (g) Die naam en adres van die uitgewer moet op die koevert of omhulsel voorkom. Daarbenewens moet die woorde 'Nuusbladposgeld betaal' in die boonste regterhoek voorkom waar posseëls gewoonlik geplak word.
- (h) Daar mag nie meer as vyf eksemplare aan een intekenaar gestuur word nie.
- (i) Die uitgewers moet die nuusblaaieregterdeel en in geëtiketteerde sakke insluit of in geëtiketteerde bondels vasmaak in ooreenstemming met die sorteërevereistes van die poskantoor.
- (j) Die nuusblaaieregter moet by 'n gespesifiseerde poskantoor of 'n ander plek op vasgestelde dae en vasgestelde tye wat deur die plaaslike posmeester bepaal is, ingelewer word.
- (k) Die posgeld op besendings moet vooruit en met tussenposes wat deur die plaaslike posmeester bepaal is, vooruitbetaal word.
- (l) Uitgewers moet, wanneer die poskantoor dit vereis, toegang aan behoorlik gemagtigde beamptes verleen tot hul lysie van bona fide intekenare, hul versendingsboeke en hul omslag- en versendingsafdelings om dié te ondersoek. Hulle moet in staat wees om dokumentêre bewys te lewer dat intekengeld betaal is.
- (8) As die gesamentlike massa van 'n nuusblad en sy bylae 500 gram oorskry of 'n nuusblad 'n insluiting bevat wat nie aan die voorwaardes in subregulasies (2) (h) en (2) (i) neergelê, voldoen nie, is posgeld teen die drukwerk-tarief of, indien 'n hoër tarief as die drukwerk-tarief op enige sodanige insluiting van toepassing is, sodanige hoër tarief op die hele pakkie betaalbaar. In hierdie verband moet 'n uitgewer ten tye van die terposbesorging van 'n nuusblad 'n onderneming onderteken om enige onderbetaling van posgeld wat later aan die lig mag kom, te vergoed."

- (ii) who, by virtue of his membership of or employment by an organisation or association or a movement is entitled to receive a newspaper of such organisation, association or movement at least once a month.
- (c) Notwithstanding anything to the contrary contained in subregulation (b) the Postmaster General may accept for transmission at the publishers' rate, publications which are not addressed to bona fide subscribers, but which do not depend upon advertising as a source of revenue.
- (d) Whenever publications are posted in terms of subregulations (b) and (c) the publishers shall furnish a declaration to the postmaster at the office of posting—
- (i) to the effect either that all the copies of such publications are addressed to bona fide subscribers, or that the copies are copies of publications registered as newspapers, which do not depend upon advertising as a source of revenue; and
- (ii) showing the number of single copies having a mass of not more than 250 g and those having a mass of more than 250 g but not more than 500 g.
- (e) Not fewer than 200 copies of the same issue must be posted at the same time.
- (f) Each copy of such publication must be enclosed in a separate envelope or wrapper in such a manner as to facilitate examination.
- (g) The envelope or wrapper must bear the title of the publication and the name and address of the publisher. In addition, the words 'Newspaper postage paid' must appear in the upper righthand corner where postage stamps are normally affixed.
- (h) Not more than five copies of each issue may be sent to any one subscriber.
- (i) The publishers must subdivide the newspapers and enclose them in labelled bags or tie them in labelled bundles in accordance with the sorting requirements of the post office.
- (j) The newspapers must be handed in at a specified post office or such other place on fixed days and at fixed times determined by the local postmaster.
- (k) The postage on consignments must be paid in advance and at intervals approved by the local postmaster.
- (l) Publishers must make their lists of bona fide subscribers, their despatch books and their wrapping and despatch departments accessible for inspection by duly authorised officers, whenever required by the Post Office. They must be able to produce documentary proof that subscription moneys are paid.
- (8) Where the combined mass of a newspaper and its supplement exceeds 500 grammes or the newspaper contains an enclosure that does not meet the conditions laid down in subregulations (2) (h) and (2) (i), postage at the printed papers rate, or, if a higher rate than the printed papers rate is applicable to any such enclosure, such higher rate shall be payable on the whole packet. In this connection a publisher shall at the time of posting of a newspaper sign an undertaking to make good any underpayment of postage that may be revealed subsequently."

KANTOOR VAN DIE STAATSDIENS-KOMMISSIE

No. R. 190

15 Februarie 1974

Dit het die Staatspresident behaag om kragtens artikel 26 van die Staatsdienswet, 1957 (Wet 54 van 1957), soos gewysig, onderstaande regulasie te maak:

Die Staatsdiensregulasies gepubliseer by Goewermentskennisgewing 2047 van 11 Desember 1959, soos gewysig,

OFFICE OF THE PUBLIC SERVICE COMMISSION

No. R. 190

15 February 1974

The State President has in terms of section 26 of the Public Service Act, 1957 (Act 54 of 1957), as amended, been pleased to make the following regulation:

The Public Service Regulations, published under Government Notice 2047 dated 11 December 1959, as

word hierby verder gewysig deur regulasie A19.1 deur die volgende nuwe regulasie te vervang:

"A19.1 (a) 'n Departementshoof kan, in oorleg met die Sekretaris van Gesondheid of 'n beampte deur hom daartoe gemagtig gelas dat 'n beampte of werknemer of die beamptes of werknemers van 'n departementele tak of kantoor onderwerp word aan 'n geneeskundige ondersoek om vas te stel of enige besmetting met aansteeklike of oordraagbare siektes plaasgevind het of dat 'n beampte of werknemer en, op sodanige voorwaardes wat die Tesourie op aanbeveling van die Kommissie goedkeur, 'n lid van sy huishouding geïmmuniseer word teen 'n aansteeklike of oordraagbare siekte, om—

- (i) 'n epidemie te voorkom;
- (ii) aan internasionale voorskrifte te voldoen; of
- (iii) hom/hulle te vrywaar teen besmetting met aansteeklike of oordraagbare siektes gedurende 'n besoek aan of verblyf in 'n land of gebied waar die gevaar van sodanige besmetting bestaan:

Met dien verstande dat sover moontlik gebruik gemaak word van die dienste wat gelewer word deur die Departement van Gesondheid of 'n administrasie of 'n plaaslike owerheid en dat 'n beampte of werknemer wat vanweë geloofs- of gewetensbesware nie van geneeskundige dienste gebruik maak nie, op aansoek van sodanige ondersoek of immunisering vrygestel kan word.

(b) Die koste verbonde aan so 'n ondersoek of immunisering word uit staatsgelde betaal."

[Wysiging 80]

DEPARTEMENT VAN VERDEDIGING

No. R. 202

15 Februarie 1974

Die Minister van Verdediging het, kragtens die bevoegdheid hom verleen by artikel 76 (2) (f) van die Verdedigingswet, 1957 (Wet 44 van 1957), die Reëls vir die toelating van persone wat nie lede van die Suid-Afrikaanse Weermag is nie, om vrywilliglik aan opleidingsoefeninge met 'n kommando deel te neem, afgekondig by Goewermentskennisgewing R. 1176 van 6 Julie 1973, soos volg gewysig:

1. Vervang subreël (2) van reël 3 deur die volgende subreël:

"(2) Geaffilieerde lidmaatskap van 'n kommando kan met goedkeuring van die betrokke kommandementsbevelvoerder toegestaan word aan—

- (a) 'n persoon op wie die Wet nie van toepassing is nie kragtens artikel 2 (1) (a) daarvan, of 'n persoon wat nie vir diens opgeroep kan word nie ingevolge artikel 97 (1) (b), (c), (d), (e), (f) of (i) van die Wet;
- (b) 'n lid van 'n kommando by verstryking van sy diensverbintenis met die kommando's;
- (c) 'n persoon wat kragtens artikel 46, 47, of 48 van die Wet op die Reserwe dien;
- (d) 'n skolier."

2. Vervang subreël (1) van reël 5 deur die volgende subreël:

"(1) Die bevelvoerder van elke kommando teken in 'n register aan die naam en adres van elke persoon wat kragtens reël 4 (2) as geaffilieerde lid by sy kommando toegelaat is."

3. Vervang reël 9 deur die volgende reël:

"9. (1) Die bepalinge van artikels 39, 40, 41 en 125, van die Wet word hierby verklaar van toepassing te wees op geaffilieerde lede in die mate en met die wysigings in reëls 10, 11, 12 en 13 vermeld.

(2) Nieteenstaande die bepalinge van subreël (1) is die bepalinge van reëls 10, 11, 12 en 13 nie van toepassing nie op geaffilieerde lede wat lede is van die Suid-Afrikaanse Polisie, die Suid-Afrikaanse Spoorweg- en Hawepolisie of die Gevangensdiens."

amended, are hereby further amended by substituting the following new regulation for regulation A19.1:

"A19.1 (a) A head of department may, in consultation with the Secretary for Health or an officer authorised by him, direct that an officer or employee or the officers or employees of a departmental branch or office be subjected to a medical examination to determine whether any contamination with a contagious or communicable disease has occurred or that an officer or employee and, on such conditions as approved by the Treasury on the recommendation of the Commission, a member of his household be immunised against a contagious or communicable disease to—

- (i) prevent an epidemic;
- (ii) comply with international regulations; or
- (iii) protect him/them against contamination with contagious or communicable diseases during a visit to or residence in a country or territory where the danger of such infection exists:

Provided that the services rendered by the Department of Health or an administration or a local authority be made use of as far as possible and that an officer or employee who does not make use of medical services on grounds of religious or conscientious objections may, on application, be exempted from such examination or immunisation.

(b) The expenditure connected with such an examination or immunisation shall be met from public funds."

[Amendment 80]

DEPARTMENT OF DEFENCE

No. R. 202

15 February 1974

The Minister of Defence has, in terms of the powers vested in him by section 76 (2) (f) of the Defence Act, 1957 (Act 44 of 1957), amended the rules permitting persons who are not members of the South African Defence Force, to participate voluntarily in training exercises with a commando, promulgated under Government Notice R. 1176 of 6 July 1973 as follows:

1. Substitute for subrule (2) of rule 3 the following subrule:

"(2) Affiliate membership of a commando may be granted with the approval of the officer commanding the command concerned to—

- (a) a person to whom the Act is not applicable in terms of section 2 (1) (a) thereof, or to a person who is not liable to be called out for service in terms of section 97 (1) (b), (c), (d), (e), (f) or (i) of the Act;
- (b) a member of a commando on the termination of his service engagement with the commandos;
- (c) a person who is serving on the Reserve in terms of section 46, 47 or 48 of the Act;
- (d) a scholar."

2. Substitute for subrule (1) of rule 5 the following subrule:

"(1) The officer commanding every commando shall enter in a register the name and address of every person who has been admitted as an affiliate member in terms of rule 4 (2)."

3. Substitute for rule 9 the following rule:

"9. (1) The provisions of sections 39, 40, 41 and 125 of the Act are hereby declared to be applicable to affiliate members to the extent and with the modifications specified in rules 10, 11, 12 and 13.

(2) Notwithstanding the provisions of subrule (1) the provisions of rules 10, 11, 12 and 13 shall not apply to affiliate members who are members of the South African Police, the South African Railways and Harbours Police or the Prisons Service."

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