

REPUBLIC OF SOUTH AFRICA

PUBLIC SERVICE LAWS SECOND AMENDMENT BILL

(As introduced in the National Assembly)

(MINISTER FOR THE PUBLIC SERVICE AND ADMINISTRATION)

[B 111—97]

REPUBLIEK VAN SUID-AFRIKA

TWEEDE WYSIGINGSWETSONTWERP OP STAATSDIENSWETGEWING

(Soos ingedien in die Nasionale Vergadering)

(MINISTER VIR DIE STAATSDIENSE ADMINISTRASIE)

[W 111—97]

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GENERAL EXPLANATORY NOTE:

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

_____ Words underlined with a solid line indicate insertions in existing enactments

BILL

To amend the Public Service Commission Act, 1997, so as to effect certain textual improvements; and to amend the Public Service Laws Amendment Act, 1997, so as to effect certain textual improvements; and to provide for matters incidental thereto.

BE IT ENACTED by the Parliament of the Republic of South Africa. as follows:—

Amendment of section 16 of Act 46 of 1997

1. Section 16 of the Public Service Commission Act, 1997, is hereby amended by the substitution in subsection (1) for the words preceding paragraph (a) of the following 5 words:

“Any person who, immediately prior to the commencement of this Act, held office as the chairperson or any other member of the Public Service Commission or a provincial service commission referred to in section [14(2)(a)] 15(2)(a)—”.

Amendment of Schedule to Act 46 of 1997

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2. The Schedule to the Public Service Commission Act, 1997, is hereby amended by the substitution for the heading thereto of the following heading:

“SCHEDULE

LAWS REPEALED (Section [14] 15)”.

Amendment of section 34 of Act 47 of 1997

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3. Section 34 of the Public Service Laws Amendment Act, 1997, is hereby amended—
(a) by the substitution in subsection (2) for the words preceding paragraph (a) of the following words:

“If a provincial legislature has, in a law referred to in section [14(1)] 15(1) of the Public Service Commission Act, 1997, incorporated the 20 principal Act by reference and amended or adapted it in order to entrust

powers and duties to the relevant provincial service commission, then, notwithstanding the repeal of any such law by the said section [14(1)] 15(1)—”; and

(b) by the substitution in paragraph (b) of the said subsection (2) for the words preceding subparagraph (i) of the following words: 5

“any inquiry into inefficiency and any proceedings in respect of a charge of misconduct or a complaint or grievance instituted or commenced under the principal Act, as incorporated and amended or adapted by the provincial legislature, shall be continued and disposed of as if any such law had not been repealed by the said section [14(1)] 15(1), and for that 10 purpose, a reference—”.

Substitution of section 36 of **Act** 47 of 1997

4. The following section is hereby substituted for section 36 of the Public Service Laws Amendment Act, 1997:

“Short title and commencement 15

36. This Act shall be called the Public Service Laws Amendment Act, 1997, and shall come into operation on the date on which the laws referred to in section [14(1)] 15(1) of the Public Service Commission Act, 1997. are repealed by the said section [14(1)] 15(1).”.

Short title 20

5. This Act shall be called the Public Service Laws Second Amendment Act, 1997.

**MEMORANDUM ON THE OBJECTS OF THE PUBLIC SERVICE
LAWS SECOND AMENDMENT BILL, 1997**

1. The objects of the Bill are to effect textual improvements as a result of the insertion of a new section in the Public Service Commission Bill. 1997.
2. In the opinion of the State Law Adviser, the Bill must be dealt with in accordance with the procedure prescribed by section 76 of the Constitution.