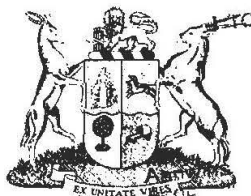


Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.



GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

REPUBLIEK VAN SUID-AFRIKA

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No. 9666

KAAPSTAD, 29 MAART 1985

STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 718.

29 March 1985

No. 718.

29 Maart 1985

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

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

— 27 of 1985: Post Office Service Amendment Act, 1985.

No. 27 van 1985: Poskantoor dienswysigingswet, 1985.

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POST OFFICE SERVICE AMENDMENT ACT, 1985

GENERAL EXPLANATORY NOTE:

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

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

ACT

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

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

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

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

Amendment of
section 1 of
Act 66 of 1974.

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

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

"'Black authority' means the government of a territory

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

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

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

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

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

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

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

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

Substitution of
section 3 of Act
66 of 1974.

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

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

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(b) additional to the fixed establishment for the performance of a class of work for which staff is under ordinary circumstances not employed on a permanent basis, or when it is necessary for any other reason to increase the staff of the department temporarily. 5

(2) (a) There shall be assigned to the posts on the fixed establishment the various designations and gradings determined by the Board with the approval of the Minister. 10

(b) The posts on the fixed establishment shall be classified in the A division or B division, according to the directions of the Board.

(3) The Board may direct that any post included in one division be removed from that division and either be included in the other division, or be excluded from both divisions: Provided that a direction given under this section shall not deprive any officer of any leave or other privilege or right which flowed from the occupancy by him of a post in the A division or the B division: Provided further that any officer whose post has been excluded from both divisions shall, for purposes of this Act and the Government Service Pension Act, 1973 (Act No. 57 of 1973), be deemed to continue to hold a post in the division in which his post was included immediately before the direction became effective. 15 20 25

(4) The Board may at its discretion allocate job designations to classes of personnel or persons employed additional to the fixed establishment. 30

(5) All posts which immediately prior to the substitution of this section by the Post Office Service Amendment Act, 1985, were included in, and all officers who immediately prior to such substitution were employed in— 35

(a) the administrative, clerical, professional, technical and general A divisions, shall with effect from the said substitution be deemed to be included or employed in the A division; 40

(b) the general B division, shall with effect from the said substitution be deemed to be included or employed in the B division.”. 40

Amendment of section 5 of Act 66 of 1974.

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

(a) by the insertion after subsection (1) of the following subsection: 45

“(1A) The Board may exercise the powers relating to or arising out of the employment of and, in general, the conditions of service of former officers and employees while they were officers and employees, in all matters which it may under the provisions of this Act or any other law exercise in the case of serving officers and employees: Provided that the execution of such a power shall not be to the detriment of such a former officer or employee: Provided further that the Board shall not exercise such power in respect of such a former officer or employee after the expiry of a period of two years after he ceased to be such an officer or employee.”; 50 55
and

(b) by the substitution for subsection (3) of the following subsection: 60

“(3) The Board shall not delegate the power of delegation conferred upon it by subsection (2) of this section, or the powers conferred upon it by sections 3 (2)

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

Amendment of section 6 of Act 66 of 1974.

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

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

Amendment of section 7 of Act 66 of 1974.

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

- (a) by the substitution for subsection (1) of the following subsection: 25
 "(1) The Minister may either generally or in a particular case determine that any power which in terms of any provision of this Act (except any provision of sections 17 (3) and (7) ~~[(a)]~~, 21 (4), 26 (3), 27 (3), 41 (4) 30 and 48) shall be exercised with his approval, may notwithstanding such provision be exercised without his approval."; and
- (b) by the substitution for paragraph (a) of subsection (6) of the following paragraph: 35
 "(a) if such act relates to a particular person, on the date of the [document] written communication in which that person [is] was informed of that decision;"

Amendment of section 9 of Act 66 of 1974.

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

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

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- (d) by the substitution for paragraph (c) of subsection (2) of the following paragraph:
 - “(c) discharge from the service of the department any officer in the [general] B division or any employee;”.

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Amendment of section 10 of Act 66 of 1974.

7. Section 10 of the principal Act is hereby amended by the substitution for the proviso of the following proviso:
 “Provided that the Board may with the approval of the Minister in an exceptional case authorize any deviation from a manner or condition which is prescribed or is determined in the said code, or which has been determined by the Board by way of approving the provisions of a special contract or in any other manner.”.

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Insertion of section 10A in Act 66 of 1974.

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

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“Appointment of Postmaster General. **10A.** (1) Subject to the provisions of this Chapter and of Chapter IV—

- (a) (i) a person who is appointed to the office of Postmaster General;
- (ii) an officer who is promoted or transferred to that office; and
- (iii) an officer who, at the commencement of the Post Office Service Amendment Act, 1985, occupies that office,

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

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

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

- (b) If the Minister has informed an officer concerned of his intention to retain him in service for an extended term, such officer shall in writing inform the Minister, within one month from the date of the communication, of his acceptance or not of that extended employment.
- (c) If an officer informs the Minister of his acceptance of the further employment, his term of office as Postmaster General shall be extended by such further period as has been agreed upon with the Minister.”.

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Substitution of section 11 of Act 66 of 1974.

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

“Qualifications for appointment in department.

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

(a) is a South African citizen, or is a citizen of any territory which formed part of the Republic and in terms of an Act of Parliament became an independent State;

(b) is of good character; and

(c) [is in the opinion of the Board free from any disease or physical or mental defect which would be likely to interfere with the proper carrying out of his duties or to render necessary his retirement from the department before reaching the pensionable age, and the Board has so declared] in so far as his condition of health is concerned, complies with such requirements as may be directed by the Board.

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

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

Amendment of section 12 of Act 66 of 1974.

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

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

Amendment of section 14 of Act 66 of 1974.

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

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

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- an entry post in the A division, with due regard to the reasons for the non-confirmation and subject to the provisions of subsection (6), with the approval of the Minister take such steps in the matter as it may deem fit; 5
- (b) the Postmaster General may, in the case of an officer serving in the **[general]** B division, or in an entry post in the A division, extend the period of probation or act in accordance with the provisions of subsection (5).” 10

Amendment of section 15 of Act 66 of 1974.

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

- “(b) an officer shall not be transferred from one post to another post of a higher or lower grade than his own grade or bearing a different designation, unless the transfer has been authorized by the Board with the approval of the Minister or unless each of the two posts concerned is a post in the **[general]** B division;” 15

Substitution of section 16 of Act 66 of 1974.

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

- “Transfers from or to other departments of State, authorities, institutions or bodies. 25
- (1) A person holding a pensionable appointment in any other department of State **[or in the administration of the territory]** or in an institution established by an Act of Parliament and which obtains its funds directly in whole or in part from the State Revenue Fund referred to in section 81 of the Republic of South Africa Constitution Act, 1983 (Act No. 110 of 1983), may, with the approval of the Minister, on such conditions as may be determined by the Board (excluding conditions determined by or under any pension law) be transferred and appointed by the Board to a post in the **[administrative, clerical, professional, technical, general]** A or **[general]** B division. 30
- (2) An officer or employee may, with his consent and on the authorization of the Board, granted with the approval of the Minister, be transferred to a post or appointment in any other department of State or **[the administration of the territory]** an institution referred to in subsection (1). 35

(3) A person in the service of another government or a **[non-white]** Black authority, or of a board, institution or body established by or under any law, or of any other department of State, the administration of the territory or any body or person, may with the approval of the Minister be employed in the service of the department by the Board for a particular service or for such period and on such conditions (excluding conditions laid down by or under a pension law) as may be determined by the Board. 45

(4) An officer or employee may, with his consent and the approval of the Minister and on such conditions (in addition to the conditions prescribed by or under any law) as the Board may determine, be seconded by the Board, either for a particular service or for a period, to the service of any other government, or of any board, institution or body established by or under any law, or of any other department of State, the administration of the territory or any body or person; and such officer or employee shall while he is 60

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

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

Amendment of section 17 of Act 66 of 1974.

14. Section 17 of the principal Act is hereby amended— 20

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

“(2A) (a) In the case of an officer to whom subsection (2) is applicable and who occupies the office of Postmaster General, he shall give notification of his wish to be compelled to retire from the service of the department at least six months prior to the date on which he attains the age referred to in that subsection, and if he has so given notification, the provisions of subsection (2) (a) apply *mutatis mutandis*. 25

(b) If such an officer has not so given notification at least six months prior to the date on which he attains the said age, he shall be compelled to retire on the first day of the seventh month following the month in which that notification is received. 35

(2B) (a) Subject to the provisions of this section and section 10A (2) (a), an officer who occupies the office of Postmaster General has the right to retire from the service of the department and he shall be compelled to retire at the expiry of the term referred to in section 10A (1) (a), or of any extended term contemplated in section 10A (1) (b), as the case may be. 40

(b) If an officer retires in terms of paragraph (a) or is compelled to retire, he shall be deemed to have been discharged from the service of the department in terms of subsection (4) (b). 45

(2C) (a) The Minister may, at the request of an officer occupying the office of Postmaster General, allow him to retire from the service of the department before the expiry of the term referred to in section 10A (1) (a), or any extended term referred to in section 10A (1) (b), and notwithstanding the absence of any reason for discharge in terms of subsection (4), if a reason exists which the Minister deems sufficient. 50

(b) If an officer is allowed to retire from the service of the department in terms of paragraph (a), he shall, notwithstanding anything to the contrary contained in subsection (3), be deemed to have retired from the service of the department in terms of that subsection, and he shall be entitled to such pension as he would have been entitled to if he had retired from the service of the department in terms of that subsection.”; 55 60 65

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

Amendment of section 18 of Act 66 of 1974.

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

Amendment of section 19 of Act 66 of 1974.

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

Amendment of section 23 of Act 66 of 1974.

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

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- cal, professional, technical or general] A division) any private agency or private work in any matter connected with the performance of his official functions or the carrying out of his official duties;
- (f) publicly comments [upon] to the prejudice of the 5
administration of the department or any other department of State or the administration of the territory;”;
- (b) by the substitution for paragraph (h) of the following paragraph: 10
“(h) attempts to secure intervention [through any person not in the employment of the Department] from outside sources in relation to his position and conditions of service in the department, unless it [is done] occurs in an endeavour to obtain redress of 15
any grievance through Parliament;”;
- (c) by the substitution for subparagraph (i) of paragraph (n) of the following subparagraph: 20
“(i) without the permission of the Minister (granted on the recommendation of the Board in the case of an officer in the [administrative, clerical, professional, technical or general] A division) accepts or demands in respect of the discharge of his duties or failure to discharge his duties any commission, fee or other reward, not being the emoluments payable to him in respect of his duties;” 25
- (d) by the deletion at the end of paragraph (q) of the word “or”; and
- (e) by the addition of the following paragraphs: 30
“(s) contravenes any rule of the constitution of a medical aid fund or medical aid scheme or medical aid society of which he is a member, or fails to comply therewith; 30
(t) contravenes any provision of a prescribed code of conduct or fails to comply with any provision thereof.” 35

Amendment of
section 24 of
Act 66 of 1974.

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

“(4) If the officer charged denies the charge or fails to comply with the direction referred to in subsection (3), the 40
Minister or an officer authorized thereto by him, shall appoint a magistrate to enquire into the charge.”

Amendment of
section 25 of
Act 66 of 1974.

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

- (a) by the substitution for subsection (5) of the following subsection: 45
“(5) The magistrate holding the enquiry shall at the conclusion thereof find whether the officer charged is guilty or not guilty of the misconduct with which he has been charged, and shall inform the officer charged and the Minister or the officer who appointed him to hold 50
the enquiry, as the case may be, of his finding.”; and
- (b) by the substitution in subsection (6) for the words preceding paragraph (a) of the following words: 55
“If the magistrate holding the enquiry finds the officer charged guilty of the misconduct with which he has been charged, he shall send to the Postmaster General, for consideration by the Board except in a case where the officer who has been found guilty of misconduct is employed in the [general] B division and has not given notice of appeal in 60
accordance with section 31 (1)—”.

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Amendment of
section 26 of
Act 66 of 1974.

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

- (a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:
- “If the magistrate who held the enquiry referred to in section 25 has found the officer charged guilty of the misconduct with which he has been charged and the officer has not appealed against the finding in terms of section 31 (1), or if such appeal has been dismissed in its entirety or in part, the Postmaster General may decide, in a case where the officer who has been found guilty of misconduct is employed in the **[general] B division or in an entry post in the A division**, or the Board may recommend to the Minister, in a case where such officer is employed in a division other than the **[general] B division [may recommend to the Minister] or in a post other than an entry post in the A division—**”;
- (b) by the substitution for paragraph (b) of subsection (1) of the following paragraph:
- “(b) that a fine not exceeding **[four hundred rand R2 000]** be imposed upon him, which fine may be recovered by deduction from his emoluments in such instalments as may be determined by the Minister or the Postmaster General, as the case may be”;
- (c) by the substitution for paragraph (e) of subsection (1) of the following paragraph:
- “(e) that he be discharged or be called upon to resign as from a date fixed by the Minister or the Postmaster General, as the case may be”;
- (d) by the substitution for the proviso to subsection (1) of the following proviso:
- “Provided that—
- (i) except where a decision is taken or a recommendation is made in terms of paragraph (e), the Postmaster General may take a decision or the Board may make a recommendation in terms of more than one of the paragraphs of this subsection;
- (ii) **[the Postmaster General or the Board may postpone for a period not exceeding twelve months the making of a recommendation under this subsection]** the taking of a decision by the Postmaster General or by an officer delegated by him to do so on his behalf, or the making of a recommendation by the Board, under this subsection, may be postponed for a period not exceeding 12 months; and
- (iii) if an officer who has been called upon to resign, fails so to resign, he shall be deemed to have been discharged with effect from the date fixed by the Minister or the Postmaster General, as the case may be, in terms of subparagraph (e)”;
- (e) by the substitution for subsection (2) of the following subsection:
- “(2) **[The Postmaster General shall send to the Minister together with his recommendation in terms of subsection (1) or, as the case may be] In a case where the Board may make a recommendation to the Minister in terms of subsection (1) the Postmaster General shall send to the Minister** the recommendation of the Board in terms of the said subsection, the record of the proceedings at the enquiry and the documents in his possession relating to the enquiry.”;
- (f) by the substitution for subsection (3) of the following subsection:
- “(3) The Minister may decide upon the course recommended by **[the Postmaster General or] the Board in**

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- terms of subsection (1), or may, subject to the provisions of section 7, **[in the case of a recommendation by the Board]** decide upon any other course which **[the Postmaster General or]** the Board could have recommended in terms of subsection (1)."; and
- (g) by the substitution for subsection (4) of the following subsection:

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

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

Substitution of section 27 of Act 66 of 1974.

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

"Admission of misconduct.

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

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

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

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

Substitution of section 33 of Act 66 of 1974.

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

"Entry in record in respect of inefficiency or misconduct.

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

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Amendment of section 34 of Act 66 of 1974.

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

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

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

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

“Unauthorised remuneration.

34A. (1) (a) If any remuneration, allowance or

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

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

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

(2) If in the opinion of the Postmaster General an officer or employee has received any remuneration, allowance or other reward referred to in subsection (1) and it is still in his possession or under his control or in the possession or under the control of any other person on his behalf, or, if it is money, has been deposited in any account in his name or in the name of any other person on his behalf, the Postmaster General may in writing require that officer or employee or that other person or the person who controls that account not to dispose thereof, or, if it is money, not to dispose of a corresponding sum of money, as the case may be, pending the outcome of any legal steps for the recovery of that remuneration, allowance or reward or the value thereof.

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

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

Wrongly granted remuneration.

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

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

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

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

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

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

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

Substitution of section 35 of Act 66 of 1974.

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

“Saving with regard to reduction of salaries.

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

Substitution of section 37 of Act 66 of 1974.

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

“Conditions of service.

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

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

Amendment of section 38 of Act 66 of 1974.

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

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

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

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

“(2) The Minister **[or an officer to whom the Minister has delegated this power]** may grant to an officer or employee absolution from a contravention of the provisions of subsection (1).”;

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

“(3) The Minister or the Postmaster General or the head of an office may **[require]** direct any officer or employee under his control temporarily to perform duties other than those ordinarily assigned to such officer or employee or appropriate to the grade, designation or classification of his post, and the officer or employee shall obey such direction.”.

Amendment of section 40 of Act 66 of 1974.

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

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

Substitution of section 44 of Act 66 of 1974.

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

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

44. For pension and retirement purposes—

(a) **[the posts referred to in section 3 (1) (a)]** posts in the A and B divisions and other posts occupied by persons who have been appointed in a permanent capacity in the service of the department, shall be deemed to be posts classified in the public service, as defined in section 1 of the Government Service Pension Act, 1973 (Act No. 57 of 1973);

(b) the persons **[referred to in section 3 (1) (a) and (b)]** who occupy the posts referred to in paragraph (a) and have been appointed in a permanent capacity in the service of the department, shall be deemed to be persons occupying posts classified in the public service, as so defined;

(c) **[the posts referred to in section 3 (1) (c) which are occupied by White employees shall be deemed to be posts in the service of the Government as defined in the Government Service Pension Act, 1965 (Act No. 62 of 1965), and such White employees occupying posts in the service of the Government, as so defined]** an employee who complies with the requirements referred to in section 5 (2) (c) of the Temporary Employees Pension Fund Act, 1979 (Act No. 75 of 1979),

complies with the requirements referred to in section 5 (2) (c) of the Temporary Employees Pension Fund Act, 1979 (Act No. 75 of 1979),

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

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

Repeal of section 46 of Act 66 of 1974.

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

Amendment of section 47 of Act 66 of 1974.

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

- (a) by the substitution for paragraph (d) of subsection (1) of the following paragraph: 15
 “(d) journeys on official duty and the transport privileges of persons, officers and employees and former officers and employees on appointment, transfer and termination of service;”;
- (b) by the deletion of the word “and” at the end of paragraph (q) of subsection (1); 20
- (c) by the addition to subsection (1) of the following paragraph:
 “(s) the general security in the department and the security requirements with which officers and employees shall comply;” 25
- (d) by the substitution for subsection (2) of the following subsection:
 “(2) Different regulations may be made in respect of the **[administrative, clerical, professional, technical, general]** A or **[general]** B division, or to suit the different requirements of the different divisions or branches of the department, or of particular classes of officers or employees or of particular operations in the department.”; and 30
- (e) by the deletion of subsection (4). 35

Amendment of section 48 of Act 66 of 1974.

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

- (a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:
 “The **[Board]** Postmaster General may, in terms of a decision of the Board and with the approval of the Minister in so far as standing decisions relating to the matters referred to in paragraphs (a) to (f) of this subsection are concerned, draw up a code for the conduct and guidance of officers and employees in the administration of the provisions of this Act, and such code may contain provisions relating to—” 40
- (b) by the deletion of subsection (3);
- (c) by the substitution for subsection (4) of the following subsection:
 “(4) The **[Board]** Postmaster General may, in terms of a decision of the Board, and with the approval of the Minister, where applicable in terms of subsection (1), from time to time **[draw up]** effect amendments to the code **[approved under subsection (2) and may submit such amendments to the Minister for his approval].**” 45
- (d) by the substitution for paragraph (b) of subsection (5) of the following paragraph: 50
 “(b) shall, if it has been approved by the Minister in respect of matters which are subject to his approval 60

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

Short title and commencement.

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