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THE PRESIDENCY

No. 1291 03 October 2019

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

Act No. 10 of 2019: Public Service Commission Amendment Act, 2019

DIE PRESIDENSIE

No. 1291 03 Oktober 2019

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

Wet No. 10 van 2019: Wysigingswet op die Staatsdienskommissie, 2019

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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.

(English text signed by the President)
(Assented to 19 September 2019)

ACT

To amend the Public Service Commission Act, 1997, so as to clarify the procedure with regard to the renewal of term of office of a commissioner; to provide for a commissioner to act as the chairperson when both the chairperson and deputy chairperson are absent or for any reason unable to act as chairperson; and to provide for matters connected therewith.

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

Amendment of section 4 of Act 46 of 1997

1. Section 4 of the Public Service Commission Act, 1997 (Act No. 46 of 1997) (hereinafter referred to as the principal Act), is hereby amended by the addition of the following subsections: 5

- “(5) The President may, as contemplated in section 196(10) of the Constitution and within 90 days before the expiry of the first term of office of a commissioner, renew the term of that commissioner for one additional term only—
- (a) in the case of a commissioner who had been approved by the National Assembly, on the recommendation of the National Assembly; and 10
- (b) in the case of a commissioner who was nominated by the Premier of a province, on the recommendation of the provincial legislature concerned.
- (6) Subsection (4) does not apply to the renewal of term of office of a commissioner in accordance with subsection (5). 15
- (7) The renewal of term of a commissioner must be based on the commissioner—
- (a) remaining a fit and proper person as required by section 196(10) of the Constitution; and
- (b) having maintained a satisfactory level of performance in relation to his or her duties.”. 20

ALGEMENE VERDUIDELIKENDE NOTA:

- [] Woorde in vet druk in vierkantige hakies dui skrappings uit
bestaande verordenings aan.
- _____ Woorde met 'n volstreep daaronder, dui invoegings in
bestaande verordenings aan.

(Engelse teks deur die President geteken)
(Goedgekeur op 19 September 2019)

WET

Tot wysiging van die Wet op die Staatsdienskommissie, 1997, ten einde die prosedure aangaande die hernuwing van die ampstermyn van 'n kommissaris duidelik te maak; voorsiening te maak vir 'n kommissaris om as die voorsitter waar te neem wanneer die voorsitter en ondervoorsitter albei afwesig is of om enige rede nie as voorsitter kan optree nie; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

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

Wysiging van artikel 4 van Wet 46 van 1997

1. Artikel 4 van die Wet op die Staatsdienskommissie, 1997 (Wet No. 46 van 1997) (hierna die Hoofwet genoem), word hierby gewysig deur die volgende subartikels by te voeg: 5

- “(5) Die President kan, soos in artikel 196(10) van die Grondwet beoog en binne 90 dae voor die verstryking van die eerste ampstermyn van 'n kommissaris, die termyn van daardie kommissaris vir slegs een bykomende termyn hernieu—
- (a) in die geval van 'n kommissaris wat deur die Nasionale Vergadering 10
goedgekeur is, op aanbeveling van die Nasionale Vergadering; en
- (b) in die geval van 'n kommissaris wat deur die premier van 'n provinsie benoem is, op aanbeveling van die betrokke provinsiale wetgewer.
- (6) Subartikel (4) is nie van toepassing op die hernuwing van die ampstermyn van 'n kommissaris ooreenkomstig subartikel (5) nie. 15
- (7) Die hernuwing van ampstermyn van 'n kommissaris moet daarop gegrond wees—
- (a) dat die kommissaris steeds 'n geskikte en gepaste persoon is soos vereis deur artikel 196(10) van die Grondwet; en
- (b) dat die kommissaris 'n bevredigende vlak van prestasie ten aansien van sy of 20
haar pligte handhaaf.”

Amendment of section 5 of Act 46 of 1997

2. Section 5 of the principal Act is hereby amended by the addition of the following subsection:

“(3) If both the chairperson and the deputy chairperson are absent, or for any reason unable to act as chairperson, the President shall designate one commissioner to act as the chairperson of the Commission for a period not exceeding 30 days.” 5

Short title

3. This Act is called the Public Service Commission Amendment Act, 2019.

Wysiging van artikel 5 van Wet 46 van 1997

2. Artikel 5 van die Hoofwet word hierby gewysig deur die volgende subartikel by te voeg:

“(3) Indien die voorsitter en die ondervoorsitter albei afwesig is of om enige rede nie as voorsitter kan optree nie, moet die President ’n kommissaris aanwys om vir ’n tydperk van hoogstens 30 dae as voorsitter van die Kommissie waar te neem.”

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Kort titel

3. Hierdie Wet heet die Wysigingswet op die Staatsdienskommissie, 2019.

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