
REPUBLIC OF SOUTH AFRICA

**PUBLIC SERVICE
AMENDMENT ACT**

REPUBLIEK VAN SUID-AFRIKA

**STAATSDIENS-
WYSIGINGSWET**

GENERAL EXPLANATORY NOTE:

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

ACT

To amend the Public Service Act, 1994, so as to regulate anew the handling of the appointment and other career incidents of heads of departments; and to provide for incidental matters.

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

Insertion of section 3B in Act promulgated by Proclamation 103 of 1994

1. The following section is hereby inserted in the Public Service Act, 1994, after section 3A:

“Handling of appointment and other career incidents of heads of department

3B. (1) Notwithstanding anything to the contrary contained in this Act, the appointment and other career incidents of the heads of department shall be dealt with by, in the case of—

- (a) a head of a national department or organisational component, the President; and
- (b) a head of a provincial administration, department or office, the relevant Premier.

(2) Any person appointed as head of department may before or at the expiry of his or her term of office, or extended term of office, be deployed with his or her consent by the relevant executing authority referred to in paragraph (a) or (b) of subsection (1) in the case of—

- (a) a head of a national department or organisational component, to perform functions in a similar or any other capacity in any national department or organisational component in a post or against a post of equal, higher or lower grading, or additional to the establishment, as the executing authority deems fit; and
- (b) a head of a provincial administration, department or office, to perform functions in a similar or any other capacity in the administration, department or office of the relevant province in a post or against a post of equal, higher or lower grading or additional to the establishment, as the executing authority deems fit.

(3) Any person appointed as head of department who thereafter is deployed in accordance with subsection (2), shall—

- (a) for the unexpired portion of his or her term of office, or extended term of office, be appointed at the same salary and conditions of service; and

(b) at the expiry of his or her term of office, or extended term of office, be appointed at the salary and conditions of service attaching to the post or capacity in which he or she is appointed.

(4) The executing authority referred to in paragraph (a) or (b) of subsection (1) may delegate or assign any power or duty to appoint the head referred to in that paragraph, as well as any power or duty regarding the other career incidents of that head, in the case of—

(a) the President, to the Deputy President or a Minister; or

(b) the Premier of a province, to a Member of the relevant Executive Council.”.

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Short title and commencement

2. This Act is called the Public Service Amendment Act, 1999, and comes into operation on a date fixed by the President by proclamation in the *Gazette*.