



Republic of Namibia  
Annotated Statutes

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## Post Office Service Act 66 of 1974 (RSA)

(RSA GG 4470)

came into force in South Africa and South West Africa  
on 1 November 1974 (see section 58 of Act)

**APPLICABILITY TO SOUTH WEST AFRICA:** Section 1 defines “Republic” to include “the territory”, which is defined as “ the territory of South West Africa”.

**TRANSFER TO SOUTH WEST AFRICA:** The administration of this Act was transferred to SWA by the Executive Powers (Post and Telecommunications) Transfer Proclamation (AG 12/1978) which came into force on 1 April 1978, as amended. None of the amendments to the Act in South Africa after the date of transfer were made expressly applicable to SWA.

as amended by

**Posts and Telecommunications Companies Establishment**

**Act 17 of 1992 (GG 447)**

deemed to have come into force in relevant part on 1 August 1992 (section 55 of Act)

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## ACT

To consolidate and amend the laws relating to the organization of, and the appointment, conditions of service, discipline, retirement and discharge of officers and employees in, the Department of Posts and Telecommunications of the Republic.

*(Afrikaans text signed by the State President)  
(Assented to 23 October 1974)*

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### ARRANGEMENT OF SECTIONS

#### CHAPTER I

#### PRELIMINARY PROVISIONS

1. Definitions
2. Application of Act

#### CHAPTER II

**Post Office Service Act 66 of 1974 (RSA)**

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ORGANIZATION AND ADMINISTRATION

3. Classification of staff
4. Establishment and constitution of Staff Management Board
5. Powers and functions of Board
6. Meetings and decisions of Board
7. Approval, rejection or amendment by Minister, and carrying out of decisions of Board
8. Annual reports of Board

CHAPTER III

APPOINTMENTS, PROMOTIONS, TRANSFERS, RETIREMENTS AND DISCHARGES

9. Powers relating to appointments, promotions, transfers, retirements and discharges, the creation, abolition, grading, regrading and conversion of posts and the continued employment of officers
10. Manner in which appointments, transfers and promotions shall be effected
11. Qualifications for appointment in department
12. Saving with regard to filling of vacant posts in certain divisions
13. Saving with regard to promotions
14. Appointments, transfers and promotions on probation
15. Transfers within department
16. Transfers from or to other departments of State, authorities or bodies
17. Retirement and discharge of officers

CHAPTER IV

SERVICE IRREGULARITIES, INEFFICIENCY AND MISCONDUCT

18. Service irregularities
19. Allegation of inefficiency
20. Procedure at investigation of allegation of inefficiency
21. Steps against inefficient officer
22. Inefficient Postmaster General or member of Board
23. Definition of misconduct
24. Charge of misconduct
25. Procedure at enquiry into charge of misconduct
26. Steps against officer found guilty of misconduct
27. Admission of misconduct
28. Court verdict on offence constituting misconduct
29. Suspension of officer accused of or charged with misconduct
30. Misconduct of Postmaster General or member of Board
31. Appeal against finding of inefficiency or conviction of misconduct
32. Manner in which notice may be given and documents delivered
33. Entry in service record in respect of inefficiency or misconduct

CHAPTER V

GENERAL

34. Remuneration of officers and employees
35. Saving with regard to reduction of salaries
36. Prohibition of cessation of right in respect of emoluments
37. Conditions of service
38. Performance of other work by officers and employees
39. Political rights of officers and employees
40. Special advancement, reward or promotion of officers and employees
41. Appeals regarding promotions

**Post Office Service Act 66 of 1974 (RSA)**

42. Grievances of officers
43. Establishment and functions of Post Office Staff Relations Council
44. Application of certain pension laws in respect of officers and employees
45. Saving with regard to rights and liabilities
46. Limitation of actions
47. Regulations
48. Code relating to certain aspects of conditions of service of officers and employees
49. Transitional provisions and savings
50. Repeal of laws
51. Amendment of section 1 of Act 54 of 1957, as amended by section 1 of Act 71 of 1963, section 1 of Act 47 of 1965, section 1 of Act 63 of 1967, section 29 of Act 67 of 1968, section 1 of Act 86 of 1969 and section 1 of Act 65 of 1971
52. Amendment of section 2 of Act 54 of 1957, as amended by section 1 of Act 9 of 1961 and section 30 of Act 67 of 1968
53. Amendment of section 3 of Act 54 of 1957, as amended by section 31 of Act 67 of 1968
54. Amendment of section 13 of Act 54 of 1957, as amended by section 5 of Act 86 of 1969, section 4 of Act 65 of 1971 and section 2 of Act 54 of 1973
55. **[deleted]**
56. **[deleted]**
57. Amendment of section 3 of Act 78 of 1968
58. Short title and commencement

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:-

## CHAPTER I

### PRELIMINARY PROVISIONS

#### Definitions

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

“Board” means the Staff Management Board referred to in section 4;

“department” means the Department of Posts and Telecommunications;

“employee” means a person referred to in section 3(1)(c);

“fixed establishment” means the posts created for the normal and regular requirements of the department;

“fund” means the Post Office Fund established by section 3(1) of the Post Office Re-adjustment Act, 1968 (Act No. 67 of 1968);

**[The Post Office Re-adjustment Act 67 of 1968 is repealed by this Act.]**

“Minister” means the Minister of Posts and Telecommunications;

“non-White authority” means the government of any territory which has been or is declared by or in terms of an Act of Parliament to be a self-governing territory within the Republic, any Bantu authority referred to in the Bantu Authorities Act, 1951 (Act No. 68 of 1951), or any board, institution or body which has been or is established by or in terms of any Act of Parliament with executive authority in respect of any specific non-White population group or territory, or any

**Post Office Service Act 66 of 1974 (RSA)**

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executive council or authority referred to in the Development of Self-government for Native Nations in South West Africa Act, 1968 (Act No. 54 of 1968), or the executive council of any area for which a legislative assembly has been established in terms of section 1 of the Homelands Constitution Act, 1971 (Act No. 21 of 1971);

“officer” means any person who has been appointed permanently, 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);

“pensionable age” means the age at which, in terms of section 17(1), an officer shall have the right to retire and shall be retired from the service of the department;

“Postmaster General” means the officer who holds the post with that designation on the fixed establishment or who acts in that post;

“prescribed” means prescribed by this Act or by regulation;

“regulation” means any regulation made under this Act;

“Republic” includes the territory;

“scale”, in relation to salary, includes salary at a fixed rate;

“the territory” means the territory of South West Africa;

“this Act” includes the regulations.

(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 construed in a corresponding sense.

**Application of Act**

2. Unless the context otherwise indicates, the provisions of this Act shall apply in respect of all officers and employees, whether they serve within or outside the Republic, and in respect of persons who were in or are to be taken into the service of the department.

**CHAPTER II****ORGANIZATION AND ADMINISTRATION****Classification of staff**

3. (1) The staff of the department shall consist of persons -
- (a) who hold posts on the fixed establishment classified in -  
the administrative division,  
the clerical division,  
the professional division,  
the technical division,  
the general A division,  
the general B division,

**Post Office Service Act 66 of 1974 (RSA)**

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- (b) who, having ceased to hold posts on the fixed establishment and not having retired or been discharged, are employed in the department additional to the fixed establishment under section 9(1)(f), or who are deemed to continue to hold posts in a division in the circumstances contemplated in the second proviso to subsection (3);
- (c) (i) who hold posts on the fixed establishment other than posts referred to in paragraph (a);  
(ii) who are employed temporarily or under special contracts in the department, whether in a full-time or part-time capacity, additional to the fixed establishment, or in vacant posts on the fixed establishment, under section 9(2)(d);

(2) The administrative, clerical, professional, technical, general A and general B divisions shall each consist of such posts as may be directed by the Board.

(3) The Board may direct that any post included in one division shall be removed from that division and be included in any other division, or that any post included in the administrative, clerical, professional, technical, general A or general B division, shall be excluded from all those 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 any of those divisions: Provided further that any officer whose post has been excluded from all those divisions shall, for the 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.

**Establishment and constitution of Staff Management Board**

4. (1) (a) There shall be a Board to be known as the Staff Management Board.

(b) The Board shall consist of the Postmaster General, who shall be chairman thereof, and not more than six other officers who are members of the Board in terms of the provisions of subsection (2).

(2) The officers permanently appointed to posts of the prescribed grade or grades shall be members of the Board.

(3) The Minister shall designate a member as vice-chairman of the Board.

(4) When the chairman is absent, the vice-chairman shall act as chairman of the Board, and when both the chairman and vice-chairman are absent, the Minister shall designate a member to act as chairman of the Board during such simultaneous absence of the chairman and vice-chairman.

(5) When any officer acts in any post of which the holder would be a member of the Board in terms of subsection (2), such officer shall be a member of the Board during the period in which he so acts.

**Powers and functions of Board**

5. (1) The Board may exercise the powers, perform the functions and carry out the duties conferred upon, entrusted to or imposed upon it by or in terms of this Act or any other law, and may in its discretion take or cause to be taken such steps as are not inconsistent with this Act

**Post Office Service Act 66 of 1974 (RSA)**

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and have been approved by the Minister in respect of any matter relating to the employment or appointment of persons for which specific provision has not been made in this Act.

(2) Subject to the provisions of subsection (3), a power, function or duty conferred upon, entrusted to or imposed upon the Board in terms of this Act or any other law, may be exercised, performed or carried out by an officer in terms of a general or special delegation by the Board and subject to the conditions determined by the Board.

(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) 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.

(4) Any delegation under this section may at any time be withdrawn by the Board.

(5) Any power or function conferred upon or entrusted to the Public Service Commission by or in terms of any provision of any law other than the Public Service Act, 1957 (Act No. 54 of 1957), shall be deemed to be conferred upon or entrusted to the Board in so far as such power or function relates to the department, or to officers or employees, or to persons who were in or are to be taken into the service of the department.

(6) Any provision of any law other than the Public Service Act, 1957, in relation to any recommendation, direction, investigation, inspection, report or other act of the Public Service Commission by virtue of any power or function referred to in subsection (5), shall apply *mutatis mutandis* in respect of the corresponding recommendation, direction, investigation, inspection, report or other act of the Board by virtue of the power or function in question conferred upon or entrusted to it in terms of that subsection.

(7) Any provision of any law other than the Public Service Act, 1957, in terms of which any power or function may be conferred upon or entrusted to the Public Service Commission, shall be deemed to be a provision in terms of which the power or function in question may be conferred upon or entrusted to the Board in so far as that power or function relates to the department, or to officers or employees, or to persons who were in or are to be taken into the service of the department.

(8) In the application of subsections (5), (6) and (7) and in the application of any provision of any law, other than the Public Service Act, 1957, in relation to the department, or officers or employees, or persons who were in or are to be taken into the service of the department, a reference in any such provision or in any agreement, determination or other document concluded, made or drawn up in terms of it, unless the context otherwise indicates, to -

- (a) the Public Service, shall be construed as a reference to the service of the department;
- (b) a person who is an officer or employee in the Public Service in terms of the definition of “officer” and “employee” in section 1 of the Public Service Act, 1957, shall be construed as a reference to an officer or employee in the service of the department;
- (c) the Public Service Commission, shall be construed as a reference to the Board and, in connection with any power, function or duty conferred upon, entrusted to or imposed upon the Public Service Commission by any such provision, agreement, determination or document, also as a reference to any officer to whom the exercise of such power, the performance of such function or the execution of such duty has been delegated by the Board under this section;
- (d) the Treasury or the Minister of Finance, shall be construed as a reference to the Minister of Posts and Telecommunications or an officer authorized by the said

**Post Office Service Act 66 of 1974 (RSA)**

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Minister to perform the functions entrusted to the Treasury or the Minister of Finance by any such provision;

- (e) the Consolidated Revenue Fund, shall be construed as a reference to the fund; and
- (f) any provision of any law referred to in subsections (5), (6) and (7), shall be construed as a reference to such provision as if interpreted in terms of this section.

[The “Administration of South West Africa” and the “Secretary for South West Africa” were removed from the coverage of the Public Service Act 54 of 1957 by RSA Proc. R 112/1980 (RSA GG 7097). The public service in South West Africa was then governed by the Government Service Act 2 of 1980 (OG 4116), which was re-named the Public Service Act 2 of 1980 and replaced by the Public Service Act 13 of 1995.]

**Meetings and decisions of Board**

6. (1) The Board shall meet as often as may be necessary and in addition thereto whenever the Minister requests that a meeting be held for the purpose of considering a particular matter or matters.

(2) The number of members constituting a quorum at a meeting of the Board shall be three when the number of members of the Board does not exceed four, and four when the number of members of the Board exceeds four.

(3) The Board shall decide on any matter -

- (a) by a majority of votes cast by the members present at any meeting of the Board, or
- (b) by written consent of all of the members of the Board.

(4) In the event of an equality of votes on any matter considered by the Board at a meeting thereof, the chairman shall have a casting vote in addition to his deliberative vote.

(5) Every member present at a meeting shall cast his vote on every matter considered at that meeting.

- (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 shall be held at a time and place determined by the chairman.
- (b) The prescribed procedure shall be followed at a meeting of the Board: Provided that until a procedure has been prescribed, the procedure determined by the chairman shall be followed thereat.

**Approval, rejection or amendment by Minister, and carrying out of decisions of Board**

7. (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) and 48) shall be exercised with his approval, may notwithstanding such provision be exercised without his approval.

(2) Any decision, recommendation, authorization or direction (in this section referred to as a decision) of the Board which in terms of any provision of this Act is subject to the approval of the Minister, may at any time after it has been submitted to the Minister for approval and before the act to which that decision relates has been performed, be withdrawn or amended by the Board

**Post Office Service Act 66 of 1974 (RSA)**

---

with the consent of the Minister or may, subject to the provisions of subsection (3), be rejected, substituted or amended by the Minister.

(3) If the Minister under subsection (2) rejects or amends any decision of the Board which relates to a particular person or substitutes for such decision any other decision, the matter shall be submitted to the State President, who may confirm such rejection, amendment or substitution by the Minister, or may approve the decision of the Board.

(4) If the Minister has not approved any decision of the Board which relates to a particular person within a period of three months from the date on which it was submitted to the Minister for his approval, or if the State President has not confirmed within that period any rejection, amendment or substitution thereof by the Minister, the decision of the Board shall be deemed to have been approved by the Minister.

(5) An act to which a decision of the Board relates, shall be performed as soon as possible -

- (a) in accordance with the decision of the Board ;
- (b) in the case of an act which in terms of this Act shall be performed with the approval of the Minister, in accordance with the decision of the Board as taken by the Board and approved by the Minister or, if such decision has been amended or substituted by the Minister in terms of subsection (2), in accordance with such decision as so amended or substituted.

(6) For the purposes of this Act an act to which a decision of the Board relates shall be deemed to have been performed -

- (a) if such act relates to a particular person, on the date of the document in which that person is informed of that decision;
- (b) if such act does not relate to a particular person, on the date on which the authority who is competent or obliged to perform that act was informed of that decision.

(7) If the Board has submitted to the Minister any decision relating to any act which in terms of any provision of this Act is subject to the approval of the Minister and which relates to a particular person, and the Minister has rejected, amended or substituted the decision in question, and the State President has confirmed such rejection, amendment or substitution, the Board shall report fully to Parliament on the matter in its annual report.

**Annual reports of Board**

**8.** (1) As soon as practicable after 31 March 1975, the Board shall frame a report on matters dealt with by it during the period 1 November 1974 to 31 March 1975, and shall thereafter, as soon as practicable after 31 March of each year, frame a report on matters dealt with by it during the year which ended on that date.

(2) A report referred to in subsection (1) shall be included in every annual report framed by the Postmaster General in terms of section 120A of the Post Office Act, 1958 (Act No. 44 of 1958).

(3) As soon as practicable after 1 November 1974, the Postmaster General shall from the records of the Post Office Staff Board, established by section 7 of the Post Office Re-adjustment Act, 1968 (Act No. 67 of 1968), frame a report on matters dealt with by the said Post Office Staff Board during the period 1 July 1974 to 31 October 1974, and shall include that report



**Post Office Service Act 66 of 1974 (RSA)**

in the report framed in terms of section 120A of the Post Office Act, 1958, on the activities of the department during the year ending on 31 March 1975.

**[The Post Office Act 44 of 1958 is repealed by the Posts and Telecommunications Companies Establishment Act 17 of 1992. The Post Office Re-adjustment Act 67 of 1968 is repealed by this Act.]**

## CHAPTER III

## APPOINTMENTS, PROMOTIONS, TRANSFERS, RETIREMENTS AND DISCHARGES

**Powers relating to appointments, promotions, transfers, retirements and discharges, the creation, abolition, grading, regrading and conversion of posts and the continued employment of officers**

**9.** (1) Notwithstanding the provisions of any law passed before the commencement of this Act, the power to -

- (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 in the general A division as may be determined by the Board;
- (b) discharge any officer other than an officer in the general B division from the service of the department:
- (c) create, abolish, grade, regrade or convert posts on the fixed establishment;
- (d) determine the number of persons who may be employed temporarily or under special contracts, either in a full-time or part-time capacity, against posts on the fixed establishment which are not permanently filled;
- (e) determine the number of persons who may be employed additional to the fixed establishment, temporarily or under special contracts, either in a full-time or part-time capacity, by reason of the absence of the incumbents of posts, in order to provide staff for the performance of a class of work for which staff is not under ordinary circumstances employed on a permanent basis, or when it is necessary for any other reason to increase the staff of the department temporarily;
- (f) retain in service any officer additional to the fixed establishment, or against a post of higher or lower grade than his own grade;
- (g) if it is in the public interest, retain any officer in service in his post beyond the age at which in terms of section 17(1) he shall be retired,

shall be vested in the Board acting with the approval of the Minister.

- (2) The power to -
  - (a) appoint or promote any person to any post in the department other than a post referred to in subsection (1)(a);
  - (b) transfer any officer or employee from one post or appointment to another post or appointment in the department;
  - (c) discharge from the service of the department any officer in the general B division or any employee;

**Post Office Service Act 66 of 1974 (RSA)**

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(d) employ or retain in service any person referred to in subsection (1)(d) or (e),

shall, subject to the authority of the Minister, be vested in the Postmaster General or any officer to whom the Postmaster General has delegated such power.

(3) An officer who is employed against a post of higher or lower grade than his own grade shall as soon as practicable be transferred to a post to which his salary scale is appropriate.

(4) An officer who in terms of subsection (1)(g), is retained in service in his post beyond the age at which in terms of section 17(1) he shall be retired, shall not be so retained in service for a further period or periods which, except with the approval, by resolution, of the Senate and the House of Assembly, exceed two years in the aggregate.

(5) Notwithstanding the provisions of subsection (1), any power referred to in that subsection shall be performed by the Minister where such power relates to the post of Postmaster General, or any post of which the holder is, by virtue of his occupancy thereof, a member of the Board.

**Manner in which appointments, transfers and promotions shall be effected**

**10.** Subject to the provisions of sections 11, 12 and 13, appointments, transfers and promotions in the department shall be effected in such manner and subject to such conditions, (including the possession of knowledge of the official and other languages) as may be prescribed or determined in the code referred to in section 48, or in so far as they have not been prescribed or thus determined, as may be determined by the Board: 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.

**Qualifications for appointment in department**

**11.** 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;
- (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:

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.

**Saving with regard to filling of vacant posts in certain divisions**

**Post Office Service Act 66 of 1974 (RSA)**

**12.** 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 -

- (a) the transfer or promotion of an officer, or of an employee referred to in section 9(1)(d) who is in service in the department under special contract; or
- (b) if the vacant post cannot be satisfactorily filled by such transfer or promotion, the appointment of a person who is not an officer or such an employee:

Provided that the Board shall furnish the following particulars in its annual report -

- (i) the name of every person who has during the period to which such annual report relates been appointed to a post in the administrative division, and who was, immediately before such appointment, not an officer;
- (ii) the post to which such person has been appointed;
- (iii) the salary scale attached to such post; and
- (iv) the special qualifications of such person for and the special reasons for his appointment.

**Saving with regard to promotions**

**13.** In effecting any promotion, due regard shall be had to the comparative ability of the officers or employees who are eligible for the promotion or, in instances where their claims to the promotion are equal in respect of ability, their comparative seniority.

**Appointments, transfers and promotions on probation**

**14.** (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.

(2) A period of probation shall not be less than twelve months: Provided that if an officer who is serving on probation is transferred or promoted to another post, a lesser period of service on probation may be applied in the new post, which, together with the period of probation served in the former post, shall be at least twelve months: Provided further that the period of probation of an officer shall be extended by the number of days' leave taken by him during the period of probation or any extension thereof, except such portions of the period of probation or any extension thereof as may be directed by the authority in whom the power is vested to appoint, transfer and promote such officer.

(3) If the Postmaster General, or the head of an officer's office, 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, and if the officer has complied with all the conditions to which his appointment, promotion or transfer was subject, the authority in whom the power is vested to effect the appointment, promotion or transfer in question may confirm the appointment, promotion or transfer.

(4) If the probationary appointment, promotion or transfer is not so confirmed -

**Post Office Service Act 66 of 1974 (RSA)**

- (a) the Board may, in the case of an officer other than an officer serving in the general B 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;
- (b) the Postmaster General may, in the case of an officer serving in the general B division, extend the period of probation or act in accordance with the provisions of subsection (5).

(5) Notwithstanding anything to the contrary contained in subsection (2) or in Chapter IV, but subject to the provisions of subsection (6) and section 17(8), an officer who is serving on probation may be discharged either during or at or after the expiry of the period of probation -

- (a) by the giving of at least one month's notice; or
- (b) forthwith, if his conduct is unsatisfactory.

(6) Notwithstanding anything to the contrary contained in sections 15 and 35, a person who immediately before 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 according as the Board may decide with the approval of the Minister, and shall receive the salary he would have received in his former post, if his probationary transfer or promotion is not confirmed.

**Transfers within department**

**15.** Subject to the provisions of this Act, every officer and employee may be transferred from the post or appointment held by him to any other post or appointment in the department, whether or not such post or appointment is in another division, or is of a lower grade, and whether or not the service in such post or appointment is to be rendered within or outside the Republic: Provided that -

- (a) upon transfer the scale of salary of an officer shall not be reduced without his consent, except in accordance with the provisions of Chapter IV;
- (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;
- (c) an officer who has been transferred to or is employed in a post of a higher grade than his own grade, or which has been regraded to or converted into a post of a higher grade than his own grade, shall not by reason only of such transfer or employment be entitled to the higher scale of salary applicable to that post.

**Transfers from or to other departments of State, authorities or bodies**

**16.** (1) A person holding a pensionable appointment in any other department of State or in the administration of the territory 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.

**Post Office Service Act 66 of 1974 (RSA)**

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(2) An officer 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.

(3) A person in the service of another government or a non-White 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.

(4) An officer 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 shall while he is so seconded remain subject to the laws governing officers.

(5) After a date fixed by the State President by proclamation in the *Gazette* and when the public interest so requires, a non-White 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 authority, with the consent of such officer or employee: Provided that until any law in force in the territory of the non-White 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.

**Retirement and discharge of officers**

17. (1) Subject to the provisions of section 9(1)(g) and (4) and subsections (2), (3) and (4) of this section, an officer shall have the right to retire on pension and shall be retired on pension -

- (a) on the day on which he attains the age of sixty-five years if he attains such age on the first day of any month; or
- (6) on the first day of the month immediately following the month in which he attains the age of sixty-five years if he attains that age after the first day of any month.

(2) Subject to the provisions of subsection (1), an officer who was appointed as such with effect from a date before 24 June 1955 shall have the right at any time before or after attaining, in the case of a male officer, the age of sixty years or, in the case of a female officer, the age of fifty-five years, to give written notice to the Postmaster General of his wish to be retired on pension and he shall -

- (a) if notice is so given at least three months before the date on which he attains such age be retired on pension -
  - (i) on the day on which he attains such age if he attains such age on the first day of any month; or
  - (ii) on the first day of the month immediately following the month in which he attains such age if he attains such age after the first day of any month; or

**Post Office Service Act 66 of 1974 (RSA)**

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- (b) if notice is not so given at least three months before the date on which he attains such age, be so retired on the first day of the fourth month following the month in which such notice is received.

(3) An officer (except an officer referred to in subsection (7)) who has attained the age of sixty years may, subject to the approval of the Minister, be retired by the Board: Provided that in the case of an officer referred to in subsection (2), the age at or after which he may be so retired shall in the case of a male officer be fifty-five years and in the case of a female officer be fifty years.

- (4) Any officer may be discharged -

- (a) on account of continued ill-health;
- (b) owing to the abolition of his post or re-organization or re-adjustment of the department;
- (c) if, for reasons other than his own unfitness or incapacity, his discharge will promote efficiency or economy in the department;
- (d) on account of unfitness for his duties or incapacity to carry out his duties efficiently;
- (e) on account of misconduct;
- (f) if, in the case of an officer appointed on probation, his appointment is not confirmed;
- (g) if the State President in the public interest appoints him under any provision of any Act of Parliament to an office in respect of which the provisions of this Act do not apply.

- (5) (a) A female officer who marries shall be deemed to have voluntarily retired in contemplation of the 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 Board decides with the approval of the Minister that she be retained in the service of the department.

- (b) If a female officer is retained in the service of the department in terms of paragraph (a), she shall be retained in that service in a post of a grade which is the same as or different from that held by her immediately before the date of her marriage, according as the Board may decide with the approval of the Minister.

(6) An officer who without the permission of the Postmaster General or the head of his office absents himself from duty for a period exceeding one month, shall be deemed to have been discharged on account of misconduct with effect from the day 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 so discharged notwithstanding that such period has not yet expired: Provided further that the Board may, notwithstanding anything to the contrary contained in any law, with the approval of the Minister and on such conditions as the Board may with the approval of the Minister determine, reappoint such officer to his former post or appointment or may appoint him to any other post or appointment, and in that event the period of his absence from duty shall be deemed to have been absence on vacation leave without pay, or leave on such other conditions as the Board may with the approval of the Minister determine.

- (7) (a) The services of an officer -

**Post Office Service Act 66 of 1974 (RSA)**

- (i) appointed on or after the date of commencement of this Act to a post classified in the general B division; or
- (ii) appointed on or after 1 August 1923 to a post which was included in the general division in terms of section 1(5) of the Public Service Act, 1923 (Act No. 27 of 1923); or
- (iii) appointed on or after 1 August 1957 to a post which was included in the general B division in terms of section 3(2) of the Public Service Act, 1957 (Act No. 54 of 1957),

may, while he is the holder of a post in the general B division (referred to in section 3 of this Act) and notwithstanding the absence of any cause for discharge under subsection (4), with the approval of the Minister be terminated by the Board by giving written notice.

- (b) Subject to the provisions of subsection (8), such notice shall in the case of an officer with less than ten years' continuous service, be at least one month, and in the case of an officer with ten years' or more continuous service, be at least three months.

**[The Public Service Act 27 of 1923 was repealed by the Public Service Act 54 of 1957 (SA GG 5901). The "Administration of South West Africa" and the "Secretary for South West Africa" were removed from the coverage of the Public Service Act 54 of 1957 by RSA Proc. R 112/1980 (RSA GG 7097). The public service in South West Africa was then governed by the Government Service Act 2 of 1980 (OG 4116), which was re-named the Public Service Act 2 of 1980 and replaced by the Public Service Act 13 of 1995.]**

(8) No officer shall be discharged under subsection (7) or section 14(5)(a) with effect from any other day than the first day of a month.

(9) If it is in the public interest to appoint an officer under any provision of any Act of Parliament to an office to which the provisions of this Act do not apply, the State President may so appoint him to that office and may, notwithstanding anything to the contrary contained in this Act, discharge him from the service of the department.

## CHAPTER IV

### SERVICE IRREGULARITIES, INEFFICIENCY AND MISCONDUCT

#### Service irregularities

**18.** (1) An officer who contravenes any provision of an instruction or regulation referred to in section 2 of the Post Office Act, 1958 (Act No. 44 of 1958), or fails to comply with any such provision with which it is his duty to comply, shall be guilty of a service irregularity.

**[The Post Office Act 44 of 1958 is repealed by the Posts and Telecommunications Companies Establishment Act 17 of 1992.]**

(2) A prescribed officer shall be competent to find whether or not an officer has committed a service irregularity.

(3) No finding that a service irregularity has been committed shall be made unless the officer concerned -

- (a) has been notified in writing of the service irregularity alleged to have been committed by him;

**Post Office Service Act 66 of 1974 (RSA)**

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- (b) has been given an opportunity to furnish an explanation in respect of the alleged service irregularity.

(4) Before making a finding under this section in respect of the alleged commission of a service irregularity, the prescribed officer dealing with the matter shall consider the facts relating to that matter and the explanation (if any) furnished in terms of subsection (3).

- (5) (a) If a prescribed officer finds that an officer has committed a service irregularity he shall impose upon such officer one of the following penalties -

- (i) a warning or reprimand; or
- (ii) a fine not exceeding twenty rand.

- (b) A fine imposed under this section shall be recovered by deducting the amount of such fine from the emoluments of the officer, as a single amount or in instalments as may be determined by the prescribed officer imposing the fine.

- (6) (a) An officer upon whom a fine is imposed in terms of this section, may, within a period of fourteen days from the date on which he is notified of the finding in question, appeal to the Postmaster General in the prescribed manner against the finding or the fine or against such finding as well as such fine.

- (b) The Postmaster General shall -

- (i) confirm the finding which is the subject of an appeal under paragraph (a), as well as the fine imposed in respect of such finding; or
- (ii) set aside such finding as well as such fine; or
- (iii) confirm such finding and set aside such fine.

- (c) If the Postmaster General sets aside a fine in terms of paragraph (b)(iii), he shall impose in its stead any penalty that could have been imposed under subsection (5).

- (7) (a) A penalty imposed in terms of this section in respect of any service irregularity shall be entered in the service record of the officer concerned, if it is provided in the regulations that such penalty shall be so entered in respect of that service irregularity.

- (b) Any entry effected in terms of paragraph (a), shall be deleted -

- (i) if the finding in question has been set aside in terms of subsection (6) or has lapsed in terms of subsection (8);
- (ii) in the prescribed circumstances.

(8) An officer who has committed or is alleged to have committed a service irregularity, may be charged with misconduct if the act or omission which constitutes the service irregularity constitutes misconduct also: Provided that if an officer against whom steps are being taken in terms of this section, is charged with misconduct in respect of the act or omission constituting the service irregularity, such steps shall be discontinued: Provided further that if an officer who has been found to have committed a service irregularity, is charged in terms of section 24 with misconduct in respect of the act or omission constituting such service irregularity, the finding



made in respect of the service irregularity shall lapse when any finding is made in respect of the charge of misconduct.

### **Allegation of inefficiency**

**19.** (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.

(2) The person who is to hold the enquiry shall, in consultation with the Postmaster General, or any officer designated by the Postmaster General, fix the time and place of the enquiry, and the Postmaster General or the officer so designated shall give the officer concerned at least fourteen days' 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 unfit for his duties or incapable of carrying out his duties efficiently.

### **Procedure at investigation of allegation of inefficiency**

**20.** (1) The Postmaster General, or any officer designated by him, may authorize any person to attend an enquiry in terms of section 19(1) and to adduce evidence and arguments in support of the allegations referred to in section 19(2) and to cross-examine any person who has given evidence to rebut those allegations.

(2) At the enquiry the officer allegedly unfit for his duties or incapable of carrying out his duties efficiently, shall have the right to be present, to be assisted and represented, to give evidence and, either personally or through his representative -

- (i) to be heard;
- (ii) to call witnesses;
- (iii) to cross-examine any person called as a witness in support of the allegations referred to in section 19(2); and
- (iv) to inspect documents produced in evidence.

(3) The person holding the enquiry shall keep a record of the proceedings and of the evidence given.

(4) The failure of the officer concerned to be present at the enquiry or the fact that such officer is not represented thereat, shall not invalidate the proceedings.

(5) The person holding the enquiry shall at the conclusion thereof make a finding concerning the question whether the officer concerned is unfit for his duties or is incapable of carrying out his duties efficiently, and shall inform the officer concerned and the Minister of his finding.

(6) If the person who held the enquiry has found that the officer concerned is unfit for his duties or is incapable of carrying out his duties efficiently, he shall forward to the Postmaster General for consideration by the Board -

- (a) the record of the proceedings at the enquiry;
- (b) the documentary evidence admitted thereat;

- (c) a written statement of his finding and his reasons therefor; and
- (d) any observations on the matter which he may desire to make.

### Steps against inefficient officer

**21.** (1) If the person who held the enquiry referred to in section 19 has found that the officer concerned is unfit for his duties or is incapable of carrying out his duties efficiently, and that officer has not appealed against the finding in terms of section 31, or if he has so appealed and his appeal has been dismissed in its entirety or in part, the Board shall recommend to the Minister -

- (a) that no further action be taken in the matter;
- (b) that the officer concerned be transferred to another post or be employed additional to the fixed establishment;
- (c) that his salary or grade or his salary as well as his grade be reduced to the extent recommended; or
- (d) that he be discharged with effect from a date fixed by the Minister.

(2) If the Board makes a recommendation in terms of paragraph (b) of subsection (1), it may also make a recommendation in terms of paragraph (c) of that subsection.

(3) The Postmaster General shall forward to the Minister the recommendation of the Board together with the record of the proceedings at the enquiry and all other documents relevant to the enquiry.

(4) The Minister may decide upon the course recommended by the Board in terms of subsection (1) or may, subject to the provisions of section 7, decide upon any other course which the Board could have recommended under subsection (1).

(5) The Minister shall inform the Postmaster General of his decision, who shall convey the decision to the competent authority and if such decision relates to the performance of any act referred to in paragraph (b), (c), or (d) of subsection (1), such authority shall perform that act.

### Inefficient Postmaster General or member of Board

**22.** (1) If in the opinion of the Minister there are reasonable grounds for believing that the Postmaster General or a member of the Board is unfit for his duties or is incapable of carrying out his duties efficiently, the Minister shall report to the State President accordingly.

(2) The State President may appoint a person or persons to enquire into the subject-matter of that report.

(3) The provisions of sections 19(2), 20, 21 and 31 shall apply *mutatis mutandis* in respect of any enquiry in terms of subsection (2).

(4) For the purposes of such application any reference in the said sections to the Minister shall be construed as a reference to the State President, a reference to the Board or the Postmaster General shall be construed as a reference to the Minister, and any reference to the person holding the enquiry shall be construed as including a reference to the person or persons appointed under subsection (2).

**Definition of misconduct**

23. An officer shall be guilty of misconduct 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;
  - (b) does, or causes or permits to be done, or connives at, any act which is prejudicial to the administration, discipline or efficiency of the department, or any other department, office or institution of the State or the administration of the territory;
  - (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;
  - (d) is negligent or indolent in the discharge of his duties;
  - (e) undertakes, 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) 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 the administration of the department or any other department of State or the administration of the territory;
  - (g) makes use of his position in the department to promote or prejudice the interests of any political party;
  - (h) attempts to secure intervention through any person not in the employment of the Department, in relation to his position and conditions of service, unless it is done to obtain redress of any grievance through Parliament;
  - (i) conducts himself in a disgraceful, improper or unbecoming manner, or while on duty, is grossly discourteous;
  - (j) uses intoxicants or narcotic drugs excessively;
  - (k) becomes insolvent or compromises with his creditors, or if a decree of civil imprisonment is made against him by any court of law, unless it is proved that his insolvency or such composition or the making of such decree against him has been occasioned by unavoidable misfortune;
  - (l) becomes pecuniarily embarrassed, unless it is proved 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;
  - (m) without first having obtained the permission of the Postmaster General, discloses, otherwise than in the discharge of his duties, information gained or obtained by him through his employment in the department, or uses such information for any purpose other than the discharge of his duties, whether or not he discloses such information;
  - (n) (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,

**Post Office Service Act 66 of 1974 (RSA)**

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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;

- (ii) fails to report to the Postmaster General or, if he is the Postmaster General, to the Minister, the offer of any commission, fee or other reward, referred to in paragraph (i), in respect of the discharge of his duties or failure to discharge his duties;
- (o) commits an offence;
- (p) absents himself from his office or duty without leave or valid reason;
- (p) misappropriates or improperly uses any property of the State, and such misappropriation or use does not constitute an offence; or
- (q) with a view to obtaining any privilege or advantage in relation to his official position or duties, or to causing prejudice or injury to the State or the department or any other department of State or the administration of the territory, or any person in the employment of the department or any other department of State or the administration of the territory, makes a false or incorrect statement, knowing it to be false or incorrect.

**Charge of misconduct**

**24.** (1) When an officer (other than the Postmaster General or a member of the Board) is accused of misconduct, the Postmaster General, or an officer who has been authorized thereto by the Postmaster General, may charge him in writing under his hand with that misconduct.

(2) The 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 send or deliver within a reasonable period specified in the direction, 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) If the officer charged denies the charge or fails to comply with the direction referred to in subsection (3), the Minister shall appoint a magistrate to enquire into the charge.

(5) The magistrate who is to hold the enquiry shall in consultation with the officer who signed the charge or any other officer designated for this purpose by the Postmaster General, fix the time and place of the enquiry, and the officer who signed the charge or such other officer shall give the officer charged reasonable notice in writing of the time and place so fixed.

(6) The Postmaster General or any other officer authorized thereto by the Postmaster General, may at any time withdraw the charge of misconduct.

**Procedure at enquiry into charge of misconduct**

**25.** (1) The officer who signed the charge referred to in section 24, or any other officer designated for this purpose by the Postmaster General, may authorize any person to attend the misconduct enquiry referred to in section 24 and to adduce evidence and arguments in support of such charge and to cross-examine any person called as a witness for the defence.

**Post Office Service Act 66 of 1974 (RSA)**

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(2) At the enquiry the officer charged shall have the right to be present, to be assisted and represented, to give evidence and, either personally or through his representative -

- (i) to be heard;
- (ii) to call witnesses;
- (iii) to cross-examine any person called as a witness in support of the charge; and
- (iv) to inspect documents produced in evidence.

(3) The magistrate holding the enquiry shall keep a record of the proceedings and of the evidence given.

(4) The failure of the officer charged to be present at the enquiry or the fact that such officer is not represented thereat, shall not invalidate the proceedings.

(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 of his finding.

(6) 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 accordance with section 31(1) -

- (a) the record of the proceedings at the enquiry;
- (b) the documentary evidence admitted thereat;
- (c) a written statement of his finding and his reasons therefor; and
- (d) any observations on the matter which he may desire to make.

**Steps against officer found guilty of misconduct**

**26.** (1) 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, in a case where the officer who has been found guilty of misconduct is employed in the general B division, or the Board, in a case where such officer is employed in a division other than the general B division, may recommend to the Minister -

- (a) that the officer concerned be cautioned or reprimanded;
- (b) that 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 Minister;
- (c) that he be transferred to another post or be employed additional to the fixed establishment;
- (d) that his salary or grade or his salary as well as his grade be reduced to the extent recommended; or

**Post Office Service Act 66 of 1974 (RSA)**

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(e) that he be discharged or be called upon to resign as from a date fixed by the Minister:

Provided that -

- (i) except where a recommendation is made in terms of paragraph (e), the Postmaster General 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; 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 in terms of subparagraph (e).

(2) The Postmaster General shall send to the Minister together with his recommendation in terms of subsection (1) or, as the case may be, 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.

(3) The Minister may decide upon the course recommended by the Postmaster General or the Board in 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).

(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.

**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 the Board, in a case where the officer concerned is employed in a division other than the general B 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, 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.

**Court verdict on offence constituting misconduct**

28. (1) The acquittal or conviction of an officer by a court of law on a charge of an offence shall not be a bar to proceedings being instituted 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 so acquitted or convicted or another offence of which he could have been convicted at his trial on the said criminal charge.

(2) If the misconduct with which the officer is charged, amounts to an offence of which he has been convicted by a court of law, a certified copy of the record of his trial and conviction by that court of law shall, upon the identification of such officer as the person referred to in the record, be conclusive proof that he committed that offence, unless the conviction has been set aside by a competent court: Provided that the officer charged may adduce evidence that he was in fact wrongly convicted.

### **Suspension of officer accused of or charged with misconduct**

29. (1) The Minister or any officer to whom the Minister has delegated this power, may at any time suspend from duty any officer accused of misconduct, whether or not that officer has been charged with misconduct.

(2) An officer suspended from duty in terms of subsection (1) shall not be entitled to any emoluments in respect of the period of his suspension: Provided that the Minister or any officer to whom the Minister has delegated this power may in his discretion order that his full emoluments or part thereof be paid to such officer.

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

(4) The Minister or any officer to whom the Minister has delegated this power, may withdraw the suspension at any time, but the withdrawal of the suspension shall not affect any proceedings in connection with the accusation of misconduct.

(5) If the officer charged is suspended from duty in terms of subsection (1) and the person holding the enquiry finds that he is not guilty of the misconduct with which he has been charged, or if the said officer has in terms of section 31 appealed against the conviction of the misconduct with which he has been charged and the appeal has been upheld, such officer shall forthwith be allowed to resume duty in his post and he shall be paid his full emoluments in respect of the period of his suspension in so far as this has not already been done.

(6) If an officer who has been suspended from duty is dealt with in accordance with the provisions of paragraph (a), (b) or (d) of subsection (1) of section 26 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 paragraph (c) of the said subsection 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 in respect of the period of his suspension in so far as this has not already been done: Provided that if his grade is reduced in terms of the said paragraph (d), he shall as soon as practicable be allowed to assume duty in a post of the reduced grade, and be paid in respect of the period of suspension the emoluments of that post in so far as this has not already been done, but if emoluments in excess of the emoluments of that post were during the period of his suspension paid to him under subsection (2), he shall not be obliged to refund the excess.

(7) Any officer who is suspended from duty in terms of subsection (1) or against whom a charge of misconduct has been preferred in terms of section 24, and who resigns or assumes other employment before such charge has been disposed of in accordance with the provisions of

sections 25, 26, 27 and 31 or has been withdrawn in terms of section 24(6), shall be deemed to have been discharged on account of misconduct with effect from the date immediately following the last day on which he was present at his place of duty, unless the Minister or an officer to whom the Minister has delegated this power, determines a later date for this purpose: Provided that the provisions of this subsection shall not apply if, before the receipt of his notice of resignation or his assumption of other employment, the officer concerned had been notified that no charge of misconduct would be preferred against him or that the charge of misconduct preferred against him had been withdrawn.

### **Misconduct of Postmaster General or member of Board**

**30.** (1) When the Postmaster General or any member of the Board is accused of misconduct, the Minister may report the matter to the State President, who may direct the Minister to charge the Postmaster General or that member with that misconduct.

(2) If an enquiry becomes necessary in terms of section 24(4), as applied by subsection (3), the State President may appoint a person or persons to hold the enquiry.

(3) The provisions of sections 24(2) to (6), inclusive, 25 to 29, inclusive, and 31 shall apply *mutatis mutandis* to any proceedings following upon a direction under subsection (1).

(4) For the purposes of such application a reference in the said sections to the Minister shall be construed as a reference to the State President, a reference to the Postmaster General or the Board shall be construed as a reference to the Minister and a reference to the magistrate holding the enquiry shall be construed as including a reference to a person or persons appointed under subsection (2).

### **Appeal against finding of inefficiency or conviction of misconduct**

**31.** (1) If the person who held an enquiry referred to in section 19 or 24, has found the officer concerned unfit for his duties or incapable of efficiently carrying out his duties, or that the officer concerned is guilty of the misconduct with which he has been charged, as the case may be, the officer concerned may within fourteen days after the date upon which he was informed of such finding (in this section referred to as “the finding”) appeal to the Board against the finding by giving to the person who held the enquiry a written notice of appeal in which the grounds of appeal are set out.

(2) If such notice of appeal has been given, the person who held the enquiry shall send that notice to the Postmaster General, for consideration by the Board, and he shall furnish the appellant with a copy of the reasons for the finding.

(3) If the appellant within seven days after the date upon which he received a copy of the reasons for the finding, applies to the Postmaster General for a copy of the record of the proceedings at the enquiry, the Postmaster General shall furnish him with such copy.

(4) The appellant may, within fourteen days after the date on which he received the copy of the record of the proceedings or, if he did not apply for a copy of the record, within twenty-one days after the date upon which he received a copy of the reasons for the finding, submit written representations in support of his appeal to the Postmaster General for consideration by the Board.

(5) (a) After consideration of such record and the other documents relevant to the appeal, the Board may allow the appeal in its entirety or in part and set aside or alter the finding, or dismiss the appeal and confirm the finding or, before arriving at a decision on the appeal, remit any question in connection with the enquiry to the



**Post Office Service Act 66 of 1974 (RSA)**

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person who held it, and direct him to report thereon or to hold a further enquiry and arrive at a finding thereon.

- (b) The provisions of subsections (1) to (4), inclusive, of section 20 shall apply in respect of such further enquiry.
- (6) When the Board has arrived at a decision on the appeal, the Postmaster General shall convey that decision in writing to the appellant.

(7) If the Board has dismissed the appeal or allowed the appeal in part, the officer concerned may, within fourteen days after the date upon which he received the decision of the Board, appeal to the Minister against the decision by giving to the Postmaster General a written notice of appeal in which the grounds of appeal are set out.

(8) The Postmaster General shall send such notice of appeal to the Minister together with the documents considered by the Board and the reasons for the decision of the Board, and shall send to the appellant a copy of the reasons for the decision of the Board.

(9) The appellant may, within fourteen days after the date upon which he received the reasons for the decision of the Board, submit written representations to the Minister in support of his appeal.

(10) After consideration of the documents submitted to him, the Minister may confirm the decision of the Board or set aside that decision and at the same time set aside or alter the finding.

(11) The Minister may, before arriving at a decision on the appeal, remit any question on any matter in connection with the case to the Postmaster General and direct him to report thereon after consideration of that question by the Board, or refer any question in connection with the enquiry or further enquiry referred to in section 19 or 24 or in subsection (5), to the person who held the said enquiry and direct him to report thereon.

**Manner in which notice may be given and documents delivered**

- 32.** Whenever in this Chapter it is provided that -
- (a) any notice, statement or other document shall be given or furnished or delivered to any person, or that any matter shall or may be conveyed in writing to any person, such notice, statement, document or writing may be sent to him by post by registered letter or delivered to him personally or left at his last known place of residence; or
  - (b) any person shall be informed of any decision or finding, he may be informed thereof verbally or in writing sent to him by post by registered letter or delivered to him personally or left at his last known place of residence.

**Entry in service 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 record of the officer concerned.

## CHAPTER V

## GENERAL

### Remuneration of officers and employees

**34.** (1) Officers and employees (except the Postmaster General and holders of posts referred to in section 4 (2)) shall be paid salaries, wages and allowances in accordance with the scales appropriate to their grades and authorized by the Board with the approval of the Minister.

(2) The Postmaster General and holders of posts referred to in section 4(2), shall be paid salaries and allowances in accordance with the scales determined by the Minister.

(3) The Board may with the approval of the Minister direct that -

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

(b) the emoluments of classes of officers or employees shall be specially advanced within the scales applicable to them.

(4) No officer or employee shall in respect of his employment as officer or employee be paid any remuneration, allowance, honorarium, award or bonus other than such remuneration, allowance, honorarium, award or bonus as is prescribed or has been authorized by the Board with the approval of the Minister or, in the case of the Postmaster General and the holders of posts referred to in section 4(2), as is determined by the Minister.

### 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.

### Prohibition of cessation of right in respect of emoluments

**36.** (1) No officer or employee shall, without the written approval of the Postmaster General, cede the right to any salary or allowance payable to him, or to any part of that salary or allowance.

(2) Any cession in conflict with the provisions of subsection (1) shall be null and void.

### 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 the said code, may be deviated from to the extent authorized by the Board with the approval of the Minister.

### Performance of other work by officers and employees

**38.** (1) Unless it is otherwise provided in his conditions of service -

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

**Post Office Service Act 66 of 1974 (RSA)**

(b) no officer or employee shall perform, or engage himself to perform, remunerative work outside the scope of his duties in the department without the permission of the Minister, or of an officer to whom the power to give such permission has been delegated by the Minister; and

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

(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).

(3) The Minister or the Postmaster General or the head of an office may require 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.

(4) Any remuneration or allowance received by an officer or employee otherwise than in accordance with the provisions of this Act, or a recommendation made by the Board under any other law, shall be paid by such officer or employee into the fund, and if he does not do so, it shall be recovered from him by the Postmaster General by legal proceedings or in such other manner as the Postmaster General may think fit and be paid into the fund.

(5) All moneys received by an officer or employee in his official capacity shall be paid into the fund, unless the Board has authorized him with the approval of the Minister to retain the whole or a portion of the said moneys as part of his remuneration.

(6) If on account of his professional, technical or other special qualifications the services of an officer or employee are temporarily placed at the disposal of another government or administration or of an institution or body established by or in terms of any law, or of any other department of State, the administration of the territory or any body or person, any salary, allowance, fee, bonus or honorarium which may be payable in respect of his services, shall be paid into the fund: Provided that under special circumstances the Board may with the approval of the Minister authorize the payment to the officer or employee of an amount equal to the said salary, allowance, fee, bonus or honorarium, or a portion thereof.

**Political rights of officers and employees**

**39.** Subject to the provisions of section 23(g), an officer or employee may -

- (a) be a member and serve on the management of a lawful political party;
- (b) attend a public political meeting but may not preside or speak at such a meeting;
- (c) not draw up or publish or cause to be published any writing or deliver a public speech to promote or prejudice the interests of any political party.

**Special advancement, reward or promotion of officers and employees**

**40.** The Board may with the approval of the Minister -

- (a) specially increase the salary or wage of any officer or employee of exceptional ability or possessing special qualifications or who has rendered meritorious service, and, if it is in the interests of the department, of any officer or employee, within the scale applicable to him or pay him a salary or wage in accordance with a higher scale, or grant him any other fitting reward;

**Post Office Service Act 66 of 1974 (RSA)**

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- (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 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.

**Appeals regarding promotions**

**41.** (1) Any officer who is of the opinion that a promotion (except a promotion to a post of which the holder is by virtue of the provisions of section 4(2) a member of the Board) was effected or approved without due observance of the provisions of this Act, and that his position in the department in relation to any other officer or officers is or will be prejudiced as a result of such promotion, may appeal to the Board in the prescribed manner.

(2) If such promotion was not effected by the Board, the Board's unanimous decision on the appeal shall be final.

(3) If such promotion was made by the Board or if the decision of the Board on the appeal was not unanimous, the officer concerned may appeal to the Minister in the prescribed manner against the decision of the Board.

(4) If an appeal under this section is allowed, the Board shall with the approval of the Minister decide on the act or acts which may appear necessary to prevent or remove as far as possible any detriment to the officer concerned, and such act or acts shall be performed by the authority who is in terms of this act competent or obliged to perform such act or acts.

**Grievances of officers**

**42.** (1) Any officer who, in his opinion, is or may be detrimentally affected by the performance of any act other than an act to which Chapter or section 41 applies, may under the circumstances, on the conditions and in the manner prescribed appeal to the Postmaster General and, if he is not satisfied with the decision of the Postmaster General, to the Board.

(2) If such appeal arises from any act which was not performed by the Board, the decision of the Board shall be final.

(3) If such appeal arises from any act performed by the Board, the officer concerned may in the prescribed manner appeal to the Minister against the decision of the Board.

(4) If an appeal under this section is allowed, the Board shall with the approval of the Minister decide on the act or acts which may appear necessary to prevent or remove as far as possible any detriment to the officer concerned, and such act or acts shall be performed by the authority which is in terms of this act competent to perform such act or acts.

**Establishment and functions of Post Office Staff Relations Council**

**43.** (1) There is hereby established a council, to be known as the Post Office Staff Relations Council, consisting of -

- (a) the prescribed number of officers nominated by the Board; and

**Post Office Service Act 66 of 1974 (RSA)**

- (b) a number of officers equal to the number referred to in paragraph (a), nominated, subject to the prescribed conditions, by staff associations recognized by the Minister on the recommendation of the Board.

(2) Such Staff Relations Council shall consider and advise the Minister or the Board, or the Minister and the Board, on -

- (a) matters which may or are required to be dealt with by the Board in terms of any law;
- (b) the provisions of promulgated regulations and proposed regulations, the provisions of the code referred to in section 48 or proposed provisions of such code, and the provisions of legislation passed or proposed to be passed in so far as such provisions affect or may affect the service of officers or employees; and
- (c) such other matters as may be prescribed,

referred to the Staff Relations Council in the prescribed manner.

**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) 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) 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 Pensions Act, 1965 (Act No. 62 of 1965), and such White employees shall be deemed to be employees occupying posts in the service of the Government, as so defined;
- (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.

**[The Temporary Employees Pension Fund Act 75 of 1979 Act repeals the Government Service Pensions Act 62 of 1965 and the Government Non-white Employees Pensions Act 42 of 1966.]**

**Saving with regard to rights and liabilities**

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

**Limitation of actions**

46. (1) No legal proceedings shall be instituted against the State or any person in respect of anything done or any failure to do anything required to be done in terms of this Act, unless the legal proceedings are instituted before the expiry of a period of twelve months after the

date upon which the claimant had knowledge of the act or failure alleged, or after the date on which the claimant might reasonably have been expected to have knowledge of such act or failure, whichever is the earlier date.

[The word “reasonably” is misspelt in the *Government Gazette*, as reproduced above.]

(2) No such legal proceedings shall be instituted before the expiry of at least one month after written notice of the intention to bring such legal proceedings has been served on the State or the person concerned.

(3) In such notice particulars concerning the alleged act or failure shall be clearly and explicitly given.

### Regulations

47. (1) The Minister may, on the recommendation of the Board, make regulations relating to -

- (a) the employment of persons and the transfer, promotion and continued employment of officers and employees;
- (b) the duties, powers, conduct, discipline, hours of duty and privileges in respect of leave of absence of the various classes of officers and employees;
- (c) the amounts which may be deducted from the emoluments of officers and employees in respect of absence from duty without valid reason or permission;
- (d) journeys on official duty and the transport privileges of officers and employees on appointment, transfer and termination of service;
- (e) the designation of, and the conditions of occupation of, official quarters which officers and employees may be required to occupy, and the allocation of such quarters to officers and employees or classes of officers and employees;
- (f) the conditions on which and the circumstances under which remuneration for overtime duty, and travelling, subsistence, climatic, local or other allowances, shall be paid to officers and employees;
- (g) the circumstances under which medical examination shall be required for the purposes of any provision of this Act, and the form of medical reports and certificates which shall be furnished in respect of such examination;
- (h) the particular classes of officers and employees who may be required to give security, and the amount and form thereof;
- (i) the officers who are competent to find whether officers have committed service irregularities, the penalties which may be imposed by different prescribed officers, the penalties to be entered in the service records of officers, the service irregularities in respect of which such entries shall be so entered, the circumstances under which such entries are to be deleted, and the manner in which appeals against convictions of service irregularities shall be noted and prosecuted;
- (j) the procedure to be followed in the investigation of allegations of misconduct by officers;

**Post Office Service Act 66 of 1974 (RSA)**

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- (k) the procedure to be followed in appeals in connection with promotions in terms of section 41 and in appeals in connection with grievances in terms of section 42, and the circumstances under which and the conditions upon which appeals in terms of section 42 may be lodged;
- (l) the grade or grades referred to in section 4(2), meetings of the Board, the procedure of the Board and the procedure to be observed in submitting to the Board matters which shall or may be considered by the Board;
- (m) the constitution, functions and procedure of the Staff Relations Council referred to in section 43, the nomination of members thereof, the matters not specifically provided for in section 43 which may be referred to the said Council for advice, and the manner in which matters shall be referred to the said council for advice;
- (n) the recognition of staff associations;
- (o)
  - (i) the establishment, management and control of a medical aid scheme or medical aid schemes for the department;
  - (ii) the classes of officers and employees who may be required to become members of and to contribute to such scheme or schemes;
  - (iii) the scales of the contributions;
  - (iv) the rights, privileges and obligations of members; and
  - (v) generally, all matters reasonably necessary for the regulation and operation of such scheme or schemes, and such matters may, notwithstanding the provisions of section 34(1) and (2), include the circumstances, manner and conditions under, in and upon which contributions and other moneys payable to or due to such scheme or schemes by or in respect of officers or employees, are to be recovered from the salaries or wages or from other moneys payable to such officers or employees under this Act, and paid to such scheme or schemes;
- (p)
  - (i) the recognition by the Board of a specific medical aid scheme or medical aid society or specific medical aid schemes or medical aid societies as an institution or institutions of which officers and employees are or may be required to become and to remain members;
  - (ii) the conditions under which such recognition and continued recognition or the withdrawal of such recognition may in general take place and, in particular, the power of the Board to prescribe the requirements with which the constitution, rules, control, management, powers, duties, scales of membership fees and any other aspect of the activities of any medical aid scheme or medical aid society must comply before it may become eligible for recognition or continued recognition as contemplated herein;
  - (iii) officers' and employees' compulsory membership of a medical aid scheme or medical aid society recognized by the Board ;
  - (iv) the classes of officers and employees who are so required or who may be so required to become and to remain members of such medical aid scheme or medical aid society;

**Post Office Service Act 66 of 1974 (RSA)**

- (v) the conditions of such compulsory membership, and such conditions may, notwithstanding the provisions of section 34(1) and (2), include the circumstances, manner and conditions under, in and upon which membership fees and other moneys payable or due to such medical aid scheme or medical aid society by officers and employees, may be recovered from the salaries or wages or from other moneys payable to such officers or employees under this Act, and paid to such medical aid scheme or medical aid society; and
- (vi) the circumstances under which any officer or employee or classes of officers and employees are or may be exempted from compulsory membership of a recognized medical aid scheme or medical aid society;
- (q) any matter which shall or may be prescribed in terms of this Act; and
- (r) generally, and without the generality of this provision being restricted by the foregoing paragraphs of this subsection, any matter which the Minister may consider it necessary or expedient to prescribe for the more efficient execution of the aims and purposes of this Act,

and such regulations may authorize the Board in exceptional cases to depart from the provisions thereof with the approval of the Minister.

(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.

(3) Notwithstanding the provisions of subsection (1), a regulation dating to the grade or grades referred to in paragraph (l) of that subsection shall be made without a recommendation by the Board.

(4) No regulation shall be made in terms of subsection (1) without the approval of the State President.

- (5) (a) Any regulation made under this Act shall be of force and effect unless, during the session in which it has been laid upon the Table in the Senate and the House of Assembly as provided by section 17 of the Interpretation Act, 1957 (Act No. 33 of 1957), both the Senate and the House of Assembly have by resolution disapproved the regulation, in which event the regulation shall lapse as from a date fixed in the resolution.
- (b) The lapsing of a regulation in terms of this subsection shall not affect the validity of anything done under the regulation before the date fixed in the resolution.
- (c) The provisions of this subsection shall not affect the power of the Minister to make a new regulation as to the subject matter of a regulation which has lapsed in terms of paragraph (a).

**Code relating to certain aspects of conditions of service of officers and employees**

**48.** (1) The Board may 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 -

- (a) the rates of remuneration for overtime duty performed by officers and employees;



**Post Office Service Act 66 of 1974 (RSA)**

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- (b) the rates of travelling, subsistence, climatic, local and other allowances payable to officers and employees;
- (c) the amounts of and the conditions relating to subsidies and other benefits in respect of housing, bonuses and other concessions in respect of vacation, the payment of the cash value of accumulated vacation leave, and the amounts of and the conditions relating to other benefits and privileges in respect of service which are granted to officers and employees;
- (d) the employment, remuneration, conditions of service, grievances, discipline and discharge of employees in so far as such matters are not governed by the regulations or by special contracts relating to their service;
- (e) subject to provisions to the contrary contained in special contracts relating to their service, the penalties which may be imposed on employees in respect of the contravention of regulations and instructions applying to them and misconduct committed by them;
- (f) any other matter relating to the conditions of service of officers and employees which may be determined by the Minister.

(2) The provisions of section 47(2) shall apply *mutatis mutandis* in respect of the provisions of such code.

(3) The Board shall submit the code drawn up in terms of subsection (1) to the Minister for his approval.

(4) The Board may from time to time draw up amendments to the code approved under subsection (2) and may submit such amendments to the Minister for his approval.

(5) The provisions of such code -

- (a) shall not be in conflict with any provision of this Act;
- (b) shall, if it has been approved by the Minister, be legally binding upon the department and any officer or employee in respect of whom such provisions apply.

**Transitional provisions and savings**

**49.** (1) A member of the Post Office Staff Board established by section 7(1) of the Post Office Re-adjustment Act, 1968 (Act No. 67 of 1968), who immediately before the commencement of this Act held office as member of the said Board and whose period of office as such member expires after 31 October 1974, shall -

- (a) with effect from 1 November 1974 be relieved of his office subject to the conditions (excluding conditions relating to the pension benefits payable to the said member from the Government Service Pension Fund established by section 3 of the Government Service Pension Act, 1973 (Act No. 57 of 1973)), determined by agreement between the Minister and the said member;
- (b) for the purposes of the application to him or, in the case of his death, his dependants, of the provisions of the Government Service Pension Act, 1973, and regulations made thereunder, be deemed to be an officer in the public service who, owing to the abolition of his post, has been or will be retired on pension with effect from a date

**Post Office Service Act 66 of 1974 (RSA)**

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determined in the agreement referred to in paragraph (a), and for the purposes of such application as a period (if any) from 1 November 1974 to the date mentioned shall be reckoned as part of and continuous with his employment in the public service,

and if it is necessary to amend any law to give effect to an agreement referred to in paragraph (a), such amendment shall be deemed to be effected hereby.

(2) As from the commencement of this Act and until the Board otherwise directs, any division referred to in section 3(1) shall consist of those posts of which the corresponding division in the public service consisted immediately before that commencement and which were then held by officers or employees in the department.

(3) Any person who immediately before the commencement of this Act was employed in the department and who was under any provision of the Public Service Act, 1957 (Act No. 54 of 1957), an officer or employee in the public service, shall as from such commencement be deemed to be an officer or employee, as the case may be, in the service of the department.

(4) Any person, other than a person referred to in subsection (3) who, immediately before the commencement of this Act, was employed in any capacity in the department, shall as from such commencement be deemed to be in the service of the department.

(5) The regulations may provide that any right acquired in terms of the regulations made in terms of the Public Service Act, 1957, by any person in respect of whom this Act applies, shall be deemed to be a right acquired by that person in terms of the first-mentioned regulations.

(6) Any regulation made on or after 1 July 1969 in terms of the Public Service Act, 1957, without a recommendation first having been made by the Post Office Staff Board referred to in subsection (1), shall be deemed to have been made after a recommendation was so made in so far as such regulation applies in respect of officers or employees (as defined in this Act), or in respect of any person who is or was employed in the department.

**[The Post Office Re-adjustment Act 67 of 1968 is repealed by this Act. The “Administration of South West Africa” and the “Secretary for South West Africa” were removed from the coverage of the Public Service Act 54 of 1957 by RSA Proc. R 112/1980 (RSA GG 7097). The public service in South West Africa was then governed by the Government Service Act 2 of 1980 (OG 4116), which was re-named the Public Service Act 2 of 1980 and replaced by the Public Service Act 13 of 1995.]**

**Repeal of laws**

**50.** (1) Subject to the provisions of subsection (2), the laws specified in the Schedule are hereby repealed to the extent set out in the third column of that Schedule.

(2) Anything done in terms of any provision of a law repealed by subsection (1), shall be deemed to have been done in terms of the corresponding provision of this Act.

(3) Regulations, scales of salaries, wages and allowances, or any recommendation, direction or other action made, fixed given or taken in terms of the Public Service Act, 1957 (Act No. 54 of 1957), the Government Service Pensions Act, 1965 (Act No. 62 of 1965), the Government non-White Employees Pension Act, 1966 (Act No. 42 of 1966) or the Government Service Pension Act, 1973 (Act No. 57 of 1973), which was in force immediately before the commencement of this Act, shall, in so far as it or they relate to the department, or to officers or to persons who were in or are to be taken into the service of the department, be deemed to have been made, fixed, given or taken under this Act, or such other law as interpreted in terms of section 5(g), as the case may be.

**Post Office Service Act 66 of 1974 (RSA)**

(4) Any reference to the Public Service Act, 1957, or the regulations made thereunder or to a particular provision of that Act or those regulations in any notice, approval, authority, recommendation, agreement or document, issued, given, granted, made or entered into before the commencement of this Act, shall, in so far as it or they relate to the department, or to officers and employees, or to persons who were or are to be taken into the service of the department, be deemed to be a reference to this Act or to the corresponding provision of this Act or the regulations made under this Act.

[The “Administration of South West Africa” and the “Secretary for South West Africa” were removed from the coverage of the Public Service Act 54 of 1957 by RSA Proc. R 112/1980 (RSA GG 7097). The public service in South West Africa was then governed by the Government Service Act 2 of 1980 (OG 4116), which was re-named the Public Service Act 2 of 1980 and replaced by the Public Service Act 13 of 1995. The Government Service Pensions Act 62 of 1965 and the Government Non-white Employees Pensions Act 42 of 1966 are repealed by the Temporary Employees Pension Fund Act 75 of 1979.]

**Amendment of section 1 of Act 54 of 1957, as amended by section 1 of Act 71 of 1963, section 1 of Act 47 of 1965, section 1 of Act 63 of 1967, section 29 of Act 67 of 1968, section 1 of Act 86 of 1969 and section 1 of Act 65 of 1971**

51. Section 1 of the Public Service Act, 1957, is hereby amended by the substitution for the definition of “Government” of the following definition:

“‘Government’ means the Government of the Republic and includes any provincial Administration and the administration of the territory, but does not include the railway administration or the department of Posts and Telecommunications.”.

[The “Administration of South West Africa” and the “Secretary for South West Africa” were removed from the coverage of the Public Service Act 54 of 1957 by RSA Proc. R 112/1980 (RSA GG 7097). The public service in South West Africa was then governed by the Government Service Act 2 of 1980 (OG 4116), which was re-named the Public Service Act 2 of 1980 and replaced by the Public Service Act 13 of 1995.]

**Amendment of section 2 of Act 54 of 1957, as amended by section 1 of Act 9 of 1961 and section 30 of Act 67 of 1968**

52. Section 2 of the Public Service Act, 1957, is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) Nothing in this Act, excepting the provisions of section 4, shall apply in respect of the employment by the Government of persons whose appointment, remuneration and other conditions of employment may, in terms of any law, be made and determined by the State President, or a Minister or Administrator or other person without the recommendation of the Commission first having been obtained.”.

[The “Administration of South West Africa” and the “Secretary for South West Africa” were removed from the coverage of the Public Service Act 54 of 1957 by RSA Proc. R 112/1980 (RSA GG 7097). The public service in South West Africa was then governed by the Government Service Act 2 of 1980 (OG 4116), which was re-named the Public Service Act 2 of 1980 and replaced by the Public Service Act 13 of 1995.]

**Amendment of section 3 of Act 54 of 1957, as amended by section 31 of Act 67 of 1968**

53. Section 3 of the Public Service Act, 1957, is hereby amended by the substitution for subsection (6) of the following subsection:

**Post Office Service Act 66 of 1974 (RSA)**

“(6) The public service shall not include Ministers, the Administrator of a province or the territory, the Chief Justice of South Africa, any judge of the Supreme Court of South Africa, officers of Parliament or members of the Commission.”.

[The “Administration of South West Africa” and the “Secretary for South West Africa” were removed from the coverage of the Public Service Act 54 of 1957 by RSA Proc. R 112/1980 (RSA GG 7097). The public service in South West Africa was then governed by the Government Service Act 2 of 1980 (OG 4116), which was re-named the Public Service Act 2 of 1980 and replaced by the Public Service Act 13 of 1995.]

**Amendment of section 13 of Act 54 of 1957, as amended by section 5 of Act 86 of 1969, section 4 of Act 65 of 1971 and section 2 of Act 54 of 1973**

54. Section 13 of the Public Service Act, 1957, is hereby amended by the substitution for subsection (5) of the following subsection:

“(5) A person holding a pensionable appointment under the railway administration, in the department of Posts and Telecommunications or under the Government, other than in the public service, may, on the recommendation of the Commission, be transferred and appointed to a post in the administrative, clerical, professional, technical, general A or general B division.”.

[The “Administration of South West Africa” and the “Secretary for South West Africa” were removed from the coverage of the Public Service Act 54 of 1957 by RSA Proc. R 112/1980 (RSA GG 7097). The public service in South West Africa was then governed by the Government Service Act 2 of 1980 (OG 4116), which was re-named the Public Service Act 2 of 1980 and replaced by the Public Service Act 13 of 1995.]

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55.

[Section 55 is deleted by Act 17 of 1992.]

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56.

[Section 56 is deleted by Act 17 of 1992.]

**Amendment of section 3 of Act 78 of 1968**

57. Section 3 of the Finance Act, 1968, is hereby amended by the insertion after subsection (1) of the following subsection:

“(1A) For the purposes of subsection (1) the Postmaster General shall be deemed to be a head of department within the meaning of the Public Service Act, 1957 (Act No. 54 of 1957).”.

[The Finance Act 78 of 1968 is repealed by the Finance and Financial Adjustments Acts Consolidation Act 11 of 1977 (RSA GG 5443) (applicable to South West Africa only in part), which was repealed in Namibia by the Repeal of Obsolete Laws Act 12 of 2022 (GG 7991). The “Administration of South West Africa” and the “Secretary for South West Africa” were removed from the coverage of the Public Service Act 54 of 1957 by RSA Proc. R 112/1980 (RSA GG 7097). The public service in South West Africa was then governed by the Government Service Act 2 of 1980 (OG 4116), which was re-named the Public Service Act 2 of 1980 and replaced by the Public Service Act 13 of 1995.]

**Short title and commencement**

**Post Office Service Act 66 of 1974 (RSA)**

**58.** This Act shall be called the Post Office Service Act, 1974, and the provisions thereof shall come into operation on 1 November 1974.

**Schedule**

**LAWS REPEALED**

Number and Year	Short Title	Extent of Repeal
Act No. 67 of 1968.	Post Office Re-adjustment Act, 1968.	Sections 7 to 11, inclusive.
Act No. 59 of 1969.	Post Office Re-adjustment Amendment Act, 1969.	The whole.
Act No. 3 of 1970.	Post Office Re-adjustment Amendment Act, 1970.	The whole.