

Statutory Instrument No. 72 of 1974

PUBLIC SERVICE ACT, 1973
(14 of 1973)

PUBLIC SERVICE (AMENDMENT) (NO. 2) REGULATIONS, 1974

(Published on the 17th May, 1974)

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation
2. Amendment of regulation 2 of S.I. 57 of 1970
3. Amendment of regulation 6
4. Revocation of regulation 11
5. Amendment of regulation 14
6. Amendment of regulation 15
7. Amendment of regulation 18
8. Substitution of regulation 27
9. Revocation of regulation 41

IN EXERCISE of the powers conferred by section 35 of the Public Service Act, 1973, His Excellency the President hereby makes the following Regulations —

1. These Regulations may be cited as the Public Service (Amendment) (No. 2) Regulations, 1974. Citation
2. Regulation 2 of the Public Service Regulations, 1970 (hereinafter referred to as “the principal Regulations”), is amended by deleting the definitions of “Commission”, “Minister” and “Permanent Secretary”. Amendment of regulation 2 of S.I. 57 of 1970
3. Regulation 6 of the principal Regulations is amended as follows — Amendment of regulation 6
 - (a) by deleting the words “(and, if the office is in the superscale, the Permanent Secretary, Office of the President)” wherever they occur;
 - (b) by substituting for the word “Director” wherever it appears, the words “responsible officer”.
4. Regulation 11 of the principal Regulations is hereby revoked. Revocation of regulation 11
5. Regulation 14 of the principal Regulations is amended as follows — Amendment of regulation 14
 - (a) by substituting for the figures “18 (1)”, which appear therein, the figures “22”;
 - (b) by substituting for the word “Director” wherever it appears, the words “responsible officer”.
6. Regulation 15 of the principal Regulations is amended as follows — Amendment of regulation 15
 - (a) by substituting for the figures “19”, which appear therein, the figures “23”;
 - (b) by substituting for the word “Director” wherever it appears, the words “responsible officer”.

Amendment
of regulation
18

7. Regulation 18 of the principal Regulations is amended by substituting for the word "Director, which appears in the marginal note therein, the words "responsible officer".

Substitution
of regulation
27

8. The principal Regulations are amended by substituting for regulation 27 the following new regulation —

"Absence without leave, etc. 27. (1) Without prejudice to the taking of any other disciplinary proceedings, a public officer who has been absent without leave or reasonable excuse may be summarily dismissed by a responsible officer without any further disciplinary proceedings being taken.

(2) An officer who has been dismissed under paragraph (1) may, within one month of such dismissal, make representations to the responsible officer to review his case.

(3) If the responsible officer decides, on review, that the officer should be reinstated, he shall give directions as to whether such absence should be treated as leave with pay or without pay. To the extent that such officer has leave due to him such absence shall be treated as leave with pay, but to the extent that he has insufficient or no leave due to him such absence shall be treated as leave without pay.

(4) If the responsible officer considers it necessary or desirable before deciding whether or not to reinstate such officer, he may refer the matter to a committee of enquiry, consisting of such person or persons as he may appoint but who shall be of at least equal rank to that of the dismissed officer.

(5) The committee shall report to the responsible officer concerned who shall then inform the officer of his decision, and if he decides to reinstate such officer he shall give such directions as may be given in terms of paragraph (3) of this regulation.

(6) Where, on review, or after referring the matter to a committee of enquiry, the responsible officer does not reinstate the dismissed officer, the dismissed officer shall, in each case, be informed of the reasons and of his right of appeal to the Commission.

(7) Where in accordance with this regulation, absence without leave is treated as leave without pay, the period of such leave without pay shall not be deemed to constitute a break in service but shall not count as pensionable service.

Revocation
Revocation of
regulation 41

9. Regulation 41 of the principal Regulations is hereby revoked.

MADE this 9th day of May, 1974.

P.L. STEENKAMP,
*Administrative Secretary,
Office of the President.*