

PUBLIC SERVICE (AMENDMENT) ACT, 1979

No. 16



of 1979

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Amendment of section 2 of Cap. 26:01
3. Substitution of section 6 of principal Act

**An Act to amend the Public Service Act**

*Date of Assent: 15.8.79.*

*Date of Commencement: 24.8.79.*

**ENACTED** by the Parliament of Botswana

1. This Act may be cited as the Public Service (Amendment) Act, 1979. Short title
2. Section 2 of the Public Service Act (hereinafter referred to as "the principal Act") is hereby amended — Amendment  
of section 2  
of Cap. 26:01
  - (a) by the insertion, immediately after the definition of "Commission", of the following new definition —  
"Committee of Selection" has the meaning assigned to it by paragraph 82 of the Standing Orders of the National Assembly;"; and
  - (b) by the substitution for the definition of "Permanent Secretary" of the following new definition —  
"Permanent Secretary" includes the Attorney-General, the Auditor-General, the Clerk of the National Assembly and the Registrar of the High Court;".

Substitution  
of section 6  
of principal  
Act

3. Section 6 of the principal Act is hereby amended by the substitution for that section of the following new section –

“Power of  
appointment,  
discipline  
and removal

6. (1) Subject to the Constitution, the power to appoint, remove or exercise disciplinary control over any public officer shall be vested, –

(a) in the case of any public officer on the superscale (other than an officer to whom section 110 of the Constitution does not apply), in the Permanent Secretary to the President; and

(b) in any other case, in the Director in accordance with this Act.

(2) The Director may, with the consent of the President, by directions in writing, delegate any of his powers under this section to any public officer, but, notwithstanding any such delegation, the Director may vary or set aside any decision made by such public officer in the exercise of his delegated powers.

(3) The appointing authority shall not appoint, promote or transfer any person to or from any post in the National Assembly without the prior approval of the Speaker of the National Assembly.

(4) In giving approval to any appointment, promotion or transfer referred to in subsection (3), the Speaker shall act on the advice and recommendation of, –

(a) in the case of the posts of the Clerk, Deputy Clerk or Clerks Assistants, the Committee of the National Assembly Staff established in accordance with the provisions of subsection (5); and

(b) in any other case, the Clerk of the National Assembly.

(5) The Committee of Selection shall, at the beginning of the first session of every Parliament and for the duration of the life of such Parliament, appoint a committee to be known as the Committee of the National Assembly Staff, of which the Speaker of the National Assembly shall be the chairman.

(6) The Committee of the National Assembly Staff appointed under subsection (5) shall be responsible for tendering advice and making recommendations to the Speaker with regard to appointments and promotions to, or transfers from, any post in the National Assembly.

(7) Before any power relating to the appointment of the Secretary to the House of Chiefs is exercised, the appointing authority shall consult the Chairman of that House.

**(8) No person shall be appointed to the personal staff of the President except with the approval of the President.”**

**PASSED** by the National Assembly this 17th day of August, 1979.

**I.P. GONTSE,**  
*Clerk of the National Assembly.*