TO HEADS OF ALL DEPARTMENTS/PROVINCIAL ADMINISTRATIONS/OFFICES OF PROVINCIAL SERVICE COMMISSIONS

APPOINTMENT OF NON-CITIZENS IN THE PUBLIC SERVICE

1. The provisions of section 10(1)(a) of the Public Service Act, 1994 currently stipulate that for purposes of permanent appointment in the Public Service, a person must be a South African citizen.

2. Following a recent ruling by the Constitutional Court (a copy of the judgement is attached) that a similar provision in the Regulations regarding employment in the Educator sector is unconstitutional and invalid, the condition contained in section 10(1)(a) of the Public Service Act, 1994 is at present being reviewed.

3. In the interim, and until such time that the Act is amended, you are thus advised to no longer apply section 10(1)(a) of the Act when considering candidatures of non-citizens vis-à-vis South African citizens for purposes of permanent appointment.

DIRECTOR-GENERAL

22 June 1998