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AN
ACT
OF THE CONSTITUENT ASSEMBLY OF GHANA
ENTITLED
THE CIVIL SERVICE ACT, 1960

AN ACT to provide for the creation of Civil Service posts, for the setting up of Ministries and Departments, for the appointment, promotion and retirement of Civil Servants, and for conditions of service, disciplinary proceedings and other matters relating to the Civil Service.

DATE OF PASSING: *29th June, 1960*

WHEREAS by section 2 of the Constituent Assembly and Plebiscite Act, 1960 (No. 1) this Constituent Assembly is authorised to enact such provisions for or in connection with the establishment of a new Constitution as it thinks fit;

AND WHEREAS it is expedient to enact the provisions hereinafter appearing in consequence of the enactment of the Constitution;

NOW THEREFORE be it enacted by the Constituent Assembly as follows:—

PART I—CIVIL SERVICE COMMISSION

1. (1) There shall be a Civil Service Commission to assist the President in the exercise of his functions relating to the Civil Service. Civil Service Commission.
- (2) The Commission shall consist of three or more persons appointed for a term of five years by the President, of whom one shall be nominated by the President as Chairman of the Commission.

(3) No person shall be appointed as, or shall remain, a member of the Commission if he is or becomes a person holding any other office or employment in respect of which he is remunerated directly out of any public fund or public account.

(4) The salary of a member of the Commission shall be determined by the National Assembly, is hereby charged on the Consolidated Fund and shall not be diminished during his term of office.

(5) A member of the Commission may be removed from office by the President for cause assigned if the President considers that the public interest requires his removal.

Regulations
as to Com-
mission.

2. Regulations may provide for the procedure governing the exercise by the Civil Service Commission of its functions, for the protection and privileges of members of the Commission, and for privilege from disclosure in legal proceedings of documents made in connection with the functions of the Commission.

PART II—STRUCTURE OF THE SERVICE

Civil
Servants.

3. The following shall be known as Civil Servants, namely—

- (a) persons, other than members of the Civil Service Commission, holding posts created by or under this Act; and
- (b) persons holding posts created by or under any other enactment, being posts designated by law as Civil Service posts.

Creation
of posts.

4. (1) Regulations may provide for the creation of established and unestablished posts in the Civil Service.

(2) Regulations creating established posts shall specify in relation to each post the name of the post, the salary or salary scale attached to the post and the complement, that is the number of posts constituting the grade in question.

(3) Regulations creating unestablished posts shall specify in relation to each post the name of the post and the salary attached to the post.

(4) Regulations creating any Civil Service post shall specify whether the post is a Departmental post or a general post.

Designation
of posts.

5. (1) Regulations may designate posts created by or under any enactment other than this Act as Civil Service posts.

(2) Regulations designating a post under this section shall specify whether the post is a Departmental post or a general post.

Depart-
ments.

6. (1) Regulations may provide that such Departmental posts as may be specified in the regulations shall constitute a Department under such name as may be so specified.

(2) References in this Act to posts in a Department are references to Departmental posts specified in relation to the Department in regulations made under this section, and references to posts in a Ministry shall be construed accordingly.

7. Regulations may provide that a Department or Departments specified in the regulations, together with such additional Departmental posts as may be specified therein, shall constitute a Ministry under such name as may be so specified. Ministries.

8. Regulations may provide that a Department which in the opinion of the President cannot appropriately be included in a Ministry shall be a special Department. Special Departments.

9. (1) There shall be an administrative class of general posts and such other classes of general posts as may be prescribed. General posts: administrative and other classes.

(2) Regulations may provide that such description and number of general posts as may be specified in the regulations shall be attached to a Ministry or to a Department.

(3) It shall be the duty of such person as may be prescribed in relation to a particular class to provide where necessary for the posting of a person holding a general post from one Ministry or Department to which a post of that description is attached to another such Ministry or Department.

(4) Except where the context otherwise requires, references in this Act to posts attached to a Ministry include references to posts attached to Departments comprised in that Ministry.

10. (1) There shall be four categories of Civil Service posts in descending order of importance, namely category A, category B, category C and category D. Categories of posts.

(2) Each category other than category D shall comprise such posts as may be prescribed, and category D shall comprise such posts as are not in any other category.

11. There shall be a Secretary to the Cabinet, who shall be responsible to the President for securing the general efficiency of the Civil Service. Secretary to the Cabinet.

12. (1) The Civil Servant holding such post in or attached to a Ministry as may be prescribed for the purposes of this subsection shall be the official Head of the Ministry and shall be responsible to his Minister for securing the general efficiency of the Ministry. Heads of Ministries and Departments.

(2) The person holding such post in or attached to a Department (not being a special Department) as may be prescribed for the purposes of this subsection shall be the official Head of the Depart-

ment and, unless he is also the Head of Ministry, shall be responsible to his Head of Ministry for matters relating to the administration of the Department.

(3) The Secretary to the Cabinet shall be responsible to the President for securing the general efficiency of the special Departments.

(4) The person holding such post in or attached to a special Department as may be prescribed for the purposes of this subsection shall be the official Head of the Department and, unless he is also the Secretary to the Cabinet, shall be responsible to the Secretary to the Cabinet, for matters relating to the administration of the Department.

(5) Regulations may provide for the holder of a post other than a Civil Service post to be deemed for the purposes of this section to be a person holding a post in or attached to a Department.

PART III—FILLING OF VACANCIES

Methods of
filling
vacancies.

13. A vacancy in a Civil Service post may be filled—

- (a) by promotion, that is by appointing a Civil Servant who is to be moved from another grade with an immediate increase in his salary;
- (b) by transfer within the Service, that is by appointing a Civil Servant who is to be moved from another grade with no alteration in his salary;
- (c) on reduction in rank, that is by appointing a Civil Servant who is to be moved from another grade with an immediate reduction in his salary;
- (d) by recruitment, that is by appointing a person who is not a Civil Servant or who would cease to be a Civil Servant if the appointment were not made.

Appointing
authorities.

14. (1) The authority empowered to fill vacancies in a Civil Service post shall be known as the appointing authority for that post.

(2) Subject to the provisions of this section, the President shall be the appointing authority for all Civil Service posts:

Provided that—

- (a) before the President fills a vacancy in any post in a Ministry other than a category A post he shall, unless he considers it inexpedient to do so, consult the Civil Service Commission and the Minister (if any) holding the portfolio for that Ministry; and

(b) before the President fills a vacancy in any post in a special Department other than a category A post he shall, unless he considers it inexpedient to do so, consult the Civil Service Commission.

(3) Regulations may provide for the delegation by the President of his power to fill vacancies in all or any of the category C posts in the Civil Service to the Civil Service Commission, and in relation to posts to which the delegation applies the Commission shall be the appointing authority.

(4) Regulations may provide for the delegation by the President of his power to fill vacancies in all or any of the category D posts in a Department to the Head of Department, and in relation to posts to which the delegation applies the Head of Department shall be the appointing authority.

(5) Regulations may provide for the delegation by the President of his power to fill vacancies in all or any of the general posts in category D to such person as may be prescribed, and in relation to posts to which the delegation applies that person shall be the appointing authority.

(6) Regulations may provide for the further delegation of powers delegated under subsection (4) of this section and for constituting persons to whom such powers are further delegated as appointing authorities.

(7) The powers of an appointing authority other than the President shall be exercised in accordance with such directions as may be given to the authority by the President.

15. (1) Where practicable, a vacancy in a Civil Service post shall be filled, in accordance with the relevant scheme of service, either by promotion or transfer. Principles
for filling
vacancies.

(2) Promotions shall be made according to merit.

(3) A person who to the knowledge of the appointing authority has attained the prescribed voluntary retiring age shall not be appointed by recruitment to a pensionable post otherwise than on a limited engagement:

Provided that this subsection shall not apply if that person has such accrued entitlement to retirement benefits as may be prescribed.

(4) A person who to the knowledge of the appointing authority has previously been convicted of an offence, or dismissed or removed from any of the Public Services, shall not be appointed by recruitment to a pensionable post in category D without the consent of the Civil Service Commission.

Appoint-
ment
procedure.

16. (1) Appointments to all Civil Service posts shall be made by a letter of appointment addressed to the person appointed and signed by or on behalf of the appointing authority:

Provided that no letter of appointment is necessary in the case of a post to which a wage calculated at a daily rate is attached.

(2) A person not already holding a pensionable post shall not be appointed to a pensionable post unless he has been medically examined and found to be fit to be appointed to pensionable service.

Limited
engage-
ments.

17. (1) Where a vacancy in a Civil Service post is filled by recruitment the person recruited may, if the appointing authority thinks fit, be appointed on a limited engagement.

(2) The letter of appointment of a person appointed to a post on a limited engagement—

(a) shall specify the period of the engagement, that is the period for which it is contemplated that he will remain in the post;

(b) may provide that the provisions of this Act and of any statutory instrument made thereunder shall apply subject to such modifications as may be set out in the letter of appointment.

(3) Where a person who is not a citizen of Ghana agrees to be appointed on a limited engagement his letter of appointment shall, unless it otherwise provides, constitute a contract between the Republic and that person, and it shall be taken to be a term of the contract that the provisions of this Act and of any statutory instrument made thereunder shall apply in relation to that person subject to such modifications as may be set out in the letter of appointment.

(4) Subject to such conditions as may be prescribed, the period of a limited engagement may be extended by the consent of the person serving under the engagement and the appointing authority.

Proba-
tionary and
trial
periods.

18. (1) An appointment by recruitment to a pensionable post shall be subject to satisfactory service in that post for a probationary period of three years.

(2) An appointment by promotion to a pensionable post shall be subject to satisfactory service in that post for a trial period of such duration as may be specified in the letter of appointment.

(3) Subject to subsection (5) of this section, where a pensionable post is held by a person on probation or on trial and it appears to the appointing authority at the end of the probationary or trial period, or at any time during that period, that the said person is unlikely to fulfil the requirements of the post, the appointing authority may provide for him to be transferred or reduced in rank, or, if he holds the post on probation, may order that he shall cease to be a Civil Servant.

(4) Subject to subsection (5) of this section, the appointing authority for a pensionable post held by a person on probation or on trial may if he thinks fit reduce or extend the probationary or trial period.

(5) The appointing authority for a post shall not exercise his powers under subsection (3) or (4) of this section—

- (a) where the appointing authority is the President and the post is not in category A, except after consulting the Civil Service Commission;
- (b) where the appointing authority is neither the President nor the Civil Service Commission, except with the consent of the Commission.

19. (1) Where a Civil Service post is vacant or the holder of the post is absent from duty for any reason the appointing authority for that post may assign a Civil Servant, or a public officer or member of the Armed Forces who has been seconded to the Civil Service, to carry out the duties of the post. Acting assignments.

(2) An assignment under this section shall cease to have effect—

- (a) on the filling of the vacancy or the return to duty of the holder of the post, as the case may be; or
- (b) if some other person is assigned to carry out the duties of the post; or
- (c) if the assignment is revoked by the appointing authority.

PART IV—CONDITIONS OF SERVICE

20. Regulations or administrative instructions may provide—

- (a) for the determination, subject to regulations made under section 4 of this Act, of the salary payable to a Civil Servant;

Regulation of conditions of service.

- (b) for regulating the award of increments of salary, and the payment of allowances and other additional remuneration;
- (c) for regulating hours of work and the granting of leave with or without pay or allowances;
- (d) for making available to Civil Servants (with or without charge) housing accommodation, medical treatment and other facilities;
- (e) for regulating the presentation of petitions by Civil Servants; and
- (f) for other matters relating to the conditions of service of Civil Servants.

Schemes of service.

21. (1) The Secretary to the Cabinet may require a Head of Department to prepare a scheme of service giving details of the composition of branches within the Department, the duties assigned thereto, modes of entry and qualifications required, prospects of promotion, training facilities and other matters relating to service in the Department.

(2) No scheme of service made under subsection (1) of this section or relating to the Civil Service generally shall be promulgated without the consent of the President given after consultation with the Civil Service Commission.

Training.

22. (1) There shall be a Department or a division of a Department with the function of supervising and co-ordinating, under the general direction of the Secretary to the Cabinet, arrangements for the training of Civil Servants.

(2) No person shall be selected for training with a view to enabling him to qualify for appointment to a particular post unless the appointing authority for that post has given his approval.

(3) Subject to the preceding provisions of this section, it is the duty of each Head of Department to secure, so far as is practicable, that facilities exist, and are used, to enable Civil Servants holding posts in the Department to undergo such training as may be necessary for the performance of the duties of their posts and for enabling them to qualify for advancement within the Service.

(4) Subject to subsections (1) and (2) of this section, it is the duty of such person as may be prescribed for that purpose in relation to a particular class of general posts to secure, so far as is practicable, that facilities exist, and are used, to enable Civil Servants holding general posts of that class to undergo such training

as may be necessary for the performance of the duties of their posts and for enabling them to qualify for advancement within the Service.

23. A Civil Servant holding a category A post shall not take part in any activity on behalf of a trade union or concerning the internal affairs of a trade union, but shall when so required by or under regulations or administrative instructions represent the Government in consultations and negotiations with trade unions as to conditions of service of Civil Servants.

Category A officers and trade unions.

24. (1) Regulations shall be made for securing that, so far as is practicable and subject to such exceptions (if any) as the public interest may require, all Civil Servants are members of trade unions.

Civil Servants to be trade unionists.

(2) The said regulations may include such provisions amending the enactments relating to trade unions as appear to the President to be expedient for the purposes of the regulations.

PART V—MISCONDUCT AND UNSATISFACTORY SERVICE

25. (1) Any act done without reasonable excuse by a Civil Servant which amounts to a failure to perform in a proper manner any duty imposed upon him as such, or which contravenes any enactment relating to the Civil Service, or which is otherwise prejudicial to the efficient conduct of the Civil Service or tends to bring the Civil Service into disrepute shall constitute misconduct; and the setting forth in the next following section of particular types of misconduct shall not be taken to affect the generality of this subsection.

General definition of misconduct.

(2) For the avoidance of doubt it is hereby declared that the conviction of a Civil Servant for any offence whatsoever tends to bring the Civil Service into disrepute.

26. It is misconduct for a Civil Servant—

Particular types of misconduct.

- (a) to be absent from duty without leave or reasonable excuse;
- (b) to be insubordinate;
- (c) to use, without the consent of the prescribed authority, any property or facilities provided for the purposes of the Civil Service for some purpose not connected with his official duties;
- (d) to engage in any activity outside his official duties which is likely to involve him in political controversy or to lead to his taking improper advantage of his position in the Civil Service;

- (e) to engage in any gainful occupation outside the Civil Service without the consent of the prescribed authority.

Penalties.

27. (1) The following are the penalties that may be imposed in disciplinary proceedings under this Part of this Act in respect of misconduct or unsatisfactory service—

- (a) dismissal, that is termination of appointment with forfeiture of all retirement benefits;
- (b) removal, that is termination of appointment with or without a reduction in retirement benefits;
- (c) reduction in rank, that is removal to another grade with an immediate reduction of salary;
- (d) reduction of salary, that is an immediate adjustment of salary to a lower point on the salary scale attached to the post in question;
- (e) deferment of increment, that is a postponement of the date on which the next increment is due, with corresponding postponements in subsequent years;
- (f) stoppage of increment, that is non-payment for a specified period of an increment otherwise due;
- (g) in the case of persons holding category D posts, suspension from duty with consequent loss of pay and allowances for a period not exceeding fourteen days;
- (h) reprimand.

(2) For the purposes of this Act, dismissal, removal and reduction in rank shall be treated as major penalties and all other penalties shall be treated as minor penalties.

Disciplinary authorities.

28. (1) Subject to the provisions of this section, the President shall be the disciplinary authority for all Civil Servants.

(2) Regulations may provide for the delegation by the President of his disciplinary powers as respects all or any of the posts specified in a paragraph of the following Table to the person specified in that paragraph.

TABLE

<i>Posts</i>	<i>Person to whom powers may be delegated</i>
1. Category B posts in a Ministry.	} Minister holding the portfolio for the Ministry.
2. Category B posts attached to a Ministry (not being posts in the administrative class).	

<i>Posts</i>	<i>Person to whom powers may be delegated</i>
3. Category B posts in the administrative class.	} The Secretary to the Cabinet.
4. Category B posts in a special Department.	
5. Category C posts in the administrative class.	} The Secretary to the Cabinet.
6. Category C and D posts in a Department.	
7. Category C posts attached to a Department (not being posts in the administrative class).	} Head of Department.
8. Category D posts attached to a Department.	

(3) A Minister may further delegate to his Head of Ministry any powers delegated to the Minister under subsection (2) of this section.

(4) Subject to such conditions as may be prescribed, a Head of Department may further delegate to a person holding a category B or C post in or attached to the Department any powers delegated to the Head of Department under subsection (2) of this section.

(5) In relation to a person holding a post as respects which powers are delegated under subsection (2) of this section—

(a) if no further delegation is in force, the person to whom powers are delegated shall be the disciplinary authority, or

(b) if a further delegation is in force, the person to whom the further delegation has been made shall be the disciplinary authority.

(6) Notwithstanding that a delegation made by the President or any other person under this section is in force, the President or that person may exercise the powers of a disciplinary authority in any case where disciplinary proceedings have not been commenced by the preferment of a charge in writing.

(7) An authority by whom powers are delegated under this section may direct that, if the disciplinary authority forms the view that a major penalty should be imposed in any case, he shall not impose that penalty but shall transmit the findings and other relevant documents to the said authority, or to a person nominated by the said authority, who shall thereupon impose such penalty as he thinks fit.

Proceedings
for
misconduct.

29. (1) Disciplinary proceedings in cases of misconduct shall be either summary or formal.

(2) No major penalty shall be imposed on a pensionable officer in summary proceedings not arising out of a conviction.

Conduct of
disciplinary
proceedings.

30. (1) Regulations shall be made providing for the conduct of disciplinary proceedings in cases of misconduct or unsatisfactory service.

(2) Regulations under this section governing cases of misconduct shall include provision—

- (a) requiring a written charge to be preferred in all proceedings;
- (b) enabling the accused in formal proceedings to call appropriate witnesses;
- (c) enabling persons to be compelled to give evidence or produce exhibits in formal proceedings;
- (d) requiring that no major penalty imposed by a Minister on a Civil Servant not holding a post in category C or D shall take effect unless confirmed by the President;
- (e) enabling the accused in any proceedings to appeal against any decision involving the imposition of a penalty, not being a decision requiring confirmation by the President under paragraph (d) of this subsection;
- (f) requiring that appeals from decisions of a Head of Ministry, or the Head of a Department comprised in a Ministry, shall be referred to the Civil Service Commission, but that if the Minister holding the portfolio for that Ministry disagrees with the finding of the Commission the appeal shall be referred to the President for decision.

(3) Subject to the provisions of this Act and except as may be otherwise provided by regulations, the authority by whom an appeal is decided under this section may make such order thereon as he thinks fit.

PART VI—LEAVING THE SERVICE

Modes of
leaving the
Service.

31. The modes by which a Civil Servant may leave the Service are as follows—

- (a) on dismissal or removal under section 32 of this Act or in consequence of disciplinary proceedings;
- (b) on compulsory retirement;
- (c) on voluntary retirement;

- (d) on retirement for medical reasons;
- (e) on resignation in accordance with such conditions as may be prescribed;
- (f) on the expiry or other termination of a limited engagement;
- (g) on transfer on approved employment;
- (h) on the abolition of his post;
- (i) in the case of a Civil Servant on probation, on the making of an order under subsection (3) of section 18 of this Act;
- (j) in the case of a Civil Servant holding a non-pensionable post, on being discharged by his appointing authority.

32. (1) The President may dismiss or remove any Civil Servant if he is satisfied that it is in the public interest to do so. Powers of President.

(2) A person dismissed under this section shall forfeit all retirement benefits, and a person removed under this section shall incur such reduction (if any) in his retirement benefits as the President may direct.

33. A person holding a pensionable post otherwise than on a limited engagement shall retire from the Service on reaching the prescribed compulsory retiring age: Compulsory retirement.

Provided that this section shall not prevent the appointment of any person on a limited engagement.

34. A person holding a pensionable post otherwise than on a limited engagement may retire from the Service at any time after he has reached the prescribed voluntary retiring age, or, with the consent of the President, at any earlier time. Voluntary retirement.

35. A Civil Servant shall retire from the Service if, in accordance with the prescribed procedure, it is found that he is incapable by reason of infirmity of mind or body of discharging the duties of his post and that the infirmity is likely to be permanent: Retirement for medical reasons.

Provided that this section shall not prevent a Civil Servant found so incapable from being moved to a grade in which his infirmity will not prevent the discharge of his duties.

36. Regulations may provide for the transfer of a Civil Servant to employment in another Public Service or to other approved employment: Transfer on approved employment.

Provided that a Civil Servant shall not be transferred under this section unless he consents to the transfer.

Abolition
of post.

37. (1) Where a post in a grade is abolished by the repeal or amendment of the enactment by which it was created, the appointing authority shall, if two or more persons hold posts in that grade, determine which of those persons is to be treated as the person whose post is abolished.

(2) Unless the person in respect of whom a determination is to be made under subsection (1) of this section is to be promoted or transferred, he shall be afforded an opportunity to make representations to the appointing authority, who shall consider any such representations before making the determination.

Discharge
of non-
pensionable
staff.

38. (1) The appointing authority may discharge a person holding a non-pensionable post—

- (a) on the ground that he is physically incapable of performing the duties of the post; or
- (b) where he has not held a Civil Service post during the whole of the preceding twelve months, on the ground that he is generally unsuitable for the post; or
- (c) on the ground that the post is no longer required to be occupied.

(2) Where a person is discharged under this section the appointing authority shall furnish him with a statement in writing of the ground on which he is discharged.

PART VII—MISCELLANEOUS AND SUPPLEMENTAL

Official
language.

39. The official language of the Civil Service is English and accordingly all written and oral communications, examination questions and answers, and other transactions of the Civil Service shall be expressed in that language.

Annual
report.

40. (1) As soon as may be after the 30th June in each year the Secretary to the Cabinet shall prepare a report giving details of the administration of the Civil Service during the previous twelve months.

(2) The report shall be submitted to the President, who shall cause it to be laid before the National Assembly.

Legal
proceedings.

41. Except in relation to contracts subsisting by virtue of section 17 of this Act, no proceedings shall be brought in any Court on the ground only that compliance has not been made with this Act or any statutory instrument thereunder:

Provided that this section shall not prevent the institution of criminal proceedings in respect of any offence under such an instrument.

42. Regulations may provide that this Act shall apply subject to such modifications as may be prescribed in relation to Civil Servants serving outside Ghana.

Regulations as to external officers.

43. (1) The President, after consulting the Civil Service Commission, may by legislative instrument make regulations providing for any matter which under this Act is to be provided for by regulations or which otherwise relates to the administration of the Civil Service.

Power to make regulations and administrative instructions.

(2) Subject to any statutory instrument made under a provision of this Act other than this subsection and to any directions given to him by the President, the Secretary to the Cabinet may issue administrative instructions providing for any matter which under this Act may be provided for by such instructions or which otherwise relates to the administration of the Civil Service.

44. In this Act, unless the context otherwise requires—

Interpretation.

“ Departmental post ” means any of the following Civil Service posts—

- (a) a post created by this Act;
- (b) a post created by regulations under section 4 of this Act and specified in the regulations as a Departmental post;
- (c) a post designated by regulations under section 5 of this Act and specified in the regulations as a Departmental post.

“ general post ” means a post specified as a general post under section 4 or 5 of this Act;

“ grade ” means a series of established or unestablished posts with the same title and salary or salary scale;

“ pensionable post ” means a post service in which is pensionable service under the enactments relating to Civil Service pensions, and “ non-pensionable post ” shall be construed accordingly;

“ prescribed ” means prescribed by regulations or administrative instructions made under section 43 of this Act;

“ salary ” includes wages;

“ vacancy ” includes a prospective vacancy.

Transi-
tional pro-
visions.

45. (1) Regulations may provide—

- (a) for the continued application to the Civil Service, subject to such modifications as may be prescribed, of the Public Service Commission Regulations, 1957, General Orders and any other provisions applicable thereto immediately before the commencement of this Act;
- (b) for continuing Ministries and Departments existing immediately before the commencement of this Act;
- (c) for continuing Civil Service posts and appointments so existing;
- (d) for making such amendments in the enactments relating to Civil Service pensions as may be necessary in consequence of the provisions of this Act;
- (e) for such other matters (including the amendment of enactments) as may need to be provided for in consequence of the passing of this Act.

(2) Nothing in this Act shall be taken to effect any alteration in the terms of a contract subsisting immediately before the commencement thereof or to authorise the making of any such alteration without the consent of all parties bound by the contract.

Commence-
ment.

46. This Act shall come into operation immediately after the coming into operation of the Constitution.