

38. Immediately after each examination for promotion, a list of the successful candidates shall be made out according to the decision of the Board.

List of successful candidates.

39. When any vacancy occurs in one of the higher classes, in either Division, the Head of the Department shall select from the lists made, as herein directed, for promotion thereto the person whom, having due reference to any special duties incident to the office, to the qualification and fitness shown by the candidates respectively, during their examination, and to the record of their previous conduct in the service, he may consider best fitted for the office: Provided, that when no person employed in the Department is found suitable for promotion therein, an examination shall be held of persons employed in the service of other departments with a view to the promotion being made, as far as practicable, from the service.

Vacancies in the higher classes how filled.

Proviso: if no fit person is found in the Department.

40. Every promotion so made shall be subject to a probation of not less than six months, but at any time during the first year the Head of the Department may reject the person promoted or he may be definitely accepted at any time during the second period of six months after his promotion:

Promotion to be subject to probation.

2. If the person so selected be rejected he shall then return to the performance of the duties in which he had been previously engaged.

Case of rejection.

41. When any clerk who is promoted on probation is rejected, the Head of the Department shall select another in his stead from the candidates still remaining on the lists of qualified persons made by the Board.

New selection.

42. During the period a clerk is on probationary promotion the duties of the office previously held by him shall, if necessary, be performed by a person selected for that purpose by the Head of the Department.

As to former duties of clerk on probation.

43. So soon as conveniently may be, after the passing of this Act, the Governor in Council shall determine the number of officers, chief clerks, clerks, messengers and other servants, that are required for the working of the several Departments in each Division of the Civil Service, but the total amount of the salaries of the whole number shall, in no case, exceed that provided for by vote of Parliament for that purpose:

Governor in Council to determine number of employees required in each division
Proviso.

2. If the number of employees then attached to any Department in either Division thereof and entitled according to the amounts of their salaries to rank in any class mentioned in this Act be greater than the number of such class allowed to

If the number then attached be too great.