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THE PRESIDENCY

DIE PRESIDENSIE

No. 877.

4 September 2000

It is hereby notified that the President has assented to the following Act which is hereby published for general information:—

No. 9 of 2000: Remuneration of Public Office Bearers Amendment Act, 2000.

No. 877.

4 September 2000

Hierby word bekend gemaak dat die President sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 9 van 2000: Wysigingswet op die Besoldiging van Openbare Ampsbekleërs, 2000.

Act No. 9, 2000

REMUNERATION OF PUBLIC OFFICE BEARERS
AMENDMENT ACT, 2000

GENERAL EXPLANATORY NOTE:

- [Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with a solid line indicate insertions in existing enactments.

(English text signed by the President.)
(Assented to 30 August 2000.)

ACT

To amend the Remuneration of Public Office Bearers Act, 1998, so as to make fresh provision regarding the date from which a member of the National Assembly or of a provincial legislature is entitled to a salary and allowances, the date from which a permanent delegate is entitled to a salary and allowances, and the payment of salaries and allowances of a Premier and a member of the Executive Council by provincial legislatures; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 3 of Act 20 of 1998

1. Section 3 of the Remuneration of Public Office Bearers Act, 1998 (Act No. 20 of 1998) (hereinafter referred to as the principal Act), is amended—

(a) by the substitution in subsection (6)(a) for subparagraph (i) of the following subparagraph:

“(i) designated in terms of item 16 of Schedule 2 to the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), as amended by Annexure A to Schedule 6 to the Constitution, from the **[date of the publication of the lists of names of representatives as contemplated in subitem (3) of that item]** first polling day of the election in question;”;

(b) by the substitution in subsection (6) for paragraph (b) of the following paragraph:

“(b) in the case of a permanent delegate **[from the date of his or her appointment]** appointed—

(i) in terms of section 61(2)(I) of the Constitution, from the first sitting day of the provincial legislature concerned after its election; or

(ii) in terms of section 2(3) of the National Council of Provinces (Permanent Delegates Vacancies) Act, 1997 (Act No. 17 of 1997), **[as the case may be]** from the date of his or her appointment.”.

Amendment of section 6 of Act 20 of 1998

2. Section 6 of the principal Act is amended—

(a) by the substitution for subsection (7) of the following subsection:

“(7)(a) Subject to subsection (6), the Secretary to the provincial legislature concerned shall pay in monthly instalments to **[the Premier, each member of the Executive Council and] each member of the Provincial Legislature, excluding members of the Executive Council of that province, who swears or affirms faithfulness to the Republic as contemplated in [has begun to perform his or her functions, in terms of] section 107 of the Constitution, the salary and allowances to which such [office bearer] member is entitled [in terms of this section, the first month to be reckoned—].** 5

[(a)](b) For the purposes of paragraph (a) the first month shall be reckoned, in the case of a member of the provincial legislature— 10

(i) designated in terms of item 16 of Schedule 2 to the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), as amended by Annexure A to Schedule 6 to the Constitution, from the **[date of the publication of the lists of names of representatives as contemplated in subitem (3) of that item] first polling day of the election in question;** and 15

(ii) nominated in terms of item 23(1) of the said Schedule 2 to fill a vacancy, from the date on which the previous member vacated his or her seat in the provincial legislature concerned or the date of receipt of the nomination by the Speaker of the provincial legislature, whichever is the later date. 20 25

[(b) in the case of a Premier and a member of the Executive Council, from the date on which such office bearer begins to perform his or her functions as contemplated in sections 129 and 132(2) of the Constitution, respectively; and

(c) in the case of a former senator who was not appointed as a permanent delegate to the National Council of Provinces, from the date on which he or she elected to become a member of the provincial legislature as contemplated in item 8 of Schedule 6 to the Constitution.]”; 30

(b) by the insertion after subsection (7) of the following subsection: 35

“(7A) A Premier and a member of the Executive Council concerned shall be paid the salary and allowances to which such office bearer is entitled in monthly installments, the first month to be reckoned from the date on which such office bearer swears or affirms faithfulness to the Republic as contemplated in sections 129 and 135 of the Constitution, respectively.”; and 40

(c) by the substitution for subsection (8) of the following subsection:

“(8) The amount payable in respect of salaries and allowances shall— 45

(a) in respect of a Premier or a member of the Executive Council be paid from monies appropriated by the provincial legislature concerned for that purpose; and

(b) in respect of other members of the provincial legislature annually form a direct charge against the Provincial Revenue Fund concerned as provided for by section 117(3) of the Constitution.”. 50

Short title and commencement

3. (1) This Act shall be called the Remuneration of Public Office Bearers Amendment Act, 2000.

(2) This Act, excluding section 2(c), shall be deemed to have come into operation on 2 June 1999.