

Limpopo, South Africa

## Payment of Members of the Provincial Legislature Act, 1994

Act 4 of 1994

Legislation as at 13 January 1995

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## Payment of Members of the Provincial Legislature Act, 1994

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# Limpopo South Africa

## Payment of Members of the Provincial Legislature Act, 1994

### Act 4 of 1994

Published in Limpopo Provincial Gazette 15 on 13 January 1995

**Assented to on 13 January 1995**

**Commenced on 13 January 1995**

*[This is the version of this document from 13 January 1995  
and includes any amendments published up to 5 April 2024.]*

(English text signed by the Premier)

## ACT

**To provide for the payment of remuneration and allowances to members of the Provincial Legislature and for matters incidental thereto.**

BE IT ENACTED by the Provincial Legislature of Northern Transvaal, as follows:—

### 1. Definitions

(1) In this Act, unless the context indicates otherwise—

“**committee**” means any committee consisting of members of the Provincial Legislature;

“**Deputy Speaker**” means the Deputy Speaker of the Provincial Legislature referred to in section 131 of the Constitution;

“**Member of the Executive Council**” means any Member of the Executive Council of the Province;

“**office-bearer**” means the Speaker, the Deputy Speaker, the Chairperson of Committees, the Deputy Chairperson of Committees, any chairperson of any Standing Committee of the Provincial Legislature, the Leader of the House, the Leader of the Largest Minority Party, the Chief Whip of the Majority Party, the Chief Whip of the Largest Minority Party or any other Whip, as the circumstances may require;

“**Premier**” means the Premier of the Province, acting in accordance with the Constitution;

“**Secretary**” means the provisional secretary or the Secretary to the Provincial Legislature appointed in terms of section 143 of the Constitution;

“**Speaker**” means the Speaker of the Provincial Legislature referred to in section 131 of the Constitution;

“**the constitution**” means the Constitution of the Republic of South Africa, 1993 ([Act No. 200 of 1993](#)).

(2) In this Act, except where it is inconsistent with the context or clearly inappropriate, any reference—

(a) to the Leader of the Largest Minority Party shall be construed as a reference to that member of the Provincial Legislature who is the leader of the party with the greatest numerical strength and which constitutes an opposition to the party of the Premier, and if at any time the question arises as to which party so constituting an opposition has the greatest numerical strength or as to who the leader of such party is, that question shall, for the purposes of this Act, be decided by the Speaker;

- (b) to a Whip, other than the Chief Whip of the Majority Party and the Chief Whip of the Largest Minority Party, shall be construed as a reference to a Whip for any political party represented in the Provincial Legislature, who is designated by the leader of such party and approved by the Speaker at the commencement of the first sitting of each year or as the circumstances may require, as being reasonably necessary for the smooth working of the Provincial Legislature; and
  - (c) to a member of the Provincial Legislature or an office-bearer shall be construed as a reference to a member of the Provincial Legislature or an office-bearer who is not a Member of the Executive Council.
- (3) All decisions and approvals contemplated in paragraphs (a) and (b) of subsection (2) shall be certified in writing under the Speaker's hand.

## 2. Remuneration and allowances of members of Provincial Legislature and office-bearers

- (1) (a) Subject to a recommendation made to the Provincial Legislature by the Commission on Remuneration of Representatives in terms of section 207(2) of the Constitution, the Premier may by proclamation in the *Provincial Gazette* determine the remuneration or the allowances of the members of the Provincial Legislature or an office-bearer with effect from a date specified in the proclamation.
- (b) The Premier may under paragraph (a)—
- (i) issue a proclamation with effect from a date which may not be earlier than one year prior to the date of the proclamation;
  - (ii) declare that—
    - (aa) any allowance shall be payable or due subject to such conditions or requirements as may be determined in the proclamation;
    - (bb) paragraph (d) of section 8(1) of the Income Tax Act, 1962 ([Act No. 58 of 1962](#)), shall be applicable to such portion of the remuneration of a member of the Provincial Legislature or an office-bearer as may be determined in the proclamation, as if such portion were an allowance granted to him or her as contemplated in that paragraph.
- (c) Different portions may be determined under paragraph (b)(ii)(bb) in respect of different amounts of remuneration.
- (2) Notwithstanding the provisions of subsection (1), an office-bearer who holds different offices at the same time shall be entitled to the remuneration and to allowances, if any, only in respect of the office which bears the highest remuneration.

## 3. Deductions on account of absence

- (1) Subject to the provisions of subsections (2) and (3), there shall be deducted from the amount payable to a member of the Provincial Legislature or to an office-bearer in terms of this Act, other than the Speaker, the Deputy Speaker and the Leader of the Largest Minority Party, an amount of R100 for every day on which he or she fails—
- (a) to attend a meeting of the Provincial Legislature; or
  - (b) whether during a sitting of the Provincial Legislature or not, to attend a meeting of a committee of which he or she is a member,
- unless his or her failure to attend a particular meeting on the day in question is due to the fact that he or she attended any other meeting referred to in paragraph (a) or (b) at the time in question.

- (2) For the purposes of subsection (1), a member of the Provincial Legislature or an office-bearer shall not be regarded as having attended a meeting of a committee unless he or she remained in attendance until the adjournment of the meeting or was excused from further attendance by the chairperson of the committee before the adjournment.
- (3) No deduction shall be made in terms of subsection (1) on account of the failure of a member of the Provincial Legislature or an office-bearer to attend any meeting referred to in that subsection—
  - (a) if his or her absence is due to—
    - (i) his or her illness or the summons or subpoena of a competent court, except a summons to answer a criminal charge of which he or she is convicted;
    - (ii) the death or serious illness of his or her spouse or child, and his or her absence is condoned by the Speaker; or
    - (iii) his or her serving with the National Defence Force, or with any other force or service established by or under any law, during a state of national defence;
  - (b) if his or her absence is not due to any circumstance contemplated in paragraph (a), but is condoned by the Speaker on good cause shown by him or her; or
  - (c) if he or she has obtained leave in accordance with the rules and orders of the Provincial Legislature to absent himself or herself.

#### **4. Payment of remuneration and allowances**

Subject to the provisions of [section 6](#), the Secretary shall pay to every member of the Provincial Legislature or to every office-bearer a monthly amount, after any contributions or other amounts required by law or otherwise to be deducted therefrom have been taken into account, at the rate of remuneration and allowances, if any, to which he or she is entitled in terms of this Act, the first month to be reckoned—

- (a) in the case of a member designated in terms of item 16 of Schedule 2 to the Constitution, from the date of publication of the list of names of representatives in question as contemplated in subitem (3) of the said item;
- (b) in the case of a member nominated in terms of section 133(2) of the Constitution to fill a vacancy, from the date on which the previous member has vacated his or her seat in the Provincial Legislature or the date on which the nomination concerned has been received by the Speaker, whichever is the later date; or
- (c) in the case of an office-bearer, from the date on which the office in question has been assumed by him or her.

#### **5. Charge to Provincial Revenue Fund**

The amount payable in respect of remuneration and allowances in terms of this Act shall be charged annually to the Provincial Revenue Fund, and the provisions of this section shall be deemed to be an appropriation of every such amount.

#### **6. Transitional provisions**

The remuneration or the allowances paid to the members of the Provincial Legislature or to an office-bearer immediately prior to the commencement of this Act shall be deemed to have been determined in terms of [section 2\(1\)](#) as the remuneration or the allowances payable to the members of the Provincial Legislature or to an office bearer until such remuneration or allowances are altered under that section.

#### **7. Short title**

This Act shall be called the Payment of Members of the Provincial Legislature Act, 1994.