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THE PRESIDENCY

No. 672.

4 July 2000

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

No. 21 of 2000: Remuneration of Public Office Bearers Second Amendment Act, 2000.

DIE PRESIDENSIE

No. 672.

4 Julie 2000

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

No. 21 van 2000: Tweede Wysigingswet op die Besoldiging van Openbare Ampsbekleërs, 2000.

Act No. 21, 2000

REMUNERATION OF PUBLIC OFFICE BEARERS SECOND
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 29 June 2000.)

ACT

To amend the Remuneration of Public Office Bearers Act, 1998, so as to correct a cross-reference in respect of a definition; to make fresh provision regarding the payment of salaries and allowances of traditional leaders holding more than one public office simultaneously and the payment of allowances to traditional leaders; to exempt the Minister from consulting with the pension funds and medical aid schemes concerned when the upper limits of the contributions to the pension funds and medical aid schemes are determined; to provide that a Municipal Council determines the amount of the contribution to a pension fund and medical aid scheme to which its members belong; and to make certain textual alterations; and to provide for matters connected therewith.

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

Amendment of section 1 of Act 20 of 1998

1. Section 1 of the Remuneration of Public Office Bearers Act, 1998 (Act No. 20 of 1998) (hereinafter referred to as the principal Act), is amended by the substitution for the definition of “traditional leader” of the following definition: 5

“ ‘traditional leader’ means any person identified in terms of section 5[(4)](5).”.

Amendment of section 5 of Act 20 of 1998

2. Section 5 of the principal Act is amended—

(a) by the substitution for subsection (2) of the following subsection: 10

“(2) Despite the provisions of subsection (1), a traditional leader, a member of a provincial House of Traditional Leaders or a member of the National House of Traditional Leaders who holds different public offices simultaneously, is only entitled to the salary, allowances and benefits of the public office for which he or she earns the highest income, but— 15

(a) this subsection shall not preclude the payment of out of pocket expenses for the performance of functions other than those for which such office bearer receives such highest income; and

(b) where only an allowance has been determined in terms of subsection (1) in respect of a traditional leader’s membership of a provincial House of Traditional Leaders or the National House of Traditional Leaders, such a traditional leader shall be entitled to such an allowance in addition to his or her salary, allowances and benefits as a traditional leader.”; and 20

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hake dui skappings uit
bestaande verordenings aan.

_____ Woorde met 'n volstreep daaronder, dui invoegings in be-
staande verordenings aan.

(Engelse teks deur die President geteken.)
(Goedgekeur op 29 Junie 2000.)

WET

Tot wysiging van die Wet op die Besoldiging van Openbare Ampsbekleërs, 1998, ten einde 'n kruisverwysing ten opsigte van 'n woordskrywing reg te stel; opnuut voorsiening te maak ten opsigte van die betaling van salarisse en toelaes van tradisionele leiers wat meer as een openbare amp gelyktydig beklee en die betaling van toelaes aan tradisionele leiers; die Minister daarvan vry te stel om met die betrokke pensioenfondse en mediese hulpskemas oorleg te pleeg wanneer die boonste perke van die bydraes aan die pensioenfondse en mediese hulpskemas bepaal word; voorsiening te maak dat 'n Munisipale Raad die bedrag van die bydrae tot 'n pensioenfonds en 'n mediese hulpskema waaraan sy lede behoort, bepaal; en sekere tekstuele wysigings aan te bring; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 1 van Wet 20 van 1998

1. Artikel 1 van die Wet op die Besoldiging van Openbare Ampsbekleërs, 1998 (Wet No. 20 van 1998) (hieronder die Hoofwet genoem), word gewysig deur die omskrywing van “tradisionele leier” deur die volgende omskrywing te vervang:
“ ‘tradisionele leier’ enige persoon ingevolge artikel 5[(4)](5) geïdentifiseer.”.

Wysiging van artikel 5 van Wet 20 van 1998

2. Artikel 5 van die Hoofwet word gewysig—
10 (a) deur subartikel (2) deur die volgende subartikel te vervang:
 “(2) Ondanks die bepalings van subartikel (1) is 'n tradisionele leier,
 'n lid van 'n provinsiale Huis van Tradisionele Leiers of 'n lid van die
 Nasionale Huis van Tradisionele Leiers wat verskillende openbare
 ampte gelyktydig beklee, slegs geregtig op die salaris, toelaes en
15 voordele van die openbare amp waarvoor hy of sy die hoogste
 besoldiging verdien, maar—
 (a) hierdie subartikel sluit nie die betaling van klein uitgawes vir die
 verrigting van ander werksaamhede as daardie waarvoor sodanige
 ampsbekleër sodanige hoogste besoldiging ontvang, uit nie; en
20 (b) waar slegs 'n toelae ingevolge subartikel (1) vasgestel is met
 betrekking tot 'n tradisionele leier se lidmaatskap van 'n provin-
 siale Huis van Tradisionele Leiers of die Nasionale Huis van
 Tradisionele Leiers, is sodanige tradisionele leier, bykomend tot sy
 of haar salaris, toelaes en voordele as 'n tradisionele leier, geregtig
25 op sodanige toelae.”; en

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AMENDMENT ACT, 2000**

- (b) by the substitution in subsection (4) for the words “salaries and allowances” of the words “salaries, allowances and benefits”.

Amendment of section 7 of Act 20 of 1998

3. The English text of section 7 of the principal Act is amended by the substitution in subsection (2) for the words “Subject to” of the word “Despite”.

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Amendment of section 8 of Act 20 of 1998

4. Section 8 of the principal Act is amended by the substitution for subsection (5) of the following subsection:

“(5) (a) The upper limit of the contribution to be made to the pension fund of which a member of a Municipal Council is a member, shall be determined by the Minister [after consultation with the pension fund concerned and] after taking into consideration the recommendations of the Commission.

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(b) The [Minister] Municipal Council, after consultation with the pension fund concerned, shall determine the amount of the contribution and such amount shall annually form a charge against and be paid from the budget of the municipality concerned.”.

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Amendment of section 9 of Act 20 of 1998

5. Section 9 of the principal Act is amended by the substitution for subsection (5) of the following subsection:

“(5)(a) The upper limit of the contribution to be made to the medical aid scheme of which a member of a Municipal Council is a member, shall be determined by the Minister [after consultation with the medical aid scheme concerned and] after taking into consideration the recommendations of the Commission.

20

(b) The [Minister] Municipal Council, after consultation with the medical aid scheme concerned, shall determine the amount of the contribution and such amount shall annually form a charge against and be paid from the budget of the municipality concerned.”.

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Substitution of expression in Act 20 of 1998

6. The principal Act is amended by the substitution for the expression “Council of Traditional Leaders”, wherever it occurs, of the expression “National House of Traditional Leaders”.

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Short title

7. This Act shall be called the Remuneration of Public Office Bearers Second Amendment Act, 2000.

TWEDE WYSIGINGSWET OP DIE BESOLDIGING VAN
OPENBARE AMPSBEKLEËRS, 2000 **Wet No. 21, 2000**

- (b) deur in subartikel (4) die woorde “salarisse en toelaes” deur die woorde “salarisse, toelaes en voordele” te vervang.

Wysiging van artikel 7 van Wet 20 van 1998

3. Die Engelse teks van artikel 7 van die Hoofwet word gewysig deur in subartikel 5 (2) die woorde “Subject to” deur die woord “Despite” te vervang.

Wysiging van artikel 8 van Wet 20 van 1998

4. Artikel 8 van die Hoofwet word gewysig deur subartikel (5) deur die volgende subartikel te vervang:

10 “(5) (a) Die boonste perk van die bydrae wat aan die pensioenfonds gemaak word waarvan ’n lid van ’n Munisipale Raad ’n lid is, word deur die Minister **[na oorlegpleging met die betrokke pensioenfonds en]** na oorweging van die aanbevelings van die Kommissie bepaal.

15 (b) Die **[Minister]** Munisipale Raad bepaal, na oorlegpleging met die betrokke pensioenfonds, die bedrag van die bydrae en sodanige bedrag vorm jaarliks ’n las teen en word betaal uit die begroting van die betrokke munisipaliteit.”.

Wysiging van artikel 9 van Wet 20 van 1998

5. Artikel 9 van die Hoofwet word gewysig deur subartikel (5) deur die volgende subartikel te vervang:

20 “(5)(a) Die boonste perk van die bydrae wat aan die **[pensioenfonds]** mediese hulpskema gemaak word waarvan ’n lid van ’n Munisipale Raad ’n lid is, word deur die Minister **[na oorlegpleging met die betrokke pensioenfonds en]** na oorweging van die aanbevelings van die Kommissie bepaal.

25 (b) Die **[Minister]** Munisipale Raad bepaal, na oorlegpleging met die betrokke **[pensioenfonds]** mediese hulpskema, die bedrag van die bydrae en sodanige bedrag vorm jaarliks ’n las teen en word betaal uit die begroting van die betrokke munisipaliteit.”.

Vervanging van uitdrukking in Wet 20 van 1998

6. Die Hoofwet word gewysig deur die uitdrukking “Raad van Tradisionele Leiers”, waar dit ook al voorkom, deur die uitdrukking “Nasionale Huis van Tradisionele 30 Leiers” te vervang.

Kort titel

7. Hierdie Wet heet die Tweede Wysigingswet op die Besoldiging van Openbare Ampsbekleërs, 2000.

