



REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

## STAATSKOERANT

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#### THE PRESIDENCY

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.

#### DIE PRESIDENSIE

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.

**B**E 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—

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

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“(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:

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

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(i) in terms of section 61(2)(b) 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

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2. Section 6 of the principal Act is amended—

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

WYSIGINGSWET OP DIE BESOLDIGING VAN  
OPENBARE AMPSBEKLEËRS, 2000

Wet No. 9, 2000

**ALGEMENE VERDUIDELIKENDE NOTA:**

- [ ] Woerde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.
  - Woerde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.
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*(Engelse teks deur die President geteken.)  
(Goedgekeur op 30 Augustus 2000.)*

# WET

**Tot wysiging van die Wet op die Besoldiging van Openbare Ampsbekleërs, 1998, ten einde opnuut voorsiening te maak ten opsigte van die datum van wanneer af 'n lid van die Nasionale Vergadering of van 'n provinsiale wetgewer geregtig is op 'n salaris en toelaes, die datum van wanneer af 'n vaste afgevaardigde op 'n salaris en toelaes geregtig is, en die betaling van salaris en toelaes van 'n Premier en 'n lid van die Uitvoerende Raad deur provinsiale wetgewers; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.**

**D**AAR WORD BEPAAL deur die Parlement van die Republiek van Suid Afrika, soos volg:—

**Wysiging van artikel 3 van Wet 20 van 1998**

1. Artikel 3 van die Wet op die Besoldiging van Openbare Ampsbekleërs, 1998 (Wet No. 20 van 1998) (hieronder die Hoofwet genoem), word gewysig—

(a) deur in subartikel (6)(a) subparagraph (i) deur die volgende subparagraph te vervang:

“(i) wat aangewys is ingevolge item 16 van Bylae 2 by die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet No. 200 van 1993), soos gewysig deur Aanhangsel A tot Bylae 6 by die Grondwet, vanaf die [datum van die publisering van die lyste van name van verteenwoordigers soos beoog in subitem (3) van daardie item] eerste stemdag van die betrokke verkiesing.”;

en

(b) deur in subartikel (6) paragraaf (b) deur die volgende paragraaf te vervang:

“(b) in die geval van 'n vaste afgevaardigde [vanaf die datum van sy of haar aanstelling] wat aangestel is—

(i) ingevolge artikel 61(2)(b) van die Grondwet, vanaf die eerste sittingsdag van die betrokke wetgewer na sy verkiesing; of

(ii) ingevolge artikel 2(3) van die Wet op die Nasionale Raad van Provincies (Vakatures onder Vaste Afgevaardigdes), 1997 (Wet No. 17 van 1997), [na gelang van die geval vanaf die datum van sy of haar aanstelling].

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## Act No. 9, 2000

REMUNERATION OF PUBLIC OFFICE BEARERS  
AMENDMENT ACT, 2000

“(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—].

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

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(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

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(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.

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[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

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(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.”;

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

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“(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 instalments, 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

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

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

(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

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(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.”.

## Short title and commencement

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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.

WYSIGINGSWET OP DIE BESOLDIGING VAN  
OPENBARE AMPSBEKLEËRS, 2000

Wet No. 9, 2000

### Wysiging van artikel 6 van Wet 20 van 1998

#### 2. Artikel 6 van die Hoofwet word gewysig—

(a) deur subartikel (7) deur die volgende subartikel te vervang:

“(7) (a) Behoudens subartikel (6) betaal die Sekretaris van die betrokke provinsiale wetgewer aan [die Premier, elke lid van die Uitvoerende Raad en] elke lid van die provinsiale wetgewer wat [begin het om sy of haar werksaamhede te verrig ingevolge] trou aan die Republiek sweer of plegtig verklaar soos beoog in artikel 107 van die Grondwet, uitgesonderd lede van die Uitvoerende Raad van daardie provinsie, in maandelikse paaiemente die salaris en toelaes waarop sodanige [ampsbekleér] lid [ingevolge hierdie artikel] geregtig is [met die eerste maand wat bereken word].”

[(a)](b) Vir doeleinades van paragraaf (a) word die eerste maand bereken in die geval van 'n lid van 'n provinsiale wetgewer—

- (i) wat aangewys is ingevolge item 16 van Bylae 2 by die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet No. 200 van 1993), soos gewysig deur Aanhangesel A tot Bylae 6 by die Grondwet, vanaf die [datum van die publisering van die lyste van name van verteenwoordigers soos beoog in subitem (3) van daardie item] die eerste stendag van die betrokke verkiesing; en 15
- (ii) wat ingevolge item 23(1) van genoemde Bylae 2 benoem is om 'n vakature te vul, vanaf die datum waarop die vorige lid sy of haar setel in die betrokke provinsiale wetgewer ontruim het of die datum van ontvangs van die benoeming deur die Speaker van die provinsiale wetgewer, wat ook al die latere datum is. 25

[(b) in die geval van 'n Premier en 'n lid van die Uitvoerende Raad, vanaf die datum waarop sodanige ampsbekleér begin om sy of haar werksaamhede te verrig soos in onderskeidelik artikels 129 en 132(2) van die Grondwet beoog; en 30]

(c) in die geval van 'n voormalige senator wat nie as 'n vaste afgevaardigde in die Nasionale Raad van Provincies aangestel is nie vanaf die datum waarop hy of sy besluit het om 'n lid van die provinsiale wetgewer te word soos in Item 8 van Bylae 6 by die Grondwet, beoog.]”; 35

(b) deur na subartikel (7) die volgende subartikel in te voeg:

“(7A) Die salaris en toelaes waarop 'n Premier en 'n lid van die betrokke Uitvoerende Raad ingevolge hierdie artikel geregtig is, word in maandelikse paaiemente aan hom of haar betaal, met die eerste maand wat bereken word vanaf die datum waarop sodanige ampsbekleér trou aan die Republiek sweer of plegtig verklaar soos beoog in onderskeidelik artikels 129 en 135 van die Grondwet.”; en 40

(c) deur subartikel (8) deur die volgende subartikel te vervang:

“(8) Die bedrag betaalbaar ten opsigte van salaris en toelaes—

- (a) ten opsigte van 'n Premier of 'n lid van die Uitvoerende Raad word betaal uit fondse wat vir dié doel deur die betrokke provinsiale wetgewer bewillig is; en 45
- (b) ten opsigte van ander lede van die provinsiale wetgewer word jaarliks betaal uit en ten laste van die betrokke Provinsiale Inkomstefonds soos deur artikel 117(3) van die Grondwet bepaal”. 50

### Kort titel en inwerkintreding

3. (1) Hierdie Wet heet die Wysigingswet op die Besoldiging van Openbare Ampsbekleërs, 2000.

(2) Hierdie Wet, uitgesonderd artikel 2(c), word geag op 2 Junie 1999 in werking te getree het. 55

