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GOVERNMENT NOTICE

DEPARTMENT OF JUSTICE

No. R. 839

6 June 1995

JUDGES: ADMINISTRATIVE RECESSES, LEAVE, TRANSPORT AND ALLOWANCES IN RESPECT OF TRANSPORT, TRAVELLING AND SUBSISTENCE

The President has under section 12 of the Judges' Remuneration and Conditions of Employment Act, 1989 (Act No. 88 of 1989), made the regulations in the Schedule.

SCHEDULE DEFINITIONS

1. (1) In these regulations any expression to which a meaning has been assigned in the Act shall bear that meaning and, unless the context otherwise indicates—

“**actual service**” includes—

- (a) an administrative recess;
- (b) every period of leave granted in terms of regulation 4, but excluding any period of leave referred to in regulation 3;
- (c) service in an acting capacity for any continuous period immediately prior to assuming office as a judge in a permanent capacity;
- (d) uninterrupted service after discharge from active service; and
- (e) service by a constitutional judge;

“**administrative recess**” means every period during which a court is in recess;

“**constitutional judge**” means any person holding the office of—

- (a) President of the Constitutional Court; or
- (b) judge of the Constitutional Court;

GOEWERMENTSKENNISGEWING

DEPARTEMENT VAN JUSTISIE

No. R. 839

6 Junie 1995

REGTERS: ADMINISTRATIEWE RESESSE, VERLOF, VERVOER EN TOELAES IN VERBAND MET VERVOER, REIS EN VERBLYF

Die President het kragtens artikel 12 van die Wet op Besoldiging en Diensvoorwaardes van Regters, 1989 (Wet No. 88 van 1989), die regulasies in die Bylae uitgevaardig.

BYLAE

WOORDOMSKRYWING

1. (1) In hierdie regulasies het 'n uitdrukking waarvan 'n betekenis in die Wet geheg is, die betekenis aldus daaraan geheg en, tensy uit die samehang anders blyk, beteken—

“**administratiewe reses**” elke tydperk waartydens 'n hof in reses is;

“**afdeling**” 'n afdeling van die Hooggeregshof van Suid-Afrika;

“**amptelike diens**” aktiewe diens en diens vir doeleindes van artikel 7 van die Wet en diens as 'n konstitusionele regter;

“**besittings**” huishoudelike of persoonlike besittings;

“**die Wet**” die Wet op Besoldiging en Diensvoorwaardes van Regters, 1989 (Wet No. 88 van 1989);

“**hoofkwartier**”, met betrekking tot 'n regter van die Hooggeregshof, die setel van die afdeling waarin sodanige regter permanent of in 'n waarnemende hoedanigheid aangestel is of, in die geval van die Transvaalse Provinsiale Afdeling, Natalse Provin-

"division" means a division of the Supreme Court of South Africa;

"effects" means household or personal effects;

"headquarters" means, with regard to a judge of the Supreme Court, the seat of the division in which such a judge is appointed permanently or in an acting capacity or, in the case of the Transvaal Provincial Division, the Natal Provincial Division and the Eastern Cape Division and of a judge discharged from active service, such place as may be assigned by the Minister to a particular judge as his or her headquarters and, with regard to a constitutional judge, the seat of the Constitutional Court;

"judge" means a judge as defined in the Act;

"judge president" includes an acting judge president;

"leave" means leave on full pay unless expressly otherwise indicated;

"Minister" includes, for the purposes of regulation 15, an officer acting on the authority of the Minister of Justice;

"official duties" means active service and service for the purposes of section 7 of the Act and service as a constitutional judge;

"Supreme Court" means the Supreme Court of South Africa;

"term" means a term determined for the sessions of court;

"the Act" means the Judges' Remuneration and Conditions of Employment Act, 1989 (Act No. 88 of 1989).

(2) For the purposes of these regulations, unless the context otherwise indicates, a judge shall be deemed to be resident at his or her headquarters.

ADMINISTRATIVE RECESSES

2. (1) Administrative recesses in any provincial or local division shall not exceed a total of 14 weeks per year.

(2) The Chief Justice or the judge president concerned, as the case may be, shall, prior to the commencement of an administrative recess, determine how many and which judges are to perform the functions in his or her division during the recess.

(3) Any judge not performing functions as aforesaid shall not leave the Republic of South Africa without the permission of the Chief Justice or the judge president concerned.

LEAVE

3. (1) (a) The Minister may, on the recommendation of the Chief Justice, the President of the Constitutional Court or the judge president concerned, grant leave to a judge for a period of three and a half months for every period of four years' actual service completed by such judge, or for such shorter period and subject to such conditions as the Minister may in any particular case deem fit.

siale Afdeling en Oos-Kaapse Afdeling en van 'n regter wat van aktiewe diens onthef is, die plek wat deur die Minister as hoofkwartier van 'n bepaalde regter aangewys word, en met betrekking tot 'n konstitusionele regter, die setel van die Konstitusionele Hof;

"Hooggeregshof" die Hooggeregshof van Suid-Afrika;

"konstitusionele regter" enige persoon wat die amp beklee van—

- (a) President van die Konstitusionele Hof; of
- (b) regter van die Konstitusionele Hof;

"Minister", by die toepassing van regulasie 15, ook 'n beampte wat op gesag van die Minister van Justisie handel;

"regter" 'n regter soos omskryf in die Wet;

"regter-president" ook 'n waarnemende regter-president;

"termyn" 'n termyn wat vir die hou van hofsittings bepaal is;

"verlof" verlof met volle besoldiging, tensy uitdruklik anders bepaal word;

"werklike diens" ook—

- (a) 'n administratiewe reses;
- (b) elke tydperk van verlof kragtens regulasie 4 toegestaan, maar uitgesonderd enige tydperk van verlof in regulasie 3 bedoel;
- (c) diens in 'n waarnemende hoedanigheid verrig vir 'n ononderbroke tydperk onmiddellik voor diensaanvaarding as 'n regter in 'n permanente hoedanigheid;
- (d) ononderbroke diens verrig na ontheffing van aktiewe diens; en
- (e) diens deur 'n konstitusionele regter.

(2) By die toepassing van hierdie regulasies, tensy uit die samehang anders blyk, word 'n regter geag by sy of haar hoofkwartier woonagtig te wees.

ADMINISTRATIEWE RESESSE

2. (1) Administratiewe resesse in 'n provinsiale en plaaslike afdeling oorskry altesaam nie 14 weke per jaar nie.

(2) Die Hoofregter of die betrokke regter-president, na gelang van die geval, bepaal voor die aanvang van 'n administratiewe reses hoeveel en watter regters gedurende die reses die werksaamhede in sy of haar afdeling moet waarneem.

(3) 'n Regter wat nie werksaamhede soos voormeld waarneem nie, mag nie die Republiek van Suid-Afrika sonder die toestemming van die Hoofregter of die betrokke regter-president verlaat nie.

VERLOF

3. (1) (a) Die Minister kan op aanbeveling van die Hoofregter, die President van die Konstitusionele Hof of die betrokke regter-president vir elke tydperk van vier jaar werklike diens deur 'n regter voltooi, of vir die korter tydperk en behoudens die voorwaardes wat die Minister in elke besondere geval goedvind, verlof vir 'n tydperk van drie en 'n half maande aan so 'n regter toestaan.

(b) Leave referred to in paragraph (a) shall, in the case of a judge of a provincial or local division, be taken in such a way that it does not extend over more than one term of that division, except with the consent of the Minister granted after consultation with the judge president concerned.

(2) If a judge waives in writing his or her right to unreduced remuneration in terms of section 104 (2) of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), the Minister may in terms of subregulation (1) grant such judge additional leave on half pay for a period of one and a half months.

(3) When considering applications for leave the Chief Justice, the President of the Constitutional Court or the judge president concerned shall endeavour to make such arrangements as will obviate as far as possible the need to make acting appointments.

4. If, according to a certificate of a medical practitioner, it appears that owing to illness a judge cannot perform his or her duties for a specified period the Minister may grant the judge sick leave for that period.

5. If in exceptional circumstances the Minister is satisfied that leave for which no provision has been made in these regulations should be granted in a specific case, he or she may grant such leave on such conditions as he or she may deem necessary, whether it be leave with full remuneration or leave with reduced or no remuneration, provided the judge concerned has, in the case of leave with reduced remuneration or leave without remuneration, in writing waived his or her right to unreduced remuneration in terms of section 104 (2) of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993).

6. No leave which may be granted in terms of these regulations shall be accumulative and no salary or allowance shall be claimed in respect of leave which could have been taken but which was not utilised.

7. The Director-General of Justice shall keep a record of leave granted to judges by the Minister.

8. Regulations 2, 3, 4, 6 and 7 shall not apply to any acting judge.

TRANSPORT, AND ALLOWANCES IN RESPECT OF TRANSPORT, TRAVELLING AND SUBSISTENCE

9. (1) (a) A judge or acting judge required to perform official duties away from his or her headquarters may make use of Government transport subject to the provisions of section 11 of the Act and the conditions determined by the Minister in terms thereof: Provided that, in the case of motor vehicle transport, an official driver shall be made available to the Chief Justice or acting Chief Justice, to the President or acting President of the Constitutional Court and to any other judge or acting judge if such other judge or acting judge certifies that he or she cannot reasonably dispense with the services of an official driver.

(b) If a judge or acting judge uses private transport in performing any official duties referred to in paragraph (a), he or she may be compensated at a tariff of R1,00 per kilometre.

(b) Verlof in paragraaf (a) bedoel, word, in die geval van 'n regter van 'n provinsiale of plaaslike afdeling, so geneem dat dit nie oor meer as een termyn van daardie afdeling strek nie, behalwe met die instemming van die Minister verleen na oorleg met die betrokke regter-president.

(2) Indien 'n regter skriftelik afstand doen van sy of haar reg op onverminderde besoldiging ingevolge artikel 104 (2) van die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet No. 200 van 1993), kan die Minister ingevolge subregulasie (1) addisionele verlof vir 'n tydperk van een en 'n half maand met halwe besoldiging aan so 'n regter toestaan.

(3) By die oorweging van aansoeke om verlof poog die Hoofregter, die President van die Konstitusionele Hof of die betrokke regter-president om sodanige reëlings te tref dat die noodsaaklikheid van die aanstelling van waarnemende regters sover moontlik uitgeskakel word.

4. Indien dit uit 'n sertifikaat van 'n geneesheer blyk dat 'n regter weens siekte vir 'n gemelde tydperk nie sy of haar pligte kan vervul nie, kan die Minister siekteverlof vir daardie tydperk aan die regter toestaan.

5. Indien die Minister in buitengewone omstandighede oortuig is dat verlof waarvoor daar nie in hierdie regulasies voorsiening gemaak is nie, in 'n bepaalde geval toegestaan behoort te word, kan hy of sy sodanige verlof toestaan op die voorwaardes wat hy of sy nodig ag, hetsy dit verlof is met volle besoldiging of verlof is met verminderder besoldiging of geen besoldiging nie, mits die betrokke regter in die geval van verlof met verminderde besoldiging of verlof sonder besoldiging skriftelik afstand gedoen het van sy of haar reg op onverminderde besoldiging ingevolge artikel 104 (2) van die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet No. 200 van 1993).

6. Geen verlof wat kragtens hierdie regulasies toegestaan kan word, is oplopend nie en geen salaris of toelae mag ten opsigte van verlof wat geneem kon gewees het maar waarvan nie gebruik gemaak is nie, geëis word nie.

7. Die Direkteur-generaal van Justisie hou 'n register van verlof wat deur die Minister aan regters toegestaan is.

8. Regulasies 2, 3, 4, 6 en 7 is nie op 'n waarnemende regter van toepassing nie.

VERVOER, EN VERVOER-, REIS- EN VERBLYFTOELAES

9. (1) (a) 'n Regter of waarnemende regter wat amptelike diens weg van sy of haar hoofkwartier moet verrig, kan behoudens die bepalinge van artikel 11 van die Wet en die voorwaardes daarkragtens deur die Minister bepaal, van staatsvervoer gebruik maak: Met dien verstande dat in die geval van motorvervoer 'n amptelike motorbestuurder beskikbaar gestel word aan die Hoofregter of waarnemende Hoofregter, aan die President of waarnemende President van die Konstitusionele Hof en aan 'n ander regter of waarnemende regter indien sodanige ander regter of waarnemende regter sertifiseer dat hy of sy nie gereedelik sonder die dienste van 'n amptelike motorbestuurder kan klaarkom nie.

(b) Indien 'n regter of waarnemende regter op amptelike diens soos in paragraaf (a) bedoel, van private vervoer gebruik maak, kan hy of sy vergoed word teen 'n tarief van R1,00 per kilometer.

(2) (a) The Chief Justice or acting Chief Justice or the President or acting President of the Constitutional Court shall be entitled to be accompanied by his or her spouse on official journeys at State expense and to claim in respect of such spouse the subsistence allowance prescribed in regulation 10 (1).

(b) A judge or acting judge shall be entitled to be accompanied by his or her spouse on official journeys at State expense if she or he uses the same vehicle as the judge or acting judge, and to claim in respect of such spouse the subsistence allowance prescribed in regulation 10 (1) if such judge or acting judge—

(i) is on circuit court duty;

(ii) is on official duties as contemplated by section 3 (4) of the Supreme Court Act, 1959 (Act No. 59 of 1959), with the exception of official duties in the Witwatersrand Local Division of the Supreme Court of South Africa;

(iii) is on official duties as contemplated by section 3 (5) of the Supreme Court Act, 1959;

(iv) performs service away from his or her headquarters after being discharged from active service;

(v) has been seconded for service as a judge of the High Court or Supreme Court of any of the former independent states of Transkei, Bophuthatswana, Venda or Ciskei and he or she is not provided with free accommodation; or

(vi) attends occasions in his or her official capacity.

(3) (a) (i) Any judge or acting judge of the Appellate Division or any constitutional judge or acting constitutional judge who is not permanently resident at his or her headquarters shall be entitled to travel once to such headquarters from his or her place of permanent residence, and once from such headquarters to such place of residence in respect of each term at State expense by aeroplane, bus or train or, if such judge or acting judge uses private transport, for a consideration of R1,00 per kilometre.

(ii) In addition to the travelling referred to in subparagraph (i), every such judge or acting judge shall, in order to facilitate family visits, be entitled to four aeroplane, bus or train tickets either way between his or her headquarters and his or her home for the use of himself or herself or his or her spouse or children during each of the first and third terms of the calendar year, and two such tickets during each of the second and fourth terms of the calendar year, or to be compensated at the rate of R1,00 per kilometre if private transport is used in lieu of an aeroplane, a bus or a train.

(b) A subsistence allowance in accordance with regulation 10 (1) shall be paid to the judge or acting judge and his or her spouse when they are travelling as referred to in paragraph (a) as if he or she were absent from his or her headquarters on official duties for the duration of each such journey.

(2) (a) Die Hoofregter of waarnemende Hoofregter of die President of waarnemende President van die Konstitusionele Hof is daarop geregtig om op staatskoste deur sy of haar gade op amptelike reise vergesel te word en om ten opsigte van sodanige gade die verblyftoelae voorgeskryf by regulasie 10 (1) te verhaal.

(b) 'n Regter of waarnemende regter is daarop geregtig om op staatskoste deur sy of haar gade op amptelike reise vergesel te word indien sy of hy van dieselfde voertuig as die regter of waarnemende regter gebruik maak, en om ten opsigte van sodanige gade die verblyftoelae voorgeskryf by regulasie 10 (1) te verhaal indien sodanige regter of waarnemende regter—

(i) op rondgang is;

(ii) op amptelike diens is soos beoog in artikel 3 (4) van die Wet op die Hooggeregshof, 1959 (Wet No. 59 van 1959), uitgesonderd amptelike diens in die Witwatersrandse Plaaslike Afdeling van die Hooggeregshof van Suid-Afrika;

(iii) op amptelike diens is soos beoog in artikel 3 (5) van die Wet op die Hooggeregshof, 1959;

(iv) na ontheffing van aktiewe diens, diens weg van sy of haar hoofkwartier moet verrig;

(v) afgestaan is vir diens as regter van die Hoërhof of Hooggeregshof van enige van die voormalige onafhanklike state van Transkei, Bophuthatswana, Venda of Ciskei en hy of sy nie van gratis huisvesting voorsien word nie; of

(vi) geleenthede in sy of haar amptelike hoedanigheid bywoon.

(3) (a) (i) Enige regter of waarnemende regter van die Appellafdeling, of enige konstitusionele regter of waarnemende konstitusionele regter wat nie permanent by sy of haar hoofkwartier woonagtig is nie, is daarop geregtig om, ten opsigte van elke termyn, een keer van sy of haar permanente woonplek na sodanige hoofkwartier en een keer van sodanige hoofkwartier na sodanige woonplek op staatskoste per vliegtuig, bus of trein of, indien sodanige regter of waarnemende regter van private vervoer gebruik maak, teen 'n vergoeding van R1,00 per kilometer, te reis.

(ii) Bykomend by die reise bedoel in subparagraaf (i) is elke sodanige regter of waarnemende regter, ten einde voorsiening te maak vir gesinsbesoeke, geregtig op vier vliegtuig-, bus- of treinkaartjies in enige rigting tussen sy of haar hoofkwartier en sy of haar tuiste, vir gebruik deur homself of haarself, sy of haar gade of kinders tydens elk van die eerste en die derde termyn van die kalenderjaar en twee sodanige kaartjies tydens elk van die tweede en die vierde termyn van die kalenderjaar, of op vergoeding van R1,00 per kilometer indien private vervoer gebruik word in stede van 'n vliegtuig, bus of trein.

(b) 'n Verblyftoelae word ooreenkomstig regulasie 10 (1) aan die regter of waarnemende regter en sy of haar gade, wanneer daar deur hulle gereis word, soos bedoel in paragraaf (a) betaal asof hy of sy vir die duur van elke sodanige reis op amptelike diens van sy of haar hoofkwartier afwesig was.

(4) When a person is appointed an acting judge to perform duties in a division or in the Constitutional Court away from his or her home he or she may, when assuming his or her duties, travel to such division or to the seat of the Constitutional Court and, at the conclusion of his or her duties, return to his or her home at State expense in the manner and at the rate of compensation prescribed in subregulation (3), and the allowance prescribed in regulation 10 (1) shall be paid in respect of such acting judge as if he or she were absent from his or her headquarters on official duties for the duration of the journey concerned.

(5) When a judge is required to perform official duties in a division away from his or her headquarters or an acting judge is required to perform official duties in a division away from his or her home, such judge or acting judge may once a month at State expense travel to and fro between such division and his or her headquarters or home, as the case may be, in the manner prescribed in subregulation (3).

(6) The registrar of the court concerned shall make all the travel arrangements in connection with a judge or acting judge.

10. (1) (a) A judge or acting judge on official duties away from his or her headquarters or on circuit court duty and an acting judge whose headquarters are situated outside the district in which he or she permanently resides shall be entitled to an all-inclusive subsistence allowance of R300 for every 24 hours that he or she is actually absent from his or her headquarters or home during his or her appointment, as the case may be: Provided that when a judge or acting judge on circuit court duty travels by means of a railway saloon made available to him or her for that purpose, the subsistence allowance shall be R150 for every 24 hours that he or she is actually absent from his or her headquarters.

(b) The allowance for an uncompleted period of 24 hours shall be calculated proportionately according to the number of full hours of absence.

(2) The subsistence allowance mentioned in subregulation (1) may also be paid in respect of short periods during which a judge returns to his or her headquarters or when he or she pays a visit elsewhere: Provided that his or her commitments in respect of accommodation continue at the place where he or she performs his or her official duties.

(3) For a period of absence on official duties of less than 24 hours in the circumstances referred to in subregulation (1), an all-inclusive subsistence allowance of R55 shall be paid.

11. (1) An allowance of R350 for every completed period of 24 hours of actual presence for the purposes of a session of the Appellate Division in Bloemfontein or at the seat of the Constitutional Court, as the case may be, and, if applicable, an allowance calculated in terms of subregulation (3) for an uncompleted part of such a period, shall be paid to the Chief Justice or acting Chief Justice or the President or acting President of the Constitutional Court if he or she resides permanently elsewhere than in Bloemfontein or Gauteng, as the case may be: Provided that if he or she resides permanently in Bloemfontein or Gauteng, as the case may be, an allowance of R4 000 per month will be paid to him or her.

(4) Wanneer iemand as waarnemende regter aangesel word om diens in 'n afdeling of in die Konstitusionele Hof weg van sy of haar tuiste te verrig, kan hy of sy op staatskoste op die wyse en teen die vergoeding in subregulasie (3) voorgeskryf, by diensaanvaarding na die betrokke afdeling of setel van die Konstitusionele Hof reis en by diensbeëindiging na sy of haar tuiste terugreis, en word die toelae in regulasie 10 (1) voorgeskryf ten opsigte van sodanige waarnemende regter betaal asof hy of sy vir die duur van die betrokke reis op amptelike diens van sy of haar hoofkwartier afwesig was.

(5) Wanneer 'n regter in 'n afdeling weg van sy of haar hoofkwartier, of 'n waarnemende regter in 'n afdeling weg van sy of haar tuiste, amptelike diens moet verrig, kan sodanige regter of waarnemende regter een keer per maand op staatskoste op die wyses in subregulasie (3) voorgeskryf, heen en weer reis tussen die betrokke afdeling en sy of haar hoofkwartier of tuiste, na gelang van die geval.

(6) Die griffier van die betrokke hof tref alle vervoerreëlings met betrekking tot 'n regter of waarnemende regter.

10. (1) (a) 'n Regter of waarnemende regter op amptelike diens weg van sy of haar hoofkwartier of op rondgang en 'n waarnemende regter wie se hoofkwartier geleë is buite die distrik waarin hy of sy permanent woonagtig is, is geregtig op 'n allesinsluitende verblyftoelae van R300 vir elke 24 uur van werklike afwesigheid van sy of haar hoofkwartier of tuiste tydens sy of haar aanstelling, na gelang van die geval: Met dien verstande dat wanneer 'n regter of waarnemende regter op rondgang reis met 'n spoorwegwa wat vir dié doel tot sy of haar beskikking gestel is, die verblyftoelae R150 vir elke 24 uur van werklike afwesigheid van sy of haar hoofkwartier is.

(b) Die toelae vir 'n onvoltooide tydperk van 24 uur word na verhouding volgens die getal volle ure afwesig bereken.

(2) Die verblyftoelae in subregulasie (1) genoem, kan ook betaal word ten opsigte van kort tydperke waartydens 'n regter na sy of haar hoofkwartier terugkeer of 'n besoek elders aflê: Met dien verstande dat sy of haar verpligtinge ten opsigte van huisvesting op die plek waar hy of sy sy of haar ampspligte verrig, voortduur.

(3) Vir 'n tydperk van afwesigheid op amptelike diens van minder as 24 uur in die omstandighede in subregulasie (1) genoem, word 'n allesinsluitende verblyftoelae van R55 betaal.

11. (1) Aan die Hoofregter of waarnemende Hoofregter of President of waarnemende President van die Konstitusionele Hof is 'n toelae van R350 vir elke voltooide tydperk van 24 uur van werklike aanwesigheid vir doeleindes van die sitting van die Appèlafdeling in Bloemfontein of by die setel van die Konstitusionele Hof, na gelang van die geval, en, indien van toepassing, 'n toelae ooreenkomstig subregulasie (3) bereken vir 'n onvoltooide gedeelte van so 'n tydperk betaalbaar, indien hy of sy nie permanent in Bloemfontein of Gauteng, na gelang van die geval, woonagtig is nie: Met dien verstande dat indien hy of sy permanent in Bloemfontein of Gauteng, na gelang van die geval, woonagtig is 'n toelae van R4 000 per maand aan hom of haar betaal word.

(2) The following allowances shall be paid to any judge (other than the Chief Justice or acting Chief Justice or the President or acting President of the Constitutional Court) performing active service or service in the Appellate Division or in the Constitutional Court, as the case may be:

(a) If he or she resides permanently in Bloemfontein or Gauteng, R3 500 per month;

(b) if he or she resides permanently elsewhere than in Bloemfontein or Gauteng—

(i) R300 for every completed period of 24 hours of actual presence in Bloemfontein or Gauteng and, if applicable, an allowance calculated in terms of subregulation (3) for an uncompleted part of such a period;

(ii) R3 500 per month if he or she purchases a home in Bloemfontein or Gauteng; or

(iii) R3 500 per month for each month during which he or she leases a home in Bloemfontein or Gauteng, provided such home is leased for a continuous period of six months or longer.

(3) The allowance for an uncompleted period of 24 hours shall be calculated proportionately according to the number of full hours of presence.

12. If an amount payable in terms of regulation 10 or 11 (1), (2) (b) (i) or (3) is less than the amount which a judge reasonably had to spend in respect of subsistence, an amount equal to the amount so spent may be paid to such judge.

13. Anyone appointed an acting judge shall be paid an amount of R140 per day for the maintenance of his or her practice as advocate for the duration of such appointment.

14. (1) All claims for the payment of allowances in terms of these regulations shall, where applicable, state the nature of the services, the exact time of departure and arrival and such other information as may be necessary to calculate the amount payable.

(2) A claim referred to in subregulation (1) shall be signed and certified correct by the judge concerned.

15. (1) When a judge of one division is permanently appointed in any other division or is appointed constitutional judge or when a person is appointed a judge and his or her headquarters are not situated at the place where he or she resides on appointment, the cost of the transport of that judge or person and his or her family, domestic workers and effects to his or her new headquarters shall be defrayed from public funds.

(2) When a judge performs service in terms of section 7 of the Act away from his or her home for a period longer than six months, that judge and his or her family, domestic workers and effects may be transported to the designated place of service and, after completion of such service, back to his or her home at State expense.

(3) The cost of transport of the judge, person or his or her family and domestic workers referred to in subregulations (1) and (2) may not exceed the cost of first class train tickets, unless authority for the use of other transport has been granted by the Minister.

(2) Aan 'n regter (uitgesluit die Hoofregter of waarnemende Hoofregter of President of waarnemende President van die Konstitusionele Hof) wat aktiewe diens of diens in die Appèlafdeling of in die Konstitusionele Hof, na gelang van geval, verrig, is die volgende toelaes betaalbaar:

(a) Indien hy of sy permanent in Bloemfontein of Gauteng woonagtig is, R3 500 per maand;

(b) indien hy of sy elders as in Bloemfontein of Gauteng woonagtig is—

(i) R300 vir elke voltooide tydperk van 24 uur van werklike aanwesigheid in Bloemfontein of Gauteng en, indien van toepassing, 'n toelae ooreenkomstig subregulasie (3) bereken vir 'n onvoltooide gedeelte van so 'n tydperk;

(ii) R3 500 per maand indien hy of sy 'n woning in Bloemfontein of Gauteng koop; of

(iii) R3 500 per maand vir elke maand waartydens hy of sy 'n huis in Bloemfontein of Gauteng huur indien die huis vir 'n tydperk van ses maande of langer gehuur word.

(3) Die toelae vir 'n onvoltooide tydperk van 24 uur word na verhouding volgens die getal volle ure aanwesig bereken.

12. Indien 'n bedrag wat ingevolge regulasie 10 of 11 (1), (2) (b) (i) of (3) betaalbaar is, minder is as die bedrag wat 'n regter redelikerwys in verband met verblyf moes bestee, kan 'n bedrag gelykstaande met die bedrag wat aldus bestee is, aan sodanige regter betaal word.

13. Aan iemand wat as waarnemende regter aangestel is, word 'n bedrag van R140 per dag vir die duur van sodanige aanstelling vir die instandhouding van sy of haar praktyk as advokaat betaal.

14. (1) Alle eise vir die betaling van toelaes ingevolge hierdie regulasies moet, waar toepaslik, die aard van die dienste, die presiese tyd van vertrek en aankoms en sodanige ander inligting as wat nodig is om die bedrag betaalbaar te bereken, vermeld.

(2) 'n Eis in subregulasie (1) bedoel, word deur die betrokke regter onderteken en as korrek gesertifiseer.

15. (1) Wanneer 'n regter van een afdeling permanent in 'n ander afdeling aangestel word of aangestel word as 'n konstitusionele regter of wanneer 'n persoon as regter aangestel word en sy of haar hoofkwartier nie op die plek geleë is waar hy of sy by aanstelling woonagtig is nie, word die koste verbonde aan die vervoer van daardie regter of persoon en sy of haar gesin, huiswerkers en besittings na sy of haar nuwe hoofkwartier uit staatsgeld bestry.

(2) Wanneer 'n regter kragtens artikel 7 van die Wet vir 'n tydperk van langer as ses maande diens weg van sy of haar tuiste verrig, kan daardie regter en sy of haar gesin, huiswerkers en besittings op staatskoste na die aangewese plek van diens en, ná voltooiing van sodanige diens, weer terug na sy of haar tuiste vervoer word.

(3) Die vervoerkoste van die regter, persoon of sy of haar gesin en huiswerkers bedoel in subregulasies (1) en (2) mag nie die koste van eersteklastreinkaartjies oorskry nie, tensy magtiging vir die gebruik van ander vervoer deur die Minister verleen is.

(4) If the Minister has granted authority under subregulation (3) for a judge or person to use private transport, such judge or person may be compensated at a tariff of R1,00 per kilometre.

(5) (a) When effects have to be transported the registrar of the Constitutional Court or of the division from which such effects are to be transported shall obtain written tenders from at least three cartage contractors for the packing, loading, unloading and unpacking of the effects for transport by train and, should the judge or person concerned so prefer, for the transport thereof by road.

(b) The lowest tender for the packing, loading, unloading and unpacking of the effects shall be accepted by the registrar, but the Minister may approve the acceptance of a higher tender if, in his or her opinion, there are good reasons for rejecting the lowest tender.

(6) The State shall not be responsible for any insurance premiums in respect of the transportation of effects: Provided that premiums in respect of insurance cover in the case of the transport of effects by road may be paid from public funds if the lowest tender for road transport includes such premiums as an integral part thereof.

(7) (a) Not more than two motor vehicles of a judge or person referred to in subregulations (1) and (2) may be transported by train at State expense, provided they are transported at the owner's risk.

(b) Such judge or person may be reimbursed from public funds for actual incidental expenses incurred in loading and unloading the vehicle or vehicles referred to in paragraph (a).

(8) The transportation of the effects of a judge or person referred to in subregulation (1) shall take place within 12 months after the transfer or appointment of the judge or person concerned, unless the Minister grants permission for the postponement of the transport thereof.

(9) The Minister may in exceptional cases approve the transportation of the effects of a judge or person referred to in subregulation (1) at State expense and their storage in a warehouse at his or her previous headquarters or home or at his or her new headquarters for a period not exceeding 12 months and, thereafter, their transportation to his or her new home: Provided that the registrar concerned shall call for at least three tenders for the performance of the services and the lowest tender shall be accepted by him or her: Provided further that the Minister may approve the acceptance of a higher tender if, in his or her opinion, there are good reasons for rejecting the lowest tender.

(10) A judge of the Appellate Division or a constitutional judge performing active service and who is not permanently resident in Bloemfontein or Gauteng, as the case may be, may, subject to the provisions of subregulations (1), (4) and (6), transport part of his or her effects and library, separately or together, once to Bloemfontein or Johannesburg at State expense to meet his or her office and accommodation needs.

(4) Indien die Minister kragtens subregulasie (3) magtiging verleen dat 'n regter of persoon van private vervoer gebruik maak, kan daardie regter of persoon vergoed word teen 'n tarief van R1,00 per kilometer.

(5) (a) Wanneer besittings vervoer moet word, vra die griffier van die Konstitusionele Hof of van die afdeling waarvandaan sodanige besittings vervoer moet word, skriftelike tenders van minstens drie vervoerkontrakteurs vir die verpakking, laai, aflaai en uitpak van die besittings vir vervoer per trein en, indien die betrokke regter of persoon dit verlang, vir die vervoer daarvan per pad.

(b) Die laagste tender vir die verpakking, laai, aflaai en uitpak van die besittings moet deur die griffier aanvaar word, maar die Minister kan die aanvaarding van 'n hoër tender goedkeur indien daar na sy of haar mening goeie redes bestaan vir die verwerping van die laagste tender.

(6) Die Staat is nie verantwoordelik vir enige assurantiepries ten opsigte van die vervoer van besittings nie: Met dien verstande dat premies ten opsigte van assurantiedekking by die vervoer van besittings per pad uit staatsgeld betaal kan word indien die laagste padvervoertender sodanige premies as 'n integrerende deel daarvan insluit.

(7) (a) Hoogstens twee motorvoertuie van 'n regter of persoon in subregulasies (1) en (2) bedoel, mag per trein op staatskoste vervoer word, mits dit op die eienaar se risiko geskied.

(b) Sodanige regter of persoon kan uit staatsgeld vergoed word vir werklike toevallige uitgawes aangegaan by die laai of aflaai van die voertuig of voertuie in paragraaf (a) bedoel.

(8) Die vervoer van die besittings van 'n regter of persoon in subregulasie (1) bedoel, moet binne 12 maande na die oorplasing of aanstelling van die betrokke regter of persoon geskied, tensy die Minister toestemming verleen vir die uitstel van die vervoer daarvan.

(9) Die Minister kan in uitsonderlike gevalle goedkeur dat die besittings van 'n regter of persoon in subregulasie (1) bedoel, op staatskoste vervoer en by sy of haar vorige hoofkwartier of tuiste of by sy of haar nuwe hoofkwartier in 'n pakhuis opgeberg word vir 'n tydperk van hoogstens 12 maande en daarna na sy of haar nuwe tuiste vervoer word: Met dien verstande dat die betrokke griffier minstens drie tenders vir die uitvoering van die dienste vra en die laagste tender deur hom of haar aanvaar word: Met dien verstande voorts dat die Minister die aanvaarding van 'n hoër tender kan goedkeur indien daar na sy of haar mening goeie redes bestaan vir die verwerping van die laagste tender.

(10) 'n Regter van die Appèlafdeling of 'n konstitusionele regter wat aktiewe diens verrig en wat nie permanent in Bloemfontein of Gauteng, na gelang van die geval, woonagtig is nie, kan, behoudens die bepalings van subregulasies (1), (4) en (6), 'n gedeelte van sy of haar besittings en boekery, gesamentlik of afsonderlik, eenmalig op staatskoste na Bloemfontein of Johannesburg laat vervoer om in sy of haar kantoor- en huisvestingsbehoeftes te voorsien.

16. (1) On—

- (i) discharge from active service;
- (ii) resignation from office in terms of section 10 of the Act;
- (iii) vacation of his or her office in terms of section 10B of the act; or
- (iv) the death of a judge,

his or her effects may be transported, once only, at State expense to any place in the Republic of South Africa where he or she or the surviving spouse, as the case may be, is to settle, in which case the provisions of regulation 15 shall *mutatis mutandis* apply.

(2) The transportation referred to in subregulation (1) shall be effected not earlier than two months prior to and not later than 12 months after the date of such discharge, resignation or vacation and, in the case of death, not later than 12 months after the date of death, unless the Minister is satisfied that owing to exceptional circumstances the transportation of effects in terms of subregulation (1) must be effected earlier than two months prior to the date of such discharge, resignation or vacation or later than 12 months after the date of discharge, resignation, vacation or death, in which case he or she may grant permission for the effects to be transported earlier or grant an extension of time for such transportation.

17. The provisions of regulations 9 (1) and 10 shall not apply to a permanent or acting judge seconded to any of the former independent states of Transkei, Bophuthatswana, Venda or Ciskei.

18. Government Notices Nos. R. 1324 of 23 June 1989, R. 850 of 16 April 1991, R. 1276 of 1 May 1992 and R. 604 of 25 March 1994 are hereby repealed.

16. (1) By—

- (i) ontheffing van aktiewe diens;
- (ii) ontruiming van sy of haar amp ingevolge artikel 10 van die Wet;
- (iii) ontruiming van sy of haar amp ingevolge artikel 10B van die Wet; of
- (iv) die afsterwe van 'n regter,

kan sy of haar besittings slegs een keer na enige plek in die Republiek van Suid-Afrika waar hy of sy of die oorlewende gade, na gelang van die geval, hom of haar gaan vestig, op staatskoste vervoer word, en in dié geval is die bepalings van regulasie 15 *mutatis mutandis* van toepassing.

(2) Die vervoer in subregulasie (1) bedoel, mag nie vroeër as twee maande voor en nie later as 12 maande na die datum van daardie ontheffing of ontruiming en, in die geval van afsterwe, nie later as 12 maande na die datum van afsterwe geskied nie, tensy die Minister daarvan oortuig is dat die vervoer van besittings ooreenkomstig subregulasie (1) weens buitengewone omstandighede vroeër as twee maande voor die datum van die ontheffing of ontruiming of later as 12 maande na die datum van die ontheffing of ontruiming of afsterwe moet geskied, in welke geval hy of sy toestemming kan verleen tot die vervroeging of die uitstel van die vervoer daarvan.

17. Die bepalings van regulasies 9 (1) en 10 is nie van toepassing nie op 'n permanente of waarnemende regter wat aan enige van die voormalige onafhanklike state van Transkei, Bophuthatswana, Venda of Ciskei, gesekondeer is.

18. Goewermenskennisgewings Nos. R. 1324 van 23 Junie 1989, R. 850 van 16 April 1991, R. 1276 van 1 Mei 1992 en R. 604 van 25 Maart 1994 word hierby herroep.

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