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GOVERNMENT NOTICE GOEWERMENTSKENNISGEWING

DEPARTMENT OF JUSTICE DEPARTEMENT VAN JUSTISIE

No. R. 274

20 February 1998

MAGISTRATES ACT, 1993 (ACT No. 90 OF 1993)

AMENDMENT OF REGULATIONS

The Minister of Justice has, under section 16 of the Magistrates Act, 1993 (Act No. 90 of 1993), made the regulations in the Schedule.

SCHEDULE

Definitions

1. In this Schedule "the Regulations" means the regulations published by Government Notice No. R. 361 of 11 March 1994, as amended by Government Notices Nos. R. 644 of 1 April 1994, R. 1407 of 11 August 1994, R. 1808 of 17 October 1994, R. 1707 of 27 October 1994, R. 1791 of 17 November 1995, R. 72 of 26 January 1996, R. 331 of 1 March 1996, R. 957 of 7 June 1996, R. 1178 of 19 July 1996, R. 1242 of 2 August 1996, R. 1340 of 12 August 1996, R. 1567 of 27 September 1996, R. 1627 of 1 October 1996, R. 178 of 7 February 1997, R. 421 of 20 March 1997 and R. 1081 of 8 August 1997.

Amendment of regulation 23 of the Regulations

2. Regulation 23 of the Regulations is hereby amended by the substitution for paragraph (g) of subregulation (1) of the following paragraph:

- "(g) A non-recurrent amount for each school-going child to expenditure on school books, uniforms, school sports outfits and other necessities, which shall be in accordance with the allowance as prescribed from time to time for the Public Service."

Amendment of regulation 36 of the Regulations

3. Regulation 36 of the Regulations is hereby amended by the substitution in subregulation (2) for the word "rates" of the words "basis of calculation".

Amendment of regulation 48 of the Regulations

4. Regulation 48 of the Regulations is hereby amended by the substitution for paragraph (d) of the following paragraph:

- "(d) may, if he is not in possession of a vehicle or motor vehicle referred to in paragraph (a), for the purposes of a forward and return journey to and from the place where he so renders service with the approval of his head of office, use private motor vehicle transport, in which case he shall be entitled to a transport allowance as prescribed from time to time for the Public Service."

Amendment of regulation 49 of the Regulations

5. Regulation 49 of the Regulations is hereby amended by the substitution for paragraph (b) of subregulation (1) of the following paragraph:

- "(b) is obliged to be absent from his head office for less than 24 hours, shall be entitled to the actual real expenses incurred if the necessary corroborative documents accompany the claim, or to the expenses as prescribed from time to time for the Public Service."

Substitution of Schedule D to the Regulations

6. The following Schedule is hereby substituted for Schedule D to the Regulations:

"SCHEDULE D**BASIS OF CALCULATION FOR OVERTIME REMUNERATION****(Regulation 36)**

1. A magistrate who performs official duty referred to in regulation 36 shall be paid overtime remuneration on the following basis:

- (a) In respect of overtime duty performed on Sundays or during the night, that is the hours between 20:00 and 06:00, the overtime rate is $2 \times T$; and
 (b) in respect of overtime duty performed at a time other than mentioned in (a) above, the rate is $\frac{4}{3} \times T$,

where T is calculated as follows:

$$T = \frac{A}{1} \times \frac{7}{365} \times \frac{1}{B}$$

and A is equal to the salary notch of the magistrate concerned, and B is equal to the weekly number of hours of attendance prescribed for magistrates.

2. Remuneration in respect of overtime duty is calculated by multiplying the total number of hours (including portions of an hour expressed as a fraction) overtime duty performed with the applicable basis of calculation.

3. For the purpose of the calculation of the applicable overtime rate, a magistrate's annual pensionable salary notch at the time of the performance of the overtime duty is used, and any under- or overpayment of overtime remuneration as a result of an adjustment of his or her salary shall be rectified retrospectively."

No. R. 274

20 Februarie 1998

WET OP LANDDROSTE, 1993 (WET No. 90 VAN 1993)

WYSIGING VAN REGULASIES

Die Minister van Justisie het kragtens artikel 16 van die Wet op Landdroste, 1993 (Wet No. 90 van 1993), die regulasies in die Bylae uitgevaardig.

BYLAE

Woordomskrywing

1. In hierdie Bylae beteken "die Regulasies" die regulasies afgekondig by Goewermentskennisgewing No. R. 361 van 11 Maart 1994, soos gewysig deur Goewermentskennisgewings Nos. R. 644 van 1 April 1994, R. 1407 van 11 Augustus 1994, R. 1808 van 17 Oktober 1994, R. 1707 van 27 Oktober 1994, R. 1791 van 17 November 1995, R. 72 van 26 Januarie 1996, R. 331 van 1 Maart 1996, R. 957 van 7 Junie 1996, R. 1178 van 19 Julie 1996, R. 1242 van 2 Augustus 1996, R. 1340 van 12 Augustus 1996, R. 1567 van 27 September 1996, R. 1627 van 1 Oktober 1996, R. 178 van 7 Februarie 1997, R. 421 van 20 Maart 1997 en R. 1081 van 8 Augustus 1997.

Wysiging van regulasie 23 van die Regulasies

2. Regulasie 23 van die Regulasies word hierby gewysig deur paragraaf (g) van subregulasie (1) deur die volgende paragraaf te vervang:

"(g) 'n Eenmalige bedrag vir elke skoolgaande kind ter bestryding van uitgawes aan skoolboeke, -uniforms, -sportuitrustings en ander benodighede, wat in ooreenstemming sal wees met die toelae soos van tyd tot tyd vir die Staatsdiens voorgeskryf."

Wysiging van regulasie 36 van die Regulasies

3. Regulasie 36 van die Regulasies word hierby gewysig deur in subregulasie (2) die woord "tariewe" deur die woorde "grondslag van berekening" te vervang.

Wysiging van regulasie 48 van die Regulasies

4. Regulasie 48 van die regulasies word hierby gewysig deur paragraaf (d) deur die volgende paragraaf te vervang:

"(d) kan, indien hy nie in besit is nie van 'n voertuig of motor in paragraaf (a) bedoel, vir doeleindes van die heenreis na en terugreis van die plek waar hy aldus diens moet verrig, met die goedkeuring van sy kantoorhoof, van private vervoer gebruik maak, in welke geval hy geregtig is op 'n vervoertoe-lae soos van tyd tot tyd vir die Staatsdiens voorgeskryf."

Wysiging van regulasie 49 van die Regulasies

5. Regulasie 49 van die regulasies word hierby gewysig deur paragraaf (b) van subregulasie (1) deur die volgende paragraaf te vervang:

"(b) genoodsaak is om minder as 24 uur van sy hoofkwartier afwesig te wees, is geregtig op die redelike werklike uitgawes aangegaan indien die eis van die nodige stawende dokumente vergesel gaan, of op die uitgawes soos van tyd tot tyd vir die Staatsdiens voorgeskryf."

Vervanging van Bylae D by die Regulasies

6. Bylae D by die Regulasies word hierby deur die volgende Bylae vervang:

"BYLAE D**GRONDSLAG VAN BEREKENING VIR OORTYDBESOLDIGING****(Regulasie 36)**

1. 'n Landdros wat amptelike diens soos bedoel in regulasie 36 verrig, word oortydbesoldiging betaal op die volgende grondslag:

- (a) Ten opsigte van oortyd diens verrig op Sondae of gedurende die nag, dit is die ure tussen 20:00 en 06:00, is die oortydtarief $2 \times T$; en
- (b) ten opsigte van oortyd diens verrig op 'n tyd anders as in (a) genoem, is die oortydtarief $\frac{4}{3} \times T$,

waar T soos volg bereken word:

$$T = \frac{A}{1} \times \frac{7}{365} \times \frac{1}{B}$$

en A gelykstaande is aan die salariskerf van die betrokke landdros, en B gelykstaande is aan die weeklikse aantal ure van bywoning voorgeskryf vir landdroste.

2. Besoldiging ten opsigte van oortyd diens word bereken deur die totale aantal ure oortyd diens verrig (insluitend gedeeltes van 'n uur uitgedruk as 'n breuk) te vermenigvuldig met die toepaslike grondslag van berekening.

3. Vir doeleindes van die berekening van die toepaslike oortydtarief, word die landdros se jaarlikse pensioendraende salariskerf ten tye van die oortyd diens verrig, gebruik en enige onder- of oorbetaling van oortydbesoldiging as gevolg van 'n aanpassing van sy of haar salaris word terugwerkend reggestel."

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