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GOVERNMENT NOTICE GOEWERMENTSKENNISGEWING

DEPARTMENT OF LABOUR
DEPARTEMENT VAN ARBEID

No. R. 1187

18 September 1998

WAGE ACT, 1957

WAGE DETERMINATION 481 : SECURITY SERVICES
TRADE, SOUTH AFRICA

By direction of the Minister of Labour, it is hereby notified, in terms of section 14 (2) Of the Wage Act 1957, that the Minister of under the powers vested in him by Section 14(1) of the said Act, has made the Wage Determination in the schedule hereto, in respect of the Security Services Trade, South Africa and has fixed the second Monday after the date of publication of this notice as the date from which the provisions of the said Wage Determination shall be binding.

SCHEDULE

1. AREA AND SCOPE OF APPLICATION

- (1) This determination shall apply in the Republic of South Africa to every employer in the Security Services as defined in subclause (2), and to all employees in that industry, except-
 - (a) those employees and employees referred to in subclause 3:
- (2) "Security Services", or "Trade" means the trade in which employers and employees are associated for the purpose of -
 - (a) guarding or protecting fixed property, premises, goods, persons or employees, including responding to alarms at premises which are guarded by persons or by electronic means; or
 - (b) transporting money for or on behalf of a client, including the depositing or withdrawal of money, the making up of money in specified amounts in envelopes or other containers and the handing over thereof to persons, as instructed by the client, and the transporting of any other goods that have to be guarded or protected while in transit.
- (3) The provisions of this determination shall not apply -
 - (a) to a manager as defined in subclause 2(25); or
 - (b) to any employer or employee who is subject an agreement of a bargaining council in terms the Labour Relations Act, 1995.
- (4) For the purposes of this determination the expression "premises" means any land and any building or structure above or below the surface of any land and includes any vehicle, aircraft or vessel.
- (5) For the purposes of determining the wage rate applicable to an employee, the area where the employee performed that work shall be the area contemplated in clause 3(1) irrespective of whether or not the employer has premises in that area.
- (6) Subject to the provisions of the National Keypoint Act, 1980, this determination shall also apply to employers and employees who provide security services at National Key Points.

2. DEFINITIONS

For the purposes of this determination, unless the context otherwise indicates, any expression used therein which is defined in the Wage Act, 1957, has the same meaning as in that Act and an employee shall be deemed to be in that class in which the employee is wholly or mainly engaged; further, unless inconsistent with the context -

- (1) **"apprentice"** means an employee employed in terms of a contract of apprenticeship registered or deemed to have been registered in terms of the Manpower Training Act, 1981, and includes an employee employed in a trade designated or deemed to have been designated in terms of that Act for a period prior to the registration of a contract of apprenticeship;
- (2) **"artisan"** means an employee who has completed or is deemed to have completed a contract of apprenticeship in a trade designated or deemed to have been designated in terms of the Manpower Training Act, 1981, or who holds a certificate issued or deemed to have been issued to him by the Registrar of Manpower Training and conferring Artisan status on him in terms of that Act, and any other employee engaged in work normally performed by an Artisan except where specifically otherwise provided in this determination;
- (3) **"cargo security officer"** means an employee who guards cargo on a ship;

- (4) **"carrier staff member"** means an employee, other than a clerk, who is mainly or wholly engaged in connection with any one or more of the activities specified in paragraph (b) of the definition "Security Services" in clause 1;
- (5) **"category A"** in relation to a Security officer, means an employee whose ordinary hours of work do not exceed 48 in a week;
- (6) **"category B"** in relation to a Security officer, means an employee whose ordinary hours of work do not exceed 60 in a week;
- (7) **"clerical assistant"** means an employee, other than a Security officer grade A, B, C, D or E, who under the supervision of a clerk with at least two years' experience is engaged in any one or more of the following duties:
- (a) Adding or subtracting, including making use of a machine;
 - (b) checking attendance registers or entering particulars in connection with employees who are absent or present or the time spent by employees on different tasks at establishments or places of employment;
 - (c) filing documents according to written instructions or a list, in alphabetical or numerical order or according to colour;
 - (d) interpreting or translating languages;
 - (e) issuing passes or preparing certificates of service;
 - (f) issuing time cards;
 - (g) preparing wage or time cards;
 - (h) recording particulars of annual or sick leave;
 - (i) recording particulars in registers otherwise than by means of a typewriter;
 - (j) recording the engagement, dismissal or resignation of employees, including any necessary entries in an employee's file or documents;
 - (k) transferring names and addresses from compiled documents to envelopes, labels or circulars otherwise than by means of a typewriter;
- (8) **"clerk"** means an employee who is engaged in writing, typing or filing or in any other form of clerical work and includes a cashier, storeman, a telephone switch-board operator, and who may make up money into specified amounts and place such money in envelopes or other containers, but does not include any other class of employee elsewhere defined in this clause notwithstanding the fact that clerical work may form part of such employee's work;
- (9) **"controller"** means an employee who controls or checks the issuing or receiving of uniforms, overalls, protective clothing, batons, handcuffs, flashlights, firearms, ammunition or other equipment and who may keep the necessary records;
- (10) **"Control centre operator"** and **"Communication Centre operator"** means a security officer who is utilised in an administrative capacity in a control centre or communication centre and who may be called upon to perform any or all of the duties of a clerk.
- (11) **"day"** means a period of 24 consecutive hours reckoned from the time such employee usually commences work;
- (12) **"daily wage"** means, except in the case of a casual employee, a cargo Security officer or a ship Security officer, an employee's hourly wage multiplied by the number of ordinary hours normally worked by that employee on a day;
- (13) **"driver"** means an employee, other than a Security officer, grade A, B or C, who drives a motor vehicle, and for the purposes of this definition the expression "drives a motor vehicle" includes all periods during which he drives, all time spent by him on work connected with the vehicle or the load, and all periods during which he is obliged to remain at his post in readiness to drive;
- (14) **"emergency work"** means work that is required to be done without delay owing to circumstances for which the employer could not reasonably have been expected to make provision and which cannot be performed by employees during their ordinary hours of work
- (15) **"establishment"** means the premises from which an employer conducts his business;
- (16) **"experience"** means, in relation to-
- (a) a clerk, the total period or periods of employment which an employee has had as a clerk in any trade or industry or in the service of a local authority or the State;
 - (b) a clerical assistant, the total period or periods of employment which an employee has had as a clerical assistant in any trade or industry or in the service of a local authority or the State;
- (17) **"general worker"** means an employee who is engaged in any one or more of the following duties:
- (a) Affixing postage stamps to letters, parcels or other articles;
 - (b) affixing rubber stamps or serial numbers where discretion is not required;

- (c) assisting an Artisan by holding articles or tools or working with him without making independent use of any tools;
 - (d) assisting on vehicles, otherwise than driving, guarding or repairing such vehicles;
 - (e) carrying, lifting, storing, moving, loading, unloading, opening or closing goods or parcels;
 - (f) cleaning or washing premises, doors, windows, equipment, tools, plant, machinery, furniture, vehicles, containers or other articles, and includes the polishing of floors, furniture or vehicles or the brushing of mats or the cleaning of mats by means of a machine;
 - (g) cooking rations or making tea or similar beverages for employees, including serving them, or making tea or other refreshments for the employer or his guests, including the serving thereof;
 - (h) delivering or conveying messages, letters, goods or parcels on foot, or by any means excluding motor vehicles;
 - (i) feeding or tending dogs;
 - (j) filling fuel tanks or filling or draining oil sumps;
 - (k) gardening;
 - (l) oiling or greasing vehicles, plant or machinery;
 - (m) opening or closing doors or windows;
 - (n) pushing or pulling vehicles otherwise than by means of mechanical equipment;
 - (o) removing refuse or ashes;
 - (p) removing, replacing, changing wheels, tyres or tubes, or repairing or pumping tyres or tubes;
 - (q) removing, topping up or replacing batteries;
 - (r) replacing towels, soap or toilet paper;
 - (s) stamping or stencilling containers or parcels where discretion is not required;
 - (t) washing or ironing overalls, uniforms or protective clothing;
 - (u) whitewashing, cleaning or disinfecting kennels, outbuildings or toilets;
- (18) **"goods"** means any movable property, including money and other valuables belonging to or in the custody of the employer, that has to be guarded or protected;
- (19) **"gross vehicle mass"**, in relation to a motor vehicle, means the maximum mass of such vehicle and its load as specified by the manufacturer or, in the absence of such specification, as determined by the registering authority;
- (20) **"handyman"** means an employee, other than an apprentice or a trainee, who is engaged in making minor repairs or adjustments to machinery or equipment, and who may also effect minor repairs or renovations to buildings, but who does not do any work normally performed by an Artisan;
- (21) **"heavy motor vehicle"** means a motor vehicle the gross vehicle mass of which exceeds 9 000 kg;
- (22) **"hourly wage"** means, except in the case of a casual employee, a ship Security officer or a cargo Security officer, an employee's hourly wage in respect of ordinary hours worked, as set out in clause 3 (1) (b), and in the case of a ship Security officer and a cargo Security officer it means the wage referred to in clause 3 (1) (d);
- (23) **"law"** includes the common law;
- (24) **"light motor vehicle"** means a motor vehicle the gross vehicle mass of which does not exceed 3500 kg;
- (25) **"local authority"** means any borough council, city council, municipal council, village management board, divisional council or any similar institution or body contemplated in section 84 (1) (f) of the Provincial Government Act, 1961, or in any other parliamentary legislation;
- 26 **"manager"** means an employee who is charged by his employer with the overall supervision over, responsibility for and direction of the activities of an establishment or part of an establishment and the employees engaged therein, but does not include any employee in the same establishment who relieves or acts for a manager during his absence;
- (27) **"medium motor vehicle"** means a motor vehicle the gross vehicle mass of which exceeds 3 500 kg but not 9 000kg;
- (28) **"monthly wage"** means an employee's hourly wage times the maximum legislated number of ordinary hours worked by that employee during a month;

- (29) **"motor vehicle"** means a self-propelled vehicle used for the transportation of goods, persons or dogs, and includes a motor cycle, *and a motorised three-wheeler*;
- (30) **"night work"** means worked performed after 18:00 and before 06:00 the next day.
- (31) **"ordinary hours of work"** means the hours of work prescribed in clause 5 (1), but if by agreement between an employer and his employee the latter works a lesser number of ordinary hours, it means such shorter hours;
- (32) **"overtime"** means that portion of any period worked by an employee in any week or on any day which is longer than his weekly or daily ordinary hours of work, as the case may be, but does not include any period during which an employee works for his employer on a Sunday or a paid holiday.;
- (33) **"paid holiday"** means all public holidays declared as such in terms of the Public Holidays Act, 1994.
- (34) **"premises"** -see clause 1(4);
- (35) **"qualified"**, in relation to an employee, means that the experience of an employee in his class entitles him to the highest wage rate prescribed for that class of employee, and conversely, "unqualified" means that his experience in his class does not entitle him to such highest wage rate;
- (36) **"Security officer"** means a Security officer, grade A, B, C, D or E;
- (37) **"Security officer, grade A"** means an employee who performs any one or more of the following duties:
- (a) Advising or reporting on any matter affecting guarding or protection services;
 - (b) assisting in the screening of candidates for employment;
 - (c) assuming responsibility for staff training;
 - (d) drawing money or cheques or taking possession of negotiable documents;
 - (e) drawing money at banks or similar institutions;
 - (f) guarding or protecting goods;
 - (g) supervising subordinate staff,
- and who may drive a motor vehicle in the performance of any or all of his duties;
- (38) **"Security officer, grade B"** means an employee who performs any one or more of the following duties, namely, supervising, controlling, instructing or training Security officers, grade C, D or E or general workers and reporting thereon to his employer or any other specified person, and who may-
- (a) drive a motor vehicle in the performance of any or all of his duties;
 - (b) be called upon to perform any or all of the duties of a Security officer, grade C;
- (39) **"Security officer, grade C"** means an employee who performs any one or more of the following duties
- (a) supervising or controlling Security officers, grade D or E;
 - (b) driving a motor vehicle in the course of supervising or controlling Security officers grade D or E;
 - (c) driving a motor vehicle for the purpose of transporting Security officers,
- and who may be called upon to perform any or all of the duties of a Security officer, grade D;
- (40) **"Security officer, grade D"** means an employee who performs any one or more of the following duties:
- (a) controlling or reporting on the movement of persons or vehicle through checkpoints or gates;
 - (a) searching persons and, if necessary, restraining them,
 - (a) supervising or controlling Security officers, grade E;
 - (a) searching goods or vehicles,
- and who may be required to perform any or all of the duties of a Security officer, grade E;
- (a) **"Security officer, grade E"** means an employee, other than a Security officer, grade D, who performs any one or more of the following duties:
- (a) Guarding, protecting or patrolling premises or goods;
 - (b) handling or controlling dogs in the performance of any or all of the duties referred to in (a);
- (41) **"spares and relievers"** means an employee:
- (a) who reports for duty at a specified place and time, on more than three days per week, and;
 - (b) who must remain at the specified place for the duration of that shift, or;

- (c) who is required to replace any other employee who may be on scheduled time-off, annual leave or absent from duty, or;
- (d) who is required to perform duties at any place designated by the employer.
- (42) **"ship security officer"** means an employee who guards the entrance to or exit from a ship;
- (43) **"short time"** means a temporary reduction in the number of ordinary hours of work owing to a slackness of business in the trade, a breakdown of plant, machinery or equipment, or a breakdown or threatened breakdown of buildings;
- (44) **"storeman"** means an employee, other than a controller, who is in charge of stocks in incoming goods and who is responsible for receiving, storing, packing or unpacking goods in or for issuing goods from a store, warehouse or open stockyard. For the purposes of this definition the expression "goods" does not include property entrusted to the employer for safekeeping; (see "clerk");
- (45) **"trainee"** means an employee, other than an apprentice, to whom training is being provided in terms of the Manpower Training Act, 1981, in a trade designated or deemed to have been designated in terms of that Act;
- (46) **"wage"** means that amount of money payable to an employee in terms of clause 3 (1) read with clause 1(4) in respect of his ordinary hours of work: Provided that if an employer regularly pays an employee in respect of such ordinary hours of work an amount higher than that prescribed in clause 3 (1), it means such higher amount, and "weekly wage" has a corresponding meaning;
- (47) **"weekly wage"** see "wage";
- (48) **"week"** in relation to an employee, means the period of seven days within which the working week of that employee ordinarily falls.

3. REMUNERATION

(1) *Minimum wages:*

- (a) The minimum wages which an employer shall pay his employees shall be as specified in paragraphs (b), (c) and (d).
- (b) An employer shall pay to each member of the undermentioned classes of his employees, other than casual employees, cargo security officers or ship security officers, the minimum wages specified hereunder:

HOURLY WAGE RATES

	AREA 1 In the Magisterial Districts of Alberton, Bellville, Benoni, Boksburg, Brakpan, Camperdown, Chatsworth, Durban, Germiston, Goodwood, Inanda, Johannesburg, Kempton Park, Krugersdorp, Kuils River, Mitchell's Plain, Nigel, Oberholzer, Paarl, Pinetown, Port Elizabeth, Pretoria, Randburg, Randfontein, Roodepoort, Sasolburg, Simon's Town, Springs, The Cape, Uitenhage, Vanderbijlpark, Vereeniging, Westonaria, Wonderboon, and Wynburg.		AREA 2 In the Magisterial Districts of Bloemfontein, East London, Kimberly, Klerksdorp, Pietermaritzburg, Somerset West, Stellenbosch and Strand.		AREA 3 In the Magisterial Districts of Odendaalsrus, Potchefstroom, Virginia, Welkom and Witbank.		AREA 4 In the Magisterial Districts of Gebrge, Highveld Ridge, Klip River, Knysna, Middelburg (Mpumalanga), Mossel Bay, Nelspruit, Newcastle, Oudtshoorn, Pietersburg, Rustenburg, Umzinto, Bethlehem, Henneman, King William's Town, Lower Tugela, Lower Umfolozi, Port Shepstone, Potgietersrus and Queenstown.		AREA 5 All other areas
	Rand per hour	Av monthly rate	Rand per hour		Rand per hour		Rand per hour		
Artisan	9,75	1940,25	8,91	1773,09	8,40	1671,60	7,37	1466,63	During the first year after the date on which this Determination comes into operation: 70% of the wage for area 4.
Clerical Assistants- During first year of experience	4,85	965,15	4,48	891,52	3,97	790,03	3,73	742,27	
During second year of experience	5,06	1006,94	4,63	921,37	4,13	821,87	3,86	768,14	
Thereafter	5,25	1044,75	4,85	965,15	4,34	863,66	4,01	797,99	
Clerk -									
During first year of experience	5,31	1056,69	4,90	975,10	4,41	877,59	4,05	805,95	During the second year after the date on which this determination comes into operation: 100% of the wage in area 4.
During second year of experience	6,08	1209,92	5,82	1158,18	5,09	1012,91	4,64	923,36	
During third year of experience	6,86	1365,14	6,30	1253,70	5,82	1158,18	5,21	1036,79	
Thereafter	7,67	1526,33	7,02	1396,98	6,49	1291,51	5,77	1148,23	
Control or Communication Centre Operator	As for relevant Security officer grading		As for relevant Security officer grading		As for relevant Security officer grading		As for relevant Security officer grading		
Controller	As for clerical assistant		As for clerical assistant		As for clerical assistant		As for clerical assistant		
Driver of a -		1018,88							
Light motor vehicle	5,12		4,76	947,24	4,24	843,76	3,91	778,09	
Medium motor vehicle	6,05	1203,95	5,58	110,42	5,06	1006,94	4,60	915,40	
Heavy motor vehicle	6,61	1215,89	6,11	1215,89	5,59	1112,41	5,00	995,00	
General Worker -									
During the first six months service with the same employer	3,98	792,02	3,67	730,33	3,24	644,76	3,06	608,94	
Thereafter	4,35	865,65	4,02	799,98	3,56	708,44	3,36	668,64	

HOURLY WAGE RATES

[illegible]

- (c) **Casual employees:** An employer shall pay a casual employee in respect of each hour or part of an hour (excluding overtime) worked by him on any day other than a paid holiday or a Sunday not less than the hourly wage prescribed in paragraph (b) for an ordinary employee who in the same area performs the same class of work as the casual employee is required to do, plus 15 per cent, or not less than the hourly wage or hourly equivalent of the wage actually being paid to the ordinary employee, whichever is the greater amount:

Provided that -

- (i) for the purposes of this paragraph the expression "the ordinary employee" means the employee who performs the particular class of work in the employer's full-time employ and who is being paid the lowest wage for that class of work;
 - (ii) where the employer requires the casual employee -
 - (aa) to perform the work of a class of employee for whom wages on a rising scale are prescribed, the expression "hourly wage" shall mean the hourly wage prescribed for a qualified employee of that class;
 - (ab) to work for a period of less than four hours on any day, he shall be deemed to have worked four hours.
- (d) **Ship security officers and cargo security officers:** A ship security officer and a cargo security officer shall be paid at least R3,97 for each hour or part of an hour of employment.
- (2) **Basis of contract:** For the purposes of this clause, the contract of employment of an employee, other than a casual employee, a ship security officer or a cargo security officer, shall be on a weekly basis and save as provided in clause 4 (6), an employee shall be paid in respect of a week not less than the minimum wage prescribed in subclause (1), read with the definition of "wage" in clause 2 and read with subclause (3), for an employee of his class in the area in which he worked in that week, whether he has in that week worked the maximum number of ordinary hours of work applicable to him or less.
- (3) **Differential wage:** An employer who requires or permits a member of one class of his employees to perform for longer than one hour on any day, either in addition to his own work or in substitution therefor, work of another class for which -
- (a) a wage higher than that of his own class is prescribed in subclause (1), shall pay to such employee in respect of that day not less than the daily wage calculated at the higher rate; or
 - (b) a rising scale of wages terminating in a wage higher than that of his own class is prescribed in subclause (1), shall pay to such employee in respect of that day not less than the daily wage calculated on the notch in the rising scale immediately above the wage which the employee was receiving for his ordinary work: provided that -
 - (aa) this subclause shall not apply where the difference between the classes in terms of subclause (1) is based on experience;
 - (ab) unless expressly otherwise provided in a written contract between the employer, nothing in this determination shall be so construed as to preclude an employer from requiring his employee to perform work of another class for which class the same or a lower wage is prescribed for such employee.
- (4) **Calculation of wages:** The wage, overtime and Sunday time of an employee, other than a casual employee, a ship security officer or a cargo security officer, shall be calculated on an hourly basis and an employee shall be paid accordingly.
- (5) **Bicycle allowance:** An employer who requires an employee to use his own bicycle in the performance of his duties shall pay him, in addition to any other remuneration payable to him-
- (a) in the case of a casual employee, a ship security officer and a cargo security officer, an allowance of not less than R1,00 per day;
 - (b) in the case of any other employee, an allowance of not less than R5,00 per week or, if the employee is required or permitted to use his own bicycle on occasion only, an allowance of not less than R1,00 for each day on which he so uses his bicycle.
- (7) **Night shift allowance:** An employee who works a night shift shall be entitled to an allowance of R1,00 per night shift worked.

- (8) **Firearm allowance:** An employer shall pay an employee who is required to carry a firearm in the performance of his duties at a rate of not less than that specified for a grade D security officer or at the rate which he normally receives, whichever is the higher.
- (9) **Dog allowance:** For every day or part of a day on which an employer requires or permits a security officer Grade C, D or E to use or be in charge of a dog in the performance of his duties, he shall pay him an allowance of not less than R1,00 for such day.

4. PAYMENT OF REMUNERATION

- (1) For employees, other than casual employees, ship security officers and cargo security officers: Save as provided in clause 6 (5) and (6), an employer must pay to an employee any remuneration, other than a casual employee, a ship security officer or a cargo security officer,
 - (a) in South African currency;
 - (b) daily, weekly, fortnightly or monthly; and
 - (c) in cash, by cheque or by direct deposit in an account designated by the employee.
- (2) Any remuneration paid by cheque or by cash must be given to each employee
 - (a) during the ordinary hours of work, or
 - (b) within 15 minutes thereafter on the usual pay-day of the establishment for such employee, or
 - (c) in a case of a member of the security staff, at such time as may have been agreed upon between such employee and his employer, which time shall fall during the ordinary hours of work of the establishment, but not later than 48 hours after the usual pay-day, or
 - (d) termination of employment if this takes place before the usual pay-day.
- (3) Such amount shall be contained in a sealed envelope.

4 INFORMATION ABOUT REMUNERATION

- (1) An employer must give an employee the following information in writing on each day the employee is paid:
 - (a) the employer's name and address;
 - (b) the employee's name or his number on the payroll, and his class;
 - (c) the period for which payment is made;
 - (d) the amount and purpose of any deductions made from the remuneration;
 - (e) the nett amount paid to the employee;
 - (f) if relevant to the calculation of that employee's remuneration –
 - (i) the employee's rate of remuneration and overtime rate;
 - (ii) the number of ordinary hours worked by the employee;
 - (iii) the number of overtime hours worked by the employee;
 - (iv) the number of hours worked by the employee on a Sunday or a public holiday during that period, and
 - (v) the details of any other remuneration arising out of the employee's employment contract or in terms of an agreement to average working time in terms of the BCEA No 75 of 1997;
- 4. The written information required in terms of subclause (2) must be given to each employee
 - (a) at the workplace or at a place agreed to by the employee; and
 - (b) such envelope or container on which these particulars are recorded or such statement shall become the property of the employee: Provided that-
 - (i) the particulars prescribed above may be recorded on such envelope or container or in such statement in code which shall be fully set out and explained in an accompanying notice or in a notice kept posted in some conspicuous place in the establishment, accessible to all employees affected thereby;
 - (ii) the amount due to him may be paid into the employee's nominated building society or bank account, by manual or electronic funds transfer, by his employer, who shall, however, hand to him the aforementioned statement.
- 5. **Casual employees, ship security officers and cargo security officers:** An employer shall pay a casual employee, a ship security officer or a cargo security officer the remuneration due to him in cash on completion of each day's work: Provided that the employer may, at the request of such employee, pay him his remuneration at the end of the week.
- 6. **Premiums:** Subject to any other law, no payment by or on behalf of an employee shall be accepted by an employer, either directly or indirectly, in respect of the employment or training of that employee and no employer shall require an employee to
 - (a) repay any portion of the remuneration which was due to that employee; or
 - (b) acknowledge receipt of an amount greater than the remuneration actually paid to the employee.

7. **Purchase of goods:** An employer shall not require his employee to purchase any goods from him or from any shop, place or person nominated by him.
8. **Accommodation, meals and rations and payment in natura:** An employer shall not as a condition of employment require his employee to accept accommodation, meals or rations from him or from any person or at any place nominated by him. An employer shall not as a condition of employment require an employee to receive any in natura form of payment in lieu of his wages or a part of his wages.
9. If an employee works as a "spare/reliever", the employee will be employed on a full time basis and the employer must pay the employee the amount that the employee would ordinarily have earned even if that employee has not been placed at a post.
10. **Deductions:** An employer shall not levy any fines against his employee nor make any deductions from his employee's remuneration other than the following -
 - (a) With the written consent of the employee, a deduction for any holiday, sick, medical, insurance, savings, provident or pension fund, or in respect of subscriptions to a trade union;
 - (b) A deduction of any amount which an employer by law or order of any competent court is required or permitted to make.
 - (c) Whenever the ordinary hours of work are reduced because of short time, a deduction not exceeding the amount of the employee's (other than a casual employee, a ship security officer or a cargo security officer's) hourly wage in respect of each hour of such reduction: Provided that-
 - (i) such deduction shall not exceed one third of the employee's weekly wage, irrespective of the number of hours by which the ordinary hours of work are thus reduced;
 - (ii) no deduction shall be made in the case of short time arising from slackness of business, unless the employer has given his employee notice on the previous working day of his intention to reduce the ordinary hours of work;
 - (iii) no deduction shall be made in the case of short time owing to a breakdown of plant or machinery or a breakdown or threatened breakdown of buildings, in respect of the first hour not worked, unless the employer has given his employee notice on the previous day that no work will be available;
 - (d) with the written consent of an employee, a deduction towards the repayment of any amount loaned or advanced to him by the employer: Provided that-
 - (i) any such deduction shall not exceed one third of the total remuneration due to the employee on the pay-day concerned;
 - (ii) no such deduction shall be made in respect of any period during which the employee's wage is reduced in terms of paragraph ;
 - (iii) provisos (i) and (ii) shall not apply where the contract of employment is terminated.
 - (e) a deduction in accordance with the provisions of clause 9(3); and
 - (f) any other deduction made at the written request of the employee and with the agreement of the employer. Provided that if the purpose of such deduction is the payment of any amount to any banking institution, building society, insurance business, registered financial institution, local authority, the State or any third party, the employer shall make such payment to such institution in accordance with the request of the employee within the timeframe indicated in such request, or where no timeframe is indicated, within one week.

5. ORDINARY HOURS OF WORK, OVERTIME AND PAYMENT FOR OVERTIME

(1) **Ordinary hours of work:** An employer shall not require or permit an employee to work more ordinary hours of work than, in case of-

(a) *a carrier staff member-*

- (i) 48 in any week; and
- (ii) subject to subparagraph (i), in the case of an employee who normally works on-
 - (aa) not more than five days in a week, nine and three quarters on any day;

- (ab) more than five days in a week, eight on any day, unless the hours on one day do not exceed six, in which case the hours on any of the other days may be extended to eight and a half;
- (b) a *security officer, category A* (other than a carrier staff member) -
 - (i) 48 in any week; and
 - (ii) subject to subparagraph (i), 12 on any day;
- (c) a *security officer, category B* (other than a carrier staff member) -
 - (i) 60 in any week; and
 - (ii) subject to subparagraph (i), 12 on any day;
- (d) a *ship security officer or cargo security officer*; 12 on any day;
- (e) a *casual employee* of an employer whose employees normally work on -
 - (i) not more than five days in a week, nine and a quarter on any day;
 - (ii) more than five days in a week, eight and a half on any day;

Provided that if such employee performs the duties of-

- (aa) a carrier staff member, the hours referred to in paragraph (i) may be extended by half an hour;
- (ab) a security officer, other than a carrier staff member, the hours referred to in subparagraphs (i) and (ii) may be extended to 12 and 10, respectively;
- (f) *any other class of employee*-
 - (i) 46 in any week; and
 - (ii) subject to subparagraph (i), in the case of an employee who normally works on-
 - (aa) not more than five days in a week, nine and a quarter on any day;
 - (ab) more than five days in a week, eight on any day, unless the hours on one day do not exceed five, in which case the hours of any of the other days may be extended to eight and a half.

(2)Meal intervals: An employer shall not require or permit an employee, other than a casual employee, a security officer, a ship security officer or a cargo security officer, to work for more than five hours continuously without a meal interval of not less than one hour, during which interval such employee shall not be required or permitted to perform any work, and such interval shall not form part of the ordinary hours of work or overtime: Provided that-

- (a) such interval may be reduced to not less than half an hour by written mutual agreement between an employer and his employee;
- (b) periods of work interrupted by intervals of less than one hour, except where proviso (a) or (e) applies, shall be deemed to be continuous;
- (c) if such interval is longer than one hour, any period exceeding one and a quarter hours
- (d) only one such interval during the ordinary hours of work of an employee on any day shall not form part of the ordinary hours of work;
- (e) when on any day by reasons of overtime worked, an employer is required to give an employee a second meal interval, such interval may be reduced to not less than 15 minutes;
- (f) a driver who during such interval does not work other than being or remaining in charge of the vehicle or its load shall for the purposes of this subclause be deemed not to have worked during such interval;
- (g) in case of an employee who is wholly or mainly engaged in cleaning premises, if such interval is longer than three hours, any period in excess of three hours shall be deemed to form part of the ordinary hours of work.

(3) **Rest intervals:** An employer shall grant to each of his employees, other than a driver, a security officer, a ship security officer or cargo security officer, a rest interval of not less than 15 minutes as near as practicable in the middle of the first and second work period of the day, and during such interval such employee shall not be required or permitted to perform any work, and such interval shall be deemed to be part of the ordinary hours of work of such employee.

(4) **Hours of work to be consecutive:** Save as provided in subclauses (2) and (3), all hours of work of an employee, other than a ship security officer or a cargo security officer, on any day shall be consecutive.

(5) **Limitation of overtime:** An employer shall not require or permit an employee to work overtime otherwise than in terms of an agreement concluded by him with the employee and such overtime shall not exceed, in the case of-

- (a) a casual employee, three hours on any day;
- (b) a security officer, a ship security officer or a cargo security officer, 12 hours in any week;
- (c) any other class of employee, 10 hours in any week.

(6) **Payment for overtime:**

- (a) An employer shall pay an employee, other than a casual employee, a ship security officer or a cargo security officer, who works overtime, at a rate of not less than -
 - (i) one and a third times his hourly wage in respect of the total period not exceeding 10 hours in any week so worked by such employee;
 - (ii) one and a half times his hourly wage in respect of the hours in excess of 10 hours in any week so worked by such employee.
- (b) An employer shall pay a casual employee, a ship security officer or a cargo security officer who works overtime at a rate of not less than one and a third times his hourly wage in respect of the total period so worked on any day.

(6) **Free periods:** An employer shall grant an employee other than a casual employee, a ship security officer or a cargo security officer, and such employee shall take, at least one free period of 24 hours in every week of employment during which an employer shall not require or permit an employee to work. No employer shall make any deduction from such employee's wages in respect of such free periods.

(7) **Savings:**

- (a) Subclause (5) shall not apply to an employee wholly or mainly engaged in the tending, feeding or cleaning of animals.
- (b) Subclauses (2), (3), (4) and (5) shall not apply to an employee while he is engaged in emergency work.

6. ANNUAL LEAVE

(1) Subject to subclause (3), an employer shall grant to his employee, other than a casual employee, a ship security officer or a cargo security officer, and the employee shall take, in respect of each completed period of 12 months of employment with the employer, leave as follows:

(a) *a security officer whose ordinary hours of work-*

- (i) do not exceed 48 in a week and who normally works on -
 - (aa) not more than five days in a week, 15 consecutive working days;
 - (ab) more than five days in a week, 18 consecutive working days;

(ii) exceed 48 in a week and who normally works on-

- (aa) not more than five days in a week, 20 consecutive working days;
- (ab) more than five days in a week, 24 consecutive working days;

(b) *any other class of employee who normally works on-*

- (i) not more than five days in a week, 15 consecutive working days;
- (ii) more than five days in a week, 18 consecutive working days;

(2) (a) The employer shall pay his employee in respect of the leave prescribed in subclause (1), in the case of an employee referred to in -

(i) subclauses (1) (a) (i) and (1) (b), an amount of not less than three times:

(ii) subclause (1) (a) (ii), an amount of not less than four times,

the weekly wage which the employee was receiving immediately prior to the date on which the leave commenced.

(b) An employee who before subclause (1) became effective had become entitled to a longer period of annual leave that is therein prescribed, shall retain such leave entitlement by the same employer.

(3) The leave prescribed in subclause (1) shall be granted and be taken, as the case may be, at a time to be fixed by the employer: Provided that-

(a) if such leave has not been granted and taken earlier, it shall, as provided in subclause (4), be granted and be taken so as to commence within four months after the completion of the 12 months of employment to which it relates or, if the employer and the employee have agreed thereto in writing before the expiration of the said period of four months, the employer shall grant such leave to the employee and the employee shall take the leave from a date not later than two months after the expiration of the said period of four months;

(b) the period of leave shall not be concurrent with any period-

(i) of sick-leave in terms of clause (7) or with absence of working owing to incapacity in the circumstances set out in clause 7 (4) (a) or (b), amounting to the aggregate in any period of 12 months to not more than 15 weeks; or

(ii) during which the employee is under notice of termination of employment in terms of clause 11.

(c) an employer may set off against such period of leave any days of occasional leave granted on full pay to his employee at such employee's written request during the period of employment to which the annual leave relates.

(4) (a) At the written request of his employee, an employer may permit the leave to accumulate over a period of not more than 24 months of employment: Provided that-

(i) the request is made by such employee not later than four months after the expiration of the first period of 12 months of employment to which the leave relates; and

(ii) the date of receipt of the request is endorsed on the request over his signature by the employer who shall retain the request at least until after the expiration of the period of leave.

(b) Subclause (3) shall *mutatis mutandis* apply to the leave referred to in this subclause.

(5) The remuneration in respect of the leave prescribed in subclause (1), read with subclause (4), shall be paid not later than the last working day before the date of commencement of the leave or, at the written request of the employee, not later than the first pay-day after the expiration of leave.

(6) An employee whose employment terminates during any period of 12 months of employment before the period of leave prescribed in subclause (1) in respect of that period has accrued and been taken shall, upon such termination and in addition to any other remuneration which may be due to him, be paid in respect of each completed month of such period of employment an amount of not less than, in the case of an employee referred to in-

(a) subclause (1) (a) (i) or (1) (b), one fourth; and

(b) subclause (1) (a) (ii), one third,

of the weekly wage he was receiving immediately before the date of such termination: Provided that-

- (i) An employer may make a proportionate deduction in respect of any period of occasional leave granted to an employee in terms of proviso (c) to subclause (3);
- (ii) an employee who leaves his employment without having given and served the period of notice prescribed in clause 11 shall be entitled to claim payment in terms of this subclause in respect of only such amount of accrued leave money as exceeds the amount he was required to pay his employer in lieu of notice, unless-
- (aa) the employer has waived such notice or the employee has paid the employer upon termination or prior to termination of service in lieu of notice; or
- (ab) in failing to give and serve such notice the employee was acting within his legal rights.

(7) An employee who has become entitled to a period of leave prescribed in subclause (1), read with subclauses (3) (c) and (4), and whose employment terminates before such leave has been granted and been taken, shall, with due regard to subclause (8), upon such termination be paid the amount he would have received, in respect of the leave, had the leave been granted to him and taken by him as at the date of the termination.

(8) For the purposes of this clause the expression "employment" and "period of employment" shall be deemed to include any period-

- (a) in respect of which an employer pays an employee or an employee pays an employer in lieu of notice in terms of clause 11;
- (b) amounting in the aggregate to not more than 15 weeks in any period of 12 months, during which an employee is absent-
 - (i) on leave in terms of this clause;
 - (ii) on sick-leave in terms of clause 7 or owing to incapacity in the circumstances set out in clause 7 (4) (a) or (b);
 - (iii) at the instance of his employer;
 - (iv) with the consent or condonation of his employer;
 - (v) for any reason that is not in breach of the contract of employment;

7. SICK-LEAVE

(1) Subject to subclause (2), an employer shall grant to his employee, other than a casual employee, a ship security officer or a cargo security officer, who is absent from work through incapacity, in the case of-

- (a) an employee who normally works on not more than five days in a week, not less than 30 work days; and:
- (b) any other employee, not less than 36 working days, sick-leave during each cycle of 36 consecutive months of employment with him, and shall pay the employee in respect of any period of absence in terms of this subclause not less than the wage he would have received had he worked during such period: Provided that-
 - (i) in the first cycle of 36 consecutive months of employment, an employee shall be entitled to sick-leave on full pay at a rate of not less than, in case of an employee who works on not more than five days in a week, one working day in respect of each completed period of five weeks of employment and, in the case of any other employee, one working day in respect of each completed month of employment;
 - (ii) if in the first cycle of 36 consecutive months of employment, an employee is absent owing to incapacity for longer than a number of days of paid sick-leave to which he is entitled in terms of subparagraph (i), his employer shall not, at that stage, be required to effect any payment in respect of the excess sick-leave taken: Provided further that if he has not previously done so the employer shall at the end of the first cycle of 36 months of employment pay the employee an amount equal to not less than the difference between the sick-leave payment that has already been made and the employee's wage for the full period of his incapacity, up to a maximum of 30 working days or 36 working days, as the case may be, and such compensation shall be effected at the rate of not less than the employee's wage at the commencement of his incapacity: Provided further that where the contract of employment terminates before the expiry of such first cycle, the employee shall be entitled to claim payment from his employer of an amount equal to the difference between the sick-leave pay that he has already received and his wage for the full period of this incapacity, but at a rate not exceeding his wage for one working day for each completed period of five weeks of employment in the case of an employee who normally works on not more than five days in a week, and one working day for each month of service in the case of any other employee, and for the purposes of this proviso the expression "wage" means the wage the employee was receiving at the commencement of his incapacity;
 - (iii) where an employer is by any law required to pay fees for hospital or medical treatment in respect of an employee, and pays such fees, the amount so paid may be set off against the payment due in respect of absence owing to incapacity in terms of this clause.

- (2) An employer may, as a condition precedent to the payment by him of any amount claimed in terms of this clause by an employee in respect of any absence from work-

- (a) for more than two consecutive working days; or
 - (i) a free period or a paid holiday, in the case of a security officer;
 - (ii) a Sunday or a paid holiday, in the case of any other class of employee;

- (b) on the working day immediately preceding or the working day immediately succeeding-require the employee to produce a certificate signed by a registered medical practitioner or registered traditional healer stating the nature and the duration of the employee's incapacity: Provided that, when an employee has, during any period up to eight weeks received payment in terms of this clause on two or more occasions without producing such a certificate, his employer may during the period of eight weeks immediately succeeding the last such occasion require him to produce such a certificate in respect of any absence from work.

- (3) For the purposes of this clause the expression -

- (a) "employment" shall be deemed to include-

- (i) any period during which an employee is absent-
 - (aa) on leave in terms of clause 6;
 - (ab) on sick-leave in terms of subclause (1) or owing to incapacity in the circumstances set out in subclause (4);
 - (ac) at the instance of his employer;
 - (ad) with the consent or condonation of his employer;
 - (ae) for any reason not being in breach of his contract of employment,

amounting in the aggregate to not more than 30 weeks in any cycle of 36 months; and

- (ii) any period of employment which an employee has had with the same employer immediately before the date on which this determination became effective, and any sick-leave on full pay granted to such an employee during such period shall be deemed to have been granted under this determination;
- (b) "incapacity" means inability to work owing to any sickness or injury, other than sickness or injury caused by an employee's own misconduct: Provided that any such inability to work, caused by an accident or scheduled disease for which compensation is payable under the Compensation for Occupational Injuries and Diseases Act, 1993, shall be regarded as incapacity, only during any period in respect of which no disablement payment is payable in terms of that Act.

- (4) *Savings:* This clause shall not apply-

- (a) to an employee at whose written request an employer makes contributions at least equal to those made by the employee, to any fund or organisation guarantees nominated by the employee, which fund or organisation guarantees to the employee, in the event of his incapacity in the circumstances set out in this clause, the payment to him of an amount not less than the equivalent of his wage for any period of such leave in terms of subclause (1);
- (b) in respect of any period of incapacity of an employee in respect of which the employer is required by any law to pay to the employee not less than his full wage.

8. PAID HOLIDAYS, SUNDAYS

- (1) *Compensation for work on a paid holiday:*

- (a) Whenever an employee, other than a casual employee, a ship security officer or cargo security officer, does not work on a paid holiday and such day falls on a day which otherwise is an ordinary working day for the employee, his employer shall pay him in respect of that day an amount equal to at least his daily wage.

- (b) Whenever an employee, other than a casual employee, ship security officer or cargo security officer, works on a paid holiday his employer shall pay him in respect of that day-
 - (i) an amount calculated at a rate of not less than double his wage in respect of the total period worked by him on such day or double his daily wage, whichever is greater; or
 - (ii) an amount calculated at a rate of not less than one and a third times his hourly wage in respect of the total period worked by him on that day, and grant to him within seven days of such day, one day's leave and pay him in respect of such leave an amount of not less than his daily wage.

2) Compensation for work on a Sunday

- (a) Whenever an employee, other than a casual employee, a ship security officer or cargo security officer, works on a Sunday and that day is also a paid holiday, his employer shall compensate him for such work on the basis set out in subclause (1) (b).
- (b) Whenever an employee, other than a casual employee, a ship security officer or a cargo security officer, works on a Sunday which is not also a paid holiday, his employer shall pay him-
 - (i) if he so works for not more than four hours, an amount equal to at least his daily wage;
 - (ii) if he so works for longer than four hours an amount calculated at a rate of not less than double his hourly wage in respect of the total period worked by him on such Sunday, or an amount of not less than double his daily wage, whichever is the greater:

(3) Whenever an employee works for a period which falls-

- (a) partly on a paid holiday and partly on a Sunday; or
- (b) partly on a paid holiday and partly on an ordinary working day; or
- (c) partly on a Sunday and partly on an ordinary working day; or

he shall for the purposes of this clause be deemed to have worked the whole period on that day on which the major portion of such work period falls.

(5) Compensation to a casual employee, a ship security officer or a cargo security officer for work on a paid holiday or a Sunday:

- (a) Whenever a casual employee works on a paid holiday or on a Sunday, his employer shall pay him in respect of the total period worked by him on such day an amount calculated at a rate of not less than double the hourly wage prescribed for, or double the hourly wage being paid to a full-time employee in the same area who performs the same class of work as the casual employee is required to do, whichever is the greater. Provided that where the employer requires a casual employee-
 - (i) to perform the work of a class of employee for whom wages on a rising scale are prescribed, the expression "hourly wage" shall mean the hourly wage for a qualified employee of that class as calculated in term of clause 3(4);
 - (ii) to work for less than four hours on such a day, he shall be deemed to have worked for four hours.
- (b) Whenever a ship security officer or a cargo security officer works on a paid holiday or on a Sunday, his employer shall pay him in respect of the total period worked by him on such day an amount calculated at a rate of not less than double his hourly wage.

(6) Payment: The remuneration payable in terms of this clause to an employee, other than a casual employee, a ship security officer or a cargo security officer, shall be paid to him not later than the pay-

day immediately after the day in respect of which such remuneration is payable. A casual employee, a ship security officer or a cargo security officer shall be remunerated as set out in clause 4 (2).

9 WEAPONS, UNIFORMS, OVERALLS AND PROTECTIVE CLOTHING

(1) An employer shall-

- (a) provide free of charge any weapon, ammunition, tool, whistle or other equipment which a security officer, in the performance of his duties, needs or is required to use for self-defence or apprehension; and shall in like manner provide the officer with, or ensure that he is provided with, a seat which has a proper back support;
- (b) supply and maintain in good and clean condition, free of charge, a jersey and coat or other suitable outer garment for the employee's protection against cold or wet weather, as well as any footwear, uniform, overall, or other protective clothing which he requires his employee to wear or which he is required by any law to provide for his employee: An employer who provides his employee with any such apparel, may require the employee to clean it in his own time, in which event the employer shall pay the employee not less than R1 ,50 per week, which shall however not be payable during periods of absence from work

(2) Any article provided by an employer in terms of subclause (1) shall remain his property.

(3) No employer shall make any deduction from the wages of any employee in regard to any article provided to that employee in terms of subclause (1). Provided that where an article is found by a fair procedure to have been lost or damaged by an employee, excluding damage arising from the performance of his duties or normal wear and tear, an employer may, notwithstanding anything to the contrary in this determination recover the cost of such article from the employee by making a deduction over an appropriate period from that employees wage. Provided that such deduction shall not in any week exceed one tenth of the employees weekly wage.

10. PROHIBITION OF EMPLOYMENT

An employer shall not-

- (1) employ any person under the age of 16 years;
- (2) require or permit a pregnant employee to work during the period commencing four weeks prior to the expected date of her confinement and ending eight weeks after the date of her confinement.

11. TERMINATION OF CONTRACT OF EMPLOYMENT

(1) Notwithstanding clause 3 (2) an employer or his employee, other than a casual employee, a ship security officer or a cargo security officer, who desires to terminate the contract of employment, shall give

- (a) during the first four weeks of employment, not less than one working day's;
- (b) after the first four weeks of employment, not less than one week's,

notice of termination of contract, which shall be in writing except when given by an employee who is unable to write, or an employer or employee may terminate the contract without notice by paying the employee, as the case may be, in lieu of such notice not less than, in the case of-

- (i) one working day's notice, the daily wage;
- (ii) one week's notice, the weekly wage,

the employee is receiving at the time of such termination: Provided that this shall not affect-

- (aa) the right of an employer or his employee to terminate the contract without notice for any cause recognised by law as sufficient;

- (ab) any written agreement between an employer and his employee which provides for a period of notice of equal duration on both sides and for longer than that prescribed in this clause;
- (ac) the operation of any forfeitures or penalties which by law may be applicable in respect of an employee who deserts: Provided further that payment in lieu of notice shall not be permitted during the absence of an employee-
 - (i) on leave in terms of clause 6;
 - (ii) on sick-leave in terms of clause 7(1);
 - (iii) owing to incapacity in the circumstances set out in clause 7 (4) (a) or (b), amounting in the aggregate to not more than 15 weeks in any period of 12 months;

Provided further that where the wage of an employee at the date of termination has been reduced by deductions in respect of short time, the expression "is receiving at the time of such termination" shall, when an employer pays an employee in lieu of notice, be deemed to mean "would have received at the time of such termination had no deduction been made in respect of short time".

- (2) Where there is an agreement in terms of proviso (ab) to subclause (1), the payment in lieu of notice shall be commensurate with the period of notice agreed upon.
- (3) The notice prescribed in subclause (1) shall be given on a working day: Provided that the period of notice shall not run concurrently with nor shall notice be given during an employee's absence-
 - (a) on leave in terms of clause 6;
 - (b) on sick-leave in terms of clause 7 (1);
 - (c) owing to incapacity in the circumstances set out in clause 7 (4) (a) or (b), amounting in the aggregate to not more than 15 weeks in a period of 12 months;
- (4) Notwithstanding anything to the contrary contained in the determination, where an employee terminates his contract of employment by leaving his employment without having given and served the required period of notice or without paying his employer In lieu of notice, his employer may appropriate to himself, from any moneys which he owes to such employee by virtue of any provisions of this determination, an amount of not more than that which such employee would have had to pay him in lieu of notice: Provided that this subclause shall not apply where the employer had waived the required period of notice or if in failing to give and serve the notice the employee was acting within his legal rights.
- (5) Notwithstanding anything to the contrary contained in the determination, where an employee terminates his contract of employment and does not return any article provided to him by his employer in terms of clause 9(1) his employer may appropriate to himself, from any moneys which he owes to such employee by virtue of any provisions of this determination, an amount equal to the replacement value of such article.

13. CERTIFICATE OF SERVICE

Except where an employee is a deserter or where the employee is a casual employee, a ship security officer or a cargo security officer, the employer shall, upon termination of any contract of employment, furnish the employee with a certificate of service showing the full names of the employer and the employee, the class of the employee, the date of commencement and the date of termination of the contract and the wage of the employee on the date of such termination.

14. ATTENDANCE REGISTER

- (1) An employer shall provide an attendance register substantially in the following form, or any form of attendance documentation which is acceptable, in which the employee shall record in ink or indelible pencil the name and class of each of his employees and if an employee is unable to write, his employer shall on his behalf for each day worked and on that day make the necessary entries in respect of items (i) to (vi) of subclause (3) (a) in the presence of a person nominated by the employee, and shall sign such entries.

ATTENDANCE REGISTER

NAME OF EMPLOYEE

CLASS OF EMPLOYEE

Year:..... Month:.....		Done by employee												CLASS OF EMPLOYEE			
Date	Weekday	Work commenc e	Breaks						Time of completi on of duty	Overtime Worked		Total hours worked		Signature	Employee	Remarks if any By employer if employee is absent. Reasons for employees absence should be signed by employer	By inspector
			From	To	From	To	From	To		From	To	From	To				
1																	
2																	
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- (2) An employer may, instead of an attendance register, provide a semi-automatic time recorder which records substantially the same information as is required to be kept in the attendance register specified in subclause (1).
- (3) Unless prevented from doing so by unavoidable causes, every employee shall, in respect of each day worked by him on that day-

(a) record in ink or indelible pencil in such attendance register referred to in subclause (1)-

- (i) the day of the week;
- (ii) the time he commenced work;
- (iii) the time of commencement and termination of all meal or other intervals which are not reckonable as ordinary hours of work;
- (iv) the time of finishing work for the day;
- (v) the time of commencement and termination of overtime worked for the day;
- (vi) the total amount of hours worked for the day; and
- (vii) his signature;

(b) in an establishment where a semi-automatic time recorder is provided, make an entry by means of such recorder to show the following:

- (i) the time he commenced work;
- (ii) the time of commencement and termination of all meal or other intervals which are not reckonable as ordinary hours of work; and
- (iii) the time of finishing work for the day

(4) An employer shall retain such attendance register referred to in subclause (1) or the information recorded by a semi-automatic time recorder referred to in subclause (2), as case may be, for a period of not less than three years after the date of the last entry therein or thereon.

15. ANNUAL BONUS

(1) An employer shall pay to every employee in respect of each completed 12 months of service with such employer an annual bonus calculated as follows:

$$\text{Employees hourly wage} \times \text{employees ordinary weekly hours} \times \frac{52}{12} \times \frac{12}{100}$$

(2) The annual bonus shall be paid on the anniversary of the employees date of employment with the employer unless the employer and a representative trade union and/or the employee mutually agree in writing upon another date.

(3) For the period ending 30 July 1999, the bonus shall be calculated on a pro-rata basis as follows:

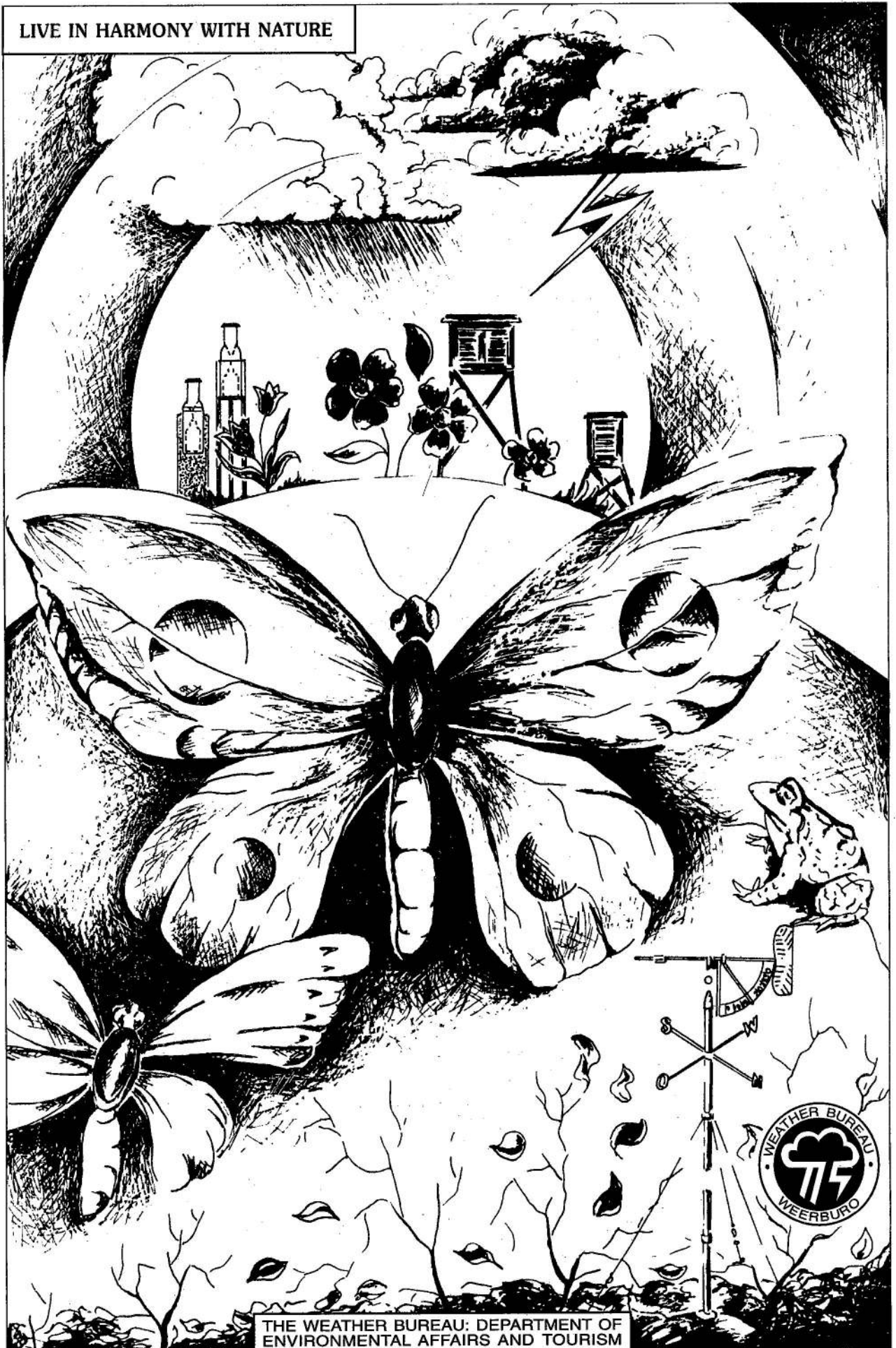
$$\text{Bonus in terms of subclause (1)} \times \frac{\text{Months since May 1998}}{12}$$

12

Where "Months since May 1998" means the number of expired calendar months from and including May 1998 to the end of the month during which the bonus is paid.

(In terms of section 18 of the Wage Act, 1957, the Wage Determination in the above schedule superseded Wage Determination 473 published under Government Notice R2494 of 18 October 1991.)

LIVE IN HARMONY WITH NATURE



THE WEATHER BUREAU: DEPARTMENT OF
ENVIRONMENTAL AFFAIRS AND TOURISM

THE WEATHER BUREAU HELPS FARMERS TO PLAN THEIR CROP



THE WEATHER BUREAU: DEPARTMENT OF ENVIRONMENTAL AFFAIRS & TOURISM
DIE WEERBURO: DEPARTEMENT VAN OMGEWINGSAAKE EN TOERISME

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REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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OFFICE OF THE PRESIDENT

No. 1188.

23 September 1998

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

No. 20 of 1998: Remuneration of Public Office Bearers Act, 1998.

KANTOOR VAN DIE PRESIDENT

No. 1188.

23 September 1998

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

No. 20 van 1998: Wet op die Besoldiging van Openbare Ampsbekleërs, 1998.

*(English text signed by the Acting President.)
(Assented to 15 September 1998.)*

ACT

To provide for a framework for determining the salaries and allowances of the President, members of the National Assembly, permanent delegates to the National Council of Provinces, Deputy President, Ministers, Deputy Ministers, traditional leaders, members of provincial Houses of Traditional Leaders and members of the Council of Traditional Leaders; to provide for a framework for determining the upper limit of salaries and allowances of Premiers, members of Executive Councils, members of provincial legislatures and members of Municipal Councils; to provide for a framework for determining pension and medical aid benefits of office bearers; to provide for the repeal of certain laws; and to provide for matters connected therewith.

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

Definitions

1. In this Act, unless the context indicates otherwise—

- (i) “allowances” means any allowance, including out of pocket expenses, which forms part of an office bearer’s conditions of service, other than a salary and benefits; (viii) 5
- (ii) “benefits” means in respect of a traditional leader, a member of a provincial House of Traditional Leaders and a member of the Council of Traditional Leaders those benefits which the President may determine in terms of section 5(3), and in respect of all other office bearers, the contributions contemplated in sections 8(2) and (5) and 9(2) and (5); (xii) 10
- (iii) “Commission” means the Independent Commission for the Remuneration of Public Office-bearers established in terms of the Independent Commission for the Remuneration of Public Office-bearers Act, 1997; (iv) 15
- (iv) “Deputy President” includes Executive Deputy Presidents; (i)
- (v) “Executive Council” means the Executive Council of a province concerned; (x)
- (vi) “members of the Cabinet” means the persons referred to in section 91(1) of the Constitution; (v) 20
- (vii) “Minister” means the Minister for Provincial Affairs and Constitutional Development; (vi)
- (viii) “office bearer” means a Deputy President, a Minister, a Deputy Minister, a member of the National Assembly, a permanent delegate, a Premier, a member of an Executive Council, a member of a provincial legislature, a traditional leader, a member of a provincial House of Traditional Leaders, a member of the Council of Traditional Leaders and a member of a Municipal Council; (ii) 25
- (ix) “pension fund” means any fund established and registered in terms of, and subject to, any law governing the registration and control of pension funds in the Republic of South Africa and to which an office bearer contributes or any pension scheme approved by Parliament for such office bearers so approved; (vii) 30
- (x) “permanent delegate” means a permanent delegate to the National Council of Provinces contemplated in section 60(2)(b) of the Constitution; (xi)
- (xi) “the Constitution” means the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996); (iii) 35
- (xii) “traditional leader” means any person identified in terms of section 5(4). (ix)

(Engelse teks deur die Waarnemende President geteken.)
(Goedgekeur op 15 September 1998.)

WET

Om voorsiening te maak vir 'n raamwerk vir die bepaling van salarisse en toelaes van die President, lede van die Nasionale Vergadering, vaste afgevaardigdes na die Nasionale Raad van Provinsies, Adjunkpresident, Ministers, Adjunkministers, tradisionele leiers, lede van die provinsiale Huisse van Tradisionele Leiers en lede van die Raad van Tradisionele Leiers; om voorsiening te maak vir 'n raamwerk vir die bepaling van die boonste perke van salarisse en toelaes van Premiers, lede van Uitvoerende Rade, lede van provinsiale wetgewers en lede van Munisipale Rade; om voorsiening te maak vir 'n raamwerk vir die bepaling van pensioen- en mediese fonds-voordele van ampsbekleërs; om voorsiening te maak vir die herroeping van sekere wette; 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:—

Woordomskrywing

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—
 - 5 (i) “Adjunkpresident” ook Uitvoerende Adjunkpresidente; (iv)
 - (ii) “ampsbekleër” ’n Adjunkpresident, ’n Minister, ’n Adjunkminister, ’n lid van die Nasionale Vergadering, ’n vaste afgevaardigde, ’n Premier, ’n lid van ’n Uitvoerende Raad, ’n lid van ’n provinsiale wetgewer, ’n tradisionele leier, ’n lid van ’n provinsiale Huis van Tradisionele Leiers, ’n lid van die Raad van Tradisionele Leiers en ’n lid van ’n Munisipale Raad; (viii)
 - 10 (iii) “die Grondwet” die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet No. 108 van 1996); (xi)
 - (iv) “Kommissie” die Onafhanklike Kommissie vir die Besoldiging van Openbare Ampsbekleërs wat ingevolge die Wet op die Onafhanklike Kommissie vir die Besoldiging van Openbare Ampsbekleërs, 1997, ingestel is; (iii)
 - 15 (v) “lede van die Kabinet” die persone in artikel 91(1) van die Grondwet bedoel; (vi)
 - (vi) “Minister” die Minister vir Provinsiale Sake en Staatkundige Ontwikkeling; (vii)
 - 20 (vii) “pensioenfonds” enige fonds wat ingestel en geregistreer is ingevolge en behoudens enige wet wat die registrasie en beheer van pensioenfondse in die Republiek van Suid-Afrika reël en waartoe ’n ampsbekleër bydra of enige pensioenskema deur die Parlement goedgekeur vir sodanige ampsbekleërs insgelyks goedgekeur; (ix)
 - 25 (viii) “toelaes” enige toelae, met inbegrip van klein uitgawes, wat deel vorm van ’n ampsbekleër se diensvoorwaardes, behalwe ’n salaris en voordele; (i)
 - (ix) “tradisionele leier” enige persoon ingevolge artikel 5(4) geïdentifiseer; (xii)
 - (x) “Uitvoerende Raad” die Uitvoerende Raad van ’n betrokke provinsie; (v)
 - (xi) “vaste afgevaardigde” ’n vaste afgevaardigde na die Nasionale Raad van Provinsies in artikel 60(2)(b) van die Grondwet beoog; (x)
 - 30 (xii) “voordele” met betrekking tot ’n tradisionele leier, ’n lid van ’n provinsiale Huis van Tradisionele Leiers en ’n lid van die Raad van Tradisionele Leiers daardie voordele wat die President ingevolge artikel 5(3) mag bepaal, en met betrekking tot alle ander ampsbekleërs, die bydraes in artikels 8(2) en (5) en 9(2) en (5) beoog. (ii)
 - 35

Salary, allowances and benefits of President

2. (1) The President shall be paid, apart from any privilege which he or she may enjoy, such salary and allowances as may be determined from time to time by resolution of the National Assembly, after taking into consideration—

- (a) the recommendations of the Commission;
- (b) the role, status, duties, functions and responsibilities of the President;
- (c) the affordability of different levels of remuneration of political office bearers;
- (d) current principles and levels of remuneration in society generally; and
- (e) inflationary increases.

(2) Section 8(1)(d) of the Income Tax Act, 1962 (Act No. 58 of 1962), shall apply to such portion of the remuneration of the President as the National Assembly may from time to time determine by resolution, as if such portion was an allowance granted as contemplated in that section.

(3) The National Assembly may determine different portions under subsection (2) in respect of different amounts of remuneration.

(4) The salary and allowances to which the President is entitled in terms of this section, apart from any other privilege that he or she may enjoy, are paid to him or her in monthly instalments, the first month to be reckoned from the date on which he or she assumes office as contemplated in section 87 of the Constitution.

(5) (a) Upon his or her retirement, the President shall be paid such pension and other pension benefits as may be determined from time to time by resolution of the National Assembly, after taking into consideration the recommendations of the Commission.

(b) On the President's death, such pension and other pension benefits as may from time to time be determined by resolution of the National Assembly, shall be paid to his or her widow, widower, dependant or nominee, including his or her estate, as he or she may elect.

(6) The State shall contribute to a medical aid scheme of which the President, a former President or his or her widow or widower or dependant is a member, such an amount as may be determined by resolution of the National Assembly.

(7) Any amount payable to the President, or any other person or institution, in terms of this section, is paid out of and as a charge against the National Revenue Fund.

(8) Any money paid to the President in terms of a resolution of Parliament as contemplated in section 79 of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), prior to the coming into operation of this Act, is regarded as having been determined under this Act.

Salaries and allowances of members of National Assembly and permanent delegates

3. (1) Members of the National Assembly, excluding members of the Cabinet and Deputy Ministers, and permanent delegates shall be entitled to such salaries and allowances as the President may from time to time determine by proclamation in the *Gazette*, after taking into consideration—

- (a) the recommendations of the Commission;
- (b) the role, status, duties, functions and responsibilities of different members of the National Assembly and different permanent delegates;
- (c) affordability of different levels of remuneration of office bearers;
- (d) current principles and levels of remuneration in society generally; and
- (e) inflationary increases.

(2) Despite the provisions of subsection (1), a member of the National Assembly or a permanent delegate who holds different public offices simultaneously, is only entitled to the salary, allowances and benefits of such office for which he or she earns the highest income.

(3) Section 8(1)(d) of the Income Tax Act, 1962 (Act No. 58 of 1962), applies to such portion of the remuneration of a member of the National Assembly or a permanent delegate as the President may from time to time determine, as if that portion was an allowance granted as contemplated in that section.

Salaris, toelaes en voordele van President

2. (1) Die President word, afgesien van enige voorreg wat hy of sy geniet, die salaris en toelaes betaal wat van tyd tot tyd by besluit van die Nasionale Vergadering bepaal word, na oorweging van—

- 5 (a) die aanbevelings van die Kommissie;
- (b) die rol, status, pligte, werksaamhede en verantwoordelikhede van die President;
- (c) die bekostigbaarheid van verskillende vlakke van besoldiging van politieke ampsbekleërs;
- 10 (d) heersende beginsels en vlakke van besoldiging in die algemeen in die samelewing; en
- (e) inflasieverhogings.

(2) Artikel 8(1)(d) van die Inkomstebelastingwet, 1962 (Wet No. 58 van 1962), is van toepassing op die gedeelte van die besoldiging van die President wat die Nasionale Vergadering van tyd tot tyd by besluit bepaal, asof sodanige gedeelte 'n toelaag is wat toegestaan was soos in daardie artikel beoog.

(3) Die Nasionale Vergadering kan verskillende gedeeltes kragtens subartikel (2) vasstel ten opsigte van verskillende bedrae van besoldiging.

(4) Die salaris en toelaes waarop die President ingevolge hierdie artikel geregtig is, afgesien van enige ander voorreg wat hy of sy geniet, word aan hom of haar in maandelikse paaiemente betaal, met die eerste maand wat bereken word vanaf die datum waarop hy of sy diens aanvaar het soos in artikel 87 van die Grondwet beoog.

(5) (a) Die President word, met ingang van sy of haar uitdienstreding, die pensioen en ander pensioenvoordele betaal wat van tyd tot tyd by besluit van die Nasionale Vergadering bepaal word, na oorweging van die aanbevelings van die Kommissie.

(b) By die President se afsterwe word die pensioen en ander pensioenvoordele wat van tyd tot tyd by besluit van die Nasionale Vergadering bepaal word, aan sy of haar weduwee, wewenaar, afhanklike of genomineerde, met inbegrip van sy of haar boedel, soos hy of sy verkies, betaal.

(6) Die Staat dra by tot 'n mediese fonds waarvan die President, 'n voormalige President of sy of haar weduwee of wewenaar of afhanklike 'n lid is, sodanige bedrag soos van tyd tot tyd by besluit van die Nasionale Vergadering bepaal.

(7) Enige bedrag betaalbaar aan die President, of enige ander persoon of instansie, ingevolge hierdie artikel, word betaal uit en ten laste van die Nasionale Inkomstefonds.

(8) Enige bedrag aan die President ingevolge 'n besluit van die Parlement soos in artikel 79 van die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet No. 200 van 1993), beoog, voor die inwerkingtreding van hierdie Wet betaal, word geag 'n vasstelling kragtens hierdie Wet te wees.

Salarisse en toelaes van lede van die Nasionale Vergadering en vaste afgevaardigdes

3. (1) Lede van die Nasionale Vergadering, uitgesonderd Kabinetslede en Adjunkministers, en vaste afgevaardigdes is geregtig op die salarisse en toelaes wat die President van tyd tot tyd by proklamasie in die *Staatskoerant* bepaal, na oorweging van—

- 45 (a) die aanbevelings van die Kommissie;
- (b) die rol, status, pligte, werksaamhede en verantwoordelikhede van die verskillende lede van die Nasionale Vergadering en die verskillende vaste afgevaardigdes;
- (c) die bekostigbaarheid van verskillende vlakke van besoldiging van politieke ampsbekleërs;
- 50 (d) heersende beginsels en vlakke van besoldiging in die algemeen in die samelewing; en
- (e) inflasieverhogings.

(2) Ondanks die bepalings van subartikel (1), is 'n lid van die Nasionale Vergadering of 'n vaste afgevaardigde wat verskillende openbare ampte gelyktydig beklee, slegs geregtig op die salaris, toelaes en voordele van die amp waarvoor hy of sy die hoogste besoldiging verdien.

(3) Artikel 8(1)(d) van die Inkomstebelastingwet, 1962 (Wet No. 58 van 1962), is van toepassing op die gedeelte van die besoldiging van 'n lid van die Nasionale Vergadering of 'n vaste afgevaardigde wat die President van tyd tot tyd bepaal, asof sodanige gedeelte 'n toelaag was wat toegestaan is soos in daardie artikel beoog.

(4) The President may, in terms of subsection (3), determine different portions in respect of different amounts of remuneration.

(5) The payment of salaries and allowances of members of the National Assembly and permanent delegates is subject to the rules and orders of the National Assembly and the National Council of Provinces, respectively.

(6) Subject to subsection (5), the Secretary to Parliament shall pay in monthly instalments to every member of the National Assembly or every permanent delegate who has begun to perform his or her functions in terms of section 48 or 62(6) of the Constitution, as the case may be, excluding members of the Cabinet and Deputy Ministers, the salaries and allowances to which such a member or delegate is entitled in terms of this section, the first month to be reckoned—

(a) in the case of a member of the National Assembly—

(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;

(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 National Assembly or the date of receipt of the nomination by the Speaker of the National Assembly, whichever is the later date; and

(b) in the case of a permanent delegate, from the date of his or her appointment in terms of section 61(2)(b) of the Constitution or 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.

(7) The amount payable in respect of salaries and allowances to a member of the National Assembly and a permanent delegate shall annually form a charge against the National Revenue Fund, and the provisions of this subsection shall be deemed to be an appropriation of every such amount.

(8) Any money paid to a member of the National Assembly or a permanent delegate in terms of the Payment of Members of Parliament Act, 1994 (Act No. 6 of 1994), prior to the coming into operation of this Act, shall be deemed to have been determined as such under this Act.

Salaries and allowances of Deputy President, Ministers and Deputy Ministers

4. (1) The Deputy President, Ministers and Deputy Ministers shall be entitled to such salaries and allowances as may be determined by the President from time to time by proclamation in the *Gazette*, after taking into consideration—

- (a) the recommendations of the Commission;
- (b) the role, status, duties, functions and responsibilities of a Deputy President, a Minister and a Deputy Minister;
- (c) the affordability of different levels of remuneration of political office bearers;
- (d) current principles and levels of remuneration in society generally; and
- (e) inflationary increases.

(2) Despite the provisions of subsection (1), a Deputy President, a Minister or a Deputy Minister who holds different public offices simultaneously is only entitled to the salary, allowances and benefits of such office for which he or she earns the highest income.

(3) Section 8(1)(d) of the Income Tax Act, 1962 (Act No. 58 of 1962), shall apply to such portion of the remuneration of a Deputy President, a Minister or a Deputy Minister as the President may from time to time determine, as if that portion was an allowance granted as contemplated in that section.

(4) The President may determine different portions under subsection (3) in respect of different amounts of remuneration.

(5) Every Deputy President, Minister and Deputy Minister shall be paid the salary and allowances to which such office bearer is entitled in terms of this section in monthly instalments, the first month to be reckoned from the date on which such office bearer begins to perform his or her functions as contemplated in section 95 of the Constitution.

(4) Die President kan verskillende gedeeltes ingevolge subartikel (3) vasstel ten opsigte van verskillende bedrae van besoldiging.

(5) Die betaling van salarisse en toelaes van lede van die Nasionale Vergadering en vaste afgevaardigdes is onderworpe aan die reglemente van onderskeidelik die Nasionale Vergadering en die Nasionale Raad van Provinsies.

(6) Die Sekretaris van die Parlement betaal, behoudens subartikel (5), in maandelikse paaieimente aan elke lid van die Nasionale Vergadering of elke vaste afgevaardigde wat begin het om sy of haar werksaamhede te verrig ingevolge artikel 48 of 62(6) van die Grondwet, na gelang van die geval, uitgesonderd Kabinetslede en Adjunkministers, die salarisse en toelaes waarop sodanige lid of afgevaardigde ingevolge hierdie artikel geregtig is, met die eerste maand wat bereken word—

(a) in die geval van 'n lid van die Nasionale Vergadering—

(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;

(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 Nasionale Vergadering ontruim het of die datum van ontvangs van die benoeming deur die Speaker van die Nasionale Vergadering, wat ook al die latere datum is; en

(b) in die geval van 'n vaste afgevaardigde, vanaf die datum van sy of haar aanstelling ingevolge artikel 61(2)(b) van die Grondwet of ingevolge artikel 2(3) van die Wet op die Nasionale Raad van Provinsies (Vakatures onder Vaste Afgevaardigdes), 1997 (Wet No. 17 van 1997), na gelang van die geval.

(7) Die bedrag betaalbaar aan 'n lid van die Nasionale Vergadering en 'n vaste afgevaardigde ten opsigte van salaris en toelaes word jaarliks betaal uit en ten laste van die Nasionale Inkomstefonds, en die bepalinge van hierdie subartikel word geag 'n bewilliging van elke sodanige bedrag te wees.

(8) Enige bedrag aan 'n lid van die Nasionale Vergadering of 'n vaste afgevaardigde ingevolge die Wet op die Betaling van Parlementslede, 1994 (Wet No. 6 van 1994), voor die inwerkingtreding van hierdie Wet betaal, word geag kragtens hierdie Wet aldus vasgestel te gewees het.

35 Salarisse en toelaes van Adjunkpresident, Ministers en Adjunkministers

4. (1) Die Adjunkpresident, Ministers en Adjunkministers is geregtig op die salarisse en toelaes wat die President van tyd tot tyd by proklamasie in die *Staatskoerant* bepaal, na oorweging van—

- (a) die aanbevelings van die Kommissie;
- (b) die rol, status, pligte, werksaamhede en verantwoordelikhede van 'n Adjunkpresident, 'n Minister en 'n Adjunkminister;
- (c) die bekostigbaarheid van verskillende vlakke van besoldiging van politieke ampsbekleërs;
- (d) heersende beginsels en vlakke van besoldiging in die algemeen in die samelewing; en
- (e) inflasieverhogings.

(2) Ondanks die bepalinge van subartikel (1) is 'n Adjunkpresident, 'n Minister of 'n Adjunkminister wat verskillende openbare ampte gelyktydig beklee, slegs geregtig op die salaris, toelaes en voordele van die amp waarvoor hy of sy die hoogste besoldiging verdien.

(3) Artikel 8(1)(d) van die Inkomstebelastingwet, 1962 (Wet No. 58 van 1962), is van toepassing op die gedeelte van die besoldiging van 'n Adjunkpresident, 'n Minister en 'n Adjunkminister wat die President van tyd tot tyd bepaal, asof sodanige gedeelte 'n toelaag was wat toegestaan is soos in daardie artikel beoog.

(4) Die President kan verskillende gedeeltes kragtens subartikel (3) vasstel ten opsigte van verskillende bedrae van besoldiging.

(5) Die salaris en toelaes waarop elke Adjunkpresident, Minister en Adjunkminister ingevolge hierdie artikel geregtig is, word in maandelikse paaieimente aan hom of haar betaal, met die eerste maand wat bereken word vanaf die datum waarop sodanige ampsbekleër begin om sy of haar werksaamhede te verrig soos in artikel 95 van die Grondwet bedoel.

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

- (a) in respect of a Deputy President annually form a charge against the National Revenue Fund, and the provisions of this subsection shall be deemed to be an appropriation of every such amount; and
- (b) in respect of a Minister and Deputy Minister be paid from monies 5 appropriated by Parliament for that purpose.

(7) Any money paid to a Deputy President, a Minister or Deputy Minister in terms of the Remuneration and Allowances of Executive Deputy Presidents, Ministers and Deputy Ministers Act, 1994 (Act No. 53 of 1994), prior to the coming into operation of this Act, shall be deemed to have been determined as such under this Act. 10

Salaries, allowances and benefits of traditional leaders, members of provincial Houses of Traditional Leaders and members of Council of Traditional Leaders

5. (1) Traditional leaders, members of any provincial House of Traditional Leaders and members of the Council of Traditional Leaders shall, despite anything to the contrary in any other law contained, be entitled to such salaries and allowances as may 15 from time to time be determined by the President after consultation with the Premier concerned by proclamation in the *Gazette*, after taking into consideration—

- (a) any recommendations of the Commission;
- (b) the role, status, duties, functions and responsibilities of different categories of traditional leaders, different members of the Houses of Traditional Leaders in 20 the various provinces and different members of the Council of Traditional Leaders;
- (c) the affordability of different levels of remuneration of public office bearers;
- (d) the current principles and levels of remuneration in society generally;
- (e) the need for the promotion of equality and uniformity of salaries and 25 allowances for equal work performed;
- (f) the enhancement of co-operation, unity and understanding between traditional communities nationally;
- (g) the extent of the role and functions of traditional leaders across provincial borders; and 30
- (h) inflationary increases.

(2) Despite the provisions of subsection (1) a traditional leader is, in addition to his or her salary as a traditional leader, entitled to an allowance as determined by the President by proclamation in the *Gazette*, in respect of his or her membership of a provincial House of Traditional Leaders, the Council of Traditional Leaders and a Municipal Council, taking into account the criteria listed in paragraphs (a) to (h) of subsection (1). 35

(3)(a) The President may, if he or she deems it expedient after consultation with the Minister and the Premier concerned, by proclamation in the *Gazette* determine any benefits to which a traditional leader, a member of any Provincial House of Traditional Leaders or a member of the Council of Traditional Leaders shall be entitled, subject to 40 such conditions as the President may prescribe.

(b) If the President decides to determine such benefits, the criteria listed in paragraphs (a) to (h) of subsection (1) shall be applicable, with the necessary changes.

(4) The amount payable in respect of salaries and allowances to traditional leaders, members of provincial Houses of Traditional Leaders and members of the Council of 45 Traditional Leaders shall be paid from monies appropriated for that purpose by Parliament in respect of the Council of Traditional Leaders and by a provincial legislature in respect of traditional leaders and members of provincial Houses of Traditional Leaders, as the case may be.

(5) A traditional leader is a person identified by the Minister after consultation with 50 the Premier concerned by notice in the *Gazette* for the purposes of this Act.

(6) Despite the provisions of subsection (1), a member of the Council of Traditional Leaders shall be entitled to an allowance as determined by the President by proclamation in the *Gazette* for actual work performed with effect from 10 April 1997 until a 55 determination is made in terms of subsection (1).

(6) Die bedrag betaalbaar ten opsigte van salarisse en toelaes—

- (a) ten opsigte van 'n Adjunkpresident word jaarliks betaal uit en ten laste van die Nasionale Inkomstefonds, en die bepalinge van hierdie subartikel word geag 'n bewilliging van elke sodanige bedrag te wees; en
- 5 (b) ten opsigte van 'n Minister en Adjunkminister word betaal uit fondse wat vir dié doel deur die Parlement bewillig is.

(7) Enige bedrag aan 'n Adjunkpresident, 'n Minister of 'n Adjunkminister ingevolge die Wet op die Besoldiging en Toelaes van Uitvoerende Adjunkpresidente, Ministers en Adjunkministers, 1994 (Wet No. 53 van 1994), voor die inwerkingtreding van hierdie
10 Wet betaal, word geag 'n vasstelling as sodanig ingevolge hierdie Wet te wees.

Salarisse, toelaes en voordele van tradisionele leiers, lede van provinsiale Huisse van Tradisionele Leiers en lede van Raad van Tradisionele Leiers

5. (1) Tradisionele Leiers, lede van die provinsiale Huisse van Tradisionele Leiers en lede van die Raad van Tradisionele Leiers is, ondanks enige andersluidende bepalinge
15 in enige wet vervat, geregtig op die salarisse en toelaes wat die President na oorleg met die betrokke Premier van tyd tot tyd by proklamasie in die *Staatskoerant* bepaal, na oorweging van—

- (a) enige aanbevelings van die Kommissie;
- 20 (b) die rol, status, pligte, werksaamhede en verantwoordelikhede van die verskillende kategorieë tradisionele leiers, verskillende lede van die Huisse van Tradisionele Leiers in die onderskeie provinsies en verskillende lede van die Raad van Tradisionele Leiers;
- (c) die bekostigbaarheid van verskillende vlakke van besoldiging van politieke ampsbekerleërs;
- 25 (d) heersende beginsels en vlakke van besoldiging in die algemeen in die samelewing;
- (e) die noodsaaklikheid vir die bevordering van gelykheid en eenvormigheid van salarisse en toelaes vir gelykstaande diens verrig;
- 30 (f) die bevordering van samewerking, eenheid en begrip tussen tradisionele gemeenskappe op nasionale vlak;
- (g) die omvang van die rol en werksaamhede van tradisionele leiers oor provinsiale grense heen; en
- (h) inflasieverhogings.

(2) Ondanks die bepalinge van subartikel (1) is 'n tradisionele leier, bykomend tot sy
35 of haar salaris as 'n tradisionele leier, geregtig op 'n toelae deur die President by proklamasie in die *Staatskoerant* bepaal, met betrekking tot sy of haar lidmaatskap van 'n provinsiale Huis van Tradisionele Leiers, die Raad van Tradisionele Leiers en 'n Munisipale Raad, met inagneming van die kriteria in paragrawe (a) tot (h) van subartikel (1) gelys.

40 (3)(a) Die President kan, indien hy of sy dit na oorleg met die Minister en die betrokke Premier wenslik ag, by proklamasie in die *Staatskoerant* voordele bepaal waarop 'n tradisionele leier, 'n lid van 'n provinsiale Huis van Tradisionele Leiers of 'n lid van die Raad van Tradisionele Leiers geregtig is, behoudens sodanige voorwaardes as wat die President mag bepaal.

45 (b) Indien die President besluit om sodanige voordele te bepaal, is die kriteria gelys in paragrawe (a) tot (h) van subartikel (1), met die nodige aanpassings, van toepassing.

(4) Die bedrag betaalbaar ten opsigte van salarisse en toelaes aan tradisionele leiers, lede van die provinsiale Huisse van Tradisionele Leiers en lede van die Raad van Tradisionele Leiers word betaal uit fondse wat vir dié doel, in die geval van die Raad
50 van Tradisionele Leiers, deur die Parlement, en in die geval van tradisionele leiers en lede van die provinsiale Huisse van Tradisionele Leiers, na gelang van die geval, deur 'n provinsiale wetgewer, bewillig is.

(5) 'n Tradisionele leier is 'n persoon geïdentifiseer deur die Minister na oorleg met die betrokke Premier by kennisgewing in die *Staatskoerant* vir doeleindes van hierdie
55 Wet.

(6) Ondanks die bepalinge van subartikel (1), is 'n lid van die Raad van Tradisionele Leiers met ingang van 10 April 1997, totdat 'n bepaling ingevolge subartikel (1) gemaak is, geregtig op 'n toelae soos deur die President by proklamasie in die *Staatskoerant* bepaal vir werklike pligte verrig.

Upper limit of salaries and allowances of Premiers, members of Executive Councils and members of provincial legislatures

6. (1) The upper limit of salaries and allowances of a Premier, members of an Executive Council and members of a provincial legislature shall from time to time be determined by the President by proclamation in the *Gazette*, after taking into consideration— 5

- (a) the recommendations of the Commission;
- (b) the role, status, duties, functions and responsibilities of a Premier, members of an Executive Council and the different members of a provincial legislature;
- (c) the affordability of different levels of remuneration of political office bearers; 10
- (d) the current principles and levels of remuneration in society generally;
- (e) the need for the promotion of equality and uniformity of salaries, allowances and benefits for equal work performed;
- (f) the provision of uniform norms and standards nationally to address disparities; and 15
- (g) inflationary increases.

(2) Despite the provisions of subsection (1), a Premier, a member of an Executive Council or a member of a provincial legislature who holds different public offices simultaneously is only entitled to the salary, allowances and benefits of such office for which he or she earns the highest income. 20

(3) Within 30 days of publication of a proclamation referred to in subsection (1)—

- (a) each Premier must, having regard to the provisions of subsection (1) and the upper limit as set out in the said proclamation, determine the salaries and allowances of members of the Executive Council and the different members of the provincial legislature by notice in the *Provincial Gazette*; 25
- (b) the provincial legislature must by resolution, if the provincial legislature is then sitting, or if it is in recess, within 30 days of its next ensuing sitting, having regard to the provisions of subsection (1) and the upper limit as set out in the said notice, determine the salary and allowances of the Premier concerned. 30

(4) Section 8(1)(d) of the Income Tax Act, 1962 (Act No. 58 of 1962), shall apply to such portion of the remuneration of a Premier, a member of the Executive Council and a member of the provincial legislature concerned as the President may from time to time determine.

(5) The President may determine different portions in terms of subsection (4) in respect of different amounts of remuneration. 35

(6) The payment of salaries and allowances to members of a provincial legislature is subject to the rules and orders of the provincial legislature concerned.

(7) 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 who 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 is entitled in terms of this section, the first month to be reckoned— 40

- (a) in the case of a member of a provincial legislature—
 - (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; 45
 - (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; 50
- (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 55

Boonste perk van salarisse en toelaes van Premiers, lede van Uitvoerende Rade en lede van provinsiale wetgewers

6. (1) Die boonste perke van die salarisse en toelaes van 'n Premier, lede van 'n Uitvoerende Raad en lede van 'n provinsiale wetgewer word van tyd tot tyd deur die President by proklamasie in die *Staatskoerant* bepaal, na oorweging van—
- (a) die aanbevelings van die Kommissie;
 - (b) die rol, status, pligte, werksaamhede en verantwoordelikhede van 'n Premier, lede van 'n Uitvoerende Raad en die verskillende lede van 'n provinsiale wetgewer;
 - (c) die bekostigbaarheid van verskillende vlakke van besoldiging van politieke ampsbekleërs;
 - (d) heersende beginsels en vlakke van besoldiging in die algemeen in die samelewing;
 - (e) die noodsaaklikheid vir die bevordering van gelykheid en eenvormigheid van salarisse, toelaes en voordele vir gelykstaande diens verrig;
 - (f) die voorsiening van eenvormige norme en standaarde op nasionale vlak om ongelykhede reg te stel; en
 - (g) inflasieverhogings.
- (2) Ondanks die bepalings van subartikel (1) is 'n Premier, 'n lid van 'n Uitvoerende Raad of 'n lid van 'n provinsiale wetgewer wat verskillende openbare ampte gelyktydig beklee, slegs geregtig op die salaris, toelaes en voordele van die amp waarvoor hy of sy die hoogste besoldiging verdien.
- (3) Binne 30 dae vanaf publikasie van die proklamasie in subartikel (1) bedoel, bepaal—
- (a) elke Premier, met inagneming van die bepalings van subartikel (1) en die boonste perk soos in genoemde proklamasie vervat, die salarisse en toelaes van lede van die Uitvoerende Raad en die verskillende lede van die provinsiale wetgewer by kennisgewing in die *Provinsiale Koerant*;
 - (b) die provinsiale wetgewer by besluit, indien die provinsiale wetgewer dan in sitting is, of indien dit in reses is, binne 30 dae vanaf die daaropvolgende sitting, met in agneming van die bepalings van subartikel (1) en die boonste perk soos in genoemde proklamasie vervat, die salaris en toelaes van die betrokke Premier.
- (4) Artikel 8(1)(d) van die Inkomstebelastingwet, 1962 (Wet No. 58 van 1962), is van toepassing op die gedeelte van die besoldiging van 'n Premier, 'n lid van die Uitvoerende Raad en 'n lid van die betrokke provinsiale wetgewer wat die President van tyd tot tyd bepaal.
- (5) Die President kan verskillende gedeeltes ingevolge subartikel (4) vasstel ten opsigte van verskillende bedrae van besoldiging.
- (6) Die betaling van salarisse en toelaes aan lede van 'n provinsiale wetgewer is onderworpe aan die reëls en orders van die betrokke provinsiale wetgewer.
- (7) 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 artikel 107 van die Grondwet, in maandelikse paaieimente die salaris en toelaes waarop sodanige ampsbekleër ingevolge hierdie artikel geregtig is, met die eerste maand wat bereken word—
- (a) 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 Aanhangel 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;
 - (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;
 - (b) in die geval van 'n Premier en 'n lid van die Uitvoerende Raad, vanaf die datum waarop sodanige ampsbekleër begin om sy of haar werksaamhede te verrig soos in onderskeidelik artikels 129 en 132(2) van die Grondwet beoog; en

- (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.

(8) The salary and allowances payable to a Premier, a member of the Executive Council or a member of the provincial legislature shall annually form a charge against the Provincial Revenue Fund, and the provisions of this section shall be deemed to be an appropriation of every such amount. 5

(9) Any salary, allowances or benefits paid in terms of a law to a Premier, a member of the Executive Council or a member of the provincial legislature prior to the coming into operation of this Act, shall be deemed to have been determined as such under this Act. 10

Upper limit of salaries and allowances of members of Municipal Councils

7. (1) The upper limit of salaries and allowances of the different members of Municipal Councils shall from time to time be determined by the Minister, after consultation with the member of the Executive Council responsible for local government in each province, by notice in the *Gazette* after taking into consideration— 15

- (a) the recommendations of the Commission;
- (b) the respective role, status, duties, functions and responsibilities of the different members of Municipal Councils; 20
- (c) the different categories or types of municipalities, having regard to their respective powers, duties and functions;
- (d) the gross income, the area of jurisdiction and the nature of settlement of each municipality;
- (e) the affordability of different levels of remuneration of public office bearers; 25
- (f) the current principles and levels of remuneration in society generally;
- (g) the need for the promotion of equality and uniformity of salaries, allowances and benefits for equal work performed;
- (h) the provision of uniform norms and standards nationally to address disparities; and 30
- (i) inflationary increases.

(2) Subject to the provisions of subsection (1), a member of a Municipal Council is, in addition to his or her salary as a member of the Municipal Council to which he or she has been directly elected, entitled to an allowance in respect of his or her membership of any other Municipal Council, and such allowance shall be determined by such other Municipal Council by resolution with a supporting vote of the majority of its members, in consultation with the member of the Executive Council responsible for local government in the province concerned. 35

(3) The salary and allowances of a member of a Municipal Council is determined by that Municipal Council by resolution of a supporting vote of a majority of its members, in consultation with the member of the Executive Council responsible for local government in the province concerned, having regard to— 40

- (a) the provisions of subsection (1);
- (b) the upper limit as set out in the said notice; and
- (c) the financial year of Municipal Councils. 45

(4) The salaries and allowances of members of Municipal Councils shall annually form a charge against and be paid from the budget of a municipality concerned.

(5) The salaries and allowances paid to and the benefits paid on behalf of a member of a Municipal Council in terms of a law, prior to the coming into operation of this Act, shall be deemed to have been determined under this Act. 50

Pension benefits

8. (1) There shall be paid out of and as a charge against the pension fund of which an office bearer is a member, such pension and other benefits as may be determined in terms of the law or rules governing such pension fund.

(2) The amount of the contribution to be made to the pension fund by the national government, of which a Deputy President, a Minister, a Deputy Minister, a member of the National Assembly or a permanent delegate is a member, shall be determined by the 55

- (c) in die geval van 'n voormalige senator wat nie as 'n vaste afgevaardigde in die Nasionale Raad van Provinsies 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.
- 5 (8) Die salaris en toelaes betaalbaar aan 'n Premier, 'n lid van die Uitvoerende Raad of 'n lid van die provinsiale wetgewer word jaarliks betaal uit en ten laste van die Provinsiale Inkomstefonds, en die bepalinge van hierdie artikel word geag 'n bewilliging van elke sodanige bedrag te wees.
- (9) Enige salaris, toelaes of voordele wat ingevolge 'n wet aan 'n Premier, 'n lid van die Uitvoerende Raad of 'n lid van die provinsiale wetgewer betaal is voor die inwerkingtreding van hierdie Wet, word geag 'n vasstelling as sodanig kragtens hierdie Wet te wees.

Boonste perk van salarisse en toelaes van lede van Munisipale Rade

7. (1) Die boonste perke van die salarisse en toelaes van die verskillende lede van Munisipale Rade word van tyd tot tyd by kennisgewing in die *Staatskoerant* deur die Minister, na oorleg met die lid van die Uitvoerende Raad verantwoordelik vir plaaslike regering in elke provinsie, bepaal, na oorweging van—
- 20 (a) die aanbevelings van die Kommissie;
- (b) die onderskeie rolle, statusse, pligte, werksaamhede en verantwoordelikhede van die verskillende lede van Munisipale Rade;
- (c) die verskillende kategorieë of tipes munisipaliteite, met in agneming van hul onderskeie bevoegdhede, pligte en werksaamhede;
- (d) die bruto inkomste, die jurisdiksiegebied en die aard van die nedersetting van elke munisipaliteit;
- 25 (e) die bekostigbaarheid van verskillende vlakke van besoldiging van openbare ampsbekleërs;
- (f) heersende beginsels en vlakke van besoldiging in die algemeen in die samelewing;
- (g) die noodsaaklikheid vir die bevordering van gelykheid en eenvormigheid van salarisse, toelaes en voordele vir gelykstaande diens verrig;
- 30 (h) die voorsiening van eenvormige norme en standaarde op nasionale vlak om ongelykhede reg te stel; en
- (i) inflasieverhogings.
- (2) Ondanks die bepalinge van subartikel (1), is 'n lid van 'n Munisipale Raad, bykomend tot sy of haar salaris as 'n lid van die Munisipale Raad waartoe hy of sy direk verkies is, geregtig op 'n toelae met betrekking tot sy of haar lidmaatskap van enige ander Munisipale Raad, en sodanige toelae word by besluit van sodanige ander Munisipale Raad met 'n ondersteunende stem van 'n meerderheid van sy lede, in oorleg met die lid van die Uitvoerende Raad verantwoordelik vir plaaslike regering in die
- 40 betrokke provinsie, bepaal.
- (3) Die salaris en toelaes van 'n lid van 'n Munisipale Raad word bepaal by 'n besluit van daardie Munisipale Raad met 'n ondersteunende stem van 'n meerderheid van sy lede, in oorleg met die lid van die Uitvoerende Raad verantwoordelik vir plaaslike regering in die betrokke provinsie, met inagneming van—
- 45 (a) die bepalinge van subartikel (1);
- (b) die boonste perk soos in genoemde kennisgewing uiteengesit; en
- (c) die boekjaar van Munisipale Rade.
- (4) Die salarisse en toelaes van lede van Munisipale Rade word jaarliks betaal uit en vorm 'n las teen die begroting van 'n betrokke munisipaliteit.
- 50 (5) Die salarisse en toelaes wat betaal word aan en die voordele wat namens 'n lid van 'n Munisipale Raad ingevolge 'n wet betaal is voor die inwerkingtreding van hierdie Wet, word geag 'n vasstelling as sodanig kragtens hierdie Wet te wees.

Pensioenvoordele

8. (1) Daar word uit en as 'n las teen die pensioenfondse waarvan 'n ampsbekleër 'n lid is die pensioen en ander voordele betaal soos vasgestel ingevolge die wet of reëls wat op sodanige pensioenfondse van toepassing is.
- (2) Die bedrag van die bydrae wat die nasionale regering aan die pensioenfondse maak waarvan 'n Adjunkpresident, 'n Minister, 'n Adjunkminister, 'n lid van die Nasionale Vergadering of 'n vaste afgevaardigde 'n lid is, word deur die Minister van

Minister of Finance after taking into consideration the recommendations of the Commission, and such amount shall annually be paid from monies appropriated by Parliament for that purpose.

(3) (a) The upper limit of the contribution to be made to the pension fund of which a Premier is a member, shall be determined by the President by proclamation in the *Gazette* after taking into consideration the recommendations of the Commission. 5

(b) The provincial legislature concerned shall by resolution, if the provincial legislature is then sitting, or if it is in recess, within 30 days of its next ensuing sitting, determine the amount of the contribution and such amount shall annually be paid from monies appropriated for that purpose by the provincial legislature concerned. 10

(4) (a) The upper limit of the contribution to be made to the pension fund of which a member of the Executive Council or a member of a provincial legislature is a member, shall be determined by the President by proclamation in the *Gazette* after taking into consideration the recommendations of the Commission.

(b) The Minister of Finance shall determine the amount of the contribution by notice in the *Gazette* and such amount shall annually form a charge against the Provincial Revenue Fund. 15

(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. 20

(b) The Minister, 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.

(6) The provisions of this section shall, subject to section 5(3), not apply to a traditional leader, a member of a provincial House of Traditional Leaders and a member of the Council of Traditional Leaders. 25

Medical aid benefits

9. (1) An office bearer shall be entitled to be a member of a medical aid scheme duly established and registered in terms of a law and such office bearer shall be entitled to receive such medical aid benefits from the medical aid scheme to which he or she contributes as may be determined by the rules of such medical aid scheme. 30

(2) The amount of the contribution to be made to the medical aid scheme by the national government, of which a Deputy President, a Minister, a Deputy Minister, a member of the National Assembly or a permanent delegate is a member, shall, subject to any law, be determined by the Minister of Finance after taking into consideration the recommendations of the Commission, and such amount shall annually form a charge against the National Revenue Fund or be paid from monies appropriated by Parliament for that purpose, as the case may be. 35

(3) (a) The upper limit of the contribution to be made to the medical aid scheme of which a Premier is a member, shall be determined by the President by proclamation in the *Gazette* after taking into consideration the recommendations of the Commission. 40

(b) The provincial legislature concerned shall by resolution, if the provincial legislature is then sitting, or if it is in recess, within 30 days of its next ensuing sitting, determine the amount of the contribution and such amount shall annually form a charge against the Provincial Revenue Fund. 45

(4) (a) The upper limit of the contribution to be made to the medical aid scheme of which a member of the Executive Council or a member of a provincial legislature is a member, shall be determined by the President by proclamation in the *Gazette* after taking into consideration the recommendations of the Commission. 50

(b) The Minister of Finance shall determine the amount of the contribution by notice in the *Gazette* and such amount shall annually form a charge against the Provincial Revenue Fund.

(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. 55

(b) The Minister, after consultation with the medical aid scheme concerned, shall

Finansies bepaal nadat hy of sy die aanbevelings van die Kommissie in oorweging geneem het, en sodanige bedrag word jaarliks betaal uit fondse wat vir dié doel deur die Parlement bewillig is.

- (3) (a) Die boonste perk van die bydrae wat aan die pensioenfonds gemaak word waarvan 'n Premier 'n lid is, word deur die President by proklamasie in die *Staatskoerant* bepaal nadat hy of sy die aanbevelings van die Kommissie in oorweging geneem het.

- (b) Die betrokke provinsiale wetgewer bepaal by besluit, indien die provinsiale wetgewer dan in sitting is, of indien dit in reses is, binne 30 dae vanaf die daaropvolgende sitting, die bedrag van die bydrae en sodanige bedrag word jaarliks betaal uit fondse wat vir dié doel deur die betrokke provinsiale wetgewer bewillig is.

- (4) (a) Die boonste perk van die bydrae wat aan 'n pensioenfonds gemaak word waarvan 'n lid van die Uitvoerende Raad of 'n lid van 'n provinsiale wetgewer 'n lid is, word deur die President by proklamasie in die *Staatskoerant* bepaal nadat hy of sy die aanbevelings van die Kommissie in oorweging geneem het.

(b) Die Minister van Finansies bepaal die bedrag van die bydrae by kennisgewing in die *Koerant* en sodanige bedrag vorm jaarliks 'n las teen die Provinsiale Inkomstefonds.

- (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.

- (b) Die Minister 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.

(6) Die bepalings van hierdie artikel is, behoudens artikel 5(3), nie van toepassing op 'n tradisionele leier, 'n lid van 'n provinsiale Huis van Tradisionele Leiers en 'n lid van die Raad van Tradisionele Leiers nie.

Mediese hulpskema-voordele

9. (1) 'n Ampsbekleër is geregtig om 'n lid van 'n mediese hulpskema te wees wat behoorlik gestig en geregistreer is ingevolge 'n wet en sodanige ampsbekleër is geregtig om die mediese fonds-voordele van die mediese hulpskema te verkry waartoe hy of sy bydra soos deur die reëls van sodanige mediese hulpskema bepaal.

- (2) Die bedrag van die bydrae wat die nasionale regering aan die mediese hulpskema maak waarvan die Adjunkpresident, 'n Minister, 'n Adjunkminister, 'n lid van die Nasionale Vergadering of 'n vaste afgevaardigde 'n lid is, word, behoudens enige wet, deur die Minister van Finansies bepaal nadat hy of sy die aanbevelings van die Kommissie in oorweging geneem het, en sodanige bedrag vorm jaarliks 'n las teen die Nasionale Inkomstefonds of word betaal uit fondse wat vir dié doel deur die Parlement bewillig is, na gelang van die geval.

(3) (a) Die boonste perk van die bydrae wat aan die mediese hulpskema gemaak word waarvan 'n Premier 'n lid is, word deur die President by proklamasie in die *Staatskoerant* bepaal nadat hy of sy die aanbevelings van die Kommissie in oorweging geneem het.

- (b) Die betrokke provinsiale wetgewer bepaal by besluit, indien die provinsiale wetgewer dan in sitting is, of indien dit in reses is, binne 30 dae vanaf die daaropvolgende sitting, die bedrag van die bydrae en sodanige bedrag vorm jaarliks 'n las teen die Provinsiale Inkomstefonds.

- (4) (a) Die boonste perk van die bydrae wat aan 'n mediese hulpskema gemaak word waarvan 'n lid van die Uitvoerende Raad of 'n lid van 'n provinsiale wetgewer 'n lid is, word deur die President by proklamasie in die *Staatskoerant* bepaal nadat hy of sy die aanbevelings van die Kommissie in oorweging geneem het.

- (b) Die Minister van Finansies bepaal die bedrag van die bydrae by kennisgewing in die *Koerant* en sodanige bedrag vorm jaarliks 'n las teen die Provinsiale Inkomstefonds.

(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.

- (b) Die Minister bepaal, na oorlegpleging met die betrokke pensioenfonds, die

Act No. 20, 1998**REMUNERATION OF PUBLIC OFFICE BEARERS ACT, 1998**

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.

(6) The provisions of this section shall, subject to section 5(3), not apply to a traditional leader, a member of a provincial House of Traditional Leaders and a member of the Council of Traditional Leaders.

5

Repeal of laws

10. The Payment of Members of Parliament Act, 1994 (Act No. 6 of 1994), the Remuneration and Allowances of Executive Deputy Presidents, Ministers and Deputy Ministers Act, 1994 (Act No. 53 of 1994), and the Remuneration of Traditional Leaders Act, 1995 (Act No. 29 of 1995), are hereby repealed.

10

Short title

11. This Act shall be called the Remuneration of Public Office Bearers Act, 1998.

bedrag van die bydrae en sodanige bedrag vorm jaarliks 'n las teen en word betaal uit die begroting van die betrokke munisipaliteit.

(6) Die bepalings van hierdie artikel is, behoudens artikel 5(3), nie van toepassing op 'n tradisionele leier, 'n lid van 'n provinsiale Huis van Tradisionele Leiers en 'n lid van die Raad van Tradisionele Leiers nie.

Herroeping van wette

10. Die Wet op die Betaling van Parlementslede, 1994 (Wet No. 6 van 1994), die Wet op die Besoldiging en Toelaes van Uitvoerende Adjunkpresidente, Ministers en Adjunkministers, 1994 (Wet No. 53 van 1994), en die Wet op die Besoldiging van Tradisionele Leiers, 1995 (Wet No. 29 van 1995), word hierby herroep.

Kort titel

11. Hierdie Wet heet die Wet op die Besoldiging van Openbare Ampsbekleërs, 1998.

