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STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 1776.

22 Augustus 1984

No. 1776.

22 August 1984

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

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

No. 115 van 1984: Wet op die Besoldiging van Stads-
klerke, 1984.

No. 115 of 1984: Remuneration of Town Clerks Act,
1984

WET

Om voorsiening te maak vir die vasstelling van die besoldiging en sekere ander diensvoordele van die hoof- uitvoerende beampstes van plaaslike owerhede; die maksimum perke van die besoldiging en sekere ander diensvoordele van ander werknemers van plaaslike owerhede te reël; en voorsiening te maak vir bykomstige aangeleenthede.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 12 Julie 1984.)

DAAR WORD BEPAAL deur die Staatspresident en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Woordomskrywing.

1. (1) In hierdie Wet, tensy uit die samehang anders blyk, beteken—

- (i) “Administrateur” die Administrateur van ’n provinsie handelende op gesag van die Uitvoerende Komitee waarvan hy lid is; (i) 5
- (ii) “advieskomitee” die komitee by artikel 2 ingestel; (ii)
- (iii) “algemene vasstelling” ’n vasstelling ingevolge artikel 9; (v) 10
- (iv) “behuisingskema” enige skema of reëling ingevolge waarvan aan ’n werknemer as beloning vir sy diens—
 - (a) ’n subsidie of ander bystand betaal word op enige rente, kapitaal, huurgeld of ander geld wat deur hom ten opsigte van huisvesting betaalbaar is; of 15
 - (b) huisvesting gratis of teen ’n teenprestasie wat minder as die waarde daarvan is, verskaf word; (vi)
- (v) “besoldiging” enige salaris, loon, toelae, bonus en enige ander geld wat aan of ten behoewe van ’n werknemer as beloning vir sy diens betaal word, uitgesonderd ’n betaling—
 - (a) kragtens ’n behuising- of motorskema; of
 - (b) wat kragtens subartikel (2) uitgesluit is; (xi)
- (vi) “diensvoordeel” besoldiging of enige voordeel kragtens ’n behuising- of motorskema; (xii) 25
- (vii) “Direkteur-generaal” die Direkteur-generaal: Staatskundige Ontwikkeling en Beplanning; (iv)
- (viii) “individuele vasstelling” ’n vasstelling kragtens artikel 10 (1); (vii)
- (ix) “Minister” die Minister van Staatskundige Ontwikkeling en Beplanning; (ix) 30
- (x) “motorskema” enige skema of reëling ingevolge waarvan aan ’n werknemer as beloning vir sy diens—
 - (a) ’n toelae betaal word vir of in verband met die aankoop deur hom van ’n motorvoertuig of hy op enige ander wyse finansiële bygestaan word met so ’n aankoop; of
 - (b) ’n motorvoertuig vir sy private of vir sowel sy private as amptelike gebruik gratis of teen ’n teenprestasie wat minder as die waarde van sodanige private gebruik is, verskaf word, hetsy die eien- 40

REMUNERATION OF TOWN CLERKS ACT, 1984

Act No. 115, 1984

ACT

To provide for the determination of the remuneration and certain other service benefits of the chief executive officers of local authorities; to regulate the maximum limits of the remuneration and certain other service benefits of other employees of local authorities; and to provide for incidental matters.

*(Afrikaans text signed by the State President.)
(Assented to 12 July 1984.)*

BE IT ENACTED by the State President and the House of Assembly of the Republic of South Africa, as follows:—

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

Definitions.

- (i) "Administrator" means the Administrator of a province acting on the authority of the Executive Committee of which he is a member; (i)
- (ii) "advisory committee" means the committee established by section 2; (ii)
- (iii) "determination", in relation to the service benefits of a town clerk, means any determination in terms of this Act determining—
 - (a) the amount of the annual remuneration which shall be paid by a local authority to its town clerk; or
 - (b) whether a benefit under a housing or motor-car scheme may be granted by a local authority to its town clerk and, if so, the maximum annual benefit which may be so granted to the town clerk; (xiii)
- (iv) "Director-General" means the Director-General: Constitutional Development and Planning; (vii)
- (v) "general determination" means a determination in terms of section 9; (iii)
- (vi) "housing scheme" means any scheme or arrangement in terms of which an employee as a reward for his service—
 - (a) is paid a subsidy or other assistance on any interest, capital, rent or other payment payable by him in respect of housing; or
 - (b) is provided with housing free of charge or for a consideration less than the value thereof; (iv)
- (vii) "individual determination" means a determination under section 10 (1); (viii)
- (viii) "local authority" means any institution or body contemplated in section 84 (1) (f) of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), in connection with which a provincial council may make ordinances, and also a regional services council established under the Regional Services Councils Act, 1984; (xi)
- (ix) "Minister" means the Minister of Constitutional Development and Planning; (ix)
- (x) "motor-car scheme" means any scheme or arrangement in terms of which an employee as a reward for his service—

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domsreg in die motorvoertuig aan die werknemer oorgedra word of nie; (x)

- (xi) "plaaslike owerheid" 'n instelling of liggaam beoog in artikel 84 (1) (f) van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), in verband waarmee 'n provinsiale raad ordonnansies kan maak, en ook 'n streeksdiensteraad ingestel kragtens die Wet op Streeksdiensterade, 1984; (viii)
- (xii) "stadsklerk", met betrekking tot 'n plaaslike owerheid, die hoof- uitvoerende beampte van 'n plaaslike owerheid ongeag die benaming van die pos wat daardie beampte beklee; (xiii)
- (xiii) "vasstelling", met betrekking tot die diensvoordele van 'n stadsklerk, 'n vasstelling ingevolge hierdie Wet waarby bepaal word—
 - (a) die bedrag van die jaarlikse besoldiging wat deur 'n plaaslike owerheid aan sy stadsklerk betaal moet word; of
 - (b) of 'n voordeel kragtens 'n behuising- of motorskema deur 'n plaaslike owerheid aan sy stadsklerk toegestaan mag word en, indien wel, die maksimum jaarlikse voordeel wat aldus aan die stadsklerk toegestaan mag word. (iii)

(2) Die Minister kan, na oorlegpleging met die advieskomitee, by kennisgewing in die *Staatskoerant* 'n betaling van 'n soort in die kennisgewing vermeld wat gedoen word aan of ten behoeve van 'n werknemer as beloning vir sy diens, van die omskrywing van "besoldiging" uitsluit.

Instelling van
advieskomitee.

2. (1) Hierby word 'n advieskomitee, met die naam die Advieskomitee op Besoldiging en Diensvoordele van Stadsklerke, ingestel wat die Minister van advies moet dien betreffende 'n aangeleentheid wat die Minister ingevolge hierdie Wet of andersins na die komitee verwys.

(2) Die werk verbonde aan die verrigting van die werksaamhede van die advieskomitee word onder die opdragte en beheer van die Direkteur-generaal verrig deur beamptes in die staatsdiens wat vir dié doel deur die Direkteur-generaal aangewys is.

Samestelling van
advieskomitee.

3. (1) Die advieskomitee bestaan uit—
- (a) die Direkteur-generaal, *ex officio*;
 - (b) die Hoofamptenaar van die Kommissie vir Administrasie, *ex officio*;
 - (c) die provinsiale sekretaris van elk van die provinsies, *ex officio*;
 - (d) 'n beampte by die Departement van Finansies in diens en deur die Minister van Finansies aangewys;
 - (e) twee persone as die verteenwoordigers van en aangewys deur die Verenigde Munisipale Bestuur van Suid-Afrika;
 - (f) een persoon as die verteenwoordiger van en aangewys deur die Nasionale *ad hoc*-Komitee van die Vereniging van Kleurling- en Indiër- Raadplegende, Buurtsake- en Bestuurskomitees;
 - (g) twee persone as die verteenwoordigers van en aangewys deur die Instituut van Stadsklerke van Suidelike Afrika;
 - (h) twee persone as die verteenwoordigers van en aangewys deur 'n werkgewersorganisasie of -organisasies bedoel in die Wet op Arbeidsverhoudinge, 1956 (Wet No. 28 van 1956), waarvan die lede uitsluitlik uit plaaslike owerhede bestaan;
 - (i) twee persone as die verteenwoordigers van en aangewys deur die Vereniging van Administratiewe Hoofamptenare van Plaaslike Owerhede;
 - (j) twee persone as die verteenwoordigers van en aangewys deur die Suid-Afrikaanse Vereniging van Munisipale Werknemers; en
 - (k) indien die Minister dit nodig ag, een of meer maar

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- (a) is paid an allowance for or in connection with the purchase by him of a motor vehicle or in any other manner is financially assisted in any such purchase; or
- 5 (b) is provided with a motor vehicle for his private or for his private and official use free of charge or for a consideration less than the value of such private use, irrespective of whether or not the ownership in that motor vehicle is transferred to the employee; (x)
- 10 (xi) "remuneration" means any salary, wage, allowance, bonus and any other money paid to or on behalf of an employee as a reward for his service, excluding any payment—
- 15 (a) under a housing or motor-car scheme; or
(b) excluded under subsection (2); (v)
- (xii) "service benefit" means remuneration or any benefit under a housing or motor-car scheme; (vi)
- 20 (xiii) "town clerk", in relation to a local authority, means the chief executive officer of a local authority regardless of the designation of the post occupied by that officer. (xii)
- (2) The Minister may, after consultation with the advisory committee, by notice in the *Gazette* exclude from the definition
- 25 of "remuneration" any payment of a kind specified in the notice which is made to or on behalf of an employee as a reward for his service.

2. (1) There is hereby established an advisory committee, to be known as the Advisory Committee on Remuneration and

30 Service Benefits of Town Clerks, which shall give advice to the Minister regarding any matter referred by the Minister to the committee in terms of this Act or otherwise.

Establishment
of advisory
committee.

(2) The work incidental to the carrying out of the functions of the advisory committee shall be performed under the directions

35 and control of the Director-General by officers in the public service designated for such purpose by the Director-General.

3. (1) The advisory committee shall consist of—
- (a) the Director-General, *ex officio*;
- 40 (b) the Chief Officer of the Commission for Administration, *ex officio*;
- (c) the provincial secretary of each of the provinces, *ex officio*;
- (d) an officer serving in the Department of Finance and designated by the Minister of Finance;
- 45 (e) two persons as the representatives of and designated by the United Municipal Executive of South Africa;
- (f) one person as the representative of and designated by the National *ad hoc* Committee of the Association of Coloured and Indian Consultative, Local Affairs and
- 50 Management Committees;
- (g) two persons as the representatives of and designated by the Institute of Town Clerks of Southern Africa;
- (h) two persons as the representatives of and designated by an employers' organization or employers' organizations referred to in the Labour Relations Act, 1956 (Act No. 28 of 1956), the members of which consist of local authorities exclusively;
- 55 (i) two persons as the representatives of and designated by the Association of Chief Administrative Officers of Local Authorities;
- 60 (j) two persons as the representatives of and designated by the South African Association of Municipal Employees; and
- (k) if the Minister deems it necessary, one or more but not

Constitution
of advisory
committee.

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hoogstens vier bykomende lede wat deur die Minister aangewys word.

- (2) (a) So dikwels as wat die aanwysing van 'n persoon as die verteenwoordiger in die advieskomitee van 'n organisasie of organisasies bedoel in subartikel (1) (e), (f), (g), (h), (i) of (j) nodig word, moet die Direkteur-generaal die betrokke organisasie of organisasies skriftelik versoek om binne 'n tydperk deur die Direkteur-generaal vasgestel, 'n persoon as sy of hulle verteenwoordiger, na gelang van die geval, aan te wys. 5 10
- (b) Indien die betrokke organisasie of organisasies versuim om binne die vasgestelde tydperk, of die verdere tydperk wat die Direkteur-generaal toelaat, 'n persoon as sy of hulle verteenwoordiger in die advieskomitee aan te wys, bestaan die advieskomitee, vir so lank die Minister dit goedvind, uit die persone bedoel in subartikel (1) uitgesonderd bedoelde verteenwoordiger. 15
- (3) Vir elke lid van die advieskomitee (behalwe vir 'n lid in subartikel (1) (k) bedoel) word iemand aangewys om gedurende die afwesigheid van daardie lid of sy onvermoë om as lid op te tree, as plaasvervanger vir die lid op te tree, en so iemand word aldus aangewys, in die geval van 'n plaasvervanger vir— 20
- (a) die Direkteur-generaal, deur die Direkteur-generaal;
- (b) die Hoofamptenaar van die Kommissie vir Administrasie, deur die Hoofamptenaar; 25
- (c) 'n provinsiale sekretaris, deur die betrokke provinsiale sekretaris;
- (d) 'n lid bedoel in subartikel (1) (d), (e), (f), (g), (h), (i) of (j), deur die Minister, organisasie of organisasies deur wie daardie lid aangewys is. 30

Ampstermyn en
toelaes van lede
van advieskomitee.

4. (1) 'n Lid van die advieskomitee beklee sy amp—
- (a) in die geval van 'n lid bedoel in artikel 3 (1) (d), (e), (f), (g), (h), (i) of (j), solank dit die Minister, organisasie of organisasies deur wie daardie lid aangewys is, behaag; 35
- (b) in die geval van 'n lid bedoel in artikel 3 (1) (k), solank dit die Minister behaag.

(2) Aan 'n lid van die advieskomitee wat nie 'n beampte in die staatsdiens is nie kan daar uit geld wat die Parlement vir die doel bewillig die toelaes ter dekking van reis- en verblyftekoste betaal word wat die Minister met die instemming van die Minister van Finansies bepaal. 40

Voorsitter.

5. (1) Die Direkteur-generaal is die voorsitter van die advieskomitee.

(2) Indien die Direkteur-generaal afwesig is of nie in staat is om as voorsitter op te tree nie, tree sy plaasvervanger ingevolge artikel 3 (3) aangewys as voorsitter op. 45

Vergaderings.

6. (1) 'n Vergadering van die advieskomitee word gehou op die tyd en plek wat die voorsitter van die advieskomitee bepaal.

(2) Die voorsitter van die advieskomitee en 10 ander lede 50 maak 'n kworum vir 'n vergadering van die advieskomitee uit.

(3) Die beslissing van die meerderheid van die lede wat op 'n vergadering van die advieskomitee aanwesig is, maak 'n beslissing van die advieskomitee uit.

Stadsklerke moet
ooreenkomstig
vasstelling vergoed
word.

7. (1) Geen plaaslike owerheid mag aan sy stadsklerk— 55

(a) 'n hoër of 'n laer besoldiging betaal nie as die besoldiging wat aan die stadsklerk betaalbaar is ooreenkomstig die vasstelling wat ingevolge hierdie Wet vir daardie plaaslike owerheid bindend is; of

(b) 'n voordeel kragtens 'n behuising- of motorskema toe- 60 staan nie tensy so 'n voordeel gemagtig word kragtens 'n vasstelling wat ingevolge hierdie Wet vir daardie

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more than four additional members designated by the Minister.

(2) (a) As often as the designation of a person as the representative in the advisory committee of an organization or organizations referred to in subsection (1) (e), (f), (g), (h), (i) or (j) becomes necessary, the Director-General shall request the organization or organizations concerned in writing to designate a person as its or their representative, as the case may be, within a period determined by the Director-General.

(b) If the organization or organizations concerned fail to designate a person as its or their representative in the advisory committee within the fixed period or such further period as the Director-General may allow, the advisory committee shall, for as long as the Minister may deem fit, consist of the persons referred to in subsection (1), excluding the said representative.

(3) For each member of the advisory committee (other than for a member referred to in subsection (1) (k)) a person shall be designated to act, during the absence of such member or his inability to act as a member, as an alternate for such member, and such person shall be so designated, in the case of an alternate for—

- (a) the Director-General, by the Director-General;
- (b) the Chief Officer of the Commission for Administration, by the Chief Officer;
- (c) a provincial secretary, by the provincial secretary concerned;
- (d) a member referred to in subsection (1) (d), (e), (f), (g), (h), (i) or (j), by the Minister by whom or the organization or organizations by which such member was designated.

4. (1) A member of the advisory committee shall hold office—

(a) in the case of a member referred to in section 3 (1) (d), (e), (f), (g), (h), (i) or (j), at the pleasure of the Minister by whom or the organization or organizations by which that member was designated;

(b) in the case of a member referred to in section 3 (1) (k), at the Minister's pleasure.

Period of office and allowances of members of advisory committee.

(2) To a member of the advisory committee who is not an officer in the public service there may be paid from money appropriated by Parliament for such purpose such allowances for the defrayal of transport and subsistence costs as the Minister may with the concurrence of the Minister of Finance determine.

5. (1) The Director-General shall be the chairman of the advisory committee. Chairman.

(2) Whenever the Director-General is absent or unable to act as chairman, his alternate designated in terms of section 3 (3) shall act as chairman.

6. (1) A meeting of the advisory committee shall be held at such time and place as the chairman of the advisory committee may determine. Meetings.

(2) The chairman of the advisory committee and 10 other members shall constitute a quorum for any meeting of the advisory committee.

(3) The decision of the majority of the members present at a meeting of the advisory committee shall constitute a decision of the advisory committee.

7. (1) No local authority shall—

(a) pay its town clerk any higher or any lower remuneration than the remuneration payable to the town clerk in accordance with the determination binding in terms of this Act on that local authority; or

(b) grant its town clerk a benefit under a housing or motor-car scheme unless such a benefit is authorized under a determination binding in terms of this Act on that local

Town clerks to be remunerated in accordance with determination.

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Indeling van plaaslike owerhede volgens grade.

Vasstellings ten opsigte van plaaslike owerhede van verskillende grade.

Vasstellings ten opsigte van individuele plaaslike owerhede.

plaaslike owerheid bindend is, of 'n groter voordeel kragtens so 'n skema toestaan nie as die maksimum sodanige voordeel wat aan die stadsclerk ooreenkomstig so 'n vasstelling toegestaan mag word.

(2) Enige ooreenkoms is nietig in soverre dit in stryd met subartikel (1) is. 5

8. (1) Die Minister moet, na oorlegpleging met die advieskomitee, by kennisgewing in die *Staatskoerant* die plaaslike owerhede van die Republiek vir die doeleindes van hierdie Wet volgens grade indeel, en wanneer hy dit doen, kan hy enige grondslag 10 van differensiasie wat hy (behalwe 'n grondslag van ras of kleur), toepas.

(2) (a) 'n Kennisgewing ingevolge subartikel (1) kan te eniger tyd deur die Minister, na oorlegpleging met die advieskomitee, by kennisgewing in die *Staatskoerant* gewysig 15 word.

(b) 'n Wysiging kragtens paragraaf (a) tree in werking op 'n datum wat die Minister bepaal, wat 'n datum voor die datum van publikasie van die betrokke kennisgewing kan wees. 20

(3) Wanneer die graadindeling van 'n plaaslike owerheid kragtens subartikel (2) gewysig word, is die algemene vasstelling wat ingevolge hierdie Wet bindend is vir plaaslike owerhede van die graad waaronder daardie plaaslike owerheid na die wysiging ingedeel is, behoudens artikels 10 en 11 bindend vir daardie plaaslike owerheid vanaf die datum van inwerkingtreding van die wysiging, en indien 'n individuele vasstelling onmiddellik voor daardie inwerkingtreding vir daardie plaaslike owerheid bindend is, verval sodanige individuele vasstelling by bedoelde inwerkingtreding. 30

9. (1) So gou doenlik na die publikasie van 'n kennisgewing ingevolge artikel 8 (1) moet die Minister, na oorlegpleging met die advieskomitee, ten opsigte van plaaslike owerhede van elke graad 'n vasstelling van die diensvoordele van die stadsclerk doen. 35

(2) Die Minister moet die vasstellings van diensvoordele van stadsclerke van plaaslike owerhede van die verskillende grade van tyd tot tyd, soos deur hom bepaal, hersien, en kan na so 'n hersiening enige sodanige vasstelling na oorlegpleging met die advieskomitee wysig of 'n ander vasstelling in die plek daarvan doen. 40

(3) 'n Vasstelling ingevolge subartikel (1) of (2) gedoen of soos kragtens subartikel (2) gewysig, is, behoudens artikels 10 en 11, bindend vir alle plaaslike owerhede van die graad ten opsigte waarvan die vasstelling gedoen of gewysig is. 45

(4) 'n Vasstelling ingevolge hierdie artikel, of 'n wysiging van so 'n vasstelling, tree in werking op 'n datum wat die Minister bepaal, wat 'n datum voor die datum waarop die vasstelling gedoen of gewysig is, met inbegrip van, in die geval van 'n vasstelling ingevolge subartikel (1), 'n datum voor die inwerkingtreding 50 van hierdie Wet, kan wees.

10. (1) Die Minister kan, na oorlegpleging met die advieskomitee—

(a) ten opsigte van 'n individuele plaaslike owerheid 'n vasstelling van 'n diensvoordeel van die stadsclerk doen; of 55

(b) te eniger tyd 'n vasstelling kragtens hierdie subartikel, wysig of intrek of 'n ander vasstelling in die plek daarvan doen.

(2) 'n Individuele vasstelling is, solank dit nie ingevolge artikel 8 (3) verval het of kragtens subartikel (1) van hierdie artikel ingetrek is nie, bindend vir die plaaslike owerheid ten opsigte waarvan die vasstelling gedoen is, en terwyl so 'n individuele vasstelling aldus bindend is, geld die algemene vasstelling ten opsigte van plaaslike owerhede van die graad waaronder daardie plaaslike owerheid ingedeel is, en enige wysiging of vervanging van daardie algemene vasstelling, nie ten opsigte van daardie 65

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authority, or grant its town clerk a greater benefit under such a scheme than the maximum benefit which may be granted to the town clerk in accordance with such a determination.

- 5 (2) Any agreement shall be null and void in so far as it is contrary to subsection (1).

8. (1) The Minister shall, after consultation with the advisory committee, by notice in the *Gazette* classify the local authorities of the Republic for the purposes of this Act according to grades, and in so doing he may adopt any basis of differentiation which he may deem fit (except a basis of race or colour).

Classification of local authorities according to grades.

- (2) (a) A notice in terms of subsection (1) may at any time by notice in the *Gazette* be amended by the Minister after consultation with the advisory committee.
- 15 (b) An amendment under paragraph (a) shall commence on a date determined by the Minister, which may be a date prior to the date of publication of the relevant notice.

- (3) Whenever the grade classification of a local authority is amended under subsection (2), the general determination binding in terms of this Act on local authorities of the grade under which that local authority is classified after the amendment, shall, subject to sections 10 and 11, be binding on that local authority with effect from the date of commencement of such amendment, and if any individual determination is binding on that local authority immediately prior to such commencement, such individual determination shall lapse on the said commencement.

9. (1) As soon as may be expedient after the publication of a notice in terms of section 8 (1) the Minister shall, after consultation with the advisory committee, in respect of local authorities of each grade make a determination of the service benefits of the town clerk.

Determinations in respect of local authorities of different grades.

- (2) The Minister shall from time to time, as may be determined by him, review the determinations of service benefits of town clerks of local authorities of the different grades, and may after such review and after consultation with the advisory committee amend or make any other determination in the place of any such determination.

- (3) A determination made in terms of subsection (1) or (2) or as amended under subsection (2) shall, subject to sections 10 and 11, be binding on all local authorities of the grade in respect of which the determination was made or amended.

- (4) Any determination in terms of this section, or any amendment of any such determination, shall commence on a date determined by the Minister, which may be a date prior to the date on which the determination was made or amended, including, in the case of a determination in terms of subsection (1), a date prior to the commencement of this Act.

10. (1) The Minister may, after consultation with the advisory committee—

Determinations in respect of individual local authorities.

- (a) in respect of any individual local authority make a determination of any service benefit of the town clerk; or
- (b) at any time amend or withdraw, or make any other determination in the place of, a determination under this subsection.

- (2) An individual determination shall, for as long as it has not lapsed in terms of section 8 (3) or has not been withdrawn by the Minister under subsection (1) of this section, be binding on the local authority in respect of which such determination was made, and while such individual determination is so binding the general determination in respect of local authorities of the grade under which that local authority was classified, and any amendment or substitution of that general determination, shall not apply in re-

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plaaslike owerheid nie in soverre daardie algemene vasstelling strydig met die individuele vasstelling is.

(3) 'n Vasstelling kragtens subartikel (1), of 'n wysiging of intrekking van so 'n vasstelling, tree in werking op 'n datum wat die Minister bepaal, wat 'n datum voor die datum waarop die vasstelling gedoen, gewysig of ingetrek is, met inbegrip van 'n datum voor die inwerkingtreding van hierdie Wet, kan wees.

Vasstellings deur
Administrateur.

11. (1) 'n Administrateur kan op aansoek van 'n plaaslike owerheid in sy provinsie vir wie 'n algemene vasstelling bindend is, 'n vasstelling doen waardeur die besoldiging betaalbaar aan die stadsklerk van daardie plaaslike owerheid ingevolge die algemene vasstelling op 'n laer bedrag as die bedrag van die algemene vasstelling vasgestel word.

(2) 'n Aansoek kragtens subartikel (1) word deur die Administrateur beslis ooreenkomstig die voorskrifte wat die Minister na oorlegpleging met die advieskomitee uitreik.

(3) 'n Plaaslike owerheid wat kragtens subartikel (1) aansoek gedoen het of 'n stadsklerk wat hom veronreg voel deur die Administrateur se besluit in verband met so 'n aansoek, kan binne 60 dae nadat hy van die besluit in kennis gestel is, skriftelik by die Minister teen daardie besluit appèl aanteken, en die Minister moet na oorweging van die gronde van die appèl en die Administrateur se redes vir die besluit, die besluit bekragtig, wysig of tersyde stel of die besluit deur die ander besluit vervang wat die Administrateur na die Minister se oordeel moes geneem het.

(4) 'n Vasstelling deur die Administrateur kragtens subartikel (1) of deur die Minister op appèl kragtens subartikel (3) gedoen—

(a) tree in werking op 'n datum wat die Administrateur of die Minister, na gelang van die geval, bepaal, wat 'n datum voor die datum waarop die vasstelling gedoen is, met inbegrip van 'n datum voor die inwerkingtreding van hierdie Wet, kan wees; en

(b) word by die toepassing van hierdie Wet geag 'n individuele vasstelling te wees wat ten opsigte van die betrokke plaaslike owerheid gedoen is.

(5) Indien 'n aansoek kragtens subartikel (1) aan die Administrateur voorgelê word binne 30 dae nadat die betrokke plaaslike owerheid in kennis gestel is van 'n algemene vasstelling in daardie subartikel bedoel, word daardie algemene vasstelling, in soverre dit op die besoldiging van die stadsklerk van daardie plaaslike owerheid betrekking het, opgeskort hangende die beslissing van die aansoek of enige appèl kragtens subartikel (3), en terwyl daardie algemene vasstelling opgeskort is, moet die plaaslike owerheid aan sy stadsklerk die besoldiging betaal wat hy onmiddellik voor die inwerkingtreding van bedoelde algemene vasstelling betaal het.

Diensvoordele van
ander werknemers
van plaaslike
owerhede.

12. (1) Ondanks andersluidende bepalings van die een of ander wet mag geen plaaslike owerheid vanaf 'n datum deur die Minister by kennisgewing in die *Staatskoerant* bepaal aan enige werknemer wat nie die stadsklerk is nie—

(a) 'n hoër besoldiging (uitgesonderd 'n betaling ten opsigte van oortyd) betaal nie as 'n bedrag gelykstaande met 92,5% van die besoldiging wat aan die stadsklerk betaalbaar is ooreenkomstig 'n vasstelling wat ingevolge hierdie Wet vir daardie plaaslike owerheid bindend is, of, indien magtigings kragtens artikel 13 ten opsigte van 'n bepaalde werknemer verleen is, 'n hoër besoldiging (uitgesonderd 'n betaling ten opsigte van oortyd) aan daardie werknemer betaal nie as die gemiddelde besoldiging; of

(b) 'n voordeel kragtens 'n behuising- of motorskema toestaan nie tensy so 'n voordeel vir die stadsklerk gemagtig word kragtens 'n vasstelling wat ingevolge hierdie Wet vir daardie plaaslike owerheid bindend is, of 'n groter voordeel kragtens so 'n skema toestaan nie as die maksimum sodanige voordeel wat aan die stadsklerk ooreenkomstig so 'n vasstelling toegestaan mag word.

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spect of that local authority in so far as that general determination is contrary to the individual determination.

(3) Any determination under subsection (1), or any amendment or withdrawal of such a determination, shall commence on a date determined by the Minister, which may be a date prior to the date on which the determination was made, amended or withdrawn, including a date prior to the commencement of this Act.

11. (1) An Administrator may upon application by a local authority in his province on which a general determination is binding, make a determination in respect of such local authority whereby the remuneration payable to the town clerk of that local authority in terms of the general determination is fixed at an amount lower than the amount of the general determination.

Determinations by Administrator.

(2) An application under subsection (1) shall be decided by the Administrator in accordance with the directives issued by the Minister after consultation with the advisory committee.

(3) A local authority which lodged an application under subsection (1) or a town clerk aggrieved by the Administrator's decision in connection with any such application, may, within 60 days after it or he has been notified of the decision, appeal in writing against such decision to the Minister, and the Minister shall, after he has considered the grounds of the appeal and the Administrator's reasons for the decision, confirm, amend or set aside the decision or substitute for such decision any other decision which the Administrator in the Minister's opinion ought to have taken.

(4) A determination made by the Administrator under subsection (1) or by the Minister on appeal under subsection (3) shall—

(a) commence on a date determined by the Administrator or the Minister, as the case may be, which may be a date prior to the date on which the determination was made, including a date prior to the commencement of this Act; and

(b) shall for the purposes of this Act be deemed to be an individual determination made in respect of the local authority concerned.

(5) If any application under subsection (1) is lodged with the Administrator within 30 days after the local authority concerned has been notified of a general determination referred to in that subsection, that general determination, in so far as it relates to the remuneration payable to the town clerk of that local authority, shall be suspended pending the decision of the application or any appeal under subsection (3), and while that general determination is pending, such local authority shall pay its town clerk such remuneration as was paid by it immediately before the commencement of the said general determination.

12. (1) Notwithstanding the provisions of any other law to the contrary, no local authority shall as from a date fixed by the Minister by notice in the *Gazette*—

Service benefits of other employees of local authorities.

(a) pay any employee who is not the town clerk a higher remuneration (excluding any payment in respect of overtime) than an amount equal to 92,5% of the remuneration payable to the town clerk in accordance with the determination binding in terms of this Act on that local authority, or, if authorization has been granted under section 13 in respect of any particular employee, pay such employee a higher remuneration (excluding any payment in respect of overtime) than the authorized remuneration; or

(b) grant any such employee a benefit under a housing or motor-car scheme unless such a benefit is authorized for the town clerk under a determination binding in terms of this Act on that local authority, or grant any such employee a greater benefit under such a scheme than the maximum benefit which may be granted to the town clerk in accordance with such a determination.

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(2) Enige ooreenkoms in soverre dit in stryd met subartikel (1) is, is nietig.

(3) Verskillende datums kan kragtens subartikel (1) ten opsigte van plaaslike owerhede in die verskillende provinsies bepaal word.

Magtiging deur Administrateur betreffende betaling van hoër besoldiging aan ander werknemers.

13. (1) (a) 'n Administrateur kan, op skriftelike aansoek van of 'n plaaslike owerheid in sy provinsie of 'n werknemer van so 'n plaaslike owerheid, daardie plaaslike owerheid magtig om 'n besoldiging (uitgesonderd 'n betaling ten opsigte van oortyd), deur die Administrateur bepaal, wat hoër is as 'n bedrag gelykstaande met 92,5% van die besoldiging wat aan die stadsclerk betaalbaar is ooreenkomstig die vasstelling wat ingevolge hierdie Wet vir daardie plaaslike owerheid bindend is, aan 'n bepaalde werknemer of die bekleër van 'n bepaalde pos op die diensstaat van die plaaslike owerheid of aan die werknemer wat aldus aansoek gedoen het, na gelang van die geval, te betaal.

(b) Voordat 'n werknemer van 'n plaaslike owerheid aansoek kragtens subartikel (1) by die Administrateur doen, moet hy die plaaslike owerheid skriftelik van sy voorneme verwittig.

(2) 'n Aansoek kragtens subartikel (1) word deur die Administrateur beslis ooreenkomstig die voorskrifte wat die Minister na oorlegpleging met die advieskomitee uitreik.

(3) 'n Plaaslike owerheid of 'n werknemer wat, of 'n werknemer ten opsigte van wie 'n plaaslike owerheid, kragtens subartikel (1) aansoek gedoen het en wat hom veronreg voel deur die Administrateur se besluit in verband met so 'n aansoek, kan binne 60 dae nadat hy van die besluit in kennis gestel is, teen daardie besluit by die nywerheidshof vermeld in artikel 17 (1) (a) van die Wet op Arbeidsverhoudinge, 1956 (Wet No. 28 van 1956), ooreenkomstig die reëls van die nywerheidshof appèl aanteken, en die nywerheidshof moet na oorweging van die appèl die besluit bekragtig of tersyde stel of die besluit deur die ander besluit ver- 35
vang wat die Administrateur na die oordeel van die nywerheidshof met inagneming van die bepalinge van hierdie Wet en enige voorskrifte kragtens subartikel (2) uitgereik, moes geneem het.

(4) 'n Magtiging kragtens hierdie artikel tree in werking op 'n datum wat die Administrateur of die nywerheidshof, na gelang 40
van die geval, bepaal, wat 'n datum voor die datum waarop die magtiging verleen is, kan wees.

Uitwerking van vasstellings op afgetrede of oorlede stadsclerke.

14. (1) Indien 'n vasstelling waardeur 'n stadsclerk se besoldiging verhoog word met terugwerkende krag gedoen word, word enige persoon wat te eniger tyd op of na die datum van in- 45
werkingtreding van daardie vasstelling maar voor of op die datum waarop die vasstelling gedoen is, met pensioen uit diens getree of gesterf het terwyl hy die amp bekleed het van stadsclerk van 'n plaaslike owerheid vir wie daardie vasstelling bindend geword het, vir alle doeleindes geag uit diens te getree of te gesterf 50
het, na gelang van die geval, op 'n tydperk waarop die verhoogde besoldiging betaalbaar was, en is die verskil tussen die besoldiging wat aan hom betaal is en die verhoogde besoldiging, deur daardie plaaslike owerheid aan hom of sy boedel, na gelang van die geval, betaalbaar ten opsigte van die tydperk vanaf bedoelde 55
inwerkingtreding tot sy uitdienstreding of afsterwe soos voormeld.

(2) By die toepassing van subartikel (1) word 'n wysiging van die graadindeling van 'n plaaslike owerheid kragtens artikel 8 wat die uitwerking het dat die stadsclerk se besoldiging met te- 60
rugwerkende krag verhoog word, geag 'n vasstelling beoog in genoemde subartikel (1) te wees.

Kort titel.

15. Hierdie Wet heet die Wet op die Besoldiging van Stadsclerke, 1984.

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(2) Any agreement in so far as it is contrary to subsection (1) shall be null and void.

(3) Different dates may under subsection (1) be determined in respect of local authorities in the different provinces.

- 5 13. (1) (a) An Administrator may, upon application in writing by either a local authority in his province or an employee of such a local authority, authorize that local authority to pay any particular employee or the incumbent of any particular post on the establishment of that
10 local authority or the employee who lodged the application, as the case may be, such remuneration (excluding any payment in respect of overtime) as may be fixed by the Administrator which is higher than an amount equal to 92,5% of the remuneration payable to
15 the town clerk in accordance with the determination binding in terms of this Act on that local authority.
- (b) Before an employee of a local authority lodges an application under subsection (1) with the Administrator he shall notify such local authority in writing of his intention.
20
- (2) An application under subsection (1) shall be decided by the Administrator in accordance with the directives issued by the Minister after consultation with the advisory committee.
- (3) A local authority which or an employee who, or an employee in respect of whom a local authority, lodged an application under subsection (1) and which or who is aggrieved by the Administrator's decision in connection with any such application, may within 60 days after it or he has been notified of the decision appeal against such decision to the industrial court mentioned in section 17 (1) (a) of the Labour Relations Act, 1956 (Act No. 28 of 1956), in accordance with the rules of the industrial court, and the industrial court shall, after consideration of the appeal, confirm or set aside the decision or substitute for such decision any other decision which the Administrator in the
35 industrial court's opinion, having regard to the provisions of this Act and any directives issued under subsection (2), ought to have taken.
- (4) Any authorization under this section shall commence on a date determined by the Administrator or the industrial court, as
40 the case may be, which may be a date prior to the date on which such authorization was granted.

Authorization by Administrator regarding payment of higher remuneration to other employees.

14. (1) If a determination whereby the remuneration of a town clerk is increased is made retrospectively, any person who on or after the date of commencement of that determination but before the date on which the determination was made, retired on pension or died while holding office as the town clerk of a local authority on which that determination became binding, shall for all purposes be deemed to have retired or died, as the case may be, at a time when the increased remuneration was
45 payable, and the difference between the remuneration paid to him and the increased remuneration shall be payable by that local authority to him or his estate, as the case may be, in respect of the period from the said commencement up to his retirement or death as aforesaid.
- 50 (2) For the purposes of subsection (1) any amendment of the grade classification of a local authority under section 8 having the effect of increasing the town clerk's remuneration retrospectively, shall be deemed to be a determination contemplated in the said subsection (1).

Effect of determinations on retired or deceased town clerks.

- 60 15. This Act shall be called the Remuneration of Town Clerks Act, 1984. Short title.