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OF THE REPUBLIC OF SOUTH AFRICA

REPUBLIEK VAN SUID-AFRIKA

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STATE PRESIDENT'S OFFICE

No. 248. 17 February 1988

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

No. 106 of 1987: Remuneration of Town Clerks Amendment Act, 1987.

KANTOOR VAN DIE STAATSPRESIDENT

No. 248. 17 Februarie 1988

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

No. 106 van 1987: Wysigingswet op die Besoldiging van Stadsklerke, 1987.

GENERAL EXPLANATORY NOTE:**[]**

Words in bold type in square brackets indicate omissions from existing enactments.

Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Remuneration of Town Clerks Act, 1984, so as to define the expression "employee"; to extend the definitions of "local authority" and "service benefit"; to limit the definition of "motor-car scheme"; to abolish the powers of the Minister of Constitutional Development and Planning and of the Administrators of the various provinces under the said Act; to establish the Board on Remuneration and Service Benefits of Town Clerks to replace the Advisory Committee on Remuneration and Service Benefits of Town Clerks and to take over certain of the powers of the said Minister and Administrators under the said Act; to provide that the concurrence of the Commission for Administration be obtained before the said Board may exclude from, and again include in, the definition of "remuneration" any payment, or from the definition of "leave scheme", "housing scheme" or "motor-car scheme" any benefit, which is made to or on behalf of, or, as the case may be, granted to, an employee as a reward for his service; to provide for the designation of a secretary and persons to assist him to perform the secretarial work incidental to the functions of the said Board and, when necessary, the secretarial work incidental to the functions of a board of appeal; to empower the said Board to claim levies to cover its expenditure; to provide that the said Board shall have a revenue and expenditure account and a balance sheet prepared annually and approve of it; to provide for the constitution, term of office of members, designation of a chairman and vice-chairman, meetings, a quorum for a meeting and the procedure at a meeting, of the said Board; to provide for the constitution, meetings, quorum and functions of a board of appeal when necessary; to provide that the said Board shall determine the basis upon which any town clerk employed by one local authority shall be remunerated for services rendered on contract to another local authority; to provide that the said Board shall classify the local authorities of the Republic according to grades in accordance with the general directives setting out the criteria, norms and standards as determined in terms of section 17A (1) (c) of the Promotion of Local Government Affairs Act, 1983; to provide that the said Board shall make a determination of the service benefits of town clerks, subject to certain limits; to provide for the nullity of the said determination or amendments thereof if it or they exceed certain limits; to provide that a local authority or a town clerk may under certain circumstances note an appeal against a decision of the said Board; to provide for a new limit which the remuneration of employees other than town clerks may in general not exceed;

ALGEMENE VERDUIDELIKENDE NOTA:

[**]** Woorde in vet druk tussen vierkantige hake dui skappings uit bestaande verordenings aan.

_____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Wet op die Besoldiging van Stadsklerke, 1984, ten einde die omskrywings van "diensvoordeel" en "plaaslike owerheid" uit te brei; die omskrywing van "motorskema" te beperk; die uitdrukking "werknemer" te omskryf; die bevoegdhede van die Minister van Staatkundige Ontwikkeling en Beplanning en van die Administrateurs van die onderskeie provinsies kragtens genoemde Wet, af te skaf; die Raad op Besoldiging en Diensvoordele van Stadsklerke in te stel om die Advieskomitee op Besoldiging en Diensvoordele van Stadsklerke te vervang en sekere van die bevoegdhede van genoemde Minister en Administrateurs kragtens genoemde Wet oor te neem; voorsiening te maak dat die instemming van die Kommissie vir Administrasie verkry moet word voordat genoemde Raad van die omskrywing van "besoldiging" 'n betaling, of van die omskrywing van "verlofskema", "behuisingskema" of "motorskema" 'n voordeel, wat gedoen word aan of ten behoeve van, of, na gelang van die geval, toegestaan word aan 'n werknemer as beloning vir sy diens, kan uitsluit en weer daarby kan insluit; voorsiening te maak vir die aanwysing van 'n sekretaris en persone om hom behulpsaam te wees om die sekretariële werk verbonde aan die werksaamhede van genoemde Raad te verrig en, wanneer nodig, die sekretariële werk verbonde aan die werksaamhede van 'n appèlraad te verrig; genoemde Raad te magtig om heffings tot dekking van sy uitgawes te vorder; voorsiening te maak dat genoemde Raad jaarliks 'n staat van inkomste en uitgawes en 'n balansstaat moet laat opstel en goedkeur; voorsiening te maak vir die samestelling, ampstermyn van lede, aanwysing van 'n voorsitter en ondervoorsitter, vergaderings, 'n kworum vir 'n vergadering en die prosedure by 'n vergadering, van genoemde Raad; voorsiening te maak vir die samestelling, vergaderings, kworum en werksaamhede van 'n appèlraad wanneer nodig; voorsiening te maak dat genoemde Raad die grondslag bepaal waarop 'n stadsklerk in diens van een plaaslike owerheid besoldig word vir dienste volgens ooreenkoms aan 'n ander plaaslike owerheid gelewer; voorsiening te maak dat genoemde Raad die plaaslike owerhede van die Republiek volgens grade in deel ooreenkomstig die algemene voorskrifte wat die maastawwe, norms en standaarde uiteensit soos bepaal ingevolge artikel 17A (1) (c) van die Wet op die Bevordering van Plaaslike Owerheidsaangeleenthede, 1983; voorsiening te maak dat genoemde Raad 'n vaststelling van die diensvoordele van stadsklerke doen behoudens sekere perke; voorsiening te maak vir die nietigheid van genoemde vaststelling of wysigings daarvan indien dit sekere perke oorskry; voorsiening te maak dat 'n plaaslike owerheid of 'n stadsklerk onder sekere omstandighede teen 'n besluit van genoemde Raad kan appèl aanteken; voorsiening te maak vir 'n nuwe perk wat ander

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to replace the industrial court as an appeal tribunal by a board of appeal; and to provide for certain norms to be taken into account by the said Board in considering an application for higher remuneration by an employee other than a town clerk; and to provide for matters connected therewith.

*(Afrikaans text signed by the State President.)
(Assented to 11 February 1988.)*

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

Amendment of
section 1 of
Act 115 of 1984,
as amended by
section 17 of
Act 109 of 1985
and section 1 of
Act 96 of 1986.

1. Section 1 of the Remuneration of Town Clerks Act, 1984 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the deletion in subsection (1) of the definition of "Administrator";
- (b) by the deletion in subsection (1) of the definition of "advisory committee";
- (c) by the insertion in subsection (1) before the definition of "determination" of the following definitions:

"board" means the board established by section 2;

"board of appeal" means a board of appeal constituted in terms of section 6A (1);

"Commission" means the Commission for Administration established by section 2 (1) of the Commission for Administration Act, 1984 (Act No. 65 of 1984);";
- (d) by the substitution in subsection (1) for paragraph (b) of the definition of "determination" of the following paragraph:

"(b) whether a benefit under a leave, 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;";
- (e) by the deletion in subsection (1) of the definition of "Director-General";
- (f) by the insertion in subsection (1) after the definition of "determination" of the following definition:

"employee" means an employee of a local authority;";
- (g) by the insertion in subsection (1) after the definition of "individual determination" of the following definition:

"leave scheme" means any scheme or arrangement in terms of which vacation, sick, study or any other kind of leave of absence from duty is granted to an employee;";
- (h) by the deletion in subsection (1) of the word "and" at the end of paragraph (a) of the definition of "local authority" and the addition of the following paragraph:

"(c) a regional water services corporation established under section 7 of the Water Services Ordinance, 1963 (Ordinance No. 27 of 1963), of Natal;";
- (i) by the deletion in subsection (1) of the definition of "Minister";
- (j) by the substitution in subsection (1) for paragraph (b) of the definition of "motor-car scheme" of the following paragraph:

"(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;";

werknemers as stadsclerke se besoldiging in die algemeen nie mag oorskry nie; die nywerheidshof as appèltribunaal deur 'n appèlraad te vervang; en voorsiening te maak vir sekere norme wat in ag geneem moet word deur genoemde Raad by oorweging van 'n aansoek om hoër besoldiging deur 'n ander werknemer as 'n stadsklerk; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 11 Februarie 1988.)

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

1. Artikel 1 van die Wet op die Besoldiging van Stadsklerke, 1984 (hieronder die Hoofwet genoem), word hierby gewysig—

- 5 (a) deur in subartikel (1) die omskrywing van "Administrateur" te skrap;
- (b) deur in subartikel (1) die omskrywing van "advieskomitee" te skrap;
- 10 (c) deur in subartikel (1) na die omskrywing van "algemene vasstelling" die volgende omskrywing in te voeg:
"'appèlraad' 'n appèlraad ingevolge artikel 6A (1) saamgestel';"
- (d) deur in subartikel (1) die omskrywing van "diensvoordeel" deur die volgende omskrywing te vervang:
 15 "'diensvoordeel' besoldiging of enige voordeel kragtens 'n verlof-, behuising- of motorskema';"
- (e) deur in subartikel (1) die omskrywing van "Direkteur-generaal" te skrap;
- 20 (f) deur in subartikel (1) na die omskrywing van "individuele vasstelling" die volgende omskrywing in te voeg:
"'Kommissie' die Kommissie vir Administrasie ingestel by artikel 2 (1) van die Wet op die Kommissie vir Administrasie, 1984 (Wet No. 65 van 1984);"
- 25 (g) deur in subartikel (1) die omskrywing van "Minister" te skrap;
- (h) deur in subartikel (1) paragraaf (b) van die omskrywing van "motorskema" deur die volgende paragraaf te vervang:
 30 "(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 eiendomsreg in die motorvoertuig aan die werknemer oorgedra word of nie;";
- 35 (i) deur in subartikel (1) die woord "en" aan die end van paragraaf (a) van die omskrywing van "plaaslike owerheid" te skrap en die volgende paragraaf by te voeg:
"(c) 'n streekwaterdienskorporasie ingestel kragtens artikel 7 van die Ordonnansie op Waterdienste, 1963 (Ordonnansie No. 27 van 1963), van Natal;";
- 40 (j) deur in subartikel (1) na die omskrywing van "plaaslike owerheid" die volgende omskrywings in te voeg:
"'raad' die raad by artikel 2 ingestel;
'sekreteris' die sekretaris ingevolge artikel 2 (2) aangewys.'";
- 45 (k) deur in subartikel (1) paragraaf (b) van die omskrywing van "vasstelling" deur die volgende paragraaf te vervang:
 50 "(b) of 'n voordeel kragtens 'n verlof-, 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;";

Wysiging van artikel 1 van Wet 115 van 1984, soos gewysig deur artikel 17 van Wet 109 van 1985 en artikel 1 van Wet 96 van 1986.

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- (k) by the insertion in subsection (1) after the definition of "remuneration" of the following definition:
"secretary" means the secretary designated in terms of section 2 (2);
- (l) by the substitution in subsection (1) for the definition of "service benefit" of the following definition:
"service benefit" means remuneration or any benefit under a leave, housing or motor-car scheme;"; and
- (m) by the substitution for subsection (2) of the following subsection:
"(2) The [Minister] board may, [after consultation with the advisory committee] with the concurrence of the Commission, by notice in the Gazette exclude from the definition of "remuneration" any payment, or from the definition of "leave scheme", "housing scheme" or "motor-car scheme" any benefit, of a kind specified in the notice which is made to or on behalf of, or, as the case may be, granted to, an employee as a reward for his service and may thereafter again so include it therein."

Substitution of
 section 2 of
 Act 115 of 1984.

2. The following section is hereby substituted for section 2 of the principal Act:

"Establishment of board.

2. (1) There is hereby established **[an advisory committee]** a board, to be known as the **[Advisory Committee] Board** on Remuneration and 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]** perform the functions assigned to it by this Act or any other law.

(2) The **[secretarial]** work incidental to the **[carrying out of the]** functions of the **[advisory committee]** board shall be performed **[under the directions and control of the Director-General by officers in the public service]** by a secretary designated for such purpose by the **[Director-General]** board or by a person authorized by the secretary.

(3) (a) The board may claim a levy—

(i) from the organizations referred to in section 3 (1); and

(ii) on a differentiated basis from the different grades and categories of local authorities, as contributions towards covering the expenditure of the board in the performance of its functions.

(b) The board shall cause full and correct account to be kept of all amounts received or expended by it.

(c) The board shall cause to be prepared in each year a statement of its income and expenditure during its last preceding financial year and a balance sheet showing its financial position at the end of that financial year, and shall as soon as practicable thereafter during a meeting of the board cause it to be submitted to its members for approval."

Substitution of
 section 3 of
 Act 115 of 1984,
 as amended by
 section 2 of
 Act 96 of 1986.

3. The following section is hereby substituted for section 3 of the principal Act:

"Constitution of board.

3. (1) The board shall consist of 20 members, of whom—

(a) 10 persons shall be designated as the representatives of local authorities by the Federation of Municipal Employers' Organizations; and

(b) 10 persons shall be designated as the representatives of employees, of whom—

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- (l) deur die volgende omskrywings by subartikel (1) te voeg:
 “‘verlofskema’ enige skema of reëling ingevolge waarvan aan ’n werknemer vakansie-, siekte-, studie- of enige ander soort verlof vir afwesigheid van diens toegestaan word;
 ‘werknemer’ ’n werknemer van ’n plaaslike owerheid.”; en
- (m) deur subartikel (2) deur die volgende subartikel te vervang:
 “(2) Die **[Minister] raad** kan **[na oorlegpleging met die advieskomitee]** met die instemming van die Kommissie, by kennisgewing in die *Staatskoerant*, van die omskrywing van “besoldiging” ’n betaling, of van die omskrywing van “verlofskema”, “behuisingkema” of “motorskema” ’n voordeel, van ’n soort in die kennisgewing vermeld wat gedoen word aan of ten behoeve van, of, na gelang van die geval, toegestaan word aan, ’n werknemer as beloning vir sy diens, uitsluit en kan dit daarna aldus weer daarby insluit.”.

2. Artikel 2 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 2 van Wet 115 van 1984.

- “Instelling van raad.
2. (1) Hierby word ’n **[advieskomitee] raad**, met die naam die **[Advieskomitee] Raad** 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] werksaamhede** moet verrig wat by hierdie Wet of enige ander wet aan hom opgedra word.
- (2) Die sekretariële werk verbonde aan die **[verrigting van die] werksaamhede** van die **[advieskomitee] raad** word **[onder die opdragte en beheer van die Direkteur-generaal]**, verrig deur **[beamptes in die staatsdiens]** ’n sekretaris wat vir dié doel deur die **[Direkteur-generaal] raad** aangewys is of deur iemand deur die sekretaris gemagtig.
- (3) (a) Die raad kan ’n heffing—
- (i) van die organisasies in artikel 3 (1) bedoel; en
 - (ii) op ’n gedifferensieerde grondslag van die verskillende grade en kategorieë plaaslike owerhede,
- vorder as bydraes tot dekking van die uitgawes van die raad in die verrigting van sy werksaamhede.
- (b) Die raad laat volledige en juiste rekening hou van alle bedrae wat hy ontvang of uitgee.
- (c) Die raad moet elke jaar ’n staat van sy inkomste en uitgawes vir sy laaste voorafgaande boekjaar en ’n balansstaat aantonende sy geldelike toestand aan die end van daardie boekjaar laat opstel, en moet dit so gou doenlik daarna tydens ’n vergadering van die raad aan sy lede vir goedkeuring laat voorlê.”.

3. Artikel 3 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 3 van Wet 115 van 1984, soos gewysig deur artikel 2 van Wet 96 van 1986.

- “Samestelling van raad.
3. (1) Die raad bestaan uit 20 lede, van wie—
- (a) 10 persone as die verteenwoordigers van plaaslike owerhede deur die Federasie van Municipale Werkgewersorganisasies aangewys word; en
 - (b) 10 persone as die verteenwoordigers van werknemers aangewys word, van wie—

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(i) six persons shall be designated by the Association of Chief Administrative Officers of Local Authorities; and

(ii) four persons shall be designated by the Federation of Municipal Trade Unions.

(2) For every member of the board designated in terms of subsection (1) (a) and (b), there shall be an alternate member designated in the same manner as such member, and any alternate member so designated may attend and take part in the proceedings at any meeting of the board whenever the member for whom he has been designated as alternate member is absent from such meeting.

(3) Persons designated in terms of subsections (1) and (2) may again be so designated as members and alternate members of the board."

Substitution of section 4 of Act 115 of 1984, as amended by section 3 of Act 96 of 1986.

4. The following section is hereby substituted for section 4 of the principal Act:

"Period of office of members of board.

4. Subject to the provisions of section 5 (1) (a), any member and any alternate member of the board shall hold office at the pleasure of the organization by which that member and alternate member were designated."

Substitution of section 5 of Act 115 of 1984.

5. The following section is hereby substituted for section 5 of the principal Act:

"Chairman and vice-chairman of board.

5. (1) (a) The chairman and vice-chairman of the board shall be designated for a period of one year at a time, alternately by the organizations referred to in section 3 (1) (a) and 3 (1) (b) (i), respectively, from among the members which they have designated in terms of the said section.

(b) Subject to the provisions of paragraph (a) the same persons may again be so designated.

(2) If the chairman is absent or unable to act as chairman, the vice-chairman shall act as chairman.

(3) When the vice-chairman is for any reason incapable of acting as chairman, a member of the board designated by the members present shall act as chairman."

Substitution of section 6 of Act 115 of 1984.

6. The following section is hereby substituted for section 6 of the principal Act:

"Meetings of board.

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

(2) The chairman of the [advisory committee] board, or the person referred to in section 5 (2) or (3), as the case may be, and [10] nine other members who are entitled to vote shall, after elimination as contemplated in subsection (3) or (4), if applicable, constitute a quorum for any meeting of the [advisory committee] board.

(3) If the number of members of the board representing the employees at a meeting exceeds the number of members of the board representing the local authorities, so many members of the former number as exceed the latter number, shall not be entitled to vote at that meeting, and the members of the board representing the employees and who are present at that meeting shall by majority vote decide which members from among them shall so not be entitled to vote.

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- (i) ses persone deur die Vereniging van Administratiewe Hoofamptenare van Plaaslike Owerhede; en
- (ii) vier persone deur die Federasie van Munisipale Vakverenigings, aangewys word.
- (2) Vir elke lid van die raad ingevolge subartikel (1) (a) en (b) aangewys, word 'n plaasvervangende lid op dieselfde wyse as bedoelde lid aangewys, en 'n plaasvervangende lid aldus aangewys, kan 'n vergadering van die raad bywoon en aan die verrigtings aldaar deelneem wanneer die lid vir wie hy as plaasvervangende lid aangewys is, van bedoelde vergadering afwesig is.
- (3) Persone ingevolge subartikels (1) en (2) aangewys, kan aldus weer as lede en plaasvervangende lede van die raad aangewys word."

4. Artikel 4 van die Hoofwet word hierby deur die volgende artikel vervang:

- 20 "Ampstermyn van lede van raad. 4. Behoudens die bepalings van artikel 5 (1) (a) beklee 'n lid en 'n plaasvervangende lid van die raad sy amp solank dit die organisasie deur wie daardie lid en plaasvervangende lid aangewys is, behaag."

Vervanging van artikel 4 van Wet 115 van 1984, soos gewysig deur artikel 3 van Wet 96 van 1986.

5. Artikel 5 van die Hoofwet word hierby deur die volgende artikel vervang:

- 25 "Voorsitter en ondervoorsitter van raad. 5. (1) (a) Die voorsitter en ondervoorsitter van die raad word onderskeidelik om die beurt deur die organisasies in artikel 3 (1) (a) en 3 (1) (b) (i) bedoel, uit die lede wat hulle ingevolge bedoelde artikel aangewys het, vir 'n tydperk van een jaar op 'n keer aangewys.
- (b) Behoudens die bepalings van paragraaf (a) kan dieselfde persone aldus weer aangewys word.
- (2) Indien die voorsitter afwesig is of nie in staat is om as voorsitter op te tree nie, tree die ondervoorsitter as voorsitter op.
- (3) Wanneer die ondervoorsitter om die een of ander rede nie as voorsitter kan optree nie, tree 'n lid van die raad deur die aanwesige lede daarvan aangewys, as voorsitter op."

Vervanging van artikel 5 van Wet 115 van 1984.

6. Artikel 6 van die Hoofwet word hierby deur die volgende artikel vervang:

- 45 "Vergaderings van raad. 6. (1) 'n Vergadering van die [advieskomitee] raad word gehou op die tyd en plek wat die voorsitter van die [advieskomitee] raad bepaal.
- (2) Die voorsitter van die [advieskomitee] raad, of die persoon in artikel 5 (2) of (3) bedoel, na gelang van die geval, en [10] nege ander stemgeregtigde lede maak na eliminasië soos beoog in subartikel (3) of (4) indien van toepassing, 'n kworum vir 'n vergadering van die [advieskomitee] raad uit.
- (3) Indien die getal lede van die raad wat die werknemers verteenwoordig op 'n vergadering die getal lede van die raad wat die plaaslike owerhede verteenwoordig, oorskry, is soveel lede van eersgenoemde getal as wat laasgenoemde getal oorskry, nie geregtig om op daardie vergadering te stem nie, en die lede van die raad wat die werknemers verteenwoordig en wat op daardie vergadering aanwesig is, moet by meerderheidstem besluit watter lede uit hul midde aldus nie geregtig is om op daardie vergadering te stem nie.

Vervanging van artikel 6 van Wet 115 van 1984.

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(4) If the number of members of the board representing the local authorities at a meeting exceeds the number of members of the board representing the employees, the provisions of subsection (3) shall apply *mutatis mutandis*.

(5) The decision of the majority of the members entitled to vote and present at a meeting of the board shall constitute a decision of the board.

(6) In case of an equality of votes regarding any matter, the board shall as soon as practicable submit such matter in writing to a board of appeal for decision.

(7) The procedure at a meeting of the board shall be determined by the board."

Insertion of
section 6A in
Act 115 of 1984.

7. The following section is hereby inserted in the principal Act after section 6:

- 6A.** (1) In case of an equality of votes at a meeting of the board, or after notice of an appeal has been given to the secretary in terms of section 11 (3A) or 13 (3A), a board of appeal consisting of seven members, not being members of the board, shall be constituted as soon as practicable, of which—
- (a) the chairman shall be designated by the Commission;
 - (b) three members shall be designated by the Federation of Municipal Employers' Organizations;
 - (c) two members shall be designated by the Association of Chief Administrative Officers of Local Authorities; and
 - (d) one member shall be designated by the Federation of Municipal Trade Unions.
- (2) As soon as practicable after an occurrence referred to in subsection (1), the secretary shall request the Commission and the various organizations referred to in subsection (1) (b), (c) and (d) in writing, to designate the said chairman and members, respectively, for the constitution of a board of appeal.
- (3) The Commission and the various organizations referred to in subsection (1) (b), (c) and (d) shall, at the written request of the secretary in terms of subsection (2), as soon as practicable furnish the secretary with the names and addresses of the chairman and members, respectively, so being designated by them.
- (4) A board of appeal shall meet at the time and place which the chairman thereof may determine.
- (5) The chairman of a board of appeal and six members shall constitute a quorum for any meeting of such board.
- (6) Any decision by four or more of its members shall constitute a decision of a board of appeal.
- (7) The secretarial work incidental to the functions of a board of appeal shall be performed by the secretary or by a person authorized by the secretary.
- (8) The procedure at a meeting of a board of appeal shall be determined by such board.
- (9) If the chairman of a board of appeal is not an officer in the public service, he shall be entitled to the remuneration and allowances, including allowances for transport and subsistence expenses, which the Commission may determine with the concurrence of the Minister of Finance.
- (10) A board of appeal shall as soon as practicable after a matter has been submitted to it for decision in terms of section 6 (6), consider such matter and decide on it.
- (11) A board of appeal shall, after consideration of the grounds of an appeal submitted to it in terms of section 11 (3A) or 13 (3A) and the board's reasons

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(4) Indien die getal lede van die raad wat die plaaslike owerhede verteenwoordig op 'n vergadering die getal lede van die raad wat die werknemers verteenwoordig, oorskry, is die bepaling van subartikel (3) *mutatis mutandis* van toepassing.

(5) Die beslissing van die meerderheid van die stemgeregtigde lede wat op 'n vergadering van die raad aanwesig is, maak 'n beslissing van die raad uit.

(6) In geval van 'n staking van stemme betreffende enige aangeleentheid moet die raad sodanige aangeleentheid so gou doenlik skriftelik aan 'n appèlraad vir beslissing voorlê.

(7) Die prosedure by 'n vergadering van die raad word deur die raad bepaal."

15 7. Die volgende artikel word hierby in die Hoofwet na artikel 6 ingevoeg:

Invoeging van
artikel 6A in
Wet 115 van 1984.

20 "Samestelling, vergaderings en werksaamhede van appèlraad. **6A. (1)** In geval van 'n staking van stemme op 'n vergadering van die raad, of nadat 'n appèl ingevolge artikel 11 (3A) of 13 (3A) by die sekretaris aangeteken is, word 'n appèlraad so gou doenlik saamgestel bestaande uit sewe persone wat nie lede van die raad is nie, van wie—

(a) die voorsitter deur die Kommissie;

(b) drie lede deur die Federasie van Munisipale Werkgewersorganisasies;

(c) twee lede deur die Vereniging van Administratiewe Hoofamptenare van Plaaslike Owerhede; en

(d) een lid deur die Federasie van Munisipale Vakverenigings, aangewys word.

(2) Die sekretaris moet die Kommissie en die onderskeie organisasies in subartikel (1) (b), (c) en (d) bedoel, so gou doenlik na 'n gebeurtenis in subartikel (1) bedoel, skriftelik versoek om onderskeidelik bedoelde voorsitter en lede aan te wys vir die samestelling van 'n appèlraad.

(3) Die Kommissie en die onderskeie organisasies in subartikel (1) (b), (c) en (d) bedoel, moet so gou doenlik op skriftelike versoek van die sekretaris ingevolge subartikel (2), die name en adresse van onderskeidelik die voorsitter en lede wat aldus deur hulle aangewys word, skriftelik aan die sekretaris verstrek.

(4) 'n Appèlraad vergader op die tyd en plek wat die voorsitter daarvan bepaal.

(5) Die voorsitter van 'n appèlraad en ses lede maak 'n kworum vir 'n vergadering van so 'n raad uit.

(6) 'n Beslissing deur vier of meer van sy lede maak 'n beslissing van 'n appèlraad uit.

(7) Die sekretariële werk verbonde aan die werksaamhede van 'n appèlraad word verrig deur die sekretaris of deur iemand deur die sekretaris gemagtig.

(8) Die prosedure by 'n vergadering van 'n appèlraad word deur so 'n raad bepaal.

(9) Indien die voorsitter van 'n appèlraad nie 'n beampte in die staatsdiens is nie, is hy geregtig op die vergoeding en toelaes, met inbegrip van toelaes vir reis- en verblyfkooste, wat die Kommissie met die instemming van die Minister van Finansies bepaal.

(10) 'n Appèlraad moet so gou doenlik nadat 'n aangeleentheid ingevolge artikel 6 (6) aan hom vir beslissing voorgelê is, sodanige aangeleentheid oorweeg en daaroor beslis.

(11) 'n Appèlraad moet, na oorweging van die gronde van 'n appèl aan hom voorgelê ingevolge artikel 11 (3A) of 13 (3A) en die raad se redes vir die

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for the decision, confirm, amend or set aside such decision or substitute for such decision any other decision which in the opinion of the board of appeal the board ought to have taken.

(12) Any decision of a board of appeal is conclusive. 5

(13) The secretary shall inform the Commission and the parties concerned in writing of any decision of a board of appeal."

Amendment of section 7 of Act 115 of 1984.

8. Section 7 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:

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

Insertion of section 7A in Act 115 of 1984.

9. The following section is hereby inserted in the principal Act after section 7:

"Remuneration for services rendered by town clerk to another local authority.

7A. Notwithstanding the provisions of section 7, the basis upon which any town clerk employed by one local authority is remunerated for services rendered on contract to another local authority, shall be determined by the board."

Substitution of section 8 of Act 115 of 1984, as amended by section 4 of Act 96 of 1986.

10. The following section is hereby substituted for section 8 of the principal Act:

"Classification of local authorities according to grades.

8. (1) The **[Minister] board** 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)]** in accordance with the general directives setting out the criteria, norms and standards as determined by notice in the *Gazette* in terms of section 17A (1) (c) of the Promotion of Local Government Affairs Act, 1983 (Act No. 91 of 1983). 35

(2) (a) A notice issued by the board in terms of subsection (1) may at any time by notice in the *Gazette* be amended by the **[Minister] board** or **[any officer of the Department of Constitutional Development and Planning authorized thereto by him]** the secretary: Provided that a notice under this paragraph by which the grade classification of a local authority is amended according to a uniform basis of differentiation which differs from the basis of differentiation applied with respect to the previous grade classification of such local authority, shall be issued only by the **[Minister after consultation with the advisory committee] board**. 40 45 50

[(aA) As soon as may be expedient after the commencement of the Remuneration of Town Clerks Amendment Act, 1986, the Minister shall by notice in the *Gazette* amend the notice issued under subsection (1) so as to classify the local authorities referred to in paragraph (b) of the definition of 'local authority' for the purposes of this Act according to grades.] 55 60

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besluit, so 'n besluit bekragtig, wysig of tersyde stel of so 'n besluit deur die ander besluit vervang wat die raad na die appèlraad se oordeel moes geneem het.

(12) 'n Beslissing van 'n appèlraad is afdoende.

(13) Die sekretaris moet die Kommissie en die betrokke partye skriftelik verwittig van 'n beslissing van 'n appèlraad."

8. Artikel 7 van die Hoofwet word hierby gewysig deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:

Wysiging van artikel 7 van Wet 115 van 1984.

"(b) 'n voordeel kragtens 'n verlof-, behuising- of motorskema toestaan nie tensy so 'n voordeel 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."

9. Die volgende artikel word hierby in die Hoofwet na artikel 7 ingevoeg:

Invoeging van artikel 7A in Wet 115 van 1984.

7A. Ondanks die bepalings van artikel 7 word die grondslag waarop 'n stadsklerk in diens van een plaaslike owerheid besoldig word vir dienste volgens ooreenkoms aan 'n ander plaaslike owerheid gelewer, deur die raad bepaal."

10. Artikel 8 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 8 van Wet 115 van 1984, soos gewysig deur artikel 4 van Wet 96 van 1986.

8. (1) Die **[Minister] raad** 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 van differensiasie wat hy goedvind (behalwe 'n grondslag van ras of kleur), toepas]** ooreenkomstig die algemene voorskrifte wat die maastawwe, norms en standaarde uiteensit soos by kennisgewing in die *Staatskoerant* bepaal ingevolge artikel 17A (1) (c) van die Wet op die Bevordering van Plaaslike Owerheidsaangeleenthede, 1983 (Wet No. 91 van 1983).

(2) (a) 'n Kennisgewing ingevolge subartikel (1) deur die raad uitgereik, kan te eniger tyd deur die **[Minister] raad** of **['n beamppte van die Departement van Staatkundige Ontwikkeling en Beplanning deur hom daartoe gemagtig]** die sekretaris by kennisgewing in die *Staatskoerant* gewysig word: Met dien verstande dat 'n kennisgewing kragtens hierdie paragraaf waarby die graadindeling van 'n plaaslike owerheid gewysig word volgens 'n eenvormige grondslag van differensiasie wat verskil van die grondslag van differensiasie wat met betrekking tot die vorige graadindeling van die plaaslike owerheid toegepas is, slegs deur die **[Minister na oorlegpleging met die advieskomitee]** raad uitgereik mag word.

[(aA) So gou doenlik na die inwerkingtreding van die Wysigingswet op die Besoldiging van Stadsklerke, 1986, moet die Minister by kennisgewing in die *Staatskoerant* die kennisgewing kragtens subartikel (1) uitgereik, wysig ten einde die plaaslike owerhede bedoel in paragraaf (b) van die omskrywing van 'plaaslike owerheid' vir die doeleindes van hierdie Wet volgens grade in te deel.]

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(b) An amendment under paragraph (a) **[or (aA)]** shall commence on a date specified in the relevant notice, which may be a date prior to the date of publication of the relevant notice.

(3) Whenever a notice issued in terms of subsection (1) is amended under subsection (2) (a) **[or (aA)]** so as to alter the grade classification of a local authority or to classify a local authority under any grade, 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.”.

Amendment of
section 9 of
Act 115 of 1984.

11. Section 9 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) The board shall in respect of local authorities of each grade referred to in section 8 make a determination of the service benefits of the town clerk: Provided that—

(a) the remuneration of the town clerk of the local authority classified under the highest grade shall not be higher than an amount equal to the sum total of the remuneration attached to a post of deputy director-general in the public service plus one-half of the difference between the remuneration attached to the said post and—

(i) the sum total of the remuneration attached to a post of director-general in the public service; or

(ii) if there is any differentiation in relation to the sum totals of the remuneration attached to posts of directors-general in the public service, the average of the sum totals of the remuneration attached to such posts;

(b) any benefit under a motor-car scheme shall be granted on a differentiated basis with due observance of the different grades under which local authorities are classified, and the loan amount and allowances for the town clerk of the local authority classified under the highest grade shall not be higher than the maximum loan amount and allowances attached to a post of deputy director-general in the public service plus one-half of the difference between the said loan amount and allowances and the maximum loan amount and allowances attached to the post of director-general in the public service; and

(c) any benefit under a leave or housing scheme may not be more beneficial than such benefit attached to the post of deputy director-general in the public service.”;

(b) by the substitution for subsection (2) of the following subsection:

“(2) Subject to the provisos to subsection (1), the **[Minister] board** shall from time to time, as may be determined by **[him] it**, 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

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(b) 'n Wysiging kragtens paragraaf (a) **[of (aA)]** tree in werking op 'n datum in die betrokke kennisgewing vermeld, wat 'n datum voor die datum van publikasie van die betrokke kennisgewing kan wees.

(3) Wanneer 'n kennisgewing ingevolge subartikel (1) uitgereik kragtens subartikel (2) (a) **[of (aA)]** gewysig word ten einde die graadindeling van 'n plaaslike owerheid te verander of 'n plaaslike owerheid onder die een of ander graad in te deel, 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 owerheid vanaf die datum van inwerkingtreding van die wysiging, en indien 'n individuele vasstelling onmiddellik voor daardie inwerkingtreding vir daardie plaaslike owerheid bindend is, vervul sodanige individuele vasstelling by bedoelde inwerkingtreding."

20 11. Artikel 9 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

Wysiging van
artikel 9 van
Wet 115 van 1984.

"(1) Die raad moet ten opsigte van plaaslike owerhede van elke graad in artikel 8 bedoel 'n vasstelling van die diensvoordele van die stadsklerk doen: Met dien verstande dat—

(a) die besoldiging van die stadsklerk van die plaaslike owerheid wat onder die hoogste graad ingedeel is nie hoër mag wees nie as 'n bedrag gelykstaande met die totaalsom van die besoldiging verbonde aan 'n pos van adjunk-direkteur-generaal in die staatsdiens plus die helfte van die verskil tussen die besoldiging verbonde aan bedoelde pos en—

(i) die totaalsom van die besoldiging verbonde aan 'n pos van 'n direkteur-generaal in die staatsdiens; of

(ii) indien daar met betrekking tot die totaal-somme van die besoldiging verbonde aan poste van direkteurs-generaal in die staatsdiens gedifferensieer word, die gemiddelde van die totaalsomme van die besoldiging verbonde aan sodanige poste;

(b) enige voordeel kragtens 'n motorskema op 'n gedifferensieerde grondslag met inagneming van die onderskeie grade waaronder plaaslike owerhede ingedeel word, toegestaan moet word en die leningsbedrag en toelaes vir die stadsklerk van die plaaslike owerheid wat onder die hoogste graad ingedeel is nie hoër mag wees nie as die maksimum leningsbedrag en toelaes verbonde aan 'n pos van adjunk-direkteur-generaal in die staatsdiens plus die helfte van die verskil tussen bedoelde leningsbedrag en toelaes en die maksimum leningsbedrag en toelaes verbonde aan 'n pos van direkteur-generaal in die staatsdiens; en

(c) enige voordeel kragtens 'n verlof- of behuisingskema nie voordeliger mag wees nie as sodanige voordeel verbonde aan die pos van adjunk-direkteur-generaal in die staatsdiens."

60 (b) deur subartikel (2) deur die volgende subartikel te vervang:

"(2) Die **[Minister]** raad moet behoudens die voorbehoudsbepalings by subartikel (1) die vasstellings van diensvoordele van stadsklerke 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 adviesko-**

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make any other determination in the place of any such determination.”;

- (c) by the substitution for subsection (4) of the following subsection:

“(4) Any determination in terms of this section, or any amendment of any such determination, shall commence on a date determined by the **[Minister] board**, 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.”; and

- (d) by the addition of the following subsections:

“(5) Any determination or amendment which purports to have been made in terms of this section shall be null and void in so far as it is contrary to the provisos to subsection (1).”

(6) The sum totals of the remuneration attached to the posts referred to in subsection (1) (a), and particulars of benefits in terms of the motor-car, leave and housing schemes applicable to the incumbents of the public service posts referred to in subsection (1) (b) and (c), shall for the purposes of subsection (1) be supplied on request by the office of the Commission.”.

Amendment of
section 10 of
Act 115 of 1984.

12. Section 10 of the principal Act is hereby amended—

- (a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

“The **[Minister] board** may, **[after consultation with the advisory committee]** subject to the provisos to section 9 (1)—”; and

- (b) by the substitution for subsection (3) of the following subsection:

“(3) Any determination under subsection (1), or any amendment or withdrawal of such a determination, shall commence on a date determined by the **[Minister] board**, 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.”.

Substitution of
section 11 of
Act 115 of 1984.

13. The following section is hereby substituted for section 11 of the principal Act:

“Individual
lower deter-
minations by
board.”

11. (1) **[An Administrator]** The board 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.

(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]** board after due consideration of the peculiar circumstances of the local authority and town clerk concerned which justify a lower remuneration.

(3) A local authority which lodged an application under subsection (1) or a town clerk aggrieved by the **[Administrator's] board'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**

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mitee] wysig of 'n ander vasstelling in die plek daarvan doen.”;

- (c) deur subartikel (4) deur die volgende subartikel te vervang:

5 “(4) 'n Vasstelling ingevolge hierdie artikel, of 'n wysiging van so 'n vasstelling, tree in werking op 'n datum wat die **[Minister] raad** 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 van hierdie Wet, kan wees.”; en

- (d) deur die volgende subartikels by te voeg:

15 “(5) Enige vasstelling of wysiging wat heet ingevolge hierdie artikel gemaak te wees, is nietig in soverre dit in stryd is met die voorbehoudsbepalings by subartikel (1).

20 (6) Die totaalsomme van die besoldiging verbonde aan die poste in subartikel (1) (a) bedoel, en besonderhede van voordele ingevolge die motor-, verlof- en behuisingkemas van toepassing op die bekleërs van die staatsdiensposte in subartikel (1) (b) en (c) bedoel, word vir die doeleindes van subartikel (1) op aanvraag deur die kantoor van die Kommissie verstrekt.”.

12. Artikel 10 van die Hoofwet word hierby gewysig—

- 25 (a) deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

“Die **[Minister] raad** kan, **[na oorlegpleging met die advieskomitee]** behoudens die voorbehoudsbepalings by artikel 9 (1)—”; en

- 30 (b) deur subartikel (3) deur die volgende subartikel te vervang:

35 “(3) 'n Vasstelling kragtens subartikel (1), of 'n wysiging of intrekking van so 'n vasstelling, tree in werking op 'n datum wat die **[Minister] raad** 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.”.

Wysiging van
artikel 10 van
Wet 115 van 1984.

13. Artikel 11 van die Hoofwet word hierby deur die volgende artikel vervang:

40 “Individuele
laer vasstel-
lings deur
raad.

45 11. (1) **[’n Administrateur]** Die raad 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.

50 (2) 'n Aansoek kragtens subartikel (1) word deur die **[Administrateur] raad** beslis **[ooreenkomstig die voorskrifte wat die Minister na oorlegpleging met die advieskomitee uitreik]** na behoorlike oorweging van die eiesoortige omstandighede van die betrokke plaaslike owerheid en stadsklerk wat 'n laer besoldiging regverdig.

55 (3) 'n Plaaslike owerheid wat kragtens subartikel (1) aansoek gedoen het of 'n stadsklerk wat hom veronreg voel deur die **[Administrateur] raad** se besluit in verband met so 'n aansoek, kan binne 60 dae nadat hy van die besluit in kennis gestel is, die raad skriftelik **[by die Minister teen daardie besluit appél aanteken, en die Minister moet na oorweging van die gronde van die appél 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**

Vervanging van
artikel 11 van
Wet 115 van 1984.

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have taken.] request the board in writing to reconsider its decision, and the board shall reconsider such matter as soon as practicable thereafter and decide on it anew.

(3A) If the local authority or town clerk concerned is still aggrieved, it or he may, within 60 days after it or he has been notified of such second decision, note an appeal in writing against such decision to the secretary, and the secretary shall, after the constitution of a board of appeal in terms of section 6A (1), submit that appeal to the said board of appeal for decision.

(3B) The local authority or town clerk concerned and the board shall furnish all documents and information required by the said board of appeal in connection with such appeal within the period required.

(4) A determination made by the **[Administrator]** board under subsection (1) or (3) or by **[the Minister]** a board of appeal on appeal under subsection **[(3)] (3A)** shall—

(a) commence on a date determined by the **[Administrator]** board or the **[Minister]** board of appeal, 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]** board 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)] (3A)**, 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.”

Amendment of
section 12 of
Act 115 of 1984.

14. Section 12 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(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]**—

(a) (i) subject to the provisions of subparagraph (ii), 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 of a local authority which is graded one grade lower in accordance with the general determination binding in terms of this Act on **[that]** the latter 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

(ii) if the local authority is of the lowest grading, pay any employee who is not the town clerk, a

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geneem het.] versoek om sy besluit te heroorweeg, en die raad moet so 'n aangeleentheid so gou doenlik daarna heroorweeg en weer daaroor besluit.

(3A) Indien die betrokke plaaslike owerheid of stads-
klerk hom steeds veronreg voel, kan hy binne
60 dae nadat hy van so 'n tweede besluit in kennis
gestel is, skriftelik by die sekretaris teen daardie be-
sluit appèl aanteken, en die sekretaris moet, na die
samestelling van 'n appèlraad ingevolge artikel 6A
(1), daardie appèl aan bedoelde appèlraad vir beslis-
sing voorlê.

(3B) Die betrokke plaaslike owerheid of stads-
klerk en die raad moet alle stukke en inligting wat
deur bedoelde appèlraad in verband met sodanige
appèl vereis word, binne die vereiste tydperk ver-
skaf.

(4) 'n Vastelling deur die **[Administrateur]** raad
kragtens subartikel (1) of (3) of deur **[die Minister]**
'n appèlraad op appèl kragtens subartikel **[(3)]** (3A)
gedoen—

(a) tree in werking op 'n datum wat die **[Admini-
strateur]** raad of die **[Minister]** appèlraad, na
gelang van die geval, bepaal, wat 'n datum voor
die datum waarop die vastelling 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 vastelling te wees wat ten opsigte
van die betrokke plaaslike owerheid gedoen is.

(5) Indien 'n aansoek kragtens subartikel (1) aan
die **[Administrateur]** raad voorgelê word binne 30
dae nadat die betrokke plaaslike owerheid in kennis
gestel is van 'n algemene vastelling in daardie sub-
artikel bedoel, word daardie algemene vastelling, in
soverre dit op die besoldiging van die stads-
klerk van daardie plaaslike owerheid betrekking het, opgeskort
hangende die beslissing van die aansoek of enige
appèl kragtens subartikel **[(3)]** (3A), en terwyl daar-
die algemene vastelling opgeskort is, moet die plaas-
like owerheid aan sy stads-
klerk die besoldiging be-
taal wat hy onmiddellik voor die inwerkingtreding
van bedoelde algemene vastelling betaal het."

14. Artikel 12 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te ver-
vang:

"(1) Ondanks andersluidende bepalings van die een
of ander wet mag geen plaaslike owerheid **[vanaf 'n
datum deur die Minister by kennisgewing in die Staats-
koerant bepaal]** aan enige werknemer wat nie die stads-
klerk is nie—

(a) (i) behoudens die bepalings van subparagraaf (ii)
'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 stads-
klerk van 'n plaaslike ower-
heid wat een graad laer gegradeer is, betaal-
baar is ooreenkomstig 'n algemene vastelling
wat ingevolge hierdie Wet vir **[daardie]** laas-
genoemde plaaslike owerheid bindend is, of,
indien magtigings kragtens artikel 13 ten op-
sigte van 'n bepaalde werknemer verleen is, 'n
hoër besoldiging (uitgesonderd 'n betaling ten
opsigte van oortyd) aan daardie werknemer
betaal nie as die gemagtigde besoldiging; of
(ii) indien die plaaslike owerheid van die laagste
gradering is, 'n hoër besoldiging (uitgeson-

Wysiging van
artikel 12 van
Wet 115 van 1984.

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higher remuneration (excluding any payment in respect of overtime) than the amount determined by the board; or

- (b) grant any such employee a benefit under a leave, 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.”; and
- (b) by the deletion of subsection (3).

Substitution of section 13 of Act 115 of 1984.

15. The following section is hereby substituted for section 13 of the principal Act:

“Authoriza-
tion by board
or board of
appeal re-
garding pay-
ment of
higher re-
muneration
to other em-
ployees.

13. (1) (a) **[An Administrator]** The board may, upon application in writing by either a local authority **[in his province]** or an employee of such a local authority, subject to the provisos to section 9 (1), authorize that local authority to pay any particular employee or the incumbent of any particular post on the establishment of that 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]** board which is higher than an amount equal to **[92,5% of]** the remuneration payable to the town clerk of a local authority which is graded one grade lower in accordance with the determination binding in terms of this Act on **[that]** the latter local authority.
- (b) Before an employee of a local authority lodges an application under subsection (1) with the **[Administrator]** board he shall notify such local authority in writing of his intention.
- (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]** board after due consideration of—
- (a) the desirability that the town clerk shall as far as possible be the highest remunerated employee of any local authority; and
- (b) the scarcity, specialization or necessity of the nature of the service rendered or to be rendered by the employee concerned or other peculiar circumstances in respect of such employee.
- (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]** board'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 industrial court's opinion, having regard to the provisions of this Act and any directives**

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derd 'n betaling ten opsigte van oortyd) betaal
nie as 'n bedrag deur die raad bepaal; of

- (b) 'n voordeel kragtens 'n verlov-, behuising- of
motorskema toestaan nie tensy so 'n voordeel vir
die stadsclerk gemagtig word kragtens 'n vasstel-
ling wat ingevolge hierdie Wet vir daardie plaas-
like owerheid bindend is, of 'n groter voordeel
kragtens so 'n skema toestaan nie as die maksimu-
m sodanige voordeel wat aan die stadsclerk
ooreenkomstig so 'n vasstelling toegestaan mag
word."; en

(b) deur subartikel (3) te skrap.

15. Artikel 13 van die Hoofwet word hierby deur die volgende
artikel vervang:

Vervanging van
artikel 13 van
Wet 115 van 1984.

15 "Magting
deur raad of
appèlraad
betreffende
betaling van
hoër besoldi-
ging aan
ander werk-
nemers.

13. (1) (a) **['n Administrateur]** Die raad kan, op
skriftelike aansoek van of 'n plaaslike owerheid
[in sy provinsie] of 'n werknemer van so 'n
plaaslike owerheid, behoudens die voorbe-
houdsbepalings by artikel 9 (1) daardie plaas-
like owerheid magtig om 'n besoldiging (uitge-
sonderd 'n betaling ten opsigte van oortyd),
deur die **[Administrateur]** raad bepaal, wat hoër
is as 'n bedrag gelykstaande met **[92,5% van]**
die besoldiging wat aan die stadsclerk van 'n
plaaslike owerheid wat een graad laer gegradeer
is, betaalbaar is ooreenkomstig die vasstelling
wat ingevolge hierdie Wet vir **[daardie]** laasge-
noemde plaaslike owerheid bindend is, aan 'n
bepaalde werknemer of die bekleër van 'n be-
paalde pos op die diensstaat van die plaaslike
owerheid of aan die werknemer wat aldus aan-
soek gedoen het, na gelang van die geval, te be-
taal.

(b) Voordat 'n werknemer van 'n plaaslike owerheid
aansoek kragtens subartikel (1) by die **[Admini-
strateur]** raad doen, moet hy die plaaslike ower-
heid skriftelik van sy voorneme verwittig.

(2) 'n Aansoek kragtens subartikel (1) word deur
die **[Administrateur]** raad beslis **[ooreenkomstig die
voorskrifte wat die Minister na oorlegpleging met die
advieskomitee uitreik]** na behoorlike oorweging van—

(a) die wenslikheid dat die stadsclerk sover moont-
lik die hoogsbesoldigde werknemer van 'n plaas-
like owerheid moet wees; en

(b) die skaarsheid, gespesialiseerdheid of noodsaak-
likheid van die aard van die diens wat deur die
betrokke werknemer gelewer word of sal word
of ander eiesoortige omstandighede ten opsigte
van sodanige werknemer.

(3) 'n Plaaslike owerheid of 'n werknemer wat, of
'n werknemer ten opsigte van wie 'n plaaslike ower-
heid, kragtens subartikel (1) aansoek gedoen het en
wat hom veronreg voel deur die **[Administrateur]**
raad 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 Arbeidsverhou-
dinge, 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 vervang wat die Administrateur na die
oordeel van die nywerheidshof met inagneming van
die bepalinge van hierdie Wet en enige voorskrifte**

issued under subsection (2), ought to have taken.] request the board in writing to reconsider its decision, and the board shall reconsider such matter as soon as practicable thereafter and decide on it anew.

(3A) If the local authority or employee concerned, or employee in respect of whom the local authority lodged an application under subsection (1), is still aggrieved, it or he may, within 60 days after it or he has been notified of such second decision, note an appeal in writing against such decision to the secretary, and the secretary shall, after the constitution of a board of appeal in terms of section 6A (1), submit that appeal to the said board of appeal for decision.

(3B) The local authority or employee concerned and the board shall furnish all documents and information required by the said board of appeal in connection with such appeal within the period required.

(4) Any authorization under this section shall commence on a date determined by the [Administrator] board or [the industrial court] a board of appeal, as the case may be, which may be a date prior to the date on which such authorization was granted."

Transitional provisions.

16. (1) Any determination, grading, exclusion or other decision made, issued or taken and in force under the provisions of the Remuneration of Town Clerks Act, 1984 (Act No. 115 of 1984), immediately prior to the commencement of this Act, shall remain in force until it is amended under the provisions of the first-mentioned Act as amended by this Act, and shall be deemed to have been made in terms of the applicable provisions of the first-mentioned Act, as amended by this Act.

(2) Notwithstanding anything to the contrary contained in any other law, any benefit in respect of leave which any employee obtained in a specific post before or on 1 January 1987, shall remain in force until such employee for any reason ceases to fill that post: Provided that if after the commencement of this Act a benefit in respect of leave is determined for such employee which is more beneficial than the benefit so obtained by him, such employee may be considered for such more beneficial benefit.

(3) (a) The first designation of the members of the board shall take place as soon as practicable after the commencement of this Act by the submission in writing of the names and addresses of the members and alternate members by the different organizations referred to in section 3 (1) of the Remuneration of Town Clerks Act, 1984 (Act No. 115 of 1984), to the Chief: Constitutional Development Service.

(b) Notwithstanding the provisions of section 6 (1) of the Remuneration of Town Clerks Act, 1984, the first meeting of the board shall be held at the time and place determined by the Chief: Constitutional Development Service.

(c) The first chairman and vice-chairman of the board shall be designated at the same time and in the same manner as the first members thereof.

Short title.

17. This Act shall be called the Remuneration of Town Clerks Amendment Act, 1987.

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kragtens subartikel (2) uitgereik, moes geneem het.]
 die raad skriftelik versoek om sy besluit te heroorweeg, en die raad moet so 'n aangeleentheid so gou doenlik daarna heroorweeg en weer daaroor besluit.

5 (3A) Indien die betrokke plaaslike owerheid of werknemer wat, of werknemer ten opsigte van wie die plaaslike owerheid, kragtens subartikel (1) aansoek gedoen het, hom steeds veronreg voel, kan hy binne 60 dae nadat hy van so 'n tweede besluit in kennis gestel is, skriftelik by die sekretaris teen daardie besluit appèl aanteken, en die sekretaris moet, na die samestelling van 'n appèlraad ingevolge artikel 6A (1), daardie appèl aan bedoelde appèlraad vir beslissing voorlê.

15 (3B) Die betrokke plaaslike owerheid of werknemer en die raad moet alle stukke of inligting wat deur bedoelde appèlraad in verband met sodanige appèl vereis word, binne die vereiste tydperk verskaf.

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

25 **16. (1)** Enige vasstelling, gradering, uitsluiting of ander besluit wat kragtens die bepalings van die Wet op die Besoldiging van Stadsklerke, 1984 (Wet No. 115 van 1984), gedoen, uitgereik of geneem en van krag is onmiddellik voor die inwerking-treding van hierdie Wet, bly van krag totdat dit kragtens die be-
 30 palings van eersgenoemde Wet soos deur hierdie Wet gewysig, gewysig word, en word geag ingevolge die toepaslike bepalings van eersgenoemde Wet, soos deur hierdie Wet gewysig, gedoen te gewees het.

(2) Ondanks andersluidende wetsbepalings bly enige voor-
 35 deel ten opsigte van verlof wat 'n werknemer in 'n bepaalde pos voor of op 1 Januarie 1987 verkry het, van krag totdat sodanige werknemer om die een of ander rede ophou om daardie pos te beklee: Met dien verstande dat indien 'n voordeel ten opsigte van verlof na die inwerkingtreding van hierdie Wet vir so 'n
 40 werknemer bepaal word wat voordeliger is as die voordeel wat hy aldus verkry het, sodanige werknemer vir so 'n voordeliger voordeel in aanmerking kan kom.

(3) (a) Die eerste aanwysing van die lede van die raad geskied so gou doenlik na die inwerkingtreding van hierdie Wet deur die skriftelike voorlegging van die name en adresse van die lede en plaasvervangende lede deur die onderskeie organisasies in artikel 3 (1) van die Wet op die Besoldiging van Stadsklerke, 1984 (Wet No. 115 van 1984), bedoel, aan die Hoof: Staatskundige Ontwikkelingsdiens.

45 (b) Ondanks die bepalings van artikel 6 (1) van die Wet op die Besoldiging van Stadsklerke, 1984, word die eerste vergadering van die raad gehou op die tyd en plek wat die Hoof: Staatskundige Ontwikkelingsdiens bepaal.

55 (c) Die eerste voorsitter en ondervoorsitter van die raad word op dieselfde tyd en wyse as die eerste lede daarvan aangewys.

17. Hierdie Wet heet die Wysigingswet op die Besoldiging van Stadsklerke, 1987. Kort titel.

