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PRESIDENT'S OFFICE

No. 1545.

6 October 1995

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

No. 84 of 1995: Restitution of Land Rights Amendment Act, 1995.

KANTOOR VAN DIE PRESIDENT

No. 1545.

6 Oktober 1995

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

No. 84 van 1995: Wysigingswet op die Herstel van Grondregte, 1995.

GENERAL EXPLANATORY NOTE:

- [** Words in bold type in square brackets indicate omissions from existing enactments.
- _____** Words underlined with a solid line indicate insertions in existing enactments.

ACT

To amend the Restitution of Land Rights Act, 1994, so as to provide for the designation of an acting President of the Land Claims Court; to provide for the appointment of additional and acting judges of the Land Claims Court; and to further regulate the remuneration and conditions of employment of judges of the Land Claims Court; and to provide for matters connected therewith.

(Afrikaans text signed by the President.)
(Assented to 28 September 1995.)

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

Amendment of section 22 of Act 22 of 1994

1. Section 22 of the Restitution of Land Rights Act, 1994 (hereinafter referred to as the principal Act), is hereby amended by the addition of the following subsections: 5

“(7) The President of the Republic shall designate a judge of the Court to act as President of the Court during the absence of the President of the Court.

(8) If there is sufficient reason the President of the Republic may, after consultation with the President of the Court, appoint an additional or acting judge of the Court for such term as the President of the Republic shall determine: Provided that the Minister of Justice, after consultation with the President of the Court, may make such an appointment in respect of a term not exceeding one month. 10

(9) (a) Proceedings in which a judge of the Court has participated and which have not been disposed of at the termination of his or her term of service or, having been disposed of before or after such termination, are reopened, shall be disposed of by that judge. 15

(b) For the purposes of paragraph (a) any appointment made under this section shall be deemed also to have been made for the time in which the proceedings referred to in paragraph (a) are being disposed of.”. 20

Substitution of section 26 of Act 22 of 1994

2. The following section is hereby substituted for section 26 of the principal Act:

ALGEMENE VERDUIDELIKENDE NOTA:

- [] Woorde in vet druk tussen vierkantige hake dui skrapings uit bestaande verordenings aan.
- _____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Wet op Herstel van Grondregte, 1994, ten einde voorsiening te maak vir die aanwysing van 'n waarnemende President van die Grondeishof; voorsiening te maak vir die aanstelling van bykomende en waarnemende regters van die Grondeishof; en die besoldiging en diensvoorwaardes van regters van die Grondeishof verder te reël; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Afrikaanse teks deur die President geteken.)
(Goedgekeur op 28 September 1995.)*

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

Wysiging van artikel 22 van Wet 22 van 1994

1. Artikel 22 van die Wet op Herstel van Grondregte, 1994 (hieronder die
5 Hoofwet genoem), word hierby gewysig deur die volgende subartikels by te voeg:

“(7) Die President van die Republiek wys 'n regter van die Hof aan om waar te neem as President van die Hof tydens die afwesigheid van die Hof se afwesigheid.

- 10 (8) Indien daar voldoende rede bestaan, kan die President van die Republiek, na oorleg met die President van die Hof, 'n bykomende of waarnemende regter van die Hof aanstel vir die termyn wat die President van die Republiek bepaal: Met dien verstande dat die Minister van Justisie, na oorleg met die President van die Hof, sodanige aanstelling kan doen ten opsigte van 'n termyn van hoogstens een maand.

- 15 (9) (a) Verrigtinge waaraan 'n regter van die Hof deelgeneem het en wat by beëindiging van sy of haar dienstermyn nie afgehandel is nie, of wat, nadat dit voor of na sodanige beëindiging afgehandel is, heropen word, word deur daardie regter afgehandel.

- 20 (b) By die toepassing van paragraaf (a) word 'n aanstelling kragtens hierdie artikel gedoen, geag ook gedoen te wees vir die tyd waarin die verrigtinge bedoel in paragraaf (a) afgehandel word.”.

Vervanging van artikel 26 van Wet 22 van 1994

2. Artikel 26 van die Hoofwet word hierby deur die volgende artikel vervang:

“Remuneration and conditions of employment of judges

26. (1) **[A]** The President and a judge of the Court not being a judge of the Supreme Court of South Africa, shall receive such remuneration and shall, subject to section 22(5), be appointed subject to such conditions of employment as **[may be prescribed by or under the Judges' Remuneration and Conditions of Employment Act, 1989 (Act No. 88 of 1989)]** determined by the President of the Republic in consultation with the Judicial Service Commission, and his or her remuneration shall **[subject to the provisions of section 7(4) of the said Act]** not be reduced during his or her **[continuance in office]** term of service. 5 10

(2) The President and a judge of the Court may be paid such allowances for travelling and subsistence expenses incurred by him or her in the performance of his or her functions in terms of this Act as the Minister may determine with the concurrence of the Minister of Finance. 15

(3) The provisions of subsections (1) and (2) shall apply also to a person appointed under section 22(7) and (8).”.

Short title

3. This Act shall be called the Restitution of Land Rights Amendment Act, 20 1995.

“Besoldiging en diensvoorwaardes van regters

5 26. (1) **['n Regter]** Die President en 'n regter van die Hof wat nie
 'n regter van die Hooggeregshof van Suid-Afrika is nie, ontvang die
 besoldiging en word, behoudens artikel 22(5), aangestel onderworpe
10 aan die diensvoorwaardes **[wat by of kragtens die Wet op die
 Besoldiging en Diensvoorwaardes van Regters, 1989 (Wet No. 88 van
 1989), voorgeskryf is]** soos bepaal deur die President van die
 Republiek in oorleg met die Regterlike Dienskommissie, en sy of
 haar besoldiging word nie **[behoudens die bepalinge van artikel 7(4)
 van bedoelde Wet]** tydens sy of haar **[dienstydpersoneel]** diensttermyn
 verminder nie.

15 (2) Die President en 'n regter van die Hof kan die toelaes vir reis-
 en verblyfuitgawes deur hom of haar aangeaan by die verrigting van
 sy of haar werksaamhede ingevolge hierdie Wet betaal word wat die
 Minister met die instemming van die Minister van Finansies bepaal.

 (3) Die bepalinge van subartikels (1) en (2) is ook van toepassing
 op 'n persoon kragtens artikel 22(7) en (8) aangestel.”.

Kort titel

3. Hierdie Wet heet die Wysigingswet op Herstel van Grondregte, 1995.

