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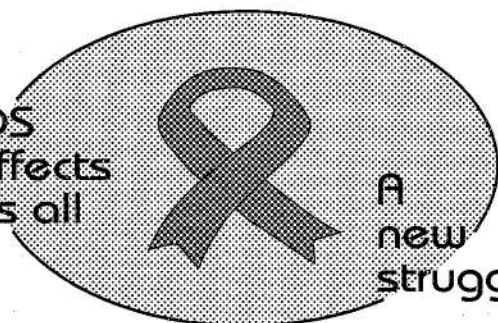
Vol. 422

PRETORIA, 1 AUGUST
AUGUSTUS 2000

No. 21433

We all have the power to prevent AIDS

AIDS
affects
us all



A
new
struggle

Prevention is the cure

**AIDS
HELPUNE**

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DEPARTMENT OF HEALTH

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GENERAL NOTICE

NOTICE 2749 OF 2000

DEPARTMENT OF FINANCE

**PUBLIC FINANCE MANAGEMENT ACT, 1999 (ACT NO 1 OF 1999):
TREASURY REGULATIONS ON GOVERNMENT PAYROLL DEDUCTIONS**

The Minister of Finance intends to enact the draft Treasury Regulation on Government Payroll Deductions ("the Payroll Deduction Regulation") set out in the Schedule. In accordance with section 78 of the Public Finance Management Act, 1999 (Act No 1 of 1999), the Payroll Deduction Regulation is hereby published for public comment.

Comments on the Payroll Deduction Regulation must be submitted no later than 28 August 2000 to:

**The Director-General: National Treasury
Attention: Mr Kuben Naidoo
Private Bag X115
Pretoria
0001**

SCHEDULE

PREAMBLE

WHEREAS in the exercise of the executive authority of the Republic in accordance with section 85(2)(b) of the Constitution of the Republic of South Africa, 1996 (Act No 108 of 1996), on 28 June 2000 the Cabinet made a policy decision on the management of deductions on the government's payroll;

AND

WHEREAS the management of deductions on the government's payroll is a treasury matter and accordingly has to be regulated in terms of the Public Finance Management Act, 1999 (Act No 1 of 1999);

NOW THEREFORE, I, Trevor Andrew Manuel, MP, in my capacity as Minister of Finance and head of the National Treasury, and acting in terms of section 76 of the Public Finance Management Act, 1999, make this Treasury Regulation-

Definitions

1. In this Treasury Regulation, unless the context indicates otherwise, a word or expression to which a meaning has been assigned in the Act, has the same meaning, and-

- (a) **"Act"** means the Public Finance Management Act, 1999 (Act No 1 of 1999);
- (b) **"benefit deduction"** means a deduction on Persal against an employee's salary for the purpose of facilitating the payment of a debt arising from an employee's benefits in terms of his or her conditions of employment or appointment, including payments in respect of a home owner's allowance and the motor finance scheme for senior government employees;
- (c) **"collective agreement deduction"** means a deduction on Persal against an employee's salary arising from a collective agreement entered into in accordance with applicable law;
- (d) **"debt"** means amounts of money owed by an employee to any person;
- (e) **"Director-General"** means the Director-General: National Treasury;

- (f) **"discretionary deduction"** means a deduction on Persal against an employee's salary, other than a benefit deduction, a collective agreement deduction, a State deduction and a statutory deduction;
- (g) **"employee"** means person employed by or appointed to a department or an executive authority, and includes a magistrate contemplated in section 1 of the Magistrate's Act, 1993 (Act No 90 of 1993) and employees of constitutional institutions;
- (h) **"Persal"** means the personnel salary system of government in the national and provincial sphere;
- (i) **"person"** depending on the context, includes reference to the State or any other juristic body;
- (j) **"responsible official"** means an accounting officer contemplated in section 36 of the Act or such other persons to whom that accounting officer has delegated a function to be performed in terms of this Treasury Regulation;
- (k) **"State deduction"** means a deduction on Persal against an employee's salary for the purpose of paying a debt owed to a department or constitutional institution and which is subject to section 34 of the Basic Conditions of Employment Act, 1997 (Act No 75 of 1997);
- (l) **"statutory deduction"** means a deduction on Persal against an employee's salary which is required or permitted in terms of a law, court order or arbitration award.

2. Application

This Regulation applies to all departments and constitutional institutions.

3. Persal Deductions

- (1) Subject to item 5, no employee of a department or constitutional institution or of any agency, company or consultant contracted to operate Persal may, for the purpose of the payment of any debt or any other purpose, process a discretionary deduction with effect from the date of the commencement of this Treasury Regulation.

- (2) Before a benefit deduction, a collective agreement deduction, a state deduction or a statutory deduction is processed on Persal, the responsible official must certify that such deduction is due and that he or she is satisfied that no portion of any such deduction is a discretionary deduction.

4. Non-compliance with this Treasury Regulation constituting misconduct

- (1) Any serious or persistent material non-compliance with the provisions of this Treasury Regulation constitutes misconduct.
- (2) The accounting officer of a department or constitutional institution must, in terms of applicable statutory provisions or other conditions of appointment or employment applicable to any person involved in conduct contemplated in sub-item (1), take disciplinary steps against such person.
- (3) The Director-General or such other person who has been delegated by the Director-General, including an employee of another department or constitutional institution, may, on just cause and despite any other provision of this Treasury Regulation, exclude any person from receiving debt payments through Persal.

5. Transitional Arrangements

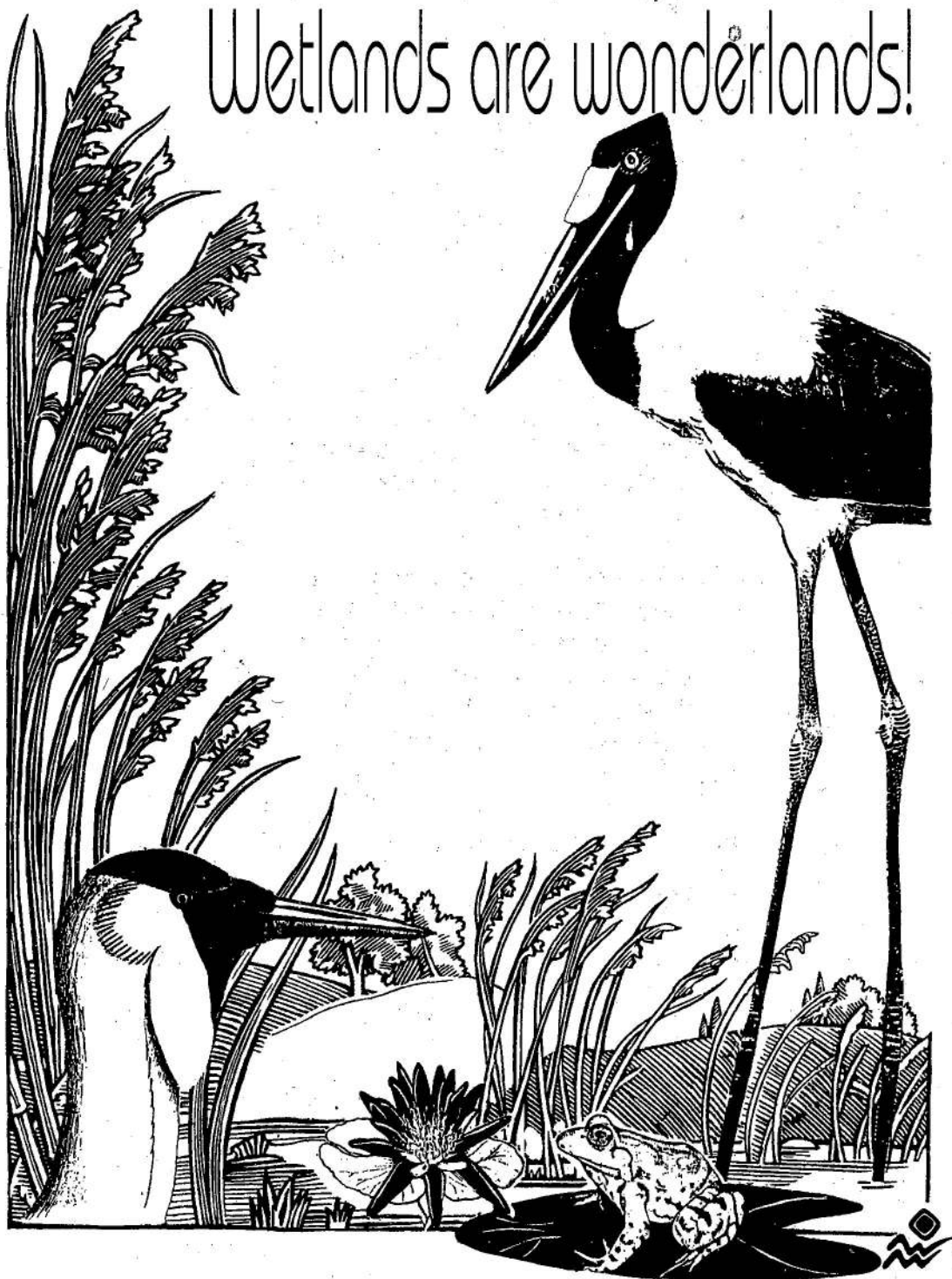
A discretionary deduction which, at the date of commencement of this Treasury Regulation, had been registered on Persal, remains so registered until 30 June 2001 or until such earlier date requested by the employee.

6. Short Title and commencement

This Treasury Regulation shall be called the *Payroll Deduction Regulation, 2000* and takes effect on 1 September 2000.

T A MANUEL, MP
MINISTER OF FINANCE

Wetlands are wonderlands!



Department of Environmental Affairs and Tourism

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