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Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

Vol. 485

Pretoria, 24 November 2005

No. 28257



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GENERAL NOTICES

NOTICE 1303 OF 2005

It is hereby notified that Parliament has, in terms of section 12(1)(a)(ii) of the Magistrates Act, 1993 (Act 90 of 1993), as amended by section 12 of Judicial Officers (Amendment of Conditions of Service) Act, 2003 (Act No 28 of 2003), approved the attached proclamation on annual salaries, allowances or benefits of Magistrates, which is hereby published for general Information.

PROCLAMATION
BY THE
PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA

No. 46, 2005

SALARIES, ALLOWANCES AND BENEFITS OF MAGISTRATES

- 1 In terms of section 12 of the Magistrates Act, 1993, (Act No 90 of 1993); I hereby determine the rate, as contained in the attached Schedule, at which salaries and allowances are payable to Magistrates annually, with effect from 1 April 2005.
- 2 The benefits and allowances payable in terms of this Proclamation shall be subject to the Conditions Applicable to All ranks of Magistrates In Respect of Allowances and Benefits attached hereto.
- 3 Proclamation No. 53 of 2004, published in Government Gazette No 26968 of 5 November 2004, is hereby repealed.

Given under my Hand at **Pretoria** on this **Twenty second** day of **August**, Two thousand and five.

PRESIDENT

CONDITIONS APPLICABLE TO ALL RANKS OF MAGISTRATES IN RESPECT OF ALLOWANCES AND BENEFITS

1. ANNUAL SERVICE BONUS

The service bonus of a magistrate is the service bonus, including the requirements, conditions and circumstances, which are applicable to a deputy director in the Public Service: Provided that the basis of calculation shall be on the magistrate's annual basic salary at the date on which he or she qualifies for payment.

2. MOTOR VEHICLE FINANCING BENEFIT FOR ALL RANKS OF MAGISTRATES

The annual motor vehicle financing benefit of a person occupying a rank of a Magistrate is as set out in the Schedule, payable in twelve monthly instalments on the date on which he or she qualifies for payment of salary, subject to the following conditions:

- a. The motor vehicle financing benefit shall not apply to any magistrate who is not permanently appointed.
- b. A maximum of seventy percent of the motor vehicle financing benefit may be utilized to fund the capital and interest for the purchase or lease of a reliable motor vehicle.
- c. A magistrate shall maintain a reliable motor vehicle to be utilized for official journeys.
- d. A magistrate shall at all times have his or her motor vehicle (or a reliable substitute) available for official journeys.
- e. A chief magistrate or regional court president, or his or her delegate, as the case may be, shall decide whether a magistrate may utilize his or her motor vehicle for any specific official journey(s) or make use of the provisions of public or official transport, taking into account practical implications, cost effectiveness, road conditions etc.
- f. A magistrate shall secure his or her own financing of loans for the purchase or lease of a reliable motor vehicle. Should a magistrate not be able to successfully secure a loan or lease, he or she may

- through the Department apply for a guarantee from the National Treasury in order to secure a loan or lease.
- g. A magistrate shall at his or her own expense obtain and maintain comprehensive insurance on the motor vehicle, and is fully responsible for all running and maintenance costs and the cost of registration and licensing of the motor vehicle.
 - h. A magistrate shall not simultaneously participate in any other Motor Finance Scheme or subsidised motor transport scheme.
 - i. A magistrate who participates in the subsidised motor transport scheme shall not receive the motor vehicle financing benefit until such time that his or her contract under the subsidised motor transport scheme has been terminated at his or her request with the approval of and subject to the conditions that the Director-General: Justice and Constitutional Development may stipulate.
 - j. A magistrate receiving the Motor Car Finance Benefit in terms of Government Notice R.1416 dated 22 December 2000 shall receive the motor vehicle financing benefit as from 1 July 2001 provided that he or she repays to the Department all basic and supplementary allowances received under the Motor Car Financing Benefit since 1 July 2001.
 - k. If a magistrate utilizes his or her motor vehicle to travel for official purposes away from his or her usual place of work, the Department shall reimburse toll fees, and parking fees in excess of R10 per month. The member is responsible for parking fees (if levied) at his or her usual place of work.
 - l. If a magistrate uses his or her motor vehicle to carry out official duties, the Department will compensate the magistrate for kilometers travelled in excess of 500 kilometres per month, according to the tariffs payable for privately owned motor vehicles as prescribed by the Department of Transport.
 - m. Any journey between a magistrate's home and usual place of work constitutes a private journey.

3. HOME OWNER'S AND MEDICAL AID ALLOWANCE

The home owner's and medical aid allowance of a magistrate is the allowance, including the requirements, conditions, circumstances, and basis of calculations, which is applicable to a deputy director in the Public Service as amended from time to time.

SCHEDULE**REMUNERATION OF MAGISTRATES WITH EFFECT FROM 01 APRIL 2005**

DESIGANTION OF OFFICE	SALARY PER ANNUM (R)	MOTOR VEHICLE ALLOWANCE	TOTAL REMUNERATION
Special Grade Chief Magistrate	411 305	126 736	538 041
Regional Court President	411 305	126 736	538 041
Chief Magistrate	332 226	103 484	435 710
Regional Magistrate	332 226	103 484	435 710
Senior Magistrate	300 589	75 147	375 736
Magistrate	273 444	68 361	341 805

NOTICE 1304 OF 2005**AMENDMENT TO PROCLAMATION NO.42, 43, 44, 45 AND 46
AS PUBLISHED IN THE GOVERNMENT GAZETTE NO. 27959
OF 2005**

It is hereby notified that Proclamation No. 42, 43, 44, 45 AND 46 as published in the Government Gazette No.27959 of 2005 are amended as follows:

1. Schedule 2 of Proclamation No. 42, 43 and 44 is amended as follows:

- (a) by adding " House of Chairperson in the National Assembly" under Grade D
- (b) by removing the first "a" from "Chairperson of a Committees of a House of Parliament" under Grade C1
- (c) by adding "Parliamentary Councillor to the King" under Grade A1

2. Schedule 1 of Proclamation No. 44 of 2005 is amended as follows:

- (a) by removing one of the duplicated " Deputy Chief Whip: Majority Party" texts from Grade B

3. Schedule 1 of Proclamation No.45 of 2005 is amended as follows:

- (a) By correcting the salary of Judge President of Labour Court to R 666 170 per annum

4. Proclamation No 46 of 2005 is amended as follows:

- (a) By amending Paragraph 2 under the heading "CONDITIONS APPLICABLE TO ALL RANKS OF MAGISTRATES IN RESPECT OF ALLOWANCES AND BENEFITS" to read as follows " MOTOR VEHICLE BENEFIT FOR ALL RANKS OF MAGISTRATES"

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001
Publications: Tel: (012) 334-4508, 334-4509, 334-4510
Advertisements: Tel: (012) 334-4673, 334-4674, 334-4504
Subscriptions: Tel: (012) 334-4735, 334-4736, 334-4737
Cape Town Branch: Tel: (021) 465-7531

Gedruk deur en verkrygbaar by die Staatsdrukker, Bosmanstraat, Privaatsak X85, Pretoria, 0001
Publikasies: Tel: (012) 334-4508, 334-4509, 334-4510
Advertensies: Tel: (012) 334-4673, 334-4674, 334-4504
Subskripsies: Tel: (012) 334-4735, 334-4736, 334-4737
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