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THE PRESIDENCY

DIE PRESIDENSIE

No. 672.

4 July 2000

No. 672.

4 Julie 2000

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

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

No. 21 of 2000: Remuneration of Public Office Bearers Second Amendment Act, 2000.

No. 21 van 2000: Tweede Wysigingswet op die Besoldiging van Openbare Ampsbekleërs, 2000.

Act No. 21, 2000 REMUNERATION OF PUBLIC OFFICE BEARERS SECOND
AMENDMENT ACT, 2000

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.

(English text signed by the President.)
(Assented to 29 June 2000.)

ACT

To amend the Remuneration of Public Office Bearers Act, 1998, so as to correct a cross-reference in respect of a definition; to make fresh provision regarding the payment of salaries and allowances of traditional leaders holding more than one public office simultaneously and the payment of allowances to traditional leaders; to exempt the Minister from consulting with the pension funds and medical aid schemes concerned when the upper limits of the contributions to the pension funds and medical aid schemes are determined; to provide that a Municipal Council determines the amount of the contribution to a pension fund and medical aid scheme to which its members belong; and to make certain textual alterations; and to provide for matters connected therewith.

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

Amendment of section 1 of Act 20 of 1998

1. Section 1 of the Remuneration of Public Office Bearers Act, 1998 (Act No. 20 of 1998) (hereinafter referred to as the principal Act), is amended by the substitution for the definition of "traditional leader" of the following definition: 5
" "traditional leader" means any person identified in terms of section 5[(4)](5)."

Amendment of section 5 of Act 20 of 1998

2. Section 5 of the principal Act is amended—

(a) by the substitution for subsection (2) of the following subsection: 10

"(2) Despite the provisions of subsection (1), a traditional leader, a member of a provincial House of Traditional Leaders or a member of the National House of Traditional Leaders who holds different public offices simultaneously, is only entitled to the salary, allowances and benefits of the public office for which he or she earns the highest income, but— 15
(a) this subsection shall not preclude the payment of out of pocket expenses for the performance of functions other than those for which such office bearer receives such highest income; and
(b) where only an allowance has been determined in terms of subsection (1) in respect of a traditional leader's membership of a provincial House of Traditional Leaders or the National House of Traditional Leaders, such a traditional leader shall be entitled to such an allowance in addition to his or her salary, allowances and benefits as a traditional leader."; and 20

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(b) by the substitution in subsection (4) for the words "salaries and allowances" of the words "salaries, allowances and benefits".

Amendment of section 7 of Act 20 of 1998

3. The English text of section 7 of the principal Act is amended by the substitution in subsection (2) for the words "Subject to" of the word "Despite".

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Amendment of section 8 of Act 20 of 1998

4. Section 8 of the principal Act is amended by the substitution for subsection (5) of the following subsection:

"(5) (a) The upper limit of the contribution to be made to the pension fund of which a member of a Municipal Council is a member, shall be determined by the Minister [after consultation with the pension fund concerned and] after taking into consideration the recommendations of the Commission. 10

(b) The [Minister] Municipal Council, after consultation with the pension fund concerned, shall determine the amount of the contribution and such amount shall annually form a charge against and be paid from the budget of the municipality concerned." 15

Amendment of section 9 of Act 20 of 1998

5. Section 9 of the principal Act is amended by the substitution for subsection (5) of the following subsection:

"(5)(a) The upper limit of the contribution to be made to the medical aid scheme of which a member of a Municipal Council is a member, shall be determined by the Minister [after consultation with the medical aid scheme concerned and] after taking into consideration the recommendations of the Commission. 20

(b) The [Minister] Municipal Council, after consultation with the medical aid scheme concerned, shall determine the amount of the contribution and such amount shall annually form a charge against and be paid from the budget of the municipality concerned." 25

Substitution of expression in Act 20 of 1998

6. The principal Act is amended by the substitution for the expression "Council of Traditional Leaders", wherever it occurs, of the expression "National House of Traditional Leaders". 30

Short title

7. This Act shall be called the Remuneration of Public Office Bearers Second Amendment Act, 2000.