

11/9/06 pcjustice

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THE PRESIDENCY: REPUBLIC OF SOUTH AFRICA
Private Bag X1000, Pretoria, 0001

23 August 2006

The Speaker of the National Assembly
Parliament
CAPE TOWN
8000

Dear Madam Speaker

REMUNERATION OF MAGISTRATES

Attached hereto please find a copy of a Proclamation in terms of section 12 of the Magistrates Act, 1993 (Act 90 of 1993), which was duly signed by the President on 23 August 2006.

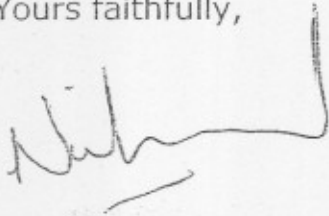
Parliament is required, in terms of section 12(3) of the above Act, to consider the above Proclamation before publication thereof.

We would therefore appreciate if the Proclamation could be tabled in Parliament for urgent consideration, and look forward to receive notification of the required decision in this regard, before publication of the Proclamation.

We have also forwarded a copy, under similar cover, to the Chairperson of the National Council of Provinces.

We trust that you find this in order.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'N. Ulrich', with a long horizontal stroke extending to the right and a vertical stroke at the end.

N. ULRICH
ACTING HEAD: LEGAL AND EXECUTIVE SERVICES

(Z 19E)

81/172488



PRESIDENT'S ACT NO. 260

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 2006.

Given under my Hand at Cape Town on this
23rd day of AUGUST, Two thousand and
six.

A handwritten signature in cursive script that reads "Mabo Mbeki".

PRESIDENT



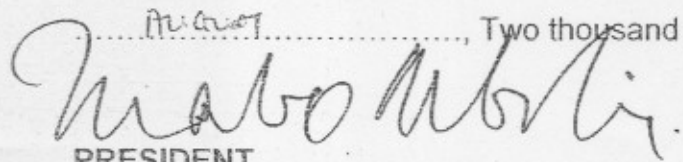
PROCLAMATION
BY THE
PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA
NO.....OF 2006

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 2006.
- 2 Proclamation No. 46, published in Government Gazette No 28257 of 24 November 2005, is hereby repealed.

Given under my Hand at CAPE TOWN on this 23rd day of

August, Two thousand and six.


PRESIDENT

SCHEDULE			
REMUNERATION OF MAGISTRATES WITH EFFECT FROM 01 APRIL 2006			
DESIGANTION OF OFFICE	SALARY PER ANNUM (R)	MOTOR VEHICLE ALLOWANCE	TOTAL REMUNERATION
Special Grade Chief Magistrate	434955	126736	561691
Regional Court President	434955	126736	561691
Chief Magistrate	351329	103484	454813
Regional Magistrate	351329	103484	454813
Senior Magistrate	317873	79468	397341
Magistrate	289167	72292	361459

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

1. APPLICATION

Any reference to "magistrate" in either the Proclamation or these Conditions, refers to all ranks of magistrates who have been permanently appointed in terms of section 9(1) of the Magistrates Court Act, 1944 (Act No. 32 of 1944), read with section 10 of the Magistrates Act, 1993 (Act No. 90 of 1993). These allowances and benefits shall therefore not apply to any magistrate who is not permanently appointed.

2. 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.

3. MOTOR VEHICLE FINANCING BENEFIT FOR ALL RANKS OF MAGISTRATES

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

- a. 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.
- b. A magistrate shall maintain a reliable motor vehicle to be utilized for official journeys.
- c. A magistrate shall at all times have his or her motor vehicle (or a reliable substitute) available for official journeys.
- d. 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), taking into account practical implications, cost effectiveness, road conditions etc.

- e. 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.
- f. 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.
- g. A magistrate shall not simultaneously participate in any other Motor Finance Scheme, subsidised motor transport scheme, or state provided departmental transport scheme.
- h. 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.
- i. 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.
- j. 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.
- k. 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.
- l. Any journey between a magistrate's home and usual place of work, including any travel between residence and the branch court where a particular magistrate usually performs his or her judicial functions, constitutes a private journey.

4. 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.