

pejustice 08/10/22

PRESIDENT

REPUBLIC OF SOUTH AFRICA

21 October 2008

Dear Madam Speaker,

**DETERMINATION OF TOTAL REMUNERATION STRUCTURE OF
CONSTITUTIONAL COURT JUDGES AND JUDGES**

In terms of section 2 of the Judges' Remuneration and Conditions of Employment Act, 2001 (Act 47 of 2001) (the Act) Constitutional Court Judges and Judges are entitled to such salaries, allowances or benefits as determined by the President from time to time by the notice in the Gazette, and approved by Parliament in terms of subsection (4) of the Act.

Attached herewith is a notice as required by section 2 of the Act for the consideration and approval of the National Assembly.

With kind regards



BALEKA MBETE

Ms Gwen Mahlangu-Nkabinde, MP
Speaker of the National Assembly
P.O. Box 15
CAPE TOWN
8000

EXPLATORY MEMORANDUM

In terms of section 2 of the Judges' Remuneration and Conditions of Employment Act, 2001 (Act No 47 of 2001)(the Act), any person who holds office as a Constitutional Court judge or as a judge, whether in an acting or permanent capacity, shall in respect thereof, be paid-

- an annual salary and such allowances, or benefits, as determine by the President; from time to time, by notice in the Gazette, after taking into consideration the recommendations of the Independent Commission for the Remuneration of Public Office-Bearers; and
- approved by Parliament in terms of subsection (4).

Section 4(a) of the Act requires that, a notice issued under subsection (1)(a) to be submitted to Parliament for approval before publication.

The Independent Commission for the Remuneration of the Public Office Bearers has, in its first review report, recommended a total remuneration structure for Constitutional Court Judges and Judges, with effect from 1 April 2008. The recommended total remuneration structure is attached in Schedule 1 of the proclamation.

A President's Act and two letters to Parliament are attached for the Presidents' signature, to facilitate the publication of the President's determination in the Gazette.

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A President's Act and two letters to Parliament are attached for the Presidents' signature, to facilitate the publication of the President's determination in the Gazette.



PRESIDENT'S ACT NO. 407

In terms of section 2 of the Judges' Remuneration and Conditions of Employment Act, 2001 (Act No.47 of 2001), I hereby determine that, with effect from 1 April 2008, the total remuneration structure of the Constitutional Court Judges and Judges shall be as set out in the notice attached hereto.

Given under my Hand at CAPE TOWN..... on this
21ST.....day of OCTOBER....., Two thousand
and eight.


ACTING PRESIDENT



NOTICE

BY THE

PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA

No.2008

TOTAL REMUNERATION STRUCTURE OF CONSTITUTIONAL COURT JUDGES AND JUDGES

- 1 In terms of section 2 of the Judges' Remuneration and Conditions of Employment Act, 2001 (Act No 47 of 2001), I hereby determine that, the total remuneration structure of the positions of office bearers in Column 3 of Schedule 1 shall be as set out in Column 4 of Schedule 1 with effect from 1 April 2008, subject to terms and conditions set out herein.

- 2 The total remuneration structure should include the following elements:
 - 2.1. Basic salary component of (60% of total package), and
 - 2.2. Flexible portion.

- 3 The rules relating to structuring of the total remuneration packages should be similar to those in respect of senior management positions in the public service.

of Employment Act, 2001.

- 5 Proclamation No. 43, published in the Government Gazette No. 30526 of 27 November 2007, is hereby repealed.

Given under my Hand at ...CAPE TOWN... on this ..21ST... day of
.....OCTOBER....., Two thousand and eight.


ACTING PRESIDENT