

pejustice 081022

PRESIDENT

REPUBLIC OF SOUTH AFRICA

21 October 2008

Dear Madam Speaker,

DETERMINATION OF SALARIES AND ALLOWANCES OF MAGISTRATES

In terms of section 12 of the Magistrate Act, 1993 (Act 90 of 1993) (the Act) Magistrates 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 (3) of the Act .

Attached herewith is a notice as required by section 12 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

EXPLANATORY MEMORANDUM

In terms of section 12 of the Magistrates Act, 1993 (Act 90 of 1993) (the Act), magistrates are entitled to such salaries, allowances or benefits-

- as determined 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(3).

Section 3(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 Magistrates, 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.

(Z 19E)

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PRESIDENT'S ACT NO. 406

In terms of section 12 of the Magistrates Act, 1993 (Act No. 90 of 1993), I hereby determine that, with effect from 1 April 2008, the total remuneration structure of the Magistrates 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 MAGISTRATES

- 1 In terms of section 12 of the Magistrates Act, 1993, (Act No 90 of 1993), 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 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:
 - 2.1. Basic salary component of (60% of total package);
 - 2.2. Pension benefit; and
 - 2.3. Flexible portion.

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

4. Proclamation No. 42, 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

SCHEDULE 1			
MAGISTRATES			
Column 1	Column 2	Column 3	Column 4
GRADE	PAY LEVEL	POSITION	TOTAL REMUNERATION 1 APRIL 2008
JD	1	Special Grade Chief Magistrate	853,479
		Regional Court President	853,479
		President: Divorce Court	853,479
JE	1	Regional Magistrate	758,574
		Chief Magistrate	758,574
		Presiding Officer: Divorce Court	758,574
JF	1	Senior Magistrate	625,818
JG	1	Magistrate	568,986