

668 G  
S.589

EXTRAORDINARY



BUITENGEWONE

REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

## STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

Price 10c Prys  
Overseas 15c Oorsee  
POST FREE—POSVRY



Vol. 35.]

CAPE TOWN, 29th MAY, 1968.

[No. 2084.

KAAPSTAD, 29 MEI 1968.

### DEPARTMENT OF THE PRIME MINISTER.

No. 963]

[29th May, 1968.

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

PAGE

|                                                                             |   |
|-----------------------------------------------------------------------------|---|
| No. 48 of 1968: Judges' Remuneration and Pensions Amendment Act, 1968 .. .. | 3 |
| No. 49 of 1968: Payment of Members of Parliament Amendment Act, 1968 .. ..  | 5 |

### DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 963.]

[29 Mei 1968.

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

BLADSY

|                                                                                |   |
|--------------------------------------------------------------------------------|---|
| No. 48 van 1968: Wysigingswet op Besoldiging en Pensioene van Regters, 1968 .. | 4 |
| No. 49 van 1968: Wysigingswet op die Besoldiging van Parlementslede, 1968 ..   | 6 |

EXTRAORDINARY  
BUTENGEWONE  
REPUBLIEK VAN SUID-AFRIKA  
GOVERNMENT GAZETTE

## CONTENTS.

## Department of the Prime Minister.

## GOVERNMENT NOTICE.

| No. |                                                                                 | PAGE |
|-----|---------------------------------------------------------------------------------|------|
| 963 | Act No. 48 of 1968: Judges' Remuneration and Pensions Amendment Act, 1968 .. .. | 3    |
| 963 | Act No. 49 of 1968: Payment of Members of Parliament Amendment Act, 1968 .. ..  | 5    |

## INHOUD.

## Departement van die Eerste Minister.

## GOEWERMENTSKENNISGEWING.

| No. |                                                                                    | BLADSY |
|-----|------------------------------------------------------------------------------------|--------|
| 963 | Wet No. 48 van 1968: Wysigingswet op Besoldiging en Pensioene van Regters, 1968 .. | 4      |
| 963 | Wet No. 49 van 1968: Wysigingswet op die Besoldiging van Parlementslede, 1968 ..   | 6      |



Price 10c  
Overseas 15c  
POST FREE-POSTAL

CAPE TOWN, 29 MAY, 1968

KAAPSTAD, 29 MEI 1968

DEPARTMENT OF THE PRIME MINISTER

DEPARTMENT OF THE PRIME MINISTER

No. 48 of 1968: Judges' Remuneration and Pensions Amendment Act, 1968  
No. 49 of 1968: Payment of Members of Parliament Amendment Act, 1968

No. 48 of 1968: Judges' Remuneration and Pensions Amendment Act, 1968  
No. 49 of 1968: Payment of Members of Parliament Amendment Act, 1968

No. 48, 1968.]

# ACT

To increase the non-taxable and non-pensionable allowances and the pensions payable to judges and for that purpose to amend the Judges' Remuneration and Pensions Act, 1959; to increase the pensions payable to judges who became entitled to the payment of pensions before the first day of April, 1964, and for that purpose to amend the Judges' Salaries and Pensions Amendment Act, 1964.

*(English text signed by the State President.)*

*(Assented to 16th May, 1968.)*

**BE IT ENACTED** by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

1. Section 1 of the Judges' Remuneration and Pensions Act, 1959 (hereinafter referred to as the principal Act), is hereby amended by the substitution for subsection (1) of the following subsection:

Amendment of section 1 of Act 73 of 1959, as substituted by section 2 of Act 5 of 1966.

“(1) Any person who holds office, whether in an acting or permanent capacity, as Chief Justice of South Africa, judge of appeal of the Appellate Division of the Supreme Court of South Africa or judge president or judge of a provincial or local division of the said court, shall be paid monthly in respect thereof a salary at the rate specified in the second column of the First Schedule opposite the designation of the office in which he serves and, in addition to the allowances referred to in section 4, a non-pensionable allowance at the rate of two thousand seven hundred rand per annum.”.

2. (1) Section 3 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

Amendment of section 3 of Act 73 of 1959, as substituted by section 1 of Act 20 of 1964.

“(2) Such person shall be paid monthly at the rate of twenty per cent per annum of the annual salary attaching at the time of such person's retirement or removal from office, as the case may be, to the office then held by him in a permanent capacity and, in respect of every full year (if any) by which his period of continuous service referred to in subsection (1) exceeds five years, a further four per cent per annum of that salary: Provided that the annual amount of such pension shall not exceed an amount equal to sixty per cent of the said salary.

(2) The provisions of subsection (1) shall also apply in respect of any person who has retired from office in terms of section 2 of the principal Act on or after the first day of April, 1964.”.

3. Section 1 of the Judges' Salaries and Pensions Amendment Act, 1964, is hereby amended by the substitution for the proviso to subsection (2) of the following proviso:

Amendment of section 1 of Act 20 of 1964.

“Provided that the annual amount of the said pension paid to any such person shall be increased by one thousand rand with effect from the first day of April, 1968.”.

4. This Act shall be called the Judges' Remuneration and Pensions Amendment Act, 1968, and shall be deemed to have come into operation on the first day of April, 1968.

Short title.

No. 48, 1968.]

## WET

Om die nie-belastbare en nie-pensioengewende toelaes en die pensioene betaalbaar aan regters te verhoog en om vir dié doel die Wet op Besoldiging en Pensioene van Regters, 1959, te wysig; om die pensioene betaalbaar aan regters wat voor die eerste dag van April 1964 op die betaling van pensioene geregtig geword het, te verhoog en om vir dié doel die Wysigingswet op Salarisse en Pensioene van Regters, 1964, te wysig.

(Engelse teks deur die Staatspresident geteken.)  
(Goedgekeur op 16 Mei 1968.)

**D**AAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Wysiging van  
artikel 1 van  
Wet 73 van 1959,  
soos vervang deur  
artikel 2 van  
Wet 5 van 1966.

1. Artikel 1 van die Wet op Besoldiging en Pensioene van Regters, 1959 (hieronder die Hoofwet genoem), word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Aan iemand wat die amp van Hoofregter van Suid-Afrika, appèlregter van die Appèlafdeling van die Hooggeregshof van Suid-Afrika of regter-president of regter van 'n provinsiale of plaaslike afdeling van genoemde hof bekleë, hetsy in 'n waarnemende of permanente hoedanigheid, word ten opsigte daarvan maandeliks 'n salaris betaal teen die skaal vermeld in die tweede kolom van die Eerste Bylae teenoor die naam van die amp waarin hy diens doen en, benewens die in artikel 4 bedoelde toelaes, 'n nie-pensioengewende toelae teen die skaal van tweeduisend sewehonderd rand per jaar.”

Wysiging van  
artikel 3 van Wet  
73 van 1959,  
soos vervang  
deur artikel 1  
van Wet 20 van  
1964.

2. (1) Artikel 3 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Sodanige pensioen moet maandeliks betaal word teen die skaal van twintig persent per jaar van die jaarlikse salaris wat ten tyde van sodanige persoon se aftreding of ontheffing van sy amp, na gelang van die geval, verbonde is aan die amp wat hy dan in 'n permanente hoedanigheid bekleë en, ten opsigte van elke volle jaar (indien daar is) waarmee sy tydperk van ononderbroke diens in subartikel (1) vermeld, vyf jaar oorskry, 'n verdere vier persent per jaar van daardie salaris: Met dien verstande dat die jaarlikse bedrag van sodanige pensioen nie 'n bedrag gelyk aan sestig persent van die gemelde salaris oorskry nie.

(2) Die bepalings van subartikel (1) is ook van toepassing op iemand wat op of na die eerste dag van April 1964 ingevolge artikel 2 van die Hoofwet afgetree het.”

Wysiging van  
artikel 1  
van Wet 20  
van 1964.

3. Artikel 1 van die Wysigingswet op Salarisse en Pensioene van Regters, 1964, word hierby gewysig deur die voorbehoudsbepaling by subartikel (2) deur die volgende voorbehoudsbepaling te vervang:

„Met dien verstande dat die jaarlikse bedrag van bedoelde pensioen wat aan so iemand betaal word, vanaf die eerste dag van April 1968 met eenduisend rand verhoog word.”

Kort titel.

4. Hierdie Wet heet die Wysigingswet op Besoldiging en Pensioene van Regters, 1968, en word geag op die eerste dag van April 1968 in werking te getree het.

No. 49, 1968.]

## ACT

**To amend the provisions of section 2 of the Payment of Members of Parliament Act, 1961, in order to increase the allowances payable to members of Parliament.**

*(Afrikaans text signed by the State President.)*  
*(Assented to 21st May, 1968.)*

**BE IT ENACTED** by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

- 1.** The following section is hereby substituted for section 2 of the Payment of Members of Parliament Act, 1961:
- “Allowances of members. 2.** (1) In addition to the salaries provided for in section 1, there shall, subject to the provisions of subsections (3) and (5), be payable, out of moneys appropriated by Parliament for the purpose—
- (a) to every member of the Senate (other than a Minister or a deputy to a Minister or the President of the Senate)—
- (i) during any period when Parliament is in session, a session allowance at a rate not exceeding eleven rand per day, except in the case of a member to whom such allowance is not payable in terms of a determination by the President of the Senate under subsection (5), in which case there may be paid to such member, subject to such conditions as the said President may determine, an allowance equal to the recess allowance prescribed in subparagraph (ii); and
- (ii) during any period when Parliament is not in session, a recess allowance at a rate not exceeding six rand per day; and
- (b) to every member of the House of Assembly (other than a Minister or a deputy to a Minister or the Speaker of the House of Assembly), an allowance at a rate not exceeding eleven rand per day.
- (2) For the purposes of subsection (1), Parliament shall, in the event of its being prorogued on any day other than the last day of any of the twelve months in any calendar year, be deemed to be in session until the last day of the month in which it is so prorogued.
- (3) Notwithstanding anything contained in subsection (1), but subject to the provisions of subsection (4), a member of any House of Parliament who in any session of Parliament fails to attend the first or the last sitting of that House, shall not be entitled to any of the allowances referred to in subsection (1), but may in the discretion of and subject to such conditions as may be determined by the President of the Senate or the Speaker of the House of Assembly, as the case may be, be paid such an amount, if any, as the said President or Speaker may direct—

Substitution  
of section 2 of  
Act 58 of 1961,  
as amended by  
section 1 of  
Act 48 of 1966.

## WET

### Tot wysiging van die bepalings van artikel 2 van die Wet op die Betaling van Parlementslede, 1961, ten einde die toelaes aan Parlementslede betaalbaar, te verhoog.

(Afrikaanse teks deur die Staatspresident geteken.)  
(Goedgekeur op 21 Mei 1968.)

**DAAR WORD BEPAAL** deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Vervanging van artikel 2 van Wet 58 van 1961, soos gewysig deur artikel 1 van Wet 48 van 1966.

1. Artikel 2 van die Wet op die Betaling van Parlementslede, 1961, word hierby deur die volgende artikel vervang:

„Toelaes van lede.

2. (1) Benewens die salarisse waarvoor in artikel 1 voorsiening gemaak word, is daar, behoudens die bepalings van subartikels (3) en (5), uit gelde wat vir dié doel deur die Parlement bewillig word, betaalbaar—

(a) aan elke lid van die Senaat (behalwe 'n Minister of 'n plaasvervanger van 'n Minister of die President van die Senaat)—

(i) gedurende enige tydperk wanneer die Parlement in sessie is, 'n sessietoelae teen 'n skaal van hoogstens elf rand per dag behalwe in die geval van 'n lid aan wie hierdie toelae ingevolge 'n bepaling deur die President van die Senaat kragtens subartikel (5) nie betaalbaar is nie, in watter geval daar aan so 'n lid 'n toelae gelyk aan die reses-toelae in subparagraaf (ii) voorgeskryf, onderworpe aan die voorwaardes wat bedoelde President bepaal, betaal kan word; en

(ii) gedurende enige tydperk wanneer die Parlement nie in sessie is nie, 'n reses-toelae teen 'n skaal van hoogstens ses rand per dag; en

(b) aan elke lid van die Volksraad (behalwe 'n Minister of 'n plaasvervanger van 'n Minister of die Speaker van die Volksraad) 'n toelae teen 'n skaal van hoogstens elf rand per dag.

(2) By die toepassing van subartikel (1) word die Parlement ingeval hy op 'n ander dag as die laaste dag van enige van die twaalf maande in 'n kalenderjaar geprorogeer word, geag in sessie te wees tot die laaste dag van die maand waarin hy aldus geprorogeer word.

(3) Ondanks enigiets in subartikel (1) vervat, maar behoudens die bepalings van subartikel (4), is 'n lid van 'n Huis van die Parlement wat in enige sessie van die Parlement versuim om die eerste of die laaste sitting van daardie Huis by te woon, nie op enige van die in subartikel (1) bedoelde toelaes geregtig nie, maar kan daar aan hom na goeddunke van en onderworpe aan die voorwaardes bepaal deur die President van die Senaat of die Speaker van die Volksraad (na

- (a) in the case of a failure to attend the first sitting of the House in question, in respect of the period commencing on the date of that sitting and ending on the day immediately preceding the first day in the session concerned on which he attends a sitting of that House; and
  - (b) in the case of a failure to attend the last sitting of the House in question, in respect of the period commencing on the day immediately following the date of the last sitting of that House which he actually attended and ending on the last day of the relevant session.
- (4) Where a member of any House of Parliament has failed to attend any sitting referred to in subsection (3) and—
- (a) in the case of a member of the Senate, the President of the Senate; or
  - (b) in the case of a member of the House of Assembly, the Speaker of the House of Assembly,
- is satisfied that the failure so to attend was due to the illness of the member in question or some other satisfactory reason, the said President or Speaker may in his discretion, direct that the provisions of that subsection shall not be applied or shall be applied only in respect of a specified portion of the period referred to in that subsection, as he may in the circumstances consider equitable.
- (5) The allowances referred to in subsection (1) shall be payable subject to such conditions as may be determined, in the case of a member of the Senate, by the President of the Senate, and in the case of a member of the House of Assembly, by the Speaker of the House of Assembly.
- (6) The amount of any allowance paid in terms of this section shall, for the purposes of any law, be deemed to have been received by the person concerned from employment in the public service and to represent a payment made to meet expenditure incurred by him in connection with the discharge of his official duties.”.

2. This Act shall be called the Payment of Members of Short title and Parliament Amendment Act, 1968, and shall be deemed to have commencement. come into operation on the first day of April, 1968.

gelang van die geval) 'n bedrag (as daar is) betaal word wat bedoelde President of Speaker gelas—

(a) in die geval van versuim om die eerste sitting van die betrokke Huis by te woon, ten opsigte van die tydperk wat begin op die datum van daardie sitting en eindig op die dag onmiddellik voorafgaande aan die eerste dag in die betrokke sessie waarop hy 'n sitting van daardie Huis bywoon; en

(b) in die geval van versuim om die laaste sitting van die betrokke Huis by te woon, ten opsigte van die tydperk wat begin op die dag onmiddellik na die datum van die laaste sitting van daardie Huis wat hy werklik bygewoon het en eindig op die laaste dag van die betrokke sessie.

(4) Waar 'n lid van 'n Huis van die Parlement versuim het om 'n in subartikel (3) bedoelde sitting by te woon, en—

(a) in die geval van 'n lid van die Senaat, die President van die Senaat; of

(b) in die geval van 'n lid van die Volksraad, die Speaker van die Volksraad,

oortuig is dat die versuim om aldus by te woon te wyte was aan dié lid se siekte of 'n ander genoegsame rede, kan bedoelde President of Speaker na goeddunke gelas dat die bepalings van daardie subartikel nie toegepas word nie of slegs ten opsigte van 'n gemelde deel van die in daardie subartikel bedoelde tydperk toegepas word, na gelang hy onder die omstandighede billik ag.

(5) Die in subartikel (1) bedoelde toelaes is betaalbaar onderworpe aan die voorwaardes wat, in die geval van 'n lid van die Senaat, deur die President van die Senaat, en in die geval van 'n lid van die Volksraad, deur die Speaker van die Volksraad, bepaal word.

(6) Die bedrag van 'n toelae wat ingevolge hierdie artikel betaal word, word by die toepassing van enige wetsbepaling geag deur die betrokke persoon ontvang te wees vir diens in die staatsdiens en 'n betaling uit te maak wat gedoen is ter bestryding van uitgawe wat deur hom in verband met die uitvoering van sy ampspligte aangegaan is.”

Kort titel en  
inwerkingtreding.

2. Hierdie Wet heet die Wysigingswet op die Betaling van Parlementslede, 1968, en word geag op die eerste dag van April 1968 in werking te getree het.