



REPUBLIEK VAN SUID-AFRIKA

# STAATSKOERANT

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# GOVERNMENT GAZETTE

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## KANTOOR VAN DIE STAATSPRESIDENT

No. 1775.

1 Julie 1992

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

No. 88 van 1992: Wysigingswet op die Betaling van Parlementslede, 1992.

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## STATE PRESIDENT'S OFFICE

No. 1775.

1 July 1992

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

No. 88 of 1992: Payment of Members of Parliament Amendment Act, 1992.

## ALGEMENE VERDUIDELIKENDE NOTA:

[ ] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.

\_\_\_\_\_ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

# WET

Tot wysiging van die Wet op die Betaling van Parlementslede, 1974, ten einde die voorskrifte vir die bepaling van die salarisse van Parlementslede ook van toepassing te maak op die bepaling van ander voordele wat hulle kan ontvang; en om vir bykomstige aangeleenthede voorsiening te maak.

*(Engelse teks deur die Staatspresident geteken.)  
(Goedgekeur op 18 Junie 1992.)*

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

Wysiging van artikel 1 van Wet 40 van 1974, soos gewysig deur artikel 13 van Wet 101 van 1979, artikel 11 van Wet 93 van 1983, artikel 1 van Wet 94 van 1984 en artikel 3 van Wet 93 van 1987

1. (1) Artikel 1 van die Wet op die Betaling van Parlementslede, 1974 (hieronder die Hoofwet genoem), word hierby gewysig—

(a) deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

“(a) **[Daar is aan]** Ampsdraers en lede van die Parlement word die salarisse betaal, en kan die toelaes **[betaalbaar]** en ander ampsvoordele ontvang, wat die Staatspresident van tyd tot tyd bepaal.”;

(b) deur paragraaf (c) en (d) van subartikel (1) te skrap;

(c) deur paragraaf (e) van subartikel (1) deur die volgende paragraaf te vervang:

“(e) Ondanks die bepalings van paragraaf (a)—

(i) kan **[daar aan]** 'n bepaalde ampsdraer die salaris **[en toelae betaal word]**, toelaes of ander ampsvoordele ontvang wat die Staatspresident van tyd tot tyd in sy geval bepaal;

(ii) is 'n ampsdraer wat verskillende ampte gelyktydig beklee, geregtig op 'n salaris en **[toelae]** op toelaes en ander ampsvoordele, as daar is, slegs ten opsigte van daardie een van die betrokke ampte wat die hoogste salaris dra;

(iii) is geen salaris **[of]**, toelae of ander ampsvoordeel ingevolge hierdie Wet betaalbaar of verskuldig aan 'n ampsdraer wat 'n Minister of 'n Adjunk-minister is nie.”;

(d) deur subartikel (3) deur die volgende subartikel te vervang:

(3) **[Die toelaes]** 'n Toelae of ander ampsvoordeel is betaalbaar of

## 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.

# ACT

To amend the Payment of Members of Parliament Act, 1974, so as to apply the provisions for the determination of the salaries of members of Parliament also to the determination of any other benefits of office that they may receive; and to provide for incidental matters.

*(English text signed by the State President.)*  
*(Assented to 18 June 1992.)*

**B**E IT ENACTED by the State President and the Parliament of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 40 of 1974, as amended by section 13 of Act 101 of 1979, section 11 of Act 93 of 1983, section 1 of Act 94 of 1984 and section 3 of Act 93 of 1987

1. (1) Section 1 of the Payment of Members of Parliament Act, 1974 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:

10       “(a) **[There shall be payable to]** Office-bearers and members of Parliament shall be paid such salaries, and may receive such allowances and other benefits of office, as may from time to time be determined by the State President.”;

(b) by the deletion of paragraphs (c) and (d) of subsection (1);

15       (c) by the substitution for paragraph (e) of subsection (1) of the following paragraph:

      “(e) Notwithstanding the provisions of paragraph (a)—

20           (i) any particular office-bearer may **[be paid]** receive such salary [and allowance], allowances or other benefits of office as the State President may in his case determine from time to time;

      (ii) an office-bearer who holds different offices at the same time is entitled to a salary and **[allowance]** to allowances and other benefits of office, if any, only in respect of that one of the offices in question which bears the highest salary;

25           (iii) no salary, **[or]** allowance or other benefit of office is payable or due under this Act to an office-bearer who is a Minister or a Deputy Minister.”;

30       (d) by the substitution for subsection (3) of the following subsection:

      “(3) **[The allowances]** An allowance or other benefit of office

Wet No. 88, 1992 WYSIGINGSWET OP DIE BETALING VAN PARLEMENTSLEDE, 1992

verskuldig onderworpe aan die voorwaardes en vereistes wat deur die **[Speaker]** Staatspresident ten opsigte daarvan bepaal word.”; en

(e) deur subartikel (4) deur die volgende subartikel te vervang:

“(4) (a) Paragraaf (d) van artikel 8 (1) van die Inkomstebelastingwet, 1962 (Wet No. 58 van 1962), is op dié gedeelte van die salaris van ’n lid of ampsdraer wat die Staatspresident bepaal van toepassing asof dié gedeelte ’n toelae was wat aan die lid of ampsdraer toegeken is soos in daardie paragraaf bedoel.

(b) Verskillende gedeeltes kan kragtens paragraaf (a) ten opsigte van verskillende salarisse bepaal word.”.

(2) Toelaes, reiskonsessies en ander ampsvoordele vir Parlementslede wat te eniger tyd voor die inwerkingtreding van subartikel (1) van hierdie artikel gemagtig is in steun op artikel 31 van die Wet op die Bevoegdhede en Voorregte van die Parlement, 1963 (Wet No. 91 van 1963), en die voorwaardes en vereistes van toepassing op so ’n toelae, konsessie of voordeel, word geag bepaal te gewees het kragtens artikel 1 van die Hoofwet, soos deur subartikel (1) van hierdie artikel gewysig.

**Vervanging van artikel 3 van Wet 40 van 1974, soos vervang deur artikel 3 van Wet 94 van 1984**

2. Artikel 3 van die Hoofwet word hierby deur die volgende artikel vervang:

**“Betaling van salarisse en toelaes**

3. Met inagneming van die verbeurde bedrae, as daar is, en, in die geval van ’n bepaalde toelae, tensy dit onvanpas is, betaal die Sekretaris van die Parlement aan elke lid van die Parlement in maandelikse paaieimente die salaris en **[toelae]** toelaes waarop die lid kragtens hierdie Wet geregtig is, en die eerste maand word gereken vanaf die datum met ingang waarvan hy so ’n lid geword het.”.

**Vervanging van artikel 4 van Wet 40 van 1974**

3. Artikel 4 van die Hoofwet word hierby deur die volgende artikel vervang:

**“Vordering teen Staatsinkomstefonds**

4. Die bedrag wat ten opsigte van **[die]** salarisse, **[en]** toelaes en ander ampsvoordele **[wat]** kragtens hierdie Wet betaalbaar is, maak ’n jaarlikse vordering teen die **[Gekonsolideerde Inkomstefonds]** Staatsinkomstefonds uit, en die bepaling van hierdie artikel word geag ’n bewilliging van elke sodanige bedrag te wees.”.

**Kort titel**

4. Hierdie Wet heet die Wysigingswet op die Betaling van Parlementslede, 1992.

## PAYMENT OF MEMBERS OF PARLIAMENT AMENDMENT ACT, 1992 Act No. 88, 1992

shall be payable or due subject to such conditions and requirements as may be determined in respect thereof by the [Speaker] State President.”; and

(e) by the substitution for subsection (4) of the following subsection:

“(4) (a) Paragraph (d) of section 8 (1) of the Income Tax Act, 1962 (Act No. 58 of 1962), shall apply to such portion of the salary of a member or an office-bearer as the State President may determine, as if such portion were an allowance granted to the member or office-bearer as contemplated in that paragraph.

(b) Different portions may be determined under paragraph (a) in respect of different salaries.”.

(2) Allowances, travelling concessions and other benefits of office for members of Parliament authorized in reliance upon section 31 of the Powers and Privileges of Parliament Act, 1963 (Act No. 91 of 1963), at any time before the commencement of subsection (1) of this section, and the conditions and requirements applicable to such an allowance, concession or benefit, shall be deemed to have been determined under section 1 of the principal Act, as amended by subsection (1) of this section.

**Substitution of section 3 of Act 40 of 1974, as substituted by section 3 of Act 94 of 1984**

2. The following section is hereby substituted for section 3 of the principal Act:

**“Payment of salaries and allowances**

3. Subject to the deductions incurred, if any, and, in the case of any particular allowance, unless it is inappropriate, the Secretary to Parliament shall pay to every member of Parliament the salary and [allowance] allowances to which such member is entitled under this Act in monthly instalments, the first month to be reckoned from the date with effect from which he became such a member.”.

**30 Substitution of section 4 of Act 40 of 1974**

3. The following section is hereby substituted for section 4 of the principal Act:

**“Charge to State Revenue Fund**

4. The amount [of the] payable in respect of salaries, [and] allowances [payable] and other benefits of office under this Act shall be charged annually to the [Consolidated] State Revenue Fund, and the provisions of this section shall be deemed to be an appropriation of every such amount.”.

**Short title**

4. This Act shall be called the Payment of Members of Parliament Amendment Act, 1992.

