

No. 44,2005**UPPER LIMITS OF THE SALARIES AND ALLOWANCES OF PREMIERS, MEMBERS OF THE EXECUTIVE COUNCILS AND MEMBERS OF PROVINCIAL LEGISLATURES**

- 1 In terms of section **6(1)** of the Remuneration of Public Office Bearers Act, **1998** (Act **No 20** of **1998**) (hereafter referred to as "the Act"), I **hereby** determine that the annual salaries and allowances of the various grades of office bearers in **Column 1** of Schedule 1 shall be as set out in Columns 2, 3 and 4 of Schedule 1 with **effect** from 1 April 2005 subject to section **4(2)-(7)** of the Act.
- 2 **Column 4 of Schedule 1 (Notch 3)** applies to a **re-elected** member who has occupied **his or her current** office, or an office in the **same or a higher grade** according to **Column 1 of Schedule 2**, for a period of **at least 24 months in total**, whether before or after 14 April 2004.
- 3 Column 3 of Schedule 1 (Notch 2) **applies to all** re-elected members other than those referred to in paragraph (2). When a re-elected member to whom **Column 3 applies** has held **his or her current** office, or an office in the **same or a higher grade** according to Column 1, for a period of 24 months in total, Column **4** becomes applicable to that member.
- 4 Column 2 of Schedule 1 applies to all members of the Premiers, Members of Executive Councils and Members of the Provincial Legislatures who are **not re-elected** members.
- 5 For the purpose of calculating the period of 24 months referred to in paragraphs (2) and (3), a re-elected member who-

(ii) **was a Minister, Deputy Minister or a member of Parliament or of a Provincial Legislature on 13 April 2004, and**

- (iii) pursuant to the election of 14 April 2004 was, in **the case of a** Minister or Deputy Minister, appointed by **the** President **as a** Minister or Deputy Minister in terms of section **91(3)(c)** or section **93(b)**, respectively, of the Constitution of the Republic of **South Africa, 1996** (Act No.108 of 1996) , or in the case of a member of **the** National Assembly or a Provincial Legislature, was designated by the Electoral Commission as a member of the National Assembly or of a Provincial Legislature, or, in the Case of a **Permanent Delegate to the** National Council of Provinces, was designated by **the** Electoral Commission **as such** in **terms of section 61(2)(b)** of the Constitution,

is regarded to have continued to occupy the position occupied by him or her on 13 April 2004 until so designated or appointed,

6. In this Proclamation-

- (i) "Member of Parliament" **means a member** of the National Assembly or a permanent **delegate** to the National Council of Provinces,
- (a) **who** at any time before 14 April 2004 occupied an office in Column 2 of Schedule 2 and
- (b) whose service in any one **or more** of those offices has not been **interrupted in any time** for a continuous period of more **than 24 months.**
- (iii) The appointment of a person by the President as a Minister or Deputy Minister from outside the National Assembly shall deemed to be the election of such a person for purposes of this Proclamation.

7. In terms of section **4(3)** of **the** Remuneration of Public Office Bearers Act, I further determine the amount of R40 000, 00 per annum as that portion of the remuneration of the **Deputy** President, Ministers and Deputy Ministers to which section **8(1)(d)** of **the** Income Tax Act, 1962 (Act **No 58** of 1962) , applies

8. Proclamation No.54 of 2004, published in the Government Gazette No. 26968 of 5 November 2004, is hereby repealed.

Given under my Hand at Pretoria on this Twenty-second day of August, Two Thousand and Five.


PRESIDENT

