

## DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. R. 3690

21 July 2023

**JUDGES REMUNERATION AND CONDITIONS OF EMPLOYMENT ACT, 2001:  
AMENDMENT OF REGULATIONS**

The President has under section 13 of the Judges' Remuneration and Conditions of Employment Act, 2001 (Act No. 47 of 2001), made the regulations in the Schedule.

**SCHEDULE****Definitions**

1. In this Schedule—

"President" means the President of the Republic of South Africa; and

"Regulations" means the regulations published under Government Notice No. R. 894 of 5 July 2002, as amended by Government Notices No. R. 1594 of 10 December 2003, R. 250 of 22 March 2005, R. 415 of 29 April 2005 and No. R. 43 of 22 January 2009.

**Substitution of regulation 3 of the Regulations**

2. Regulation 3 of the Regulations is hereby substituted for the following regulation:

**"3. Vacation leave**

(1) A Constitutional Court judge or a judge is entitled to vacation leave for a period of three and a half months for every period of four years' actual service completed by the Constitutional Court judge or judge, or for a shorter period and subject to such conditions as may, in any particular case, be deemed fit by the person granting the vacation leave in terms of this regulation.

(2) The Deputy Chief Justice approves leave of the Chief Justice.

(3) The Chief Justice may grant vacation leave to the Deputy Chief Justice, a Constitutional Court judge, the President of the Supreme Court of Appeal, or a Judge President of a division of the High Court.

(4) (a) The President of the Supreme Court of Appeal may grant vacation leave to the Deputy President of the Supreme Court of Appeal or a judge of the Supreme Court of Appeal.

(b) The Deputy President of the Supreme Court of Appeal may grant leave to the President of the Supreme Court of Appeal.

(c) The President of the Supreme Court of Appeal must inform the Chief Justice of any vacation leave granted in terms of paragraph (a).

(5) (a) A Judge President of a division of the High Court may grant vacation leave to a Deputy Judge President of a division of the High Court or a judge in the division of the High Court under the control of such Judge President.

(b) The Deputy Judge President of a division of the High Court may grant leave to the Judge President of the High Court or a judge in the division of the High Court under the control of such Judge President.

(c) The Judge President must inform the Chief Justice of any leave granted in terms of paragraph (a).

(6) Vacation leave referred to in subregulation (5) shall, in the case of a judge of a provincial or local division, be taken in such a way that it does not extend over more than one term of that division, except with the consent of the Judge President concerned.

(7) Where vacation leave is taken for a full term, the remainder of the available vacation leave of that leave cycle should, unless otherwise approved, be taken during the following term of the court, as may, in any particular case, be deemed fit by the person granting the vacation leave in terms of this regulation.”.

### **Substitution of regulation 4 of the Regulations**

3. Regulation 4 of the Regulations is hereby substituted for the following regulation:

#### **“4. Additional Leave**

(1) If a Constitutional Court judge or judge in writing waives his or her right to unreduced remuneration in terms of section 176(3) of the Constitution of the Republic of South Africa, 1996, he or she may be granted additional leave on half pay for a period not exceeding one and a half months by the Chief Justice, the President of the Supreme Court of Appeal or the Judge President concerned, as the case may be.

(2) The Deputy Chief Justice grants leave to the Chief Justice;

(3) The Chief Justice may grant additional leave to the Deputy Chief Justice, a Constitutional Court judge, the President of the Supreme Court of Appeal or a Judge President of a division of the High Court.

(4) (a) The President of the Supreme Court of Appeal may grant additional leave to the Deputy President of the Supreme Court of Appeal or a judge of the Supreme Court of Appeal.

(b) The Deputy President of the Supreme Court of Appeal may grant additional leave to the President of the Supreme Court of Appeal or a judge of the Supreme Court of Appeal.

(c) The President of the Supreme Court of Appeal must inform the Chief Justice of any additional leave granted in terms of paragraph (a).

(5) (a) A Judge President of a division of the High Court may grant additional leave to a Deputy Judge President of a division of the High Court or a judge in the division of the High Court under the control of such Judge President.

(b) The Deputy Judge President of a division of the High Court may grant additional leave to the Judge President of the High Court or a judge in the division of the High Court under the control of such Judge President.

(c) The Judge President must inform the Chief Justice of any additional leave granted in terms of paragraph (a).”.

#### **Amendment of regulation 5 of the Regulations**

4. Regulation 5 of the Regulations is hereby substituted for the following regulation:

##### **“5. Special Leave**

(1) In exceptional circumstances leave for which no provision has been made in these regulations can be granted in a specific case, on such conditions as might be deemed necessary, whether it be leave with full remuneration or leave with reduced or no remuneration: Provided that the Constitutional Court judge or judge concerned has, in the case of leave with reduced remuneration or leave without remuneration, in writing waived his or her right to unreduced remuneration in terms of section 176(3) of the Constitution of the Republic of South Africa, 1996.

(2) The Deputy Chief Justice grants leave to the Chief Justice;

(3) The Chief Justice may grant special leave to the Deputy Chief Justice, a Constitutional Court judge, the President of the Supreme Court of Appeal or a Judge President of a division of the High Court.

(4) (a) The President of the Supreme Court of Appeal may grant special leave to the Deputy President of the Supreme Court of Appeal or a judge of the Supreme Court of Appeal.

(b) The Deputy President of the Supreme Court of Appeal may grant special leave to the President of the Supreme Court of Appeal or a judge of the Supreme Court of Appeal.

(c) The President of the Supreme Court of Appeal must inform the Chief Justice of any special leave granted in terms of paragraph (a).

(5) (a) A Judge President of a division of the High Court may grant special leave to a Deputy Judge President of a division of the High Court or a judge in the division of the High Court under the control of such Judge President.

(b) The Deputy Judge President of a division of the High Court may grant special leave to the Judge President of the High Court or a judge in the division of the High Court under the control of such Judge President.

(c) The Judge President must inform the Chief Justice of any special leave granted in terms of paragraph (a).”.

### **Substitution of regulation 6 of the Regulations**

5. Regulation 6 of the Regulations is hereby substituted for the following regulation:

#### **“6. Sick leave**

(1) If, according to a certificate of a medical practitioner, it appears that owing to illness a Constitutional Court judge or judge cannot perform his or her duties for a specified period, he or she may be granted sick leave for that period.

(2) The Deputy Chief Justice grants leave to the Chief Justice;

(3) The Chief Justice may grant sick leave to the Deputy Chief Justice, a Constitutional Court judge, the President of the Supreme Court of Appeal or a Judge President of a division of the High Court.

(4) (a) The President of the Supreme Court of Appeal may grant sick leave to the Deputy President of the Supreme Court of Appeal or a judge of the Supreme Court of Appeal.

(b) The Deputy President of the Supreme Court of Appeal may grant sick leave to the President of the Supreme Court of Appeal or a judge of the Supreme Court of Appeal.

(c) The President of the Supreme Court of Appeal must inform the Chief Justice of any sick leave granted in terms of paragraph (a).

(5) (a) A Judge President of a division of the High Court may grant sick leave to a Deputy Judge President of a division of the High Court or a judge in the division of the High Court under the control of such Judge President.

(b) The Deputy Judge President of a division of the High Court may grant sick leave to the Judge President of the High Court or a judge in the division of the High Court under the control of such Judge President.

(c) The Judge President must inform the Chief Justice of any sick leave granted in terms of paragraph (a).”.

### **Substitution of regulation 9 of the Regulations**

6. Regulation 9 of the Regulations is hereby substituted for the following regulation:

“9. The Secretary-General of the Office of the Chief Justice must keep a record of leave granted to Constitutional Court judges and judges.”.