

THE PRESIDENCY**No. 1375****26 November 2004**

It is hereby notified that Parliament has, in terms of section 12 (1)(a)(ii) of the Magistrates Act, 1993 (Act No 90 of 1993), as amended by section 3 of the Judicial Officers (Amendment of Conditions of Service Act, No. 28 of 2003), approved the attached notice on salaries, allowances or benefits of Magistrates, which is hereby published for general information.

“PROCLAMATION*by the**President of the Republic of South Africa***No. 53,2004****REMUNERATION OF MAGISTRATES**

In terms of section 12 of the Judicial Officers Act (Amendment of Condition of Service) 2003, (Act No 28 of 2003), I hereby determine the rate, as contained in the attached Schedule, at which salaries are payable to Magistrates annually, with effect from 1 April 2004.

Given under my Hand at Cape Town on this 3rd day of November, Two thousand and four.

**PRESIDENT**

SCHEDULE**SALARIES APPLICABLE TO MAGISTRATES**

RANK OR GRADE	SALARY PER ANNUM
Magistrate	R 258 576
Senior Magistrate	R 284 245
Regional Magistrate	R 314 162
Chief Magistrate	R 314 162
Regional Court President	R 388 941
Special Grade Chief Magistrate	R 388 941

2. ANNUAL SERVICE BONUS

The service bonus of a magistrate is the service bonus, including the requirements, conditions and circumstances, which are applicable to a deputy director in the Public Service: Provided that the basis of calculation shall be on the magistrate's annual basic salary at the date on which he or she qualifies for payment.

3. MOTOR VEHICLE FINANCING BENEFIT FOR CHIEF MAGISTRATE, REGIONAL MAGISTRATE AND REGIONAL COURT PRESIDENT AND SPECIAL GRADE CHIEF MAGISTRATE

The annual motor vehicle financing benefit of a chief or regional magistrate and a regional court president or special grade chief magistrate is R 103 484 and R126 736, respectively, payable in twelve monthly instalments on the date on which he or she qualifies for payment of salary, subject to the following conditions:

- a. The motor vehicle financing benefit shall not apply to any magistrate who is not permanently appointed.
- b. A maximum of seventy percent of the motor vehicle financing benefit may be utilized to fund the capital and interest for the purchase or lease of a reliable motor vehicle.
- c. A magistrate shall maintain a reliable motor vehicle to be utilized for official journeys.
- d. A magistrate shall at all times have his or her motor vehicle (or a reliable substitute) available for official journeys.

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- e. (e) A chief magistrate or regional court president, or his or her delegate, as the case may be, shall decide whether a magistrate may utilize his or her motor vehicle for any specific official journey(s) or make use of the provisions of public or official transport, taking into account practical implications, cost effectiveness, road conditions etc.
 - f. A magistrate shall secure his or her own financing of loans for the purchase or lease of a reliable motor vehicle. Should a magistrate not be able to successfully secure a loan or lease, he or she may through the Department apply for a guarantee from the National Treasury in order to secure a loan or lease.
 - g. A magistrate shall at his or her own expense obtain and maintain comprehensive insurance on the motor vehicle, and is fully responsible for all running and maintenance costs and the cost of registration and licensing of the motor vehicle.
 - h. A magistrate shall not simultaneously participate in **any** other Motor Finance Scheme or subsidised motor transport scheme.
 - i. A magistrate who participates in the subsidised motor transport scheme shall not receive the motor vehicle financing benefit until such time that his or her contract under the subsidised motor transport scheme has been terminated at his or her request with the approval of and subject to the conditions that the Director-General: Justice and Constitutional Development may stipulate.
 - j. A magistrate receiving the Motor Car Finance Benefit in terms of Government Notice R.1416 dated 22 December 2000 shall receive the motor vehicle financing benefit as from 1 July 2001 provided that he or she repays to the Department all basic and supplementary allowances received under the Motor Car Financing Benefit since 1 July 2001.
 - k. If a magistrate utilizes his or her motor vehicle to travel for official purposes away from his or her usual place of work, the Department shall reimburse toll fees, and parking fees in excess of R10 per month. The member is responsible for parking fees (if levied) at his or her usual place of work.

- i. If a magistrate uses his or her motor vehicle to carry out official duties, the Department will compensate the magistrate for kilometres travelled in excess of 500 kilometres per month, according to the tariffs payable for privately owned motor vehicles as prescribed by the Department of Transport.
- m. Any journey between a magistrate's home and usual place to work constitutes a private journey.

4. HOME OWNER'S AND MEDICAL AID ALLOWANCE

The home owner's and medical aid allowance of a magistrate is the allowance, including the requirements, conditions, circumstances, and basis of calculations, which is applicable to a deputy director in the Public Service as amended from time to time."
