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GOVERNMENT NOTICE

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

No. R. 1340

23 September 2003

**THE MAGISTRATES ACT, 1993
DETERMINATION OF MAGISTRATES' SALARIES**

I, Penuell Mpapa Maduna, Minister for Justice and Constitutional Development, acting under section 12(1) of the Magistrates Act, 1993 (Act No. 90 of 1993), in consultation with the Magistrates Commission and with the concurrence of the Minister of Finance, hereby determine, as indicated in the attached Schedule, the salaries payable to magistrates with effect from 1 July 2003.

P. M. MADUNA**Minister for Justice and Constitutional Development**

SCHEDULE**SALARIES APPLICABLE TO MAGISTRATES****1. ANNUAL SALARY**

Rank or grade	Annual salary
Magistrate	R243 480
Senior Magistrate	R267 651
Regional Magistrate	R295 821
Chief Magistrate	R295 821
Regional Court President	R366 234
Special Grade Chief Magistrate	R366 234

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 97 443 and R119 337, respectively, payable in twelve monthly installments 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.
- (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.

- (l) If a magistrate uses his or her motor vehicle to carry out official duties, the Department will compensate the magistrate for kilometers 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 of 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.
