

NO. 6 OF 1994: PAYMENT OF MEMBERS OF PARLIAMENT ACT, 1994.

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

ACT

To provide for the payment of remuneration and allowances to members of Parliament and for matters incidental thereto.

(English text signed by the President.)

(Assented to 5 July 1994.)

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:-

Definitions

1. In this Act, unless the context indicates otherwise-

"committee" means a committee consisting of members of a House or of members of both Houses or of members of the Constitutional Assembly, and includes any commission, technical committee and advisory body contemplated in section 72(1) of the Constitution;

"House", in relation to Parliament, means the National Assembly or the Senate, as the case may be;

"office-bearer" means an office-bearer referred to in section 2(1), and "office" has a corresponding meaning;

"presiding officer" means the Speaker of the National Assembly, the President of the Senate or the Chairperson of the Constitutional Assembly, as the case may be.

Remuneration and allowances of members of  
Parliament and office-bearers

2. (1) Members of Parliament and such office-bearers of Parliament and of the Constitutional Assembly as may be determined by the President by proclamation in the Gazette, shall be paid such remuneration and allowances as may so be determined by the President, having due regard to the recommendations of the Commission on Remuneration of Representatives mentioned in section 207 of the Constitution.

(2) Notwithstanding subsection (1)-

(a) a person who holds different offices at the same time is entitled to remuneration and allowances only in respect of that one of such offices which bears the highest remuneration;

(b) no remuneration or allowance is payable or due under this Act to any person who is an Executive Deputy President or a Minister or a Deputy Minister.

(3) (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 remuneration of a member of

Parliament or an office-bearer as may be determined by the President, as if that amount 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 amounts of remuneration.

#### Deductions on account of absence

3. (1) Subject to the provisions of subsections (2) and (3), there shall be deducted from the amount payable in terms of this Act to a member of Parliament (other than a presiding officer), the sum of R100 for every day on which he or she fails to attend a meeting-

- (a) of the House of which he or she is a member;
- (b) of the Houses in joint sitting;
- (c) of the Constitutional Assembly; or
- (d) of a committee of which he or she is a member,

unless the meeting which is not attended by the member takes place at the same time as any other meeting referred to in paragraph (a), (b), (c) or (d), which other meeting is attended by him or her.

(2) For the purposes of subsection (1), a member of Parliament shall not be regarded as having attended a meeting of a committee unless he or she remained in attendance until the adjournment of the meeting or was excused from further attendance by the chairperson of the committee before the adjournment.

(3) No deduction shall be made under subsection (1) on account of the failure of a member of Parliament-

- (a) to attend any meeting referred to in that subsection, if the member's absence is due to-
  - (i) the member's illness or the summons or subpoena of a competent court (except a summons to answer a criminal charge upon which he or she is convicted);
  - (ii) the death or serious illness of the spouse or child of the member, and such absence is condoned by the presiding officer concerned; or
  - (iii) the member's service with the National Defence Force, or with any other force or service established by or under the Defence Act, 1957 (Act No. 44 of 1957), during a state of national defence;
- (b) to attend a meeting of the House concerned or a meeting of the Houses in joint sitting or a meeting of the Constitutional Assembly, in respect of any further period of absence not exceeding 30 days during any calendar year; or
- (c) to attend a meeting of a committee referred to in that subsection, if the member's absence is not due to any circumstance referred to in paragraph (a) of this subsection but is condoned by the presiding officer concerned, on good cause shown by the member.

#### Payment of remuneration and allowances

4. Subject to section 3, the Secretary to Parliament shall pay to every member of Parliament the remuneration and allowances to which such member is

entitled in terms of this Act in monthly instalments, the first month to be reckoned-

(a) in the case of a member of the National Assembly-

(i) designated in terms of item 16 of Schedule 2 to the Constitution, from the date of the publication of the lists of names of representatives as contemplated in subitem (3) of that item;

(ii) nominated in terms of section 44(2) of the Constitution to fill a vacancy, from the date on which the previous member vacated his or her seat in the National Assembly or the date of receipt of the nomination by the Speaker of Parliament, whichever is the later date;

(b) in the case of a member of the Senate-

(i) nominated in terms of section 48(2) of the Constitution, from the date of the nomination;

(ii) nominated in terms of section 51(2) of the Constitution to fill a vacancy, from the date on which the previous member vacated his or her seat in the Senate or the date of receipt of the nomination by the President of the Senate, whichever is the later date.

#### Charge to National Revenue Fund

5. The amount payable in respect of remuneration and allowances in terms of this Act shall be charged annually to the National Revenue Fund, and the provisions of this section shall be deemed to be an appropriation of every such amount.

#### Repeal of laws

6. The Payment of Members of Parliament Act, 1974 (Act No. 40 of 1974), the Payment of Members of Parliament Amendment Act, 1984 (Act No. 94 of 1984), the Payment of Members of Parliament Amendment Act, 1985 (Act No. 95 of 1985), the Payment of Members of Parliament Amendment Act, 1986 (Act No. 64 of 1986), and the Payment of Members of Parliament Amendment Act, 1992 (Act No. 88 of 1992), are hereby repealed.

#### Savings

7. (1) Any remuneration or allowances paid to any member of Parliament or to an office-bearer by the Secretary to Parliament after 27 April 1994, but before the commencement of the first proclamation under section 2(1) of this Act, and purporting to have been remuneration or allowances as contemplated in section 55 (4) of the Constitution, shall be deemed to have been determined under this Act.

(2) Notwithstanding paragraphs (a)(i) and (b)(i) of section 4 of this Act, it shall be deemed that, in the case of-

(a) the persons designated as members of the National Assembly in terms of item 16 of Schedule 2 to the Constitution; and

(b) the persons nominated as members of the Senate in terms of section 48(2) of the Constitution, in pursuance of the first election under the Constitution, the remuneration and allowances referred to in that section have become payable with effect from 27 April 1994.

Short title and commencement

8. This Act shall be called the Payment of Members of Parliament Act, 1994, and shall be deemed to have come into operation on 27 April 1994.