

## CHAPTER 2:03

# PARLIAMENTARY SALARIES, ALLOWANCES AND BENEFITS ACT

*Acts 14/1988, 28/1989, 11/1991 (s. 32), 20/1994 (s. 21), 3/2016 (Part III), 1/2018 (s. 40).*

**AN ACT to provide for salaries, allowances and other benefits for Vice-Presidents, Senior Ministers, Ministers, the Attorney-General, Deputy Ministers and members and certain office-bearers of Parliament; and to provide for matters connected with or incidental to the foregoing.**

[Date of commencement: 14th October, 1988.]

### PART I

#### PRELIMINARY

#### 1 Short title

This Act may be cited as the Parliamentary Salaries, Allowances and Benefits Act [*Chapter 2:03*].

#### 2 Interpretation

In this Act—

“committee” means a standing, sessional, special or select committee of Parliament;

“Deputy Minister” means a person appointed as a Deputy Minister in terms of section 104 of the Constitution;

“Minister” means a person appointed as a Minister in terms of section 92 of the Constitution;

“Parliamentary Legal Committee” means the Parliamentary Legal Committee appointed in terms of section 152 of the Constitution;

“Senior Minister” means a Minister who is designated by the President as a Senior Minister;

“Vice-President” .....

[Definition amended by Act 3 of 2016]

### PART II

#### BENEFITS FOR VICE-PRESIDENTS, SENIOR MINISTERS, MINISTERS AND DEPUTY MINISTERS

#### 3 Benefits for every Senior Minister, Minister and Deputy Minister

Subject to this Act, every Senior Minister, Minister and Deputy Minister shall be entitled to—

(a) a salary at such rate; and

(b) such allowances and other benefits;

as may be prescribed from time to time by the President.

[Section amended by Act 1 of 2018]

#### 4 Benefits for Attorney-General

Subject to this Act, the Attorney-General shall be entitled to—

(a) a salary at such rate; and

(b) such allowances and other benefits;

as may be fixed from time to time by the President.

#### 5 ....

[Section repealed by Act 1 of 2018]

### PART III

#### BENEFITS FOR OFFICE-BEARERS AND MEMBERS OF PARLIAMENT

#### 6 Benefits for office-bearers and members of Parliament

(1) Subject to this Act, the following persons namely—

(a) the Speaker of the National Assembly;

(b) the President of the Senate;

(c) the Deputy Speaker of the National Assembly;

(d) the Deputy President of the Senate;

(e) President of the National Council of Chiefs and his or her deputy;

(f) the leader of the Opposition;

(g) the Government Chief Whip and his or her deputy;

(h) the Chief Whip of the main opposition and his or her deputy;

(i) the Chief Whips of Parties in Parliament and their deputies;

(j) members of the Committee on Standing Rules and Orders;

- (k) members of the Chairperson Panel;
- (l) the Chairperson of the Parliamentary Legal Committee;
- (m) Chairpersons of Thematic and Portfolio Committee;
- (n) every members of the Parliamentary Legal Committee
- (o) every member of Parliament who is not entitled to any benefit in terms of Part II and who is not specified in paragraphs (a) to (m);

shall be entitled to—

- (i) a salary at such rate; and
- (ii) such allowances and other benefits;

as may be determined by the Committee on Standing Rules and Orders with the approval of the Minister responsible for Finance.

Provided that if a person listed in paragraphs (a) to (k) above is a Minister he or she shall not be entitled to a salary, allowance or benefit under this section.

(2) In addition, a person who has served as the Speaker of the National Assembly or President of the Senate for at least one full term of office shall be entitled to—

- (a) such allowances; and
- (b) the use and enjoyment of such services and facilities; which allowances, services and facilities shall be as favourable as those that are prescribed for a former Vice-President in terms of the Presidential Pension and Retirement Benefits Act [*Chapter 2:05*].

[Section substituted by Act 1 of 2018]

## 7 Persons acting as Speaker

A person who has held the office of Speaker of the National Assembly immediately prior to a dissolution of Parliament shall continue to receive the salary, allowances and other benefits to which he was entitled in terms of section *six* until—

- (a) Parliament first meets after the dissolution; or
- (b) he or she ceases to perform the functions of the Speaker of the National Assembly in the circumstances mentioned in section 120 of the Constitution.

[Section amended by Act 3 of 2016]

## PART IV

### GENERAL

## 8 Prescribing of benefits and other matters

(1) The President may, by statutory instrument, prescribe anything which is to be prescribed in terms of this Act or which, in his opinion, is necessary or convenient to be prescribed for carrying out or giving effect to the provisions of this Act.

(2) A notice in terms of subsection (1) may provide for—

- (a) the date from which any person shall become entitled to any salary, allowance or other benefit in terms of this Act, which date may be prior to the date on which the notice concerned is published and prior the date of commencement of this Act;
- (b) different salaries, allowances or other benefits as between different Senior Ministers, Ministers and Deputy Ministers;
- (c) different rates of any constituency allowance payable to members of Parliament, according to the areas of their constituencies;
- (d) travelling and subsistence allowances payable in terms of this Act to be determined from time to time by any person specified in the notice concerned or to be fixed in relation to equivalent allowances payable from time to time to members of the Public Service, the Defence Forces, the Police Force or any statutory body;
- (e) the circumstances in which any salary, allowance or other benefit in terms of this Act may, subject to section 153 of the Constitution, be suspended, reduced or forfeited.

[Subsection amended by Act 3 of 2016]

## 9 Review of benefits

(1) The Committee on Standing Rules and Orders shall with the approval of the Minister responsible for finance, review and determine the level of salaries, allowances and benefits provided for in terms of this Act.

[Subsection substituted by Act 1 of 2018]

(2) If the Minister responsible for finance, after a review in terms of subsection (1), determines that the salaries, allowances or other benefits or any class thereof should be increased, he shall report to the President, recommending whether any of the salaries, allowances or other benefits should be increased and, if so, the extent to which they should be increased and the date from which the increase should become effective.

(3) On receipt of a report in terms of subsection (2), the President may, by statutory instrument in terms of section *eight*, increase any salary, allowance or other benefit provided for in terms of this Act.

