PRESIDENT'S OFFICE

No. 1545.
6 October 1995

NO. 84 OF 1995: RESTITUTION OF LAND RIGHTS AMENDMENT ACT, 1995

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

GENERAL EXPLANATORY NOTE:

** ** Words between asterisks indicate omissions from existing enactments.

<< >> Words between pointed brackets indicate insertions in existing enactments.

ACT

To amend the Restitution of Land Rights Act, 1994, so as to provide for the designation of an acting President of the Land Claims Court; to provide for the appointment of additional and acting judges of the Land Claims Court; and to further regulate the remuneration and conditions of employment of judges of the Land Claims Court; and to provide for matters connected therewith.

(Afrikaans text signed by the President.)
(Assented to 28 September 1995.)

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

Amendment of section 22 of Act 22 of 1994

1. Section 22 of the Restitution of Land Rights Act, 1994 (hereinafter referred to as the principal Act), is hereby amended by the addition of the following subsections:

" <<(7) The President of the Republic shall designate a judge of the Court to act as President of the Court during the absence of the President of the Court.

(8) If there is sufficient reason the President of the Republic may, after consultation with the President of the Court, appoint an additional or acting judge of the Court for such term as the President of the Republic shall determine: Provided that the Minister of Justice, after consultation with the President of the Court, may make such an appointment in respect of a term not exceeding one month.

(9) (a) Proceedings in which a judge of the Court has participated and which have not been disposed of at the termination of his or her term of service or, having been disposed of before or after such termination, are reopened, shall be disposed of by that judge.

(b) For the purposes of paragraph (a) any appointment made under this section shall be deemed also to have been made for the time in which the proceedings referred to in paragraph (a) are being disposed of>>.".

Substitution of section 26 of Act 22 of 1994

2. The following section is hereby substituted for section 26 of the principal Act:

"Remuneration and conditions of employment of judges

26. <<(1)>> **A** <<The President and a>> judge of the Court <<not being a judge of the Supreme Court of South Africa>>, shall receive such remuneration and shall, subject to section 22(5), be appointed subject to such conditions of employment as **may be prescribed by or under the Judges' Remuneration and Conditions of Employment Act, 1989 (Act No. 88 of 1989)** <<determined by the President of the Republic in consultation with the Judicial Service Commission>>, and his or her remuneration shall **subject to the provisions of section 7(4) of the said Act** not be reduced during his or her **continuance in office** <<term of service>>.

<<(2) The President and a judge of the Court may be paid such allowances for travelling and subsistence expenses incurred by him or her in the performance of his or her functions in terms of this Act as the Minister may determine with the concurrence of the Minister of Finance.

(3) The provisions of subsections (1) and (2) shall apply also to a person appointed under section 22(7) and (8).>>".

Short title

3. This Act shall be called the Restitution of Land Rights Amendment Act, 1995.