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STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

As 'n Nuusblad by die Poskantoor Geregistreer — *Registered at the Post Office as a Newspaper*

Prys 10c Price
Oorsee 15c Overseas
POSVRY—POST FREE

ISBN 0 621 00236 4

KAAPSTAD, 5 JULIE 1972.
CAPE TOWN, 5TH JULY, 1972.

L. 85.] [No. 3605.

DEPARTEMENT VAN DIE EERSTE MINISTER.

). 1183. 5 Julie 1972.

Hierby word bekend gemaak dat die Staatspresident sy edkeuring geheg het aan die onderstaande Wet wat hierby · algemene inligting gepubliseer word:—

). 97 van 1972: Wysigingswet op die Pensioenwette, 1972.

DEPARTMENT OF THE PRIME MINISTER.

No. 1183. 5th July, 1972.

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

No. 97 of 1972: Pension Laws Amendment Act, 1972.

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WET

Tot wysiging van die Wet op die Pensioenfonds vir Geassosieerde Inrigtings, 1963, ten einde sekere bepalings daarvan na die Voorsorgfonds vir Geassosieerde Inrigtings uit te brei, en om die bevoegdheid van die Minister uit te brei om regulasies daarkragtens uit te vaardig; om voorsiening te maak vir die toepassing van sekere bepalings van die Regeringsdienspensioenwet, 1965, op ander pensioenfondse en -skemas; tot wysiging van die omskrywing van „ouetehuis" en „Sekretaris" in die Wet op Bejaarde Persone, 1967, en tot wysiging van artikel 2 van daardie Wet ten einde die ouderdom waarop sekere persone 'n oppasserstoelae betaal kan word, aan die goeddunke van die Minister oor te laat; tot wysiging van die omskrywing van „Sekretaris" in die Wet op Oudstryderspensioene, 1968, en tot wysiging van artikel 2 van daardie Wet ten einde die ouderdom waarop sekere persone 'n oppasserstoelae betaal kan word, aan die goeddunke van die Minister oor te laat; tot wysiging van die omskrywing van „Sekretaris" in die Wet op Blindes, 1968, en die Wet op Ongeskiktheidstoelaes, 1968; tot wysiging van die Wysigingswet op Pneumokoniosevergoeding, 1968, ten einde sekere persone van die bepalings van artikel 8 daarvan uit te sluit; tot wysiging van artikel 15 van die Wysigingswet op die Pensioenwette, 1968, ten einde die bonus te verhoog wat daarkragtens betaalbaar is, en om sekere persone van die bepalings daarvan uit te sluit; tot wysiging van die Provinsiale en die Gebiedsdienspensioenwet, 1969, ten einde die tydperk te kwalifiseer wat as pensioengewende diens erken kan word, en om voorsiening te maak vir die intrekking van 'n keuse ingevolge artikel 6 gedoen; om voorsiening te maak vir die bepaling van 'n datum waarop sekere persone wat na die diens van ander regerings oorgeplaas is op 'n pensioen geregtig word; om voorsiening te maak vir die beskerming van die pensioenregte van sekere persone wat voorheen in diens was by die Vaaldriehoekse Kollege vir Gevorderde Tegniese Onderwys, die Departement van Landbou-tegniese Dienste, die M.L. Sultan Tegniese Kollege en die Krygstuigraad; en om voorsiening te maak vir bykomstige aangeleenthede.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 16 *Junie* 1972.*)*

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Invoeging van artikel 1A in Wet 41 van 1963.

1. (1) Die volgende artikel word hierby in die Wet op die Pensioenfonds vir Geassosieerde Inrigtings, 1963, na artikel 1 ingevoeg:

„Toepassing van Wet No. 11 van 1971.

1A. 'n Verwysing in hierdie Wet na die voorsorgfonds vir tegniese kolleges of die voorsorgfonds vir universiteitsinrigtings of na 'n regulasie wat te eniger tyd op die een of die ander van bedoelde fondse van toepassing was, word geag ook 'n verwysing te wees na die Voorsorgfonds vir Geassosieerde Inrigtings by artikel 3 van die Wet op die Voorsorgfonds vir

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ACT

To amend the Associated Institutions Pension Fund Act, 1963, in order to extend certain provisions thereof to the Associated Institutions Provident Fund, and to extend the powers of the Minister to make regulations thereunder; to provide for the application of certain provisions of the Government Service Pensions Act, 1965, to certain other pension funds and schemes; to amend the definitions of "home for the aged" and "Secretary" in the Aged Persons Act, 1967, and to amend section 2 of that Act in order to leave the age at which certain persons may be paid an attendant's allowance, to the discretion of the Minister; to amend the definition of "Secretary" in the War Veterans' Pensions Act, 1968, and to amend section 2 of that Act in order to leave the age at which certain persons may be paid an attendant's allowance, to the discretion of the Minister; to amend the definition of "Secretary" in the Blind Persons Act, 1968, and the Disability Grants Act, 1968; to amend the Pneumoconiosis Compensation Amendment Act, 1968, in order to exclude certain persons from the provisions of section 8 thereof; to amend section 15 of the Pension Laws Amendment Act, 1968, in order to increase the bonus payable thereunder, and to exclude certain persons from the provisions thereof; to amend the Provincial and the Territory Service Pension Act, 1969, in order to qualify the period which may be recognized as pensionable service, and to provide for the cancellation of an election made under section 6; to provide for the determination of a date on which certain persons who were transferred to the service of other governments become entitled to a pension; to provide for the protection of the pension rights of certain persons formerly employed on the establishments of the Vaal Triangle College for Advanced Technical Education, the Department of Agricultural Technical Services, the M.L. Sultan Technical College and the Armaments Board; and to provide for incidental matters.

(English text signed by the State President.)
(Assented to 16th June, 1972.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Insertion of section 1A in Act 41 of 1963.

1. (1) The following section is hereby inserted in the Associated Institutions Pension Fund Act, 1963, after section 1:

"Application of Act No. 11 of 1971.

1A. Any reference in this Act to the technical colleges provident fund or the university institutions provident fund or to any regulation which at any time applied to one or the other of the said funds, shall be deemed to include a reference to the Associated Institutions Provident Fund established by section 3 of the Associated Institutions Provident

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Geassosieerde Inrigtings, 1971 (Wet No. 11 van 1971), ingestel of die regulasies daarkragtens uitgevaardig, na gelang van die geval.".

(2) Subartikel (1) word geag op die een-en-dertigste dag van Desember 1971 in werking te getree het.

Wysiging van artikel 2 van Wet 41 van 1963, soos gewysig deur artikel 1 van Wet 86 van 1970.

2. (1) Artikel 2 van die Wet op die Pensioenfonds vir Geassosieerde Inrigtings, 1963, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Ondanks andersluidende wetsbepalings kan die Minister van tyd tot tyd, in oorleg met die Minister van Finansies, regulasies uitvaardig wat voorsiening maak—

(*a*) vir 'n pensioenskema vir persone in diens by geassosieerde inrigtings;

(*b*) vir die instelling van 'n pensioenfonds vir so 'n skema;

(*c*) vir die bestuur en beheer van so 'n fonds;

(*d*) vir die belegging van bedrae wat tot die krediet van sodanige fonds staan;

(*e*) vir die periodieke waardering van die bates en laste van so 'n fonds deur 'n aktuaris wat 'n „fellow" van 'n deur die Minister goedgekeurde instituut, fakulteit, vereniging of kapittel van aktuarisse is;

(*f*) vir enige aangeleentheid wat ingevolge hierdie Wet voorgeskryf kan word; en

(*g*) in die algemeen vir die beter verwesenliking van die oogmerke en doeleindes van hierdie Wet.".

(2) Subartikel (1) word geag op die eerste dag van Augustus 1963 in werking te getree het.

Toepassing van sekere bepalings van Wet 62 van 1965 op ander pensioenfondse of -skemas deur die Minister van Volkswelsyn en Pensioene geadministreer.

3. Die bepalings van artikels 14 tot en met 19 van die Regeringsdienspensioenwet, 1965, is, vir sover daardie bepalings toepaslik is en toegepas kan word, *mutatis mutandis* van toepassing op 'n pensioen of reg ten opsigte van 'n pensioen wat betaalbaar is kragtens 'n ander wet as genoemde Wet, wat deur die Minister van Volkswelsyn en Pensioene geadministreer word.

Wysiging van artikel 1 van Wet 81 van 1967.

4. Artikel 1 van die Wet op Bejaarde Persone, 1967, word hierby gewysig—

(*a*) deur die omskrywing van „ouetehuis" deur die volgende omskrywing te vervang:

„,ouetehuis' 'n inrigting of ander woonplek wat hoofsaaklik vir die huisvesting en versorging (met inbegrip van die verskaffing van enige maaltye of verplegingsdienste of ander huishoudelike dienste), van bejaarde of verswakte persone in stand gehou word;"; en

(*b*) deur die omskrywing van „Sekretaris" deur die volgende omskrywing te vervang:

„,Sekretaris', met betrekking tot 'n bevoegdheid verleen of 'n werksaamheid opgedra by die een of ander bepaling van hierdie Wet, en met betrekking tot persone wat tot die een of ander klas of bevolkingsgroep behoort, die hoof van die betrokke Staatsdepartement onder beheer van die Minister aan wie die uitvoering van daardie bepaling met betrekking tot daardie bevoegdheid of werksaamheid en met betrekking tot daardie persone ingevolge artikel 21 opgedra is;".

Wysiging van artikel 2 van Wet 81 van 1967.

5. (1) Artikel 2 van die Wet op Bejaarde Persone, 1967, word hierby gewysig deur paragraaf (*c*) deur die volgende paragraaf te vervang:

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Fund Act, 1971 (Act No. 11 of 1971), or to the regulations made thereunder, as the case may be.".

(2) Subsection (1) shall be deemed to have come into operation on the thirty-first day of December, 1971.

Amendment of section 2 of Act 41 of 1963, as amended by section 1 of Act 86 of 1970.

2. (1) Section 2 of the Associated Institutions Pension Fund Act, 1963, is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) Notwithstanding anything to the contrary in any other law contained, the Minister may from time to time, in consultation with the Minister of Finance, make regulations providing—

(*a*) for a pension scheme for persons in the service of associated institutions;
(*b*) for the establishment of a pension fund for such a scheme;
(*c*) for the management and control of such a fund;
(*d*) for the investment of amounts standing to the credit of such fund;
(*e*) for the periodical valuation of the assets and liabilities of such fund by an actuary who is a Fellow of an institute, faculty, society or chapter of actuaries approved by the Minister;
(*f*) for any matter which may be prescribed under this Act; and
(*g*) generally for the better achievement of the objects and purposes of this Act.".

(2) Subsection (1) shall be deemed to have come into operation on the first day of August, 1963.

Application of certain provisions of Act 62 of 1965 to other pension funds or pension schemes administered by the Minister of Social Welfare and Pensions.

3. The provisions of sections 14 to 19 inclusive of the Government Service Pensions Act, 1965, shall, in so far as such provisions are appropriate and can be applied, *mutatis mutandis* apply with reference to any pension or right in respect of a pension payable under any law, other than the said Act, which is administered by the Minister of Social Welfare and Pensions.

Amendment of section 1 of Act 81 of 1967.

4. Section 1 of the Aged Persons Act, 1967, is hereby amended—

(*a*) by the substitution for the definition of "home for the aged" of the following definition:
"'home for the aged' means any institution or other place of residence maintained mainly for the accommodation and care (including the provision of any meals or nursing services or other domestic services), of aged or debilitated persons;"; and
(*b*) by the substitution for the definition of "Secretary" of the following definition:
"'Secretary', in relation to a power conferred or a function assigned by any provision of this Act, and in relation to persons belonging to any class or population group, means the head of the department of State in question administered by the Minister to whom the administration of that provision in relation to that power or function and in relation to those persons has been assigned in terms of section 21;".

Amendment of section 2 of Act 81 of 1967.

5. (1) Section 2 of the Aged Persons Act, 1967, is hereby amended by the substitution for paragraph (*c*) of the following paragraph:

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„(c) ouderdomspensioene en bykomende of aanvullende toelaes betaal aan bejaarde persone, en kan aan of ten behoewe van iemand aan wie so 'n pensioen betaal word wat 'n leeftyd deur die Minister vir hierdie doel bepaal, bereik het of in so 'n liggaamlike toestand of geestestoestand verkeer dat hy gereeld deur iemand opgepas moet word, 'n oppasserstoelae betaal.".

(2) Subartikel (1) word geag op die eerste dag van April 1971 in werking te getree het.

Wysiging van artikel 1 van Wet 25 van 1968.

6. Artikel 1 van die Wet op Oudstryderspensioene, 1968, word hierby gewysig deur die omskrywing van „Sekretaris" deur die volgende omskrywing te vervang:

„'Sekretaris', met betrekking tot 'n bevoegdheid verleen of 'n werksaamheid opgedra by die een of ander bepaling van hierdie Wet, en met betrekking tot persone wat tot die een of ander klas of bevolkingsgroep behoort, die hoof van die betrokke Staatsdepartement onder beheer van die Minister aan wie die uitvoering van daardie bepaling met betrekking tot daardie bevoegdheid of werksaamheid en met betrekking tot daardie persone ingevolge artikel 16 opgedra is;".

Vervanging van artikel 2 van Wet 25 van 1968.

7. (1) Artikel 2 van die Wet op Oudstryderspensioene, 1968, word hierby deur die volgende artikel vervang:

„Betaling van oudstryderspensioene en -toelaes.

2. Die Minister kan, behoudens die bepalings van hierdie Wet, in oorleg met die Minister van Finansies en uit geld deur die Parlement vir dié doel bewillig, oudstryderspensioene en bykomende of aanvullende toelaes aan oudstryders betaal en aan of ten behoewe van iemand aan wie so 'n pensioen betaal word, wat 'n leeftyd deur die Minister vir hierdie doel bepaal, bereik het of in so 'n liggaamlike of geestestoestand verkeer dat hy gereeld deur iemand opgepas moet word, 'n oppasserstoelae betaal.".

(2) Subartikel (1) word geag op die eerste dag van April 1971 in werking te getree het.

Wysiging van artikel 1 van Wet 26 van 1968.

8. Artikel 1 van die Wet op Blindes, 1968, word hierby gewysig deur die omskrywing van „Sekretaris" deur die volgende omskrywing te vervang:

„'Sekretaris', met betrekking tot 'n bevoegdheid verleen of 'n werksaamheid opgedra by die een of ander bepaling van hierdie Wet, en met betrekking tot persone wat tot die een of ander klas of bevolkingsgroep behoort, die hoof van die betrokke Staatsdepartement onder beheer van die Minister aan wie die uitvoering van daardie bepaling met betrekking tot daardie bevoegdheid of werksaamheid en met betrekking tot daardie persone ingevolge artikel 18 opgedra is;".

Wysiging van artikel 1 van Wet 27 van 1968.

9. Artikel 1 van die Wet op Ongeskiktheidstoelaes, 1968, word hierby gewysig deur die omskrywing van „Sekretaris" deur die volgende omskrywing te vervang:

„'Sekretaris', met betrekking tot 'n bevoegdheid verleen of 'n werksaamheid opgedra by die een of ander bepaling van hierdie Wet, en met betrekking tot persone wat tot die een of ander klas of bevolkingsgroep behoort, die hoof van die betrokke Staatsdepartement onder beheer van die Minister aan wie die uitvoering van daardie bepaling met betrekking tot daardie bevoegdheid of werksaamheid en met betrekking tot daardie persone ingevolge artikel 16 opgedra is;".

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"(c) pay old age pensions and additional or supplementary allowances to aged persons, and pay an attendant's allowance to or on behalf of a person to whom such a pension is paid and who has attained an age determined by the Minister for this purpose or is in such a physical or mental condition that he requires the regular attendance of any person.".

(2) Subsection (1) shall be deemed to have come into operation on the first day of April, 1971.

Amendment of section 1 of Act 25 of 1968.

6. Section 1 of the War Veterans' Pensions Act, 1968, is hereby amended by the substitution for the definition of "Secretary" of the following definition:

"'Secretary', in relation to any power conferred or function assigned by any provision of this Act, and in relation to persons belonging to any class or population group, means the head of the department of State in question administered by the Minister to whom the administration of that provision in relation to that power or function and in relation to those persons has been assigned in terms of section 16;".

Substitution of section 2 of Act 25 of 1968.

7. (1) The following section is hereby substituted for section 2 of the War Veterans' Pensions Act, 1968:

"Payment of veterans' pensions and allowances.

2. The Minister may, subject to the provisions of this Act, in consultation with the Minister of Finance and out of moneys appropriated by Parliament for the purpose, pay veterans' pensions and additional or supplementary allowances to war veterans and pay an attendant's allowance to or on behalf of a person to whom such a pension is paid and who has attained an age determined by the Minister for this purpose or is in such a physical or mental condition that he requires the regular attendance of any person.".

(2) Subsection (1) shall be deemed to have come into operation on the first day of April, 1971.

Amendment of section 1 of Act 26 of 1968.

8. Section 1 of the Blind Persons Act, 1968, is hereby amended by the substitution for the definition of "Secretary" of the following definition:

"'Secretary', in relation to any power conferred or function assigned by any provision of this Act, and in relation to persons belonging to any class or population group, means the head of the department of State in question administered by the Minister to whom the administration of that provision in relation to that power or function and in relation to those persons has been assigned in terms of section 18;".

Amendment of section 1 of Act 27 of 1968.

9. Section 1 of the Disability Grants Act, 1968, is hereby amended by the substitution for the definition of "Secretary" of the following definition:

"'Secretary', in relation to any power conferred or function assigned by any provision of this Act, and in relation to persons belonging to any class or population group, means the head of the department of State in question administered by the Minister to whom the administration of that provision in relation to that power or function and in relation to those persons has been assigned in terms of section 16;".

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Wysiging van artikel 15 van Wet 79 van 1968, soos gewysig deur artikel 17 van Wet 98 van 1969, artikel 11 van Wet 20 van 1970, en artikel 6 van Wet 93 van 1971.

10. (1) Artikel 15 van die Wysigingswet op die Pensioenwette, 1968, word hierby gewysig—

(*a*) deur in subartikel (1) al die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:

„(1) Daar kan aan iemand wat 'n pensioen, toelae of kleretoekenning ingevolge of op die grondslag van die Wet op Spesiale Oorlogspensioene, 1962 (Wet No. 35 van 1962), of die Oorlogspensioenwet, 1967 (Wet No. 82 van 1967), ontvang, 'n bonus van vyf-en-twintig persent van sodanige pensioen, toelae of toekenning betaal word:";

(*b*) deur die volgende voorbehoudsbepaling by subartikel (3) te voeg:

„Met dien verstande dat die bepalings van hierdie subartikel nie van toepassing is nie ten opsigte van 'n bonus ingevolge subartikel (1) aan 'n persoon betaalbaar wat 'n blanke is soos omskryf in die Bevolkingsregistrasiewet, 1950 (Wet No. 30 van 1950)."; en

(*c*) deur die volgende subartikel by te voeg:

„(4) Indien 'n in die voorbehoudsbepaling by subartikel (3) bedoelde persoon onmiddellik voor die eerste dag van Oktober 1972 'n pensioen, toelaag of kleretoekenning in subartikel (1) bedoel en ook 'n pensioen of toelaag kragtens 'n in subartikel (3) bedoelde Wet ontvang het, en die pensioen of toelaag ingevolge so 'n Wet aan hom betaalbaar, uit hoofde van die bepalings van bedoelde voorbehoudsbepaling, ingetrek of verminder moet word ooreenkomstig 'n bepaling van so 'n Wet of die regulasies daarkragtens uitgevaardig, kan die pensioen of toelaag wat aan hom ingevolge so 'n Wet betaalbaar is, voortgesit word asof bedoelde voorbehoudsbepaling nie met betrekking tot hom van toepassing is nie.".

(2) Subartikel (1) tree in werking op die eerste dag van Oktober 1972.

Wysiging van artikel 8 van Wet 83 van 1968.

11. (1) Artikel 8 van die Wysigingswet op Pneumokoniosevergoeding, 1968, word hierby gewysig—

(*a*) deur die volgende voorbehoudsbepaling by subartikel (2) te voeg:

„Met dien verstande dat die bepalings van hierdie subartikel nie van toepassing is nie ten opsigte van 'n voordeel of ander bedrag ingevolge die Hoofwet aan 'n persoon betaalbaar wat 'n blanke is soos omskryf in die Bevolkingsregistrasiewet, 1950 (Wet No. 30 van 1950)."; en

(*b*) deur die volgende subartikel by te voeg:

„(3) Indien 'n in die voorbehoudsbepaling by subartikel (2) bedoelde persoon onmiddellik voor die eerste dag van Oktober 1972 'n voordeel of 'n ander bedrag ingevolge die Hoofwet en ook 'n pensioen of toelaag kragtens 'n ander Wet ontvang het, en die pensioen of toelaag ingevolge so 'n ander Wet aan hom betaalbaar, uit hoofde van die bepalings van bedoelde voorbehoudsbepaling, ingetrek of verminder moet word ooreenkomstig 'n bepaling van so 'n ander Wet of die regulasies daarkragtens uitgevaardig, kan die pensioen of toelaag wat aan hom ingevolge so 'n ander Wet betaalbaar is, voortgesit word asof bedoelde voorbehoudsbepaling nie met betrekking tot hom van toepassing is nie.".

(2) Subartikel (1) tree in werking op die eerste dag van Oktober 1972.

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Amendment of section 15 of Act 79 of 1968, as amended by section 17 of Act 98 of 1969, section 11 of Act 20 of 1970 and section 6 of Act 93 of 1971.

10. (1) Section 15 of the Pension Laws Amendment Act, 1968, is hereby amended—

(*a*) by the substitution in subsection (1) for all the words preceding the proviso of the following words:

"(1) Any person who is in receipt of a pension, allowance or clothing grant in terms of or on the basis of the War Special Pensions Act, 1962 (Act No. 35 of 1962), or the War Pensions Act, 1967 (Act No. 82 of 1967), may be paid a bonus of twenty-five per cent of such pension, allowance or grant:";

(*b*) by the addition to subsection (3) of the following proviso:

"Provided that the provisions of this subsection shall not apply in respect of any bonus payable under subsection (1) to any person who is a white person as defined in the Population Registration Act, 1950 (Act No. 30 of 1950)."; and

(*c*) by the addition of the following subsection:

"(4) If any person referred to in the proviso to subsection (3) was immediately prior to the first day of October, 1972, in receipt of a pension, allowance or clothing grant referred to in subsection (1) as well as a pension or allowance under any Act referred to in subsection (3), and the pension or allowance payable to him under such Act falls, by virtue of the provisions of the said proviso, to be cancelled or reduced in accordance with any provision of such Act or the regulations promulgated thereunder, the pension or allowance payable to him under such Act may be continued as if the said proviso did not apply with reference to him.".

(2) Subsection (1) shall come into operation on the first day of October, 1972.

Amendment of section 8 of Act 83 of 1968.

11. (1) Section 8 of the Pneumoconiosis Compensation Amendment Act, 1968, is hereby amended—

(*a*) by the addition to subsection (2) of the following proviso:

"Provided that the provisions of this subsection shall not apply in respect of any benefit or other amount payable under the principal Act to any person who is a white person as defined in the Population Registration Act, 1950 (Act No. 30 of 1950)."; and

(*b*) by the addition of the following subsection:

'(3) If any person referred to in the proviso to subsection (2) was immediately prior to the first day of October, 1972, in receipt of a benefit or any other amount under the principal Act as well as a pension or allowance under any other Act, and the pension or allowance payable to him under such other Act falls, by virtue of the provisions of the said proviso, to be cancelled or reduced in accordance with any provision of such other Act or the regulations promulgated thereunder, the pension or allowance payable to him under such other Act may be continued as if the said proviso did not apply with reference to him.".

(2) Subsection (1) shall come into operation on the first day of October, 1972.

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WYSIGINGSWET OP DIE PENSIOENWETTE, 1972.

Wysiging van artikel 4 van Wet 14 van 1969, soos gewysig deur artikel 12 van Wet 20 van 1970 en artikel 7 van Wet 93 van 1971.

12. (1) Artikel 4 van die Provinsiale en die Gebiedsdienspensioenwet, 1969, word hierby gewysig deur paragraaf (*b*) van subartikel (3) deur die volgende paragraaf te vervang:

„(*b*) 'n tydperk waarop paragraaf (*a*) nie van toepassing is nie, en ten opsigte waarvan die betrokke persoon tot so 'n provinsiale of die gebiedspensioenfonds bygedra het maar ten opsigte waarvan hy geen geldelike voordeel of terugbetaling van bydraes uit so 'n fonds ontvang het nie,".

(2) Subartikel (1) word geag op die eerste dag van April 1969 in werking te getree het.

Wysiging van artikel 6 van Wet 14 van 1969, soos gewysig deur artikel 19 van Wet 98 van 1969.

13. Artikel 6 van die Provinsiale en die Gebiedsdienspensioenwet, 1969, word hierby gewysig deur die volgende subartikel na subartikel (4) in te voeg:

„(4A) 'n Lid wat op die eerste dag van Julie 1972 in voorgeskrewe diens is, kan 'n keuse ingevolge subartikel (1) deur hom gedoen, intrek op die wyse en op die voorwaardes en in die tydperk wat die Sekretaris bepaal, en indien hy so 'n keuse aldus intrek, word hy geag die keuse nooit te gedoen het nie.".

Pensioenregte van sekere persone na die diens van ander regerings oorgeplaas.

14. (1) 'n Bydrae tot 'n pensioen ten opsigte van iemand met betrekking tot wie die bepalings van artikel 64 (1) van die Regeringsdienspensioenwet, 1955 (Wet No. 58 van 1955), van toepassing was, word, ondanks die herroeping van daardie Wet en ondanks andersluidende bepalings van bedoelde artikel, betaal—

(*a*) indien so 'n persoon afgetree het of afgedank of ontslaan is op grond van die leeftyd wat hy bereik het, vanaf die datum waarop hy 'n leeftyd bereik wanneer hy die reg sou gehad het om met pensioen uit die staatsdiens te tree indien hy nie oorgeplaas was nie; en

(*b*) indien so 'n persoon afgetree het of afgedank of ontslaan is om 'n rede vermeld in artikel 27 (1) (*c*), (*d*) of (*e*) van daardie Wet, vanaf die datum van sy uitdienstreding of ontslag uit die diens van die regering waarheen hy oorgeplaas was.

(2) So 'n bydrae wat voor die inwerkingtreding van subartikel (1) aan enigiemand betaal is, word geag ingevolge daardie subartikel betaal te gewees het.

Pensioenregte en uitdienstredingsvoordele van sekere personeellede van die Vaaldriehoekse Kollege vir Gevorderde Tegniese Onderwys.

15. (1) Ondanks andersluidende wetsbepalings, maar behoudens die bepalings van subartikels (2), (3) en (4), behou iemand wat met ingang van die eerste dag van April 1972 ingevolge artikel 26 (3) (*b*) van die Wet op Onderwysdienste, 1967 (Wet No. 41 van 1967), aan die diens van die in Proklamasie No. 40 van 1972 bedoelde Vaaldriehoekse Kollege vir Gevorderde Tegniese Onderwys afgestaan is en wat op of na die eerste dag van Augustus 1972 sonder 'n onderbreking in diens of na sodanige onderbreking in diens as wat die Sekretaris van Volkswelsyn en Pensioene goedkeur, op 'n vaste grondslag by bedoelde Kollege aangestel word, al die regte en voorregte en bly hy onderworpe aan al die verpligtings wat hy vir pensioendoeleindes verkry of aangegaan het kragtens 'n wet wat onmiddellik voor die eerste dag van April 1972 op hom van toepassing was (in hierdie artikel die toepaslike wet genoem).

(2) Iemand wat sy regte en voorregte ingevolge die bepalings van subartikel (1) behou, is nie geregtig nie op 'n voordeel wat hom andersins weens die afskaffing van 'n pos wat hy voor sy aanstelling by bedoelde Vaaldriehoekse Kollege vir Gevorderde Tegniese Onderwys beklee het, ingevolge 'n toepaslike wet sou toegeval het.

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Amendment of section 4 of Act 14 of 1969, as amended by section 12 of Act 20 of 1970 and section 7 of Act 93 of 1971.

12. (1) Section 4 of the Provincial and the Territory Service Pension Act, 1969, is hereby amended by the substitution for paragraph (*b*) of subsection (3) of the following paragraph:

"(*b*) any period to which paragraph (*a*) does not apply, and in respect of which the person concerned contributed to any such provincial or the territory pension fund but in respect of which he received no monetary benefit or repayment of contributions out of such fund,".

(2) Subsection (1) shall be deemed to have come into operation on the first day of April, 1969.

Amendment of section 6 of Act 14 of 1969, as amended by section 19 of Act 98 of 1969.

13. Section 6 of the Provincial and the Territory Service Pension Act, 1969, is hereby amended by the insertion after subsection (4) of the following subsection:

"(4A) A member who is in prescribed service on the first day of July, 1972, may cancel any election made by him in terms of subsection (1) in such manner and on such conditions and within such period as may be determined by the Secretary, and if he so cancels such election he shall be deemed never to have made the election.".

Pension rights of certain persons transferred to the service of other governments.

14. (1) A contribution towards a pension in respect of a person with reference to whom the provisions of section 64 (1) of the Government Service Pensions Act, 1955 (Act No. 58 of 1955), applied, shall, notwithstanding the repeal of that Act and notwithstanding anything to the contrary in the said section contained, be paid—

(*a*) if such person retired or had been retired or discharged by reason of the age which he had attained, from the date on which he attains an age at which he would have had the right to retire from the public service on pension had he not been transferred; and

(*b*) if such person retired or had been retired or discharged for a reason mentioned in section 27 (1) (*c*), (*d*) or (*e*) of that Act, from the date of his retirement or discharge from the service of the government to which he was transferred.

(2) Any such contribution which prior to the commencement of subsection (1) had been paid to any person, shall be deemed to have been paid in terms of that subsection.

Pension rights and retirement benefits of certain members of the staff of the Vaal Triangle College for Advanced Technical Education.

15. (1) Notwithstanding anything to the contrary in any law contained, but subject to the provisions of subsections (2), (3) and (4), any person who with effect from the first day of April, 1972, had in terms of section 26 (3) (*b*) of the Educational Services Act, 1967 (Act No. 41 of 1967), been seconded to the service of the Vaal Triangle College for Advanced Technical Education referred to in Proclamation No. 40 of 1972, and who is on or after the first day of August, 1972, without a break in service or after such a break in service as may be approved by the Secretary for Social Welfare and Pensions, appointed on a permanent basis at the said College, shall retain all the rights and privileges and remain subject to all the obligations acquired or incurred by him for pension purposes under any law applicable to him immediately prior to the first day of April, 1972 (in this section referred to as the applicable law).

(2) A person who retains his rights and privileges in terms of the provisions of subsection (1), shall not be entitled to any benefit which would otherwise have accrued to him under any applicable law on account of the abolition of any post occupied by him prior to his appointment at the said Vaal Triangle College for Advanced Technical Education.

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(3) Iemand wat sy regte en voorregte ingevolge die bepalings van subartikel (1) behou, word nie, terwyl sodanige regte en voorregte van krag is, 'n lid van die pensioenfonds ingestel ingevolge die Wet op die Pensioenfonds vir Geassosieerde Inrigtings, 1963 (Wet No. 41 van 1963), nie, tensy hy skriftelik van sodanige regte en voorregte afstand gedoen het en skriftelik die keuse gedoen het om 'n lid van bedoelde pensioenfonds te word.

(4) Iemand wat 'n keuse ingevolge die bepalings van subartikel (3) doen, word geag oorgeplaas te gewees het na diens ten opsigte waarvan hy verplig is om tot die in daardie subartikel bedoelde pensioenfonds by te dra, en die wetsbepalings met betrekking tot bedoelde pensioenfonds is *mutatis mutandis* ten opsigte van hom van toepassing.

(5) By die toepassing van subartikel (1) word 'n verwysing in 'n toepaslike wet na 'n bedrag wat deur die Regering of uit inkomste betaal moet word, geag 'n verwysing te wees na 'n bedrag wat deur die raad van genoemde Vaaldriehoekse Kollege vir Gevorderde Tegniese Onderwys betaalbaar is.

(6) Hierdie artikel tree in werking op die eerste dag van Augustus 1972.

Pensioenregte en uitdienstredingsvoordele van sekere beamptes en werknemers van die Departement van Landbou-tegniese Dienste.

16. (1) Ondanks andersluidende wetsbepalings, maar behoudens die bepalings van subartikels (2), (3) en (4), behou iemand wat op die een-en-dertigste dag van Maart 1973 in die diens van die Departement van Landbou-tegniese Dienste is en wat op of na die eerste dag van April 1973, sonder 'n onderbreking in diens of na sodanige onderbreking in diens as wat die Sekretaris van Volkswelsyn en Pensioene goedkeur, diens aanvaar by 'n by wet ingestelde universiteit in die Republiek, al die regte en voorregte en bly hy onderworpe aan al die verpligtings wat hy vir pensioendoeleindes verkry of aangegaan het kragtens 'n wet wat onmiddellik voor die eerste dag van April 1973 op hom van toepassing was (in hierdie artikel die toepaslike wet genoem).

(2) Iemand wat sy regte en voorregte ingevolge die bepalings van subartikel (1) behou, is nie geregtig nie op 'n voordeel wat hom andersins weens die afskaffing van 'n pos wat hy voor sy aanstelling by 'n in subartikel (1) bedoelde universiteit beklee het, ingevolge 'n toepaslike wet sou toegeval het.

(3) Iemand wat sy regte en voorregte ingevolge die bepalings van subartikel (1) behou, word nie, terwyl sodanige regte en voorregte van krag is, 'n lid van die pensioenfonds ingestel ingevolge die Wet op die Pensioenfonds vir Geassosieerde Inrigtings, 1963 (Wet No. 41 van 1963), of van die voorsorgfonds ingestel ingevolge die Wet op die Voorsorgfonds vir Geassosieerde Inrigtings, 1971 (Wet No. 11 van 1971), nie, tensy hy skriftelik van sodanige regte en voorregte afstand gedoen het en skriftelik die keuse gedoen het om 'n lid van bedoelde pensioen- of voorsorgfonds, na gelang van die geval, te word.

(4) Iemand wat 'n keuse ingevolge die bepalings van subartikel (3) doen, word geag oorgeplaas te gewees het na diens ten opsigte waarvan hy verplig is om tot die in daardie subartikel bedoelde pensioen- of voorsorgfonds by te dra, en die wetsbepalings met betrekking tot bedoelde pensioen- of voorsorgfonds is *mutatis mutandis* ten opsigte van hom van toepassing.

(5) By die toepassing van subartikel (1) word 'n verwysing in 'n toepaslike wet na 'n bedrag wat deur die Regering of uit inkomste betaal moet word, geag 'n verwysing te wees na 'n bedrag wat deur die raad van die betrokke universiteit betaalbaar is.

Pensioenregte en uitdienstredingsvoordele van sekere personeellede van die M.L. Sultan Tegniese Kollege.

17. (1) Ondanks andersluidende wetsbepalings, maar behoudens die bepalings van subartikels (2), (3) en (4), behou iemand wat onmiddellik voor die oordrag, ingevolge artikel 5 (1) van die Wet op Onderwys vir Indiërs, 1965 (Wet No. 61 van 1965), van die bestuur van en beheer oor die Pietermaritzburgse tak van die M.L. Sultan Tegniese Kollege na die Departement van Indiërsake, in diens by bedoelde tak was en wat met ingang

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(3) A person who retains his rights and privileges in terms of the provisions of subsection (1) shall not, while such rights and privileges remain in force, become a member of the pension fund established in terms of the Associated Institutions Pension Fund Act, 1963 (Act No.41 of 1963), unless he has in writing relinquished such rights and privileges and has in writing elected to become a member of the said pension fund.

(4) Any person who makes an election in terms of the provisions of subsection (3), shall be deemed to have been transferred to service in respect of which he is liable to contribute to the pension fund referred to in that subsection, and the law relating to the said pension fund shall *mutatis mutandis* apply in respect of him.

(5) For the purposes of subsection (1), any reference in any applicable law to any amount payable by the Government or out of revenue shall be deemed to be a reference to an amount payable by the council of the said Vaal Triangle College for Advanced Technical Education.

(6) This section shall come into operation on the first day of August, 1972.

Pension rights and retirement benefits of certain officers and employees of the Department of Agricultural Technical Services.

16. (1) Notwithstanding anything to the contrary in any law contained, but subject to the provisions of subsections (2), (3) and (4), any person who on the thirty-first day of March, 1973, is in employment with the Department of Agricultural Technical Services, and who, without a break in service or after such a break in service as the Secretary for Social Welfare and Pensions may approve, assumes employment on or after the first day of April, 1973, with any university in the Republic established under any law, shall retain all the rights and privileges and remain subject to all the obligations acquired or incurred by him for pension purposes under any law applicable to him immediately prior to the first day of April, 1973 (in this section referred to as the applicable law).

(2) A person who retains his rights and privileges in terms of the provisions of subsection (1), shall not be entitled to any benefit which would otherwise have accrued to him under any applicable law on account of the abolition of any post occupied by him prior to his assumption of employment with a university referred to in subsection (1).

(3) A person who retains his rights and privileges in terms of the provisions of subsection (1) shall not, while such rights and privileges remain in force, become a member of the pension fund established in terms of the Associated Institutions Pension Fund Act, 1963 (Act No. 41 of 1963), or of the provident fund established in terms of the Associated Institutions Provident Fund Act, 1971 (Act No. 11 of 1971), unless he has in writing relinquished such rights and privileges and has in writing elected to become a member of the said pension or provident fund, as the case may be.

(4) Any person who makes an election in terms of the provisions of subsection (3), shall be deemed to have been transferred to service in respect of which he is liable to contribute to the pension or provident fund referred to in that subsection, and the laws relating to the said pension or provident fund shall *mutatis mutandis* apply in respect of him.

(5) For the purposes of subsection (1), any reference in any applicable law to any amount payable by the Government or out of revenue shall be deemed to be a reference to an amount payable by the council of the university concerned.

Pension rights and retirement benefits of certain members of the staff of the M.L. Sultan Technical College.

17. (1) Notwithstanding anything to the contrary in any law contained, but subject to the provisions of subsections (2), (3) and (4), any person who immediately prior to the transfer of the management and control of the Pietermaritzburg branch of the M.L. Sultan Technical College to the Department of Indian Affairs in terms of section 5 (1) of the Indians Education Act, 1965 (Act No. 61 of 1965), was in the employment of the

van die eerste dag van April 1972 in 'n pos op die diensstaat van bedoelde Departement aangestel was, al die regte en voorregte en bly hy onderworpe aan die verpligtings wat hy vir pensioendoeleindes verkry of aangegaan het kragtens 'n wet wat onmiddellik voor die eerste dag van April 1972 op hom van toepassing was (in hierdie artikel die toepaslike wet genoem).

(2) Iemand wat sy regte en voorregte ingevolge die bepalings van subartikel (1) behou, is nie geregtig nie op 'n voordeel wat hom andersins weens die afskaffing van 'n pos wat hy by bedoelde tak van die M.L. Sultan Tegniese Kollege voor die eerste dag van April 1972 beklee het, ingevolge 'n toepaslike wet sou toegeval het.

(3) Iemand wat sy regte en voorregte ingevolge die bepalings van subartikel (1) behou, word nie, terwyl sodanige regte en voorregte van krag is, 'n lid van 'n in artikel 2 (1) of (2) van die Regeringsdienspensioenwet, 1965 (Wet No. 62 van 1965), bedoelde fonds nie, tensy hy skriftelik van sodanige regte en voorregte afstand gedoen het en skriftelik die keuse gedoen het om 'n lid van bedoelde fonds te word.

(4) Iemand wat 'n keuse ingevolge die bepalings van subartikel (3) doen, word geag oorgeplaas te gewees het na diens ten opsigte waarvan hy verplig is om tot 'n in daardie subartikel bedoelde fonds by te dra, en die wetsbepalings met betrekking tot bedoelde fonds is ten opsigte van hom van toepassing asof hy aldus oorgeplaas is op 'n datum deur die Sekretaris van Volkswelsyn en Pensioene vir dié doel bepaal.

(5) By die toepassing van subartikel (1), word 'n verwysing in 'n toepaslike wet na 'n bedrag wat deur die raad van die M.L. Sultan Tegniese Kollege betaal moet word, geag 'n verwysing te wees na 'n bedrag wat betaalbaar is uit gelde deur die Parlement vir dié doel bewillig.

(6) Hierdie artikel word geag op die eerste dag van April 1972 in werking te getree het.

Reëling van die pensioenregte van sekere persone wat vroeër by die Krygstuigraad in diens was.

18. (1) Ondanks andersluidende wetsbepalings, maar behoudens die bepalings van subartikel (2), word iemand wat—

(*a*) op die dertigste dag van September 1968 in diens was van die Krygstuigraad ingestel kragtens artikel 2 van die Krygstuigwet, 1964 (Wet No. 87 van 1964);

(*b*) onmiddellik na die datum in paragraaf (*a*) bedoel, diens aanvaar het by die Korporasie soos omskryf in artikel 1 van die Wet op Krygstuigontwikkeling en -vervaardiging, 1968 (Wet No. 57 van 1968); en

(*c*) voor die eerste dag van Maart 1972 skriftelik aansoek gedoen het om al die regte en voorregte te behou wat hy vir pensioendoeleindes verkry het kragtens 'n wet wat onmiddellik voor die eerste dag van Oktober 1968 op hom van toepassing was,

geag sodanige regte en voorregte te behou het en onderworpe te gebly het aan al die verpligtings wat hy vir pensioendoeleindes aangegaan het kragtens so 'n wet (in hierdie artikel die toepaslike wet genoem).

(2) Iemand wat, ingevolge die bepalings van subartikel (1), geag word sy regte en voorregte te behou het, is nie geregtig op 'n voordeel wat hom andersins weens die afskaffing van 'n pos wat hy voor sy diensaanvaarding by bedoelde Korporasie beklee het, ingevolge 'n toepaslike wet sou toegeval het nie.

(3) By die toepassing van subartikel (1), word 'n verwysing in 'n toepaslike wet na 'n bedrag wat deur die Regering of uit inkomste betaal moet word, geag 'n verwysing te wees na 'n bedrag wat deur bedoelde Korporasie betaalbaar is.

(4) Hierdie artikel word geag in werking te getree het op die eerste dag van Desember 1971.

Kort titel.

19. Hierdie Wet heet die Wysigingswet op die Pensioenwette, 1972.

said branch and was with effect from the first day of April, 1972, appointed to a post on the establishment of the said Department, shall retain all the rights and privileges and remain subject to all the obligations acquired or incurred by him for pension purposes under any law applicable to him immediately prior to the first day of April, 1972 (in this section referred to as the applicable law).

(2) A person who retains his rights and privileges in terms of the provisions of subsection (1), shall not be entitled to any benefit which would otherwise have accrued to him under any applicable law on account of the abolition of any post occupied by him at the said branch of the M.L. Sultan Technical College prior to the first day of April, 1972.

(3) A person who retains his rights and privileges in terms of the provisions of subsection (1) shall not, while such rights and privileges remain in force, become a member of a fund referred to in section 2 (1) or (2) of the Government Service Pensions Act, 1965 (Act No. 62 of 1965), unless he has in writing relinquished such rights and privileges and has in writing elected to become a member of the said fund.

(4) Any person who makes an election in terms of the provisions of subsection (3), shall be deemed to have been transferred to service in respect of which he is liable to contribute to a fund referred to in that subsection, and the law relating to the said fund shall apply in respect of him as if he had been so transferred from a date determined by the Secretary for Social Welfare and Pensions for this purpose.

(5) For the purposes of subsection (1), any reference in any applicable law to any amount payable by the council of the M.L. Sultan Technical College shall be deemed to be a reference to an amount payable from moneys appropriated by Parliament for the purpose.

(6) This section shall be deemed to have come into operation on the first day of April, 1972.

Regulation of pension rights of certain persons formerly employed by the Armaments Board.

18. (1) Notwithstanding anything to the contrary in any law contained, but subject to the provisions of subsection (2), any person who—

(*a*) on the thirtieth day of September, 1968, was employed by the Armaments Board established in terms of section 2 of the Armaments Act, 1964 (Act No. 87 of 1964);

(*b*) immediately after the date referred to in paragraph (*a*) assumed employment with the Corporation as defined in section 1 of the Armaments Development and Production Act, 1968 (Act No. 57 of 1968); and

(*c*) prior to the first day of March, 1972, applied in writing to retain all the rights and privileges acquired by him for pension purposes under any law to which he was subject immediately prior to the first day of October, 1968,

shall be deemed to have retained such rights and privileges and to have remained subject to all the obligations incurred by him for pension purposes under any such law (in this section referred to as the applicable law).

(2) A person who is deemed, in terms of the provisions of subsection (1), to have retained his rights and privileges, shall not be entitled to any benefit which would otherwise have accrued to him under any applicable law on account of the abolition of any post occupied by him prior to his assumption of employment with the said Corporation.

(3) For the purposes of subsection (1), any reference in any applicable law to any amount payable by the Government or out of revenue shall be deemed to be a reference to an amount payable by the said Corporation.

(4) This section shall be deemed to have come into operation on the first day of December, 1971.

Short title.

19. This Act shall be called the Pension Laws Amendment Act, 1972.

Gedruk vir die Staatsdrukker, Pretoria, deur Kaap & Transvaal Drukkers Bpk., Kaapstad—B323/15 300.
Printed for the Government Printer, Pretoria, by Cape & Transvaal Printers Ltd., Cape Town—B323/15 300.

ISBN 0 621 00236 4