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**REPUBLIC OF SOUTH AFRICA**

# GOVERNMENT GAZETTE

# STAATSKOERANT

**VAN DIE REPUBLIEK VAN SUID-AFRIKA**

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DEPARTMENT OF THE PRIME MINISTER

No. 746. 5 April 1979.

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

No. 29 of 1979: General Pensions Act, 1979.

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 746. 5 April 1979.

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

No. 29 van 1979: Algemene Pensioenwet, 1979.

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# ACT

**To consolidate certain laws relating to pensions generally; and to provide for incidental matters.**

*(Afrikaans text signed by the State President.)*
*(Assented to 26 March 1979.)*

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

Definitions.

**1.** In this Act, unless the context otherwise indicates—

"annuity" means an amount which is payable each year and includes a pension or an allowance;

"benefit" means an amount of money;

"Government Employees' Provident Fund" means the Government Employees' Provident Fund referred to in section 2 (3) of the Government Service Pensions Act, 1965 (Act No. 62 of 1965);

"Government Non-White Employees' Pension Fund" means the pension fund established for Government non-White employees by the regulations made under section 2 of the Government non-White Employees' Pensions Act, 1966 (Act No. 42 of 1966);

"Government Service Pension Fund" means the Government Service Pension Fund established by section 3 of the Government Service Pension Act, 1973 (Act No. 57 of 1973);

"Minister" means the Minister of Social Welfare and Pensions;

"pension fund" means a pension or provident fund or scheme established by or under any pension law;

"pension law" means any law, including this Act, relating to a pension fund administered by or under the control of the Minister, and includes any regulation made under any such law;

"Secretary" means the Secretary for Social Welfare and Pensions.

## CHAPTER 1

### GENERAL PROVISIONS

Prohibition on cession and attachment of annuities and benefits.

**2.** (1) No annuity or benefit or right in respect of an annuity or benefit payable under a pension law shall be capable of being assigned or transferred or otherwise ceded or of being pledged or hypothecated or, save as is provided in section 11 (2) of the Maintenance Act, 1963 (Act No. 23 of 1963), be liable to be attached or subjected to any form of execution under a judgment or order of a court of law.

(2) If any person attempts to assign or transfer or otherwise cede or to pledge or hypothecate any annuity or benefit to

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# WET

**Tot samevatting van sekere wetsbepalings betreffende pensioene in die algemeen; en om vir bykomstige aangeleenthede voorsiening te maak.**

*(Afrikaanse teks deur die Staatspresident geteken.)*
*(Goedgekeur op 26 Maart 1979.)*

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

Woordomskrywing.

**1.** Tensy uit die samehang anders blyk, beteken in hierdie Wet—

„jaargeld" 'n bedrag wat elke jaar betaalbaar is en ook 'n pensioen of toelae;

„Minister" die Minister van Volkswelsyn en Pensioene;

„Pensioenfonds vir Nie-blanke Regeringswerknemers" die Pensioenfonds vir Nie-blanke Regeringswerknemers wat ingestel is by die regulasies wat uitgevaardig is kragtens artikel 2 van die Wet op Pensioene vir Nie-blanke Regeringswerknemers, 1966 (Wet No. 42 van 1966);

„pensioenfonds" 'n pensioen- of voorsorgfonds of -skema wat by of kragtens 'n pensioenwet ingestel is;

„pensioenwet" enige wet, met inbegrip van hierdie Wet, met betrekking tot 'n pensioenfonds wat deur of onder beheer van die Minister geadministreer word, en ook 'n regulasie wat kragtens so 'n wet uitgevaardig is;

„Regeringsdienspensioenfonds" die Regeringsdienspensioenfonds wat ingestel is by artikel 3 van die Regeringsdienspensioenwet, 1973 (Wet No. 57 van 1973);

„Regerings-werknemersondersteuningsfonds" die Regerings-werknemersondersteuningsfonds bedoel in artikel 2 (3) van die Regeringsdienspensioenwet, 1965 (Wet No. 62 van 1965);

„Sekretaris" die Sekretaris van Volkswelsyn en Pensioene;

„voordeel" 'n bedrag geld.

## HOOFSTUK 1

### Algemene Bepalings

Verbod op sessie van en beslaglegging op jaargelde en voordele.

**2.** (1) Geen jaargeld of voordeel of reg ten opsigte van 'n jaargeld of voordeel wat betaalbaar is kragtens 'n pensioenwet kan oorgemaak of oorgedra of andersins gesedeer of verpand of verhipotekeer word nie of is, behalwe soos bepaal in artikel 11 (2) van die Wet op Onderhoud, 1963 (Wet No. 23 van 1963), vir beslaglegging vatbaar of aan enige vorm van eksekusie ingevolge 'n vonnis of bevel van 'n geregshof onderworpe nie.

(2) Indien iemand poog om 'n jaargeld of voordeel waarop hy kragtens 'n pensioenwet geregtig is of 'n reg ten opsigte van

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which he is entitled under any pension law or any right in respect of such annuity or benefit, payment of such annuity or benefit may be withheld, suspended or discontinued if the Minister so directs: Provided that the Minister may direct that such annuity or benefit or a part thereof be paid to one or more of the dependants of such person or to a trustee for such person or his dependants during such period as the Minister may determine.

(3) Notwithstanding the provisions of subsection (1) or of any other law—

*(a)* any amount which is payable to the Government, a provincial administration or a pension fund by any person in the employ of the Government or a provincial administration on the date of his retirement or discharge, or which the Government or a provincial administration is liable to pay in respect of such person;

*(b)* any amount which has been paid to any person in accordance with the provisions of a pension law and to which such person was not entitled;

*(c)* the amount of any loss certified by the Auditor-General or a provincial auditor to have been sustained by the Government or a provincial administration through theft, fraud, negligence or any misconduct on the part of any person,

may be deducted from the annuity or benefit payable to such person under any pension law in a lump sum or in such instalments as the Secretary may determine.

(4) Where a person in the employ of the Government or a provincial administration dies before the last day of a period in respect of which any salary or allowance was paid to him prior to his death, a *pro rata* part of the amount so paid may be recovered in respect of the unexpired portion of that period by deducting it in a lump sum, or in such instalments as the Secretary may determine, from the annuity or benefit payable to the estate or to a dependant of the deceased under a pension law.

Annuity not asset in insolvent estate.

**3.** The annuity received under any pension law by any person whose estate is sequestrated, shall not form part of the assets in his insolvent estate.

Cessation date of annuities.

**4.** An annuity payable under a pension law shall, notwithstanding anything to the contrary in any law contained, be payable until the last day of the month in which the pensioner concerned dies.

Payment of annuities and benefits to persons other than persons entitled thereto.

**5.** If the Secretary is satisfied that it is undesirable for any reason to pay the whole amount of any annuity or benefit payable to any person under a pension law, directly to such person, the Secretary may order that such annuity or benefit or a portion thereof be paid to some other person on such conditions as to its administration for the benefit of such first-mentioned person or his dependants as the Secretary may determine.

Time limit in respect of certain actions.

**6.** (1) Any legal proceedings against the Government, the Minister or any other Minister, or any Administrator or any person in the employ of the Government or a provincial administration in respect of any act performed in terms of a pension law or any failure to perform any act in terms of a pension law, shall be commenced within 12 months as from the date upon which the plaintiff had knowledge or could reasonably have had knowledge of such act or failure.

(2) No legal proceedings referred to in subsection (1) shall be commenced before the expiry of one month after service on the Minister, Administrator or any person concerned, of a notice in writing of the intention to institute such proceedings, and particulars as to the alleged act or failure which constitutes the cause of action, shall be clearly and explicitly given in such notice.

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daardie jaargeld of voordeel oor te maak of oor te dra of andersins te sedeer of te verpand of te verhipotekeer, kan betaling van daardie jaargeld of voordeel weerhou, opgeskort of gestaak word indien die Minister dit gelas: Met dien verstande dat die Minister kan gelas dat daardie jaargeld of voordeel of 'n gedeelte daarvan aan een of meer van die afhanklikes van so iemand of aan 'n kurator ten behoewe van so iemand of sy afhanklikes betaal word gedurende die tydperk wat die Minister vasstel.

(3) Ondanks die bepalings van subartikel (1) of van 'n ander wet kan—

(*a*) 'n bedrag wat deur iemand in diens van die Regering of van 'n provinsiale administrasie aan die Regering, 'n provinsiale administrasie of 'n pensioenfonds betaalbaar is op die datum van sy uitdienstreding of ontslag, of wat die Regering of 'n provinsiale administrasie ten opsigte van so iemand moet betaal;

(*b*) 'n bedrag wat ooreenkomstig die bepalings van 'n pensioenwet aan iemand betaal is en waarop so iemand nie geregtig was nie;

(*c*) die bedrag van 'n verlies wat die Ouditeur-generaal of 'n provinsiale ouditeur sertifiseer deur die Regering of 'n provinsiale administrasie gely is as gevolg van diefstal, bedrog, nalatigheid of wangedrag aan die kant van iemand,

in 'n enkele bedrag of in die paaiemente wat die Sekretaris bepaal, afgetrek word van die jaargeld of voordeel wat aan so iemand kragtens 'n pensioenwet betaalbaar is.

(4) Waar iemand in diens van die Regering of 'n provinsiale administrasie sterf voor die laaste dag van 'n tydperk ten opsigte waarvan salaris of toelae voor sy dood aan hom betaal is, kan 'n *pro rata*-deel van die bedrag wat aldus betaal is, ten opsigte van die onverstreke gedeelte van daardie tydperk verhaal word deur dit in 'n enkele bedrag, of in die paaiemente wat die Sekretaris bepaal, af te trek van die jaargeld of voordeel wat kragtens 'n pensioenwet aan die boedel of aan 'n afhanklike van die oorledene betaalbaar is.

Jaargeld nie bate in insolvente boedel nie.

**3.** Die jaargeld wat kragtens 'n pensioenwet ontvang word deur iemand wie se boedel gesekwestreer word, maak nie deel van die bates in sy insolvente boedel uit nie.

Stakingsdatum van jaargelde.

**4.** Ondanks andersluidende wetsbepalings is 'n jaargeld wat kragtens 'n pensioenwet betaal word, betaalbaar tot die laaste dag van die maand waarin die betrokke pensioentrekker sterf.

Betaling van jaargelde en voordele aan ander persone as reghebbende.

**5.** Indien die Sekretaris oortuig is dat dit om die een of ander rede nie wenslik is om die hele bedrag van 'n jaargeld of voordeel wat kragtens 'n pensioenwet aan iemand betaalbaar is, regstreeks aan so iemand te betaal nie, kan die Sekretaris gelas dat daardie jaargeld of voordeel of 'n gedeelte daarvan aan iemand anders betaal word op die voorwaardes wat die Sekretaris bepaal betreffende die beheer daarvan ten bate van eersbedoelde persoon of sy afhanklikes.

Tydsbeperking ten opsigte van sekere vorderingsregte.

**6.** (1) Enige regsgeding teen die Regering, die Minister of 'n ander Minister, of 'n Administrateur of iemand in diens van die Regering of 'n provinsiale administrasie ten opsigte van 'n handeling wat ingevolge 'n pensioenwet verrig is of ten opsigte van 'n versuim om 'n handeling ingevolge 'n pensioenwet te verrig, moet ingestel word binne 12 maande vanaf die datum waarop die eiser daardie handeling of versuim te wete gekom het of redelikerwys daarvan kon geweet het.

(2) 'n Regsgeding bedoel in subartikel (1) word nie ingestel nie voordat 'n maand verloop het na die bestelling aan die betrokke Minister, Administrateur of persoon van 'n skriftelike kennisgewing waarin die voorneme om sodanige regsgeding in te stel, en besonderhede aangaande die betrokke handeling of versuim wat die eisoorsaak uitmaak, duidelik en uitdruklik uiteengesit word.

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Application of annuities and benefits for payment of certain debts.

7. (1) If the Minister or, if authorized thereto by the Minister, the Secretary is satisfied that—

*(a)* any contributions or moneys due or payable by a pensioner to any medical aid fund or medical aid society established by or in terms of or recognized by the Public Service Commission in accordance with any regulations made under section 26 (1) of the Public Service Act, 1957 (Act No. 54 of 1957), have not been paid; or

*(b)* any judgment or order for the payment of money given or made before or after the commencement of this Act by a court of law against a pensioner in any judicial proceedings for the dissolution of the marriage between such pensioner and his spouse, has not been satisfied in full,

the Minister or the Secretary, as the case may be, may, notwithstanding anything to the contrary in any law contained, at his discretion direct that so much of any annuity or benefit payable to such pensioner under any pension law as does not exceed the amount of the contributions or moneys which have not been paid or the amount of the judgment or order which has not been satisfied, shall be paid to such fund or such spouse, as the case may be, in such instalments or otherwise and at such times, in such circumstances and on such conditions as the Minister or the Secretary, as the case may be, may from time to time determine.

(2) The payment of any annuity or benefit or of any part thereof in terms of a direction under subsection (1), shall be a complete discharge of any liability to pay such annuity, benefit or part to the pensioner concerned.

(3) For the purposes of this section "pensioner" means any person to whom any annuity or benefit is payable, but does not include a person to whom any annuity or benefit is payable as the widow or dependant of any person.

Increase of certain annuities and payment of allowances and bonuses to certain pensioners.

8. (1) Notwithstanding anything to the contrary in any law contained but subject to the provisions of this section, the Minister may from time to time with the concurrence of the Minister of Finance—

*(a)* authorize the increase of any annuity payable under any pension law or from the State Revenue Fund or from moneys appropriated by Parliament for the service of the Department administered by the Minister;

*(b)* authorize the payment of any allowance or bonus to any person who is in receipt of an annuity referred to in paragraph *(a)*,

in accordance with such rates or scales and in such circumstances and on such conditions and with effect from such date, which may be a date in the past, as the Minister may determine with the concurrence of the Minister of Finance.

(2) Different rates, scales, circumstances and conditions may be determined in terms of subsection (1) in respect of different classes or categories of annuities or in respect of different classes or categories of persons.

(3) Any increase of any annuity and any allowance or bonus payable under subsection (1) shall—

*(a)* if such annuity is payable from moneys appropriated by Parliament, be paid from revenue;

*(b)* if such annuity is payable from a pension fund or partly from a pension fund and partly from moneys appropriated by Parliament, be paid from revenue or from such pension fund or partly from revenue and partly from such pension fund in accordance with such ratio and in such manner and at such times and on such conditions as the Minister, with the concurrence of the Minister of Finance, may from time to time determine: Provided that any part of an allowance payable under this section from revenue to or in respect of any person who has retired or has been retired or discharged from the service of the Department of Posts and Telecommunications, or to any dependant of such a person, shall, if such person or dependant is a male person of or

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Aanwending van jaargelde en voordele vir betaling van sekere skulde.

**7.** (1) As die Minister of, indien daartoe deur die Minister gemagtig, die Sekretaris oortuig is dat—

*(a)* bydraes of gelde wat deur 'n pensioentrekker verskuldig of betaalbaar is aan 'n mediese hulpfonds of mediese hulpvereniging wat ingestel is by of ingevolge of erken is deur die Staatsdienskommissie ooreenkomstig enige regulasies wat uitgevaardig is kragtens artikel 26 (1) van die Staatsdienswet, 1957 (Wet No. 54 van 1957), nie betaal is nie; of

*(b)* nie ten volle voldoen is nie aan 'n vonnis of bevel vir die betaling van geld wat voor of na die inwerkingtreding van hierdie Wet gegee of uitgereik is deur 'n geregshof teen 'n pensioentrekker in geregtelike verrigtinge vir die ontbinding van die huwelik tussen bedoelde pensioentrekker en sy gade,

kan die Minister of die Sekretaris, na gelang van die geval, ondanks andersluidende wetsbepalings, na goeddunke gelas dat soveel van 'n jaargeld of voordeel wat aan bedoelde pensioentrekker betaalbaar is kragtens 'n pensioenwet as wat nie die bedrag van die bydraes of gelde wat nie betaal is nie of die bedrag van die vonnis of bevel waaraan nie voldoen is nie, te bowe gaan nie, aan daardie fonds of daardie gade, na gelang van die geval, betaal word in die paaiemente of andersins en op die tye en in die omstandighede en op die voorwaardes wat die Minister of die Sekretaris, na gelang van die geval, van tyd tot tyd bepaal.

(2) Die betaling van 'n jaargeld of voordeel of van 'n deel daarvan ooreenkomstig 'n lasgewing kragtens subartikel (1) is afdoende nakoming van 'n verpligting om daardie jaargeld, voordeel of deel aan die betrokke pensioentrekker te betaal.

(3) By die toepassing van hierdie artikel beteken ,,pensioentrekker'' iemand aan wie 'n jaargeld of voordeel betaalbaar is, maar nie ook iemand aan wie 'n jaargeld of voordeel as die weduwee of afhanklike van iemand betaalbaar is nie.

Verhoging van sekere jaargelde en betaling van toelaes en bonusse aan sekere pensioentrekkers.

**8.** (1) Ondanks andersluidende wetsbepalings maar behoudens die bepalings van hierdie artikel, kan die Minister van tyd tot tyd met die instemming van die Minister van Finansies—

*(a)* die verhoging goedkeur van 'n jaargeld wat betaalbaar is kragtens 'n pensioenwet of uit die Staatsinkomstefonds of uit gelde wat deur die Parlement bewillig word vir die diens van die Departement wat deur die Minister beheer word;

*(b)* die betaling goedkeur van 'n toelae of bonus aan iemand wat 'n jaargeld bedoel in paragraaf *(a)* ontvang,

ooreenkomstig die tariewe of skale en in die omstandighede en op die voorwaardes en met ingang van die datum, wat 'n datum in die verlede kan wees, wat die Minister met die instemming van die Minister van Finansies bepaal.

(2) Verskillende tariewe, skale, omstandighede en voorwaardes kan ingevolge subartikel (1) bepaal word ten opsigte van verskillende klasse of kategorieë jaargelde of ten opsigte van verskillende klasse of kategorieë persone.

(3) 'n Verhoging van 'n jaargeld en 'n toelae of bonus wat kragtens subartikel (1) betaalbaar is, word—

*(a)* indien daardie jaargeld betaalbaar is uit gelde wat deur die Parlement bewillig word, uit inkomste betaal;

*(b)* indien daardie jaargeld betaalbaar is uit 'n pensioenfonds of gedeeltelik uit 'n pensioenfonds en gedeeltelik uit gelde wat deur die Parlement bewillig word, betaal uit inkomste of uit daardie pensioenfonds of gedeeltelik uit inkomste en gedeeltelik uit daardie pensioenfonds ooreenkomstig die verhouding en op die wyse, tye en voorwaardes wat die Minister, met die instemming van die Minister van Finansies, van tyd tot tyd bepaal: Met dien verstande dat 'n gedeelte van 'n toelae wat kragtens hierdie artikel uit inkomste betaalbaar is aan of ten opsigte van iemand wat afgetree het of afgedank of ontslaan is uit die diens van die Department van Pos- en Telekommunikasiewese, of aan 'n afhanklike van so iemand, indien so iemand of so 'n afhanklike 'n man

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over the age of 65 years, or if such person or dependant is a female person of or over the age of 60 years, be charged to the State Revenue Fund to the extent determined by the Minister.

(4) If the Minister, or an officer in the Department of Social Welfare and Pensions designated by the Minister for the purpose of this section, is satisfied that any allowance which is being paid to any person under subsection (1) *(b)*, should be cancelled, reduced or increased, he may, with due regard to the circumstances of such person and to the rates, scales, circumstances and conditions determined in terms of subsection (1), cancel, reduce or increase such allowance with effect from such date, which may be a date in the past, as he may determine.

(5) For the purposes of this section "revenue" means the State Revenue Fund or, in respect of any person who has retired or who has been retired or discharged from service under—

(i) the Department of Posts and Telecommunications, the Post Office Fund;

(ii) a provincial administration, the provincial revenue fund in question.

Period regarding payment of benefits.

**9.** Notwithstanding anything to the contrary in any law contained, a benefit payable in terms of any pension law shall be paid to the person entitled to such benefit within a period of 60 days after the date on which the Secretary receives a duly completed statement in such form as he may determine for the purposes of this section or, if he receives such statement before the date on which a benefit is payable to the person concerned in terms of a pension law, the date on which such benefit is so payable.

## CHAPTER 2

### Pension Rights of Specified Persons

Regulations for payment of pension benefits to specified officers and their dependants.

**10.** (1) Notwithstanding anything to the contrary in any law contained, the Minister may, with the concurrence of the Minister of Finance, make regulations providing for the payment, subject to such conditions as may be prescribed in such regulations, of pension benefits—

*(a)* to any specified officer who retires or is retired or discharged on pension in terms of any law relating to his retirement or discharge on pension, or who so retires or is so retired or discharged—

(i) on account of continued ill-health which has not been occasioned by his own default;

(ii) owing to the abolition of his office or post or to any reduction in or reorganization or readjustment of the department or office in which he is employed;

(iii) on the ground that his discharge will for reasons other than his own unfitness or incapacity, promote efficiency or economy in the department or office in which he is employed;

(iv) on account of unfitness for his duties or incapacity to carry them out efficiently;

*(b)* to the dependants of any specified officer who dies before his retirement or discharge or within five years after the date of his retirement or discharge.

(2) Any pension benefit payable in terms of any regulation made under subsection (1) or deemed to have been made thereunder, shall be paid from the State Revenue Fund.

(3) Any regulation referred to in subsection (1) may be made with retrospective effect, and different regulations may be made in respect of different classes or categories of persons.

(4) For the purposes of this section "specified officer" means an officer as defined in section 1 of the Public Service Act, 1957

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van 65 jaar of ouer is, of indien so iemand of so 'n afhanklike 'n vrou van 60 jaar of ouer is, teen inkomste in berekening gebring word in die mate wat die Minister bepaal.

(4) Indien die Minister of 'n beampte in die Departement van Volkswelsyn en Pensioene wat vir die doeleindes van hierdie artikel deur die Minister aangewys is, oortuig is dat 'n toelae wat kragtens subartikel (1) *(b)* aan iemand betaal word, gestaak, verminder of verhoog moet word, kan hy, met behoorlike inagneming van die omstandighede van daardie persoon en van die tariewe, skale, omstandighede en voorwaardes wat ingevolge subartikel (1) bepaal is, daardie toelae staak, verminder of verhoog met ingang van die datum, wat 'n datum in die verlede kan wees, wat hy bepaal.

(5) By die toepassing van hierdie artikel beteken „inkomste" die Staatsinkomstefonds of, ten opsigte van iemand wat afgetree het of afgedank of ontslaan is uit die diens van—

(i) die Departement van Pos- en Telekommunikasiewese, die Poskantoorfonds;

(ii) 'n provinsiale administrasie, die betrokke provinsiale inkomstefonds.

Tydperk met betrekking tot betaling van voordele.

**9.** Ondanks andersluidende wetsbepalings word 'n voordeel wat ingevolge 'n pensioenwet betaalbaar is aan die persoon wat op daardie voordeel geregtig is, betaal binne 'n tydperk van 60 dae na die datum waarop die Sekretaris 'n behoorlik voltooide staat, in die vorm wat hy vir die doeleindes van hierdie artikel bepaal, ontvang of, indien hy daardie staat ontvang voor die datum waarop 'n voordeel ingevolge 'n pensioenwet aan die betrokke persoon betaalbaar is, die datum waarop sodanige voordeel aldus betaalbaar is.

## HOOFSTUK 2

### PENSIOENREGTE VAN BEPAALDE PERSONE

Regulasies met betrekking tot betaling van pensioenvoordele aan bepaalde beamptes en hulle afhanklikes.

**10.** (1) Ondanks andersluidende wetsbepalings kan die Minister, met die instemming van die Minister van Finansies, regulasies uitvaardig wat, behoudens die voorwaardes wat in sodanige regulasies voorgeskryf word, voorsiening maak vir die betaling van pensioenvoordele—

*(a)* aan 'n bepaalde beampte wat met pensioen aftree of afgedank of ontslaan word kragtens 'n wet wat op sy uitdienstreding, afdanking of ontslag met pensioen betrekking het, of wat aldus aftree of afgedank of ontslaan word—

(i) weens voortdurende swak gesondheid wat nie deur sy eie toedoen veroorsaak is nie;

(ii) weens die afskaffing van sy amp of pos of die vermindering in of reorganisasie of herreëling van die departement of kantoor waarin hy in diens is;

(iii) op grond daarvan dat sy ontslag om ander redes as sy eie ongeskiktheid of onvermoë, doeltreffendheid of besparing sal bevorder in die departement of kantoor waarin hy in diens is;

(iv) weens ongeskiktheid vir sy pligte of onvermoë om hulle op bekwame wyse uit te voer;

*(b)* aan die afhanklikes van 'n bepaalde beampte wat voor sy uitdienstreding, afdanking of ontslag of binne vyf jaar na die datum van sy uitdienstreding, afdanking of ontslag sterf.

(2) 'n Pensioenvoordeel betaalbaar ooreenkomstig 'n regulasie wat ingevolge subartikel (1) uitgevaardig is of geag word daarkragtens uitgevaardig te gewees het, word uit die Staatsinkomstefonds betaal.

(3) 'n Regulasie bedoel in subartikel (1) kan met terugwerkende krag uitgevaardig word, en verskillende regulasies kan ten opsigte van verskillende klasse of kategorieë persone uitgevaardig word.

(4) By die toepassing van hierdie artikel beteken „bepaalde beampte" 'n beampte soos omskryf in artikel 1 van die

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(Act No. 54 of 1957), who is not a White person as defined in section 1 of the Population Registration Act, 1950 (Act No. 30 of 1950), and whose period of service as such an officer includes a period of service in respect of which he has not contributed to a pension fund and which is not pensionable service for the purposes of any such fund.

Regulations relating to payment of compensation and rendering of medical treatment.

**11.** (1) Notwithstanding anything to the contrary in any law contained, the Minister may, with the concurrence of the Minister of Finance, the Minister of Posts and Telecommunications and the Administrators, and after consultation with—

*(a)* the Minister who is responsible for the Department of National Security;
*(b)* the Minister of the Interior and Immigration;
*(c)* the Minister of Defence;
*(d)* the Minister of Police; and
*(e)* the Minister of Prisons,

make regulations which provide for the payment of compensation to or in respect of, or to a dependant of, any officer or employee who dies or is retired or discharged as a result of injury or ill-health arising out of and in the course of his employment by the Government or by any provincial administration, and for the rendering of medical treatment (including surgical or hospital treatment, skilled nursing services and the supply and repair of any artificial part of the body or any device) to such officer or employee in respect of such injury or ill-health.

(2) Regulations referred to in subsection (1), except regulations which reduce compensation, may be made with retrospective effect, and different regulations may be made in respect of different classes or categories of officers or employees.

(3) Notwithstanding anything to the contrary in any law contained—

*(a)* any military service as defined in section 1 of the Military Pensions Act, 1976 (Act No. 84 of 1976), and rendered by an officer or employee, shall for the purposes of this section and the regulations made thereunder, be deemed to have been service in the Government or in the provincial administration in whose service he was during the time he rendered such military service;
*(b)* an officer or employee who renders military service or undergoes training within the meaning of the Defence Act, 1957 (Act No. 44 of 1957), shall, for the purposes of the Workmen's Compensation Act, 1941 (Act No. 30 of 1941), be deemed to be a workman while rendering such military service or undergoing such training.

(4) For the purposes of this section—

"employee" means any member of the Reserve Police Force established under section 34 (2) of the Police Act, 1958 (Act No. 7 of 1958), or any member of the Police Reserve established under section 34A (1) of the Police Act, 1958, or any member of the Government Employees' Provident Fund, but does not include any employee to whom the provisions of the Military Pensions Act, 1976, apply in relation to the injury or ill-health referred to in subsection (1) of this section;

"officer" means any member of the Government Service Pension Fund established under section 3 of the Government Service Pension Act, 1973 (Act No. 57 of 1973), and includes a specified officer as defined in section 10 (6) of this Act, but does not include any officer to whom the provisions of the War Pensions Act, 1976, apply in relation to the injury or ill-health referred to in subsection (1) of this section.

Employees of local authorities becoming employees of Government.

**12.** (1) If any undertaking or activity of a local authority or any power or function of a local authority in connection with the provision of any service or the administration of any area, is taken

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Staatsdienswet, 1957 (Wet No. 54 van 1957), wat nie 'n Blanke soos omskryf in artikel 1 van die Bevolkingsregistrasiewet, 1950 (Wet No. 30 van 1950), is nie en wie se dienstermyn as so 'n beampte 'n diensterrnyn insluit ten opsigte waarvan hy nie tot 'n pensioenfonds bygedra het nie en wat nie pensioengewende diens vir die doeleindes van so 'n fonds is nie.

Regulasies betreffende betaling van vergoeding en verlening van geneeskundige behandeling.

**11.** (1) Ondanks andersluidende wetsbepalings kan die Minister met die instemming van die Minister van Finansies, die Minister van Pos- en Telekommunikasiewese en die Administrateurs, en na oorleg met—

*(a)* die Minister wat vir die Departement van Nasionale Veiligheid verantwoordelik is;

*(b)* die Minister van Binnelandse Sake en Immigrasie;

*(c)* die Minister van Verdediging;

*(d)* die Minister van Polisie; en

*(e)* die Minister van Gevangenisse,

regulasies uitvaardig wat voorsiening maak vir die betaling van vergoeding aan of ten opsigte van, of aan 'n afhanklike van, 'n beampte of werknemer wat weens besering of swak gesondheid wat ontstaan uit en in die loop van sy diens by die Regering of by 'n provinsiale administrasie, sterf of afgedank of ontslaan word, en vir die verlening van geneeskundige behandeling (met inbegrip van heelkundige of hospitaalbehandeling, geskoolde verpleging en die verskaffing en herstelling van 'n kunsliggaamsdeel of 'n toestel), aan sodanige beampte of werknemer ten opsigte van sodanige besering of swak gesondheid.

(2) Regulasies bedoel in subartikel (1), behalwe regulasies wat vergoeding verminder, kan met terugwerkende krag uitgevaardig word, en verskillende regulasies kan ten opsigte van verskillende klasse of kategorieë beamptes of werknemers uitgevaardig word.

(3) Ondanks andersluidende wetsbepalings—

*(a)* word, by die toepassing van hierdie artikel en die regulasies wat daarkragtens uitgevaardig is, enige militêre diens soos omskryf in artikel 1 van die Wet op Militêre Pensioene, 1976 (Wet No. 84 van 1976), wat deur 'n beampte of werknemer verrig is, geag diens te gewees het by die Regering of by die provinsiale administrasie in wie se diens hy ten tyde van die verrigting van sodanige militêre diens was;

*(b)* word 'n beampte of werknemer wat militêre diens verrig of opleiding ondergaan ooreenkomstig die bedoeling van die Verdedigingswet, 1957 (Wet No. 44 van 1957), vir die doeleindes van die Ongevallewet, 1941 (Wet No. 30 van 1941), geag 'n werksman te wees terwyl hy sodanige militêre diens verrig of sodanige opleiding ondergaan.

(4) By die toepassing van hierdie artikel beteken—

„beampte" 'n lid van die Regeringsdienspensioenfonds ingestel kragtens artikel 3 van die Regeringsdienspensioenwet, 1973 (Wet No. 57 van 1973), en ook 'n bepaalde beampte soos omskryf in artikel 10 (6) van hierdie Wet, maar nie ook 'n beampte op wie die bepalings van die Wet op Militêre Pensioene, 1976, met betrekking tot die besering of swak gesondheid in subartikel (1) van hierdie artikel bedoel van toepassing is nie;

„werknemer" 'n lid van die Reserwepolisiemag ingestel kragtens artikel 34 (2) van die Polisiewet, 1958 (Wet No. 7 van 1958), of 'n lid van die Polisiereserwe ingestel kragtens artikel 34A (1) van die Polisiewet, 1958, of 'n lid van die Regerings-werknemersondersteuningsfonds, maar nie ook 'n werknemer op wie die bepalings van die Wet op Militêre Pensioene, 1976, met betrekking tot die besering of swak gesondheid in subartikel (1) van hierdie artikel bedoel, van toepassing is nie.

Werknemers van plaaslike besture wat werknemers van Regering word.

**12.** (1) Indien 'n onderneming of bedrywigheid van 'n plaaslike bestuur of 'n bevoegdheid of werksaamheid van 'n plaaslike bestuur in verband met die verskaffing van 'n diens of die

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over by the Government or ceases to be controlled, exercised or performed by a local authority by virtue of any action taken in terms of an Act of Parliament, and the Minister with the concurrence of the Minister of Finance in respect of a specified local authority agrees thereto, then, notwithstanding anything to the contrary in any law contained but subject to the provisions of subsections (2), (3) and (4)—

(*a*) the period of previous pensionable service of any affected officer of such local authority who becomes or shall become a member of the Government Service Pension Fund or the Government Employees' Provident Fund with effect from the fixed date in terms of any law, shall be reckoned as pensionable service for the purposes of the fund of which he so becomes or shall so become a member;

(*b*) any affected officer of such local authority who becomes with effect from the fixed date a non-White employee as defined in section 1 of the Government non-White Employees Pensions Act, 1966 (Act No. 42 of 1966), shall, with effect from the said date, become a member of the Government Non-White Employees' Pension Fund, and shall contribute to the said pension fund in accordance with regulations made under section 2 of that Act, and the period of his previous pensionable service shall be reckoned as pensionable service for the purposes of the said pension fund.

(2) If the previous pensionable service of an affected officer is reckoned as pensionable service in terms of subsection (1) for the purposes of the Government Service Pension Fund or the Government Employees' Provident Fund or the Government Non-White Employees' Pension Fund, there shall, notwithstanding anything to the contrary in any law contained or the rules or regulations governing the applicable pension fund, be paid by the last-mentioned pension fund to the Government Service Pension Fund or the Government Employees' Provident Fund or the Government Non-White Employees' Pension Fund, as the case may be, in respect of such previous pensionable service—

(*a*) an amount which is equal to the amount or the transfer value which would have been payable in terms of the provisions of the laws or the rules or regulations governing the applicable pension fund if the affected officer concerned was transferred or directly appointed to the service of another local authority having a different pension fund or associated with a different pension fund or, if no amount would have been so payable, an amount which the Minister or an officer of the Department of Social Welfare and Pensions authorized thereto by the Minister, may determine after consultation with the management of the applicable pension fund concerned, with due regard to the circumstances of a specified case or category of cases;

(*b*) interest calculated at 5,5% per annum on the amount referred to in paragraph (*a*), compounded annually as at 31 March, and calculated from the fixed date to the date on which the said amount is paid to the pension fund or provident fund in question in terms of this subsection.

(3) If the total of the amounts to be paid to the Government Service Pension Fund or the Government Employees' Provident Fund or the Government Non-White Employees' Pension Fund in terms of subsection (2) (*a*) and (*b*)—

(*a*) is less than the amount to be paid in terms of the regulations governing the Government Service Pension Fund or the Government Employees' Provident Fund or the Government Non-White Employees' Pension Fund, as the case may be, in respect of the previous pensionable service of the affected officer concerned in order to reckon such previous pensionable service for

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administrasie van 'n gebied, deur die Regering oorgeneem word of uit hoofde van stappe ingevolge 'n Wet van die Parlement gedoen, ophou om deur 'n plaaslike bestuur beheer, uitgeoefen of verrig te word, en die Minister met die instemming van die Minister van Finansies ten opsigte van 'n bepaalde plaaslike bestuur daartoe instem, word, ondanks andersluidende wetsbepalings maar behoudens die bepalings van subartikels (2), (3) en (4)—

*(a)* die tydperk van vorige pensioengewende diens van 'n geaffekteerde beampte van sodanige plaaslike bestuur wat met ingang van die vasgestelde datum ingevolge die een of ander wet 'n lid van die Regeringsdienspensioenfonds of die Regerings-werknemersondersteuningsfonds word of moet word, as pensioengewende diens gereken vir die doeleindes van die fonds waarvan hy aldus 'n lid word of moet word;

*(b)* 'n geaffekteerde beampte van sodanige plaaslike bestuur wat met ingang van die vasgestelde datum 'n nie-blanke werknemer word soos omskryf in artikel 1 van die Wet op Pensioene vir Nie-blanke Regeringswerknemers, 1966 (Wet No. 42 van 1966), met ingang van gemelde datum 'n lid van die Pensioenfonds vir Nie-blanke Regeringswerknemers, en dra hy ooreenkomstig die regulasies uitgevaardig kragtens artikel 2 van daardie Wet tot bedoelde pensioenfonds by, en word die tydperk van sy vorige pensioengewende diens as pensioengewende diens vir die doeleindes van bedoelde pensioenfonds gereken.

(2) Indien die vorige pensioengewende diens van 'n geaffekteerde beampte ingevolge subartikel (1) as pensioengewende diens vir die doeleindes van die Regeringsdienspensioenfonds of die Regerings-werknemersondersteuningsfonds of die Pensioenfonds vir Nie-blanke Regeringswerknemers gereken word, word daar, ondanks andersluidende wetsbepalings of die reëls of regulasies betreffende die toepaslike pensioenfonds, deur laasgenoemde pensioenfonds aan die Regeringsdienspensioenfonds of die Regerings-werknemersondersteuningsfonds of die Pensioenfonds vir Nie-blanke Regeringswerknemers, na gelang van die geval, ten opsigte van sodanige vorige pensioengewende diens betaal—

*(a)* 'n bedrag wat gelykstaan met die bedrag of die oordragwaarde wat ingevolge die wette of die reëls of regulasies betreffende die toepaslike pensioenfonds betaalbaar sou gewees het indien die betrokke geaffekteerde beampte oorgeplaas was na of regstreeks aangestel was in diens van 'n ander plaaslike bestuur wat 'n ander pensioenfonds het of met 'n ander pensioenfonds geassosieer is, of, indien geen bedrag aldus betaalbaar sou gewees het nie, 'n bedrag wat die Minister of 'n beampte van die Departement van Volkswelsyn en Pensioene deur die Minister daartoe gemagtig, na oorleg met die bestuur van die betrokke toepaslike pensioenfonds, met inagneming van die omstandighede van 'n bepaalde geval of kategorie gevalle, bepaal;

*(b)* rente bereken teen 5,5% per jaar op die bedrag bedoel in paragraaf *(a)*, jaarliks saamgestel soos op 31 Maart, en bereken vanaf die vasgestelde datum tot die datum waarop bedoelde bedrag aan die betrokke pensioenfonds of ondersteuningsfonds ingevolge hierdie subartikel betaal word.

(3) Indien die totaal van die bedrae wat ingevolge subartikel (2) *(a)* en *(b)* aan die Regeringsdienspensioenfonds of die Regerings-werknemersondersteuningsfonds of die Pensioenfonds vir Nie-blanke Regeringswerknemers betaal moet word—

*(a)* minder is as die bedrag wat ingevolge die regulasies betreffende die Regeringsdienspensioenfonds of die Regerings-werknemersondersteuningsfonds of die Pensioenfonds vir Nie-blanke Regeringswerknemers, na gelang van die geval, ten opsigte van die vorige pensioengewende diens van die betrokke geaffekteerde beampte betaal moet word ten einde sodanige vorige

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the purposes of the one or the other of the aforementioned funds, the deficiency shall be paid from revenue to the fund concerned;

(*b*) exceeds the amount referred to in paragraph *(a)*, the surplus shall be paid to the affected officer concerned by the applicable pension fund.

(4) If an affected officer before the fixed date in writing notifies the Secretary that he wishes his previous pensionable service not to be reckoned as pensionable service in terms of subsection (1), such previous pensionable service shall not be reckoned as pensionable service in terms of that subsection.

(5) If any person who was in the employ of a local authority, without a break in his service or after such break in his service as the Secretary may approve, becomes a member of a pension fund, and is seconded for service to a local authority in a country or area which immediately before 1 July 1973 was a part of the Republic, the Minister, with the concurrence of the Minister of Finance, may declare that the provisions of this section shall apply with reference to such person, and thereupon such provisions shall *mutatis mutandis* apply with reference to such person as if a take-over referred to in subsection (1) took place on the date on which he was so seconded for service and such person is an affected officer and such date is the fixed date referred to in subsection (4).

(6) For the purposes of this section—

"affected officer" means any person who immediately before the fixed date was in the employ of a local authority in or in connection with any undertaking or activity or the provision of any service or the administration of any area referred to in subsection (1) and who immediately before the fixed date was a member of an applicable pension fund;

"applicable pension fund", in relation to a specified affected officer, means a superannuation, pension or provident fund or scheme established by or under any law or otherwise for the benefit of the employees of the local authority in whose service such affected officer was immediately before the fixed date, or established for the benefit of the employees of such local authority and of any other local authority or local authorities, and to which such affected officer contributed immediately before the fixed date and which has been approved by the Minister for the purposes of this section;

"fixed date" means the date on which any undertaking or activity of a local authority or any power or function of a local authority in connection with the provision of any service or the administration of any area is taken over as contemplated in subsection (1) or ceases to be controlled, exercised or performed by a local authority, or the date on which a person in the service of a local authority, with a view to such take-over and with the approval of the Minister, is appointed in the service of the Government;

"Government" includes a provincial administration and any authority or body established by or under an Act of Parliament and which has been designated by the Minister for the purposes of this section;

"local authority" means an institution or a body contemplated in section 84 (1) *(f)* of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), or an institution or a body approved by the Minister with the concurrence of the Minister of Finance for the purposes of this section;

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pensioengewende diens vir die doeleindes van die een of ander van voormelde fondse te reken, word die tekort uit inkomste aan die betrokke fonds betaal;

*(b)* meer is as die bedrag in paragraaf *(a)* bedoel, word die oorskot deur die toepaslike pensioenfonds aan die betrokke geaffekteerde beampte betaal.

(4) Indien 'n geaffekteerde beampte voor die vasgestelde datum die Sekretaris skriftelik in kennis stel dat hy verlang dat sy vorige pensioengewende diens nie ingevolge subartikel (1) as pensioengewende diens gereken moet word nie, word sodanige vorige pensioengewende diens nie ingevolge daardie subartikel as pensioengewende diens gereken nie.

(5) Indien iemand wat in die diens van 'n plaaslike bestuur was, sonder onderbreking in sy diens of na die onderbreking in sy diens wat die Sekretaris goedkeur, 'n lid van 'n pensioenfonds word, en vir diens aan 'n plaaslike bestuur in 'n land of gebied wat onmiddellik voor 1 Julie 1973 'n deel van die Republiek was, afgestaan word, kan die Minister, met die instemming van die Minister van Finansies, die bepalings van hierdie artikel met betrekking tot bedoelde persoon van toepassing verklaar, en daarop is sodanige bepalings *mutatis mutandis* met betrekking tot bedoelde persoon van toepassing asof 'n oorname bedoel in subartikel (1) op die datum waarop hy aldus vir diens afgestaan is, plaasgevind het en sodanige persoon 'n geaffekteerde beampte en sodanige datum die vasgestelde datum bedoel in subartikel (4) is.

(6) By die toepassing van hierdie artikel beteken—

„geaffekteerde beampte" iemand wat onmiddellik voor die vasgestelde datum in diens was van 'n plaaslike bestuur in of in verband met 'n onderneming of bedrywigheid of die verskaffing van 'n diens of die administrasie van 'n gebied in subartikel (1) bedoel en wat onmiddellik voor die vasgestelde datum 'n lid van 'n toepaslike pensioenfonds was;

„inkomste", met betrekking tot 'n geaffekteerde beampte wat met ingang van die vasgestelde datum—

*(a)* in diens van die Regering is, behoudens paragraaf *(b)* van hierdie omskrywing die Staatsinkomstefonds;

*(b)* in diens van 'n provinsiale administrasie is, die betrokke provinsiale inkomstefonds;

„plaaslike bestuur" 'n instelling of liggaam beoog in artikel 84 (1) *(f)* van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), of 'n instelling of liggaam wat deur die Minister met die instemming van die Minister van Finansies vir die doeleindes van hierdie artikel goedgekeur is;

„Regering" ook 'n provinsiale administrasie en 'n gesag of liggaam wat by of kragtens 'n Wet van die Parlement ingestel is en wat vir die doeleindes van hierdie artikel deur die Minister aangewys is;

„toepaslike pensioenfonds", met betrekking tot 'n bepaalde geaffekteerde beampte, 'n superannuasie-, pensioen-, ondersteunings- of voorsorgfonds of -skema wat by of kragtens die een of ander wet of andersins ingestel is ten bate van die werknemers van die plaaslike bestuur in wie se diens daardie geaffekteerde beampte onmiddellik voor die vasgestelde datum was, of ten bate van die werknemers van sodanige plaaslike bestuur en van enige ander plaaslike bestuur of plaaslike besture, en waartoe daardie geaffekteerde beampte onmiddellik voor die vasgestelde datum bygedra het en wat deur die Minister vir die doeleindes van hierdie artikel goedgekeur is;

„vasgestelde datum" die datum waarop 'n onderneming of bedrywigheid van 'n plaaslike bestuur of 'n bevoegdheid of werksaamheid van 'n plaaslike bestuur in verband met die verskaffing van 'n diens of die administrasie van 'n gebied, oorgeneem word soos

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"previous pensionable service" means pensionable service in terms of the provisions of the laws or the rules or regulations governing any applicable pension fund;

"revenue", in relation to an affected officer who is with effect from the fixed date—

*(a)* in the employ of the Government, means, subject to paragraph *(b)* of this definition, the State Revenue Fund;

*(b)* in the employ of a provincial administration, means the provincial revenue fund in question.

Pension benefits for officers and employees of Parliament and their widows and dependants.

**13.** (1) The annuity, gratuity or other benefit to which an officer of Parliament as defined in section 1 of the Powers and Privileges of Parliament Act, 1963 (Act No. 91 of 1963), or the widow or dependant of any such officer becomes entitled, as calculated in terms of the provisions of the Pension Scheme for Officers of Parliament (hereinafter in this section referred to as the Scheme), shall be paid to the beneficiary from moneys appropriated by Parliament for that purpose, and a certificate duly signed by the Speaker, as defined in section 1 of that Act, to the effect that any such officer or his widow or dependant, as the case may be, has become entitled to be paid benefits under the relevant provisions of the Scheme, and setting out particulars of such benefits and of the terms and conditions, if any, subject to which they are payable, shall constitute the requisite authority for the payment of such benefits.

(2) Any annuity, gratuity or other benefit as determined by the Speaker, payable to an employee who was full-time in the Parliamentary service, but who was not on the fixed establishment of Parliament, or to the widow or any other dependant of such person, shall be paid to the beneficiary from moneys appropriated by Parliament for the purpose, and a certificate, duly signed by the Speaker, that such employee or his widow or other dependant, as the case may be, has become entitled to be paid such benefits, and setting out particulars of such benefits and of the terms and conditions, if any, to which the payment thereof is subject, shall constitute the requisite authority for the payment of such benefits.

(3) An employee referred to in subsection (2) shall for the purpose of the application of the provisions of that subsection be deemed not to be an "officer of Parliament" within the meaning of subsection (1).

(4) The provisions of sections 2, 3, 4 and 9 shall apply *mutatis mutandis* to any annuity, gratuity or benefit referred to in this section, and any reference in those provisions to the Minister or Secretary shall be construed as a reference to the Speaker.

Payment of special pensions to members who previously held certain offices.

**14.** (1) If any member was, before the date on which he became a member, subject to a pensions ordinance and held an office referred to in that pensions ordinance, but no special pension is payable to him in terms of the provisions of the applicable pensions ordinance in respect of his service in such office, there shall, notwithstanding anything to the contrary in any law contained, be paid to him with effect from the day following the date of the termination of his service in such office, a special pension in terms of the applicable pensions ordinance in respect of the period of his service in such office as if he was entitled with effect from the said day to such special pension in terms of that ordinance, irrespective of whether or not that ordinance has been repealed.

(2) Unless the context otherwise indicates, any word or expression in subsection (1) to which a meaning has been assigned in the Parliamentary Service and Administrators' Pensions Act, 1971 (Act No. 81 of 1971), bears the same meaning.

Preservation of pension rights of certain persons.

**15.** (1) If a member of a pension fund, before attaining the age at which he would have the right to retire on pension, is appointed, nominated or elected without a break in his service or after such break in his service as the Secretary may approve, as a

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beoog in subartikel (1) of ophou om deur 'n plaaslike bestuur beheer, uitgeoefen of verrig te word, of die datum waarop iemand in diens van 'n plaaslike bestuur, met die oog op sodanige oorname en met die goedkeuring van die Minister, in die diens van die Regering aangestel word.

„vorige pensioengewende diens'' pensioengewende diens ingevolge die wette of reëls of regulasies betreffende 'n toepaslike pensioenfonds.

**Pensioenvoordele aan amptenare en werknemers van die Parlement en hul weduwees en afhanklikes.**

**13.** (1) Die jaargeld, gratifikasie of ander voordeel waarop 'n Parlementsamptenaar soos omskryf in artikel 1 van die Wet op die Bevoegdhede en Voorregte van die Parlement, 1963 (Wet No. 91 van 1963), of die weduwee of afhanklike van so 'n amptenaar geregtig word, soos bereken ingevolge die bepalings van die Pensioenskema vir Parlementsamptenare (hieronder in hierdie artikel die Skema genoem), word aan die bevoordeelde betaal uit geld wat die Parlement vir dié doel bewillig, en 'n sertifikaat, wat behoorlik onderteken is deur die Speaker, soos omskryf in artikel 1 van daardie Wet, ten effekte dat so 'n amptenaar of sy weduwee of afhanklike, na gelang van die geval, geregtig geword het op die betaling van voordele kragtens die toepaslike bepalings van die Skema, en waarin besonderhede uiteengesit word van sodanige voordele en van die bedinge en voorwaardes, as daar is, waaraan die betaling daarvan onderworpe is, maak die vereiste magtiging vir die betaling van sodanige voordele uit.

(2) 'n Jaargeld, gratifikasie of ander voordeel soos deur die Speaker bepaal wat aan 'n werknemer wat heeltyds in die Parlementêre diens was, maar wat nie op die vaste diensstaat van die Parlement was nie, of aan die weduwee of ander afhanklike van so iemand betaalbaar is, word aan die bevoordeelde betaal uit geld wat die Parlement vir dié doel bewillig, en 'n sertifikaat, wat behoorlik onderteken is deur die Speaker, dat so 'n werknemer of sy weduwee of ander afhanklike, na gelang van die geval, op die betaling van sodanige voordele geregtig geword het, en waarin besonderhede uiteengesit word van sodanige voordele en van die bedinge en voorwaardes, as daar is, waaraan die betaling onderworpe is, maak die vereiste magtiging vir die betaling van sodanige voordele uit.

(3) 'n Werknemer bedoel in subartikel (2) word by die toepassing van die bepalings van daardie subartikel geag nie 'n „Parlementsamptenaar'' soos bedoel in subartikel (1) te wees nie.

(4) Die bepalings van artikels 2, 3, 4 en 9 is *mutatis mutandis* van toepassing op 'n jaargeld, gratifikasie of voordeel in hierdie artikel bedoel, en enige verwysing in daardie bepalings na die Minister of Sekretaris word as 'n verwysing na die Speaker uitgelê.

**Betaling van spesiale pensioene aan lede wat voorheen sekere ampte beklee het.**

**14.** (1) Indien 'n lid voor die datum waarop hy 'n lid geword het, aan 'n pensioenordonnansie onderworpe was en 'n amp beklee het wat in daardie pensioenordonnansie vermeld word, maar geen spesiale pensioen ingevolge die bepalings van die toepaslike pensioenordonnansie aan hom ten opsigte van sy diens in sodanige amp betaalbaar is nie, word daar, ondanks andersluidende wetsbepalings, aan hom, met ingang van die dag wat volg op die datum van die beëindiging van sy diens in sodanige amp, 'n spesiale pensioen ingevolge die toepaslike pensioenordonnansie betaal ten opsigte van die tydperk van sy diens in daardie amp asof hy met ingang van bedoelde dag op sodanige spesiale pensioen ingevolge daardie ordonnansie geregtig was, ongeag of daardie ordonnansie herroep is al dan nie.

(2) Tensy uit die samehang anders blyk, het 'n woord of uitdrukking in subartikel (1) waaraan in die Wet op Pensioene vir Parlementsdiens en Administrateurs, 1971 (Wet No. 81 van 1971), 'n betekenis toegeskryf is, dieselfde betekenis.

**Behoud van pensioenregte deur sekere persone.**

**15.** (1) Indien 'n lid van 'n pensioenfonds, voordat hy die leeftyd bereik waarop hy die reg sou hê om met pensioen af te tree, sonder 'n onderbreking in sy diens of na die onderbreking in sy diens wat die Sekretaris goedkeur, aangestel, benoem of

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member or in the service of any board, institution, establishment or body established by or under any law or of a government or legislative body of a country or area in Africa in respect of which Parliament has previously exercised legislative powers, and the Secretary deems it expedient that his pensionable service as such member should be retained for him, the Secretary may, in his discretion, declare such member a dormant member of such pension fund with effect from the date on which he was so appointed, nominated or elected.

(2) Notwithstanding anything to the contrary in any law contained—

*(a)* no contributions in respect of a dormant member shall be payable to the pension fund of which he is a dormant member for the period during which he is a dormant member;

*(b)* no pension benefit shall be payable to a dormant member before the fixed date;

*(c)* a dormant member shall, with effect from the fixed date and subject to the provisions of the applicable pension law, be entitled to such pension benefits as he would have been entitled to if he had on the fixed date been a contributing member of the pension fund of which he is a dormant member;

*(d)* the widow or dependant or estate of a dormant member who has died before the fixed date shall, with effect from the date of his death and subject to the provisions of the applicable pension law, be entitled to such pension benefits as such widow or dependant or estate would have been entitled to if such dormant member had on the date of his death been a contributing member of the pension fund of which he was a dormant member.

(3) If a dormant member becomes or again becomes a contributing member of a pension fund he shall, with effect from the date on which he so becomes or again becomes a contributing member, cease to be a dormant member and his pensionable service shall be deemed not to have been interrupted by the period during which he was a dormant member and the aggregate of all the periods of his pensionable service shall be taken into account for the purposes of the applicable pension law.

(4) For the purposes of this section—

*(a)* "applicable pension law", in relation to—

(i) a dormant member or the widow, dependant or estate of a dormant member who has died, means the laws, regulations and rules relating to the pension fund of which he is or, immediately before the date of his death, was a dormant member;

(ii) a member who in terms of subsection (3) has ceased to be a dormant member, means the laws, regulations and rules relating to the pension fund of which such member has become or again become a contributing member as contemplated in that subsection;

*(b)* "contributing member" means any member contributing to a pension fund;

*(c)* "dormant member" means any person declared a dormant member under subsection (1);

*(d)* "fixed date" means the date on which a dormant member attains the age at which he, immediately before the date on which he was appointed or nominated as contemplated in subsection (1), would have had the right to retire on pension;

*(e)* "pension benefit" means an amount of money payable in terms of the applicable pension law.

Presumptions and definitions for the purposes of laws relating to social pensions.

**16.** (1) For the purposes of any law relating to social pensions in the case of a White person or a Coloured person who is a South African citizen or an Indian who immediately before 26 October 1976 complied with all the requirements of such law relating to citizenship or residence in the Republic, and who is resident in any country or area which, immediately before such date, was a part

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verkies word as lid of in diens van 'n raad, inrigting, instelling of liggaam wat by of kragtens 'n wet ingestel is of van die regering of wetgewende liggaam van 'n land of gebied in Afrika ten opsigte waarvan die Parlement voorheen wetgewende bevoegdhede uitgeoefen het, en die Sekretaris dit dienstig ag dat sy pensioengewende diens as sodanige lid vir hom behou word, kan die Sekretaris, na goeddunke, daardie lid, met ingang van die datum waarop hy aldus aangestel, benoem of verkies is, tot 'n rustende lid van sodanige pensioenfonds verklaar.

(2) Ondanks andersluidende wetsbepalings—

*(a)* is geen bydraes ten opsigte van 'n rustende lid betaalbaar aan die pensioenfonds waarvan hy 'n rustende lid is vir die tydperk waartydens hy 'n rustende lid is nie;

*(b)* is geen pensioenvoordeel voor die vasgestelde datum aan 'n rustende lid betaalbaar nie;

*(c)* is 'n rustende lid, met ingang van die vasgestelde datum en behoudens die bepalings van die toepaslike pensioenwet, geregtig op die pensioenvoordele waarop hy geregtig sou gewees het indien hy op die vasgestelde datum 'n bydraende lid was van die pensioenfonds waarvan hy 'n rustende lid is;

*(d)* is die weduwee of afhanklike of boedel van 'n rustende lid wat voor die vasgestelde datum gesterf het, met ingang van die datum van sy dood en behoudens die bepalings van die toepaslike pensioenwet, geregtig op die pensioenvoordele waarop daardie weduwee of afhanklike of boedel geregtig sou gewees het indien sodanige rustende lid op die datum van sy dood 'n bydraende lid was van die pensioenfonds waarvan hy 'n rustende lid was.

(3) Indien 'n rustende lid 'n bydraende lid of weer 'n bydraende lid van 'n pensioenfonds word, hou hy, met ingang van die datum waarop hy aldus 'n bydraende lid of weer 'n bydraende lid word, op om 'n rustende lid te wees en word sy pensioengewende diens geag nie deur die tydperk waartydens hy 'n rustende lid was, onderbreek te gewees het nie en word die totaal van al die tydperke van sy pensioengewende diens by die toepassing van die toepaslike pensioenwet in berekening gebring.

(4) By die toepassing van hierdie artikel beteken—

*(a)* „bydraende lid'' 'n lid wat tot 'n pensioenfonds bydra;

*(b)* „pensioenvoordeel'' 'n bedrag geld wat ingevolge die toepaslike pensioenwet betaalbaar is;

*(c)* „rustende lid'' 'n persoon wat kragtens subartikel (1) tot 'n rustende lid verklaar is;

*(d)* „toepaslike pensioenwet'', met betrekking tot—

(i) 'n rustende lid of die weduwee, afhanklike of boedel van 'n rustende lid wat gesterf het, die wette, regulasies en reëls met betrekking tot die pensioenfonds waarvan hy 'n rustende lid is of, onmiddellik voor die datum van sy dood, was;

(ii) 'n lid wat ingevolge subartikel (3) opgehou het om 'n rustende lid te wees, die wette, regulasies en reëls met betrekking tot die pensioenfonds waarvan so 'n lid 'n bydraende lid geword het of weer geword het soos in daardie subartikel beoog;

*(e)* „vasgestelde datum'' die datum waarop 'n rustende lid die leeftyd bereik waarop hy, onmiddellik voor die datum waarop hy aangestel of benoem is soos in subartikel (1) beoog, die reg sou gehad het om met pensioen af te tree.

Vermoedens en woordbepalings by die toepassing van wette met betrekking tot maatskaplike pensioene.

**16.** (1) By die toepassing van 'n wet met betrekking tot maatskaplike pensioene in die geval van 'n Blanke of 'n Kleurling wat 'n Suid-Afrikaanse burger is of 'n Indiër wat onmiddellik voor 26 Oktober 1976 aan al die vereistes van sodanige wet betreffende burgerskap of verblyf in die Republiek voldoen het, en wat woonagtig is in 'n land of gebied wat onmiddellik voor daardie datum 'n deel van die Republiek was en wat vir die

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of the Republic and which has been designated by the Minister by notice in the *Gazette* for the purposes of this section—

(*a*) such person shall be deemed to be resident in the Republic;

(*b*) any application for a pension or grant by such person in terms of any such law, which has been submitted to the Secretary for Social Welfare and Pensions or the Secretary for Coloured, Rehoboth and Nama Relations or the Secretary for Indian Affairs, as the case may be, shall be deemed to have been submitted to a district pension officer;

(*c*) "attesting officer" includes a person who in such country or area occupies a post which has been so designated by the Minister for the purposes of this section;

(*d*) "medical officer" or "district surgeon" includes any person who practises as a medical officer or who carries on the profession of a medical practitioner in such country or area and who has been so designated by the Minister as a medical officer or a district surgeon, as the case may be, for the purposes of this section.

(2) For the purposes of this section, unless the context otherwise indicates—

(*a*) "Coloured person" means a person classified as a member of the Cape Coloured, Malay or Griqua group or the Other Coloured group in terms of the Population Registration Act, 1950 (Act No. 30 of 1950);

(*b*) "Indian" means a person classified as a member of the Indian group in terms of the Population Registration Act, 1950;

(*c*) "law relating to social pensions" means the Aged Persons Act, 1967 (Act No. 81 of 1967), the War Veterans' Pensions Act, 1968 (Act No. 25 of 1968), the Blind Persons Act, 1968 (Act No. 26 of 1968), the Disability Grants Act, 1968 (Act No. 27 of 1968), the Social Pensions Act, 1973 (Act No. 37 of 1973), or the regulations made under any such Act;

(*d*) "White person " means a White person as defined in section 1 of the Population Registration Act, 1950,

and any word to which any meaning has been assigned in the applicable law with reference to social pensions, shall have that meaning.

Pensions payable in respect of former State President.

**17.** There shall be paid from the State Revenue Fund—

(*a*) to any person who at any time before 1 April 1968 occupied the office of State President, in lieu of any pension payable to him under any law in respect of such office so occupied, a pension at the rate of R25 000 per annum;

(*b*) to the widow of such person whose marriage to him took place before the date on which he vacated the said office, a pension at the rate of R18 750 per annum.

Pension rights of certain members of the National Road Board Provident Fund.

**18.** (1) If a person in the public service who in accordance with section 14 (1) *(a)* of the Transport (Co-ordination) Act, 1948 (Act No. 44 of 1948), has retained his membership of the National Road Board Provident Fund established under the regulations made under section 16 (1) *(d)* of the National Roads Act, 1935 (Act No. 42 of 1935), does not retire or is not retired or discharged on attaining the age of 60 years, any insurance policy or policies taken out in respect of him in accordance with the said regulations, shall, notwithstanding anything to the contrary in such regulations or the said section 14 contained, not be ceded or delivered to him, and—

(*a*) on maturity such policy or policies shall be realized and the full amount of the proceeds thereof shall be placed to his credit in the Government Employees' Provident Fund;

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doeleindes van hierdie artikel deur die Minister by kennisgewing in die *Staatskoerant* aangewys is—

*(a)* word sodanige persoon geag in die Republiek woonagtig te wees;

*(b)* word 'n aansoek om 'n pensioen of toelae deur daardie persoon ingevolge enige sodanige wet, wat by die Sekretaris van Volkswelsyn en Pensioene of die Sekretaris van Kleurling-, Rehoboth- en Namabetrekkinge of die Sekretaris van Indiërsake, na gelang van die geval, ingedien is, geag by 'n distrikspensioenbeampte ingedien te gewees het;

*(c)* beteken „attesterende beampte" ook iemand wat in daardie land of gebied 'n amp beklee wat vir die doeleindes van hierdie artikel aldus deur die Minister aangewys is;

*(d)* beteken „geneesheer" of „distriksgeneesheer" ook iemand wat in sodanige land of gebied as 'n geneesheer praktiseer of die beroep van 'n geneesheer beoefen en wat vir die doeleindes van hierdie artikel aldus deur die Minister as 'n geneesheer of distriksgeneesheer, na gelang van die geval, aangewys is.

(2) By die toepassing van hierdie artikel, tensy uit die samehang anders blyk, beteken—

*(a)* „Blanke" 'n Blanke soos omskryf in artikel 1 van die Bevolkingsregistrasiewet, 1950 (Wet No. 30 van 1950);

*(b)* „Indiër" iemand wat ingevolge die Bevolkingsregistrasiewet, 1950, as 'n lid van die Indiërgroep geklassifiseer is;

*(c)* „Kleurling" iemand wat ingevolge die Bevolkingsregistrasiewet, 1950, as 'n lid van die Kaapse Kleurling-, Maleier- of Griekwagroep of die groep Ander Gekleurdes geklassifiseer is;

*(d)* „wet met betrekking tot maatskaplike pensioene" die Wet op Bejaarde Persone, 1967 (Wet No. 81 van 1967), die Wet op Oudstryderspensioene, 1968 (Wet No. 25 van 1968), die Wet op Blindes, 1968 (Wet No. 26 van 1968), die Wet op Ongeskiktheidstoelaes, 1968 (Wet No. 27 van 1968), die Wet op Maatskaplike Pensioene, 1973 (Wet No. 37 van 1973), of die regulasies kragtens so 'n wet uitgevaardig,

en het 'n woord waaraan 'n betekenis in die toepaslike wet met betrekking tot maatskaplike pensioene geheg is, daardie betekenis.

**Pensioene betaalbaar ten opsigte van 'n gewese Staatspresident.**

**17.** Daar word uit die Staatsinkomstefonds—

*(a)* aan iemand wat te eniger tyd voor 1 April 1968 die amp van Staatspresident beklee het, in die plek van 'n pensioen wat kragtens 'n wet aan hom betaalbaar is ten opsigte van so 'n amp wat hy aldus beklee het, 'n pensioen betaal teen die skaal van R25 000 per jaar;

*(b)* aan die weduwee van so iemand wie se huwelik met hom plaasgevind het voor die datum waarop hy bedoelde amp ontruim het, 'n pensioen betaal teen die skaal van R18 750 per jaar.

**Pensioenregte van sekere lede van Voorsieningsfonds van die Nasionale Padraad.**

**18.** (1) Indien iemand in die staatsdiens wat ooreenkomstig artikel 14 (1) *(a)* van die Wet op die Koördinering van Vervoer, 1948 (Wet No. 44 van 1948), sy lidmaatskap behou het van die voorsieningsfonds van die Nasionale Padraad wat gestig is ingevolge die regulasies wat uitgevaardig is kragtens artikel 16 (1) *(d)* van die Wet op Nasionale Paaie, 1935 (Wet No. 42 van 1935), nie by die bereiking van die leeftyd van 60 jaar aftree of afgedank of ontslaan word nie, word enige versekeringspolis of -polisse wat ooreenkomstig bedoelde regulasies ten opsigte van hom uitgeneem is, ondanks andersluidende bepalings van daardie regulasies of voormelde artikel 14, nie aan hom gesedeer of oorhandig nie, en—

*(a)* word daardie polis of polisse by vervaldatum te gelde gemaak en die volle bedrag van sodanige tegeldemaking tot sy krediet in die Regerings-werknemersondersteuningsfonds geplaas;

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(*b*) if for any reason thereafter he ceases to be employed in the public service, such amount, together with interest at the rate of 5% per annum, compounded annually as at 31 March and calculated from the date such amount was placed to his credit in the Government Employees' Provident Fund and until the date upon which payment is made, shall, notwithstanding anything to the contrary contained in any regulation relating to the Government Employees' Provident Fund, be paid from the last-mentioned fund to him or his legal representative or his estate, as the case may be.

(2) Notwithstanding anything to the contrary contained in any regulation relating to the Government Employees' Provident Fund, any person referred to in subsection (1) may, if he so wishes, elect to contribute to the Government Employees' Provident Fund as from the date upon which he ceased to be a member of the said National Road Board Provident Fund, and if he so elects, he shall in respect of his service from that date be deemed to be a person who is required to contribute to the Government Employees' Provident Fund in terms of any such regulation.

Pension rights of certain officers and employees formerly employed in the Pretoria Branch of the Royal Mint.

**19.** Any reference to the Government Service Pensions Act, 1936 (Act No. 32 of 1936), in those sections of the South African Mint Act, 1941 (Act No. 16 of 1941), which, in terms of section 25 (3) of the South African Mint and Coinage Act, 1964 (Act No. 78 of 1964), continue to apply to or in relation to any person referred to in the said section 25 (3), shall be deemed to be a reference to the Government Service Pension Act, 1973 (Act No. 57 of 1973), and any such person who elected or is deemed to have been elected to have the conditions of his service determined in terms of section 10 (1) (*b*) of the South African Mint Act, 1941, shall continue to pay to the Treasury from time to time in respect of his service under the Government, such sums of money as he would have been required to pay to the Government Service Pension Fund or to the Government Employees' Provident Fund, had he been liable to contribute to the said Pension Fund or Provident Fund, as the case may be.

Pension benefits of members of the staff of certain universities discharged in certain circumstances.

**20.** (1) If any person who is a member of the pension fund and who holds a post on the fixed establishment of any university, is in terms of a provision of any law discharged from such post by such university before attaining the age at which he would have the right to retire on pension, for the sole purpose of appointing a member of a national unit served by such university to such post, and such person, in the opinion of the Secretary, is unlikely to be appointed in any service or to assume any duty, within a period of six months after being so discharged, in terms of which he will be obliged to contribute to the pension fund or the Government Service Pension Fund, such person shall, for the purposes of the regulations, be deemed to be discharged from his service on attaining the age at which he would have the right to retire on pension, with effect from the date on which his discharge from the said post comes into force, and in calculating any annuity or gratuity to which he is entitled in terms of the regulations, there shall be added to his pensionable service in terms of the regulations a period equal to one third of his pensionable service or a period equal to the period between the date on which he is so discharged and the date on which he will attain the age at which he may retire in terms of the provisions of any law then applicable to him, whichever is the shorter period: Provided that no period which has been so added to his pensionable service shall exceed five years.

(2) If any person who is a member of the pension fund is deemed to have retired on pension in terms of subsection (1), there shall be recovered from time to time from the university in question the amount—

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(b) word daardie bedrag, indien sy diens in die staatsdiens daarna om enige rede beëindig word, ondanks andersluidende bepalings van enige regulasies wat betrekking het op die Regerings-werknemersondersteuningsfonds, tesame met rente teen die koers van 5% per jaar, jaarliks op 31 Maart saamgestel en bereken vanaf die datum waarop daardie bedrag tot sy krediet in die Regerings-werknemersondersteuningsfonds geplaas is en tot die datum waarop betaling geskied, uit laasgenoemde fonds aan hom of sy regsverteenwoordiger of sy boedel, na gelang van die geval, betaal.

(2) Iemand bedoel in subartikel (1) kan, ondanks andersluidende bepalings van enige regulasies wat betrekking het op die Regerings-werknemersondersteuningsfonds, indien hy dit verlang, kies om tot die Regerings-werknemersondersteuningsfonds by te dra vanaf die datum waarop hy opgehou het om lid van bedoelde Voorsieningsfonds van die Nasionale Padraad te wees, en indien hy aldus kies, word hy ten opsigte van sy diens vanaf daardie datum geag iemand te wees wat ingevolge so 'n regulasie verplig is om tot die Regerings-werknemersondersteuningsfonds by te dra.

Pensioenregte van sekere beamptes en werknemers voorheen in diens by die Pretoria-tak van die Koninklike Munt.

**19.** Enige verwysing na die Regeringsdienspensioenwet, 1936 (Wet No. 32 van 1936), in dié artikels van die Wet op die Suid-Afrikaanse Munt, 1941 (Wet No. 16 van 1941), wat ingevolge artikel 25 (3) van die Wet op die Suid-Afrikaanse Munt en Munte, 1964 (Wet No. 78 van 1964), aanhou om van toepassing te wees op of met betrekking tot iemand bedoel in voormelde artikel 25 (3), word geag 'n verwysing na die Regeringsdienspensioenwet, 1973 (Wet No. 57 van 1973) te wees, en so iemand wat gekies het of geag word te gekies het dat sy diensvoorwaardes ingevolge artikel 10 (1) *(b)* van die Wet op die Suid-Afrikaanse Munt, 1941, bepaal word, gaan voort om ten opsigte van sy diens by die Regering, van tyd tot tyd aan die Tesourie die geldbedrae te betaal wat hy aan die Regeringsdienspensioenfonds of aan die Regerings-werknemersondersteuningsfonds sou moes bygedra het indien hy onder verpligting was om tot bedoelde pensioenfonds of ondersteuningsfonds, na gelang van die geval, by te dra.

Pensioenvoordele van lede van die personeel van sekere universiteite wat in sekere omstandighede ontslaan word.

**20.** (1) Indien iemand wat 'n lid van die pensioenfonds is en 'n pos op die vaste diensstaat van 'n universiteit beklee, voor die bereiking van die leeftyd waarop hy die reg sou hê om met pensioen uit diens te tree, ingevolge 'n bepaling van die een of ander wet deur daardie universiteit uit daardie pos ontslaan word met die uitsluitlike oogmerk om 'n lid van 'n volkseenheid wat deur daardie universiteit bedien word in daardie pos aan te stel, en so iemand na die oordeel van die Sekretaris waarskynlik nie binne 'n tydperk van ses maande nadat hy aldus ontslaan is in diens aangestel sal word of diens sal aanvaar ingevolge waarvan hy verplig sal wees om tot die pensioenfonds of die Regeringsdienspensioenfonds by te dra nie, word so iemand, by die toepassing van die regulasies, geag, met ingang van die datum waarop sy ontslag uit voormelde pos van krag word, uit sy diens ontslaan te wees by bereiking van die leeftyd waarop hy die reg sou hê om met pensioen uit diens te tree en word daar by die berekening van enige jaargeld of gratifikasie waarop hy ingevolge die regulasies geregtig is, by sy pensioengewende diens ingevolge die regulasies 'n tydperk gevoeg wat gelykstaan met een derde van sy pensioengewende diens of met die tydperk wat gelykstaan met die tydperk tussen die datum waarop hy aldus ontslaan word en die datum waarop hy die leeftyd sal bereik waarop hy ingevolge die wetsbepalings wat dan op hom van toepassing is, uit diens kan tree, watter tydperk ook al die kortste is: Met dien verstande dat geen tydperk wat aldus by sy pensioengewende diens gevoeg word vyf jaar oorskry nie.

(2) Indien iemand wat 'n lid van die pensioenfonds is, ingevolge subartikel (1) geag word met pensioen uit diens te getree het, word daar van tyd tot tyd op die betrokke universiteit die bedrag verhaal—

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(a) of any annuity paid in terms of the regulations to or in respect of such member in respect of any period within the period between the date of such retirement and the day immediately following the date on which he attains the age at which he is entitled to retire from service or, if he dies before the last-mentioned date, the date on which he would have attained the said age if he had not died;

(b) by which any benefit paid in terms of the regulations is increased by reason of any addition of his pensionable service in terms of subsection (1).

(3) For the purposes of this section—

(a) "national unit" means a national unit referred to in section 2 (1) of the Promotion of Black Self-government Act, 1959 (Act No. 46 of 1959);

(b) "the pension fund" means the Associated Institutions Pension Fund established in terms of the regulations;

(c) "the regulations" means the regulations promulgated in terms of the Associated Institutions Pension Fund Act, 1963 (Act No. 41 of 1963);

(d) "university" means a university established by the University of Fort Hare Act, 1969 (Act No. 40 of 1969), the University of Zululand Act, 1969 (Act No. 43 of 1969), the University of the North Act, 1969 (Act No. 47 of 1969), or the Medical University of Southern Africa Act, 1976 (Act No. 78 of 1976).

## CHAPTER 3

### MISCELLANEOUS PROVISIONS

Payment from State Revenue Fund in terms of laws relating to pensions.

**21.** Any provision in any law relating to pensions, except section 15 of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), requiring or authorizing the payment of any amount from the State Revenue Fund shall be construed as a provision requiring or authorizing the payment of such amount from moneys appropriated by Parliament for that purpose.

Certain pensions not property for estate duty purposes.

**22.** Notwithstanding anything to the contrary in any law contained, any pension or any right to a pension due and payable on or as a result of or after the death of a member of a pension fund to the widow, child or other dependant of such member, in terms of the pension law in question, shall for the purposes of the Estate Duty Act, 1955 (Act No. 45 of 1955), be deemed not to be property as defined in section 3 (2) of that Act.

Repeal of laws, and savings.

**23.** (1) Subject to the provisions of subsections (2) and (3) the laws specified in the Schedule are hereby repealed to the extent set out in the third column thereof.

(2) Anything done or deemed to have been done in terms of a provision of any law repealed by subsection (1) shall be deemed to have been done in terms of the corresponding provision of this Act.

(3) If in terms of a provision of any law repealed by subsection (1) any annuity or portion thereof was payable from a pension fund or from revenue as defined in section 8 (5), that provision shall remain applicable in respect of the payment of such annuity or portion.

Short title.

**24.** This Act shall be called the General Pensions Act, 1979.

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(a) van enige jaargeld wat ingevolge die regulasies aan of ten opsigte van so iemand betaal word ten opsigte van enige tydperk binne die tydperk tussen die datum van sodanige uitdienstreding en die dag wat onmiddellik volg op die datum waarop hy die leeftyd bereik waarop hy geregtig is om uit diens te tree of, indien hy voor laasgenoemde datum sterf, die datum waarop hy bedoelde leeftyd sou bereik het indien hy nie gesterf het nie;

(b) waarmee enige voordeel wat ingevolge die regulasies betaal word, verhoog word as gevolg van enige toevoeging van sy pensioengewende diens ingevolge subartikel (1).

(3) By die toepassing van hierdie artikel, beteken—

(a) „die pensioenfonds'' die Pensioenfonds vir Geassosieerde Inrigtings ingestel kragtens die regulasies;

(b) „die regulasies'' die regulasies afgekondig kragtens die Wet op die Pensioenfonds vir Geassosieerde Inrigtings, 1963 (Wet No. 41 van 1963);

(c) „universiteit'' 'n universiteit ingestel by die Wet op die Universiteit van Fort Hare, 1969 (Wet No. 40 van 1969), die Wet op die Universiteit van Zoeloeland, 1969 (Wet No. 43 van 1969), die Wet op die Universiteit van die Noorde, 1969 (Wet No. 47 van 1969), of die Wet op die Mediese Universiteit van Suider-Afrika, 1976 (Wet No. 78 van 1976);

(d) „volkseenheid'' 'n volkseenheid bedoel in artikel 2 (1) van die Wet op die Bevordering van Swart Selfbestuur, 1959 (Wet No. 46 van 1959).

## HOOFSTUK 3

### DIVERSE BEPALINGS

**21.** 'n Bepaling in 'n wet betreffende pensioene, behalwe artikel 15 van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), waarby die betaling van 'n bedrag uit die Staatsinkomstefonds voorgeskryf of gemagtig word, word uitgelê as 'n bepaling wat die betaling van daardie bedrag uit gelde wat deur die Parlement vir dié doel bewillig word, voorskryf of magtig. Betaling uit Staatsinkomstefonds ingevolge wette betreffende pensioene.

**22.** Ondanks andersluidende wetsbepalings word 'n pensioen of reg op 'n pensioen wat by of as gevolg van of na die dood van 'n lid van 'n pensioenfonds aan die weduwee, kind of ander afhanklike van daardie lid kragtens die betrokke pensioenwet verskuldig en betaalbaar is, by die toepassing van die Boedelbelastingwet, 1955 (Wet No. 45 van 1955), geag nie eiendom soos omskryf in artikel 3 (2) van daardie Wet te wees nie. Sekere pensioene nie eiendom vir boedelbelastingdoeleindes nie.

**23.** (1) Behoudens die bepalings van subartikels (2) en (3) word die wette in die Bylae vermeld hierby herroep vir sover in die derde kolom van daardie Bylae aangetoon word. Herroeping van wette, en voorbehoude.

(2) Enigiets wat ingevolge 'n bepaling van 'n wet wat by subartikel (1) herroep word, gedoen is of geag gedoen te gewees het, word geag ingevolge die ooreenstemmende bepaling van hierdie Wet gedoen te gewees het.

(3) Indien 'n jaargeld of 'n gedeelte daarvan ingevolge 'n bepaling van 'n wet wat by subartikel (1) herroep is, betaalbaar was uit 'n pensioenfonds of uit „inkomste'' soos in artikel 8 (5) omskryf, bly daardie bepaling ten opsigte van daardie jaargeld of gedeelte van toepassing.

**24.** Hierdie Wet heet die Algemene Pensioenwet, 1979. Kort titel.

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## Schedule

LAWS REPEALED

| Number and year of law | Title of law | Extent of repeal |
|---|---|---|
| Act No. 29 of 1912 ... | Public Service and Pensions Act, 1912 ........ | The whole |
| Act No. 49 of 1926 ... | Republican Officials' and Other Persons' Pensions Act, 1926 ......................... | The whole |
| Act No. 34 of 1935 ... | Reformatories Service Act, 1935 ............. | Section 3 |
| Act No. 45 of 1941 ... | War Pensions Act, 1941 .................... | The whole |
| Act No. 44 of 1942 ... | War Pensions Act, 1942 .................... | The whole |
| Act No. 48 of 1944 ... | Pension Laws Amendment Act, 1944 ......... | The whole |
| Act No. 41 of 1948 ... | Pension Laws Amendment Act, 1948 ......... | The whole |
| Act No. 47 of 1951 ... | Pension Laws Amendment Act, 1951 ......... | The whole |
| Act No. 49 of 1952 ... | Pension Laws Amendment Act, 1952 ......... | The whole |
| Act No. 44 of 1953 ... | Pension Laws Amendment Act, 1953 ......... | The whole |
| Act No. 52 of 1954 ... | Pension Laws Amendment Act, 1954 ......... | The whole |
| Act No. 41 of 1955 ... | Pension Laws Amendment Act, 1955 ......... | The whole |
| Act No. 56 of 1956 ... | Pension Laws Amendment Act, 1956 ......... | Sections 8 and 36 |
| Act No. 62 of 1957 ... | Pension Laws Amendment Act, 1957 ......... | Sections 2 and 3 |
| Act No. 67 of 1959 ... | Pension Laws Amendment Act, 1959 ......... | Sections 9, 10, 11, 51, 56 and 58 (1), (2), (3), (5) and (6) |
| Act No. 61 of 1960 ... | Pension Laws Amendment Act, 1960 ......... | Section 16 |
| Act No. 78 of 1961 ... | Pension Laws Amendment Act, 1961 ......... | The whole |
| Act No. 92 of 1962 ... | Pension Laws Amendment Act, 1962 ......... | Sections 3, 4, 33, 35 to 41, 50, 52, 54 and 56 |
| Act No. 41 of 1963 ... | Associated Institutions Pension Fund Act, 1963 ................................. | Sections 3*bis* (1) and 3*ter* |
| Act No. 95 of 1963 ... | Pension Laws Amendment Act, 1963 ......... | Sections 35 and 37 |
| Act No. 84 of 1964 ... | Pension Laws Amendment Act, 1964 ......... | Sections 9 to 12, 27 and 32 |
| Act No. 62 of 1965 ... | Government Service Pensions Act, 1965 ....... | Sections 21 and 22 |
| Act No. 102 of 1965 .. | Pension Laws Amendment Act, 1965 ......... | The whole |
| Act No. 26 of 1966 ... | Pension Laws Amendment Act, 1966 ......... | The whole |
| Act No. 91 of 1967 ... | Pension Laws Amendment Act, 1967 ......... | The whole |
| Act No. 79 of 1968 ... | Pension Laws Amendment Act, 1968 ......... | The whole |
| Act No. 98 of 1969 ... | Pension Laws Amendment Act, 1969 ......... | Sections 1 to 6, 11 to 13 and 15 to 17 |
| Act No. 20 of 1970 ... | Pension Laws Amendment Act, 1970 ......... | The whole |
| Act No. 86 of 1970 ... | Second Pension Laws Amendment Act, 1970 .. | The whole |
| Act No. 81 of 1971 ... | Parliamentary Service and Administrators' Pensions Act, 1971 ...................... | Sections 20 (1) and (2) and 21 |
| Act No. 93 of 1971 ... | Pension Laws Amendment Act, 1971 ......... | The whole |
| Act No. 97 of 1972 ... | Pension Laws Amendment Act, 1972 ......... | Sections 1 to 5, 8 and 10 |
| Act No. 57 of 1973 ... | Government Service Pension Act, 1973 ....... | Sections 9, 10, 12, 13 and 14 |
| Act No. 73 of 1973 ... | Pension Laws Amendment Act, 1973 ......... | Sections 1 to 4, 5 (1), (2), (3), (7) and (8) and 6 |

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## Bylae

WETTE HERROEP

| Nommer en jaar van wet | Titel van wet | In hoeverre herroep |
|---|---|---|
| Wet No. 29 van 1912.. | „Staatsdienst en Pensioenwet, 1912" ......... | Die geheel |
| Wet No. 49 van 1926.. | Wet op Pensioene vir Republiekeinse Amptenare en ander Persone, 1926 ............. | Die geheel |
| Wet No. 34 van 1935.. | Verbeteringsgestigte Dienswet, 1935.......... | Artikel 3 |
| Wet No. 45 van 1941.. | Oorlogspensioenwet, 1941 .................. | Die geheel |
| Wet No. 44 van 1942.. | Oorlogspensioenwet, 1942 .................. | Die geheel |
| Wet No. 48 van 1944.. | Wet tot Wysiging van die Pensioenwette, 1944 . | Die geheel |
| Wet No. 41 van 1948.. | Wysigingswet op die Pensioenwette, 1948 ..... | Die geheel |
| Wet No. 47 van 1951.. | Wysigingswet op die Pensioenwette, 1951 ..... | Die geheel |
| Wet No. 49 van 1952.. | Wysigingswet op die Pensioenwette, 1952 ..... | Die geheel |
| Wet No. 44 van 1953.. | Wysigingswet op die Pensioenwette, 1953 ..... | Die geheel |
| Wet No. 52 van 1954.. | Wysigingswet op die Pensioenwette, 1954 ..... | Die geheel |
| Wet No. 41 van 1955.. | Wysigingswet op die Pensioenwette, 1955 ..... | Die geheel |
| Wet No. 56 van 1956.. | Wysigingswet op die Pensioenwette, 1956 ..... | Artikels 8 en 36 |
| Wet No. 62 van 1957.. | Wysigingswet op die Pensioenwette, 1957 ..... | Artikels 2 en 3 |
| Wet No. 67 van 1959.. | Wysigingswet op die Pensioenwette, 1959 ..... | Artikels 9, 10, 11, 51, 56 en 58 (1), (2), (3), (5) en (6) |
| Wet No. 61 van 1960.. | Wysigingswet op die Pensioenwette, 1960 ..... | Artikel 16 |
| Wet No. 78 van 1961.. | Wysigingswet op die Pensioenwette, 1961 ..... | Die geheel |
| Wet No. 92 van 1962.. | Wysigingswet op die Pensioenwette, 1962 ..... | Artikels 3, 4, 33, 35 tot 41, 50, 52, 54 en 56 |
| Wet No. 41 van 1963.. | Wet op die Pensioenfonds vir Geassosieerde Inrigtings, 1963 .......................... | Artikels 3*bis* (1) en 3*ter* |
| Wet No. 95 van 1963.. | Wysigingswet op die Pensioenwette, 1963 ..... | Artikels 35 en 37 |
| Wet No. 84 van 1964.. | Wysigingswet op die Pensioenwette, 1964 ..... | Artikels 9 tot 12, 27 en 32 |
| Wet No. 62 van 1965 .. | Regeringsdienspensioenwet, 1965 ........... | Artikels 21 en 22 |
| Wet No. 102 van 1965. | Wysigingswet op die Pensioenwette, 1965 ..... | Die geheel |
| Wet No. 26 van 1966.. | Wysigingswet op die Pensioenwette, 1966 ..... | Die geheel |
| Wet No. 91 van 1967.. | Wysigingswet op die Pensioenwette, 1967 ..... | Die geheel |
| Wet No. 79 van 1968.. | Wysigingswet op die Pensioenwette, 1968 ..... | Die geheel |
| Wet No. 98 van 1969.. | Wysigingswet op die Pensioenwette, 1969 ..... | Artikels 1 tot 6, 11 tot 13 en 15 tot 17 |
| Wet No. 20 van 1970.. | Wysigingswet op die Pensioenwette, 1970 ..... | Die geheel |
| Wet No. 86 van 1970.. | Tweede Wysigingswet op die Pensioenwette, 1970................................ | Die geheel |
| Wet No. 81 van 1971.. | Wet op Pensioene vir Parlementsdiens en Administrateurs, 1971 ................. | Artikels 20 (1) en (2) en 21 |
| Wet No. 93 van 1971.. | Wysigingswet op die Pensioenwette, 1971 ..... | Die geheel |
| Wet No. 97 van 1972.. | Wysigingswet op die Pensioenwette, 1972 ..... | Artikels 1 tot 5, 8 en 10 |
| Wet No. 57 van 1973.. | Regeringsdienspensioenwet, 1973 ........... | Artikels 9, 10, 12, 13 en 14 |
| Wet No. 73 van 1973.. | Wysigingswet op die Pensioenwette, 1973 ..... | Artikels 1 tot 4, 5 (1), (2), (3), (7) en (8) en 6 |

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LAWS REPEALED

| Number and year of law | Title of law | Extent of repeal |
|---|---|---|
| Act No. 15 of 1974 ... | Pension Laws Amendment Act, 1974 ......... | Sections 1 and 2 (1), (2), (3), (5) and (6) |
| Act No. 77 of 1974 ... | Second Pension Laws Amendment Act, 1974 .. | Sections 1 to 5, 6 (1), 7 to 16 and 18 to 20 |
| Act No. 50 of 1975 ... | Pension Laws Amendment Act, 1975 ......... | Sections 1, 2 (1), 3 to 8 and 10 |
| Act No. 83 of 1976 ... | Pension Laws Amendment Act, 1976 ......... | Sections 1 to 4, 6, 8 to 10 and 11 *(a)* to *(d)* |
| Act No. 84 of 1976 ... | Military Pensions Act, 1976 ............... | Sections 17, 18 and 19 (1) |
| Act No. 26 of 1977 ... | Pension Laws Amendment Act, 1977 ......... | Sections 1 to 13 and 15 |
| Act No. 40 of 1978 ... | Pension Laws Amendment Act, 1978 ......... | Sections 1 to 6, 8 and 9 *(a)* to *(d)* |
| Act No. 105 of 1978 .. | Second Pension Laws Amendment Act, 1978 .. | The whole |

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|---|---|---|
| Wet No. 15 van 1974 .. | Wysigingswet op die Pensioenwette, 1974 ..... | Artikels 1 en 2 (1), (2), (3), (5) en (6) |
| Wet No. 77 van 1974 .. | Tweede Wysigingswet op die Pensioenwette, 1974 ................................ | Artikels 1 tot 5, 6 (1), 7 tot 16 en 18 tot 20 |
| Wet No. 50 van 1975 .. | Wysigingswet op die Pensioenwette, 1975 ..... | Artikels 1, 2 (1), 3 tot 8 en 10 |
| Wet No. 83 van 1976 .. | Wysigingswet op die Pensioenwette, 1976 ..... | Artikels 1 tot 4, 6, 8 tot 10 en 11 *(a)* tot *(d)* |
| Wet No. 84 van 1976 .. | Wet op Militêre Pensioene, 1976 ........... | Artikels 17, 18 en 19 (1) |
| Wet No. 26 van 1977 .. | Wysigingswet op die Pensioenwette, 1977 ..... | Artikels 1 tot 13 en 15 |
| Wet No. 40 van 1978 .. | Wysigingswet op die Pensioenwette, 1978 ..... | Artikels 1 tot 6, 8 en 9 *(a)* tot *(d)* |
| Wet No. 105 van 1978 . | Tweede Wysigingswet op die Pensioenwette, 1978 ................................ | Die geheel |

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