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OF SOUTH WEST AFRICA

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BUITENGEWONE

OFFISIËLE KOERANT

VAN SUIDWES-AFRIKA

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CONTENTS:

INHOUD:

	<i>Page</i>		<i>Bladsy</i>
GOVERNMENT NOTICE		GOEWERMENSKENNISGEWING	
No. 29 Promulgation of Members of the National Assembly and of Legislative and Executive Authorities Pensions Amendment Act, (Act 7 of 1989), of the National Assembly.	1	No. 29 Afkondiging van Wysigingswet op Pensioene vir Lede van die Nasionale Vergadering en van Wetgewende en Uitvoerende Owerhede, 1989 (Wet 7 van 1989), van die Nasionale Vergadering.	1

Government Notice

Goewermentskennisgewing

DEPARTMENT OF GOVERNMENTAL AFFAIRS

DEPARTEMENT VAN OWERHEIDSAKE

No. 29 1989

No. 29 1989

PROMULGATION OF ACT OF NATIONAL ASSEMBLY

AFKONDIGING VAN WET VAN NASIONALE VERGADERING

The following Act, which has been adopted by the National Assembly and signed by the Administrator-General in terms of the South West Africa Legislative and Executive Authority Establishment Proclamation, 1985 (Proclamation R.101 of 1985), is hereby published in terms of section 18 of that Proclamation: —

Die volgende Wet, wat ingevolge die Proklamasie op die Instelling van Wetgewende en Uitvoerende Gesag vir Suidwes-Afrika, 1985 (Proklamasie R.101 van 1985), deur die Nasionale Vergadering aangeneem en deur die Administrateur-generaal onderteken is, word hierby afgekondig ingevolge artikel 18 van daardie Proklamasie: —

No. 7 of 1989: Members of the National Assembly and of Legislative and Executive Authorities Pensions Amendment Act, 1989.

No. 7 van 1989: Wysigingswet op Pensioene vir Lede van die Nasionale Vergadering en van Wetgewende en Uitvoerende Owerhede, 1989.

Act No. 7, 1989

**MEMBERS OF THE NATIONAL ASSEMBLY AND
OF LEGISLATIVE AND EXECUTIVE
AUTHORITIES PENSIONS AMENDMENT ACT,
1989**

EXPLANATORY NOTE:

_____ Words underlined with solid line indicate insertions proposed.

[] Words in bold type in square brackets indicate omissions proposed.

ACT

To amend the Members of the National Assembly and of Legislative and Executive Authorities Pensions Act, 1981, so as to amend a certain definition; to provide that members can elect not to pay any contributions or any further contributions; to make further provision for the refund of contributions; and to provide for matters incidental thereto.

*(Afrikaans text signed by the Administrator-General on
28 February 1989)*

BE IT ENACTED by the National Assembly, as follows:-

Amendment of section 1
of Act 11 of 1981.

1. Section 1 of the Members of the National Assembly and of Legislative and Executive Authorities Pensions Act, 1981 (hereinafter referred to as the principal Act), is hereby amended by the substitution for the definition of "pensionable service" of the following definition:

" 'pensionable service' means a period of service, calculated by the year and a portion of a year, in respect of which a member is compelled or has elected to contribute to revenue in terms of this Act, and includes any period in respect of which no contributions [is] are payable in terms of section 2(2)(a);".

Amendment of section 2
of Act 11 of 1981.

2. Section 2 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

" (2) No contributions shall be payable in terms of the provisions of subsection (1) by a member -

Act No. 7, 1989

**MEMBERS OF THE NATIONAL ASSEMBLY AND
OF LEGISLATIVE AND EXECUTIVE
AUTHORITIES PENSIONS AMENDMENT ACT,
1989**

- (a) who has before or after or before as well as after the fixed date had pensionable service which in the aggregate amounts to not less than twelve years and who has contributed in respect of a period of not less than twelve years in terms of the provisions of this Act; or
- (b) who notifies the Secretary in writing that he elects not to pay any contributions or any further contributions, as the case may be, in terms of subsection (1).”.

Amendment of section 5
of Act 11 of 1981.

3. Section 5 of the principal Act is hereby amended –

- (a) by the substitution for subsection (1) of the following subsection:

“ (1) A member, except a member to whom section 4(2) applies, whose service terminates before the completion of eight years of pensionable service, shall be entitled to payment from revenue of an amount equal to the aggregate of his contributions and arrear contributions which have been paid by him or deducted from his remuneration or allowances as a member in terms of this Act, together with **[five per cent of that]** an amount in respect of interest calculated on the said aggregate amount at the rate of five per cent simple interest per year for the period in respect of such member's pensionable service.”;

- (b) by the insertion after subsection (1) of the following subsection:

“ (1)bis A member who makes an election in terms of section 2(2)(b), shall be entitled to payment from revenue of an amount equal to the aggregate of his contributions and arrear contributions, if any, which have been paid by him or deducted from his remuneration or allowances as a member in terms of this Act, together with an amount in respect of interest calculated on the said aggregate amount at the rate of five per cent simple interest per year for the period in respect of which such member has so contributed.”; and

- (c) by the substitution for subsection (2) of the following subsection:

Act No. 7, 1989

**MEMBERS OF THE NATIONAL ASSEMBLY AND
OF LEGISLATIVE AND EXECUTIVE
AUTHORITIES PENSIONS AMENDMENT ACT,
1989**

“ (2) A member who becomes entitled to payment of an amount in terms of [subsection (1)] this section, shall cease to be liable for any arrear contributions —

(a) in the case of subsection (1), on the date of the termination of his membership; or

(b) in the case of subsection (1) *bis*, on the date on which the Secretary receives the written notice referred to in section 2(2)(b).”

Short title and commencement.

4. (1) This Act shall be called the Members of the National Assembly and of Legislative and Executive Authorities Pensions Amendment Act, 1989.

(2) Section 3(a) shall be deemed to have come into operation on 1 January 1989.