BUITENGEWONE

OFFISIËLE KOERANT

VAN SUIDWES-AFRIKA

OFFICIAL GAZETTE

EXTRAORDINARY

OF SOUTH WEST AFRICA

UITGAWE OP GESAG — PUBLISHED BY AUTHORITY

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AG. PROKLAMASIE

No. AG. 8 Proklamasie op Pensioengratifikasies aan Voormalige Lede van die Nasionale Vergadering en van Wetgewende en Uitvoerende Owerhede, 1990 1

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PROKLAMASIE

van die

ADMINISTRATEUR-GENERAAL VIR DIE GEBIED SUIDWES-AFRIKA

(Deur die Staatspresident goedgekeur op 24 Februarie 1990)

No. AG. 8 1990

VOORSIENING VIR DIE BETALING VAN 'N PENSIOENGRATIFIKASIE AAN SEKERE VOORMALIGE LEDE VAN DIE NASIONALE VERGADERING EN VAN WETGEWENDE EN UITVOERENDE OWERHEDE

Kragtens die bevoegdheid my verleen by Proklamasie 181 van 19 Augustus 1977, maak ek hierby die wette in die Bylae vervat.

L.A. Pienaar

Administrateur-generaal — Windhoek, 16 Maart 1990

PROCLAMATION

by the

ADMINISTRATOR-GENERAL FOR THE TERRITORY OF SOUTH WEST AFRICA

(Approved by the State President on 24 February 1990)

No. AG. 8 1990

PROVISION FOR THE PAYMENT OF A PENSION GRATUITY TO CERTAIN FORMER MEMBERS OF THE NATIONAL ASSEMBLY AND OF LEGISLATIVE AND EXECUTIVE AUTHORITIES

Under the powers vested in me by Proclamation 181 of 19 August 1977, I hereby make the laws set out in the Schedule.

L.A. Pienaar

Administrator-General — Windhoek, 16 March 1990

BYLAE

Woordomskrywing

1. In hierdie Proklamasie, tensy uit die samehang anders blyk, beteken "die Wet" die Wet op Pensioene vir Lede van die Nasionale Vergadering en van Wetgewende en Uitvoerende Owerhede, 1981 (Wet 11 van 1981).

Betaling van 'n pensioengratifikasie

2. (1) Ondanks die bepalings van die Wet, word aan iemand –

(a) wat op die datum onmiddellik voor die datum van inwerkingtreding van hierdie Proklamasie op 'n jaargeld ingevolge artikel 4 of 6 van die Wet geregtig was; of

(b) aan wie die in artikel 5(1) van die Wet bedoelde bedrag betaal is as gevolg van die ontruiming van sy setel of amp –

(i) op 1 Maart 1989 weens die uitvaardiging van Proklamasie R. 13 van 1989 kragtens artikel 6(1)(f) van die Proklamasie op die Instelling van Wetgewende en Uitvoerende Gesag vir Suidwes-Afrika, 1985 (Proklamasie R. 101 van 1985); of

(ii) op 1 April 1989 weens die verordening van die Proklamasie op die Oordrag van Bevoegdhede van Verteenwoordigende Owerhede, 1989 (Proklamasie AG. 8 van 1989),

'n pensioengratifikasie betaal soos deur die Administrateur-generaal bepaal.

(2) 'n Persoon in paragraaf (a) van subartikel (1) bedoel, hou met ingang vanaf 1 Junie 1989 op om 'n jaargeld in daardie paragraaf bedoel te ontvang en om 'n pensioentrekker vir die doeleindes van die Wet te wees.

Vrystelling van inkomstebelasting

3. Ondanks enige andersluidende bepalings van die Inkomstebelastingwet, 1981 (Wet 24 van 1981), is 'n pensioengratifikasie in artikel 2 bedoel vrygestel van inkomstebelasting.

SCHEDULE

Definition

1. In this Proclamation, unless the context otherwise indicates, "the Act" means the Members of the National Assembly and of Legislative and Executive Authorities Pensions Act, 1981 (Act 11 of 1981).

Payment of a pension gratuity

2. (1) Notwithstanding the provisions of the Act, any person –

(a) who, on the date immediately prior to the date of commencement of this Proclamation was entitled to an annuity in terms of section 4 or 6 of the Act; or

(b) to whom the amount referred to in section 5(1) of the Act was paid consequent on the vacation of his seat or office –

(i) on 1 March 1989, by reason of the promulgation of Proclamation R. 13 of 1989 under section 6(1)(f) of the South West Africa Legislative and Executive Authority Establishment Proclamation, 1985 (Proclamation R. 101 of 1985); or

(ii) on 1 April 1989, by reason of the enactment of the Representative Authorities Powers Transfer Proclamation, 1989 (Proclamation AG. 8 of 1989),

shall be paid a pension gratuity as determined by the Administrator-General.

(2) Any person referred to in paragraph (a) of subsection (1) shall, with effect from 1 June 1989, cease to receive an annuity referred to in that paragraph and to be a pensioner for the purpose of the Act.

Exemption from income tax

3. Notwithstanding any provisions to the contrary contained in the Income Tax Act, 1981 (Act 24 of 1981), a pension gratuity referred to in section 2 shall be exempted from income tax.

Wettiging van pensioengratifkasie betaal en verrekening van jaargeld

4. (1) 'n Bedrag geld wat voor die inwerkingtreding van hierdie Proklamasie aan 'n in artikel 2(1) bedoelde persoon betaal is en wat heet ten opsigte van die in daardie artikel beoogde pensioengratifikasie te wees, word geag behoorlik kragtens bedoelde artikel bepaal en betaal te gewees het asof daardie artikel van krag was op die datum van sodanige betaling.

(2) Enige jaargeld wat ingevolge die Wet aan 'n persoon in artikel 2(1)(a) bedoel, na 1 Junie 1989 betaal is, word verreken teen die pensioengratifikasie wat ingevolge hierdie Proklamasie aan hom betaalbaar is.

Kort titel en inwerkingtreding

5. Hierdie Proklamasie heet die Proklamasie op Pensioengratifikasies aan Voormalige Lede van die Nasionale Vergadering en van Wetgewende en Uitvoerende Owerhede, 1990, en word geag op 1 Junie 1989 in werking te getree het.

Validation of pension gratuities paid and set off of annuities

4. (1) An amount of money paid to a person referred to section 2(1) before the commencement of this Proclamation which is purported to be in respect of the pension gratuity contemplated in that section, shall be deemed to have been duly determined and paid under the said section as if that section had been in force on the date of such payment.

(2) Any annuity paid in terms of the Act to a person referred to in section 2(1)(a) after 1 June 1989 shall be set off against the pension gratuity payable to him in terms of this Proclamation.

Short title and commencement

5. This Proclamation shall be called the Pension Gratuities to Former Members of the National Assembly and of Legislative and Executive Authorities Proclamation, 1990, and shall be deemed to have come into operation on 1 June 1989.

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