



Republic of Namibia
Annotated Statutes

Temporary Employees Pension Fund Act 75 of 1979 (RSA)

[\(RSA GG 6518\)](#)

brought into force on 1 October 1979 by RSA Proc. R.216/1979 [\(RSA GG 6665\)](#)
read together with RSA Proc. R.217/1979 [\(RSA GG 6665\)](#)

as amended by

**Temporary Employees Pension Fund Amendment
Proclamation R.217 of 1979 (RSA)** [\(RSA GG 6665\)](#)

came into force on 1 October 1979 (section 2 of RSA Proc. R.217/1979)

RSA Pension Laws Amendment Act 106 of 1986 (RSA) [\(RSA GG 10452\)](#)

relevant section came into force on date of publication: 19 September 1986

RSA Pension Laws Amendment Act 89 of 1988 (RSA) [\(RSA GG 11411\)](#).

relevant section came into force on date of publication: 15 July 1988

ACT

To provide for the payment of pensions and other financial benefits to certain temporary employees and their dependants; and to provide for matters connected therewith.

(Afrikaans text signed by the Acting State President.)

(Assented to 13 June 1979.)

ARRANGEMENT OF SECTIONS

1. Definitions
2. Termination of previous funds, and transfer of assets, rights and duties
3. Establishment of fund
4. Continuation and consolidation of certain benefits
5. Membership of fund
6. Benefits to dormant members who cannot become members of the fund
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Temporary Employees Pension Fund Act 75 of 1979 (RSA)**10. Short title and commencement**

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 -
 - (i) “annuity” means an amount which is payable each year;
 - (ii) “benefit” means an amount of money;
 - (iii) “dormant member” means a dormant member as defined in regulation 1 of the regulations promulgated by Government Notice No. R.652 of 25 April 1969;
 - (iv) “fixed date” means the date of commencement of this Act;
 - (v) “Government” means the Government of the Republic and includes a provincial administration;
 - (vi) “Government Employees’ Provident Fund” means the fund referred to in section 2(3) of the Government Service Pension Act, 1965 (Act No. 62 of 1965);
 - (vii) “Government Non-White Employees’ Pension Fund” means the pension fund established in terms of section 2(2) of the Government non-White Employees Pension Act, 1966 (Act No. 42 of 1966);

[In section 9, this Act is referred to as the “Government Service Pensions Act, 1965”, with “Pensions” being plural.]

- (viii) “member”, in relation to the Fund, means a person referred to in section 5 and includes such a person who is absent with or without leave or has been suspended from duty and who immediately before such absence or suspension was contributing to the Fund;
- (ix) “Minister” means the Minister of Social Welfare and Pensions;
- (x) “pensionable emoluments” means that part of the remuneration and allowances of a member prescribed as pensionable;
- (xi) “pensionable service”, in relation to a member, means any period of service as defined in the regulations and includes any period which in terms of the regulations is reckoned as pensionable service of that member;
- (xii) “pensioner” means any person who receives an annuity under this Act;
- (xiii) “prescribe” means prescribe by regulation;
- (xiv) “previous fund” means the Government Non-White Employees’ Pension Fund or the Government Employees’ Provident Fund;
- (xv) “regulation” means any regulation made under this Act;

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- (xvi) “repealed Act” means an Act referred to in section 9;
- (xvii) “revenue”, in relation to persons -
- (a) who are in the employment of or have retired or have been discharged from the service of -
 - (i) the Government, means, subject to subparagraph (iii), the State Revenue Fund;
 - (ii) the Department of Posts and Telecommunications, means the Post Office Fund;
 - (iii) a provincial administration, means the provincial revenue fund concerned;
 - (b) who are in the service of any other organization or body, or have retired or have been discharged from such service, means the moneys or revenue of such organization or body;
- (xviii) “Secretary” means the Secretary for Social Welfare and Pensions;
- (xix) “the Fund” means the Temporary Employees Pension Fund established by section 3;
- (xx) “this Act” includes any regulation;
- (xxi) “Treasury” means the Minister of Finance or any officer in the Department of Finance acting under his authority;
- (xxii) “widow’s pension” means an annuity payable to a widow under this Act.

Termination of previous funds, and transfer of assets, rights and duties

2. As from the fixed date -
- (a) every previous fund shall cease to exist;
 - (b) the Fund shall be credited with all amounts with which a previous fund was credited immediately before the said date;
 - (c) all rights and duties, existing as well as accruing, of a previous fund shall become the rights and duties of the Fund;
 - (d) any reference in any law to a previous fund shall be construed as a reference to the Fund.

Establishment of fund

3. (1) There shall be established as from the fixed date a fund to be called the Temporary Employees Pension Fund.
- (2) The Fund shall consist of -
- (a) the amounts vested in the Fund in terms of section 2 or paid to the Fund by virtue of that section;

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- (b) the amounts paid to the Fund by members in terms of the regulations;
- (c) the amounts paid to the Fund from revenue;
- (d) any other amounts which are to be credited to the Fund from time to time.

Continuation and consolidation of certain benefits

4. (1) If any person was immediately prior to the fixed date in receipt of an annuity which was payable in terms of a repealed Act from a previous fund or from revenue or partly from a previous fund and partly from revenue, and any allowance or bonus which was payable in terms of section 8 of the General Pensions Act, 1979 (Act No. 29 of 1979), such annuity, allowance and bonus shall, subject to the provisions of this Act, as from the fixed date, be consolidated into one amount and such consolidated amount shall as from the fixed date be paid to such person from and as a charge to the Fund, in lieu of such annuity, allowance and bonus, as an annuity (in this section referred to as a consolidated annuity).

(2) On the death of a pensioner to whom a consolidated annuity is payable there shall be paid to his widow a widow's pension as prescribed.

Membership of fund

5. (1) Any person who was a member of a previous fund immediately before the fixed date or was a dormant member, shall cease to be a member of such previous fund as from the fixed date or to be a dormant member, and shall, except in respect of any amount which was due by him to such previous fund immediately before the fixed date, be released from all obligations towards, and shall relinquish all rights and privileges in respect of such previous fund and shall, except in the case of a member referred to in section 6, become a member of the fund with effect from the fixed date and shall as from the fixed date contribute to the Fund as prescribed.

(2) As from the fixed date every person who is not in terms of any law liable to contribute to a pension or provident fund which is administered by or under the control of the Minister and who -

- (a) is in the employment of the Government or is appointed therein or transferred thereto;
- (b) is a member of any group or category of persons approved by the Minister with the concurrence of the Minister of Finance as a group or category for the purposes of membership of the Fund;
- (c) complies with the prescribed requirements,

shall become a member of the Fund and contribute thereto.

Benefits to dormant members who cannot become members of the fund

6. (1) Any person who immediately before the fixed date was a dormant member and was then liable to contribute to any pension or provident fund, except a previous fund which is administered by or under the control of the Minister, shall on that date cease to be such a member.

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(2) A full benefit, as defined in regulation 1 of the regulations promulgated by Government Notice No. R.652 of 25 April 1969, shall be paid to a person referred to in subsection (1), as if he had retired as from the fixed date.

Delegation

7. (1) The Minister may delegate to the Secretary or any officer in the Department of Social Welfare and Pensions any of the powers conferred upon the Minister by this Act except the power conferred by section 8, and may authorize the Secretary or such an officer to perform any of the functions or to carry out any of the duties which are assigned to or imposed upon the Minister by this Act.

(2) The Secretary may with the approval of the Minister delegate to any officer in that Department any of the powers conferred upon the Secretary by this Act and may with such approval authorize any such officer to perform or carry out any function or duty assigned to or imposed upon the Secretary by this Act.

Regulations

8. (1) Notwithstanding anything to the contrary contained in any law the Minister may make regulations relating to -

(a)

[paragraph (a) deleted by Act 106 of 1986]

(b) the payment of contributions to the Fund and the payment of annuities and benefits from the Fund to or in respect of members on their retirement, discharge, resignation or death;

(c) any matter required or permitted to be prescribed by this Act;

and generally for the better achievement of the objects and purposes of this Act.

(2) Without prejudice to the generality of the provisions of subsection (1) such regulations may -

(a) prescribe the conditions subject to which and the rate at which members shall contribute to the Fund, and the times at which and the manner in which such contributions or any amounts which are payable to the Fund in terms of this Act, shall be deducted from the pensionable emoluments of members and paid to the Fund;

(b) prescribe the circumstances in which and the basis and conditions subject to which any period which is not a period of pensionable service may be reckoned as pensionable service and the amount; including interest, which shall be paid to the Fund in respect of such period by the member concerned or any other person or from revenue, and the times at which and the manner in which such amount shall be so paid;

(c) prescribe the circumstances in which and the basis and conditions on which a member of the Fund may be transferred to any other pension fund or provident fund referred to in the regulations as a member of such other pension fund or provident fund or in which or on which a member of any such other pension fund or provident fund may be transferred to the Fund as a member, and the amount, including interest,

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which shall be paid from or to the Fund by the member concerned, the other pension fund or provident fund or the Fund in respect of such transfer, and the manner in which such amount shall be calculated and paid;

- (d) determine the contributions, interest or other amounts which shall or may be paid to the Fund from revenue, and the circumstances in which and the basis and conditions on which and the manner in which the said contributions, interest or other amounts shall be calculated and shall or may be paid to the Fund;
- (e) determine the annuities or benefits payable from the Fund to members or their widows or dependants or the prescribed persons in respect of the pensionable service of members in the prescribed cases or categories of cases, and the manner in which such annuities or benefits shall be calculated and the times at which and the manner in which such annuities or benefits shall be paid;
- (f) provide for the investment of amounts standing to the credit of the Fund;
- (g) provide for the conditions on which a member who is seconded to employment in respect of which he is not liable to contribute to the Fund may continue to contribute to the Fund and receive an annuity or benefit from the Fund;
- (h) determine formulae or provide for the approval by the Minister of formulae for the calculation of benefits or other prescribed amounts;
- (i) provide for the exercise or performance by the Secretary, the Treasury or the Public Service Commission, of such powers or functions as the Minister may deem necessary for the achievement of the objects of this Act.

(3) Notwithstanding the provisions of subsections (1) and (2) the regulations made thereunder may provide that any annuity which is payable thereunder may be supplemented by an amount which the Minister may from time to time determine in consultation with the Minister of Finance in a written notice to the Secretary, or that such annuity shall in a specified case not be less than an amount so determined.

(4) Different regulations may be made under this section in respect of members who belong to different categories.

(5) Any regulation, except a regulation which amends existing regulations and increases the rate at which members shall contribute to the Fund or reduces the amount of an annuity payable from the Fund, may be made with retrospective effect.

(6) Regulations made under this section shall be made by the Minister with the concurrence of the Minister of Finance after consultation with the Ministers responsible for the Commission for Administration, National Education and Posts and Telecommunications.

[subsection (6) substituted by Act 106 of 1986 and by Act 89 of 1988]

Repeal of laws

9. The Government Service Pensions Act, 1965 (Act No. 62 of 1965), the Government non-White Employees Pensions Act, 1966 (Act No. 42 of 1966), and section 8 of the Black Education Account Abolition Act, 1972 (Act No. 20 of 1972), are hereby repealed.

Application of this Act in South West Africa and definitions

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9A. This Act and any amendment thereof shall apply also in the Territory of South West Africa, including the Eastern Caprivi Zipfel and for the purposes of such application, in this Act, unless the context otherwise indicates.

- (a) “revenue”, in relation to persons who are in the employment of or have retired or have been discharged from the service of the Administration of the Territory of South West Africa; means the Revenue Fund of the said Territory;
- (b) “Government” includes the Administration of the said Territory.

[section 9A inserted by Proc. R.217 of 1979]

Short title and commencement

10. This Act shall be called the Temporary Employees Pension Fund Act, 1979, and shall come into operation on a date to be fixed by proclamation by the State President in the *Gazette*.