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OFFISIËLE KOERANT
 VAN SUIDWES-AFRIKA
OFFICIAL GAZETTE
EXTRAORDINARY

OF SOUTH WEST AFRICA

UITGAWE OP GESAG

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GOVERNMENT NOTICE:

No. AG. 119 Promulgation of Medical Aid Scheme for the Government Service Extention Act, 1982 (Act 13 of 1982), of the National Assembly of South West Africa

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Goewermentskennisgewing

Government Notice

Kantoor van die

Office of the

ADMINISTRATEUR-GENERAAL VIR DIE
GEBIED SUIDWES-AFRIKA

ADMINISTRATOR-GENERAL FOR THE
TERRITORY OF SOUTH WEST AFRICA

DEPARTEMENT VAN DIE MINISTERS-
RAAD

DEPARTMENT OF THE COUNCIL OF
MINISTERS

No. AG. 119 1982

No. AG. 119 1982

AFKONDIGING VAN WET VAN NASIO-
NALE VERGADERING

PROMULGATION OF ACT OF NATIONAL
ASSEMBLY

Die volgende Wet, wat ingevolge die Proklamasie op die Nasionale Vergadering, 1979 (Proklamasie AG. 21 van 1979), deur die Nasionale Vergadering van Suidwes-Afrika aangeneem en deur die Administrateur-generaal onderteken is, word hierby afgekondig ingevolge artikel 19 van daardie Proklamasie:—

The following Act, which has been adopted by the National Assembly of South West Africa and signed by the Administrator-General in terms of the National Assembly Proclamation, 1979 (Proclamation AG. 21 of 1979), is hereby published in terms of section 19 of that Proclamation:—

No. 13 van 1982: Wet op die Uitbreiding van die Mediese Hulpskema vir die Regeringsdiens, 1982

No. 13 of 1982: Medical Aid Scheme for the Government Service Extention Act, 1982

Wet No. 13, 1982

**WET OP DIE UITBREIDING VAN DIE
MEDIESE HULPSKEMA VIR DIE
REGERINGSDIENS, 1982**

(Afrikaanse teks deur die Administrateur-generaal
onderteken op 5 Julie 1982)

WET

Om lidmaatskap van die mediese hulpskema wat kragtens die Regeringsdienswet, 1980, vir die regeringsdiens ingestel is, uit te brei na lede en voormalige lede van sekere uitvoerende en wetgewende liggame, na regters en voormalige regters van die Hooggeregshof van Suidwes-Afrika, en na hul weduwees; tot wysiging van die Wet op Mediese Skemas, 1967, ten einde die toepassing van die bepaling daarvan op bedoelde mediese hulpskema uit te sluit; tot wysiging van die Regeringsdienswet, 1980, ten einde die bevoegdhede om lidmaatskap van bedoelde mediese hulpskema voor te skryf, uit te brei; en om vir bykomstige aangeleenthede voorsiening te maak.

DAAR WORD BEPAAL deur die Nasionale Vergadering van Suidwes-Afrika, soos volg: —

Uitbreiding van lidmaatskap van mediese hulpskema wat vir regeringsdiens ingestel is.

1. (1) Die bepaling van die een of ander wet met betrekking tot die kragtens artikel 28(1)(b)(i) van die Regeringsdienswet, 1980 (Wet 2 van 1980), ingestelde mediese hulpskema vir die regeringsdiens, is, behoudens die bepaling van subartikels (2) en (3), *mutatis mutandis* van toepassing op iemand asof hy 'n beampte in die artikel 2 van genoemde Regeringsdienswet, 1980, bedoelde regeringsdiens is wat 'n lid van die Statutêre Instellingspensioenfonds is, indien so iemand —

(a) 'n lid is van —

(i) die Ministersraad;

(ii) die Nasionale Vergadering van Suidwes-Afrika by artikel 2 van die Proklamasie op die Nasionale Vergadering, 1979 (Proklamasie AG. 21 van 1979), ingestel;

(iii) 'n uitvoerende owerheid, soos in artikel 1 van die Proklamasie op Verteenwoordigende Owerhede, 1980 (Proklamasie AG. 8 van 1980), omskryf;

(iv) 'n wetgewende owerheid, soos aldus omskryf;

(b) by die inwerkingtreding van hierdie Wet ingevolge die Wet op Pensioene vir Lede van die Nasionale Vergadering en van Wetgewende en Uitvoerende Owerhede, 1981 (Wet 11 van 1981), op 'n jaargeld, soos in daardie Wet bedoel, geregtig is;

**MEDICAL AID SCHEME FOR THE
GOVERNMENT SERVICE EXTENTION
ACT, 1982**

Act No. 13, 1982

*(Afrikaans text signed by the Administrator-
General on 5 July 1982)*

ACT

To extend membership of the medical aid scheme established for the government service under the Government Service Act, 1980, to members and former members of certain executive and legislative authorities, to judges and former judges of the Supreme Court of South West Africa, and to their widows; to amend the Medical Schemes Act, 1967, so as to exclude the application of the provisions thereof to the said medical aid scheme; to amend the Government Service Act, 1980, so as to extend the power to prescribe membership of the said medical aid scheme; and to provide for incidental matters.

BE IT ENACTED by the National Assembly of South West Africa, as follows:—

1. (1) The provisions of any law in relation to the medical aid scheme established for the government service under section 28(1)(b)(i) of the Government Service Act, 1980 (Act 2 of 1980), shall, subject to the provisions of subsections (2) and (3), apply *mutatis mutandis* to any person as if he were an officer in the government service referred to in section 2 of the said Government Service Act, 1980, who is a member of the Statutory Institutions Pension Fund, if such a person —

Extension of membership of medical aid scheme established for government service.

- (a) is a member of —
- (i) the Council of Ministers;
 - (ii) the National Assembly of South West Africa established by section 2 of the National Assembly Proclamation, 1979 (Proclamation AG. 21 of 1979);
 - (iii) any executive authority, as defined in section 1 of the Representative Authorities Proclamation, 1980 (Proclamation AG. 8 of 1980);
 - (iv) any legislative authority, as so defined;
- (b) is in terms of the Members of the National Assembly and of Legislative and Executive Authorities Pensions Act, 1981 (Act 11 of 1981), entitled to an annuity, as referred to in that Act, at the commencement of this Act;

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(c) in 'n permanente hoedanigheid die amp van regter van die Hooggeregshof van Suidwes-Afrika beklee;

(d) 'n in paragraaf (a) of (c) bedoelde lid of regter was wat —

(i) in die geval van 'n in paragraaf (a) bedoelde lid, ingevolge die Wet op Pensioene vir Lede van die Nasionale Vergadering en van Wetgewende en Uitvoerende Owerhede, 1981 (Wet 11 van 1981);

(ii) in die geval van 'n in paragraaf (c) bedoelde regter, ingevolge die een of ander wet op pensioene vir regters,

op 'n jaargeld, soos in die betrokke wet bedoel, geregtig geword het en wat op die datum toe hy aldus geregtig geword het 'n lid van bedoelde mediese hulpskema was;

(e) die weduwee is van 'n in paragraaf (a), (b), (c) of (d) bedoelde persoon wat op die datum van sy afsterwe kragtens bedoelde bepaling, soos deur hierdie Wet toegepas, 'n lid van bedoelde mediese hulpskema was.

(2) By die toepassing van die bepalinge in subartikel (1) bedoel —

(a) word 'n verwysing na —

(i) 'n departementshoof, uitgelê as 'n verwysing na die rekenpligtige beampte wat vir die betaling van die besoldiging of toelaes, salaris of jaargeld, na gelang van die geval, van die betrokke persoon in subartikel (1) bedoel, verantwoordelik is;

(ii) 'n aanbeveling van die Regeringsdienskommissie, behalwe met betrekking tot die bepaling van die persentasie wat ten opsigte van 'n mediese eis betaalbaar is en die voorwaardes en beperkings waarkragtens so 'n eis betaalbaar is, uitgelê as 'n verwysing na 'n bepaling van die Administrateur-generaal;

(b) met betrekking tot die opskorting van lidmaatskap van bedoelde mediese hulpskema, word 'n verwysing na 'n pensioentrekker, behalwe in die geval van 'n in paragraaf (c) van subartikel (1) bedoelde regter, uitgelê as 'n verwysing na iemand in paragraaf (a), (b), (d) of (e) van subartikel (1) bedoel;

(c) met betrekking tot die bydraes deur, of die voordele van, 'n lid van bedoelde mediese hulpskema —

(i) in die geval van iemand in paragraaf (a) van subartikel (1) bedoel, word 'n verwysing na die salaris van so 'n lid, uitgelê as 'n verwysing na die besoldiging of toelaes van so iemand;

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- (c) holds the office of judge of the Supreme Court of South West Africa in a permanent capacity;
- (d) was a member or judge referred to in paragraph (a) or (c) who —
 - (i) in the case of a member referred to in paragraph (a), in terms of the Members of the National Assembly and of Legislative and Executive Authorities Pensions Act, 1981 (Act 11 of 1981);
 - (ii) in the case of a judge referred to in paragraph (c), in terms of any law governing pensions for judges,

became entitled to an annuity, as referred to in the law concerned, and who was a member of the said medical aid scheme on the date when he became so entitled;

- (e) is the widow of the person referred to in paragraph (a), (b), (c) or (d) who was a member of the said medical aid scheme under the said provisions, as applied by this Act, on the date of his death.
- (2) In the application of the provisions referred to in subsection (1) —
- (a) any reference to —
 - (i) a departmental head, shall be construed as a reference to the accounting officer responsible for the payment of the remuneration or allowances, salary or annuity, as the case may be, of the person concerned referred to in subsection (1);
 - (ii) any recommendation by the Government Service Commission, except in relation to the determination of the percentage payable in respect of any medical claim and the conditions and limitations whereunder any such claim shall be payable, shall be construed as a determination by the Administrator-General;
 - (b) in relation to the suspension of membership of the said medical aid scheme, any reference to a pensioner, except in the case of a judge referred to in paragraph (c) of subsection (1), shall be construed as a reference to a person referred to in paragraph (a), (b), (d) or (e) of subsection (1);
 - (c) in relation to the contributions by, or the benefits to, a member of the said medical aid scheme —
 - (i) in the case of any person referred to in paragraph (a) of subsection (1), any reference to the salary of such a member, shall be construed as a reference to the remuneration or allowances of such a person;

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(ii) in die geval van iemand in paragraaf (b), (d) of (e) van genoemde subartikel (1) bedoel, word 'n verwysing na die jaargeld van so 'n lid, uitgelê as 'n verwysing na die jaargeld, soos bedoel in die betrokke wet ingevolge waarvan dit betaalbaar is, van so iemand;

(iii) word 'n verwysing na die inkomstefonds, uitgelê as 'n verwysing na die Sentrale Inkomstefonds;

(d) met betrekking tot 'n aansoek om lidmaatskap van bedoelde mediese hulpskema, in die geval van iemand in paragraaf (a), (b) of (c) van subartikel (1) bedoel —

(i) wat op die datum van die inwerkingtreding van hierdie Wet 'n lid van bedoelde mediese hulpskema kan word; en

(ii) wat, indien hierdie Wet op 1 Januarie 1982 in werking getree het, op 1 Januarie 1982 of, indien so iemand op daardie datum nog nie 'n in genoemde paragraaf (a), (b) of (c) van subartikel (1) bedoelde persoon was nie, die datum waarop hy so iemand geword het, 'n lid van bedoelde mediese hulpskema sou kon word,

word 'n verwysing na die datum waarop so iemand se aansoek ontvang is, indien so iemand in sy aansoek aldus versoek, uitgelê as 'n verwysing na 1 Januarie 1982 of, na gelang van die geval, die datum waarop so iemand in 'n paragraaf (a), (b) of (c) bedoelde persoon geword het.

(3) Die bepalings van subartikel (1) is nie van toepassing nie met betrekking tot die daarin bedoelde bepalings wat die Administrateur-generaal bepaal, in dié mate en vanaf dié datum (wat 'n datum vroeër as die datum van die bepaling kan wees) wat hy bepaal, en wat by kennisgewing in die *Offisiële Koerant* bekend gemaak word.

Wysiging van artikel 2 van Wet 72 van 1967, soos gewysig deur artikel 2 van Wet 95 van 1969 en artikel 2 van Wet 49 van 1972.

2. (1) Artikel 2 van die Wet op Mediese Skemas, 1967, word hierby gewysig —

(a) deur paragrafe (a), (c) en (e) van subartikel (1) te skrap;

(b) deur in subartikel (2A) die uitdrukking "(1)(b), (c), (d), (e), (f) of (g)" deur die uitdrukking "(1)(b), (d), (f) of (g)" te vervang; en

(c) deur in subartikel (3) die uitdrukking "(1)(b), (c), (d), (e), (f), of (g)" deur die uitdrukking "(1)(b), (d), (f) of (g)" te vervang.

(2) Subartikel (1) word geag op 1 April 1981 in werking te getree het.

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(ii) in the case of a person referred to in paragraph (b), (d) or (e) of the said subsection (1), any reference to the annuity of such a member, shall be construed as a reference to the annuity, as referred to in the law concerned in terms of which it is payable, of such a person;

(iii) any reference to the revenue fund, shall be construed as a reference to the Central Revenue Fund;

(d) in relation to any application for membership of the said medical aid scheme, in the case of any person referred to in paragraph (a), (b) or (c) of subsection (1) —

(i) who may become a member of the said medical aid scheme on the date of commencement of this Act; and

(ii) who, if this Act had come into operation on 1 January 1982, could have become a member of the said medical aid scheme on 1 January 1982, or, if such a person was not a person referred to in the said paragraph (a), (b) or (c) of subsection (1) on that date, the date on which he became such a person.

any reference to the date upon which the application of such a person has been received, shall, if such a person so requests in his application, be construed as a reference to 1 January 1982 or, as the case may be, the date upon which such a person became a person referred to in paragraph (a), (b) or (c).

(3) The provisions of subsection (1) shall not apply in relation to the provisions referred to therein as the Administrator-General may determine, to such extent and with effect from such date (which may be a date earlier than the date of the determination) as he may determine, and made known by notice in the *Official Gazette*.

2. (1) Section 2 of the Medical Schemes Act, 1967, is hereby amended —

(a) by the deletion of paragraphs (a), (c) and (e) of subsection (1);

(b) by the substitution in subsection (2A) for the expression “(1)(b), (c), (d), (e), (f) or (g)” of the expression “(1)(b), (d), (f) or (g)”; and

(c) by the substitution in subsection (3) for the expression “(1)(b), (c), (d), (e), (f) or (g)” of the expression “(1)(b), (d), (f) or (g)”.

(2) Subsection (1) shall be deemed to have come into operation on 1 April 1981.

Amendment of section 2 of Act 72 of 1967, as amended by section 2 of Act 95 of 1969 and section 2 of Act 49 of 1972.

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**WET OP DIE UITBREIDING VAN DIE
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REGERINGSDIENS, 1982**

Wysiging van artikel 28
van Wet 2 van 1980.

3. (1) Artikel 28 van die Regeringsdienswet, 1980, word hierby gewysig deur die volgende subartikel by te voeg:

“ (3) (a) Die Regulasies in paragraaf (b) van subartikel (1) bedoel, kan ook voorsiening maak vir lidmaatskap van die daarkragtens ingestelde mediese hulpskema van —

(i) ’n persoon kragtens artikel 3(1) van die Waterwet, 1956 (Wet 54 van 1956), aangestel;

(ii) die weduwee van ’n persoon wat op die datum van sy afsterwe ’n beampte of werknemer of ’n in subparagraaf (i) bedoelde persoon was;

(iii) ’n persoon wat op die datum onmiddellik voor die datum waarop hy ingevolge die Wet op Pensioene vir Statutêre Instellings, 1980 (Wet 3 van 1980), op ’n pensioen, soos in daardie Wet bedoel, geregtig geword het, ’n beampte of werknemer of ’n in subparagraaf (i) bedoelde persoon was;

(iv) die weduwee van ’n persoon wat op die datum van sy afsterwe ’n in subparagraaf (iii) bedoelde persoon was.

(b) By die toepassing van paragraaf (b) van subartikel (1) met betrekking tot ’n persoon in paragraaf (a) van hierdie subartikel bedoel, word ’n verwysing na —

(i) ’n beampte of werknemer, uitgelê as ’n verwysing ook na ’n persoon in genoemde paragraaf (a) bedoel;

(ii) gelde wat kragtens hierdie Wet betaalbaar is, uitgelê as ’n verwysing na ’n jaargeld wat ingevolge die Wet op Pensioene vir Statutêre Instellings, 1980 (Wet 3 van 1980), aan so ’n persoon betaalbaar is.”

(2) Subartikel (1) word geag op 1 Julie 1980 in werking te getree het.

Kort titel.

4. Hierdie Wet heet die Wet op die Uitbreiding van die Mediese Hulpskema vir die Regeringsdiens, 1982.

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3. (1) Section 28 of the Government Service Act, 1980, is hereby amended by the addition of the following subsection:

Amendment of section 28
of Act 2 of 1980.

- “ (3) (a) The regulations referred to in paragraph (b) of subsection (1) may also provide for membership of the medical aid scheme established thereunder of —
- (i) any person appointed under section 3(1) of the Water Act, 1956 (Act 54 of 1956);
 - (ii) the widow of a person who was an officer or employee or a person referred to in subparagraph (i) on the date of his death;
 - (iii) a person who was an officer or employee or a person referred to in subparagraph (i) on the date immediately before the date on which he in terms of the Statutory Institutions Pensions Act, 1980 (Act 3 of 1980), became entitled to a pension, as referred to in that Act;
 - (iv) the widow of a person who was a person referred to in subparagraph (iii) on the date of his death.
- (b) In the application of paragraph (b) of subsection (1) in relation to a person referred to in paragraph (a) of this subsection, a reference to —
- (i) an officer or employee, shall be construed as including a reference to a person referred to in the said paragraph (a);
 - (ii) moneys payable under this Act, shall be construed as a reference to an annuity payable to such a person in terms of the Statutory Institutions Pensions Act, 1980 (Act 3 of 1980).”

(2) Subsection (1) shall be deemed to have come into operation on 1 July 1980.

4. This Act shall be called the Medical Aid Scheme for the Government Service Extension Act, 1982.

Short title.

THE UNIVERSITY OF CHICAGO
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