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**CONTENTS:**

**INHOUD:**

	<i>Page</i>		<i>Bladsy</i>
<b>GOVERNMENT NOTICES</b>		<b>GOEWERMENSKENNISGEWINGS</b>	
No. 176    Amendment of regulations made under the Statutory Institutions Pensions Act, 1980	1	No. 176    Wysiging van regulasies uitgevaardig kragtens die Wet op Pensioene vir Statutêre Instellings, 1980	1
No. 177    Amendment of the regulations made under the Statutory Institution Pensions Act, 1980	3	No. 177    Wysiging van die regulasies uitgevaardig kragtens die Wet op Pensioene vir Statutêre Instellings, 1980	3

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<b>Government Notices</b>	<b>Goewermentskennisgewings</b>
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**CENTRAL PERSONNEL INSTITUTION**

**SENTRALE PERSONEELINSTELLING**

No. 176      1987

No. 176      1987

**AMENDMENT OF REGULATIONS MADE UNDER THE STATUTORY INSTITUTIONS PENSIONS ACT, 1980**

**WYSIGING VAN REGULASIES UITGEVAARDIG KRAGTENS DIE WET OP PENSIOENE VIR STATUTÊRE INSTELLINGS, 1980**

The Cabinet has under section 13 of the Statutory Institutions Pensions Act, 1980 (Act 3 of 1980), made the regulation contained in the Schedule.

Die Kabinet het kragtens artikel 13 van die Wet op Pensioene vir Statutêre Instellings, 1980 (Wet 3 van 1980), die regulasie uitgevaardig wat in die Bylae vervat is.

**SCHEDULE**

**BYLAE**

Regulation 10 of the regulations promulgated by Government Notice AG. 76 of 1980 is hereby amended by the substitution for subregulation (4) of the following subregulation:

Regulasie 10 van die regulasies afgekondig by Goewermentskennisgewing AG. 76 van 1980 word hierby gewysig deur subregulasie (4) deur die volgende subregulasie te vervang:

“(4) (a) In calculating any gratuity or annuity in terms of this regulation, the period of pensionable service of any member -

(i) who has not yet attained the pensionable age and who retires in terms of section 5(1)(b) or (c) of the Statutory Institutions Pensions Act, 1980, or who is allowed to retire in terms of section 14(1)(c)(i) of the Government Service Act, 1980, during an extended term of office referred to in the said section 14(1)(c)(i), shall, subject to the provisions of paragraph (b), be increased by a period equal to -

(aa) one third of the period of his pensionable service or by a period equal to the period between the date on which he so retires and the date on which he will attain his pensionable age or by a period of five years, whichever may be the shorter period; and

(bb) one half of the period during which he held an office referred to in section 10A of the Government Service Act, 1980:

Provided that the total of a member's pensionable service, the period whereby it is increased in terms of this subparagraph and the period during which a member held any office referred to in section 10A of the Government Service Act, 1980, shall not exceed 55 years;

(ii) whose retirement in terms of section 5(1)(b) occurred as a result of any injury or ill-health arising out of and in the course of his employment with any statutory institution or out of and in the course of military service, shall be increased by a further period which shall be equal to a period of five years or a period calculated in accordance with the formula -

“(4) (a) By die berekening van 'n gratifikasie of jaargeld ingevolge hierdie regulasie word die tydperk van pensioengewende diens van 'n lid -

(i) wat nog nie die pensioenouderdom bereik het nie en wat ingevolge artikel 5(1)(b) of (c) van die Wet op Pensioene vir Statutêre Instellings, 1980, uit diens tree, of wat ingevolge artikel 14(1)(c)(i) van die Regeringsdienswet, 1980, toegelaat word om gedurende 'n verlengde termyn in genoemde artikel 14(1)(c)(i) bedoel, af te tree, met 'n tydperk vermeerder wat, behoudens die bepalings van paragraaf (b), gelykstaan met -

(aa) een derde van die tydperk van sy pensioengewende diens of met 'n tydperk wat gelykstaan met die tydperk tussen die datum waarop hy aldus aftree en die datum waarop hy sy pensioenouderdom sal bereik of met 'n tydperk van vyf jaar, watter tydperk ookal die kortste is; en

(bb) een helfte van die tydperk waartydens hy 'n amp bedoel in artikel 10A van die Regeringsdienswet, 1980, beklee het:

Met dien verstande dat die som van 'n lid se pensioengewende diens, die tydperk waarmee dit ingevolge hierdie subparagraaf vermeerder word en die tydperk waartydens 'n lid 'n amp bedoel in artikel 10A van die Regeringsdienswet, 1980, beklee het, nie 55 jaar mag oorskry nie;

(ii) wie se uitdienstreding ingevolge artikel 5(1)(b) vanweë 'n besering of swak gesondheid wat ontstaan het uit en in die loop van sy diens by 'n statutêre instelling of uit en in die loop van militêre diens, geskied het, met 'n verdere tydperk vermeerder wat gelykstaan met 'n tydperk van vyf jaar of 'n tydperk bereken ooreenkomstig die formule -

A x B

in which -

factor A represents the period which follows immediately on the date of retirement of the member up to and including the date on which he attains the pensionable age if he has not attained such age and is then alive;

factor B represents the percentage of disablement of the member;

whichever period may be the longest.

(b) For the purposes of paragraph (a)(i) -

- (i) "pensionable service" shall not include a period during which a member held an office referred to in section 10A of the Government Service Act, 1980;
- (ii) "one half of the period" shall mean one half of a completed period and also one half of a completed extended period referred to in section 10A of the Government Service Act, 1980; and
- (iii) the portion of the said extended period during which a member is allowed to retire in terms of section 14(1)(c)(i) of the Government Service Act, 1980, shall not be taken into account.

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DEPARTMENT OF FINANCE

No. 177

1987

AMENDMENT OF THE REGULATIONS MADE UNDER THE STATUTORY INSTITUTIONS PENSIONS ACT, 1980

The Cabinet has under section 13 of the Statutory Institutions Pensions Act, 1980 (Act 3 of 1980), with effect from 1 October 1987, further amended the regulations promulgated by Government Notice AG. 76 of 1980 as set out in the Schedule.

A x B

waarin

faktor A die tydperk is wat onmiddellik volg op die datum van die betrokke lid se uitdienstreding tot en met die datum waarop hy, indien hy dit nog nie bereik het nie en dan in lewe is, die pensioenouderdom bereik;

faktor B die persentasie arbeidsongeskiktheid van die lid is,

welke tydperk ook al die langste is.

(b) By die toepassing van paragraaf (a)(i) -

- (i) beteken "pensioengewende diens" nie ook 'n tydperk waartydens 'n lid 'n amp bedoel in artikel 10A van die Regeringsdienswet, 1980, bekleed het nie;
- (ii) beteken "halfte van die tydperk" die helfte van 'n voltooide tydperk en ook die helfte van 'n voltooide verlengde tydperk bedoel in artikel 10A van die Regeringsdienswet, 1980; en
- (iii) word die gedeelte van die betrokke verlengde tydperk waartydens 'n lid ingevolge artikel 14(1)(c)(i) van die Regeringsdienswet, 1980, toegelaat word om af te tree, buite rekening gelaat.

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DEPARTEMENT VAN FINANSIES

No. 177

1987

WYSIGING VAN DIE REGULASIES UITGEVAARDIG KRAGTENS DIE WET OP PENSIOENE VIR STATUTÊRE INSTELLINGS, 1980

Die Kabinet het kragtens artikel 13 van die Wet op Pensioene vir Statutêre Instellings, 1980 (Wet 3 van 1980), die regulasies afgekondig by Goewermentskennisgewing AG. 76 van 1980, met ingang 1 Oktober 1987, verder gewysig soos in die Bylae uiteengesit.

## SCHEDULE

## BYLAE

1. Regulation 1 is hereby amended by the substitution in the definition of "members' debt" for the expression "6(1)(a)" of the expression "6(1)".
2. Regulation 5 is hereby amended by the substitution for paragraph (a) of subregulation (2) of the following paragraph:

"(2) (a) There shall, in respect of pensionable service which is reckoned as pensionable service in terms of subregulation (1), be paid by the member concerned to the Fund an amount equal to the sum of the amounts calculated in accordance with subparagraphs (i) and (ii):

- (i) An amount calculated in accordance with the formula -

$$A \times P \times K \times 4$$

in which -

factor A represents the member's commencing salary;

factor P represents the period reckoned in terms of subregulation (1) as pensionable service; and

factor K represents the rate at which the member contributes towards the Fund; and

- (ii) An amount in respect of interest reckoned on the amount determined in accordance with subparagraph (i) at the rate of 5,5% per year, annually compounded, for the period running from the commencing date of the period reckoned in terms of subregulation (1) as pensionable service till the date on which the application of the member concerned is approved by the Secretary.

1. Regulasie 1 word hierby gewysig deur in die woordskrywing van "ledeskuld" die uitdrukking "6(1)(a)" deur die uitdrukking "6(1)" te vervang.
2. Regulasie 5 word hierby gewysig deur paragraaf (a) van subregulasie (2) deur die volgende paragraaf te vervang:

"(2) (a) Daar word ten opsigte van pensioengewende diens wat ingevolge subregulasie (1) as pensioengewende diens gereken word, deur die betrokke lid aan die Fonds betaal, 'n bedrag gelykstaande aan die som van die bedrae bereken ooreenkomstig subparagraawe (i) en (ii):

- (i) 'n Bedrag bereken ooreenkomstig die formule -

$$A \times P \times K \times 4$$

waarin -

faktor A die lid se aanvangsalaris is;

faktor P die tydperk is wat ingevolge subregulasie (1) as pensioengewende diens gereken word; en

faktor K die koers is waarteen die lid tot die Fonds bydra;

- (ii) 'n Bedrag ten opsigte van rente bereken op die bedrag bepaal ooreenkomstig subparagraaf (i), teen 'n koers van 5,5% per jaar, jaarliks saamgestel, en bereken vir die tydperk wat strek vanaf die begindatum van die tydperk wat ingevolge subregulasie (1) as pensioengewende diens gereken word tot die datum waarop die betrokke lid se aansoek deur die Sekretaris goedgekeur word."

3. The following regulation is hereby substituted for regulation 6:

“6. (1) Any amount owed by any member to the Fund and which cannot be deducted from his pay in a single reasonable payment or cannot be paid by him in a single amount, shall be paid by such member to the Fund in instalments determined by the Secretary: Provided that such instalments shall not exceed 180 months or the remaining period of service to the pensionable age of such member, if such period of service is less than 180 months.

(2) If the amount referred to in subregulation (1) is to be paid in instalments, interest shall be charged on such amount at a rate of 5,5% per year, annually compounded reckoned from the date on which the application of the member concerned is approved by the Secretary till the date on which the period within which the members' debt is to be paid, expires and the instalments referred to in subregulation (1) shall be determined so as to include such interest.

(3) (a) If a member in respect of whom a period of pensionable service referred to in subregulation (1) was approved by the Secretary before 1 October 1987, so requests, the Secretary may approve that an amount which is owed by such member to revenue in respect of such pensionable service, be taken over by the Fund.

(b) An amount taken over by the Fund in accordance with paragraph (a), shall, from the date of the Secretary's approval, be deemed to be a members' debt in respect of which the provisions of subregulations (1) and (2) apply.

(4) If any member who owes any amount to revenue in respect of pensionable service referred to in subregulation (1), is transferred to any other statutory institution, such other statutory institution shall refund the balance owing by such member to the revenue concerned whereupon that statutory institution

3. Regulasie 6 word hierby deur die volgende regulasie vervang:

“6. (1) 'n Bedrag wat 'n lid aan die Fonds skuld en wat nie in een redelike paaieiment van sy salaris afgetrek kan word nie of wat nie in een bedrag deur hom betaal kan word nie, word in paaieimente wat die Sekretaris bepaal deur sodanige lid aan die Fonds betaal: Met dien verstande dat sodanige paaieimente nie 180 maande of die oorblywende diensternyn tot die pensioenouderdom van sodanige lid, indien sodanige diensternyn minder as 180 maande is, te bowe mag gaan nie.

(2) Indien die in subregulasie (1) bedoelde bedrag paaieimentsgewys betaal moet word, word rente gehef op sodanige bedrag teen 'n koers van 5,5% per jaar, jaarliks saamgestel, gereken vanaf die datum waarop die betrokke lid se aansoek deur die Sekretaris goedgekeur word tot die datum waarop die tydperk waarin die ledeskuld betaal moet word, verstryk en die in subregulasie (1) bedoelde paaieimente word bepaal om sodanige rente in te sluit.

(3) (a) Indien 'n lid ten opsigte van wie 'n in subregulasie (1) bedoelde tydperk van pensioengewende diens deur die Sekretaris voor 1 Oktober 1987 goedgekeur is, aldus versoek, kan die Sekretaris goedkeur dat 'n bedrag wat deur sodanige lid ten opsigte van sodanige pensioengewende diens aan inkomste verskuldig is, deur die Fonds oorgeneem word.

(b) 'n Bedrag wat ooreenkomstig paragraaf (a) deur die Fonds oorgeneem word, word vanaf die datum waarop die Sekretaris sy goedkeuring verleen, geag 'n ledeskuld te wees ten opsigte waarvan die bepaling van subregulasies (1) en (2) van toepassing is.

(4) Indien 'n lid wat 'n bedrag aan inkomste verskuldig is ten opsigte van pensioengewende diens in subregulasie (1) bedoel, na 'n ander statutêre instelling oorgeplaas word, moet sodanige ander statutêre instelling die saldo verskuldig deur sodanige lid aan die betrokke inkomste vergoed waarop daardie statutêre

may recover the amount so refunded by it from the remuneration of such member in such instalments as it may determine.”.

4. (1) Regulation 8 is hereby amended by the substitution in subregulation (2) for the formula  $\frac{R \times Y}{Z}$  of the formula  $\frac{R \times Z}{Y}$ .

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

5. The following regulation is hereby substituted for regulation 14:

“14. (1) To any member who has not attained the pensionable age and who resigns from his employment or is discharged therefrom for any reason not specifically provided for in the Act or these regulations, there shall be paid a benefit equal to the sum of the amounts calculated in accordance with paragraphs (a) and (b):-

- (a) An amount calculated in accordance with the formula -

$$C \times T \times K$$

in which -

factor C represents half the sum of the commencing salary and the final salary of such member;

factor T represents the period of the member's pensionable service, but excluding pensionable service contemplated in regulation 5(1); and

factor K represents the rate at which the member contributed towards the Fund; and

- (b) An amount in respect of interest calculated on the amount determined in accordance with subregulation (1) at the rate of 2,75% simple interest for each

instelling die bedrag aldus deur hom vergoed, by wyse van sodanige paaieimente wat hy bepaal, van sodanige lid se besoldiging kan verhaal.”.

4. (1) Regulasie 8 word hierby gewysig deur in subregulasie (2) die formule  $\frac{R \times Y}{Z}$  deur die formule  $\frac{R \times Z}{Y}$  te vervang.

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

5. Regulasie 14 word hierby deur die volgende regulasie vervang:

“14. (1) Aan 'n lid wat nog nie die pensioenouderdom bereik het nie en wat uit sy diens bedank of weens 'n rede waarvoor daar nie uitdruklik in die Wet of hierdie regulasies voorsiening gemaak word nie, daaruit ontslaan word, word 'n voordeel betaal gelykstaande aan die som van die bedrae bereken ooreenkomstig paragrawe (a) en (b):-

- (a) 'n Bedrag bereken ooreenkomstig die formule -

$$C \times T \times K$$

waarin -

faktor C die helfte is van die som van die lid se aanvangsalaris en sy finale salaris;

faktor T die tydperk is van die lid se pensioengewende diens, maar met uitsluiting van pensioengewende diens in regulasie 5(1) bedoel; en

faktor K die koers is waarteen die lid tot die Fonds bygedra het;

- (b) 'n Bedrag ten opsigte van rente bereken op die bedrag bepaal ooreenkomstig paragraaf (a), teen 'n koers van 2,75% enkelvoudige rente vir elke jaar van soda-

year of such member's pensionable service, but excluding pensionable service contemplated in regulation 5(1).

(2) If a member to whom a benefit is payable in terms of subregulation (1) has paid any amount in respect of pensionable service referred to in regulation 5(1), the amount so paid by him shall be refunded to him, without any interest, simultaneously with payment of the said benefit, whereupon the debt owing by such member to revenue or the Fund, as the case may be, in respect of such pensionable service, shall lapse."

6. Regulation 15 is hereby amended -

(1) by the substitution for paragraph (a) of subregulation (1) of the following paragraph:

"(a) any members' debt owing by such member unless such members' debt has lapsed in terms of regulation 14(2)."; and

(2) by the substitution for subregulation (3) of the following subregulation:

"(3) Any amount owing by a member to revenue in respect of pensionable service referred to in regulation 5(1), shall for the purposes of paragraph (a) of subregulation (1), be deemed to be "members' debt"."

nige lid se pensioengewende diens, maar met uitsluiting van pensioengewende diens in regulasie 5(1) bedoel.

(2) Indien 'n lid aan wie 'n voordeel ingevolge subregulasie (1) betaalbaar is, enige bedrag betaal het ten opsigte van pensioengewende diens in regulasie 5(1) bedoel, word die bedrag aldus deur hom betaal, gelyktydig met betaling van die bedoelde voordeel, aan hom terugbetaal sonder enige rente, waarop die skuld wat sodanige lid ten opsigte van bedoelde pensioengewende diens aan inkomste of die Fonds, na gelang, verskuldig is, verval."

6. Regulasie 15 word hierby gewysig -

(1) deur paragraaf (a) van subregulasie (1) deur die volgende paragraaf te vervang:

"(a) ledeskuld deur 'n lid verskuldig, tensy sodanige ledeskuld ingevolge regulasie 14(2) verval het."; en

(2) deur subregulasie (3) deur die volgende subregulasie te vervang:

"(3) 'n Bedrag wat deur 'n lid aan inkomste verskuldig is ten opsigte van pensioengewende diens in regulasie 5(1) bedoel, word by die toepassing van paragraaf (a) van subregulasie (1) geag "ledeskuld" te wees."