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STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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KANTOOR VAN DIE STAATSPRESIDENT

No. 1394. 15 Julie 1988

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 89 van 1988: Wysigingswet op die Pensioenwette, 1988.

STATE PRESIDENT'S OFFICE

No. 1394. 15 July 1988

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 89 of 1988: Pension Laws Amendment Act, 1988.

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Wet No. 89, 1988 WYSIGINGSWET OP DIE PENSIOENWETTE, 1988

ALGEMENE VERDUIDELIKENDE NOTA:

[ ] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.

Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Wet op die Pensioenfonds vir Geassosieerde Inrigtings, 1963, ten einde voorsiening te maak dat regulasies na oorleg met die Minister van Nasionale Opvoeding uitgevaardig moet word; tot wysiging van die Regeringsdienspensioenwet, 1973, ten einde sekere omskrywings aan te pas; die pensioenregte te reël van persone in die onderwysdiens van die departemente verantwoordelik vir onderwys; en voorsiening te maak dat regulasies na oorleg met die Minister van Nasionale Opvoeding uitgevaardig moet word; tot wysiging van die Wet op Bedryfsiektes in Myne en Bedrywe, 1973, ten einde verouderde uitdrukkings te vervang en die omskrywings van "sekretaris" en "Swart sake-owerheid" te skrap; en die Swart Vergoedingsfonds af te skaf en sy fondse, regte en verpligtinge aan die Vergoedingsfonds vir Myne en Bedrywe oor te dra; tot wysiging van die Algemene Pensioenwet, 1979, ten einde sekere omskrywings aan te pas; die formule te wysig waarvolgens voordele bereken word wat vir rustende lede bewaar word; die bevoegdheid van die Minister van Nasionale Gesondheid en Bevolkingsontwikkeling om regulasies betreffende die finansiële bestuur van en beheer oor pensioenfondse uit te vaardig, uit te brei; en voorsiening te maak vir delegering deur genoemde Minister en die Direkteur-generaal; tot wysiging van die Wet op die Pensioenfonds vir Tydelike Werknemers, 1979, ten einde voorsiening te maak dat regulasies na oorleg met die Minister van Nasionale Opvoeding uitgevaardig moet word; om voorsiening te maak vir die pensioenregte van die voormalige Vise-staatspresident; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 6 Julie 1988.)

DAAR WORD BEPAAL deur die Staatspresident en die Parlement van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 2 van Wet 41 van 1963, soos gewysig deur artikel 1 van Wet 86 van 1970, artikel 2 van Wet 97 van 1972, artikel 1 van Wet 97 van 1980 en artikel 1 van Wet 106 van 1986

1. Artikel 2 van die Wet op die Pensioenfonds vir Geassosieerde Inrigtings, 1963, word hierby gewysig deur in subartikel (1) die woorde wat paragraaf *(a)* voorafgaan deur die volgende woorde te vervang:

"Ondanks andersluidende wetsbepalings kan die Minister van tyd tot tyd, **[in oorleg]** met die instemming van die Minister van Finansies en na oorleg met die Minister van Nasionale Opvoeding, regulasies uitvaardig wat voorsiening maak—".

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GENERAL EXPLANATORY NOTE:

[ ] Words in bold type in square brackets indicate omissions from existing enactments.

Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Associated Institutions Pension Fund Act, 1963, so as to provide that regulations shall be made after consultation with the Minister of National Education; to amend the Government Service Pension Act, 1973, so as to adjust certain definitions; to regulate the pension rights of persons in the education service of the departments responsible for education; and to provide that regulations shall be made after consultation with the Minister of National Education; to amend the Occupational Diseases in Mines and Works Act, 1973, so as to substitute obsolete expressions and to delete the definitions of "secretary" and "Black affairs authority"; and to abolish the Black Compensation Fund and to transfer its funds, rights and liabilities to the Mines and Works Compensation Fund; to amend the General Pensions Act, 1979, so as to adjust certain definitions; to amend the formula according to which benefits are calculated which are preserved for dormant members; to extend the power of the Minister of National Health and Population Development to make regulations regarding the financial management and control of pension funds; and to provide for delegation by the said Minister and the Director-General; to amend the Temporary Employees Pension Fund Act, 1979, so as to provide that regulations shall be made after consultation with the Minister of National Education; to provide for the pension rights of the former Vice State President; and to provide for matters connected therewith.

(Afrikaans text signed by the State President.)
(Assented to 6 July 1988.)

BE IT ENACTED by the State President and the Parliament of the Republic of South Africa, as follows:—

Amendment of section 2 of Act 41 of 1963, as amended by section 1 of Act 86 of 1970, section 2 of Act 97 of 1972, section 1 of Act 97 of 1980 and section 1 of Act 106 of 1986

1. Section 2 of the Associated Institutions Pension Fund Act, 1963, is hereby amended by the substitution in subsection (1) for the words preceding paragraph *(a)* of the following words:

"Notwithstanding anything to the contrary in any other law contained, the Minister may from time to time, **[in consultation]** with the concurrence of the Minister of Finance and after consultation with the Minister of National Education, make regulations providing—".

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Wet No. 89, 1988 WYSIGINGSWET OP DIE PENSIOENWETTE, 1988

Wysiging van artikel 1 van Wet 57 van 1973

2. Artikel 1 van die Regeringsdienspensioenwet, 1973, word hierby gewysig—

(a) deur na die omskrywing van "die Provinsiale Pensioenwet" die volgende omskrywing in te voeg:

"'Direkteur-generaal' die Direkteur-generaal van Nasionale Gesondheid en Bevolkingsontwikkeling;";

(b) deur die omskrywing van "Minister" deur die volgende omskrywing te vervang:

"'Minister' die Minister van **[Volkswelsyn en Pensioene]** Nasionale Gesondheid en Bevolkingsontwikkeling;";

(c) deur na die omskrywing van "Nuwe Spoorweg- en Hawesuperannuasiefonds" die volgende omskrywing in te voeg:

"'onderwysdiens' die poste op die vaste diensstaat van die Departement van Onderwys en Kultuur: Administrasie: Volksraad—

(a) waarheen persone op 1 April 1986 ingevolge paragraaf *(g)* van elk van die proklamasies Nos. 53, 54, 55 en 56 van 27 Maart 1986 oorgeplaas word;

(b) wat vanaf 1 April 1986 kragtens die wette bedoel in paragraaf *(a)* van elk van genoemde proklamasies geskep word; en

(c) wat vanaf die datum van die inwerkingtreding van die Wet op Onderwysaangeleenthede (Volksraad), 1988, kragtens artikel 66 van daardie Wet geskep word,

en ook 'n pos wat volgens die een of ander wet vir pensioen- en aftreedoeleindes geag word 'n pos in die onderwysdiens te wees, maar uitgesonderd 'n pos wat beklee word deur 'n beampte of werknemer soos omskryf in artikel 1 van die Staatsdienswet, 1984 (Wet No. 111 van 1984);"; en

(d) deur die omskrywing van "Sekretaris" te skrap.

Wysiging van artikel 5 van Wet 57 van 1973, soos gewysig deur artikel 1 van Wet 83 van 1976 en artikel 3 van Wet 97 van 1980

3. Artikel 5 van die Regeringsdienspensioenwet, 1973, word hierby gewysig deur paragraaf *(a)* van subartikel (2) deur die volgende paragraaf te vervang:

"*(a)* wat op of na die vasgestelde datum in 'n pos op die vaste diensstaat van die staatsdiens, die staande mag, die polisiemag, die gevangenisdiens, **[of]** die provinsiale diens of die onderwysdiens in 'n vaste hoedanigheid aangestel word of daarheen oorgeplaas word; of".

Wysiging van artikel 6 van Wet 57 van 1973

4. Artikel 6 van die Regeringsdienspensioenwet, 1973, word hierby gewysig—

(a) deur paragraaf *(d)* van subartikel (1) deur die volgende paragraaf te vervang:

"*(d)* indien hy 'n lid van die provinsiale diens of die onderwysdiens is, die leeftyd bereik wat voorgeskryf word by of kragtens 'n wet wat die voorwaardes van sy diens **[by 'n administrasie]** bepaal watter voorwaardes aan die bepalings van paragrawe *(a)* tot en met *(e)* van die voorbehoudsbepaling by artikel 5 (1) van die Provinsiale Pensioenwet soos dit onmiddellik voor die herroeping daarvan deur hierdie Wet gelui het, voldoen.";

(b) deur paragraaf *(d)* van subartikel (9) deur die volgende paragraaf te vervang:

"*(d)* in die geval van 'n lid in subartikel (1) *(d)* bedoel, hy die leeftyd van vyf-en-vyftig jaar bereik het en die betrokke Administrateur of Minister verantwoordelik vir onderwys, na gelang van die geval, sy afdanking met pensioen goedkeur."; en

(c) deur na subartikel (9) die volgende subartikel in te voeg:

"(9A) By die toepassing van hierdie artikel beteken 'onderwysdiens' ook die onderwysposte op die vaste diensstaat van die Departement van Onderwys en Kultuur: Administrasie: Raad van Verteenwoordigers, die Departement van Onderwys en Kultuur: Administrasie: Raad van Afgevaardigdes en die Departement van Onderwys en Opleiding.".

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Amendment of section 1 of Act 57 of 1973

2. Section 1 of the Government Service Pension Act, 1973, is hereby amended—

(a) by the insertion after the definition of "dependant" of the following definitions:

"'Director-General' means the Director-General of National Health and Population Development;

'education service' means the posts on the fixed establishment of the Department of Education and Culture: Administration: House of Assembly—

(a) to which persons are transferred on 1 April 1986 in terms of paragraph *(g)* of each of the proclamations Nos. 53, 54, 55 and 56 of 27 March 1986;

(b) which are created from 1 April 1986 under the laws referred to in paragraph *(a)* of each of the said proclamations; and

(c) which are created from the date of commencement of the Education Affairs Act (House of Assembly), 1988, under section 66 of that Act,

and includes any post which according to any law is deemed for pension and retirement purposes to be a post in the education service, but excluding a post held by an officer or employee as defined in section 1 of the Public Service Act, 1984 (Act No. 111 of 1984);";

(b) by the substitution for the definition of "Minister" of the following definition:

"'Minister' means the Minister of **[Social Welfare and Pensions]** National Health and Population Development;"; and

(c) by the deletion of the definition of "Secretary".

Amendment of section 5 of Act 57 of 1973, as amended by section 1 of Act 83 of 1976 and section 3 of Act 97 of 1980

3. Section 5 of the Government Service Pension Act, 1973, is hereby amended by the substitution for paragraph *(a)* of subsection (2) of the following paragraph:

"*(a)* who on or after the fixed date is appointed in a permanent capacity or is transferred in a permanent capacity to a post on the fixed establishment of the public service, the permanent force, the police force, the prisons service, **[or]** the provincial service or the education service; or".

Amendment of section 6 of Act 57 of 1973

4. Section 6 of the Government Service Pension Act, 1973, is hereby amended—

(a) by the substitution for paragraph *(d)* of subsection (1) of the following paragraph:

"*(d)* if he is a member of the provincial service or the education service, attains the age prescribed by or under a law determining the conditions of his service **[under an administration]** which conditions comply with the provisions of paragraphs *(a)* to *(e)*, inclusive, of the proviso to section 5 (1) of the Provincial Pension Act as it read immediately prior to its repeal by this Act.";

(b) by the substitution for paragraph *(d)* of subsection (9) of the following paragraph:

"*(d)* in the case of a member referred to in subsection (1) *(d)*, he has attained the age of fifty-five years and the Administrator or Minister responsible for education concerned, as the case may be, approves his retirement on pension."; and

(c) by the insertion after subsection (9) of the following subsection:

"(9A) For the purposes of this section 'education service' includes the teaching posts on the fixed establishment of the Department of Education and Culture: Administration: House of Representatives, the Department of Education and Culture: Administration: House of Delegates and the Department of Education and Training.".

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Wysiging van artikel 17 van Wet 57 van 1973, soos gewysig deur artikel 5 van Wet 15 van 1974 en artikel 3 van Wet 106 van 1986

5. Artikel 17 van die Regeringsdienspensioenwet, 1973, word hierby gewysig deur subartikel (6) deur die volgende subartikel te vervang:

"(6) Die regulasies beoog in hierdie artikel word deur die Minister met die instemming van die Minister van Finansies uitgevaardig na oorleg met die Administrateurs en die Ministers verantwoordelik vir die Buro, die Kommissie vir Administrasie, die staande mag, die polisiemag, die gevangenisdiens, Nasionale Opvoeding en Pos- en Telekommunikasiewese.".

Vervanging van uitdrukking in Wet 57 van 1973

6. Die Regeringsdienspensioenwet, 1973, word hierby gewysig deur die uitdrukking "Sekretaris", oral waar dit voorkom, deur die uitdrukking "Direkteur-generaal" te vervang.

Wysiging van artikel 1 van Wet 78 van 1973, soos gewysig deur artikel 1 van Wet 27 van 1974, artikel 2 van Wet 45 van 1975 en artikel 1 van Wet 30 van 1978

7. Artikel 1 van die Wet op Bedryfsiektes in Myne en Bedrywe, 1973, word hierby gewysig—

(a) deur na die omskrywing van "direkteur" die volgende omskrywing in te voeg:

"'Direkteur-generaal' die Direkteur-generaal: Nasionale Gesondheid en Bevolkingsontwikkeling;";

(b) deur die omskrywing van "Minister" deur die volgende omskrywing te vervang:

"'Minister' die Minister van **[Mynwese]** Nasionale Gesondheid en Bevolkingsontwikkeling;"; en

(c) deur die omskrywings van "sekretaris" en "Swart sake-owerheid" te skrap.

Wysiging van artikel 48 van Wet 78 van 1973

8. Artikel 48 van die Wet op Bedryfsiektes in Myne en Bedrywe, 1973, word hierby gewysig—

(a) deur paragraaf *(c)* van subartikel (1) deur die volgende paragraaf te vervang:

"*(c)* **[indien die sertifikaat op iemand anders as 'n Swart persoon betrekking het]** aan die persoon op wie dit betrekking het, of indien dit op 'n oorlede persoon betrekking het, aan die afhanklikes, as daar is, van die oorledene;"; en

(b) deur paragraaf *(d)* van subartikel (1) te skrap.

Wysiging van artikel 78 van Wet 78 van 1973

9. Artikel 78 van die Wet op Bedryfsiektes in Myne en Bedrywe, 1973, word hierby gewysig deur subartikels (3) en (4) te skrap.

Vervanging van artikel 94 van Wet 78 van 1973, soos gewysig deur artikel 3 van Wet 30 van 1978

10. Artikel 94 van die Wet op Bedryfsiektes in Myne en Bedrywe, 1973, word hierby deur die volgende artikel vervang:

"Betaling van, en rente op, voordele toegeken

94. (1) Die kommissaris moet, behoudens die bepalings van subartikel (2), 'n enkelbedragvoordeel wat **[aan 'n Blankepersoon of 'n Kleurlingpersoon]** ingevolge hierdie Wet toegeken is, uitbetaal in 'n enkele bedrag.

(2) Die kommissaris moet, op skriftelike versoek deur 'n bevoordeelde **[in subartikel (1) bedoel, die betrokke]**, 'n enkelbedragvoordeel in subartikel (1) bedoel of, volgens die keuse van die bevoordeelde, 'n gedeelte daarvan uitbetaal in die maandelikse of driemaandelikse paaiemente wat die betrokke bevoordeelde van tyd tot tyd bepaal.

(3) Die kommissaris kan 'n pensioen of 'n paaiement van 'n enkelbedragvoordeel wat ingevolge die vorige Wet of hierdie Wet **[aan 'n Blankepersoon of Kleurlingpersoon]** toegeken is, betaal—

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Amendment of section 17 of Act 57 of 1973, as amended by section 5 of Act 15 of 1974 and section 3 of Act 106 of 1986

5. Section 17 of the Government Service Pension Act, 1973, is hereby amended by the substitution for subsection (6) of the following subsection:

"(6) The regulations contemplated in this section shall be made by the Minister with the concurrence of the Minister of Finance and after consultation with the Administrators and the Minister responsible for the Bureau, the Commission for Administration, the permanent force, the police force, the prisons service, National Education and Posts and Telecommunications.".

Substitution of expression in Act 57 of 1973

6. The Government Service Pension Act, 1973, is hereby amended by the substitution for the expression "Secretary", wherever it occurs, of the expression "Director-General".

Amendment of section 1 of Act 78 of 1973, as amended by section 1 of Act 27 of 1974, section 2 of Act 45 of 1975 and section 1 of Act 30 of 1978

7. Section 1 of the Occupational Diseases in Mines and Works Act, 1973, is hereby amended—

(a) by the insertion after the definition of "director" of the following definition:
"'Director-General' means the Director-General: National Health and Population Development;";

(b) by the substitution for the definition of "Minister" of the following definition:
"'Minister' means the Minister of **[Mines]** National Health and Population Development;"; and

(c) by the deletion of the definitions of "secretary" and "Black affairs authority".

Amendment of section 48 of Act 78 of 1973

8. Section 48 of the Occupational Diseases in Mines and Works Act, 1973, is hereby amended—

(a) by the substitution for paragraph *(c)* of subsection (1) of the following paragraph:
"*(c)* **[if the certificate relates to a person other than a Black person]** to the person to whom it relates, or if it relates to a deceased person, to the dependants, if any, of the deceased;"; and

(b) by the deletion of paragraph *(d)* of subsection (1).

Amendment of section 78 of Act 78 of 1973

9. Section 78 of the Occupational Diseases in Mines and Works Act, 1973, is hereby amended by the deletion of subsections (3) and (4).

Substitution of section 94 of Act 78 of 1973, as amended by section 3 of Act 30 of 1978

10. The following section is hereby substituted for section 94 of the Occupational Diseases in Mines and Works Act, 1973:

"Payment of, and interest on, benefits awarded

94. (1) Subject to the provisions of subsection (2), the commissioner shall pay a one-sum benefit awarded **[to a White person or a Coloured person]** under this Act, in a single payment.

(2) The commissioner shall, at the request in writing of a beneficiary **[referred to in subsection (1)]**, pay **[the]** a one-sum benefit referred to in subsection (1) or any portion thereof as elected by the beneficiary, in such monthly or three-monthly instalments as may be determined from time to time by the beneficiary in question.

(3) The commissioner may pay any pension or any instalment of a one-sum benefit awarded **[to any White person or a Coloured person]** under the previous Act or this Act—

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(a) aan die bevoordeelde self; of
(b) gedeeltelik aan die bevoordeelde en gedeeltelik aan sy afhanklikes; of
(c) in geheel aan sy afhanklikes; of
(d) ten voordele van die bevoordeelde of sy afhanklikes, aan 'n ander persoon of 'n inrigting, organisasie of Staatsdepartement; of
(e) gedeeltelik aan die bevoordeelde en gedeeltelik, ten voordele van die bevoordeelde of sy afhanklikes, ooreenkomstig paragraaf *(d)*.

(4) Die kommissaris moet by 'n enkelbedragvoordeel of 'n ander bedrag wat **[aan 'n Blankepersoon of 'n Kleurlingpersoon]** ingevolge die vorige Wet of hierdie Wet toegeken is, of by die saldo van so 'n voordeel of bedrag, na gelang van die geval, rente voeg, teen 'n koers wat die kommissaris van tyd tot tyd bepaal na raadpleging met die advieskomitee, van die eerste dag van die maand wat volg op die maand waarin die voordeel of bedrag toegeken is tot die laaste dag van die maand wat die maand voorafgaan waarin die voordeel of bedrag of die laaste paaiement daarvan uitbetaal is: Met dien verstande dat rente nie betaal word op 'n bedrag wat vir minder as dertig dae in besit van die kommissaris gebly het nie.".

Wysiging van artikel 101 van Wet 78 van 1973

11. Artikel 101 van die Wet op Bedryfsiektes in Myne en Bedrywe, 1973, word hierby gewysig deur in subartikel (4) die woorde wat paragraaf *(a)* voorafgaan deur die volgende woorde te vervang:

"Die kommissaris kan, behoudens die bepalings van subartikel (3), 'n spesiale toekenning maak aan **['n Blankepersoon of Kleurlingpersoon]** iemand aan wie 'n enkelbedragvoordeel ten opsigte van tuberkulose toegeken is en wat—".

Herroeping van sekere bepalings van Wet 78 van 1973

12. (1) Artikels 108 tot 111, 112 (2) en 113 tot 119 van die Wet op Bedryfsiektes in Myne en Bedrywe, 1973, word hierby herroep.

(2) *(a)* Vanaf die datum van die inwerkingtreding van hierdie artikel—
(i) hou die Swart Vergoedingsfonds bedoel in artikel 109 (2) van die Wet op Bedryfsiektes in Myne en Bedrywe, 1973, op om te bestaan;
(ii) word die Vergoedingsfonds vir Myne en Bedrywe ingestel by artikel 61 van genoemde Wet gekrediteer met alle bedrae wat op daardie datum tot die krediet van genoemde Swart Vergoedingsfonds staan;
(iii) word alle regte en verpligtinge, bestaande sowel as toekomstige, van genoemde Swart Vergoedingsfonds die regte en verpligtinge van genoemde Vergoedingsfonds vir Myne en Bedrywe; en
(iv) word 'n verwysing in enige wet na genoemde Swart Vergoedingsfonds uitgelê as 'n verwysing na genoemde Vergoedingsfonds vir Myne en Bedrywe.

(b) Die bedrae waarmee die Vergoedingsfonds vir Myne en Bedrywe ingevolge paragraaf *(a)* (ii) gekrediteer word, word toegedeel aan die rekenings bedoel in artikel 67 van genoemde Wet in die verhouding wat die Minister, na oorleg met die advieskomitee ingestel by artikel 59 van genoemde Wet en met die instemming van die Minister van Finansies, bepaal.

Wysiging van artikel 131 van Wet 78 van 1973

13. Artikel 131 van die Wet op Bedryfsiektes in Myne en Bedrywe, 1973, word hierby gewysig deur in subartikel (1) die woorde "of die Swart sake-owerheid", oral waar dit voorkom, te skrap.

Vervanging van uitdrukkings in Wet 78 van 1973

14. Die Wet op Bedryfsiektes in Myne en Bedrywe, 1973, word hierby gewysig deur die uitdrukkings "sekretaris" en "Swart sake-owerheid", oral waar hulle voorkom, deur onderskeidelik die uitdrukkings "Direkteur-generaal" en "kommissaris" te vervang.

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(a) to the beneficiary himself; or
(b) in part to the beneficiary and in part to his dependants; or
(c) in full to his dependants; or
(d) for the benefit of the beneficiary or his dependants, to any other person or any institution, organization or Government Department; or
(e) in part to the beneficiary and in part, for the benefit of the beneficiary or his dependants, in accordance with paragraph *(d)*.

(4) The commissioner shall add interest to any one-sum benefit or any other amount awarded under the previous Act or this Act **[to a White person or a Coloured person]**, or to the balance of any such benefit or amount, as the case may be, at a rate determined from time to time by the commissioner after consultation with the advisory committee, as from the first day of the month following the month in which such benefit or amount was awarded until the last day of the month preceding the month in which such benefit or amount or the final instalment thereof was paid: Provided that no interest shall be paid on any amount which has remained in the possession of the commissioner for less than thirty days.".

Amendment of section 101 of Act 78 of 1973

11. Section 101 of the Occupational Diseases in Mines and Works Act, 1973, is hereby amended by the substitution in subsection (4) for the words preceding paragraph *(a)* of the following words:

"The commissioner may, subject to the provisions of subsection (3), make a special award to **[a White person or Coloured]** any person to whom a one-sum benefit has been awarded in respect of tuberculosis and who—".

Repeal of certain provisions of Act 78 of 1973

12. (1) Sections 108 to 111, 112 (2) and 113 to 119 of the Occupational Diseases in Mines and Works Act, 1973, are hereby repealed.

(2) *(a)* As from the date of commencement of this section—
(i) the Black Compensation Fund referred to in section 109 (2) of the Occupational Diseases in Mines and Works Act, 1973, shall cease to exist;
(ii) the Mines and Works Compensation Fund established by section 61 of the said Act shall be credited with all amounts which on that date are credited to the said Black Compensation Fund.
(iii) all rights and liabilities, existing as well as prospective, of the said Black Compensation Fund shall become the rights and liabilities of the said Mines and Works Compensation Fund; and
(iv) a reference in any law to the said Black Compensation Fund shall be construed as a reference to the said Mines and Works Compensation Fund.

(b) The amounts credited to the said Compensation Fund in terms of paragraph *(a)* (ii) shall be distributed to the accounts referred to in section 67 of the said Act in the proportion determined by the Minister, after consultation with the advisory committee established by section 59 of the said Act and with the concurrence of the Minister of Finance.

Amendment of section 131 of Act 78 of 1973

13. Section 131 of the Occupational Diseases in Mines and Works Act, 1973, is hereby amended by the deletion in subsection (1) of the words "of the Black affairs authority", wherever they occur.

Substitution of expressions in Act 78 of 1973

14. The Occupational Diseases in Mines and Works Act, 1973, is hereby amended by the substitution for the expressions "secretary" and "Black affairs authority", wherever they occur, of the expressions "Director-General" and "commissioner", respectively.

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Wysiging van artikel 1 van Wet 29 van 1979, soos gewysig deur artikel 17 van Wet 97 van 1980

15. Artikel 1 van die Algemene Pensioenwet, 1979, word hierby gewysig—

(a) deur die omskrywing van "Direkteur-generaal" deur die volgende omskrywing te vervang:

"'Direkteur-generaal' die Direkteur-generaal: **[Gesondheid en Welsyn]** Nasionale Gesondheid en Bevolkingsontwikkeling;";

(b) deur die omskrywing van "Minister" deur die volgende omskrywing te vervang:

"'Minister' die Minister van **[Gesondheid en Welsyn]** Nasionale Gesondheid en Bevolkingsontwikkeling;"; en

(c) deur die omskrywing van "Sekretaris" te skrap.

Wysiging van artikel 15 van Wet 29 van 1979, soos gewysig deur artikel 3 van Wet 67 van 1981

16. Artikel 15 van die Algemene Pensioenwet, 1979, word hierby gewysig deur in paragraaf *(b)* van subartikel (4) die uitdrukking "A × 1,06^{n}" deur die uitdrukking "A × 1,10^{n}" te vervang.

Wysiging van artikel 22A van Wet 29 van 1979, soos ingevoeg deur artikel 10 van Wet 106 van 1986

17. Artikel 22A van die Algemene Pensioenwet, 1979, word hierby gewysig deur die volgende subartikels by te voeg:

"(4) Die regulasies beoog in subartikel (1) kan voorsiening maak vir die uitoefening of verrigting deur die Direkteur-generaal en die Tesourie van die bevoegdhede of pligte wat die Minister, met die instemming van die Minister van Finansies, vir die bereiking van die oogmerke van hierdie Wet nodig ag.

(5) Regulasies beoog in hierdie artikel kan met terugwerkende krag uitgevaardig word.".

Invoeging van artikel 22B in Wet 29 van 1979

18. Die volgende artikel word hierby in die Algemene Pensioenwet, 1979, na artikel 22A ingevoeg:

"Delegering

22B. (1) Die Minister kan enige van die bevoegdhede by hierdie Wet aan hom verleen, uitgesonderd die bevoegdheid om regulasies uit te vaardig, aan die Direkteur-generaal of enige ander beampte in die Departement van Nasionale Gesondheid en Bevolkingsontwikkeling delegeer, en kan die Direkteur-generaal of so 'n beampte magtig om enige van die pligte te verrig wat by hierdie Wet aan die Minister opgedra word.

(2) Die Direkteur-generaal kan aan enige beampte in sy Departement enige van die bevoegdhede delegeer wat by hierdie Wet aan die Direkteur-generaal verleen word, en kan so 'n beampte magtig om enige van die pligte te verrig wat by hierdie Wet aan die Direkteur-generaal opgedra word.".

Wysiging van artikel 8 van Wet 75 van 1979, soos gewysig deur artikel 11 van Wet 106 van 1986

19. Artikel 8 van die Wet op die Pensioenfonds vir Tydelike Werknemers, 1979, word hierby gewysig deur subartikel (6) deur die volgende subartikel te vervang:

"(6) Regulasies kragtens hierdie artikel uitgevaardig, word deur die Minister uitgevaardig met die instemming van die Minister van Finansies en na oorlegpleging met die Ministers verantwoordelik vir die Kommissie vir Administrasie, Nasionale Opvoeding en Pos- en Telekommunikasiewese.".

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Amendment of section 1 of Act 29 of 1979, as amended by section 17 of Act 97 of 1980

15. Section 1 of the General Pensions Act, 1979, is hereby amended—

(a) by the substitution for the definition of "Director-General" of the following definition:

"'Director-General' means the Director-General: **[Health and Welfare]** National Health and Population Development;";

(b) by the substitution for the definition of "Minister" of the following definition:

"'Minister' means the Minister of **[Health and Welfare]** National Health and Population Development;"; and

(c) by the deletion of the definition of "secretary".

Amendment of section 15 of Act 29 of 1979, as amended by section 3 of Act 67 of 1981

16. Section 15 of the General Pensions Act, 1979, is hereby amended by the substitution in paragraph *(b)* of subsection (4) for the expression "A × $1{,}06^n$" of the expression "A × $1{,}10^n$".

Amendment of section 22A of Act 29 of 1979, as inserted by section 10 of Act 106 of 1986

17. Section 22A of the General Pensions Act, 1979, is hereby amended by the addition of the following subsections:

"(4) The regulations contemplated in subsection (1) may provide for the exercise or performance by the Director-General and the Treasury of such powers or duties as the Minister, with the concurrence of the Minister of Finance, may deem necessary for the achievement of the objects of this Act.

(5) Regulations contemplated in this section may be made with restrospective effect.".

Insertion of section 22B in Act 29 of 1979

18. The following section is hereby inserted in the General Pensions Act, 1979, after section 22A:

"Delegation

22B. (1) The Minister may delegate any of the powers conferred upon him by this Act, excluding the power to make regulations, to the Director-General or any other officer in the Department of National Health and Population Development, and may authorize the Director-General or such an officer to perform any of the duties assigned to the Minister by this Act.

(2) The Director-General may delegate to any officer in his Department any of the powers conferred upon the Director-General by this Act, and may authorize such an officer to perform any of the duties assigned to the Director-General by this Act.".

Amendment of section 8 of Act 75 of 1979, as amended by section 11 of Act 106 of 1986

19. Section 8 of the Temporary Employees Pension Fund Act, 1979, is hereby amended by the substitution for subsection (6) of the following subsection:

"(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.".

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Pensioen betaalbaar aan voormalige Vise-staatspresident

20. (1) Die betaling van die pensioen wat ingevolge artikel 13 (3) van die Grondwetwysigingswet, 1984 (Wet No. 105 van 1984), aan die voormalige Vise-staatspresident betaalbaar is, word opgeskort vir die tydperk waartydens hy weer as Minister aangestel word en ingevolge die Wet op die Pensioenskema vir Parlementslede en Politieke Ampsbekleërs, 1984 (Wet No. 112 van 1984), 'n lid word van die Skema soos daarin omskryf.

(2) By die beëindiging van sy lidmaatskap van voormelde Skema word die betaling van die pensioen wat ingevolge subartikel (1) opgeskort is, hervat teen die koers waarteen dit betaalbaar sou gewees het indien dit nie aldus opgeskort was nie.

(3) Vir die doeleindes van die berekening van enige pensioen wat ingevolge die Wet op die Pensioenskema vir Parlementslede en Politieke Ampsbekleërs, 1984, betaalbaar is as gevolg van die beëindiging van sy lidmaatskap van genoemde Skema—

(a) word al sy pensioengewende diens soos in daardie Wet omskryf, erken; en

(b) mag die bedrag van sodanige pensioen nie meer wees nie as die verskil tussen die bedrag van sy hoogste pensioengewende salaris soos in daardie Wet omskryf en die bedrag van die hervatte pensioen beoog in subartikel (2).

Inwerkingtreding

21. (1) Artikels 2, 3 en 4 word geag op 1 April 1986 in werking te getree het.

(2) *(a)* Artikels 7 tot 14 tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal, welke datum 'n datum in die verlede kan wees.

(b) Verskillende datums kan aldus ten opsigte van elk van die artikels in paragraaf *(a)* bedoel, bepaal word.

(3) Artikel 20 word geag op 1 Desember 1986 in werking te getree het.

Kort titel

22. Hierdie Wet heet die Wysigingswet op die Pensioenwette, 1988.

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Pension payable to former Vice State President

20. (1) The payment of the pension payable to the former Vice State President in terms of section 13 (3) of the Constitution Amendment Act, 1984 (Act No. 105 of 1984), shall be suspended for the period during which he is again appointed as Minister and in terms of the Members of Parliament and Political Office-bearers Pension Scheme Act, 1984 (Act No. 112 of 1984), becomes a member of the Scheme as defined therein.

(2) On the termination of his membership of the said Scheme the payment of the pension suspended in terms of subsection (1) shall be resumed at the rate at which it would have been payable had it not been so suspended.

(3) For the purposes of the calculation of any pension payable in terms of the Members of Parliament and Political Office-bearers Pension Scheme Act, 1984, as a result of the termination of his membership of the said Scheme—

(a) all his pensionable service as defined in that Act shall be recognized; and

(b) the amount of such pension shall not be more than the difference between the amount of his highest pensionable salary as defined in that Act and the amount of the resumed pension contemplated in subsection (2).

Commencement

21. (1) Sections 2, 3 and 4 shall be deemed to have come into operation on 1 April 1986.

(2) *(a)* Sections 7 to 14 shall come into operation on a date fixed by the State President by proclamation in the *Gazette*, which date may be a date in the past.

(b) Different dates may so be fixed in respect of each of the sections referred to in paragraph *(a)*.

(3) Section 20 shall be deemed to have come into operation on 1 December 1986.

Short title

22. This Act shall be called the Pension Laws Amendment Act, 1988.