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GOVERNMENT NOTICE

DEPARTMENT OF SOCIAL WELFARE AND PENSIONS

No. R. 780 10 May 1974

REGULATIONS UNDER SECTION 2 OF THE PENSION LAWS AMENDMENT ACT, 1974

By virtue of the powers vested in me by section 2 of the Pension Laws Amendment Act, 1974 (Act 15 of 1974), I, James Thomas Kruger, Deputy Minister of Social Welfare and Pensions, hereby make the regulations set out in the Schedule hereto.

J. T. KRUGER, Deputy Minister of Social Welfare and Pensions.

**SCHEDULE
 REGULATIONS
 Definitions**

1. (1) In these regulations, unless the context otherwise indicates—

“average salary” means the average annual salary or wages of the officer or employee concerned which is taken into account for determining the benefit which is payable in terms of the relative pension fund regulations on his death, retirement or discharge;

“dependant” in relation to an officer or employee means—

(i) his widow;

(ii) his unmarried child, including his stepchild and legally adopted child, under the age of 18 years and also such a child who is 18 years or older, and who, in the opinion of the Secretary, was dependent for his maintenance on such officer or employee immediately before the date of death of such officer or employee;

(iii) any other person who, in the opinion of the Secretary, was totally dependent on such officer or employee immediately before the date of death of such officer or employee;

“disablement” means disablement as determined by the Workmen's Compensation Commissioner in terms of the Workmen's Compensation Act, 1941 (Act 30 of 1941);

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GOEWERMENSKENNISGEWING

DEPARTEMENT VAN VOLKSWELSYN EN PENSIOENE

No. R. 780 10 Mei 1974

REGULASIES KRAGTENS ARTIKEL 2 VAN DIE WYSIGINGSWET OP DIE PENSIOENWETTE, 1974

Kragtens die bevoegdheid my verleen by artikel 2 van die Wysigingswet op die Pensioenwette, 1974 (Wet 15 van 1974), vaardig ek, James Thomas Kruger, Adjunk-minister van Volkswelsyn en Pensioene, hierby die regulasies in bygaandé Bylae vervat, uit.

J. T. KRUGER, Adjunk-minister van Volkswelsyn en Pensioene.

**BYLAE
 REGULASIES
 Woordoms krywings**

1. (1) In hierdie regulasies, tensy uit die samehang anders blyk, beteken—

“afhanklike” met betrekking tot 'n beampte of werknemer—

(i) sy weduwee;

(ii) sy ongetroude kind, met inbegrip van sy stiefkind en wettig aangenóme kind, onder die ouderdom van 18 jaar en ook sodanige kind wat 18 jaar of ouer is en wat, na die oordeel van die Sekretaris, onmiddellik voor die datum van afsterwe van sodanige beampte of werknemer, vir sy onderhoud van sodanige beampte of werknemer afhanklik was;

(iii) enige ander persoon, wat volgens die oordeel van die Sekretaris onmiddellik voor die datum van afsterwe van sodanige beampte of werknemer geheel en al van sodanige beampte of werknemer afhanklik was;

“arbeidsongeskiktheid” arbeidsongeskiktheid soos deur die Ongevallekommissaris ingevolge die Ongevallewet, 1941 (Wet 30 van 1941), bepaal;

“die Wet” die Wysigingswet op die Pensioenwette, 1974;

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"formula A" in relation to a matter to be calculated in accordance with formula A, means—

$ExFxG$

in which—

factor E is equal to 6,72 per cent;

factor F is the average salary of the officer or employee concerned; and

factor G is equal to 5;

"formula B" in relation to a matter to be calculated in accordance with formula B, means—

$ExFxHxJ$

in which—

factor H is the period which follows immediately on the date of the retirement or discharge or death of the officer or employee concerned up to and including the last day of the month on which or in which, he if he is or was then alive, shall attain or would have attained the age of 65 years;

factor J is the percentage of disablement of the officer or employee concerned; and

factors E and F, respectively have the same meaning as factors E and F in the definition of formula A;

"formula C" in relation to a matter to be calculated in accordance with formula C, means—

$FxGxK$

in which—

factor K is equal to one fifty-fifth; and factors F and G respectively have the same meaning as factors F and G in the definition of formula A;

"formula D" in relation to a matter to be calculated in accordance with formula D, means—

$FxHxJxK$

in which—

factor F, H, J and K respectively have the same meaning as factor F, H, J and K in the definition of formulas A, B and C;

"Revenue" in relation to an officer or employee—

(i) of the Government, means the Consolidated Revenue Fund;

(ii) of the Department of Post and Telecommunications, means the Post Office Fund;

(iii) of a provincial administration, means the provincial revenue fund concerned; and

(iv) of the Territory, means the Revenue Fund of the Territory;

"Secretary" means the Secretary for Social Welfare and Pensions;

"Territory" means the Territory of South-West Africa including the Eastern Caprivi Zipfel;

"the Act" means the Pension Laws Amendment Act, 1974;

"Workmen's Compensation Commissioner" means the Workmen's Compensation Commissioner appointed in terms of section 12 (1) of the Workmen's Compensation Act, 1941 (Act 30 of 1941);

and any word to which any meaning has been assigned in section 2 of the Act, shall have that meaning.

(2) In the determination of the average salary of an employee who is a member of the Reserve Police Force or of the Police Reserve referred to in section 2 (3) of the Act, the amount determined by the Minister of Police in consultation with the Minister of Finance from time to time as the annual salary of such employee or of employees of the category of employees to which such employee belongs, shall be deemed to be the average salary of such employee.

"formule A" met betrekking tot 'n aangeleentheid wat ooreenkomstig formule A bereken moet word—

$ExFxG$

waarin—

faktor E gelyk is aan 6,72 persent;

faktor F die betrokke beampte of werknemer se gemiddelde salaris is;

faktor G gelyk is aan 5;

"formule B" met betrekking tot 'n aangeleentheid wat ooreenkomstig formule B bereken moet word—

$ExFxHxJ$

waarin—

faktor H die tydperk is wat onmiddellik volg op die datum van die betrokke beampte of werknemer se afdanking of ontslag of afsterwe tot en met die laaste dag van die maand waarop of waarin hy, indien hy dan in lewe is of was, die ouderdom van 65 jaar sal bereik so sou bereik het; en

faktor J die persentasie arbeidsongeskiktheid van die betrokke beampte of werknemer is;

faktore E en F, onderskeidelik dieselfde betekenis het as faktore E en F in die omskrywing van formule A;

"formule C" met betrekking tot 'n aangeleentheid wat ooreenkomstig formule C bereken moet word—

$FxGxK$

waarin—

faktor K gelyk is aan een vyf-en-vyftigste; en faktore F en G onderskeidelik dieselfde betekenis het as faktore F en G in die omskrywing van formule A;

"formule D" met betrekking tot 'n aangeleentheid wat ooreenkomstig formule D bereken moet word—

$FxHxJxK$

waarin—

faktore F, H, J en K onderskeidelik dieselfde betekenis het as faktore F, H, J, en K in die omskrywing van formules A, B en C;

"gebied" die gebied Suidwes-Afrika, met inbegrip van die Oostelike Caprivi Zipfel;

"gemiddelde salaris" die gemiddelde jaarlikse salaris of loon wat in berekening geneem word vir die bepaling van die betrokke beampte of werknemer se voordeel wat betaalbaar is by sy sterfte, afdanking of ontslag kragtens die toepaslike pensioenfondsregulasies;

"Inkomste" met betrekking tot 'n beampte of werknemer—

(i) van die Regering, die Gekonsolideerde Inkomstefonds;

(ii) van die Departement van Pos- en Telekommunikasiewese, die Poskantoorfonds;

(iii) van 'n provinsiale administrasie, die betrokke provinsiale inkomstefonds; en

(iv) van die gebied, die inkomstefonds van die gebied;

"Ongevallekommissaris" die Ongevallekommissaris kragtens artikel 12 (1) van die Ongevallewet, 1941 (Wet 30 van 1941), aangestel;

"Sekretaris" die Sekretaris van Volkswelsyn en Pensioene;

en het 'n woord waaraan daar in artikel 2 van die Wet 'n betekenis geheg is, daardie betekenis.

(2) By die bepaling van die gemiddelde salaris van 'n werknemer wat 'n lid van die Reserwepolisiesmag of van die Polisie-reserwe is soos bedoel in artikel 2 (3) van die Wet, word die bedrag wat die Minister van Polisie in oorleg met die Minister van Finansies van tyd tot tyd bepaal as die jaarlikse salaris van so 'n werknemer of van werknemers van die kategorie werknemers waartoe sodanige werknemer behoort, geag die gemiddelde salaris van sodanige werknemer te wees.

Compensation on Retirement or Discharge

2. (1) If an officer or employee is retired or discharged as a result of injury or ill-health not occasioned by his own fault, arising out of and in the course of his employment, there shall be paid to him out of Revenue a gratuity calculated in accordance with formula A or B according to which one of such formulas shall be more beneficial for such officer or employee.

(2) If an officer or employee is thus discharged and the percentage of his disablement is more than 30 per cent, there shall be paid to him, out of Revenue, in addition to the gratuity which is paid to him in terms of subregulation (1), an annuity calculated in accordance with formula C or D according to which one of such formulas shall be more beneficial for such officer or employee.

(3) For the purposes of this regulation, an employee who is a member of the Reserve Police Force or of the Police Reserve as referred to in section 2 (3) of the Act, shall be deemed to have been retired or discharged with effect from the date on which his membership of such Reserve Police Force or Police Reserve is terminated.

Compensation Payable on Death of an Officer or Employee

3. (1) If an officer or employee dies as a result of injury or ill-health not occasioned by his own fault, arising out of and in the course of his employment, before a gratuity or an annuity has been paid to him in terms of regulation 2, there shall be paid to his dependants designated by the Secretary, an amount out of Revenue which is equal to the gratuity and five times the annuity which would have been payable to such officer or employee in terms of regulation 2 if he had not died in that manner.

(2) If an officer or employee to whom an annuity has been awarded in terms of regulation 2 dies within a period of five years after the said annuity has been awarded to him, there shall be paid out of Revenue to his dependants designated by the Secretary, an amount which is equal to the total of the annuity which would have been paid to him during the period from the first day of the month which follows immediately on the date of his death up to and including the last day of the month in which the said period of five years expires, if he had not died.

(3) If any gratuity referred to in subregulation (1) or (2) is payable to two or more dependants, such gratuity shall be paid to such dependants in such proportions as the Secretary may determine.

Medical Treatment

4. If the Secretary is of the opinion that an officer or employee referred to in regulation 2 is in need of medical treatment referred to in section 2 (1) of the Act, in respect of an injury or ill-health to which the disablement of such officer or employee is related, he may authorise such treatment and if he authorises such treatment, the cost of such treatment shall be paid from Revenue.

Date of Suspension of Annuities

5. An annuity which has been awarded in terms of these regulations shall be payable up to and including the last day of the month in which the officer or employee concerned dies.

Control and Delegation of Powers

6. (1) The Secretary shall administer this Scheme and the cost thereof shall be paid from the Consolidated Revenue Fund.

(2) The Secretary may, with the approval of the Minister, authorise any officer of the Government Department of which the Secretary is the head, to exercise or

Vergoeding by Afdanking of Ontslag

2. (1) Indien 'n beampte of werknemer as gevolg van besering of swak gesondheid wat sonder sy eie toedoen uit en in die loop van sy diens ontstaan het, afgedank of ontslaan word, word daar aan hom 'n gratifikasie, bereken ooreenkomstig formule A of B, na gelang van watter een van sodanige formules vir sodanige beampte of werknemer die voordeligste is, uit Inkomste betaal.

(2) Indien 'n beampte of werknemer aldus ontslaan word en die persentasie van sy arbeidsongeskiktheid meer as 30 persent is, word daar, benewens die gratifikasie wat ingevolge subregulasie (1) aan hom betaal word, 'n jaargeld, bereken ooreenkomstig formule C of D, na gelang van watter een van sodanige formules vir sodanige beampte of werknemer die voordeligste is, uit Inkomste aan hom betaal.

(3) By die toepassing van hierdie regulasie word 'n werknemer wat 'n lid van die Reserwepolisiesmag of van die Polisie-reserwe is soos bedoel in artikel 2 (3) van die Wet, geag afgedank of ontslaan te wees met ingang van die datum waarop sy lidmaatskap van sodanige Reserwepolisiesmag of Polisie-reserwe beëindig word.

Vergoeding Betaalbaar by Afsterwe van 'n Beampte of Werknemer

3. (1) Indien 'n beampte of werknemer as gevolg van besering of swak gesondheid wat sonder sy eie toedoen uit en in die loop van sy diens ontstaan het, te sterwe kom voordat 'n gratifikasie of jaargeld ingevolge regulasie 2 aan hom betaal is, word daar aan sy afhanklikes wat die Sekretaris bepaal, uit Inkomste 'n bedrag betaal wat gelykstaan met die gratifikasie en vyf maal die jaargeld wat ingevolge regulasie 2 aan sodanige beampte of werknemer betaal sou gewees het indien hy nie aldus te sterwe gekom het nie.

(2) Indien 'n beampte of werknemer aan wie 'n jaargeld ingevolge regulasie 2 toegeken is, te sterwe kom binne 'n tydperk van vyf jaar nadat bedoelde jaargeld aan hom toegeken is, word daar uit Inkomste aan sy afhanklikes wat die Sekretaris bepaal, 'n bedrag betaal wat gelykstaan met die som van die jaargeld wat gedurende die tydperk vanaf die eerste dag van die maand wat onmiddellik volg op die datum van sy afsterwe tot en met die laaste dag van die maand waarin bedoelde tydperk van vyf jaar verstryk aan die beampte betaal sou gewees het indien hy nie gesterf het nie.

(3) Indien 'n gratifikasie bedoel in subregulasie (1) of (2) aan twee of meer afhanklikes betaalbaar is, word sodanige gratifikasie aan sodanige afhanklikes betaal in die verhoudings wat die Sekretaris bepaal.

Geneeskundige Behandeling

4. Indien die Sekretaris van oordeel is dat 'n beampte of werknemer in regulasie 2 bedoel, enige geneeskundige behandeling soos in artikel 2 (1) van die Wet bedoel, nodig het ten opsigte van 'n besering of swak gesondheid waarop die arbeidsongeskiktheid van sodanige beampte of werknemer betrekking het, kan hy magtiging vir sodanige behandeling verleen en, indien hy sodanige magtiging verleen, word die koste van sodanige behandeling uit Inkomste betaal.

Stakingsdatum van Jaargelde

5. 'n Jaargeld wat kragtens hierdie regulasies toegeken is, is betaalbaar tot en met die laaste dag van die maand waarin die betrokke beampte of werknemer te sterwe kom.

Beheer en Deegasie van Bevoegdheids

6. (1) Die Sekretaris administreer hierdie Skema en die koste daarvan word uit die Gekonsolideerde Inkomstefonds bestry.

(2) Die Sekretaris kan, met die goedkeuring van die Minister, 'n beampte van die staatsdepartement waarvan die Sekretaris die hoof is, magtig om enige bevoegdheid

perform on his behalf any of the powers or functions, which have been conferred upon or assigned to the Secretary by these regulations.

Repeal of Regulations

7. The regulations promulgated under Government Notice R. 1929 of 8 December 1965, as amended from time to time, are hereby repealed.

Date of Commencement

8. These regulations shall also apply in the Territory and shall be deemed to have come into operation with effect from 1 April 1974.

of werksaamheid wat by hierdie regulasies aan die Sekretaris verleen of opgedra word namens hom uit te oefen of te verrig.

Herroeping van Regulasies

7. Die regulasies uitgevaardig by Goewermentskennisgewing R. 1929 van 8 Desember 1965, soos van tyd tot tyd gewysig, word hierby herroep.

Datum van Inwerkingtreding

8. Hierdie regulasies is ook van toepassing in die gebied en word geag in werking te getree het met ingang van 1 April 1974.

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