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GOVERNMENT GAZETTE

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KAAPSTAD, 20 NOVEMBER 1974

DEPARTMENT OF THE PRIME MINISTER

No. 2163.

20 November 1974.

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

No. 77 of 1974: Second Pension Laws Amendment Act, 1974.

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 2163.

20 November 1974.

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

No. 77 van 1974: Tweede Wysigingswet op die Pensioenwette, 1974.

Wet No. 77, 1974

TWEEDE WYSIGINGSWET OP DIE PENSIOENWETTE, 1974.

WET

Tot wysiging van die Grondwet van die Republiek van Suid-Afrika, 1961, tot wysiging van die Oorlogspensioenwet, 1967, ten einde voorsiening te maak vir gratifikasies betaalbaar aan die weduwees en die wewenaars en ten opsigte van die kinders van sekere oorlede vrywilligers; tot wysiging van die Wysigingswet op die Pensioenwette, 1968, ten einde die bonus te verhoog wat kragtens artikel 15 betaalbaar is; tot wysiging van die Wet op Pensioene vir Parlementsdiens en Administrateurs, 1971, ten einde nuwe voorsiening te maak ten opsigte van bydraes betaalbaar, lede wat kies om provinsiale diens as pensioengewende diens te tel en die pensioene betaalbaar; die voortgesette lidmaatskap van persone wat in sekere betrekkings buite die Republiek aangestel word verder te reël; en die aftrekking van pensioene, van bydraes betaalbaar aan die mediese skema vir Parlementslede te reël; tot wysiging van die Wet op Maatskaplike Pensioene, 1973, ten einde 'n verandering aan die omskrywing van „oudstryder” aan te bring; om voorsiening te maak vir die pensioenregte van sekere persone wat voorheen by plaaslike besture in diens was en wat werknemers van die Regering en van sekere ander werkgewers word; om voorsiening te maak vir 'n keuse deur sekere persone om lede van die Pensioenfonds vir Geassosieerde Inrigtings te word; om nuwe voorsiening te maak vir pensioenvoordele aan Parlementsamptenaare, hul weduwees en afhanklikes; om voorsiening te maak vir die betaling van sekere spesiale pensioene aan sekere vormalige ampsdraers; en om voorsiening te maak vir angeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 11 November 1974.)

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

Wysiging van artikel 15 van Wet 32 van 1961, soos gewysig deur artikel 18 van Wet 102 van 1965, artikel 2 van Wet 79 van 1968, artikel 1 van Wet 93 van 1971 en artikel 2 van Wet 48 van 1974.

Wysiging van die Sesde Bylae by Wet 82 van 1967, soos vervang deur artikel 5 van Wet 93 van 1971.

1. Artikel 15 van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), word hierby gewysig deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

(a) aan iemand wat te eniger tyd na die eerste dag van April 1968 die amp van Staatspresident beklee het, 'n jaarlikse pensioen betaal wat gelykstaan met die jaarlikse salaris wat aan hom betaalbaar was op die dag waarop hy sy amp ontruim het.”

2. (1) Die Sesde Bylae by die Oorlogspensioenwet, 1967, word hierby gewysig—

(a) deur die woord „Nul” waar dit in die vierde en vyfde kolomme voorkom teenoor die woorde „Nie-Blanke-Vrywilligers (behalwe Bantoe-vrywilligers)” in die eerste kolom, deur onderskeidelik die uitdrukings „132-00” en „44-00” te vervang; en

SECOND PENSION LAWS AMENDMENT ACT, 1974.

Act No. 77, 1974

ACT

To amend the Republic of South Africa Constitution Act, 1961; to amend the War Pensions Act, 1967, so as to provide for gratuities payable to the widows and the widowers and in respect of the children of certain deceased volunteers; to amend the Pension Laws Amendment Act, 1968, so as to increase the bonus payable under section 15; to amend the Parliamentary Service and Administrators' Pensions Act, 1971, so as to make new provision in respect of contributions payable, members who elect to count provincial service as pensionable service and the pensions payable; to further regulate the continued membership of persons appointed to certain posts outside the Republic; and to regulate the deduction from pensions of contributions payable to the medical scheme for members of Parliament; to amend the Social Pensions Act, 1973, so as to effect an alteration to the definition of "war veteran"; to provide for the pension rights of certain persons who were previously employed by local authorities and who become employees of the Government and of certain other employers; to make provision for an election by certain persons to become members of the Associated Institutions Pension Fund; to make new provision for pension benefits for officers of Parliament, their widows and dependants; to provide for the payment of certain special pensions to certain former office-bearers; and to provide for matters connected therewith.

(Afrikaans text signed by the State President.)
(Assented to 11 November 1974.)

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

1. Section 15 of the Republic of South Africa Constitution Amendment of Act, 1961 (Act No. 32 of 1961), is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

"(a) to any person who has at any time after the first day of April 1968, occupied the office of State President, an annual pension equal to the annual salary which was payable to him on the day upon which he vacated office."

2. (1) The Sixth Schedule to the War Pensions Act, 1967, is hereby amended—

(a) by the substitution for the word "Nil" where it occurs in the fourth and fifth columns opposite the words "Non-European Volunteers (Other than Bantu Volunteers)" in the first column, of the expressions "132-00" and "44-00", respectively; and

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(b) deur die woord „Nul” waar dit in die vierde en vyfde kolomme voorkom teenoor die woorde „Bantoe-vrywilligers” in die eerste kolom, deur onderskeidelik die uitdrukings „66-00” en „22-00” te vervang.

(2) 'n Verwysing in die Oorlogspensioenwet, 1967, na Bylae 6 by daardie Wet word met ingang van 1 April 1971 uitgelê as 'n verwysing na die Sesde Bylae by daardie Wet.

Wysiging van artikel 15 van Wet 79 van 1968, soos gewysig deur artikel 17 van Wet 98 van 1969, artikel 11 van Wet 20 van 1970, artikel 6 van Wet 93 van 1971, artikel 10 van Wet 97 van 1972, artikel 1 van Wet 73 van 1973 en artikel 1 van Wet 15 van 1974.

Wysiging van artikel 1 van Wet 81 van 1971.

3. Artikel 15 van die Wysigingswet op die Pensioenwette, 1968, word hierby gewysig deur in subartikel (1) die woorde wat die voorbehoudbepaling voorafgaan deur die volgende woorde te vervang:

„(1) Daar kan aan iemand wat 'n pensioen, toelae of kleretoekenning ingevolge of op die grondslag van die Wet op Spesiale Oorlogspensioene, 1962 (Wet No. 35 van 1962), of die Oorlogspensioenwet, 1967 (Wet No. 82 van 1967), ontvang, met ingang van 1 Mei 1974 'n bonus van vyftig persent en met ingang van 1 Desember 1974 'n bonus van sestig persent van sodanige pensioen, toelae of toekenning betaal word.”.

4. Artikel 1 van die Wet op Pensioene vir Parlementsdiens en Administrateurs, 1971 (hieronder die Hoofwet genoem), word hierby gewysig—

(a) deur die omskrywing van „pensiöengewende salaris” deur die volgende omskrywing te vervang:
„,pensiöengewende salaris”—

(a) met betrekking tot 'n lid wat nie 'n amp in artikel 9 (1) of 'n betrekking in artikel 10 (1) bedoel, beklee nie, die jaarlikse salaris aan dié lid betaalbaar ingevolge 'n bepaling kragtens artikel 1 (1) (a) van die Wet op die Betaling van Parlementslede, 1974 (Wet No. 40 van 1974); en

(b) met betrekking tot 'n ander lid, die bedrag wat jaarliks ingevolge 'n bepaling in paragraaf (a) bedoel by wyse van 'n salaris aan hom betaalbaar sou gewees het indien hy 'n lid was in daardie paragraaf bedoel;”; en

(b) deur paragrawe (a) en (b) van die omskrywing van „salaris” deur die volgende paragrawe te vervang:

„(a) met betrekking tot 'n ampsdraer of lid van die Parlement bedoel in artikel 1 van die Wet op die Betaling van Parlementslede, 1974, die totale bedrag wat jaarliks by wyse van salaris aan hom in sy hoedanigheid van sodanige ampsdraer en van sodanige lid of van sodanige lid, na gelang van die geval, betaalbaar is ingevolge 'n bepaling kragtens subartikel (1) (a) van genoemde artikel;

(b) met betrekking tot 'n Minister, 'n Adjunk-minister, 'n Administrator, 'n kommissaris-generaal of die bekleer van 'n betrekking in artikel 10 bedoel, die totale bedrag wat jaarliks by wyse van salaris aan hom in sy hoedanigheid van die bekleer van die betrokke amp en van lid of van die bekleer van die betrokke betrekking betaalbaar is;”.

5. Artikel 2 van die Hoofwet word hierby gewysig—

(a) deur in paragraaf (a) van subartikel (2) die woorde „twintig” waar dit ook al voorkom deur die woorde „twaalf” te vervang;

(b) deur paragraaf (b) van genoemde subartikel te skrap; en

(c) deur subartikel (3) deur die volgende subartikel te vervang:

Wysiging van artikel 2 van Wet 81 van 1971.

SECOND PENSION LAWS AMENDMENT ACT, 1974. Act No. 77, 1974

- (b) by the substitution for the word "Nil" where it occurs in the fourth and fifth columns opposite the words "Bantu Volunteers" in the first column, of the expressions "66-00" and "22-00", respectively.

(2) Any reference in the War Pensions Act, 1967, to Schedule 6 to that Act, shall with effect from 1 April 1971 be construed as a reference to the Sixth Schedule to that Act.

3. Section 15 (1) of the Pension Laws Amendment Act, 1968, is hereby amended by the substitution for all the words preceding the proviso of the following words:

"(1) Any person who is in receipt of a pension, allowance or clothing grant in terms of or on the basis of the War Special Pensions Act, 1962 (Act No. 35 of 1962), or the War Pensions Act, 1967 (Act No. 82 of 1967), may with effect from 1 May 1974 be paid a bonus of fifty per cent and with effect from 1 December 1974 a bonus of sixty per cent of such pension, allowance or grant.".

Amendment of section 15 of Act 79 of 1968, as amended by section 17 of Act 98 of 1969, section 11 of Act 20 of 1970, section 6 of Act 93 of 1971, section 10 of Act 97 of 1972, section 1 of Act 73 of 1973 and section 1 of Act 15 of 1974.

4. Section 1 of the Parliamentary Service and Administrators' Pensions Act, 1971 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the substitution for the definition of "pensionable salary" of the following definition:
"pensionable salary" means—

(a) in relation to a member who does not hold an office referred to in section 9 (1) or a post referred to in section 10 (1), the annual salary payable to that member in terms of a determination under section 1 (1) (a) of the Payment of Members of Parliament Act, 1974 (Act No. 40 of 1974);

(b) in relation to any other member, the amount which would have been payable annually to him by way of salary in terms of a determination referred to in paragraph (a) had he been a member referred to in that paragraph;"; and

- (b) by the substitution for paragraphs (a) and (b) of the definition of "salary" of the following paragraphs:

(a) in relation to an office-bearer or a member of Parliament referred to in section 1 of the Payment of Members of Parliament Act, 1974, the total amount which is payable annually to him by way of salary in terms of a determination under sub-section (1) (a) of the said section in his capacity as such office-bearer and as such member or as such member, as the case may be;

(b) in relation to a Minister, a Deputy Minister, an Administrator, a commissioner-general or the holder of a post referred to in section 10, the total amount which is payable to him annually by way of salary in his capacity as the holder of the office concerned and as a member or as the holder of the post concerned.”.

5. Section 2 of the principal Act is hereby amended—

- Section 2 of the principal Act is hereby amended:

 - (a) by the substitution in paragraph (a) of subsection (2) for the word "twenty", wherever it occurs, of the word "twelve";
 - (b) by the deletion of paragraph (b) of the said subsection; and
 - (c) by the substitution for subsection (3) of the following subsection:

**Amendment of
section 2 of
Act 81 of 1971.**

Wet No. 77, 1974

TWEEDE WYSIGINGSWET OP DIE PENSIOENWETTE, 1974.

„(3) Indien die totaal van die bydraes en agterstallige bydraes (as daar is) wat 'n lid voor 1 Julie 1974 ingevolge hierdie Wet of 'n ander Wet van die Parlement met betrekking tot pensioene vir Parlementsdiens en Administrateurs betaal het, meer is as die totaalbedrag wat hy ingevolge so 'n Wet ten opsigte van 'n tydperk van twaalf jaar moes bygedra het, word die oorskot vir sover dit die totaal van die bydraes en agterstallige bydraes (as daar is) wat hy verplig is om ten opsigte van bedoelde tydperk van twaalf jaar van sy pensioengewende diens by te dra, oorskry, ondanks die wysiging van subartikel (2) van hierdie artikel deur artikel 4 van die Tweede Wysigingswet op die Pensioenwette, 1974, nie aan hom terugbetaal nie.”.

Wysiging van artikel 4 van Wet 81 van 1971, en die reëling van sekere spesiale pensioene.

6. (1) Artikel 4 van die Hoofwet word hierby gewysig—
(a) deur subartikel (2) deur die volgende subartikel te vervang:
- „(2) (a) Indien 'n persoon wat 'n keuse ingevolge subartikel (1) (a) gedoen het, op die datum waarop hy 'n lid geword het, op 'n pensioen kragtens die toepaslike pensioenordonnansie geregtig was, hou dié pensioen vanaf daardie datum op om aan hom betaalbaar te wees, en moet hy 'n bedrag wat ten opsigte van 'n tydperk vanaf gemelde datum by wyse van so 'n pensioen aan hom betaal is, aan die betrokke inkomstefonds terugbetaal.
- (b) Indien 'n persoon wat 'n keuse ingevolge subartikel (1) (b) gedoen het, op die datum waarop hy 'n lid geword het, op 'n pensioen ingevolge die toepaslike pensioenordonnansie geregtig was, hou dié pensioen op om aan hom betaalbaar te wees, en moet hy 'n bedrag wat by wyse van so 'n pensioen ten opsigte van 'n tydperk vanaf gemelde datum aan hom betaal is, aan die betrokke inkomstefonds terugbetaal teen die koers wat die Minister van Volkswelsyn en Pensioene van tyd tot tyd of in die algemeen of in 'n bepaalde geval bepaal.
- (c) Aan 'n lid wat 'n keuse ingevolge subartikel (1) of 'n ooreenstemmende bepaling van die Wysigingswet of van 'n wet wat deur hierdie Wet herroep is, gedoen het en wat nie te eniger tyd 'n pensioen kragtens 'n pensioenordonnansie ontvang het nie, of, indien hy so 'n pensioen ontvang het, bedoelde pensioen ten volle aan die betrokke inkomstefonds terugbetaal het, word 'n bedrag gelyk aan die totaal van die bydraes wat ingevolge 'n pensioenordonnansie deur hom betaal of van sy salaris of toelae afgetrek is, deur die inkomstefonds waaraan dit betaal is, terugbetaal.
- (d) By die toepassing van hierdie subartikel beteken „pensioen” nie ook 'n spesiale pensioen ingevolge 'n toepaslike pensioenordonnansie betaalbaar nie.”; en
(b) deur paragraaf (a) van subartikel (5) deur die volgende paragraaf te vervang:
„(a) teen die skaal van veertig rand per maand vir iedere maand van sy diens wat pensioengewende diens ingevolge subartikel (4) geword het en wat betrekking het op sy pensioengewende diens ingevolge die toepaslike pensioenordonnansie of diens as lid, wat hy voor 1 Julie 1974 gehad het; en”.

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"(3) If the sum of the contributions and arrear contributions (if any) which a member paid prior to 1 July 1974 in terms of this Act or any other Act of Parliament relating to Parliamentary service and Administrators' pensions, exceeds the total amount which he was required to contribute in terms of such Act in respect of a period of twelve years, the excess shall, in so far as it exceeds the sum of the contributions and arrear contributions (if any) which he is required to contribute in respect of such period of twelve years of his pensionable service, notwithstanding the amendment of subsection (2) of this section by section 4 of the Second Pensions Laws Amendment Act, 1974, not be refunded to him.”.

6. (1) Section 4 of the principal Act is hereby amended—

- (a) by the substitution for subsection (2) of the following subsection:

Amendment of
section 4 of
Act 81 of 1971,
and the regulation
of certain special
pensions.

"(2) (a) If any person who has made an election in terms of subsection (1) (a), was on the date on which he became a member entitled to a pension under the applicable pensions ordinance, such pension shall as from that date cease to be payable to him, and he shall refund to the revenue fund concerned any amount which may have been paid to him by way of such pension in respect of any period as from the said date.

- (b) If any person who has made an election in terms of subsection (1) (b), was on the date on which he became a member entitled to a pension under the applicable pensions ordinance, such pension shall cease to be payable to him and he shall refund to the revenue fund concerned any amount which may have been paid to him by way of such pension in respect of any period as from the said date at the rate determined by the Minister of Social Welfare and Pensions from time to time, either generally or in a particular case.

- (c) To a member who has made an election in terms of subsection (1) or a corresponding provision of the amendment Act or of a law repealed by this Act and who has at no time received a pension under a pensions ordinance, or, if he has received such a pension, has fully refunded such pension to the revenue fund concerned, there shall be refunded by the revenue fund to which the contributions were paid an amount equal to the sum of the contributions made by him or deducted from his salary or allowance in terms of a pensions ordinance.

- (d) For the purposes of this subsection "pension" shall not include a special pension payable in terms of an applicable pensions ordinance."; and

- (b) by the substitution for paragraph (a) of subsection (5) of the following paragraph:

"(a) at the rate of forty rand per month for every month of his service which has become pensionable service under subsection (4) and which refers to pensionable service under the applicable pensions ordinance or service as a member which he has had before 1 July 1974; and".

Wet No. 77, 1974

TWEEDE WYSIGINGSWET OP DIE PENSIOENWETTE, 1974.

(2) Ondanks andersluidende wetsbepalings—

- (a) word 'n spesiale pensioen ingevolge 'n toepaslike pensioenordonnansie wat ingevolge die Hoofwet of 'n ander Wet van die Parlement deur 'n lid wat op of na die vasgestelde datum, soos in die Hoofwet omskryf, 'n lid is of was, aan 'n inkomstefonds terugbetaal is, aan die betrokke lid terugbetaal;
- (b) word sodanige lid wat onmiddellik voor die inwerkingtreding van hierdie subartikel onder die verpligting was om 'n spesiale pensioen bedoel in paragraaf (a) ingevolge 'n in daardie paragraaf bedoelde Wet terug te betaal, van sodanige aanspreeklikheid onthef; en
- (c) word die betaling aan so 'n lid van 'n spesiale pensioen bedoel in paragraaf (a) wat ingevolge 'n in daardie paragraaf bedoelde Wet gestaak is, met ingang van die datum waarop dit aldus gestaak is, hervat.

Wysiging van artikel 5 van Wet 81 van 1971.

7. Artikel 5 van die Hoofwet word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

„(3) 'n Bedrag wat deur 'n lid ingevolge die bepalings van artikel 4 (5) verskuldig word, kan, indien die betrokke lid dit verlang, deur die verantwoordelike rekenpligtige beampte van sy salaris afgetrek word in maandelikse paaiemende van minstens veertig rand, en word aan inkomste betaal.”.

Wysiging van artikel 6 van Wet 81 van 1971.

8. Artikel 6 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Behoudens die bepalings van hierdie artikel, is daar by die beëindiging van sy diens, aan 'n lid wie se diens op of na die vasgestelde datum ten einde loop en wat minstens agt jaar pensioengewende diens gehad het, 'n pensioen betaalbaar bereken teen die skaal van een-vyftiende van sy hoogste jaarlikse pensioengewende salaris ten opsigte van iedere jaar van sy pensioengewende diens: Met dien verstande dat bedoelde pensioen nie genoemde salaris te bove gaan nie.”.

Wysiging van artikel 8 van Wet 81 van 1971.

9. Artikel 8 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Ondanks andersluidende bepalings van hierdie Wet of 'n ander wet, is daar aan 'n lid wat die amp van Eerste Minister beklee het en wie se diens as lid te eniger tyd na die vasgestelde datum ten einde loop, 'n jaarlikse pensioen betaalbaar wat gelykstaan met sodanige lid se hoogste jaarlikse salaris gedurende die tydperk van sy diens.”.

Wysiging van artikel 9 van Wet 81 van 1971.

10. Artikel 9 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Behoudens die bepalings van artikel 8 (2) en van subartikel (2) van hierdie artikel, is 'n lid wat die amp van—

- (a) Minister;
- (b) President van die Senaat of Speaker van die Volksraad;
- (c) Administrateur of Adjunk-minister;
- (d) Leier van die Opposisie in die Volksraad;

SECOND PENSION LAWS AMENDMENT ACT, 1974. ^{Act No. 77, 1974}

(2) Notwithstanding anything to the contrary in any law contained—

- (a) a special pension in terms of an applicable pensions ordinance which has been repaid by a member who is or was a member on or after the fixed date, as defined in the principal Act, to a revenue fund in terms of the principal Act or any other Act of Parliament, shall be repaid to the member concerned;
- (b) such member who, immediately prior to the commencement of this subsection, was required to refund a special pension referred to in paragraph (a) in terms of an Act referred to in that paragraph, shall be exempted from such liability; and
- (c) the payment to such a member of a special pension referred to in paragraph (a) which was discontinued in terms of an Act referred to in that paragraph, shall be resumed with effect from the date on which it was so discontinued.

7. Section 5 of the principal Act is hereby amended by the ^{Amendment of section 5 of Act 81 of 1971.} substitution for subsection (3) of the following subsection:

“(3) Any amount which may become due by a member in terms of section 4 (5), may, if the member concerned so desires, be deducted by the responsible accounting officer from his salary in monthly instalments of not less than forty rand, and shall be paid to revenue.”.

8. Section 6 of the principal Act is hereby amended by the ^{Amendment of section 6 of Act 81 of 1971.} substitution for subsection (1) of the following subsection:

“(1) Subject to the provisions of this section, there shall, on the termination of his service, be payable to a member whose service terminates on or after the fixed date and who has had not less than eight years of pensionable service, a pension calculated at the rate of one-fifteenth of his highest annual pensionable salary in respect of each year of his pensionable service: Provided that such pension shall not exceed the said salary.”.

9. Section 8 of the principal Act is hereby amended by the ^{Amendment of section 8 of Act 81 of 1971.} substitution for subsection (1) of the following subsection:

“(1) Notwithstanding anything to the contrary in this Act or any other law contained, there shall be payable to any member who at any time after the fixed date occupied the office of Prime Minister, an annual pension equal to the highest annual salary of such member during the period of his service.”.

10. Section 9 of the principal Act is hereby amended— ^{Amendment of section 9 of Act 81 of 1971.}

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

“(1) Subject to the provisions of section 8 (2) and of subsection (2) of this section, a member who has held the office of—

- (a) Minister;
- (b) President of the Senate or Speaker of the House of Assembly;
- (c) Administrator or Deputy Minister;
- (d) Leader of the Opposition in the House of Assembly;

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- (e) kommissaris-generaal;
- (f) Adjunk-president en Voorsitter van Komitees van die Senaat of Adjunk-speaker en Voorsitter van Komitees van die Volksraad;
- (g) Leier van die Opposisie in die Senaat, Regeringshoofsweep in die Senaat of in die Volksraad, Adjunk-voorsitter van Komitees van die Volksraad of Hoofsweep van die Amtelike Opposisie in die Senaat of in die Volksraad; of
- (h) Sweep in die Senaat of in die Volksraad, beklee het en wie se diens as 'n lid op of na 1 Julie 1974 ten einde loop, benewens 'n ander pensioen of voordeel wat ingevolge hierdie Wet aan hom betaalbaar is, geregtig op 'n pensioen wat ooreenkomsdig die formule—

$$\left(\frac{A}{B} - C \right) \times D$$

bereken word, in welke formule—

- (i) A die jaarlikse salaris verbonde aan die betrokke amp ten tyde van die beëindiging van die lid se diens as 'n lid, voorstel;
- (ii) B 12 voorstel;
- (iii) C die pensioen wat ingevolge artikel 6 aan die lid betaalbaar is ten opsigte van 'n volle jaar van sy pensioengewende diens, voorstel; en
- (iv) D die tydperk waarvoor sodanige lid die betrokke amp beklee het, voorstel.”;

(b) deur die volgende subartikel na subartikel (2) in te voeg:

„(2A) Indien 'n lid wat voor of na die inwerkingtreding van hierdie Wet die amp van Minister beklee of beklee het, nadat hy ophou of opgehou het om sodanige amp te beklee die amp van President van die Senaat of Speaker van die Volksraad beklee of beklee het, word hy by die toepassing van subartikel (1) geag 'n lid te wees wat die amp van Minister beklee of beklee het solank hy die amp van President van die Senaat of Speaker van die Volksraad, na gelang van die geval, beklee of beklee het.”; en

(c) deur subartikel (3) deur die volgende subartikel te vervang”

„(3) By die toepassing van subartikel (1)—

- (a) word die tydperk van diens by die jaar en die maand bereken en word breekdele van 'n maand buite rekening gelaat en 'n gedeelte van 'n jaar wat nie minder as ses maande is nie, geag 'n voltooide jaar te wees;
- (b) word 'n lid wat die amp van Assistent-sweep in die Senaat of Assistent-sweep in die Volksraad beklee het, geag onderskeidelik die amp van Sweep in die Senaat of Sweep in die Volksraad, na gelang van die geval, te beklee het.”.

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- (e) commissioner-general;
- (f) Deputy President and Chairman of Committees of the Senate or Deputy Speaker and Chairman of Committees of the House of Assembly;
- (g) Leader of the Opposition in the Senate, Chief Government Whip in the Senate or in the House of Assembly, Deputy Chairman of Committees of the House of Assembly or Chief Whip of the official opposition in the Senate or in the House of Assembly; or
- (h) Whip in the Senate or in the House of Assembly, and whose service as a member terminates on or after 1 July 1974, shall, in addition to any other pension or benefit payable to him in terms of this Act, be entitled to a pension which shall be calculated in accordance with the formula—

$$\left(\frac{A}{B} - C \right) \times D$$

in which formula—

- (i) A represents the annual salary applicable to the office concerned at the time of the termination of the member's service as a member;
 - (ii) B represents 12;
 - (iii) C represents the pension which is payable to the member in terms of section 6 in respect of a full year of his pensionable service; and
 - (iv) D represents the period for which such member served in the office concerned.”;
- (b) by the insertion of the following subsection after subsection (2):
- “(2A) If a member who holds or held the office of Minister prior to or after the commencement of this Act, after he ceases or ceased to hold such office holds or held the office of President of the Senate or Speaker of the House of Assembly, he shall, for the purposes of subsection (1), be deemed to be a member who holds or held the office of Minister as long as he holds or held the office of President of the Senate or Speaker of the House of Assembly, as the case may be.”; and
- (c) by the substitution for subsection (3) of the following subsection:

“(3) For the purposes of subsection (1)—

- (a) the period of pensionable service shall be calculated by the year and the month and fractions of a month shall be disregarded and any portion of a year not being less than six months shall be deemed to be a completed year;
- (b) a member who held the office of Assistant Whip in the Senate or Assistant Whip in the House of Assembly, shall be deemed to have held the office of Whip in the Senate or Whip in the House of Assembly, respectively, as the case may be.”.

Wet No. 77, 1974

TWEEDE WYSIGINGSWET OP DIE PENSIOENWETTE, 1974.

Vervanging van artikel 10 van Wet 81 van 1971.

11. Artikel 10 van die Hoofwet word hierby deur die volgende artikel vervang:

„Ministers en lede wat in sekere betrekkings aangestel word, word of na 1 Julie 1974 aangestel is of word—geag,

(a) in die betrekking buite die Republiek van Buitengewone Gesant en Gevolmagtigde Minister, of Buitengewone en Gevolmagtigde Ambassadeur; of

(b) in 'n soortgelyke betrekking buite die Republiek wat vir die doeleinnes van hierdie artikel deur die Eerste Minister goedgekeur word,

word hy by die toepassing van hierdie Wet geag 'n lid te wees wat sodanige amp beklee of beklee het solank hy so 'n betrekking beklee of beklee het.

(2) Indien iemand wat 'n lid is of was (behalwe iemand in subartikel (1) bedoel) op of na 1 Julie 1974 aangesef is of word in 'n betrekking in daardie subartikel bedoel, word hy by die toepassing van hierdie Wet geag 'n lid te wees wat 'n amp in artikel 9 (1) (e) bedoel, beklee of beklee het solank hy so 'n betrekking beklee of beklee het.

(3) Iemand op wie subartikel (1) of (2) van toepassing is, word nie solank hy 'n subartikel (1) bedoelde betrekking beklee, lid van 'n pensioen- of voorsorgfonds wat deur of kragtens 'n wetsbepaling ten bate van Regeringswerkneemers ingestel is nie.”.

Wysiging van artikel 15 van Wet 81 van 1971.

12. Artikel 15 van die Hoofwet word hierby gewysig deur subartikel (7) deur die volgende subartikel te vervang:

„(7) Die bepaling van hierdie artikel raak nie die pensioen wat 'n lid of die weduwe van 'n lid onmiddellik voor die vasgestelde datum kragtens 'n herroep wet ten opsigte van bedoelde lid se pensioengewende diens kragtens 'n toepaslike pensioenordonansie ontvang het nie of 'n pensioen waarop die weduwe van so 'n lid wat op of na die vasgestelde datum te sterwe kom geregtig sou gewees het indien so 'n wet nie deur hierdie Wet herroep was nie.”.

Invoeging van artikel 17A in Wet 81 van 1971.

13. Die volgende artikel word hierby in die Hoofwet na artikel 17 ingevoeg:

„**17A.** Indien iemand aan wie 'n pensioen ingevolge hierdie Wet betaalbaar is en wat die amp van Staats-president beklee, na die inwerkingtreding van hierdie artikel ophou om sodanige amp te beklee of, indien iemand aan wie 'n pensioen aldus betaalbaar is, na sodanige inwerkingtreding die amp van Staats-president ingevolge die Grondwet aanvaar, word die betaling van sodanige pensioen, ondanks andersluidende bepaling van hierdie Wet of 'n ander wet, in die geval van eersbedoelde persoon, met ingang van die datum na die dag waarop hy bedoelde amp ontruim en, in die geval van laasgenoemde persoon, met ingang van die datum waarop hy aldus die amp van Staatspresident aanvaar, gestaak en verval enige reg van die een of die ander sodanige persoon op sodanige pensioen dienooreenkomsdig en is die weduwe of enige kind van die een of die ander sodanige persoon nie op enige pensioen of voordeel ingevolge hierdie Wet geregtig nie.”.

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11. The following section is hereby substituted for section 10 Substitution of
of the principal Act: section 10 of
Act 81 of 1971.

"Ministers and members appointed to certain posts deemed to remain Ministers and members.

10. (1) If any person who is or was a member and who at any time prior to or after the commencement of this Act holds or held an office referred to in paragraph (a), (b), (c) or (d) of section 9 (1), has been or is appointed on or after 1 July 1974—
(a) to the post of Envoy Extraordinary and Minister Plenipotentiary or Ambassador Extraordinary and Plenipotentiary outside the Republic; or
(b) to any similar post outside the Republic approved by the Prime Minister for the purposes of this section,

he shall for the purposes of this Act be deemed to be a member who holds or held such office as long as he holds or held such a post.

(2) If any person who is or was a member (other than a person referred to in subsection (1)) has been or is appointed to a post referred to in that subsection on or after 1 July 1974, he shall for the purposes of this Act be deemed to be a member who holds or held an office referred to in section 9 (1) (e) as long as he holds or held such a post.

(3) Any person to whom subsection (1) or (2) applies shall not, as long as he holds a post referred to in subsection (1), become a member of a pension or provident fund established by or under any law for the benefit of employees of the Government.”.

12. Section 15 of the principal Act is hereby amended by the Amendment of
substitution for subsection (7) of the following subsection: section 15 of
Act 81 of 1971.

“(7) The provisions of this section shall not affect any pension received by a member or the widow of a member immediately before the fixed date under a repealed law in respect of such member’s pensionable service under an applicable pensions ordinance or any pension to which the widow of such a member who dies on or after the fixed date would have become entitled if such a law had not been repealed by this Act.”.

13. The following section is hereby inserted in the principal Insertion of
Act after section 17. section 17A in
Act 81 of 1971.

“Discon-
tinuation of
pensions in
certain cir-
cumstances.

17A. If any person to whom a pension is payable under this Act and who occupies the office of State President ceases to occupy such office after the commencement of this section, or if any person to whom a pension is so payable, assumes after such commencement the office of State President in terms of the Constitution Act, the payment of such pension shall, notwithstanding anything to the contrary in this Act or any other law contained, cease, in the case of the first-mentioned person, with effect from the day following that upon which he vacates the said office and, in the case of the last-mentioned person, with effect from the date on which he so assumes the office of State President, and any right of either such person to such pension shall lapse accordingly, and the widow or any child of either such person shall not be entitled to any pension or benefit in terms of this Act.”.

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Wysiging van artikel 20 van Wet 81 van 1971.

14. Artikel 20 van die Hoofwet word hierby gewysig deur die volgende subartikel by te voeg:

(3) (a) Ondanks die bepalings van subartikels (1) en (2), kan die Sekretaris maandeliks van 'n pensioen kragtens hierdie Wet aan iemand betaalbaar 'n bedrag aftrek gelyk aan die maandelikse bydrae deur so iemand ingevolge die reëls van die mediese skema vir Parlementslede aan bedoelde skema betaalbaar ten opsigte van sy voortgesette lidmaatskap van bedoelde skema.

(b) 'n Bedrag aldus afgetrek, word aan die bestuurder van bedoelde mediese skema betaal."

Wysiging van artikel 1 van Wet 37 van 1973.

15. Artikel 1 van die Wet op Maatskaplike Pensioene, 1973, word hierby gewysig deur in die omskrywing van „oudstryder“ al die woorde na paragraaf (f) te skrap.

Werknemers van plaaslike besture wat werknekmers van die Regering word.

16. (1) Indien 'n onderneming of bedrywigheid van 'n plaaslike bestuur of 'n bevoegdheid of werksaamheid van 'n plaaslike bestuur in verband met die verskaffing van 'n diens of die administrasie van 'n gebied deur die Regering oorgeneem word of uit hoofde van stappe ingevolge 'n Wet van die Parlement gedoen, ophou om deur 'n plaaslike bestuur beheer, uitgeoefen of verrig te word, en die Minister in oorleg met die Minister van Finansies ten opsigte van 'n bepaalde plaaslike bestuur daartoe instem, word, ondanks andersluidende wetsbepalings maar behoudens die bepalings van subartikels (2) en (3)—

(a) die tydperk van vorige pensioengewende diens van 'n geaffekteerde beampete van sodanige plaaslike bestuur wat met ingang van die vasgestelde datum ingevolge die een of ander wet 'n lid van die Regeringsdiens-pensioenfonds of die Regerings-werknekmersondersteuningsfonds word of moet word, as pensioengewende diens vir die doeleindes van die pensioenfonds of ondersteuningsfonds waarvan hy aldus 'n lid word of moet word, gereken;

(b) 'n geaffekteerde beampete van sodanige plaaslike bestuur wat met ingang van die vasgestelde datum 'n nie-blanke werknekmer soos omskryf in artikel 1 van die Wet op Pensioene vir Nie-blanke Regeringswerknekmers, 1966 (Wet No. 42 van 1966), word, met ingang van gemelde datum 'n lid van die Pensioenfonds vir Nie-blanke Regeringswerknekmers, en dra hy ooreenkomsdig die regulasies uitgevaardig kragtens artikel 2 van daardie Wet tot bedoelde pensioenfonds by en word die tydperk van sy vorige pensioengewende diens as pensioengewende diens vir die doeleindes van bedoelde pensioenfonds gereken.

(2) Indien die vorige pensioengewende diens van 'n geaffekteerde beampete ingevolge subartikel (1) as pensioengewende diens vir die doeleindes van die Regeringsdienspensioenfonds of die Regerings-werknekmersondersteuningsfonds of die Pensioenfonds vir Nie-blanke Regeringswerknekmers gereken word, word daar, ondanks andersluidende bepalings van die een of ander wet of die reëls of regulasies betreffende die toepaslike pensioenfonds, deur laasgenoemde pensioenfonds aan die Regeringsdienspensioenfonds of die Regerings-werknekmersondersteuningsfonds of die Pensioenfonds vir Nie-blanke Regeringswerknekmers, na gelang van die geval, ten opsigte van sodanige vorige pensioengewende diens betaal—

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14. Section 20 of the principal Act is hereby amended by the addition of the following subsection:

Amendment of section 20 of Act 81 of 1971.

"(3) (a) Notwithstanding the provisions of subsections (1) and (2), the Secretary may deduct monthly from a pension payable under this Act to any person, an amount equal to the monthly contribution payable to the medical scheme for members of Parliament by such person in terms of the rules of the said scheme in respect of his continued membership of the said scheme.

(b) Any amount so deducted shall be paid to the manager of the said medical scheme."

15. Section 1 of the Social Pensions Act, 1973, is hereby amended by the deletion in the definition of "war veteran" of all the words after paragraph (f).

Amendment of section 1 of Act 37 of 1973.

16. (1) If any undertaking or activity of a local authority, or any power or function of a local authority in connection with the provision of any service or the administration of any area, is taken over by the Government or ceases to be controlled, exercised or performed by a local authority by virtue of any action taken in terms of an Act of Parliament, and the Minister in consultation with the Minister of Finance in respect of a specified local authority agrees thereto, then, notwithstanding anything to the contrary in any law contained but subject to the provisions of subsections (2) and (3)—

Employees of local authorities who become employees of the Government.

(a) the period of previous pensionable service of any affected officer of such a local authority who becomes or shall become a member of the Government Service Pension Fund or the Government Employees' Provident Fund with effect from the fixed date in terms of any law, shall be reckoned as pensionable service for the purposes of the pension fund or provident fund of which he so becomes or shall so become a member;

(b) any affected officer of such local authority who becomes with effect from the fixed date a non-White employee as defined in section 1 of the Government non-White Employees Pensions Act, 1966 (Act No. 42 of 1966), shall, with effect from the said date, become a member of the Government Non-White Employees' Pension Fund and shall contribute to the said pension fund in accordance with regulations made under section 2 of that Act, and the period of his previous pensionable service shall be reckoned as pensionable service for the purposes of the said pension fund.

(2) If the previous pensionable service of an affected officer is reckoned as pensionable service in terms of subsection (1) for the purposes of the Government Service Pension Fund or the Government Employees' Provident Fund or the Government Non-White Employees' Pension Fund, there shall, notwithstanding anything to the contrary in any law contained or the rules or regulations governing the applicable pension fund, be paid by the last-named pension fund to the Government Service Pension Fund or the Government Employees' Provident Fund or the Government Non-White Employees' Pension Fund, as the case may be, in respect of such previous pensionable service—

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(a) 'n bedrag wat gelykstaan met die bedrag of die oordragwaarde wat ingevolge die wette of die reëls of regulasies betreffende die toepaslike pensioenfonds betaalbaar sou gewees het indien die betrokke geaffekteerde beampte oorgeplaas was na of regstreeks aangestel was in diens van 'n ander plaaslike bestuur wat 'n ander pensioenfonds het of met 'n ander pensioenfonds geassosieer is, of, indien geen bedrag aldus betaalbaar sou gewees het nie, 'n bedrag wat die Minister of 'n beampte van die Departement van Volkswelyn en Pensioene deur die Minister daartoe gemagtig, na oorleg met die bestuur van die betrokke toepaslike pensioenfonds, met inagneming van die omstandighede van 'n bepaalde geval of kategorie van gevalle, bepaal;

(b) rente bereken teen vyf en 'n halwe persent per jaar op die bedrag bedoel in paragraaf (a), jaarliks saamgestel soos op 31 Maart en bereken vanaf die vasgestelde datum tot en met die datum waarop bedoelde bedrag aan die betrokke pensioenfonds of ondersteuningsfonds ingevolge hierdie subartikel betaal word.

(3) Indien die totaal van die bedrae wat ingevolge paragrawe (a) en (b) van subartikel (2) aan die Regeringsdienspensioenfonds of die Regerings-werknemersondersteuningsfonds of die Pensioenfonds vir Nie-blanke Regeringswerknemers betaal moet word—

(a) minder is as die bedrag wat ingevolge die regulasies betreffende die Regeringsdienspensioenfonds of die Regerings-werknemersondersteuningsfonds of die Pensioenfonds vir Nie-blanke Regeringswerknemers, na gelang van die geval, ten opsigte van die betrokke geaffekteerde beampte se vorige pensioengewende diens betaal moet word ten einde sodanige vorige pensioengewende diens vir die doeleindes van die een of ander van voormalde pensioenfondse of voormalde ondersteuningsfonds te reken, word die tekort uit inkomste aan die betrokke pensioenfonds of ondersteuningsfonds, na gelang van die geval, betaal;

(b) meer is as die bedrag in paragraaf (a) bedoel, word die oorskot deur die toepaslike pensioenfonds aan die betrokke geaffekteerde beampte betaal.

(4) By die toepassing van hierdie artikel beteken—

(i) „geaffekteerde beampte” iemand wat onmiddellik voor die vasgestelde datum in diens van 'n plaaslike bestuur in of in verband met 'n onderneming of bedrywigheid of die verskaffing van 'n diens of die administrasie van 'n gebied in subartikel (1) bedoel, was en wat onmiddellik voor die vasgestelde datum 'n lid van 'n toepaslike pensioenfonds was; (i)

(ii) „inkomste”, met betrekking tot 'n geaffekteerde beampte wat met ingang van die vasgestelde datum—

(a) in diens van die Regering is, behoudens paragrawe (b) en (c) van hierdie omskrywing, die Gekonsolideerde Inkomstefonds;

(b) in diens van 'n provinsiale administrasie is, die betrokke provinsiale inkomstefonds;

(c) in diens van die Administrasie van die gebied Suidwes-Afrika is, die Inkomstefonds van die gebied Suidwes-Afrika; (xi)

(iii) „Minister” die Minister van Volkswelyn en Pensioene; (ix)

(iv) „Pensioenfonds vir Nie-blanke Regeringswerknemers” die Pensioenfonds vir Nie-blanke Regeringswerknemers ingestel by die regulasies uitgevaardig kragtens

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- (a) an amount which is equal to the amount or the transfer value which would have been payable in terms of the provisions of the laws or the rules or regulations governing the applicable pension fund, if the affected officer concerned was transferred or directly appointed to the service of another local authority having a different pension fund or associated with a different pension fund or, if no amount would have been so payable, an amount which the Minister or an officer of the Department of Social Welfare and Pensions authorized thereto by the Minister, determines after consultation with the management of the applicable pension fund concerned, with due regard to the circumstances of a specified case or category of cases;
 - (b) interest calculated at five-and-one-half per cent per annum on the amount referred to in paragraph (a), compounded annually as at 31 March, and calculated from the fixed date up to the date on which the said amount is paid to the pension fund or provident fund concerned in terms of this subsection.
- (3) If the total of the amounts to be paid to the Government Service Pension Fund or the Government Employees' Provident Fund or the Government Non-White Employees' Pension Fund in terms of paragraphs (a) and (b) of subsection (2)—
- (a) is less than the amount to be paid in terms of the regulations governing the Government Service Pension Fund or the Government Employees' Provident Fund or the Government Non-White Employees' Pension Fund, as the case may be, in respect of the previous pensionable service of the affected officer concerned in order to reckon such previous pensionable service for the purposes of the one or the other of the aforementioned pension funds or the afore-mentioned provident fund, the deficiency shall be paid from revenue to the pension fund concerned;
 - (b) exceeds the amount referred to in paragraph (a), the surplus shall be paid to the affected officer concerned by the applicable pension fund.
- (4) For the purposes of this section—
- (i) "affected officer" means any person who immediately prior to the fixed date was in the employ of a local authority in or in connection with any undertaking or activity or the provision of any service or the administration of any area referred to in subsection (1) and who, immediately prior to the fixed date, was a member of an applicable pension fund; (i)
 - (ii) "applicable pension fund", in relation to an affected officer, means a superannuation, pension or provident fund or scheme established by a local authority by or under any law or otherwise for the benefit of the employees of one or more local authorities to which such affected officer contributed immediately prior to the fixed date and which has been approved by the Minister for the purposes of this section; (ix)
 - (iii) "fixed date" means the date on which any undertaking or activity of a local authority or any power or function of a local authority in connection with the provision of any service or the administration of any area is taken over as contemplated in subsection (1) or ceases to be controlled, exercised or performed by a local authority; (x)
 - (iv) "Government" includes a provincial administration, the Administration of the territory of South-West Africa and an authority or body established by or

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- artikel 2 van die Wet op Pensioene vir Nie-blanke Regeringswerkneemers, 1966 (Wet No. 42 van 1966);
(vi) „plaaslike bestuur”, ‘n instelling of liggaaam beoog in artikel 84 (1) (f) van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), of ‘n instelling of liggaaam deur die Minister in oorleg met die Minister van Finansies vir die doeleindes van hierdie artikel goedgekeur; (viii)
(vi) „Regering” ook ‘n provinsiale administrasie, die Administrasie van die gebied Suidwes-Afrika en ‘n gesag of liggaaam ingestel by of kragtens ‘n Wet van die Parlement en wat vir die doeleindes van hierdie artikel deur die Minister aangewys is; (iv)
(vii) „Regeringsdienspensioenfonds” die Regeringsdienspensioenfonds ingestel by artikel 3 van die Regeringsdienspensioenwet, 1973 (Wet No. 57 van 1973); (vii)
(viii) „Regerings-werknemersondersteuningsfonds” die Regerings-werknemersondersteuningsfonds bedoel in artikel 2 (3) van die Regeringsdienspensioenwet, 1965 (Wet No. 62 van 1965); (v)
(ix) „toepaslike pensioenfonds”, met betrekking tot ‘n geaffekteerde beampete, ‘n superannuasie-, pensioen-, ondersteunings- of voorsorgfonds of -skema deur ‘n plaaslike bestuur by of kragtens die een of ander wet of andersins ingestel ten bate van die werkneemers van een of meer plaaslike besture waartoe sodanige geaffekteerde beampete onmiddellik voor die vasgestelde datum bygedra het en wat deur die Minister vir die doeleindes van hierdie artikel goedgekeur is; (ii)
(x) „vasgestelde datum” die datum waarop ‘n onderneming of bedrywigheid van ‘n plaaslike bestuur of ‘n bevoegdheid of werksaamheid van ‘n plaaslike bestuur in verband met die verskaffing van ‘n diens of die administrasie van ‘n gebied, soos in subartikel (1) beoog, oorgeneem word of ophou om deur ‘n plaaslike bestuur beheer, uitgeoefen of verrig te word; (iii)
(xi) „vorige pensioengewende diens” pensioengewende diens ingevolge die wette of die reëls of regulasies betreffende ‘n toepaslike pensioenfonds. (x)
- (5) Artikel 22A van die Regeringsdienspensioenwet, 1965 (Wet No. 62 van 1965), word, vir sover dit nie deur artikel 18 van die Regeringsdienspensioenwet, 1973 (Wet No. 57 van 1973), herroep is nie, hierby herroep.
- (6) Hierdie artikel is ook van toepassing in die gebied Suidwes-Afrika, met inbegrip van die Oostelike Caprivi Zipfel.

Keuse om ‘n lid van die Pensioenfonds vir Geassosieerde Inrigtings te word.

17. (1) Ondanks andersluidende wetsbepalings, maar behoudens die bepalings van subartikels (2) en (3), kan iemand wat op die dag onmiddellik voor die inwerkingtreding van hierdie artikel ten opsigte van sy diens in ‘n permanente hoedanigheid by ‘n raad soos omskryf in artikel 1 van die Wet op die Voorsorgfonds vir Geassosieerde Inrigtings, 1971 (Wet No. 11 van 1971), tot die Voorsorgfonds vir Geassosieerde Inrigtings ingestel by artikel 3 van daardie Wet (hieronder in hierdie artikel die Voorsorgfonds genoem) bygedra het, binne ‘n tydperk van honderd-en-tachtig dae vanaf sodanige inwerkingtreding of binne die verdere tydperk wat die Sekretaris van Volkswelsyn en Pensioene in uitsonderlike omstandighede mag goedkeur, skriftelik kies om afstand te doen van sy regte en voorregte in en om onthef te word van al sy verpligtinge teenoor die Voorsorgfonds, en indien hy aldus kies, word hy in ooreenstemming met die bepalings van die regulasies betreffende die Pensioenfonds vir Geassosieerde Inrigtings ingestel by die regulasies aangekondig by Goewermentskennisgewing No. R.1131 van 26 Julie 1963 (hieronder in hierdie artikel die

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- under an Act of Parliament and which has been designated by the Minister for the purposes of this section;
- (vi)
- (v) "Government Employees' Provident Fund" means the Government Employees' Provident Fund referred to in section 2 (3) of the Government Service Pensions Act, 1965 (Act No. 62 of 1965); (viii)
- (vi) "Government Non-White Employees' Pension Fund" means the pension fund established for Government non-White employees by the regulations made under section 2 of the Government non-White Employees Pensions Act, 1966 (Act No. 42 of 1966); (iv)
- (vii) "Government Service Pension Fund" means the Government Service Pension Fund established by section 3 of the Government Service Pension Act, 1973 (Act No. 57 of 1973); (vii)
- (viii) "local authority" means an institution or a body contemplated in section 84 (1) (f) of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), or an institution or a body approved by the Minister in consultation with the Minister of Finance for the purposes of this section; (v)
- (ix) "Minister" means the Minister of Social Welfare and Pensions; (iii)
- (x) "previous pensionable service" means pensionable service in terms of the provisions of the laws or the rules or regulations governing any applicable pension fund; (xi)
- (xi) "revenue", in relation to an affected officer who is, with effect from the fixed date—
- (a) in the employ of the Government, means, subject to paragraphs (a) and (b) of this definition, the Consolidated Revenue Fund;
- (b) in the employ of a provincial administration, means the provincial revenue fund concerned;
- (c) in the employ of the Administration of the territory of South West Africa, means the Revenue Fund of the territory of South West Africa. (ii)
- (5) Section 22A of the Government Service Pensions Act, 1965 (Act No. 62 of 1965), in so far as it has not been repealed by section 18 of the Government Service Pension Act, 1973 (Act No. 57 of 1973), is hereby repealed.

(6) This section shall also apply to the territory of South West Africa, including the Eastern Caprivi Zipfel.

17. (1) Notwithstanding anything to the contrary in any law contained but subject to the provisions of subsections (2) and (3), any person who on the day immediately prior to the commencement of this section contributed to the Associated Institutions Provident Fund established by section 3 of the Associated Institutions Provident Fund Act, 1971 (Act No. 11 of 1971) (hereinafter in this section referred to as the Provident Fund), in respect of his service in a permanent capacity with any council as defined in section 1 of the said Act, may elect in writing within a period of one hundred and eighty days as from such commencement or such further period as the Secretary for Social Welfare and Pensions may in special circumstances approve, to relinquish his rights and privileges in and to be released of all his obligations towards the Provident Fund, and, if he so elects, he shall in accordance with the regulations relating to the Associated Institutions Pension Fund established by the regulations promulgated by Government Notice No. R.1131 of 26 July 1963 (hereinafter in this section referred to as the "Pension Fund") elect to become a member of the Associated Institutions Pension Fund.

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Pensioenfonds genoem), 'n lid van die Pensioenfonds met ingang van die eerste dag van die maand wat volg op die maand waarin hy aldus sy keuse gedoen het.

(2) Indien 'n persoon ingevolge subartikel (1) gekies het om 'n lid van die Pensioenfonds te word, word daar aan die Pensioenfonds betaal—

(a) deur die Voorsorgfonds—

(i) 'n bedrag wat gelyk is aan die bedrag wat op die datum waarop sodanige persoon opgehou het om tot die Voorsorgfonds by te dra, tot sy kredit in die Voorsorgfonds staan; en

(ii) saamgestelde rente bereken teen vyf en 'n halwe persent per jaar op die bedrag in subparagraph (i) bedoel vanaf die datum waarop die betrokke persoon se lidmaatskap van die Voorsorgfonds ten einde geloop het tot die datum waarop bedoelde bedrag betaal word;

(b) deur bedoelde persoon in maandelikse paaimeente wat gelyk is aan twee persent van sodanige persoon se pensioengewende verdienste, 'n bedrag wat gelyk is aan die verskil tussen die bedrag wat die Pensioenfonds vereis om die tydperk van sy pensioengewende diens as lid van die Voorsorgfonds as pensioengewende diens te reken en die bedrag wat ingevolge paragraaf (a) (i) aan die Pensioenfonds betaalbaar is.

(3) Indien 'n persoon in subartikel (1) bedoel op die dag onmiddellik voor die datum waarop hy 'n lid van die Pensioenfonds word, 'n bedrag aan die Voorsorgfonds verskuldig is, word die verskuldigde bedrag deur die Voorsorgfonds afgetrek van die bedrag wat ingevolge subartikel (2) (a) aan die Pensioenfonds verskuldig is en gaan alle regte van die Voorsorgfonds op die verskuldigde bedrag op die Pensioenfonds oor en moet laasgenoemde bedrag deur sodanige persoon aan die Pensioenfonds betaal word op die wyse en tye wat die Sekretaris van Volkswelsyn en Pensioene bepaal.

(4) Hierdie artikel tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

Pensioenvoordele aan Parlements-amptenaare, hul weduwees en afhanklikes, en herroeping van artikel 4 van Wet 37 van 1958 en artikel 14 van Wet 98 van 1965.

18. (1) Die pensioen, gratifikasie of ander voordeel waarop 'n Parlementsamptenaar, soos omskryf in artikel 1 van die Wet op die Bevoegdhede en Voorregte van die Parlement, 1963 (Wet No. 91 van 1963), of die weduwee of afhanklike van so 'n amptenaar geregtig word, soos bereken ingevolge die bepalings van die Pensioenskema vir Parlementsamtrenaare (hieronder in hierdie artikel die Skema genoem), word aan die bevoordeelde betaal uit geld wat die Parlement vir dié doel bewillig, en 'n sertifikaat, behoorlik onderteken deur die Speaker, soos omskryf in artikel 1 van daardie Wet, ten effekte dat so 'n amptenaar of sy weduwee of afhanklike, na gelang van die geval, geregtig geword het op die betaling van voordele ingevolge die toepaslike bepalings van die Skema, en waarin besonderhede uiteengesit word van sodanige voordele en van die bedinge en voorwaardes (as daar is) waaraan die betaling daarvan onderhewig is, maak die vereiste magtiging vir die betaling van sodanige voordele uit.

(2) Geen pensioen, gratifikasie of ander voordeel deur die Speaker gemagtig soos in subartikel (1) beoog, en geen reg ten opsigte van so 'n pensioen, gratifikasie of ander voordeel, kan oorgemaak of oorgedra of andersins gesedeer of verpand of verhipotekeer word nie, of is, behalwe soos in artikel 11 (2) van die Wet op Onderhoud, 1963 (Wet No. 23 van 1963), bepaal, vir beslaglegging vatbaar of aan enige vorm van eksekusie ingevolge 'n vonnis of bevel van 'n gereghof onderhewig nie.

(3) Indien iemand pog om so 'n pensioen, gratifikasie of ander voordeel waarop hy geregtig is of 'n reg ten opsigte van so 'n pensioen, gratifikasie of ander voordeel oor te maak of oor te dra of andersins te sedeer of te verpand of te verhipotekeer, kan die betaling van so 'n pensioen, gratifikasie of ander voordeel, indien die Speaker aldus gelas, weerhou, opgeskort of ge-

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as the Pension Fund), become a member of the Pension Fund with effect from the first day of the month following the month in which he so made his election.

(2) If any person has elected in terms of subsection (1) to become a member of the Pension Fund, there shall be paid to the Pension Fund—

(a) by the Provident Fund—

(i) an amount which is equal to the amount standing to his credit in the Provident Fund on the date on which such person ceased to contribute to the Provident Fund; and

(ii) compound interest calculated at the rate of five-and-one-half per cent per annum on the amount referred to in subparagraph (i) as from the date on which the membership of such person of the Provident Fund terminated up to the date on which the said amount is paid;

(b) by the said person in monthly instalments which are equal to two per cent of the pensionable salary of such person, an amount which is equal to the difference between the amount required by the Pension Fund in order to reckon as pensionable service the period of his pensionable service as member of the Provident Fund and the amount which is payable to the Pension Fund in terms of paragraph (a) (i).

(3) If any person referred to in subsection (1) owes an amount to the Provident Fund on the day immediately prior to the date on which he becomes a member of the Pension Fund, the amount owing shall be deducted by the Provident Fund from the amount which is due to the Pension Fund in terms of subsection (2) (a); and all the rights of the Provident Fund to the amount due shall vest in the Pension Fund and the last-mentioned amount shall be paid by such person to the Pension Fund in such manner and at such times as the Secretary for Social Welfare and Pensions may determine.

(4) This section shall come into operation on a date fixed by the State President by proclamation in the Gazette.

18. (1) The pension, gratuity or other benefit to which an officer of Parliament, as defined in section 1 of the Powers and Privileges of Parliament Act, 1963 (Act No. 91 of 1963), or the widow or dependant of such an officer becomes entitled, as calculated in terms of the provisions of the Pension Scheme for Officers of Parliament (hereinafter in this section referred to as the Scheme), shall be paid to the beneficiary out of moneys appropriated by Parliament for the purpose, and a certificate duly signed by the Speaker, as defined in section 1 of that Act, to the effect that such an officer or his widow or dependant, as the case may be, has become entitled to be paid benefits under the relevant provisions of the Scheme, and setting out particulars of such benefits and of the terms and conditions (if any) subject to which they are payable, shall constitute the requisite authority for the payment of such benefits.

Pension benefits for officers of Parliament, their widows and dependants, and repeal of section 4 of Act 37 of 1958 and section 14 of Act 98 of 1965.

(2) No pension, gratuity or other benefit authorized by the Speaker as contemplated in subsection (1), and no right in respect of any such pension, gratuity or other benefit, shall be capable of being assigned or transferred or otherwise ceded or of being pledged or hypothecated or, save as is provided in section 11 (2) of the Maintenance Act, 1963 (Act No. 23 of 1963), be liable to be attached or subject to any form of execution under a judgment or an order of a court of law.

(3) If any person attempts to assign or transfer or otherwise cede or to pledge or hypothecate any such pension, gratuity or other benefit to which he is entitled or any right in respect of such pension, gratuity or other benefit, payment of such pension, gratuity or other benefit may, if the Speaker so directs, be withheld, suspended or discontinued: Provided that the Speaker

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staak word: Met dien verstande dat die Speaker kan gelas dat so 'n pensioen, gratifikasie of ander voordeel of 'n gedeelte daarvan gedurende die tydperk wat die Speaker bepaal aan een of meer van die afhanklikes van so iemand of aan 'n kurator of ander persoon ten behoeve van so iemand of sy afhanklikes wat die Speaker bepaal, betaal word.

(4) Ondanks die bepaling van subartikel (2) of (3) of van 'n ander wet kan—

- (a) 'n bedrag wat deur 'n Parlementsamptenaar op die datum van sy uitdienstreding of ontslag aan die Regering of 'n provinsiale administrasie of die Parlement betaalbaar is, of wat die Regering of 'n provinsiale administrasie of die Parlement ten opsigte van so 'n amptenaar moet betaal;
- (b) 'n bedrag wat ingevolge die bepaling van die Skema aan iemand betaal is en waarop so iemand nie geregtig was nie; of
- (c) die bedrag van 'n verlies wat die Kontroleur en Ouditeur-generaal of 'n provinsiale ouditeur sertificeer deur die Regering of 'n provinsiale administrasie of die Parlement gely is as gevolg van diefstal, bedrog, nalatigheid of wangedrag aan die kant van iemand, in 'n enkele bedrag of in die paaiemende wat die Speaker bepaal, afgetrek word van die pensioen, gratifikasie of ander voordeel wat ingevolge die Skema aan sodanige amptenaar of aan so iemand betaalbaar is.

(5) Wanneer 'n Parlementsamptenaar te sterwe kom voor die laaste dag van 'n tydperk ten opsigte waarvan salaris of toelaes voor sy dood aan hom betaal is, kan 'n *pro rata*-deel van die aldus betaalde bedrag ten opsigte van die onverstreke gedeelte van daardie tydperk verhaal word deur dit in 'n enkele bedrag, of in die paaiemende wat die Speaker bepaal, af te trek van die pensioen, gratifikasie of ander voordeel wat ingevolge die Skema aan iemand betaalbaar is.

(6) Indien die boedel van iemand wat geregtig is op 'n pensioen, gratifikasie of ander voordeel deur die Speaker gemagtig soos in subartikel (1) beoog, gesekwestreer of oorgegee word, word dié pensioen, gratifikasie of ander voordeel nie geag deel van die bates in die insolvente boedel van daardie persoon uit te maak nie.

(7) 'n Pensioen deur die Speaker gemagtig soos in subartikel (1) beoog, is, ondaanks andersluidende wetsbepalings, betaalbaar tot en met die laaste dag van die maand waarin die betrokke pensioenaris te sterwe kom.

(8) Artikel 4 van die Finansiewet, 1958 (Wet No. 37 van 1958), en artikel 14 van die Algemene Regswysigingswet, 1965 (Wet No. 98 van 1965), word hierby herroep.

Betaling van
spesiale pensioene
aan lede wat
voorheen sekere
ampte beklee het.

19. (1) Indien 'n lid voor die datum waarop hy 'n lid geword het, aan 'n pensioenordonnansie onderhewig was en 'n amp in sodanige pensioenordonnansie vermeld, beklee het maar geen spesiale pensioen ingevolge die bepaling van die toepaslike pensioenordonnansie aan hom ten opsigte van sy diens in sodanige amp betaalbaar is nie, word daar, ondaanks andersluidende bepaling van die een of ander wet, aan hom, met ingang van die dag wat volg op die datum van die beëindiging van sy diens in sodanige amp, 'n spesiale pensioen ingevolge die toepaslike pensioenordonnansie betaal ten opsigte van die tydperk van sy diens in sodanige amp asof hy met ingang van bedoelde dag op sodanige spesiale pensioen ingevolge daardie ordonnansie geregtig was, ongeag of daardie ordonnansie herroep is al dan nie.

(2) Tensy uit die samehang anders blyk, het 'n woord of uitdrukking in subartikel (1) waaraan in die Wet op Pensioene vir Parlementsdiens en Administrateurs, 1971 (Wet No. 81 van 1971), 'n betekenis toegeskryf is, dieselfde betekenis.

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may direct that such pension, gratuity or other benefit or a part thereof be paid, during such period as the Speaker may determine, to one or more of the dependants of such person or to a trustee or other person on behalf of such person or such of his dependants as the Speaker may determine.

(4) Notwithstanding anything contained in subsection (2) or (3) or in any other law—

- (a) any amount which is payable to the Government or a provincial administration or Parliament by an officer of Parliament on the date of his retirement or discharge, or which the Government or a provincial administration or Parliament is liable to pay in respect of such an officer;
- (b) any amount which, in terms of the provisions of the Scheme, has been paid to any person and to which such person was not entitled; or
- (c) the amount of any loss certified by the Controller and Auditor-General or a provincial auditor to have been sustained by the Government or a provincial administration or Parliament through theft, fraud, negligence or any misconduct on the part of any person,

may be deducted from the pension, gratuity or other benefit payable to such officer or such person in terms of the Scheme, in a lump sum or in such instalments as the Speaker may determine.

(5) Whenever an officer of Parliament dies before the last day of a period in respect of which salary or allowances were paid to him prior to his death, a *pro rata* portion of the amount so paid may be recovered in respect of the unexpired portion of that period by deducting it in a lump sum, or in such instalments as the Speaker may determine, from the pension, gratuity or other benefit payable in terms of the Scheme to any person.

(6) If the estate of any person who is entitled to a pension, gratuity or other benefit authorized by the Speaker as contemplated in subsection (1), is sequestrated or surrendered, such pension, gratuity or other benefit shall not be deemed to form part of the assets in the insolvent estate of that person.

(7) A pension authorized by the Speaker as contemplated in subsection (1) shall, notwithstanding anything to the contrary contained in any law, be payable up to and including the last day of the month in which the pensioner concerned dies.

(8) Section 4 of the Finance Act, 1958 (Act No. 37 of 1958), and section 14 of the General Law Amendment Act, 1965 (Act No. 98 of 1965), are hereby repealed.

19. (1) If any member was, prior to the date on which he became a member, subject to a pensions ordinance and held an office referred to in such pensions ordinance but no special pension is payable to him in terms of the provisions of the applicable pensions ordinance in respect of his service in such office, there shall, notwithstanding anything to the contrary contained in any law, be paid to him with effect from the day following the date of the termination of his service in such office, a special pension in terms of the applicable pensions ordinance in respect of the period of his service in such office as if he was entitled with effect from the said day to such special pension in terms of that ordinance, irrespective of whether or not that ordinance has been repealed.

Payment of
special pensions
to members who
previously held
certain offices.

(2) Unless the context otherwise indicates, any word or expression in subsection (1) to which a meaning has been assigned in the Parliamentary Service and Administrators' Pensions Act, 1971 (Act No. 81 of 1971), bears the same meaning.

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Inwerkingtreding van sekere bepalings.

20. Die bepalings van—

- (a) artikel 2 word geag op 1 Mei 1974 in werking te getree het;
- (b) artikels 4, 5, 6, 7 en 8 word geag op 1 Julie 1974 in werking te getree het;
- (c) artikel 12 word geag op 1 April 1971 in werking te getree het;
- (d) artikel 14 word geag op 1 April 1974 in werking te getree het;
- (e) artikel 16 word geag op 1 Julie 1973 in werking te getree het;
- (f) artikel 18 word geag op 1 Augustus 1974 in werking te getree het.

Kort titel.

21. Hierdie Wet heet die Tweede Wysigingswet op die Pensioenwette, 1974.

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20. The provisions of—

- (a) section 2 shall be deemed to have come into operation on 1 May 1974;
- (b) sections 4, 5, 6, 7 and 8 shall be deemed to have come into operation on 1 July 1974;
- (c) section 12 shall be deemed to have come into operation on 1 April 1971;
- (d) section 14 shall be deemed to have come into operation on 1 April 1974;
- (e) section 16 shall be deemed to have come into operation on 1 July 1973;
- (f) section 18 shall be deemed to have come into operation on 1 August 1974.

Commencement of certain provisions.

21. This Act shall be called the Second Pension Laws Short title. Amendment Act, 1974.

