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STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

As 'n Nuusblad by die Poskantoor Geregistreer — *Registered at the Post Office as a Newspaper*

PRYS + 1c AVB 20c PRICE + 1c GST
BUITELANDS 30c ABROAD
POSVRY · POST FREE

VOL. 182] KAAPSTAD, 1 AUGUSTUS 1980 / CAPE TOWN, 1 AUGUST 1980 [No. 7150

KANTOOR VAN DIE EERSTE MINISTER

No. 1525. 1 Augustus 1980.

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

No. 97 van 1980: Wysigingswet op die Pensioenwette, 1980.

OFFICE OF THE PRIME MINISTER

No. 1525. 1 August 1980.

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

No. 97 of 1980: Pension Laws Amendment Act, 1980.

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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 die bevoegdheid van die Minister om regulasies uit te vaardig, uit te brei; tot wysiging van die Wet op Pensioene vir Parlementsdiens en Administrateurs, 1971, ten einde die grondslag vir die bepaling van die tydperk waarna sekere lede met provinsiale diens op pensioene en gratifikasies geregtig word, te verander; tot wysiging van die Regeringsdienspensioenwet, 1973, betreffende lidmaatskap van die Regeringsdienspensioenfonds; tot wysiging van die Wet op Militêre Pensioene, 1976, ten einde gekonsolideerde pensioene af te skaf en voorsiening te maak vir die betaling van ander pensioene in die plek daarvan; en verdere voorsiening te maak vir die vermindering van 'n pensioen nadat 'n gratifikasie betaal is; tot wysiging van die Wet op Pensioene van Regters, 1978, ten einde verdere voorsiening te maak vir weduweespensioene; tot wysiging van die Algemene Pensioenwet, 1979, betreffende sekere woordomskrywings; ten einde vir die instelling van die Stabilisasierekening vir Siviele Pensioene voorsiening te maak; die Minister se bevoegdheid om regulasies uit te vaardig, uit te brei; voorsiening te maak vir die pensioenbydraes wat deur die Sekretaris van die Parlement gemaak moet word; die betaling van 'n pensioen aan die weduwee van 'n voormalige Staatspresident verder te reël; en om voorsiening te maak vir die betaling van 'n gratifikasie aan begunstigdes wat deur 'n lid van 'n pensioenfonds aangewys word; om voorsiening te maak vir die uitleg van sekere uitdrukkings; om sekere wetsbepalings te herroep; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 1 Julie 1980.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad 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 en artikel 2 van Wet 97 van 1972.

1. Artikel 2 van die Wet op die Pensioenfonds vir Geassosieerde Inrigtings, 1963, word hierby gewysig—

(a) deur na paragraaf *(a)* van subartikel (2) die volgende paragraaf in te voeg:

„*(aA)* voorsiening daarvoor maak dat persone wat bydraers is tot die Voorsorgfonds vir Geassosieerde Inrigtings ingestel by artikel 3 van die Wet op die Voorsorgfonds vir Geassosieerde Inrigtings, 1971 (Wet No. 11 van 1971), onthef word van alle verpligtings teenoor en afstand doen van alle regte en voorregte in genoemde voorsorgfonds en lede word en bydra tot die fonds, indien hulle aldus kies;''; en

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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 extend the powers of the Minister to make regulations; to amend the Parliamentary Service and Administrators' Pensions Act, 1971, so as to change the basis for the determination of the period after which certain members with provincial service become entitled to pensions and gratuities; to amend the Government Service Pension Act, 1973, regarding membership of the Government Service Pension Fund; to amend the Military Pensions Act, 1976, so as to abolish consolidated pensions and to provide for the payment of other pensions in the place thereof; and to further provide for the reduction of a pension after a gratuity has been paid; to amend the Judges' Pensions Act, 1978, so as to make further provision for widows' pensions; to amend the General Pensions Act, 1979, regarding certain definitions; so as to provide for the establishment of the Civil Pensions Stabilisation Account; to extend the powers of the Minister to make regulations; to provide for the pension contributions to be made by the Secretary to Parliament; to further regulate the payment of a pension to the widow of a former State President; and to provide for a gratuity to be paid to beneficiaries designated by a member of a pension fund; to make provision for the interpretation of certain expressions; to repeal certain laws; and to provide for incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 1 July 1980.)

BE IT ENACTED by the State President, the Senate and the House of Assembly 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 and section 2 of Act 97 of 1972.

1. Section 2 of the Associated Institutions Pension Fund Act, 1963, is hereby amended—

(a) by the insertion after paragraph *(a)* of subsection (2) of the following paragraph:

"*(a*A) make provision for persons who are contributors to the Provident Fund for Associated Institutions established by section 3 of the Associated Institutions Provident Fund Act, 1971 (Act No. 11 of 1971), to be released from all obligations towards and to relinquish all rights and privileges in the said provident fund and to become members and contribute to the fund, if they so elect;"; and

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(*b*) deur die volgende paragraaf by subartikel (2) te voeg:

„(*h*) die voorwaardes voorskryf waarop 'n lid wat afgestaan word vir diens ten opsigte waarvan hy nie onder 'n verpligting staan om tot die fonds by te dra nie, kan voortgaan om tot die fonds by te dra.".

Wysiging van artikel 6 van Wet 81 van 1971, soos gewysig deur artikel 8 van Wet 77 van 1974 en artikel 4 van Wet 49 van 1979.

2. Artikel 6 van die Wet op Pensioene vir Parlementsdiens en Administrateurs, 1971, word hierby gewysig—

(*a*) deur in subartikel (1) die woorde wat paragraaf (*a*) voorafgaan deur die volgende woorde 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 1 Januarie 1979 ten einde loop en wat minstens agt jaar **[pensioengewende]** kwalifiserende diens gehad het—";

(*b*) deur in subartikels (2) en (3) die woord „pensioengewende" deur die woord „kwalifiserende" te vervang; en

(*c*) deur die volgende subartikel by te voeg:

„(6) In hierdie artikel beteken ‚kwalifiserende diens' pensioengewende diens en, in die geval van 'n lid wat 'n keuse bedoel in artikel 4 gedoen het, ook daardie helfte van so 'n lid se pensioengewende diens ingevolge die toepaslike pensioenordonnansie wat nie ingevolge daardie artikel as pensioengewende diens geag word nie.".

Wysiging van artikel 5 van Wet 57 van 1973, soos gewysig deur artikel 1 van Wet 83 van 1976.

3. Artikel 5 van die Regeringsdienspensioenwet, 1973, word hierby gewysig—

(*a*) deur die woord „of" by paragraaf (*d*) van subartikel (2) te voeg; en

(*b*) deur die volgende paragraaf by subartikel (2) te voeg:

„(*e*) in artikel 3 (*b*) van die Staatsdienswet, 1957 (Wet No. 54 van 1957), bedoel.".

Wysiging van artikel 1 van Wet 84 van 1976, soos gewysig deur artikel 1 van Wet 26 van 1977.

4. Artikel 1 van die Wet op Militêre Pensioene, 1976, word hierby gewysig—

(*a*) deur in subartikel (1) die omskrywings van „formule III", „formule IV" en „gekonsolideerde pensioen" te skrap;

(*b*) deur in subartikel (1) die omskrywing van „lid" deur die volgende omskrywing te vervang:

„ ‚lid', behoudens die bepalings van artikel 21, 'n lid van die Burgermag of 'n Kommando of die Reserwe genoem in artikel 5 of 6 van die Verdedigingswet **[maar nie ook sodanige lid wat 'n beampte of werknemer is soos in artikel 2 (3) van die Wysigingswet op die Pensioenwette, 1974 (Wet No. 15 van 1974), omskryf nie]**;";

(*c*) deur paragraaf (*a*) van subartikel (2) deur die volgende paragraaf te vervang:

„(*a*) Enige bedrag of getal wat ingevolge die omskrywing van formule I of formule II **[of formule III]** deur die Minister bepaal kan of moet word, word by kennisgewing in die *Staatskoerant* bepaal en verskillende bedrae of getalle kan aldus ten opsigte van verskillende bevolkingsgroepe of kategorieë persone bepaal word."; en

(*d*) deur in paragraaf (*b*) van subartikel (2) die woorde „of 'n gekonsolideerde pensioen" te skrap.

Wysiging van artikel 3 van Wet 84 van 1976, soos gewysig deur artikel 2 van Wet 26 van 1977.

5. Artikel 3 van die Wet op Militêre Pensioene, 1976, word hierby gewysig deur paragraaf (*e*) van subartikel (1) te skrap.

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(*b*) by the addition to subsection (2) of the following paragraph:

"(*h*) prescribe the conditions on which a member who is seconded for employment in respect of which he is not liable to contribute to the fund, may continue to contribute to the fund.".

Amendment of section 6 of Act 81 of 1971, as amended by section 8 of Act 77 of 1974 and section 4 of Act 49 of 1979.

2. Section 6 of the Parliamentary Service and Administrators' Pensions Act, 1971, is hereby amended—

(*a*) by the substitution in subsection (1) for the words preceding paragraph (*a*) of the following words:

"(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 1 January 1979 and who has had not less than eight years of **[pensionable]** qualifying service—";

(*b*) by the substitution for the word "pensionable" in subsections (2) and (3) of the word "qualifying"; and

(*c*) by the addition of the following subsection:

"(6) In this section 'qualifying service' means pensionable service and, in the case of a member who made an election in terms of section 4, includes that half of such a member's pensionable service under the applicable pensions ordinance which is not in terms of that section deemed to be pensionable service.".

Amendment of section 5 of Act 57 of 1973, as amended by section 1 of Act 83 of 1976.

3. Section 5 of the Government Service Pension Act, 1973, is hereby amended—

(*a*) by the addition to paragraph (*d*) of subsection (2) of the word "or"; and

(*b*) by the addition to subsection (2) of the following paragraph:

"(*e*) referred to in section 3 (*b*) of the Public Service Act, 1957 (Act No. 54 of 1957).".

Amendment of section 1 of Act 84 of 1976, as amended by section 1 of Act 26 of 1977.

4. Section 1 of the Military Pensions Act, 1976, is hereby amended—

(*a*) by the deletion in subsection (1) of the definitions of "consolidated pension", "formula III" and "formula IV";

(*b*) by the substitution in subsection (1) for the definition of "member" of the following definition:

"'member' means, subject to the provisions of section 21, any member of the Citizen Force or any Commando or **[of]** the Reserve mentioned in section 5 or 6 of the Defence Act **[but excluding such member who is an officer or employee as defined in section 2 (3) of the Pension Laws Amendment Act, 1974 (Act No. 15 of 1974)]**;";

(*c*) by the substitution for paragraph (*a*) of subsection (2) of the following paragraph:

"(*a*) Any amount or number which is permitted or required to be determined by the Minister in terms of the definition of formula I or formula II **[or formula III]** shall be determined by notice in the *Gazette* and different amounts or numbers may so be determined in respect of different population groups or categories of persons."; and

(*d*) by the deletion in paragraph (*b*) of subsection (2) of the words "or consolidated pension".

Amendment of section 3 of Act 84 of 1976, as amended by section 2 of Act 26 of 1977.

5. Section 3 of the Military Pensions Act, 1976, is hereby amended by the deletion of paragraph (*e*) of subsection (1).

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Invoeging van artikel 4A in Wet 84 van 1976.

6. Die volgende artikel word hierby in die Wet op Militêre Pensioene, 1976, na artikel 4 ingevoeg:

„Betaling van pensioene in plaas van gekonsolideerde pensioene.

4A. Die betaling aan iemand van 'n gekonsolideerde pensioen ooreenkomstig die bedoeling van hierdie Wet voor die wysiging daarvan deur die Wysigingswet op die Pensioenwette, 1980, word vanaf 1 April 1980 gestaak en in die plek daarvan word aan so iemand die pensioen beoog in artikel 4 wat die Minister aanwys, betaal: Met dien verstande dat die pensioen wat aan so iemand betaalbaar is, nie minder as die gekonsolideerde pensioen bedra wat andersins aan hom op daardie datum betaalbaar sou gewees het nie.".

Wysiging van artikel 5 van Wet 84 van 1976.

7. Artikel 5 van die Wet op Militêre Pensioene, 1976, word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

„(3) Indien 'n pensioen ingevolge artikel 4 *(a)* aan 'n lid toegeken word binne 'n tydperk van 40 maande nadat 'n gratifikasie ingevolge subartikel (1) van hierdie artikel aan hom betaal is, word enige pensioen of pensioene wat ingevolge paragraaf *(a)* of paragrawe *(a)* en *(b)* van artikel 4 aan hom betaal word, verminder met een-veertigste van die bedrag van die gratifikasie wat aldus aan hom betaal is tot en met die laaste dag van die veertigste maand nadat **[die eerste bedoelde vermindering gedoen is]** die lid op bedoelde gratifikasie geregtig geword het of tot die datum waarop sodanige pensioen of pensioene gestaak word, watter datum ook al die vroegste is.".

Herroeping van artikel 8 van Wet 84 van 1976, soos gewysig deur artikel 4 van Wet 26 van 1977.

8. Artikel 8 van die Wet op Militêre Pensioene, 1976, word hierby herroep.

Wysiging van artikel 11 van Wet 84 van 1976.

9. Artikel 11 van die Wet op Militêre Pensioene, 1976, word hierby gewysig deur in paragrawe (i) en (ii) van subartikel (3) die uitdrukking „formule IV" deur die uitdrukking „formule I" te vervang.

Wysiging van artikel 12 van Wet 84 van 1976, soos gewysig deur artikel 6 van Wet 26 van 1977.

10. Artikel 12 van die Wet op Militêre Pensioene, 1976, word hierby gewysig—

(a) deur in die woorde wat paragraaf *(a)* van subartikel (1) voorafgaan die woorde „of gekonsolideerde pensioen" te skrap;

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

„*(a)* in die geval van die dood van 'n lid wat 'n pensioen ontvang **[of van iemand wat 'n gekonsolideerde pensioen ontvang]**, tot en met die laaste dag van die maand waarin sodanige lid **[of sodanige persoon]** te sterwe kom;";

(c) deur paragrawe *(c)* en *(f)* van subartikel (1) te skrap; en

(d) deur in paragraaf *(a)* van subartikel (4) die woorde „of 'n gekonsolideerde pensioen" te skrap.

Wysiging van artikel 14 van Wet 84 van 1976, soos vervang deur artikel 8 van Wet 26 van 1977.

11. Artikel 14 van die Wet op Militêre Pensioene, 1976, word hierby gewysig deur die woorde wat paragraaf *(a)* van subartikel (1) voorafgaan deur die volgende woorde te vervang:

„(1) Behoudens die bepalings van hierdie Wet kan enigiemand wat **['n gekonsolideerde pensioen ontvang of]** op 'n pensioen of gratifikasie aanspraak maak en wat—".

Wysiging van artikel 19 van Wet 84 van 1976, soos gewysig deur artikel 9 van Wet 26 van 1977 en artikel 23 van Wet 29 van 1979.

12. Artikel 19 van die Wet op Militêre Pensioene, 1976, word hierby gewysig deur in subartikel (2) die woorde „of gekonsolideerde pensioen", waar hulle ook al voorkom, te skrap.

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Insertion of section 4A in Act 84 of 1976.

6. The following section is hereby inserted in the Military Pensions Act, 1976, after section 4:

"Payment of pensions instead of consolidated pensions.

4A. The payment to any person of a consolidated pension within the meaning of this Act prior to the amendment thereof by the Pension Laws Amendment Act, 1980, shall with effect from 1 April 1980 be discontinued and in its stead there shall be paid to such a person such pension contemplated in section 4 as may be designated by the Minister: Provided that the pension payable to such a person shall amount to not less than the consolidated pension that would otherwise have been payable to him on that date.".

Amendment of section 5 of Act 84 of 1976.

7. Section 5 of the Military Pensions Act, 1976, is hereby amended by the substitution for subsection (3) of the following subsection:

"(3) If a pension is awarded to any member in terms of section 4 *(a)* within a period of 40 months after a gratuity has been paid to him in terms of subsection (1) of this section, any pension or pensions paid to him in terms of paragraph *(a)* or paragraphs *(a)* and *(b)* of section 4 shall be reduced by one fortieth of the amount of the gratuity which was so paid to him up to and including the last day of the fortieth month after **[that reduction was first made]** the member became entitled to the said gratuity or until the date on which such pension or pensions is or are discontinued, whichever date is the earlier.".

Repeal of section 8 of Act 84 of 1976, as amended by section 4 of Act 26 of 1977.

8. Section 8 of the Military Pensions Act, 1976, is hereby repealed.

Amendment of section 11 of Act 84 of 1976.

9. Section 11 of the Military Pensions Act, 1976, is hereby amended by the substitution in paragraphs (i) and (ii) of subsection (3) for the expression "formula IV" of the expression "formula I".

Amendment of section 12 of Act 84 of 1976, as amended by section 6 of Act 26 of 1977.

10. Section 12 of the Military Pensions Act, 1976, is hereby amended—

(a) by the deletion in the words preceding paragraph *(a)* of subsection (1) of the words "or consolidated pension";

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

"*(a)* in the case of the death of a member receiving a pension **[or of any person who receives a consolidated pension]**, up to and including the last day of the month in which such member **[or such person]** dies;";

(c) by the deletion of paragraphs *(c)* and *(f)* of subsection (1); and

(d) by the deletion in paragraph *(a)* of subsection (4) of the words "or a consolidated pension".

Amendment of section 14 of Act 84 of 1976, as substituted by section 8 of Act 26 of 1977.

11. Section 14 of the Military Pensions Act, 1976, is hereby amended by the substitution for the words preceding paragraph *(a)* of subsection (1) of the following words:

"(1) Subject to the provisions of this Act any person who **[is in receipt of a consolidated pension or]** lays claim to a pension or gratuity and who—".

Amendment of section 19 of Act 84 of 1976, as amended by section 9 of Act 26 of 1977 and section 23 of Act 29 of 1979.

12. Section 19 of the Military Pensions Act, 1976, is hereby amended by the deletion in subsection (2) of the words "or consolidated pension" wherever they appear.

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Wysiging van artikel 21 van Wet 84 van 1976, soos gewysig deur artikel 10 van Wet 26 van 1977.

13. Artikel 21 van die Wet op Militêre Pensioene, 1976, word hierby gewysig—

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

„*(c)* op 'n lid of iemand wat op 'n voordeel ingevolge die regulasies uitgevaardig kragtens artikel **[2 (1) van die Wysigingswet op die Pensioenwette, 1974 (Wet No. 15 van 1974)]** 11 (1) van die Algemene Pensioenwet, 1979 (Wet No. 29 van 1979), geregtig is."; en

(b) deur paragraaf *(a)* van subartikel (2) deur die volgende paragraaf te vervang:

„*(a)* wat nie **['n gekonsolideerde pensioen ontvang]** 'n persoon bedoel in artikel 4A is nie; en".

Wysiging van artikel 26 van Wet 84 van 1976.

14. Artikel 26 van die Wet op Militêre Pensioene, 1976, word hierby gewysig deur subartikel (2) te skrap.

Wysiging van artikel 1 van Wet 90 van 1978, soos gewysig deur artikel 1 van Wet 66 van 1979.

15. Artikel 1 van die Wet op Pensioene van Regters, 1978, word hierby gewysig—

(a) deur die omskrywing van „salaris" deur die volgende omskrywing te vervang:

„'salaris', behoudens die bepalings van subartikel (2), die jaarlikse salaris en die toelae ingevolge artikel 1 van die Wet op die Besoldiging van Regters, 1978 (Wet No. 91 van 1978), aan 'n regter betaalbaar;"; en

(b) deur die volgende subartikel by te voeg terwyl die bestaande artikel subartikel (1) word:

„(2) Indien 'n regter wat afgestaan is vir diens as 'n regter van 'n staat wat voorheen deel van die Republiek was, sterf of aftree of van sy amp onthef word terwyl hy die amp van hoofregter van die Hoërhof van daardie staat in 'n permanente hoedanigheid beklee, word sy salaris by die toepassing van hierdie Wet geag dié van 'n regter-president van 'n provinsiale afdeling van die Hooggeregshof van Suid-Afrika te wees.".

Wysiging van artikel 4 van Wet 90 van 1978, soos gewysig deur artikel 4 van Wet 66 van 1979.

16. Artikel 4 van die Wet op Pensioene van Regters, 1978, word hierby gewysig deur subartikels (3) en (4) deur onderskeidelik die volgende subartikels te vervang:

„(3) Aan die weduwee van iemand wat ingevolge 'n wet herroep deur hierdie Wet bydraes aan inkomste betaal het en wat voor die vasgestelde datum as regter afgetree het of van sy amp as regter onthef is en op of na 1 Julie 1974 maar voor 1 April 1980 te sterwe gekom het **[of kom]**, word 'n pensioen betaal van R2 819,30 per jaar plus R281,93 per jaar ten opsigte van elke voltooide jaar ten opsigte waarvan bydraes aldus betaal is **[Met dien verstande dat die pensioen waarop so 'n weduwee kragtens hierdie subartikel geregtig is, nie minder as R4 356 en nie meer as R5 638,60 per jaar bedra nie]**.

(4) Aan die weduwee van iemand wat—

(a) ingevolge 'n wet herroep deur hierdie Wet bydraes aan inkomste betaal het en wat voor die vasgestelde datum as regter afgetree het of van sy amp as regter onthef is en op of na 1 April 1980 te sterwe gekom het of kom;

(b) op of na die vasgestelde datum ingevolge artikel 2 afgetree het of aftree of van sy amp onthef is of word onder die omstandighede in artikel 3 (2) bedoel of te sterwe gekom het of kom terwyl hy die amp van regter beklee,

word met ingang van die eerste dag van die maand wat onmiddellik volg op die maand waarin hy te sterwe kom 'n pensioen betaal wat—

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Amendment of section 21 of Act 84 of 1976, as amended by section 10 of Act 26 of 1977.

13. Section 21 of the Military Pensions Act, 1976, is hereby amended—

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

"*(c)* to a member or any person who is entitled to a benefit under the regulations made under section **[2 (1) of the Pension Laws Amendment Act, 1974 (Act No. 15 of 1974)]** 11 (1) of the General Pensions Act, 1979 (Act No. 29 of 1979)."; and

(b) by the substitution for paragraph *(a)* of subsection (2) of the following paragraph:

"*(a)* who is not **[in receipt of a consolidated pension]** a person referred to in section 4A; and".

Amendment of section 26 of Act 84 of 1976.

14. Section 26 of the Military Pensions Act, 1976, is hereby amended by the deletion of subsection (2).

Amendment of section 1 of Act 90 of 1978, as amended by section 1 of Act 66 of 1979.

15. Section 1 of the Judges' Pensions Act, 1978, is hereby amended—

(a) by the substitution for the definition of "salary" of the following definition:

"'salary' means, subject to the provisions of subsection (2), the annual salary and the allowance payable to a judge in terms of section 1 of the Judges' Remuneration Act, 1978 (Act No. 91 of 1978);"; and

(b) by the addition of the following subsection, the existing section becoming subsection (1):

"(2) If a judge who has been seconded for service as a judge of a state which formerly formed part of the Republic dies or retires or is removed from office while holding the office of chief justice of the High Court of such state in a permanent capacity, his salary shall for the purposes of this Act be deemed to be that of a judge president of a provincial division of the Supreme Court of South Africa.".

Amendment of section 4 of Act 90 of 1978, as amended by section 4 of Act 66 of 1979.

16. Section 4 of the Judges' Pensions Act, 1978, is hereby amended by the substitution for subsections (3) and (4) of the following subsections, respectively:

"(3) To the widow of any person who in terms of any law repealed by this Act paid contributions to revenue and who retired from office as a judge or was removed from office as a judge before the fixed date and who died **[or dies]** on or after 1 July 1974 but before 1 April 1980, there shall be paid a pension of R2 819,30 per annum plus R281,93 per annum in respect of each completed year in respect of which contributions were so paid **[Provided that the pension to which such widow shall be entitled under this section shall amount to not less than R4 356 and not more than R5 638,60 per annum]**.

(4) To the widow of any person who—

(a) in terms of any law repealed by this Act paid contributions to revenue and who retired from office as a judge or was removed from office as a judge before the fixed date and who died or dies on or after 1 April 1980;

(b) on or after the fixed date retired or retires from office in terms of section 2 or was or is removed from office in the circumstances referred to in section 3 (2) or died or dies whilst holding office as a judge,

there shall be paid with effect from the first day of the month immediately following upon the month in which he died a pension—

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[(*a*)] (i) in die geval van 'n weduwee van iemand wat aldus afgetree het, of aldus van sy amp onthef is, gelykstaan met **[die helfte]** driekwart van die pensioen wat ingevolge artikel 3 by sy afsterwe aan so iemand betaalbaar was;

[(*b*)] (ii) in die geval van die weduwee van iemand wat te sterwe gekom het terwyl hy die amp van regter beklee, gelykstaan met **[die helfte]** driekwart van die pensioen waarop so iemand ingevolge artikel 3 geregtig sou gewees het indien hy op die datum van sy afsterwe ingevolge artikel 2 *(c)* afgetree het.".

Wysiging van artikel 1 van Wet 29 van 1979.

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

(a) deur voor die omskrywing van „jaargeld" die volgende omskrywing in te voeg:

„'Direkteur-generaal' die Direkteur-generaal: Gesondheid, Welsyn en Pensioene;";

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

„'Minister' die Minister van **[Volkswelsyn]** Gesondheid, Welsyn en Pensioene;";

(c) deur die omskrywing van „Pensioenfonds vir Nie-blanke Regeringswerknemers" deur die volgende omskrywing te vervang:

„'Pensioenfonds vir Nie-blanke Regeringswerknemers' die Pensioenfonds vir **[Nie-blanke Regeringswerknemers wat ingestel is by die regulasies wat uitgevaardig is kragtens artikel 2 van die Wet op Pensioene vir Nie-blanke Regeringswerknemers, 1966 (Wet No. 42 van 1966)]** Tydelike Werknemers;";

(d) deur na die omskrywing van „Pensioenfonds vir Nie-blanke Regeringswerknemers" die volgende omskrywing in te voeg:

„'Pensioenfonds vir Tydelike Werknemers' die pensioenfonds ingestel by artikel 3 van die Wet op die Pensioenfonds vir Tydelike Werknemers, 1979 (Wet No. 75 van 1979);"; en

(e) deur die omskrywing van „Regerings-werknemersondersteuningsfonds" deur die volgende omskrywing te vervang:

„'Regerings-werknemersondersteuningsfonds' die **[Regerings-werknemersondersteuningsfonds bedoel in artikel 2 (3) van die Regeringsdienspensioenwet, 1965 (Wet No. 62 van 1965)]** Pensioenfonds vir Tydelike Werknemers;".

Invoeging van artikel 8A in Wet 29 van 1979.

18. Die volgende artikel word hierby in die Algemene Pensioenwet, 1979, na artikel 8 ingevoeg:

„Stabilisasierekening vir Siviele Pensioene.

8A. (1) Die Direkteur-generaal laat 'n rekening met die naam Stabilisasierekening vir Siviele Pensioene (hieronder die rekening genoem) hou, wat gekrediteer word met—

(a) gelde deur lede van pensioenfondse tot die rekening bygedra;

(b) gelde deur die Parlement vir die rekening bewillig;

(c) rente verkry uit die belegging van gelde in die rekening;

(d) die ander gelde wat die rekening uit 'n ander bron toeval.

(2) Die Direkteur-generaal kan van tyd tot tyd gelas dat 'n bedrag wat hy bepaal uit die rekening aan 'n pensioenfonds betaal moet word ten einde so 'n pensioenfonds te help om sy bykomende verpligtinge

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[*(a)***]** (i) in the case of the widow of any person who so retired or was so removed from office, equal to **[one-half]** three-fourths of the pension which was in terms of section 3 payable to him on the date of his death;

[*(b)***]** (ii) in the case of the widow of any person who died whilst holding office as a judge, equal to **[one-half]** three-fourths of the pension to which such person would have been entitled in terms of section 3 if he retired from office in terms of section 2 *(c)* on the date of his death.".

Amendment of section 1 of Act 29 of 1979.

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

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

"'Director-General' means the Director-General: Health, Welfare and Pensions;";

(b) by the substitution for the definition of "Government Employees' Provident Fund" of the following definition:

"'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)]** Temporary Employees Pension Fund;";

(c) by the substitution for the definition of "Government Non-White Employees' Pension Fund" of the following definition:

"'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)]** Temporary Employees Pension Fund;";

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

"'Minister' means the Minister of **[Social]** Health, Welfare and Pensions;". and

(e) by the insertion after the definition of "Secretary" of the following definition:

"'Temporary Employees Pension Fund' means the pension fund established by section 3 of the Temporary Employees Pension Fund Act, 1979 (Act No. 75 of 1979).".

Insertion of section 8A in Act 29 of 1979.

18. The following section is hereby inserted in the General Pensions Act, 1979, after section 8:

"Civil Pensions Stabilization Account.

8A. (1) The Director-General shall cause to be kept an account to be known as the Civil Pensions Stabilization Account (hereinafter called the account), which shall be credited with—

(a) any moneys contributed to the account by members of pension funds;

(b) any moneys as may be appropriated by Parliament for the account;

(c) any interest as may be acquired from the investment of moneys in the account; and

(d) such other moneys as may accrue to the account from any other source.

(2) The Director-General may from time to time direct that an amount determined by him be paid out of the account to a pension fund so as to assist such pension fund in meeting its additional liabilities

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voortspruitende uit 'n verhoging van jaargelde, toelaes of bonusse in artikel 8 bedoel, na te kom.

(3) Gelde waarmee die rekening gekrediteer is en wat nie onmiddellik vir die doeleinde vermeld in subartikel (2) benodig word nie, moet by die Staatskuldkommissarisse belê word.

(4) Die rekening word deur die Ouditeur-generaal geouditeer.''.

Wysiging van artikel 11 van Wet 29 van 1979.

19. Artikel 11 van die Algemene Pensioenwet, 1979, word hierby gewysig—

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

„(1) Ondanks andersluidende wetsbepalings kan die Minister met die instemming van die Minister van Finansies, die Minister van Pos- en Telekommunikasiewese en die Administrateurs, en na oorleg met **[*(a)*]** die Minister **[wat]** verantwoordelik vir die Nasionale Intelligensiediens, **[verantwoordelik is, *(b)*]** die Minister **[van Binnelandse Sake en Immigrasie]** verantwoordelik vir die Kommissie vir Administrasie, **[*(c)*]** die Minister van Verdediging, **[*(d)*]** die Minister van Polisie en **[*(e)*]** die Minister van Gevangenisse, regulasies uitvaardig wat voorsiening maak—

(a) vir die betaling van vergoeding aan of ten opsigte van, of aan 'n afhanklike van, 'n beampte of werknemer wat weens besering of swak gesondheid wat ontstaan uit en in die loop van sy diens by die Regering of by 'n provinsiale administrasie, sterf of afgedank of ontslaan word, en vir die verlening van geneeskundige behandeling (met inbegrip van heelkundige of hospitaalbehandeling, geskoolde verpleging en die verskaffing en herstelling van 'n kunsliggaamsdeel of 'n toestel) aan sodanige beampte of werknemer ten opsigte van sodanige besering of swak gesondheid;

(b) vir die betaling van jaargelde of voordele aan of ten opsigte van, of aan 'n afhanklike van, 'n beampte of werknemer in paragraaf *(a)* bedoel volgens die graad van so 'n beampte of werknemer se arbeidsongeskiktheid soos deur die Ongevallekommissaris ingevolge die Ongevallewet, 1941 (Wet No. 30 van 1941), bepaal;

(c) vir die uitoefening en die verrigting deur die Direkteur-generaal van die bevoegdhede en pligte wat die Minister vir die doeltreffende uitvoering van die regulasies nodig ag.''; en

(b) deur subartikel (4) deur die volgende subartikel te vervang:

„(4) By die toepassing van hierdie artikel beteken—

„ 'beampte' 'n lid van die Regeringsdienspensioenfonds **[ingestel kragtens artikel 3 van die Regeringsdienspensioenwet, 1973 (Wet No. 57 van 1973)]** en ook 'n bepaalde beampte soos omskryf in artikel 10 **[(6)]** (4) **[van hierdie Wet, maar nie ook 'n beampte op wie die bepalings van die Wet op Militêre Pensioene, 1976, met betrekking tot die besering of swak gesondheid in subartikel (1) van hierdie artikel bedoel van toepassing is nie]**;

'werknemer' 'n lid van die Reserwepolisiemag ingestel kragtens artikel 34 (2) van die Polisiewet, 1958 (Wet No. 7 van 1958), of 'n lid van die Polisiereserwe ingestel kragtens artikel 34A (1) van die Polisiewet, 1958, of 'n lid van

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resulting from an increase in annuities, allowances or bonuses referred to in section 8.

(3) Moneys standing to the credit of the account and which are not immediately required for the purpose mentioned in subsection (2), shall be invested with the Public Debt Commissioners.

(4) The account shall be audited by the Auditor-General.".

Amendment of section 11 of Act 29 of 1979.

19. Section 11 of the General Pensions Act, 1979, is hereby amended—

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

"(1) Notwithstanding anything to the contrary in any law contained, the Minister may, with the concurrence of the Minister of Finance, the Minister of Posts and Telecommunications and the Administrators, and after consultation with **[*(a)*]** the Minister responsible for the National Intelligence Service, **[*(b)*]** the Minister **[of the Interior and Immigration]** responsible for the Commission for Administration, **[*(c)*]** the Minister of Defence, **[*(d)*]** the Minister of Police, and **[*(e)*]** the Minister of Prisons, make regulations which provide—

(a) for the payment of compensation to or in respect of, or to a dependant of, any officer or employee who dies or is retired or discharged as a result of injury or ill-health arising out of and in the course of his employment by the Government or by any provincial administration, and for the rendering of medical treatment (including surgical or hospital treatment, skilled nursing services and the supply and repair of any artificial part of the body or any device) to such officer or employee in respect of such injury or ill-health;

(b) for the payment of annuities or benefits to or in respect of, or to a dependant of, any officer or employee referred to in paragraph *(a)* according to the degree of any such officer's or employee's permanent disablement as determined by the Workmen's Compensation Commissioner in terms of the Workmen's Compensation Act, 1941 (Act No. 30 of 1941);

(c) for the exercise and the performance by the Director-General of such powers and duties as the Minister may deem necessary for the effective carrying out of the regulations."; and

(b) by the substitution for subsection (4) of the following subsection:

"(4) For the purposes of this section—

'employee' means any member of the Reserve Police Force established under section 34 (2) of the Police Act, 1958 (Act No. 7 of 1958), or any member of the Police Reserve established under section 34A (1) of the Police Act, 1958, or any member of the **[Government Employees' Provident Fund, but does not include any employee to whom the provisions of the Military Pensions Act, 1976, apply in relation to the injury or ill-health referred to in subsection (1) of this section]** Temporary Employees Pension Fund who is in the employ of the Government or any provincial administration;

'officer' means any member of the Government Service Pension Fund **[established under section 3 of the Government Service Pension Act, 1973 (Act No. 57 of 1973)]** and includes a specified officer as defined in

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die **[Regerings-werknemersondersteuningsfonds, maar nie ook 'n werknemer op wie die bepalings van die Wet op Militêre Pensioene, 1976, met betrekking tot die besering of swak gesondheid in subartikel (1) van hierdie artikel bedoel, van toepassing is nie]** Pensioenfonds vir Tydelike Werknemers wat in die diens van die Regering of 'n provinsiale administrasie is.".

Invoeging van artikel 13A in Wet 29 van 1979.

20. Die volgende artikel word hierby in die Algemene Pensioenwet, 1979, na artikel 13 ingevoeg:

„Pensioenbydraes deur Sekretaris van die Parlement.

13A. (1) Pensioenbydraes teen die voorgeskrewe koers word vanaf 1 April 1980 van die Sekretaris van die Parlement se pensioengewende verdienste afgetrek en aan die Staatsinkomstefonds betaal.

(2) By die toepassing van subartikel (1) beteken—

'pensioengewende verdienste' die bedrag van die Sekretaris van die Parlement se salaris en toelaes wat die Speaker bepaal;

'voorgeskrewe koers' die koers van bydraes voorgeskryf kragtens artikel 17 (2) *(b)* van die Regeringsdienspensioenwet, 1973 (Wet No. 57 van 1973).".

Wysiging van artikel 17 van Wet 29 van 1979.

21. Artikel 17 van die Algemene Pensioenwet, 1979, word hierby gewysig deur paragraaf *(b)* deur die volgende paragraaf te vervang:

„*(b)* aan die weduwee van so iemand **[wie se huwelik met hom plaasgevind het voor die datum waarop hy bedoelde amp ontruim het]** 'n pensioen betaal **[teen die skaal van R18 750]** wat gelykstaan met driekwart van die pensioen wat onmiddellik voor sy dood aan hom betaalbaar was.".

Invoeging van artikel 20B in Wet 29 van 1979.

22. Die volgende artikel word hierby in die Algemene Pensioenwet, 1979, na artikel 20A ingevoeg:

„Betaling van gratifikasie aan begunstigdes deur lid van pensioenfonds aangewys.

20B. (1) *(a)* Indien 'n pensioenwet bepaal dat by die afsterwe van 'n lid van 'n pensioenfonds 'n gratifikasie betaalbaar is aan so 'n lid se afhanklikes of sy boedel, kan daardie lid, op die vorm en onderworpe aan die voorwaardes wat die Direkteur-generaal bepaal, die Direkteur-generaal kennis gee van sy begeerte dat bedoelde gratifikasie by sy afsterwe aan die begunstigdes in daardie vorm genoem, betaal word en tussen sodanige begunstigdes verdeel word in die verhouding wat in daardie vorm aangedui word.

(b) 'n Lid kan met die instemming van die Direkteur-generaal so 'n kennisgewing terugtrek of dit met 'n nuwe kennisgewing vervang.

(2) Ondanks andersluidende wetsbepalings kan die Direkteur-generaal by die afsterwe van 'n lid wat hom aldus kennis gegee het die betrokke gratifikasie na goeddunke ooreenkomstig die lid se begeerte betaal.

(3) By die toepassing van hierdie artikel beteken—

'begunstigde' 'n afhanklike van die betrokke lid en ook die boedel van die lid en ook enige persoon wat nie 'n afhanklike van die lid is nie;

'lid' 'n lid van 'n pensioenfonds en ook 'n pensioentrekker wat so 'n lid was.".

Verandering van sekere benamings en ampstitels.

23. 'n Verwysing in 'n wet na 'n beampte in die Departement van Volkswelsyn en Pensioene, die Sekretaris van Volkswelsyn en Pensioene en die Minister van Volkswelsyn en Pensioene word onderskeidelik uitgelê as 'n verwysing na 'n beampte in die Departement van Gesondheid, Welsyn en Pensioene, die Direk-

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section 10 **[**(6)**]** (4) **[of this Act, but does not include any officer to whom the provisions of the War Pensions Act, 1976, apply in relation to the injury or ill-health referred to in subsection (1) of this section]**.".

Insertion of section 13A in Act 29 of 1979.

20. The following section is hereby inserted in the General Pensions Act, 1979, after section 13:

"Pension contributions by Secretary to Parliament.

13A. (1) Pension contributions at the prescribed rate shall be deducted from the pensionable emoluments of the Secretary to Parliament with effect from 1 April 1980 and be paid to the State Revenue Fund.

(2) For the purposes of subsection (1)—

'pensionable emoluments' means the amount of the salary and allowances of the Secretary to Parliament which the Speaker determines;

'prescribed rate' means the rate of contributions prescribed under section 17 (2) *(b)* of the Government Service Pension Act, 1973 (Act No. 57 of 1973).".

Amendment of section 17 of Act 29 of 1979.

21. Section 17 of the General Pensions Act, 1979, is hereby amended by the substitution for paragraph *(b)* of the following paragraph:

"*(b)* to the widow of such person **[whose marriage to him took place before the date on which he vacated the said office]** a pension **[at the rate of R18 750 per annum]** equal to three-fourths of the pension payable to him immediately prior to his death.".

Insertion of section 20B in Act 29 of 1979.

22. The following section is hereby inserted in the General Pensions Act, 1979, after section 20A:

"Payment of gratuity to beneficiaries designated by member of pension fund.

20B. (1) *(a)* If a pension law enacts that a gratuity is payable on the death of any member of a pension fund to the dependants of such a member or to his estate, that member may, on such form and subject to such conditions as the Director-General may determine, notify the Director-General of his wish that the said gratuity on his death be paid to the beneficiaries mentioned in that form and be divided among such beneficiaries in the proportion mentioned in that form.

(b) A member may with the concurrence of the Director-General withdraw any such notification or substitute a new notification therefor.

(2) Notwithstanding anything to the contrary in any law contained the Director-General may on the death of a member who so notified him pay at his discretion the gratuity concerned in accordance with the member's wish.

(3) For the purposes of this section—

'beneficiary' means any dependant of the member concerned and includes the estate of such member and also any person who is not a dependant of such member;

'member' means a member of a pension fund and includes a pensioner who was such a member."

Change of certain names and official titles.

23. A reference in any law to an officer in the Department of Social Welfare and Pensions, the Secretary for Social Welfare and Pensions and the Minister of Social Welfare and Pensions shall be construed as a reference to an officer in the Department of Health, Welfare and Pensions, the Director-General: Health, Welfare and

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teur-generaal: Gesondheid, Welsyn en Pensioene en die Minister van Gesondheid, Welsyn en Pensioene.

Inwerkingtreding van artikels 5 en 6 van Wet 100 van 1979.

24. Artikels 5 en 6 van die Wysigingswet op die Pensioenwette, 1979, tree in werking op 1 Julie 1980.

Herroeping van wette.

25. Die Wette in die Bylae vermeld, word hierby herroep vir sover in die derde kolom daarvan aangetoon.

Inwerkingtreding van sekere bepalings.

26. Die bepalings van—

(a) artikel 1 *(b)* word geag op 1 Oktober 1976 in werking te getree het;

(b) artikel 3 word geag op 1 Julie 1973 in werking te getree het;

(c) artikels 4 tot en met 14 en 18 word geag op 1 April 1980 in werking getree het;

(d) artikel 19 word geag op 5 April 1979 in werking te getree het; en

(e) artikel 23 word geag op 1 April 1980 in werking te getree het.

Kort titel.

27. Hierdie Wet heet die Wysigingswet op die Pensioenwette, 1980.

Bylae

WETTE HERROEP

Nommer en jaar van Wet	Titel van Wet	In hoeverre herroep
Wet No. 43 van 1917	Oorlog en Biezondere Pensioenen Wet, 1917	Die geheel
Wet No. 2 van 1941	Spesiale Pensioenwet, 1941	Die geheel
Wet No. 33 van 1943	Wysigingswet op die Pensioenwette, 1943	Die geheel
Wet No. 43 van 1946	Wysigingswet op Ouderdoms- en Oudstryderspensioene, 1946	Die geheel
Wet No. 67 van 1959	Wysigingswet op Pensioenwette, 1959	Artikels 53 en 54
Wet No. 11 van 1971	Wet op die Voorsorgfonds vir Geassosieerde Inrigtings, 1971	Artikel 13
Wet No. 77 van 1974	Tweede Wysigingswet op die Pensioenwette, 1974 ...	Artikel 17
Wet No. 100 van 1979	Wysigingswet op die Pensioenwette, 1979	Artikel 13 *(b)*

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Pensions and the Minister of Health, Welfare and Pensions, respectively.

Commencement of sections 5 and 6 of Act 100 of 1979.

24. Sections 5 and 6 of the Pension Laws Amendment Act, 1979, shall come into operation on 1 July 1980.

Repeal of laws.

25. The laws specified in the Schedule are hereby repealed to the extent shown in the third column thereof.

Commencement of certain provisions.

26. The provisions of—

(a) section 1 *(b)* shall be deemed to have come into operation on 1 October 1976;

(b) section 3 shall be deemed to have come into operation on 1 July 1973;

(c) sections 4 up to and including 14 and 18 shall be deemed to have come into operation on 1 April 1980;

(d) section 19 shall be deemed to have come into operation on 5 April 1979; and

(e) section 23 shall be deemed to have come into operation on 1 April 1980.

Short title.

27. This Act shall be called the Pension Laws Amendment Act, 1980.

Schedule

LAWS REPEALED

Number and year of law	Title of law	Extent of repeal
Act No. 43 of 1917	War Special Pensions Act, 1917	The whole
Act No. 2 of 1941	Special Pension Act, 1941	The whole
Act No. 33 of 1943	Pension Laws Amendment Act, 1943	The whole
Act No. 43 of 1946	Old Age and Veterans' Pensions Amendment Act, 1946	The whole
Act No. 67 of 1959	Pension Laws Amendment Act, 1959	Sections 53 and 54
Act No. 11 of 1971	Associated Institutions Provident Fund Act, 1971	Section 13
Act No. 77 of 1974	Second Pension Laws Amendment Act, 1974	Section 17
Act No. 100 of 1979	Pension Laws Amendment Act, 1979	Section 13 *(b)*