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STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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KANTOOR VAN DIE EERSTE MINISTER

No. 1784. 29 Augustus 1984

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

No. 123 van 1984: Wysigingswet op die Pensioenwette, 1984

OFFICE OF THE PRIME MINISTER

No. 1784. 29 August 1984

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

No. 123 of 1984: Pension Laws Amendment Act, 1984

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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 lidmaatskap van die pensioenfonds vir 'n pensioenskema vir persone in diens by geassosieerde inrigtings verder te reël; tot wysiging van die Wet op Bedryfsiektes in Myne en Bedrywe, 1973, ten einde voorsiening te maak vir die verhoging van sekere enkelbedragvoordele betaalbaar aan sekere persone wat aan vergoedbare siektes ly; tot wysiging van die Wet op Militêre Pensioene, 1976, ten einde te bepaal dat 'n pensioen betaalbaar aan 'n weduwee van 'n afgestorwe lid nie op grond van haar hertroue gestaak word nie; en tot wysiging van die Algemene Pensioenwet, 1979, ten einde die behoud van pensioenregte van sekere persone verder te reël; en om sekere voordele en spesiale toekennings betaalbaar ingevolge die Wet op Bedryfsiektes in Myne en Bedrywe, 1973, te verhoog; om die pensioenvoordele van persone wat ingevolge die Grondwet van die Republiek van Suid-Afrika, 1983, ophou om lede van die Presidentsraad te wees, verder te reël; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

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

Wysiging van artikel 3 van Wet 41 van 1963, soos vervang deur artikel 5 van Wet 98 van 1969 en gewysig deur artikel 11 van Wet 11 van 1971.

1. Artikel 3 van die Wet op die Pensioenfonds vir Geassosieerde Inrigtings, 1963, word hierby gewysig deur subartikel (3) te skrap.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 12 Julie 1984.)

Wysiging van artikel 80 van Wet 78 van 1973.

2. (1) Artikel 80 van die Wet op Bedryfsiektes in Myne en Bedrywe, 1973 (hieronder die Hoofwet genoem), word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

"(2) Wanneer die sertifiseringskomitee vir die eerste keer bevind het dat 'n persoon aan wie 'n voordeel ingevolge subartikel (1) toegeken is, aan 'n vergoedbare siekte in die tweede graad ly, moet die kommissaris aan die betrokke persoon 'n bykomstige enkelbedragvoordeel **[van sesduisend rand]** toeken wat gelyk is aan die verskil tussen die enkelbedragvoordeel in subartikel (1) bedoel, soos van tyd tot tyd (hetsy voor of na die inwerkingtreding van artikel 2 van die Wysigingswet op die Pensioenwette, 1984) uit hoofde van die een of ander wet verhoog, en die enkelbedragvoordeel in subartikel (3) bedoel, soos aldus verhoog.".

(2) Subartikel (1) tree in werking op 1 Oktober 1984.

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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 further regulate the membership of the pension fund for a pension scheme for persons in the service of associated institutions; to amend the Occupational Diseases in Mines and Works Act, 1973, so as to make provision for the increase of certain one-sum benefits payable to certain persons suffering from compensatable diseases; to amend the Military Pensions Act, 1976, so as to provide that a pension payable to a widow of a deceased member shall not be discontinued on the ground of her remarriage; and to amend the General Pensions Act, 1979, so as to further regulate the preservation of pension rights of certain persons; and to increase certain benefits and special awards payable in terms of the Occupational Diseases in Mines and Works Act, 1973; to further regulate the pension benefits of persons who, in terms of the Republic of South Africa Constitution Act, 1983, cease to be members of the President's Council; and to provide for matters connected therewith.

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

Amendment of section 3 of Act 41 of 1963, as substituted by section 5 of Act 98 of 1969 and amended by section 11 of Act 11 of 1971.

1. Section 3 of the Associated Institutions Pension Fund Act, 1963, is hereby amended by the deletion of subsection (3).

(Afrikaans text signed by the State President.)
(Assented to 12 July 1984.)

Amendment of section 80 of Act 78 of 1973.

2. (1) Section 80 of the Occupational Diseases in Mines and Works Act, 1973 (hereinafter referred to as the principal Act), is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) When the certification committee has found for the first time that a person to whom a benefit has been awarded under subsection (1) is suffering from a compensatable disease in the second degree, the commissioner shall award to the person concerned an additional one-sum benefit **[of six thousand rand]** equal to the difference between the one-sum benefit referred to in subsection (1), as increased from time to time (whether before or after the commencement of section 2 of the Pension Laws Amendment Act, 1984) by virtue of any law, and the one-sum benefit referred to in subsection (3), as so increased.".

(2) Subsection (1) shall come into operation on 1 October 1984.

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Wysiging van artikel 82 van Wet 78 van 1973, soos gewysig deur artikel 7 van Wet 27 van 1974 en artikel 5 van Wet 45 van 1975.

3. (1) Artikel 82 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

"(2) Indien die sertifiseringskomitee bevind dat 'n oorlede Blanke persoon aan wie 'n enkelbedragvoordeel in die plek van 'n maandelikse pensioen ingevolge artikel 79 (4) toegeken is, of aan wie 'n enkelbedragvoordeel ingevolge artikel 80 (1) toegeken is, ten tyde van sy dood aan 'n vergoedbare siekte in die tweede graad gely het, ken die kommissaris aan sy weduwee of aan sy afhanklike kinders, as daar is, 'n enkelbedragvoordeel **[van sesduisend rand]** toe wat gelyk is aan die verskil tussen die enkelbedragvoordeel in subartikel (1) bedoel, soos van tyd tot tyd (hetsy voor of na die inwerkingtreding van artikel 3 van die Wysigingswet op die Pensioenwette, 1984) uit hoofde die een of ander wet verhoog, en die enkelbedragvoordeel in subartikel (3) bedoel, soos aldus verhoog.".

(2) Subartikel (1) tree in werking op 1 Oktober 1984.

Wysiging van artikel 87 van Wet 78 van 1973.

4. (1) Artikel 87 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

"(2) Wanneer die sertifiseringskomitee vir die eerste keer bevind het dat 'n Kleurlingman aan wie 'n voordeel ingevolge subartikel (1) toegeken is, aan 'n vergoedbare siekte in die tweede graad ly, moet die kommissaris aan daardie persoon 'n bykomende enkelbedragvoordeel **[van drieduisend rand]** toeken wat gelyk is aan die verskil tussen die enkelbedragvoordeel in subartikel (1) bedoel, soos van tyd tot tyd (hetsy voor of na die inwerkingtreding van artikel 4 van die Wysigingswet op die Pensioenwette, 1984) uit hoofde van die een of ander wet verhoog, en die enkelbedragvoordeel in subartikel (3) bedoel, soos aldus verhoog.".

(2) Subartikel (1) tree in werking op 1 Oktober 1984.

Wysiging van artikel 4 van Wet 84 van 1976, soos gewysig deur artikel 3 van Wet 26 van 1977.

5. Artikel 4 van die Wet op Militêre Pensioene, 1976, word hierby gewysig deur paragraaf *(e)* deur die volgende paragraaf te vervang:

"*(e)* is die kinders van 'n afgestorwe lid wat onmiddellik voor sy afsterwe 'n pensioen ingevolge paragraaf *(a)* ontvang het of wat op sodanige pensioen geregtig sou gewees het as hy nie gesterf het nie en wat nie deur 'n weduwee oorleef word nie of wie se weduwee na sy afsterwe **[weer in die huwelik tree of]** te sterwe kom, geregtig op 'n jaarlikse pensioen wat ooreenkomstig formule II bereken word;".

Wysiging van artikel 10 van Wet 84 van 1976, soos gewysig deur artikel 5 van Wet 26 van 1977 en artikel 9 van Wet 100 van 1979.

6. Artikel 10 van die Wet op Militêre Pensioene, 1976, word hierby gewysig deur paragraaf *(c)* van subartikel (2) deur die volgende paragraaf te vervang:

"*(c)* in die geval van die afhanklikes van 'n afgestorwe lid in artikel 4 *(e)* bedoel, voor die eerste dag van die maand wat onmiddellik volg op die maand waarin die betrokke lid gesterf het of voor die eerste dag van die maand wat onmiddellik volg op die maand waarin die weduwee van daardie lid **[weer in die huwelik getree of]** gesterf het **[na gelang van dié geval]**;".

Wysiging van artikel 12 van Wet 84 van 1976, soos gewysig deur artikel 6 van Wet 26 van 1977 en artikel 10 van Wet 97 van 1980.

7. Artikel 12 van die Wet op Militêre Pensioene, 1976, word hierby gewysig deur paragraaf *(b)* van subartikel (1) deur die volgende paragraaf te vervang:

"*(b)* in die geval van 'n weduwee van 'n lid, tot en met die laaste dag van die maand waarin sy te sterwe kom **[of weer in die huwelik tree]**;".

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

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

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

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3. (1) Section 82 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) If the certification committee has found that a deceased White person to whom a one-sum benefit was awarded under section 79 (4) in lieu of a monthly pension, or to whom a one-sum benefit was awarded under section 80 (1), was at the time of his death suffering from a compensatable disease in the second degree, the commissioner shall award to his widow or to his dependent children, if any, a one-sum benefit **[of six thousand rand]** equal to the difference between the one-sum benefit referred to in subsection (1), as increased from time to time (whether before or after the commencement of section 3 of the Pension Laws Amendment Act, 1984) by virtue of any law, and the one-sum benefit referred to in subsection (3), as so increased.".

(2) Subsection (1) shall come into operation on 1 October 1984.

Amendment of section 82 of Act 78 of 1973, as amended by section 7 of Act 27 of 1974 and section 5 of Act 45 of 1975.

4. (1) Section 87 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) When the certification committee has found for the first time that a Coloured male to whom a benefit was awarded under subsection (1), is suffering from a compensatable disease in the second degree, the commissioner shall award to such person an additional one-sum benefit **[of three thousand rand]** equal to the difference between the one-sum benefit referred to in subsection (1), as increased from time to time (whether before or after the commencement of section 4 of the Pension Laws Amendment Act, 1984) by virtue of any law, and the one-sum benefit referred to in subsection (3), as so increased.".

(2) Subsection (1) shall come into operation on 1 October 1984.

Amendment of section 87 of Act 78 of 1973.

5. Section 4 of the Military Pensions Act, 1976, is hereby amended by the substitution for paragraph *(e)* of the following paragraph:

"*(e)* the children of a deceased member who immediately prior to his death was in receipt of a pension in terms of paragraph *(a)* or who would have been entitled to such pension if he had not died and who is not survived by a widow or whose widow **[remarries or]** dies after his death, shall be entitled to an annual pension which shall be calculated in accordance with formula II;".

Amendment of section 4 of Act 84 of 1976, as amended by section 3 of Act 26 of 1977.

6. Section 10 of the Military Pensions Act, 1976, is hereby amended by the substitution for paragraph *(c)* of subsection (2) of the following paragraph:

"*(c)* in the case of the dependants of a deceased member referred to in section 4 *(e)*, prior to the first day of the month following immediately on the month in which the member concerned died or prior to the first day of the month following immediately on the month in which the widow of that member **[remarried or]** died **[as the case may be]**;".

Amendment of section 10 of Act 84 of 1976, as amended by section 5 of Act 26 of 1977 and section 9 of Act 100 of 1979.

7. Section 12 of the Military Pensions Act, 1976, is hereby amended by the substitution for paragraph *(b)* of subsection (1) of the following paragraph:

"*(b)* in the case of a widow of a member, up to and including the last day of the month in which she dies **[or remarries]**;".

Amendment of section 12 of Act 84 of 1976, as amended by section 6 of Act 26 of 1977 and section 10 of Act 97 of 1980.

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

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

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

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Wet 67 van 1981 en artikel 7 van Wet 81 van 1982.

"(1) Indien 'n lid van 'n pensioenfonds, voordat hy die leeftyd bereik waarop hy die reg sou hê om met pensioen af te tree, sonder 'n onderbreking in sy diens of na die onderbreking in sy diens wat die **[Sekretaris]** Direkteur-generaal goedkeur, aangestel, benoem of verkies word as lid of in diens van 'n raad, inrigting, instelling of liggaam wat by of kragtens 'n wet ingestel is of van die regering of wetgewende liggaam van 'n land of gebied in Afrika ten opsigte waarvan die Parlement voorheen wetgewende bevoegdhede uitgeoefen het **[en die Sekretaris dit dienstig ag dat sy pensioengewende diens as sodanige lid vir hom behou word]**, kan die **[Sekretaris]** Direkteur-generaal—

(a) na goeddunke daardie lid, met ingang van die datum waarop hy aldus aangestel, benoem of verkies is, tot 'n rustende lid van sodanige pensioenfonds verklaar indien hy dit dienstig ag dat sy pensioengewende diens as sodanige lid behou word; of

(b) te eniger tyd voor die datum in paragraaf *(a)* bedoel op skriftelike aansoek van daardie lid gerig deur middel van bedoelde raad, inrigting, instelling of liggaam, na goeddunke goedkeur dat daardie lid vir alle doeleindes 'n lid van die pensioenfonds bly asof lede, of persone in diens, van daardie raad, inrigting, instelling of liggaam lede van daardie pensioenfonds is, indien die betrokke raad, inrigting, instelling of liggaam onderneem om ten opsigte van daardie lid in dieselfde mate tot daardie pensioenfonds by te dra as wat 'n werkgewer ingevolge die wette op daardie pensioenfonds ten opsigte van 'n lid tot daardie pensioenfonds moet bydra."; en

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

"*(e)* is 'n lid in paragraaf *(b)* van subartikel (1) bedoel, ondanks andersluidende bepalings van die een of ander wet, nie bevoeg nie om 'n lid te word van of by te dra tot 'n pensioen- of voorsorgfonds of -skema met betrekking waartoe lede, of persone in diens, van die betrokke raad, inrigting, instelling of liggaam verplig is of kan word om lede te word en as lede by te dra.".

Verhoging van sekere voordele en spesiale toekennings.

9. (1) Behoudens die bepalings van subartikel (3) word 'n voordeel soos omskryf in artikel 1, en 'n spesiale toekenning bedoel in artikel 101 van die Hoofwet wat ingevolge die Hoofwet betaalbaar is, en wat by die Wysigingswet op Bedryfsiektes in Myne en Bedrywe, 1974 (Wet No. 67 van 1974), die Wysigingswet op Bedryfsiektes vir Myne en Bedrywe, 1975 (Wet No. 45 van 1975), die Wysigingswet op Bedryfsiektes in Myne en Bedrywe, 1977 (Wet No. 117 van 1977), die Wysigingswet op Bedryfsiektes in Myne en Bedrywe, 1979 (Wet No. 83 van 1979), die Wysigingswet op Bedryfsiektes in Myne en Bedrywe, 1980 (Wet No. 83 van 1980), die Wysigingswet op Bedryfsiektes in Myne en Bedrywe, 1981 (Wet No. 85 van 1981), en die Wysigingswet op Bedryfsiektes in Myne en Bedrywe, 1983 (Wet No. 106 van 1983), verhoog is, met ingang van 1 Oktober 1984 verder verhoog—

(a) in die geval van so 'n voordeel, uitgesonderd 'n enkelbedragvoordeel bedoel in artikels 80 (1), (2) en (4), 82 (1) *(b)*, 87 (1), (2) en (4), 88 (2) en 106 *(c)* van die Hoofwet, met 10 persent; en

(b) in die geval van 'n spesiale toekenning bedoel in artikel 101 van die Hoofwet, met 'n bedrag wat die kommissaris, soos omskryf in artikel 1 van die Hoofwet, na goeddunke kan bepaal, maar wat nie 10 persent van so 'n spesiale toekenning wat onmiddellik voor 1 Oktober 1984 betaalbaar was, oorskry nie.

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"(1) If a member of a pension fund, before attaining the age at which he would have the right to retire on pension, is appointed, nominated or elected without a break in his service or after such break in his service as the **[Secretary]** Director-General may approve, as a member or in the service of any board, institution, establishment or body established by or under any law or of a government or legislative body of a country or area in Africa in respect of which Parliament had previously exercised legislative powers **[and the Secretary deems it expedient that his pensionable service as such member should be retained for him]**, the **[Secretary]** Director-General may—

Act 67 of 1981 and section 7 of Act 81 of 1982.

(a) in his discretion, declare such member a dormant member of such pension fund with effect from the date on which he was so appointed, nominated or elected if he deems it expedient that his pensionable service as such member should be retained for him; or

(b) at any time before the date referred to in paragraph *(a)*, on the written application of such member made through such board, institution, establishment or body, in his discretion, approve that such member shall for all purposes remain a member of such pension fund as if members, or persons in the service, of that board, institution, establishment or body were members of that pension fund, if the board, institution, establishment or body concerned undertakes to contribute to that pension fund in respect of that member to the same extent that an employer is in terms of the laws on that pension fund, required to contribute to that pension fund in respect of a member."; and

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

"*(e)* a member referred to in paragraph *(b)* of subsection (1) shall, notwithstanding anything to the contrary contained in any law, not be competent to become a member of or to contribute to a pension or provident fund or scheme in relation to which members, or persons in the service, of the board, institution, establishment or body concerned are or may be required to become members and to contribute as members.".

Increase of certain benefits and special awards.

9. (1) Subject to the provisions of subsection (3), a benefit as defined in section 1, and a special award referred to in section 101, of the principal Act, which are payable in terms of the principal Act and which were increased by the Occupational Diseases in Mines and Works Amendment Act, 1974 (Act No. 67 of 1974), the Occupational Diseases in Mines and Works Amendment Act, 1975 (Act No. 45 of 1975), the Occupational Diseases in Mines and Works Amendment Act, 1977 (Act No. 117 of 1977), the Occupational Diseases in Mines and Works Amendment Act, 1979 (Act No. 83 of 1979), the Occupational Diseases in Mines and Works Amendment Act, 1980 (Act No. 83 of 1980), the Occupational Diseases in Mines and Works Amendment Act, 1981 (Act No. 85 of 1981), and the Occupational Diseases in Mines and Works Amendment Act, 1983 (Act No. 106 of 1983), shall be further increased with effect from 1 October 1984—

(a) in the case of such a benefit, excluding a one-sum benefit referred to in sections 80 (1), (2) and (4), 82 (1) *(b)*, 87 (1), (2) and (4), 88 (2) and 106 *(c)* of the principal Act, by 10 per cent; and

(b) in the case of a special award referred to in section 101 of the principal Act, by an amount which the commissioner, as defined in section 1 of the principal Act, may in his discretion determine, but not exceeding 10 per cent of any such special award payable immediately prior to 1 October 1984.

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(2) By die berekening van enige voordeel of spesiale toekenning in subartikel (1) bedoel, word 'n breukdeel van 'n rand tot die volgende volle rand bereken.

(3) Die bepalings van subartikel (1) is nie van toepassing nie met betrekking tot 'n enkelbedragvoordeel, soos in artikel 1 van die Hoofwet omskryf, waarop iemand voor 1 Oktober 1984 geregtig geword het.

Voortbestaan van Proklamasie 63 van 1981 en betaling van verdere gratifikasie en jaarlikse pensioen aan lede van Presidentsraad.

10. (1) Ondanks die herroeping van die Pensioenproklamasie deur artikel 20 van die Wet op die Pensioenskema vir Parlementslede en Politieke Ampsbekleërs, 1984, bly die bepalings daarvan, uitgesonderd die bepalings van paragraaf 2 daarvan, van toepassing op 'n persoon wat by die inwerkingtreding en ingevolge artikel 102 (11) van die Grondwet opgehou het om 'n lid van die Presidentsraad te wees en op sy weduwee, afhanklikes en boedel asof—

(a) genoemde artikel 20 nie aangeneem is nie;

(b) die betrokke persoon nie soos voormeld opgehou het om so 'n lid te wees nie maar sy amp as lid ontruim op die datum waarop die tydperk verstryk waarvoor hy as lid aangestel was of op die vroeëre datum waarop subartikel (1) van artikel 13 van die Grondwetwysigingswet, 1984, ingevolge subartikel (2) *(a)* of *(c)* van genoemde artikel 13, ophou om op hom van toepassing te wees; en

(c) die Presidentsraad ten opsigte van elke betrokke geval op die datum of vroeëre datum in paragraaf *(b)* bedoel, ontbind is soos in artikel 105 van die vorige Grondwet beoog.

(2) Daar word aan 'n persoon wat soos voormeld opgehou het om in die hoedanigheid van voorsitter 'n lid van die Presidentsraad te wees en wat op die datum in subartikel (1) *(b)* bedoel minder as sewe jaar en ses maande pensioengewende diens tot sy krediet het, benewens enige pensioen of gratifikasie wat ingevolge paragraaf 5 (1) *(b)* van die Pensioenproklamasie aan hom betaalbaar is, 'n gratifikasie en 'n jaarlikse pensioen betaal, bereken ooreenkomstig die formule—

$$\frac{(A - B) \times C}{20}$$

waarin—

A 'n tydperk van sewe jaar en ses maande voorstel;

B die totaal van die tydperke waartydens die betrokke persoon te eniger tyd, met inbegrip van die tydperk vanaf die datum van inwerkingtreding van artikel 102 (11) van die Grondwet tot die datum of vroeëre datum in subartikel (1) *(b)* van hierdie artikel bedoel, 'n gewone lid was en 'n toepaslike amp beklee het, voorstel;

C die pensioengewende salaris van 'n gewone lid betaalbaar op die datum of vroeëre datum in subartikel (1) *(b)* bedoel, voorstel.

(3) In hierdie artikel beteken "die Pensioenproklamasie" die Proklamasie op die Pensioenskema vir Lede van die Presidentsraad, 1981 (Proklamasie No. 63 van 1981), en, tensy uit die samehang anders blyk, het 'n woord of uitdrukking waaraan 'n betekenis in die Pensioenproklamasie toegeskryf is, die betekenis aldus daaraan toegeskryf, en beteken—

(a) "die Grondwet" die Grondwet van die Republiek van Suid-Afrika, 1983 (Wet No. 110 van 1983);

(b) "lid van die Presidentsraad" 'n lid van die Presidentsraad ingestel by artikel 102 van die vorige Grondwet wat aan die bepalings van die Pensioenproklamasie onderworpe is;

(c) "vorige Grondwet" die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961).

Kort titel.

11. Hierdie Wet heet die Wysigingswet op die Pensioenwette, 1984.

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(2) In calculating any benefit or special award referred to in subsection (1), a fraction of a rand shall be calculated to the next complete rand.

(3) The provisions of subsection (1) shall not apply in relation to a one-sum benefit, as defined in section 1 of the principal Act, to which a person became entitled before 1 October 1984.

Continuation of Proclamation 63 of 1981, and payment of further gratuity and annual pension to members of President's Council.

10. (1) Notwithstanding the repeal of the Pension Proclamation by section 20 of the Members of Parliament and Political Office-bearers Pension Scheme Act, 1984, the provisions thereof, excluding the provisions of paragraph 2 thereof, shall continue to apply to a person who at the commencement and in terms of section 102 (11) of the Constitution ceased to be a member of the President's Council and to his widow, dependants and estate as if—

(a) the said section 20 had not been passed;

(b) the person concerned had not ceased to be such a member as aforesaid but vacates his office as a member on the date on which the period for which he had been appointed as a member expires or on the earlier date on which subsection (1) of section 13 of the Constitution Amendment Act, 1984, ceases to apply to him in terms of subsection (2) *(a)* or *(c)* of the said section 13; and

(c) the President's Council were in respect of every relevant case dissolved as contemplated in section 105 of the previous Constitution on the date or earlier date referred to in paragraph *(b)*.

(2) There shall be paid to a person who ceased as aforesaid to be a member of the President's Council in the capacity of a chairman and who on the date referred to in subsection (1) *(b)* has less than seven years and six months pensionable service to his credit, in addition to any pension or gratuity payable to him in terms of paragraph 5 (1) *(b)* of the Pension Proclamation, a gratuity and an annual pension calculated in accordance with the formula—

$$\frac{(A - B) \times C}{20}$$

in which—

A represents a period of seven years and six months;

B represents the total periods during which the person concerned was at any time, including the period as from the date of commencement of section 102 (11) of the Constitution until the date or earlier date referred to in subsection (1) *(b)* of this section, an ordinary member or held an appropriate office;

C represents the pensionable salary of an ordinary member payable on the date or earlier date referred to in subsection (1) *(b)*.

(3) In this section "the Pension Proclamation" means the Proclamation on the Pension Scheme for Members of the President's Council, 1981 (Proclamation No. 63 of 1981), and, unless the context indicates otherwise, a word or expression to which a meaning has been assigned in the Pension Proclamation, shall have the meaning so assigned thereto, and—

(a) "the Constitution" means the Republic of South Africa Constitution Act, 1983 (Act No. 110 of 1983);

(b) "member of the President's Council" means a member of the President's Council established by section 102 of the previous Constitution who is subject to the provisions of the Pension Proclamation;

(c) "previous Constitution" means the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961).

Short title.

11. This Act shall be called the Pension Laws Amendment Act, 1984.