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[No. 1296.]

GOVERNMENT NOTICE.

DEPARTMENT OF LABOUR.

No. R.1929.]

[8th December, 1965.]

GOVERNMENT SERVICE PENSIONS ACT, 1965.

The Minister of Social Welfare and Pensions has under the powers vested in him by section five of the Government Service Pensions Act, 1965, made the following regulations providing for a scheme of compensatory awards to and in respect of certain officers and employees of the Government who are retired or discharged from service or who die by reason of injury or ill-health arising out of and in the course of their employment and for the grant of medical treatment in respect of such injury or ill-health.

INTERPRETATION OF TERMS.

1. In these regulations, unless the context otherwise indicates, any expression to which a meaning has been assigned in section one of the Act, bears, when used in these regulations, the same meaning, and—

- (i) "dependant", in relation to any member, officer or employee, means—
 - (a) the widow or minor child or stepchild or legally adopted minor child of such member, officer or employee; or
 - (b) any other relative or person dependent upon such member, officer or employee for maintenance;
- (ii) "fund" means the Public Service Pension Fund, the Permanent Force Pension Fund or the South African Police and Prisons Service Pension Fund referred to in sub-section (1) of section two of the Act or the Government Employees' Provident Fund referred to in sub-section (3) of that section, as the case may be;
- (iii) "member" means a contributor to a fund and, in the case of a member of the Government Employees' Provident Fund, a member who has, in accordance with the law relating to that fund, ceased to contribute but has retained his membership of the said fund;
- (iv) "pensionable emoluments" includes—
 - (a) a person's pay and any special allowance attached to a particular office if such allowance be declared by the Commission to be pensionable;
 - (b) so much of any personal allowance granted to a person in consideration of his pay being reduced otherwise than as a penalty, or of any

GOEWERMENKTENNISGEWING.

DEPARTEMENT VAN ARBEID.

No. R.1929.]

[8 Desember 1965.]

REGERINGSDIENSPENSIOENWET, 1965.

Die Minister van Volkswelsyn en Pensioene het, kragtens die bevoegdheid hom verleen by artikel vyf van die Regeringsdienspensioenwet, 1965, onderstaande regulasies gemaak waarby voorsiening gemaak word vir 'n skema van vergoedingstoekennings aan en ten opsigte van sekere beamptes en werknemers van die Regering wat weens besering of swak gesondheid wat ontstaan uit en in die loop van hulle diens, uit diens afgedank of ontslaan word of te sterwe kom, en vir die verlening van geneeskundige behandeling ten opsigte van sodanige besering of swak gesondheid.

WOORDOMSRKYWING.

1. In hierdie regulasies, tensy uit die samehang anders blyk, het enige uitdrukking waaraan 'n betekenis in artikel een van die Wet geheg is, dieselfde betekenis wanneer dit in hierdie regulasies gebruik word, en beteken—

- (i) „afhanklike”, met betrekking tot 'n lid, beampte of werknemer—
 - (a) die weduwee, of minderjarige kind of stiefkind of wettig aangenome minderjarige kind van sodanige lid, beampte of werknemer; of
 - (b) enige ander familiebetrekking of persoon wat van sodanige lid vir onderhoud afhanklik is;
- (ii) „fonds” die Staatsdiens-pensioenfonds, die Staandemag-pensioenfonds of die Suid-Afrikaanse Polisie- en Gevangensdiens-pensioenfonds in subartikel (1) van artikel twee van die Wet genoem of die Regeringswerknemersondersteuningsfonds in subartikel (3) van daardie artikel genoem, na gelang van die geval;
- (iii) „lid” 'n bydraer tot 'n fonds, en in die geval van 'n lid van die Regeringswerknemersondersteuningsfonds, 'n lid wat ooreenkomstig die Wet betreffende daardie fonds, opgehou het om by te dra maar sy lidmaatskap van genoemde fonds behou het;
- (iv) „pensioengewende verdienste” ook—
 - (a) 'n persoon se besoldiging en enige spesiale toelae verbonde aan 'n bepaalde betrekking as sodanige toelae deur die Kommissie verklaar word pensioengewend te wees;
 - (b) soveel van enige persoonlike toelae wat aan 'n persoon toegeken is uit oorweging daarvan dat sy besoldiging op 'n ander wyse as 'n straf verminder is, of van enige rantsoentoelae of

ration allowance or the value of free rations, or of any allowance for quarters or the value of free quarters not exceeding one-sixth of the person's other pensionable emoluments, or of any fuel, light or washing allowance or the value of free fuel, light or washing, as is declared by the Commission to be pensionable, but does not include—

- (i) any cost-of-living or climatic allowance;
- (ii) any special remuneration which a person may receive for performing special duties or while acting in any office;
- (iii) any transport or subsistence allowance;
- (iv) any fees, honoraria or bonuses of any kind;
- (v) any overtime payments;
- (vi) any other allowances not herein specified:

Provided that in the case of a member of the Permanent Force who has been temporarily granted a rank higher than his substantive rank the amount by which his pay and allowances have been increased by reason of the fact that he is temporarily holding such higher rank shall not form part of his pensionable emoluments unless such amount is declared by the Commission to be pensionable;

- (v) "pensioner" means a person to whom an annuity or a gratuity has been granted under these regulations.

BENEFITS ON RETIREMENT THROUGH INJURY OR ILL-HEALTH ARISING OUT OF AND IN THE COURSE OF EMPLOYMENT.

2. If a member, other than a person referred to in regulation 11, is retired or discharged from service by reason of bodily injury or permanent ill-health arising out of and in the course of his employment, he shall be granted, in lieu of any other benefit which may be payable under the law relating to the fund of which he is a member and subject to the provisions of section *twenty-nine* of the Workmen's Compensation Act, 1941 (Act No. 30 of 1941)—

- (a) if according to the medical certificate set forth in the schedule to these regulations, the degree of his disablement is eighty per cent or more, an annuity of not less than one-half and not more than two-thirds of his annual pensionable emoluments at the date of retirement or discharge;
- (b) if according to the said medical certificate the degree of disablement is forty per cent or more, but less than eighty per cent, either an annuity of not less than one-third and not more than one-half of his annual pensionable emoluments at the date of retirement or discharge or a gratuity not exceeding twice his annual pensionable emoluments at that date, as in the opinion of the Secretary the circumstances of the case require;
- (c) if according to the said medical certificate the degree of disablement is less than forty per cent, either an annuity not exceeding one-third of his annual pensionable emoluments at the date of retirement or discharge, or a gratuity not exceeding the said emoluments, as in the opinion of the Secretary the circumstances of the case require:

Provided that—

- (i) no such annuity or gratuity shall be payable—
 - (aa) if the injury or ill-health is attributable to the said member's drunkenness or his serious and wilful misconduct, unless in the opinion of the Secretary such member has sustained serious disablement;
 - (bb) if, in the opinion of the Secretary, the injury or ill-health was continued or aggravated by the member's unreasonable and wilful refusal to submit to medical or surgical treatment or to obtain such treatment;

die waarde van vry rantsoene, of van en toelae vir kwartiere of die waarde van v kwartiere, maar hoogstens 'n sesde van 'n persoon se ander pensioengewende verdienste of van enige brandstof-, lig-, of wasgoedtoel of die waarde van vry brandstof, lig of wasgoed, as wat die Kommissie verklaar pensioengewend te wees,

maar omvat nie—

- (i) enige lewenskoste- of klimaatstoelae;
- (ii) enige spesiale besoldiging wat 'n persoon ontvang vir die uitvoering van spesiale pligte terwyl hy in enige betrekking waarneem;
- (iii) enige vervoer- of verblyftoelae;
- (iv) enige gelde, honoraria of bonusse van watter aard ook al;
- (v) enige oortydbetalings;
- (vi) enige ander toelae nie hierin gespesifiseer nie

Met dien verstande dat in die geval van 'n lid van die Staandemag aan wie 'n hoër rang as sy substansiële rang tydelik verleen is, die bedrag waarmee sy besoldiging en toelae verhoog is weens die fe dat hy tydelik sodanige hoër rang bekleed, nie deel van sy pensioengewende verdienste uitmaak nie tensy sodanige bedrag deur die Kommissie verklaar word pensioengewend te wees;

- (v) „pensioentrekker” 'n persoon aan wie 'n jaargeld of 'n gratifikasie ingevolge hierdie regulasies toegeken is.

VOORDELE BY AFDANKING WEENS BESERING OF SWAK GEZONDHEID WAT ONTSTAAN UIT EN IN DIE LOOP VAN DIENS

2. As 'n lid, uitgesonderd 'n persoon in regulasie 11 genoem, weens liggaamlike besering of blywende swak gesondheid wat ontstaan uit en in die loop van sy diens uit diens afdanking of ontslaan word, moet aan hom, in plaas van enige ander voordeel wat ingevolge die Wet betreffende die fonds waarvan hy 'n lid is en behoudens die bepalings van artikel *nege-en-twintig* van die Ongevalwet, 1941 (Wet No. 30 van 1941), betaalbaar mag wees onderstaande toegeken word—

- (a) as die mate van sy arbeidsongeskiktheid volgens die geneeskundige sertifikaat in die bylae van hierdie regulasies uiteengesit, tagtig persent of meer is, 'n jaargeld van minstens die helfte en hoogstens twee-derdes van sy jaarlikse pensioengewende verdienste op die datum van afdanking of ontslag;
- (b) as die mate van arbeidsongeskiktheid volgens genoemde geneeskundige sertifikaat veertig persent of meer is, maar minder as tagtig persent, of 'n jaargeld van minstens 'n derde en hoogstens die helfte van sy jaarlikse pensioengewende verdienste op die datum van afdanking of ontslag, of 'n gratifikasie van hoogstens twee maal sy jaarlikse pensioengewende verdienste op daardie datum, al na die omstandighede van die geval na die mening van die Sekretaris vereis;
- (c) as die mate van arbeidsongeskiktheid volgens genoemde geneeskundige sertifikaat minder as veertig persent is, of 'n jaargeld van hoogstens 'n derde van sy jaarlikse pensioengewende verdienste op die datum van afdanking of ontslag, of 'n gratifikasie van hoogstens genoemde verdienste, al na die omstandighede van die geval na die mening van die Sekretaris vereis;

Met dien verstande dat—

- (i) geen sodanige jaargeld of gratifikasie betaalbaar is nie—
 - (aa) as die besering of swak gesondheid te wyte is aan genoemde lid se dronkenskap of sy ernstige en opsetlike wangedrag, tensy sodanige lid na die mening van die Sekretaris ernstige arbeidsongeskiktheid opgedoen het;
 - (bb) as die besering of swak gesondheid na die mening van die Sekretaris verleng of vererger is deur die lid se onredelike en opsetlike weiering om hom aan geneeskundige of heelkundige behandeling te onderwerp of om sodanige behandeling te verkry;

- (ii) (aa) any gratuity payable under this regulation to a member (other than a member of the Government Employees' Provident Fund) with less than ten years' pensionable service shall not be less than the benefit which would have been payable in terms of the law relating to the fund of which he is a member had the member been retired or discharged on grounds of reorganization;
- (bb) any annuity payable under this regulation to a member (other than a member of the Government Employees' Provident Fund) with not less than ten years' pensionable service shall not be less than the annuity and the annual value of the gratuity (determined in accordance with tables recommended by an actuary and approved by the Secretary) which would have been payable to the said member in terms of the law relating to the fund of which he is a member, if he had been retired or discharged on grounds of reorganization; and
- (cc) any gratuity payable under this regulation to a member of the Government Employees' Provident Fund shall not be less than the full benefit which would have been paid to him from that fund had he been retired on account of ill-health not due to his own default and not arising out of and in the course of his employment.

CONDITIONS RELATING TO THE AWARD OF AN ANNUITY.

3. (1) Any annuity granted in terms of regulation 2 may in the first instance be granted temporarily and may from time to time be increased or decreased according to any variation in the degree of disablement of the pensioner, until the degree of disablement is finally determined.

(2) A gratuity may, before such final determination, be substituted for the annuity and in that event any payment made in respect of the annuity may be disregarded in calculating such gratuity.

(3) The final determination of the degree of disablement shall be made within a period of five years from the date of retirement or discharge, and any annuity granted to the pensioner on such final determination shall not thereafter be increased or reduced: Provided that if it is shown by medical testimony to the satisfaction of the Secretary that there has been a substantial increase in the degree of disablement of such pensioner, and that such increase arises out of the injury or ill-health which resulted in his retirement or discharge, the annuity may be increased accordingly.

REDUCTION OF AN ANNUITY AWARDED.

4. (1) Any annuity which in accordance with the provisions of sub-regulation (1) of regulation 3, has been granted temporarily may, subject to sub-paragraph (bb) of paragraph (ii) of the proviso to regulation 2, be reduced if the pensioner at any time before final determination of the degree of his disablement, unreasonably refuses to undergo such treatment for the condition which resulted in his retirement or discharge as the Secretary after consultation with a medical practitioner, considers to be necessary.

(2) A pensioner whose annuity has been so reduced may claim a medical examination by a board consisting of three medical practitioners, two of whom shall be nominated by the Secretary and one by the pensioner, to determine whether his refusal to undergo such treatment was unreasonable or not, and if such board finds that his refusal was not unreasonable, he shall be paid his annuity at the same rate as before the reduction together with any portion thereof which has been withheld as a result of the reduction.

- (ii) (aa) enige gratifikasie ingevolge hierdie regulasie betaalbaar aan 'n lid (uitgesonderd 'n lid van die Regeringswerknemersondersteuningsfonds) met minder as tien jaar pensioengewende diens, nie minder mag wees nie as die voordeel wat ingevolge die Wet betreffende die fonds waarvan hy 'n lid is, betaalbaar sou gewees het as die lid op grond van reorganisasie afgedank of ontslaan was;
- (bb) enige jaargeld ingevolge hierdie regulasie betaalbaar aan 'n lid (uitgesonderd 'n lid van die Regeringswerknemersondersteuningsfonds) met minstens tien jaar pensioengewende diens, nie minder mag wees nie as die jaargeld en die jaarlikse waarde van die gratifikasie, bepaal ooreenkomstig tabelle wat deur 'n aktuaris aanbeveel en deur die Sekretaris goedgekeur is, wat ingevolge die Wet betreffende die fonds waarvan hy 'n lid is, aan genoemde lid betaalbaar sou gewees het as hy op grond van reorganisasie afgedank of ontslaan was; en
- (cc) enige gratifikasie ingevolge hierdie regulasie betaalbaar aan 'n lid van die Regeringswerknemersondersteuningsfonds nie minder mag wees nie as die volle voordeel wat uit daardie fonds aan hom betaal sou gewees het as hy weens swak gesondheid wat nie aan sy eie toedoen te wyte was nie en nie ontstaan het uit en in die loop van sy diens nie, afgedank was.

VOORWAARDES BETREFFENDE DIE TOEKENNING VAN 'N JAARGELD.

3. (1) 'n Jaargeld wat kragtens regulasie 2 toegeken word, kan in die eerste instansie tydelik toegeken word en kan van tyd tot tyd verhoog of verminder word na gelang van enige verandering in die mate van arbeidsongeskiktheid van die pensioentrekker totdat die mate van arbeidsongeskiktheid finaal vasgestel word.

(2) 'n Jaargeld kan, voor sodanige finale vasstelling, deur 'n gratifikasie vervang word en in daardie geval kan enige betaling wat ten opsigte van die jaargeld geskied het, by die berekening van die gratifikasie buite rekening gelaat word.

(3) Die finale vasstelling van die mate van arbeidsongeskiktheid moet binne 'n tydperk van vyf jaar na die datum van afdanking of ontslag gedoen word, en enige jaargeld by sodanige finale vasstelling aan die pensioentrekker toegeken, mag nie daarna verhoog of verminder word nie: Met dien verstande dat as daar op grond van geneeskundige getuienis tot tevredenheid van die Sekretaris bewys word dat sodanige pensioentrekker se mate van arbeidsongeskiktheid aansienlik toegeneem het, en dat sodanige toename ontstaan uit die besering of swak gesondheid wat sy afdanking of ontslag ten gevolge gehad het, die jaargeld dienooreenkomstig verhoog kan word.

VERMINDERING VAN 'N TOEGEKENDE JAARGELD.

4. (1) 'n Jaargeld wat ooreenkomstig die bepalinge van subregulasie (1) van regulasie 3 tydelik toegeken is, kan, behoudens subparagraaf (bb) van paragraaf (ii) van die voorbehoudsbepaling van regulasie 2, verminder word as die pensioentrekker te eniger tyd voor die finale vasstelling van die mate van sy arbeidsongeskiktheid, op 'n onredelike wyse weier om sodanige behandeling vir die toestand wat sy afdanking of ontslag ten gevolge gehad het, te ondergaan, as wat die Sekretaris na oorlegpleging met 'n geneesheer nodig ag.

(2) 'n Pensioentrekker wie se jaargeld aldus verminder is, kan 'n geneeskundige ondersoek deur 'n raad bestaande uit drie geneesher, van wie twee deur die Sekretaris en een deur die pensioentrekker benoem word, eis om vas te stel of sy weiering om sodanige behandeling te ondergaan onredelik was al dan nie, en as so 'n raad bevind dat sy weiering nie onredelik was nie, word sy jaargeld volgens dieselfde skaal as voor die vermindering aan hom betaal, asook enige gedeelte daarvan wat ten gevolge van die vermindering teruggehou is.

CONVERSION OF A PORTION OF AN ANNUITY INTO A GRATUITY.

5. (1) The Secretary may, on such conditions as he may determine, permit the conversion into a gratuity of a portion of an annuity which has been granted under regulation 2—

- (a) to a pensioner whose degree of disablement has not been finally determined, if he has had not less than ten years' pensionable service and makes application for such conversion within six months from the date upon which he is notified of the grant of such annuity;
- (b) to a pensioner whose degree of disablement has been finally determined, if he makes application for such conversion within six months from the date upon which he is notified of such final determination:

Provided that no conversion shall be made which would cause the annuity to be reduced, in the case of a pensioner referred to in paragraph (a) of this sub-regulation, who was a member of a fund other than the Government Employees' Provident Fund, by more than one-fourth of the minimum annuity according to subparagraph (bb) of paragraph (ii) of the proviso to regulation 2, or in the case of a pensioner referred to in paragraph (b) of this sub-regulation, who was such a member by more than one-fourth.

(2) If such conversion has taken place in the case of a pensioner referred to in paragraph (a) of sub-regulation (1) and the annuity is increased upon the final determination of such pensioner's disablement, the Secretary may, on application in accordance with paragraph (b) of sub-regulation (1), permit the conversion of a portion of the annual amount by which the annuity has been increased: Provided that such conversion shall not cause the said amount to be reduced by more than one-fourth.

APPLICATION OF REGULATIONS 3, 4 AND 5 IN RESPECT OF AWARDS MADE UNDER ACT NO. 58 OF 1955.

6. The appropriate provisions of regulations 3, 4 and 5 shall *mutatis mutandis* apply in respect of any person who immediately prior to the fixed date was in receipt of an annuity granted in terms of section sixty-five of the Pensions Act.

REAPPOINTMENT OF A PENSIONER.

7. (1) If a pensioner who has been granted a pension under this regulation is reappointed to a post in the Public Service, or is reappointed to the Permanent Force or the Police Force or the Prisons Service, the period of his pensionable service prior to retirement or discharge may, on such conditions as the Secretary may determine, be reckoned for the purposes of the fund to which he becomes liable to contribute as continuous with his service following the reappointment if such pensioner makes written application therefor within sixty days from the date upon which he is called upon by the Secretary to do so, and accepts the conditions so determined within ninety days from the date upon which he is advised of those conditions.

(2) If the pensionable service of such pensioner is so reckoned an amount equal to the amount, inclusive of interest, paid to revenue in terms of the law relating to the fund of which he was a member immediately prior to his retirement or discharge, shall be paid out of revenue to the fund to which he becomes liable to contribute on reappointment, together with interest at four per cent per annum, compounded annually as at the thirty-first day of March and calculated as from the date upon which the last-mentioned amount was paid to revenue: Provided that if the amount (inclusive of interest) so to be paid to such fund from revenue is more or less than the amount which is required by that fund in respect of the pensioner's pensionable service prior to his retirement or discharge, the excess shall be disposed of in such

OMSETTING VAN 'N GEDEELTE VAN 'N JAARGELD IN 'N GRATIFIKASIE.

5. (1) Die Sekretaris kan, op die voorwaardes wat hy mag bepaal, die omsetting in 'n gratifikasie toelaat van 'n gedeelte van 'n jaargeld wat kragtens regulasie 2 toegeker is—

- (a) aan 'n pensioentrekker wie se mate van arbeids-ongeskiktheid nog nie finaal vasgestel is nie, as hy nie minder as tien jaar pensioengewende diens gehad het nie en om genoemde omsetting aansoek doen binne ses maande na die datum waarop hy van die toekenning van sodanige jaargeld in kennis gestel word;
- (b) aan 'n pensioentrekker wie se mate van arbeids-ongeskiktheid finaal vasgestel is, as hy om sodanige omsetting aansoek doen binne ses maande na die datum waarop hy van sodanige finale vasstelling in kennis gestel word:

Met dien verstande dat geen omsetting gedoen mag word nie waardeur die jaargeld, in die geval van 'n pensioentrekker in paragraaf (a) van hierdie subregulasie genoem, wat 'n lid van 'n fonds, uitgesonderd die Regeringswerknemersondersteuningsfonds, was, met meer as een-vierde van die minimum jaargeld volgens subparagraaf (bb) van paragraaf (ii) van die voorbehoudsbepaling van regulasie 2, of in die geval van 'n pensioentrekker in paragraaf (b) van hierdie subregulasie genoem, wat so 'n lid was, met meer as een-vierde verminder sou word.

(2) As sodanige omsetting in die geval van 'n pensioentrekker in paragraaf (a) van subregulasie (1) genoem, plaasgevind het en die jaargeld na die finale vasstelling van sodanige pensioentrekker se ongeskiktheid verhoog word, kan die Sekretaris op aansoek ooreenkomstig paragraaf (b) van subregulasie (1), die omsetting van 'n gedeelte van die jaarlikse bedrag waarmee die jaargeld verhoog is toelaat: Met dien verstande dat sodanige omsetting genoemde bedrag nie met meer as een-vierde mag verminder nie.

TOEPASSING VAN REGULASIES 3, 4 EN 5, TEN OPSIGTE VAN TOEKENNINGS KRAGTENS WET NO. 58 VAN 1955 GEDOEN.

6. Die toepaslike bepalings van regulasies 3, 4 en 5 is *mutatis mutandis* van toepassing ten opsigte van enige persoon wat onmiddellik voor die vasgestelde datum 'n jaargeld ontvang het wat ingevolge artikel vyf-en-sestig van die Pensioenwet toegeken is.

HERAANSTELLING VAN 'N PENSIOENTREKKER.

7. (1) As 'n pensioentrekker aan wie 'n pensioen ingevolge hierdie regulasie toegeken is, weer in 'n pos in die Staatsdiens aangestel word of weer in die Staandemag of die Polisiemag of die Gevangenisdiens aangestel word, kan die tydperk van sy pensioengewende diens voor afdanking of ontslag op die voorwaardes wat die Sekretaris mag bepaal vir die doeleindes van die fonds waartoe hy onder die verpligting kom om by te dra, gereken word as aaneenlopend met sy diens na die heraanstelling, as sodanige pensioentrekker skriftelik daarom aansoek doen binne sestig dae na die datum waarop hy deur die Sekretaris aangesê word om dit te doen, en die voorwaardes wat aldus bepaal is, aanvaar binne negentig dae na die datum waarop hy van sodanige voorwaardes verwittig word.

(2) As die pensioengewende diens van sodanige pensioentrekker aldus gereken word, moet 'n bedrag gelyk aan die bedrag met inbegrip van rente betaal aan inkomste ingevolge die Wet betreffende die fonds waarvan hy onmiddellik voor sy afdanking of ontslag 'n lid was, uit inkomste betaal word aan die fonds waartoe hy by heraanstelling, onder die verpligting kom om by te dra, tesame met rente teen vier persent per jaar, jaarliks saamgestel soos op die een-en-dertigste dag van Maart en bereken met ingang van die datum waarop die laasgenoemde bedrag aan inkomste betaal is: Met dien verstande dat as die bedrag (met inbegrip van rente) wat aldus aan sodanige fonds uit inkomste betaal moet word, meer of minder is as die bedrag wat deur daardie fonds vereis word ten opsigte van die pensioentrekker se pensioengewende diens voor sy afdanking of ontslag, daar oor die oorskot beskik

manner as the Secretary may determine or the deficiency shall be paid by such pensioner and from revenue in such proportions and on such conditions as the Secretary may determine.

(3) The provisions of sub-regulation (1) or (2) shall *mutatis mutandis* apply in respect of any person to whom a pension was granted under section *twenty-nine* of the Government Service Pensions Act, 1936, or section *sixty-five* of the Pensions Act and who is so re-appointed.

BENEFITS TO DEPENDANTS ON DEATH FROM INJURY OR ILL-HEALTH RESULTING FROM DISCHARGE OF DUTIES.

8. (1) If a member, other than a person referred to in regulation 11, dies as a result of an injury sustained or an illness contracted in the circumstances described in regulation 2 the Secretary shall, subject to the provisions of section *twenty-nine* of the Workmen's Compensation Act, 1941, whether or not the injury or illness is attributable to the member's drunkenness, or to his serious and wilful misconduct, grant to or for the benefit of such of his dependants as the Secretary may determine, in lieu of any other benefit that may be payable to the dependants of such member in terms of the law relating to the fund of which he was a member, such annuity, not exceeding one-half of the annual pensionable emoluments last drawn by such member, or such gratuity, as the Secretary considers to be reasonable in the circumstances of the case: Provided that such annuity or gratuity shall not be of a lesser value than such other benefit.

(2) Any annuity awarded in terms of sub-section (1) of section *thirty* of the Government Service Pensions Act, 1936, sub-section (1) of section *sixty-six* of the Pensions Act or sub-regulation (1) of this regulation shall cease to be payable—

- (a) in the case of a female dependant other than a minor, when she marries;
- (b) in the case of a female dependant who is a minor, when she reaches the age of twenty-one years or marries; and
- (c) in the case of a male dependant, when he reaches the age of eighteen years:

Provided that in the case of a non-White person the ages mentioned in paragraphs (b) and (c) shall be sixteen years: Provided further that the Secretary may grant or continue the payment of an annuity to a dependant after such dependant has reached the age mentioned, for any period during which he is attending an educational institution or is, by reason of age or mental or physical infirmity, unable to maintain himself: Provided further that on the remarriage of the widow of a member to whom an annuity has been so awarded, such widow shall be granted a gratuity equal to the amount of such annuity for one year.

(3) If a pensioner, or any person to whom an annuity or gratuity was granted in terms of section *twenty-nine* of the Government Service Pensions Act, 1936, or section *sixty-five* of the Pensions Act, dies as a result of the injury sustained or illness contracted in the circumstances described in regulation 2, the provisions of sub-regulations (1) and (2) shall *mutatis mutandis* apply in respect of his dependants.

BENEFITS TO DEPENDANTS ON DEATH AFTER RETIREMENT OR DISCHARGE FROM CAUSE NOT RELATED TO INJURY OR ILL-HEALTH SUSTAINED.

9. (1) If a person who was a member and who has been retired or discharged on an annuity in the circumstances mentioned in regulation 2, dies within five years of the date of his retirement or discharge and under such circumstances that his dependants are not entitled to any benefit under regulation 8, there shall be paid to or for the benefit of such of his dependants as the Secretary may determine a gratuity equal to the aggregate amount of the annuity which would have been paid to such member from the date of his death until the expiry of the said five years, had he not died.

moet word op die wyse wat die Sekretaris mag bepaal of die tekort deur sodanige pensioentrekker en uit inkomste betaal moet word in die verhouding en op die voorwaardes wat die Sekretaris mag bepaal.

(3) Die bepalings van subregulasie (1) of (2) is *mutatis mutandis* van toepassing ten opsigte van 'n persoon aan wie 'n pensioen ingevolge artikel *nege-en-twintig* van die Regeringsdiens-pensioenwet, 1936 of artikel *vyf-en-sestig* van die Pensioenwet toegeken is en wat aldus heraan-gestel word.

VOORDELE AAN AFHANKLIKES BY DOOD WEENS BESERING OF SWAK GESONDHEID TEN GEVOLGE VAN VERVULLING VAN PLIGTE.

8. (1) As 'n lid, uitgesonderd 'n persoon in regulasie 11 genoem, te sterwe kom ten gevolge van 'n besering of 'n siekte opgedoen in omstandighede wat in regulasie 2 beskryf word, moet die Sekretaris, behoudens die bepalings van artikel *nege-en-twintig* van die Ongevallewet, 1941, hetsy die besering of siekte te wyte is aan die lid se dronkenskap of aan sy ernstige en opsetlike wangedrag of nie, aan of ten voordele van dié van sy afhanklikes wat die Sekretaris mag bepaal, in plaas van enige ander voordeel wat aan die afhanklikes van sodanige lid ingevolge die Wet betreffende die fonds waarvan hy 'n lid was, betaalbaar mag wees, sodanige jaargeld, maar hoogstens die helfte van die jaarlikse pensioengewende verdienste wat sodanige lid laas getrek het, of sodanige gratifikasie as wat die Sekretaris in die omstandighede van die geval redelik ag, toeken: Met dien verstande dat sodanige jaargeld of gratifikasie nie minder in waarde as sodanige ander voordeel mag wees nie.

(2) Enige jaargeld wat ingevolge subartikel (1) van artikel *dertig* van die Regeringsdiens-pensioenwet, 1936, subartikel (1) van artikel *ses-en-sestig* van die Pensioenwet of subregulasie (1) van hierdie regulasie toegeken is, hou op om betaalbaar te wees—

- (a) in die geval van 'n vroulike afhanklike, uitgesonderd 'n minderjarige, wanneer sy trou;
- (b) in die geval van 'n vroulike afhanklike wat 'n minderjarige is, wanneer sy die leeftyd van een-en-twintig jaar bereik of trou; en
- (c) in die geval van 'n manlike afhanklike, wanneer hy die leeftyd van agtien jaar bereik:

Met dien verstande dat in die geval van 'n nie-Blanke persoon die leeftyd in paragrafe (b) en (c) genoem sestien jaar moet wees: Met dien verstande voorts dat die Sekretaris aan 'n afhanklike nadat sodanige afhanklike genoemde leeftyd bereik het, 'n jaargeld kan toeken of met die betaling daarvan kan voortgaan vir enige tydperk waarin hy 'n opvoedkundige inrigting bywoon of, weens ouderdom of verstandelike of liggaamlike ongeskiktheid, nie in staat is om homself te onderhou nie: Met dien verstande voorts dat by die hertroue van die weduwee van 'n lid aan wie 'n jaargeld aldus toegeken is, aan sodanige weduwee 'n gratifikasie toegeken moet word wat gelyk is aan die bedrag van sodanige jaargeld vir een jaar.

(3) As 'n pensioentrekker, of enige persoon aan wie 'n jaargeld of gratifikasie ingevolge artikel *nege-en-twintig* van die Regeringsdiens-pensioenwet, 1936, of artikel *vyf-en-sestig* van die Pensioenwet, toegeken is, te sterwe kom ten gevolge van die besering of siekte opgedoen in die omstandighede in regulasie 2 beskryf, is die bepalings van subregulasies (1) en (2) *mutatis mutandis* van toepassing ten opsigte van sy afhanklikes.

VOORDELE AAN AFHANKLIKES BY DOOD NA AFDANKING OF ONTSLAG WEENS OORSAAK WAT NIE VERBAND HET NIE MET BESERING OF SWAK GESONDHEID OPGEDOEN.

9. (1) As 'n persoon wat 'n lid was en wat afgedank of ontslaan is met 'n jaargeld in die omstandighede in regulasie 2 genoem, te sterwe kom binne vyf jaar na die datum van sy afdanking of ontslag en in sodanige omstandighede dat sy afhanklikes nie tot 'n voordeel ingevolge regulasie 8 geregtig is nie, moet daar aan of ten voordele van dié van sy afhanklikes wat die Sekretaris mag bepaal, 'n gratifikasie betaal word wat gelyk is aan die totaalbedrag van die jaargeld wat aan sodanige lid betaalbaar sou gewees het vanaf die datum van sy dood tot die verstryking van genoemde vyf jaar, as hy nie te sterwe gekom het nie.

(2) Any such gratuity shall be allocated amongst the said dependants in such manner as the Secretary may determine, and the Secretary may, in the case of dependants other than the widow of such a person, reduce any such gratuity to an extent which having regard to the circumstances of such dependants, appears to him to be reasonable.

MEMBERS WHO ARE RETIRED OR DISCHARGED OR WHO DIE WHILE SECONDED TO OTHER EMPLOYMENT.

10. (1) The provisions of these regulations shall *mutatis mutandis* apply in respect of a member who is retired or discharged or who dies as a result of a bodily injury or ill-health arising out of and in the course of his employment while seconded to the service of another government or of the Land and Agricultural Bank of South Africa or of any board, institution or body established by law or of any body or employer approved by the Secretary.

(2) If such member becomes entitled to compensation under the law of any foreign country in respect of such injury or ill-health, the benefits payable to him in terms of this regulation may be abated to such extent as the Minister may determine.

(3) If, in respect of the death of such a member, his dependants become entitled to compensation under the law of any foreign country, the benefits payable to them in terms of this regulation may be abated to such extent as the Minister may determine.

REGULATIONS NOT TO APPLY TO CERTAIN PERSONS.

11. The provisions of these regulations shall not apply to any person or the dependants of any person who became a contributor to the old fund under provisions of paragraph (a) of section *eighteen* of the Government Service Pensions Act, 1936, or a contributor to the Public Service Pension Fund under either section *twenty-four* of the Pensions Act or of any other law relating to that fund, with effect from a date after the thirtieth day of September, 1954.

AWARDS TO BE PAID FROM REVENUE.

12. Any annuity or gratuity granted under these regulations shall be paid from revenue.

APPLICATION OF THESE REGULATIONS TO CERTAIN OFFICERS AND EMPLOYEES WHO ARE NOT MEMBERS OF A FUND, AND TO THEIR DEPENDANTS.

13. The provisions of these regulations shall *mutatis mutandis* apply in the circumstances therein described to all officers and employees of the Government for whom a similar provision is not made by law, and to the dependants of such officers or employees: Provided that any benefit under these regulations shall be in lieu of any pension (other than a pension from the Government Service Widows' Pension Fund) which would have been payable if the disablement or death of the said officer or employee had been due to bodily injury or ill-health not arising out of and in the course of his employment: Provided further that the provisions of this regulation shall not apply to any employee of the Government appointed and employed by the Government outside the Republic or the territory with effect from a date after the thirtieth day of September, 1954, or to the dependants of such an employee.

TREATMENT FOR DISABILITIES RESULTING FROM EMPLOYMENT.

14. (1) If a person formerly employed by the Government has suffered any disablement as the result of bodily injury or permanent ill-health arising out of and in the course of that employment the Secretary may authorize

(2) Enige sodanige gratifikasie moet onder genoemd afhanklikes toegewys word op die wyse wat die Sekretaris mag bepaal en die Sekretaris kan in die geval van afhanklikes, uitgesonderd die weduwee van sodanige persoon, enige sodanige gratifikasie verminder in die mate wat hy met inagneming van die omstandighede van sodanige afhanklikes as redelik beskou.

LEDE WAT AFGEDANK OF ONTSLAAN WORD OF WAT TE STERWE KOM TERWYL HULLE AAN ANDER DIENS AFGESTAAN IS.

10. (1) Die bepalings van hierdie regulasies is *mutatis mutandis* van toepassing ten opsigte van 'n lid wat afgedank of ontslaan word of wat te sterwe kom ten gevolge van 'n liggaamlike besering of swak gesondheid wat ontstaan uit of in die loop van sy diens terwyl hy aan die diens van 'n ander regering of van die Land- en Landboubank van Suid-Afrika of van 'n raad, inrigting of liggaam wat by wet ingestel is, of van 'n liggaam of werkgever deur die Sekretaris goedgekeur, afgestaan is.

(2) As bedoelde lid kragtens 'n wet van 'n vreemde land op vergoeding geregtig word ten opsigte van bedoelde letsel of slegte gesondheid, kan die voordele wat ingevolge hierdie regulasie aan hom betaalbaar is verminder word in die mate wat die Minister mag bepaal.

(3) As, ten opsigte van die dood van sodanige lid, sy afhanklikes geregtig word tot vergoeding ingevolge die wet van enige vreemde land, kan die voordele wat ingevolge hierdie regulasie aan hulle betaalbaar is, verminder word in die mate wat die Minister mag bepaal.

REGULASIES NIE VAN TOEPASSING OP SEKERE PERSONE NIE.

11. Die bepalings van hierdie regulasies is nie van toepassing nie op 'n persoon of die afhanklikes van 'n persoon wat met ingang van 'n datum na die dertigste dag van September 1954 ingevolge die bepalings van paragraaf (a) van artikel *agtien* van die Regeringsdiens-pensioenwet, 1936, 'n bydraer tot die ou fonds of ingevolge of artikel *vier-en-twintig* van die Pensioenwet of enige ander wet betreffende daardie fonds 'n bydraer tot die Staatsdiens-pensioenfonds geword het.

TOEKENNINGS WAT UIT INKOMSTE BETAAL MOET WORD.

12. 'n Jaargeld of gratifikasie wat ingevolge hierdie regulasies toegeken is, moet uit inkomste betaal word.

TOEPASSING VAN HIERDIE REGULASIES OP SEKERE BEAMPTES EN WERKNEMERS WAT NIE LEDE VAN 'N FONDS IS NIE EN OF HULLE AFHANKLIKES.

13. Die bepalings van hierdie regulasies is *mutatis mutandis* van toepassing in die omstandighede wat daarin beskryf is, op alle beamptes en werknemers van die Regering vir wie 'n dergelike voorsiening nie by wet gemaak word nie, en op die afhanklikes van sodanige beamptes of werknemers: Met dien verstande dat enige voordeel ingevolge hierdie regulasies geld in plaas van enige pensioen (uitgesonderd 'n pensioen uit die Regeringsdiens-weduweespensioenfonds) wat betaalbaar sou gewees het as die arbeidsongeskiktheid of dood van genoemde beampte of werknemer te wyte was aan liggaamlike besering of swak gesondheid wat nie ontstaan het uit en in die loop van sy diens nie: Met dien verstande voorts dat die bepalings van hierdie regulasie nie van toepassing is nie op 'n werknemer van die Regering wat deur die Regering buite die Republiek of die gebied aangestel en in diens geneem is met ingang van 'n datum na die dertigste dag van September 1954, of op die afhanklikes van sodanige werknemer nie.

BEHANDELING VIR GEBREKE OPGEDOEN TEN GEVOLGE VAN DIENS.

14. (1) As 'n persoon wat voorheen in diens van die Regering was, enige arbeidsongeskiktheid opgedoen het ten gevolge van liggaamlike besering of blywende swak gesondheid wat ontstaan het uit en in die loop van daardie diens, kan die Sekretaris magtiging verleen tot be-

treatment for the disability or disabilities responsible for such disablement and if the disability involves the loss of the use of any part of the body, such person shall be entitled to receive any artificial part of the body or any mechanical device necessitated by such disability, and any such part or device shall whenever necessary be renewed, repaired or adjusted: Provided that the need for such treatment, renewal, repair or adjustment is not attributable to such person's drunkenness or serious and wilful misconduct.

(2) If the Secretary is satisfied that any such person who is in employment has, while undergoing treatment under sub-regulation (1), suffered loss of salary or wages for a continuous period of not less than six days, the Secretary may grant to him in respect of the period during which such loss was suffered—

(a) if he receives an annuity under section *twenty-nine* of the Government Service Pensions Act, 1936, section *sixty-five* of the Pensions Act or regulation 2, an allowance not exceeding the difference between such annuity and the annuity which he would have received if the degree of his disablement had been one hundred per cent; or

(b) if he is not in receipt of such an annuity an allowance equal to the annuity he would have received had the degree of his disablement been one hundred per cent.

(3) The provisions of this regulation shall not apply to any person while he is entitled to medical aid under the Workmen's Compensation Act, 1941, or to any former employee of the Government who was appointed and employed by the Government outside the Republic or the territory with effect from a date after the thirtieth day of September, 1954.

(4) The expenditure incurred in giving effect to the provisions of sub-regulations (1) and (2) shall be paid out of revenue.

DATE OF COMMENCEMENT OF REGULATIONS.

15. These regulations shall come into operation on the first day of January, 1966.

SCHEDULE.

(Regulation 2 read with regulation 13.)

After consideration of the medical evidence submitted in connection with the retirement of (a)
on account of (b)

I certify that I am of the opinion that the overall (c) degree of his disablement is per cent (made up of (c)

.....) and that (d)—

(i) the degree of his disablement will increase/decrease after a period of months;

(ii) his condition is stabilized and the degree of his disablement may be accepted as permanent unless or until medical evidence to the contrary is produced.

CHIEF GOVERNMENT PENSIONS MEDICAL OFFICER.

NOTE.—(a) Give full names.

(b) Give particulars of the condition (or conditions) accepted as arising out of and in the course of his employment for which compensation is to be granted and for which medical attention is to be accorded.

(c) Delete if there is only one pensionable condition.

(d) Delete whichever is not applicable.

handeling vir die gebrek of gebreke wat vir sodanige arbeidsongeskiktheid verantwoordelik was, en as die gebrek die verlies van die gebruik van enige liggaamsdeel meebring, is sodanige persoon geregtig om enige kunstmatige liggaamsdeel of enige meganiese toestel wat weens sodanige gebrek nodig geword het, te ontvang, en enige sodanige deel of toestel moet wanneer nodig hernieu, herstel of verstel word: Mits die noodsaaklikheid van sodanige behandeling, hernuwing, herstel of verstelling nie aan sodanige persoon se dronkenskap of ernstige en opsetlike wangedrag te wyte is nie.

(2) As die Sekretaris daarvan oortuig is dat enige sodanige persoon wat in diens is, terwyl hy behandeling ingevolge subregulasie (1) ondergaan, verlies aan salaris of lone vir 'n ononderbroke tydperk van minstens ses dae gelyk het, kan die Sekretaris ten opsigte van die tydperk waarin sodanige verlies gelyk is, onderstaande aan hom toeken—

(a) as hy 'n jaargeld ingevolge artikel *nege-en-twintig* van die Regeringsdiens-pensioenwet, 1936, artikel *vyf-en-sestig* van die Pensioenwet of regulasie 2 ontvang, 'n toelae van hoogstens die verskil tussen sodanige jaargeld en die jaargeld wat hy sou ontvang het as die mate van sy arbeidsongeskiktheid honderd persent was; of

(b) as hy nie so 'n jaargeld ontvang nie, 'n toelae gelyk aan die jaargeld wat hy sou ontvang het as die mate van sy arbeidsongeskiktheid honderd persent was.

(3) Die bepalings van hierdie regulasie is nie van toepassing nie op 'n persoon solank hy ingevolge die Ongevallewet, 1941, tot geneeskundige hulp geregtig is, of op enige vorige werknemer van die Regering wat buite die Republiek of die gebied deur die Regering aangestel en in diens geneem is met ingang van 'n datum na die dertigste dag van September 1954.

(4) Die uitgawe aangeaan om aan die bepalings van subregulasies (1) en (2) gevolg te gee, word uit inkomste bestry.

DATUM VAN INWERKINGTREDING VAN REGULASIES.

15. Hierdie regulasies tree in werking op die eerste dag van Januarie 1966.

BYLAE.

(Regulasie 2 gelees met regulasie 13.)

Na oorweging van die geneeskundige getuienis wat voorgelê is in verband met die afdanking van (a)
weens (b)

sertifiseer ek dat ek van mening is dat die algehele (c) mate van sy arbeidsongeskiktheid persent is (bestaande uit (c)

.....) en dat (d)—

(i) die mate van sy arbeidsongeskiktheid sal toeneem/afneem na 'n tydperk van maande;

(ii) sy toestand bestendig is en die mate van sy arbeidsongeskiktheid as blywend aangeneem kan word tensy of totdat geneeskundige getuienis tot die teendeel voorgelê word.

HOOF-MEDIESE BEAMPTTE VIR STAATSPENSIOENE.

OPMERKING.—(a) Gee volle name.

(b) Verstrek besonderhede van die toestand of (toestande) wat aangeneem word as ontstaande uit en in die loop van sy diens, waarvoor vergoeding toegeken en waarvoor geneeskundige behandeling verleen moet word.

(c) Skrap as daar slegs een pensioengewende toestand is.

(d) Skrap wat nie van toepassing is nie.