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GOVERNMENT NOTICE.

GOEWERMENTSKENNISGEWING.

DEPARTMENT OF SOCIAL WELFARE AND PENSIONS

DEPARTEMENT VAN VOLKSWELSYN EN PENSIOENE

No. R.1969.]

[15th December, 1965.]

No. R.1969.]

[15 Desember 1965.]

GOVERNMENT SERVICE PENSIONS ACT, 1965.

REGERINGSDIENSPENSIOENWET, 1965

The Minister of Social Welfare and Pensions has, by virtue of the powers vested in him by section five of the Government Service Pensions Act, 1965, made the following regulations providing for the management and control of the Public Service Pension Fund and for certain pension schemes in conjunction with or apart from that Fund.

Die Minister van Volkswelsyn en Pensioene het, kragtens die bevoegdheid hom verleen by artikel vyf van die Regeringsdienspensioenwet, 1965, onderstaande regulasies gemaak wat vir die bestuur en beheer van die Staatsdiens-pensioenfonds en vir sekere pensioenskemas tesame met of afsonderlik van daardie Fonds voorsiening maak.

CHAPTER I.

HOOFSTUK I.

THE PUBLIC SERVICE PENSION FUND.

DIE STAATSDIENS-PENSIOENFONDS.

Interpretation of terms.

Woordomskrywing.

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 except where specially defined—

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, behalwe waar spesiaal omskryf, beteken—

(i) "arrear contributions" means—

(i) „agterstallige bydraes”—

(a) any contributions paid or due by a contributor in respect of any period of employment referred to in sub-regulation (1) of regulation 6;

(a) enige bydraes betaal of verskuldig deur 'n bydraer ten opsigte van enige tydperk van diens in subregulasie (1) van regulasie 6 genoem;

(b) in relation to a member who has made an election in terms of sub-regulation (2) of regulation 9 an amount which is equal to the difference between—

(b) met betrekking tot 'n lid wat kragtens subregulasie (2) van regulasie 9 'n keuse gedoen het, 'n bedrag wat gelyk is aan die verskil tussen—

(i) the amount of the contributions which the member would have paid to the Fund, in circumstances described in paragraph (a) of the said sub-regulation, during a period of past pensionable service reckoned as pensionable service for purposes of the Fund in terms of that sub-regulation; and

(i) die bedrag van die bydraes wat die lid aan die Fonds sou betaal het in omstandighede in paragraaf (a) van genoemde subregulasie beskryf, gedurende 'n tydperk van vorige pensioengewende diens wat ooreenkomstig daardie subregulasie vir doeleindes van die Fonds as pensioengewende diens gereken word; en

(ii) the amount of the member's transferred contributions if the amount of such transferred contributions is less than the amount of the contributions referred to in sub-paragraph (i),

(ii) die bedrag van die lid se oorgedraagde bydraes as die bedrag van sodanige oorgedraagde bydraes minder is as die bedrag van die bydraes in subparagraaf (i) genoem,

and which is payable by the member to the Fund;

en wat deur die lid aan die Fonds betaalbaar is;

- (c) in relation to a member to whom sub-regulation (2) of regulation 11 applies an amount which is equal to the difference between—
- (i) the amount of the contributions which the member would have paid to the Fund, in circumstances described in paragraph (a) of the said sub-regulation, during the period of pensionable employment under the Railway Administration prior to his transfer to the Public Service; and
 - (ii) the amount of the member's transferred contributions paid from the New Superannuation Fund to the Fund, if the amount of such transferred contributions is less than the amount of the contributions referred to in sub-paragraph (i), and which is payable by the member to the Fund;
- (d) any contributions or amount referred to in the definition of "arrear contributions" in section one of the Pensions Act, but does not include interest or any amount deemed to be interest;
- (ii) "contributions" means the contributions paid or due by a contributor to the old fund or the Fund in accordance with the appropriate scale of contributions in force from time to time, but does not include interest;
- (iii) "contributor" means a contributor to the Fund and includes an old member or a member on leave of absence or under suspension from his office who was a contributor immediately prior thereto;
- (iv) "dependant", in relation to any person, means—
- (a) the widow or a minor child or step-child, or a legally adopted minor child of such person; and
 - (b) any other relative or person dependent upon such person for maintenance;
- (v) "excess contributions" means—
- (a) in the case of a contributor who was, in respect of any period included in his pensionable service in terms of sub-paragraph (ii) of paragraph (a) or paragraph (b) of sub-section (3) or sub-section (4) or (4) *bis* of section eight of the Pensions Act, or sub-section (1) of section nine of the Pension Laws Amendment Act, 1957 (Act No. 62 of 1957), required to pay an amount determined in accordance with paragraph (b) of sub-section (5) of the said section eight or paragraph (a) of sub-section (2) of the said section nine, one quarter of the amount (determined in accordance with the prescribed formula) deemed to be the amount which would have been payable in contributions to the Fund by and in respect of the contributor had the provisions of sub-section (1) of the said section eight been applicable in respect of the period so included;
 - (b) in the case of a member who is, in respect of any period included in his pensionable service in terms of sub-paragraph (ii) of paragraph (a) or paragraph (b) of sub-regulation (3) or sub-regulation (4) or (5) of regulation 6, required to pay an amount determined in accordance with paragraph (b) of sub-regulation (6) of that regulation, one quarter of the amount (determined in accordance with the prescribed formula) deemed to be the amount which would have been payable in contributions to the Fund by and in respect of the member had the provisions of sub-regulation (1) of the said regulation 6 been applicable in respect of the period so included;
- (c) met betrekking tot 'n lid op wie subregulasie (2) van regulasie 11 van toepassing is, 'n bedrag wat gelyk is aan die verskil tussen—
- (i) die bedrag van die bydraes wat die lid aan die Fonds sou betaal het in omstandighede in paragraaf (a) van genoemde subregulasie beskryf, gedurende die tydperk van pensioengewende diens onder Spoorwegadministrasie voor sy oorplassing na die Staatsdiens; en
 - (ii) die bedrag van die lid se oorgedraagde bydraes uit die Nuwe Superannuasiefonds aan die Fonds betaal, indien die bedrag van sodanige oorgedraagde bydraes minder is as die bedrag van die bydraes in subparagraaf (i) genoem, en wat deur die lid aan die Fonds betaalbaar is;
- (d) enige bydraes of bedrag genoem in die omskrywing van „agterstallige bydraes” in artikel een van die Pensioenwet, maar omvat nie rente of enige bedrag geag rente te wees nie;
- (ii) „bydraes” die bydraes betaal of verskuldig deur 'n bydraer aan die ou fonds of the Fonds ooreenkomstig die toepaslike skaal van bydraes wat van tyd tot tyd van krag is, maar omvat nie rente nie;
- (iii) „bydraer” 'n bydraer tot die Fonds en omvat 'n ou lid of 'n lid wat met verlof afwesig is of in sy betrekking geskors is, en wat onmiddellik voor sodanige verlof of skorsing 'n bydraer was;
- (iv) „afhanklike” met betrekking tot enige persoon—
- (a) die weduwee of 'n minderjarige kind of stiefkind of 'n wettig aangenome minderjarige kind van sodanige persoon; en
 - (b) enige ander familiebetrekking of persoon wat van sodanige persoon vir onderhoud afhanklik is;
- (v) „meerdere bydraes”—
- (a) in die geval van 'n bydraer wat ten opsigte van enige tydperk wat by sy pensioengewende diens ingereken is kragtens subparagraaf (ii) van paragraaf (a) of paragraaf (b) van subartikel (3) of subartikel (4) of (4) *bis* van artikel agt van die Pensioenwet, of subartikel (1) van artikel nege van die Wysigingswet op die Pensioenwette, 1957 (Wet No. 62 van 1957), verplig was om 'n bedrag wat bepaal is ooreenkomstig paragraaf (b) van subartikel (5) van genoemde artikel agt of paragraaf (a) van subartikel (2) van genoemde artikel nege, te bepaal, 'n kwart van die bedrag ooreenkomstig die voorgeskrewe formule bepaal, wat geag word die bedrag te wees wat aan bydraes aan die Fonds betaalbaar sou gewees het deur en ten opsigte van die bydraer as die bepalings van subartikel (1) van genoemde artikel agt ten opsigte van die tydperk aldus ingereken, van toepassing was;
 - (b) in die geval van 'n lid wat ten opsigte van enige tydperk wat kragtens subparagraaf (ii) van paragraaf (a) of paragraaf (b) van subregulasie (3) of subregulasie (4) of (5) van regulasie 6 by sy pensioengewende diens ingereken is verplig is om 'n bedrag wat bepaal is ooreenkomstig paragraaf (b) van subregulasie (6) van daardie regulasie, te bepaal, 'n kwart van die bedrag ooreenkomstig die voorgeskrewe formule in laasgenoemde paragraaf bepaal, wat geag word die bedrag te wees wat aan bydraes aan die Fonds betaalbaar sou gewees het deur en ten opsigte van die lid as die bepalings van subregulasie (1) van genoemde regulasie 6 ten opsigte van die tydperk aldus ingereken, van toepassing was;

(c) in the case of a contributor who made an election in terms of sub-section (2) of section *twenty-six* of the Government Service Pensions Act, 1936, or sub-section (2) of section *thirteen* of the Pensions Act or who makes an election in terms of sub-regulation (2) of regulation 9, an amount which is equal to the difference between—

(i) the amount of the contributions which would have been payable in respect of that contributor to the old fund or the Fund if, during the period of his past pensionable service, he had been a member of the old fund or the Fund, as the case may be, and such contributions had been paid from revenue at the rate at which the said contributor would have paid had he been required to pay in accordance with the appropriate scale of contributions in force at the date on which he became contributor to the Fund; and

(ii) the amount of the contributions which were paid in respect of the said contributor to a pension or provident fund administered under a law referred to in sub-section (1) of section *twenty-six* of the Government Service Pensions Act, 1936, sub-section (1) of section *thirteen* of the Pensions Act or sub-regulation (1) of regulation 9 and which formed part of the amount transferred from such fund to the Fund in accordance with a determination made in terms of such sub-section or sub-regulation, if the amount of the said contributions is less than the amount of the contributions referred to in sub-paragraph (i),

and which is payable by the said contributor in accordance with such determination;

(vi) "member" means—

- (a) a person who pays contributions to the Fund in terms of sub-regulation (2) of regulation 3; and
- (b) any person, other than an old member, to whom or in respect of whom a pension or any other amount is payable from the Fund;

(vii) "old member" means—

- (a) a person who pays contributions to the Fund in terms of sub-regulation (1) of regulation 3; and
- (b) any person (other than a contributor) who paid contributions to the old fund in terms of section *five* of the Government Service Pensions Act, 1936, or to the Fund in terms of section *seventeen* of the Pensions Act or sub-regulation (1) of regulation 3, and to whom or in respect of whom a pension or any other amount is payable from the Fund;

(viii) "own contributions" means the contributions paid by a contributor to the old fund and the contributions paid or due by a contributor to the Fund and includes—

- (a) any arrear or transferred contributions; and
- (b) in the case of a contributor who was required, in respect of any period included in his pensionable service in terms of sub-paragraph (ii) of paragraph (a) or paragraph (b) of sub-section (3) or sub-section (4) or (4) *bis* of section *eight* of the Pensions Act, or sub-section (1) of section *nine* of the Pension Laws Amendment Act, 1957, to pay an amount determined in accordance with paragraph (b) of sub-section (5) of the said section *eight* or paragraph (a) of sub-section (2) of the said section *nine*, one half of the amount (deter-

(c) in die geval van 'n bydraer wat kragtens sub-artikel (2) van artikel *ses-en-twintig* van die Regeringsdienspensioenwet, 1936, of subartikel (2) van artikel *dertien* van die Pensioenwet 'n keuse gedoen het, of kragtens subregulasie (2) van regulasie 9 'n keuse doen, 'n bedrag wat gelyk is aan die verskil tussen—

(i) die bedrag van die bydraes wat ten opsigte van daardie bydraer aan die ou fonds of die Fonds betaalbaar sou gewees het, as hy gedurende die tydperk van sy vorige pensioengewende diens 'n lid van die ou fonds of die Fonds, na gelang van die geval, was en sodanige bydraes uit inkomste betaal is volgens die skaal waarvolgens genoemde bydraer sou betaal het as hy verplig was om te betaal ooreenkomstig die toepaslike skaal van bydraes wat op die datum waarop hy 'n bydraer tot die Fonds geword het, van krag was; en

(ii) die bedrag van die bydraes wat ten opsigte van genoemde bydraer betaal is aan 'n pensioen- of voorsorg- of ondersteuningsfonds wat bestuur word kragtens 'n wet genoem in subartikel (1) van artikel *ses-en-twintig* van die Regeringsdienspensioenwet, 1936, subartikel (1) van artikel *dertien* van die Pensioenwet of subregulasie (1) van regulasie 9 en wat deel uitgemaak het van die bedrag wat uit sodanige fonds na die Fonds oorgedra is ooreenkomstig 'n bepaling kragtens sodanige subartikel of paragraaf gemaak, as die bedrag van genoemde bydraes minder is as die bedrag van die bydraes in subparagraaf (i) genoem,

en wat ooreenkomstig sodanige bepaling deur genoemde bydraer betaalbaar is;

(vi) „lid”—

- (a) iemand wat ingevolge subregulasie (2) van regulasie 3 bydraes aan die Fonds betaal; en
- (b) enige persoon, uitgesonderd 'n ou lid, aan wie of ten opsigte van wie 'n pensioen of enige ander bedrag uit die Fonds betaalbaar is;

(vii) „ou lid”—

- (a) iemand wat ingevolge subregulasie (1) van regulasie 3 bydraes aan die Fonds betaal; en
- (b) enige persoon (uitgesonderd 'n bydraer) wat bydraes ingevolge artikel vyf van die Regeringsdienspensioenwet, 1936, aan die ou fonds of ingevolge artikel *sewentien* van die Pensioenwet of subregulasie (1) van regulasie 3 aan die Fonds betaal het, en aan wie of ten opsigte van wie 'n pensioen of enige ander bedrag uit die Fonds betaalbaar is;

(viii) „eie bydraes” die bydraes deur 'n bydraer aan die ou fonds betaal en die bydraes betaal of verskuldig deur 'n bydraer aan die Fonds en omvat—

- (a) enige agterstallige of oorgedraagde bydraes; en
- (b) in die geval van 'n bydraer wat verplig was om ten opsigte van enige tydperk wat by sy pensioengewende diens ingereken is kragtens subparagraaf (ii) van paragraaf (a) of paragraaf (b) van subartikel (3) of subartikel (4) of (4) *bis* van artikel *agt* van die Pensioenwet, of subartikel (1) van artikel *nege* van die Wysingswet op die Pensioenwette, 1957, 'n bedrag te betaal wat bepaal is ooreenkomstig paragraaf (b) van subartikel (5) van genoemde artikel *agt* of paragraaf (a) van subartikel (2) van genoemde artikel *nege*, die helfte van die bedrag wat ooreenkomstig die voorgeskrewe formule geag word die bedrag te wees wat aan

mined in accordance with the prescribed formula) deemed to be the amount which would have been payable in contributions to the Fund by and in respect of the contributor had the provisions of sub-section (1) of the said section *eight* been applicable in respect of the period so included;

- (c) in the case of a member who is required in respect of any period included in his pensionable service in terms of sub-paragraph (ii) of paragraph (a) or paragraph (b) of sub-regulation (3) or sub-regulation (4) or (5) of regulation 6, to pay an amount determined in accordance with paragraph (b) of sub-regulation (6) of that regulation, one half of the amount (determined in accordance with the prescribed formula) deemed to be the amount which would have been payable in contributions by and in respect of the member had the provisions of sub-regulation (1) of the said regulation 6 been applicable in respect of the period so included;

- (ix) "pensionable age" means the age of an old member or a member on the day on which in accordance with the provisions of sub-section (2), (3) or (5) of section *six* of the Act, the said old member or member shall have the right to retire and shall be retired on pension;

- (x) "pensionable emoluments" includes—

- (a) except in the case of a person referred to in paragraph (b) a person's pay and any special allowance attached to a particular office of such allowance be declared by the Commission to be pensionable, and 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 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; or
- (vi) any other allowances not herein specified;

- (b) in the case of any person who—

- (i) made an election in terms of sub-section (2) of section *eighty-three bis* of the Government Service Pensions Act, 1936;
- (ii) was appointed under the provisions of sub-section (2) of section *five* of the High Commissioner's Act, 1911 (Act No. 3 of 1911), with effect from a date after the thirtieth day of September, 1954, and who in terms of sub-section (2) of section *one* of the Diplomatic Mission in United Kingdom Service Act (Act No. 38 of 1961), is deemed to have been appointed in terms of sub-section (1) of the last-mentioned section; or
- (iii) has been or is appointed under the provisions of sub-section (1) of section *one* of the Diplomatic Mission in United Kingdom Service Act, 1961,

such amount as the Treasury may from time to time determine on the recommendation of the Commission;

bydraes aan die Fonds betaalbaar sou gewees het deur en ten opsigte van die bydraer as die bepalings van subartikel (1) van genoemde artikel *agt* ten opsigte van die tydperk aldus ingereken, van toepassing was;

- (c) in die geval van 'n lid wat verplig is om ten opsigte van enige tydperk wat by sy pensioengewende diens ingereken is kragtens subparagraaf (ii) van paragraaf (a) of paragraaf (b) van subregulasie (3) of subregulasie (4) of (5) van regulasie 6, 'n bedrag te betaal wat bepaal is ooreenkomstig paragraaf (b) van subregulasie (6) van daardie regulasie, die helfte van die bedrag wat ooreenkomstig die voorgeskrewe formule in daardie paragraaf genoem, geag word die bedrag te wees wat aan bydraes betaalbaar sou gewees het deur en ten opsigte van die lid as die bepalings van subregulasie (1) van genoemde regulasie 6 ten opsigte van die tydperk aldus ingereken, van toepassing was;

- (ix) „pensioenleeftyd” die leeftyd van 'n ou lid of 'n lid op die dag waarop genoemde ou lid of lid ooreenkomstig die bepalings van subartikel (2), (3) of (5) van artikel *ses* van die Wet die reg het om met pensioen af te tree en met pensioen afgedank moet word;

- (x) „pensioengewende verdienste” ook—

- (a) behalwe in die geval van iemand bedoel in paragraaf (b), 'n persoon se besoldiging en enige spesiale toelae verbonde aan 'n bepaalde betrekking as sodanige toelae deur die Kommissie verklaar word pensioengewend te wees, en 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 die waarde van vry rantsoene, of van enige toelae vir kwartiere of die waarde van vry kwartiere, maar hoogstens 'n sesde van die persoon se ander pensioengewende verdienste, of van enige brandstof-, lig- of wasgoedtoelae 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 of terwyl hy in enige betrekking waarneem;
- (iii) enige vervoer- of verblyftoelae;
- (iv) enige gelde, honoraria of bonusse van water aard ook al;
- (v) enige oortydbetalings; of
- (vi) enige ander toelaes nie hierin gespesifiseer nie;

- (b) in die geval van 'n persoon wat—

- (i) kragtens subartikel (2) van artikel *drie-en-twintig bis* van die Regeringsdienspensioenwet, 1936, 'n keuse gedoen het;
- (ii) kragtens die bepalings van subartikel (2) van artikel vyf van die Hoge Kommissaris Wet, 1911 (Wet No. 3 van 1911), aangestel is met ingang van 'n datum na die dertigste dag van September 1954 en wat kragtens subartikel (2) van artikel *een* van die Wet op Diens by Diplomatieke Sending in Verenigde Koninkryk (Wet No. 38 van 1961), geag word kragtens subartikel (1) van laasgenoemde artikel aangestel te wees; of
- (iii) kragtens die bepalings van sub-artikel (1) van artikel *een* van die Wet op Diens by Diplomatieke Sending in Verenigde Koninkryk, 1961, aangestel is of word, die bedrag wat die Tesourie van tyd tot tyd op aanbeveling van die Kommissie bepaal;

- (xi) "pensionable service" means pensionable service according to the provisions of regulation 13;
- (xii) "prescribed formula", in relation to any matter to be determined in accordance with a prescribed formula, means a formula furnished in respect of that matter by an actuary and approved by the Minister on the recommendation of the Commission, and includes any supplementary table to be used in conjunction with such formula;
- (xiii) "the Act" means the Government Service Pensions Act, 1965;
- (xiv) "the Fund" means the Public Service Pension Fund referred to in sub-section (1) of section *two* of the Act (Act No. 62 of 1965);
- (xv) "the New Superannuation Fund" means the New Railways and Harbours Superannuation Fund referred to in section *three* of the Railways and Harbours Superannuation Act, 1960 (Act No. 39 of 1960);
- (xvi) "the transfer date", in relation to any member or old member to whom sub-regulation (3) of regulation 8, sub-regulation (1) of regulation 10 or sub-regulation (3) of regulation 11 applies, means the date with effect from which that member or old member ceases to be a contributor to the Fund;
- (xvii) "transferred contributions" means the contributions which were paid—
 - (a) by a contributor to another pension or provident fund in accordance with the provisions regulating that fund; or
 - (b) by a contributor to the New Superannuation Fund in accordance with the provisions of the law applicable to that Fund;
 and which formed or forms part or the whole of any payment made to the old fund or the Fund, in terms of—
 - (i) sub-section (2) of section *twenty-six*, sub-section (1) of section *twenty-eight* or sub-section (1) of section *seventy-two* of the Government Service Pensions Act, 1936; or
 - (ii) sub-section (2) of section *twelve*, sub-section (2) of section *thirteen*, sub-section (1) of section *fifteen* or sub-section (1) of section *ninety-three* of the Pensions Act; or
 - (iii) sub-regulation (2) or (4) of regulation 8, sub-regulation (2) of regulation 9 or sub-regulation (2) of regulation 11,
 but does not include interest or any amount deemed to be interest;
- (xviii) "Treasury" means the Minister of Finance or any officer in the Department of Finance authorized by the said Minister to perform any of the functions assigned to the Treasury in these regulations.

PART I: MEMBERSHIP.

Disqualifications to be a Member.

- 2. (1) No person shall contribute to the Fund—
 - (a) (i) until he attains the age of fifteen years;
 - (ii) in respect of any period of continuous employment referred to in sub-regulation (1) of regulation 6 while he was under the age of fifteen years;
 - (b) if he receives pensionable emoluments at a rate of less than one hundred and eighty rand per annum;
 - (c) if he has been engaged for the completion or performance of specific work;
 - (d) if remunerated solely by fees and allowances;
 - (e) if his whole time is not at the disposal of the Government;

- (xi) „pensioengewende diens” pensioengewende diens ooreenkomstig die bepalinge van regulasie 13;
- (xii) „voorgeskrewe formule” ten opsigte van enige saak wat ooreenkomstig ’n voorgeskrewe formule bepaal moet word ’n formule ten opsigte van daardie saak deur ’n aktuaris verstrekk en deur die Minister op aanbeveling van die Kommissie goedgekeur, en omvat enige aanvullende tabel wat saam met sodanige formule gebruik moet word;
- (xiii) „die Wet” die Regeringsdienspensioenwet, 1965;
- (xiv) „die Fonds” die Staatsdiens-pensioenfonds in sub-artikel (1) van artikel *twee* van die Wet genoem;
- (xv) „die Nuwe Superannuasiefonds” die Nuwe Spoorweg- en Hawesuperannuasiefonds in artikel *drie* van die Wet op die Spoorweg- en Hawesuperannuasiefonds, 1960 (Wet No. 39 van 1960), genoem;
- (xvi) „die oorplasingdatum” ten opsigte van ’n lid of ’n ou lid op wie subregulasie (3) van regulasie 8, subregulasie (1) van regulasie 10 of subregulasie (3) van regulasie 11 van toepassing is, die datum waarop daardie lid of ou lid ophou om ’n bydraer tot die Fonds te wees;
- (xvii) „oorgedraagde bydraes” die bydraes wat betaal is—
 - (a) deur ’n bydraer aan ’n ander pensioen- of voorsorg- of ondersteuningsfonds ooreenkomstig die bepalinge van toepassing op daardie fonds; of
 - (b) deur ’n bydraer aan die Nuwe Superannuasiefonds ooreenkomstig die bepalinge van die wet wat op daardie fonds van toepassing is; en wat deel van of die hele betaling aan die ou fonds of die Fonds, uitgemaak het of uitmaak, ingevolge—
 - (i) subartikel (2) van artikel *ses-en-twintig*, subartikel (1) van artikel *agt-en-twintig* of subartikel (1) van artikel *twee-en-sewentig* van die Regeringsdienspensioenwet, 1936; of
 - (ii) subartikel (2) van artikel *twaalf*, subartikel (2) van artikel *dertien*, subartikel (1) van artikel *vyftien* of subartikel (1) van artikel *drie-en-negentig* van die Pensioenwet; of
 - (iii) subregulasie (2) of (4) van regulasie 8, subregulasie (2) van regulasie 9 of subregulasie (2) van regulasie 11,
 maar omvat nie rente of enige bedrag wat geag word rente te wees nie;
- (xviii) „Tesourie” die Minister van Finansies of enige amptenaar in die Departement van Finansies wat deur bedoelde Minister gemagtig is om enige van die werksaamhede te verrig wat in hierdie regulasies aan die Tesourie opgedra word.

DEEL I: LIDMAATSKAP.

Diskwalifikasies om lid te wees.

- 2. (1) Geen persoon dra tot die Fonds by nie—
 - (a) (i) totdat hy die leeftyd van vyftien jaar bereik het;
 - (ii) ten opsigte van enige tydperk van onderbroke diens in subregulasie (1) van regulasie 6 genoem, terwyl hy onder die leeftyd van vyftien jaar was;
 - (b) as hy pensioengewende verdienste ontvang volgens ’n skaal van minder as honderd-en-tagtig rand per jaar;
 - (c) as hy in diens geneem is vir die afhandeling of uitvoering van bepaalde werk;
 - (d) as hy uitsluitlik by wyse van gelde en toelae besoldig word;
 - (e) as al sy tyd nie tot die beskikking van die Regering is nie;

- (f) while employed for a fixed number of months or years;
- (g) while employed temporarily;
- (h) while employed in a post which is not a post classified in one of the divisions of the Public Service unless—
 - (i) such post is in accordance with any other law deemed for pension purposes to be a post so classified; or
 - (ii) he is a person to whom paragraph (b) of sub-section (1) of section three of the Public Service Act, 1957, applies.

(2) Notwithstanding the provisions of paragraph (a) of sub-regulation (1), no person who became a member of the Fund from a date prior to the seventh day of July, 1961, shall be permitted to contribute to the Fund in respect of any period of his continuous employment referred to in sub-regulation (1) of regulation 6 while he was under the age of sixteen years.

CONTRIBUTIONS.

3. (1) Every person who immediately prior to the fixed date was subject to the provisions of Part B of Chapter I of the Pensions Act shall contribute to the Fund, in the case of a male person, at the rate of six per cent of his pensionable emoluments and, in the case of a female person, at the rate of five and one-quarter per cent of her pensionable emoluments.

(2) Any person who—

- (a) immediately prior to the fixed date was subject to the provisions of Part C of Chapter I of the Pensions Act; or
- (b) on or after the said date is appointed to a post in the Public Service,

shall, subject in the case of any person referred to in paragraph (b) to the provisions of regulation 2, contribute to the fund in accordance with the following scale—

Males.

Females.

Age last birthday at commencement of pensionable service.	Percentage of pensionable emoluments.	Age last birthday at commencement of pensionable service.	Percentage of pensionable emoluments.
Up to 21	6½	Up to 21	5½
22 to 26	7	22 to 26	6
27 to 30	7½	27 to 30	6½
31 to 34	7½	31 to 34	7
35 and over	8	35 to 38	7½
		39 and over	8

Collection of arrear and other contributions etc.

(4) (1) Contributions by a contributor shall be made by deductions from his pensionable emoluments at the end of each month or at such other times as the Treasury may determine.

(2) Any arrear or excess contributions or any other amount which a contributor is required or has elected to pay, may, except where otherwise provided in these regulations, be paid in instalments which shall be deducted from the contributor's pensionable emoluments at the rate of two per cent of those emoluments or at such higher rate as the contributor may elect.

(3) (a) If a contributor who is paying arrear or excess contributions or any other amount which is due to the Fund in instalments dies or retires or is retired or discharged before the total amount of such contributions or the whole of such other amount has been paid, the amount which remains unpaid shall, save as provided in paragraph (b), be set off against the pension payable to him or his dependants or to his estate from the Fund and such pension shall be calculated upon the whole period of pensionable service in respect of which he is required or has elected to contribute: Provided that if the amount which remains unpaid exceeds the amount payable to the contributor or his dependants or his estate the excess shall not be recoverable.

- (f) terwyl hy vir 'n bepaalde aantal maande of jare in diens is;
- (g) terwyl hy tydelik in diens is;
- (h) terwyl hy in diens is in 'n pos wat nie 'n pos is wat in een van die afdelings van die Staatsdiens geklassifiseer is nie, tensy—
 - (i) sodanige pos ooreenkomstig enige ander wet vir pensioendoeleindes geag word 'n pos te wees wat aldus geklassifiseer is; of
 - (ii) hy 'n persoon is op wie paragraaf (b) van subartikel (1) van artikel drie van die Staatsdienswet, 1957, van toepassing is.

(2) Ondanks die bepalings van paragraaf (a) van sub-regulasie (1), word geen persoon wat op 'n datum voor die sewende dag van Julie 1961 lid van die Fonds geword het, toegelaat om tot die Fonds by te dra nie ten opsigte van enige tydperk van sy ononderbroke diens in sub-regulasie (1) van regulasie 6 genoem, terwyl hy onder die leeftyd van sestien jaar was.

Bydraes.

3. (1) Elke persoon wat onmiddellik voor die vasgestelde datum onderworpe was aan die bepalings van Deel B van Hoofstuk I van die Pensioenwet moet tot die Fonds bydra in die geval van 'n man teen 'n koers van ses persent van sy pensioengewende verdienste en in die geval van 'n vrou teen die skaal van vyf-en-'n-kwart persent van haar pensioengewende verdienste.

(2) Enige persoon wat—

- (a) onmiddellik voor die vasgestelde datum aan die bepalings van Deel C van Hoofstuk I van die Pensioenwet onderworpe was; of
- (b) op of na genoemde datum in 'n pos in die Staatsdiens aangestel word, moet, behoudens die bepalings van regulasie 2 in die geval van 'n persoon in subparagraaf (b) genoem, ooreenkomstig onderstaande skaal tot die Fonds bydra:—

Mans Leeftyd op laaste verjaarsdag by aanvang van pensioengewende diens	Persentasie	Vroue Leeftyd op laaste verjaarsdag by aanvang van pensioengewende diens	Persentasie
Tot 21	6½	Tot 21	5½
22 tot 26	7	22 tot 26	6
27 tot 30	7½	27 tot 30	6½
31 tot 34	7½	31 tot 34	7
35 en ouer	8	35 tot 38	7½
		39 en ouer	8

Invordering van agterstallige en ander bydraes, ens.

4. (1) Bydraes deur 'n bydraer word gemaak by wyse van aftrekkings van sy pensioengewende verdienste aan die end van elke maand of op ander tye wat die Sekretaris mag bepaal.

(2) Agterstallige of meerdere bydraes of enige ander bedrag wat 'n bydraer verplig is of gekies het om te betaal, kan, behalwe waar anders in hierdie regulasies bepaal, in paaielemente betaal word, wat van die bydraer se pensioengewende verdienste afgetrek moet word, volgens die skaal van twee persent van sodanige verdienste, of teen sodanige hoër skaal as wat die bydraer mag verkies.

(3) (a) As 'n bydraer wat agterstallige of meerdere bydraes of enige ander bedrag wat aan die Fonds verskuldig is, in paaielemente betaal, te sterwe kom of aftree of afgedank of ontslaan word voordat die totale bedrag van sodanige bydraes of die geheel van sodanige ander bedrag betaal is, word die bedrag wat nog nie betaal is nie, behoudens die bepalings van paragraaf (b), verreken teen die pensioen wat aan hom of sy afhanklikes of aan sy boedel uit die Fonds betaalbaar is, en sodanige pensioen word bereken op die hele tydperk van pensioengewende diens ten opsigte waarvan hy verplig is of gekies het om by te dra: Met dien verstande dat as die bedrag wat nog nie betaal is nie, meer is as die bedrag wat aan die bydraer of sy afhanklikes of sy boedel betaalbaar is, die verskil nie verhaalbaar is nie.

(b) Any arrear contributions, any amount due in terms of sub-regulation (3), (4) or (5) of regulation 6 or any other amount payable to the Fund by a member to whom sub-regulation (3) of regulation 18 refers and which were unpaid at the date of his retirement, discharge or death, shall cease to be payable.

(4) (a) A contributor shall continue to contribute to the Fund while on sick or other leave with full or less than full pay and his contributions during such leave shall be based on his full pensionable emoluments.

(b) Subject to such conditions as the Secretary may determine, a contributor may elect to contribute in respect of any period of absence on sick or other leave without pay and, if he elects so to contribute, his contributions shall be based on such an amount, not being less than his full pensionable emoluments immediately prior to the commencement of such leave, as may be determined by the Secretary.

(5) A contributor who has been suspended from his office or post and reinstated in that office or post or any other office or post shall, on such conditions as the Secretary may determine, contribute to the Fund in respect of the period of suspension.

(6) If a contributor is remunerated at a weekly, daily or hourly rate of pay, his pensionable emoluments shall be assessed on the basis of the annual equivalent of such rate calculated to the nearest rand.

Contributions by contributors seconded to other services.

5. (1) A contributor who is 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 may, subject to the approval of the Secretary, continue while so seconded to make contributions to the Fund: Provided that the said government, bank, board, institution, body or employer to whose service such contributor has been seconded, or the contributor himself, shall repay to revenue an amount equal to any contributions paid from revenue in respect of the contributor: Provided further that the contributions so continued to be made shall be based upon such an amount, not being less than the pensionable emoluments which such contributor would have drawn if he had not been seconded, as may be determined by the Treasury from time to time on the recommendation of the Commission and any amount so determined shall for the purposes of these regulations be deemed to be the pensionable emoluments of the contributor during the period concerned.

(2) A contributor who is seconded to employment in respect of which he would have become liable to contribute to the Permanent Force Pension Fund or the South African Police and Prisons Service Pension Fund if he had been transferred to such employment shall, on such conditions as the Secretary on the recommendation of the Commission may determine, continue while so seconded to pay contributions to the Fund: Provided that the contributions so continued to be paid shall be based on such an amount, not being less than the pensionable emoluments which such contributor would have drawn if he had not been seconded, as may be determined by the Treasury from time to time on the recommendation of the Commission, and any amount so determined shall for the purposes of these regulations be deemed to be the pensionable emoluments of the contributor during the period concerned.

Option to contribute in respect of past continuous and non-continuous periods of employment and other periods.

6. (1) Subject to the provisions of sub-regulation (2) any person who, on the removal of a disability referred to in regulation 2, becomes a contributor to the Fund, shall contribute in respect of the period of his past continuous employment approved by the Secretary: Provided that such person may within a period of ninety days

(b) Enige agterstallige bydraes, enige bedrag verskuldig ingevolge subregulasie (3), (4) of (5) van regulasie 6 of enige ander bedrag wat aan die Fonds betaalbaar is deur 'n lid op wie subregulasie (3) van regulasie 18 betrekking het, en wat op die datum van sy uitdienstreding, ontslag of dood, nog nie betaal was nie, is nie meer betaalbaar nie.

(4) (a) 'n Bydraer moet voortgaan om tot die Fonds by te dra terwyl hy met siekte- of ander verlof met volle of minder as volle besoldiging is, en sy bydraes gedurende sodanige verlof word gebaseer op sy volle pensioengewende verdienste.

(b) Behoudens die voorwaardes wat die Sekretaris mag bepaal, kan 'n bydraer kies om ten opsigte van enige tydperk van afwesigheid met siekte- of ander verlof sonder besoldiging by te dra en, as hy kies om aldus by te dra, word sy bydraes gebaseer op die bedrag wat die Sekretaris bepaal, maar nie minder nie as sy volle pensioengewende verdienste onmiddellik voor die aanvang van sodanige verlof.

(5) 'n Bydraer wat in sy betrekking of pos geskors is en in daardie betrekking of pos of 'n ander betrekking of pos herstel is, moet op die voorwaardes wat die sekretaris mag bepaal, tot die Fonds bydra ten opsigte van die tydperk van skorsing.

(6) As 'n bydraer per week, per dag of per uur besoldig word, word sy pensioengewende verdienste bereken op die basis van die jaarlikse ekwivalent van sodanige besoldiging tot die naaste rand bereken.

Bydraes deur bydraers aan ander dienste afgestaan.

5. (1) 'n Bydraer wat afgestaan word 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 enige liggaam of werkgewer wat deur die Sekretaris goedgekeur is, kan, behoudens die goedkeuring van die Sekretaris, voortgaan om tot die Fonds by te dra solank hy aldus afgestaan is: Met dien verstande dat genoemde regering, bank, raad, inrigting, liggaam of werkgewer aan wie se diens sodanige bydraer afgestaan is, of die bydraer self, 'n bedrag wat gelyk is aan die bydraes wat uit inkomste ten opsigte van die bydraer betaal is, aan inkomste moet terugbetaal: Met dien verstande voorts dat die bydraes waarmee aldus voortgegaan word, gebaseer moet word op 'n bedrag wat die Tesourie van tyd tot tyd op aanbeveling van die Kommissie bepaal, maar nie minder nie as die pensioengewende verdienste wat sodanige bydraer sou getrek het as hy nie afgestaan was nie, en enige bedrag wat aldus bepaal word, word vir die toepassing van hierdie regulasies geag die pensioengewende verdienste van die bydraer gedurende die betrokke tydperk te wees.

(2) 'n Bydraer wat afgestaan word aan diens ten opsigte waarvan hy onder die verpligting sou gekom het om tot die Staandemagpensioenfonds of die Suid-Afrikaanse Polisie- en Gevangensdienspensioenfonds by te dra as hy na sodanige diens oorgeplaas was, moet voortgaan om tot die Fonds by te dra solank hy aldus afgestaan is, op die voorwaardes wat die Sekretaris op aanbeveling van die Kommissie mag bepaal: Met dien verstande dat die bydraes waarmee aldus voortgegaan word, gebaseer moet word op 'n bedrag wat die Tesourie van tyd tot tyd op aanbeveling van die Kommissie bepaal, maar nie minder nie as die pensioengewende verdienste wat sodanige bydraer sou getrek het as hy nie afgestaan was nie, en enige bedrag wat aldus bepaal word, word vir die toepassing van hierdie regulasies geag die pensioengewende verdienste van die bydraer gedurende die betrokke tydperk te wees.

Keuse om ten opsigte van vorige ononderbroke en onderbroke tydperke van diens en ander tydperke by te dra.

6. (1) Behoudens die bepalings van subregulasie (2) moet enige persoon wat met die verwydering van 'n diskwalifikasie in regulasie 2 genoem, 'n bydraer tot die Fonds word, bydrae ten opsigte van die tydperk van sy vorige ononderbroke diens wat deur die Sekretaris goedgekeur word: Met dien verstande dat sodanige persoon

after the removal of such a disability or within such further period as the Secretary may in special circumstances allow, elect in writing not so to contribute.

(2) For the purposes of sub-regulation (1) continuous employment shall not include any period during which the provisions of paragraph (a), (c), (e) or (f) of section *sixteen* of the Government Service Pensions Act, 1936, paragraph (a), (b), (d) or (e) of section *seven* of the Pensions Act or paragraph (a), (b), (d) or (e) of sub-regulation (1) or sub-regulation (2) of regulation 2 applied in respect of the person concerned.

(3) A contributor who has had one or more previous periods of employment in respect of which he contributed to a fund established under section *nineteen* of the Public Service and Pensions Act, 1912 (Act No. 29 of 1912), or section *twenty-five* of the Public Service and Pensions Act, 1923 (Act No. 27 of 1923), or to the old fund or the Fund or the Permanent Force Pension Fund or the South African Police and Prisons Service Pension Fund, may on application be permitted to include in his pensionable service either—

(a) so much of—

- (i) any one or more of such periods of employment; and
- (ii) any period intervening between any two such periods or between such a period and the date on which such pensionable service commenced; or

(b) so much of the period between the date on which he attained the age of twenty-five years and the date on which such pensionable service commenced,

as the Secretary may approve subject to such terms and conditions as may be determined by the Minister on the recommendation of the Commission.

(4) A contributor (not being a contributor to whom the provisions of sub-regulation (3) apply) may on application be permitted to include in his pensionable service so much of the period between the date on which he attained the age of twenty-five years and the date on which his pensionable service commenced, as the Secretary may approve subject to such terms and conditions as may be determined by the Minister on the recommendation of the Commission.

(5) A contributor may on application be permitted to include in his pensionable service so much of any one or more of the following periods as the Secretary may approve subject to such terms and conditions as may be determined by the Minister on the recommendation of the Commission, namely—

- (a) any period which intervenes between any two consecutive periods of his pensionable service and which in terms of any law is deemed to have been a period of special leave of absence without pay not counting as service;
- (b) in the case of a person who elected in terms of sub-section (5) of section *four* of the Public Servants (Military Service) Act, 1944 (Act No. 27 of 1944), to have the period or periods of his military service included in his pensionable service, any period which fell between the date of his final discharge from military service and the date of his subsequent appointment under the Government or which fell between any two consecutive periods of his military service.

(6) The terms and conditions referred to in sub-regulations (3), (4) and (5) shall provide, *inter alia*—

(a) in the case of a contributor who applies in terms of sub-regulation (3) to have any part of a previous period of employment included in his pensionable service—

- (i) for the payment to the Fund by such contributor, in instalments or otherwise, of an amount equal to any monetary benefit or part thereof which on the termination of the said period may have been paid to him from the fund to which he was a contributor;

binne 'n tydperk van negentig dae na die verwydering van sodanige diskwalifikasie of binne 'n verdere tydperk wat die Sekretaris in besondere omstandighede kan toelaat, skriftelik kan kies om nie aldus by te dra nie.

(2) Vir die toepassing van subregulasie (1) omvat ononderbroke diens nie enige tydperk waarin die bepalings van paragraaf (a), (c), (e) of (f) van artikel *sestien* van die Regeringsdienspensioenwet, 1936, paragraaf (a), (b), (d) of (e) van artikel *sewe* van die Pensioenwet of paragraaf (a), (b), (d) of (e) van subregulasie (1) of subregulasie (2) van regulasie 2 ten opsigte van die betrokke persoon van toepassing was nie.

(3) 'n Bydraer wat een of meer vorige tydperke van diens gehad het ten opsigte waarvan hy bygedra het tot 'n fonds ingestel kragtens artikel *negentien* van die Staatsdienst en Pensioenwet, 1912 (Wet No. 29 van 1912), of artikel *vyf-en-twintig* van die Staatsdienst en Pensioenwet, 1923 (Wet No. 27 van 1923), of tot die ou fonds of die Fonds of die Staandemagpensioenfonds of die Suid-Afrikaanse Polisie- en Gevangenisdienspensioenfonds, kan op aansoek toegelaat word om of—

(a) soveel van—

- (i) een of meer van sodanige tydperke van diens; en
- (ii) enige tydperk wat val tussen enige twee sodanige tydperke of tussen sodanige tydperk en die datum waarop sodanige pensioengewende diens begin het; of

(b) soveel van die tydperk tussen die datum waarop hy die leeftyd van vyf-en-twintig jaar bereik het en die datum waarop sodanige pensioengewende diens begin het,

as wat die Sekretaris mag goedkeur behoudens die voorwaardes en bedinge wat die Minister op aanbeveling van die Kommissie bepaal, by sy pensioengewende diens in te reken.

(4) 'n Bydraer (uitgesonderd 'n bydraer op wie die bepalings van subregulasie (3) van toepassing is) kan op aansoek toegelaat word om by sy pensioengewende diens soveel van die tydperk tussen die datum waarop hy die leeftyd van vyf-en-twintig jaar bereik het en die datum waarop sy pensioengewende diens begin het, in te reken as wat die Sekretaris mag goedkeur behoudens die voorwaardes en bedinge wat die Minister op aanbeveling van die Kommissie bepaal.

(5) 'n Bydraer kan op aansoek toegelaat word om by sy pensioengewende diens soveel van een of meer van onderstaande tydperke as wat die Sekretaris mag goedkeur behoudens die voorwaardes en bedinge wat die Minister op aanbeveling van die Kommissie bepaal, in te reken, naamlik—

- (a) enige tydperk wat val tussen enige twee opeenvolgende tydperke van sy pensioengewende diens en wat ooreenkomstig enige wet geag word 'n tydperk van spesiale afwesigheidsverlof sonder besoldiging, wat nie as diens tel nie, te gewees het;
- (b) in die geval van 'n persoon wat kragtens subartikel (5) van artikel *vier* van die Wet op Staatsamptenare (Militêre Diens), 1944 (Wet No. 27 van 1944), gekies het om die tydperk of tydperke van sy militêre diens by sy pensioengewende diens te laat inreken, enige tydperk wat tussen die datum van sy finale ontslag uit militêre diens en die datum van sy latere aanstelling onder die Regering geval het of wat tussen twee opeenvolgende tydperke van sy militêre diens geval het.

(6) Die voorwaardes en bedinge in subregulasies (3), (4) en (5) genoem, moet onder andere voorsiening maak—

(a) in die geval van 'n bydraer wat kragtens subregulasie (3) aansoek doen om 'n deel van 'n vorige tydperk van diens by sy pensioengewende diens te laat inreken—

- (i) vir die betaling aan die Fonds deur sodanige bydraer, in paaiemente of andersins, van 'n bedrag gelyk aan enige geldelike voordeel of deel daarvan wat by die verstryking van genoemde tydperk aan hom betaal mag gewees het uit die fonds waartoe hy 'n bydraer was;

- (ii) for the payment to the Fund from revenue of an amount equal to any amount which on the termination of the said period was paid to revenue from the fund to which he was a contributor;
 - (iii) for the payment in equal shares by such contributor and from revenue in respect of any such period during which he was subject to the provisions of Part A of Chapter I of the Government Service Pensions Act, 1936, or Part B of Chapter I of the Pensions Act or sub-regulation (1) of regulation 3, of such an amount as, together with the amounts referred to in sub-paragraphs (i) and (ii), will be necessary to place the Fund in the position in which it would have been if during that period contributions had been paid to it by and in respect of him in accordance with the appropriate scale of contributions in force from time to time during that period in respect of contributors who were subject to the provisions of Part B of the first-mentioned Chapter, Part C of the last-mentioned Chapter or sub-regulation (2) of regulation 3, whichever is applicable;
- (b) for the payment by such contributor, in respect of any period included in his pensionable service in terms of sub-paragraph (ii) of paragraph (a) or paragraph (b) of sub-regulation (3) or sub-regulation (4) or (5), of an amount determined in accordance with the prescribed formula;
- (c) for the conditions to be imposed in regard to the payment of any amount referred to in sub-paragraph (i) of paragraph (a) or the payment of any amount referred to in sub-paragraph (iii) of paragraph (a) or paragraph (b);
- (d) for the payment of interest by the contributor or from revenue—
- (i) on the amount referred to in sub-paragraph (i) of paragraph (a) from the date the benefit was paid to the contributor until the date the said amount is paid;
 - (ii) on any amount referred to in sub-paragraph (ii) of paragraph (a) from the date such amount was paid to revenue until the date it is paid from revenue;
 - (iii) as part of any amount referred to in sub-paragraph (iii) of paragraph (a);
 - (iv) on any amount due by a contributor at the end of each month if he is unable to liquidate his liability in one payment;
- (e) for the manner in which an application in terms of sub-regulation (3), (4) or (5) shall be made, the notification to be given to the contributor concerned of the terms and conditions applicable to his case and the period within which he shall elect to accept or reject such terms and conditions.
- (7) Any period which under the provisions of sub-section (2) of section *two* or sub-section (5) of section *four* of the Public Servants (Military Service) Act, 1944 (Act No. 27 of 1944), has been included in the pensionable service of a contributor to whom sub-regulation (3) of this regulation applies, shall, for purposes of the said sub-regulation (3), be deemed to form part of his previous period or periods of employment.
- (8) No application under sub-regulation (3), (4) or (5) shall be refused except with the approval of the Commission.
- (9) Any terms and conditions prescribed in terms of sub-section (3), (4) or (4) *bis* of section *eight* of the Pensions Act and which were in force immediately prior to the date of the commencement of these regulations shall, in so far as they applied to members of the Fund, be deemed to have been determined in terms of the corresponding provisions of sub-regulation (3), (4) or (5) of this regulation, whichever is applicable.
- (ii) vir die betaling aan die Fonds uit inkomste van 'n bedrag gelyk aan enige bedrag wat by die verstryking van sodanige tydperk aan inkomste betaal is uit die fonds waartoe hy bygedra het;
 - (iii) vir die betaling gelykop, deur sodanige bydraer en uit inkomste, ten opsigte van enige sodanige tydperk waarin hy onderworpe was aan die bepalings van Deel A van Hoofstuk I van die Regeringsdienspensioenwet, 1936, of Deel B van Hoofstuk I van die Pensioenwet of subregulasie (1) van regulasie 3, van sodanige bedrag as wat tesame met die bedrae in subparagrafe (i) en (ii) genoem nodig sal wees om die Fonds in die posisie te plaas waarin hy sou gewees het as bydraes deur en ten opsigte van hom gedurende daardie tydperk daaraan betaal is ooreenkomstig die toepaslike skaal van bydraes wat van tyd tot tyd gedurende daardie tydperk van krag was ten opsigte van bydraers wat onderworpe was aan die bepalings van Deel B van eersgenoemde Hoofstuk, Deel C van laasgenoemde Hoofstuk of subregulasie (2) van regulasie 3, watter ookal van toepassing is;
- (b) vir die betaling deur sodanige bydraer ten opsigte van enige tydperk wat by sy pensioengewende diens ingereken is kragtens subparagraaf (ii) van paragraaf (a) of paragraaf (b) van subregulasie (3) of subregulasie (4) of (5), van 'n bedrag ooreenkomstig die voorgeskrewe formule bereken;
- (c) vir die voorwaardes wat opgelê moet word met betrekking tot die betaling van enige bedrag in subparagraaf (i) van paragraaf (a) genoem of die betaling van 'n bedrag in subparagraaf (iii) van paragraaf (a) of paragraaf (b) genoem;
- (d) vir die betaling van rente deur die bydraer of uit inkomste—
- (i) op die bedrag in subparagraaf (i) van paragraaf (a) genoem, vanaf die datum waarop die voordeel aan die bydraer betaal is tot die datum waarop genoemde bedrag betaal word;
 - (ii) op enige bedrag in subparagraaf (ii) van paragraaf (a) genoem, vanaf die datum waarop sodanige bedrag aan inkomste betaal is tot die datum waarop dit uit inkomste betaal word;
 - (iii) as deel van 'n bedrag in subparagraaf (iii) van paragraaf (a) genoem;
 - (iv) op enige bedrag wat deur 'n bydraer aan die end van elke maand verskuldig is, as hy nie in staat is om sy verpligting in een betaling te vereffen nie;
- (e) vir die wyse waarop daar ooreenkomstig subregulasie (3), (4) of (5) aansoek gedoen moet word, die kennis wat aan die betrokke bydraer gegee moet word van die voorwaardes en bedinge wat op sy geval van toepassing is, en die tydperk waarbinne hy moet kies of hy sodanige voorwaardes en bedinge aanneem of verwerp.
- (7) Enige tydperk wat kragtens die bepalings van subartikel (2) van artikel *twee* of subartikel (5) van artikel *vier* van die Wet op Staatsamptenare (Militêre Diens), 1944 (Wet No. 27 van 1944), ingereken is by die pensioengewende diens van 'n bydraer op wie subregulasie (3) van hierdie regulasie van toepassing is, word vir die toepassing van genoemde subregulasie (3) geag deel van sy vorige tydperk of tydperke van diens uit te maak.
- (8) Behalwe met die goedkeuring van die Kommissie, mag geen aansoek kragtens subregulasie (3), (4) of (5) geweier word nie.
- (9) Enige voorwaardes en bedinge wat ingevolge subartikel (3), (4) of (4) *bis* van artikel *agt* van die Pensioenwet voorgeskryf is en wat onmiddellik voor die datum van inwerkingtreding van hierdie regulasies van krag was, word, vir sover hulle op lede van die Fonds van toepassing is, geag kragtens die ooreenstemmende bepalings van subregulasie (3), (4) of (5) van hierdie regulasie, watter ookal van toepassing is, bepaal te wees.

(10) If any regulation made in terms of section five of the Act, which relates to the Permanent Force Pension Fund or the South African Police and Prisons Service Pension Fund, contains provisions which correspond to the provisions of sub-regulation (3) and if a contributor to such a fund is in terms of such first-mentioned provisions, permitted to include in his service which is pensionable service for the purposes of such fund, one or more periods of employment in respect of which he contributed to a fund referred to in the said sub-regulation (3) other than the Permanent Force Pension Fund or the South African Police and Prisons Service Pension Fund, there may be paid from the Fund to the Permanent Force Pension Fund or the South African Police and Prisons Service Pension Fund, as the circumstances may require, such an amount as the Secretary may determine.

Contributions by locally recruited staff in the office of the Diplomatic Mission in Great Britain.

7. Notwithstanding the provisions of paragraph (h) of sub-regulation (1) of regulation 2 any person appointed under the provisions of sub-section (1) of section one of the Diplomatic Mission in United Kingdom Service Act, 1961 (Act No. 38 of 1961), who occupies a post designated by the Commission for the purposes of this regulation, shall, subject to the provisions of the said regulation 2, other than paragraph (h) of sub-regulation (1) of that regulation, and to such conditions as the Commission may determine, contribute to the Fund at the rate set forth in sub-regulation (2) of regulation 3.

PART II: TRANSFERS FROM AND TO OTHER FUNDS.

Transfers from and to another pension or provident fund administered under the Act.

8. (1) If a contributor to the Permanent Force Pension Fund or the South African Police and Prisons Service Pension Fund is transferred to employment in respect of which he becomes liable to contribute to the Fund, he shall, as from the date of such transfer, become a member of and contribute to the Fund, and any pension payable from the Fund shall be calculated upon the whole period of his pensionable service under these regulations and the law governing the said Permanent Force Pension Fund or the said South African Police and Prisons Service Pension Fund: Provided that the rate of his contributions to the Fund shall be determined by his age last birthday at the date of commencement of his prior pensionable service.

(2) There shall be payable to the Fund in respect of the prior pensionable service of any such contributor an amount equal to the sum of—

- (a) an amount equal to twice the contributions such contributor would have paid to the Fund in respect of the period of his actual employment which formed part or the whole of his prior pensionable service, if during that period he had been a member of the Fund and had contributed to the Fund up to and including the thirty-first day of March, 1936, at the rate of four per cent of his pensionable emoluments and thereafter in accordance with the appropriate scale of contributions in force from time to time under section twelve of the Government Service Pensions Act, 1936, section twenty-five of the Pensions Act or sub-regulation (2) of regulation 3;
- (b) in respect of each completed year of the whole period of such employment prior to the date of his transfer an amount equal to two per cent of the amount payable in terms of paragraph (a), and in respect of any remaining portion of such employment an amount equal to a percentage of the amount so payable which bears to two per cent the same ratio as the number of days in that portion bears to three hundred and sixty-five, and any

(10) As enige regulasie uitgevaardig ingevolge artikel vyf van die Wet wat betrekking het op die Staandemagpensioenfonds of die Suid-Afrikaanse Polisie- en Gevangenisdienspensioenfonds, bepalings bevat wat met die bepalings van subregulasie (3) ooreenstem, en as 'n bydraer tot so 'n fonds ingevolge sodanige eersgenoemde bepalings toegelaat word om een of meer tydperke van diens ten opsigte waarvan hy tot 'n fonds in genoemde subregulasie (3) vermeld, behalwe die Staandemagpensioenfonds of die Suid-Afrikaanse Polisie- en Gevangenisdienspensioenfonds bygedra het, in te sluit by sy diens wat pensioengewende diens vir die doeleindes van daardie fonds is kan daar uit die Fonds aan die Staandemagpensioenfonds of die Suid-Afrikaanse Polisie- en Gevangenisdienspensioenfonds al na omstandighede vereis, 'n bedrag betaal word wat die Sekretaris bepaal.

Bydraes deur plaaslik gewerfde personeel in die kantoor van die Diplomatieke Sending in Groot-Brittanje.

7. Ondanks die bepalings van paragraaf (h) van subregulasie (1) van regulasie 2—

- (a) moet enige persoon wat kragtens die bepalings van subartikel (1) van artikel een van die Wet op Diens by Diplomatieke Sending in Verenigde Koninkryk, 1961 (Wet No. 38 van 1961), aangestel is en wat 'n pos beklee wat die Kommissie vir die toepassing van hierdie regulasie aangewys het, behoudens die bepalings van genoemde regulasie 2, uitgesonderd paragraaf (h) van subregulasie (1) van daardie regulasie, en behoudens die ander voorwaardes wat die Kommissie mag bepaal, tot die Fonds bydra ooreenkomstig die koers in subregulasie (2) van regulasie 3 uiteengesit.

DEEL II: OORDRAGTE UIT EN NA ANDER FONDSE.

Oordragte uit en na 'n ander pensioen- of voorsorg- of ondersteuningsfonds ingevolge die Wet bestuur.

8. (1) As 'n bydraer tot die Staandemagpensioenfonds of die Suid-Afrikaanse Polisie- en Gevangenisdienspensioenfonds oorgeplaas word na diens ten opsigte waarvan hy onder die verpligting kom om tot die Fonds by te dra, moet hy met ingang van die datum van sodanige oorplasing 'n lid word van en bydra tot die Fonds, en enige pensioen wat uit die Fonds betaalbaar is, word bereken op die hele tydperk van sy pensioengewende diens onder hierdie regulasies en enige wet wat die bedoelde Staandemagpensioenfonds en Suid-Afrikaanse Polisie- en Gevangenisdienspensioenfonds beheer: Met dien verstande dat die skaal van sy bydraes tot die Fonds bepaal word deur sy leeftyd op sy laaste verjaardag op die aanvangsdatum van sy vorige pensioengewende diens.

(2) Daar word aan die Fonds betaal ten opsigte van die lid se vorige pensioengewende diens 'n bedrag gelyk aan die som van—

- (a) 'n bedrag wat gelyk is aan twee maal die bydraes wat bedoelde bydraer aan die Fonds sou betaal het ten opsigte van die tydperk van sy werklike diens wat deel of die geheel van of vorige pensioengewende diens uitgemaak het, as hy gedurende daardie tydperk 'n lid van die Fonds was en tot die Fonds bygedra het tot en met die een-en-dertigste dag van Maart 1936 volgens die skaal van vier persent van sy pensioengewende verdienste en daarna ooreenkomstig die toepaslike skaal van bydraes wat van tyd tot tyd ingevolge artikel twaalf van die Regeringsdienspensioenwet, 1936, artikel vyf-en-twintig van die Pensioenwet of subregulasie (2) van regulasie 3 van krag was;
- (b) ten opsigte van elke volle jaar van die hele tydperk van sodanige diens voor die datum van sy oorplasing, 'n bedrag gelyk aan twee persent van die bedrag betaalbaar ingevolge paragraaf (a) en, ten opsigte van enige oorblywende gedeelte van sodanige diens, 'n bedrag gelyk aan 'n persentasie van die bedrag aldus betaalbaar wat in dieselfde verhouding tot twee persent staan as wat die aantal dae in daardie gedeelte tot driehonderd vyf-en-ses-

amount payable in terms of this paragraph shall for purposes of these regulations be deemed to be interest; and

- (c) in respect of any period included in his pensionable service prior to the date of his transfer in terms of sub-paragraph (ii) of paragraph (a) or paragraph (b) of sub-section (3) or sub-section (4) or (4) *bis* of section eight of the Pensions Act, or sub-section (1) of section nine of the Pension Laws Amendment Act, 1957, or of any similar provision in the law governing the Permanent Force Pension Fund or the South African Police and Prisons Service Pension Fund, an amount equal to the amount which he would have been required to pay to the Fund had he been a contributor to the Fund during his service prior to the date of his transfer and had his liability to the Fund in respect of the said period been determined as at the date immediately preceding that date,

and such amount shall be paid in full from the amount payable from either the Permanent Force Pension Fund or the South African Police and Prisons Service Pension Fund, as the case may be, in accordance with the law governing such fund: Provided that if any amount owed by the member to the said Permanent Force Pension Fund or the South African Police and Prisons Service Pension Fund at the date of his transfer was unpaid at that date, and the amount available for transfer to the Fund is for that reason less than the amount required by the Fund, the deficit shall be made good by the member in such manner as the Secretary may determine.

- (3) If a member of the Fund is transferred to employment in respect of which he is required to contribute to either the Permanent Force Pension Fund or the South African Police and Prisons Service Pension Fund or becomes liable to contribute to the Government Employees' Provident Fund referred to in sub-section (3) of section two of the Act and contributes to that fund in respect of his prior pensionable service, there shall be paid from the Fund to the other fund—

- (a) an amount equal to twice the contributor's own contributions; and
- (b) in respect of each completed year of the whole period of such contributor's pensionable service prior to the date of his transfer an amount equal to two per cent of the amount payable in terms of paragraph (a), and in respect of any remaining portion of such service, an amount equal to a percentage of the amount so payable which bears to two per cent the same ratio as the number of days in that portion bears to three hundred and sixty-five; and
- (c) interest at the rate of four per cent per annum, compounded annually at the thirty-first day of March, on the total of the amounts referred to in paragraphs (a) and (b) from the transfer date up to the date of payment:

Provided that—

- (i) the total of the amounts payable to the other fund in terms of paragraphs (a) and (b) shall be reduced by any arrear or excess contributions due to the Fund but unpaid at the transfer date and by any other amount which may be due by the member to the Fund and which was unpaid at that date, and any interest payable in terms of paragraph (c) shall be calculated on the reduced total;
- (ii) if, in the case of a member who becomes liable to contribute to the Government Employees' Provident Fund, the total of the amounts to be paid to that fund in terms of paragraphs (a) and (b), unreduced by any contributions or any other amount referred to in sub-paragraph (i), is more than the amount required by the said Provident Fund in respect of his pensionable service prior to transfer, the surplus shall be disposed of in such manner as the Secretary may determine.

tig staan, en enige bedrag wat kragtens hierdie paragraaf betaalbaar word, word vir die toepassing van hierdie regulasies geag rente te wees; en

- (c) ten opsigte van enige tydperk wat by sy pensioengewende diens voor die datum van sy oorplasing ingereken is kragtens subparagraaf (ii) van paragraaf (a) of paragraaf (b) van subartikel (3) of subartikel (4) of (4) *bis* van artikel agt van die Pensioenwet of subartikel (1) van artikel nege van die wysigingswet op die Pensioenwette, 1957, of enige dergelike bepaling in die wet wat die Staandemagpensioenfonds of die Suid-Afrikaanse Polisie- en Gevangenisdienspensioenfonds beheer, 'n bedrag gelyk aan die bedrag wat hy aan die Fonds sou moes betaal het as hy gedurende sy diens voor die datum van sy oorplasing 'n bydraer tot die Fonds was en as sy aanspreeklikheid teenoor die Fonds ten opsigte van genoemde tydperk bepaal was soos op die datum onmiddellik voor daardie datum,

en bedoelde bedrag moet ten volle betaal word uit die bedrag betaalbaar uit of die Staandemagpensioenfonds of die Suid-Afrikaanse Polisie- en Gevangenisdienspensioenfonds, na gelang van die geval, ooreenkomstig die wet wat sodanige fonds beheer: Met dien verstande dat indien 'n bedrag wat die lid aan genoemde Staandemagpensioenfonds of die Suid-Afrikaanse Polisie- en Gevangenisdienspensioenfonds verskuldig was op die datum van sy oorplasing, op daardie datum nog onbetaal was, en die bedrag wat vir oordrag na die Fonds beskikbaar is om daardie rede minder is as die bedrag deur die Fonds vereis, die tekort deur die lid goedgemaak moet word op die wyse wat die Sekretaris mag bepaal.

- (3) As 'n lid van die Fonds oorgeplaas word na diens ten opsigte waarvan hy tot of die Staandemagpensioenfonds of die Suid-Afrikaanse Polisie- en Gevangenisdienspensioenfonds moet bydra, of onder die verpligting kom om by te dra tot die Regeringswerknemersondersteuningsfonds in subartikel (3) van artikel twee van die Wet genoem en tot daardie fonds bydra ten opsigte van sy vorige pensioengewende diens, moet onderstaande uit die Fonds aan die ander fonds betaal word—

- (a) 'n bedrag gelyk aan twee maal die bydraer se eie bydraes; en
- (b) ten opsigte van elke volle jaar van die hele tydperk van sodanige bydraer se pensioengewende diens voor die datum van sy oorplasing, 'n bedrag gelyk aan twee persent van die bedrag ingevolge paragraaf (a) betaalbaar, en ten opsigte van enige oorblywende gedeelte van sodanige diens, 'n bedrag gelyk aan 'n persentasie van die bedrag aldus betaalbaar wat in dieselfde verhouding tot twee persent staan as wat die aantal dae in daardie gedeelte tot driehonderd vyf-en-sestig staan; en
- (c) rente teen die koers van vier persent per jaar, jaarliks op die een-en-dertigste dag van Maart saamgestel, op die totaal van die bedrae in paragrawe (a) en (b) genoem, vanaf die oorplasingsdatum tot die datum van betaling:

Met dien verstande dat—

- (i) die totaal van die bedrae wat ingevolge paragrawe (a) en (b) aan die ander fonds betaalbaar is, verminderd moet word met enige agterstallige of meerdere bydraes wat op die oorplasingsdatum aan die Fonds verskuldig maar nog onbetaal was, en met enige ander bedrag wat die lid aan die Fonds verskuldig mag wees en wat op daardie datum onbetaal was, en enige rente wat ingevolge paragraaf (c) betaalbaar is, op die verminderde totaal bereken moet word;
- (ii) indien, in die geval van 'n lid wat onder die verpligting kom om tot die Regeringswerknemersondersteuningsfonds by te dra, die totaal van die bedrae wat ingevolge paragrawe (a) en (b) aan daardie Fonds betaal moet word, onverminderd met enige bydraes of enige ander bedrag in subparagraaf (i) genoem, meer is as die bedrag wat genoemde Ondersteuningsfonds vereis ten opsigte van sy pensioengewende diens voor oorplasing, daar oor die surplus beskik moet word op die wyse wat die Sekretaris mag bepaal.

(4) If a member to whom sub-regulation (1) of regulation 6 relates and who in terms of that sub-regulation contributes to the Fund in respect of the whole or part of his past continuous period of employment, was immediately prior to the date on which he is appointed to a post in the Public Service, a contributor to the Government Employees' Provident Fund, any amount paid to the Fund in accordance with the law governing the said Provident Fund shall be allocated as follows—

- (a) the arrear contributions payable by the member in respect of such period shall be reduced by the amount of the transferred contributions;
- (b) the amount payable out of revenue in respect of the member in terms of sub-paragraph (i) of paragraph (b) of sub-regulation (1) of regulation 18 shall be reduced by an amount equal to the contributions which were paid to the Provident Fund from revenue in respect of the member;
- (c) the interest payable from revenue in respect of the member in terms of item (aa) of sub-paragraph (ii) of paragraph (b) of sub-regulation (1) of regulation 18 shall be reduced by the interest included in the amount paid from the Provident Fund to the Fund.

Transfers from provincial and other funds.

9. (1) If any person who is subject to a pension law administered by a provincial administration or the administration of the territory or a department of education (whether in the Republic or in the territory) or who is a member of a pension or provident fund (other than a pension or provident fund referred to in sub-section (1) or (3) of section two of the Act) in accordance with a pension law administered by the Minister—

- (a) is transferred to employment in respect of which he is liable to contribute to the Fund; or
- (b) is appointed directly without a break in his service to such employment; or
- (c) is appointed to such employment after such a break in his service as the Secretary deems necessary and reasonable in the circumstances; or
- (d) without a break in his service becomes liable to contribute to the Fund,

such person shall become a member of and shall contribute to the Fund as from the date of such transfer or appointment or the date on which he so becomes liable.

(2) Any person who is so transferred or appointed or who so becomes liable may (subject in the case of a person referred to in paragraph (c) of sub-regulation (1) to the provisions of any other applicable law) elect in writing within sixty days from the date upon which he is called upon by the Secretary to do so, or within such further period not exceeding ninety days as the Secretary in special circumstances may allow, to reckon his past pensionable service, on such conditions as the Secretary may determine, as pensionable service for the purposes of the Fund, and if he elects so to reckon his past pensionable service, there shall be paid to the Fund from the pension or provident fund to which, prior to his becoming a member of the Fund, he contributed in respect of such service, or from such fund or from revenue or from such fund and revenue and by such person, in such proportions as the Secretary may determine—

- (a) an amount equal to twice the contributions which would have been payable by such person to the Fund during the period of his past pensionable service if during that period he had been a member of the Fund and had contributed in accordance with the appropriate scale of contributions in force at the date of such transfer or appointment or at the date on which he so becomes liable; and

(4) As 'n lid op wie subregulasie (1) van regulasie 6 betrekking het en wat ingevolge daardie subregulasie tot die Fonds bydra ten opsigte van die geheel of 'n deel van sy vorige ononderbroke dienstydperk, onmiddellik voor die datum waarop hy aangestel is in 'n pos in die Staatsdiens 'n bydraer tot die Regeringswerknemersondersteuningsfonds was, word enige bedrag wat ooreenkomstig die wet wat genoemde Ondersteuningsfonds beheer aan die Fonds betaal is, soos volg toegewys—

- (a) die agterstallige bydraes deur die lid ten opsigte van sodanige tydperk betaalbaar, word met die bedrag van die oorgedraagde bydraes verminder;
- (b) die bedrag wat ingevolge subparagraaf (i) van paragraaf (b) van subregulasie (1) van regulasie 18 ten opsigte van die lid uit inkomste betaalbaar is, word verminder met 'n bedrag gelyk aan die bydraes wat ten opsigte van die lid uit inkomste aan die Ondersteuningsfonds betaal is;
- (c) die rente wat ingevolge item (aa) van subparagraaf (ii) van paragraaf (b) van subregulasie (1) van regulasie 18 ten opsigte van die lid uit inkomste betaalbaar is, word verminder met die rente wat ingesluit is by die bedrag wat uit die Ondersteuningsfonds aan die Fonds betaal is.

Oordragte uit provinsiale en ander fondse.

9. (1) Indien enige persoon wat onderworpe is aan 'n pensioenwet wat deur 'n provinsiale administrasie of die administrasie van die gebied of 'n departement van onderwys (hetsy in die Republiek of in die gebied) geadministreer word, of wat lid is van 'n pensioen- of voorsorg- of ondersteuningsfonds (uitgesonderd 'n pensioen- of ondersteuningsfonds in subartikel (1) of (3) van artikel twee van die Wet genoem) ooreenkomstig 'n pensioenwet wat deur die Minister geadministreer word—

- (a) oorgeplaas word na diens ten opsigte waarvan hy onder die verpligting kom om tot die Fonds by te dra; of
 - (b) regstreeks in sodanige diens aangestel word sonder 'n onderbreking in sy diens; of
 - (c) in sodanige diens aangestel word na so 'n onderbreking in sy diens as wat die Sekretaris in die omstandighede nodig en redelik ag; of
 - (d) sonder 'n onderbreking in sy diens onder die verpligting kom om tot die Fonds by te dra,
- moet bedoelde persoon lid word van en bydra tot die Fonds met ingang van die datum van sodanige oorpasing of aanstelling of die datum waarop hy aldus onder verpligting kom.

(2) Enige persoon wat aldus oorgeplaas of aangestel word of wat aldus onder verpligting kom, kan (behoudens die bepalings van enige ander toepaslike wet in die geval van 'n persoon in paragraaf (c) van subregulasie (1) genoem) binne sestig dae na die datum waarop hy deur die Sekretaris aangesê word om dit te doen of binne sodanige verdere tydperk, maar hoogstens negentig dae, as wat die Sekretaris in spesiale omstandighede mag toelaat, skriftelik kies om op die voorwaardes wat die Sekretaris mag bepaal, sy vorige pensioengewende diens te reken as pensioengewende diens vir die doeleindes van die Fonds en, as hy kies om sy vorige pensioengewende diens aldus te reken, moet onderstaande uit die pensioen- of voorsorg- of ondersteuningsfonds waartoe hy ten opsigte van sodanige diens bygedra het voordat hy lid van die Fonds geword het, of uit sodanige fonds of uit inkomste of uit sodanige fonds en inkomste en deur sodanige persoon in die verhoudings wat die Sekretaris mag bepaal, aan die Fonds betaal word—

- (a) 'n bedrag gelyk aan twee maal die bydraes wat deur sodanige persoon aan die Fonds betaalbaar sou gwees het gedurende die tydperk van sy vorige pensioengewende diens as hy gedurende daardie tydperk lid van die Fonds was en bygedra het ooreenkomstig die toepaslike skaal van bydraes van krag op die datum van sodanige oorpasing of aanstelling of op die datum waarop hy aldus onder verpligting kom; en

(b) in respect of each completed year of the whole period of such person's past pensionable service, an amount equal to two and one-half per cent of the amount payable in terms of paragraph (a), and in respect of any remaining portion of such service, an amount equal to a percentage of the amount so payable which bears to two and one-half per cent the same ratio as the number of days in that portion bears to three hundred and sixty-five and any amount payable in terms of this paragraph shall for the purposes of these regulations be deemed to be interest.

(3) If any person to whom sub-regulation (2) relates does not elect in terms of that sub-regulation to reckon his past pensionable service as pensionable service for purposes of the Fund he shall be granted out of the Fund or scheme of which he was previously a member any pension or any other amount to which he may be entitled in accordance with the pension law, regulations or rules governing that fund or scheme.

(4) If a person who elects in terms of sub-regulation (2) to reckon his past pensionable service as pensionable service under these regulations, was, prior to the date on which he became subject to a pension law referred to in sub-regulation (1), a contributor to the old fund, the Permanent Force Pension Fund, the South African Police and Prisons Service Pension Fund or the Fund and elected to be dealt with in accordance with the provisions of paragraph (b) of sub-section (2) of section *twenty-seven* of the Government Service Pensions Act, 1936, paragraph (b) of sub-section (2) of section *fourteen* of the Pensions Act or paragraph (b) of sub-regulation (2) of regulation 10, then his pensionable service under these regulations or the Pensions Act or the Government Service Pensions Act, 1936, prior to such date shall, on such conditions as the Secretary may determine, be reckoned as continuous with his subsequent pensionable service under these regulations: Provided that the rate of his contributions to the Fund shall be determined by his age last birthday at the date of commencement of his first period of pensionable service.

Transfers to provincial and other funds.

10. (1) If a contributor to the Fund—

(a) is transferred to employment in respect of which he becomes subject to a pension law administered by a provincial administration or the administration of the territory or a department of education (whether in the Republic or in the territory) or any pension law (other than any regulation made under section *five* of the Act) administered by the Minister; or

(b) is appointed directly without a break in his service to such employment; or

(c) is appointed to such employment after such a break in his service as the Secretary deems reasonable and necessary in the circumstances; or

(d) without a break in his service becomes liable to contribute to a pension or provident fund under a law referred to in paragraph (a); and

(e) in the case of a person referred to in paragraph (a), (b) or (c) becomes a contributor to a pension or provident fund under a law referred to in paragraph (a) as from the date of such transfer or appointment,

and is permitted and elects to contribute to a pension or provident fund administered under such law in respect of any part of his past pensionable service, there shall be transferred from the Fund to such first-mentioned fund—

(i) an amount equal to twice the contributor's own contributions;

(ii) in respect of each completed year of the whole period of such contributor's past pensionable service, an amount equal to two and one-half per cent

(b) ten opsigte van elke volle jaar van die hele tydperk van sodanige persoon se vorige pensioengewende diens, 'n bedrag gelyk aan twee-en-'n-half persent van die bedrag wat ingevolge paragraaf (a) betaalbaar is, en ten opsigte van enige oorblywende gedeelte van sodanige diens, 'n bedrag gelyk aan 'n persentasie van die bedrag wat aldus betaalbaar is, wat in dieselfde verhouding tot twee-en-'n-half persent staan as wat die aantal dae in daardie gedeelte tot driehonderd vyf-en-sestig staan, en enige bedrag wat ingevolge hierdie paragraaf betaalbaar is, word vir die toepassing van hierdie regulasies geag rente te wees.

(3) As enige persoon op wie subregulasie (2) betrekking het, nie kragtens daardie subregulasie kies om sy vorige pensioengewende diens as pensioengewende diens vir doeleindes van die Fonds te reken nie, moet enige pensioen of enige ander bedrag waartoe hy ooreenkomstig die Pensioenwet, regulasies of reëls betreffende daardie fonds of skema geregtig mag wees, aan hom toegeken word uit die fonds of skema waarvan hy voorheen lid was.

(4) As 'n persoon wat kragtens subregulasie (2) kies om sy vorige pensioengewende diens as pensioengewende diens kragtens hierdie regulasies te reken, voor die datum waarop hy onderworpe geword het aan 'n pensioenwet in subregulasie (1) genoem, 'n bydraer tot die ou fonds, die Staandemagpensioenfonds, die Suid-Afrikaanse Polisie- en Gevangensdienspensioenfonds of die Fonds was en gekies het om ooreenkomstig die bepalings van paragraaf (b) van subartikel (2) van artikel *sewe-en-twintig* van die Regeringsdienspensioenwet, 1936, paragraaf (b) van subartikel (2) van artikel *veertien* van die Pensioenwet of paragraaf (b) van subregulasie (2) van regulasie 10, behandel te word, dan word sy pensioengewende diens kragtens hierdie regulasies of die Pensioenwet of die Regeringsdienspensioenwet, 1936, voor sodanige datum, op die voorwaardes wat die Sekretaris mag bepaal, gereken aaneenlopend te wees met sy latere pensioengewende diens kragtens hierdie regulasies: Met dien verstande dat die skaal van sy bydraes tot die Fonds bepaal word deur sy leeftyd op sy laaste verjaardag op die aanvangsdatum van sy eerste tydperk van pensioengewende diens.

Oordragte na provinsiale en ander fondse.

10. (1) As 'n bydraer tot die Fonds—

(a) oorgeplaas word na diens ten opsigte waarvan hy onderworpe word aan 'n pensioenwet wat deur 'n provinsiale administrasie of die administrasie van die gebied of 'n departement van onderwys (hetsy in die Republiek of in die gebied) geadminestreer word of enige pensioenwet (uitgesonderd 'n regulasie kragtens artikel *vyf* van die Wet gemaak) wat deur die Minister geadminestreer word; of

(b) regstreeks sonder onderbreking in sy diens in sodanige diens aangestel word; of

(c) in sodanige diens aangestel word na so 'n onderbreking in sy diens as wat die Sekretaris in die omstandighede redelik en nodig ag; of

(d) sonder 'n onderbreking in sy diens onder die verpligting kom om by te dra tot 'n pensioen- of voorsorg- of ondersteuningsfonds ingevolge 'n wet in paragraaf (a) genoem; en

(e) in die geval van 'n persoon in paragraaf (a), (b) of (c) genoem, 'n bydraer tot 'n pensioen- of voorsorg- of ondersteuningsfonds ingevolge 'n wet in paragraaf (a) genoem, word met ingang van die datum van sodanige oorplasing of aanstelling,

en hy toegelaat word en kies om ten opsigte van enige gedeelte van sy vorige pensioengewende diens by te dra tot 'n pensioen- of voorsorg- of ondersteuningsfonds wat ingevolge sodanige wet bestuur word, word onderstaande uit die Fonds na sodanige eersgenoemde fonds oorgedra—

(i) 'n bedrag gelyk aan twee maal die bydraer se eie bydraes;

(ii) ten opsigte van elke volle jaar van die hele tydperk van sodanige bydraer se vorige pensioengewende diens, 'n bedrag gelyk aan twee-en-'n-half

(3) If a contributor is transferred from the Public Service to employment under the Railway Administration in respect of which he becomes liable to contribute to the New Superannuation Fund as from the date of his transfer and, in terms of sub-section (2) of section *forty-one* of the said Act, the whole period of his pensionable service prior to the date of his transfer is reckoned for purposes of that Fund as continuous with his pensionable employment after that date, there shall be paid to the said fund an amount equal to the sum of—

- (a) twice the amount of his own contributions; and
- (b) in respect of each completed year of his pensionable service prior to the date of his transfer an amount equal to two and one-half per cent of the amount payable in terms of paragraph (a) and in respect of any remaining portion of such service, an amount equal to a percentage of the amount so payable which bears to two and one-half per cent the same ratio as the number of days in that portion bears to three hundred and sixty-five and any amount so payable in terms of this paragraph shall be deemed to be the interest payable on the member's own contributions:

Provided that—

- (i) the total of the amounts to be paid to the New Superannuation Fund in terms of paragraphs (a) and (b) shall not exceed the amount required by that fund;
 - (ii) the total of the amounts to be paid in terms of paragraphs (a) and (b), not exceeding the amount required by the New Superannuation Fund, shall be reduced by any arrear or excess contributions due to the Fund but unpaid at the transfer date and by any other amount which may be due by the member to the Fund and which was unpaid at that date;
 - (iii) if the amount to be paid to the New Superannuation Fund, unreduced by any contributions or any other amount referred to in sub-paragraph (ii), is more or less than the amount which is required by that fund the excess shall be disposed of in such manner as the Secretary may determine and the deficiency shall be paid in equal shares by the member and from revenue: Provided further that any such deficiency may first be reduced by such portion of any amount paid to the said fund from the Government Service Widows' Pension Fund referred to in sub-section (2) of section *two* of the Act, in accordance with the law governing the latter fund, as the Secretary may determine.
- (4) There shall be added to the amount payable in terms of sub-regulation (3) at the transfer date interest at the rate of four and one-half per cent per annum compounded monthly as at the last day of each month up to the date of payment.

(5) If a contributor is transferred to employment under the Railway Administration in respect of which he does not become liable to contribute to the New Superannuation Fund, he may elect in writing within sixty days from the date upon which he is called upon by the Secretary to do so, either—

- (a) to be dealt with in accordance with the provisions of sub-regulation (1) of regulation 16 as if he had retired voluntarily; or
- (b) to be granted out of the Fund or out of revenue or out of both the Fund and revenue, as the circumstances may require, if for any reason he retires or is retired or discharged from the service of the Railway Administration, the pension to which he would have been entitled at the date of such transfer in respect of his pensionable service, if he had at that date retired or been retired or discharged from the Public Service for the same reason: Provided that if such member so retires or is so retired or discharged by reason of the age which he has attained,

(3) As 'n bydraer uit die Staatsdiens oorgeplaas word na diens onder die Spoorwegadministrasie ten opsigte waarvan hy onder die verpligting kom om met ingang van die datum van sy oorpasing tot die Nuwe Superannuasiefonds by te dra en die hele tydperk van sy pensioengewende diens voor die datum van sy oorpasing ingevolge subartikel (2) van artikel *een-en-veertig* van genoemde Wet vir die doeleindes van daardie fonds gereken word as aaneenlopend met sy pensioengewende diens na daardie datum, moet daar aan genoemde fonds 'n bedrag betaal word wat gelyk is aan die som van—

- (a) twee maal die bedrag van sy eie bydraes; en
- (b) ten opsigte van elke volle jaar van sy pensioengewende diens voor die datum van sy oorpasing, 'n bedrag gelyk aan twee-en-n-half persent van die bedrag ingevolge paragraaf (a) betaalbaar, en ten opsigte van enige oorblywende gedeelte van sodanige diens, 'n bedrag gelyk aan 'n persentasie van die bedrag aldus betaalbaar wat in dieselfde verhouding tot twee-en-n-half persent staan as wat die aantal dae in daardie gedeelte tot driehonderd vyf-en-sestig staan, en enige bedrag wat ingevolge hierdie paragraaf aldus betaalbaar is, word geag rente te wees wat op die lid se eie bydraes betaalbaar is:

Met dien verstande dat—

- (i) die totaal van die bedrae wat ingevolge paragrafe (a) en (b) aan die Nuwe Superannuasiefonds betaal moet word, nie meer mag wees nie as die bedrag wat deur daardie fonds vereis word;
- (ii) die totaal van die bedrae wat ingevolge paragrafe (a) en (b) betaal moet word, maar hoogstens die bedrag deur die Nuwe Superannuasiefonds vereis, verminder moet word met enige agterstallige of meerdere bydraes wat op die oorpasingsdatum aan die Fonds verskuldig maar nog onbetaal was, en met enige ander bedrag wat die lid aan die Fonds verskuldig is en wat op daardie datum onbetaal was;
- (iii) as die bedrag wat aan die Nuwe Superannuasiefonds betaal moet word, onverminder met enige bydraes of enige ander bedrag in subparagraaf (ii) genoem, meer of minder is as die bedrag wat daardie fonds vereis, daar oor die oorskot beskik moet word op die wyse wat die Sekretaris mag bepaal en die tekort deur die lid en uit inkomste, gelykop, betaal moet word: Met dien verstande voorts dat enige sodanige tekort eers verminder kan word met sodanige gedeelte van 'n bedrag wat aan genoemde fonds betaal is uit die Regeringsdiens-weduwees-pensioenfonds in subartikel (2) van artikel *twee* van die Wet genoem, ooreenkomstig die wet wat laasgenoemde fonds beheer, as wat die Sekretaris mag bepaal.

(4) By die bedrag wat ingevolge subregulasie (3) op die oorpasingsdatum betaalbaar is, word rente teen die koers van vier-en-n-half persent per jaar, maandeliks saamgestel soos op die laaste dag van elke maand tot die datum van betaling, bygevoeg.

(5) As 'n bydraer oorgeplaas word na diens onder die Spoorwegadministrasie ten opsigte waarvan hy nie onder die verpligting kom om tot die Nuwe Superannuasiefonds by te dra nie, kan hy binne sestig dae na die datum waarop hy deur die Sekretaris aangesê word om dit te doen, skriftelik kies—

- (a) om ooreenkomstig die bepalings van subregulasie (1) van regulasie 16 behandel te word asof hy vrywillig uit diens getree het; of
- (b) om, as hy om watter rede ook al uit die diens van die Spoorwegadministrasie aftree of afgedank of ontslaan word uit die Fonds of uit inkomste, of uit sowel die Fonds as inkomste, al na die omstandighede vereis die pensioen toegeken te word waartoe hy op die datum van sodanige oorpasing ten opsigte van sy pensioengewende diens geregtig sou gewees het as hy op daardie datum om dieselfde rede uit die Staatsdiens afgetree het of afgedank of ontslaan was: Met dien verstande dat as sodanige lid aldus aftree of aldus afgedank

or for a reason mentioned in paragraph (c), (d) or (e) of sub-regulation (1) of regulation 14, any such pension shall only be payable from the date on which he attains the age at which he would have had the right to retire on pension and would have been required to be so retired if he had not been so transferred: Provided further that if he is retired or discharged for a reason mentioned in paragraph (c) or (d) of sub-regulation (1) of regulation 14 there shall be no addition to the pension payable from the Fund.

(6) If such member fails to make an election in terms of sub-regulation (5), he shall be deemed to have elected the benefits under paragraph (a) of that sub-regulation.

(7) The provisions of paragraph (b) of sub-regulation (5) shall *mutatis mutandis* apply in respect of an old member or a member who was transferred to employment under the Railway Administration on or after the twenty-fourth day of June, 1955, but before the fixed date and who in terms of sub-section (4) of section fifteen of the Pensions Act elected to be subject to the provisions of paragraph (b) of that sub-section.

(8) An old member who prior to the twenty-fourth day of June, 1955, was transferred to employment under the Railway Administration and who elected in terms of paragraph (b) of sub-section (2) of section twenty-eight of the Government Service Pensions Act, 1936, to be subject to the provisions of sub-paragraph (ii) of that paragraph, shall be granted out of the Fund, or out of revenue, or out of both the Fund and revenue, as the circumstances may require, if for any reason he retires or is retired or discharged from the service of the Railway Administration, the pension to which he would have been entitled at the date of transfer in respect of his pensionable service in the Public Service, had he at that date retired or been retired or discharged from the Public Service for the same reason: Provided that if such old member so retires or is so retired or discharged by reason of the age he has attained, any such pension shall only be payable as from the date on which he attains an age at which in accordance with the applicable provision of the Government Service Pensions Act, 1936, he could have claimed to be retired from the Public Service.

Option to old members.

12. (1) An old member may, subject to the approval of the Secretary, at any time but not later than sixty days prior to the date on which he attains the pensionable age, elect in writing—

- (a) if he is a member of the Police Force or Prisons Service, to become a contributor to the South African Police and Prisons Service Pension Fund and if he so elects he shall become a contributor to the latter fund with effect from the first day of the month immediately succeeding the month in which he makes his election;
- (b) if he is not a member of the Police Force or Prisons Service, to be subject to the provisions of these regulations relating to members of the Fund and if he so elects he shall contribute to the Fund according to the appropriate scale of contributions set forth in sub-regulation (2) of regulation 3 from the first day of the month next succeeding the month in which he makes his election.

(2) If an old member elects in terms of sub-regulation (1) to become a contributor to the South African Police and Prisons Service Pensions Fund there shall be paid to that fund from the Fund, in part payment of any amount which in terms of the law governing the said South African Police and Prisons Service Pension Fund he may be required to pay in respect of his pensionable service prior to the date on which he becomes a contributor to that Fund, an amount equal to the contributions paid by and in respect of such old member to the Fund up to and including the last day of the month in which he makes his election, together with interest at the rate of four per cent per annum on twice the amount of the contributions paid

of ontslaan word weens die leeftyd wat hy bereik het, of om 'n rede in paragraaf (c), (d) of (e) van subregulasie (1) van regulasie 14 genoem, enige sodanige pensioen betaalbaar is slegs vanaf die datum waarop hy die leeftyd bereik waarop hy die reg sou gehad het om met pensioen af te tree en aldus afgedank sou moes gewees het as hy nie aldus oorgeplaas was nie: Met dien verstande voorts dat as hy aldus afgedank of ontslaan word om 'n rede in paragraaf (c) of (d) van subregulasie (1) van regulasie 14 genoem, niks by die pensioen wat uit die Fonds betaalbaar is, bygevoeg word nie.

(6) As sodanige lid nie kragtens subregulasie (5) 'n keuse doen nie, word hy geag die voordele kragtens paragraaf (a) van daardie subregulasie te gekies het.

(7) Die bepalings van paragraaf (b) van subregulasie (5) is *mutatis mutandis* van toepassing ten opsigte van 'n ou lid of 'n lid wat op of na die vier-en-twintigste dag van Junie 1955, maar voor die vasgestelde datum, na diens onder die Spoorwegadministrasie oorgeplaas is en wat kragtens subartikel (4) van artikel vyftien van die Pensioenwet gekies het om aan die bepalings van paragraaf (b) van daardie subartikel onderworpe te wees.

(8) Aan 'n ou lid wat voor die vier-en-twintigste dag van Junie 1955 na diens onder die Spoorwegadministrasie oorgeplaas is en wat kragtens paragraaf (b) van subartikel (2) van artikel agt-en-twintig van die Regeringsdienspensioenwet, 1936, gekies het om aan die bepalings van subparagraaf (ii) van daardie paragraaf onderworpe te wees, word daar as hy om watter rede ook al uit die diens van die Spoorwegadministrasie aftree of afgedank of ontslaan word, uit die Fonds of uit inkomste of uit sowel die Fonds as inkomste, al na die omstandighede vereis, die pensioen toegeken waartoe hy op die datum van oorplasing ten opsigte van sy pensioengewende diens in die Staatsdiens geregtig sou gewees het as hy op daardie datum om dieselfde rede uit die Staatsdiens afgetree het of afgedank of ontslaan was: Met dien verstande dat as sodanige ou lid aldus aftree of aldus afgedank of ontslaan word weens die leeftyd wat hy bereik het, enige sodanige pensioen betaalbaar is slegs vanaf die datum waarop hy die leeftyd bereik waarop hy ooreenkomstig die toepaslike bepaling van die Regeringsdienspensioenwet, 1936, aanspraak daarop sou kon gemaak het om uit die Staatsdiens afgedank te word.

Keuse vir ou lede

12. (1) 'n Ou lid kan behoudens die goedkeuring van die Sekretaris te eniger tyd, maar nie later nie as sestig dae voor die datum waarop hy die pensioenleeftyd bereik, skriftelik kies—

- (a) as hy 'n lid van die Polisiemag of die Gevangenisdiens is, om 'n bydraer tot die Suid-Afrikaanse Polisie- en Gevangenisdienspensioenfonds te word en, as hy aldus kies, word hy 'n bydraer tot laasgenoemde fonds met ingang van die eerste dag van die maand wat onmiddellik volg op die maand waarin hy sy keuse doen;
- (b) as hy nie 'n lid van die Polisiemag of die Gevangenisdiens is nie, om onderworpe te wees aan die bepalings van hierdie regulasies wat op lede van die Fonds betrekking het, en, as hy aldus kies, moet hy tot die Fonds bydra volgens die toepaslike skaal van bydraes uiteengesit in subregulasie (2) van regulasie 3 vanaf die eerste dag van die maand wat volg op die maand waarin hy sy keuse doen.

(2) As 'n ou lid kragtens subregulasie (1) kies om 'n bydraer tot die Suid-Afrikaanse Polisie- en Gevangenisdienspensioenfonds te word, word daar aan daardie fonds uit die Fonds, ter gedeeltelike betaling van enige bedrag wat hy ingevolge die wet wat genoemde Suid-Afrikaanse Polisie- en Gevangenisdienspensioenfonds beheer verplig mag wees om ten opsigte van sy pensioengewende diens voor die datum waarop hy 'n bydraer tot daardie fonds word, te betaal, 'n bedrag betaal gelyk aan die bydraes deur en ten opsigte van sodanige ou lid aan die Fonds betaal tot en met die laaste dag van die maand waarin hy sy keuse doen, tesame met rente teen die koers van vier persent per jaar op twee maal die bedrag van die bydraes

in respect of such old member, compounded annually as at the thirty-first day of March and calculated according to the dates upon which such contributions were paid or, in the case of arrear contributions, as if such contributions were regularly made from the date on which his pensionable service commenced, and he shall have no further claim on the Fund.

(3) If an old member who is not a member of the Police Force or the Prisons Service elects in terms of sub-regulation (1) to be subject to the provisions of these regulations relating to members, he shall pay to the Fund additional contributions equal to the difference between—

(a) the sum of the contributions paid by him—

- (i) to the old fund as from the first day of April, 1936;
- (ii) in terms of section *seventeen* of the Pensions Act; and
- (iii) to the Fund in terms of sub-regulation (1) of regulation 3 up to and including the last day of the month in which he makes his election; and

(b) the contributions he would have paid as from the first day of April, 1936, up to and including the last day of the month in which he makes his election had he in terms of section *four* of the Government Service Pensions Act, 1936, elected to be subject to the provisions of Part B of Chapter I of that Act,

together with interest on such additional contributions at the rate of four per cent per annum, compounded annually as at the thirty-first day of March, and calculated according to the dates upon which those additional contributions would have been payable.

(4) If an old member who has made an election in terms of sub-regulation (1) is unable to liquidate the amount due by him in one payment, such amount shall be recovered from him in such manner and in such instalments as the Secretary may determine and he shall pay interest at the rate of four per cent per annum, compounded annually as at the thirty-first day of March, on the amount which remains unpaid at the end of each month.

(5) There shall be paid from revenue to the Fund an amount equal to the additional contributions and interest which become payable by the member in terms of sub-regulation (3).

PART III : BENEFITS PAYABLE TO CONTRIBUTORS OR THEIR DEPENDANTS.

Pensionable service.

13. (1) The pensionable service with reference to which any pension is to be calculated shall include—

- (a) any period of continuous employment in respect of which contributions have been paid or are payable to the Fund;
- (b) any previous period of employment or any portion of that period included in a member's pensionable service in terms of sub-paragraph (i) of paragraph (a) of sub-section (3) of section *eight* of the Pensions Act or sub-paragraph (i) of paragraph (a) of sub-regulation (3) of regulation 6;
- (c) any period included in a member's pensionable service in terms of—
 - (i) paragraph (b) of sub-section (3) or sub-section (4) of section *eight* of the Pensions Act or paragraph (b) of sub-regulation (3) or sub-regulation (4) of regulation 6;
 - (ii) the relevant provisions of the Public Servants (Military Service) Act, 1944 (Act No. 27 of 1944);
 - (iii) any other law in which provision is made for that period (not being a period referred to in paragraph (d)) to be so included;

wat ten opsigte van sodanige ou lid betaal is, jaarliks saamgestel soos op die een-en-dertigste dag van Maart en bereken volgens die datums waarop sodanige bydraes betaal is of, in die geval van agterstallige bydraes, asof sodanige bydraes gereeld betaal is vanaf die datum waarop sy pensioengewende diens begin het, en het hy geen verdere eis teen die Fonds nie.

(3) As 'n ou lid wat nie 'n lid van die Polisiemag of die Gevangenisdiens is nie, kragtens subregulasie (1) kies om onderworpe te wees aan die bepalings van hierdie regulasies wat op lede betrekking het, betaal hy aan die Fonds addisionele bydraes gelyk aan die verskil tussen—

(a) die som van die bydraes deur hom betaal—

- (i) aan die ou fonds vanaf die eerste dag van April 1936;
- (ii) ingevolge artikel *sewentien* van die Pensioenwet; en
- (iii) aan die Fonds ingevolge subregulasie (1) van regulasie 3 tot en met die laaste dag van die maand waarin hy sy keuse doen; en

(b) die bydraes wat hy vanaf die eerste dag van April 1936 tot en met die laaste dag van die maand waarin hy sy keuse doen, sou betaal het as hy kragtens artikel *vier* van die Regeringsdienspensioenwet, 1936, gekies het om aan die bepalings van Deel B van Hoofstuk I van daardie Wet onderworpe te wees,

tesame met rente op sodanige addisionele bydraes teen die koers van vier persent per jaar, jaarliks saamgestel soos op die een-en-dertigste dag van Maart, en bereken volgens die datums waarop daardie addisionele bydraes betaalbaar sou gewees het.

(4) As 'n ou lid wat kragtens subregulasie (1) 'n keuse gedoen het, nie in staat is om die bedrag deur hom verskuldig in een betaling te vereffen nie, moet sodanige bedrag op hom verhaal word op die wyse en in die paaie-mente wat die Sekretaris mag bepaal, en moet hy rente betaal teen die koers van vier persent per jaar, jaarliks saamgestel soos op die een-en-dertigste dag van Maart, op die bedrag wat aan die end van elke maand nog onbetaal is.

(5) Daar moet uit inkomste 'n bedrag aan die Fonds betaal word wat gelyk is aan die addisionele bydraes en rente wat ingevolge subregulasie (3) deur die lid betaalbaar word.

DEEL III: VOORDELE AAN BYDRAERS OF HULLE AFHANKLIKES BETAALBAAR.

Pensioengewende diens.

13. (1) Die pensioengewende diens ten opsigte waarvan enige pensioen bereken moet word, omvat—

- (a) enige tydperk van ononderbroke diens ten opsigte waarvan bydraes betaal is of betaalbaar is aan die Fonds;
- (b) enige vorige tydperk van diens of enige gedeelte van daardie tydperk wat by 'n lid se pensioengewende diens ingereken is kragtens subparagraaf (i) van paragraaf (a) van subartikel (3) van artikel *agt* van die Pensioenwet of subparagraaf (i) van paragraaf (a) van subregulasie (3) van regulasie 6;
- (c) enige tydperk wat by 'n lid se pensioengewende diens ingereken is kragtens—
 - (i) paragraaf (b) van subartikel (3) of subartikel (4) van artikel *agt* van die Pensioenwet of paragraaf (b) van subregulasie (3) of subregulasie (4) van regulasie 6;
 - (ii) die toepaslike bepalings van die Wet op Staatsamptenare (Militêre Diens), 1944 (Wet No. 27 van 1944);
 - (iii) enige ander wet wat bepaal dat daardie tydperk (uitgesonderd 'n tydperk in paragraaf (d) genoem) aldus ingereken kan word;

- (d) any period or portion of a period intervening between two periods of employment, or intervening between two consecutive periods of pensionable service, which is included in a member's pensionable service in terms of sub-paragraph (ii) of paragraph (a) of sub-section (3) or sub-section (4) *bis* of section *eight* of the Pensions Act, or sub-section (1) of section *nine* of the Pension Laws Amendment Act, 1957 (Act No. 62 of 1957), or sub-paragraph (ii) of paragraph (a) of sub-regulation (3) or sub-regulation (4) or (5) of regulation 6:

Provided that—

- (i) a period of continuous employment referred to in paragraph (a) shall not be regarded as interrupted by—
- (aa) any period of absence on leave without pay in respect of which the member does not elect to contribute; or
- (bb) any break in service referred to in paragraph (c) of sub-section (1) of section *thirteen* of the Pensions Act or paragraph (d) of sub-regulation (1) of regulation 9;
- (cc) any break which occurred in a period of service included in a member's pensionable service in terms of the relevant provisions of section *twenty-six* or *twenty-eight* of the Government Service Pensions Act, 1936, section *twelve*, *thirteen* or *fifteen* of the Pensions Act or of regulation 8, 9 or 11 and which did not interrupt that service for purposes of the pension or provident fund to which the member contributed prior to his transfer;
- (ii) no period of employment, absence from duty or suspension from duty, or any other period shall be included in the member's pensionable service unless the contributions or any other amount due by the member to the Fund in respect of that period have been paid to the Fund or are deducted from the pension or provident fund to which the member contributed prior to his transfer;

(2) Save as is otherwise provided the period of pensionable service shall be calculated by the year and portion of a year and any portion of a year shall be determined according to the proportion which the number of days in that portion bears to three hundred and sixty-five.

Gratuities.

14. (1) A member who, before he has had ten years' pensionable service, retires or is retired or discharged from the Public Service—

- (a) in terms of section *six* of the Act;
- (b) on account of ill-health occasioned without his own default;
- (c) owing to the abolition of his office or post or to any reduction in or reorganization or readjustment of departments or offices;
- (d) on the ground that his discharge will, for reasons other than his own unfitness or incapacity, promote efficiency or economy in the department or office in which he is employed;
- (e) on account of unfitness for his duties, or incapacity to carry them out efficiently;
- (f) under sub-section (9) of section *fourteen* of the Public Service Act, 1957,

shall be paid a gratuity equal to the sum of—

- (i) his own contributions;
- (ii) an amount equal to six per cent of his pensionable emoluments during the period of his pensionable service; and
- (iii) his excess contributions:

Provided that if such member is so discharged for a reason mentioned in paragraph (c) or (d) before he has attained the pensionable age, he shall in addition to the said gratuity be entitled to a further amount equal to

- (d) enige tydperk of gedeelte van 'n tydperk wat tussen twee tydperke van diens val, of wat tussen twee opeenvolgende tydperke van pensioengewende diens val, en wat by 'n lid se pensioengewende diens ingereken is kragtens subparagraaf (ii) van paragraaf (a) van subartikel (3) of subartikel 4 *bis* van artikel *agt* van die Pensioenwet, of subartikel (1) van artikel *nege* van die Wysigingswet op die Pensioenwette, 1957 (Wet No. 62 van 1957), of subparagraaf (ii) van paragraaf (a) van subregulasie (3) of subregulasie (4) of (5) van regulasie 6:

Met dien verstande dat—

- (i) 'n tydperk van ononderbroke diens in paragraaf (a) genoem, nie geag word onderbreek te wees nie deur—
- (aa) enige tydperk van afwesigheid met verlof sonder besoldiging ten opsigte waarvan die lid nie kies om by te dra nie; of
- (bb) enige onderbreking in diens in paragraaf (c) van subartikel (1) van artikel *dertien* van die Pensioenwet of paragraaf (d) van subregulasie (1) van regulasie 9 genoem;
- (cc) enige onderbreking wat voorgekom het in 'n tydperk van diens wat kragtens die toepaslike bepalinge van artikel *ses-en-twintig* of *agt-en-twintig* van die Regeringsdienspensioenwet, 1936, van artikel *twaalf*, *dertien* of *vyftien* van die Pensioenwet, of van regulasie 8, 9 of 11 by 'n lid se pensioengewende diens ingereken is, en wat nie daardie diens vir doeleinde van die pensioen- of voorsorg- of ondersteuningsfonds waartoe die lid voor sy oorsplasing bygedra het, onderbreek het nie;
- (ii) geen tydperk van diens, afwesigheid van diens of skorsing in diens, of enige ander tydperk word by die lid se pensioengewende diens ingereken nie, tensy die bydraes of enige ander bedrag wat deur die lid aan die Fonds verskuldig is ten opsigte van daardie tydperk aan die Fonds betaal is of ingevolge subregulasie (3) van regulasie 4 van die pensioen afgetrek word.

(2) Uitgesonderd soos anders bepaal, word die tydperk van pensioengewende diens by die jaar en gedeelte van 'n jaar bereken en enige gedeelte van 'n jaar word bepaal volgens die verhouding waarin die aantal dae in daardie gedeelte tot driehonderd vyf-en-sestig staan.

Gratifikasies.

14. (1) Aan 'n lid wat voordat hy tien jaar pensioengewende diens gehad het, uit die Staatsdiens aftree of afgedank of ontslaan word—

- (a) kragtens artikel *ses* van die Wet;
- (b) weens swak gesondheid nie deur sy eie toedoen veroorsaak nie;
- (c) weens die afskaffing van sy betrekking of pos of die vermindering of reorganisasie of herreëling van departemente of kantore;
- (d) op grond daarvan dat sy ontslag, om ander redes as sy eie ongeskiktheid of onvermoë, doeltreffendheid of besuiniging in die departement of kantoor waarin hy in diens is, sal bevorder;
- (e) weens ongeskiktheid vir sy pligte of onvermoë om hulle op bekwame wyse uit te voer;
- (f) kragtens subartikel (9) van artikel *veertien* van die Staatsdienswet, 1957,

word 'n gratifikasie betaal wat gelyk is aan die som van—

- (i) sy eie bydraes;
- (ii) 'n bedrag gelyk aan ses persent van sy pensioengewende verdienste gedurende die tydperk van sy pensioengewende diens; en
- (iii) sy meerdere bydraes:

Met dien verstande dat as sodanige lid aldus ontslaan word om 'n rede in paragraaf (c) of (d) genoem voordat hy die pensioenleeftyd bereik het, hy benewens genoemde gratifikasie geregtig is tot 'n verdere bedrag gelyk aan 'n

one-third of the sum of the amounts referred to in paragraphs (i) and (ii), which further amount shall be paid out of revenue.

(2) An old member who is a female and who is discharged on her marriage, or who retires voluntarily in contemplation of marriage, after having notified the head of her department in writing to that effect, and marries within three months after such retirement, shall receive a gratuity equal to twice her own contributions.

(3) A member who is a female, who has had not less than five years pensionable service and who is discharged on account of her marriage, or retires voluntarily in contemplation of marriage after having notified the head of her department in writing to that effect and marries within three months after such retirement, shall receive a gratuity equal to the greater of the following amounts, namely—

- (a) an amount calculated in accordance with the provisions of sub-regulation (1) of regulation 16; or
- (b) the sum of her own contributions and excess contributions together with a percentage of her own contributions calculated according to the following scale:—

Number of completed years of pensionable service	Percentage of own contributions
5	6½
6	12½
7	25
8	37½
9	50
10	62½
11	75
12	87½
13 and over	100

(4) If a member, other than a member to whom an annuity is granted in terms of regulation 25, is discharged from the Public Service on account of ill-health not occasioned without his own default, he shall be paid from the Fund an amount equal to his own contributions together with four per cent of the said amount in respect of each completed year of his pensionable service in excess of ten years and shall further be paid an amount equal to his excess contributions: Provided that the amount payable to a member to whom sub-section (3) of section six of the Act applies and who has had not less than fourteen years of pensionable service, shall not be less than an amount equal to—

- (a) his own contributions together with ten per cent of those contributions in respect of each completed year of pensionable service in excess of thirteen years; and
- (b) his excess contributions.

Annuity and gratuity after ten years' pensionable service.

15. (1) Subject to the provisions of sub-regulation (3) an old member who retires or is retired or discharged from the Public Service or the Police Force or the Prisons Service in terms of section six of the Act or for a reason mentioned in paragraph (b), (c) (d) or (e) of sub-regulation (1) of regulation 14 or under sub-section (9) of section fourteen of the Public Service Act, 1957, shall be entitled to the payment of an annuity which shall be based upon the annual average of his pensionable emoluments for the last twenty-five years of his pensionable service and which shall be calculated at the rate of one-sixtieth of such average for each year of pensionable service.

(2) Notwithstanding the provisions of sub-regulation (1), an old member who elected in terms of sub-section (1) of section nine of the Government Service Pensions Act, 1936, to receive the benefits specified in sub-section (2) of that section shall receive—

- (a) an annuity equal to seventy-five per cent of the annuity to which he would otherwise have been entitled in terms of sub-regulation (1); and

derde van die som van die bedrae in subparagrafe (i) en (ii) genoem, en so 'n verdere bedrag word uit inkomste betaal.

(2) 'n Ou lid wat 'n vrou is en wat by haar huwelik ontslaan word, of met die voorneme om in die huwelik te tree vrywillig uit diens tree nadat sy die hoof van haar departement skriftelik daarvan in kennis gestel het, en binne drie maande na sodanige uitdienstreding in die huwelik tree, ontvang 'n gratifikasie gelyk aan twee maal haar eie bydraes.

(3) 'n Lid wat 'n vrou is en wat minstens vyf jaar pensioengewende diens gehad het en weens haar huwelik ontslaan word of met die voorneme om in die huwelik te tree vrywillig uit diens tree nadat sy die hoof van haar departement skriftelik daarvan in kennis gestel het en binne drie maande na sodanige uitdienstreding, in die huwelik tree, ontvang 'n gratifikasie gelyk aan die grootste van die volgende bedrae, naamlik—

- (a) 'n bedrag bereken ooreenkomstig die bepalinge van subregulasie (1) van regulasie 16; of
- (b) die som van haar eie bydraes en meerdere bydraes tesame met 'n persentasie van haar eie bydraes bereken ooreenkomstig die volgende skaal:—

Aantal volle jaar pensioengewende diens	Persentasie van eie bydraes
5	6½
6	12½
7	25
8	37½
9	50
10	62½
11	75
12	87½
13 en meer	100

(4) As 'n lid, uitgesonderd 'n lid aan wie 'n jaargeld kragtens regulasie 25 toegeken word, uit die Staatsdiens ontslaan word weens swak gesondheid wat nie sonder sy eie toedoen veroorsaak is nie, word daar uit die Fonds 'n bedrag aan hom betaal wat gelyk is aan sy eie bydraes tesame met vier persent van genoemde bedrag ten opsigte van elke volle jaar van sy pensioengewende diens bo tien jaar en word daar ook 'n bedrag gelyk aan sy meerdere bydraes aan hom betaal: Met dien verstande dat die bedrag wat betaalbaar is aan 'n lid op wie subartikel (3) van artikel ses van die Wet van toepassing is en wa minstens veertien jaar pensioengewende diens gehad het, nie minder mag wees nie as 'n bedrag gelyk aan—

- (a) sy eie bydraes tesame met tien persent van daardie bydraes ten opsigte van elke volle jaar pensioengewende diens bo dertien jaar; en
- (b) sy meerdere bydraes.

Jaargeld en gratifikasie na tien jaar pensioengewende diens.

15. (1) Behoudens die bepalinge van subregulasie (3) is 'n ou lid wat uit die Staatsdiens, die Polisiemag of die Gevangensdiens aftree of afgedank of ontslaan word ingevolge artikel ses van die Wet of om 'n rede in paragraaf (b), (c), (d) of (e) van subregulasie (1) van regulasie 14 genoem, of ingevolge subartikel (9) van artikel veertien van die Staatsdienswet, 1957, geregtig tot die betaling van 'n jaargeld wat gebaseer word op die jaarlikse gemiddelde van sy pensioengewende verdienste oor die laaste vyf-en-twintig jaar van sy pensioengewende diens, en wat bereken word volgens die skaal van een-sestigste van sodanige gemiddelde vir elke jaar pensioengewende diens.

(2) Ondanks die bepalinge van subregulasie (1), ontvang 'n ou lid wat kragtens subartikel (1) van artikel nege van die Regeringsdienspensioenwet, 1936, gekies het om die voordele in subartikel (2) van daardie artikel genoem, te ontvang—

- (a) 'n jaargeld gelyk aan vyf-en-sewentig persent van die jaargeld waartoe hy anders kragtens subregulasie (1) geregtig sou gewees het;

(b) a gratuity which shall be calculated—

(i) if such member is discharged on account of ill-health occasioned without his own default, according to the following scale:—

Males.		Females.	
Nearest age at date of retirement or discharge.	Amount in respect of each rand by which annual amount otherwise payable is reduced.	Nearest age at date of retirement or discharge.	Amount in respect of each rand by which annual amount otherwise payable is reduced.
Up to 60	R c 10.80	Up to 55	R c 13.65
61	10.45	56	13.35
62	10.15	57	13.05
63	9.80	58	12.70
64	9.50	59	12.40
65	9.15	60	12.05
		61	11.70
		62	11.35
		63	10.95
		64	10.60
		65	10.25

(ii) if such member retires or is retired in terms of section six of the Act or is discharged for a reason mentioned in paragraph (c), (d) or (e) of sub-regulation (1) of regulation 14 or under sub-section (9) of section fourteen or the Public Service Act, 1957, according to the following scale:—

Nearest age at date of retirement or discharge	Amount in respect of each rand by which annual amount otherwise payable is reduced	
	Males	Females
	R c	R c
45	14.85	15.75
46	14.60	15.60
47	14.35	15.40
48	14.10	15.15
49	13.85	14.95
50	13.55	14.75
51	13.25	14.50
52	13.00	14.30
53	12.70	14.10
54	12.45	13.85
55	12.15	13.65
56	11.90	13.35
57	11.60	13.05
58	11.35	12.70
59	11.05	12.40
60	10.80	12.05
61	10.45	11.70
62	10.15	11.35
63	9.80	10.95
64	9.50	10.60
65 or over	9.15	10.25

(3) (a) If an old member, before he has attained the pensionable age, retires or is retired or discharged otherwise than on account of ill-health or under the provisions of sub-section (4) or paragraph (b) of sub-section (6) or sub-section (14) of section six or sub-section (3), (4) or (7) of section eight of the Act, the annuity to which he is entitled in terms of sub-regulation (1) shall, subject to the provisions of paragraph (c), be paid out of revenue until he attains that age.

(b) If an old member retires in terms of paragraph (b) of sub-section (6) of section six of the Act before he has attained the pensionable age, the annuity to which he is entitled in terms of sub-regulation (1) shall, subject to the provisions of paragraph (c), be paid out of revenue for a period of five years or until he attains the age of fifty-five years, whichever is the lesser period.

(c) In the case of an old member to whom sub-regulation (2) applies, seventy-five per cent of the annuity referred to in paragraph (a) or (b) of this sub-regulation shall be paid out of revenue for the period specified in the applicable paragraph, and the gratuity payable to such member in terms of paragraph (b) of sub-regulation (2) shall be paid partly out of revenue and partly out of the Fund in accordance with tables recommended by an actuary and approved by the Secretary.

(b) 'n gratifikasie wat—

(i) as sodanige lid weens swak gesondheid wat sonder sy eie toedoen veroorsaak is, ontslaan word, volgens onderstaande skaal bereken word:

Mans		Vroue	
Naaste leeftyd op datum van uitdiens-treding of ontslag	Bedrag ten opsigte van elke rand waarmee jaarlikse bedrag anders betaalbaar, verminder word	Naaste leeftyd op datum van uitdiens-treding of ontslag	Bedrag ten opsigte van elke rand waarmee jaarlikse bedrag anders betaalbaar, verminder word
Tot 60	R c 10.80	Tot 55	R c 13.65
61	10.45	56	13.35
62	10.15	57	13.05
63	9.80	58	12.70
64	9.50	59	12.40
65	9.15	60	12.05
		61	11.70
		62	11.35
		63	10.95
		64	10.60
		65	10.25

(ii) As sodanige lid kragtens artikel ses van die Wet aftree of afgedank word of om 'n rede in paragraaf (c), (d) of (e) van subregulasie (1) van regulasie 14 genoem, of kragtens subartikel (9) van artikel veertien van die Staatsdienswet, 1957, ontslaan word, volgens onderstaande skaal bereken word:

Naaste leeftyd op datum van uitdiens-treding of ontslag	Bedrag ten opsigte van elke rand waarmee jaarlikse bedrag anders betaalbaar, verminder word	
	Mans	Vroue
	R c	R c
45	14.85	15.75
46	14.60	15.60
47	14.35	15.40
48	14.10	15.15
49	13.85	14.95
50	13.55	14.75
51	13.25	14.50
52	13.00	14.30
53	12.70	14.10
54	12.45	13.85
55	12.15	13.65
56	11.90	13.35
57	11.60	13.05
58	11.35	12.70
59	11.05	12.40
60	10.80	12.05
61	10.45	11.70
62	10.15	11.35
63	9.80	10.95
64	9.50	10.60
65 of ouer	9.15	10.25

(3) (a) As 'n ou lid voordat hy die pensioenleeftyd bereik het, aftree of afgedank of ontslaan word om 'n ander rede as swak gesondheid of kragtens die bepaling van subartikel (4) of paragraaf (b) van subartikel (6) of subartikel 14 van artikel ses of subartikel (3), (4) of (7) van artikel agt van die Wet, word die jaargeld waartoe hy kragtens subregulasie (1) geregtig is, behoudens die bepaling van paragraaf (c), uit inkomste betaal totdat hy daardie leeftyd bereik.

(b) As 'n ou lid kragtens paragraaf (b) van subartikel (6) van artikel ses van die Wet aftree voordat hy die pensioenleeftyd bereik het, word die jaargeld waartoe hy kragtens subregulasie (1) geregtig is, behoudens die bepaling van paragraaf (c), uit inkomste betaal vir 'n tydperk van vyf jaar of totdat hy die leeftyd van vyf-en-vyftig jaar bereik, naamlik die kortste tydperk.

(c) In die geval van 'n ou lid op wie paragraaf (2) van toepassing is, word vyf-en-sewentig persent van die jaargeld in paragraaf (a) of (b) van hierdie subregulasie genoem, uit inkomste betaal vir die tydperk in die toepaslike paragraaf genoem, en word die gratifikasie wat ingevolge paragraaf (b) van subregulasie (2) aan sodanige lid betaalbaar is, gedeeltelik uit inkomste en gedeeltelik uit die Fonds betaal ooreenkomstig tabelle deur 'n ak-tuaris aanbeveel en deur die Sekretaris goedgekeur.

(4) If an old member retires in terms of sub-section (7) of section six of the act or is discharged for a reason mentioned in paragraph (c) or (d) of sub-regulation (1) of regulation 14, there shall be added to the period of his pensionable service solely for the purpose of determining the period of his pensionable service upon which the annuity to which he becomes entitled in terms of sub-regulation (1) is to be based, the period, not exceeding five years, by which his pensionable age exceeds his age at his retirement or discharge: Provided that—

- (a) if he is not an old member to whom the provisions of sub-regulation (2) apply, the amount by which the said annuity is so increased shall be paid out of revenue; or
- (b) if he is an old member to whom the said provisions apply, there shall be paid out of revenue—
- seventy-five per cent of the amount by which the said annuity is so increased; and
 - in respect of the remaining twenty-five per cent of that amount, an amount calculated *mutatis mutandis* in accordance with subparagraph (ii) of paragraph (b) of sub-regulation (2).

(5) A member who has had not less than ten years' pensionable service and who retires or is retired or discharged from the Public Service in terms of section six of the Act or for a reason mentioned in paragraph (b), (c), (d) or (e) of sub-regulation (1) of regulation 14 or under sub-section (9) of section fourteen of the Public Service Act, 1957, shall be entitled to the following benefits, namely—

- (a) an annuity which shall be based on the annual average of his pensionable emoluments for the last seven years of his pensionable service and shall be calculated at a fraction of such average for each year of pensionable service, according to the following scale—

Males	
Age at date of retirement or discharge	Fraction of annual average of pensionable emoluments
Under 61 years	1/80
61 years or over but under 62 years	1/79
62 years or over but under 63 years	1/77
63 years or over but under 64 years	1/74
64 years or over but under 65 years	1/70
65 years or over	1/65

Females	
Age at date of retirement or discharge	Fraction of annual average of pensionable emoluments
Under 56 years	4/320
56 years or over but under 57 years	4/319
57 years or over but under 58 years	4/317
58 years or over but under 59 years	4/314
59 years or over but under 60 years	4/310
60 years or over but under 61 years	4/305
61 years or over but under 62 years	4/299
62 years or over but under 63 years	4/291
63 years or over but under 64 years	4/282
64 years or over but under 65 years	4/272
65 years or over	4/260

- (b) a gratuity which shall be based on the said average and shall be calculated, in the case of a male member, at the rate of four and one-half per cent and, in the case of a female member, at the rate of five per cent of such average in respect of each year of pensionable service:

(4) As 'n ou lid kragtens subartikel (7) van artikel ses van die Wet uit diens tree of om 'n rede in paragraaf (c) of (d) van subregulasie (1) van regulasie 14 ontslaan word, word daar, uitsluitlik vir die doel van die bepaling van die tydperk van sy pensioengewende diens waarop die jaargeld waartoe hy kragtens subregulasie (1) geregtig word, gebaseer moet word, by die tydperk van sy pensioengewende diens die tydperk, waar hoogstens vyf jaar, waarmee sy pensioenleeftyd hoër is as sy leeftyd by sy uitdienstreding of ontslag, bygevoeg: Met dien verstande dat—

- (a) as hy nie 'n ou lid is op wie die bepalings van subregulasie (2) van toepassing is nie, die bedrag waarmee genoemde jaargeld aldus verhoog word, uit inkomste betaal word; of
- (b) as hy 'n ou lid is op wie genoemde bepalings van toepassing is, onderstaande uit inkomste betaal word—
- vyf-en-sewentig persent van die bedrag waarmee genoemde jaargeld aldus verhoog word; en
 - ten opsigte van die oorblywende vyf-en-twintig persent van daardie bedrag, 'n bedrag bereken *mutatis mutandis* ooreenkomstig subparagraaf (ii) van paragraaf (b) van subregulasie (2).

(5) 'n Lid wat minstens tien jaar pensioengewende diens gehad het en wat uit die Staatsdiens aftree of afgedank of ontslaan word ingevolge artikel ses van die Wet of om 'n rede genoem in paragraaf (b), (c), (d) of (e) van subregulasie (1) van regulasie 14 of ingevolge subartikel (9) van artikel veertien van die Staatsdienswet, 1957, is geregtig tot die onderstaande voordele, naamlik—

- (a) 'n jaargeld wat gebaseer word op die jaarlikse gemiddelde van sy pensioengewende verdienste oor die laaste sewe jaar van sy pensioengewende diens en bereken word teen 'n breukdeel van sodanige gemiddelde vir elke jaar pensioengewende diens ooreenkomstig onderstaande skaal:—

Mans	
Leeftyd op datum van uitdienstreding of ontslag	Breukdeel van jaarlikse gemiddelde van pensioengewende verdienste
Onder 61 jaar	1/80
61 jaar of ouer maar onder 62 jaar	1/79
62 jaar of ouer maar onder 63 jaar	1/77
63 jaar of ouer maar onder 64 jaar	1/74
64 jaar of ouer maar onder 65 jaar	1/70
65 jaar of ouer	1/65

Vroue	
Leeftyd op datum van uitdienstreding of ontslag	Breukdeel van jaarlikse gemiddelde van pensioengewende verdienste
Onder 56 jaar	4/320
56 jaar of ouer maar onder 57 jaar	4/319
57 jaar of ouer maar onder 58 jaar	4/317
58 jaar of ouer maar onder 59 jaar	4/314
59 jaar of ouer maar onder 60 jaar	4/310
60 jaar of ouer maar onder 61 jaar	4/305
61 jaar of ouer maar onder 62 jaar	4/299
62 jaar of ouer maar onder 63 jaar	4/291
63 jaar of ouer maar onder 64 jaar	4/282
64 jaar of ouer maar onder 65 jaar	4/272
65 jaar of ouer	4/260

- (b) 'n Gratifikasie wat op genoemde gemiddelde gebaseer word en, in die geval van 'n manlike lid, bereken word volgens die skaal van vier-en-'n-half persent en, in die geval van 'n vroulike lid, volgens die skaal van vyf persent van sodanige gemiddelde ten opsigte van elke jaar pensioengewende diens:

Provided that—

- (i) in the case of a female member to whom sub-section (3) or (14) of section six of the Act applies and who is retired in terms of sub-section (3), (4) or (14) of that section or is discharged on account of ill-health occasioned without her own default, the gratuity shall be calculated at the rate of five and seven-tenths of such average in respect of each year of pensionable service;
- (ii) in the case of a member to whom sub-section (3) of section six of the Act applies and who is retired in terms of sub-section (9) of that section, the gratuity shall be calculated at a percentage of such average in respect of each year of pensionable service, according to the following scale:

Males		Females	
Nearest age at date of retirement or discharge	Percentage of annual average of pensionable emoluments	Nearest age at date of retirement or discharge	Percentage of annual average of pensionable emoluments
55	5.07	50	6.15
56	4.96	51	6.06
57	4.84	52	5.97
58	4.73	53	5.88
59	4.61	54	5.79
60 or over	4.50	55 or over	5.70

(6) If a member is discharged for a reason mentioned in paragraph (c) or (d) of sub-regulation (1) of regulation 14 there shall be added to his pensionable service, solely for the purpose of determining the period of his pensionable service upon which any annuity or gratuity to which he is entitled under sub-regulation (5) is to be based, either one-third of the period of the said service or the period, not exceeding five years, by which his pensionable age exceeds his age at his discharge, whichever is the lesser period, and the amount by which such annuity or gratuity is increased by reason of the period so added, shall be paid out of revenue.

(7) If a member, before he has attained the pensionable age, is retired or discharged for any reason other than ill-health or otherwise than under the provisions of sub-section (4) or (14) of section six of the Act, all annuity payments in respect of the period before he reaches that age shall be made out of revenue and the gratuity payment partly out of revenue and partly out of the Fund in accordance with tables recommended by an actuary and approved by the Secretary.

Benefits on resignation or dismissal.

16. (1) A member who—

(a) retires voluntarily from the Public Service before attaining the pensionable age, otherwise than under the provisions of sub-section (4) or (14) of section six of the Act; or

(b) is a female with less than five years pensionable service and is discharged on account of her marriage,

shall be paid from the Fund an amount equal to his own contributions, together with four per cent of the said amount in respect of each completed year of his pensionable service in excess of ten years and shall further be paid an amount equal to his excess contributions: Provided that the amount payable to a member to whom sub-section (3) of section six of the Act applies and who has had not less than fourteen years of pensionable service, shall not be less than an amount equal to—

(i) the member's own contributions together with ten per cent of the total of such contributions in respect of each completed year of pensionable service in excess of thirteen years; and

(ii) the member's excess contributions.

(2) If a member, other than a member to whom an annuity is granted in terms of regulation 25, is discharged from the Public Service on account of misconduct, or resigns or is called upon to resign from such service in

Met dien verstande dat—

(i) in die geval van 'n vroulike lid op wie subartikel (3) of (14) van artikel ses van die Wet van toepassing is en wat ingevolge subartikel (4) of (14) van daardie artikel afgedank word of weens swak gesondheid wat nie deur haar eie toedoen veroorsaak is nie, ontslaan word, die gratifikasie bereken word volgens die skaal van vyf en sewe-tiendes van sodanige gemiddelde ten opsigte van elke jaar pensioengewende diens;

(ii) in die geval van 'n lid op wie subartikel (3) van artikel ses van die Wet van toepassing is en wat ingevolge subartikel (9) van daardie artikel afgedank word, die gratifikasie bereken word teen 'n persentasie van sodanige gemiddelde ten opsigte van elke jaar pensioengewende diens ooreenkomstig onderstaande skaal:

Mans		Vroue	
Naaste leeftyd op datum van uitdiens-treding of ontslag	Persentasie van jaarlikse gemiddelde van pensioengewende verdienste	Naaste leeftyd op datum van uitdiens-treding of ontslag	Persentasie van jaarlikse gemiddelde van pensioengewende verdienste
55	5.07	50	6.15
56	4.96	51	6.06
57	4.84	52	5.97
58	4.73	53	5.88
59	4.61	54	5.79
60 of ouer	4.50	55 of ouer	5.70

(6) As 'n lid ontslaan word om 'n rede in paragraaf (c) of (d) van subregulasie (1) van regulasie 14 genoem, word daar, uitsluitlik vir die doel van die bepaling van die tydperk van sy pensioengewende diens waarop enige jaargeld of gratifikasie waartoe hy kragtens subregulasie (5) geregtig is, gebaseer moet word, of 'n derde van die tydperk van genoemde diens of die tydperk, maar hoogstens vyf jaar, waarmee sy pensioenleeftyd hoër is as sy leeftyd by sy ontslag, naamlik die kortste van die twee tydperke, by sy pensioengewende diens bygevoeg, en die bedrag waarmee sodanige jaargeld of gratifikasie verhoog word weens die tydperk aldus bygevoeg, word uit inkomste betaal.

(7) As 'n lid om enige ander rede as swak gesondheid of op 'n ander wyse as ingevolge die bepalings van subartikel (4) of (14) van artikel ses van die Wet afgedank of ontslaan word voordat hy die pensioenleeftyd bereik het, word alle jaargeldbetalings ten opsigte van die tydperk voordat hy daardie leeftyd bereik, uit inkomste gedoen, en word die gratifikasiebetaling gedeeltelik uit inkomste en gedeeltelik uit die Fonds gedoen ooreenkomstig tabelle deur 'n aktuaris aanbeveel en deur die Sekretaris goedgekeur.

Voordele by bedanking of ontslag.

16. (1) Aan 'n lid wat—

(a) voordat hy die pensioenleeftyd bereik, vrywillig uit die Staatsdiens tree op 'n ander wyse as ingevolge die bepalings van subartikel (4) of (14) van artikel ses van die Wet; of

(b) 'n vrou is met minder as vyf jaar pensioengewende diens en weens haar huwelik ontslaan word, word uit die Fonds 'n bedrag betaal gelyk aan sy eie bydraes, tesame met vier persent van genoemde bedrag ten opsigte van elke volle jaar van sy pensioengewende diens bo tien jaar en verder 'n bedrag gelyk aan sy meerdere bydraes: Met dien verstande dat die bedrag betaalbaar aan 'n lid op wie subartikel (3) van artikel ses van die Wet van toepassing is en wat minstens veertien jaar pensioengewende diens gehad het, nie minder mag wees nie as 'n bedrag gelyk aan—

(i) die lid se eie bydraes tesame met tien persent van die totaal van sodanige bydraes ten opsigte van elke volle jaar pensioengewende diens bo dertien jaar; en

(ii) die lid se meerdere bydraes.

(2) As 'n lid, uitgesonderd 'n lid aan wie 'n jaargeld kragtens regulasie 25 toegeken is, weens wangedrag uit die Staatsdiens ontslaan word, of uit sodanige diens bedank of aangesê word om te bedank om sodanige ont-

order to avoid such discharge, or is discharged therefrom for a reason not specifically mentioned in these regulations he shall be paid an amount equal to his own contributions and his excess contributions.

(3) The Secretary may deduct from any amount payable under this regulation to any member the amount of any loss certified by the Controller and Auditor-General or a provincial auditor to have been sustained by the Government through theft, fraud, negligence or any misconduct on the part of such member.

(4) The provisions of sub-regulations (1), (2) and (3) shall *mutatis mutandis* apply in respect of old members.

Benefit on death of a member.

17. (1) If a member dies before his retirement or discharge from the Public Service there shall, subject to the provisions of paragraph (3), be paid from the Fund to or for the benefit of such of his dependants as the Secretary may determine—

(a) if such member has had less than ten years of pensionable service, a gratuity equal to the sum of—

- (i) his own contributions;
- (ii) an amount equal to six per cent of his pensionable emoluments during the period of his pensionable service; and
- (iii) his excess contributions;

(b) if such member has had not less than ten years of pensionable service, a gratuity equal to the aggregate amount of—

(i) the benefits which would have been paid to the member in terms of sub-regulation (5) of regulation 15; and

(ii) the gratuity which would have been paid in terms of sub-regulation (2) of this regulation to or in respect of the said dependants,

if the member had been discharged on account of ill-health (occasioned without his own default) with effect from the day immediately succeeding the last day of his pensionable service and had died on the first-mentioned day.

(2) If a member who has retired or has been retired or discharged from the Public Service, the Permanent Force, the Police Force or the Prisons Service on an annuity, dies within five years after the date of his retirement or discharge there shall, subject to the provision of sub-regulation (3), 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.

(3) The gratuities referred to in sub-regulation (1) and (2) shall be allocated amongst the said dependants in such manner as the Secretary may determine and the Secretary may, in the case of any dependant other than the widow of the deceased member, reduce any such gratuity to an extent which, having regard to the circumstances of such dependants, appears to him to be reasonable.

(4) If a member dies before his retirement from the Public Service without leaving a dependant, an amount equal to his own contributions, together with any excess contributions, shall be paid to his estate and there shall be no further claim on the Fund.

(5) If a member—

(a) who elected the benefits of paragraph (b) of sub-section (2) of section *fourteen* of the Pensions Act, or of that paragraph as applied by sub-section (4) of section *ninety-three* of that Act, or paragraph (b) of sub-section (4) of section *fifteen* of that Act, or has elected the benefits of paragraph (b) of sub-regulation (2) of regulation 10 or paragraph (b) of sub-regulation (5) of regulation 11, dies before such benefits become due and payable; or

slag te vermy, of daaruit ontslaan word om 'n rede wa nie uitdruklik in hierdie regulasies genoem word nie, word 'n bedrag aan hom betaal wat gelyk is aan sy eie bydraes en sy meerdere bydraes.

(3) Die Sekretaris kan van enige bedrag wat ingevolge hierdie regulasie aan 'n lid betaalbaar is, die bedrag aftrek van enige verlies wat die Regering volgens 'n verklaring van die Kontroleur en Ouditeur-generaal of 'n provinsiale ouditeur as gevolg van diefstal, bedrog, nalatigheid of enige wangedrag van die kant van sodanige lid gelyk het.

(4) Die bepalings van subregulasies (1), (2) en (3) is *mutatis mutandis* ten opsigte van ou lede van toepassing.

Voordele by afsterwe van 'n lid.

17. (1) As 'n lid te sterwe kom voor sy uitdienstreding of ontslag uit die Staatsdiens, word onderstaande, behoudens die bepalings van subregulasie (3), uit die Fonds betaal aan of ten voordele van dié van sy afhanklikes wat die Sekretaris mag bepaal—

(a) as sodanige lid minder as tien jaar pensioengewende diens gehad het, 'n gratifikasie gelyk aan die som van—

- (i) sy eie bydraes;
- (ii) 'n bedrag gelyk aan ses persent van sy pensioengewende verdienste gedurende die tydperk van sy pensioengewende diens; en
- (iii) sy meerdere bydraes;

(b) indien genoemde lid nie minder as tien jaar pensioengewende diens gehad het nie, 'n gratifikasie betaal gelyk aan die totaalbedrag van—

(i) die voordele wat ingevolge subregulasie (5) van regulasie 15 aan die lid betaal sou gewees het; en

(ii) die gratifikasie wat ingevolge subregulasie (2) van hierdie regulasie aan genoemde afhanklikes betaal sou gewees het,

indien die lid met ingang van die dag onmiddellik na die laaste dag van sy pensioengewende diens weens slegte gesondheid (sonder sy eie toedoen veroorsaak) ontslaan was, en op eersgenoemde dag te sterwe gekom het.

(2) As 'n lid wat met 'n jaargeld uit die Staatsdiens, die Staandemag, die Polisiemag of die Gevangenisdiens afgetree het of afgedank of ontslaan is, te sterwe kom binne vyf jaar na die datum van sy uitdienstreding of ontslag, word daar, behoudens die bepalings van subregulasie (3), aan of ten voordele van dié van sy afhanklikes wat die Sekretaris mag bepaal, 'n gratifikasie betaal gelyk aan die totaalbedrag van die jaargeld wat vanaf die datum van sy afsterwe tot die verstryking van genoemde vyf jaar aan sodanige lid betaal sou gewees het as hy nie te sterwe gekom het nie.

(3) Die gratifikasies in subregulasies (1) en (2) genoem, word onder genoemde afhanklikes toegewys op die wyse wat die Sekretaris mag bepaal en die Sekretaris kan, in die geval van 'n ander afhanklike as die weduwee van die oorlede lid, enige sodanige gratifikasie verminder in die mate wat hy, met inagneming van die omstandighede van sodanige afhanklikes, as redelik beskou.

(4) As 'n lid voor sy uitdienstreding uit die Staatsdiens te sterwe kom en geen afhanklike nalaat nie, word 'n bedrag gelyk aan sy eie bydraes, tesame met enige meerdere bydraes, aan sy boedel uitbetaal en is daar geen verdere eis teen die Fonds nie.

(5) As 'n lid—

(a) wat die voordele van paragraaf (b) van subartikel (2) van artikel *veertien* van die Pensioenwet, of van daardie paragraaf soos by subartikel (4) van artikel *drie-en-negentig* van daardie Wet toegepas of paragraaf (b) van subartikel (4) van artikel *vyftien* van daardie Wet gekies het, of die voordele van paragraaf (b) van subregulasie (2) van regulasie 10 of paragraaf (b) van subregulasie (5) van regulasie 11 gekies het, te sterwe kom voordat sodanige voordele verskuldig en betaalbaar word; of

(b) to whom sub-regulation (1) of regulation 26 applies, dies before a pension becomes due and payable in terms of that paragraph,

such member shall, for purposes of sub-regulations (1), (3) and (4) of this regulation be deemed to have died on the last day of his pensionable service in the Public Service.

(6) If a member referred to in paragraph (a) or (b) of sub-regulation (5) dies after an annuity becomes payable to him under the provisions referred to in the applicable paragraph, he shall, for the purposes of sub-regulations (2) and (3) of this regulation be deemed to have retired or to have been retired or discharged from the Public Service on an annuity as from the date on which the first-mentioned annuity became payable to him.

(7) The provisions of this regulation shall *mutatis mutandis* apply in respect of old members: Provided that in lieu of the gratuity referred to in paragraph (b) of sub-regulation (1) there shall be paid in respect of an old member—

(a) if such member dies before he has attained the pensionable age, a gratuity equal to the aggregate amount of the pension which would have been paid from the Fund to the member and to or for the benefit of his dependants if the member had been discharged on account of ill-health (occasioned without his own default) with effect from the day immediately succeeding the last day of his pensionable service and had died on the first-mentioned day;

(b) if such member has, under the provisions of the Act, been retained in his office or post beyond the pensionable age, a gratuity equal to the aggregate amount of the pension which would have been paid to the member and to or for the benefit of the said dependants if the member had retired or been retired on pension by reason of his age with effect from the day immediately succeeding the last day of his pensionable service and had died on the first-mentioned day.

PART IV : FINANCIAL PROVISIONS

Payments from revenue to the Fund and from the Fund to revenue.

18. (1) Subject to the provisions of sub-regulation (4) of regulation 8, there shall be paid out of revenue to the Fund, with effect from the fixed date—

(a) at the end of each month an amount equal to the aggregate of the current contributions, excluding the excess contributions, which have been paid to the Fund by contributors during that month;

(b) on the thirty-first day of March in each year—

(i) an amount equal to the aggregate of the arrear contributions for which contributors to the Fund may have become liable in terms of sub-regulation (1) of regulation 6 or sub-section (1) of section *eight* of the Pensions Act and the liability for which has been notified to and accepted by the Secretary;

(ii) interest at the rate of four per cent per annum on—

(aa) twice the amount of the contributions referred to in sub-paragraph (i), compounded annually and calculated according to the dates upon which the said contributions would have become payable had the contributors been contributing as from the commencement of the periods of their past pensionable service;

(bb) the amount of any arrear or excess contributions and any other amounts due by contributors to the Fund in respect of which such contributors are not required to pay interest and which remain unpaid at the end of each month during the period in respect of which the interest is paid, calculated on a monthly basis; and

(b) op wie subregulasie (1) van regulasie 26 van toepassing is, te sterwe kom voordat 'n pensioen ingevolge daardie paragraaf verskuldig en betaalbaar word,

word sodanige lid vir die toepassing van subregulasies (1), (3) en (4) van hierdie regulasie geag op die laaste dag van sy pensioengewende diens in die Staatsdiens te gesterf het.

(6) As 'n lid in paragraaf (a) of (b) van subregulasie (5) genoem, te sterwe kom nadat 'n jaargeld aan hom betaalbaar word ingevolge die bepalings in die toepaslike paragraaf genoem, word hy vir die toepassing van subregulasies (2) en (3) van hierdie regulasie geag met 'n jaargeld uit die Staatsdiens af te getree het of afgedank of ontslaan te gewees het met ingang van die datum waarop eersgenoemde jaargeld aan hom betaalbaar geword het.

(7) Die bepalings van hierdie regulasie is *mutatis mutandis* ten opsigte van ou lede van toepassing: Met dien verstande dat onderstaande in die plek van die gratifikasie in paragraaf (b) van subregulasie (1) genoem, ten opsigte van 'n ou lid betaal moet word—

(a) as sodanige lid te sterwe kom voordat hy die pensioenleeftyd bereik het, 'n gratifikasie gelyk aan die totaalbedrag van die pensioen wat uit die Fonds aan die lid en aan of ten voordele van sy afhanklikes betaal sou gewees het as die lid weens swak gesondheid (nie deur sy eie toedoen veroorsaak nie) ontslaan was met ingang van die datum wat onmiddellik volg op die laaste dag van sy pensioengewende diens en op eersgenoemde dag te sterwe gekom het;

(b) as sodanige lid kragtens die bepalings van die Wet in sy betrekking of pos aangehou is na die pensioenleeftyd, 'n gratifikasie gelyk aan die totaalbedrag van die pensioen wat aan die lid en aan of ten voordele van genoemde afhanklikes betaal sou gewees het as die lid weens sy leeftyd met pensioen afgetree het of afgedank was met ingang van die dag wat onmiddellik volg op die laaste dag van sy pensioengewende diens en op eersgenoemde dag te sterwe gekom het.

DEEL IV : FINANSIËLE BEPALINGS.

Betalings uit inkomste aan die Fonds en uit die Fonds aan inkomste.

18. (1) Behoudens die bepalings van subregulasie (4) van regulasie 8, moet onderstaande met ingang van die vasgestelde datum uit inkomste aan die Fonds betaal word—

(a) aan die end van elke maand, 'n bedrag gelyk aan die totaalbedrag van die lopende bydraes, uitgesonderd die meerdere bydraes, wat bydraers gedurende daardie maand aan die Fonds betaal het;

(b) op die een-en-dertigste dag van Maart in elke jaar—

(i) 'n bedrag gelyk aan die totaalbedrag van die agterstallige bydraes waarvoor bydraers tot die Fonds ingevolge subregulasie (1) van regulasie 6 of subartikel (1) van artikel *agt* van die Pensioenwet aanspreeklik mag geword het en van die aanspreeklikheid waarvoor die Sekretaris in kennis gestel is en wat hy aanvaar het;

(ii) rente teen die koers van vier persent per jaar op—

(aa) twee maal die bedrag van die bydraes in subparagraaf (i) genoem, jaarliks saamgestel en bereken volgens die datums waarop genoemde bydraes betaalbaar sou geword het as die bydraers vanaf die begin van die tydperke van hulle vorige pensioengewende diens bygedra het;

(bb) die bedrag van enige agterstallige of meerdere bydraes en enige ander bedrae deur bydraers aan die Fonds verskuldig ten opsigte waarvan sodanige bydraers nie verplig is om rente te betaal nie en wat nog onbetaal is aan die end van elke maand gedurende die tydperk ten opsigte waarvan die rente betaal word, bereken op 'n maandelikse basis; en

(cc) the average of the uninvested amounts in the Fund at the end of each month during the period in respect of which the interest is paid.

(2) (a) If a member was appointed to a post in the Public Service on probation and becomes entitled to a benefit under regulation 16 or dies without leaving a dependant, before his appointment is confirmed or before being permanently appointed, any amount paid to the Fund from revenue in respect of such member shall be repaid to revenue.

(b) The provisions of paragraph (a) shall not apply in respect of a member if he was transferred from other pensionable employment to employment in respect of which he became liable to contribute to the Fund or if immediately prior to his appointment to a post in the Public Service he has had not less than one year's pensionable service as a non-contributor within the meaning of that term as defined in regulation 27 and elected in terms of regulation 28 to become a member of the Fund.

(3) If a member is retired or discharged from the Public Service by reason of bodily injury or permanent ill-health arising out of and in the course of his employment, or if a member, before his retirement or discharge from the Public Service, dies by reason of such an injury or such ill-health, and if a compensatory pension which is payable from revenue in lieu of any benefits payable to him or his dependants, in terms of these regulations and the Workmen's Compensation Act, 1941 (Act No. 30 of 1941), is granted to him or his dependants under regulations made under the Act to provide for such a pension, there shall be paid out of the Fund to revenue an amount equal to—

(a) twice the amount of his own contributions;

(b) in respect of each completed year of his pensionable service up to and including the date of his retirement or death an amount equal to two per cent of the amount payable in terms of paragraph (a) and, in respect of the remaining portion of such service, an amount equal to a percentage of the amount so payable which bears to two per cent the same ratio as the number of days in that portion bears to three hundred and sixty-five and any amount payable in terms of this paragraph shall be deemed to be interest accrued:

Provided that the amount so payable shall be reduced by any contributions or any other amount which in terms of paragraph (b) of sub-regulation (3) of regulation 4 cease to be payable to the Fund.

Investment of Fund balances.

19. (1) All amounts paid to the Fund shall be lodged in the Treasury to the credit of the Fund.

(2) So much of the amounts so lodged as is not required for current purposes shall be a deposit for the purposes of the Public Debt Commissioners Act, 1911 (Act No. 18 of 1911), and shall be invested accordingly.

(3) If the interest earned by the Fund on deposits referred to in sub-regulation (2) should be less than four per cent in the aggregate in any year ending on the thirty-first day of March, a sum equal to the difference between the interest so earned and interest at the rate of four per cent per annum shall be paid out of the Consolidated Revenue Fund to the Fund as soon as the Controller and Auditor-General has certified such sum.

Accounts.

20. (1) The Secretary shall cause full and true accounts of the Fund to be kept showing particulars in connection with any matter of which it is necessary to keep an account for the purpose of the Act or in order that an actuarial valuation of the Fund may be made at any time.

(cc) die gemiddelde van die onbelegde bedrae in die Fonds aan die end van elke maand gedurende die tydperk ten opsigte waar van die rente betaal word.

(2) (a) As 'n lid op proef aangestel is in 'n pos in die Staatsdiens en tot 'n voordeel kragtens regulasie 16 geregtig word of te sterwe kom en geen afhanklike nalaat nie voordat sy aanstelling bekragtig is of voordat hy vas aangestel word, word enige bedrag wat ten opsigte van sodanige lid, uit inkomste aan die Fonds betaal is, aan inkomste terugbetaal.

(b) Die bepalinge van paragraaf (a) is nie ten opsigte van 'n lid van toepassing nie as hy uit ander pensioengewende diens oorgeplaas is na diens ten opsigte waarvan hy onder die verpligting gekom het om tot die Fonds by te dra of as hy onmiddellik voor sy aanstelling in 'n pos in die Staatsdiens minstens een jaar pensioengewende diens gehad het as 'n nie-bydraer binne die betekenis van daardie uitdrukking soos omskryf in regulasie 27 en kragtens regulasie 28 gekies het om lid van die Fonds te word.

(3) As 'n lid uit die Staatsdiens afgedank of ontslaan word weens liggaamlike besering of blywende swak gesondheid wat uit en in die loop van sy diens ontstaan het, of as 'n lid as gevolg van sodanige besering of sodanige swak gesondheid voor sy uitdienstreding of ontslag uit die Staatsdiens te sterwe kom en as 'n vergoedingspensioen wat uit inkomste betaalbaar is, in plaas van enige voordeel wat aan hom of sy afhanklikes, ingevolge hierdie regulasies en die Ongevalwet, 1941 (Wet No. 30 van 1941), betaalbaar is aan hom of sy afhanklikes ingevolge regulasies ingevolge die Wet uitgevaardig om vir so 'n pensioen voorsiening te maak, toegeken word, moet daar uit die Fonds aan inkomste 'n bedrag betaal word wat gelyk is aan—

(a) twee maal die bedrag van sy eie bydraes;

(b) ten opsigte van elke volle jaar van sy pensioengewende diens tot en met die datum van sy uitdienstreding of dood, 'n bedrag gelyk aan twee persent van die bedrag ingevolge paragraaf (a) betaalbaar en, ten opsigte van die oorblywende gedeelte van sodanige diens, 'n bedrag gelyk aan 'n persentasie van die bedrag aldus betaalbaar wat in dieselfde verhouding tot twee persent staan as wat die aantal dae in daardie gedeelte tot driehonderd vyf-en-sestig staan, en enige bedrag ingevolge hierdie paragraaf betaalbaar, word geag opgelope rente te wees:

Met dien verstande dat die bedrag aldus betaalbaar, verminder moet word met enige bydraes of enige ander bedrag wat ingevolge paragraaf (b) van subregulasie (3) van regulasie 4 nie meer aan die Fonds betaalbaar is nie.

Belegging van Fondssaldo's.

19. (1) Alle bedrae wat aan die Fonds betaal is, moet vir krediet van die Fonds by die Tesourie gestort word.

(2) Soveel van die bedrae aldus gestort as wat nie vir lopende doeleindes nodig is nie, is 'n deposito vir die toepassing van die Openbare Schuld Kommissarissen Wet, 1911 (Wet No. 18 van 1911), en moet dienooreenkomstig belê word.

(3) As die rente wat deur die Fonds op deposito's in subregulasie (2) genoem, verdien word, in die totaalbedrag minder is as vier persent in enige jaar wat op die een-en-dertigste dag van Maart eindig, moet 'n bedrag gelyk aan die verskil tussen die rente aldus verdien en rente teen die koers van vier persent per jaar uit die Gekonsolideerde Inkomstefonds aan die Fonds betaal word sodra die Kontroleur en Ouditeur-generaal sodanige bedrag gesertifiseer het.

Rekeninge.

20. (1) Die Sekretaris moet volledige en ware rekeninge van die Fonds laat hou wat besonderhede toon in verband met enige aangeleentheid waarvan dit nodig is om 'n rekening vir die toepassing van die Wet te hou of sodat 'n aktuariële waardering van die Fonds te eniger tyd gemaak kan word.

(2) The Secretary shall cause the books and accounts of the Fund to be balanced up to the thirty-first day of March in every year and a balance sheet to be prepared showing the assets and liabilities of the Fund as at that date.

(3) For the purposes of this regulation and regulation 21 any amount due to a member or an old member (other than a member or an old member to whom an annuity is payable) shall be deemed to have become a liability of the Fund within the financial year in which payment of the said amount is made.

Valuations of the Fund.

21. (1) An actuary shall value the assets and liabilities of the Fund as at the thirty-first day of March, 1968, and every five years thereafter and shall declare any surplus or deficiency which his investigation discloses and shall report thereon to the Minister.

(2) The report of the actuary shall be laid upon the Table in the Senate and in the House of Assembly within sixty days of the receipt thereof by the Minister if Parliament is then in session, or if Parliament is not then in session, within sixty days after the commencement of its next ensuing session.

(3) If the actuary in such a report certifies that there is a substantial surplus or a substantial deficiency, the contributions payable by or in respect of contributors or any class of contributors, shall be reduced or increased, as the circumstances may require, to such an extent and as from such date, as the Minister in consultation with the Minister of Finance and the Minister of the Interior and on the recommendation of the actuary, may determine: Provided that the rates at which contributions are payable from revenue in respect of contributors shall not be reduced to less than the rates at which contributions are payable by contributors.

(4) A statement embodying the decision of the Minister under sub-regulation (3) shall be laid upon the Table in the Senate and in the House of Assembly within one year from the date on which the report of the actuary was laid thereon.

Management of the Fund.

22. (1) The business of the Fund shall be conducted by the Secretary and the cost in connection therewith and of any actuarial investigation and matters incidental thereto shall be paid out of the Consolidated Revenue Fund.

(2) All pensions payable under this Chapter shall, except where otherwise provided, be paid out of the Fund.

CHAPTER II.

SPECIAL BENEFITS: OFFICERS.

Additional benefits to certain officers.

23. (1) If an officer who is a contributor to the Fund and who—

- (a) is a person to whom sub-section (3) of section six of the Act refers;
- (b) in the case of a female contributor, has attained the age of fifty years but has not attained the age of fifty-five years, or, in the case of a male contributor, has attained the age of fifty-five years but has not attained the age of sixty years; and
- (c) has had not less than twenty-five years' pensionable service,

is discharged from the Public Service on account of ill-health occasioned without his own default, there shall—

- (i) if he is entitled to a gratuity in terms of subparagraph (i) of paragraph (b) of sub-regulation (2) of regulation 15 be paid to him a further amount equal to the difference, if any, between such gratuity and the gratuity which would have been payable to him had the provisions of subparagraph (ii) of that paragraph been applicable to his case; or

(2) Die Sekretaris moet die boeke en rekeninge van die Fonds laat balanseer tot en met die een-en-dertigste dag van Maart in elke jaar en 'n balansstaat laat opstel wat die bates en laste van die Fonds soos op daardie datum toon.

(3) Vir die toepassing van hierdie regulasie en regulasie 21 word 'n bedrag wat aan 'n lid of 'n ou lid (uitgesonderd 'n lid of 'n ou lid aan wie 'n jaargeld betaalbaar is) verskuldig is, geag 'n las van die Fonds te geword het binne die boekjaar waarin die betaling van genoemde bedrag gedoen word.

Waarderings van die Fonds.

21. (1) 'n Aktuaris moet die bates en laste van die Fonds soos op die een-en-dertigste dag van Maart 1968 en elke vyf jaar daarna waardeer en moet enige surplus of tekort wat sy ondersoek aan die lig bring, verklaar en verslag daaroor aan die Minister doen.

(2) Die verslag van die aktuaris moet binne sestig dae na ontvangs daarvan deur die Minister in die Senaat en in die Volksraad ter tafel gelê word as die Parlement dan in sitting is, of as die Parlement nie in sitting is nie, binne sestig dae na die aanvang van sy eersvolgende sitting.

(3) As die aktuaris in so 'n verslag sertifiseer dat daar 'n aansienlike surplus of 'n aansienlike tekort is, moet die bydraes wat deur of ten opsigte van bydraers of enige klas bydraers betaalbaar is, of verlaag of verhoog word, al na die omstandighede vereis, in die mate en vanaf die datum wat die Minister in oorleg met die Minister van Finansies en die Minister van Binnelandse sake en op aanbeveling van die aktuaris mag bepaal: Met dien verstande dat die skale waarvolgens bydraes uit inkomste ten opsigte van bydraers betaalbaar is, nie verlaag mag word nie tot minder as die skale waarvolgens bydraes deur bydraers betaalbaar is.

(4) 'n Verklaring wat die beslissing van die Minister kragtens subregulasie (3) beliggaam, moet in die Senaat en in die Volksraad ter tafel gelê word binne een jaar na die datum waarop die verslag van die aktuaris ter tafel gelê is.

Bestuur van die Fonds.

22. (1) Die sake van die Fonds word deur die Sekretaris behartig en die koste daaraan verbonde en van enige aktuariële ondersoek en aangeleenthede in verband daarmee, word uit die Gekonsolideerde Inkomstefonds bestry.

(2) Tensy anders bepaal, moet alle pensioene wat in-gevolge hierdie hoofstuk betaalbaar is, uit die Fonds betaal word.

HOOFSTUK II.

SPESIALE VOORDELE: BEAMPTES.

Addisionele voordele aan sekere beamptes.

23. (1) As 'n beampte wat 'n bydraer tot die Fonds is en wat—

- (a) 'n persoon is op wie subartikel (3) van artikel ses van die Wet betrekking het;
- (b) in die geval van 'n vroulike bydraer, die leeftyd van vyftig jaar bereik het, maar nie die leeftyd van vyf-en-vyftig jaar bereik het nie, of, in die geval van 'n manlike bydraer, die leeftyd van vyf-en-vyftig jaar bereik het, maar nie die leeftyd van sestig jaar bereik het nie; en
- (c) minstens vyf-en-twintig jaar pensioengewende diens gehad het,

uit die Staatsdiens ontslaan word weens swak gesondheid nie deur sy eie toedoen veroorsaak nie, word daar—

- (i) as hy kragtens subparagraaf (i) van paragraaf (b) van subregulasie (2) van regulasie 15 tot 'n gratifikasie geregtig is, 'n verdere bedrag aan hom betaal wat gelyk is aan die verskil, as daar is, tussen sodanige gratifikasie en die gratifikasie wat aan hom betaalbaar sou gewees het as die bepalings van subparagraaf (ii) van daardie paragraaf op sy geval van toepassing was; of

- (ii) if he is entitled to a gratuity in terms of paragraph (b) of sub-regulation (5) of regulation 15, be paid to him a further amount equal to the difference, if any, between such gratuity and a gratuity based on the annual average of his pensionable emoluments for the last seven years of his pensionable service and calculated at a percentage of the said average in respect of each year of pensionable service, according to the following scale:—

Males		Females	
Nearest age at date of discharge	Percentage of annual average of pensionable emoluments	Nearest age at date of discharge	Percentage of annual average of pensionable emoluments
55	5.07	50	6.15
56	4.96	51	6.06
57	4.84	52	5.97
58	4.73	53	5.88
59	4.61	54	5.79

(2) Any amount payable in terms of this regulation shall be paid out of revenue.

Special gratuity to certain officers and other persons.

24. (1) An officer (other than an officer who is referred to in regulation 27 or who is a member of the Permanent Force, the Police Force or the Prisons Service) who is not a member of the Fund shall be subject to the provisions of section six of the Act as if he were a member as defined in regulation 1.

(2) An officer to whom sub-regulation (1) applies may on retirement or discharge under the provisions of section six of the Act or for a reason referred to in paragraph (b), (c) (d) or (e) of sub-regulation (1) of regulation 14 or under sub-section (9) of section fourteen of the Public Service Act, 1957, be paid a gratuity equal to six per cent of his pensionable emoluments during the period of his pensionable service: Provided that in calculating any such gratuity any period of service during which the pensionable emoluments of such officer were less than one hundred and eighty rand per annum shall not be taken into account.

(3) (a) If an officer to whom sub-regulation (2) applies, or a person to whom sub-regulation (4) applies, dies before his retirement or discharge there may, subject to the provisions of paragraph (b), be paid to or for the benefit of such of his dependants as the Secretary may determine, the amount of the gratuity which could have been paid to him had he been retired or discharged at the date of his death.

(b) The provisions of sub-regulation (3) of regulation 17 shall *mutatis mutandis* apply in respect of any such amount.

(4) The provisions of sub-regulation (1), and of sub-regulation (2) other than the proviso thereto, shall apply to any person appointed under sub-section (2) of section five of the High Commissioner's Act, 1911 (Act No. 3 of 1911), to a clerical post in the office of the High Commissioner referred to therein, or to any post in the said office approved by the Commission for the purposes of sub-section (4) of section sixty-one of the Pensions Act or of this regulation, who is in terms of sub-section (2) of section one of the Diplomatic Mission in United Kingdom Service Act, 1961, deemed to have been appointed under the provisions of sub-section (1) of that section and who did not become a member of the old fund under section eighteen of the Government Service Pensions Act, 1936, or a member of the Fund under section twenty-four of the Pensions Act: Provided that in calculating any gratuity to be paid to such person, any period of service during which his pensionable emoluments were less than one hundred and twenty rand per annum shall not be taken into account.

(5) For purposes of this regulation pensionable service with reference to which any gratuity is to be calculated,

- (ii) as hy kragtens paragraaf (b) van subregulasie (5) van regulasie 15 tot 'n gratifikasie geregtig is, 'n verdere bedrag aan hom betaal wat gelyk is aan die verskil, as daar is, tussen sodanige gratifikasie en 'n gratifikasie gebaseer op die jaarlikse gemiddelde van sy pensioengewende verdienste oor die afgelope sewe jaar van sy pensioengewende diens en bereken teen 'n persentasie van genoemde gemiddelde ten opsigte van elke jaar pensioengewende diens, volgens onderstaande skaal—

Mans		Vroue	
Naaste leeftyd op datum van ontslag	Persentasie van jaarlikse gemiddelde van pensioengewende verdienste	Naaste leeftyd op datum van ontslag	Persentasie van jaarlikse gemiddelde van pensioengewende verdienste
55	5.07	50	6.15
56	4.96	51	6.06
57	4.84	52	5.97
58	4.73	53	5.88
59	4.61	54	5.79

(2) Enige bedrag wat ingevolge hierdie regulasie betaalbaar is, moet uit inkomste betaal word.

Spesiale gratifikasie aan sekere beamptes en ander persone.

24. (1) 'n Beampte (uitgesonderd 'n beampte wat in regulasie 27 genoem word of wat 'n lid van die Staande Mag, die Polisiemag of die Gevagensdiens is) wat nie 'n lid van die Fonds is nie, is onderworpe aan die bepalings van artikel ses van die Wet asof hy 'n lid was soos in regulasie 1 omskryf.

(2) Aan 'n beampte op wie subregulasie (1) van toepassing is, kan by uitdienstreding of ontslag ingevolge die bepalings van artikel ses van die Wet of om 'n rede in paragraaf (b), (c), (d) of (e) van subregulasie (1) van regulasie 14 genoem, of ingevolge subartikel (9) van artikel veertien van die Staatsdienswet, 1957, 'n gratifikasie betaal word wat gelyk is aan ses persent van sy pensioengewende verdienste gedurende die tydperk van sy pensioengewende diens: Met dien verstande dat by die berekening van enige sodanige gratifikasie, enige tydperk van diens waarin die pensioengewende verdienste van sodanige beampte minder was as honderd-en-tagtig rand per jaar, nie in aanmerking geneem word nie.

(3) (a) As 'n beampte op wie subregulasie (2) van toepassing is of 'n persoon op wie subregulasie (4) van toepassing is, voor sy uitdienstreding of ontslag te sterwe kom, kan daar, behoudens die bepalings van paragraaf (b), aan of ten voordele van dié van sy afhanklikes wat die Sekretaris mag bepaal, die bedrag betaal word van die gratifikasie wat aan hom betaal sou kon gewees het as hy op die datum van sy afsterwe afgedank of ontslaan was.

(b) Die bepalings van subregulasie (3) van regulasie 17 is *mutatis mutandis* ten opsigte van sodanige bedrag van toepassing.

(4) Die bepalings van subregulasie (1) en van subregulasie (2), uitgesonderd die voorbehoudsbepaling daarvan, is van toepassing op enige persoon wat kragtens subartikel (2) van artikel vyf van die Hoge Kommissaris Wet, 1911 (Wet No. 3 van 1911), aangestel is in 'n klerklike pos in die kantoor van die Hoë Kommissaris daarin genoem, of in enige pos in genoemde kantoor wat deur die Kommissie goedgekeur is, vir die toepassing van subartikel (4) van artikel een-en-sestig van die Pensioenwet of van hierdie regulasie, en wat kragtens subartikel (2) van artikel een van die Wet op Diens by Diplomatieke Sending in Verenigde Koninkryk, 1961, geag word kragtens die bepalings van subartikel (1) van daardie artikel aangestel te wees en wat nie kragtens artikel agtien van die Regeringsdienspensioenwet, 1936, 'n lid van die ou fonds geword het nie of kragtens artikel vier-en-twintig van die Pensioenwet 'n lid van die Fonds geword het nie: Met dien verstande dat by die berekening van 'n gratifikasie wat aan sodanige persoon betaal moet word, enige tydperk van diens waarin sy pensioengewende verdienste minder as honderd-en-twintig rand per jaar was, nie in aanmerking geneem word nie.

(5) Vir doeleindes van hierdie regulasie moet pensioengewende diens ten opsigte waarvan enige gratifikasie bereken moet word, ononderbroke wees, word dit nie geag

shall be continuous, shall not be regarded as interrupted by leave of absence without pay or any period of suspension and shall include the time spent—

- (i) on normal duty;
 - (ii) on leave of absence with full or less than full pay;
 - (iii) under suspension with full or less than full pay, if followed by reinstatement in the same or another post or office,
- but shall not include the time spent on leave of absence or under suspension without pay.

(6) If any officer or person during his pensionable service was—

- (a) remunerated at a weekly, daily or hourly rate of pay, his pensionable emoluments shall be assessed on the basis of the annual equivalent of such rate calculated to the nearest rand;
- (b) on leave of absence or under suspension with less than full pay, he shall, for the purpose of determining any gratuity payable under this regulation, be deemed to have been paid his full pensionable emoluments during any period of such leave or suspension.

(7) Any gratuity payable under this regulation shall be paid out of revenue.

Special annuities.

25. (1) A member or old member—

- (a) who is retired or discharged from the Public Service or from the Police Force or Prisons Service on account of ill-health or medical unfitness not occasioned without his own default and who has rendered not less than twenty years of satisfactory pensionable service; or
- (b) who is discharged from the said Service or Force on account of misconduct, or is called upon to resign from such Service or Force to avoid such discharge, and who prior to the act of misconduct had rendered not less than twenty years of satisfactory pensionable service,

may, in lieu of any other benefit payable from the Fund, be granted such annuity as the Treasury, on the recommendation of the Commission, may determine.

(2) Twenty-five per cent of any annuity granted in terms of sub-regulation (1), may in the discretion of the Secretary and on such basis and on such conditions as the Secretary may determine, be converted into a gratuity, if written application for such conversion is made by the said member or old member before he has received any payment in respect of the said annuity.

(3) All annuity payments in respect of the period before the said member or old member has attained the pensionable age shall be made out of revenue, and all annuity payments thereafter shall be made from the Fund, and any gratuity payable in terms of sub-regulation (2) shall be paid partly out of revenue and partly out of the Fund in accordance with tables recommended by an actuary and approved by the Secretary.

Persons transferred to and from the service of other governments.

26. (1) (a) If, prior to the twenty-fourth day of June, 1955, an officer (as defined in section twenty-two of the Public Service Act, 1923), was transferred to pensionable employment under the government of the United Kingdom or of any state within the British Commonwealth or of any British colony, possession or protectorate, or has subsequently been transferred from pensionable employment under any such government to pensionable employment under any other such government, the Minister may, when such officer retires or is retired on pension from the service of the government to which he was so transferred, grant him a pension in respect of his pensionable service as such an officer.

deur afwesigheidsverlof sonder besoldiging of enige tydperk van skorsing onderbreek te wees nie en omvat dit die tyd deurgebring—

- (i) in normale diens;
- (ii) met afwesigheidsverloof met volle of minder as volle besoldiging;
- (iii) in skorsing met volle of minder as volle besoldiging, as dit gevolg word deur herstel in dieselfde of 'n ander pos of betrekking,

maar nie die tyd met afwesigheidsverlof of in skorsing sonder besoldiging deurgebring nie.

(6) As 'n beamppte of 'n persoon gedurende sy pensioengewende diens—

- (a) per week, per dag of per uur besoldig is, word sy pensioengewende verdienste bereken op die basis van die jaarlikse ekwivalent van sodanige besoldiging tot die naaste rand bereken;
- (b) met afwesigheidsverlof was of in sy diens geskors is met minder as volle besoldiging, word hy vir die doel van die bepaling van 'n gratifikasie ingevolge hierdie regulasie betaalbaar, geag sy volle pensioengewende verdienste betaal te gewees het gedurende enige tydperk van sodanige verlof of skorsing.

(7) Enige gratifikasie ingevolge hierdie regulasie betaalbaar, word uit inkomste betaal.

Spesiale jaargelde.

25. (1) Aan 'n lid of 'n ou lid—

- (a) wat uit die Staatsdiens of uit die Polisiemag of uit die Gevangenisdiens afgedank of ontslaan word weens swak gesondheid of mediese ongeskiktheid wat nie sonder sy eie toedoen veroorsaak is nie, en wat minstens twintig jaar bevredigende pensioengewende diens gelewer het; of
- (b) wat weens wangedrag uit genoemde Diens of Mag ontslaan word of aangesê word om uit sodanige Diens of Mag te bedank om sodanige ontslag te vermy, en wat voor die daad van wangedrag minstens twintig jaar bevredigende pensioengewende diens gelwer het,

kan in plaas van enige ander voordeel wat uit die Fonds betaalbaar is, die jaargeld toegeken word wat die Tesourie op aanbeveling van die Kommissie mag bepaal.

(2) Vyf-en-twintig persent van enige jaargeld wat kragtens subregulasie (1) toegeken word, kan na goeddunke van die Sekretaris en op die basis en die voorwaardes wat die Sekretaris mag bepaal, in 'n gratifikasie omgesit word, as sodanige lid of ou lid skriftelik om sodanige omsetting aansoek doen voordat hy 'n betaling ten opsigte van genoemde jaargeld ontvang het.

(3) Alle jaargeldbetalings ten opsigte van die tydperk voordat sodanige lid of ou lid die pensioenleeftyd bereik het, word uit inkomste gedoen, en alle jaargeldbetalings daarna word uit die Fonds gedoen en enige gratifikasie betaalbaar ingevolge subregulasie (2) word deels uit inkomste en deels uit die Fonds betaal ooreenkomstig die tabelle wat deur 'n aktuaris aanbeveel en deur die Sekretaris goedgekeur is.

Persone oorgeplaas na en uit die diens van ander regerings.

26. (1) (a) As 'n beamppte (soos omskryf in artikel twee-en-twintig van die Staatsdiens Wet, 1923), voor die vier-en-twintigste dag van Junie 1955 na pensioengewende diens onder die regering van die Verenigde Koninkryk of van 'n staat binne die Britse Gemenebes of van 'n Britse kolonie, besitting of protektoraat, oorgeplaas is of daarna uit pensioengewende diens onder sodanige regering oorgeplaas is na pensioengewende diens onder 'n ander sodanige regering, kan die Minister, wanneer sodanige beamppte met pensioen aftree of afgedank word uit die diens van die regering waarna hy aldus oorgeplaas is, 'n pensioen aan hom toeken ten opsigte van sy pensioengewende diens as so 'n beamppte.

(b) Subject to the provisions of sub-regulation (6), the said pension shall be computed on the basis on which a pension payable to such officer would have been computed had he retired or been retired or discharged from the service of the Government at the date of his transfer: Provided that such pension shall only be granted if he would have been entitled to a pension had he retired or been retired or discharged from the service of the Government on the same grounds as those on which he retires or is retired or discharged from the service to which he was so transferred: Provided further that in the case of a person who retires or is retired by reason of the age which he has attained, the pension shall only be payable as from the date on which he attains an age at which he could have claimed to be retired from the service of the Government.

(2) (a) If a member or old member—

(i) was, on or after the twenty-fourth day of June, 1955, but before the twelfth day of July, 1963, transferred to pensionable employment under the government of a Commonwealth country or of any British colony, possession or protectorate; or

(ii) has, on or after the twelfth day of July, 1963, been transferred, on the recommendation of the Commission, to pensionable employment under the government of any foreign country,

the Minister may, when such member retires or is retired or discharged on pension from the service of the government to which he was so transferred or of any other such government to which he may subsequently have been transferred, grant him a pension in respect of the period during which he was a contributor to the old fund or the Fund or to both funds.

(b) Subject to the provisions of sub-regulation (6), the said pension shall be computed on the basis on which a pension payable to such member would have been computed had he retired or been retired or discharged at the date of transfer: Provided that such pension shall only be granted if he would have been entitled to a pension had he retired or been retired or discharged on the same grounds as those on which he retires or is retired or discharged from the service to which he has been so transferred: Provided further that in the case of a person who retired or is retired or discharged by reason of the age which he has attained, or for a reason mentioned in paragraph (c), (d) or (e) of sub-regulation (1) of regulation 14 the pension shall only be payable from the date on which he attains an age at which he would have had the right to retire on pension and would have been required to be so retired had he not been so transferred: Provided further that if he is retired or discharged for a reason mentioned in paragraph (c) or (d) of sub-regulation (1) of regulation 14 no period shall be added to the period of his pensionable service for the purpose of computing such pension.

(3) If an officer or member to whom sub-regulation (1) or (2) relates, retires or is retired or discharged without any pension from the service of the government to which he was so transferred, he shall be paid an amount equal to the sum of his own contributions and excess contributions, unless the Minister directs that the provisions of sub-regulation (1) or (2), as the circumstances may require, shall be applied to his case as if he had been retired or discharged for a reason mentioned in paragraph (c) or (d) of sub-regulation (1) of regulation 14.

(4) (a) If a person referred to in sub-regulation (1) or (2) is re-transferred or reappointed to the Public Service, his pensionable service prior to his transfer to pensionable employment under a government referred to in the applicable paragraph shall, on such conditions as the Secretary may determine, be reckoned as continuous with his subsequent pensionable service in the Public Service.

(b) A person to whom paragraph (a) applies, shall, notwithstanding anything to the contrary in these regulations contained, again contribute to the Fund as from the date of his retransfer or reappointment to the Public Service, and the rate of his contributions shall be determined by his age last birthday at the date of the commencement of his first period of pensionable service.

(b) Behoudens die bepalings van subregulasie (6), word genoemde pensioen bereken op die basis waarop 'n pensioen betaalbaar aan sodanige beamppte bereken sou gewees het as hy op die datum van sy oorplasing uit die diens van die Regering afgetree het of afgedank of ontslaan was: Met dien verstande dat sodanige pensioen toegeken word slegs as hy tot 'n pensioen geregtig sou gewees het as hy uit die diens van die Regering afgetree het of afgedank of ontslaan was om dieselfde rede as dié waarom hy uit die diens waarna hy aldus oorgeplaas is, aftree of afgedank of ontslaan word: Met dien verstande voorts dat, in die geval van 'n persoon wat aftree of afgedank word weens die leeftyd wat hy bereik het, die pensioen betaalbaar is slegs vanaf die datum waarop hy die leeftyd bereik waarop hy daarop aanspraak kon gemaak het om uit die diens van die Regering afgedank te word.

(2) (a) As 'n lid of 'n ou lid—

(i) op of na die vier-en-twintigste dag van Junie 1955, maar voor die twaalfde dag van Julie 1963, oorgeplaas is na pensioengewende diens onder die regering van 'n Gemenebesland of van 'n Britse kolonie, besitting of protektoraat; of

(ii) op of na die twaalfde dag van Julie 1963 op aanbeveling van die Kommissie oorgeplaas is na pensioengewende diens onder die regering van 'n vreemde land,

kan die Minister wanneer sodanige lid met pensioen aftree of afgedank of ontslaan word uit die diens van die regering waarna hy aldus oorgeplaas is of van enige ander sodanige regering waarna hy daarna oorgeplaas mag gewees het, 'n pensioen aan hom toeken ten opsigte van die tydperk waarin hy 'n bydraer tot die ou fonds of die Fonds of albei fondse was.

(b) Behoudens die bepalings van subregulasie (6), word genoemde pensioen bereken op die basis waarop 'n pensioen betaalbaar aan sodanige lid bereken sou gewees het as hy op die datum van oorplasing afgetree het of afgedank of ontslaan was: Met dien verstande dat sodanige pensioen toegeken word slegs as hy tot 'n pensioen geregtig sou gewees het as hy afgetree het of afgedank of ontslaan was om dieselfde rede as dié waarom hy aftree of afgedank of ontslaan word uit die diens waarna hy aldus oorgeplaas is: Met dien verstande voorts dat, in die geval van 'n persoon wat aftree of afgedank of ontslaan word weens die leeftyd wat hy bereik het, of om 'n rede in paragraaf (c), (d) of (e) van subregulasie (1) van regulasie 14 genoem, die pensioen betaalbaar is slegs vanaf die datum waarop hy 'n leeftyd bereik waarop hy die reg sou gehad het om met pensioen af te tree en aldus afgedank sou moes gewees het as hy nie aldus oorgeplaas was nie: Met dien verstande voorts dat as hy afgedank of ontslaan word om 'n rede in paragraaf (c) of (d) van subregulasie (1) van regulasie 14 genoem, geen tydperk by die tydperk van sy pensioengewende diens bygevoeg word vir die doel van die berekening van sodanige pensioen nie.

(3) As 'n beamppte of lid op wie subregulasie (1) of (2) betrekking het, sonder 'n pensioen aftree of afgedank of ontslaan word uit die diens van die regering waarna hy aldus oorgeplaas is, word 'n bedrag aan hom betaal gelyk aan die som van sy eie bydraes en meerdere bydraes, tensy die Minister gelas dat die bepalings van subregulasie (1) of (2), al na die omstandighede vereis, op sy geval toegepas moet word asof hy afgedank of ontslaan is om 'n rede in paragraaf (c) of (d) van subregulasie (1) van regulasie 14 genoem.

(4) (a) As 'n persoon in subregulasie (1) of (2) genoem, weer oorgeplaas word na of weer aangestel word in die Staatsdiens, word sy pensioengewende diens voor sy oorplasing na pensioengewende diens onder 'n regering in die toepaslike paragraaf genoem, op die voorwaardes wat die Sekretaris mag bepaal, gereken aaneenlopend te wees met sy latere pensioengewende diens in die Staatsdiens.

(b) 'n Persoon op wie paragraaf (a) van toepassing is, moet, ondanks andersluidende bepalings in hierdie regulasies vervat, weer tot die Fonds bydra met ingang van die datum van sy heroorplasing na of heraanstelling in die Staatsdiens, en die skaal van sy bydraes word bepaal deur sy leeftyd op sy laaste verjaardag op die datum van die aanvang van sy eerste tydperk van pensioengewende diens.

(5) If any person, other than a person referred to in sub-regulation (4), is retransferred or reappointed to the Public Service from the service of a government referred to in sub-regulation (2) the provisions of sub-regulation (6) shall apply to such person.

(6) Notwithstanding anything in these regulations contained, an annuity or an annuity together with a gratuity, based on his pensionable service as a contributor to the old fund or to the Fund, or to both the old fund and the Fund, may be granted to any such officer, member or person who has had less than ten years of service as a contributor, if the continuous period of his pensionable service as such a contributor and in the service to or from which transfer has taken place, is ten years or more.

(7) Any pension referred to in sub-regulation (1) or (2) and any amount referred to in sub-regulation (3), shall be paid out of the Fund or out of revenue or out of both the Fund and revenue as the circumstances require.

CHAPTER III

SPECIAL BENEFITS: CERTAIN NON-WHITE EMPLOYEES OF THE GOVERNMENT.

Interpretation of terms.

27. (1) In this chapter—

(i) "non-White employee" means a person who is not a White person and who is in the employ of the Government, other than—

(a) an employee in respect of whom provision for a pension is otherwise made in any law;

(b) an employee who is a member of the Permanent Force or of an auxiliary service referred to in section *eighty* of the Defence Act, 1957 (Act No. 44 of 1957), or, who is not such a member and is otherwise employed for the purposes of the South African Defence Force;

(c) a member of the Police Force or Prisons Service or a person who is not such a member, and is otherwise employed for the purpose of that Force or Service,

and includes an officer who, by virtue of an election made in terms of sub-section (3) of section *thirty-nine* of the Government Service Pensions Act, 1936, sub-section (3) of section *sixty-nine* of the Pensions Act or regulation 28, is not a member of the Fund;

(ii) "pensionable age" means—

(a) in relation to a non-White employee who is an officer, the pensionable age as defined in regulation 1; or

(b) in relation to any other non-White employee—

(i) not less than fifty-five years and not more than sixty-five years if he attains the age of fifty-five years on the first day of any month in a year;

(ii) not less than his age on the first day of the month immediately following the month in which he attains the age of fifty-five years and not more than his age on the first day of the month immediately following the month in which he attains the age of sixty-five years, if he does not attain the age of fifty-five years on the first day of any month in a year:

Provided that no retirement on account of the age which the employee has reached shall take place other than on the first day of a month;

(iii) "pensionable service as a contributor to the Fund" means pensionable service in terms of regulation 13;

(5) As enige persoon, uitgesonderd 'n persoon in sub-regulasie (4) genoem, uit die diens van 'n regering in subregulasie (2) genoem, weer oorgeplaas word na of weer aangestel word in die Staatsdiens, is die bepalinge van subregulasie (6) op sodanige persoon van toepassing.

(6) Ondanks enigiets in hierdie regulasies vervat, kan 'n jaargeld of 'n jaargeld tesame met 'n gratifikasie, gebaseer op sy pensioengewende diens as 'n bydraer tot die ou fonds of die Fonds, of tot sowel die ou fonds as die Fonds, toegeken word aan sodanige beampte, lid of persoon wat minder as tien jaar diens as 'n bydraer gehad het, as die ononderbroke tydperk van sy pensioengewende diens as so 'n bydraer en in die diens waarna of waaruit sy oorplasing plaasgevind het, tien jaar of meer is.

(7) 'n Pensioen in subregulasie (1) of (2) genoem en enige bedrag in subregulasie (3) genoem, word uit die Fonds of uit inkomste of uit sowel die Fonds as inkomste, al na die omstandighede vereis, betaal.

HOOFSTUK III.

SPESIALE VOORDELE: SEKERE NIE-BLANKE WERKNEMERS VAN DIE REGERING.

Woordomskrywing.

27. (1) In hierdie hoofstuk beteken—

(i) „nie-Blanke werknemer” 'n persoon wat nie 'n Blanke persoon is nie en wat in die diens van die Regering is, uitgesonderd—

(a) 'n werknemer ten opsigte van wie daar op 'n ander wyse by wet vir 'n pensioen voorsiening gemaak word;

(b) 'n werknemer wat 'n lid is van die Staande Mag of van 'n hulpdiens genoem in artikel *tagtig* van die Verdedigingswet, 1957 (Wet No. 44 van 1957), of wat nie so 'n lid is nie en op 'n ander wyse in diens is vir doeleindes van die Suid-Afrikaanse Weermag;

(c) 'n lid van die Polisiemag of Gevangenisdiens of wat nie so 'n lid is nie, en op 'n ander wyse vir doeleindes van daardie Mag of Diens in diens is,

en omvat 'n beampte wat uit hoofde van 'n keuse gedoen kragtens subartikel (3) van artikel *nege-entertig* van die Regeringsdienspensioenwet, 1936, subartikel (3) van artikel *nege-en-sestig* van die Pensioenwet of regulasie 28, nie 'n lid van die Fonds is nie;

(ii) „pensioenleeftyd”—

(a) met betrekking tot 'n nie-Blanke werknemer wat 'n beampte is, die pensioenleeftyd soos in regulasie 1 omskryf; of

(b) met betrekking tot 'n ander nie-Blanke werknemer—

(i) minstens vyf-en-vyftig jaar en hoogstens vyf-en-sestig jaar as hy die leeftyd van vyf-en-vyftig jaar op die eerste dag van enige maand in 'n jaar bereik;

(ii) minstens sy leeftyd op die eerste dag van die maand wat onmiddellik volg op die maand waarin hy die leeftyd van vyf-en-vyftig jaar bereik en hoogstens sy leeftyd op die eerste dag van die maand wat onmiddellik volg op die maand waarin hy die leeftyd van vyf-en-sestig jaar bereik, as hy nie die leeftyd van vyf-en-vyftig jaar bereik op die eerste dag van enige maand in 'n jaar nie;

Met dien verstande dat geen uitdienstreding weens die leeftyd wat die werknemer bereik het, op 'n ander dag as die eerste dag van 'n maand mag plaasvind nie;

(iii) „pensioengewende diens as 'n bydraer tot die Fonds” pensioengewende diens ingevolge regulasie 13;

- (iv) "pensionable service as a non-contributor" or "pensionable service during which a non-White employee was a non-contributor" means the period during which the said employee was not a member of a pension fund referred to in sub-section (1) of section *two* of the Act or of any other pension or provident fund and was not a contributor to such a fund.

Option to non-White employees appointed as officers.

28. If a non-White employee (other than an officer who, by virtue of an election made in terms of sub-section (3) of section *thirty-nine* of the Government Service Pensions Act, 1936, or sub-section (3) of section *sixty-nine* of the Pensions Act, was immediately prior to the fixed date subject to the provisions of the latter section) is or becomes liable to contribute to the Fund, he shall elect in writing within ninety days from the date upon which he is called upon to do so, whether he is to be subject to the provisions of Chapter I of these regulations or to the provisions of this Chapter and if he fails so to elect he shall be subject to the provisions of this Chapter.

Pensionable Service.

29. (1) Pensionable service during which a non-White employee was a non-contributor and in respect of which any pension is to be calculated under this Chapter shall be continuous, shall not be regarded as interrupted by leave of absence without pay or any period of suspension, and shall include the time spent—

- (a) on normal duty;
- (b) on leave of absence with full or less than full pay;
- (c) under suspension, with full or less than full pay, if the suspension is followed by reinstatement in the same or another office or post, but shall not include the time spent on leave of absence or under suspension without pay.

(2) If a non-White employee during his pensionable service as a non-contributor was—

- (a) remunerated at a weekly, daily or hourly rate of pay, his pensionable emoluments shall be assessed on the basis of the annual equivalent of such rate calculated to the nearest rand;
- (b) on leave of absence or under suspension with less than full pay, he shall, for purposes of determining any pension payable under this Chapter, be deemed to have been paid his full pensionable emoluments during any period of such leave or suspension.

Pension benefits on retirement.

30. Subject to the provisions of regulation 37 a non-White employee shall, on retirement or discharge at the pensionable age or for a reason mentioned in paragraph (b), (c), (d) or (e) of sub-regulation (1) of regulation 14 or under sub-section (9) of section *fourteen* of the Public Service Act, 1957, be entitled to a pension according to the following provisions:

- (a) If his pensionable service is five years or more, but less than fifteen years, a gratuity calculated at the rate of one-half of his pensionable emoluments during the last month of his pensionable service for each complete year of his pensionable service shall be paid to him.
- (b) If his pensionable service is fifteen years or more, but less than twenty-five years an annuity calculated at the rate of two rand for each complete year of his pensionable service, but not exceeding one-half of his average annual pensionable emoluments during the last ten years of such service shall be paid to him.

- (iv) „pensioengewende diens as 'n nie-bydraer" of „pensioengewende diens waartydens 'n nie-Blanke werknemer 'n nie-bydraer was" die tydperk waarin genoemde werknemer nie 'n lid was nie van 'n pensioenfonds in subartikel (1) van artikel *twee* van die Wet genoem of van enige ander pensioen- of voorsorg- of ondersteuningsfonds en nie 'n bydraer tot so 'n fonds was nie.

Keuse vir nie-Blanke werknemers wat as beamptes aangestel word.

28. As 'n nie-Blanke werknemer (uitgesonderd 'n beampte wat uit hoofde van 'n keuse gedoen kragtens subartikel (3) van artikel *nege-en-dertig* van die Regeeringsdienspensioenwet, 1936, of subartikel (3) van artikel *nege-en-sestig* van die Pensioenwet, onmiddellik voor die vasgestelde datum aan die bepalings van laasgenoemde artikel onderworpe was) onder die verpligting is of kom om tot die Fonds by te dra, moet hy binne negentig dae na die datum waarop hy aangesê word om dit te doen, kies of hy onderworpe wil wees aan die bepalings van Hoofstuk I van hierdie regulasies of aan die bepalings van hierdie hoofstuk, en as hy nie so 'n keuse doen nie, is hy onderworpe aan die bepalings van hierdie hoofstuk.

Pensioengewende Diens.

29. (1) Pensioengewende diens waartydens 'n nie-Blanke werknemer 'n nie-bydraer was, en ten opsigte waarvan 'n pensioen ingevolge hierdie hoofstuk bereken moet word, moet ononderbroke wees, word nie geag deur afwesigheidsverlof sonder besoldiging of enige tydperk van skorsing, onderbreek te wees nie, en omvat die tyd deurgebring—

- (a) in normale diens;
- (b) met afwesigheidsverlof met volle of minder as volle besoldiging;
- (c) in skorsing met volle of minder as volle besoldiging as die skorsing gevolg word deur herstelling in dieselfde of 'n ander betrekking of pos, maar omvat nie die tyd wat met afwesigheidsverlof of in skorsing sonder besoldiging deurgebring word nie.

(2) As 'n nie-Blanke werknemer gedurende sy pensioengewende diens as 'n nie-bydraer—

- (a) per week, per dag of per uur besoldig is, word sy pensioengewende verdienste bereken op die basis van die jaarlikse ekwivalent van sodanige besoldiging tot die naaste rand bereken;
- (b) met afwesigheidsverlof of in skorsing met minder as volle besoldiging was, word hy, vir doeleindes van die bepaling van enige pensioen ingevolge hierdie hoofstuk betaalbaar, geag sy volle pensioengewende verdienste betaal te gewees het gedurende enige tydperk van sodanige verlof of skorsing.

Pensioenvoordele by uitdienstreding.

30. Behoudens die bepalings van regulasie 37, is 'n nie-Blanke werknemer by uitdienstreding of ontslag by die pensioenleeftyd of om 'n rede genoem in paragraaf (b), (c), (d) of (e) van subregulasie (1) van regulasie 14 of ingevolge subartikel (9) van artikel *veertien* van die Staatsdienswet, 1957, geregtig tot 'n pensioen ooreenkomstig onderstaande bepalings:—

- (a) As sy pensioengewende diens vyf jaar of meer, maar minder as vyftien jaar is, word 'n gratifikasie, bereken volgens die skaal van die helfte van sy pensioengewende verdienste gedurende die laaste maand van sy pensioengewende diens vir elke volle jaar van sy pensioengewende diens, aan hom betaal.
- (b) As sy pensioengewende diens vyftien jaar of meer, maar minder as vyf-en-twintig jaar is, word 'n jaargeld, bereken volgens die skaal van twee rand vir elke volle jaar van sy pensioengewende diens, maar hoogstens die helfte van sy gemiddelde jaarlikse pensioengewende verdienste gedurende die laaste tien jaar van sodanige diens, aan hom betaal.

- (c) If his pensionable service is twenty-five years or more, there shall be paid to him either an annuity calculated at the rate of three rand for each complete year of his pensionable service, or an annuity of two-thirds of his average annual pensionable emoluments during the last ten years of such service, whichever is the lesser.

Pension benefits on retirement: joint contributory and non-contributory service.

31. Notwithstanding the provisions of regulation 28 a non-White employee who is or has elected to be a contributor to the Fund shall, if he is granted a pension from the Fund, be granted, in addition to such pension, a pension in respect of his pensionable service (if any) as a non-contributor calculated as follows:

- (a) If the period of his continuous pensionable service, both as a contributor to the Fund and as a non-contributor is five years or more, but less than fifteen years, and his pensionable service as a non-contributor is not less than one year, a gratuity calculated at the rate of one-half of his pensionable emoluments during the last month of his pensionable service as a non-contributor for each complete year of such service.
- (b) If the period of his continuous pensionable service, both as a contributor to the Fund and as a non-contributor, is fifteen years or more, but less than twenty-five years, and his pensionable service as a non-contributor is not less than one year, an annuity calculated at the rate of two rand for each complete year of his pensionable service as a non-contributor but not exceeding one-half of his average annual pensionable emoluments during the last ten years of such service or during the whole period of such service, whichever is the lesser period.
- (c) If the period of his continuous pensionable service, both as a contributor to the Fund and as a non-contributor, is twenty-five years or more, and his pensionable service as a non-contributor is not less than one year, an annuity calculated at the rate of three rand for each complete year of his pensionable service as a non-contributor but not exceeding two-thirds of his average annual pensionable emoluments during the last ten years of such service or during the whole period of such service, whichever is the lesser period.

Pension benefits: calculation of award from the Fund.

32. A non-White employee who becomes entitled to an annuity in terms of paragraph (b) or (c) of regulation 31, and who has had less than ten years pensionable service as a contributor to the Fund, shall, notwithstanding anything to the contrary in these regulations contained, be granted from the Fund an annuity, or an annuity together with a gratuity, in respect of and based on his pensionable service as a contributor to the Fund.

Benefits to dependants.

33. (a) If a non-White employee to whom paragraph (a), (b) or (c) of regulation 30 applies, dies after the completion of five years of pensionable service, there may, subject to the provisions of paragraph (c) of this regulation, be paid to or for the benefit of such of his dependants as the Secretary may determine—

- (i) if death occurs before his retirement or discharge, a gratuity calculated at a rate not exceeding one-half of his pensionable emoluments during the last

- (c) As sy pensioengewende diens vyf-en-twintig jaar of meer is, word of 'n jaargeld, bereken volgens die skaal van drie rand vir elke volle jaar van sy pensioengewende diens, of 'n jaargeld van tweederdes van sy gemiddelde jaarlikse pensioengewende verdienste gedurende die laaste tien jaar van sodanige diens, naamlik die minste van die twee, aan hom betaal.

Pensioenvoordele by uitdienststreding: gesamentlike bydraeplygtige en nie-bydraeplygtige diens.

31. Ondanks die bepalings van regulasie 28, word daar aan 'n nie-Blanke werknemer wat 'n bydraer tot die Fonds is of gekies het om dit te wees, as 'n pensioen uit die Fonds aan hom toegeken word, benewens sodanige pensioen, 'n pensioen toegeken ten opsigte van sy pensioengewende diens (as daar was) as 'n nie-bydraer, soos volg bereken:—

- (a) As die tydperk van sy ononderbroke pensioengewende diens, beide as 'n bydraer tot die Fonds en as 'n nie-bydraer, vyf jaar of meer, maar minder as vyftien jaar is, en sy pensioengewende diens as 'n nie-bydraer nie minder as een jaar is nie, 'n gratifikasie bereken volgens die skaal van die helfte van sy pensioengewende verdienste gedurende die laaste maand van sy pensioengewende diens as 'n nie-bydraer vir elke volle jaar van sodanige diens.
- (b) As die tydperk van sy ononderbroke pensioengewende diens, beide as 'n bydraer tot die Fonds en as 'n nie-bydraer, vyftien jaar of meer, maar minder as vyf-en-twintig jaar is, en sy pensioengewende diens as 'n nie-bydraer nie minder as een jaar is nie, 'n jaargeld bereken volgens die skaal van twee rand vir elke volle jaar van sy pensioengewende diens as 'n nie-bydraer, maar hoogstens die helfte van sy gemiddelde jaarlikse pensioengewende verdienste gedurende die laaste tien jaar van sodanige diens of gedurende die hele tydperk van sodanige diens, naamlik die kortste tydperk.
- (c) As die tydperk van sy ononderbroke pensioengewende diens, beide as 'n bydraer tot die Fonds en as 'n nie-bydraer, vyf-en-twintig jaar of meer is, en sy pensioengewende diens as 'n nie-bydraer nie minder as een jaar is nie, 'n jaargeld bereken volgens die skaal van drie rand vir elke volle jaar van sy pensioengewende diens as 'n nie-bydraer, maar hoogstens tweederdes van sy gemiddelde jaarlikse pensioengewende verdienste gedurende die laaste tien jaar van sodanige diens of gedurende die hele tydperk van sodanige diens, naamlik die kortste tydperk.

Pensioenvoordele: berekening van toekenning uit die Fonds.

32. Aan 'n nie-Blanke werknemer wat kragtens paragraaf (b) of (c) van regulasie 31 tot 'n jaargeld geregtig word en wat minder as tien jaar pensioengewende diens as 'n bydraer tot die Fonds gehad het, word, ondanks andersluidende bepalings in hierdie regulasies vervat, 'n jaargeld of 'n jaargeld tesame met 'n gratifikasie uit die Fonds, toegeken ten opsigte van en gebaseer op sy pensioengewende diens as 'n bydraer tot die Fonds.

Voordele aan afhanklikes.

33. (a) As 'n nie-Blanke werknemer op wie paragraaf (a), (b) of (c) van regulasie 30 van toepassing is, te sterwe kom na die voltooiing van vyf jaar pensioengewende diens, kan daar, behoudens die bepalings van paragraaf (c) van hierdie regulasie, aan of ten voordele van dié van sy afhanklikes wat die Sekretaris mag bepaal—

- (i) as hy voor sy uitdienststreding of ontslag te sterwe kom, 'n gratifikasie betaal word bereken volgens die skaal van hoogstens die helfte van sy pensioengewende verdienste gedurende die laaste

month of his pensionable service in respect of each completed year of his pensionable service; or

- (ii) if death occurs after his retirement or discharge on an annuity, a gratuity equal to the amount by which the gratuity which could have been paid to his dependants under sub-paragraph (i), had his death occurred immediately before retirement or discharge, exceeds the amount of the pension payments which have been made to such employee up to the time of his death.

(b) If a non-White employee who is or has elected to be a contributor to the Fund dies after he has completed five years continuous pensionable service both as a contributor to the Fund and as a non-contributor, and his pensionable service as a non-contributor is not less than one year, the provisions of paragraph (a) of this regulation shall, in respect of his dependants, apply *mutatis mutandis* in respect of his pensionable service as a non-contributor: Provided that—

- (i) the gratuity payable in terms of sub-paragraph (i) of paragraph (a) shall be based on the pensionable emoluments of such employee during the last month of his pensionable service as a non-contributor;
- (ii) the gratuity payable in terms of sub-paragraph (ii) of paragraph (a), shall be equal to the amount by which the gratuity which could have been paid to the dependants of such employee in terms of sub-paragraph (i) of the said paragraph, as so applied, had his death occurred immediately before retirement or discharge, exceeds the amount of the pension payments which have been made to such employee in terms of paragraph (b) or (c) of regulation 30 up to the time of his death.

(c) The gratuities referred to in paragraphs (a) and (b) 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 a deceased non-White employee, reduce such gratuity to an extent which, having regard to the circumstances of such dependants, appears to him to be reasonable.

Non-application of regulations 31 and 33.

34. Regulation 31 and paragraph (b) of regulation 33 shall not apply in respect of a non-White employee, unless—

- (a) he elected, in terms of section fifteen of the Government Service Pensions Act, 1936, to contribute to the old fund in respect of that period of his continuous employment prior to the date on which he became subject to the provisions of Chapter I of that Act, in respect of which he was in terms of the said section given the option of contributing to that fund; or
- (b) in terms of sub-section (1) of section eight of the Pensions Act, he has contributed to the Fund in respect of the approved period of his continuous employment prior to the date on which he became subject to the provisions of Part C of Chapter I of that Act;
- (c) in terms of sub-regulation (1) of regulation 6 he has contributed to the Fund in respect of the approved period of his continuous employment prior to the date on which he became liable to contribute to the Fund.

Conversion into a gratuity.

35. Twenty-five per cent of an annuity awarded in terms of paragraph (b) or (c) of regulation 30 or paragraph (b) or (c) of regulation 31 shall be converted into a gratuity on the basis of ten rand for each rand so converted.

maand van sy pensioengewende diens ten opsigte van elke volle jaar van sy pensioengewende diens, of

- (ii) as hy te sterwe kom na sy uitdienststreding of ontslag met 'n jaargeld, 'n gratifikasie betaal word gelyk aan die bedrag waarmee die gratifikasie wat kragtens subparagraaf (i) aan sy afhanklikes betaal kon gewees het as hy onmiddellik voor uitdienststreding of ontslag te sterwe gekom het, meer is as die bedrag van sy pensioenbetalings wat aan sodanige werknemer gedoen is tot die tyd van sy dood.

(b) As 'n nie-Blanke werknemer wat 'n bydraer tot die Fonds is of gekies het om dit te wees, te sterwe kom nadat hy vyf jaar ononderbroke pensioengewende diens as 'n bydraer tot die Fonds en as 'n nie-bydraer voltooi het, en sy pensioengewende diens as 'n nie-bydraer nie minder as een jaar is nie, is die bepalings van paragraaf (a) van hierdie regulasie ten opsigte van sy afhanklikes *mutatis mutandis* van toepassing ten opsigte van sy pensioengewende diens as 'n nie-bydraer: Met dien verstande dat—

- (i) die gratifikasie wat ingevolge subparagraaf (i) van paragraaf (a) betaalbaar is, gebaseer moet word op die pensioengewende verdienste van sodanige werknemer gedurende die laaste maand van sy pensioengewende diens as 'n nie-bydraer;
- (ii) die gratifikasie wat ingevolge subparagraaf (ii) van paragraaf (a) betaalbaar is, gelyk moet wees aan die bedrag waarmee die gratifikasie wat ingevolge subparagraaf (i) van genoemde paragraaf, aldus toegepas, aan die afhanklikes van sodanige werknemer betaal kon gewees het as hy onmiddellik voor uitdienststreding of ontslag te sterwe gekom het, meer is as die bedrag van die pensioenbetalings wat ingevolge paragraaf (b) of (c) van regulasie 30 aan sodanige werknemer gedoen is tot die tyd van sy dood.

(c) Die gratifikasies in paragrawe (a) en (b) genoem, word onder genoemde afhanklikes toegewys op die wyse wat die Sekretaris mag bepaal en die Sekretaris kan, in die geval van ander afhanklikes as die weduwee van 'n oorlede nie-Blanke werknemer, sodanige gratifikasie verminder in die mate wat hy, met inagneming van die omstandighede van sodanige afhanklikes, as redelik beskou.

Nie-toepassing van regulasies 31 en 33.

34. Regulasie 31 en paragraaf (b) van regulasie 33 is nie ten opsigte van 'n nie-Blanke werknemer van toepassing nie, tensy—

- (a) hy kragtens artikel vyftien van die Regeringsdienspensioenwet, 1936, gekies het om tot die ou fonds by te dra ten opsigte van dié tydperk van sy ononderbroke diens voor die datum waarop hy aan die bepalings van Hoofstuk I van daardie Wet onderworpe geword het, ten opsigte waarvan hy ingevolge genoemde artikel die keuse gegee is om tot daardie fonds by te dra; of
- (b) hy ingevolge subartikel (1) van artikel agt van die Pensioenwet tot die Fonds bygedra het ten opsigte van die goedgekeurde tydperk van sy ononderbroke diens voor die datum waarop hy aan die bepalings van Deel C van Hoofstuk I van daardie Wet onderworpe geword het;
- (c) hy ingevolge subregulasie (1) van regulasie 6 tot die Fonds bygedra het ten opsigte van die goedgekeurde tydperk van sy ononderbroke diens voor die datum waarop hy onder die verpligting gekom het om tot die Fonds by te dra.

Omsetting in 'n gratifikasie.

35. Vyf-en-twintig persent van 'n jaargeld wat ingevolge paragraaf (b) of (c) van regulasie 30 of paragraaf (b) of (c) van regulasie 31 toegeken is, word in 'n gratifikasie omgesit op die basis van tien rand vir elke rand aldus omgesit.

Payment of pension benefits from revenue.

36. Any annuity or gratuity awarded in terms of this Chapter shall be paid out of revenue.

Non-application of this Chapter to certain foreign employees.

37. The provisions of this Chapter 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 any such employee.

CHAPTER IV

Date of commencement of regulations.

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

Betaling van pensioenvoordele uit inkomste.

36. Enige jaargeld of gratifikasie wat kragtens hierdie hoofstuk toegeken word, word uit inkomste betaal.

Nie-toepassing van hierdie hoofstuk op sekere buitelandse werknemers.

37. Die bepalings van hierdie hoofstuk is nie van toepassing op enige 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 of op die afhanklikes van enige sodanige werknemer nie.

HOOFSTUK IV.

Datum van inwerkingtreding van regulasies.

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