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GOEWERMENTSKENNISGEWINGS

DEPARTEMENT VAN FINANSIES

No. R. 2267

26 November 1993

REGULASIES UITGEVAARDIG KRAGTENS DIE WET OP DIE PENSIOENFONDS VIR TYDELIKE WERKNEMERS, 1979

Die Minister van Finansies het kragtens artikel 8 van die Wet op die Pensioenfonds vir Tydelike Werknemers, 1979 (Wet No. 75 van 1979), die regulasies vervat in die Bylae uitgevaardig.

BYLAE

Woordomskrywing

1. (1) In hierdie Bylae beteken "die Regulasies" die regulasies afgekondig by Goewermentskennisgewing No. R. 2099 van 21 September 1979, soos gewysig, en het 'n woord waaraan in die Regulasies en die Wet op die Pensioenfonds vir Tydelike Werknemers, 1979, 'n betekenis geheg is, daardie betekenis.
- (2) In hierdie regulasies, tensy uit die samehang anders blyk, beteken—
 - "**aktuariële verpligting**", ten opsigte van 'n lid, die aktuariële verpligting van die Fonds met betrekking tot daardie lid soos deur die aktuaris bereken;
 - "**bankkoers**", die koers soos van tyd tot tyd kragtens artikel 10 (2) van die Wet op die Suid-Afrikaanse Reserwebank, 1989 (Wet No. 90 van 1989), vasgestel;
 - "**befondsingspersentasie**", die benaderde waarde van die netto bates van die Fonds op 'n bepaalde datum, uitgedruk as 'n persentasie van die beraamde totale aktuariële verpligting van die Fonds op sodanige datum, soos deur die aktuaris bepaal;

GOVERNMENT NOTICES

DEPARTMENT OF FINANCE

No. R. 2267

26 November 1993

REGULATIONS MADE UNDER THE TEMPORARY EMPLOYEES PENSION FUND ACT, 1979

The Minister of Finance has in terms of section 8 of the Temporary Employees Pension Fund Act, 1979 (Act No. 75 of 1979), made the regulations set out in the Schedule.

SCHEDULE

Definition

1. (1) In this Schedule "the Regulations" means the regulations published under Government Notice No. R. 2099 of 21 September 1979, as amended, and any word to which a meaning has been assigned in the Regulations and the Temporary Employees Pension Fund Act, 1979, shall bear that meaning.
- (2) In these regulations, unless the context otherwise indicates—
 - "**actuarial obligation**", with regard to a certain member of the Fund, means the actuarial obligation of the Fund with regard to that member, as calculated by the actuary;
 - "**bank rate**", means the rate established from time to time in terms of section 10 (2) of the Reserve Bank of South Africa Act, 1989 (Act No. 90 of 1989);
 - "**funding percentage**", of the Fund on a specific date, means the approximate value of the net assets of the Fund, expressed as a percentage of the approximate actuarial obligation of the Fund on such a date, as determined by the actuary;

"persoon in onderwysdiens", 'n persoon wie se salaris en diensvoorwaardes bepaal word ooreenkomstig algemene onder-wysbeleid ingevolge artikel 2 (1) (b) en (2) van die Wet op Nasionale Beleid vir Algemene Onderwysake, 1984 (Wet No. 76 van 1984); en

"Regeringsdienspensioenfonds", die Regeringsdienspensioenfonds ingestel by artikel 3 van die Regeringsdienspensioenwet, 1973 (Wet No. 57 van 1973).

Keuse aan lede met betrekking tot oorplasing

2. (1) Ondanks die bepalings van regulasie 9 van die Regulasies word 'n lid—

- (a) wat ingevolge 'n wet vermeld in die Aanhangel aangestel is;
- (b) wat op datum van beëindiging van sy lidmaatskap minstens 10 jaar pensioengewende diens tot sy krediet het;
- (c) wat op 1 Julie 1993 aan die kriteria vir lidmaatskap van die Regeringsdienspensioenfonds sou voldoen het,

indien hy nie 'n persoon in onderwysdiens is nie en op of na 2 Maart 1993 en voor of op 1 Julie 1993, of indien hy 'n persoon in onderwysdiens is en op of na 2 Julie 1993 en voor of op 1 Oktober 1993, om 'n rede gemeld in regulasie 8 (1) (a) en (b) (ii) van die Regulasies met pensioen uit diens tree of afgedank of ontslaan word, 'n eenmalige keuse gebied om, in die geval van 'n persoon wat nie 'n persoon in onderwysdiens is nie voor 30 September 1993, of in die geval van 'n persoon in onderwysdiens voor 31 Desember 1993, ingevolge regulasie 2 (1) van die regulasies afgekondig by Goewermentskennisgewing No. R. 2268 van 26 November 1993, oorgeplaas te word na die Regeringsdienspensioenfonds.

(2) 'n Lid wat ingevolge subregulasie (1) kies om na die Regeringsdienspensioenfonds oorgeplaas te word, moet sodanige keuse skriftelik uitoefen en moet daarin aandui dat hy instem tot die vermindering van sy pensioengewende diens met 5 persent.

(3) 'n Lid—

- (a) wat ingevolge 'n wet vermeld in die Aanhangel aangestel is, anders as vir 'n voorafbepaalde termyn van diens; en
- (b) wat op 1 Julie 1993 aan die kriteria vir toelating tot die Regeringsdienspensioenfonds voldoen,

word, indien hy nie 'n persoon in onderwysdiens is nie, met ingang van 1 Julie 1993 en indien hy 'n persoon in onderwysdiens is, met ingang van 1 Oktober 1993, ingevolge regula-

"Government Service Pension Fund", means the Government Service Pension Fund established by section 3 of the Government Service Pension Act, 1973 (Act No. 57 of 1973);

"person in educational service", means a person whose salary and conditions of employment are determined according to general education policy in terms of section 2 (1) (b) and (2) of the National Policy for General Education Affairs Act, 1984 (Act No. 76 of 1984).

Option for members with regard to transfer

2. (1) Notwithstanding the provisions of regulation 9 of the Regulations, a member—

- (a) who is appointed in terms of an Act referred to in the Annexure;
- (b) who has at least 10 years' pensionable service to his credit on the date of termination of his membership;
- (c) who would have complied with the criteria for membership of the Government Service Pension Fund on 1 July 1993,

who retires or is retired or discharged with pension on account of a reason mentioned in regulation 8 (1) (a) and (b) (ii) of the Regulations on or after 2 March 1993 up to and including 1 July 1993 if he is not a person in educational service, or on or after 2 July 1993 and up to and including 1 October 1993 if he is a person in educational service, receives an irrevocable choice, in the case of a person who is not a person in educational service, before 30 September 1993, or in case of a person in educational service, before 31 December 1993, to be transferred to the Government Service Pension Fund in terms of regulation 2 (1) of the regulations published under Government Notice No. R. 2268 of 26 November 1993.

(2) A member who chooses in terms of subregulation (1) to be transferred to the Government Service Pension Fund, shall exercise such choice in writing and shall indicate therein that he agrees to the reduction of his pensionable service by 5 per cent.

(3) A member—

- (a) who is appointed in terms of an Act referred to in the Annexure, other than for a predetermined period of service; and
- (b) who complies with the criteria for membership of the Government Service Pension Fund on 1 July 1993,

shall, if he is not a person in educational service, with effect from 1 July 1993, or if he is a person in educational service, with effect from 1 October 1993, be transferred to the Govern-

sie 2 (2) van die regulasies afgekondig by Goewermentskennisgewing No. R. 2268 van 26 November 1993, oorgeplaas na die Regeringsdienspensioenfonds, tensy sodanige lid skriftelik 'n eenmalige keuse uitoefen, indien hy nie 'n persoon in onderwysdiens is nie voor 30 September 1993 en indien hy 'n persoon in onderwysdiens is voor 31 Desember 1993, om nie aldus oorgeplaas te word nie.

- (4) Ondanks andersluidende bepalings betaal die Fonds, ten opsigte van 'n lid wat ingevolge regulasie 2 (1) of (2) van die regulasies afgekondig by Goewermentskennisgewing No. R. 2268 van 26 November 1993, oorgeplaas word na die Regeringsdienspensioenfonds, aan die Regeringsdienspensioenfonds 'n bedrag, hetsy in kontant of in specie, gelyk aan die befondsingspersentasie vermenigvuldig met die aktuariële verpligting van die Fonds ten opsigte van daardie lid op die datum van sy lidmaatskapbeëindiging van die Fonds, plus rente daarop bereken teen die bankkoers vanaf daardie datum tot die datum van betaling van daardie bedrag.
- (5) Indien 'n lid in subregulasie (1) of (3) bedoel, op die datum wat die datum waarop hy na die Regeringsdienspensioenfonds oorgeplaas word onmiddellik voorafgaan, 'n bedrag aan die Fonds verskuldig is ten opsigte van sy pensioengewende diens in die Fonds, word die verskuldigde bedrag deur die Fonds afgetrek van die bedrag in subregulasie (4) bedoel en gaan alle regte van die Fonds op die verskuldigde bedrag op die Regeringsdienspensioenfonds oor en word laasgenoemde bedrag deur sodanige lid aan die Regeringsdienspensioenfonds betaal op die wyse en tye wat die Direkteur-generaal bepaal.
- (6) 'n Lid wat ingevolge regulasie 2 (1) of (2) van die regulasies afgekondig by Goewermentskennisgewing No. R. 2268 van 26 November 1993, oorgeplaas word na die Regeringsdienspensioenfonds, het geen vorderingsreg meer teen die Fonds nie.
- (7) Enige aktuariële of verwante koste verbonde aan die oorplasing van lede in subregulasie (1) of (3) bedoel, word deur die Fonds vereffen.

Datum van inwerkingtreding

3. Die bepalings van hierdie Bylae word geag op 2 Maart 1993 in werking te getree het.

AANHANGSEL

Waterwet, 1956 (Wet No. 54 van 1956).

Verdedigingswet, 1957 (Wet No. 44 van 1957).

Wet op Korrektiewe Dienste, 1959 (Wet No. 8 van 1959).

Wet op Onderwys vir Indiërs, 1965 (Wet No. 61 van 1965).

ment Service Pension Fund in terms of regulation 2 (2) of the regulations published under Government Notice No. R. 2268 of 26 November 1993, except where such a member exercises an irrevocable choice in writing before 30 September 1993 if he is not a person in educational service, or before 31 December 1993 if he is a person in educational service, not to be thus transferred.

- (4) Notwithstanding any provisions to the contrary, there shall be paid from the Fund to the Government Service Pension Fund, in respect of a member who is transferred to the Government Service Pension Fund in terms of regulation 2 (1) or (2) of the regulations published under Government Notice No. R. 2268 of 20 November 1993, an amount, either in cash or in specie, equal to the funding percentage multiplied with the actuarial obligation of the Fund with regard to that member on the date of transfer, plus interest calculated thereon at the bank rate from the said date to the date on which the said amount is paid.
- (5) If a member mentioned in subregulation (1) or (3), owes an amount to the Fund on the date immediately preceding the date on which he is transferred to the Government Service Pension Fund, the amount owed to the Fund shall be deducted from the amount mentioned in subregulation (4) and all the rights of the Fund on the amount owed, shall vest in the Government Service Pension Fund, and the last-mentioned amount shall be paid to the Government Service Pension Fund in such manner and at such times as the Director General shall determine.
- (6) A member who is transferred to the Government Service Pension Fund in terms of regulation 2 (1) or (2) of the regulations published under Government Notice No. R. 2268 of 26 November 1993, has no claim whatsoever against the Fund.
- (7) Any actuarial or related costs conjunctive to the transfer of a member mentioned in subregulation (1) or (3), shall be paid by the Fund.

Date of commencement

3. The provisions of this Schedule shall be deemed to have come into operation on 2 March 1993.

ANNEXURE

Water Act, 1956 (Act No. 54 of 1956).

Defence Act, 1957 (Act No. 44 of 1957).

Correctional Services Act, 1959 (Act No. 8 of 1959).

Indians Education Act, 1965 (Act No. 61 of 1965).

Wet op die Buro vir Staatsveiligheid, 1978 (Wet No. 104 van 1978).

Wet op Onderwys en Opleiding, 1979 (Wet No. 90 van 1979).

Staatsdienswet, 1984 (Wet No. 111 van 1984).

Wet op Onderwysaangeleenthede (Volksraad), 1988 (Wet No. 70 van 1988).

Ouditreëlingswet, 1992 (Wet No. 122 van 1992).

No. R. 2268

26 November 1993

REGULASIES UITGEVAARDIG KRAGTENS DIE REGERINGSDIENSPENSIOENWET, 1973

Die Minister van Finansies het kragtens artikel 17 van die Regeringsdienspensioenwet, 1973 (Wet No. 57 van 1973), die regulasies vervat in die Bylae uitgevaardig.

BYLAE

Woordomskrywing

1. (1) In hierdie Bylae beteken "die Regulasies" die regulasies afgekondig by Goewermentskennigsgewing No. R. 1062 van 22 Junie 1973, soos gewysig, en het 'n woord waaraan in die Regulasies en die Regeringsdienspensioenwet, 1973, 'n betekenis geheg is, daardie betekenis.

(2) In hierdie regulasies, tensy uit die samehang anders blyk, beteken—

"**Pensioenfonds vir Tydelike Werknemers**", die Pensioenfonds vir Tydelike Werknemers ingestel by artikel 3 (1) van die Wet op die Pensioenfonds vir Tydelike Werknemers, 1979 (Wet No. 75 van 1979).

Oorplasing van lede van die Pensioenfonds vir Tydelike Werknemers

2. (1) Ondanks die bepalings van regulasie 12 van die Regulasies, word 'n persoon wat ingevolge regulasie 2 (1) van die regulasies afgekondig by Goewermentskennigsgewing No. R. 2267 van 26 November 1993, gekies het om oorgeplaas te word na die Fonds, aldus oorgeplaas, en word sodanige persoon se pensioengewende diens by oorplasing verminder met 5 persent en ontvang hy 'n gratifikasie en 'n jaargeld ingevolge die bepalings van regulasie 12: Met dien verstande dat indien die vermindering van sodanige lid se pensioengewende diens met 5 persent tot gevolg het dat hy minder as 10 jaar pensioengewende diens tot sy krediet het, hy kwalifiseer vir genoemde voordele gebaseer op sy verminderde aantal jare pensioengewende diens: Met dien verstande voorts dat vir doeleindes van regulasie 12 (3) (b) (i) (aa) die datum waarop hy met pensioen afgedank moet word, geag word die leeftyd van 60 jaar te wees.

Bureau for State Security Act, 1978 (Act No. 104 of 1978).

Education and Training Act, 1979 (Act No. 90 of 1979).

Public Service Act, 1984 (Act No. 111 of 1984).

Education Affairs Act (House of Assembly), 1988 (Act No. 70 of 1988).

Audit Arrangements Act, 1992 (Act No. 122 of 1992).

No. R. 2268

26 November 1993

REGULATIONS MADE UNDER THE GOVERNMENT SERVICE PENSION ACT, 1973

The Minister of Finance has in terms of section 17 of the Government Service Pension Act, 1973 (Act No. 57 of 1973), made the regulations set out in the Schedule.

SCHEDULE

Definition

1. (1) In this Schedule "the Regulations" means the regulations published under Government Notice No. R. 1062 of 22 June 1973, as amended, and any word to which a meaning has been assigned in the Regulations and the Government Service Pension Act, 1973, shall bear that meaning.

(2) In these regulations, unless the context otherwise indicates—

"**Temporary Employees Pension Fund**", means the Temporary Employees Pension Fund established by section 3 (1) of the Temporary Employees Pension Fund Act, 1979 (Act No. 75 of 1979).

Transfer of members of the Temporary Employees Pension Fund

2. (1) Notwithstanding the provisions of regulation 12 of the Regulations, a person who chooses to be transferred to the Fund in terms of regulation 2 (1) of the regulations published under Government Notice No. R. 2267 of 26 November 1993, shall be thus transferred, and the pensionable service of such a person shall be reduced by 5 per cent upon transfer and he shall receive a gratuity and an annuity in terms of the provisions of regulation 12: Provided that such a person shall qualify for the said benefits based on his reduced number of years of pensionable service if, owing to the reduction of his pensionable service by 5 per cent he has less than 10 years' pensionable service to his credit: Provided further that for the purpose of regulation 12 (3) (b) (i) (aa) the date on which he shall be discharged with pension, shall be deemed to be the age of 60 years.

- (2) Ondanks die bepalings van regulasie 8 van die Regulasies word 'n persoon wat nie 'n keuse soos bedoel in regulasie 2 (3) van die regulasies afgekondig by Goewermentskennisgewing No. R. 2267 van 26 November 1993, uitoefen nie, oorgeplaas na die Fonds, en word sodanige persoon se pensioengewende diens by oorpasing verminder met 5 persent: Met dien verstande dat indien die vermindering van sodanige persoon se pensioengewende diens met 5 persent tot gevolg het dat hy by uitdiens-trede minder as 10 jaar pensioengewende diens tot sy krediet het, hy kwalifiseer vir 'n gratifikasie en 'n jaargeld ingevolge regulasie 12, gebaseer op sy verminderde aantal jare pensioengewende diens.
- (3) Ondanks andersluidende bepalings betaal die Pensioenfonds vir Tydelike Werknemers, ten opsigte van 'n persoon bedoel in subregulasie (1) of (2), aan die Fonds 'n bedrag, hetsy in kontant of in specie, gelyk aan die befondsingspersentasie vermenigvuldig met die aktuariële verpligting van die Pensioenfonds vir Tydelike Werknemers ten opsigte van daardie persoon op die datum van oorpasing, plus rente daarop bereken teen die bankkoers vanaf daardie datum tot die datum van betaling van daardie bedrag.
- (4) Indien 'n persoon in subregulasie (1) of (2) bedoel, op die datum wat die datum waarop hy na die Fonds oorgeplaas word onmiddellik voorafgaan, 'n bedrag aan die Pensioenfonds vir Tydelike Werknemers verskuldig is ten opsigte van sy pensioengewende diens in daardie fonds, word die verskuldigde bedrag deur die Fonds afgetrek van die bedrag in subregulasie (3) bedoel en gaan alle regte van die Pensioenfonds vir Tydelike Werknemers op die verskuldigde bedrag op die Fonds oor en word laasgenoemde bedrag deur sodanige lid aan die Fonds betaal op die wyse en tye wat die Direkteur-generaal bepaal.

Datum van inwerkingtreding

3. Die bepalings van hierdie Bylae word geag op 2 Maart 1993 in werking te getree het.

- (2) Notwithstanding the provisions of regulation 8 of the Regulations, a person who does not exercise the choice mentioned in regulation 2 (3) of the regulations published under Government Notice No. R. 2267 of 26 November 1993, shall be transferred to the Fund and the pensionable service of such a person shall be reduced by 5 per cent upon transfer: Provided that such a person qualifies for a gratuity and an annuity in terms of regulation 12 based on his reduced number of years of pensionable service if, owing to the reduction of his pensionable service by 5 per cent, he has less than 10 years' pensionable service to his credit upon his retirement.
- (3) Notwithstanding any provisions to the contrary, there shall be paid from the Temporary Employees Pension Fund to the Fund, in respect of a person mentioned in subregulation (1) or (2) who is transferred to the Fund, an amount, either in cash or in specie, equal to the funding percentage multiplied with the actuarial obligation of the Temporary Employees Pension Fund with regard to that person on the date of transfer, plus interest calculated thereon at the bank rate from the said date to the date on which the said amount is paid.
- (4) If a person referred to in subregulation (1) or (2) owes an amount to the Temporary Employees Pension Fund, in respect of his pensionable service in that fund, on the date immediately preceding the date on which he is transferred to the Fund, the amount owed shall be deducted by the Temporary Employees Pension Fund from the amount referred to in subregulation (3), and all the rights of the Temporary Employees Pension Fund to the amount owed, shall vest in the Fund, and the last-mentioned amount shall be paid by such a member to the Fund in such manner and at such times as the Director General may determine.

Date of commencement

3. The provisions of this Schedule shall be deemed to have come into operation on 2 March 1993.

BELANGRIK!!

Plasing van tale:

Staatskoerante

1. Hiermee word bekendgemaak dat die omruil van tale in die *Staatskoerant* jaarliks geskied met die eerste uitgawe in Oktober.
2. Vir die tydperk 1 Oktober 1993 tot 30 September 1994 word Afrikaans EERSTE geplaas.
3. Hierdie reëling is in ooreenstemming met dié van die Parlement waarby koerante met Wette ens. die taalvolgorde deurgaans behou vir die duur van die sitting.
4. *Dit word dus van u, as adverteerder, verwag om u kopie met bogenoemde reëling te laat strook om onnodige omskakeling en stylredigering in ooreenstemming te bring.*

—oOo—

IMPORTANT!!

Placing of languages:

Government Gazettes

1. Notice is hereby given that the interchange of languages in the *Government Gazette* will be effected annually from the first issue in October.
2. For the period 1 October 1993 to 30 September 1994, Afrikaans is to be placed FIRST.
3. This arrangement is in conformity with Gazettes containing Act of Parliament etc. where the language sequence remains constant throughout the sitting of Parliament.
4. *It is therefore expected of you, the advertiser, to see that your copy is in accordance with the above-mentioned arrangement in order to avoid unnecessary style changes and editing to correspond with the correct style.*

Werk mooi daarmee.

Ons leef  daarvan.

water is kosbaar

Use it.

Don't abuse  it.

water is for everybody

INHOUD

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Finansies, Departement van			
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