

EXTRAORDINARY



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GOVERNMENT NOTICE.

DEPARTMENT OF SOCIAL WELFARE
AND PENSIONS

No. R.828.]

[10th May, 1968.

GOVERNMENT NON-WHITE EMPLOYEES'
PENSIONS ACT, 1966

The Minister of Social Welfare and Pensions has, under the powers vested in him by section 2 of the Government Non-White Employees' Pensions Act, 1966 (Act No. 42 of 1966), made the following regulations,

PENSION SCHEME FOR CERTAIN
NON-WHITE EMPLOYEES

Interpretation of terms

1. In these regulations the expression "the Act" means the Government Non-White Employees' Pensions Act, 1966 (Act No. 42 of 1966), and unless the context otherwise indicates, any expression to which a meaning has been assigned in section 1 of the Act bears the meaning assigned thereto, and—

- (i) "annuity" means an amount which is payable each year; (ix)
- (ii) "contributions" means the contributions paid or due to the Fund by a contributor in accordance with the appropriate rate or scale of contributions in force from time to time but does not include interest or any amount deemed to be interest; (ii)
- (iii) "contributor" means a person who is contributing to the Fund and includes a person who is on leave of absence or under suspension from duty or, in the case of a person to whom leave of absence cannot be granted under any law, rule or regulation relating to the conditions of his employment, who is absent from duty and who was so contributing immediately prior to the commencement of such leave, suspension or absence; (iii)

GOEWERMENSKENNISGEWING.

DEPARTEMENT VAN VOLKSWELSYN
EN PENSIOENE

No. R.828.]

[10 Mei 1968.

WET OP PENSIOENE VIR NIE-BLANKE
REGERINGSWERKNEMERS, 1966

Die Minister van Volkswelsyn en Pensioene het kragtens die bevoegdheid hom verleen by artikel 2 van die Wet op Pensioene vir Nie-Blanke Regeringswerknemers, 1966 (Wet No. 42 van 1966), onderstaande regulasies gemaak.

PENSIOENSKEMA VIR SEKERE NIE-BLANKE
REGERINGSWERKNEMERS

Woordomskrywing

1. In hierdie regulasies beteken die uitdrukking „die Wet” die Wet op Pensioene vir Nie-Blanke Regeringswerknemers, 1966 (Wet No. 42 van 1966), en tensy uit die samehang anders blyk, het enige uitdrukking waaraan 'n betekenis in artikel 1 van die Wet geheg is die betekenis wat daaraan geheg is, en beteken—

- (i) „afhanklike” met betrekking tot enige persoon—
 - (a) 'n weduwee of 'n minderjarige kind of stiefkind of 'n wettig aangenome minderjarige kind van sodanige persoon; of
 - (b) enige ander familiebetrekking of persoon wat van sodanige persoon vir onderhoud afhanklik is; (iv)
- (ii) „bydraes” die bydraes betaal of verskuldig deur 'n bydraer aan die Fonds ooreenkomstig die toepaslike skaal van bydraes wat van tyd tot tyd van krag is, maar omvat nie rente of enige bedrag wat geag word rente te wees nie; (ii)
- (iii) „bydraer” iemand wat tot die Fonds bydra en omvat iemand wat met afwesigheidsverlof is of in sy betrekking geskors is, of in die geval van iemand aan wie afwesigheidsverlof nie ingevolge enige wet, reël of regulasie betreffende sy diensvoor-

- (iv) "dependant", in relation to any person, means—
 (a) a widow or a minor child or stepchild or legally adopted minor child of such person; or
 (b) any other relative or person dependent upon such person for maintenance; (i)
- (v) "employee" means a non-White employee as defined in section 1 of the Act; (xv)
- (vi) "fixed date" means the first day of April, 1967; (xiv)
- (vii) "member" means a contributor and includes any person to or in respect of whom a pension or any other amount is payable from the Fund; (x)
- (viii) "pensionable age"—
 (a) in relation to an employee who is not a Bantu teacher, means the age of such employee—
 (i) on the day on which he attains the age of sixty years if he attains that age on the first day of any month in the year;
 (ii) on the first day of the month immediately following the month in which he attains the age of sixty years if he attains that age after the first day of any month in the year;
 (b) in relation to an employee who is a Bantu teacher, means the age of such employee on the first day of the year immediately following the year in which he attains the age of sixty years; (xi)
- (ix) "pensionable emoluments" includes a person's pay and any special allowance attached to any particular post if such allowance be declared by the Commission to be pensionable, and so much—
 (a) of any personal allowance granted to a person in consideration of his pay being reduced otherwise than as a penalty; or
 (b) of any ration allowance or the value of free rations; or
 (c) any allowance for free quarters or the value of free quarters not exceeding one-sixth of the person's other pensionable emoluments; or
 (d) 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 post;
 (iii) any transport or subsistence allowance;
 (iv) any fees, honoraria or bonuses of any kind;
 (v) any overtime payments; or
 (vi) any other allowance not herein specified;
 (xii)
- (x) "pensionable service" means pensionable service according to the provisions of regulation 16; (xiii)
- (xi) "service", in relation to an employee, means whole-time service under the Government or whole-time service during which the pay, salary or emoluments of the employee concerned were paid in full from revenue but does not include any period during which the employee was a member of any pension or provident fund or which was pensionable service for the purpose of such a fund; (vi)
- (xii) "the formula", in relation to a member and any matter to be determined in accordance with a formula, means the formula—

$$R \times Z \times N \times \frac{(10,000 - D)}{10,000}$$

where—

R is the rate at which the member contributes to the fund;

waardes toegestaan kan word nie, wat van diens afwesig is en wat onmiddellik voor sodanige verloop skorsing of afwesigheid aldus bygedra het; (iii)

(iv) „die Fonds” die Pensioenfondse vir nie-Blanke Regeringswerknemers wat in regulasie 4 bedoel word; (xiii)

(v) „die formule” met betrekking tot 'n lid en enige saak wat volgens 'n formule bepaal moet word, die formule—

$$R \times Z \times N \times \frac{(10,000 - D)}{10,000}$$

waar—

R die skaal is waarvolgens die lid tot die Fonds bydra;

Z die gemiddelde jaarlikse pensioengewende verdienste van die lid is gedurende die laaste sewe jaar van sy pensioengewende diens of gedurende die hele tydperk van sodanige diens, naamlik die kortste tydperk;

N die lid se pensioengewende diens tydperk is; en
 D bepaal word ooreenkomstig onderstaande tabel:

Voltooide maande pensioengewende diens	D
0 tot 84	0;
85 tot 120	0 plus 26 vir elke voltooide maand pensioengewende diens bo 84 maande;
121 tot 240	936 plus 22 vir elke voltooide maand sodanige diens bo 120 maande;
241 tot 360	3,576 plus 17 vir elke voltooide maand sodanige diens bo 240 maande;
361 tot 480	5,616 plus 14 vir elke voltooide maand sodanige diens bo 360 maande;
481 en meer	7,296 plus 12 vir elke voltooide maand sodanige diens bo 480 maande.

(xii)

(vi) „diens”, ten opsigte van 'n werknemer, voltydse diens by die Regering of voltydse diens ten opsigte waarvan die loon, salaris of verdienste van die betrokke werknemer ten volle uit inkomste betaal is, maar omvat nie 'n tydperk waarin die werknemer 'n lid van 'n pensioen- of voorsorgfonds was nie, of wat pensioengewende diens vir die doel van so 'n fonds was nie; (xi)

(vii) „die kwalifiserende tydperk” die tydperk vanaf die aanvangsdatum van 'n werknemer se diens tot en met die laaste dag van die maand waarin hy vyf jaar diens voltooi het; (xiv)

(viii) „die oorplasingdatum”, ten opsigte van enige lid op wie subregulasie (4) van regulasie 13, subregulasie (1) van regulasie 15, of subregulasie (1) van regulasie 34 van toepassing is, die datum waarop so 'n lid opgehou het om 'n bydraer tot die Fonds te wees; (xv)

(ix) „jaargeld” 'n bedrag wat elke jaar betaalbaar is; (i)

(x) „lid” 'n bydraer en omvat iemand aan of ten opsigte van wie 'n pensioen of enige ander bedrag uit die Fonds betaalbaar is; (vii)

(xi) „pensioenleeftyd”—

(a) ten opsigte van 'n werknemer wat nie 'n Bantoe-onderwyser is nie, die leeftyd van so 'n werknemer—

(i) op die dag waarop hy die leeftyd van sestig jaar bereik as hy daardie leeftyd op die eerste dag van enige maand in die jaar bereik;

(ii) op die eerste dag van die maand wat onmiddellik volg op die maand waarin hy die leeftyd van sestig jaar bereik as hy daardie leeftyd na die eerste dag van enige maand in die jaar bereik;

Z is the member's average annual pensionable emoluments during the last seven years of his pensionable service or during the whole period of such service, whichever is the lesser period;

N is the period of the member's pensionable service; and

D is determined in accordance with the following table:

Completed months of pensionable service	D
0 to 84	0;
85 to 120	0 plus 26 for each completed month of pensionable service in excess of 84 months;
121 to 240	936 plus 22 for each completed month of such service in excess of 120 months;
241 to 360	3,576 plus 17 for each completed month of such service in excess of 240 months;
361 to 480	5,616 plus 14 for each completed month of such service in excess of 360 months;
481 and over	7,296 plus 12 for each completed month of such service in excess of 480 months.

(v)

(xiii) "the Fund" means the Government Non-White Employees' Pension Fund referred to in regulation 4; (iv)

(xiv) "the qualifying period" means the period from the date of commencement of an employee's service up to and including the last day of the month during which he has completed five years service; (vii)

(xv) "the transfer date", in relation to any member to whom subregulation (4) of regulation 13, subregulation (1) of regulation 15 or subregulation (1) of regulation 34 applies, means the date on which such member ceased to be a contributor to the Fund; (viii)

Non-application of Chapter I to certain employees

2. The provisions of Chapter I shall not apply to any employee of the Government appointed and employed by the Government outside the Republic or the territory or to the dependants of any such employee.

Ages for retirement

3. (1) An employee shall have the right at any time before or after attaining the pensionable age, to give written notification to the head of his department of his wish to be retired on pension and if he gives such notification he shall—

- if such notification is given at least one month prior to the date on which he attains the said age, be retired on the day on which he attains that age; or
- if such notification is not given at least one month prior to the date on which he attains the said age, be retired on the first day of the month following the month in which such notification is received.

(2) An employee who has attained the age of fifty-five years may be retired on pension: Provided that no such retirement shall take place other than on the first day of any month in the year.

(3) A member who voluntarily resigns on or after the date on which he attained the pensionable age shall, for the purpose of these regulations, be deemed to have been retired on pension in terms of this regulation.

(b) ten opsigte van 'n werknemer wat 'n Bantoe-onderwyser is, die leeftyd van so 'n werknemer op die eerste dag van die jaar wat onmiddellik volg op die jaar waarin hy die leeftyd van sesig jaar bereik; (viii)

(xii) „pensioengewende verdienste” ook iemand se besoldiging en enige spesiale toelae aan 'n bepaalde pos verbonde as daardie toelae deur die Kommissie verklaar word pensioengewend te wees, en soveel van—

(a) enige persoonlike toelae wat aan iemand toegewen is uit hoofde daarvan dat sy besoldiging op 'n ander wyse as 'n straf verminder is; of

(b) enige rantsoentoelae of die waarde van vry rantsoene; of

(c) enige toelae vir kwartiere of vry kwartiere, maar hoogstens een sesde van die persoon se ander pensioengewende verdienste; of

(d) enige brandstof-, lig- of wasgoedtoelae of die waarde van enige vry brandstof, lig of wasgoed

as wat die Kommissie verklaar pensioengewend te wees, maar omvat nie—

(i) enige lewenskoste- of klimaattoelae;

(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 watter aard ook al;

(v) enige oortydbetalings; of

(vi) enige ander toelaes nie hierin gespesifiseer nie; (ix)

(xiii) „pensioengewende diens” pensioengewende diens ooreenkomstig die bepaling van regulasie 16; (x)

(xiv) „vasgestelde datum” die eerste dag van April 1967; (vi)

(xv) „werknemer” 'n nie-Blanke werknemer soos by artikel 1 van die Wet omskryf. (v)

Hoofstuk I nie op sekere werknemers van toepassing nie

2. Die bepalinge van Hoofstuk I is nie van toepassing nie op 'n werknemer van die Regering wat deur die Regering buite die Republiek of die gebied aangestel en in diens gehou is, of op die afhanklikes van so 'n werknemer.

Uitdienstredingsleeftye

3. (1) 'n Werknemer het die reg om te eniger tyd voor of nadat hy die pensioenleeftyd bereik, die hoof van sy departement skriftelik kennis te gee van sy begeerte om met pensioen af te tree, en as hy aldus kennis gee, word hy—

(a) as sodanige kennis minstens een maand voordat hy die pensioenleeftyd bereik, gegee word, afgedank op die dag waarop hy daardie leeftyd bereik; of

(b) as sodanige kennis nie minstens een maand voor die dag waarop hy bedoelde leeftyd bereik, gegee word nie, afgedank op die eerste dag van die maand wat onmiddellik volg op die maand waarin die kennisgewing ontvang word.

(2) 'n Werknemer wat die leeftyd van vyf-en-vyfzig jaar bereik het, kan met pensioen afgedank word: Met dien verstande dat so 'n afdanking nie anders as op die eerste dag van enige maand in die jaar mag geskied nie.

(3) 'n Lid wat vrywillig bedank op of na die datum waarop hy die pensioenleeftyd bereik het, word vir die doel van hierdie regulasies geag ingevolge die bepalinge van hierdie regulasie met pensioen afgedank te wees.

CHAPTER I

GOVERNMENT NON-WHITE EMPLOYEES' PENSION FUND

Establishment of a Pension Fund

4. (1) There shall be deemed to have been established with effect from the first day of April, 1967, a fund called the "Government Non-White Employees' Pension Fund".

(2) The Fund shall consist of—

- (a) the amounts paid to the Fund by members;
- (b) the amounts paid to the Fund out of revenue;
- (c) any other amounts which are to be credited to the Fund.

Investment of Fund balances

5. (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 subregulation (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

6. (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 these regulations or in order that an actuarial valuation of the Fund may be made at any time.

(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 7 any amount due to a member (other than a 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.

Valuation of the Fund

7. (1) An actuary shall value the assets and liabilities of the Fund as at the thirty-first day of March, 1972, 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.

HOOFSTUK I

PENSIOENFONDS VIR NIE-BLANKE REGERINGSWERKNEMERS

Stigting van 'n Pensioenfonds

4. (1) 'n Fonds, genoem die „Pensioenfonds vir Nie-Blanke Regeringswerknemers" word geag gestig te gewees het met ingang van die eerste dag van April 1967.

(2) Die Fonds bestaan uit—

- (a) die bedrae wat deur lede aan die Fonds betaal word;
- (b) die bedrae wat uit inkomste aan die Fonds betaal word; en
- (c) enige ander bedrae waarmee die Fonds gekrediteer moet word.

Belegging van Fondssaldo's

5. (1) Alle bedrae wat aan die Fonds betaal is, moet vir kredit 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 verdien word op deposito's, in subregulasie (2) bedoel altesaam 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.

Rekenings

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

(2) Die Sekretaris moet die boeke en rekenings 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 op daardie datum toon.

(3) Vir die toepassing van hierdie regulasie en regulasie 7 word enige bedrag wat aan 'n lid (uitgesonderd 'n 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.

Waardering van die Fonds

7. (1) 'n Aktuaris moet die bates en laste van die Fonds soos op die een-en-dertigste dag van Maart 1972 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 dan in sitting is nie, binne sestig dae na die aanvang van sy eersvolgende sitting.

(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 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 subregulation (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

8. (1) The business of the Fund shall be conducted by the Secretary and the cost in connection therewith and of any actuarial valuation or 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.

Disqualifications to be a member

9. No person shall contribute to the Fund—

- (a) until he has completed the qualifying period unless—
 - (i) he is a person to whom subregulation (1) of regulation 13, or subregulation (1) of regulation 14, or subregulation (1) of regulation 35 applies;
 - (ii) he was previously a contributor; or
 - (iii) he is a Bantu Teacher;
- (b) if he receives pensionable emoluments at the rate of less than one hundred and eighty rands per annum;
- (c) if he is remunerated solely by fees or allowances;
- (d) if he is not employed on a full-time basis;
- (e) if his employment is of a casual nature or of the nature of relief employment.

Contributions

10. (1) An employee who immediately prior to the fixed date has had not less than five years of continuous service, shall, subject to the provisions of regulation 9 and to the approval of the Secretary, contribute to the Fund as from that date.

(2) Every other employee (other than an employee to whom subparagraph (i), (ii) or (iii) of paragraph (a) of regulation 9 relates) shall, subject to the provisions of that regulation and to the approval of the Secretary, contribute to the Fund with effect from the day immediately following the day on which he has completed the qualifying period.

(3) Any person who was previously a contributor shall, subject to the provisions of regulation 9 and to the approval of the Secretary, contribute to the Fund immediately he again becomes an employee.

(4) Subject to the provisions of regulation 9 and to the approval of the Secretary, every person who is or becomes a Bantu teacher shall—

- (a) if he is such a teacher on the fixed date, contribute to the Fund as from that date;
- (b) if he becomes such a teacher after the fixed date, contribute to the Fund as from the date on which he becomes such a teacher.

(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, na gelang omstandighede dit vereis, in die mate en vanaf die datum wat die Minister in oorleg met die Minister van Finansies 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 tot minder as die skale waarvolgens bydraes deur bydraers betaalbaar is nie.

(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

8. (1) Die sake van die Fonds word deur die Sekretaris behartig en die koste daaraan verbonde en van enige aktuariële waardering of ondersoek en aangeleenthede in verband daarmee, word uit die Gekonsolideerde Inkomste-fonds bestry.

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

Diskwalifikasies om lid te wees

9. Niemand dra tot die Fonds by nie—

- (a) totdat hy die kwalifiserende tydperk voltooi het, tensy—
 - (i) hy iemand is op wie subregulasie (1) van regulasie 13 of subregulasie (1) van regulasie 14 of subregulasie (1) van regulasie 35 van toepassing is;
 - (ii) hy vroeër 'n bydraer was; of
 - (iii) hy 'n Bantoe-onderwyser is;
- (b) as hy pensioengewende verdienste ontvang volgens 'n skaal van minder as honderd-en-tagtig rand per jaar;
- (c) as hy uitsluitlik by wyse van gelde en toelaes besoldig word;
- (d) as hy nie voltyds in diens is nie;
- (e) as hy diens as 'n los werker of kragtens 'n noodlenigingskema verrig.

Bydraes

10. (1) 'n Werknemer wat onmiddellik voor die vasgestelde datum minstens vyf jaar aaneenlopende diens het, dra, behoudens die bepalinge van regulasie 9 en die goedkeuring van die Sekretaris, vanaf daardie datum by tot die Fonds.

(2) Elke ander werknemer (behalwe 'n werknemer op wie subparagraaf (i), (ii) of (iii) van paragraaf (a) van regulasie 9 betrekking het), dra, behoudens die bepalinge van daardie regulasie en die goedkeuring van die Sekretaris, by tot die Fonds vanaf die dag wat onmiddellik volg op die dag waarop hy die kwalifiserende tydperk voltooi het.

(3) Iemand wat vroeër 'n bydraer was, dra, behoudens die bepalinge van regulasie 9 en die goedkeuring van die Sekretaris, by tot die Fonds sodra hy weer 'n werknemer word.

(4) Behoudens die bepalinge van regulasie 9 en die goedkeuring van die Sekretaris dra iemand wat 'n Bantoe-onderwyser is of word—

- (a) as hy op die vasgestelde datum so 'n onderwyser is, vanaf daardie datum by tot die Fonds;
- (b) as hy na die vasgestelde datum so 'n onderwyser word, vanaf die datum waarop hy so 'n onderwyser word, by tot die Fonds.

(5) Every person who is required to contribute to the Fund in terms of these regulations shall so contribute at the rate of five per cent of his pensionable emoluments.

Collection of contributions or other amounts

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

(2) (a) If a contributor who is paying any amount which is due to the Fund in instalments, dies or retires or is retired or discharged before the whole of such amount has been paid, the amount which remains unpaid shall, save as provided in paragraph (b), be set off against the pension payable from the Fund to him or his dependants or to his estate 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.

(b) Any amount due in terms of subregulation (2) of regulation 12 or any other amount payable to the Fund by a member to whom subregulation (2) of regulation 21 refers and which was unpaid at the date of his retirement, discharge or death, shall cease to be payable.

(3) (a) A contributor to whom leave of absence can be granted under any law, regulation or rule relating to the conditions of his employment—

(i) shall continue to contribute to the Fund while on sick or other leave with full or less than full pay;

(ii) may, subject to such conditions as the Secretary may determine, elect to contribute in respect of any period of sick or other leave without pay;

(b) A contributor to whom leave of absence cannot so be granted, may, subject to such conditions as the Secretary may determine, elect to contribute in respect of any period of absence without pay not exceeding ninety days, or in respect of such longer period as the Secretary may in special circumstances allow.

(4) A contributor who has been suspended from duty and who is permitted to return to duty shall contribute to the Fund in respect of the period of suspension.

(5) Any contributions under paragraph (a) or (b) of subregulation (3), or under subregulation (4) shall be based on the contributor's full pensionable emoluments immediately prior to the commencement of the period of leave, absence or 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.

(7) If, for any reason, a contributor's pensionable emoluments are reduced to less than one hundred and eighty rands per annum, he shall, notwithstanding anything to the contrary contained in regulation 9, continue to contribute to the Fund on his reduced pensionable emoluments.

Option to count past periods of service

12. (1) A contributor who has had one or more previous periods of service in respect of which he contributed to the Fund or which were previously pensionable service for the purpose of the Fund may, on application, be permitted to include in his pensionable service so much of any one or more of such periods of service as the Secretary may approve, and subject to such terms and conditions as the Secretary may determine.

(5) Iemand wat verplig is om ingevolge hierdie regulasies tot die Fonds by te dra, dra aldus by teen die koers van vyf persent van sy pensioengewende verdienste.

Invordering van bydraes of ander bedrae

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

(2) (a) As 'n bydraer wat enige 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 bedrag betaal is, word die bedrag wat nog nie betaal is nie, behoudens die bepalings van paragraaf (b), afgetrek van 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 pensioengewende dienstydperk 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) Enige bedrag verskuldig ingevolge subregulasie (2) van regulasie 12 of enige ander bedrag wat aan die Fonds betaalbaar is deur 'n lid wat in subregulasie (2) van regulasie 21 bedoel word, en wat by die datum van sy afdanking, ontslag of sterfte nog onbetaal was, is nie meer betaalbaar nie.

(3) (a) 'n Bydraer aan wie afwesigheidsverlof ingevolge enige wet, regulasie of reël betreffende sy diensvoorwaardes toegestaan kan word—

(i) moet voortgaan om tot die Fonds by te dra terwyl hy met siekte- of ander verlof met volle of minder as volle besoldiging is;

(ii) kan, behoudens voorwaardes wat die Sekretaris mag bepaal, kies om ten opsigte van enige tydperk van siekte- of ander verlof sonder besoldiging tot die Fonds by te dra.

(b) 'n Bydraer aan wie afwesigheidsverlof nie aldus toegestaan kan word nie, kan, behoudens sodanige voorwaardes as wat die Sekretaris mag bepaal, kies om by te dra ten opsigte van enige tydperk van afwesigheid sonder betaling van hoogstens negentig dae, of ten opsigte van 'n langer tydperk wat die Sekretaris onder spesiale omstandighede mag toelaat.

(4) 'n Bydraer wat uit sy diens geskors is, en wat toegelaat word om weer eens diens te aanvaar, moet ten opsigte van die tydperk van skorsing tot die Fonds bydra.

(5) Enige bydraes kragtens paragraaf (a) of (b) van subregulasie (3) of kragtens subregulasie (4) word gebaseer op die bydraer se volle pensioengewende verdienste onmiddellik voor die aanvang van die tydperk van verlof, afwesigheid of skorsing.

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

(7) As 'n bydraer se pensioengewende verdienste om watter rede ook al tot minder as honderd-en-tagtig rand per jaar verminder word, hou hy aan, ondanks andersluidende bepalings in regulasie 9, om op sy verminderde pensioengewende verdienste tot die Fonds by te dra.

Keuse om vorige tydperke van diens te tel

12. (1) 'n Bydraer wat een of meer vorige dienstydperke het ten opsigte waarvan hy tot die Fonds bygedra het, of wat voorheen pensioengewende diens vir die doeleindes van die Fonds was, kan op aansoek toegelaat word om soveel van een of meer van daardie dienstydperke as wat die Sekretaris goedkeur, en behoudens die bedinge en voorwaardes wat die Sekretaris stel, by sy pensioengewende diens in te sluit.

- (2) Such terms and conditions shall provide, *inter alia*—
- (a) 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 period concerned, may have been paid to him from the Fund;
 - (b) for the conditions to be imposed in regard to the payment of any amount referred to in paragraph (a);
 - (c) for the payment of interest by the contributor—
 - (i) on the amount referred to in paragraph (a) from the date the benefit was paid to the contributor until the date the said amount is paid;
 - (ii) on any amount due by a contributor at the end of each month if he is unable to liquidate his liability in one payment.

(3) Any period which is not included in a member's pensionable service and which falls between two periods of pensionable service shall be deemed not to interrupt the continuity of the said member's pensionable service.

Transfers from or to a Pension Fund administered under Act. No. 62 of 1965

13. (1) If a contributor to the Public Service Pension Fund or the Permanent Force Pension Fund or the South African Police and Prisons Service Pension Fund, referred to in subsection (1) of section 2 of the Government Service Pensions Act, 1965 (Act No. 62 of 1965), is transferred or appointed without a break in his service to employment in respect of which he is liable to contribute to the Fund, or without a break in his service becomes liable so to contribute, he shall as from the date of such transfer or appointment, or from the date on which he so becomes liable, 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 relating to the said Public Service Pension Fund or the said Permanent Force Pension Fund or the said South African Police and Prisons Service Pension Fund, as the case may be.

(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 amount, calculated according to the formula, in respect of the period of his prior pensionable service, as if during that period he had been a member of the Fund and had contributed at the rate of contributions in force on the date of such transfer or appointment or the date on which he so becomes liable; and
- (b) in respect of each completed year of the whole period of such contributor's prior pensionable service, an amount equal to 2 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 2 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.

(3) The amount payable in terms of paragraphs (a) and (b) of subregulation (2) shall be paid in full from the amount payable from either the Public Service Pension Fund or 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 relating to such fund: Provided that if any amount owed by the

(2) Sodanige bedinge en voorwaardes maak onder andere voorsiening—

- (a) vir die betaling aan die Fonds deur sodanige bydraer, in paaielemente of andersins, van 'n bedrag gelyk aan enige geldelike voordeel of deel daarvan wat by die verstryking van die betrokke tydperk uit die Fonds aan hom betaal mag gewees het;
- (b) vir die voorwaardes wat opgelê moet word met betrekking tot die betaling van enige bedrag in subparagraaf (a) bedoel;
- (c) vir die betaling van rente deur die bydraer—
 - (i) op die bedrag in paragraaf (a) bedoel, vanaf die datum waarop die voordeel aan die bydraer betaal is tot die datum waarop genoemde bedrag betaal word;
 - (ii) op enige bedrag wat aan die end van elke maand deur 'n bydraer verskuldig is as hy nie in staat is om sy verpligting in een bedrag te vereffen nie.

(3) Enige tydperk wat nie in 'n lid se pensioengewende diens ingesluit is nie, en wat tussen twee pensioengewende diens tydperke val, word geag nie die aaneenlopendheid van die lid se pensioengewende diens te onderbreek nie.

Oordragte uit en na 'n pensioenfonds ingevolge Wet No. 62 van 1965 bestuur

13. (1) As 'n bydraer tot die Staatsdienspensioenfonds, die Staandemag-pensioenfonds of die Suid-Afrikaanse Polisie- en Gevangenisdiens-pensioenfonds boedel in subartikel (1) van artikel 2 van die Regeringsdienspensioenwet, 1965 (Wet No. 62 van 1965), oorgeplaas word na, of sonder onderbreking in sy diens aangestel word in diens ten opsigte waarvan hy onder die verpligting kom om tot die Fonds by te dra, of sonder onderbreking in sy diens onder verpligting kom om aldus by te dra, moet hy met ingang van die datum van sodanige oorpasing of aanstelling of vanaf die datum waarop hy aldus onder verpligting kom, 'n lid word van, en bydra tot die Fonds, en enige pensioen wat uit die Fonds betaalbaar is, word bereken op sy hele pensioengewende diens tydperk kragtens hierdie regulasies en die wet wat die bedoelde Staatsdiens-pensioenfonds, Staandemag-pensioenfonds en Suid-Afrikaanse Polisie- en Gevangenisdiens-pensioenfonds, na gelang van die geval, beheer.

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

- (a) 'n bedrag wat gelyk is aan twee maal die bedrag, ooreenkomstig die formule bereken, ten opsigte van sy vorige pensioengewende diens tydperk asof hy gedurende daardie tydperk lid van die Fonds was en tot die Fonds bygedra het teen die skaal van bydraes wat op die datum van sodanige oorpasing of aanstelling van krag was of die datum waarop hy aldus onder verpligting kom; en
- (b) ten opsigte van elke volle jaar van so 'n bydraer se hele vorige pensioengewende diens tydperk, '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-sestig staan, en enige bedrag kragtens hierdie paragraaf betaalbaar, word geag rente te wees.

(3) Die bedrag betaalbaar ingevolge paragrafe (a) en (b) van subregulasie (2) moet ten volle betaal word uit die bedrag betaalbaar uit of die Staatsdiens-pensioenfonds, die Staandemag-pensioenfonds of die Suid-Afrikaanse Polisie- en Gevangenisdiens-pensioenfonds, na gelang van die geval, ooreenkomstig die wet wat sodanige fonds beheer: Met dien verstande dat indien 'n bedrag wat die

contributor to such other fund at the date of such transfer or appointment or the date on which he so became liable, was unpaid at that date and the amount available for transfer to the Fund is for that reason less than the amount payable in terms of subregulation (2), the deficiency shall be made good by the contributor in such manner as the Secretary may determine.

(4) If a member is transferred or appointed directly without a break in his service to employment in respect of which he is required to contribute to the Public Service Pension Fund or the Permanent Force Pension Fund or the South African Police and Prisons Service Pension Fund referred to in subsection (1) of section 2 of the Government Service Pensions Act, 1965, or without a break in his service becomes liable to contribute to such a fund and contributes to such a fund in respect of his pensionable service under these regulations, there shall, subject to the provisions of subregulation (5), be paid out of the Fund to the other fund—

- (a) an amount equal to twice the amount calculated according to the formula; and
- (b) in respect of each completed year of the period of such pensionable service, an amount equal to 2 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 2 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;

(5) The total of the amounts payable to the other fund in terms of paragraphs (a) and (b) of subregulation (4) shall be reduced by any amount which may be due to the Fund by the member at the transfer date but which was unpaid at that date.

(6) If a member to whom subregulation (4) relates, does not contribute to the other fund in respect of any portion of his pensionable service under these regulations, he shall be paid out of the Fund or out of revenue or out of both the Fund and revenue, if for any reason he retires or is retired or discharged from such employment the pension to which he would have been entitled at the date of such transfer or appointment or the date on which he so became liable, if at that date he had reitred or been retired or discharged from the service of the Government for the same reason: Provided that if such member so retires or is retired or discharged by reason of the age he has attained or for a reason mentioned in subregulation (3) of regulation 18, any such pension shall not be payable from an earlier date than the date on which he attains the pensionable age.

Transfers from provincial and other funds

14. (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 subsection (1) or (3) of section 2 of the Government Service Pensions Act, 1965) 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

bydraer aan daardie ander fonds verskuldig was op die datum van sy oorpasing of aanstelling of die datum waarop hy aldus onder verpligting kom, 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 betaalbaar ingevolge subregulasie (2), die tekort deur die lid goedgemaak moet word op die wyse wat die Sekretaris mag bepaal.

(4) As 'n lid oorgeplaas word na, of sonder onderbreking in sy diens regstreeks aangestel word in diens ten opsigte waarvan hy tot die Staatsdiens-pensioenfonds, die Staandemag-pensioenfonds of die Suid-Afrikaanse Polisie- en Gevangensdiens-pensioenfonds bedoel in subartikel (1) van artikel 2 van die Regeringsdienspensioenwet, 1965, moet bydra, of sonder onderbreking in sy diens onder die verpligting kom om tot so 'n fonds by te dra, en tot daardie fonds bydra ten opsigte van sy pensioengewende diens kragtens hierdie regulasies, moet onderstaande, behoudens die bepalings van subregulasie (5), uit die Fonds aan die ander fonds betaal word—

- (a) 'n bedrag gelyk aan twee maal die bedrag ooreenkomstig die formule bereken; en
- (b) ten opsigte van elke voltooië jaar van sodanige pensioengewende dienstydperk '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 enige bedrag ingevolge hierdie paragraaf betaalbaar, word geag rente te wees.

(5) Die totaal van die bedrae wat ingevolge paragrawe (a) en (b) van subregulasie (4) aan die ander fonds betaalbaar is, moet verminder word met enige bedrag wat die lid op die oorpasingdatum aan die Fonds verskuldig mag wees maar wat op daardie datum onbetaal was.

(6) As 'n lid op wie subregulasie (4) betrekking het, nie ten opsigte van enige deel van sy pensioengewende diens kragtens hierdie regulasies tot die ander fonds bydra nie, word aan hom, indien hy om enige rede uit daardie diens aftree of afgedank of ontslaan word, uit die Fonds of uit inkomste of uit beide die Fonds en uit inkomste die pensioen betaal waarop hy op die datum van oorpasing of aanstelling of die datum waarop hy aldus onder verpligting gekom het, geregtig sou gewees het as hy op daardie datum om dieselfde rede uit die diens van die Regering afgetree het of afgedank of ontslaan was: Met dien verstande dat indien bedoelde lid aldus aftree of afgedank of ontslaan word weens die leeftyd wat hy bereik het, of om 'n rede genoem in subregulasies (3) van regulasie 18, so 'n pensioen nie betaalbaar is nie vanaf 'n vroeër datum as die datum waarop hy die pensioenleefyd bereik het.

Oorpasinge uit provinsiale en ander fondse

14. (1) As iemand 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) geadminestreer word, of wat lid is van 'n pensioen- of voorsorg- of ondersteuningsfonds (uitgesonderd 'n pensioen- of ondersteuningsfonds in subartikel (1) of (3) van artikel 2 van die Regeringsdienspensioenwet, 1965, bedoel) ooreenkomstig 'n pensioenwet wat deur die Minister geadminestreer word—

- (a) oorgeplaas word na diens ten opsigte waarvan hy onder die verpligting kom om tot die Fonds by te dra; of
- (b) regstreeks sonder onderbreking in sy diens in sodanige diens aangestel word; of
- (c) in sodanige diens aangestel word ná sodanige onderbreking in sy diens as wat die Sekretaris in die omstandighede nodig en redelik ag; of

- (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 subregulation (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 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 and 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 amount calculated according to the formula in respect of the period of his past pensionable service, as if during that period he had been a member of the Fund and had contributed in accordance with the rate of contributions in force at the date of such transfer or appointment or at the date on which he so becomes liable; and
- (b) in respect of each completed year of the whole period of such person's past pensionable service, an amount equal to $2\frac{1}{2}$ 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 $2\frac{1}{2}$ 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.

(3) If any person to whom subregulation (2) relates does not elect in terms of that subregulation 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.

Transfers to provincial and other funds

15. (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 the Government Service Pensions Act, 1965), 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

(d) sonder 'n onderbreking in sy diens onder die verpligting kom om tot die Fonds by te dra, word bedoelde persoon lid van en dra hy by tot die Fonds met ingang van die datum van sodanige oorpasing of aanstelling of die datum waarop hy aldus onder verpligting kom.

(2) Iemand 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) bedoel) binne sestig dae ná die datum waarop hy deur die Sekretaris aangesê word om dit te doen of binne sodanige verdere tydperk 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 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 en 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 bedrag ooreenkomstig die formule bereken ten opsigte van die tydperk van sy vorige pensioengewende diens asof 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) ten opsigte van elke voltooid 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 geag rente te wees.
- (3) As iemand op wie subregulasie (2) betrekking het, nie kragtens daardie subregulasie kies om sy vorige pensioengewende diens as pensioengewende diens vir die doeleindes van die Fonds te reken nie, moet enige pensioen of enige ander bedrag waarop 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.

Oorplasings na provinsiale en ander fondse

15. (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 die Regeringsdienspensioenwet, 1965), 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 sodanige 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) bedoel; en

(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, subject to the provisions of subregulation (2), be paid from the Fund to such first-mentioned fund—

- (i) an amount equal to twice the amount calculated according to the formula; and
- (ii) in respect of each completed year of the whole period of such contributor's pensionable service, an amount equal to $2\frac{1}{2}$ per cent of the amount payable in terms of paragraph (i) and in respect of any remaining portion of such service, an amount equal to a percentage of the amount so payable which bears to $2\frac{1}{2}$ 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 purpose of the payment to be made from the Fund be deemed to be interest;
- (iii) interest at the rate of 4 per cent per annum, on the total of the amounts referred to in paragraphs (i) and (ii) compounded annually as at the thirty-first day of March and calculated from the transfer date up to the date of payment.

(2) (a) The total of the amounts to be transferred to the other fund in terms of paragraphs (i) and (ii) of subregulation (1) shall not exceed the amount required by that fund.

(b) The total of the amounts to be transferred in terms of paragraphs (i) and (ii) of subregulation (1), but not exceeding the amount required by the other fund, shall be reduced by any amount which may be due by the contributor to the Fund and which was unpaid at that date, and any interest payable in terms of paragraph (iii) of subregulation (1) shall be calculated on the reduced total.

(c) If the amount to be transferred to the other fund in terms of paragraphs (i) and (ii) of subregulation (1), unreduced by any amount referred to in paragraph (b), is more or less than the amount which is required by the other fund in respect of such past pensionable service the surplus shall be disposed of or the deficiency shall be made good in such manner as the Secretary may determine.

(d) In the case of a contributor to whom paragraph (c) of subregulation (1) applies the period of the break in his service shall be deemed not to interrupt the continuity of his service for pension purposes.

(3) If a contributor who is so transferred or appointed or who so becomes liable is not permitted to contribute in respect of his past pensionable service, or if permitted to do so, does not so contribute, he shall be paid out of the Fund or out of revenue, or out of both the Fund and revenue, if for any reason he retires or is retired or discharged from such employment, the pension to which he would have been entitled at the date of such transfer or appointment or the date on which he so becomes liable, if at that date he had retired or been retired or discharged from employment under the Government for the same reason: Provided that if such member so retires or is retired or discharged by reason of the age he has attained, or for a reason mentioned in subregulation (3) of regulation 18, any such pension shall not be payable from an earlier date than the date on which he attains the pensionable age.

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

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 ondergenoemde bedrae, behoudens die bepalings van subregulasie (2), uit die Fonds aan sodanige eersgenoemde fonds betaal—

- (i) 'n bedrag gelyk aan twee maal die bedrag ooreenkomstig die formule bereken;
- (ii) ten opsigte van elke voltooië jaar van die hele tydperk van sodanige bydraer se pensioengewende diens, 'n bedrag gelyk aan twee-en-'n-half persent van die bedrag wat ingevolge subparagraaf (i) 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 doel van die betaling wat uit die Fonds gedoen moet word, geag rente te wees; en
- (iii) rente teen die koers van vier persent per jaar, jaarliks saamgestel soos op die een-en-dertigste dag van Maart, op die totaal van die bedrae in paragrafe (i) en (ii) bedoel, en bereken vanaf die oorplatingsdatum tot die datum van betaling.

(2) (a) Die totaal van die bedrae wat ingevolge paragrafe (i) en (ii) na die ander fonds oorgedra moet word, mag nie meer wees nie as die bedrag wat deur daardie fonds vereis word.

(b) Die totaal van die bedrae wat ingevolge paragrafe (i) en (ii) van subregulasie (1) oorgedra moet word, maar hoogstens die bedrag deur die ander fonds vereis, moet verminder word met enige bedrag wat die bydraer aan die Fonds verskuldig mag wees en wat op daardie datum onbetaal was, en enige rente wat ingevolge paragraaf (iii) van subregulasie (1) betaalbaar is, moet op die verminderde totaal bereken word.

(c) As die bedrag wat na die ander fonds oorgedra moet word ingevolge paragrafe (i) en (ii) van subregulasie (1), onverminder met enige bedrag in paragraaf (b) bedoel, meer of minder is as die bedrag wat deur die ander fonds ten opsigte van sodanige vorige pensioengewende diens vereis word, word daar oor die surplus beskik of word die tekort goedgemaak op die wyse wat die Sekretaris mag bepaal.

(d) In die geval van 'n bydraer op wie paragraaf (c) van subregulasie (1) van toepassing is, word die tydperk van die onderbreking in sy diens geag nie die aaneenlopendheid van sy diens vir pensioendoeleindes te onderbreek nie.

(3) As 'n bydraer wat aldus oorgeplaas of aangestel word of aldus onder verpligting kom, nie toegelaat word om ten opsigte van sy vorige pensioengewende diens by te dra nie, of, as hy toegelaat word om dit te doen, nie aldus bydra nie, word aan hom, as hy om watter rede ook al uit sodanige diens tree of afgedank of ontslaan word, uit die Fonds of uit inkomste, of uit sowel die Fonds as inkomste, die pensioen betaal waarop hy op die datum van sodanige oorplasing of aanstelling of die datum waarop hy aldus onder verpligting gekom het, geregtig sou gewees het as hy op daardie datum om dieselfde rede uit die diens van die Regering afgetree het of afgedank of ontslaan was: Met dien verstande dat as sodanige lid aldus aftree of afgedank of ontslaan word weens die leeftyd wat hy bereik het, of om 'n rede in subregulasie (3) van regulasie 18 genoem, enige sodanige pensioen nie betaalbaar is vanaf 'n vroeër datum as die datum waarop hy die pensioenleeftyd bereik nie.

Pensionable service

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

- (a) any continuous period of service in respect of which contributions have been paid or are payable to the Fund by the member concerned;
- (b) in relation to a member to whom subregulation (1) of regulation 12 relates, any period of previous service or any portion of such period which is included in the member's pensionable service in terms of that subregulation;
- (c) in relation to a member to whom subregulation (2) of regulation 14 applies, the period of the member's past pensionable service which, in accordance with an election made by the member in terms of that subregulation, is reckoned as pensionable service for the purpose of the Fund;
- (d) in relation to a member to whom subregulation (1) of regulation 13 applies, the period of the member's service which was pensionable service for the purposes of any other pension fund referred to in that subregulation;
- (e) in relation to a member to whom subregulation (2) of regulation 35 applies the period of the member's past pensionable service which in accordance with an election made by the member in terms of that subregulation is reckoned as pensionable service for the purposes of the Fund.

(2) A continuous period of service referred to in paragraph (a) of subregulation (1) shall not be regarded as interrupted—

- (a) by absence on leave, whether with or without pay;
- (b) in the case of a member to whom leave of absence cannot be granted under the law, rules or regulations relating to the conditions of his employment, by absence from duty for a period not exceeding ninety days, or for such longer period as the Secretary may in special circumstances allow;
- (c) by suspension, if allowed to return to duty; or
- (d) by any period referred to in subregulation (3) of regulation 12.

(3) 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 to members

17. (1) If a member who has had less than ten years of pensionable service, retires or is retired in terms of regulation 3, or if a member (other than a member to whom subregulation (3) of regulation 18 applies) is retired or discharged owing to reorganisation or reduction of staff, he shall, subject to the provisions of subregulation (3) of this regulation, be paid a gratuity equal to the sum of—

- (a) twice the amount calculated according to the formula; and
- (b) four per cent of the amount calculated according to the formula in respect of each year of his pensionable service.

(2) If a member who has had less than fifteen years of pensionable service is retired or discharged on account of ill-health occasioned without his own default he shall, subject to the provisions of subregulation (3), be paid—

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

Pensioengewende diens

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

- (a) enige tydperk van ononderbroke diens ten opsigte waarvan bydraes deur die betrokke lid aan die Fonds betaal is of betaalbaar is;
- (b) ten opsigte van 'n lid op wie subregulasie (1) van regulasie 12 betrekking het, enige vorige diens-tydperk of enige gedeelte van so 'n tydperk wat ingevolge daardie subregulasie by die lid se pensioengewende diens ingesluit is;
- (c) ten opsigte van 'n lid op wie subregulasie (2) van regulasie 14 betrekking het, die lid se vorige pensioengewende diens-tydperk wat ooreenkomstig 'n keuse wat die lid ingevolge daardie subregulasie gemaak het, vir die doel van die Fonds as pensioengewende diens gereken word;
- (d) ten opsigte van 'n lid op wie subregulasie (1) van regulasie 13 betrekking het, die lid se diens-tydperk wat pensioengewende diens was vir die doel van enige ander pensioenfonds wat in daardie subregulasie bedoel word;
- (e) ten opsigte van 'n lid op wie subregulasie (2) van regulasie 35 van toepassing is, die lid se vorige pensioengewende diens-tydperk wat ooreenkomstig 'n keuse wat die lid ingevolge daardie subregulasie gemaak het, vir die doel van die Fonds as pensioengewende diens gereken word.

(2) 'n Aaneenlopende diens-tydperk in paragraaf (a) van subregulasie (1) bedoel, word nie geag onderbreek te wees nie—

- (a) deur afwesigheid met verlof, hetsy met of sonder besoldiging;
- (b) in die geval van 'n lid aan wie afwesigheidsverlof nie kragtens die wet, reëls of regulasies betreffende sy diensvoorwaardes toegestaan kan word nie, deur afwesigheid van diens vir 'n tydperk van hoogstens negentig dae, of vir sodanige langer tydperk as wat die Sekretaris onder spesiale omstandighede toelaat;
- (c) deur skorsing, as hy toegelaat word om weer sy diens te aanvaar; of
- (d) deur enige tydperk wat in subregulasie (3) van regulasie 12 bedoel word.

(3) Uitgesonderd soos anders bepaal, word die pensioengewende diens-tydperk 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 aan lede

17. (1) As 'n lid wat minder as tien jaar pensioengewende diens gehad het, ingevolge regulasie 3 aftree of afgedank word, of as 'n lid (uitgesonderd 'n lid op wie subregulasie (3) van regulasie 18 betrekking het) vanweë reorganisasie of personeelvermindering afgedank of ontslaan word, word aan hom, behoudens die bepalings van subregulasie (3) van hierdie regulasie, 'n gratifikasie betaal gelyk aan die som van—

- (a) twee maal die bedrag ooreenkomstig die formule bereken; en
- (b) vier persent van die bedrag ooreenkomstig die formule bereken ten opsigte van elke jaar van sy pensioengewende diens.

(2) As 'n lid wat minder as vyftien jaar pensioengewende diens gehad het, afgedank of ontslaan word weens swak gesondheid wat sonder sy eie toedoen ontstaan het, word, behoudens die bepalings van subregulasie (3), aan hom betaal—

- (a) as hy minder as tien jaar pensioengewende diens gehad het, 'n gratifikasie gelyk aan—

- (i) the amount calculated according to the formula; and
 - (ii) two per cent of the amount under subparagraph (i) in respect of each year of his pensionable service;
 - (b) if he has had not less than ten but less than fifteen years of pensionable service, a gratuity equal to twice the amount calculated according to the formula.
- (3) No member who is entitled to a pension under Part A of Chapter II shall be entitled to a pension under this regulation.

Annuity and gratuity

18. (1) A member who has had not less than ten years of pensionable service and who retires or is retired in terms of regulation 3 shall, subject to the provisions of subregulation (5), be entitled to—

- (a) an annuity which shall be based on the annual average of his pensionable emoluments during the last seven years of his pensionable service and which shall be calculated at the rate of one ninety-sixth of such average for each year of his pensionable service; and
- (b) a gratuity which shall be based on the said average and which shall be calculated at the rate of four per cent of such average for each year of his pensionable service:

Provided that if the member's age at the date of his retirement exceeds the pensionable age by a period of one month or more and he has had not less than twenty years of pensionable service, the said annuity shall be increased by 0.4 per cent for each completed month of such period.

(2) If a member who has had not less than fifteen years of pensionable service, is retired or discharged on account of ill-health occasioned without his own default, he shall, subject to the provisions of subregulation (5), be entitled to an annuity and a gratuity calculated *mutatis mutandis* in accordance with the provisions of subregulation (1).

(3) If a member who has had not less than ten years of pensionable service and who has attained the age of fifty-five years, is discharged owing to reorganisation or reduction of staff, he shall, subject to the provisions of subregulation (5), be entitled to an annuity and gratuity calculated *mutatis mutandis* in accordance with the provisions of subregulation (1).

(4) If a member, before he has attained the pensionable age, is retired or discharged for any reason other than ill-health, 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.

(5) A member who is entitled to a pension under Part A of Chapter II shall not be paid a benefit under this regulation.

Benefits on resignation or dismissal of a member

19. (1) A member who retires voluntarily before attaining the pensionable age or who is discharged on account of ill-health not occasioned without his own default, or who is discharged for a reason not specifically mentioned in these regulations shall be paid an amount calculated according to the formula together with four per cent of the said amount in respect of each complete year of his pensionable service in excess of ten years.

(2) A member who is discharged on account of misconduct or unsatisfactory service or who resigns or is called upon to resign in order to avoid such discharge shall be paid an amount calculated according to the formula.

- (i) die bedrag ooreenkomstig die formule bereken; en
 - (ii) twee persent van die bedrag kragtens subparagraaf (i) ten opsigte van elke jaar van sy pensioengewende diens;
 - (b) as hy minstens tien maar minder as vyftien jaar pensioengewende diens gehad het, 'n gratifikasie gelyk aan twee maal die bedrag ooreenkomstig die formule bereken.
- (3) Geen lid wat op 'n pensioen ingevolge Deel A van Hoofstuk II geregtig is, is op 'n pensioen ingevolge hierdie regulasie geregtig nie.

Jaargeld en gratifikasie

18. (1) 'n Lid wat minstens tien jaar pensioengewende diens gehad het en wat ingevolge regulasie 3 aftree of afgedank word, is, behoudens die bepalinge van subregulasie (5), geregtig op—

- (a) 'n jaargeld wat gebaseer word op die jaarlikse gemiddelde van sy pensioengewende verdienste oor die laaste sewe jaar van sy pensioengewende diens en wat bereken word teen die skaal van een ses-en-negentigste van daardie gemiddelde vir elke jaar van sy pensioengewende diens; en
- (b) 'n gratifikasie wat op sodanige gemiddelde gebaseer is en wat bereken word teen die skaal van vier persent van daardie gemiddelde vir elke jaar van sy pensioengewende diens:

Met dien verstande dat as die lid se leeftyd op die datum van sy uitdienstreding die pensioenleeftyd met 'n tydperk van een maand of meer oorskry en hy minstens twintig jaar pensioengewende diens voltooi het, sodanige jaargeld vermeerder word met 0.4 persent vir elke voltooide maand van daardie tydperk.

(2) As 'n lid wat minstens vyftien jaar pensioengewende diens gehad het, afgedank of ontslaan word vanweë swak gesondheid wat sonder sy eie toedoen ontstaan het, is hy, behoudens die bepalinge van subregulasie (5), geregtig op 'n jaargeld en gratifikasie wat *mutatis mutandis* ooreenkomstig die bepalinge van subregulasie (1) bereken word.

(3) As 'n lid wat minstens tien jaar pensioengewende diens gehad het en wat die leeftyd van vyf-en-vyftig jaar bereik het, vanweë reorganisasie of personeelvermindering ontslaan word, is hy, behoudens die bepalinge van subregulasie (5), geregtig op 'n jaargeld en gratifikasie wat *mutatis mutandis* ooreenkomstig die bepalinge van subregulasie (1) bereken word.

(4) As 'n lid om enige rede, uitgesonderd swak gesondheid, afgedank of ontslaan word voordat hy die pensioenleeftyd bereik het, word alle jaargeldbetalings voordat hy daardie leeftyd bereik, uit inkomste gemaak, en die gratifikasiebetaling gedeeltelik uit inkomste en gedeeltelik uit die Fonds ooreenkomstig tabelle wat deur die aktuaris aanbeveel en deur die Sekretaris goedgekeur is.

(5) Aan 'n lid wat op 'n pensioen ingevolge Deel A van Hoofstuk II geregtig is, word geen voordeel ingevolge hierdie regulasie betaal nie.

Voordele by bedanking en ontslag van 'n lid

19. (1) Aan 'n lid wat vrywillig uittree voordat hy die pensioenleeftyd bereik, of wat ontslaan word vanweë slegte gesondheid wat nie sonder sy eie toedoen ontstaan het nie, of aan 'n lid wat ontslaan word om 'n rede wat nie spesifiek in hierdie regulasies vermeld word nie, word 'n bedrag betaal wat ooreenkomstig die formule bereken word, tesame met vier persent van daardie bedrag ten opsigte van elke volle jaar van sy pensioengewende diens bo tien jaar.

(2) Aan 'n lid wat weens wangedrag of onbevredigende diens ontslaan word, of wat bedank of gevra word om te bedank teen einde sodanige ontslag te vermy, word 'n bedrag betaal wat ooreenkomstig die formule bereken is.

(3) The Secretary may deduct from any amount payable under this regulation to a 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.

Benefits on death of a member

30. (1) If a member dies before his retirement or discharge there shall, subject to the provisions of subregulations (3) and (7), be paid to or for the benefit of such of his dependants as the Secretary may determine, a gratuity—

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

(i) an amount calculated according to the formula; and

(ii) two per cent of the amount payable under subparagraph (i) in respect of each year of his pensionable service;

(b) if such member has had not less than ten but less than fifteen years of pensionable service, equal to twice the amount calculated according to the formula;

(c) if such member has had not less than fifteen years of pensionable service, equal to the sum of—

(i) twice the amount calculated according to the formula; and

(ii) two per cent of the amount payable under subparagraph (i) in respect of each year of his pensionable service.

(2) If any person who is entitled to an annuity under this Chapter dies within five years after the date of his retirement or discharge, there shall subject to the provisions of subregulations (3) and (7), 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 person from the date of his death up to the end of the month in which the said five years would have expired, had he not died: Provided that for the purpose of this subregulation such person shall be deemed to have died on the last day of the month in which he died.

(3) The gratuities referred to in subregulations (1) and (2) shall be allocated to the said dependants in such manner as the Secretary may determine and the Secretary may, in the case of dependants other than a widow of the deceased member or person, 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 or discharge without leaving a dependant, an amount calculated according to the formula shall be paid to his estate and there shall be no further claim on the Fund.

(5) If a member to whom the provisions of subregulation (6) of regulation 13, subregulation (3) of regulation 15, or subregulation (3) of regulation 34 applies, dies before the benefit prescribed by the applicable subregulation become due and payable, he shall, for the purposes of subregulations (1), (3) and (4) of this regulation, be deemed to have died on the last day of his pensionable service under these regulations.

(6) If a member referred to in subregulation (5) dies after an annuity becomes payable to him under the provisions of the applicable subregulation referred to in that subregulation, he shall, for the purposes of subregulations (2) and (3) of this regulation, be deemed to have retired or to have been retired or discharged as from the date on which the said annuity became payable to him.

(7) No dependants to or for the benefit of whom a benefit is payable under Part A of Chapter II shall be paid a benefit under this regulation.

(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 gelyk het as gevolg van diefstal, bedrog, nalatigheid of wangedrag aan die kant van sodanige werknemer.

Voordele by die dood van 'n lid

20. (1) As 'n lid voor sy uitdienstreding of ontslag sterf, word daar, behoudens die bepalings van subregulasies (3) en (7), aan of ten voordele van dié van sy afhanklikes wat die Sekretaris mag aanwys, 'n gratifikasie betaal—

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

(i) 'n bedrag ooreenkomstig die formule bereken; en

(ii) twee persent van die bedrag betaalbaar kragtens subparagraaf (i) ten opsigte van elke jaar van sy pensioengewende diens;

(b) as sodanige lid minstens tien jaar maar minder as vyftien jaar pensioengewende diens gehad het, gelyk aan twee maal die bedrag ooreenkomstig die formule bereken;

(c) as sodanige lid minstens vyftien jaar pensioengewende diens gehad het, gelyk aan die som van—

(i) twee maal die bedrag ooreenkomstig die formule bereken; en

(ii) twee persent van die bedrag kragtens subparagraaf (i) betaalbaar ten opsigte van elke jaar van sy pensioengewende diens.

(2) As iemand wat op 'n jaargeld ingevolge hierdie Hoofstuk geregtig is, binne vyf jaar na die datum van sy aftrede of ontslag sterf, word daar, behoudens die bepalings van subregulasies (3) en (7), aan of ten voordele van dié van sy afhanklikes wat die Sekretaris mag aanwys, 'n gratifikasie betaal gelyk aan die totaalbedrag van die jaargeld wat vanaf die datum van sy dood tot die end van die maand waarin die bedoelde vyf jaar sou verstryk het, aan sodanige persoon betaal sou geword het as hy nie gesterf het nie: Met dien verstande dat, vir die doel van hierdie subregulasie sodanige persoon geag word te gesterf het op die laaste dag van die maand waarin hy gesterf het.

(3) Die gratifikasies in subregulasies (1) en (2) bedoel, word onder genoemde afhanklikes verdeel op die wyse wat die Sekretaris mag bepaal, en die Sekretaris kan, in die geval van ander afhanklikes as 'n weduwee van die oorlede lid of persoon, enige sodanige gratifikasie verminder in die mate wat, met inagneming van die omstandighede van sodanige afhanklikes, vir hom redelik voorkom.

(4) As 'n lid voor sy uitdienstreding of ontslag sterf en geen afhanklikes nalaat nie, word 'n bedrag ooreenkomstig die formule bereken, aan sy boedel betaal, en is daar geen verdere eis teen die Fonds nie.

(5) As 'n lid op wie die bepalings van subregulasie (6) van regulasie 13, subregulasie (3) van regulasie 15 of subregulasie (3) van regulasie 34, van toepassing is, sterf voordat die voordele wat in die toepaslike subregulasie voorgeskryf word, verskuldig en betaalbaar word, word hy vir die doel van subregulasies (1), (3) en (4) van hierdie regulasie geag op die laaste dag van sy pensioengewende diens kragtens hierdie regulasies te gesterf het.

(6) As 'n lid in subregulasie (5) bedoel, sterf nadat 'n jaargeld ingevolge die bepalings van die toepaslike in daardie subregulasie bedoel, aan hom betaalbaar word, word hy, vir die toepassing van subregulasies (2) en (3) van hierdie regulasie, geag af te getree het of afgedank of ontslaan te gewees het met ingang van die datum waarop bedoelde jaargeld aan hom betaalbaar geword het.

(7) Aan afhanklikes aan of ten voordele van wie 'n voordeel ingevolge Deel A van Hoofstuk II betaalbaar is, word geen voordeel ingevolge hierdie regulasie betaal nie.

Payments from revenue to the fund and from the fund to revenue

21. (1) There shall be paid out of revenue to the Fund—

- (a) at the end of each month, an amount equal to the aggregate of the current contributions which have been paid to the Fund by contributions during that month; and
- (b) on the thirty-first day of March in every year interest at the rate of four per cent per annum on 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) If a contributor is retired or discharged by reason of bodily injury or permanent ill-health arising out of and in the course of his employment, or if a contributor, before his retirement or discharge, dies by reason of such an injury or such ill-health, and if a compensatory pension which is payable from revenue under the regulations made under section 5 of the Government Service Pensions Act, 1965, and published by Government Notice No. R.1929 of the 8th December, 1965, is awarded to him or his dependants in lieu of any benefits payable under these regulations and the Workmen's Compensation Act, 1941 (Act No. 30 of 1941), there shall be paid out of the Fund to revenue an amount equal to—

- (a) twice the amount calculated according to the formula; and
- (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 amount which in terms of paragraph (b) of sub-regulation (2) of regulation 11 ceases to be payable to the Fund.

CHAPTER II

SPECIAL BENEFITS

Interpretation of terms

22. In this Chapter, unless the context otherwise indicates—

- (i) "pensionable service" means pensionable service according to the provisions of regulation 16;
- (ii) "qualifying service" means qualifying service according to the provisions of regulation 24;
- (iii) "reckonable service" means, subject to the provisions of regulation 23, service as defined in regulation 1.

Reckonable service and pensionable emoluments

23. (1) The reckonable service in respect of which any pension is to be calculated under this Chapter—

- (a) shall be continuous;

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

21. (1) Daar word uit inkomste aan die Fonds betaal—

- (a) aan die end van elke maand 'n bedrag gelyk aan die totaalbedrag van die lopende bydraes wat bydraers gedurende daardie maand aan die Fonds betaal het; en
- (b) jaarliks op die een-en-dertigste dag van Maart, rente teen die koers van vier persent per jaar op die gemiddelde van die onbelegde bedrae in die Fonds aan die end van elke maand gedurende die tydperk ten opsigte waarvan die rente betaal word.

(2) As 'n bydraer 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 bydraer as gevolg van sodanige besering of sodanige swak gesondheid voor sy uitdienstreding of ontslag te sterwe kom, en as 'n vergoedingspensioen wat uit inkomste betaalbaar is ingevolge die regulasies by artikel 5 van die Regeringsdienspensioenwet, 1965 gemaak en by Goewermentskennisgewing No. R.1929 van 8 Desember 1965 uitgevaardig, aan hom of sy afhanklikes toegeken word in plaas van enige voordele wat ingevolge hierdie regulasies en die Ongevallewet, 1941 (Wet No. 30 van 1941) betaalbaar is, moet daar uit die Fonds aan inkomste 'n bedrag betaal word wat gelyk is aan—

- (a) twee maal die bedrag ooreenkomstig die formule bereken; en
- (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 gegag opgelope rente te wees:

Met dien verstande dat die bedrag aldus betaalbaar, verminder word met enige bedrag wat ingevolge paragraaf (b) van subregulasie (2) van regulasie 11 nie meer aan die Fonds betaalbaar is nie.

HOOFSTUK II

SPEZIALE VOORDELE

Woordomskrywing

22. In hierdie Hoofstuk, tensy uit die samehang anders blyk, beteken—

- (i) „pensioengewende diens” pensioengewende diens ooreenkomstig die bepalings van regulasie 16;
- (ii) „kwalifiserende diens” kwalifiserende diens ooreenkomstig die bepalings van regulasie 24;
- (iii) „rekenbare diens”, behoudens die bepalings van regulasie 23, diens soos in regulasie 1 omskryf.

Rekenbare diens en pensioengewende verdienste

23. (1) Die rekenbare diens ten opsigte waarvan enige pensioen kragtens hierdie Hoofstuk bereken moet word—

- (a) is ononderbroke diens;

- (b) shall not be regarded as interrupted by leave of absence or any period of suspension, or in the case of an employee to whom leave of absence cannot be granted under the law, rules or regulations relating to the conditions of his employment, by absence from duty without pay for a period not exceeding ninety days or for such longer period as the Secretary may in special circumstances allow;
 - (c) shall include 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;
 - (d) shall not include any period of leave of absence or suspension without pay;
 - (e) shall be continuous with the pensionable service of the employee.
- (2) If an employee was, during his reckonable service—
- (a) remunerated at 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 calculating any pension payable under this Chapter in respect of such service, be deemed to have been paid his full pensionable emoluments during any period of such leave or suspension.

Qualifying service

24. Qualifying service shall include—

- (a) the period of the employee's pensionable service; and
- (b) the period of his reckonable service.

PART A

BENEFITS PAYABLE IN RESPECT OF QUALIFYING SERVICE

Certain employees excluded from this Part

25. The provisions of this Part shall not apply to an 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, nor to the dependants of any such employee.

Gratuities

26. (1) If an employee who has had less than ten years of qualifying service and not less than one year of reckonable service, retires or is retired in terms of regulation 3 he shall be paid—

- (a) out of revenue, a gratuity calculated at the rate of one twenty-fourth of his annual pensionable emoluments on the last day of his qualifying service in respect of each completed year of his reckonable service; and

- (b) word nie geag onderbreek te wees nie deur afwesigheidsverlof of enige tydperk van skorsing, of in die geval van 'n werknemer aan wie afwesigheidsverlof nie kragtens die wet, reëls of regulasies betreffende sy diensvoorwaardes toegestaan kan word nie, deur afwesigheid van diens sonder besoldiging vir 'n tydperk van hoogstens negentig dae of vir sodanige langer tydperk as wat die Sekretaris onder spesiale omstandighede mag toelaat;
 - (c) omvat tyd deurgebring—
 - (i) in normale diens;
 - (ii) met afwesigheidsverlof met volle of minder as volle besoldiging;
 - (iii) tydens skorsing met volle of minder as volle besoldiging as die skorsing gevolg word deur herstelling in dieselfde of 'n ander pos;
 - (d) omvat nie enige tyd wat met afwesigheidsverlof of gedurende skorsing sonder besoldiging deurgebring word nie;
 - (e) is aaneenlopend met die pensioengewende diens van die werknemer.
- (2) As 'n werknemer gedurende sy rekenbare diens—
- (a) per week, per dag of per uur besoldig was, word sy pensioengewende verdienste bereken op die basis van die jaarlikse ekwivalent van sodanige besoldiging tot die naaste rand bereken;
 - (b) met afwesigheidsverlof of tydens skorsing met minder as volle besoldiging was, word hy, ten einde enige pensioen te bereken wat ingevolge hierdie hoofstuk betaalbaar is, ten opsigte van sodanige diens geag sy volle pensioengewende verdienste betaal te gewees het gedurende enige tydperk van sodanige verlof of skorsing.

Kwalifiserende diens

24. Kwalifiserende diens omvat—

- (a) die tydperk van die werknemer se pensioengewende diens; en
- (b) die tydperk van sy rekenbare diens.

DEEL A

VOORDELE BETAALBAAR TEN OPSIGTE VAN KWALIFISERENDE DIENS

Sekere werknemers van hierdie Deel uitgesluit

25. Die bepalings van hierdie Hoofstuk is nie van toepassing nie op 'n werknemer van die Regering wat buite die Republiek of die gebied deur die Regering met ingang van 'n datum ná die dertigste dag van September 1956 aangestel en in diens gehou word, en ook nie op die afhanklikes van so 'n werknemer nie.

Gratifikasies

26. (1) As 'n werknemer wat minder as tien jaar kwalifiserende diens en minstens een jaar rekenbare diens gehad het, ingevolge die bepalings van regulasie 3 aftree of afgedank word, word aan hom betaal—

- (a) uit inkomste, 'n gratifikasie bereken teen die skaal van een vier-en-twintigste van sy jaarlikse pensioengewende verdienste op die laaste dag van sy kwalifiserende diens vir elke voltooide jaar van sy rekenbare diens; en

- (b) out of the Fund, a gratuity equal to the sum of—
- (i) twice the amount calculated according to the formula; and
 - (ii) 2 per cent of the amount payable under subparagraph (i) in respect of each year of his pensionable service.
- (2) If an employee who has had less than fifteen years of qualifying service and not less than one year of reckonable service is retired or discharged on account of ill-health occasioned without his own default, he shall be paid—
- (a) if he has had less than ten years of qualifying service—
- (i) out of revenue, a gratuity calculated at the rate of one twenty-fourth of his annual pensionable emoluments on the last day of his qualifying service in respect of each completed year of his reckonable service; and
 - (ii) out of the Fund, a gratuity equal to the sum of—
- (aa) the amount calculated according to the formula; and
 - (bb) 2 per cent of the amount payable under item (aa) in respect of each year of his pensionable service;
- (b) if he has had not less than ten but less than fifteen years of qualifying service—
- (i) out of revenue, a gratuity calculated at the rate of one twenty-fourth of his annual pensionable emoluments on the last day of his qualifying service in respect of each completed year of his reckonable service; and
 - (ii) out of the Fund, a gratuity equal to twice the amount calculated according to the formula.
- (3) If an employee (other than an employee to whom subregulation (4) of regulation 27 applies) who is a member of the Fund and who has had not less than one year of reckonable service, is retired or discharged owing to reorganisation or reduction of staff, he shall be paid—
- (a) out of revenue, a gratuity calculated at the rate of one twenty-fourth of his annual pensionable emoluments on the last day of his qualifying service in respect of each completed year of his reckonable service;
- (b) out of the Fund, a gratuity equal to the sum of—
- (i) twice the amount calculated according to the formula; and
 - (ii) 2 per cent of the amount payable under subparagraph (i) in respect of each year of his pensionable service.

Annuity and gratuity

27. (1) If an employee who has had not less than ten years of qualifying service and not less than one year of reckonable service, retires or is retired in terms of regulation 3 he shall be paid—

- (a) out of revenue, an annuity which shall be based on the annual average of his pensionable emoluments during the last seven years of his qualifying service and which shall be calculated at the rate on 1 per cent of such average for each completed year of his reckonable service; and
- (b) out of the Fund—
- (i) an annuity which shall be based on the annual average of his pensionable emoluments during the last seven years of his pensionable service or during the whole period of such service, whichever is the lesser period, and which shall be calculated at the rate of one ninety-sixth of such average for each year of his pensionable service; and

- (b) uit die Fonds 'n gratifikasie gelyk aan—
- (i) twee maal die bedrag ooreenkomstig die formule bereken; en
 - (ii) twee persent van die bedrag betaalbaar kragtens subparagraaf (i) vir elke jaar van sy pensioengewende diens.
- (2) As 'n werknemer wat minder as vyftien jaar kwalifiserende diens, en minstens een jaar rekenbare diens gehad het, afgedank of ontslaan word vanweë swak gesondheid wat sonder sy eie toedoen ontstaan het, word aan hom betaal—
- (a) as hy minder as tien jaar kwalifiserende diens gehad het—
- (i) uit inkomste, 'n gratifikasie bereken teen die skaal van een vier-en-twintigste van sy jaarlikse pensioengewende verdienste op die laaste dag van sy kwalifiserende diens vir elke voltooide jaar van rekenbare diens; en
 - (ii) uit die Fonds, 'n gratifikasie gelyk aan—
- (aa) die bedrag ooreenkomstig die formule bereken; en
 - (bb) twee persent van die bedrag kragtens item (aa) betaalbaar vir elke jaar van sy pensioengewende diens;
- (b) as hy minstens tien maar minder as vyftien jaar kwalifiserende diens gehad het—
- (i) uit inkomste, 'n gratifikasie bereken teen die skaal van een vier-en-twintigste van sy jaarlikse pensioengewende verdienste op die laaste dag van sy kwalifiserende diens vir elke voltooide jaar van sy rekenbare diens; en
 - (ii) uit die Fonds, 'n gratifikasie gelyk aan twee maal die bedrag ooreenkomstig die formule bereken.
- (3) As 'n werknemer (uitgesonderd 'n werknemer op wie subregulasie (4) van regulasie 27 van toepassing is) wat 'n lid van die Fonds is en wat minstens een jaar rekenbare diens gehad het, vanweë reorganisasie of personeelvermindering afgedank of ontslaan word, word aan hom betaal—
- (a) uit inkomste, 'n gratifikasie bereken teen die skaal van een vier-en-twintigste van sy jaarlikse pensioengewende verdienste op die laaste dag van sy kwalifiserende diens vir elke voltooide jaar van sy rekenbare diens; en
- (b) uit die Fonds, 'n gratifikasie gelyk aan die som van—
- (i) twee maal die bedrag ooreenkomstig die formule bereken; en
 - (ii) twee persent van die bedrag kragtens subparagraaf (i) betaalbaar vir elke jaar van sy pensioengewende diens.

Jaargeld en gratifikasie

27. (1) As 'n werknemer wat minstens tien jaar kwalifiserende diens, en minstens een jaar rekenbare diens gehad het, ingevolge regulasie 3 aftree of afgedank word, word aan hom betaal—

- (a) uit inkomste, 'n jaargeld wat gebaseer word op die jaarlikse gemiddelde van sy pensioengewende verdienste gedurende die laaste sewe jaar van sy kwalifiserende diens en wat bereken word teen die skaal van een persent van sodanige gemiddelde vir elke voltooide jaar van sy rekenbare diens; en
- (b) uit die Fonds—
- (i) 'n jaargeld wat gebaseer word op die jaarlikse gemiddelde van sy pensioengewende verdienste gedurende die laaste sewe jaar van sy pensioengewende diens, of gedurende die volle tydperk van daardie diens, naamlik die kortste tydperk, en bereken teen die skaal van een ses-en-negentigste van sodanige gemiddelde vir elke jaar van sy pensioengewende diens; en

- (ii) a gratuity which shall be based on the said average and which shall be calculated at the rate of 4 per cent of such average for each year of his pensionable service;

Provided that—

(aa) if the employee has had less than twenty-five years of reckonable service the annuity payable in terms of paragraph (a) shall not be less than an annuity calculated at the rate of two rand for each completed year of his reckonable service;

(bb) if the employee has had not less than twenty-five years of reckonable service, the annuity payable in terms of paragraph (a) shall not be less than an annuity calculated at the rate of three rand for each completed year of his reckonable service.

(2) If an employee's age at the date of his retirement or discharge exceeds the pensionable age by a period of one month or more and he has had not less than twenty years of pensionable service, the annuity payable in terms of subparagraph (i) of paragraph (b) of subregulation (1) shall be increased by 0.4 per cent for each completed month of such period.

(3) If an employee who has had not less than fifteen years of qualifying service and not less than one year of reckonable service is discharged on account of ill-health occasioned without his default, he shall be entitled to annuities and a gratuity calculated *mutatis mutandis* in accordance with the provisions of subregulation (1).

(4) If an employee who has had not less than ten years of qualifying service and not less than one year of reckonable service and who has attained the age of fifty-five years, is discharged owing to reorganisation or reduction of staff, he shall be entitled to annuities and a gratuity calculated *mutatis mutandis* in accordance with the provisions of subregulation (1).

(5) The provisions of subregulation (4) of regulation 18 shall *mutatis mutandis* apply in respect of any annuity or gratuity payable in terms of subregulation (4).

Benefits payable on death of an employee

28. (1) If an employee dies before his retirement or discharge, there may, subject to the provisions of subregulation (3), be paid to or for the benefit of such of his dependants as the Secretary may determine—

(a) if such employee has had less than ten years of qualifying service and not less than one year of reckonable service—

(i) out of revenue, a gratuity calculated at the rate of one twenty-fourth of the employee's annual pensionable emoluments on the last day of his qualifying service for each completed year of his reckonable service; and

(ii) out of the Fund, a gratuity equal to the sum of—

(aa) the amount calculated according to the formula; and

(bb) 2 per cent of the amount payable under (aa) in respect of each year of his pensionable service;

(b) if such employee has had not less than ten but less than fifteen years of qualifying service and not less than one year of reckonable service—

(i) out of revenue, a gratuity calculated at the rate of one twenty-fourth of the employee's annual pensionable emoluments on the last day of his qualifying service for each complete year of his reckonable service; and

- (ii) 'n gratifikasie wat op bedoelde gemiddelde gebaseer word, en wat bereken word teen die skaal van vier persent van sodanige gemiddelde vir elke jaar van sy pensioengewende diens:

Met dien verstande dat—

(aa) as die werknemer minder as vyf-en-twintig jaar rekenbare diens gehad het, die jaargeld wat ingevolge paragraaf (a) betaalbaar is, nie minder mag wees nie as 'n jaargeld bereken teen die skaal van twee rand vir elke voltooide jaar van sy rekenbare diens;

(bb) as die werknemer minstens vyf-en-twintig jaar rekenbare diens gehad het, die jaargeld kragtens paragraaf (a) betaalbaar, nie minder mag wees nie as 'n jaargeld bereken teen die skaal van drie rand vir elke voltooide jaar van sy rekenbare diens.

(2) As 'n werknemer se leeftyd op die dag van sy uitdienststreding of ontslag die pensioenleeftyd met 'n tydperk van 'n maand of langer oorskry en hy minstens twintig jaar pensioengewende diens gehad het, word die jaargeld wat ingevolge subparagraaf (i) van paragraaf (b) van subregulasie (1) betaalbaar is, vermeerder met 0.4 persent vir elke voltooide maand van sodanige tydperk.

(3) As 'n werknemer wat minstens vyftien jaar kwalifiserende diens, en minstens een jaar rekenbare diens gehad het, ontslaan word vanweë swak gesondheid wat sonder sy eie toedoen ontstaan het, is hy geregtig op jaargelde en 'n gratifikasie wat *mutatis mutandis* ooreenkomstig die bepalinge van subregulasie (1) bereken word.

(4) As 'n werknemer wat minstens tien jaar kwalifiserende diens, en minstens een jaar rekenbare diens gehad het en wat die leeftyd van vyf-en-vyftig jaar bereik het, vanweë reorganisasie of personeelvermindering afgedank word, is hy geregtig op jaargelde en 'n gratifikasie wat *mutatis mutandis* ooreenkomstig die bepalinge van subregulasie (1) bereken word.

(5) Die bepalinge van subregulasie (4) van regulasie 18 is *mutatis mutandis* van toepassing op 'n jaargeld of gratifikasie betaalbaar ingevolge subregulasie (4).

Voordele betaalbaar by die dood van 'n werknemer

28. (1) As 'n werknemer voor sy uitdienststreding of ontslag sterf, kan daar, behoudens die bepalinge van subregulasie (3), aan of ten behoeve van dié van sy afhanklikes wat die Sekretaris mag aanwys, betaal word—

(a) as so 'n werknemer minder as tien jaar kwalifiserende diens en minstens een jaar rekenbare diens gehad het—

(i) uit inkomste, 'n gratifikasie bereken teen die skaal van een vier-en-twintigste van sy jaarlikse pensioengewende verdienste op die laaste dag van sy kwalifiserende diens vir elke voltooide jaar van sy rekenbare diens; en

(ii) uit die Fonds, 'n gratifikasie gelyk aan—

(aa) die bedrag ooreenkomstig die formule bereken; en

(bb) twee persent van die bedrag betaalbaar kragtens (aa) vir elke jaar van sy pensioengewende diens;

(b) as sodanige werknemer minstens tien maar minder as vyftien jaar kwalifiserende diens en minstens een jaar rekenbare diens gehad het—

(i) uit inkomste, 'n gratifikasie bereken teen die skaal van een vier-en-twintigste van die werknemer se jaarlikse pensioengewende verdienste op die laaste dag van sy kwalifiserende diens vir elke voltooide jaar van sy rekenbare diens; en

- (ii) out of the Fund, a gratuity equal to twice the amount calculated according to the formula;
- (c) if such employee has had not less than fifteen years of qualifying service and not less than one year of reckonable service—
 - (i) out of revenue, a gratuity calculated at the rate of one twenty-fourth of the employee's annual pensionable emoluments on the last day of his qualifying service for each complete year of his reckonable service; and
 - (ii) out of the Fund, a gratuity equal to the sum of—
 - (aa) twice the amount calculated according to the formula; and
 - (bb) 2 per cent of the amount payable under (aa) in respect of each year of his pensionable service.

(2) If any person who is entitled to an annuity in terms of this Part dies within five years after the date of his retirement or discharge, there shall, subject to the provisions of subregulation (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 person from the date of his death until the end of the month in which the said five years would have expired had he not died: Provided that for the purpose of this subregulation such person shall be deemed to have died on the last day of the month in which he died.

(3) The gratuities referred to in subregulations (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 dependants other than a widow of an employee, reduce any such gratuity to an extent which, having regard to the circumstances of such dependants, appears to him to be reasonable.

PART B

PENSIONS PAYABLE IN RESPECT OF RECKONABLE SERVICE

This Part not applicable in respect of certain employees

29. The provisions of this Part shall not apply—
- (a) to an employee who is entitled to a pension in terms of Chapter I or Part A of this Chapter;
 - (b) to an 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; and
 - (c) to the dependants of any such employee.

Gratuity or annuity

30. (1) If an employee who has had not less than five years of reckonable service retires or is retired or discharged in terms of regulation 3 or on account of ill-health occasioned without his own default or owing to reorganisation or reduction of staff, he shall—

- (a) if his reckonable service is less than fifteen years, be paid a gratuity calculated at the rate of one twenty-fourth of his annual pensionable emoluments on the last day of his reckonable service for each complete year of his reckonable service;

- (ii) uit die Fonds, 'n gratifikasie gelyk aan twee maal die bedrag ooreenkomstig die formule bereken;
- (c) as so 'n werknemer minstens vyftien jaar kwalifiserende diens en minstens een jaar rekenbare diens gehad het—
 - (i) uit inkomste, 'n gratifikasie bereken teen die skaal van een vier-en-twintigste van die werknemer se jaarlikse pensioengewende verdienste op die laaste dag van sy kwalifiserende diens vir elke voltooide jaar van rekenbare diens; en
 - (ii) uit die Fonds 'n gratifikasie gelyk aan die som van—
 - (aa) twee maal die bedrag ooreenkomstig die formule bereken; en
 - (bb) twee persent van die bedrag kragtens (aa) betaalbaar vir elke jaar van sy pensioengewende diens.

(2) As iemand wat op 'n jaargeld ingevolge hierdie Deel geregtig is, binne vyf jaar na die datum van sy aftrede of ontslag sterf, word daar, behoudens die bepalinge van subregulasie (3), aan dié van sy afhanklikes wat die Sekretaris mag aanwys, 'n gratifikasie betaal gelyk aan die totaalbedrag van die jaargeld wat aan sodanige persoon betaal sou gewees het vanaf die datum van sy dood tot die end van die maand waarin bedoelde vyf jaar sou verstrik het as hy nie gesterf het nie: Met dien verstande dat sodanige persoon vir die toepassing van hierdie subregulasie geag word te gesterf het op die laaste dag van die maand waarin hy gesterf het.

(3) Die gratifikasies in subregulasies (1) en (2) bedoel, word onder genoemde afhanklikes verdeel op die wyse wat die Sekretaris mag bepaal, en die Sekretaris kan, in die geval van ander afhanklikes as 'n weduwee van 'n werknemer, enige sodanige gratifikasie verminder in die mate wat, met inagneming van die omstandighede van sodanige afhanklikes, vir hom redelik voorkom.

DEEL B

PENSIOENE BETAALBAAR TEN OPSIGTE VAN REKENBARE DIENS

Hierdie Deel nie op sekere werknemers van toepassing nie

29. Die bepalinge van hierdie Deel is nie van toepassing nie op—
- (a) 'n werknemer wat op 'n pensioen ingevolge Hoofstuk I of Deel A van hierdie Hoofstuk geregtig is;
 - (b) 'n werknemer van die Regering wat buite die Republiek of die gebied deur die Regering met ingang van 'n datum ná die dertigste dag van September 1954 aangestel en in diens gehou word; en
 - (c) die afhanklikes van enige sodanige werknemer.

Gratifikasie of jaargeld

30. (1) As 'n werknemer wat minstens vyf jaar rekenbare diens gehad het, ingevolge regulasie 3 of vanweë swak gesondheid wat sonder sy eie toedoen ontstaan het of vanweë reorganisasie of personeelvermindering, aftree of afgedank word, word aan hom betaal—

- (a) as sy rekenbare diens minder as vyftien jaar is, 'n gratifikasie bereken teen die skaal van een vier-en-twintigste van sy jaarlikse pensioengewende verdienste op die laaste dag van sy rekenbare diens vir elke voltooide jaar van sy rekenbare diens;

- (b) if his reckonable service is fifteen years or more, subject to the provisions of subregulation (2), be paid an annuity calculated at the rate of one per cent of his annual pensionable emoluments on the last day of his reckonable service for each completed year of his reckonable service:

Provided that—

- (i) if the employee has had less than twenty-five years of reckonable service the annuity payable in terms of paragraph (b) shall not be less than an annuity calculated at the rate of two rand for each completed year of his reckonable service;
- (ii) if the employee has had not less than twenty-five years of reckonable service the annuity so payable shall not be less than an annuity calculated at the rate of three rand for each completed year of his reckonable service.

(2) Twenty-five per cent of any annuity payable in terms of subregulation (1) shall be converted into a gratuity on the basis of ten rand for each rand so converted.

Benefits to dependants

31. (1) If an employee who has had not less than five years of reckonable service dies before his retirement or discharge there shall, subject to the provisions of subregulation (3), be paid to or for the benefit of such of his dependants as the Secretary may determine, a gratuity calculated at the rate of one twenty-fourth of his annual pensionable emoluments on the last day of his reckonable service for each complete year of his reckonable service.

(2) If any person who is entitled to an annuity in terms of regulation 30 dies within five years after the date of his retirement or discharge, there shall, subject to the provisions of subregulation (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 person from the date of his death until the end of the month in which the said five years would have expired had he not died;

Provided that for the purpose of this subregulation such person shall be deemed to have died on the last day of the month in which he died.

(3) The gratuities referred to in subregulations (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 dependants other than a widow of the deceased employee, reduce any such gratuity to an extent which, having regard to the circumstances of such dependants, appears to him to be reasonable.

Payment of benefits from revenue

32. Any annuity or gratuity under this Part shall be paid out of revenue.

CHAPTER III

APPLICATION OF CERTAIN PROVISIONS TO CERTAIN EMPLOYEES

33. The provisions of regulation 13 of the regulations made under section 5 of the Government Service Pensions Act, 1965, and published by Government Notice No. R.1929 of the 8th December, 1965 (as amended from time to time), shall *mutatis mutandis* apply to any employee who is not in the employ of the Government, and to the dependants of any such employee, as if such employee were, in fact, an employee of the Government as contemplated by the said regulation 13.

- (b) as sy rekenbare diens vyftien jaar of meer is, 'n jaargeld, behoudens die bepalings van subregulasie (2), bereken teen die skaal van een persent van sy jaarlikse pensioengewende verdienste op die laaste dag van sy rekenbare diens vir elke voltooide jaar van sy rekenbare diens:

Met dien verstande dat—

- (i) as die werknemer minder as vyf-en-twintig jaar rekenbare diens gehad het, die jaargeld betaalbaar ingevolge paragraaf (b), nie minder mag wees nie as 'n jaargeld bereken teen die skaal van twee rand vir elke voltooide jaar van sy rekenbare diens;
- (ii) as die werknemer minstens vyf-en-twintig jaar rekenbare diens gehad het, die jaargeld aldus betaalbaar, nie minder mag wees nie as 'n jaargeld bereken teen die skaal van drie rand vir elke voltooide jaar van sy rekenbare diens.

(2) Vyf-en-twintig persent van enige jaargeld ingevolge subregulasie (1) betaalbaar, word in 'n gratifikasie omgeskep op die basis van tien rand vir elke rand wat aldus omgeskep word.

Voordele aan afhanklikes

31. (1) As 'n werknemer wat minstens vyf jaar rekenbare diens gehad het, voor sy uitdienstreding of ontslag sterf, word daar, behoudens die bepalings van subregulasie (3), aan of ten behoewe van dié van sy afhanklikes wat die Sekretaris mag aanwys, 'n gratifikasie betaal bereken teen die skaal van een vier-en-twintigste van sy jaarlikse pensioengewende verdienste op die laaste dag van sy rekenbare diens vir elke voltooide jaar van sy rekenbare diens.

(2) As iemand wat op 'n jaargeld ingevolge die bepalings van regulasie 30 geregtig is, binne vyf jaar na die datum van sy uitdienstreding of ontslag sterf, word daar, behoudens die bepalings van subregulasie (3), aan of ten voordele van dié van sy afhanklikes wat die Sekretaris mag aanwys, 'n gratifikasie betaal gelyk aan die totaalbedrag van die jaargeld wat vanaf die datum van sy dood tot die end van die maand waarin genoemde vyf jaar sou verstryk het, aan hom betaal sou gewees het as hy nie gesterf het nie:

Met dien verstande dat vir die toepassing van hierdie subregulasie sodanige persoon geag word te gesterf het op die laaste dag van die maand waarin hy gesterf het.

(3) Die gratifikasies in subregulasies (1) en (2) bedoel, word onder die genoemde afhanklikes verdeel op die wyse wat die Sekretaris mag bepaal, en die Sekretaris kan, in die geval van 'n ander afhanklike as 'n weduwee van die gestorwe werknemer, enige sodanige gratifikasie verminder in 'n mate wat, met inagneming van sodanige afhanklikes se omstandighede, vir hom redelik voorkom.

Betaling van voordele uit inkomste

32. Enige jaargeld of gratifikasie kragtens hierdie Deel word uit inkomste betaal.

HOOFSTUK III

TOEPASSING VAN SEKERE BEPALINGS OP SEKERE WERKNEMERS

33. Die bepalings van regulasie 13 van die regulasies gemaak kragtens artikel 5 van die Regeringsdienspensioenwet, 1965, en uitgevaardig by Goewernmentskennisgewing No. R.1929 van 8 Desember 1965 (soos van tyd tot tyd gewysig), is *mutatis mutandis* van toepassing op 'n werknemer wat nie in die diens van die Regering is nie, en op die afhanklikes van sodanige werknemer, asof sodanige werknemer in werklikheid 'n werknemer van die Regering was, soos by genoemde regulasie 13 beoog.

CHAPTER IV

TRANSFER OF EMPLOYEES TO AND FROM THE
SERVICE OF BANTU HOMELANDS AND OTHER
NON-WHITE AUTHORITIES*Transfers to funds administered by non-White Authorities*

34. (1) If an employee—

- (a) is transferred to employment in respect of which he becomes subject to a pension law administered by the Government or Representative Council of any non-White Authority established by an Act of Parliament and approved 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 under such law in respect of his past pensionable, qualifying or reckonable service there shall be paid to such pension or provident fund—

(i) out of the Fund, in respect of any period of his pensionable service—

- (aa) an amount equal to twice the amount calculated according to the formula;
- (bb) in respect of each completed year of his pensionable service as a contributor to the Fund, an amount equal to two and one-half per cent of the amount payable in terms of subparagraph (aa), 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 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 subparagraph shall for the purpose of the payment from the Fund be deemed to be interest; and
- (cc) interest at the rate of four per cent per annum, on the total of the amounts referred to in subparagraphs (aa) and (bb), compounded annually as at the thirty-first day of March and calculated from the transfer date to date of payment.

(ii) out of revenue in respect of his reckonable service an amount equal to—

- (aa) if he has had less than ten years of qualifying service and not less than one year of reckonable service, a gratuity calculated *mutatis mutandis* in accordance with the provisions of regulation 26 (1) (a); or
- (bb) if he has had no pensionable service and his reckonable service is not less than five years but less than fifteen years, a gratuity calculated *mutatis mutandis* in accordance with the provisions of regulation 30 (1) (a); or

HOOFSTUK IV

OORPLASING VAN WERKNEMERS NA EN VAN
DIE DIENS VAN BANTOETUISLANDE EN ANDER
NIE-BLANKE OWERHEDE*Oorplasinge na fondse wat deur nie-Blanke Owerhede
beheer word*

34. (1) As 'n werknemer—

- (a) oorgeplaas word na diens ten opsigte waarvan hy onderworpe word aan 'n pensioenwet wat beheer word deur die Regering of Verteenwoordigende Raad van enige nie-Blanke Owerheid wat deur 'n Wet van die Parlement ingestel is en deur die Minister goedgekeur is; of
- (b) regstreeks in sodanige diens aangestel word sonder 'n onderbreking in sy diens; of
- (c) in sodanige diens aangestel word na sodanige 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 'n pensioen- of voorsorgfonds kragtens 'n wet in paragraaf (a) bedoel, by te dra; en
- (e) in die geval van iemand in paragraaf (a), (b) of (c) bedoel, vanaf die datum van sodanige oorplasing of aanstelling 'n bydraer word tot 'n pensioen- of voorsorgfonds kragtens 'n wet in paragraaf (a) bedoel,

en toegelaat word en kies om ten opsigte van sy vorige pensioengewende, kwalifiserende of rekenbare diens tot 'n pensioen- of voorsorgfonds kragtens sodanige wet by te dra, word aan so 'n pensioen- of voorsorgfonds betaal—

(i) uit die Fonds, ten opsigte van enige tydperk van sy pensioengewende diens—

- (aa) 'n bedrag gelyk aan twee maal die bedrag ooreenkomstig die formule bereken; en
- (bb) ten opsigte van elke voltooid jaar van sy pensioengewende diens as 'n bydraer tot die Fonds, 'n bedrag gelyk aan twee-en-'n-half persent van die bedrag ingevolge subparagraph (aa) betaalbaar, en ten opsigte van die oorblywende deel 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 subparagraph betaalbaar is, word vir die doel van die betaling wat uit die Fonds gemaak word, geag rente te wees; en
- (cc) rente teen die koers van vier persent per jaar, jaarliks saamgestel op die een-en-dertigste dag van Maart, op die bedrae in subparagraphe (aa) en (bb) bedoel, en bereken vanaf die oorplatingsdatum tot die datum van betaling;

(ii) uit inkomste ten opsigte van sy rekenbare diens 'n bedrag gelyk aan—

- (aa) as hy minder as tien jaar kwalifiserende diens en minstens een jaar rekenbare diens gehad het, 'n gratifikasie bereken *mutatis mutandis* ooreenkomstig die bepalinge van regulasie 26 (1) (a); of
- (bb) as hy geen pensioengewende diens gehad het nie en sy rekenbare diens minstens vyf jaar maar minder as vyftien jaar is, 'n gratifikasie bereken *mutatis mutandis* ooreenkomstig die bepalinge van regulasie 30 (1) (a); of

(cc) if he has had not less than ten years of qualifying service and not less than one year of reckonable service, the present value, calculated in accordance with tables recommended by an actuary and approved by the Minister in consultation with the Minister of Finance, of an annuity calculated *mutatis mutandis* in accordance with regulation 27 (1) (a); or

(dd) if he has had no pensionable service and his reckonable service is not less than fifteen years, the present value, calculated in accordance with the said tables, of an annuity calculated *mutatis mutandis* in accordance with the provisions of regulation 30 (1) (b); and

(ee) interest at the rate of four per cent per annum on the amount payable under subparagraph (aa), (bb), (cc) or (dd), compounded annually as at the thirty-first day of March and calculated from the transfer date to the date of payment.

(2) (a) The total of the amounts to be transferred to the other fund in terms of subparagraphs (aa) and (bb) of paragraph (i) of subregulation (1) shall not exceed the amount required by that fund.

(b) The total of the amounts to be transferred in terms of subparagraphs (aa) and (bb) of paragraph (i) of subregulation (1), but not exceeding the amount required by the other fund, shall be reduced by any amount which may be due by the employee to the Fund and which was unpaid at the transfer date, and any interest payable in terms of subparagraph (cc) of paragraph (i) of subregulation (1) shall be calculated on the reduced total.

(c) If the amount to be transferred to the other fund in terms of subparagraphs (aa) and (bb) of paragraph (i) of subregulation (1), unreduced by any amount referred to in paragraph (b), is more or less than the amount which is required by the other fund the surplus shall be disposed of or the deficiency shall be made good in such manner as the Secretary may determine.

(d) In the case of an employee to whom paragraph (c) of subregulation (1) applies the period of the break in his service shall be deemed not to interrupt the continuity of his service for pension purposes.

(3) If an employee who is so transferred or appointed or who so becomes liable is not permitted to contribute in respect of his past pensionable, qualifying or reckonable service, or if permitted, does not so contribute, he shall be paid out of the Fund or out of revenue, or out of both the Fund and revenue, as the circumstances require, if for any reason he retires or is retired or discharged from such employment, the pension to which he would have been entitled in respect of his pensionable, qualifying or reckonable service at the date of such transfer or appointment or the date on which he so became liable, if at that date he had retired or been retired from the service of the Government for the same reason: Provided that if such employee so retires or is retired or discharged by reason of the age he has attained, or for a reason mentioned in subregulation (3) of regulation 18, any such pension shall not be payable from an earlier date than the date on which he attains the pensionable age.

Transfers from funds or pension schemes administered by non-White Authorities

35. (1) If any person who is subject to a pension law administered by the Government or Representative Council of any non-White Authority established by an Act of Parliament and approved by the Minister—

(cc) as hy minstens tien jaar kwalifiserende diens en minstens een jaar rekenbare diens gehad het, die huidige waarde, bereken ooreenkomstig tabelle soos deur 'n aktuaris aanbeveel en deur die Minister in oorleg met die Minister van Finansies goedgekeur is, van 'n jaargeld bereken *mutatis mutandis* ooreenkomstig die bepalings van regulasie 27 (1) (a); of

(dd) as hy geen pensioengewende diens gehad het nie en sy rekenbare diens minstens vyftien jaar is, die huidige waarde, bereken ooreenkomstig genoemde tabelle, van 'n jaargeld bereken *mutatis mutandis* ooreenkomstig die bepalings van regulasie 30 (1) (b); en

(ee) rente teen die koers van vier persent per jaar op die bedrag kragtens subparagraaf (aa), (bb), (cc) of (dd) betaalbaar, jaarliks saamgestel op die een-en-dertigste dag van Maart en bereken vanaf die oorplatingsdatum tot die datum van betaling.

(2) (a) Die totaal van die bedrae wat ingevolge subparagrafe (aa) en (bb) van paragraaf (i) van subregulasie (1) na die ander fonds oorgedra moet word, mag nie meer wees nie as die bedrag wat deur daardie fonds vereis word.

(b) Die totaal van die bedrae wat ingevolge subparagrafe (aa) en (bb) van paragraaf (i) van subregulasie (1) oorgedra moet word, maar hoogstens die bedrag deur die ander fonds vereis, moet verminder word met enige bedrag wat die werknemer aan die Fonds verskuldig mag wees en wat op die oorplatingsdatum onbetaal was, en enige rente wat ingevolge subparagraaf (cc) van paragraaf (i) van subregulasie (1) betaalbaar is, moet op die verminderde totaal bereken word.

(c) As die bedrag wat na die ander fonds ingevolge subparagrafe (aa) en (bb) van paragraaf (i) van subregulasie (1) oorgedra moet word, onverminder met enige bedrag in paragraaf (b) bedoel, meer of minder is as die bedrag wat deur die ander fonds vereis word, word daar oor die surplus beskik of word die tekort goedgemaak op die wyse wat die Sekretaris mag bepaal.

(d) In die geval van 'n werknemer op wie paragraaf (c) van subregulasie (1) van toepassing is, word die tydperk van die onderbreking in sy diens geag nie die aaneenlopendheid van sy diens vir pensioendoeleindes te onderbreek nie.

(3) As 'n werknemer wat aldus oorgeplaas of aangestel word of aldus onder verpligting kom, nie toegelaat word om ten opsigte van sy vorige pensioengewende, kwalifiserende of rekenbare diens by te dra nie, of as hy toegelaat word om dit te doen, nie aldus bydra nie, word aan hom as hy om watter rede ook al uit sodanige diens aftree of afgedank of ontslaan word, uit die Fonds of uit inkomste, of uit sowel die Fonds as inkomste, na gelang van omstandighede, die pensioen betaal waarop hy op die datum van sodanige oorplasing of aanstelling of die datum waarop hy aldus onder verpligting gekom het, ten opsigte van sy pensioengewende, kwalifiserende of rekenbare diens geregtig sou gewees het as hy op daardie datum om dieselfde rede uit die diens van die Staat getree het of afgedank of ontslaan was: Met dien verstande dat as sodanige werknemer aldus aftree of afgedank of ontslaan word weens die leeftyd wat hy bereik het, of om 'n rede in subregulasie (3) van regulasie 18 genoem, enige sodanige pensioen nie betaalbaar is vanaf 'n vroeër datum as die datum waarop hy die pensioenleeftyd bereik nie.

Oorplatings uit fondse of Pensioenskemas wat deur nie-Blanke Owerhede beheer word

35. (1) As iemand wat onderworpe is aan 'n pensioenwet wat beheer word deur die Regering of Verteenwoordigende Raad van 'n nie-Blanke Owerheid wat by Wet van die Parlement ingestel en deur die Minister goedgekeur is—

- (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 subregulation (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 as the Secretary may in special circumstances allow, to reckon any part of 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 any part of his past pensionable service, he shall pay to the Fund in respect of that service—

- (a) an amount equal to twice the amount calculated according to the formula, in respect of the period of such past pensionable service as if he had been a member of the Fund and had contributed in accordance with the rate of contributions in force at the date of such transfer or appointment or at the date on which he so becomes liable; and
- (b) in respect of each completed year of the whole period of such past pensionable service, an amount equal to $2\frac{1}{2}$ 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 $2\frac{1}{2}$ 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) Any benefit or amount in respect of a person referred to in subregulation (2) which may be payable out of the Fund of which he was previously a member shall be utilised to reduce the amount payable to the Fund by such person in terms of subregulation (2).

(4) If a person to whom subregulation (2) refers, is not permitted to reckon his past pensionable service as pensionable service for the purpose of the Fund, or, if so permitted nevertheless elects not so to reckon his past pensionable service, he shall be paid from the fund of which he was previously a member, the appropriate benefit in accordance with the laws governing such fund.

Employees of non-White Authorities who become subject to Part B of Chapter II

36. (1) If a person who is subject to a pension law administered by the Government or Representative Council of a non-White Authority established by an Act of Parliament and approved by the Minister—

- (a) is transferred to employment in respect of which he is subject to the provisions of Part B of Chapter II of these regulations; or

- (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,
- word bedoelde persoon lid van en dra hy by tot die Fonds met ingang van die datum van sodanige oorplasing of aanstelling of die datum waarop hy aldus onder verpligting kom.

(2) Enigiemand wat aldus oorgeplaas of aangestel word of wat aldus onder verpligting kom, kan (behoudens die bepalinge van enige ander toepaslike wet in die geval van iemand in paragraaf (c) van subregulasie (1) bedoel) binne sestig dae na die datum waarop hy deur die Sekretaris aangesê word om dit te doen of binne sodanige verdere tydperk as wat die Sekretaris in spesiale omstandighede mag toelaat, skriftelik kies om op die voorwaardes wat die Sekretaris mag bepaal, enige gedeelte van sy vorige pensioengewende diens te reken as pensioengewende diens vir die doeleindes van die Fonds en, as hy kies om enige gedeelte van sy vorige pensioengewende diens aldus te reken, moet hy ten opsigte van daardie diens aan die Fonds betaal—

- (a) 'n bedrag gelyk aan twee maal die bedrag, ooreenkomstig die formule bereken, ten opsigte van die tydperk van sodanige vorige pensioengewende diens asof hy lid van die Fonds was en bygedra het ooreenkomstig die toepaslike skaal van bydraes van krag op die datum van sodanige oorplasing of aanstelling of op die datum waarop hy aldus onder verpligting kom; en
- (b) ten opsigte van elke voltooide jaar van die hele tydperk van sodanige vorige pensioengewende diens, '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 betaalbaar is, word vir die toepassing van hierdie regulasies geag rente te wees.

(3) Enige voordeel of bedrag wat ten opsigte van iemand in subregulasie (2) bedoel, betaalbaar mag wees uit die Fonds waarvan hy vroeër lid was, word aangewend ter vermindering van die bedrag wat daardie persoon ingevolge subregulasie (2) aan die Fonds verskuldig is.

(4) As iemand in subregulasie (2) bedoel, nie toegelaat word om sy vorige pensioengewende diens as pensioengewende diens vir die doel van die Fonds te reken nie, of, as hy wel toegelaat word, nogtans kies om nie sy vorige pensioengewende diens aldus te reken nie, word aan hom uit die Fonds waarvan hy voorheen lid was, die toepaslike voordeel betaal ooreenkomstig die wette wat daardie Fonds beheer.

Werknemers van nie-Blanke Owerhede wat aan Deel B van Hoofstuk II onderworpe word

36. (1) As iemand wat onderworpe is aan 'n pensioenwet wat beheer word deur die Regering of Verteenwoordigende Raad van 'n nie-Blanke Owerheid wat by Wet van die Parlement ingestel en deur die Minister goedgekeur is—

- (a) oorgeplaas word na diens ten opsigte waarvan hy aan die bepalinge van Deel B van Hoofstuk II van hierdie regulasie onderworpe is; of

- (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 subject to the provisions of the said Part B of Chapter II of these regulations,

his past pensionable service under any pension or provident fund or scheme of which he was previously a member shall be reckoned as reckonable service for the purpose of Chapter II of these regulations, and any amount or benefit payable from such fund or scheme in respect of that past pensionable service shall be paid into revenue.

(2) Any break in service referred to in paragraph (c) of subregulation (1) shall be deemed not to interrupt the continuity of the employee's reckonable service.

Qualifying and reckonable service

37. In this Chapter the expressions "qualifying service" and "reckonable service" shall bear the meanings assigned thereto in regulation 22.

CHAPTER V

GENERAL

Cessation date of annuities

38. Any annuity which is payable to any person under these regulations shall be payable up to and including the last day of the month in which such person dies.

Date of commencement of regulations

39. These regulations shall be deemed to have come into operation on the first day of April, 1967.

- (b) regstreeks sonder 'n onderbreking in sy diens in sodanige diens aangestel word; of
- (c) in sodanige diens aangestel word na sodanige onderbreking van sy diens as wat die Sekretaris onder die omstandighede nodig en redelik ag; of
- (d) sonder 'n onderbreking in sy diens aan die bepalings van Deel B van Hoofstuk II van hierdie regulasies onderworpe word,

word sy vorige pensioengewende diens kragtens enige pensioen- of voorsorgfonds of -skema waarvan hy vroeër lid was, as rekenbare diens vir die toepassing van Hoofstuk II van hierdie regulasies gereken, en enige bedrag of voordeel wat ten opsigte van daardie vorige pensioengewende diens uit so 'n Fonds of skema betaalbaar is, word in inkomste gestort.

(2) Enige diensonderbreking in paragraaf (c) van subregulasie (1) bedoel, word geag nie die aaneenlopendheid van die werknemer se rekenbare diens te onderbreek nie.

Kwalifiserende en rekenbare diens

37. In hierdie Hoofstuk het die uitdrukkings „kwalifiserende diens” en „rekenbare diens” die betekenis wat in regulasie 22 daaraan gegee is.

HOOFSTUK V

ALGEMEEN

Stakingsdatum van jaargelde

38. Enige jaargeld wat ingevolge hierdie regulasies aan enige persoon betaalbaar is, is betaalbaar tot en met die laaste dag van die maand waarin daardie persoon sterf.

Datum van inwerkingtreding van regulasies

39. Hierdie regulasies word geag op die eerste dag van April 1967 in werking te getree het.

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