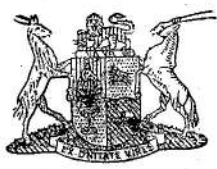


Property Division



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE



STAATSKOERANT

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[No. 2379.

DEPARTMENT OF THE PRIME MINISTER.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 729. 2nd May, 1969.

No. 729. 2 Mei 1969.

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

No. 41 of 1969: Second Railways and Harbours Acts Amendment Act, 1969.

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

No. 41 van 1969: Tweede Wysigingswet op Spoorweg- en Hawewette, 1969.

Act No. 41, 1969

SECOND RAILWAYS AND HARBOURS ACTS
AMENDMENT ACT, 1969.**ACT**

To amend section 49 of the Railways and Harbours Service Act, 1912, section 13 of the Railways and Harbours Service Act, 1960, and sections 17, 18, 19, 30, 31 and 51 of the Railways and Harbours Superannuation Fund Act, 1960, so as to provide for a modified method of calculating pensions; to amend section 16 of the Railways and Harbours Service Act, 1960, so as to modify the procedure governing the retirement of servants from the Service; to amend section 32 of the Railways and Harbours Superannuation Fund Act, 1960, so as to modify the rights of adopted children to receive benefits; to amend section 41 of the said Act so as to provide for a modified method of dealing with transfers to and from other services; and to provide for other incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 25th April, 1969.)

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

Amendment of section 49 of Act 28 of 1912, as substituted by section 3 of Act 15 of 1956 and amended by section 4 of Act 44 of 1959.

1. Section 49 of the Railways and Harbours Service Act, 1912, is hereby amended—

- (a) by the substitution, in subsection (2), for the expression "subsection (3)" of the expression "subsections (3) or (3A)"; and
- (b) by the insertion, after subsection (3), of the following subsection:

"(3A) An annuity payable in terms of this section shall be increased by—

- (i) ten per cent, plus
- (ii) two per cent, compounded annually, for each completed year in respect of which such annuity has been or is paid: Provided that no period in excess of twenty years shall be taken into account for this purpose."

Amendment of section 13 of Act 22 of 1960, as amended by section 13 of Act 62 of 1961, sections 49 and 60 of Act 6 of 1965 and section 4 of Act 60 of 1968.

2. Section 13 of the Railways and Harbours Service Act, 1960, is hereby amended—

- (a) by the substitution for subparagraph (i) of paragraph (c) of subsection (4) of the following subparagraph:

"(i) an amount arrived at by adding to the annual average of the deceased person's pensionable emoluments for the three years immediately preceding the date of his dismissal or resignation, as the case may be, an amount equal to five per cent of such annual average in respect of each complete year in respect of which he contributed: Provided that for the purpose of ascer-

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WET

Tot Wysiging van artikel 49 van die „Spoorweg en Havendienst Wet, 1912”, artikel 13 van die Wet op Spoorweg- en Hawediens, 1960, en artikels 17, 18, 19, 30, 31 en 51 van die Wet op die Spoorweg- en Hawesuperannuasiefonds, 1960, om vir 'n gewysigde metode van berekening van pensioene voorsiening te maak; tot wysiging van artikel 16 van die Wet op Spoorweg- en Hawediens, 1960, om die prosedure betreffende uitdienstreding van dienare uit die Diens te wysig; tot wysiging van artikel 32 van die Wet op die Spoorweg- en Hawesuperannuasiefonds, 1960, om die regte van aangenome kinders om voorregte te verkry, te wysig; tot wysiging van artikel 41 van genoemde Wet om vir 'n gewysigde metode van oorplasing na en van ander dienste voorsiening te maak; en om vir ander aangeleenthede wat daarmee in verband staan, voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 25 April 1969.)

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

1. Artikel 49 van die „Spoorweg en Havendienst Wet, 1912”, word hierby gewysig—
 - (a) deur in subartikel (2) die uitdrukking „subartikel (3)” deur die uitdrukking „subartikels (3) of (3A)” te vervang; en
 - (b) deur na subartikel (3) die volgende subartikel in te voeg:

„(3A) Een jaargeld betaalbaar ingevolge het in dit artikel bepaalde, word vermeerderd met—

 - (i) tien per cent, plus
 - (ii) twee per cent, jaarliks samengesteld, voor elk voltooid jaar ten opsigte waarvan zodanig jaargeld betaald is of word: Met dien verstande dat geen tijdvak, twintig jaar te boven gaande, hierbij in aanmerking komt.”
2. Artikel 13 van die Wet op Spoorweg- en Hawediens, 1960, word hierby gewysig—
 - (a) deur subparagraaf (i) van paragraaf (c) van subartikel (4) deur die volgende subparagraaf te vervang:

„(i) 'n bedrag wat verkry word deur aan die jaarlikse gemiddelde van die oorlede persoon se pensioengewende emolumente oor die drie jaar wat onmiddellik voorafgegaan het aan die datum van sy ontslag of bedanking, na gelang van die geval, 'n bedrag by te voeg wat gelykstaan met vyf persent van sodanige jaarlikse gemiddelde ten opsigte van elke voltooid jaar ten opsigte waarvan hy bygedra het: Met dien verstande dat by die

Wysiging van artikel 49 van Wet 28 van 1912, soos vervang deur artikel 3 van Wet 15 van 1956 en gewysig deur artikel 4 van Wet 44 van 1959.

Wysiging van artikel 13 van Wet 22 van 1960, soos gewysig deur artikel 13 van Wet 62 van 1961, artikels 49 en 60 van Wet 6 van 1965 en artikel 4 van Wet 60 van 1968.

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taining such annual average, the pensionable emoluments on which the deceased person contributed in respect of his service up to and including the fixed date shall be deemed to be increased by ten per cent, and that his pensionable emoluments in respect of his service after the fixed date shall be deemed to be not less than the amount obtained by increasing, by ten per cent, the pensionable emoluments on which he was contributing on the fixed date; or”;

- (b) by the insertion, after paragraph (d) of subsection (4), of the following paragraph:

“(dA) An annuity payable in terms of this subsection shall be increased by—

- (i) five per cent, plus
- (ii) two per cent, compounded annually, for each completed year in respect of which such annuity has been or is paid: Provided that no period in excess of twenty years shall be taken into account for this purpose.”;

- (c) by the insertion, after paragraph (aA) of subsection (6), of the following paragraph:

“(aB) Subsection (4) as amended by section 4 (a) of the Second Railways and Harbours Acts Amendment Act, 1968 (Act No. 60 of 1968), shall apply in relation to the death of every person to whom an annuity was granted under subsection (1) of this section, whose dismissal or resignation became effective on or after the first day of April, 1968, but on or before the thirty-first day of March, 1969, and whose death occurred or occurs on or after the thirty-first day of March, 1969.”; and

- (d) by the addition of the following subsection:

“(7) (a) If a widow is granted an annuity in terms of any of the provisions of subsection (6), such annuity shall be increased by—

- (i) ten per cent thereof if the deceased annuitant ceased to be a member of the New Fund before the first day of April, 1968;
- (ii) five per cent thereof if the deceased annuitant ceased to be a member of the New Fund on or after the first day of April, 1968.

- (b) Any annuity granted to a widow in terms of subsection (6), increased by ten per cent or five per cent, as the case may be, shall be increased by two per cent, compounded annually, for each completed year in respect of which such annuity has been or is paid: Provided that no period in excess of twenty years shall be taken into account for this purpose.”.

Amendment of section 16 of Act 22 of 1960, as amended by section 3 of Act 54 of 1964, section 50 of Act 6 of 1965, section 3 of Act 18 of 1966 and section 2 of Act 23 of 1967.

3. Section 16 of the Railways and Harbours Service Act, 1960, is hereby amended—

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

“(1) Subject to the provisions of subsections (5) and (7) of this section and of section 2 of the Railways and Harbours Service and Superannuation Amendment Act, 1955 (Act No. 50 of 1955), a servant shall be retired from the Service on attaining the age of—

- (a) sixty-three years; or

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vasstelling van sodanige jaarlikse gemiddelde, die pensioengewende emolumente waarop die oorlede persoon ten opsigte van sy diens tot en met die vasgestelde datum bygedra het, geag word met tien persent verhoog te wees, en dat sy pensioengewende emolumente ten opsigte van sy diens na die vasgestelde datum geag word nie minder te wees nie as die bedrag wat verkry word deur die pensioengewende emolumente waarop hy op die vasgestelde datum bygedra het, met tien persent te verhoog; of”;

- (b) deur na paragraaf (d) van subartikel (4), die volgende paragraaf in te voeg:

„(dA) 'n Jaargeld betaalbaar ingevolge hierdie subartikel word verhoog met—

(i) vyf persent, plus

(ii) twee persent, jaarliks saamgestel, vir elke voltooide jaar ten opsigte waarvan sodanige jaargeld betaal is of word: Met dien verstande dat geen tydperk bo twintig jaar vir hierdie doel in aanmerking geneem word nie.”;

- (c) deur na paragraaf (aA) van subartikel (6) die volgende paragraaf in te voeg:

„(aB) Subartikel (4) soos gewysig deur artikel 4 (a) van die Tweede Wysigingswet op Spoorweg- en Hawewette, 1968 (Wet No. 60 van 1968), is van toepassing met betrekking tot die dood van iedreen aan wie 'n jaargeld toegeken is ingevolge subartikel (1) van hierdie artikel, wie se ontslag of bedanking van krag geword het op of na die eerste dag van April 1968 maar op of voor die een-en-dertigste dag van Maart 1969 en wat op of na die een-en-dertigste dag van Maart 1969 te sterwe gekom het of kom.”; en

- (d) deur die volgende subartikel by te voeg:

„(7) (a) As aan 'n weduwee ingevolge 'n bepaling van subartikel (6) 'n jaargeld toegeken word, word sodanige jaargeld verhoog met—

(i) tien persent daarvan as die oorlede jaargeldtrekker voor die eerste dag van April 1968 opgehou het om 'n lid van die Nuwe Fonds te wees;

(ii) vyf persent daarvan as die oorlede jaargeldtrekker op of na die eerste dag van April 1968 opgehou het om 'n lid van die Nuwe Fonds te wees.

- (b) Enige jaargeld toegeken ingevolge die bepalings van subartikel (6), verhoog met tien persent of vyf persent, na gelang van die geval, word verhoog met twee persent, jaarliks saamgestel, vir elke voltooide jaar ten opsigte waarvan sodanige jaargeld betaal is of word: Met dien verstande dat geen tydperk bo twintig jaar vir hierdie doel in aanmerking geneem word nie.”.

3. Artikel 16 van die Wet op Spoorweg- en Hawediens, 1960, word hierby gewysig—

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

„(1) Met inagneming van die bepalings van subartikels (5) en (7) van hierdie artikel en van artikel 2 van die Wysigingswet op die Spoorweg- en Hawediens en -superannuasie, 1955 (Wet No. 50 van 1955), word 'n dienaar uit die Diens afgedank by bereiking van die leeftyd van—

- (a) drie-en-sestig jaar; of

Wysiging van artikel 16 van Wet 22 van 1960, soos gewysig deur artikel 3 van Wet 54 van 1964, artikel 50 van Wet 6 van 1965, artikel 3 van Wet 18 van 1966 en artikel 2 van Wet 23 van 1967.

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- (b) sixty years, if immediately prior to the attainment of that age he held the position of a policeman (which expression shall for the purposes of this paragraph mean a member of the Railway Police Force as defined in section 57 of the Railways and Harbours Control and Management (Consolidation) Act, 1957 (Act No. 70 of 1957); or
 - (c) fifty-eight years, if immediately prior to the attainment of that age he held the position of—
 - (i) a telegraphist; or
 - (ii) a driver, senior fireman, senior driver's assistant, fireman or driver's assistant of a locomotive; or
 - (d) fifty-five years, if immediately prior to the attainment of that age he held the position of fleet captain, senior captain, captain, chief training captain, senior training captain, training captain, senior first officer, first officer, senior navigation officer or navigation officer in the airways department of the Service, or any other position in the said department, the incumbent whereof is or may be required to perform duties on board an aircraft in flight, to which the Minister has by notice in the *Gazette* declared the said age of retirement to apply. Any position mentioned in any such notice shall be deemed to have been specifically mentioned in this paragraph; or
 - (e) fifty-five years, if immediately prior to the attainment of that age he held the position of senior flight engineer officer, flight engineer officer, instructor, flight engineer officer, class I, or flight engineer officer, class II, in the airways department of the Service, or any other position in the said department, the incumbent whereof is or may be required to perform duties on board an aircraft in flight, to which the Minister has by notice in the *Gazette* declared the said age of retirement to apply. Any position mentioned in any such notice shall be deemed to have been specifically mentioned in this paragraph:
Provided that—
 - (i) if a servant attains the particular age of retirement applicable to him on any day other than the first day of a month, his retirement from the Service shall become effective as from the first day of the following month;
 - (ii) in the case of a servant who is due to retire within a period of six months after the first day of April, 1969, his retirement shall become effective on the day he attains the particular age applicable in his case.”; and
- (b) by the substitution for subsection (7) of the following subsection:
- “(7) (a) A servant, other than a member of the Fund, who has been in continuous employment in a temporary or a permanent capacity from a date prior to the twenty-ninth day of June, 1955, and a transferred servant, shall, whether or not he has exercised the election provided for in paragraph (c) of this subsection as it existed immediately prior to the date of commencement

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- (b) sestig jaar, indien hy onmiddellik voor die bereiking van daardie leeftyd die betrekking beklee het van 'n polisiebeampte (welke uitdrukking by die toepassing van hierdie paragraaf beteken 'n lid van die Spoorwegpolisiemag, soos omskryf in artikel 57 van die Konsolidasiewet op die Beheer en Bestuur van Spoorweë en Hawens, 1957 (Wet No. 70 van 1957)); of
 - (c) agt-en-vyftig jaar, indien hy onmiddellik voor die bereiking van daardie leeftyd die betrekking beklee het van—
 - (i) 'n telegrafis; of
 - (ii) 'n drywer, senior stoker, senior drywers-assistent, stoker of drywersassistent van 'n lokomotief; of
 - (d) vyf-en-vyftig jaar, indien hy onmiddellik voor die bereiking van daardie leeftyd die betrekking beklee het van vlootkaptein, senior kaptein, kaptein, hoofopleidingskaptein, senior opleidingskaptein, opleidingskaptein, senior eerste offisier, eerste offisier, senior offisier-navigator of offisier-navigator in die lugdiensdepartement van die Diens, of 'n ander betrekking in daardie departement, van die bekleër waarvan daar verlang word of kan word om dienste aan boord van 'n vliegtuig in vlug te verrig, waarop die Minister by kennisgewing in die *Staatskoerant* bedoelde aftreeleeftyd van toepassing verklaar het. 'n Betrekking wat in so 'n kennisgewing genoem word, word geag uitdruklik in hierdie paragraaf vermeld te gewees het; of
 - (e) vyf-en-vyftig jaar, indien hy onmiddellik voor die bereiking van daardie leeftyd die betrekking beklee het van senior offisier-boordingenieur, instrukteur-offisier-boordingenieur, offisier-boordingenieur, klas I, of offisier-boordingenieur, klas II, in die lugdiensdepartement van die Diens, of 'n ander betrekking in daardie departement, van die bekleër waarvan daar verlang word of kan word om dienste aan boord van 'n vliegtuig in vlug te verrig, waarop die Minister by kennisgewing in die *Staatskoerant* bedoelde aftreeleeftyd van toepassing verklaar het. 'n Betrekking wat in so 'n kennisgewing genoem word, word geag uitdruklik in hierdie paragraaf vermeld te gewees het:
- Met dien verstande dat—
- (i) as 'n dienaar die betrokke aftreeleeftyd wat op hom van toepassing is, bereik op 'n ander dag as die eerste dag van 'n maand, sy uitdienstreding uit die Diens van krag word vanaf die eerste dag van die daaropvolgende maand;
 - (ii) in die geval van 'n dienaar wat binne 'n tydperk van ses maande na die eerste dag van April 1969 uit diens moet tree, sy uitdienstreding van krag word vanaf die dag waarop hy die besondere ouderdom van toepassing op sy geval, bereik.”; en
- (b) deur subartikel (7) deur die volgende subartikel te vervang:

„(7) (a) 'n Denaar wat nie 'n lid van die Fonds is nie en wat in 'n tydelike of 'n vaste hoedanigheid in ononderbroke diens was vanaf 'n datum vóór die nege-en-twintigste dag van Junie 1955, en 'n oorgeplaaste dienaar, het die reg, hetsy hy die keuse uitgeoefen het al dan nie waarvoor voorsiening gemaak is in paragraaf (c) van hierdie subartikel soos dit onmiddellik voor die datum van inwerkingtreding van artikel 3 van die Wys-

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of section 3 of the Railways and Harbours Acts Amendment Act, 1964 (Act No. 54 of 1964), have the right at any time before or after attaining the age of —

- (i) sixty years if, but for the provisions of this subsection, the age of retirement specified in paragraph (a) of subsection (1) would have applied in his case; or
- (ii) fifty-five years if, but for the provisions of this subsection, the age of retirement specified in paragraph (c) of subsection (1) would have applied in his case,

to give written notification to the head of his department of his wish to be retired on pension from the Service.

(b) A servant to whom the provisions of paragraph (d) of subsection (1) apply shall, whether or not he has exercised the election provided for in paragraph (c) of this subsection as it existed immediately prior to the date of commencement of section 3 of the Railways and Harbours Acts Amendment Act, 1964, have the right at any time before or after attaining the age of fifty years, to give written notification to the head of his department of his wish to be retired on pension from the Service.

(c) If a servant referred to in paragraph (a) or (b) of this subsection gives such notification as aforesaid he shall, subject to the provisions of paragraph (d)—

(i) if such notification is given at least six months prior to the date on which he attains the age which, in accordance with either of the said paragraphs, is applicable in his case, regard being had to the position held by him immediately prior to that date (hereinafter referred to as "his normal age of retirement"), be retired on pension from the Service on attaining that age: Provided that—

(aa) if such servant attains his normal age of retirement on any day other than the first day of a month, his retirement shall become effective as from the first day of the following month;

(bb) in the case of a servant who is due to retire within a period of six months after the first day of April, 1969, he shall be retired on the day he attains the particular age applicable in his case; or

(ii) if such notification is not given at least six months prior to the date on which he attains his normal age of retirement, be retired on pension from the Service on the first day of the seventh month following the month in which such notification is received.

(d) If a servant referred to in paragraph (a) or (b) of this subsection, who will attain his normal age of retirement within six months from the date of commencement of section 3 of the Railways and Harbours Acts Amendment Act, 1964, has notified the head of his department in writing, at least one month before he attains that age, of his wish to be retired on pension from the Service, he shall be retired on pension from the Service on

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gingswet op Spoorweg- en Hawewette, 1964 (Wet No. 54 van 1964), bestaan het, om te eniger tyd voor of na bereiking van die leeftyd van—

(i) sestig jaar, indien, as dit nie vir die bepalings van hierdie subartikel was nie, die aftreeleef-tyd vermeld in paragraaf (a) van subartikel (1) in sy geval van toepassing sou gewees het; of

(ii) vyf-en-vyftig jaar, indien, as dit nie vir die bepalings van hierdie subartikel was nie, die aftreeleef-tyd vermeld in paragraaf (c) van subartikel (1) in sy geval van toepassing sou gewees het,

aan die hoof van sy departement skriftelik kennis te gee van sy begeerte om met pensioen uit die Diens afgedank te word.

(b) 'n Dienaar op wie die bepalings van paragraaf (d) van subartikel (1) van toepassing is, het die reg, hetsy hy die keuse uitgeoefen het al dan nie waar-voor voorsiening gemaak is in paragraaf (c) van hierdie subartikel soos dit onmiddellik voor die datum van inwerkingtreding van artikel 3 van die Wysigingswet op Spoorweg- en Hawewette, 1964, bestaan het, om te eniger tyd voor of na bereiking van die leeftyd van vyftig jaar, aan die hoof van sy departement skriftelik kennis te gee van sy begeerte om met pensioen uit die Diens afgedank te word.

(c) Indien 'n in paragraaf (a) of (b) van hierdie subartikel vermelde dienaar sodanige kennis-gewing soos voormeld gee, word hy, onderworpe aan die bepalings van paragraaf (d)—

(i) indien sodanige kennisgewing gegee word minstens ses maande voor die datum waarop hy die leeftyd bereik wat ooreenkomstig die een of die ander van genoemde paragrawe in sy geval van toepassing is, met inagneming van die betrekking wat hy onmiddellik voor daardie datum bekleed het (hierna „sy normale aftreeleef-tyd” genoem) by bereiking van daardie leeftyd met pensioen uit die Diens afgedank: Met dien verstande dat—

(aa) as sodanige dienaar sy normale aftreeleef-tyd bereik op 'n ander dag as die eerste dag van 'n maand, sy uitdiens-treding van krag word vanaf die eerste dag van die daaropvolgende maand;

(bb) in die geval van 'n dienaar wat binne 'n tydperk van ses maande na die eerste dag van April 1969 uit diens moet tree, hy afgedank word op die dag waarop hy die besondere ouderdom van toepassing op sy geval bereik; of

(ii) indien sodanige kennisgewing nie gegee word minstens ses maande voor die datum waarop hy sy normale aftreeleef-tyd bereik nie, met pensioen uit die Diens afgedank op die eerste dag van die sewende maand ná die maand waarin sodanige kennisgewing ontvang word.

(d) Indien 'n in paragraaf (a) of (b) van hierdie sub-artikel vermelde dienaar, wat sy normale aftreeleef-tyd sal bereik binne ses maande vanaf die datum van inwerkingtreding van artikel 3 van die Wysigingswet op Spoorweg- en Hawewette, 1964, minstens een maand voordat hy daardie leeftyd bereik aan die hoof van sy departement skriftelik kennis gegee het van sy begeerte om met pensioen uit die Diens afgedank te word, word hy by be-

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attaining that age, and such notification shall not be deemed to be invalid merely because it was given prior to the said date of commencement.

- (e) The Administration may, at any time before or after a servant referred to in paragraph (a) or (b) of this subsection has attained his normal age of retirement, give written notification to such servant of its wish that he retire on pension from the Service, and in that event the servant shall—
 - (i) if such notification is given at least six months prior to the date on which he attains his normal age of retirement, be retired on pension from the Service on attaining that age: Provided that—
 - (aa) if such servant attains his normal age of retirement on any day other than the first day of a month, his retirement shall become effective as from the first day of the following month;
 - (bb) in the case of a servant who is due to retire within a period of six months after the first day of April, 1969, he shall be retired on the day he attains the particular age applicable in his case; or
 - (ii) if such notification is not given at least six months prior to the date on which he attains his normal age of retirement, be retired on pension on the first day of the seventh month following the month in which such notification is given;
- (f) (i) The Administration may delegate to the General Manager and to any other officer or officers of the Administration, subject to such conditions and limitations as may be specified, authority to give on its behalf any such notification as is referred to in paragraph (e) of this subsection.
- (ii) A notification given by a servant in terms of paragraph (a) or (b) of this subsection may not be withdrawn except with the consent of the Administration or of an officer referred to in subparagraph (i).
- (g) For the purposes of this subsection, the expression “transferred servant” means a servant who immediately prior to the twenty-ninth day of June, 1955, was a member of any pension or provident fund referred to in subsection (2) of section 41 of the Railways and Harbours Superannuation Fund Act, 1960 (Act No. 39 of 1960), and who was thereafter, without having ceased to be such a member, transferred to the service of the Administration under circumstances which entitled him, in terms of the said subsection, for pension purposes to reckon the whole period of his pensionable employment in the Service from which he was transferred, as continuous with that of his pensionable employment under the Administration.”.

Amendment of
section 17 of Act
39 of 1960, as
amended by
section 17 of
Act 62 of 1961,
section 8 of Act 18

4. Section 17 of the Railways and Harbours Superannuation Fund Act, 1960 (hereinafter referred to as “the Superannuation Fund Act”), is hereby amended—

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

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- reiking van daardie leeftyd met pensioen uit die Diens afgedank, en sodanige kennisgewing word nie as ongeldig beskou bloot omdat dit vóór genoemde datum van inwerkingtreding gegee is nie.
- (e) Die Administrasie kan te eniger tyd voor of nadat 'n in paragraaf (a) of (b) van hierdie subartikel vermelde dienaar sy normale aftreeleeftyd bereik het, aan sodanige dienaar skriftelik kennis gee van die Administrasie se begeerte dat hy met pensioen uit die Diens moet tree, en in daardie geval word die dienaar—
- (i) indien sodanige kennisgewing gegee word minstens ses maande voor die datum waarop hy sy normale aftreeleeftyd bereik, met pensioen uit die Diens afgedank by bereiking van daardie leeftyd: Met dien verstande dat—
 - (aa) as sodanige dienaar sy normale aftreeleeftyd bereik op 'n ander dag as die eerste dag van 'n maand, sy uitdiens-treding van krag word vanaf die eerste dag van die daaropvolgende maand;
 - (bb) in die geval van 'n dienaar wat binne 'n tydperk van ses maande na die eerste dag van April 1969 uit diens moet tree, hy afgedank sal word op die dag waarop hy die besondere ouderdom van toepassing op sy geval bereik; of
 - (ii) indien sodanige kennisgewing nie gegee word minstens ses maande voor die datum waarop hy sy normale aftreeleeftyd bereik nie, met pensioen uit die Diens afgedank op die eerste dag van die sewende maand ná die maand waarin sodanige kennisgewing gegee word.
- (f) (i) Die Administrasie kan aan die Hoofbestuurder en aan enige ander amptenaar of amptenare van die Administrasie magtiging verleen, onderworpe aan die voorwaardes en beperkings wat gestel word, om enige sodanige kennisgewing as wat in paragraaf (e) van hierdie subartikel vermeld word, namens hom te gee.
- (ii) 'n Kennisgewing wat ingevolge paragraaf (a) of (b) van hierdie subartikel deur 'n dienaar gegee is, mag nie teruggetrek word nie behalwe met die toestemming van die Administrasie of van 'n amptenaar in subparagraaf (i) bedoel.
- (g) By die toepassing van hierdie subartikel beteken die uitdrukking „oorgeplaaste dienaar” 'n dienaar wat onmiddellik voor die nege-en-twintigste dag van Junie 1955 'n lid was van 'n pensioen- of voorsorgfonds bedoel in subartikel (2) van artikel 41 van die Wet op die Spoorweg- en Hawesuperannuasiefonds, 1960 (Wet No. 39 van 1960), en wat daarna, sonder dat hy opgehou het om so 'n lid te wees, oorgeplaas is na die diens van die Administrasie onder omstandighede wat hom ingevolge genoemde subartikel geregtig gemaak het om vir pensioendoeleindes die hele tydperk van sy pensioengewende diens in die Diens waaruit hy oorgeplaas is, as aaneenlopend te reken met dié van sy pensioengewende diens by die Administrasie.”

4. Artikel 17 van die Wet op die Spoorweg- en Hawesuperannuasiefonds, 1960 (hierna „die Superannuasiefondswet” genoem) word hierby gewysig—

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

Wysiging van artikel 17 van Wet 39 van 1960, soos gewysig deur artikel 17 van Wet 62 van 1961, artikel 8 van Wet

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of 1966, section 5
of Act 23 of 1967
and section 5 of
Act 60 of 1968.

- “(1) An annuity shall be calculated at the rate of—
- (a) one-fiftieth in the case of a member to whom the provisions of section 16 (1) (d) of the Railways and Harbours Service Act, 1960, apply, whatever the age of retirement applicable to him may be; or
 - (b) one-fifty-fifth in the case of a member holding a position mentioned in section 16 (1) (c) or (e) of the Railways and Harbours Service Act, 1960, whatever the age of retirement applicable to him may be; or
 - (c) one-sixtieth in the case of all other members, for each year of the period of membership of the New Fund, based on the annual average of the pensionable emoluments for the period of three years immediately preceding retirement, or the annual average of the pensionable emoluments for the whole period of membership of the New Fund, whichever is the greater: Provided that—
 - (i) such annuity, excluding the one-fourth thereof commuted by a single cash payment in terms of the provisions of section 18 of this Act, shall be increased by five per cent;
 - (ii) no annuity shall be granted to any person unless contributions have been made by him, or on his behalf, in respect of a period of ten years or more; and
 - (iii) the member is in other respects qualified for such an annuity.”; and
- (b) by the insertion, after subsection (1)ter, of the following subsection:
- “(1)quat An annuity payable in terms of this section, excluding the one-fourth thereof commuted by a single cash payment in terms of the provisions of section 18 of this Act, shall be increased by two per cent, compounded annually, for each completed year in respect of which such annuity has been or is paid: Provided that no period in excess of twenty years shall be taken into account for this purpose.”.

Amendment of
section 18 of
Act 39 of 1960,
as amended by
section 21 of
Act 7 of 1963,
section 64 of
Act 6 of 1965,
section 9 of Act 18
of 1966, section 6 of
Act 23 of 1967 and
section 8 of Act 8
of 1968.

5. Section 18 of the Superannuation Fund Act is hereby amended—

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

“(1) Subject to the provisions of subsection (5), an annuity granted to a servant who immediately prior to his retirement was a member of the New Fund and who has retired or has been retired otherwise than on any ground mentioned in section 15 (3) shall, before the first payment thereof has been made, be commuted, as to one-fourth thereof, by a single cash payment in accordance with the following Table:

Nearest age at date of retirement.	Number of rands for each rand of annuity commuted.	
	Male member.	Female member.
	R	R
Up to—		
30 years	18.19	18.43
31 ”	18.06	18.32
32 ”	17.93	18.21
33 ”	17.79	18.09

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- „(1) 'n Jaargeld word bereken teen die skaal van—
- (a) een-vyftigste in die geval van 'n lid op wie die bepalings van artikel 16 (1) (d) van die Wet op Spoorweg- en Hawediens, 1960, van toepassing is, wat ook al die op hom toepaslike aftreeleefityd mag wees; of
- (b) een vyf-en-vyftigste in die geval van 'n lid wat 'n betrekking beklee wat genoem word in artikel 16 (1) (c) of (e) van die Wet op Spoorweg- en Hawediens, 1960, wat ook al die op hom toepaslike aftreeleefityd mag wees; of
- (c) een-sestigste in die geval van alle ander lede, vir elke jaar van die tydperk van lidmaatskap van die Nuwe Fonds, gebaseer op die jaarlikse gemiddelde van die pensioengewende emolumente vir die tydperk van drie jaar wat uitdienstreding onmiddellik voorafgaan, of die jaarlikse gemiddelde van die pensioengewende emolumente vir die hele tydperk van lidmaatskap van die Nuwe Fonds, na gelang van watter die hoogste is: Met dien verstande dat—
- (i) sodanige jaargeld, behalwe die een-vierde daarvan wat in 'n enkele kontantbetaling omgeset is ooreenkomstig die bepalings van artikel 18 van hierdie Wet, met vyf persent verhoog word;
- (ii) geen jaargeld aan iemand toegeken mag word nie tensy bydraes deur of ten behoeve van hom gestort is ten opsigte van 'n tydperk van tien jaar of langer; en
- (iii) die lid in ander opsigte vir so 'n jaargeld gekwalifiseerd is.”; en
- (b) deur na subartikel (1)ter, die volgende subartikel in te voeg:
- „(1)quat 'n Jaargeld betaalbaar ingevolge die bepalings van hierdie artikel, behalwe die een-vierde daarvan wat in 'n enkele kontantbetaling omgeset is ooreenkomstig die bepalings van artikel 18 van hierdie Wet, word verhoog met twee persent, jaarliks saamgestel, vir elke voltooide jaar ten opsigte waarvan sodanige jaargeld betaal is of word: Met dien verstande dat geen tydperk bo twintig jaar vir hierdie doel in aanmerking geneem word nie.”.

18 van 1966,
artikel 5 van Wet
23 van 1967 en
artikel 5 van Wet
60 van 1968.

5. Artikel 18 van die Superannuasiefondswet word hierby gewysig—

- (a) deur subartikel (1) deur die volgende subartikel te vervang:
- „(1) Onderworpe aan die bepalings van subartikel (5) word 'n jaargeld toegeken aan 'n dienaar wat onmiddellik voor sy uitdienstreding 'n lid van die Nuwe Fonds was en wat uit die Diens getree het of daaruit afgedank is op 'n ander grond as een van dié in artikel 15 (3) vermeld, ten aansien van een-vierde daarvan in 'n enkele kontantbetaling omgeset voordat die eerste betaling daarvan plaasvind, en geskied sodanige omsetting ooreenkomstig die volgende tabel:

Wysiging van
artikel 18 van
Wet 39 van 1960,
soos gewysig deur
artikel 21 van
Wet 7 van 1963,
artikel 64 van
Wet 6 van 1965,
artikel 9 van
Wet 18 van 1966,
artikel 6 van Wet
23 van 1967 en
artikel 8 van
Wet 8 van 1968.

Naaste leeftyd op datum van uitdienstreding.	Aantal rande vir elke rand van omgesette jaargeld.	
	Manlike lid.	Vroulike lid.
	R	R
Tot—		
30 jaar	18.19	18.43
31 „	18.06	18.32
32 „	17.93	18.21
33 „	17.79	18.09

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Nearest age at date of retirement.	Number of rands for each rand of annuity commuted.	
	Male member.	Female member.
	R	R
34 years	17.65	17.97
35 "	17.50	17.85
36 "	17.35	17.72
37 "	17.19	17.59
38 "	17.03	17.46
39 "	16.86	17.32
40 "	16.68	17.18
41 "	16.50	17.03
42 "	16.31	16.88
43 "	16.11	16.72
44 "	15.90	16.56
45 "	15.69	16.39
46 "	15.47	16.22
47 "	15.24	16.04
48 "	15.00	15.86
49 "	14.75	15.68
50 "	14.50	15.50
51 "	14.50	15.23
52 "	14.25	15.05
53 "	14.00	14.87
54 "	13.75	14.69
55 "	13.50	14.50
56 "	13.00	14.19
57 "	12.75	13.90
58 "	12.50	13.60
59 "	12.25	13.30
60 or over	12.00	13.00

Provided that in the case of a member to whom the provisions of paragraph (c) of subsection (1) of section 16 of the Railways and Harbours Service Act, 1960, apply, the factor applicable to the age of fifty-five years shall also apply to any higher age, and that in the case of a member to whom the provisions of paragraph (d) of the said subsection apply, the factor applicable to the age of fifty years shall also apply to any higher age.”; and

- (b) by the substitution for subsection (3) of the following subsection:

“(3) Subject to the provisions of subsection (5), an annuity granted to a servant who immediately prior to his retirement was a member of the New Fund and who has been compelled to retire on any ground mentioned in section 15 (3) shall before the first payment thereof has been made, be commuted, as to one-fourth thereof, by a single cash payment, in accordance with the following Table:

Nearest age at date of retirement.	Number of rands for each rand of annuity commuted.
	R
Male Member:	
Any age	12.00
Female Member:	
Up to 55 years	14.50
" 56 "	14.19
" 57 "	13.90
" 58 "	13.60
" 59 "	13.30
60 or over	13.00

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Naaste leeftyd op datum van uitdienststreding.	Aantal rande vir elke rand van omgesette jaargeld.	
	Manlike lid.	Vroulike lid.
	R	R
34 jaar	17.65	17.97
35 " " " "	17.50	17.85
36 " " " "	17.35	17.72
37 " " " "	17.19	17.59
38 " " " "	17.03	17.46
39 " " " "	16.86	17.32
40 " " " "	16.68	17.18
41 " " " "	16.50	17.03
42 " " " "	16.31	16.88
43 " " " "	16.11	16.72
44 " " " "	15.90	16.56
45 " " " "	15.69	16.39
46 " " " "	15.47	16.22
47 " " " "	15.24	16.04
48 " " " "	15.00	15.86
49 " " " "	14.75	15.68
50 " " " "	14.50	15.50
51 " " " "	14.50	15.23
52 " " " "	14.25	15.05
53 " " " "	14.00	14.87
54 " " " "	13.75	14.69
55 " " " "	13.50	14.50
56 " " " "	13.00	14.19
57 " " " "	12.75	13.90
58 " " " "	12.50	13.60
59 " " " "	12.25	13.30
60 of hoër	12.00	13.00

Met dien verstande dat in die geval van 'n lid op wie die bepalings van paragraaf (c) van subartikel (1) van artikel 16 van die Wet op Spoorweg- en Hawediens, 1960, van toepassing is, die faktor van toepassing op die leeftyd van vyf-en-vyftig jaar ook op enige hoër leeftyd van toepassing is, en dat in die geval van 'n lid op wie die bepalings van paragraaf (d) van bedoelde subartikel van toepassing is, die faktor van toepassing op die leeftyd van vyftig jaar ook op enige hoër leeftyd van toepassing is."; en

(b) deur subartikel (3) deur die volgende subartikel te vervang:

„(3) Onderworpe aan die bepalings van subartikel (5) word 'n jaargeld toegeken aan 'n dienaar wat onmiddellik voor sy uitdienststreding 'n lid van die Nuwe Fonds was en wat verplig is om uit die Diens te tree op een van die gronde in subartikel (3) van artikel 15 vermeld, ten aansien van een-vierde daarvan in 'n enkel kontantbetaling omgeset voordat die eerste betaling daarvan plaasvind, en geskied sodanige omsetting ooreenkomstig die volgende tabel:

Naaste leeftyd op datum van uitdienststreding.	Aantal rande vir elke rand van omgesette jaargeld.
	R
Manlike lid: Enige leeftyd	12.00
Vroulike lid: Tot 55 jaar	14.50
„ 56 " " " "	14.19
„ 57 " " " "	13.90
„ 58 " " " "	13.60
„ 59 " " " "	13.30
60 of hoër	13.00

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Provided that in the case of a member to whom the provisions of paragraph (c) or (e) of subsection (1) of section 16 of the Railways and Harbours Service Act, 1960, apply, the factor which in terms of subsection (1) of this section is applicable to the age of fifty-five years shall be used for the purpose of calculating such cash payment, and that in the case of a member to whom the provisions of paragraph (d) of the first-mentioned subsection apply, the factor which in terms of subsection (1) of this section is applicable to the age of fifty years shall be used for that purpose irrespective, in either case, of the age of the member concerned."

Substitution of section 19 of Act 39 of 1960, as amended by section 6 of Act 60 of 1968.

6. The following section is hereby substituted for section 19 of the Superannuation Fund Act:

"Provision in case pensioned member of the New Fund is re-employed.

19. If a member of the New Fund has been granted an annuity under this Act or under the Railways and Harbours Superannuation Fund Act, 1925 (Act No. 24 of 1925), and is thereafter re-employed in the Service in other than a casual capacity he shall, subject to the provisions of section 2 of the Railway Pensioners Act, 1936 (Act No. 27 of 1936), be entitled to contribute to the New Fund on the pensionable emoluments (including for that purpose any annuity or reduced annuity received by him from the New Fund) drawn by him during the period of his re-employment, and in the event of his retirement on the ground of superannuation or reduction in or re-organization of staff, or of such severe bodily injury, permanent ill-health or physical disability as is referred to in section 15 (3), he shall be entitled to an additional annuity in respect of such period of re-employment, calculated on the basis set forth in section 17: Provided that contributions to the New Fund during such period of re-employment shall be made in accordance with the provisions of section 8 at the rate applicable to his age at the date from which contributions become payable by him: Provided further that if the period of re-employment is less than three years, the annuity shall be based on the average pensionable emoluments for the full period of re-employment."

Amendment of section 30 of Act 39 of 1960, as amended by section 20 of Act 62 of 1961, section 8 of Act 54 of 1964, section 65 of Act 6 of 1965 and section 7 of Act 60 of 1968.

7. Section 30 of the Superannuation Fund Act is hereby amended—

(a) by the substitution, in subsection (2), for the expression "subsections (5) and (5)*bis*" of the expression "subsections (5), (5)*bis*, (5)*ter* and (5)*quat*";

(b) by the substitution for subparagraph (i) of subsection (3) (a) of the following subparagraph:

"(i) in the case of a deceased member who had contributed to the New Fund in respect of a period of one year or longer: an amount arrived at by adding to twice the annual average of such member's pensionable emoluments for the last three years of his service, or for the actual period in respect of which he contributed if that period was less than three years, an amount equal to ten per cent of such annual average in respect of each complete year in respect of which he contributed; or";

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Met dien verstande dat in die geval van 'n lid op wie die bepalings van paragraaf (c) of (e) van subartikel (1) van artikel 16 van die Wet op Spoorweg- en Hawediens, 1960, van toepassing is, die faktor wat ingevolge subartikel (1) van hierdie artikel op die ouderdom van vyf-en-vyftig jaar van toepassing is, by die berekening van bedoelde kontantbetaling gebruik moet word, en dat in die geval van 'n lid op wie die bepalings van paragraaf (d) van eersgenoemde subartikel van toepassing is, die faktor wat ingevolge subartikel (1) van hierdie artikel op die ouderdom van vyftig jaar van toepassing is, vir daardie doel gebruik moet word ongeag, in albei gevalle, die ouderdom van die betrokke lid."

6. Artikel 19 van die Superannuasiefondswet word hierby deur die volgende artikel vervang:

„Voorsiening 19. Indien 'n lid van die Nuwe Fonds aan wie 'n vir geval jaargeld toegeken is kragtens hierdie Wet of kragtens gepensioe- die „Spoorwegen en Havens Superannuatie Fonds neerde lid van die „Spoorwegen en Havens Superannuatie Fonds die Nuwe Wet, 1925" (Wet No. 24 van 1925), daarna weer in Fonds weer die Diens opgeneem word in 'n ander as 'n los in diens hoedanigheid, is hy geregtig, onderworpe aan die geneem word. bepalings van artikel 2 van die Spoorwegpensioe- nariswet, 1936 (Wet No. 27 van 1936), om tot die Nuwe Fonds by te dra op die pensioengewende emolumente (met inbegrip, vir daardie doel, van 'n jaargeld of verminderde jaargeld wat hy uit die Nuwe Fonds ontvang) wat gedurende die tydperk van sy herindiensneming deur hom ontvang word, en vir geval hy uit die Diens tree of afgedank word op grond van superannuasie of vermindering in of reorganisasie van personeel, of van sulke ernstige liggaamlike besering, blywende slegte gesondheid of liggaamlike ongeskiktheid as wat in artikel 15 (3) bedoel word, is hy ten opsigte van sodanige tydperk van herindiensneming geregtig op 'n addisionele jaargeld, bereken op die grondslag in artikel 17 bepaal: Met dien verstande dat bydraes tot die Nuwe Fonds gedurende so 'n tydperk van herindiensneming gestort word volgens voorskrif van artikel 8 teen die skaal van toepassing op sy leeftyd op die datum vanaf welke bydraes deur hom betaalbaar word: Met dien verstande voorts dat indien die tydperk van herindiensneming minder as drie jaar is, die jaargeld op die gemiddelde pensioenge- wende emolumente vir die volle tydperk van herindiensneming gebaseer word."

Vervanging van artikel 19 van Wet 39 van 1960, soos gewysig deur artikel 6 van Wet 60 van 1968.

7. Artikel 30 van die Superannuasiefondswet word hierby ge- wysig—

- (a) deur in subartikel (2) die uitdrukking „subartikels (5) en (5)bis" deur die uitdrukking „subartikels (5), (5)bis, (5)ter en (5)quat" te vervang;

- (b) deur subparagraaf (i) van subartikel (3) (a) deur die volgende subparagraaf te vervang:

„(i) in die geval van 'n oorlede lid wat tot die Nuwe Fonds bygedra het ten opsigte van 'n tydperk van een jaar of langer: 'n bedrag wat verkry word deur aan twee maal die jaarlikse gemiddelde van so 'n lid se pensioengewende emolumente vir die laaste drie jaar van sy diens, of vir die werklike tydperk waarvoor hy bygedra het as daardie tydperk korter as drie jaar was, 'n bedrag by te voeg wat gelykstaan met tien persent van sodanige jaarlikse gemiddelde ten opsigte van elke voltooidde jaar ten opsigte waarvan hy bygedra het; of";

Wysiging van artikel 30 van Wet 39 van 1960, soos gewysig deur artikel 20 van Wet 62 van 1961, artikel 8 van Wet 54 van 1964, artikel 65 van Wet 6 van 1965 en artikel 7 van Wet 60 van 1968.

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- (c) by the substitution for paragraph (a) of subsection (5) *bis* of the following paragraph:

“(a) If the deceased member was a person—

- (i) to whom the provisions of subsection (7) of section 16 of the Railways and Harbours Service Act, 1960 (Act No. 22 of 1960), applied, and he died after attaining his normal age of retirement,
- (ii) to whom the provisions of the said subsection (7) applied and who had given notice of his wish to retire on attaining his normal age of retirement, or was a person to be retired on attaining the particular age of retirement prescribed in subsection (1) of section 16 of the said Act, and he died after the anniversary of the date of his birth but before the first day of the following month, on which day his retirement would have become effective in terms of the said subsections,

there shall be paid to his widow, if it would in the opinion of the General Manager be to her advantage to do so, in lieu of the benefit calculated as provided in subsections (3) and (4) of this section, a benefit in the form of an annuity plus a lump sum, calculated as provided in paragraph (b) of this subsection.”; and

- (d) by the insertion, after subsection (5)*bis*, of the following subsections:

“(5)*ter* If the deceased member was a person to whom the provisions of section 16 (1) (c) (ii) of the Railways and Harbours Service Act, 1960, applied and who was promoted to a salaried position governed by the provisions of section 16 (1) (a) of that Act, the benefit to which the widow is entitled in terms of subsection (2) of this section, shall not be less than the benefit she would have received had the deceased member not been so promoted.

(5)*quat* An annuity payable in terms of this section shall be increased by—

- (i) five per cent, plus
- (ii) two per cent, compounded annually for each completed year in respect of which such annuity has been or is paid: Provided that no period in excess of twenty years shall be taken into account for this purpose.”.

Amendment of section 31 of Act 39 of 1960, as amended by section 66 of Act 6 of 1965 and section 8 of Act 60 of 1968.

8. Section 31 of the Superannuation Fund Act is hereby amended—

- (a) by the substitution, in subsection (2), for the expression “subsection (3)” of the expression “subsections (3) and (3A)”;

- (b) by the insertion, after subsection (3), of the following subsection:

“(3A) An annuity payable in terms of this section shall be increased by—

- (i) five per cent, plus
- (ii) two per cent, compounded annually, for each completed year in respect of which such annuity has been or is paid: Provided that no period in excess of twenty years shall be taken into account for this purpose.”;

- (c) by the substitution for subsection (6) of the following subsection:

“(6) The preceding provisions of this section shall apply in relation to the death of every such annuitant as is referred to in subsection (1) who ceased to be a

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(c) deur paragraaf (a) van subartikel (5)*bis* deur die volgende paragraaf te vervang:

„(a) Indien die oorlede lid iemand was—

- (i) op wie die bepalings van subartikel (7) van artikel 16 van die Wet op Spoorweg- en Hawediens, 1960 (Wet No. 22 van 1960) van toepassing was, en hy te sterwe gekom het nadat hy sy normale aftreeleeftyd bereik het,
- (ii) op wie die bepalings van die bedoelde subartikel (7) van toepassing was, en wat kennis gegee het van sy begeerte om by bereiking van die normale aftreeleeftyd uit diens te tree, of wat 'n persoon was wat afgedank sou word by bereiking van die besondere aftreeleeftyd voorgeskryf in subartikel (1) van artikel 16 van bedoelde Wet en hy te sterwe gekom het na sy verjaardag, maar voor die eerste dag van die daaropvolgende maand, op welke dag sy afdanking ooreenkomstig bedoelde subartikels van krag sou geword het,

word daar aan sy weduwee betaal, indien dit na die oordeel van die Hoofbestuurder vir haar tot voordeel sou strek, in plaas van die voordeel bereken volgens voorskrif van subartikels (3) en (4) van hierdie artikel, 'n voordeel in die vorm van 'n jaargeld plus 'n ronde som, bereken volgens voorskrif van paragraaf (b) van hierdie subartikel.”; en

(d) deur na subartikel (5)*bis* die volgende subartikels in te voeg:

„(5)*ter* Indien die oorlede lid iemand was op wie die bepalings van artikel 16 (1) (c) (ii) van die Wet op Spoorweg- en Hawediens, 1960, van toepassing was en wat bevorder is tot 'n gesalarieerde betrekking wat onderworpe is aan die bepalings van artikel 16 (1) (a) van bedoelde Wet, is die voordeel waarop die weduwee ingevolge subartikel (2) van hierdie artikel geregtig is, nie minder nie as die voordeel waarop sy geregtig sou gewees het as die oorlede lid nie aldus bevorder was nie.

(5)*quat* 'n Jaargeld betaalbaar ingevolge hierdie artikel word verhoog met—

- (i) vyf persent, plus
- (ii) twee persent, jaarliks saamgestel, vir elke voltooide jaar ten opsigte waarvan sodanige jaargeld betaal is of word: Met dien verstande dat geen tydperk bo twintig jaar vir hierdie doel in aanmerking geneem word nie.”.

8. Artikel 31 van die Superannuasiefondswet word hierby gewysig—

(a) deur in subartikel (2) die uitdrukking „subartikel (3)” deur die uitdrukking „subartikels (3) en (3A)” te vervang;

(b) deur die volgende subartikel na subartikel (3) in te voeg:

„(3A) 'n Jaargeld betaalbaar ingevolge hierdie artikel word verhoog met—

- (i) vyf persent, plus
- (ii) twee persent, jaarliks saamgestel, vir elke voltooide jaar ten opsigte waarvan sodanige jaargeld betaal is of word: Met dien verstande dat geen tydperk bo twintig jaar vir hierdie doel in aanmerking geneem word nie.”;

(c) deur subartikel (6) deur die volgende subartikel te vervang:

„(6) Die voorgaande bepalings van hierdie artikel is van toepassing met betrekking tot die dood van elke jaargeldtrekker in subartikel (1) bedoel, wat op of na

Wysiging van artikel 31 van Wet 39 van 1960, soos gewysig deur artikel 66 van Wet 6 van 1965 en artikel 8 van Wet 60 van 1968.

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member of the New Fund on or after the thirty-first day of March, 1969, and whose death occurred or occurs on or after that date.”;

(d) by the addition to subsection (7) of the following paragraph:

“(d) who ceased to be a member of the New Fund on or after the first day of April, 1968, but before the first day of April, 1969, this section, as it existed immediately prior to the first day of April, 1969, shall continue to apply.”; and

(e) by the insertion, after subsection (7), of the following subsection:

“(7A) (a) If a widow is granted an annuity in terms of any of the provisions of subsection (7), such annuity shall be increased by—

(i) ten per cent thereof if the deceased annuitant ceased to be a member of the New Fund before the first day of April, 1968;

(ii) five per cent thereof if the deceased annuitant ceased to be a member of the New Fund on or after the first day of April, 1968.

(b) Any annuity granted to a widow in terms of subsection (7), increased by ten per cent or five per cent, as the case may be, shall be increased by two per cent, compounded annually, for each completed year in respect of which such annuity has been or is paid: Provided that no period in excess of twenty years shall be taken into account for this purpose.”.

Amendment of
section 32 of
Act 39 of 1960,
as amended by
section 24 of
Act 7 of 1963.

9. Section 32 of the Superannuation Fund Act is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) A child whom a member or annuitant has adopted under the provisions of any Act relating to the adoption of children shall, for the purpose of this section, be treated as a legitimate child of the member or annuitant, unless the member or annuitant by written notice in his lifetime to the Administration in manner prescribed, has directed that such child shall not be accepted as a legitimate child for the purposes of this section.”.

Amendment of
section 41 of
Act 39 of 1960.

10. Section 41 of the Superannuation Fund Act is hereby amended by the substitution for subsections (1) and (2) of the following subsections:

“(1) If a person who is a member of the New Fund is transferred without a break in his service to any other Service for the benefit of the members whereof a pension or provident fund exists under any law relating to pensions administered by the Pensions Authority or by a Provincial Administration or the Administration of the Territory of South-West Africa, and he becomes a member of any such fund as from the date of his transfer and is permitted to contribute thereto in respect of his past pensionable employment under the Administration, he shall be entitled for pension purposes to reckon the whole period of his pensionable employment under the Administration as continuous with that of his pensionable employment in the Service to which he is transferred: Provided that there shall be paid from the New Fund to the Pensions Authority or to the administration concerned, as the case may be, such amount as is required by the pension or provident fund of which such person becomes a member, and such person shall thereafter have no further claim on the New Fund.

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die een-en-dertigste dag van Maart 1969, opgehou het om 'n lid van die Nuwe Fonds te wees en op of na daardie datum te sterwe gekom het of kom.”;

- (d) deur die volgende paragraaf by subartikel (7) te voeg:
„(d) wat op of na die eerste dag van April 1968, maar voor die eerste dag van April 1969, opgehou het om 'n lid van die Nuwe Fonds te wees, bly hierdie artikel, soos dit onmiddellik voor die eerste dag van April 1969 bestaan het, van toepassing.”; en
- (e) deur die volgende subartikel na subartikel (7) in te voeg:

„(7A) (a) As aan 'n weduwee ingevolge 'n bepaling van subartikel (7) 'n jaargeld toegeken word, word sodanige jaargeld verhoog met—

- (i) tien persent daarvan as die oorlede jaargeldtrekker voor die eerste dag van April 1968 opgehou het om 'n lid van die Nuwe Fonds te wees;
- (ii) vyf persent daarvan as die oorlede jaargeldtrekker op of na die eerste dag van April 1968 opgehou het om 'n lid van die Nuwe Fonds te wees.

- (b) 'n Jaargeld wat aan 'n weduwee toegestaan is ingevolge subartikel (7), verhoog met tien persent of vyf persent, na gelang van die geval, word verhoog met twee persent, jaarliks saamgestel, vir elke voltooide jaar ten opsigte waarvan sodanige jaargeld betaal is of word: Met dien verstande dat geen tydperk bo twintig jaar vir hierdie doel in aanmerking geneem word nie.”.

9. Artikel 32 van die Superannuasiefondswet word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

„(3) 'n Kind wat deur 'n lid of jaargeldtrekker aangeneem is ingevolge die bepalings van 'n wet op die aanneming van kinders, word by die toepassing van hierdie artikel as 'n wettige kind van die lid of jaargeldtrekker behandel tensy die lid of jaargeldtrekker gedurende sy lewe, deur skriftelike kennisgewing aan die Administrasie op die voorgeskrewe wyse, opdrag gegee het dat sodanige kind by die toepassing van hierdie artikel nie as 'n wettige kind beskou moet word nie.”.

Wysiging van artikel 32 van Wet 39 van 1960, soos gewysig deur artikel 24 van Wet 7 van 1963.

10. Artikel 41 van die Superannuasiefondswet word hierby gewysig deur subartikels (1) en (2) deur die volgende subartikels te vervang:

„(1) Indien iemand wat 'n lid van die Nuwe Fonds is, sonder onderbreking van sy diens oorgeplaas word na 'n ander Diens ten bate van die lede waarvan 'n pensioen- of voorsorgfonds bestaan ingevolge 'n wet op pensioene wat uitgevoer word deur die Pensioen-outeiteit of deur 'n Provinsiale Administrasie of die Administrasie van die Gebied Suidwes-Afrika, en hy vanaf die datum van sy oorpasing 'n lid van so 'n fonds word, en toegelaat word om daartoe by te dra ten opsigte van sy vorige pensioengewende diens by die Administrasie, is hy geregtig om vir pensioendoeleindes die hele tydperk van sy pensioengewende diens by die Administrasie te reken as aaneenlopend met dié van sy pensioengewende diens in die Diens waarna hy oorgeplaas is: Met dien verstande dat daar uit die Nuwe Fonds aan die Pensioen-outeiteit of aan die betrokke administrasie, na gelang van die geval, die bedrag betaal word wat deur die pensioen- of voorsorgfonds waarvan so 'n persoon lid word, vereis word, en daardie persoon het daarna geen verdere vordering teen die Nuwe Fonds nie.

Wysiging van artikel 41 van Wet 39 van 1960.

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(2) If a person who is a member of a pension or provident fund established under any law relating to pensions administered by the Pensions Authority or by a Provincial Administration or the Administration of the Territory of South-West Africa, is transferred without a break in his service to the service of the Administration and becomes a member of the New Fund (as a condition of admission whereto a medical examination shall not be required), he shall be entitled for pension purposes to reckon the whole period of his pensionable employment in the Service from which he was transferred, as continuous with that of his pensionable employment under the Administration: Provided that there shall be paid from the pension or provident fund of which such person was a member, to the Administration for the benefit of the New Fund, such amount as is required by the New Fund, and thereafter such person shall have no further claim upon the pension or provident fund of which he was a member."

Amendment of section 51 of Act 39 of 1960, as amended by section 67 of Act 6 of 1965.

11. Section 51 of the Superannuation Fund Act is hereby amended by the insertion, after subsection (4), of the following subsection:

"(4A) An annuity payable in terms of this section shall be increased by—

- (i) ten per cent, plus
- (ii) two per cent, compounded annually, for each completed year in respect of which such annuity has been or is paid: Provided that no period in excess of twenty years shall be taken into account for this purpose."

Improved benefits to present annuitants and widow annuitants.

12. (1) The annuities payable to—

- (a) all annuitants and widow annuitants in respect of contributions to the 1912 pension fund, the Fund or the New Fund;
- (b) all annuitants in receipt of annuities payable from revenue, or partly from a fund or partly from revenue, except annuities granted under the Railways and Harbours Pensions Amendment Act, 1941 (Act No. 26 of 1941), or under any law relating to workmen's compensation,

shall be increased as from the first day of April, 1969, by the addition of the following—

- (i) in the case of those annuitants who retired before the first day of April, 1968, and widow annuitants of such annuitants or of servants who died before the thirty-first day of March, 1968, ten per cent of the annuity;
- (ii) in the case of those annuitants who retired on or after the first day of April, 1968, and widow annuitants of such annuitants or of servants who died on or after the thirty-first day of March, 1968, five per cent of the annuity.

(2) The annuity received by an annuitant or widow annuitant, including the ten per cent or five per cent referred to in subsection (1), as the case may be, shall be further increased by two per cent, compounded annually, for each completed year in respect of which the annuity has been or is received: Provided that no period in excess of twenty years shall be taken into account for this purpose.

(3) Where such annuity is payable partly from a fund and partly from revenue the additional percentages referred to in subsection (1) shall be paid proportionately from the fund concerned and from revenue.

(4) Where, in terms of the applicable pension law, an annuity which on the first day of April, 1969, is being paid from revenue, is to become payable from a fund as from a subsequent date, liability for the payment of the additional percentages referred to in subsections (1) and (2) shall as from that date pass from revenue to the fund in question.

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(2) Indien iemand wat 'n lid is van 'n pensioen- of voorsorgfonds ingestel kragtens 'n wet op pensioene wat deur die Pensioen-outeiteit of deur 'n Provinsiale Administrasie of die Administrasie van die Gebied Suidwes-Afrika uitgevoer word, sonder 'n onderbreking van sy diens oorgeplaas word na die diens van die Administrasie en 'n lid van die Nuwe Fonds word (as 'n voorwaarde van toelating waartoe geen geneeskundige ondersoek vereis word nie), is hy geregtig om vir pensioendoeleindes die hele tydperk van sy pensioengewende diens in die Diens waaruit hy oorgeplaas is, as aaneenlopend te reken met dié van sy pensioengewende diens by die Administrasie: Met dien verstande dat daar uit die pensioen- of voorsorgfonds waarvan so iemand 'n lid was, aan die Administrasie ten bate van die Nuwe Fonds die bedrag betaal word wat deur die Nuwe Fonds vereis word, en so iemand het daarna geen verdere vordering teen die pensioen- of voorsorgfonds waarvan hy 'n lid was nie."

11. Artikel 51 van die Superannuasiefondswet word hierby gewysig deur die volgende subartikel na subartikel (4) in te voeg:

Wysiging van artikel 51 van Wet 39 van 1960, soos gewysig deur artikel 67 van Wet 6 van 1965.

„(4A) 'n Jaargeld betaalbaar ingevolge hierdie artikel word verhoog met—

- (i) tien persent, plus
- (ii) twee persent, jaarliks saamgestel, vir elke voltooide jaar ten opsigte waarvan sodanige jaargeld betaal is of word: Met dien verstande dat geen tydperk bo twintig jaar vir hierdie doel in aanmerking geneem word nie."

12. (1) Die jaargeld betaalbaar aan—

- (a) alle jaargeldtrekkers en weduweejaargeldtrekkers ten opsigte van bydraes tot die 1912 pensioenfonds, die Fonds of die Nuwe Fonds,
- (b) alle jaargeldtrekkers in ontvangs van jaargelde wat uit inkomste betaal word, of gedeeltelik uit 'n fonds of gedeeltelik uit inkomste, behalwe jaargelde toegeken ingevolge die Wysigingswet op Spoorweg- en Hawepensioene, 1941 (Wet No. 26 van 1941), of ingevolge 'n wet op skadeloosstelling aan werksmanne.

Verbeterde voordele aan bestaande jaargeldtrekkers en weduweejaargeldtrekkers.

word vanaf die eerste dag van April 1969 verhoog deur die toevoeging van die volgende—

- (i) in die geval van jaargeldtrekkers wat voor die eerste dag van April 1968 uit diens getree het en weduweejaargeldtrekkers van sodanige jaargeldtrekkers of van dienare wat voor die een-en-dertigste dag van Maart 1968 oorlede is, tien persent van die jaargeld;
 - (ii) in die geval van jaargeldtrekkers wat op of na die eerste dag van April 1968 uit diens getree het en weduweejaargeldtrekkers van sodanige jaargeldtrekkers of van dienare wat op of na die een-en-dertigste dag van Maart 1968 oorlede is, vyf persent van die jaargeld.
- (2) Die jaargeld wat deur 'n jaargeldtrekker of weduweejaargeldtrekker ontvang word, met inbegrip van die tien persent of vyf persent waarna in subartikel (1) verwys word, na gelang van die geval, word voorts verhoog met twee persent, jaarliks saamgestel, vir elke voltooide jaar ten opsigte waarvan sodanige jaargeld ontvang is of word: Met dien verstande dat geen tydperk bo twintig jaar vir hierdie doel in aanmerking geneem word nie.
- (3) Wanneer so 'n jaargeld gedeeltelik uit 'n fonds en gedeeltelik uit inkomste betaalbaar is, word die addisionele persentasies gemeld in subartikel (1) na verhouding uit die betrokke fonds en uit inkomste betaal.

(4) Wanneer 'n jaargeld wat op die eerste dag van April 1969 uit inkomste betaal word, volgens voorskrif van die toepaslike wet op pensioene vanaf 'n later datum uit 'n fonds betaal moet word, gaan die aanspreeklikheid vir die betaling van die addisionele persentasies bedoel in subartikels (1) en (2) vanaf daardie datum van inkomste op die betrokke fonds oor.

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to South-West
Africa.****13.** This Act and any amendment thereof shall apply also to the territory of South-West Africa.**Date of com-
mencement.****14.** The provisions of this Act shall be deemed to have come into operation on the first day of April, 1969.**Short title.****15.** This Act shall be called the Second Railways and Harbours Acts Amendment Act, 1969.

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13. Hierdie Wet en enige wysiging daarvan is ook op die gebied Suidwes-Afrika van toepassing. Toepassing van Wet op Suidwes-Afrika.

14. Die bepalings van hierdie Wet word geag op die eerste dag van April 1969 in werking te getree het. Datum van inwerkingtreding.

15. Hierdie Wet heet die Tweede Wysigingswet op Spoorweg- en Hawewette, 1969. Kort titel.

