



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

Price 10c Prys
Overseas 15c Oorsee
POST FREE—POSVRY

Vol. 48.]

CAPE TOWN, 30TH JUNE, 1969.

KAAPSTAD, 30 JUNIE 1969.

[No. 2463.]

DEPARTMENT OF THE PRIME MINISTER.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 1102. 30th June, 1969.

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

No. 98 of 1969: Pension Laws Amendment Act, 1969.

No. 1102. 30 Junie 1969.

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

No. 98 van 1969: Wysigingswet op die Pensioenwette, 1969.

Act No. 98, 1969

PENSION LAWS AMENDMENT ACT, 1969.

ACT

To repeal section 29 of the Workmen's Compensation Act, 1941, and section 47 of the Pension Laws Amendment Act, 1943; to amend the provisions of the Associated Institutions Pension Fund Act, 1963, relating to membership of and contributions to the fund established under that Act, and to the power to make regulations with retrospective effect; to amend the Government Service Pensions Act, 1965, so as to provide for the pension rights of persons employed in the Bureau for State Security; to amend the provisions of the last-mentioned Act relating to the ages for retirement of certain members of the Public Service Pension Fund, and so as to provide for the date of cessation of certain annuities in the case of death, for the increase of the rate of interest payable on certain moneys in the Government Employees' Provident Fund and for the pension rights of persons who were previously employed by any local authority and who become employees of the Government in certain circumstances; to amend the Parliamentary Service and Administrators' Pensions Act, 1965, so as to provide for the payment of an allowance to certain pensioners; to amend the definition of "revenue" in the Government non-White Employees Pensions Act, 1966; to amend the provisions of the Aged Persons Act, 1967, relating to the delegation of powers; to amend the provisions of the Pension Laws Amendment Act, 1968, relating to the bonus payable to persons in receipt of a military pension; to amend the provisions of the Provincial and the Territory Service Pension Act, 1969, relating to the ages for retirement of certain persons, and to make further provision in regard to the source from which certain benefits under that Act shall be payable; to increase the pensions payable in accordance with section 15 (3) of the Republic of South Africa Constitution Act, 1961; to provide for the pension rights of certain persons appointed under the Educational Services Act, 1967; to provide for assistance to persons in receipt of certain pensions; and to provide for incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 19th June, 1969.)

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

Repeal of
section 29 of
Act 30 of 1941.

1. (1) Subject to the provisions of subsection (2), section 29 of the Workmen's Compensation Act, 1941, is hereby repealed.
(2) Notwithstanding the repeal of the said section 29 by subsection (1), the provisions of that section shall continue to apply in relation to any workman who was in the employ of the Government (as defined in section 1 of the Government Service Pensions Act, 1965 (Act No. 62 of 1965)), and who—

(a) was retired or discharged from such employ with effect from any date prior to the first day of April,

WET

Om artikel 29 van die Ongevallewet, 1941, en artikel 47 van die Wysigingswet op die Pensioenwette, 1943, te herroep; om die bepalings van die Wet op die Pensioenfonds vir Geassosieerde Inrigtings, 1963, met betrekking tot lidmaatskap van en bydraes tot die fonds kragtens daardie Wet ingestel, en tot die bevoegdheid om regulasies met terugwerkende krag uit te vaardig, te wysig; om die Regeringsdienspensioenwet, 1965, te wysig om voorsiening te maak vir die pensioenregte van persone wat in die Buro vir Staatsveiligheid in diens is; om die bepalings van laasgenoemde Wet met betrekking tot die leeftye vir uitdienstreding van sekere lede van die Staatsdienspensioenfonds te wysig, en om voorsiening te maak vir die datum waarop sekere jaargelde in die geval van dood gestaak word, vir die verhoging van die koers waarteen rente op sekere gelde in die Regerings-werknemersondersteuningsfonds betaalbaar is en vir die pensioenregte van persone wat voorheen by 'n plaaslike bestuur in diens was en wat in sekere omstandighede werknemers van die Regering word; om die Wet op Pensioene vir Parlementsdiens en Administrateurs, 1965, te wysig om voorsiening te maak vir die betaling van 'n toelae aan sekere pensioenarisse; om die omskrywing van „inkomste” in die Wet op Pensioene vir Nie-blanke Regeringswerknemers, 1966, te wysig; om die bepalings van die Wet op Bejaarde Persone, 1967, met betrekking tot die delegering van bevoegdhede te wysig; om die bepalings van die Wysigingswet op die Pensioenwette, 1968, met betrekking tot die bonus betaalbaar aan persone wat 'n militêre pensioen ontvang, te wysig; om die bepalings van die Provinsiale en die Gebiedsdienstpensioenwet, 1969, met betrekking tot die leeftye vir uitdienstreding van sekere persone te wysig, en om verdere voorsiening te maak in verband met die bron waaruit sekere voordele ingevolge daardie Wet betaal moet word; om die pensioene te verhoog wat ooreenkomstig artikel 15 (3) van die Grondwet van die Republiek van Suid-Afrika, 1961, betaalbaar is; om voorsiening te maak vir die pensioenregte van sekere persone kragtens die Wet op Onderwysdienste, 1967, aangestel; om voorsiening te maak vir bystand aan persone wat sekere pensioene ontvang; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 19 Junie 1969.)*

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

1. (1) Artikel 29 van die Ongevallewet, 1941, word, behoudens die bepalings van subartikel (2), hierby herroep.
- (2) Ondanks die herroeping van die gemelde artikel 29 deur subartikel (1), bly die bepalings van daardie artikel van toepassing met betrekking tot 'n werksman wat in diens van die Regering (soos in artikel 1 van die Regeringsdienspensioenwet, 1965 (Wet No. 62 van 1965), omskryf) was en wat—
 - (a) met ingang van 'n datum voor die eerste dag van April 1969 uit sodanige diens afgedank of ontslaan is onder

Herroeping van
artikel 29 van
Wet 30 van 1941.

Act No. 98, 1969

PENSION LAWS AMENDMENT ACT, 1969.

1969, in circumstances entitling him to compensation under the said Workmen's Compensation Act, 1941; or
 (b) died, prior to the said day and prior to his retirement or discharge from such employ, in circumstances entitling his dependants to compensation under the last-mentioned Act.

(3) Subsection (1) shall be deemed to have come into operation on the first day of April, 1969.

Substitution of section 30 of Act 30 of 1941.

2. (1) The following section is hereby substituted for section 30 of the Workmen's Compensation Act, 1941:

"Compensation of workman entitled to pension to which employer contributes.

30. If a workman (other than a workman in the employ of the Government as defined in section 1 of the Government Service Pensions Act, 1965 (Act No. 62 of 1965)), who is entitled to compensation under this Act in respect of an accident, has received or will receive as compensation in respect of the same accident any pension or gratuity payable by the employer, or from a pension, superannuation or provident fund to which the employer has contributed, the commissioner may in his discretion, in determining the amount of the compensation to be awarded, have regard to any amount paid by the employer by way of such pension or gratuity or towards such fund in respect of such workman, and where the compensation is payable out of the accident fund the commissioner may reduce the assessment payable by the employer."

(2) Subsection (1) shall be deemed to have come into operation on the first day of April, 1969.

Amendment of section 31 of Act 30 of 1941, as amended by section 13 of Act 27 of 1945 and section 10 of Act 36 of 1949.

3. (1) Section 31 of the Workmen's Compensation Act, 1941, is hereby amended by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

"(1) Save as is provided in section 30, the commissioner may in his discretion, in awarding or revising the award of compensation in respect of permanent disablement or death—".

(2) Subsection (1) shall be deemed to have come into operation on the first day of April, 1969.

Repeal of section 47 of Act 33 of 1943.

4. (1) Section 47 of the Pension Laws Amendment Act, 1943, is hereby repealed.

(2) Subsection (1) shall be deemed to have come into operation on the first day of April, 1969.

Substitution of section 3 of Act 41 of 1963, as amended by section 14 of Act 26 of 1966.

5. The following section is hereby substituted for section 3 of the Associated Institutions Pension Fund Act, 1963:

"Membership of and contributions to the fund.

3. (1) Notwithstanding anything to the contrary contained in any law—

(a) every person appointed to the service of an associated institution in a permanent capacity on or after the specified date, shall, subject to the provisions of the regulations, become a member of and contribute to the fund;

(b) any person appointed to the service of an associated institution on or after the specified date in a temporary capacity or on contract for a fixed period, may at the request of the council concerned and with the approval of the Secretary be permitted to become a member of and

WYSIGINGSWET OP DIE PENSIOENWETTE, 1969.

Wet No. 98, 1969

- omstandighede wat hom op skadeloosstelling kragtens die gemelde Ongevallewet, 1941, geregtig maak; of
- (b) voor bedoelde dag en voor sy uitdienststeding of ontslag uit bedoelde diens te sterwe gekom het onder omstandighede wat sy afhanklikes op skadeloosstelling kragtens laasgenoemde Wet geregtig maak.

(3) Subartikel (1) word geag op die eerste dag van April 1969 in werking te getree het.

2. (1) Artikel 30 van die Ongevallewet, 1941, word hierby deur die volgende artikel vervang:

„Skadeloosstelling van werksman geregtig op pensioen waartoe werkgever bydra.

30. Indien 'n werksman (behalwe 'n werksman in diens van die Regering soos in artikel 1 van die Regeeringsdienspensioenwet, 1965 (Wet No. 62 van 1965), omskryf) wat ten opsigte van 'n ongeval op skadeloosstelling ingevolge hierdie Wet geregtig is, 'n pensioen of gratifikasie as skadeloosstelling ten opsigte van dieselfde ongeval ontvang het of sal ontvang wat deur die werkgever of uit 'n pensioen-, superannuasie- of ondersteuningsfonds waartoe die werkgever bygedra het, betaalbaar is, dan kan die kommissaris, by die vasstelling van die bedrag van die skadeloosstelling wat toegewys moet word, na goeddunke die waarde in ag neem van die werkgever se bydrae tot daardie pensioen of gratifikasie of tot bedoelde fonds ten opsigte van daardie werksman, en wanneer die skadeloosstelling uit die ongevallefonds betaalbaar is, kan die kommissaris die deur die werkgever betaalbare aanslag verminder.”.

Vervanging van artikel 30 van Wet 30 van 1941.

(2) Subartikel (1) word geag op die eerste dag van April 1969 in werking te getree het.

3. (1) Artikel 31 van die Ongevallewet, 1941, word hierby gewysig deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

„(1) Behoudens die bepalings van artikel 30, kan die kommissaris na goeddunke, by die toewysing van skadeloosstelling aan 'n werksman ten opsigte van blywende arbeidsongeskiktheid of dood of by die hersiening van so 'n toewysing—”.

Wysiging van artikel 31 van Wet 30 van 1941, soos gewysig deur artikel 13 van Wet 27 van 1945 en artikel 10 van Wet 36 van 1949.

(2) Subartikel (1) word geag op die eerste dag van April 1969 in werking te getree het.

4. (1) Artikel 47 van die Wysigingswet op die Pensioenwette, 1943, word hierby herroep.

Herroeping van artikel 47 van Wet 33 van 1943.

(2) Subartikel (1) word geag op die eerste dag van April 1969 in werking te getree het.

5. Artikel 3 van die Wet op die Pensioenfonds vir Geassosieerde Inrigtings, 1963, word hierby deur die volgende artikel vervang:

„Lidmaatskap van en bydraes tot die fonds.

3. (1) Ondanks andersluidende wetsbepalings—

(a) moet elke persoon wat op of na die bepaalde datum in 'n permanente hoedanigheid in diens by 'n geassosieerde inrigting aangestel word, behoudens die bepalings van die regulasies, 'n lid van die fonds word en daartoe bydra;

(b) kan 'n persoon wat op of na die bepaalde datum in 'n tydelike hoedanigheid of op kontrak vir 'n bepaalde tydperk in diens by 'n geassosieerde inrigting aangestel word, op versoek van die betrokke raad en met goedkeuring van die Sekretaris toegelaat word om lid van die voor-

Vervanging van artikel 3 van Wet 41 van 1963, soos gewysig deur artikel 14 van Wet 26 van 1966.

Act No. 98, 1969

PENSION LAWS AMENDMENT ACT, 1969.

to contribute to the university institutions provident fund;

- (c) no person appointed to the service of an associated institution on or after the specified date shall become a member of or contribute to the technical colleges provident fund.

(2) No person referred to in subsection (1) (a) or (b) shall become a member of or contribute to any pension or provident fund or scheme which has been established by the associated institution concerned and to which such institution is contributing.

(3) Nothing in subsection (2) contained shall be construed as—

- (a) precluding any person referred to therein from becoming, on a voluntary basis, a member of and paying premiums to a group insurance scheme approved by the Minister for members of the associated institution concerned;
- (b) precluding the council concerned from contributing to such scheme in respect of any person who has so become a member thereof: Provided that the amount so contributed in respect of any such person during any period shall not exceed the premium paid to such scheme for the period in question by the person concerned, and that moneys paid to the associated institution or council concerned out of moneys appropriated by Parliament, shall not be utilized for the payment of any such contribution.”.

Substitution
of section 6 of
Act 41 of 1963.

6. (1) The following section is hereby substituted for section 6 of the Associated Institutions Pension Fund Act, 1963:

“Certain regulations may be made with retrospective effect. 6. Any regulation or any amendment to a regulation, other than an amendment which increases the rate at which contributions shall be made to the fund or which decreases the amount of any benefits payable may be made with retrospective effect from a date not earlier than the date of commencement of this Act.”.

(2) Subsection (1) shall be deemed to have come into operation on the first day of April, 1968.

Amendment of
section 1 of
Act 62 of 1965,
as amended by
section 17 of Act
91 of 1967 and
section 38 of
Act 67 of 1968.

7. Section 1 of the Government Service Pensions Act, 1965, is hereby amended by the substitution for the definition of “police force” of the following definition:

““police force” means the Force referred to in section 2 of the Police Act, 1958 (Act No. 7 of 1958), with the exception of members of the Police Reserve of Officers or the Reserve Police Force and special constables, and includes persons employed in the Bureau for State Security referred to in the Public Service Act, 1957;”.

Amendment of
section 5 of
Act 62 of 1965,
as amended by
section 18 of Act
91 of 1967 and
section 7 of Act
79 of 1968.

8. Section 5 of the Government Service Pensions Act, 1965, is hereby amended by the substitution for paragraph (c) of subsection (4) of the following paragraph:

“(c) the South African Police and Prisons Service Pension Fund or the Additional Benefits Account, shall be made in consultation with the minister responsible for the Bureau for State Security, with the Minister of Finance, with the Minister of Police and with the Minister of Prisons and on the recommendation of the Commission;”.

WYSIGINGSWET OP DIE PENSIOENWETTE, 1969.

Wet No. 98, 1969

sorgfonds vir universiteitsinrigtings te word en daartoe by te dra;

- (c) mag niemand wat op of na die bepaalde datum in diens by 'n geassosieerde inrigting aangestel word, lid van die voorsorgfonds vir tegniese kolleges word of daartoe bydra nie.

(2) Niemand in subartikel (1) (a) of (b) bedoel, word 'n lid van of dra by tot 'n pensioen- of voorsorgfonds of -skema wat deur die betrokke geassosieerde inrigting ingestel is en waartoe sodanige inrigting bydra nie.

(3) Subartikel (2) word nie so uitgelê nie dat dit—

- (a) 'n daarin bedoelde persoon belet om op 'n vrywillige grondslag 'n lid te word van en premies te betaal aan 'n groepassuransieskema wat deur die Minister vir lede van die betrokke geassosieerde inrigting goedgekeur is; of
- (b) die betrokke raad belet om tot sodanige skema by te dra ten opsigte van iemand wat aldus 'n lid daarvan geword het: Met dien verstande dat die bedrag gedurende een of ander tydperk ten opsigte van so 'n persoon aldus bygedra, nie die premie wat vir die betrokke tydperk deur die betrokke persoon aan sodanige fonds betaal is, oorskry nie, en dat gelde wat aan die betrokke geassosieerde inrigting of raad betaal is uit gelde wat deur die Parlement bewillig is, nie vir die betaling van so 'n bydrae aangewend word nie.”.

6. (1) Artikel 6 van die Wet op die Pensioenfonds vir Geassosieerde Inrigtings, 1963, word hierby deur die volgende artikel vervang:

Vervanging van artikel 6 van Wet 41 van 1963.

„Sekere regulasies kan met terugwerkende krag uitgevaardig word.

6. 'n Regulasie of 'n wysiging van 'n regulasie, behalwe 'n wysiging wat die skaal verhoog waarvolgens bydraes tot die fonds gemaak moet word, of wat die bedrag van voordele betaalbaar verminder, kan uitgevaardig word met terugwerkende krag vanaf 'n datum wat nie vroeër as die datum van inwerkingtreding van hierdie Wet is nie.”.

(2) Subartikel (1) word geag op die eerste dag van April 1968 in werking te getree het.

7. Artikel 1 van die Regeringsdienspensioenwet, 1965, word hierby gewysig deur die omskrywing van „polisiemag” deur die volgende omskrywing te vervang:

Wysiging van artikel 1 van Wet 62 van 1965, soos gewysig deur artikel 17 van Wet 91 van 1967 en artikel 38 van Wet 67 van 1968.

„„polisiemag” die Mag in artikel 2 van die Polisiewet, 1958 (Wet No. 7 van 1958), bedoel (maar uitgesonderd die lede van die Polisereserwe van Offisiere of die Reserwepolisiemag en spesiale konstabels), en ook persone in diens by die Buro vir Staatsveiligheid in die Staatsdienswet, 1957, bedoel;”.

8. Artikel 5 van die Regeringsdienspensioenwet, 1965, word hierby gewysig deur paragraaf (c) van subartikel (4) deur die volgende paragraaf te vervang:

Wysiging van artikel 5 van Wet 62 van 1965, soos gewysig deur artikel 18 van Wet 91 van 1967 en artikel 7 van Wet 79 van 1968.

„(c) wat die Suid-Afrikaanse Polisie- en Gevangenisdienspensioenfonds of die Bykomstige Voordelerekening raak, moet in oorleg met die minister wat verantwoordelik is vir die Buro vir Staatsveiligheid, met die Minister van Finansies, met die Minister van Polisie en met die Minister van Gevangenis en op aanbeveling van die Kommissie uitgevaardig word;”.

Act No. 98, 1969

PENSION LAWS AMENDMENT ACT, 1969.

Amendment of
section 6 of
Act 62 of 1965.

9. Section 6 of the Government Service Pensions Act, 1965, is hereby amended—

(a) by the substitution for paragraph (c) of subsection (13) of the following paragraph:

“(c) a member who in the circumstances described in section 13 of the Pensions Act and in terms of any regulation which prior to the first day of April, 1969, corresponded to that section, became liable, prior to the said day, to contribute to the Public Service Pension Fund and who would, but for the repeal of the Pensions Act by this Act, have complied with the requirements of subparagraphs (i) and (ii) and subparagraph (iii) or (iv) of section 26 (9) (b) of the Pensions Act: Provided that for the purpose of this paragraph any election made in terms of such regulation shall be deemed to have been made in terms of section 13 of the Pensions Act;” and

(b) by the addition to subsection (13) of the following paragraph:

“(f) a member who in the circumstances described in subsection (1) of section 13 of the Pensions Act and in terms of any regulation which corresponds to that subsection, became or becomes liable on or after the first day of April, 1969, to contribute to the Public Service Pension Fund, if—

- (i) prior to the date on which he so became or becomes liable he was a member of a pension or provident fund administered under a pension law referred to in that subsection; and
- (ii) his past pensionable service under such pension law commenced from a date prior to the twenty-fourth day of June, 1955, and is, in terms of any regulation relating to the Public Service Pension Fund, reckoned as pensionable service for the purposes of that fund; and
- (iii) on the date on which he became liable to contribute to such pension or provident fund under such pension law or, if he is a person to whom section 4 (1) (a) (i) of the Provincial and the Territory Service Pension Act, 1969 (Act No. 14 of 1969), applies, on the date on which he became liable to contribute to a fund referred to in the definition of “provincial or the territory pension fund” in section 1 of that Act, or (if he so became liable more than once) on the date on which he last so became liable, he would have become a contributor to the old fund had he been appointed to a post in the public service on that date; or
- (iv) such past pensionable service includes a period of continuous pensionable service in the public service during which he was a contributor to the old fund.”.

Amendment of
section 8 of
Act 62 of 1965.

10. Section 8 of the Government Service Pensions Act, 1965, is hereby amended by the insertion after subsection (3) of the following subsection:

WYSIGINGSWET OP DIE PENSIOENWETTE, 1969.

Wet No. 98, 1969

9. Artikel 6 van die Regeringsdienspensioenwet, 1965, word hierby gewysig—

Wysiging van
artikel 6 van
Wet 62 van 1965.

(a) deur paragraaf (c) van subartikel (13) deur die volgende paragraaf te vervang:

„(c) 'n lid wat in die in artikel 13 van die Pensioenwet aangeduide omstandighede en ingevolge 'n regulasie wat voor die eerste dag van April 1969 met daardie artikel ooreengestem het, voor bedoelde dag onder die verpligting gekom het om tot die Staatsdiens-pensioenfonds by te dra en wat, indien die Pensioenwet nie deur hierdie Wet herroep was nie, aan die vereistes van subparagrafe (i) en (ii) en subparagraaf (iii) of (iv) van artikel 26 (9) (b) van die Pensioenwet sou voldoen het: Met dien verstande dat, by die toepassing van hierdie paragraaf, 'n keuse uitgeoefen ingevolge sodanige regulasie, geag word ingevolge artikel 13 van die Pensioenwet uitgeoefen te gewees het;” en

(b) deur die volgende paragraaf by subartikel (13) te voeg:

„(f) 'n lid wat in die in subartikel (1) van artikel 13 van die Pensioenwet aangeduide omstandighede en ingevolge 'n regulasie wat met daardie subartikel ooreenstem, op of na die eerste dag van April 1969 onder die verpligting gekom het of kom om tot die Staatsdiens-pensioenfonds by te dra, indien—

(i) hy voor die datum waarop hy aldus onder verpligting gekom het of kom, 'n lid was van 'n pensioen- of voorsorgfonds wat ingevolge 'n in daardie subartikel bedoelde pensioenwet uitgevoer word; en

(ii) sy vorige pensioengewende diens ingevolge sodanige pensioenwet vanaf 'n datum voor die vier-en-twintigste dag van Junie 1955 'n aanvang geneem het en ingevolge 'n regulasie betreffende die Staatsdienspensioenfonds as pensioengewende diens vir die doeleindes van daardie fonds gereken word; en

(iii) hy, op die datum waarop hy kragtens sodanige pensioenwet onder die verpligting gekom het om tot bedoelde pensioen- of voorsorgfonds by te dra of, indien hy iemand is op wie artikel 4 (1) (a) (i) van die Provinsiale en die Gebiedsdienpensioenwet, 1969 (Wet No. 14 van 1969), van toepassing is, op die datum waarop hy onder die verpligting gekom het om by te dra tot 'n fonds bedoel in die omskrywing van „provinsiale of die gebiedspensioenfonds” in artikel 1 van daardie Wet, of (indien hy meer as een maal aldus onder die verpligting gekom het) op die datum waarop hy die laaste maal aldus onder die verpligting gekom het, 'n bydraer tot die ou fonds sou geword het indien hy op daardie datum in 'n pos in die staatsdiens aangestel was; of

(iv) bedoelde vorige pensioengewende diens 'n tydperk van ononderbroke pensioengewende diens in die staatsdiens insluit waartydens hy 'n bydraer tot die ou fonds was.”

10. Artikel 8 van die Regeringsdienspensioenwet, 1965, word hierby gewysig deur na subartikel (3) die volgende subartikel in te voeg:

Wysiging van
artikel 8 van
Wet 62 van 1965.

Act No. 98, 1969

PENSION LAWS AMENDMENT ACT 1969.

“(3A) The provisions of subsection (3) shall, notwithstanding anything to the contrary contained in any law, *mutatis mutandis* apply in respect of a member who is employed in the Bureau for State Security and—

- (a) who, immediately prior to the date on which he was or is transferred to the said Bureau, was a member of the Public Service Pension Fund, the Permanent Force Pension Fund or the New Railways and Harbours Superannuation Fund referred to in section 3 of the Railways and Harbours Superannuation Fund Act, 1960 (Act No. 39 of 1960), or of any other pension or provident fund under any pension law (other than this Act) administered by the Minister; and
- (b) who was appointed with effect from any date prior to the fixed date to employment in respect of which he became liable to contribute to the fund in question; and
- (c) whose period of pensionable service as a member of the fund in question from the date of such appointment to the date of such transfer was in fact continuous,

as if the said member had been appointed to the police force with effect from the date of his appointment to the employment referred to in paragraph (b).”.

Insertion of section 17A in Act 62 of 1965.

11. The following section is hereby inserted in the Government Service Pensions Act, 1965, after section 17:

“Cessation date of annuities. 17A. Any annuity under this Act or any other law relating to a pension fund or scheme administered by the Minister shall, notwithstanding anything to the contrary contained in any law, be payable up to and including the last day of the month in which the annuitant concerned dies.”.

Amendment of section 21 of Act 62 of 1965.

12. Section 21 of the Government Service Pensions Act, 1965, is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:

“(b) if for any reason thereafter he ceases to be employed in the public service, the said amount, together with interest at the rate of five per cent per annum, compounded annually as at the thirty-first day of March and calculated from the date such amount was placed to his credit in the said Government Employees’ Provident Fund and up to the date upon which payment is made, shall, notwithstanding anything to the contrary contained in any regulation relating to the said Government Employees’ Provident Fund, be paid from the last-mentioned fund to him or his legal representative or his estate, as the case may be.”.

Insertion of section 22A in Act 62 of 1965.

13. The following section is hereby inserted in the Government Service Pensions Act, 1965, after section 22:

“Employee of a local authority becoming employee of the Government. 22A. (1) Whenever—
 (a) any undertaking or activity of a local authority, or any power or function of a local authority in connection with the provision of any service or the administration of any area, is taken over by the Government or an authority or body established by or under an Act of Parliament; or
 (b) any such undertaking, activity, power or function ceases to be controlled, exercised or performed by such local authority by reason of any action taken in terms of an Act of Parliament; and

WYSIGINGSWET OP DIE PENSIOENWETTE, 1969.

Wet No. 98, 1969

„(3A) Die bepalings van subartikel (3) is ondanks andersluidende wetsbepalings *mutatis mutandis* van toepassing ten opsigte van 'n lid wat in diens is by die Buro vir Staatsveiligheid en—

- (a) wat onmiddellik voor die datum waarop hy na die gemelde Buro oorgeplaas is of word, 'n lid was van die Staatsdiens-pensioenfonds, die Staandemag-pensioenfonds of die Nuwe Spoorweg- en Hawesuperannuasiefonds in artikel 3 van die Wet op die Spoorweg- en Hawesuperannuasiefonds, 1960 (Wet No. 39 van 1960), bedoel of van 'n ander pensioen- of voorsorgfonds ingevolge 'n pensioenwet (behalwe hierdie Wet) wat deur die Minister uitgevoer word; en
- (b) wat met ingang van 'n datum voor die vasgestelde datum aangestel is in diens ten opsigte waarvan hy onder die verpligting gekom het om tot die betrokke fonds by te dra; en
- (c) wie se tydperk van pensioengewende diens as 'n lid van die betrokke fonds werklik ononderbroke was vanaf die datum van sodanige aanstelling tot die datum van sodanige oorpasing,

asof bedoelde lid met ingang van die datum van sy aanstelling in die in paragraaf (b) bedoelde diens in die polisiemag aangestel was.”.

11. Die volgende artikel word hierby in die Regeringsdiens-pensioenwet, 1965, na artikel 17 ingevoeg:

„Stakings-
datum van
jaargelde.

17A. 'n Jaargeld kragtens hierdie Wet of 'n ander wet betreffende 'n pensioenfonds of -skema wat deur die Minister uitgevoer word, is ondanks andersluidende wetsbepalings, betaalbaar tot en met die laaste dag van die maand waarin die betrokke persoon wat die jaargeld trek, te sterwe kom.”.

Invoeging van
artikel 17A in
Wet 62 van 1965.

12. Artikel 21 van die Regeringsdienspensioenwet, 1965, word hierby gewysig deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:

- „(b) word bedoelde bedrag, indien sy diens in die staatsdiens daarna om enige rede beëindig word, ondanks andersluidende bepalings van enige regulasie wat betrekking het op bedoelde Regerings-werknemersondersteuningsfonds, tesame met rente teen die koers van vyf persent per jaar, jaarliks op die een-en-dertigste dag van Maart saamgestel en bereken vanaf die datum waarop bedoelde bedrag tot sy kredit in bedoelde Regerings-werknemersondersteuningsfonds geplaas is en tot die datum waarop betaling geskied, uit laasgenoemde fonds aan hom of sy regsverteenvoerder of sy boedel, na gelang van die geval, betaal.”.

Wysiging van
artikel 21 van
Wet 62 van 1965.

13. Die volgende artikel word hierby in die Regeringsdiens-pensioenwet, 1965, na artikel 22 ingevoeg:

„Werknemer
van 'n
plaaslike
bestuur
word
werknemer
van die
Regering.

22A. (1) Wanneer—

- (a) 'n onderneming of bedrywigheid van 'n plaaslike bestuur, of 'n bevoegdheid of werksaamheid van 'n plaaslike bestuur in verband met die verskaffing van 'n diens of die administrasie van 'n gebied, oorgeneem word deur die Regering of 'n gesag of liggaam by of kragtens 'n Parlements-wet ingestel; of
- (b) so 'n onderneming, bedrywigheid, bevoegdheid of werksaamheid ophou, weens stappe ingevolge 'n Parlementswet gedoen, om deur sodanige plaaslike bestuur beheer, uitgeoefen of verrig te word; en

Invoeging van
artikel 22A
in Wet 62 van
1965.

Act No. 98, 1969

PENSION LAWS AMENDMENT ACT, 1969.

- (c) any person who, immediately before the date on which such undertaking, activity, power or function is so taken over or ceases to be so controlled, exercised or performed, was in the employ of such local authority in or in connection with the undertaking or activity in question or the provision of the service or administration of the area in question and was a member of a municipal pension fund, is or is deemed to have been appointed to a post in the public service and becomes a member of the Public Service Pension Fund as from that date,

the period of such person's service recognized as pensionable under the rules or ordinance governing such municipal pension fund shall, notwithstanding anything to the contrary contained in any law, be reckoned as pensionable service for the purposes of the Public Service Pension Fund.

(2) If such person is appointed as from the said date to full-time employment under the Government in respect of which he is not liable to contribute to the Public Service Pension Fund or any other fund referred to in section 2 (1), he shall—

- (a) if he is a White person, become a member of and contribute to the Government Employees' Provident Fund as from that date; or
- (b) if he is a non-White person, become a member of and contribute to the Government Non-White Employees' Pension Fund as from that date,

and the period of his service recognized as pensionable under the rules or ordinance governing the municipal pension fund of which he was a member shall, notwithstanding anything to the contrary contained in any law, be reckoned as pensionable service for the purposes of the fund of which he becomes a member in terms of paragraph (a) or (b).

(3) Notwithstanding anything to the contrary in the said rules or ordinance, there shall be paid from the municipal pension fund concerned to the Public Service Pension Fund, the Government Employees' Provident Fund or the Government Non-White Employees' Pension Fund, as the case may be, an amount equal to the transfer value which would have been payable in terms of such rules or ordinance if the person concerned had been transferred or directly appointed to the service of another local authority having a different municipal pension fund or associated with a different municipal pension fund.

(4) If, in the case of a person to whom subsection (1) applies, the transfer value payable in terms of subsection (3) is more than the amount which, in terms of the regulations governing the Public Service Pension Fund, would have been payable to that fund if—

- (a) on the said date such person had been transferred to the public service from employment in respect of which he was subject to the Provincial and the Territory Service Pension Act, 1969 (Act No. 14 of 1969);
- (b) the said municipal pension fund were the fund established by the said Act; and

WYSIGINGSWET OP DIE PENSIOENWETTE, 1969.

Wet No. 98, 1969

(c) iemand wat onmiddellik voor die datum waarop sodanige onderneming, bedrywigheid, bevoegdheid of werksaamheid aldus oorgeneem word of ophou om aldus beheer, uitgeoefen of verrig te word, in die diens van sodanige plaaslike bestuur was in of in verband met die betrokke onderneming of bedrywigheid of die verskaffing van die betrokke diens of die administrasie van die betrokke gebied, en 'n lid van 'n munisipale pensioenfonds was, met ingang van daardie datum in 'n pos in die staatsdiens aangestel word of geag word aangestel te gewees het en 'n lid van die Staatsdiens-pensioenfonds word, word, ondanks andersluidende wetsbepalings, die tydperk van sodanige persoon se diens wat kragtens die reëls of ordonnansie betreffende sodanige munisipale pensioenfonds as pensioengewend erken word, as pensioengewende diens gereken vir die doeleindes van die Staatsdiens-pensioenfonds.

(2) Indien sodanige persoon met ingang van die gemelde datum aangestel word in heeltidse diens onder die Regering ten opsigte waarvan hy nie verplig is om by te dra tot die Staatsdiens-pensioenfonds of 'n ander fonds in artikel 2 (1) bedoel nie, word hy—

(a) indien hy 'n blanke persoon is, 'n lid van die Regerings-werknemersondersteuningsfonds en dra hy daartoe by met ingang van daardie datum; of

(b) indien hy 'n nie-blanke persoon is, 'n lid van die Pensioenfonds vir Nie-blanke Regeringswerknemers en dra hy daartoe by met ingang van daardie datum,

en die tydperk van sy diens wat as pensioengewend erken word kragtens die reëls of ordonnansie betreffende die munisipale pensioenfonds waarvan hy 'n lid was, word ondanks andersluidende wetsbepalings as pensioengewende diens gereken vir die doeleindes van die fonds waarvan hy ingevolge paragraaf (a) of (b) 'n lid word.

(3) Ondanks andersluidende bepalinge van die gemelde reëls of ordonnansie, word daar uit die betrokke munisipale pensioenfonds aan die Staatsdienspensioenfonds, die Regerings-werknemersondersteuningsfonds of die Pensioenfonds vir Nie-blanke Regeringswerknemers, na gelang van die geval, 'n bedrag betaal gelyk aan die oordragwaarde wat kragtens daardie reëls of ordonnansie betaalbaar sou gewees het indien die betrokke persoon oorgeplaas was na, of regstreeks aangestel was in, die diens van 'n ander plaaslike owerheid wat 'n ander munisipale pensioenfonds het of met 'n ander munisipale pensioenfonds geassosieer is.

(4) Indien die oordragwaarde ingevolge subartikel (3) betaalbaar, in die geval van 'n persoon op wie subartikel (1) van toepassing is, groter is as die bedrag wat kragtens die regulasies betreffende die Staatsdiens-pensioenfonds aan daardie fonds betaalbaar sou gewees het as—

(a) sodanige persoon op die gemelde datum na die staatsdiens oorgeplaas was uit diens ten opsigte waarvan hy aan die Provinsiale en die Gebiedsdienspensioenwet, 1969 (Wet No. 14 van 1969), onderworpe was;

(b) die gemelde munisipale pensioenfonds die fonds was wat by bedoelde Wet ingestel is; en

Act No. 98, 1969

PENSION LAWS AMENDMENT ACT, 1969.

(c) his service recognized as pensionable under the said rules or ordinance were pensionable service for the purposes of the fund so established, an amount equal to the excess shall be paid from the Public Service Pension Fund—

(i) if such person is a male person and the said rules or ordinance makes provision for the payment of annuities out of the municipal pension fund concerned to the widows of members thereof, to the Government Service Widows' Pension Fund; or

(ii) in circumstances other than those contemplated in paragraph (i), to the person concerned; and if, in such a case, the amount of such transfer value is less than the amount which would have been so payable, an amount equal to the deficiency shall be paid from revenue to the Public Service Pension Fund.

(5) If, in the case of a person to whom subsection (2) applies, the transfer value payable in terms of subsection (3) is more than an amount which, in terms of the regulations governing the Government Employees' Provident Fund or the Government Non-White Employees' Pension Fund, would have been payable to either of those funds if—

(a) on the said date such person had been transferred from employment in respect of which he was subject to the Provincial and the Territory Service Pension Act, 1969, to employment under the Government in respect of which he was liable to contribute to the fund in question; and

(b) the said municipal pension fund were the fund established by the said Act; and

(c) such person's service recognized as pensionable under the said rules or ordinance were pensionable service for the purposes of the fund so established,

an amount equal to the excess shall be paid to such person.

(6) There shall be added to any amount payable in terms of subsection (3), (4) or (5) interest at the rate of four and one-half per cent per annum, compounded annually as at the thirty-first day of March and calculated from the date on which the person concerned became a member of the Public Service Pension Fund, the Government Employees' Provident Fund or the Government Non-White Employees' Pension Fund in terms of subsection (1) or (2), up to the date of payment.

(7) If any person in respect of whom an amount has been paid from revenue to the Public Service Pension Fund in terms of subsection (4), dies before his retirement from the public service without leaving a dependant to or in respect of whom a benefit is payable in terms of the regulations governing that fund, or resigns voluntarily from the public service or is discharged from the public service on account of misconduct or resigns or is called upon to resign from such service in order to avoid such discharge, there shall be deducted from any amount payable to his estate or to him in terms of the said regulations, and repaid to revenue, an amount equal to the amount so paid to that fund.

(8) Any person in respect of whom an amount has been paid to the Government Service Widows' Pension Fund in terms of subsection (4) (i) shall, for

WYSIGINGSWET OP DIE PENSIOENWETTE, 1969.

Wet No. 98, 1969

(c) sy diens wat ingevolge die gemelde reëls of ordonnansie as pensioengewend erken is, vir die doeleindes van die aldus ingestelde fonds pensioengewende diens was,

word 'n bedrag gelyk aan die oorskot uit die Staatsdiens-pensioenfonds betaal—

(i) indien sodanige persoon 'n manspersoon is en die gemelde reëls of ordonnansie vir die betaling van jaargelde uit die betrokke munisipale pensioenfonds aan weduwees van lede daarvan voorsiening maak, aan die Regeringsdiens-weduweespensioenfonds; of

(ii) in ander omstandighede as dié in paragraaf (i) bedoel, aan die betrokke persoon;

en indien die bedrag van sodanige oordragwaarde in so 'n geval kleiner is as die bedrag wat aldus betaalbaar sou gewees het, word 'n bedrag gelyk aan die tekort uit inkomste aan die Staatsdiens-pensioenfonds betaal.

(5) Indien die oordragwaarde ingevolg subartikel (3) betaalbaar, in die geval van 'n persoon op wie subartikel (2) van toepassing is, groter is as 'n bedrag wat ingevolge die regulasies betreffende die Regeringswerknemersondersteuningsfonds of die Pensioenfonds vir Nie-blanke Regeringswerknemers aan die een of die ander van daardie fondse betaalbaar sou gewees het as—

(a) sodanige persoon op die gemelde datum uit diens ten opsigte waarvan hy aan die Provinsiale en die Gebiedsdienspensioenwet, 1969, onderworpe was, oorgeplaas is na diens onder die Regering ten opsigte waarvan hy verplig was om tot die betrokke fonds by te dra; en

(b) bedoelde munisipale pensioenfonds die fonds was wat by bedoelde Wet ingestel is; en

(c) sodanige persoon se diens wat ingevolge die gemelde reëls of ordonnansie as pensioengewend erken is, vir die doeleindes van die aldus ingestelde fonds pensioengewende diens was, word 'n bedrag gelyk aan die oorskot aan sodanige persoon betaal.

(6) Daar word by 'n bedrag ingevolge subartikel (3), (4) of (5) betaalbaar, rente gevoeg teen vier en 'n half persent per jaar, jaarliks saamgestel op die een-en-dertigste dag van Maart en bereken vanaf die datum waarop die betrokke persoon ingevolge subartikel (1) of (2) 'n lid geword het van die Staatsdiens-pensioenfonds, die Regeringswerknemersondersteuningsfonds of die Pensioenfonds vir Nie-blanke Regeringswerknemers, tot op die datum van betaling.

(7) Indien iemand ten opsigte van wie 'n bedrag ooreenkomstig subartikel (4) uit inkomste aan die Staatsdiens-pensioenfonds betaal is, voor sy uitdienstreding uit die staatsdiens sterf sonder dat hy 'n afhanklike agterlaat aan of ten opsigte van wie 'n voordeel ingevolge die regulasies betreffende daardie fonds betaalbaar is, of vrywillig uit die staatsdiens bedank of uit die staatsdiens ontslaan word weens wangedrag of bedank of aangesê word om uit sodanige diens te bedank ten einde sodanige ontslag te vermy, word daar van 'n bedrag wat ingevolge die gemelde regulasies aan sy boedel of aan hom betaalbaar is, 'n bedrag gelyk aan die bedrag wat aldus aan daardie fonds betaal is, afgetrek en aan inkomste terugbetaal.

(8) Iemand ten opsigte van wie 'n bedrag ingevolge subartikel (4) (i) aan die Regeringsdiens-weduweespensioenfonds betaal is, word, by die

Act No. 98, 1969

PENSION LAWS AMENDMENT ACT, 1969.

the purpose of calculating any annuity which may become payable to his widow from that fund, be deemed to have commenced to contribute to the said fund on the date of commencement of his pensionable service recognized as pensionable under the rules or ordinance governing the municipal pension fund of which he was a member.

(9) If any person contemplated in subsection (8) ceases to be a member of the Government Service Widows' Pension Fund prior to his death, there shall be paid to him out of that fund, in addition to any other benefit to which he may be entitled in terms of the regulations governing the said fund, an amount equal to the amount which in terms of subsection (4) (i) was paid to that fund in respect of him.

(10) If any person contemplated in subsection (8) dies without leaving a widow and while he is a member of the Government Service Widows' Pension Fund, there shall be added to any benefit which, in terms of the regulations governing that fund, may be payable to his children, step-children or legally adopted children, an amount equal to the amount which in terms of subsection (4) (i) was paid to that fund in respect of him.

(11) For the purposes of this section—

- (i) "Government Employees' Provident Fund" means the Government Employees' Provident Fund referred to in section 2 (3);
- (ii) "Government Non-White Employees' Pension Fund", means the Government Non-White Employees' Pension Fund established under section 2 of the Government non-White Employees' Pensions Act, 1966 (Act No. 42 of 1966);
- (iii) "Government Service Widows' Pension Fund" means the Government Service Widows' Pension Fund referred to in section 2 (2);
- (iv) "local authority" means any municipal, city, town, village or divisional council or any village management or local board or any similar board or body recognized by the Minister as a local authority for the purposes of this section;
- (v) "municipal pension fund" means any superannuation, pension or provident fund or scheme (other than an insurance scheme) established by a local authority, or by or under any ordinance, for the benefit of the employees of one or more local authorities;
- (vi) "ordinance" means any ordinance of any province or the territory, and includes any proclamation issued by the Administrator of the territory."

Insertion of
section 29A in
Act 85 of 1965.

14. (1) The following section is hereby inserted in the Parliamentary Service and Administrators' Pensions Act, 1965, after section 29:

"Allowance payable to certain pensioners.

29A. (1) Every person who was formerly a member and who is in respect of his pensionable service as such a member in receipt of a pension under a law repealed by this Act, shall be paid an allowance which shall be calculated—

WYSIGINGSWET OP DIE PENSIOENWETTE, 1969.

Wet No. 98, 1969

berekening van 'n jaargeld wat uit daardie fonds aan sy weduwee betaalbaar word, geag te begin het om tot bedoelde fonds by te dra op die datum waarop sy pensioengewende diens begin het wat ingevolge die reëls of ordonnansie betreffende die munisipale pensioenfondse waarvan hy 'n lid was, as pensioengewend erken is.

(9) Indien iemand in subartikel (8) bedoel, voor sy dood ophou om 'n lid van die Regeringsdiens-weduweespensioenfondse te wees, word, benewens 'n ander voordeel waarop hy ingevolge die regulasies betreffende die gemelde fonds geregtig is, 'n bedrag uit daardie fonds aan hom betaal wat gelyk is aan die bedrag wat ingevolge subartikel (4) (i) ten opsigte van hom aan daardie fonds betaal is.

(10) Indien iemand in subartikel (8) bedoel, sterf sonder om 'n weduwee agter te laat en terwyl hy 'n lid van die Regeringsdiens-weduweespensioenfondse is, word daar by 'n voordeel wat kragtens die regulasies betreffende daardie fonds aan sy kinders, stiefkinders of wettig aangenome kinders betaalbaar is, 'n bedrag gevoeg wat gelyk is aan die bedrag wat ingevolge subartikel (4) (i) ten opsigte van hom aan daardie fonds betaal is.

(11) By die toepassing van hierdie artikel beteken—

- (i) „munisipale pensioenfondse” 'n superannuasie-, pensioen-, ondersteunings- of voorsorgfondse of -skema (uitgesonderd 'n assuranceskema) deur 'n plaaslike bestuur, of by of kragtens 'n ordonnansie, ingestel ten voordele van die werknemers van een of meer plaaslike besture;
- (ii) „ordonnansie” 'n ordonnansie van 'n provinsie of die gebied, en ook 'n proklamasie deur die Administrateur van die gebied uitgevaardig;
- (iii) „Pensioenfondse vir Nie-blanke Regeringswerknemers” die Pensioenfondse vir Nie-blanke Regeringswerknemers kragtens artikel 2 van die Wet op Pensioene vir Nie-blanke Regeringswerknemers, 1966 (Wet No. 42 van 1966), ingestel;
- (iv) „plaaslike bestuur” 'n munisipale, stads-, dorps- of afdelingsraad, of 'n dorpsbestuurs- of plaaslike raad of 'n soortgelyke raad of liggaam deur die Minister vir die doeleindes van hierdie artikel as 'n plaaslike bestuur erken;
- (v) „Regeringsdiens-weduweespensioenfondse” die Regeringsdiens-weduweespensioenfondse in artikel 2 (2) vermeld;
- (vi) „Regerings-werknemersondersteuningsfondse” die Regerings-werknemersondersteuningsfondse in artikel 2 (3) vermeld.”

14. (1) Die volgende artikel word hierby in die Wet op Pensioene vir Parlementsdiens en Administrateurs, 1965, na artikel 29 ingevoeg: Invoeging van artikel 29A in Wet 85 van 1965.

„Toelae betaalbaar aan sekere pensio-naris.

29A. (1) Aan elke persoon wat voorheen 'n lid was en wat kragtens 'n wet wat deur hierdie Wet herroep is, 'n pensioen ontvang ten opsigte van sy pensioengewende diens as so 'n lid, word 'n toelae betaal wat—

Act No. 98, 1969

PENSION LAWS AMENDMENT AC 1969.

- (a) if such person last ceased to be a member prior to the first day of July, 1956, at the rate of twenty-five rand for each complete year of his pensionable service not exceeding twenty years;
- (b) if such person last ceased to be a member on or after the first day of July, 1956, but prior to the first day of June, 1965, at the rate of thirty-seven rand and fifty cents for each complete year of his pensionable service not exceeding twenty years:

Provided that if the allowance so calculated together with such pension amounts to less than twelve hundred rand per annum, the allowance payable shall be increased to make up the shortfall.

(2) Every female person (other than a female person to whom subsection (3) applies) who is in receipt of or becomes entitled to a pension under any such law by virtue of the fact that she is or was the widow of a person who ceased to be a member prior to the first day of June, 1965, shall be paid an allowance which shall be calculated—

- (a) if the last-mentioned person last ceased to be a member prior to the first day of July, 1956, at the rate of sixteen rand and seventy cents for each complete year of that person's pensionable service not exceeding twenty years;
- (b) if that person last ceased to be a member on or after the first day of July, 1956, but prior to the first day of June, 1965, at the rate of twenty-five rand for each complete year of that person's pensionable service not exceeding twenty years:

Provided that if the allowance so calculated together with such pension amounts to less than eight hundred rand per annum, the allowance payable shall be increased to make up the shortfall.

(3) Every female person who is in receipt of a pension under any such law by virtue of the fact that she is or was the widow of a person who held the office of Prime Minister and who ceased to be a member prior to the first day of June, 1965, shall be paid an allowance at the rate of twelve hundred rand per annum.

(4) If any person who is in receipt of an allowance in terms of subsection (1) again becomes a member, such allowance shall cease to be payable with effect from the date on which he so again becomes a member.

(5) If any person who is in receipt of an allowance in terms of subsection (2) or (3) becomes a member, the said allowance shall cease to be paid or payable to her during the period of her service as a member.”.

(2) Subsection (1) shall be deemed to have come into operation on the first day of April, 1969.

Amendment of section 1 of Act 42 of 1966, as amended by section 39 of Act 67 of 1968.

15. Section 1 of the Government non-White Employees Pensions Act, 1966, is hereby amended by the addition to the definition of “revenue” of the word “or” and thereafter the following paragraph:

“(e) in respect of non-White persons who have in terms of paragraph (b) of the definition of “non-White employee” been declared to be non-White employees of the Government and who are serving under, or have

WYSIGINGSWET OP DIE PENSIOENWETTE, 1969.

Wet No. 98, 1969

- (a) indien bedoelde persoon voor die eerste dag van Julie 1956 die laaste maal opgehou het om 'n lid te wees, bereken word teen vyf-en-twintig rand vir elke voltooide jaar van sy pensioengewende diens maar hoogstens twintig jaar;
- (b) indien bedoelde persoon op of na die eerste dag van Julie 1956 maar voor die eerste dag van Junie 1965 die laaste maal opgehou het om 'n lid te wees, bereken word teen sewe-en-dertig rand en vyftig sent vir elke voltooide jaar van sy pensioengewende diens maar hoogstens twintig jaar:

Met dien verstande dat indien die aldus berekende toelae tesame met bedoelde pensioen minder as twaalfhonderd rand per jaar bedra, die toelae betaalbaar verhoog word om die tekort aan te vul.

(2) Aan elke vroulike persoon (behalwe 'n vroulike persoon op wie subartikel (3) van toepassing is) wat kragtens so 'n wet 'n pensioen ontvang of daarop geregtig word uit hoofde van die feit dat sy die weduwee is of was van 'n persoon wat voor die eerste dag van Junie 1965 opgehou het om 'n lid te wees, word 'n toelae betaal wat—

- (a) indien laasgenoemde persoon voor die eerste dag van Julie 1956 die laaste maal opgehou het om 'n lid te wees, bereken word teen sestien rand en sewentig sent vir elke voltooide jaar van daardie persoon se pensioengewende diens maar hoogstens twintig jaar;
- (b) indien daardie persoon op of na die eerste dag van Julie 1956 maar voor die eerste dag van Junie 1965 die laaste maal opgehou het om 'n lid te wees, bereken word teen vyf-en-twintig rand vir elke voltooide jaar van daardie persoon se pensioengewende diens maar hoogstens twintig jaar:

Met dien verstande dat indien die aldus berekende toelae tesame met bedoelde pensioen, minder as agthonderd rand per jaar bedra, die toelae betaalbaar verhoog word om die tekort aan te vul.

(3) Aan elke vroulike persoon wat kragtens so 'n wet 'n pensioen ontvang uit hoofde van die feit dat sy die weduwee is of was van iemand wat die amp van Eerste Minister bekleed het en wat voor die eerste dag van Junie 1965 opgehou het om 'n lid te wees, word 'n toelae betaal teen die skaal van twaalfhonderd rand per jaar.

(4) Indien iemand wat kragtens subartikel (1) 'n toelae ontvang, weer 'n lid word, word bedoelde toelae met ingang van die datum waarop hy aldus weer 'n lid word, nie meer aan hom betaal nie.

(5) Indien iemand wat kragtens subartikel (2) of (3) 'n toelae ontvang 'n lid word, word bedoelde toelae gedurende die tydperk van haar diens as lid nie aan haar betaal nie en is dit nie aan haar betaalbaar nie.”

(2) Subartikel (1) word geag in werking te getree het op die eerste dag van April 1969.

15. Artikel 1 van die Wet op Pensioene vir Nie-blanke Regeringswerknemers, 1966, word hierby gewysig deur die woord „of” en daarna die volgende paragraaf by die omskrywing van „inkomste” te voeg:

- „(e) met betrekking tot nie-blanke persone wat ingevolge paragraaf (b) van die omskrywing van „nie-blanke werknemer” tot nie-blanke werknemers van die Regering verklaar is en wat in diens is by, of uitgetree

Wysiging van artikel 1 van Wet 42 van 1966, soos gewysig deur artikel 39 van Wet 67 van 1968.

Act No. 98, 1969

PENSION LAWS AMENDMENT ACT, 1969.

been retired or discharged from service under any body or organization and, whilst so serving, are or have been remunerated by such body or organization out of its moneys or revenues, such moneys or revenues;”.

Amendment of section 18 of Act 81 of 1967.

16. (1) Section 18 of the Aged Persons Act, 1967, is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) The Secretary may, with the approval of the Minister, authorize any officer in the department of State of which the Secretary is the head, and with the approval of the Minister concerned, any officer in any other department of State, to exercise on behalf of the Secretary any power conferred upon him by this Act.”.

(2) Subsection (1) shall be deemed to have come into operation on the first day of October, 1968.

Amendment of section 15 of Act 79 of 1968.

17. (1) Section 15 of the Pension Laws Amendment Act, 1968, is hereby amended by the addition of the following subsection:

“(3) If any person was immediately before the date of commencement of this section in receipt of a pension, allowance or clothing grant referred to in subsection (1) as well as a pension or allowance under the Old Age Pensions Act, 1962 (Act No. 38 of 1962), the Blind Persons Act, 1962 (Act No. 39 of 1962), the War Veterans’ Pensions Act, 1962 (Act No. 40 of 1962), the Disability Grants Act, 1962 (Act No. 41 of 1962), or the Children’s Act, 1960 (Act No. 33 of 1960), the payment to him of a bonus in terms of subsection (1) shall not affect his right to the last-mentioned pension or allowance, and for the purpose of determining whether such person continues to be entitled, after the said date, to that pension or allowance or to a pension or allowance under the Aged Persons Act, 1967 (Act No. 81 of 1967), the War Veterans’ Pensions Act, 1968 (Act No. 25 of 1968), the Blind Persons Act, 1968 (Act No. 26 of 1968), the Disability Grants Act, 1968 (Act No. 27 of 1968), or the Children’s Act, 1960 (Act No. 33 of 1960), the said bonus shall be deemed not to be means or income.”.

(2) Subsection (1) shall be deemed to have come into operation on the first day of October, 1968.

Amendment of section 5 of Act 14 of 1969.

18. (1) Section 5 of the Provincial and the Territory Service Pension Act, 1969, is hereby amended—

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

“Provided that—

- (a) subject to the provisions of paragraph (c), no age under fifty-five years may be so prescribed;
- (b) different ages may be so prescribed for different classes or categories of persons;
- (c) the age so prescribed in respect of a member who has made the election referred to in section 6 (1), shall not exceed the minimum age at which he had the right to retire on pension in terms of any law applicable to him immediately before the fixed date.”;

(b) by the substitution in subsection (4) for the words preceding paragraph (a) of the following words:

“(4) If a member, other than a member who has made the election referred to in section 6 (1), retires

WYSIGINGSWET OP DIE PENSIOENWETTE, 1969.

Wet No. 98, 1969

het of ontslaan is uit diens van, 'n liggaam of organisasie en, terwyl hulle aldus in diens is of was, deur sodanige liggaam of organisasie uit sy geld of inkomste besoldig word of is, sodanige geld of inkomste;”.

16. (1) Artikel 18 van die Wet op Bejaarde Persone, 1967, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

Wysiging van artikel 18 van Wet 81 van 1967.

„(2) Die Sekretaris kan, met die goedkeuring van die Minister, 'n beamppte in die Staatsdepartement waarvan die Sekretaris die hoof is, en met die goedkeuring van die betrokke Minister, 'n beamppte in 'n ander Staatsdepartement, magtig om namens die Sekretaris 'n bevoegdheid uit te oefen wat by hierdie Wet aan hom verleen word.”.

(2) Subartikel (1) word geag op die eerste dag van Oktober 1968 in werking te getree het.

17. (1) Artikel 15 van die Wysigingswet op die Pensioenwette, 1968, word hierby gewysig deur die volgende subartikel by te voeg:

Wysiging van artikel 15 van Wet 79 van 1968.

„(3) Indien iemand onmiddellik voor die datum van inwerkingtreding van hierdie artikel sowel 'n pensioen, toelaag of kleretoeëkennung in subartikel (1) bedoel as 'n pensioen of toelaag ingevolge die Ouderdomspensioenwet, 1962 (Wet No. 38 van 1962), die Wet op Blindes, 1962 (Wet No. 39 van 1962), die Wet op Oudstryderspensioene, 1962 (Wet No. 40 van 1962), die Wet op Ongeskiktheidstoelaes, 1962 (Wet No. 41 van 1962), of die Kinderwet, 1960 (Wet No. 33 van 1960), ontvang het, raak die betaling aan hom van 'n bonus ingevolge subartikel (1) nie sy reg op die laasgenoemde pensioen of toelaag nie, en by die bepaling van die vraag of bedoelde persoon na die gemelde datum geregtig bly op daardie pensioen of toelaag of op 'n pensioen of toelaag ingevolge die Wet op Bejaarde Persone, 1967 (Wet No. 81 van 1967), die Wet op Oudstryderspensioene, 1968 (Wet No. 25 van 1968), die Wet op Blindes, 1968 (Wet No. 26 van 1968), die Wet op Ongeskiktheidstoelaes, 1968 (Wet No. 27 van 1968), of die Kinderwet, 1960 (Wet No. 33 van 1960), word die gemelde bonus geag nie middele of inkomste te wees nie.”.

(2) Subartikel (1) word geag op die eerste dag van Oktober 1968 in werking te getree het.

18. (1) Artikel 5 van die Provinsiale en die Gebiedsdiensoensioenwet, 1969, word hierby gewysig—

Wysiging van artikel 5 van Wet 14 van 1969.

(a) deur die voorbehoudbepaling by subartikel (1) deur die volgende voorbehoudbepaling te vervang:

„Met dien verstande dat—

(a) behoudens die bepalings van paragraaf (c), geen leeftyd onder vyf-en-vyftig jaar aldus voorgeskryf mag word nie;

(b) verskillende leeftye vir verskillende klasse of kategorieë van persone aldus voorgeskryf kan word;

(c) die leeftyd aldus voorgeskryf ten opsigte van 'n lid wat die in artikel 6 (1) bedoelde keuse gedoen het, nie die minimum leeftyd oorskry nie waarop hy die reg gehad het om met pensioen af te tree ingevolge 'n wetsbepaling wat onmiddellik voor die vasgestelde datum op hom van toepassing was.”;

(b) deur in subartikel (4) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

„(4) Indien 'n lid, behalwe 'n lid wat die in artikel 6 (1) bedoelde keuse gedoen het, om 'n ander rede as

Act No. 98, 1969

PENSION LAWS AMENDMENT ACT, 1969.

or is retired for any reason other than his ill-health before he has attained the pensionable age referred to in subsection (3) of this section—”;

- (c) by the substitution for subsection (5) of the following subsection:

“(5) If the pension of a member, other than a member retired in terms of subsection (2) of this section or a member who has made the election referred to in section 6 (1), has in terms of the regulations been increased, owing to his retirement, before he has attained such pensionable age, for any prescribed reason other than his own unfitness or incapacity, such increase shall be paid out of revenue.”; and

- (d) by the substitution for the proviso to subsection (6) of the following proviso:

“Provided that in the application of subsection (2) to a member of the Fund employed as a teacher, the Administrator of the province concerned or of the territory, as the case may be, may in exceptional circumstances, if such member has attained the age of fifty-five years on any day of any month, direct that he be retired on pension on the first day of any ensuing month.”.

(2) Subsection (1) shall be deemed to have come into operation on the first day of April, 1969.

Amendment of
section 6 of Act
14 of 1969.

19. (1) Section 6 of the Provincial and the Territory Service Pension Act, 1969, is hereby amended by the addition to subsection (4) of the following proviso:

“Provided that where a member who has made the election referred to in subsection (1), retires or is retired or discharged for any reason other than his ill-health before he has attained the age of fifty-five years—

- (a) any annuity payable to him shall be paid out of revenue up to and including the last day of the month in which he attains the age of fifty-five years, and shall thereafter be payable from the Fund;
- (b) any gratuity payable to him shall be paid partly from the Fund and partly out of revenue in accordance with tables recommended by an actuary and approved by the Secretary.”.

(2) Subsection (1) shall be deemed to have come into operation on the first day of April, 1969.

Increase of
certain pensions.

20. (1) The pension payable to any person in accordance with section 15 (3) of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), is hereby increased by twelve hundred rand per annum.

(2) Subsection (1) shall be deemed to have come into operation on the first day of April, 1969.

Pension rights of
certain persons
appointed to
schools or sub-
sidized schools
under Act 41
of 1967.

21. (1) Notwithstanding anything to the contrary contained in any law but subject to the provisions of subsections (2), (3), (4) and (5), any person—

- (a) who immediately prior to the first day of April, 1969, was employed at the Open Air Government School, Durban, the Uplands Government School, Pietermaritzburg, the Meerhof Special School, Transvaal, the Meerhof Hospital, Transvaal, or the Hope Homes School, Johannesburg; and

- (b) who, with effect from that day—

(i) has in terms of section 16 of the Educational Services Act, 1967 (Act No. 41 of 1967), been appointed for service at a school as defined in section 1 of that Act; or

WYSIGINGSWET OP DIE PENSIOENWETTE, 1969.

Wet No. 98, 1969

sy swak gesondheid aftree of afgedank word voordat hy die in subartikel (3) van hierdie artikel bedoelde pensioenleef tyd bereik het, word—”;

- (c) deur subartikel (5) deur die volgende subartikel te vervang:

„(5) Indien die pensioen van 'n ander lid as 'n lid wat ingevolge subartikel (2) van hierdie artikel afgedank is of 'n lid wat die in artikel 6 (1) bedoelde keuse gedoen het, ingevolge die regulasies verhoog is omdat hy, voordat hy bedoelde pensioenleef tyd bereik het, om 'n ander voorgeskrewe rede as sy eie ongeskiktheid of onvermoë afgedank is, word sodanige verhoging uit inkomste betaal.”; en

- (d) deur die voorbehoudsbepaling by subartikel (6) deur die volgende voorbehoudsbepaling te vervang:

„Met dien verstande dat, by die toepassing van subartikel (2) op 'n lid van die Fonds wat as 'n onderwyser dien, die Administrateur van die betrokke provinsie of van die gebied, na gelang van die geval, in uitsonderlike omstandighede kan gelas dat die betrokke lid, indien hy die leef tyd van vyf-en-vyftig jaar op enige dag van 'n maand bereik het, op die eerste dag van 'n daaropvolgende maand met pensioen afgedank word.”.

- (2) Subartikel (1) word geag op die eerste dag van April 1969 in werking te getree het.

19. (1) Artikel 6 van die Provinsiale en die Gebiedsdiens-pensioenwet, 1969, word hierby gewysig deur die volgende voorbehoudsbepaling by subartikel (4) te voeg:

Wysiging van artikel 6 van Wet 14 van 1969.

„Met dien verstande dat waar 'n lid wat die keuse in subartikel (1) bedoel, gedoen het, om 'n ander rede as sy swak gesondheid aftree of afgedank of ontslaan word voordat hy die leef tyd van vyf-en-vyftig jaar bereik het—

- (a) 'n jaargeld wat aan hom betaalbaar is, tot en met die laaste dag van die maand waarin hy die leef tyd van vyf-en-vyftig jaar bereik uit inkomste en daarna uit die Fonds betaal word;

- (b) 'n gratifikasie wat aan hom betaalbaar is, deels uit die Fonds en deels uit inkomste betaal word ooreenkomstig tabelle wat deur 'n aktuaris aanbeveel en deur die Sekretaris goedgekeur is.”.

- (2) Subartikel (1) word geag op die eerste dag van April 1969 in werking te getree het.

20. (1) Die pensioen wat ooreenkomstig artikel 15 (3) van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), aan iemand betaalbaar is, word hierby met twaalfhonderd rand per jaar verhoog.

Verhoging van sekere pensioene.

- (2) Subartikel (1) word geag op die eerste dag van April 1969 in werking te getree het.

21. (1) Ondanks andersluidende wetsbepalings maar behoudens die bepaling van subartikels (2), (3), (4) en (5), behou iemand—

Pensioenregte van sekere persone wat ingevolge Wet 41 van 1967 by skole of ondersteunde skole aangestel is.

- (a) wat onmiddellik voor die eerste dag van April 1969 in diens was by die Opelug-staatskool, Durban, die Uplands-staatskool, Pietermaritzburg, die Meerhof Spesiale Skool, Transvaal, die Meerhof-hospitaal, Transvaal, of die Hope Homes-skool, Johannesburg; en

- (b) wat met ingang van daardie dag—

- (i) ingevolge artikel 16 van die Wet op Onderwysdienste, 1967 (Wet No. 41 van 1967), vir diens by 'n skool soos in artikel 1 van daardie Wet omskryf, aangestel is; of

Act No. 98, 1969

PENSION LAWS AMENDMENT ACT, 1969.

(ii) has in terms of section 18 of the said Act, been appointed for service at a subsidized school as defined in the said section 1, shall retain all the rights and privileges and remain subject to all the obligations acquired or incurred by him for retirement and pension purposes under any pension law which applied in respect of him immediately prior to the said day, and such pension law shall for such purposes continue to apply in respect of him.

(2) As from the first day of April, 1969—

- (i) any contributions, interest or other amount which in terms of such pension law would have been payable by such person to any pension or provident fund, shall be paid to the Provincial and the Territory Service Pension Fund referred to in section 2 (1) of the Provincial and the Territory Service Pension Act, 1969 (Act No. 14 of 1969);
- (ii) any contributions, interest or other amount which in terms of such pension law would have been payable from a provincial revenue fund to any such pension or provident fund in respect of such person, shall be paid to the said Provincial and the Territory Service Pension Fund out of moneys appropriated by Parliament for the purpose;
- (iii) any benefit which in terms of such pension law would have been payable from such pension or provident fund to or in respect of such person, shall be paid out of the said Provincial and the Territory Service Pension Fund;
- (iv) any benefit which in terms of such pension law would have been payable from a provincial revenue fund to or in respect of such person, shall be paid out of moneys appropriated by Parliament for the purpose.

(3) Any person to whom subsection (1) of this section applies may elect in writing, within ninety days after the date on which he is called upon by the Secretary for Social Welfare and Pensions to do so or within such further period as the said Secretary may in special circumstances allow, to be released from all the obligations and to relinquish all the rights and privileges referred to in that subsection and to become a member of the Public Service Pension Fund referred to in section 2 (1) of the Government Service Pensions Act, 1965 (Act No. 62 of 1965).

(4) Any person who has so elected—

- (a) shall become a member of the said Public Service Pension Fund with effect from the first day of the month immediately following the month in which the election was made; and
- (b) shall, for the purposes of the law governing the said fund and any other applicable pension law, be deemed to have been transferred with effect from that day from pensionable employment at a provincial school to employment in respect of which he is required to contribute to that fund.

(5) If any person—

- (a) who, immediately prior to the first day of April, 1969, was employed at the Hope Training Home, Johannesburg, or the Uplands Orthopaedic Home, Pietermaritzburg, and was a member of the Cripples Care Association of the Transvaal Pension Fund; and
- (b) who, with effect from that day, has in terms of section 18 of the Educational Services Act, 1967, been appointed for service at a subsidized school as defined in section 1 of that Act,

became a member of and contributes to the said Public Service Pension Fund as from that day, the period of his service recognized as pensionable under the rules of the said Cripples Care Association of the Transvaal Pension Fund shall be reckoned as pensionable service for the purposes of the said Public Service Pension Fund, and there shall be paid to the said Public Service Pension Fund from the said Cripples Care

WYSIGINGSWET OP DIE PENSIOENWETTE, 1969.

Wet No. 98, 1969

(ii) ingevolge artikel 18 van bedoelde Wet vir diens by 'n ondersteunde skool soos in bedoelde artikel 1 omskryf, aangestel is, al die regte en voorregte en bly hy onderhewig aan al die verpligtings wat hy vir uitdienstredings- en pensioendoeleindes verkry of opgeloopt het kragtens 'n pensioenwet wat onmiddellik voor bedoelde dag ten opsigte van hom van toepassing was, en sodanige pensioenwet hou vir sodanige doeleindes aan om ten opsigte van hom van toepassing te wees.

(2) Vanaf die eerste dag van April 1969—

- (i) word enige bydraes, rente of ander bedrag wat ingevolge sodanige pensioenwet deur so iemand aan 'n pensioen- of voorsorgfonds betaalbaar sou gewees het, betaal aan die Provinsiale en die Gebiedsdienspensioenfonds in artikel 2 (1) van die Provinsiale en die Gebiedsdienspensioenwet, 1969 (Wet No. 14 van 1969), bedoel;
- (ii) word enige bydraes, rente of ander bedrag wat ingevolge sodanige pensioenwet uit 'n provinsiale inkomstefonds ten opsigte van so iemand aan so 'n pensioen- of voorsorgfonds betaalbaar sou gewees het, aan die gemelde Provinsiale en die Gebiedsdienspensioenfonds betaal uit gelde deur die Parlement vir die doel bewillig;
- (iii) word 'n voordeel wat ingevolge sodanige pensioenwet uit so 'n pensioen- of voorsorgfonds aan of ten opsigte van so iemand betaalbaar sou gewees het, betaal uit die gemelde Provinsiale en die Gebiedsdienspensioenfonds;
- (iv) word 'n voordeel wat ingevolge sodanige pensioenwet uit 'n provinsiale inkomstefonds aan of ten opsigte van so iemand betaalbaar sou gewees het, betaal uit gelde deur die Parlement vir die doel bewillig.

(3) Iemand op wie subartikel (1) van hierdie artikel van toepassing is, kan binne negentig dae na die datum waarop hy deur die Sekretaris van Volkswelsyn en Pensioene aangesê word om dit te doen of binne die verdere tydperk wat die gemelde Sekretaris in buitengewone omstandighede toelaat, skriftelik kies om onthef te word van al die verpligtings en afstand te doen van al die regte en voorregte in daardie subartikel bedoel, en om 'n lid te word van die Staatsdiens-pensioenfonds in artikel 2 (1) van die Regeringsdienspensioenwet, 1965 (Wet No. 62 van 1965), bedoel.

(4) Iemand wat aldus gekies het—

- (a) word, vanaf die eerste dag van die maand wat onmiddellik volg op die maand waarin die keuse gedoen is, 'n lid van die gemelde Staatsdiens-pensioenfonds; en
- (b) word, by die toepassing van die wetsbepalings betreffende die gemelde fonds en enige ander toepaslike pensioenwet, geag met ingang van daardie dag van pensioengewende diens by 'n provinsiale skool oorgeplaas te gewees het na diens ten opsigte waarvan hy verplig is om tot daardie fonds by te dra.

(5) Indien iemand—

- (a) wat onmiddellik voor die eerste dag van April 1969 in diens was by die Hope Opleidings-tehuis, Johannesburg, of die Uplands Ortopediese-tehuis, Pietermaritzburg, en 'n lid was van die „Cripples Care Association of the Transvaal Pension Fund”; en
- (b) wat met ingang van daardie dag ingevolge artikel 18 van die Wet op Onderwysdienste, 1967, vir diens by 'n ondersteunde skool soos in artikel 1 van daardie Wet omskryf, aangestel is,

met ingang van daardie dag 'n lid geword het van en bydra tot die gemelde Staatsdiens-pensioenfonds, word die tydperk van sy diens wat kragtens die statute van die gemelde „Cripples Care Association of the Transvaal Pension Fund” as pensioengewend erken is, vir die doeleindes van bedoelde Staatsdiens-pensioenfonds as pensioengewende diens gereken, en word daar uit bedoelde „Cripples Care Association of the Transvaal Pension

Act No. 98, 1969

PENSION LAWS AMENDMENT ACT, 1969.

Association of the Transvaal Pension Fund and from the Consolidated Revenue Fund in such proportions as the Secretary for Social Welfare and Pensions may determine—

- (i) an amount equal to 3·29 times the contributions which would have been payable by such person to the said Public Service Pension Fund during the said period if during that period he had been a member of such fund and had contributed at the rate of contributions in force on the said day; and
 - (ii) in respect of each completed year of the said period, an amount equal to two and one-half per cent of the amount payable in terms of paragraph (i), and in respect of any remaining part of that period, 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 such remaining part bears to three hundred and sixty-five.
- (6) The provisions of this section shall be deemed to have come into operation on the first day of April, 1969.

Assistance to
persons in receipt
of certain pensions.

22. (1) (a) Any person who—

- (i) under any law administered by the Minister of Social Welfare and Pensions is in receipt of a civil pension in respect of the former service of such person or any other person in the employ of the Government or of the Government of any part of South Africa now included in the Republic; or
 - (ii) was an officer in the public service or other person in the employ of the Government and was, on his retirement, granted a pension under such law or any other law approved by the said Minister for the purposes of this subparagraph in respect of bodily injury or ill-health arising out of and in the course of his employment; or
 - (iii) is in receipt of a pension granted to him, under a law referred to in subparagraph (ii), as the dependant of a person who was an officer in the public service or other person in the employ of the Government who died as a result of any bodily injury sustained or an illness contracted in the circumstances described in that subparagraph; or
 - (iv) is a former official of the Senate, the House of Assembly or the Joint Parliamentary Establishment and is in receipt of a pension in respect of his service as such official; or
 - (v) is the widow of an official referred to in subparagraph (iv) and is in receipt of a pension in respect of the service of such official,
- may be paid an allowance in accordance with such rates and subject to such conditions as the said Minister in consultation with the Minister of Finance may from time to time determine.
- (b) Different rates or conditions may be so determined in respect of persons belonging to different races, classes or categories.
- (2) (a) Subject to the provisions of paragraph (b) of this subsection, every pension referred to in subsection (1) (a) shall be increased by an amount equal to five per cent of that pension and any reference in any pension law to such a pension shall be deemed to be a reference to that pension as so increased.
- (b) The provisions of paragraph (a) shall not apply in respect of any pension which became or becomes payable with effect from any date after the thirty-first day of March, 1969, under—

WYSIGINGSWET OP DIE PENSIOENWETTE, 1969.

Wet No. 98, 1969

Fund" en uit die Gekonsolideerde Inkomstefonds, volgens die verhouding wat die Sekretaris van Volkswelsyn en pensioene bepaal, in bedoelde Staatsdiens-pensioenfonds gestort—

- (i) 'n bedrag gelyk aan 3·29 maal die bydraes wat deur bedoelde persoon gedurende die gemelde tydperk aan bedoelde Staatsdiens-pensioenfonds betaalbaar sou gewees het as hy gedurende daardie tydperk 'n lid van daardie fonds was en bygedra het teen die koers van bydraes van krag op die gemelde dag; en
 - (ii) ten opsigte van elke volle jaar van die gemelde tydperk, 'n bedrag gelyk aan twee en 'n half persent van die bedrag wat ingevolge paragraaf (i) betaalbaar is, en ten opsigte van 'n oorblywende deel van daardie tydperk, 'n bedrag gelyk aan 'n persentasie van die aldus betaalbare bedrag wat tot twee en 'n half persent in dieselfde verhouding staan as die verhouding waarin die aantal dae in sodanige oorblywende deel tot driehonderd vyf-en-sestig staan.
- (6) Die bepalings van hierdie artikel word geag op die eerste dag van April 1969 in werking te getree het.

22. (1) (a) Aan iemand wat—

Bystand aan
persone wat
sekere pensioene
ontvang.

- (i) ten opsigte van sy vorige diens of dié van 'n ander persoon by die Regering of die Regering van 'n deel van Suid-Afrika tans in die Republiek opgeneem, 'n siviele pensioen ontvang kragtens een of ander wet wat deur die Minister van Volkswelsyn en Pensioene uitgevoer word; of
 - (ii) 'n amptenaar in die staatsdiens of ander persoon in diens van die Regering was en aan wie by sy uitdienstreding 'n pensioen ingevolge so 'n wet of 'n ander wet wat deur die gemelde Minister goedgekeur is vir die doeleindes van hierdie subparagraaf, toegeken is ten opsigte van 'n liggaamlike besering of swak gesondheid wat uit en in die loop van sy diens ontstaan het; of
 - (iii) 'n pensioen wat ingevolge 'n wet in subparagraaf (ii) bedoel aan hom toegeken is, ontvang as die afhanklike van iemand wat 'n amptenaar in die staatsdiens of ander persoon in diens van die Regering was en oorlede is as gevolg van 'n liggaamlike besering of siekte wat opgedoen is onder die omstandighede in daardie subparagraaf omskryf; of
 - (iv) 'n voormalige beampte van die Senaat, die Volksraad of die Gesamentlike Parlementêre Diens is en 'n pensioen ontvang ten opsigte van sy diens as sodanige beampte; of
 - (v) die weduwee van 'n in subparagraaf (iv) bedoelde beampte is en 'n pensioen ontvang ten opsigte van die diens van sodanige beampte,
- kan 'n toelae betaal word ooreenkomstig die skale en onderworpe aan die voorwaardes wat bedoelde Minister in oorleg met die Minister van Finansies van tyd tot tyd bepaal.
- (b) Verskillende skale of voorwaardes kan ten opsigte van persone van verskillende rasse, klasse of kategorieë aldus bepaal word.
- (2) (a) Elke in subartikel (1) (a) bedoelde pensioen word, behoudens die bepalings van paragraaf (b) van hierdie subartikel, verhoog met 'n bedrag gelyk aan vyf persent van daardie pensioen en 'n verwysing in 'n pensioenwet na so 'n pensioen word geag 'n verwysing na daardie pensioen soos aldus verhoog, te wees.
- (b) Die bepalings van paragraaf (a) is nie van toepassing nie ten opsigte van 'n pensioen wat met ingang van 'n datum na die een-en-dertigste dag van Maart 1969 betaalbaar geword het of word kragtens—

Act No. 98, 1969

PENSION LAWS AMENDMENT ACT, 1969.

- (i) any regulation made in terms of section 9 of the Simonstown Naval Base Employees' Transfer Act, 1956 (Act No. 72 of 1956);
 - (ii) any regulation made under section 5 of the Government Service Pensions Act, 1965 (Act No. 62 of 1965);
 - (iii) any regulation made under section 2 of the Government non-White Employees' Pensions Act, 1966 (Act No. 42 of 1966); or
 - (iv) any other pension law designated by the Minister of Social Welfare and Pensions for the purposes of this paragraph.
- (3) Where a pension or portion of a pension which is increased in terms of subsection (2) (a)—
- (a) is payable from a pension fund, the amount by which such pension or portion of a pension is so increased, shall be charged to the pension fund in question;
 - (b) is payable from revenue, the amount by which such pension or portion of a pension is so increased, shall be charged to revenue;
 - (c) is payable from more than one revenue fund, there shall be charged to each such revenue fund so much of the amount by which such pension or portion of a pension is so increased as the Secretary for Social Welfare and Pensions may determine.
- (4) (a) Any person who is in receipt of a pension referred to in subsection (1) (a) may, during the continuance of that pension, be paid a bonus equal to such percentage of that pension as the Minister of Social Welfare and Pensions in consultation with the Minister of Finance may from time to time determine.
- (b) Different percentages may be so determined in respect of persons belonging to different classes or categories.
- (c) Any bonus payable to any person in terms of this subsection shall be charged to revenue: Provided that if the pension or any portion of the pension of such person is payable from a pension fund, such portion of the bonus as the Minister of Social Welfare and Pensions in consultation with the Minister of Finance may from time to time determine, shall be charged to the pension fund in question and the balance of that bonus shall be charged to revenue.
- (5) For the purpose of subsections (3) and (4)—
- (a) "revenue" means—
 - (i) save as provided in subparagraph (ii), revenue as defined in section 1 of the Government Service Pensions Act, 1965;
 - (ii) in relation to any person who has retired or has been retired or discharged from employment at or in connection with any native school or Bantu school as defined in section 1 of the Bantu Education Act, 1953 (Act No. 47 of 1953), the Bantu Education Account referred to in section 20 of the Exchequer and Audit Act, 1956 (Act No. 23 of 1956);
 - (b) "revenue fund" means—
 - (i) save as provided in subparagraph (ii), a revenue fund referred to in the definition of "revenue" in section 1 of the Government Service Pensions Act, 1965;
 - (ii) in relation to a person referred to in paragraph (a) (ii), the said Bantu Education Account;
 - (c) "pension fund" means—
 - (i) a fund referred to in section 2 (1) or (2) of the Government Service Pensions Act, 1965;

WYSIGINGSWET OP DIE PENSIOENWETTE, 1969.

Wet No. 98, 1969

- (i) 'n regulasie uitgevaardig kragtens artikel 9 van die Wet op Oorplasing van Werknemers by die Vlootbasis Simonstad, 1956 (Wet No. 72 van 1956);
 - (ii) 'n regulasie uitgevaardig kragtens artikel 5 van die Regeringsdienspensioenwet, 1965 (Wet No. 62 van 1965);
 - (iii) 'n regulasie uitgevaardig kragtens artikel 2 van die Wet op Pensioene vir Nie-blanke Regeringswerknemers, 1966 (Wet No. 42 van 1966); of
 - (iv) 'n ander pensioenwet deur die Minister van Volkswelsyn en Pensioene aangewys vir die doeleindes van hierdie paragraaf.
- (3) Waar 'n pensioen of deel van 'n pensioen wat ingevolge subartikel (2) (a) verhoog word—
- (a) uit 'n pensioenfonds betaalbaar is, word die bedrag waarmee sodanige pensioen of deel van 'n pensioen aldus verhoog word, teen die betrokke pensioenfonds in rekening gebring;
 - (b) uit inkomste betaalbaar is, word die bedrag waarmee sodanige pensioen of deel van 'n pensioen aldus verhoog word, teen inkomste in rekening gebring;
 - (c) uit meer as een inkomstefonds betaalbaar is, word daar teen elke sodanige inkomstefonds soveel van die bedrag waarmee sodanige pensioen of deel van 'n pensioen aldus verhoog word, in rekening gebring as wat die Sekretaris van Volkswelsyn en Pensioene bepaal.
- (4) (a) Aan iemand wat 'n in subartikel (1) (a) bedoelde pensioen ontvang, kan daar, terwyl daardie pensioen voortduur, 'n bonus betaal word gelyk aan die persentasie van daardie pensioen wat die Minister van Volkswelsyn en Pensioene in oorleg met die Minister van Finansies bepaal.
- (b) Verskillende persentasies kan aldus bepaal word ten opsigte van persone van verskillende klasse of kategorieë.
- (c) 'n Bonus wat ingevolge hierdie subartikel aan iemand betaalbaar is, word teen inkomste in rekening gebring: Met dien verstande dat indien die pensioen of 'n deel van die pensioen van sodanige persoon uit 'n pensioenfonds betaalbaar is, die deel van die bonus wat die Minister van Volkswelsyn en Pensioene in oorleg met die Minister van Finansies van tyd tot tyd bepaal, teen die betrokke pensioenfonds in rekening gebring word, en die oorskot van daardie bonus teen inkomste in rekening gebring word.
- (5) By die toepassing van subartikels (3) en (4)—
- (a) beteken „inkomste”—
 - (i) behoudens die bepalings van subparagraaf (ii), inkomste soos omskryf in artikel 1 van die Regeringsdienspensioenwet, 1965;
 - (ii) met betrekking tot iemand wat uitgetree het of ontslaan is uit diens by of in verband met 'n naturelleskool of Bantoeskool soos omskryf in artikel 1 van die Wet op Bantoe-onderwys, 1953 (Wet No. 47 van 1953), die Bantoe-onderwysrekening in artikel 20 van die Skatkis- en Ouditwet, 1956 (Wet No. 23 van 1956), bedoel;
 - (b) beteken „inkomstefonds”—
 - (i) behoudens die bepalings van subparagraaf (ii), 'n fonds in die omskrywing van „inkomste” in artikel 1 van die Regeringsdienspensioenwet, 1965, bedoel;
 - (ii) met betrekking tot 'n in paragraaf (a) (ii) bedoelde persoon, die gemelde Bantoe-onderwysrekening;
 - (c) beteken „pensioenfonds”—
 - (i) 'n fonds in artikel 2 (1) of (2) van die Regeringsdienspensioenwet, 1965, bedoel;

Act No. 98, 1969**PENSION LAWS AMENDMENT ACT, 1969.**

- (ii) the Additional Benefits Account referred to in section 2 (5) of that Act;
 - (iii) the joint pre-Union fund referred to in section 9 of that Act;
 - (iv) the Cape Widows' Pension Fund (Public Service) referred to in section 4 (1) of the Cape Pension Laws Revision Act, 1968 (Act No. 15 of 1968); or
 - (v) any other pension fund which has been established by or under any other pension law administered by the Minister of Social Welfare and Pensions and which the said Minister has, after consultation with the Minister of Finance, declared by notice in the *Gazette* to be a pension fund for the purposes of subsection (3);
- (d) "Government" means the Government as defined in section 1 of the Government Service Pensions Act, 1965.
- (6) The provisions of this section shall be deemed to have come into operation on the first day of April, 1969.

Short title.

23. This Act shall be called the Pension Laws Amendment Act, 1969.

WYSIGINGSWET OP DIE PENSIOENWETTE, 1969.

Wet No. 98, 1969

- (ii) die in artikel 2 (5) van daardie Wet bedoelde Bykomstige Voordelekening;
- (iii) die in artikel 9 van daardie Wet bedoelde gesamentlike voor-Unie-fonds;
- (iv) die Kaapse Weduweespensioenfonds (Staatsdiens) in artikel 4 (1) van die Hersieningswet op die Kaapse Pensioenwette, 1968 (Wet No. 15 van 1968), bedoel; of
- (v) 'n ander pensioenfonds wat deur of kragtens 'n ander pensioenwet deur die Minister van Volkswelsyn en Pensioene uitgevoer, ingestel is en wat bedoelde Minister, na oorlegpleging met die Minister van Finansies, by kennisgewing in die *Staatskoerant* verklaar het 'n pensioenfonds te wees vir die doeleindes van subartikel (3);
- (d) beteken „Regering” die Regering soos omskryf in artikel 1 van die Regeringsdienspensioenwet, 1965.
- (6) Die bepalings van hierdie artikel word geag op die eerste dag van April 1969 in werking te getree het.

23. Hierdie Wet heet die Wysigingswet op die Pensioenwette, Kort titel. 1969.

