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DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1160.

11 June 1975.

No. 1160.

11 Junie 1975.

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

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

No. 50 of 1975: Pension Laws Amendment Act, 1975.

No. 50 van 1975: Wysigingswet op die Pensioenwette, 1975.

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PENSION LAWS AMENDMENT ACT, 1975.

ACT

To amend section 15 of the Pension Laws Amendment Act, 1968, so as to increase the bonus payable to persons who are in receipt of military pensions; to amend the provisions of the Members of Statutory Bodies Pension Act, 1969, so as to effect an alteration to the definition of "member"; to amend the provisions of the Parliamentary Service and Administrators' Pensions Act, 1971, relating to definitions; so as to provide for the counting of certain service rendered in the capacity of a commissioner-general appointed under section 2 (2) of the Promotion of Bantu Self-government Act, 1959, as pensionable service under the said Parliamentary Service and Administrators' Pensions Act, 1971, and for the payment of contributions in respect of service so counted as pensionable service; to amend the provisions of the Second Pension Laws Amendment Act, 1974, so as to grant certain persons formerly in the employ of local authorities the right not to have certain previous pensionable service reckoned as pensionable service under the said Act; to make new provision in respect of the pension payable to a former State President; to provide for the payment of pensions to certain widows of judges; to provide for the preservation of the pension rights of certain persons appointed or nominated as members of certain boards, institutions, establishments or bodies; and to provide for incidental matters.

(English text signed by the State President.)
(Assented to 4 June 1975.)

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 15 of Act 79 of 1968, as amended by section 17 of Act 98 of 1969, section 11 of Act 20 of 1970, section 6 of Act 93 of 1971, section 10 of Act 97 of 1972, section 1 of Act 73 of 1973, section 1 of Act 15 of 1974 and section 3 of Act 77 of 1974.

1. Section 15 of the Pension Laws Amendment Act, 1968, is hereby amended by the substitution in subsection (1) for the words preceding the proviso of the following words:

"Any person who is in receipt of a pension, allowance or clothing grant in terms of or on the basis of the War Special Pensions Act, 1962 (Act No. 35 of 1962), or the War Pensions Act, 1967 (Act No. 82 of 1967), may with effect from 1 October 1975 be paid a bonus of seventy per cent of such pension, allowance or grant:"

Amendment of section 1 of Act 94 of 1969.

2. (1) Section 1 of the Members of Statutory Bodies Pension Act, 1969, is hereby amended by the substitution for the definition of "member" of the following definition:

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WET

Tot wysiging van artikel 15 van die Wysigingswet op die Pensioenwette, 1968, ten einde die bonus te verhoog wat betaalbaar is aan persone wat militêre pensioene ontvang; tot wysiging van die bepalings van die Pensioenwet vir Lede van Statutêre Liggame, 1969, ten einde 'n verandering aan die omskrywing van „lid” aan te bring; tot wysiging van die bepalings van die Wet op Pensioene vir Parlementsdiens en Administrateurs, 1971, met betrekking tot woordomskrywings; ten einde voorsiening te maak vir die tel van sekere diens gelewer in die hoedanigheid van 'n kommissaris-generaal aangestel kragtens artikel 2 (2) van die Wet op die Bevordering van Bantoeselfbestuur, 1959, as pensioengewende diens kragtens bedoelde Wet op Pensioene vir Parlementsdiens en Administrateurs, 1971, en vir die betaling van hydraes ten opsigte van diens wat aldus as pensioengewende diens getel word; tot wysiging van die bepalings van die Tweede Wysigingswet op die Pensioenwette, 1974, ten einde aan sekere persone voorheen in die diens van plaaslike besture die reg te verleen om sekere vorige pensioengewende diens nie kragtens bedoelde Wet as pensioengewende diens in berekening te laat bring nie; om nuwe voorsiening te maak ten opsigte van die pensioen betaalbaar aan 'n gewese Staatspresident; om voorsiening te maak vir die betaling van pensioene aan sekere weduwees van regters; om voorsiening te maak vir die behoud van die pensioenregte van sekere persone wat as lede van sekere rade, inrigtings, instellings of liggame aangestel of benoem word; en om vir bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)

(Goedgekeur op 4 Junie 1975.)

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

1. Artikel 15 van die Wysigingswet op die Pensioenwette, 1968, word hierby gewysig deur in subartikel (1) die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:

„Daar kan aan iemand wat 'n pensioen, toelae of klere-toekenning ingevolge of op die grondslag van die Wet op Spesiale Oorlogspensioene, 1962 (Wet No. 35 van 1962), of die Oorlogspensioenwet, 1967 (Wet No. 82 van 1967), ontvang, met ingang van 1 Oktober 1975 'n bonus van sewentig persent van sodanige pensioen, toelae of toekenning betaal word:”.

Wysiging van artikel 15 van Wet 79 van 1968, soos gewysig deur artikel 17 van Wet 98 van 1969, artikel 11 van Wet 20 van 1970, artikel 6 van Wet 93 van 1971, artikel 10 van Wet 97 van 1972, artikel 1 van Wet 73 van 1973, artikel 1 van Wet 15 van 1974 en artikel 3 van Wet 77 van 1974.

2. (1) Artikel 1 van die Pensioenwet vir Lede van Statutêre Liggame, 1969, word hierby gewysig deur die omskrywing van „lid” deur die volgende omskrywing te vervang:

Wysiging van artikel 1 van Wet 94 van 1969.

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“‘member’ means any person serving on a statutory body in a full-time, paid capacity, whose contract of service does not provide for the payment of a pension to or in respect of himself, other than such a gratuity as is referred to in section 3 (3), but does not include such person who is also, or any other person who is, a paid executive officer, officer or employee in the service of such body and who is not a contributing member of any pension or provident fund, from which he may personally receive any benefit, and which is administered by the Minister or is registered or exempt from registration under the Pension Funds Act, 1956 (Act No. 24 of 1956);”.

(2) An annuity payable under the said Members of Statutory Bodies Pension Act, 1969, to any person or to the widow of any person immediately prior to the commencement of this Act, shall continue to be payable to such person or to such widow as if the substitution of the definition of “member” in section 1 of the first-mentioned Act in terms of subsection (1) had not been effected, and an annuity which, but for such substitution, would have been payable to the widow of any such person in the event of his death, shall in that event still be payable to her as if such substitution had not been effected.

Amendment of section 1 of Act 81 of 1971, as amended by section 20 of Act 33 of 1974 and section 4 of Act 77 of 1974.

3. Section 1 of the Parliamentary Service and Administrators’ Pensions Act, 1971, is hereby amended—

(a) by the substitution in subsection (1) for paragraph (b) of the definition of “arrear contributions” of the following paragraph:

“(b) which prior to the fixed date became due by a member in terms of section 3 (3) or section 3bis (3) or section 9 (1) of the First Pensions Act, section 13 (1) of the Parliamentary Service Pensions Amendment Act, 1956 (Act No. 68 of 1956), paragraph (a) or (c) of section 7 (3) of the Parliamentary Service and Administrators’ Pensions Amendment Act, 1961 (Act No. 70 of 1961), or section 14 (3) of the amendment Act, or which, after the fixed date, becomes payable in terms of section 2 (1) (b) or 4 (5) of this Act;”;

(b) by the substitution in subsection (1) for the definition of “commissioner-general” of the following definition:

“‘commissioner-general’ means a person holding office as a commissioner-general appointed under section 2 (2) of the Promotion of Bantu Self-government Act, 1959 (Act No. 46 of 1959), or as a person appointed in a similar capacity to render full-time paid service to the Government in the territory;”;

(c) by the substitution in subsection (1) for the definition of “pensionable service” of the following definition:

“‘pensionable service’ means service as a member and includes service deemed to be pensionable service in terms of this Act or any other Act of Parliament and service which has, by virtue of an election made in terms of section 3 (1) or (3), become or again become pensionable service, but does not include service as a member by a person contemplated in section 4 who has failed to make an election in terms of that section;”;

(d) by the addition of the following subsection:

“(3) If any member who is a commissioner-general was not a member immediately prior to the commencement of section 3 of the Pension Laws Amendment Act, 1975, any service as a commissioner-general

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„lid’ ’n persoon wat in ’n voltydse, besoldigde hoedanigheid in ’n statutêre liggaam dien, wie se dienskontrak geen voorsiening maak vir die betaling van ’n pensioen aan of ten opsigte van hom nie, uitgesonderd ’n gratifikasie in artikel 3 (3) bedoel, maar nie ook sodanige persoon wat ook, of iemand anders wat, ’n besoldigde uitvoerende beampte, beampte of werknemer in diens van sodanige liggaam is nie en wat nie ’n bydraende lid is nie van ’n pensioen-, voorsorg- of ondersteuningsfonds, waaruit hy persoonlik ’n voordeel kan ontvang, en wat deur die Minister uitgevoer word of ingevolge die Wet op Pensioenfondse, 1956 (Wet No. 24 van 1956), geregistreer of van registrasie vrygestel is;”.

(2) ’n Jaargeld wat onmiddellik voor die inwerkingtreding van hierdie Wet aan iemand of aan die weduwee van iemand betaalbaar was kragtens genoemde Pensioenwet vir Lede van Statutêre Liggame, 1969, bly aan so iemand of aan so ’n weduwee betaalbaar asof die omskrywing van „lid” in artikel 1 van laasgenoemde Wet nie ingevolge subartikel (1) vervang was nie, en ’n jaargeld wat aan die weduwee van so iemand in die geval van sy dood betaalbaar sou gewees het as dit nie vir bedoelde vervanging was nie, is in daardie geval nog aan haar betaalbaar asot daardie vervanging nie feweeggebring was nie.

3. Artikel 1 van die Wet op Pensioene vir Parlementsdiens en Administrateurs, 1971, word hierby gewysig—

Wysiging van artikel 1 van Wet 81 van 1971, soos gewysig deur artikel 20 van Wet 33 van 1974 en artikel 4 van Wet 77 van 1974.

(a) deur in subartikel (1) paragraaf (b) van die omskrywing van „agterstallige bydraes” deur die volgende paragraaf te vervang:

„(b) wat voor die vasgestelde datum deur ’n lid verskuldig geword het ingevolge artikel 3 (3) of artikel 3bis (3) of artikel 9 (1) van die Eerste Pensioenwet, artikel 13 (1) van die Wysigingswet op Pensioene vir Parlementsdiens, 1956 (Wet No. 68 van 1956), paragraaf (a) of (c) van artikel 7 (3) van die Wysigingswet op Pensioene vir Parlementsdiens en Administrateurs, 1961 (Wet No. 70 van 1961), of artikel 14 (3) van die Wysigingswet of wat na die vasgestelde datum ingevolge artikel 2 (1) (b) of 4 (5) van hierdie Wet verskuldig word;”;

(b) deur in subartikel (1) die omskrywing van „kommissaris-generaal” deur die volgende omskrywing te vervang:

„kommissaris-generaal’ iemand wat die amp beklee van ’n kommissaris-generaal wat kragtens artikel 2 (2) van die Wet op die Bevordering van Bantoeselfbestuur, 1959 (Wet No. 46 van 1959), aangestel is of van ’n persoon wat in ’n soortgelyke hoedanigheid aangestel is om voltydse besoldigde diens aan die Regering in die gebied te lewer;”;

(c) deur in subartikel (1) die omskrywing van „pensioengewende diens” deur die volgende omskrywing te vervang:

„pensioengewende diens’ diens as ’n lid en ook diens wat ingevolge hierdie Wet of ’n ander Wet van die Parlement geag word pensioengewende diens te wees en diens wat, uit hoofde van ’n keuse gedoen ingevolge artikel 3 (1) of (3), pensioengewende diens geword of dit weer geword het, maar nie ook diens as ’n lid deur ’n persoon beoog in artikel 4 wat nie ’n keuse ingevolge daardie artikel gedoen het nie;”;

(d) deur die volgende subartikel by te voeg:

„(3) Indien ’n lid wat ’n kommissaris-generaal is onmiddellik voor die inwerkingtreding van artikel 3 van die Wysigingswet op die Pensioenwette, 1975, nie ’n lid was nie, word enige diens as ’n kommissaris-generaal

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appointed under section 2 (2) of the Promotion of Bantu Self-government Act, 1959, rendered by him prior to such commencement shall, for the purposes of this Act, be deemed to be pensionable service and service in the office of commissioner-general.”.

Amendment of section 2 of Act 81 of 1971, as amended by section 5 of Act 77 of 1974.

4. Section 2 of the Parliamentary Service and Administrators' Pensions Act, 1971, is hereby amended by the substitution for subsection (1) of the following subsection:

- “(1) (a) Subject to the provisions of this Act, a member shall, from the fixed date or from the date on which he becomes a member, whichever is the later date, and so long as he remains a member, contribute to revenue at the rate of eight per cent of his pensionable salary.
- (b) A member referred to in section 1 (3) shall contribute to revenue at the rate of forty rand per month for every month of his service which has become pensionable service under that section.”.

Amendment of section 5 of Act 81 of 1971, as amended by section 7 of Act 77 of 1974.

5. Section 5 of the Parliamentary Service and Administrators' Pensions Act, 1971, is hereby amended by the substitution for subsection (3) of the following subsection:

- “(3) Any amount which may become due by a member in terms of section 2 (1) (b) or 4 (5), may, if the member concerned so desires, be deducted by the responsible accounting officer from his salary in monthly instalments of not less than forty rand, and shall be paid to revenue.”.

Amendment of section 9 of Act 81 of 1971, as amended by section 10 of Act 77 of 1974.

6. (1) Section 9 of the Parliamentary Service and Administrators' Pensions Act, 1971, is hereby amended by the deletion in paragraph (a) of subsection (3) of the word “pensionable”.

(2) The provisions of subsection (1) shall be deemed to have come into operation on 1 April 1971.

Amendment of section 16 of Act 77 of 1974.

7. Section 16 of the Second Pension Laws Amendment Act, 1974, is hereby amended—

- (a) by the substitution in subsection (1) for the expression “(2) and (3)” of the expression “(2), (3) and (3A)”;
- (b) by the insertion after subsection (3) of the following subsection:

- “(3A) (a) If an affected officer before the fixed date in writing notifies the Secretary for Social Welfare and Pensions that he wishes his previous pensionable service not to be reckoned as pensionable service in terms of subsection (1), such previous pensionable service shall not be reckoned as pensionable service in terms of that subsection.
- (b) If an affected officer prior to the commencement of section 7 of the Pension Laws Amendment Act, 1975, gave notice of the nature contemplated in paragraph (a) to the Secretary for Social Welfare and Pensions, such notice shall be deemed to have been given in terms of the said paragraph (a).”.

Pension payable to a former State President.

8. (1) There shall be paid out of and as a charge on the Consolidated Revenue Fund—

- (a) to any person who has at any time before the first day of April, 1968, occupied the office of State President, in lieu of any pension payable to him under any law in respect of any such office so occupied, a pension at the rate of twenty five thousand rand per annum;

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aangestel kragtens artikel 2 (2) van die Wet op die Bevordering van Bantoe-selfbestuur, 1959, wat voor sodanige inwerkingtreding deur hom gelewer is, by die toepassing van hierdie Wet, geag pensioengewende diens en diens in die amp van kommissaris-generaal te wees.”.

4. Artikel 2 van die Wet op Pensioene vir Parlementsdiens en Administrateurs, 1971, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) (a) Behoudens die bepalings van hierdie Wet, moet ’n lid vanaf die vasgestelde datum of vanaf die datum waarop hy ’n lid word, na gelang van watter die laaste datum is, en solank hy ’n lid bly, tot inkomste bydra teen ’n skaal van agt persent van sy pensioengewende salaris.

(b) ’n Lid bedoel in artikel 1 (3) dra tot inkomste by teen die skaal van veertig rand per maand vir iedere maand van sy diens wat kragtens daardie artikel pensioengewende diens geword het.”.

Wysiging van artikel 2 van Wet 81 van 1971, soos gewysig deur artikel 5 van Wet 77 van 1974.

5. Artikel 5 van die Wet op Pensioene vir Parlementsdiens en Administrateurs, 1971, word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

„(3) ’n Bedrag wat deur ’n lid ingevolge die bepalings van artikel 2 (1) (b) of 4 (5) verskuldig word, kan, indien die betrokke lid dit verlang, deur die verantwoordelike rekenpligtige beampte van sy salaris afgetrek word in maandelikse paaielemente van minstens veertig rand, en word aan inkomste betaal.”.

Wysiging van artikel 5 van Wet 81 van 1971, soos gewysig deur artikel 7 van Wet 77 van 1974.

6. (1) Artikel 9 van die Wet op Pensioene vir Parlementsdiens en Administrateurs, 1971, word hierby gewysig deur in die Engelse teks van paragraaf (a) van subartikel (3) die woord „pensionable” te skrap.

(2) Die bepalings van subartikel (1) word geag op 1 April 1971 in werking te getree het.

Wysiging van artikel 9 van Wet 81 van 1971, soos gewysig deur artikel 10 van Wet 77 van 1974.

7. Artikel 16 van die Tweede Wysigingswet op die Pensioenwette, 1974, word hierby gewysig—

(a) deur in subartikel (1) die uitdrukking „(2) en (3)” deur die uitdrukking „(2), (3) en (3A)” te vervang; en

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

„(3A) (a) Indien ’n geaffekteerde beampte voor die vasgestelde datum die Sekretaris van Volkswelsyn en Pensioene skriftelik in kennis stel dat hy verlang dat sy vorige pensioengewende diens nie ingevolge subartikel (1) as pensioengewende diens gereken moet word nie, word sodanige vorige pensioengewende diens nie ingevolge daardie subartikel as pensioengewende diens gereken nie.

(b) Indien ’n geaffekteerde beampte voor die inwerkingtreding van artikel 7 van die Wysigingswet op die Pensioenwette, 1975, kennis van die aard beoog in paragraaf (a) aan die Sekretaris van Volkswelsyn en Pensioene gegee het, word sodanige kennis geag ingevolge bedoelde paragraaf (a) gegee te gewees het.”.

Wysiging van artikel 16 van Wet 77 van 1974.

8. (1) Daar word uit die Gekonsolideerde Inkomstefonds en ten laste daarvan—

(a) aan iemand wat te eniger tyd voor die eerste dag van April 1968 die amp van Staatspresident beklee het, in die plek van ’n pensioen wat kragtens ’n wet aan hom betaalbaar is ten opsigte van so ’n amp wat hy aldus beklee het, ’n pensioen betaal teen die skaal van vyf-en-twintig duisend rand per jaar.

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- (b) to the widow of such person, whose marriage to him took place on or before the date on which he vacated the said office, a pension at the rate of three-fourths of the rate of the pension payable under paragraph (a).

(2) If any person to whom a pension is payable under subsection (1) is entitled to a pension under the Parliamentary Service and Administrators' Pensions Act, 1971 (Act No. 81 of 1971), (hereafter in this section referred to as a parliamentary pension), such parliamentary pension shall, notwithstanding anything to the contrary in any law contained, with effect from the date of commencement of this section cease to be payable to him and any right of such person to such parliamentary pension shall lapse and the widow or any child of such person shall not be entitled to any pension or benefit in terms of the said Act.

(3) Section 13 of the Pension Laws Amendment Act, 1971 (Act No. 93 of 1971), is hereby repealed.

(4) The provisions of this section shall be deemed to have come into operation on 1 April 1975.

Pensions payable to certain widows of former judges.

9. (1) There shall, with effect from 1 April 1975, be paid out of and as a charge on the Consolidated Revenue Fund, to the widow of a judge of the Supreme Court of South Africa who retired before 1 June 1956, or who died before that date, a pension of three thousand six hundred rand per annum.

(2) If any widow to whom a pension is payable under subsection (1) is entitled to a benefit under any Pensions (Supplementary) Act, such benefit shall, notwithstanding anything to the contrary in any law contained, with effect from 1 April 1975 cease to be payable to her, and any right of such widow to any such benefit shall lapse with effect from that date.

(3) Any benefit referred to in subsection (2) and paid to a widow referred to in that subsection after 31 March 1975, but before the date of commencement of this section, shall be set off against any pension payable to her under subsection (1) in such monthly instalments as the Secretary for Social Welfare and Pensions may determine.

(4) For the purposes of this section, "widow" shall not include the widow of a judge whose marriage to such judge took place after he ceased to be a judge.

Preservation of pension rights of certain persons.

10. (1) If a member of a pension fund is, before attaining the age at which he would have the right to retire on pension, appointed or nominated by the State President or a Minister referred to in section 20 of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), as a member of any board, institution, establishment or body established by or under any law, and his pensionable service as such member is not in terms of any law required to be or capable of being reckoned as pensionable service for the purposes of any other pension fund of which he may become a member by virtue of such appointment or nomination, the Secretary for Social Welfare and Pensions may, in his discretion, declare such member a dormant member of such first-mentioned pension fund with effect from the date on which he has been so appointed or nominated.

(2) Notwithstanding anything to the contrary in any law contained—

- (a) no contributions in respect of a dormant member shall be payable to the pension fund of which he is a dormant member in respect of the period during which he is a dormant member;
- (b) no pension benefit shall be payable to a dormant member before the fixed date;

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- (b) aan die weduwee van so iemand, wie se huwelik met hom plaasgevind het op of voor die datum waarop hy bedoelde amp ontruim het, 'n pensioen betaal teen die skaal van driekwart van die skaal van die pensioen wat ingevolge paragraaf (a) betaalbaar is.
- (2) Indien 'n persoon aan wie 'n pensioen ingevolge subartikel (1) betaalbaar is, geregtig is op 'n pensioen ingevolge die Wet op Pensioene vir Parlementsdiens en Administrateurs, 1971 (Wet No. 81 van 1971), (hieronder in hierdie artikel 'n parlementêre pensioen genoem) hou sodanige parlementêre pensioen, ondanks andersluidende wetsbepalings, met ingang van die datum van inwerkingtreding van hierdie artikel op om aan hom betaalbaar te wees en verval enige reg van sodanige persoon op sodanige parlementêre pensioen en is die weduwee of 'n kind van sodanige persoon nie op 'n pensioen of voordeel ingevolge bedoelde Wet geregtig nie.
- (3) Artikel 13 van die Wysigingswet op die Pensioenwette, 1971 (Wet No. 93 van 1971), word hierby herroep.
- (4) Die bepalinge van hierdie artikel word geag op 1 April 1975 in werking te getree het.
9. (1) Daar word met ingang van 1 April 1975 uit die Gekonsolideerde Inkomstefonds en ten laste daarvan, aan die weduwee van 'n regter van die Hooggeregshof van Suid-Afrika wat voor 1 Junie 1956 afgetree het of wat voor daardie datum gesterf het, 'n pensioen van drieduisend-seshonderd rand per jaar betaal. Pensioene betaalbaar aan sekere weduwees van gewese regters.
- (2) Indien 'n weduwee aan wie 'n pensioen ingevolge subartikel (1) betaalbaar is, geregtig is op 'n voordeel ingevolge 'n Wet tot Aanvulling van Pensioene, hou sodanige voordeel, ondanks andersluidende wetsbepalings, met ingang van 1 April 1975 op om aan haar betaalbaar te wees en enige reg van sodanige weduwee op sodanige voordeel verval met ingang van daardie datum.
- (3) 'n Voordeel bedoel in subartikel (2) en wat aan 'n weduwee bedoel in daardie subartikel na 31 Maart 1975 maar voor die datum van inwerkingtreding van hierdie artikel betaal is, word teen 'n pensioen betaalbaar aan haar ingevolge subartikel (1) verreken teen die maandelikse paaiemente wat die Sekretaris van Volkswelsyn en Pensioene bepaal.
- (4) By die toepassing van hierdie artikel beteken „weduwee” nie ook die weduwee van 'n regter wie se huwelik met sodanige regter plaasgevind het nadat hy opgehou het om 'n regter te wees nie.
10. (1) Indien 'n lid van 'n pensioenfonds, voordat hy die leeftyd bereik waarop hy die reg sou hê om met pensioen af te tree, deur die Staatspresident of 'n Minister bedoel in artikel 20 van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), aangestel of benoem word as 'n lid van 'n raad, inrigting, instelling of liggaam by of kragtens 'n Wet ingestel, en sy pensioengewende diens as sodanige lid nie ingevolge enige wet, vir die doeleindes van 'n ander pensioenfonds waarvan hy 'n lid mag word uit hoofde van sodanige aanstelling of benoeming, as pensioengewende diens gereken moet of kan word nie, kan die Sekretaris van Volkswelsyn en Pensioene, na goeddunke, sodanige lid, met ingang van die datum waarop hy aldus aangestel of benoem is 'n rustende lid van sodanige eersbedoelde pensioenfonds verklaar. Behoud van pensioenregte van sekere persone.
- (2) Ondanks andersluidende wetsbepalings—
- (a) is geen bydraes ten opsigte van 'n rustende lid betaalbaar aan die pensioenfonds waarvan hy 'n rustende lid is ten opsigte van die tydperk waartydens hy 'n rustende lid is nie;
- (b) is geen pensioenvoordeel voor die vasgestelde datum aan 'n rustende lid betaalbaar nie;

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PENSION LAWS AMENDMENT ACT, 1975.

- (c) (i) a dormant member shall, with effect from the fixed date and subject to the provisions of the applicable pension law, be entitled to such pension benefits as he would have been entitled to if he had on the fixed date been a contributing member of the pension fund of which he is a dormant member;
- (ii) the widow or dependant or estate of a dormant member who has died before the fixed date shall, with effect from the date of his death and subject to the provisions of the applicable pension law, be entitled to such pension benefits as such widow or dependant or estate would have been entitled to if such dormant member had on the date of his death been a contributing member of the pension fund of which he was a dormant member.

(3) If a dormant member becomes or again becomes a contributing member of a pension fund he shall, with effect from the date on which he so becomes or again becomes a contributing member, cease to be a dormant member and his pensionable service shall be deemed not to have been interrupted by the period during which he was a dormant member and the aggregate of all the periods of his pensionable service shall be taken into account for the purposes of the applicable pension law.

(4) For the purposes of this section —

- (a) “applicable pension law”, in relation to a dormant member or the widow, dependant or estate of a dormant member who has died, means the laws, regulations and rules relating to the pension fund of which he is or, immediately prior to the date of his death, was a dormant member, and in relation to a member who, in terms of subsection (3), has ceased to be a dormant member, means the laws, regulations and rules relating to the pension fund of which such member has become or again become a contributing member as contemplated in that subsection;
- (b) “contributing member” means a member contributing to a pension fund;
- (c) “dormant member” means any person declared a dormant member under subsection (1);
- (d) “fixed date” means the date on which a dormant member attains the age on which he, immediately prior to the date on which he was appointed or nominated as contemplated in subsection (1), would have had the right to retire on pension;
- (e) “pension benefit” means an amount of money payable in terms of the applicable pension law; and
- (f) “pension fund” means a pension or provident fund or scheme administered by or under the control of the Minister of Social Welfare and Pensions.

(5) The provisions of this section shall be deemed to have come into operation on 1 April 1975.

Short title.

11. This Act shall be called the Pension Laws Amendment Act, 1975.

WYSIGINGSWET OP DIE PENSIOENWETTE, 1975.

Wet No. 50, 1975

- (c) (i) is 'n rustende lid met ingang van die vasgestelde datum en behoudens die bepalings van die toepaslike pensioenwet, geregtig op die pensioenvoordele waarop hy geregtig sou gewees het indien hy op die vasgestelde datum 'n bydraende lid was van die pensioenfonds waarvan hy 'n rustende lid is;
- (ii) is die weduwee of afhanklike of boedel van 'n rustende lid wat voor die vasgestelde datum gesterf het, met ingang van die datum van sy dood en behoudens die bepalings van die toepaslike pensioenwet, geregtig op die pensioenvoordele waarop bedoelde weduwee of afhanklike of boedel geregtig sou gewees het indien sodanige rustende lid op die datum van sy dood 'n bydraende lid was van die pensioenfonds waarvan hy 'n rustende lid was.

(3) Indien 'n rustende lid 'n bydraende lid word of weer 'n bydraende lid word van 'n pensioenfonds, hou hy, met ingang van die datum waarop hy aldus 'n bydraende lid word of weer 'n bydraende lid word, op om 'n rustende lid te wees en sy pensioengewende diens word geag nie deur die tydperk waartydens hy 'n rustende lid was, onderbreek te gewees het nie en die totaal van al die tydperke van sy pensioengewende diens word by die toepassing van die toepaslike pensioenwet, in berekening gebring.

(4) By die toepassing van hierdie artikel beteken—

- (a) „bydraende lid” 'n lid wat tot 'n pensioenfonds bydra;
- (b) „pensioenfonds” 'n pensioen- of voorsorgfonds of -skema wat deur of onder die beheer van die Minister van Volkswelsyn en Pensioene geadministreer word;
- (c) „pensioenvoordeel” 'n bedrag geld betaalbaar ingevolge die toepaslike pensioenwet;
- (d) „rustende lid” 'n persoon wat kragtens subartikel (1) 'n rustende lid verklaar is;
- (e) „toepaslike pensioenwet”, met betrekking tot 'n rustende lid of die weduwee, afhanklike of boedel van 'n rustende lid wat gesterf het, die wette, regulasies en reëls met betrekking tot die pensioenfonds waarvan hy 'n rustende lid is of, onmiddellik voor die datum van sy dood, was, en met betrekking tot 'n lid wat ingevolge subartikel (3) opgehou het om 'n rustende lid te wees, die wette, regulasies en reëls met betrekking tot die pensioenfonds waarvan so 'n lid 'n bydraende lid geword of weer geword het soos beoog in daardie subartikel; en
- (f) „vasgestelde datum” die datum waarop 'n rustende lid die leeftyd bereik waarop hy, onmiddellik voor die datum waarop hy aangestel of benoem is soos beoog in subartikel (1), die reg sou gehad het om met pensioen af te tree.

(5) Die bepalings van hierdie artikel word geag op 1 April 1975 in werking te getree het.

11. Hierdie Wet heet die Wysigingswet op die Pensioen- Kort titel. wette, 1975.

