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GOVERNMENT GAZETTE

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[No. 6438

DEPARTMENT OF THE PRIME MINISTER

No. 1010.

11 May 1979.

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

No. 49 of 1979: Parliamentary Service and Administrators' Pensions Amendment Act, 1979.

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1010.

11 Mei 1979.

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

No. 49 van 1979: Wysigingswet op Pensioene vir Parlementsdiens en Administrateurs, 1979.

Act No. 49, 1979

PARLIAMENTARY SERVICE AND ADMINISTRATORS'
PENSIONS AMENDMENT ACT, 1979.

GENERAL EXPLANATORY NOTE:

[]

Words in bold type in square brackets indicate omissions from existing enactments.

Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the provisions of the Parliamentary Service and Administrators' Pensions Act, 1971, so as to amend the definitions of "pensionable salary" and "salary" and to delete the definition of "widow"; to increase the contributions to be made by members; to further regulate the exercise of options to count provincial service as pensionable service and the payment of contributions in respect of prior service; and to provide for the payment of gratuities to members of Parliament, Administrators, certain persons employed in the diplomatic service of the Republic and commissioners-general and to their widows and children; and to provide for incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 3 May 1979.)

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 1 of Act 81 of 1971, as amended by section 20 of Act 33 of 1974, section 4 of Act 77 of 1974 and section 3 of Act 50 of 1975.

1. Section 1 of the Parliamentary Service and Administrators' Pensions Act, 1971 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the substitution for the definition of "pensionable salary" of the following definition—

- "pensionable salary" means—
- (a) in relation to a member who does not hold an office referred to in section 9 (1) or a post referred to in section 10 (1), the annual salary and, except for the purposes of sections 2 (1) (a) and 5, allowances payable to that member in terms of a determination under section 1 (1) (a) of the Payment of Members of Parliament Act, 1974 (Act No. 40 of 1974);
- (b) in relation to any other member, the amount which would have been payable annually to him by way of salary and, except for the purposes of sections 2 (1) (a) and 5, allowances in terms of a determination referred to in paragraph (a) had he been a member referred to in that paragraph;";

(b) by the substitution for the definition of "salary" of the following definition—

- "salary" means—
- (a) in relation to an office-bearer or a member of Parliament referred to in section 1 of the Payment of Members of Parliament Act, 1974, the total amount which is payable annually to him by way of salary and allowances in terms of a determination under subsection (1) (a) of the said section in his

25

WYSIGINGSWET OP PENSIOENE VIR PARLEMENTSDIENS
EN ADMINISTRATEURS, 1979.

Wet No. 49, 1979

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hake dui skappings uit bestaande verordeninge aan.

_____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordeninge aan.

WET

Tot wysiging van die bepalings van die Wet op Pensioene vir Parlementsdiens en Administrateurs, 1971, ten einde die omskrywings van „pensioengewende salaris” en „salaris” te wysig en die omskrywing van „weduwee” te skrap; die bydraes te verhoog wat deur lede gemaak moet word; die uitoefening van keuses om provinsiale diens as pensioengewende diens te tel en die betaling van bydraes ten opsigte van vorige diens verder te reël; en voorsiening te maak vir die betaling van gratifikasies aan lede van die Parlement, Administrateurs, sekere persone in die diplomatieke diens van die Republiek en kommissarisse-generaal en aan hul weduwees en kinders; en om voorsiening te maak vir bykomstige aangeleenthede.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 3 Mei 1979.)

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

1. Artikel 1 van die Wet op Pensioene vir Parlementsdiens en 5 Administrateurs, 1971 (hieronder die Hoofwet genoem), word hierby gewysig—

(a) deur die omskrywing van „pensioengewende salaris” deur die volgende omskrywing te vervang:

10 „„pensioengewende salaris”—
(a) met betrekking tot 'n lid wat nie 'n amp in artikel 9 (1) of 'n betrekking in artikel 10 (1) bedoel, beklee nie, die jaarlikse salaris en, behalwe by die toepassing van artikels 2 (1) (a) en 5, toelaes aan dié lid betaalbaar ingevolge 'n bepaling kragtens 15 artikel 1 (1) (a) van die Wet op die Betaling van Parlementslede, 1974 (Wet No. 40 van 1974);
(b) met betrekking tot 'n ander lid, die bedrag wat jaarliks ingevolge 'n bepaling in paragraaf (a) bedoel by wyse van 'n salaris en, behalwe by die 20 toepassing van artikels 2 (1) (a) en 5, toelaes aan hom betaalbaar sou gewees het indien hy 'n lid was in daardie paragraaf bedoel;”;

(b) deur die omskrywing van „salaris” deur die volgende omskrywing te vervang:

25 „„salaris”—
(a) met betrekking tot 'n ampsdraer of lid van die Parlement bedoel in artikel 1 van die Wet op die Betaling van Parlementslede, 1974, die totale bedrag wat jaarliks by wyse van 'n salaris en 30 toelaes aan hom in sy hoedanigheid van sodanige ampsdraer en van sodanige lid of van sodanige lid, na gelang van die geval, betaalbaar is ingevolge 'n

Wysiging van artikel 1 van Wet 81 van 1971, soos gewysig deur artikel 20 van Wet 33 van 1974, artikel 4 van Wet 77 van 1974 en artikel 3 van Wet 50 van 1975.

Act No. 49, 1979

PARLIAMENTARY SERVICE AND ADMINISTRATORS'
PENSIONS AMENDMENT ACT, 1979.

- capacity as such office-bearer and as such member or as such member, as the case may be;
- (b) in relation to a Minister, a Deputy Minister, an Administrator, a commissioner-general or the holder of a post referred to in section 10, the total amount which is payable to him annually by way of salary and allowances in his capacity as the holder of the office concerned and as a member or as the holder of the post concerned;
- (c) the salary and allowances paid to any commissioner-general appointed under the Promotion of Black Self-government Act, 1959 (Act No. 46 of 1959);
- (c) by the deletion of the definition of "widow".

Amendment of section 2 of Act 81 of 1971, as amended by section 5 of Act 77 of 1974 and section 4 of Act 50 of 1975.

2. (1) Section 2 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

- "(a) Subject to the provisions of this Act, a member shall, from **[the fixed date]** 1 January 1979 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]** ten per cent of his pensionable salary."

(2) Any amount payable by a member, as defined in section 1 of the principal Act, in respect of the period 1 January 1979 to the date of the promulgation of this Act, in terms of section 2 (1) (a) of the principal Act, as amended by subsection (1), shall be paid forthwith after such promulgation by such member to revenue, so defined: Provided that such amount—

- (a) if the member concerned so desires, may be deducted by the responsible accounting officer from his salary in monthly instalments of not less than R20;
- (b) in the case of any person to whom a gratuity in terms of the principal Act becomes payable immediately after such promulgation, shall be set off against such gratuity.

Amendment of section 4 of Act 81 of 1971, as amended by section 2 of Act 73 of 1973 and section 6 of Act 77 of 1974.

3. Section 4 of the principal Act is hereby amended—

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

"(b) Notwithstanding the provisions of paragraph (a), any member who was a member of a provincial council or of the Legislative Assembly of the territory or of an executive committee and was subject to a pensions ordinance and who, on the day immediately preceding the **[fixed]** date of the promulgation of the Parliamentary Service and Administrators' Pensions Amendment Act, 1979, was a member who was not subject to the provisions of **[Chapter II of the Second Pensions Act]** this Act, may elect in writing within **[one hundred and eighty]** ninety days from **[the fixed]** such date to be subject to the provisions of this Act."

- (b) by the substitution for paragraph (b) of subsection (2) of the following paragraph:

"(b) If any person who has made an election in terms of subsection (1) (b), was on **[the date on which he became a member]** 1 January 1979 entitled to a pension under the applicable pensions ordinance, such pension shall cease to be payable to him and he shall refund to the revenue fund concerned any amount which may have been paid to him by way of such pension in respect of any period as from the

WYSIGINGSWET OP PENSIOENE VIR PARLEMENTSDIENS
EN ADMINISTRATEURS, 1979.

Wet No. 49, 1979

- bepaling kragtens subartikel (1) (a) van genoemde artikel;
- (b) met betrekking tot 'n Minister, 'n Adjunk-minister, 'n Administrateur, 'n kommissaris-generaal of die bekleër van 'n betrekking in artikel 10 bedoel, die totale bedrae wat jaarliks by wyse van salaris en toelaes aan hom in sy hoedanigheid van die bekleër van die betrokke amp en van lid of van die bekleër van die betrokke betrekking betaalbaar is;
- (c) die salaris en toelaes wat betaal word aan 'n kommissaris-generaal aangestel kragtens die Wet op die Bevordering van Swart Selfbestuur, 1959 (Wet No. 46 van 1959);";
- (c) deur die omskrywing van „weduwee” te skrap.

2. (1) Artikel 2 van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

- „(a) Behoudens die bepalings van hierdie Wet moet 'n lid vanaf **[die vasgestelde datum]** 1 Januarie 1979 of vanaf die datum waarop hy 'n lid word, na gelang van watter datum die laaste datum is, en solank hy 'n lid bly, tot inkomste bydra teen 'n skaal van **[agt]** tien persent van sy pensioengewende salaris.”

Wysiging van artikel 2 van Wet 81 van 1971, soos gewysig deur artikel 5 van Wet 77 van 1974 en artikel 4 van Wet 50 van 1975.

- (2) 'n Bedrag wat ingevolge artikel 2 (1) (a) van die Hoofwet, soos deur subartikel (1) gewysig, ten opsigte van die tydperk 1 Januarie 1979 tot die datum van afkondiging van hierdie Wet deur 'n lid, soos omskryf in artikel 1 van die Hoofwet, betaalbaar is, moet onverwyld na bedoelde afkondiging deur daardie lid aan inkomste, soos aldus omskryf, betaal word: Met dien verstande dat daardie bedrag—

- (a) indien die betrokke lid dit verlang, deur die verantwoordelike rekenpligtige beamppte van sy salaris afgetrek word in maandelikse paaielemente van minstens R20;
- (b) in die geval van iemand aan wie 'n gratifikasie ingevolge die Hoofwet onmiddellik na bedoelde afkondiging betaalbaar word, teen daardie gratifikasie verreken kan word.

3. Artikel 4 van die Hoofwet word hierby gewysig—

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

- „(b) Ondanks die bepalings van paragraaf (a) kan iemand wat 'n lid van 'n provinsiale raad of van die Wetgewende Vergadering van die gebied of van 'n uitvoerende komitee was en aan 'n pensioenordonnansie onderhewig was en wat op die dag onmiddellik voor die **[vasgestelde]** datum van die afkondiging van die Wysigingswet op Pensioene vir Parlementsdienste en Administrateurs, 1979, 'n lid was wat nie aan die bepalings van **[Hoofstuk II van die Tweede Pensioenwet]** hierdie Wet onderhewig was nie, binne **[honderd-en-tagtig]** negentig dae vanaf **[die vasgestelde]** daardie datum skriftelik kies om aan die bepalings van hierdie Wet onderhewig te wees.”;

Wysiging van artikel 4 van Wet 81 van 1971, soos gewysig deur artikel 2 van Wet 73 van 1973 en artikel 6 van Wet 77 van 1974.

- (b) deur paragraaf (b) van subartikel (2) deur die volgende paragraaf te vervang:

- „(b) Indien 'n persoon wat 'n keuse ingevolge subartikel (1) (b) gedoen het, op **[die datum waarop hy 'n lid geword het]** 1 Januarie 1979 op 'n pensioen ingevolge die toepaslike pensioenordonnansie geregtig was, hou dié pensioen op om aan hom betaalbaar te wees, en moet hy 'n bedrag wat by wyse van so 'n pensioen ten opsigte van 'n tydperk vanaf gemelde datum aan hom betaal is, aan die betrokke inkomstefonds terugbetaal teen die koers

Act No. 49, 1979

PARLIAMENTARY SERVICE AND ADMINISTRATORS'
PENSIONS AMENDMENT ACT, 1979.

said date at the rate determined by the Minister of Social Welfare and Pensions from time to time, either generally or in a particular case.”;

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

“(a) at the rate of **forty** fifty rand per month for every month of his service which has become pensionable service under subsection (4) and which refers to pensionable service under the applicable pensions ordinance or service as a member which he has had before 1 **July 1974** January 1979; and”.

Amendment of section 6 of Act 81 of 1971, as amended by section 8 of Act 77 of 1974.

4. Section 6 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) Subject to the provisions of this section, there shall, on the termination of his service, be payable to a member whose service terminates on or after **the fixed date** 1 January 1979 and who has had not less than eight years of pensionable service—

(a) a pension calculated at the rate of one-fifteenth of his highest annual pensionable salary in respect of each year of his pensionable service: Provided that such pension shall not exceed the said salary; and

(b) a gratuity calculated in accordance with the formula—

$$E \times F \times G$$

in which formula—

- (i) E represents his pensionable salary;
(ii) F represents 0,0672; and
(iii) G represents the period of his pensionable service as a member but not exceeding 15 years.”.

Substitution of section 8 of Act 81 of 1971, as amended by section 9 of Act 77 of 1974.

5. The following section is hereby substituted for section 8 of the principal Act:

“Special pension benefits payable to Prime Minister. 8. (1) Notwithstanding anything to the contrary in this Act or any other law contained but subject to the provisions of section 17A, there shall be payable to any member who **at any time after the fixed date** occupied the office of Prime Minister and whose service as a member terminates at any time after 1 January 1979 an annual pension, equal to the highest annual salary of such member during the period of his service, and a gratuity, equal to such salary.

(2) A member to whom a pension and a gratuity **is** are payable in terms of subsection (1) shall not be entitled to any other pension or benefit in terms of this Act or a pensions ordinance.”.

Amendment of section 9 of Act 81 of 1971, as amended by section 10 of Act 77 of 1974 and section 6 of Act 50 of 1975.

6. Section 9 of the principal Act is hereby amended—

- (a) by the insertion after subsection (1) of the following subsection:

“(1A) A member who has held an office referred to in subsection (1) and whose service as a member terminates on or after 1 January 1979, shall, in addition to any other pension or benefit payable to him in terms of this Act, be entitled to a gratuity calculated in accordance with the formula—

$$(H - J) \times K \times L$$

in which formula—

- (i) H represents the annual salary applicable to the office concerned at the time of the termination of the member's service as a member;
(ii) J represents the annual pensionable salary of the member;

WYSIGINGSWET OP PENSOENE VIR PARLEMENTSDIENS
EN ADMINISTRATEURS, 1979.

Wet No. 49, 1979

wat die Minister van Volkswelsyn en Pensioene van tyd tot tyd òf in die algemeen òf in 'n bepaalde geval bepaal.”;

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

„(a) teen die skaal van **veertig** vyftig rand per maand vir iedere maand van sy diens wat pensioengewende diens ingevolge subartikel (4) geword het en wat betrekking het op sy pensioengewende diens ingevolge die toepaslike pensioenordonnansie of diens as lid, wat hy voor 1 **Julie 1974** Januarie 1979 gehad het; en”.

4. Artikel 6 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Behoudens die bepalings van hierdie artikel is daar by die beëindiging van sy diens, aan 'n lid wie se diens op of na **die vasgestelde datum** 1 Januarie 1979 ten einde loop

Wysiging van artikel 6 van Wet 81 van 1971, soos gewysig deur artikel 8 van Wet 77 van 1974.

en wat minstens agt jaar pensioengewende diens gehad het—

(a) 'n pensioen betaalbaar, bereken teen die skaal van een-vyftiende van sy hoogste jaarlikse pensioengewende salaris ten opsigte van iedere jaar van sy pensioengewende diens: Met dien verstande dat bedoelde pensioen nie genoemde salaris te bowe gaan nie; en

(b) 'n gratifikasie betaalbaar wat ooreenkomstig die formule—

$$E \times F \times G$$

bereken word, in welke formule—

- (i) E sy pensioengewende salaris voorstel;
(ii) F 0,0672 voorstel; en
(iii) G die tydperk van sy pensioengewende diens as 'n lid, maar hoogstens 15 jaar, voorstel.”.

5. Artikel 8 van die Hoofwet word hierby deur die volgende artikel vervang:

„Spesiale pensioen-voordele betaalbaar aan Eerste Minister. 8. (1) Ondanks andersluidende bepalings van hierdie Wet of 'n ander wet maar behoudens die bepalings van artikel 17A, is daar aan 'n lid wat die amp van Eerste Minister beklee het en wie se diens as lid te eniger tyd na **die vasgestelde datum** 1 Januarie 1979 ten einde loop 'n jaarlikse pensioen, **betaalbaar** wat gelykstaan met sodanige lid se hoogste jaarlikse salaris gedurende die tydperk van sy diens, en 'n gratifikasie, wat met daardie salaris gelykstaan, betaalbaar.

Vervanging van artikel 8 van Wet 81 van 1971, soos gewysig deur artikel 9 van Wet 77 van 1974.

(2) 'n Lid aan wie 'n pensioen en 'n gratifikasie ingevolge subartikel (1) betaalbaar is, is nie op 'n ander pensioen of voordeel ingevolge hierdie Wet of 'n pensioenordonnansie geregtig nie.”.

6. Artikel 9 van die Hoofwet word hierby gewysig—

(a) deur die volgende subartikel na subartikel (1) in te voeg:

„(1A) 'n Lid wat 'n amp in subartikel (1) bedoel, beklee het en wie se diens as 'n lid op of na 1 Januarie 1979 ten einde loop, is, benewens 'n ander pensioen of voordeel wat ingevolge hierdie Wet aan hom betaalbaar is, geregtig op 'n gratifikasie wat bereken word ooreenkomstig die formule—

Wysiging van artikel 9 van Wet 81 van 1971, soos gewysig deur artikel 10 van Wet 77 van 1974 en artikel 6 van Wet 50 van 1975.

$$(H - J) \times K \times L$$

in welke formule—

- (i) H die jaarlikse salaris verbonde aan die betrokke amp ten tyde van die beëindiging van die lid se diens as 'n lid, voorstel;
(ii) J die jaarlikse pensioengewende salaris van die lid voorstel;

Act No. 49, 1979

PARLIAMENTARY SERVICE AND ADMINISTRATORS'
PENSIONS AMENDMENT ACT, 1979.

- (iii) K represents 0,087;
- (iv) L represents the period for which such member served in the office concerned.”;
- (b) by the substitution for subsection (2) of the following subsection:
 - “(2) The aggregate of any pensions or of any gratuities payable in terms of this Act to any member referred to in subsection (1) shall not exceed the highest annual salary of the member during any period of his service.”;
- (c) by the substitution in subsection (3) for the words preceding paragraph (a) of the following words:
 - “For the purposes of **[subsection (1)]** this section—”.

Amendment of
section 11 of
Act 81 of 1971.

7. Section 11 of the principal Act is hereby amended— 15

- (a) by the substitution for subsection (1) of the following subsection:
 - “(1) There shall be paid to the widow of a person to whom section 6, 8 or 9 applied—
 - (a) a pension equal to three-fourths of the pension paid under any of the said sections to such person immediately prior to his death or which would have been so payable to him if he had, on the date of his death, been entitled to such a pension or would have been entitled to such a pension if he had not died but had ceased to be a member on such date; and
 - (b) if any such person dies while he is still a member, a gratuity equal to the amount of the gratuity which would have been payable to him under any of the said sections if he had, on the date of his death, been entitled to such a gratuity or would have been entitled to such a gratuity if he had not died but had ceased to be a member on such date.”;
- (b) by the substitution for subsection (2) of the following subsection:
 - “(2) Whenever any pension or gratuity becomes payable to a widow of a member under subsection (1)—
 - (a) any unpaid balance of any arrear contributions or any other amount due by such member under any provision of this Act; and
 - (b) in the case of a member referred to in section 6 (2), any contributions for which such member would under section 6 (3) have been liable had he not died but had ceased to be a member at the date of his death,
 shall be set off against the pension or the gratuity payable to her in terms of this section.”;
- (c) by the substitution for subsection (4) of the following subsection:
 - “(4) The widow of a member to whom section 8 applied, who is entitled to a pension or gratuity in terms of subsection (1), shall not be entitled to any other pension or benefit under this Act or any pensions ordinance.”.

Amendment of
section 12 of
Act 81 of 1971.

8. Section 12 of the principal Act is hereby amended—

- (a) by the insertion after subsection (1) of the following subsection:
 - “(1A) If a member dies who would have been entitled to a gratuity under section 6, 8 or 9 if he had not died but had ceased to be a member on the date of his death and is not survived by a widow to whom a gratuity is payable under section 11, or, if he is survived

WYSIGINGSWET OP PENSOENE VIR PARLEMENTSDIENS
EN ADMINISTRATEURS, 1979.

Wet No. 49, 1979

(iii) K 0,087 voorstel;

(iv) L die tydperk waarvoor sodanige lid die betrokke
amp beklee het, voorstel.”;5 (b) deur subartikel (2) deur die volgende subartikel te
vervang:„(2) Die totaal van pensioene of van gratifikasies
betaalbaar ingevolge hierdie Wet aan 'n in subartikel (1)
bedoelde lid bedra nie meer nie as die lid se hoogste
jaarlikse salaris gedurende die tydperk van sy diens.”;10 (c) deur in subartikel (3) die woorde wat paragraaf (a)
vooraangaan deur die volgende woorde te vervang:„By die toepassing van **[subartikel (1)]** hierdie
artikel—”.

7. Artikel 11 van die Hoofwet word hierby gewysig—

Wysiging van
artikel 11 van
Wet 81 van 1971.15 (a) deur subartikel (1) deur die volgende subartikel te
vervang:„(1) Daar word aan die weduwee van iemand op wie
artikels 6, 8 of 9 van toepassing was—20 (a) 'n pensioen betaal wat gelykstaan met driekwart
van die pensioen wat onmiddellik voor sy dood aan
so iemand ingevolge die een of ander van
genoemde artikels betaal is of aldus aan hom
betaalbaar sou gewees het indien hy op die datum
van sy dood op so 'n pensioen geregtig was of
25 daarop geregtig sou gewees het indien hy nie
gesterf het nie, maar op bedoelde datum opgehou
het om 'n lid te wees; en30 (b) indien so iemand te sterwe kom terwyl hy nog 'n
lid is, 'n gratifikasie betaal wat gelykstaan met die
bedrag van die gratifikasie wat ingevolge die een of
ander van genoemde artikels aan hom betaal-
baar sou gewees het indien hy op die datum van sy
dood op so 'n gratifikasie geregtig was of daarop
geregtig sou gewees het indien hy nie gesterf het
35 nie, maar op bedoelde datum opgehou het om 'n lid
te wees.”;(b) deur subartikel (2) deur die volgende subartikel te
vervang:40 „(2) Wanneer 'n pensioen of gratifikasie kragtens
subartikel (1) aan die weduwee van 'n lid betaalbaar
word, word—45 (a) 'n onbetaalde balans van agterstallige bydraes of 'n
ander bedrag kragtens die een of ander bepaling
van hierdie Wet deur daardie lid verskuldig; en(b) in die geval van 'n lid in artikel 6 (2) bedoel,
bydraes waarvoor daardie lid kragtens artikel 6 (3)
aanspreeklik sou gewees het indien hy nie te sterwe
gekom het nie maar op die datum van sy dood
opgehou het om 'n lid te wees,50 verreken teen die pensioen of die gratifikasie ingevolge
hierdie artikel aan haar betaalbaar.”;(c) deur subartikel (4) deur die volgende subartikel te
vervang:55 „(4) Die weduwee van 'n lid op wie artikel 8 van
toepassing was, wat op 'n pensioen of gratifikasie
ingevolge subartikel (1) geregtig is, is nie op 'n ander
pensioen of voordeel ingevolge hierdie Wet of 'n
pensioenordonnansie geregtig nie.”.

8. Artikel 12 van die Hoofwet word hierby gewysig—

Wysiging van
artikel 12 van
Wet 81 van 1971.

60 (a) deur die volgende subartikel na subartikel (1) in te voeg:

65 „(1A) Indien 'n lid te sterwe kom wat op 'n
gratifikasie ingevolge artikel 6, 8 of 9 geregtig sou
gewees het indien hy nie gesterf het nie maar op die
datum van sy dood opgehou het om 'n lid te wees, en hy
nie 'n weduwee nalaat aan wie 'n gratifikasie ingevolge

Act No. 49, 1979

PARLIAMENTARY SERVICE AND ADMINISTRATORS'
PENSIONS AMENDMENT ACT, 1979.

by such a widow and she dies before such gratuity has been paid to her, the gratuity to which such member or widow would have so been entitled, shall be payable to each of his children and shall be divided among them in such manner as the Secretary may determine.”; 5

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

“(5) Whenever **[any pensions become payable]** in terms of subsection (1) any pension or in terms of subsection (1A) any gratuity becomes payable to the children of **[a] any person [referred to in that subsection] concerned—** 10

- (a) the unpaid balance of any arrear contributions or any other amount due by such person under any provision of this Act; and 15

- (b) in the case of a member referred to in section 6 (2), any contributions for which that member would under section 6 (3) have been liable if he had not died but had ceased to be a member at the date of his death, 20

shall be set off against any such [pensions] pension or gratuity.”.

Substitution of
section 14 of
Act 81 of 1971.

9. The following section is hereby substituted for section 14 of the principal Act:

“Amounts due
form first
charge on
benefits.

14. Whenever a member becomes entitled to a pension or gratuity in terms of section 6 before the total amount of arrear contributions due by him has been paid by him, the amount of the said arrear contributions which remains unpaid, shall be set off against the pension or gratuity payable to him.”. 30

Amendment of
section 17 of
Act 81 of 1971.

10. Section 17 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) If any person (other than the widow of a member) who—

- (a) is under the First Pensions Act or the amendment Act or the Second Pensions Act or this Act in receipt of a pension, again becomes a member, such pension shall cease to be paid to him, and if he thereafter ceases to be a member, his pension shall be recalculated in **[terms of]** accordance with section 6 or 9 on the combined periods of his service **[if, on the date on which he again became a member, he was not entitled to the maximum pension or pensions payable to him under this Act]; and** 40

- (b) under this Act received a gratuity, again becomes a member, and thereafter ceases to be a member, any gratuity payable to him under this Act shall be recalculated in accordance with section 6 or 9 on the combined periods of his service, and any gratuity previously received by him shall be set off against it.”. 50

Short title
and commencement.

11. This Act shall be called the Parliamentary Service and Administrators' Pensions Amendment Act, 1979, and shall be deemed to have come into operation on 1 January 1979.

WYSIGINGSWET OP PENSIOENE VIR PARLEMENTSDIENS
EN ADMINISTRATEURS, 1979.

Wet No. 49, 1979

artikel 11 betaalbaar is nie of, indien hy so 'n weduwee nalaat, bedoelde weduwee te sterwe kom voordat daardie gratifikasie aan haar betaal is, is die gratifikasie waarop daardie lid of weduwee aldus geregtig sou gewees het, betaalbaar aan iedereen van daardie lid se kinders en word dit onder hulle verdeel op die wyse wat die Sekretaris bepaal.”;

(b) deur subartikel (5) deur die volgende subartikel te vervang:

„(5) Wanneer **[pensioene]** enige pensioen in-gevolge subartikel (1) of enige gratifikasie in-gevolge subartikel (1A) aan die kinders van 'n **[in daardie subartikel bedoelde]** betrokke persoon betaalbaar word, word—

(a) die onbetaalde balans van agterstallige bydraes of enige ander bedrag kragtens 'n bepaling van hierdie Wet deur daardie persoon verskuldig; en

(b) in die geval van 'n lid in artikel 6 (2) bedoel, bydraes waarvoor daardie lid kragtens artikel 6 (3) aanspreeklik sou gewees het indien hy nie te sterwe gekom het nie maar op die datum van sy dood opgehou het om 'n lid te wees,

teen bedoelde **[pensioene]** pensioen of gratifikasie verreken.”

25 9. Artikel 14 van die Hoofwet word hierby deur die volgende artikel vervang: Vervanging van artikel 14 van Wet 81 van 1971.

„Verskuldigde bedrae word eerste van voordele afgetrek. 14. Wanneer 'n lid in-gevolge artikel 6 op 'n pensioen of gratifikasie geregtig word voordat hy die volle bedrag van agterstallige bydraes betaal het wat deur hom verskuldig is, word die bedrag van bedoelde agterstallige bydraes wat nie betaal is nie, verreken teen die pensioen of gratifikasie wat aan hom betaalbaar is.”.

35 10. Artikel 17 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang: Wysiging van artikel 17 van Wet 81 van 1971.

„(1) Indien iemand (behalwe die weduwee van 'n lid) wat—

(a) in-gevolge die Eerste Pensioenwet of die Wysigingswet of die Tweede Pensioenwet of hierdie Wet 'n pensioen ontvang, weer 'n lid word, word bedoelde pensioen nie meer aan hom betaal nie, en word sy pensioen, indien hy daarna ophou om 'n lid te wees, **[in-gevolge]** ooreenkomstig artikel 6 of 9 op die gesamentlike tydperke van sy diens herbereken **[indien hy op die datum waarop hy weer lid geword het, nie op die maksimum pensioen of pensioene wat kragtens hierdie Wet aan hom betaalbaar is, geregtig was nie]; en**

(b) in-gevolge hierdie Wet 'n gratifikasie ontvang het, weer 'n lid word, en daarna ophou om 'n lid te wees, word enige gratifikasie wat in-gevolge hierdie Wet aan hom betaalbaar is, ooreenkomstig artikel 6 of 9 op die gesamentlike tydperke van sy diens herbereken, en word die gratifikasie wat hy voorheen ontvang het, daarteen verreken.”.

55 11. Hierdie Wet heet die Wysigingswet op Pensioene vir Kort titel
Parlementsdiens en Administrateurs, 1979, en word geag op 1 en inwerkingtreding.
Januarie 1979 in werking te getree het.

