



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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KANTOOR VAN DIE EERSTE MINISTER

No. 1122.

9 Junie 1982.

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

No. 81 van 1982: Wysigingswet op die Pensioenwette, 1982.

OFFICE OF THE PRIME MINISTER

No. 1122.

9 June 1982.

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

No. 81 of 1982: Pension Laws Amendment Act, 1982.

Wet No. 81, 1982

WYSIGINGSWET OP DIE PENSIOENWETTE, 1982

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.

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

WET

Tot wysiging van die Wet op Pensioene vir Parlementsdiens en Administrateurs, 1971, ten einde die betaling van pensioen-voordele aan iemand wat die amp van President van die Senaat of Speaker van die Volksraad beklee of beklee het nadat hy die amp van Minister beklee het, en aan sekere voormalige lede wat aangestel is of word in die betrekking van Buitengewone Gesant en Gevolmagtigde Minister of Buitengewone en Gemagtigde Ambassadeur, verder te reël; tot wysiging van die Wet op Militêre Pensioene, 1976, ten einde die beperkings op die betaling van sekere gratifikasies op te hef; tot wysiging van die Wet op Pensioene van Regters, 1978, ten einde vir die betaling van pensioene en ander finansiële voordele aan die langselewende eggenoot van 'n vroulike regter voorsiening te maak; tot wysiging van die Algemene Pensioenwet, 1979, ten einde die basis vir die vasstelling van die bedrag wat by die oorplasing van lede, deur sekere pensioenfondse aan die Regeringsdienspensioenfonds of die Pensioenfonds vir Tydelike Werknemers betaalbaar is, te verander; en die uitdrukking „vasgestelde datum” nader te omskryf; om sekere wette te herroep; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 1 Junie 1982.)

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

Wysiging van artikel 9 van Wet 81 van 1971, soos gewysig deur artikel 10 van Wet 77 van 1974 en artikel 6 van Wet 49 van 1979.

1. Artikel 9 van die Wet op Pensioene vir Parlementsdiens en Administrateurs, 1971, word hierby gewysig deur in subartikel (2A) die uitdrukking „subartikel (1)” deur die uitdrukking „subartikels (1) en (1A)” te vervang. 5

Wysiging van artikel 10 van Wet 81 van 1971, soos vervang deur artikel 11 van Wet 77 van 1974.

2. Artikel 10 van die Wet op Pensioene vir Parlementsdiens en Administrateurs, 1971, word hierby gewysig—
(a) deur in subartikel (1) die uitdrukking „paragraaf (a), (b), (c) of (d)” deur die uitdrukking „paragraaf (a), (b) of (c)” te vervang; en 10
(b) deur in subartikel (2) die uitdrukking „artikel 9 (1) (e)” deur die uitdrukking „artikel 9 (1) (c)” te vervang.

Wysiging van artikel 5 van Wet 84 van 1976, soos gewysig deur artikel 7 van Wet 97 van 1980.

3. Artikel 5 van die Wet op Militêre Pensioene, 1976, word hierby gewysig deur subartikel (1) deur die volgende subartikel 15 te vervang:
„(1) Indien 'n lid aan 'n pensioengewende ongeskiktheid ly wat ingevolge die bepalings van hierdie Wet op minder as 20 persent vasgestel is, word daar aan hom 'n gratifikasie betaal wat die Minister met die instemming van die Minister van Finansies van tyd tot tyd by kennisgewing in die Staatskoerant bepaal **[**, en wat, indien die lid se pensioengewende ongeskiktheid— 20

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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 Parliamentary Service and Administrators' Pensions Act, 1971, so as to further regulate the payment of pension benefits to any person who holds or held the office of President of the Senate or Speaker of the House of Assembly after having held the office of Minister, and to certain former members who have been or are appointed to the post of Envoy Extraordinary and Minister Plenipotentiary or Ambassador Extraordinary and Plenipotentiary; to amend the Military Pensions Act, 1976, so as to revoke the limitations on the payment of certain gratuities; to amend the Judges' Pensions Act, 1978, so as to provide for the payment of pensions and other financial benefits to the surviving spouse of a female judge; to amend the General Pensions Act, 1979, so as to alter the basis for the determination of the amount payable by certain pension funds to the Government Service Pension Fund or the Temporary Employees Pension Fund on the transfer of members; and to further define the expression "fixed date"; to repeal certain laws; and to provide for matters connected therewith.

(English text signed by the State President.)
(Assented to 1 June 1982.)

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

1. Section 9 of the Parliamentary Service and Administrators' Pensions Act, 1971, is hereby amended by the substitution in subsection (2A) for the expression "subsection (1)" of the expression "subsections (1) and (1A)".

Amendment of section 9 of Act 81 of 1971, as amended by section 10 of Act 77 of 1974 and section 6 of Act 49 of 1979.

2. Section 10 of the Parliamentary Service and Administrators' Pensions Act, 1971, is hereby amended—

(a) by the substitution in subsection (1) for the expression "paragraph (a), (b), (c) or (d)" of the expression "paragraph (a), (b) or (c)"; and

(b) by the substitution in subsection (2) for the expression "section 9 (1) (e)" of the expression "section 9 (1) (c)".

Amendment of section 10 of Act 81 of 1971, as substituted by section 11 of Act 77 of 1974.

3. Section 5 of the Military Pensions Act, 1976, is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) If any member suffers from a pensionable disability which has in terms of the provisions of this Act been determined at less than 20 per cent, there shall be paid to him such gratuity as the Minister may with the concurrence of the Minister of Finance determine from time to time by notice in the *Gazette* [and which, if the pensionable disability of the member—

Amendment of section 5 of Act 84 of 1976, as amended by section 7 of Act 97 of 1980.

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- (a) op hoogstens tien persent vasgestel is, nie driehonderd rand te bowe gaan nie;
- (b) op meer as tien persent maar minder as twintig persent vasgestel is, nie seshonderd rand te bowe gaan nie].”.

Wysiging van
artikel 1 van
Wet 90 van 1978,
soos gewysig deur
artikel 1 van
Wet 66 van 1979
en artikel 15 van
Wet 97 van 1980.

4. Artikel 1 van die Wet op Pensioene van Regters, 1978, 5
word hierby gewysig deur die volgende omskrywing by subarti-
kel (1) te voeg:
„„weduwee’ ook die langselewende eggenoot van ’n vrou-
like regter.”.”.

Wysiging van
artikel 4A van
Wet 90 van 1978,
soos ingevoeg deur
artikel 5 van
Wet 66 van 1979.

5. Artikel 4A van die Wet op Pensioene van Regters, 1978, 10
word hierby gewysig deur paragraaf (b) deur die volgende para-
graaf te vervang:
„(b) indien so ’n regter nie deur ’n weduwee oorleef word
nie, **[of indien so ’n regter ’n vrou is,]** aan die boedel
van so ’n regter,”. 15

Wysiging van
artikel 12 van
Wet 29 van 1979.

6. Artikel 12 van die Algemene Pensioenwet, 1979, word hier-
by gewysig—
(a) deur subartikels (1) tot en met (5) deur onderskeidelik
die volgende subartikels te vervang:
„(1) Indien ’n onderneming of bedrywigheid van ’n 20
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, deur die
Regering oorgeneem word of uit hoofde van stappe in-
gevolge ’n Wet van die Parlement gedoen, ophou om 25
deur ’n plaaslike bestuur beheer, uitgeoefen of verrig te
word, en die Minister met die instemming van die Mi-
nister van Finansies ten opsigte van ’n bepaalde plaaslike
bestuur daartoe instem, word, ondanks andersluidende
wetsbepalings maar behoudens die bepalinge van subar- 30
tikels (2), (3) en (4), [—
(a)] die tydperk van vorige pensioengewende diens van
’n geaffekteerde beampte van sodanige plaaslike
bestuur wat met ingang van die vasgestelde datum
ingevolge die een of ander wet ’n lid van die Rege- 35
ringsdienspensioenfonds of die **[Regerings-werkne-
mersondersteuningsfonds]** Pensioenfonds vir Tyde-
like Werknemers word of moet word, as
pensioengewende diens gereken vir die doeleindes
van die fonds waarvan hy aldus ’n lid word of moet 40
word [;
(b) ’n geaffekteerde beampte van sodanige plaaslike
bestuur wat met ingang van die vasgestelde datum
’n nie-blanke werknemer word soos omskryf in arti- 45
kel 1 van die Wet op Pensioene vir Nie-blanke Re-
geringswerknemers, 1966 (Wet No. 42 van 1966),
met ingang van gemelde datum ’n lid van die Pen-
sioenfonds vir Nie-blanke Regeringswerknemers, en
dra hy ooreenkomstig die regulasies uitgevaardig 50
kragtens artikel 2 van daardie Wet tot bedoelde
pensioenfonds by, en word die tydperk van sy vo-
rige pensioengewende diens as pensioengewende
diens vir die doeleindes van bedoelde pensioenfonds
 gereken].
(2) Indien die vorige pensioengewende diens van ’n 55
geaffekteerde beampte ingevolge subartikel (1) as pen-
sioengewende diens vir die doeleindes van die Rege-
ringsdienspensioenfonds of die **[Regerings-werkne-
mersondersteuningsfonds of die]** Pensioenfonds vir **[Nie-
blanke Regeringswerknemers]** Tydelike Werknemers 60
 gereken word, word daar, ondanks andersluidende
wetsbepalings of die reëls of regulasies betreffende die
toepaslike pensioenfonds, deur laasgenoemde pen-
sioenfonds aan die Regeringsdienspensioenfonds **[of die**
Regerings-werknemersondersteuningsfonds] of die Pen- 65

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- (a) has been determined at not more than ten per cent, shall not exceed three hundred rand;
- (b) has been determined at more than ten per cent but less than twenty per cent, shall not exceed six hundred rand].”.

4. Section 1 of the Judges' Pensions Act, 1978, is hereby amended by the addition to subsection (1) of the following definition:

“widow” includes the surviving spouse of a female judge.”.

Amendment of section 1 of Act 90 of 1978, as amended by section 1 of Act 66 of 1979 and section 15 of Act 97 of 1980.

5. Section 4A of the Judges' Pensions Act, 1978, is hereby amended by the substitution for paragraph (b) of the following paragraph:

“(b) if such judge is not survived by a widow **[or if such judge is a female]**, be payable to the estate of such judge.”.

Amendment of section 4A of Act 90 of 1978, as inserted by section 5 of Act 66 of 1979.

6. Section 12 of the General Pensions Act, 1979, is hereby amended—

Amendment of section 12 of Act 29 of 1979.

(a) by the substitution for subsections (1) up to and including (5) of the following subsections, respectively:

“(1) If 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 ceases to be controlled, exercised or performed by a local authority by virtue of any action taken in terms of an Act of Parliament, and the Minister with the concurrence of the Minister of Finance in respect of a specified local authority agrees thereto, then, notwithstanding anything to the contrary in any law contained but subject to the provisions of subsections (2), (3) and (4), [—

(a)] the period of previous pensionable service of any affected officer of such local authority who becomes or shall become a member of the Government Service Pension Fund or the **[Government employees' Provident Fund] Temporary Employees Pension Fund** with effect from the fixed date in terms of any law, shall be reckoned as pensionable service for the purpose of the fund of which he so becomes or shall so become a member [;

(b) any affected officer of such local authority who becomes with effect from the fixed date a non-White employee as defined in section 1 of the Government non-White Employees Pensions Act, 1966 (Act No. 42 of 1966), shall, with effect from the said date, become a member of the Government Non-White Employees' Pension Fund, and shall contribute to the said pension fund in accordance with regulations made under section 2 of that Act, and the period of his previous pensionable service shall be reckoned as pensionable service for the purposes of the said pension fund].

(2) If the previous pensionable service of an affected officer is reckoned as pensionable service in terms of subsection (1) for the purposes of the Government Service Pension Fund or the **[Government Employees' Provident Fund or the Government Non-White Employees' Temporary Employees Pension Fund]**, there shall, notwithstanding anything to the contrary in any law contained or the rules or regulations governing the applicable pension fund, be paid by the last-mentioned pension fund to the Government Service Pension Fund or the **[Government Employees' Provident Fund or the**

sioenfonds vir **[Nie-blanke Regeringswerknemers, Tydelike Werknemers]**, na gelang van die geval, ten opsigte van sodanige pensioengewende diens betaal —

(a) 'n bedrag wat gelyk staan met die **[bedrag of die oordragwaarde wat ingevolge die wette of die reëls of regulasies betreffende die toepaslike pensioenfonds betaalbaar sou gewees het indien die betrokke geaffekteerde beampte oorgeplaas was na of regstreeks aangestel was in diens van 'n ander plaaslike bestuur wat 'n ander pensioenfonds het of met 'n ander pensioenfonds geassosieer is, of, indien geen bedrag aldus betaalbaar sou gewees het nie, 'n bedrag wat die Minister of 'n beampte van die Departement van Volkswelsyn en Pensioene deur die Minister daartoe gemagtig, na oorleg met die bestuur van die betrokke toepaslike pensioenfonds, met inagneming van die omstandighede van 'n bepaalde geval of kategorie gevalle, bepaal] betrokke geaffekteerde beampte se belang in die bates van die toepaslike pensioenfonds soos deur die aktuaris van daardie toepaslike pensioenfonds bereken;**

(b) rente bereken teen 5,5% per jaar op die bedrag bedoel in paragraaf (a), jaarliks saamgestel soos op 31 Maart, en bereken vanaf die vasgestelde datum tot die datum waarop bedoelde bedrag aan die betrokke pensioenfonds **[of ondersteuningsfonds]** ingevolge hierdie subartikel betaal word.

(3) Indien die totaal van die bedrae wat ingevolge subartikel (2) (a) en (b) aan die Regeringsdienspensioenfonds of die **[Regerings-werknemersondersteuningsfonds of die] Pensioenfonds vir [Nie-blanke Regeringswerknemers] Tydelike Werknemers** betaal moet word [—

(a) **minder] meer** is as die bedrag wat ingevolge die regulasies betreffende die Regeringsdienspensioenfonds of die **[Regerings-werknemersondersteuningsfonds of die] Pensioenfonds vir [Nie-blanke Regeringswerknemers,] Tydelike Werknemers**, na gelang van die geval, ten opsigte van die vorige pensioengewende diens van die betrokke geaffekteerde beampte betaal moet word ten einde sodanige vorige pensioengewende diens vir die doeleindes van die een of ander van voormelde fondse te reken, word **[die tekort uit inkomste aan die betrokke fonds betaal;**

(b) **meer** is as die bedrag in paragraaf (a) bedoel, word] die oorskot deur die toepaslike pensioenfonds aan die betrokke geaffekteerde beampte betaal.

(4) Indien 'n geaffekteerde beampte voor die vasgestelde datum die **[Sekretaris] Direkteur-generaal** 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.

(5) Indien iemand wat in die diens van 'n plaaslike bestuur was, sonder onderbreking in sy diens of na die onderbreking in sy diens wat die **[Sekretaris] Direkteur-generaal** goedkeur, 'n lid van 'n pensioenfonds word, en vir diens aan 'n plaaslike bestuur in 'n land of gebied wat **[onmiddellik voor 1 Julie 1973]** 'n deel van die Republiek was, afgestaan word, kan die Minister, met die instemming van die Minister van Finansies, die bepalinge van hierdie artikel met betrekking tot bedoelde persoon van toepassing verklaar, en daarop is sodanige bepalinge *mutatis mutandis* met betrekking tot bedoelde persoon van toepassing asof 'n oornome be-

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Government Non-White Employees'] Temporary Employees Pension Fund, as the case may be, in respect of such previous pensionable service —

- 5 (a) an amount which is equal to **[the amount or the transfer value which would have been payable in terms of the provisions of the laws or the rules or regulations governing the applicable pension fund if the affected officer concerned was transferred or directly appointed to the service of another local authority having a different pension fund or associated with a different pension fund or, if no amount would have been so payable, an amount which the Minister or an officer of the Department of Social Welfare and Pensions authorized thereto by the Minister, may determine after consultation with the management of the applicable pension fund concerned, with due regard to the circumstances of a specified case or category of cases]** the interest of the affected officer concerned in the assets of the applicable pension fund as calculated by the actuary of such applicable pension fund;
- 10
- 15
- 20
- 25 (b) interest calculated at 5,5% per annum on the amount referred to in paragraph (a), compounded annually as at 31 March, and calculated from the fixed date to the date on which the said amount is paid to the pension fund **[or provident fund]** in question in terms of this subsection.

30 (3) If the total of the amounts to be paid to the Government Service Pension Fund or the **[Government Employees' Provident Fund or the Government Non-White Employees']** Temporary Employees Pension Fund in terms of subsection (2) (a) and (b) **—**

- 35 (a) **is less than]** exceeds the amount to be paid in terms of the regulations governing the Government Service Pension Fund or the **[Government Employees' Provident Fund or the Government Non-White Employees']** Temporary Employees Pension Fund, as the case may be, in respect of the previous pensionable service of the affected officer concerned in order to reckon such previous pensionable service for the purposes of the one or the other of the aforementioned funds, **[the deficiency shall be paid from revenue to the fund concerned;**
- 40
- 45 (b) **exceeds the amount referred to in paragraph (a),]** the surplus shall be paid to the affected officer concerned by the applicable pension fund.

50 (4) If an affected officer before the fixed date in writing notifies the **[Secretary]** Director-General 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.

55 (5) If any person who was in the employ of a local authority, without a break in his service or after such break in his service as the **[Secretary]** Director-General may approve, becomes a member of a pension fund, and is seconded for service to a local authority in a country or area which **[immediately before 1 July 1973]** was a part of the Republic, the Minister, with the concurrence of the Minister of Finance, may declare that the provisions of this section shall apply with reference to such person, and thereupon such provisions shall *mutatis mutandis* apply with reference to such person as

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doel in subartikel (1) op die datum waarop hy aldus vir diens afgestaan is, plaasgevind het en sodanige persoon 'n geaffekteerde beampte en sodanige datum die vasgestelde datum bedoel in subartikel (4) is.”; en

- (b) deur in subartikel (6) die omskrywing van „inkomste” 5 te skrap.

Wysiging van artikel 15 van Wet 29 van 1979, soos gewysig deur artikel 3 van Wet 67 van 1981.

7. Artikel 15 van die Algemene Pensioenwet, 1979, word hierby gewysig deur paragraaf (e) van subartikel (4) deur die volgende paragraaf te vervang:

- „(e) „vasgestelde datum’ die datum waarop ’n rustende lid 10 die leeftyd bereik waarop hy, onmiddellik voor die datum waarop hy aangestel, **[of]** benoem of verkies is soos in subartikel (1) beoog, die reg sou gehad het om met pensioen af te tree.”.

Herroeping van wette.

8. Die Nasionale Welsynswet, 1965 (Wet No. 79 van 1965), 15 die Wysigingswet op Nasionale Welsyn, 1971 (Wet No. 13 van 1971) en die Wysigingswet op Nasionale Welsyn, 1976 (Wet No. 44 van 1976), word hierby herroep.

Inwerkingtreding van sekere bepalinge.

9. Die bepalinge van—

- (a) artikel 1 word geag op 1 Januarie 1979 in werking te 20
getree het;
(b) artikels 4 en 5 word geag op 1 Januarie 1982 in werking
te getree het; en
(c) artikel 7 word geag op 5 April 1979 in werking te ge-
tree het. 25

Kort titel.

10. Hierdie Wet heet die Wysigingswet op die Pensioenwette, 1982.

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if a take-over referred to in subsection (1) took place on the date on which he was so seconded for service and such person is an affected officer and such date is the fixed date referred to in subsection (4)."; and

- 5 (b) by the deletion in subsection (6) of the definition of "revenue".

7. Section 15 of the General Pensions Act, 1979, is hereby amended by the substitution for paragraph (d) of subsection (4) of the following paragraph:

Amendment of section 15 of Act 29 of 1979, as amended by section 3 of Act 67 of 1981.

- 10 "(d) 'fixed date' means the date on which a dormant member attains the age at which he, immediately before the date on which he was appointed, or nominated or elected as contemplated in subsection (1), would have had the right to retire on pension;"

- 15 8. The National Welfare Act, 1965 (Act No. 79 of 1965), the National Welfare Amendment Act, 1971 (Act No. 13 of 1971) and the National Welfare Amendment Act, 1976 (Act No. 44 of 1976), is hereby repealed.

Repeal of laws.

- 20 9. The provisions of—
(a) section 1 shall be deemed to have come into operation on 1 January 1979;
(b) sections 4 and 5 shall be deemed to have come into operation on 1 January 1982; and
25 (c) section 7 shall be deemed to have come into operation on 5 April 1979.

Commencement of certain provisions.

10. This Act shall be called the Pension Laws Amendment Act, 1982.

Short title.

