



# STAATSKOERANT

## VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

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KANTOOR VAN DIE EERSTE MINISTER

No. 1520.

25 Julie 1984

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

No. 91 van 1984: Wet op Universiteitspersoneel (Onderwys en Opleiding), 1984.

OFFICE OF THE PRIME MINISTER

No. 1520.

25 July 1984

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

No. 91 of 1984: University Staff (Education and Training) Act, 1984.

Wet No. 91, 1984

WET OP UNIVERSITEITSPERSONEEL (ONDERWYS EN  
OPLEIDING), 1984**WET**

**Om voorsiening te maak vir die pensioenregte van personeellede van sekere universiteite, vir hul indiensneming na die beëindiging van hul diens aan daardie universiteite en vir aangeleenthede wat daarvan in verband staan.**

(Engelse teks deur die Staatspresident geteken.)  
(Goedgekeur op 3 Julie 1984.)

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

Woordomskrywing.

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—

- (i) "geassosieerde inrigting" 'n geassosieerde inrigting beoog in paragraaf (h) van die omskrywing van "geassosieerde inrigting" in artikel 1 van die Wet op die Pensioenfonds vir Geassosieerde Inrigtings, 1963 (Wet No. 41 van 1963); (iii)
- (ii) "Minister" die Minister van Onderwys en Opleiding; 10 (v)
- (iii) "ooreenkoms" 'n ooreenkoms tussen die Regering van die Republiek van Suid-Afrika en die regering van 'n onafhanklike staat waarvan die grondgebied voorheen 'n deel van die Republiek uitgemaak het, oor die ba- 15 siese voorwaardes betreffende die verskaffing van hulp in onderwysaangeleenthede; (i)
- (iv) "pensioenfonds", met betrekking tot 'n personeellid van 'n universiteit, die Pensioenfonds vir Geassosieerde Inrigtings ingestel kragtens artikel 2 van die Wet op die Pensioenfonds vir Geassosieerde Inrigtings, 1963 (Wet No. 41 van 1963), of die Voorsorgfonds vir Geassosieerde Inrigtings ingestel by artikel 3 van die Wet op die Voorsorgfonds vir Geassosieerde Inrigtings, 1971 (Wet No. 11 van 1971), na gelang welke toepaslike 25 pensioenwet op die lid van toepassing is; (vi)
- (v) "personeellid", met betrekking tot 'n universiteit, iemand wat 'n Suid-Afrikaanse burger is of nie 'n burger is van die staat waarin die universiteit geleë is nie en wat permanent in diens van daardie universiteit is; (vii) 30
- (vi) "toepaslike pensioenwet", met betrekking tot 'n personeellid van 'n universiteit, die Wet op die Pensioenfonds vir Geassosieerde Inrigtings, 1963 (Wet No. 41 van 1963), of die Wet op die Voorsorgfonds vir Geassosieerde Inrigtings, 1971 (Wet No. 11 van 1971), na gelang welke wet op die lid van toepassing is; (ii)
- (vii) "universiteit" 'n universiteit wat by 'n Parlementsvergadering ingestel is en, behalwe by die toepassing van subartikels (2) (vir sover dit die tweede keer verwys na "universiteit"), (5) en (6) van artikel 5—
- (a) wat geleë is in 'n staat waarvan die grondgebied voorheen deel van die Republiek uitgemaak het;

## UNIVERSITY STAFF (EDUCATION AND TRAINING) ACT, 1984

Act No. 91, 1984

**ACT**

**To provide for the pension rights of staff members of certain universities, for their employment after the termination of their service at those universities and for matters connected therewith.**

*(English text signed by the State President.)  
(Assented to 3 July 1984.)*

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

1. In this Act, unless the context otherwise indicates—

- 5            (i) “agreement” means an agreement between the Government of the Republic of South Africa and the government of any independent state the territory of which formerly formed part of the Republic, on the basic conditions governing the provision of aid in educational matters; (iii)
- 10          (ii) “applicable pension law”, in relation to a staff member of a university, means the Associated Institutions Pension Fund Act, 1963 (Act No. 41 of 1963), or the Associated Institutions Provident Fund Act, 1971 (Act No. 11 of 1971), according to which law applies to the member; (vi)
- 15          (iii) “associated institution” means an associated institution contemplated in paragraph (h) of the definition of “associated institution” in section 1 of the Associated Institutions Pension Fund Act, 1963 (Act No. 41 of 1963); (i)
- 20          (iv) “fixed date” means the date on which this Act comes into operation; (viii)
- 25          (v) “Minister” means the Minister of Education and Training; (ii)
- 30          (vi) “pension fund”, in relation to a staff member of a university, means the Pension Fund for Associated Institutions established under section 2 of the Associated Institutions Pension Fund Act, 1963 (Act No. 41 of 1963), or the Associated Institutions Provident Fund established by section 3 of the Associated Institutions Provident Fund Act, 1971 (Act No. 11 of 1971), according to which applicable pension law applies to the member; (iv)
- 35          (vii) “staff member”, in relation to a university, means any person who is a South African citizen or not a citizen of the state in which the university is situated and who is in the permanent employ of that university; (v)
- 40          (viii) “university” means a university established by Act of Parliament and, except for the purposes of subsections (2) (in so far as it refers to “university” for the second time), (5) and (6) of section 5—
  - (a) which is situated in a state the territory of which formerly formed part of the Republic;

Definitions.

**Wet No. 91, 1984****WET OP UNIVERSITEITSPERSONEEL (ONDERWYS EN OPLEIDING), 1984**

(b) met betrekking waartoe die Minister ingevolge 'n ooreenkoms bevoegdhede uitoefen en werksaamhede verrig; en

(c) wat onmiddellik voor die datum waarop die grondgebied waarin dit geleë is, opgehou het om deel van die Republiek uit te maak, 'n geassosieerde inrigting was; (viii)

(viii) "vasgestelde datum" die datum waarop hierdie Wet in werking tree. (iv)

**Behoud van sekere pensioenregte.**

**2.** Indien iemand wat onmiddellik voor die vasgestelde datum in diens van 'n universiteit was bydraes aan 'n pensioenfonds betaal het wat verskuldig sou gewees het indien daardie universiteit 'n geassosieerde inrigting was, word hy by die toepassing van 'n toepaslike pensioenwet geag 'n lid te gewees het van die pensioenfonds waartoe hy bygedra het gedurende die tydperk waar- 15 tydens hy aldus bygedra het.

**Voortsetting van sekere pensioene en bekragtiging van sekere betalings, bydraes, regte en verpligte.**

**3.** (1) Indien 'n afgetrede personeellid van 'n universiteit onmiddellik voor die vasgestelde datum 'n jaargeld ontvang het wat kragtens 'n toepaslike pensioenwet heet betaalbaar te gewees het, word die betaling van daardie jaargeld vanaf daardie 20 datum uit die pensioenfonds waaruit dit betaal is, voortgesit en mag dit nie verminder word nie.

(2) Enige betaling, bydrae of voordeel wat gedurende die tydperk vanaf die datum waarop 'n betrokke universiteit opgehou het om 'n geassosieerde inrigting te wees tot die vasgestelde datum, kragtens 'n toepaslike pensioenwet heet gedoen te gewees het deur of aan enige persoon, en enige bestaande sowel as toekomstige regte en verpligte wat onmiddellik voor die vasgestelde datum kragtens so 'n pensioenwet heet opgeloop te gewees het, word hereby bekragtig. 30

**Personeellede kan lede van toepaslike pensioenfonds word.**

**4.** (1) Iemand wat op of na die vasgestelde datum 'n personeellid van 'n universiteit is, kan, behoudens die bepalings van 'n ooreenkoms en van 'n toepaslike pensioenwet, met die goedkeuring van die Direkteur-generaal: Gesondheid en Welsyn 'n lid van 'n pensioenfonds word en daartoe bydra. 35

(2) By die toepassing van 'n toepaslike pensioenwet word die universiteit in wie se diens so 'n personeellid is, met betrekking tot daardie lid geag 'n geassosieerde inrigting te wees.

**Aanstelling van personeellede wat hul diens verlaat.**

**5. (1) 'n Personeellid van 'n universiteit kan, waar—**

(a) die Regering van die Republiek se beheer oor dié universiteit ooreenkomsdig 'n ooreenkoms beëindig word of beëindig staan te word; of

(b) sy aanstelling by dié universiteit voor sodanige beëindiging volgens die oordeel van die Minister sonder sy eie toedoen eindig of beëindig word of beëindig staan 45 te word voor die datum waarop hy die leeftyd bereik waarop hy geregtig sal wees om met pensioen uit diens te tree,

die Minister skriftelik versoek dat 'n soort aanstelling soos in subartikel (2) beoog, hom aangebied word. 50

(2) Indien aan 'n personeellid van 'n universiteit, binne 90 dae nadat 'n in subartikel (1) bedoelde versoek die Minister bereik, 'n aanstelling aangebied word in die diens van die Staat (met inbegrip van 'n provinsiale administrasie, die Suid-Afrikaanse Vervoerdienste en die Departement van Pos- en Telekommunikasiewese), 'n universiteit of 'n ander opvoedkundige inrigting wat by of kragtens 'n wet ingestel is, teen 'n salaris wat volgens die oordeel van die Minister nie minder gunstig is nie as die salaris wat op hom van toepassing was by die universiteit waar hy in diens is of was en op die voorwaardes wat die Minister, met inagneming van die diensvoorraad wat by daardie universiteit op die personeellid van toepassing was, billik ag, en dié personeellid weier of versuim om die aanstelling binne 'n tydperk van 30 dae na die datum waarop dit hom aangebied is, skriftelik te aanvaar, en sy diens eindig om 'n rede in subartikel (1) bedoel, dan word hy, by die toepassing van 'n toepaslike pensioenwet, op die datum waarop sy diens eindig of op die datum wat

## UNIVERSITY STAFF (EDUCATION AND TRAINING) ACT, 1984

Act No. 91, 1984

- 5                   (b) in relation to which the Minister exercises powers and performs functions in terms of an agreement; and  
(c) which was immediately prior to the date on which the territory in which it is situated ceased to form part of the Republic, an associated institution. (vii)

2. If any person who immediately prior to the fixed date was in the employ of a university has paid contributions to a pension fund which would have been due if that university were an associated institution, he shall in the application of an applicable pension law be deemed to have been a member of the pension fund to which he contributed during the period during which he so contributed.

Preservation of certain pension rights.

3. (1) If any retired staff member of a university has received 15 prior to the fixed date an annuity purporting to have been payable under an applicable pension law, the payment of that annuity shall be continued from that date out of the pension fund out of which it was paid, and it shall not be reduced.

Continuation of certain pensions and confirmation of certain payments, rights and obligations.

(2) Any payment, contribution or benefit purporting to have 20 been effected by or to any person under an applicable pension law during the period from the date on which a university concerned ceased to be an associated institution to the fixed date, and any existing as well as future rights and obligations purporting to have accrued immediately prior to the fixed date under 25 any such pension law, are hereby confirmed.

4. (1) Any person who is on or after the fixed date a staff member of a university may, subject to the provisions of an agreement and of an applicable pension law, become with the approval of the Director-General: Health and Welfare a member of and contribute to a pension fund.

Staff members may become members of applicable pension fund.

(2) For the purposes of an applicable pension law the university in whose employ any such staff member is shall be deemed to be an associated institution in relation to that member.

35                 5. (1) A staff member of a university may, where—  
(a) the control of the Government of the Republic over that university in accordance with an agreement is terminated or to be terminated; or  
(b) prior to such termination his appointment at that university in the opinion of the Minister terminates or is terminated or is to be terminated not through his own fault, prior to the date on which he attains the age at which he will be entitled to retire on pension,  
request the Minister in writing that he be offered an appointment of a kind as contemplated in subsection (2).

Appointment of staff members who retire from service.

40                 (2) If within 90 days after a request referred to in subsection (1) reaches the Minister, a staff member of a university is offered an appointment in the service of the State (including a provincial administration, the South African Transport Services and the Department of Posts and Telecommunications), a university or any other educational institution established by or under any law, at a salary which in the opinion of the Minister is not less favourable than the salary appertaining to him at the university where he is or was employed and on such conditions as the Minister may, with due regard to the conditions of service 50 appertaining to such staff member at that university, deem reasonable and that staff member refuses or fails to accept the appointment in writing within a period of 30 days after the date on which it was offered to him and his service terminates for a reason referred to in subsection (1), he shall for the purposes of 55 an applicable pensions law be deemed to have voluntarily resigned.

**Wet No. 91, 1984****WET OP UNIVERSITEITSPERSONEEL (ONDERWYS EN OPLEIDING), 1984**

volg op die datum waarop genoemde tydperk van 30 dae verstryk, welke datum ook al die vroegste is, geag vrywillig te bedank het.

(3) (a) Indien 'n aanstelling in subartikel (2) bedoel nie binne genoemde tydperk van 90 dae 'n personeellid van 'n universiteit aangebied word nie of indien die Minister van mening is dat 'n gepaste aanstelling nie binne genoemde tydperk die lid aangebied sal word nie of dat dit weens die lid se ouerdom nie doenlik sal wees om hom so 'n aanstelling aan te bied nie, word hy by die toepassing van 'n toepaslike pensioenwet geag vanaf 'n datum wat die Minister bepaal uit sy diens ontslaan te gewees het by die bereiking van die leeftyd waarop hy geregtig sou wees om met pensioen uit die diens te tree. 15

(b) Daar word by die berekening van 'n pensioen of 'n gratifikasie van iemand in paragraaf (a) bedoel wat 'n lid is van die Pensioenfonds vir Geassosieerde Inrigtings ingestel kragtens artikel 2 van die Wet op die Pensioenfonds vir Geassosieerde Inrigtings, 1963 (Wet No. 20 41 van 1963), by sy pensioengewende diens vir die doeleindest van daardie Pensioenfonds 'n tydperk gevoeg gelyk aan—

- (i) een derde van sy pensioengewende diens; of
- (ii) die tydperk vanaf die datum waarop hy ingevolge 25 paragraaf (a) geag word uit sy diens ontslaan te gewees het tot die datum waarop hy die ouerdom bereik waarop hy geregtig sou wees om met pensioen uit diens te tree; of
- (iii) 'n tydperk van vyf jaar, 30 welke tydperk ook al die kortste is.

(4) Indien 'n personeellid van 'n universiteit 'n aanstelling ingevolge subartikel (2) hom aangebied, aanvaar—

(a) bly hy 'n lid van die toepaslike pensioenfonds waarvan hy 'n lid is totdat hy in die pos waarin hy aangestel 35 word diens aanvaar;

(b) behou hy die siekte- en vakansieverlof waarmee hy gekrediteer was onmiddellik voor sy aanstelling.

(5) (a) Vir die doeleindest van 'n aanstelling in subartikel (2) bedoel, kan die Minister, met die instemming van die raad van die betrokke universiteit, 'n pos addisioneel tot die diensstaat van daardie universiteit skep of laat skep. 40

(b) Die Minister moet alle uitgawes wat daardie universiteit in verband met so 'n pos oploop aan die betrokke universiteit vergoed. 45

(6) Die voorwaardes waarop en die salaris waarteen 'n persoon in 'n pos in subartikel (5) bedoel, aangestel word, kan verskil van dié wat ingevolge die een of ander wet van toepassing is of betaalbaar is aan ander persone in diens van die betrokke universiteit, en word, vir sover dit aldus verskil, deur die Minister met die instemming van die Minister van Finansies bepaal. 50

6. (1) Indien 'n personeellid van 'n universiteit se diens eindig of beëindig word soos in artikel 5 (1) beoog voordat 'n aanstelling ingevolge artikel 5 (2) hom aangebied kan word— 55

(a) word die lid vanaf die datum waarop sy diens aldus eindig tot die toepaslike datum besoldig uit geld wat die Parlement vir dié doel bewillig het, teen die salaris wat die Minister met die instemming van die Minister van Finansies bepaal; 60

(b) word die lid se lidmaatskap van 'n toepaslike pensioenfonds nie beëindig nie en gaan hy voort om tot daardie fonds by te dra; en

(c) word enige werkgewerbydraes wat ingevolge 'n toepaslike pensioenwet ten opsigte van so 'n lid betaalbaar is uit genoemde geld betaal. 65

(2) In hierdie artikel beteken "toepaslike datum" die datum waarop 'n personeellid van 'n universiteit 'n aanstelling hom ingevolge artikel 5 aangebied, aanvaar of, in die geval van sodra-

Beëindiging van diens van personeellede voordat aanstellings hulle aangebied kan word.

## UNIVERSITY STAFF (EDUCATION AND TRAINING) ACT, 1984

Act No. 91, 1984

ed on the date on which his service terminates or on the date following upon the date on which the said period of 30 days expires, whichever date is the earlier.

- 5           (3) (a) If an appointment referred to in subsection (2) is not offered to a staff member of a university within the said period of 90 days or if the Minister is of the opinion that a suitable appointment will not be offered to the member within the said period or that it will because of the member's age not be practicable to offer him any such appointment, he shall for the purposes of an applicable pension law be deemed to have been discharged from his service from a date determined by the Minister on reaching the age at which he would be entitled to retire from service on pension.
- 10          (b) In the calculation of a pension or a gratuity of any person referred to in paragraph (a) who is a member of the Pension Fund for Associated Institutions established under section 2 of the Associated Institutions Pension Fund Act, 1963 (Act No. 41 of 1963), there shall be added to his pensionable service for the purposes of that Pension Fund, a period equal to—
- 15           (i) one third of his pensionable service; or  
              (ii) the period from the date on which he is in terms of paragraph (a) deemed to have been discharged from his service to the date on which he attains the age at which he would be entitled to retire from service on pension; or  
              (iii) a period of five years,  
              whichever period is the shortest.
- 20          (4) If a staff member of a university accepts an appointment offered to him in terms of subsection (2), he shall—
- 25           (a) remain a member of the applicable pension fund of which he is a member until he assumes service in the post to which he is appointed; and  
              (b) retain the sick and vacation leave with which he was credited immediately prior to his appointment.
- 30          (5) (a) For the purposes of an appointment referred to in subsection (2) the Minister may, with the concurrence of the council of the university concerned, create any post or have any post created additional to the establishment of that university.
- 35           (b) The Minister shall reimburse the university concerned all expenditure incurred by it in connection with any such post.
- 40          (6) The conditions of service on which and the salary at which any person is appointed to a post referred to in subsection (5), may differ from those applicable or payable in terms of any law to other persons in the employ of the university concerned and shall, in so far as they so differ, be determined by the Minister with the concurrence of the Minister of Finance.
- 45

6. (1) If the service of a staff member of a university terminates or is terminated as contemplated in section 5 (1) before he can be offered an appointment in terms of section 5 (2)—

- 55           (a) the member shall out of moneys appropriated by Parliament for the purpose be remunerated from the date on which his service so terminates to the applicable date at such salary as the Minister may determine with the concurrence of the Minister of Finance;  
              (b) the member's membership of an applicable pension fund shall not be terminated and he shall continue to contribute to that fund; and  
              (c) any employer's contributions payable in terms of any applicable pension law in respect of any such member shall be paid out of the said moneys.
- 60          (2) In this section "applicable date" means the date on which a staff member of a university accepts an appointment offered to

Termination  
of service of  
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**Wet No. 91, 1984****WET OP UNIVERSITEITSPERSONEEL (ONDERWYS EN OPLEIDING), 1984**

nige personeellid wat sodanige aanstelling nie aanvaar nie, die datum waarop die tydperk van 30 dae in artikel 5 (2) genoem, verstryk.

Minister se beslissing afdoende.

**7. Die Minister se beslissing ingevolge artikel 5 dat—**

- (a) die voorwaardes en salaris in artikel 5 (2) bedoel nie minder gunstig is nie as dié wat op 'n personeellid van toepassing was by die universiteit waar hy in diens is of was; of  
(b) 'n personeellid se aanstelling by 'n universiteit nie deur sy eie toedoen geëindig het of beëindig is nie,  
is afdoende.

Toepassing van artikel 6A van Wet 11 van 1971.

**8. Die bepalings van artikel 6A van die Wet op die Voorsorgfonds vir Geassosieerde Inrigtings, 1971 (Wet No. 11 van 1971), is *mutatis mutandis* van toepassing op 'n personeellid van 'n universiteit wat 'n lid is van die Pensioenfonds vir Geassosieerde Inrigtings ingestel kragtens artikel 2 van die Wet op die Pensioenfonds vir Geassosieerde Inrigtings, 1963 (Wet No. 41 van 1963).**

Kort titel.

**9. Hierdie Wet heet die Wet op Universiteitspersoneel (Ononderwys en Opleiding), 1984.**

## UNIVERSITY STAFF (EDUCATION AND TRAINING) ACT, 1984.

Act No. 91, 1984

him in terms of section 5 or, in the case of such staff member not accepting such appointment, the date on which the period of 30 days mentioned in section 5 (2) expires.

7. The Minister's decision in terms of section 5 that—

- 5      (a) the conditions and salary referred to in section 5 (2) are not less favourable than those applicable to a staff member at the university where he is or was employed; or  
10     (b) the appointment of a staff member at a university referred to in section 5 (1) did not terminate or was not terminated through his own fault,  
shall be final.

Minister's  
decision  
final.

8. The provisions of section 6A of the Associated Institutions Provident Fund Act, 1971 (Act No. 11 of 1971), shall *mutatis mutandis* apply to any staff member of a university who is a member of the Associated Institutions Pension Fund established under section 2 of the Associated Institutions Pension Fund Act, 1963 (Act No. 41 of 1963).

Application of  
section 6A of  
Act 11 of 1971.

9. This Act shall be called the University Staff (Education and Training) Act, 1984. Short title.

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