



STAATSKOERANT

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REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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No. 10452

KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 1963.

19 September 1986

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

No. 106 van 1986: Wysigingswet op die Pensioenwette, 1986.

No. 1963.

19 September 1986

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

No. 106 of 1986: Pension Laws Amendment Act, 1986.

Wet No. 106, 1986

WYSIGINGSWET OP DIE PENSIOENWETTE, 1986

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 Regeringsdienspensioenwet, 1973, ten einde sekere verouderde benamings te vervang; tot wysiging van die Wet op Militêre Pensioene, 1976, ten einde voorsiening te maak vir die betaling van toelaes aan pensioentrekkers wat aan ernstige ongeskikthede ly; en die uitvaardiging van regulasies met terugwerkende krag te magtig; tot wysiging van die Wet op die Pensioene van Regters, 1978, ten einde sekere tydperke van diens in 'n waarnemende hoedanigheid verrig by die omskrywing van "pensioengewende diens" in te sluit; tot wysiging van die Algemene Pensioenwet, 1979, ten einde die behoud van pensioenregte deur sekere persone verder te reël; voorsiening te maak vir die oorplasing van die pensioenregte van 'n rustende lid na 'n ander pensioenfonds; die pensioenregte van persone wie se dienste onder sekere omstandighede beëindig word verder te reël; die Minister van Nasionale Gesondheid en Bevolkingsontwikkeling te magtig om regulasies uit te vaardig betreffende die finansiële bestuur van en beheer oor pensioenfondse; en die ouditering van die rekeningkundige aantekeninge van sekere pensioenfondse aan die Ouditeur-generaal op te dra; tot wysiging van die Wet op die Pensioenfonds vir Tydelike Werknemers, 1979, ten einde sekere verouderde benamings te vervang; om sekere voordele en spesiale toekennings betaalbaar ingevolge die Wet op Bedryfsiektes in Myne en Bedrywe, 1973, te verhoog; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 10 September 1986.)*

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

Wysiging van artikel 2 van Wet 41 van 1963, soos gewysig deur artikel 1 van Wet 86 van 1970, artikel 2 van Wet 97 van 1972 en artikel 1 van Wet 97 van 1980.

1. Artikel 2 van die Wet op die Pensioenfonds vir Geassosieerde Inrigtings, 1963, word hierby gewysig deur paragraaf (c) van subartikel (1) te skrap. 5

Wysiging van artikel 8 van Wet 11 van 1971.

2. Artikel 8 van die Wet op die Voorsorgfonds vir Geassosieerde Inrigtings, 1971, word hierby gewysig deur paragraaf (a) van subartikel (1) te skrap.

Wysiging van artikel 17 van Wet 57 van 1973, soos gewysig deur artikel 5 van Wet 15 van 1974.

3. Artikel 17 van die Regeringsdienspensioenwet, 1973, word hierby gewysig— 10
(a) deur paragraaf (a) van subartikel (1) te skrap; en
(b) deur subartikel (6) deur die volgende subartikel te vervang:

PENSION LAWS AMENDMENT ACT, 1986

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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 Government Service Pension Act, 1973, so as to replace certain obsolete designations; to amend the Military Pensions Act, 1976, so as to provide for the payment of allowances to pensioners suffering from serious disabilities; and to authorize the making of regulations with retrospective effect; to amend the Judges' Pensions Act, 1978, so as to include in the definition of "pensionable service" certain periods of service performed in an acting capacity; to amend the General Pensions Act, 1979, so as to further regulate the preservation of pension rights by certain persons; to provide for the transfer of the pension rights of a dormant member to another pension fund; to further regulate the pension rights of persons whose services are terminated under certain circumstances; to empower the Minister of National Health and Population Development to make regulations relating to the financial management of and control over pension funds; and to entrust the auditing of the accounting records of certain pension funds to the Auditor-General; to amend the Temporary Employees Pension Fund Act, 1979, so as to replace certain obsolete designations; to increase certain benefits and special awards payable in terms of the Occupational Diseases in Mines and Works Act, 1973; and to provide for matters connected therewith.

(English text signed by the State President.)
(Assented to 10 September 1986.)

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

1. Section 2 of the Associated Institutions Pension Fund Act, 1963, is hereby amended by the deletion of paragraph (c) of sub-5 section (1).

Amendment of section 2 of Act 41 of 1963, as amended by section 1 of Act 86 of 1970, section 2 of Act 97 of 1972 and section 1 of Act 97 of 1980.
2. Section 8 of the Associated Institutions Provident Fund Act, 1971, is hereby amended by the deletion of paragraph (a) of subsection (1).

Amendment of section 8 of Act 11 of 1971.
3. Section 17 of the Government Service Pension Act, 1973, is 10 hereby amended—
 - (a) by the deletion of paragraph (a) of subsection (1); and
 - (b) by the substitution for subsection (6) of the following subsection:

Amendment of section 17 of Act 57 of 1973, as amended by section 5 of Act 15 of 1974.

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“(6) Die regulasies beoog in hierdie artikel word deur die Minister met die instemming van die Minister van Finansies uitgevaardig na oorleg met die Administrateurs en die Ministers verantwoordelik vir die Buro, die Kommissie vir Administrasie, die staande mag, die polisiemag, die gevangenisdiens en Pos- en Telekomunikasiewese.”.

Invoeging van artikel 13A in Wet 84 van 1976.

4. Die volgende artikel word hierby in die Wet op Militêre Pensioene, 1976, na artikel 13 ingevoeg:

“Toelaes betaalbaar aan lede wat aan ernstige ongeskiktheid ly.

13A. (1) Indien 'n lid wat ingevolge artikel 4 op 'n pensioen geregtig is se pensioengewende ongeskiktheid na die oordeel van die Direkteur-generaal sodanig is dat hy vir sy liggaamlike versorging geheel en al of hoofsaaklik van die hulp van iemand anders afhanklik is, kan die Direkteur-generaal goedkeur dat, benewens genoemde pensioen, 'n toelae aan die lid betaal word.

(2) Die bedrag van die toelae of die grondslag waarop dit bereken moet word en die voorwaardes onderworpe waaraan dit betaal moet word, word deur die Minister met die instemming van die Minister van Finansies bepaal.”.

Wysiging van artikel 23 van Wet 84 van 1976, soos gewysig deur artikel 11 van Wet 26 van 1977.

5. (1) Artikel 23 van die Wet op Militêre Pensioene, 1976, word hierby gewysig deur die volgende subartikel by te voeg:

“(3) Regulasies beoog in subartikel (1) kan met terugwerkende krag uitgevaardig word.”.

(2) Subartikel (1) word geag op die datum van inwerkingtreding van artikel 23 van die Wet op Militêre Pensioene, 1976 (Wet No. 84 van 1976), in werking te getree het.

Wysiging van artikel 1 van Wet 90 van 1978, soos gewysig deur artikel 1 van Wet 66 van 1979, artikel 15 van Wet 97 van 1980 en artikel 4 van Wet 81 van 1982.

6. Artikel 1 van die Wet op Pensioene van Regters, 1978, word hierby gewysig deur in subartikel (1) die omskrywing van “pensioengewende diens” deur die volgende omskrywing te vervang:

“pensioengewende diens’ enige diens as regter in 'n permanente hoedanigheid verrig, asook—

(a) sodanige diens in 'n waarnemende hoedanigheid verrig vir 'n ononderbroke tydperk onmiddellik voor diensaanvaarding as 'n regter in 'n permanente hoedanigheid; en

(b) enige ander ononderbroke tydperk van langer as 29 dae van sodanige diens in 'n waarnemende hoedanigheid verrig voor diensaanvaarding as regter in 'n permanente hoedanigheid;”.

Wysiging van artikel 15 van Wet 29 van 1979, soos gewysig deur artikel 3 van Wet 67 van 1981, artikel 7 van Wet 81 van 1982 en artikel 8 van Wet 123 van 1984.

7. Artikel 15 van die Algemene Pensioenwet, 1979, word hierby gewysig—

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

“(1) Indien die lidmaatskap van 'n lid van 'n pensioenfonds weens enige rede beëindig word voordat hy die leeftyd bereik waarop hy die reg sou hê om met pensioen af te tree, [sonder 'n onderbreking in sy diens of na die onderbreking in sy diens wat die Direkteur-generaal goedkeur, aangestel, benoem of verkies word as 'n lid of in diens van 'n raad, inrigting, instelling of liggaam wat by of kragtens 'n wet ingestel is of van die regering of wetgewende liggaam van 'n land of gebied in Afrika ten opsigte waarvan die Parlement voorheen wetgewende bevoegdhede uitgeoefen het,] kan die Direkteur-generaal—

(a) [na goeddunke daardie lid,] met die instemming van daardie lid, hom met ingang van die datum waarop [hy aldus aangestel, benoem of verkies is] sy lidmaatskap aldus beëindig is, tot 'n rustende lid van sodanige pensioenfonds verklaar indien hy dit

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5 “(6) The regulations contemplated in this section shall be made by the Minister with the concurrence of the Minister of Finance and after consultation with the Administrators and the Ministers responsible for the Bureau, the Commission for Administration, the permanent force, the police force, the prisons service and Posts and Telecommunications.”

4. The following section is hereby inserted in the Military Pensions Act, 1976, after section 13:

Insertion of section 13A in Act 84 of 1976.

10 “Allowances payable to members suffering from serious disability. 13A. (1) If the pensionable disability of any member who is entitled to a pension in terms of section 4 in the opinion of the Director-General is such that he is entirely or mainly dependent on the assistance of another person for his physical care, the Director-General may approve that an allowance be paid to the member in addition to the said pension.
15 (2) The amount of the allowance or the basis on which it is to be calculated and the conditions subject to which it is to be paid, shall be determined by the Minister of Finance.”
20

5. (1) Section 23 of the Military Pensions Act, 1976, is hereby amended by the addition of the following subsection:

Amendment of section 23 of Act 84 of 1976, as amended by section 11 of Act 26 of 1977.

25 “(3) Regulations contemplated in subsection (1) may be made with retrospective effect.”

(2) Subsection (1) shall be deemed to have come into operation on the date of commencement of section 23 of the Military Pensions Act, 1976 (Act No. 84 of 1976).

6. Section 1 of the Judges' Pensions Act, 1978, is hereby amended by the substitution in subsection (1) for the definition 30 of “pensionable service” of the following definition:

Amendment of section 1 of Act 90 of 1978, as amended by section 1 of Act 66 of 1979, section 15 of Act 97 of 1980 and section 4 of Act 81 of 1982.

35 “‘pensionable service’ means any period of service as a judge in a permanent capacity, as well as—
(a) such service in an acting capacity for any continuous period immediately prior to assuming office as a judge in a permanent capacity; and
(b) any other continuous period of longer than 29 days of such service in an acting capacity prior to assuming office as a judge in a permanent capacity.”

7. Section 15 of the General Pensions Act, 1979, is hereby 40 amended—

Amendment of section 15 of Act 29 of 1979, as amended by section 3 of Act 67 of 1981, section 7 of Act 81 of 1982 and section 8 of Act 123 of 1984.

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

45 “(1) If the membership of a member of a pension fund is on account of any reason terminated before [attaining] he attains the age at which he would have the right to retire on pension, [is appointed, nominated or elected without a break in his service or after such break in his service as the Director-General may approve, as a member or in the service of any board, institution, establishment or body established by or under any law or of a government or legislative body of a country or area in Africa in respect of which Parliament had previously exercised legislative powers,] the Director-General may—
50

55 (a) [in his discretion, declare such member] with the concurrence of such member, declare him a dormant member of such pension fund with effect from the date on which [he was so appointed, nominated or elected] his membership was so terminated
60 if he deems it expedient that his pension-

- dienstig ag dat sy pensioengewende diens as sodanige lid behou word; of
- (b) te eniger tyd voor die datum in paragraaf (a) bedoel op skriftelike aansoek van daardie lid gerig deur middel van **[bedoelde raad, inrigting, instelling of liggaam]** sy voorgenome werkgewer, na goeddunke goedkeur dat daardie lid vir alle doeleindes 'n lid van die pensioenfonds bly asof lede, of persone in diens, van daardie **[raad, inrigting, instelling of liggaam]** werkgewer lede van daardie pensioenfonds is, indien die betrokke **[raad, inrigting, instelling of liggaam]** werkgewer onderneem om ten opsigte van daardie lid in dieselfde mate tot daardie pensioenfonds by te dra as waarin 'n werkgewer ingevolge die wette op daardie pensioenfonds ten opsigte van 'n lid tot daardie pensioenfonds moet bydra.”;
- (b) deur paragraaf (e) van subartikel (2) deur die volgende paragraaf te vervang:
- “(e) is 'n lid in **[paragraaf (b) van]** subartikel (1) (b) bedoel, ondanks andersluidende bepalings van die een of ander wet, nie bevoeg nie om 'n lid te word van, of by te dra tot, 'n pensioen- of voorsorgfonds of -skema met betrekking waartoe lede, of persone in diens, van die betrokke **[raad, inrigting, instelling of liggaam]** werkgewer verplig is of kan word om lede te word en as lede by te dra.”;
- (c) deur paragraaf (e) van subartikel (4) deur die volgende paragraaf te vervang:
- “(e) ‘vasgestelde datum’ die datum waarop 'n rustende lid die leeftyd bereik waarop hy, onmiddellik voor die datum waarop **[hy aangestel, benoem of verkies]** sy lidmaatskap beëindig is soos in subartikel (1) beoog, die reg sou gehad het om met pensioen af te tree;”;
- (d) deur in subartikel (4) die volgende paragraaf by te voeg:
- “(f) ‘werkgewer’ ook 'n raad, inrigting, instelling of liggaam wat kragtens 'n wet ingestel is of 'n regering of wetgewende liggaam van 'n land of 'n gebied in Afrika ten opsigte waarvan die Parlement vooreen wetgewende bevoegdhede uitgeoefen het.”.

Invoeging van
artikel 15A in
Wet 29 van 1979.

8. Die volgende artikel word hierby in die Algemene Pensioenwet, 1979, na artikel 15 ingevoeg:

- 15A.** (1) Indien 'n rustende lid 'n lid word van 'n ander pensioenfonds kan die Direkteur-generaal, met die instemming van die rustende lid, goedkeur dat die rustende lid se pensioengewende diens by 'n toepaslike pensioenfonds na die ander pensioenfonds oorgeplaas word.
- (2) Daar word aan die ander pensioenfonds ten opsigte van pensioengewende diens wat aldus oorgeplaas is die bedrag betaal wat deur die Direkteur-generaal bepaal word.
- (3) Enige bedrag wat ingevolge subartikel (2) betaalbaar is, word betaal uit die toepaslike pensioenfonds of, met die instemming van die Minister van Finansies, uit die Staatsinkomstefonds of gedeeltelik uit die toepaslike pensioenfonds en gedeeltelik uit die Staatsinkomstefonds.
- (4) Enige bedrag wat deur 'n rustende lid aan 'n toepaslike pensioenfonds verskuldig is, word teen die bedrag wat ingevolge subartikel (2) betaalbaar is, verreken, en alle regte op die verskuldigde bedrag

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able service as such member should be retained for him; or

(b) at any time before the date referred to in paragraph (a), on the written application of such member made through **[such board, institution, establishment or body]** his intended employer, in his discretion, approve that such member shall for all purposes remain a member of such pension fund as if members, or persons in the service, of that **[board, institution, establishment or body]** employer were members of that pension fund, if the **[board, institution, establishment or body]** employer concerned undertakes to contribute to that pension fund in respect of that member to the same extent that an employer is, in terms of the laws on that pension fund, required to contribute to that pension fund in respect of a member.”;

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

“(e) a member referred to in **[paragraph (b) of]** subsection (1) (b) shall, notwithstanding anything to the contrary contained in any law, not be competent to become a member of, or to contribute to, a pension or provident fund or scheme in relation to which members, or persons in the service, of the **[board, institution, establishment or body]** employer concerned are or may be required to become members and to contribute as members.”;

(c) by the insertion after paragraph (c) of subsection (4) of the following paragraph:

“(cA) ‘employer’ includes any board, institution, establishment or body established under any law or a government or legislative body of a country or area in Africa in respect of which Parliament had previously exercised legislative powers.”; and

(d) by the substitution for paragraph (d) of subsection (4) of the following paragraph:

“(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, nominated or elected]** his membership was terminated as contemplated in subsection (1), would have had the right to retire on pension.”

8. The following section is hereby inserted in the General Pensions Act, 1979, after section 15:

Insertion of section 15A in Act 29 of 1979.

“Transfer of pensionable service of dormant member to another pension fund.

15A. (1) If a dormant member becomes a member of another pension fund, the Director-General may, with the concurrence of the dormant member, approve that the dormant member’s pensionable service at an appropriate pension fund be transferred to the other pension fund.

(2) There shall be paid to the other pension fund in respect of pensionable service so transferred such amount as may be determined by the Director-General.

(3) Any amount payable in terms of subsection (2) shall be paid from the appropriate pension fund or, with the concurrence of the Minister of Finance, from the State Revenue Fund or partly from the pension fund and partly from the State Revenue Fund.

(4) Any amount owed by a dormant member to an appropriate pension fund shall be set off against any amount payable in terms of subsection (2), and all rights to the amount owing shall be transferred from

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gaan van die toepaslike pensioenfonds op die ander pensioenfonds oor.

- (5) By die toepassing van hierdie artikel beteken—
- (a) 'ander pensioenfonds' 'n pensioenfonds wat die Direkteur-generaal vir die doeleindes van hierdie artikel goedkeur op die bedinge en voorwaardes waaromtrent daar tussen die Direkteur-generaal en die bestuur van die betrokke pensioenfonds ooreengekom word; 5
 - (b) 'rustende lid' iemand wat kragtens 'n pensioenwet tot 'n rustende lid van 'n pensioenfonds verklaar is; en 10
 - (c) 'toepaslike pensioenfonds' die pensioenfonds waarvan die rustende lid 'n rustende lid is.' 15

Vervanging van artikel 20 van Wet 29 van 1979, soos gewysig deur artikel 20 van Wet 96 van 1983.

9. Artikel 20 van die Algemene Pensioenwet, 1979, word hierby deur die volgende artikel vervang: 15

"Pensioen-voordele van persone wie se diens in sekere omstandighede beëindig word.

20. (1) Indien 'n persoon wat 'n lid is van 'n pensioenfonds se diens op die vaste diensstaat van enige werkgewer deur homself of sy werkgewer beëindig word voordat daardie persoon die uitdienstredingsleeftyd bereik het, en die Minister oortuig is dat die onderliggende rede vir daardie diensbeëindiging was— 20

- (a) dat die werkgewer, indien dit 'n universiteit was, 'n lid van die volkseenheid wat deur daardie universiteit bedien word in die plek van daardie persoon wou aanstel; 25
- (b) dat die universiteitsinrigting bedoel in artikel 17 van die Wet op die Universiteit Vista, 1981 (Wet No. 106 van 1981), dit vir daardie persoon sonder sy toedoen onmoontlik gemaak het om aan daardie universiteitsinrigting afgestaan te bly; of 30
- (c) dat dit vir daardie persoon onmoontlik geword het om in daardie diens te bly weens dreigemente van geweld teen hom, sy gesin of sy eien- 35

word daardie persoon, behoudens subartikel (2), by die toepassing van die betrokke pensioenwet geag met ingang van die datum wat die Minister bepaal uit sy diens ontslaan te gewees het by bereiking van die uitdienstredingsleeftyd. 40

(2) Subartikel (1) is nie van toepassing nie op 'n persoon in daardie subartikel bedoel wat—

- (a) (i) binne 'n redelike tyd na sy diensbeëindiging indiensneming elders aangebied is; of 45
- (ii) binne 'n tydperk van ses maande vanaf sy diensbeëindiging na die oordeel van die Minister waarskynlik indiensneming elders sal verkry, 50

teen 'n salaris nie minder nie as dié wat die betrokke persoon onmiddellik voor sy diensbeëindiging ontvang het, en ingevolge welke indiensneming hy verplig sal wees om tot 'n pensioenfonds by te dra; of

- (b) kragtens artikel 15 tot 'n rustende lid verklaar is. 55

(3) By die berekening van die voordeel waarop 'n lid geregtig is wat ingevolge subartikel (1) geag word uit sy diens ontslaan te gewees het, word daar by sy pensioengewende diens 'n tydperk gevoeg gelyk aan— 60

- (a) een derde van sy pensioengewende diens; 65
- (b) die tydperk vanaf die datum waarop hy ingevolge subartikel (1) geag word uit sy diens ontslaan te gewees het tot die datum waarop hy die uitdienstredingsleeftyd bereik; of

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the appropriate pension fund to the other pension fund.

(5) For the purposes of this section—

- (a) 'appropriate pension fund' means the pension fund of which a dormant member is a dormant member;
- (b) 'dormant member' means any person who has been declared a dormant member of a pension fund under a pension law;
- (c) 'other pension fund' means any pension fund which the Director-General may approve for the purposes of this section on such terms and conditions as may be agreed upon between the Director-General and the management of the pension fund concerned."

9. The following section is hereby substituted for section 20 of the General Pensions Act, 1979:

Substitution of section 20 of Act 29 of 1979, as amended by section 20 of Act 96 of 1983.

20. (1) If the service of a person who is a member of a pension fund on the fixed establishment of any employer, is terminated by himself or his employer before that person attains the retirement age, and the Minister is satisfied that the underlying reason for that termination of service was—

- (a) that the employer, if it was a university, wanted to appoint a member of the national unit served by that university in the place of that person;
- (b) that the university institution referred to in section 17 of the Vista University Act, 1981 (Act No. 106 of 1981), through no fault of the person concerned has made it impossible for that person to remain seconded to that university institution; or
- (c) that it became impossible for that person to remain in that service on account of threats of force against him, his family or his property,
- such person shall, subject to subsection (2), for the purposes of the relevant pension law be deemed with effect from the date determined by the Minister to have been discharged from his service on attaining the retirement age.

(2) Subsection (1) shall not apply to a person referred to in that subsection who—

- (a) (i) within a reasonable time after the termination of his service has been offered employment elsewhere; or
- (ii) within a period of six months from the termination of his service in the opinion of the Minister is likely to obtain employment elsewhere,

at a salary not less than that which the person concerned received immediately before the termination of his service, and in terms of which employment he will be obliged to contribute to a pension fund; or

- (b) has been declared a dormant member under section 15.

(3) In the calculation of the benefit to which a member of a pension fund who in terms of subsection (1) is deemed to have been discharged from his service is entitled, there shall be added to his pensionable service a period equal to—

- (a) one-third of his pensionable service;
- (b) the period from the date on which he is in terms of subsection (1) deemed to have been discharged from his service up to the date on which he attains the retirement age; or

"Pension benefits of persons whose service are terminated in certain circumstances.

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- (c) 'n tydperk van vyf jaar, welke tydperk ook al die kortste is.
- (4) Daar word op 'n werkgewer uit wie se diens die lid aldus geag word ontslaan te gewees het, of op die Staatsinkomstefonds in die geval van 'n lid bedoel in subartikel (1) (b), verhaal—
- (a) die bedrag van 'n jaargeld wat ingevolge die betrokke pensioenwet aan of ten opsigte van so 'n lid betaal is tot die laaste dag van die maand waarin hy die uitdienstredingsleeftyd bereik; 5
- (b) vanaf die eerste dag van die maand wat volg op die maand bedoel in paragraaf (a), die bedrag waarmee sodanige jaargeld vermeerder word weens die tydperk wat ingevolge subartikel (3) by die pensioengewende diens van die betrokke lid gevoeg word; 10
- (c) die bedrag waarmee 'n gratifikasie verhoog word weens die tydperk wat aldus by die pensioengewende diens van die betrokke lid gevoeg word; 15
- (d) indien die betrokke lid oorlede is, die bedrag waarmee 'n voordeel ten gunste van sy weduwee, afhanklike of boedel verhoog word weens die tydperk wat aldus by die pensioengewende diens van daardie lid gevoeg word. 20
- (5) By die toepassing van hierdie artikel beteken—
- (a) 'Minister', met betrekking tot 'n lid van 'n pensioenfonds wat in die diens is van 'n raad, inrigting, instelling of liggaam wat by of kragtens 'n wet ingestel is, die Minister handelende na oorleg met die Minister verantwoordelik vir die uitvoering van die betrokke wet; 25
- (b) 'uitdienstredingsleeftyd', met betrekking tot 'n lid, die ouderdom waarop hy geregtig is om met pensioen uit diens te tree kragtens die betrokke pensioenwet; 30
- (c) 'universiteit' 'n universiteit ingestel by die Wet op die Universiteit van Zoeloeland, 1969 (Wet No. 43 van 1969), die Wet op die Universiteit van die Noorde, 1969 (Wet No. 47 van 1969), die Wet op die Mediese Universiteit van Suid-Afrika, 1976 (Wet No. 78 van 1976), of die Wet op die Universiteit Vista, 1981 (Wet No. 106 van 1981); 40
- (d) 'volksseenheid' 'n volksseenheid bedoel in artikel 2 (1) van die Wet op die Bevordering van Swart Selfbestuur, 1959 (Wet No. 46 van 1959). 45

Invoeging van
artikel 22A in
Wet 29 van 1979.

10. Die volgende artikel word hierby in die Algemene Pensioenwet, 1979, na artikel 22 ingevoeg:

- 22A. (1) Die Minister kan na oorleg met die Minister van Finansies regulasies uitvaardig wat voorsiening maak vir die finansiële bestuur van en beheer oor pensioenfondse. 50
- (2) Die rekeningkundige aantekeninge van 'n pensioenfonds word deur die Ouditeur-generaal geouditeer. 55
- (3) By die toepassing van hierdie artikel beteken 'pensioenfonds' ook die Stabilisasierekening vir Siviele Pensioene in artikel 8A bedoel, maar nie ook 'n pensioenskema nie.' 60

Wysiging van
artikel 8 van
Wet 75 van 1979.

11. Artikel 8 van die Wet op die Pensioenfonds vir Tydelike Werknemers, 1979, word hierby gewysig—

- (a) deur paragraaf (a) van subartikel (1) te skrap; en
- (b) deur subartikel (6) deur die volgende subartikel te vervang: 65
- “(6) Regulasies kragtens hierdie artikel uitvaardig,

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(c) a period of five years,
whichever is the shortest period.

(4) There shall be recovered from the employer from whose service the member is deemed to have been discharged, or from the State Revenue Fund in the case of a member referred to in subsection (1) (b)—

(a) the amount of any annuity paid in terms of the relevant pension law to or in respect of such member up to the last day of the month in which he attains the retirement age;

(b) with effect from the first day of the month following upon the month referred to in paragraph (a), the amount by which such annuity is increased by reason of the period which is added in terms of subsection (3) to the pensionable service of the member concerned;

(c) the amount by which any gratuity is increased by reason of the period so added to the pensionable service of the member concerned; and

(d) if the member concerned has died, the amount by which any benefit in favour of his widow, dependant or estate is increased by reason of the period so added to the pensionable service of that member.

(5) For the purpose of this section—

(a) 'Minister', in relation to a member of a pension fund who is in the service of a council, an institution, an establishment or a body established by or under any law, means the Minister acting after consultation with the Minister responsible for the administration of the relevant law;

(b) 'national unit' means a national unit referred to in section 2 (1) of the Promotion of Black Self-government Act, 1959 (Act No. 46 of 1959);

(c) 'retirement age', in relation to a member, means the age at which he is entitled to retire on pension under the relevant pension law;

(d) 'university' means a university established by the University of Zululand Act, 1969 (Act No. 43 of 1969), the University of the North Act, 1969 (Act No. 47 of 1969), the Medical University of Southern Africa Act, 1976 (Act No. 78 of 1976), or the Vista University Act, 1981 (Act No. 106 of 1981)."

10. The following section is hereby inserted in the General Pensions Act, 1979, after section 22:

Insertion of section 22A in Act 29 of 1979.

"Financial management of and control over pension funds, and auditing.

22A. (1) The Minister may, after consultation with the Minister of Finance, make regulations providing for the management of and control over pension funds.

(2) The accounting records of a pension fund shall be audited by the Auditor-General.

(3) For the purpose of this section 'pension fund' includes the Stabilization Account for Civil Pensions referred to in section 8A, but does not include a pension scheme."

11. Section 8 of the Temporary Employees Pension Fund Act, 1979, is hereby amended—

Amendment of section 8 of Act 75 of 1979.

(a) by the deletion of paragraph (a) of subsection (1); and

(b) by the substitution for subsection (6) of the following subsection:

"(6) Regulations made under this section shall be

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word deur die Minister uitgevaardig met die instemming van die Minister van Finansies en na oorlegpleging met die **[Minister van Binnelandse Sake en Immigrasie en die Minister van]** Ministers verantwoordelik vir die Kommissie vir Administrasie, en Pos- en Telekommunikasiewese.” 5

Verhoging van sekere voordele en spesiale toekennings.

12. (1) Behoudens die bepalings van subartikel (2) word 'n voordeel soos omskryf in artikel 1, en 'n spesiale toekenning bedoel in artikel 101, van die Wet op Bedryfsiektes in Myne en Bedrywe, 1973 (Wet No. 78 van 1973), wat ingevolge genoemde 10 Wet betaalbaar is, en wat by die Wysigingswet op Bedryfsiektes in Myne en Bedrywe, 1974 (Wet No. 67 van 1974), die Wysigingswet op Bedryfsiektes in Myne en Bedrywe, 1975 (Wet No. 45 van 1975), die Wysigingswet op Bedryfsiektes in Myne en Bedrywe, 1977 (Wet No. 117 van 1977), die Wysigingswet op 15 Bedryfsiektes in Myne en Bedrywe, 1979 (Wet No. 83 van 1979), die Wysigingswet op Bedryfsiektes in Myne en Bedrywe, 1980 (Wet No. 83 van 1980), die Wysigingswet op Bedryfsiektes in Myne en Bedrywe, 1981 (Wet No. 85 van 1981), die Wysigingswet op Bedryfsiektes in Myne en Bedrywe, 1983 (Wet No. 20 106 van 1983), die Wysigingswet op die Pensioenwette, 1984 (Wet No. 123 van 1984), en die Wysigingswet op Pensioen- en Aanverwante Aangeleenthede, 1985 (Wet No. 105 van 1985), verhoog is, met ingang van 1 Oktober 1986 verder verhoog—

- (a) in die geval van so 'n voordeel, ongeag of dit voor, op 25 of na 1 Oktober 1986 betaalbaar geword het of word, met die toepaslike persentasie; en
- (b) in die geval van so 'n spesiale toekenning, met 'n bedrag wat die kommissaris, soos omskryf in artikel 1 van die Wet op Bedryfsiektes in Myne en Bedrywe, 1973, 30 na goeddunke kan bepaal, maar wat nie 15 persent van so 'n spesiale toekenning wat onmiddellik voor 1 Oktober 1986 betaalbaar was, oorskryf nie:

Met dien verstande dat by die berekening van so 'n voordeel of spesiale toekenning, 'n breukdeel van 'n rand tot die volgende 35 volle rand bereken word.

(2) Die bepalings van subartikel (1) is nie van toepassing nie met betrekking tot 'n enkelbedragvoordeel, soos omskryf in artikel 1 van die Wet op Bedryfsiektes in Myne en Bedrywe, 1973, waarop iemand voor 1 Oktober 1986 geregtig geword het of 40 word.

(3) By die toepassing van hierdie artikel beteken “toepaslike persentasie”, in die geval van so 'n voordeel betaalbaar in die vorm van—

- (a) 'n maandelikse pensioen, 15 persent; en 45
- (b) 'n enkelbedragvoordeel—
 - (i) vyf persent in die geval van so 'n voordeel betaalbaar aan Blankes, Kleurlinge en Indiërs wat gesertifiseer is aan 'n vergoedbare siekte in die eerste graad te ly en so 'n voordeel bedoel in artikel 79 50 (4) (a) van die Wet op Bedryfsiektes in Myne en Bedrywe, 1973;
 - (ii) tien persent in die geval van so 'n voordeel betaalbaar aan Blankes, Kleurlinge en Indiërs wat gesertifiseer is aan 'n vergoedbare siekte in die tweede 55 graad te ly en so 'n voordeel bedoel in artikel 79 (4) (b) van die Wet op Bedryfsiektes in Myne en Bedrywe, 1973;
 - (iii) vyftien persent van so 'n voordeel bedoel in artikels 83 (1) (a) en (b) en 91 (1) (a) en (b) van die 60 Wet op Bedryfsiektes in Myne en Bedrywe, 1973; en
 - (iv) twintig persent in die geval van Swartes wat gesertifiseer is aan tuberkulose of aan 'n vergoedbare siekte of aan meer as een vergoedbare siekte saam 65 met of sonder tuberkulose te ly.

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made by the Minister with the concurrence of the Minister of Finance after consultation with the **[Minister of the Interior and Immigration and the Minister of]** Ministers responsible for the Commission for Administration, and **[the Minister of]** Posts and Telecommunications.”.

12. (1) Subject to the provisions of subsection (2), a benefit as defined in section 1, and a special award referred to in section 101, of the Occupational Diseases in Mines and Works Act, 1973 (Act No. 78 of 1973), which are payable in terms of the said Act, and which were increased by the Occupational Diseases in Mines and Works Amendment Act, 1974 (Act No. 67 of 1974), the Occupational Diseases in Mines and Works Amendment Act, 1975 (Act No. 45 of 1975), the Occupational Diseases in Mines and Works Amendment Act, 1977 (Act No. 117 of 1977), the Occupational Diseases in Mines and Works Amendment Act, 1979 (Act No. 83 of 1979), the Occupational Diseases in Mines and Works Amendment Act, 1980 (Act No. 83 of 1980), the Occupational Diseases in Mines and Works Amendment Act, 1981 (Act No. 85 of 1981), the Occupational Diseases in Mines and Works Amendment Act, 1983 (Act No. 106 of 1983), the Pension Laws Amendment Act, 1984 (Act No. 123 of 1984), and the Pension and Related Matters Amendment Act, 1985 (Act No. 105 of 1985), shall be further increased with effect from 1 October 1986—

Increase of certain benefits and special awards.

- (a) in the case of such a benefit, irrespective of whether it became or becomes payable before, on or after 1 October 1986, by the applicable percentage; and
- (b) in the case of such a special award, by an amount which the commissioner, as defined in section 1 of the Occupational Diseases in Mines and Works Act, 1973, may in his discretion determine, but not exceeding 15 per cent of any such special award payable immediately prior to 1 October 1986:

Provided that in the calculation of any such benefit or special award, a fraction of a rand shall be calculated to the next complete rand.

(2) The provisions of subsection (1) shall not apply with reference to any one-sum benefit, as defined in section 1 of the Occupational Diseases in Mines and Works Act, 1973, to which a person became or becomes entitled before 1 October 1986.

(3) For the purpose of this section “applicable percentage” means, in the case of such a benefit payable in the form of—

- (a) a monthly pension, 15 per cent; and
- (b) a one-sum benefit—
 - (i) five per cent in the case of such a benefit payable to Whites, Coloureds and Indians certified to be suffering from tuberculosis or from a compensatable disease in the first degree and such a benefit referred to in section 79 (4) (a) of the Occupational Diseases in Mines and Works Act, 1973;
 - (ii) ten per cent in the case of such a benefit payable to Whites, Coloureds and Indians certified to be suffering from a compensatable disease in the second degree and such a benefit referred to in section 79 (4) (b) of the Occupational Diseases in Mines and Works Act, 1973;
 - (iii) fifteen per cent of such a benefit referred to in sections 83 (1) (a) and (b) and 91 (1) (a) and (b) of the Occupational Diseases in Mines and Works Act, 1973; and
 - (iv) twenty per cent in the case of Blacks certified to be suffering from tuberculosis or from a compensatable disease or from more than one compensatable disease together with or without tuberculosis.

Wet No. 106, 1986**WYSIGINGSWET OP DIE PENSIOENWETTE, 1986**

Kort titel en
inwerkingtreding.

13. (1) Hierdie Wet heet die Wysigingswet op die Pensioenwette, 1986.

(2) Die bepalings van artikels 4 en 12 tree in werking op 1 Oktober 1986, en die bepalings van artikel 9 word geag op 1 Junie 1986 in werking te getree het.

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13. (1) This Act shall be called the Pension Laws Amendment Act, 1986.

Short title and
commencement.

(2) The provisions of sections 4 and 12 shall come into operation on 1 October 1986, and the provisions of section 9 shall be deemed to have come into operation on 1 June 1986.

