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No. 14933

PROCLAMATION

*by the
State President
of the Republic of South Africa*

No. 55, 1993

1 July 1993

CONSTITUTION AMENDMENT ACT, 1993
(ACT NO 82 OF 1993)

In terms of section 12 of the Constitution Amendment Act, 1993 (Act No 82 of 1993), I hereby determine 1 July 1993 as the date on which the said Act shall come into operation.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town on this 23rd day of June, One Thousand Nine Hundred and Ninety-Three.

F. W. DE KLERK,
State President.

By Order of the State President-in-Cabinet:

R. P. MEYER,
Minister of the Cabinet.

PROKLAMASIE

*van die
Staatspresident
van die Republiek van Suid-Afrika*

No. 55, 1993

1 Julie 1993

WYSIGINGSWET OP DIE GRONDWET, 1993
(WET NO 82 VAN 1993)

Kragtens artikel 12 van die Wysigingswet op die Grondwet, 1993 (Wet No 82 van 1993), bepaal ek 1 Julie 1993 as die datum waarop genoemde Wet in werking tree.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad op hede die 23ste dag van Junie, Eenduisend Negehoenderd Drie-en-Negentig.

F. W. DE KLERK,
Staatspresident.

Op las van die Staatspresident-in-Kabinet:

R. P. MEYER,
Minister van die Kabinet.

PROCLAMATION

by the
State President
of the Republic of South Africa

No. 56, 1993**1 July 1993**

CONSTITUTION AMENDMENT ACT, 1993
(ACT NO 82 OF 1993)

In terms of section 9 of the Constitution Amendment Act, 1993 (Act No 82 of 1993) and notwithstanding the provisions of the Members of Parliament and Political Office-bearers Pension Scheme Act, 1984 (Act No 112 of 1984), (hereafter referred to as the Pension Act), I hereby determine that—

- (a) for the purposes of paragraphs (b) and (d) of this proclamation "pensionable service" means actual pensionable service together with added pensionable service of six months;
- (b) if a member of the President's Council has five or more years' pensionable service to his credit on the date of the commencement of the Constitution Amendment Act, 1993,—
 - (i) to him there shall be paid a pension in terms of section 8 and, if applicable to him, in terms of section 9 of the Pension Act, with effect from the date which follows on the date of the said commencement; and
 - (ii) to him there shall be paid a gratuity in terms of section 11 of the Pension Act;
- (c) for the purposes of subparagraphs (i) and (ii) of paragraph (b)—
 - (i) the said extended pensionable service shall be the pensionable service for the purposes of paragraph (i) of the formula referred to in section 8(1) of the Pension Act and paragraph (i) of the formula referred to in section 11(1) of the said Act;
 - (ii) in the case of a member referred to in sections 9(1) and 11(2) of the Pension Act, the period contemplated in paragraph (i) of the formula referred to in section 9(1) and the period contemplated in paragraph (a) of the formula referred to in section 11(2) shall be extended by the period referred to in paragraph (a);
- (d) to a member of the President's Council who has less than five years' pensionable service to his credit on the date of the said commencement, there shall be paid a gratuity in terms of section 11(1) of the Pension Act, instead of an amount in terms of section 13 of that Act;
- (e) the provisions of sections 6 and 12 of the Pension Act shall apply *mutatis mutandis* in the application of the preceding paragraphs;

PROKLAMASIE

van die
Staatspresident
van die Republiek van Suid-Afrika

No. 56, 1993**1 Julie 1993**

WYSIGINGSWET OP DIE GRONDWET, 1993
(WET NO 82 VAN 1993)

Kragtens artikel 9 van die Wysigingswet op die Grondwet, 1993 (Wet No 82 van 1993), bepaal ek, ondanks die bepalings van die Wet op die Pensioenskema vir Parlementslede en Politieke Ampsbekleërs, 1984 (Wet No 112 van 1984), (hieronder die Pensioenwet genoem) dat—

- (a) vir doeleindes van paragrafe (b) en (d) van hierdie proklamasie "pensioengewende diens" werklike pensioengewende diens tesame met toegevoegde pensioengewende diens van ses maande beteken;
- (b) indien 'n lid van die Presidentsraad op die datum van inwerkingtreding van die Wysigingswet op die Grondwet, 1993, vyf jaar of langer pensioengewende diens tot sy krediet het,—
 - (i) aan hom, met ingang van die datum wat volg op die datum van genoemde inwerkingtreding, 'n pensioen ingevolge artikel 8 en, indien van toepassing op hom, ingevolge artikel 9 van die Pensioenwet betaal word; en
 - (ii) aan hom 'n gratifikasie ingevolge artikel 11 van die Pensioenwet betaal word;
- (c) vir die doeleindes van subparagraphe (i) en (ii) van paragraaf (b)—
 - (i) bedoelde verlengde pensioengewende diens die pensioengewende diens is vir die doeleindes van paragraaf (i) van die formule vermeld in artikel 8(1) van die Pensioenwet en paragraaf (i) van die formule vermeld in artikel 11(1) van genoemde Wet;
 - (ii) in die geval van 'n lid bedoel in artikels 9(1) en 11(2) van die Pensioenwet, die tydperk bedoel in paragraaf (i) van die formule vermeld in artikel 9(1) en die tydperk bedoel in paragraaf (a) van die formule vermeld in artikel 11(2) verleng word met die tydperk vermeld in paragraaf (a);
- (d) aan 'n lid van die Presidentsraad wat op die datum van genoemde inwerkingtreding minder as vyf jaar pensioengewende diens tot sy krediet het, 'n gratifikasie ingevolge artikel 11(1) van die Pensioenwet, in plaas van 'n bedrag ingevolge artikel 13 van dié Wet, betaal word;
- (e) die bepalings van artikels 6 en 12 van die Pensioenwet *mutatis mutandis* van toepassing is by die toepassing van die voorafgaande paragrafe;

- (f) to the estate of a person who was a member of the President's Council at any time since 27 September 1989 and who dies or died before the commencement of the Constitution Amendment Act, 1993, and the dependants of whom are not entitled to an amount in terms of section 15 of the Pension Act, there shall be paid an amount equal to the amount which would have been payable to the member in terms of the Pension Act if he was alive on the date of commencement of the Constitution Amendment Act, 1993;
- (g) to a member of the President's Council who in terms of section 11 of the Constitution Amendment Act, 1993, continues with the performance of functions as contemplated in the said section, there shall be paid a salary for the period he so continues, which shall not exceed two months, on the basis of his salary at the commencement of the said Act, and notwithstanding any pension or gratuity which he receives in terms of the Pension Act;
- (h) any person who is a member of the President's Council on the date of commencement of the Constitution Amendment Act, 1993, shall, until 31 December 1993 and at State expense, be entitled to—
- (i) 15 single aeroplane tickets in accordance with the relevant benefits which the State President has determined in terms of section 73 of the Republic of South Africa Constitution Act, 1983 (Act No 110 of 1983); and
 - (ii) if he is not resident in Cape Town, the transportation, by road or rail, of as much of his personal belongings as can be transported in one mini container of Transnet.
- (f) aan die boedel van iemand wat te eniger tyd sedert 27 September 1989 'n lid van die Presidentsraad was en voor die inwerkingtreding van die Wysigingswet op die Grondwet, 1993, te sterwe kom of gekom het en aan die afhanklikes van wie nie 'n bedrag ingevolge artikel 15 van die Pensioenwet betaalbaar is nie, 'n bedrag betaal word gelyk aan die bedrag wat aan die lid ingevolge die Pensioenwet betaalbaar sou gewees het indien hy op die datum van inwerkingtreding van die Wysigingswet op die Grondwet, 1993, geleef het;
- (g) aan 'n lid van die Presidentsraad wat ingevolge artikel 11 van die Wysigingswet op die Grondwet, 1993, voortgaan met die verrigting van werksaamhede in dié artikel bedoel, 'n salaris betaal word vir die tydperk, maar hoogstens van twee maande, waartydens hy aldus voortgaan, en wel op die grondslag van sy salaris by die inwerkingtreding van genoemde Wet, en ondanks 'n pensioen of gratifikasie wat hy ingevolge die Pensioenwet ontvang;
- (h) iemand wat op die datum van inwerkingtreding van die Wysigingswet op die Grondwet, 1993, 'n lid van die Presidentsraad is, tot 31 Desember 1993, op koste van die Staat, geregtig is op—
- (i) 15 enkelreise per vliegtuig ooreenkomstig die toepaslike voordele wat die Staatspresident ingevolge artikel 73 van die Grondwet van die Republiek van Suid-Afrika, 1983 (Wet No 110 van 1983), bepaal het; en
 - (ii) indien hy nie in Kaapstad woonagtig is nie, die vervoer, per pad of per spoor, van soveel van sy persoonlike besittings as wat in een minihouer van Transnet vervoer kan word.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town on this 25th day of June, One Thousand Nine Hundred and Ninety-Three.

F. W. DE KLERK,

State President.

By Order of the State President-in-Cabinet:

A. J. VLOK,

Minister of the Cabinet.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad op hede die 25ste dag van Junie, Eenduisend Negehoenderd Drie-en-Negentig.

F. W. DE KLERK,

Staatspresident.

Op las van die Staatspresident-in-Kabinet:

A. J. VLOK,

Minister van die Kabinet.

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