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ADMINISTRATEURSKENNISGEWING

Administrateurskennisgewing 83 21 Januarie 1976

REGULASIES INSAKE DIE TRANSVAALSE GEMEENSKAPLIKE MUNISIPALE JAARGELD- EN GRATIFIKASIEFONDS (NIE-BLANK) — WYSIGINGS.

Die Administrateur wysig hierby, ingevolge artikel 79 *quat* van die Ordonnansie op Plaaslike Bestuur, 1939, (Ordonnansie 17 van 1939) die Regulasies insake die Transvaalse Gemeenskaplike Munisipale Jaargeld- en Gratifikasiefonds (nie-Blank) afgekondig by Administrateurskennisgewing 550 van 25 Mei 1970, soos in die Bylae hierby uiteengesit.

BYLAE.

1. Regulasie 1 word hierby gewysig met ingang van 1 Julie 1976 deur die woordomskrywing van "werknemer" deur die volgende te vervang:

" 'werknemer' enige ander persoon as 'n blanke soos omskryf in artikel 1 van die Bevolkingsregistrasiewet, 1950 (Wet 30 van 1950), wat 'n Suid-Afrikaanse burger is, of lid van 'n Suid-Afrikaanse etniese nie-blanke ras is en wat die ouderdom van sewentien jaar, maar nie die ouderdom van vyf en vyftig jaar bereik het nie, wat in die diens van 'n plaaslike bestuur is —

(a) in 'n besoldigde of gegradeerde pos op die vaste diensstaat in 'n permanente en voltydse hoedanigheid; en

(b) enige ander werknemer wat minstens drie jaar ononderbroke diens het wie se jaarlikse pensioendraende emolumente minstens R480 bedra;".

2. Regulasie 28 word hierby gewysig met ingang van 1 September 1975 deur dit deur die volgende regulasie te vervang:

"Bydrae van Lede.

28.(1) Behoudens die bepalings van subregulasies (2), (3), (4), (5), (6), (7) en (8) dra elke lid tot die Fonds by teen 'n koers van 6,5% van sy pensioendraende emolumente.

(2) Enige werknemer wat 'n lid word —

(a) voor of op die vyftiende dag van enige maand sal vanaf die eerste dag van daardie maand tot die Fonds bydra; of

ADMINISTRATOR'S NOTICE

Administrator's Notice 83 21 January, 1976

REGULATIONS GOVERNING THE TRANSVAAL JOINT MUNICIPAL ANNUITY AND GRATUITY FUND (NON-EUROPEAN) — AMENDMENT OF REGULATIONS.

The Administrator hereby, in terms of section 79*quat* of the Local Government Ordinance, 1939 (Ordinance 17 of 1939) amends the regulations governing the Transvaal Joint Municipal Annuity and Gratuity Fund (Non-European) published under Administrator's Notice 550, dated 25 May, 1970, as set out in the Schedule hereto.

SCHEDULE.

1. Regulation 1 is hereby amended as from 1 July, 1976 by the substitution for the definition of "employee" of the following:

" 'employee' means any person other than a white person as defined in section 1 of the Population Registration Act, 1950 (Act 30 of 1950), who is a South African citizen, or a member of a South African ethnic non-white group who has attained the age of seventeen years, but not the age of fifty five years and who is employed by a local authority —

(a) in a salaried or graded post on the fixed establishment in a permanent full time capacity; and

(b) any other employee who has had at least three years unbroken service in a full time capacity with the local authority and whose annual pensionable emoluments amount to at least R480;".

2. Regulation 28 is hereby amended as from 1 September 1975 by the substitution therefor of the following regulation:

"Contributions by Members.

28.(1) Subject to the provisions of subregulations (2), (3), (4), (5), (6), (7) and (8) every member shall contribute to the Fund at a rate of 6,5% of his pensionable emoluments.

(2) Any employee who becomes a member —

(a) before or on the fifteenth day of any month, shall contribute to the Fund from the first day of that month; or

(b) na die vyftiende dag van enige maand sal vanaf die eerste dag van die daaropvolgende maand tot die Fonds bydra.

(3) as 'n lid —

(a) die diens van 'n plaaslike bestuur verlaat kragtens die bepalings van regulasies 34, 35, 36, 37, 38 of 39 moet hy ten volle tot die Fonds bydra vir die maand waarin hy aldus die diens verlaat.

(b) om enige ander rede die diens van 'n plaaslike bestuur verlaat —

(i) voor of op die vyftiende dag van enige maand, dra hy nie ten opsigte van daardie maand tot die Fonds by nie; of

(ii) na die vyftiende dag van enige maand, dra hy ten volle tot die Fonds by ten opsigte van daardie maand; of

(c) minder as volle betaling vir enige kalendermaand ontvang, maak hy —

(i) op die basis van sy volle pensioendraende emolumente gedurende daardie kalendermaand bydrae as hy betaling van 15 of meer volle dae vir daardie kalendermaand ontvang;

(ii) geen bydrae vir daardie kalendermaand maak nie as hy minder as 15 volle dae se besoldiging vir daardie kalendermaand ontvang;

(d) te sterwe kom terwyl hy nog in diens van 'n plaaslike bestuur is, word bydraes ten volle tot die Fonds gemaak ten opsigte van die maand waarin hy te sterwe kom.

(4) Elke lid in diens van 'n plaaslike bestuur op die vasgestelde datum moet, bykomstig tot die bydrae waarna in subregulasie (1) verwys word, sodanige bydraes maak as wat vereis word ooreenkomstig 'n skema goedgekeur onder regulasie 22.

(5) 'n Werknemer wat op of na die vasgestelde datum 'n lid word en wat 'n vorige tydperk van diens by 'n plaaslike bestuur in die Republiek of die gebied van Suidwes-Afrika gehad het, of dit met die Fonds geassosieer is of nie, voordat hy lid geword het, het die reg, onderhewig aan die Komitee se goedkeuring en op sodanige voorwaardes as wat die Komitee mag neerlê, om te kies om erkenning van sodanige vorige diens of gedeelte daarvan as deurlopende diens en moet in daardie geval bykomstige bydraes vir sodanige erkenning betaal ooreenkomstig tabelle deur die Aktuaris voorsien: Met dien verstande —

(a) dat die reg uitgeoefen word binne een maand vanaf die datum waarop die lid se eerste bydrae aan die Fonds betaal is;

(b) dat enige bedrag onder hierdie subregulasie deur 'n lid aan die Fonds verskuldig wat nie ten volle betaal is op die datum van sodanige keuse nie, tesame met rente teen die koers van vyf persent per jaar, jaarliks saamgestel vanaf die datum van sodanige keuse tot datum van betaling, van sy emolumente afgetrek word teen 'n koers wat sal meebring dat sodanige bedrag tesame met rente soos gemeld betaal sal wees binne 'n tydperk deur die Komitee vasgestel, maar nie later as die datum waarop die lid sy pensioenleeftyd bereik nie: Met dien verstande voorts dat die lid te enige tyd die volle of gedeelte van die verskuldigde saldo kan betaal.

(b) after the fifteenth day of any month, shall contribute to the Fund from the first day of the next succeeding month.

(3) If a member —

(a) leaves the service of a local authority in terms of the provisions of regulations 34, 35, 36, 37, 38 or 39, he shall contribute to the Fund in full for the month in which he has so left the service:

(b) for any other reason leaves the service of a local authority —

(i) before or on the fifteenth day of any month, he shall not contribute to the Fund in respect of that month; or

(ii) after the fifteenth day of any month, he shall contribute in full to the Fund in respect of that month; or

(c) receives less than full pay during any calendar month he shall —

(i) contribute on the basis of his full pensionable emoluments during that calendar month if he has received 15 or more days full pay during that calendar month;

(ii) make no contribution during that calendar month if he has received less than 15 days full pay during that calendar month;

(d) dies while he is still in the service of a local authority, contributions shall be paid in full to the Fund in respect of the month in which he died.

(4) Every member in the service of a local authority on the fixed date shall, in addition to the contribution referred to in subregulation (1), make such contributions as may be required in terms of a scheme approved under regulation 22.

(5) An employee who becomes a member on or after the fixed date and who shall have had a prior period of service with a local authority in the Republic or in the territory of South West Africa, whether associated with the Fund or not, before becoming a member, shall have the right subject to the approval of the Committee, and on such conditions as the Committee may impose, to elect to obtain recognition of such prior service, or part thereof, as continuous service, and shall in that event pay additional contributions for such recognition in accordance with tables supplied by the Actuary: Provided —

(a) that the right is exercised within one month after the date on which the member's first contribution is paid to the Fund;

(b) that any amount due to the Fund by a member under this subregulation and not paid in full on the date of such election shall, together with interest at the rate of five per cent per annum, compounded yearly, from the date of such election to the date of payment, be deducted from his emoluments at a rate which will enable such amount, together with interest as aforesaid, to be paid within a period determined by the Committee but not later than the date on which the member shall attain his pension age: Provided further that the member may at any time pay the whole or part of the balance due.

(6) Subregulasie (5) is *mutatis mutandis* van toepassing ten opsigte van enige vorige tydperk van diens van 'n lid in die diens van 'n plaaslike bestuur op die vasgestelde datum, tot die mate wat sodanige vorige diens nie ten volle erken word ooreenkomstig 'n skema goedgekeur onder regulasie 22 nie.

(7) 'n Plaaslike bestuur kan aan die Fonds 'n gedeelte, wat nie een helfte van die bedrag betaalbaar kragtens subregulasie (5) of (6) oorskry nie, betaal. In daardie geval word die bydraes wat kragtens sub-regulasie (5) deur die lid betaalbaar is, met die bedrag van sodanige betaling deur sodanige plaaslike bestuur verminder.

(8) As 'n werknemer van 'n plaaslike bestuur 'n lid van die Fonds word as gevolg van sy aanstelling in 'n permanente en voltydse hoedanigheid nadat hy in diens van 'n plaaslike bestuur in 'n gesalarieerde of gegradeerde pos in 'n deeltydse hoedanigheid nadat hy in diens van 'n plaaslike bestuur in 'n gesalarieerde of gegradeerde pos in 'n deeltydse hoedanigheid was onmiddellik voor sodanige aanstelling, is subregulasie (5) *mutatis mutandis* van toepassing, met dien verstande egter dat in daardie geval die werknemer een helfte van die bydraes vereis kragtens subregulasie (5) moet bydra en die plaaslike bestuur moet 'n gelyke bedrag bydra.

(9) Waar betaling van agterstallige bydraes in paaiemente geskied en die lid te sterwe kom of ophou om tot die Fonds by te dra voordat hy sodanige agterstallige betalings voltooi het, dan word enige voordeel uit die Fonds waartoe hy, sy boedel of sy afhanklikes geregtig mag wees, bereken asof hy sy agterstallige betalings voltooi het en in die geval waar 'n gratifikasie betaalbaar is, word die saldo van die agterstallige bydraes met rente ingesluit, van die gratifikasie afgetrek en in die geval waar 'n jaargeld betaalbaar is, van die jaargeldbetalings, en as die dood intree voordat hierdie aftrekkings voltooi is, word die uitstaande saldo afgetrek van enige betalings uit die Fonds waartoe sy boedel of afhanklikes geregtig mag wees.

3. Regulasie 47 word hierby met ingang van 1 September 1975 gewysig deur subregulasie (4) deur die volgende subregulasie te vervang:

"(4) 'n Jaargeld kragtens hierdie regulasies toegestaan, word gestaak op die laaste dag van die maand waarin afsterwe plaasvind."

PB. 3-4-6-3

(6) Subregulation (5) shall apply, *mutatis mutandis*, in respect of any prior period of service of a member in the service of a local authority at the fixed date, to the extent that such prior service is not fully recognised in terms of a scheme approved under regulation 22.

(7) A local authority may pay to the Fund a portion, not exceeding one half, of the amount payable in terms of subregulation (5) or (6). In this event contributions payable by the member in terms of subregulation (5) shall be reduced by the amount of such payment by such local authority.

(8) If an employee of a local authority becomes a member of the Fund due to his appointment in a permanent and full time capacity after having served a local authority in a salaried or graded post in a part time capacity immediately prior to such appointment, subregulation (5) shall apply to such prior service, *mutatis mutandis*, provided, however, that in this event the employee shall contribute one half of the contributions required in terms of subregulation (5), and the local authority shall contribute an equivalent amount.

(9) Where payment of arrear contributions is being made by instalments, and the member dies or ceases to contribute to the Fund before he has completed such arrear payments, then any benefit from the Fund to which he, his estate or his dependants are entitled shall be calculated as if he had completed payment of his arrear contributions and in the case where a gratuity is payable, the balance of the arrear contributions outstanding, including interest, shall be deducted from the gratuity and in the case where an annuity is payable, from the annuity payments, and if death occurs before these deductions are completed, the balance outstanding shall be deducted from any payments from the Fund to which his estate or his dependants are entitled."

3. Regulation 47 is hereby amended as from 1 September, 1975 by the substitution for subregulation (4) of the following subregulation:

"(4) An annuity granted in terms of these regulations shall cease on the last day of the month in which death takes place."

PB. 3-4-6-3

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