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GOVERNMENT NOTICE.

DEPARTMENT OF SOCIAL WELFARE AND PENSIONS

No. R.19 96.] [17th December, 1965.

GOVERNMENT SERVICE PENSIONS ACT, 1965.

The Minister of Social Welfare and Pensions has, by virtue of the powers vested in him by section five of the Government Service Pensions Act, 1965, made the following regulations for the management and control of the Government Service Widows' Pension Fund.

GOVERNMENT SERVICE WIDOWS' PENSION FUND.

Interpretation of Terms.

1. In these regulations unless the context otherwise indicates, any expression to which a meaning has been assigned in section one of the Act, bears, when used in these regulations, the same meaning, and—

- (i) "approved fund" means a pension fund referred to in paragraphs (a) and (b) of sub-section (1) of section twenty-six of the Act, which in terms of paragraph (c) of that sub-section has been approved for purposes of the Fund or which is deemed to have been so approved;
- (ii) "additional contributions" means additional contributions referred to in regulation 5;
- (iii) "cessation date", in relation to a member—
 - (a) who retired or was retired or discharged on pension with an annuity prior to the fixed date and who had not attained the age of sixty years prior to that date; or
 - (b) who retires or is retired or discharged on pension with an annuity on or after the fixed date but before he has attained the age of sixty years,

means the day on which he attains the age of sixty years if he attains that age on the first day of any month in a year or, if he does not attain the age of sixty years on the first day of a month, the first day of the month immediately succeeding the month in which he attains that age, but does not apply in the case of a member to whom regulation 5 refers and who, while he is re-employed, is required to continue to contribute to the Fund after he attains the age of sixty years;

GOEWERMENSKENNISGEWING.

DEPARTEMENT VAN VOLKSWELSYN EN PENSIOENE

No. R.1996.] [17 Desember 1965.

REGERINGSDIENSPENSIOENWET, 1965.

Die Minister van Volkswelsyn en Pensioene het, kragtens die bevoegdheid hom verleen by artikel vyf van die Regeringsdienspensioenwet, 1965, onderstaande regulasies gemaak vir die bestuur en beheer van die Regeringsdiensweduweespensioenfonds.

REGERINGSDIENS-WEDUWEESPENSIOENFONDS.

Woordomskrywing.

1. In hierdie regulasies, tensy uit die samehang anders blyk, het 'n uitdrukking waaraan 'n betekenis in artikel een van die Wet geheg is, dieselfde betekenis wanneer dit in hierdie regulasies gebruik word en beteken—

- (i) „goedgekeurde fonds” 'n pensioenfonds genoem in paragrawe (a) en (b) van subartikel (1) van artikel ses-en-twintig van die Wet wat ingevolge paragraaf (c) van daardie subartikel vir doeleindes van die Fonds goedgekeur is of wat geag word aldus goedgekeur te wees;
- (ii) „addisionele bydraes” addisionele bydraes in regulasie 4 genoem;
- (iii) „stakingsdatum” met betrekking tot 'n lid—
 - (a) wat met pensioen met 'n jaargeld afgetree het of afgedank of ontslaan is voor die vasgestelde datum en wat nog nie die leeftyd van sestig jaar voor daardie datum bereik het nie; of
 - (b) wat met pensioen met 'n jaargeld aftree of afgedank of ontslaan word op of na die vasgestelde datum maar voordat hy die leeftyd van sestig jaar bereik het, die dag waarop hy die leeftyd van sestig jaar bereik as hy daardie leeftyd op die eerste dag van enige maand in 'n jaar bereik of, as hy die leeftyd van sestig jaar nie op die eerste dag van 'n maand bereik nie, die eerste dag van die maand wat onmiddellik volg op die maand waarin hy daardie leeftyd bereik, maar is nie van toepassing nie in die geval van 'n lid op wie regulasie 5 betrekking het en wat, nadat hy weer in diens geneem is, verplig is om voort te gaan om tot die Fonds by te dra nadat hy die leeftyd van sestig jaar bereik;

(iv) "child" means—

- (a) a minor child or stepchild of the member or a legally adopted minor child of the member; or
- (b) a child or stepchild or legally adopted child of the member, other than a child referred to in paragraph (a), who is attending an educational institution or who, by reason of mental or physical infirmity, is unable to maintain himself;

(v) "contributions" means contributions paid to the Fund by a member in terms of section *eighty* of the Public Service Act, 1923 (Act No. 27 of 1923), section *fifty-two* of the Government Service Pensions Act, 1936 (Act No. 32 of 1936), section *seventy-three* of the Pensions Act or regulation 3 of these regulations;

(vi) "member" means a person who contributes to the Fund and includes any person who has ceased so to contribute and in respect of whom a pension or any other amount is payable from the Fund;

(vii) "pensionable emoluments", in relation to a member who was a contributor to the old fund or who was or is a contributor to a qualifying fund, means the pensionable emoluments on which he contributed to the old fund or on which he contributed or contributes to such qualifying fund;

(viii) "qualifying fund" means the Public Service Pension Fund, the Permanent Force Pension Fund or the South African Police and Prisons Service Pension Fund, and includes an approved fund;

(ix) "the Act" means the Government Service Pensions Act, 1965 (Act No. 62 of 1965);

(x) "the Fund" means the Government Service Widows' Pension Fund referred to in sub-section (2) of section *two* of the Act;

(xi) "the tables" means the tables and rules referred to in regulation 7;

(xii) "Treasury" means the Minister of Finance or any officer in the Department of Finance authorized by the said Minister to perform any of the functions assigned to the Treasury in these regulations.

Membership.

2. (1) (a) Any person who was a member of the Fund immediately prior to the fixed date but who, for a reason mentioned in the Government Service Pensions Act, 1936, or the Pensions Act, had prior to that date ceased to contribute to the Fund, shall continue to be a member, and any benefit payable from the Fund to him or to his widow or his child shall be paid in accordance with the provisions of these regulations.

(b) Any person who was a member of and a contributor to the Fund immediately prior to the fixed date and who, in accordance with the provisions of section *three* of the Act is required to continue to contribute to the Fund, shall, as from the fixed date, in respect of all rights acquired and all obligations incurred as a member of the Fund, be subject to the provisions of these regulations.

(c) Subject to the provisions of sub-regulation (2) every male person who, on or after the fixed date—

(i) is appointed to a post in the Public Service or becomes a member of the Permanent Force, the Police Force or the Prisons Service; and

(ii) becomes liable to contribute to the Public Service Pension Fund, the Permanent Force Pension Fund or the South African Police and Prisons Service Pension Fund, as the case may be,

shall contribute to the Fund as from the date on which he becomes liable to contribute to any pension fund referred to in sub-paragraph (ii).

(iv) „kind”—

- (a) 'n minderjarige kind of stiefkind van die lid of 'n minderjarige kind wat wettig deur die lid aangeneem is; of
- (b) 'n kind of stiefkind of wettig aangenome kind van die lid, uitgesonderd 'n kind in paragraaf (a) genoem, wat 'n opvoedkundige inrigting bywoon of wat, weens verstandelike of liggaamlike ongeskiktheid, nie in staat is om homself te onderhou nie;

(v) „bydraes” bydraes wat 'n lid ingevolge artikel *tagtig* van die Staatsdiens Wet, 1923 (Wet No. 27 van 1923), artikel *twee-en-vyftig* van die Regeringsdiens Pensioenwet, 1936 (Wet No. 32 van 1936), artikel *drie-en-sewentig* van die Pensioenwet of regulasie 3 van hierdie regulasies aan die Fonds betaal het;

(vi) „lid” 'n persoon wat tot die Fonds bydra en omvat 'n persoon wat opgehou het om aldus by te dra en ten opsigte van wie 'n pensioen of enige ander bedrag uit die Fonds betaalbaar is;

(vii) „pensioengewende verdienste”, met betrekking tot 'n lid wat 'n bydraer tot die ou fonds was of wat 'n bydraer tot 'n kwalifiserende fonds was of is, die pensioengewende verdienste waarop hy tot die ou fonds bygedra het of waarop hy tot sodanige kwalifiserende fonds bygedra het of bydra;

(viii) „kwalifiserende fonds” die Staatsdiens-pensioen-fonds, die Staandemag-pensioen-fonds of die Suid-Afrikaanse Polisie- en Gevangenisdiens-pensioen-fonds en omvat 'n goedgekeurde fonds;

(ix) „die Wet” die Regeringsdienspensioenwet, 1965 (Wet No. 62 van 1965);

(x) „die Fonds” die Regeringsdiens-weduweespensioen-fonds in subartikel (2) van artikel *twee* van die Wet genoem;

(xi) „die tabelle” die tabelle en reëls in regulasie 7 genoem;

(xii) „Tesourie” die Minister van Finansies of enige beampte in die Departement van Finansies wat deur genoemde Minister gemagtig is om enige van die werksaamhede te verrig wat in hierdie regulasies aan die Tesourie opgedra word.

Lidmaatskap.

2. (1) (a) Enige persoon wat onmiddellik voor die vasgestelde datum 'n lid van die Fonds was maar wat, om 'n rede genoem in die Regeringsdiens Pensioenwet, 1936, of die Pensioenwet, voor daardie datum opgehou het om tot die Fonds by te dra, gaan voort om 'n lid te wees, en enige voordeel wat uit die Fonds aan hom of aan sy weduwee of sy kind betaalbaar is, moet ooreenkomstig die bepalings van hierdie regulasies betaal word.

(b) Enige persoon wat onmiddellik voor die vasgestelde datum 'n lid van en 'n bydraer tot die Fonds was en wat, ooreenkomstig die bepalings van artikel *drie* van die Wet verplig is om voort te gaan om tot die Fonds by te dra, is met ingang van die vasgestelde datum, ten opsigte van alle regte wat hy verkry het en alle verpligtings wat hy aangegaan het as lid van die Fonds, onderworpe aan die bepalings van hierdie regulasies.

(c) Behoudens die bepalings van subregulasie (2) moet elke manlike persoon wat op of na die vasgestelde datum—

(i) aangestel word in 'n pos in die Staatsdiens of 'n lid van die Staande Mag, die Polisiemag of die Gevangenisdiens word; en

(ii) onder die verpligting kom om tot die Staatsdiens-pensioen-fonds, die Staandemag-pensioen-fonds of die Suid-Afrikaanse Polisie- en Gevangenisdiens-pensioen-fonds, na gelang van die geval, by te dra, tot die Fonds bydra met ingang van die datum waarop hy onder die verpligting kom om tot 'n pensioen-fonds genoem in subparagraaf (ii) by te dra.

(d) Subject to the provisions of sub-regulations (2) and (3) every male person who on or after the fixed date is appointed to employment in respect of which he is required to become a member of and to contribute to an approved fund shall, as from the date on which he is so appointed, contribute to the Fund.

(2) A male contributor to a qualifying fund whose pensionable emoluments are less than two hundred and forty rand per annum, shall not become a member of the Fund until such time as he is in receipt of pensionable emoluments of not less than that amount.

(3) Unless the Secretary otherwise directs, a male contributor to an approved fund shall not become a member of the Fund—

- (a) if he has been engaged, for a period of less than twelve months, for the completion or performance of specific work;
- (b) if he has been engaged for a fixed period of less than twelve months; or
- (c) if the conditions of his employment are such that he will not be continuously employed for a period of more than twelve months.

Ordinary Contributions.

3. (1) Subject to the provisions of regulation 5 any member who retired or was retired or discharged on pension prior to the fixed date, who had not attained the age of sixty years prior to that date and who immediately prior to that date was a contributor to the Fund shall continue to contribute to the Fund up to and including the day immediately preceding the cessation date and at the rate at which he was contributing immediately prior to the fixed date.

(2) The provision of sub-regulation (5) of this regulation shall *mutatis mutandis* apply in respect of a member referred to in paragraph (1).

(3) Subject to the succeeding sub-regulations of this regulation and unless otherwise provided in these regulations, every member, other than a member to whom sub-regulation (1) relates, shall while he is a contributor to a qualifying fund, contribute to the Fund at the rate of two per cent of his pensionable emoluments.

(4) If a member to whom sub-regulation (3) applies retires or is retired or discharged on pension prior to attaining the age of sixty years and becomes entitled to or is granted an annuity he shall, subject to the provisions of regulation 5, after such retirement or discharge, continue to contribute to the Fund at the rate of two per cent of his pensionable emoluments immediately prior to his retirement or discharge, up to and including the day immediately preceding the cessation date.

(5) A member who has retired or has been retired or discharged on pension with an annuity and who has attained the age of sixty years, may, if he is a bachelor, widower or divorcee, elect at any time to terminate his membership of the Fund, and if he so elects he shall be paid—

- (a) if he was unmarried throughout the period of his membership, the surrender value of his contributions, other than additional contributions; or
- (b) if he was married at any time during the period of his membership, the surrender value of the contributions (other than additional contributions) paid by him in respect of the period after he last ceased to be a married member,

calculated according to the tables.

(6) Contributions shall be made by monthly deductions from the member's pensionable emoluments or annuity.

(7) A member who is absent from duty on sick or other leave with or without pay shall contribute to the Fund on his full pensionable emoluments.

(8) If a member is suspended from his office or post or otherwise suspended from duty, he shall, on such conditions as the Secretary may determine, contribute in respect of the period of suspension, and the contributions so to be made by him shall—

(d) Behoudens die bepalings van subregulasies (2) en (3) moet elke manlike persoon wat op of na die vasgestelde datum aangestel word in diens ten opsigte waarvan hy verplig is om 'n lid te word van en by te dra tot 'n goedgekeurde fonds met ingang van die datum waarop hy aldus aangestel word tot die Fonds bydra.

(2) 'n Manlike bydraer tot 'n kwalifiserende fonds wie se pensioengewende verdienste minder as tweehonderden-veertig rand per jaar is, mag nie 'n lid van die Fonds word nie totdat hy pensioengewende verdienste van minstens daardie bedrag ontvang.

(3) Tensy die Sekretaris anders gelas, mag 'n manlike bydraer tot 'n goedgekeurde fonds nie 'n lid van die Fonds word nie—

- (a) as hy in diens geneem is vir 'n tydperk van minder as twaalf maande vir die afhandeling of uitvoering van bepaalde werk;
- (b) as hy in diens geneem is vir 'n vasgestelde tydperk van minder as twaalf maande; of
- (c) as sy diensvoorwaardes sodanig is dat hy nie ononderbroke vir 'n tydperk van meer as twaalf maande in diens sal wees nie.

Gewone Bydraes.

3. (1) Behoudens die bepalings van regulasie 5 moet 'n lid wat met pensioen afgetree het of afgedank of ontslaan is voor die vasgestelde datum, wat nog nie die leeftyd van sestig jaar voor daardie datum bereik het nie en wat onmiddellik voor daardie datum 'n bydraer tot die Fonds was, voortgaan om tot die Fonds by te dra tot en met die dag onmiddellik voor die stakingsdatum en wel volgens die skaal waarvolgens hy onmiddellik voor die vasgestelde datum bygedra het.

(2) Die bepalings van subregulasie (5) van hierdie regulasie is *mutatis mutandis* van toepassing ten opsigte van 'n lid in paragraaf (1) genoem.

(3) Behoudens die volgende subregulasies van hierdie regulasie en tensy anders in hierdie regulasies bepaal, moet elke lid, uitgesonderd 'n lid op wie subregulasie (1) betrekking het, solank hy 'n bydraer tot 'n kwalifiserende fonds is tot die Fonds volgens die skaal van twee persent van sy pensioengewende verdienste bydra.

(4) As 'n lid op wie subregulasie (3) van toepassing is, met pensioen aftree of afgedank of ontslaan word voordat hy die leeftyd van sestig jaar bereik en geregtig word tot 'n jaargeld, of 'n jaargeld aan hom toegeken word, moet hy, behoudens die bepalings van regulasie 5, na sodanige uitdienstreding of ontslag voortgaan om tot die Fonds by te dra volgens die skaal van twee persent van sy pensioengewende verdienste onmiddellik voor sy uitdienstreding of ontslag tot en met die dag onmiddellik voor die stakingsdatum.

(5) 'n Lid wat met pensioen met 'n jaargeld afgetree het of afgedank of ontslaan is en wat die leeftyd van sestig jaar bereik het, kan, as hy 'n vrygesel of wewenaar of 'n geskeie persoon is, te eniger tyd kies om sy lidmaatskap van die Fonds te beëindig en as hy aldus kies, moet onderstaande aan hom betaal word—

- (a) as hy dwarsdeur die tydperk van sy lidmaatskap ongetroud was, die afkoopwaarde van sy bydraes, uitgesonderd addisionele bydraes; of
- (b) as hy te eniger tyd gedurende die tydperk van sy lidmaatskap getroud was, die afkoopwaarde van die bydraes (uitgesonderd addisionele bydraes) deur hom betaal ten opsigte van die tydperk nadat hy die laaste maal opgehou het om 'n getroude lid te wees,

bereken volgens die tabelle.

(6) Bydraes word gemaak deur maandelikse aftrekkings van die lid se pensioengewende verdienste of jaargeld.

(7) 'n Lid wat van diens met siekte- of ander verlof met of sonder besoldiging afwesig is, moet op sy volle pensioengewende verdienste tot die Fonds bydra.

(8) As 'n lid in sy betrekking of pos geskors word of op 'n ander wyse in diens geskors word, moet hy, op die voorwaardes wat die Sekretaris mag bepaal, ten opsigte van die tydperk van skorsing bydra, en die bydraes wat aldus deur hom gemaak moet word, moet—

- (a) if he is reinstated in that office or post or in another office or post, or returns to duty, be deducted from the first amount of his pensionable emoluments paid after such reinstatement or return to duty; or
- (b) if he dies or retires or is retired or discharged during the period of suspension, be deducted from any pension or other amount payable to or in respect of him under the law governing his pension rights.

(9) If, for any reason, a member's pensionable emoluments are reduced to less than two hundred and forty rand per annum he shall, notwithstanding anything contained in sub-regulation (2) of regulation 2, continue to contribute to the Fund and his pensionable emoluments during the period during which his pensionable emoluments are so reduced, shall, for purposes of these regulations and any benefit payable, be deemed to be two hundred and forty rand per annum.

(10) If for any reason a member, without a break in the continuity of his employment or after such break as the Secretary deems necessary and reasonable in the circumstances, ceases to be liable to contribute to one qualifying fund and is required to contribute to any other qualifying fund and his pensionable service prior to the date on which he becomes a contributor to the other qualifying fund counts as continuous pensionable service for purposes of the latter fund, he shall continue to be a member of and to contribute to the Fund without interruption of the rights and privileges acquired or obligations incurred as a member: Provided that in respect of any break in the continuity of his employment he shall, for the purposes of the Fund, be deemed to have been in the employ of the authority administering the other qualifying fund and to have been paid the pensionable emoluments he would have received in respect of the period of the break had he been appointed directly to the service of the said authority without a break in the continuity of his employment.

(11) A member who is seconded to the service of another government or of the Land and Agricultural Bank of South Africa, or of any board, institution or body established by law or of any body or employer approved by the Secretary shall, while so seconded, continue to contribute to the Fund: Provided that the said government, bank, board, institution, body or employer to whose service such member has been seconded, or the member himself, shall repay to revenue an amount equal to any contributions paid from revenue in respect of the member: Provided further that the contributions, other than additional contributions, so continued to be made, shall be based upon such amount, not being less than the amount upon which such member would have been liable to contribute had he not been seconded, as may be determined by the Treasury from time to time, and any amount so determined, shall, for the purposes of these regulations, be deemed to be the pensionable emoluments of the member during the period concerned.

(12) Any contributions payable by a member to the Fund under this regulation, which remain unpaid at the time of his death, shall be deducted from the annuity payable to his widow.

Additional Contributions.

4. (1) A member who under the provisions of section eighty-one of the Public Service Act, 1923, or section fifty-three of the Government Service Pensions Act, 1936, was permitted to pay additional contributions to the Fund to secure, in respect of a named wife, a pension higher than that secured by the other contributions paid by him and who in terms of section seventy-four of the Pensions Act was paying such additional contributions immediately prior to the fixed date shall continue to pay such additional contributions: Provided that such member may, if he so wishes, discontinue payment of the said additional contributions at any time, either in part or in whole.

- (a) as hy in daardie betrekking of pos of in 'n ander betrekking of pos herstel word of tot sy diens terugkeer, van die eerste bedrag van sy pensioengewende verdienste wat betaal word na sodanige herstel of terugkeer tot diens, afgetrek word; of
- (b) as hy te sterwe kom of aftree of afgedank of ontslaan word gedurende die tydperk van skorsing, van enige pensioen of ander bedrag betaalbaar aan of ten opsigte van hom ingevolge die Wet betreffende sy pensioenregte afgetrek word.

(9) As 'n lid se pensioengewende verdienste om watter rede ook al verminder word tot minder as tweehonderden-veertig rand per jaar, moet hy, ondanks enigiets in sub-regulasie (2) van regulasie 2 vervat, voortgaan om tot die Fonds by te dra en word sy pensioengewende verdienste gedurende die tydperk waarin sy pensioengewende verdienste aldus verminder is, vir die toepassing van hierdie regulasies en vir doeleindes van enige betaalbare voordeel geag tweehonderden-veertig rand per jaar te wees.

(10) As 'n lid sonder 'n onderbreking in die aaneenlopendheid van sy diens of na sodanige onderbreking as wat die Sekretaris in die omstandighede nodig en redelik ag, om watter rede ook al ophou om onder die verpligting te wees om tot een kwalifiserende fonds by te dra en verplig is om tot 'n ander kwalifiserende fonds by te dra en sy pensioengewende diens voor die datum waarop hy 'n bydraer tot die ander kwalifiserende fonds word as ononderbroke pensioengewende diens vir doeleindes van laasgenoemde fonds tel, moet hy voortgaan om 'n lid van die Fonds te wees en om daartoe by te dra sonder dat die regte en voorregte wat hy verkry het of verpligtings wat hy aangegaan het as 'n lid onderbreek word: Met dien verstande dat ten opsigte van enige onderbreking in die aaneenlopendheid van sy diens hy vir die doeleindes van die Fonds geag word in die diens van die owerheid wat die ander kwalifiserende fonds bestuur te gewees het en die pensioengewende verdienste betaal te gewees het wat hy ten opsigte van die tydperk van onderbreking sou ontvang het indien hy regstreeks in die diens van genoemde owerheid sonder 'n onderbreking in die aaneenlopendheid van sy diens aangestel was.

(11) 'n Lid wat aan die diens van 'n ander regering of van die Land- en Landboubank van Suid-Afrika, of van 'n raad, inrigting of liggaam wat by wet ingestel is, of van 'n liggaam of werkgewer wat deur die Sekretaris goedgekeur is, afgestaan word, moet, solank hy aldus afgestaan is, voortgaan om tot die Fonds by te dra: Met dien verstande dat genoemde regering, bank, raad, inrigting, liggaam of werkgewer aan wie se diens sodanige lid afgestaan is of die lid self, aan inkomste 'n bedrag gelyk aan die bydraes wat uit inkomste ten opsigte van die lid betaal is, moet terugbetaal: Met dien verstande voorts dat die bydraes, uitgesonderd addisionele bydraes, waarmee aldus voortgegaan word, gebaseer moet word op 'n bedrag wat die Tesourie van tyd tot tyd bepaal maar wat nie minder mag wees nie as die bedrag waarop sodanige lid sou moes bydrae as hy nie afgestaan was nie, en enige bedrag aldus bepaal, word vir die toepassing van hierdie regulasies geag die pensioengewende verdienste van die lid gedurende die betrokke tydperk te wees.

(12) Enige bydraes wat ingevolge hierdie regulasie deur 'n lid aan die Fonds betaalbaar is en wat ten tyde van sy dood nog nie betaal was nie, word van die jaargeld wat aan sy weduwee betaalbaar is, afgetrek.

Addisionele Bydraes

4. (1) 'n Lid wat kragtens die bepalings van artikel een-en-tagtig van die Staatsdiens Wet, 1923, of artikel drie-en-veertig van die Regeringsdiens Pensioenwet, 1936, toegelaat was om addisionele bydraes tot die Fonds te betaal ten einde, ten opsigte van 'n aangewese eggenote, 'n hoër pensioen te verkry as dié wat verseker word deur die ander bydraes deur hom betaal en wat ingevolge artikel vier-en-sewentig van die Pensioenwet sodanige addisionele bydraes onmiddellik voor die vasgestelde datum betaal het, moet voortgaan om genoemde addisionele bydraes te betaal: Met dien verstande dat sodanige lid, as hy dit verlang, betaling van genoemde addisionele bydraes te eniger tyd gedeeltelik of geheel en al kan staak.

(2) The provisions of sub-regulations (6), (7), (8), (10) and (12) of regulation 3 shall *mutatis mutandis* apply in respect of additional contributions.

(3) If the wife predeceases the member, any additional contributions which he has been permitted to make shall cease to be payable, and any such contributions paid or payable by him up to and including the last day of the month immediately preceding the month in which his wife dies shall be forfeited to the Fund.

Members who on re-employment acquire further rights of membership.

5. (1) (a) A member who—

- (i) retired or was retired or discharged on pension prior to the first day of July, 1955, and after his retirement or discharge continued to contribute to the Fund;
- (ii) on re-employment prior to that date became liable, by reason of such re-employment, to contribute to the Fund;
- (iii) was in terms of paragraph (a) of sub-section (6) of section *seventy-three* of the Pensions Act, required as from that date to contribute to the Fund, in lieu of his previous contributions, at the rate of two per cent of his pensionable emoluments immediately prior to such retirement or discharge or (so long as the pensionable emoluments payable to him during his re-employment exceeded or exceed his pensionable emoluments immediately prior to such retirement or discharge) at the rate of two per cent of the pensionable emoluments payable during his re-employment; and
- (iv) immediately prior to the fixed date was so contributing,

shall, while he is so re-employed, continue so to contribute.

(b) A member who—

- (i) retired or was retired or discharged on pension prior to the first day of July, 1955, and after his retirement or discharge continued to contribute to the Fund;
- (ii) on re-employment on or after that date but prior to the first day of October, 1962, became liable, by reason of such re-employment, to contribute to the Fund;
- (iii) was in terms of paragraph (b) of sub-section (6) of section *seventy-three* of the Pensions Act required to contribute to the Fund, in lieu of his previous contributions, at the rate of two per cent of his pensionable emoluments immediately prior to such retirement or discharge or (so long as the pensionable emoluments payable to him during his re-employment exceeded or exceed, his pensionable emoluments immediately prior to such retirement or discharge) at the rate of two per cent of the pensionable emoluments payable during his re-employment; and
- (iv) immediately prior to the fixed date was so contributing,

shall, while he is so re-employed, continue so to contribute.

(c) A member who—

- (i) retired or was retired or discharged on pension on or after the first day of July, 1955, and who after his retirement or discharge continued to contribute to the Fund;
- (ii) on re-employment on or after that date but prior to the first day of October, 1962, became liable, by reason of such re-employment, to contribute to the Fund;

(2) Die bepalinge van subregulasies (6), (7), (8), (10) en (12) van regulasie 3 is *mutatis mutandis* van toepassing ten opsigte van addisionele bydraes.

(3) As die eggenote voor die lid te sterwe kom, is addisionele bydraes wat hy toegelaat is om te maak nie langer betaalbaar nie en sodanige bydraes wat deur hom betaal of betaalbaar is tot en met die laaste dag van die maand onmiddellik voor die maand waarin sy eggenote te sterwe kom, word aan die Fonds verbeur.

Lede wat by herindiensneming verdere regte van lidmaatskap verkry.

5. (1) (a) 'n lid wat—

- (i) voor die eerste dag van Julie 1955 met pensioen afgetree het of afgedank of ontslaan is, en na sy uitdienstreding of ontslag voortgegaan het om tot die Fonds by te dra;
- (ii) by herindiensneming voor daardie datum, weens sodanige herindiensneming onder die verpligting gekom het om tot die Fonds by te dra;
- (iii) met ingang van daardie datum ingevolge paragraaf (a) van subartikel (6) van artikel *drie-en-sewentig* van die Pensioenwet verplig was om tot die Fonds, in plaas van sy vorige bydraes, by te dra volgens die skaal van twee persent van sy pensioengewende verdienste onmiddellik voor sodanige uitdienstreding of ontslag of (solank as wat die pensioengewende verdienste aan hom betaalbaar gedurende sy herindiensneming meer was of meer is as sy pensioengewende verdienste onmiddellik voor sodanige uitdienstreding of ontslag) volgens die skaal van twee persent van die pensioengewende verdienste betaalbaar gedurende sy herindiensneming; en
- (iv) onmiddellik voor die vasgestelde datum aldus bygedra het,

moet, solank hy aldus weer in diens is, voortgaan om aldus by te dra.

(b) 'n Lid wat—

- (i) voor die eerste dag van Julie 1955 met pensioen afgetree het of afgedank of ontslaan is, en na sy uitdienstreding of ontslag voortgegaan het om tot die Fonds by te dra;
- (ii) by herindiensneming, op of na daardie datum maar voor die eerste dag van Oktober 1962, onder die verpligting gekom het om, weens sodanige herindiensneming, tot die Fonds by te dra;
- (iii) ingevolge paragraaf (b) van subartikel (6) van artikel *drie-en-sewentig* van die Pensioenwet verplig was om tot die Fonds, in plaas van sy vorige bydraes, by te dra volgens die skaal van twee persent van sy pensioengewende verdienste onmiddellik voor sodanige uitdienstreding of ontslag of (solank as wat die pensioengewende verdienste aan hom betaalbaar gedurende sy herindiensneming meer was of meer is as sy pensioengewende verdienste onmiddellik voor sodanige uitdienstreding of ontslag) volgens die skaal van twee persent van die pensioengewende verdienste betaalbaar gedurende sy herindiensneming; en
- (iv) onmiddellik voor die vasgestelde datum aldus bygedra het,

moet, solank hy aldus weer in diens is, voortgaan om aldus by te dra.

(c) 'n Lid wat—

- (i) op of na die eerste dag van Julie 1955 met pensioen afgetree het of afgedank of ontslaan is en wat na sy uitdienstreding of ontslag voortgegaan het om tot die Fonds by te dra;
- (ii) by herindiensneming, op of na daardie datum maar voor die eerste dag van Oktober 1962, onder die verpligting gekom het om, weens sodanige herindiensneming, tot die Fonds by te dra;

(iii) was, in terms of paragraph (c) of sub-section (6) of section *seventy-three* of the Pensions Act, required to contribute to the Fund at the rate of two per cent of his pensionable emoluments immediately prior to such retirement or discharge or (so long as the pensionable emoluments payable to him during his re-employment exceeded or exceed his pensionable emoluments immediately prior to such retirement or discharge) at the rate of two per cent of the pensionable emoluments during his re-employment; and

(iv) immediately prior to the fixed date was so contributing,

shall, while he is so re-employed, continue so to contribute.

(d) If a member who contributes to the Fund in accordance with paragraph (a), (b) or (c) becomes entitled to or is granted an annuity on his ultimate retirement or discharge on pension and is required to continue to contribute for any period after such retirement or discharge, he shall during such period continue to pay to the Fund the contributions paid by him under the applicable paragraph immediately prior to his ultimate retirement or discharge, and the provisions of sub-regulation (5) of regulation 3 shall apply to such member.

(e) If a member who contributes to the Fund in terms of paragraph (a), (b) or (c)—

- (i) retires or is retired or discharged, otherwise than with an annuity, from employment in respect of which he again became liable to contribute to the Fund; or
- (ii) resigns or is retired or discharged in circumstances referred to in regulation 9; or
- (iii) is transferred or appointed to employment in respect of which he is not liable to contribute to the Fund,

the provisions of the said regulation 9 or of sub-regulation (1), (3) or (4) or regulation 10, as the case may be, shall not apply to him and he shall remain a member of the Fund.

(f) A member referred to in paragraph (e) who has not attained the age of sixty years on or prior to the date with effect from which he would, but for the provisions of that paragraph, have ceased to contribute to the Fund, shall continue to contribute to the Fund up to and including the day immediately preceding the cessation date, at the rate of two per cent of the pensionable emoluments on which he was contributing immediately prior to the first-mentioned date.

(g) If for any reason a member who contributes to the Fund in terms of paragraph (a), (b) or (c), ceases to be liable to contribute to the qualifying fund to which he became a contributor on his re-employment and is required to contribute to another qualifying fund, and he is permitted but does not elect to reckon his pensionable service prior to the date from which he becomes a contributor to such other qualifying fund as continuous pensionable service for the purposes of the latter fund, the provisions of sub-regulation (2) of regulation 10 shall not apply to him and, notwithstanding anything to the contrary contained in that sub-regulation, he shall continue to be a member without interruption of the rights and privileges acquired or obligations incurred as if he were a member to whom sub-regulation (10) of regulation 3 relates.

(h) If a member—

- (i) retired or was retired or discharged on pension prior to the first day of July, 1955; or
- (ii) retired or was retired or discharged on pension on or after that date but before the fixed date;
- (iii) became liable on or after the first day of October, 1962, but before the fixed date, to contribute to the Fund by virtue of the fact that he had again become a contributor to a qualifying fund; and

(iii) ingevolge paragraaf (c) van subartikel (6) van artikel *drie-en-sewentig* van die Pensioenwet verplig was om tot die Fonds by te dra volgens die skaal van twee persent van sy pensioengewende verdienste onmiddellik voor sodanige uitdienststreding of ontslag of (solank as wat die pensioengewende verdienste betaalbaar aan hom gedurende sy herindiensneming meer was of meer is as sy pensioengewende verdienste onmiddellik voor sodanige uitdienststreding of ontslag) volgens die skaal van twee persent van die pensioengewende verdienste gedurende sy herindiensneming; en

(iv) onmiddellik voor die vasgestelde datum aldus bygedra het,

moet, solank hy aldus weer in diens is, voortgaan om aldus by te dra.

(d) As 'n lid wat ooreenkomstig paragraaf (a), (b) of (c) tot die Fonds bydra, geregtig word tot 'n jaargeld of 'n jaargeld aan hom toegeken word by sy uiteindelijke uitdienststreding of ontslag met pensioen en verplig is om voort te gaan om by te dra vir enige tydperk na sodanige uitdienststreding of ontslag, moet hy gedurende sodanige tydperk voortgaan om die bydraes deur hom betaal ingevolge die toepaslike paragraaf onmiddellik voor sy uiteindelijke uitdienststreding of ontslag aan die Fonds te betaal, en die bepalings van subregulasie (5) van regulasie 3 is op sodanige lid van toepassing.

(e) As 'n lid wat ingevolge paragraaf (a), (b) of (c) tot die Fonds bydra—

- (i) anders as met 'n jaargeld aftree of afgedank of ontslaan word uit diens ten opsigte waarvan hy weer onder die verpligting gekom het om tot die Fonds by te dra; of
- (ii) bedank of afgedank of ontslaan word in omstandighede in regulasie 9 genoem; of
- (iii) oorgeplaas word na of aangestel word in diens ten opsigte waarvan hy nie onder die verpligting is om tot die Fonds by te dra nie,

is die bepalings van genoemde regulasie 9 of van subregulasie (1), (3) of (4) van regulasie 10, na gelang van die geval, nie op hom van toepassing nie en bly hy 'n lid van die Fonds.

(f) 'n Lid in paragraaf (e) genoem wat nog nie die leeftyd van sestig jaar bereik het nie voor of op die datum met ingang waarvan hy, as daardie paragraaf nie anders bepaal het nie, sou opgehou het om tot die Fonds by te dra, moet voortgaan om tot die Fonds by te dra tot en met die dag onmiddellik voor die stakingsdatum, volgens die skaal van twee persent van die pensioengewende verdienste waarop hy bygedra het onmiddellik voor eersgenoemde datum.

(g) As 'n lid wat ingevolge paragraaf (a), (b) of (c) tot die Fonds bydra, om watter rede ook al ophou om verplig te wees om by te dra tot die kwalifiserende fonds waartoe hy by sy herindiensneming 'n bydraer geword het en verplig is om tot 'n ander kwalifiserende fonds by te dra en hy toegelaat word maar nie kies nie om sy pensioengewende diens voor die datum met ingang waarvan hy 'n bydraer tot sodanige ander kwalifiserende fonds word as ononderbroke pensioengewende diens vir die doeleindes van laasgenoemde fonds te reken, is die bepalings van subregulasie (2) van regulasie 10 nie op hom van toepassing nie en, ondanks andersluidende bepalings van daardie subregulasie, moet hy voortgaan om 'n lid te wees sonder onderbreking van die regte en voorregte wat hy verkry het of verpligtings wat hy aangegaan het asof hy 'n lid was op wie subregulasie (10) van regulasie 3 betrekking het.

(h) As 'n lid—

- (i) voor die eerste dag van Julie 1955 met pensioen afgetree het of afgedank of ontslaan is; of
- (ii) op of na daardie datum maar voor die vasgestelde datum met pensioen afgetree het of afgedank of ontslaan is;
- (iii) op of na die eerste dag van Oktober 1962 maar voor die vasgestelde datum onder die verpligting gekom het om tot die Fonds by te dra uit hoofde van die feit dat hy weer 'n bydraer tot 'n kwalifiserende fonds geword het; en

- (iv) in terms of paragraphs (g) and (h) of sub-section (6) of section *seventy-three* of the Pensions Act retained all rights acquired and remained subject to all obligations incurred by virtue of his membership immediately prior to the date on which he again became liable and acquired a separate membership in respect of his employment on or after the latter date,

he shall continue to retain his dual membership of the Fund and, as from the fixed date, the conditions set forth in paragraph (i) of this sub-regulation shall *mutatis mutandis* apply to him.

(i) If a member—

- (i) retired or was retired or discharged on pension prior to the fixed date; or
- (ii) retires or is retired or discharged on or after the fixed date; and
- (iii) becomes liable, on or after the fixed date, to contribute to the Fund by virtue of the fact that he has again become a contributor to a qualifying fund,

he shall retain all rights acquired and remain subject to all obligations incurred by virtue of his membership immediately prior to the date on which he again becomes a contributor to a qualifying fund and, in respect of his employment on or after that date, shall acquire a separate membership of the Fund and shall in respect of the latter membership—

- (aa) contribute to the Fund as from the date he again becomes a contributor to the qualifying fund, as if he had not been a member immediately prior to that date; and
- (bb) have all the rights and be subject to all the obligations which he would have acquired or incurred on or after the latter date had he not been a member immediately prior to that date.

(j) If a member to whom paragraph (h) or (i) relates—

- (i) retires or is retired or discharged, otherwise than with an annuity, from employment in respect of which he again became liable to contribute to the Fund;
- (ii) resigns or is retired or discharged in circumstances referred to in regulation 9;
- (iii) is transferred or appointed to employment in respect of which he is not liable to contribute to the Fund,

the provisions of the said regulation 9 or of sub-regulation (1), (3) or (4) of regulation 10, as the case may be, shall not apply to him in respect of the membership acquired by him prior to the date on which he again became liable to contribute to the Fund, and he shall retain all rights acquired by him by virtue of that membership and remain subject to all the obligations incurred by him by virtue of the said membership.

(2) The provisions of sub-regulation (5) of regulation 3 shall *mutatis mutandis* apply to a member to whom paragraph (e), (f) or (j) of sub-regulation (1) relates.

Evidence of marriage, date of birth and of any other dates or matter.

6. Evidence of—

- (a) a member's marriage or remarriage;
- (b) the date of the birth of a member's wife;
- (c) any other date or any other matter in respect of which evidence is required by the Secretary,

shall be submitted to the Secretary in such form and at such times as the Secretary may determine.

Annuities to widows.

7. (1) On the death of a member there shall be paid to his widow an annuity which shall be calculated in accordance with such tables and rules as the Minister in consultation with the Minister of Finance may approve on the advice of an actuary.

- (iv) ingevolge paragrawe (g) en (h) van subartikel (6) van artikel *drie-en-sewentig* van die Pensioenwet alle verkreeë regte behou het en onderworpe gebly het aan alle verpligtings aangegaan uit hoofde van sy lidmaatskap onmiddellik voor die datum waarop hy weer onder verpligting gekom het en afsonderlike lidmaatskap ten opsigte van sy diens op of na laasgenoemde datum verkry het,

gaan hy voort om sy dubbele lidmaatskap van die Fonds te behou en is die voorwaardes uiteengesit in paragraaf (i) van hierdie subregulasie met ingang van die vasgestelde datum *mutatis mutandis* op hom van toepassing.

(i) As 'n lid—

- (i) voor die vasgestelde datum met pensioen afgetree het of afgedank of ontslaan is; of
- (ii) op of na die vasgestelde datum aftree of afgedank of ontslaan word; en
- (iii) op of na die vasgestelde datum onder die verpligting kom om tot die Fonds by te dra uit hoofde van die feit dat hy weer 'n bydraer tot 'n kwalifiserende fonds geword het,

behou hy alle verkreeë regte en bly hy onderworpe aan alle verpligtings aangegaan uit hoofde van sy lidmaatskap onmiddellik voor die datum waarop hy weer 'n bydraer tot 'n kwalifiserende fonds word en, ten opsigte van sy diens op of na daardie datum, verkry hy afsonderlike lidmaatskap van die Fonds en ten opsigte van laasgenoemde lidmaatskap—

- (aa) moet hy tot die Fonds bydra met ingang van die datum waarop hy weer 'n bydraer tot die kwalifiserende fonds word, asof hy nie onmiddellik voor daardie datum 'n lid was nie; en
- (bb) het hy al die regte en is hy onderworpe aan al die verpligtings wat hy sou verkry het of sou aangegaan het op of na laasgenoemde datum as hy nie onmiddellik voor daardie datum 'n lid was nie.

(j) As 'n lid op wie paragraaf (h) of (i) betrekking het—

- (i) anders as met 'n jaargeld aftree of afgedank of ontslaan word uit diens ten opsigte waarvan hy weer onder die verpligting gekom het om tot die Fonds by te dra;
- (ii) aftree of afgedank of ontslaan word in omstandighede in regulasie 9 genoem;
- (iii) oorgeplaas word na of aangestel word in diens ten opsigte waarvan hy nie verplig is om tot die Fonds by te dra nie,

is die bepalings van genoemde regulasie 9 of van subregulasie (1), (3) of (4) van regulasie 10, na gelang van die geval, nie op hom van toepassing nie ten opsigte van die lidmaatskap wat hy verkry het voor die datum waarop hy weer onder die verpligting gekom het om tot die Fonds by te dra, en behou hy alle regte deur hom verkry uit hoofde van daardie lidmaatskap en bly hy onderworpe aan al die verpligtings deur hom aangegaan uit hoofde van genoemde lidmaatskap.

(2) Die bepalings van subregulasie (5) van regulasie 3 is *mutatis mutandis* van toepassing op 'n lid op wie paragraaf (e), (f) of (j) van subregulasie (1) betrekking het.

Bewys van huwelik, geboortedatum en van enige ander datums of aangeleentheid.

6. Bewys van—

- (a) 'n lid se huwelik of hertroue;
- (b) die geboortedatum van 'n lid se eggenote;
- (c) enige ander datum of enige ander aangeleentheid ten opsigte waarvan bewys deur die Sekretaris vereis word,

moet aan die Sekretaris voorgelê word in die vorm en op die tye wat die Sekretaris mag bepaal.

sodanige diens aangestel word; of

Jaargelde aan weduwees.

7. (1) By die afsterwe van 'n lid moet aan sy weduwee 'n jaargeld betaal word wat bereken word ooreenkomstig die tabelle en reëls wat die Minister in oorleg met die Minister van Finansies op advies van 'n aktuaris goedkeur.

(2) Such annuity shall be paid in addition to any other benefit to which the widow may be entitled under any other law and shall be paid to her in her own right for the rest of her lifetime.

Benefits to children.

8. (1) If a member dies without leaving a widow to whom an annuity is payable under these regulations, there shall be paid to his child or, if there is more than one child, to such of his children and according to such allocation amongst them as the Secretary may determine, an amount equal to the contributions, other than any additional contributions, paid by and in respect of the member to the Fund.

(2) If a member's widow to whom an annuity is payable dies before she has drawn, in respect of the annuity secured by the contributions, other than any additional contributions, paid by and in respect of the member, an amount equal to the aggregate of those contributions, the difference between the amount so drawn by her and the said aggregate shall be paid to the member's child or, if there is more than one child, to such of his children and according to such allocation amongst them as the Secretary may determine.

Termination of membership on resignation or dismissal.

9. (1) Subject to the provisions of paragraphs (e) and (j) of sub-regulation (1) of regulation 5, a member who—

- (a) retires voluntarily before attaining an age at which, in accordance with the law governing the qualifying fund to which he contributes, he is required to be retired on pension; or
- (b) is retired or discharged on account of misconduct or unsatisfactory service or resigns or is called upon to resign in order to avoid retirement or discharge; and
- (c) is paid a benefit other than an annuity, shall be paid the surrender value of the contributions, other than any additional contributions, paid by him to the Fund in respect of his contributory service subsequent to the thirtieth day of June, 1955, calculated according to the tables.

(2) If in the case of a member to whom sub-regulation (1) relates the contributions paid from revenue in respect of that member to a qualifying fund are repaid to revenue in terms of the law governing that qualifying fund, an amount equal to the surrender value payable in terms of sub-regulation (1) shall be paid from the Fund to revenue.

Surrender value of contributions payable on a member's retirement, discharge or transfer.

10. (1) Subject to the provisions of paragraph (b) of sub-regulation (6) and save as provided in regulation 9 a member shall be entitled to the surrender value of the contributions paid by and in respect of him to the Fund, and of any additional contributions, calculated according to the tables, if he retires or is retired or discharged on pension, otherwise than with an annuity, from the employment in respect of which he is liable to contribute to the Fund.

(2) If for any reason a member ceases to be liable to contribute to one qualifying fund and is required to contribute to any other qualifying fund and he is permitted but does not elect to reckon his pensionable service prior to the date from which he becomes a contributor to the other qualifying fund as continuous pensionable service for purposes of the latter fund, he shall, subject to the provisions of paragraph (a) of sub-regulation (6), be paid the surrender value of the contributions, other than any additional contributions, paid by him to the Fund in respect of his contributory service subsequent to the thirtieth day of June, 1955, calculated according to the tables.

(2) Sodanige jaargeld moet betaal word bo en behalwe enige ander voordeel waartoe die weduwee geregtig mag wees ingevolge enige ander wet en moet aan haar in haar eie reg vir die res van haar lewe betaal word.

Voordele aan kinders.

8. (1) As 'n lid te sterwe kom sonder om 'n weduwee na te laat aan wie 'n jaargeld ingevolge hierdie regulasies betaalbaar is, moet aan sy kind of, as daar meer as een kind is, aan dié van sy kinders en ooreenkomstig sodanige toewysing onder hulle as wat die Sekretaris mag bepaal, 'n bedrag betaal word wat gelyk is aan die bydraes, uitgesonderd enige addisionele bydraes, wat deur en ten opsigte van die lid aan die Fonds betaal is.

(2) As 'n lid se weduwee aan wie 'n jaargeld betaalbaar is te sterwe kom voordat sy ten opsigte van die jaargeld wat verseker is deur die bydraes, uitgesonderd addisionele bydraes, betaal deur en ten opsigte van die lid, 'n bedrag gelyk aan die totaalbedrag van daardie bydraes getrek het, moet die verskil tussen die bedrag aldus deur haar getrek en genoemde totaalbedrag aan die lid se kind of, as daar meer as een kind is, aan dié van sy kinders en volgens sodanige toewysing onder hulle as wat die Sekretaris mag bepaal, betaal word.

Beëindiging van lidmaatskap by bedanking of ontslag.

9. (1) Behoudens die bepalings van paragrafe (e) en (j) van subregulasie (1) van regulasie 5, moet aan 'n lid wat—

- (a) vrywillig uit diens tree, voordat hy 'n leeftyd bereik waarop hy, ooreenkomstig die wet betreffende die kwalifiserende fonds waartoe hy bydra, met pensioen afgedank moet word; of
- (b) afgedank of ontslaan word weens wangedrag of onbevredigende diens of bedank of aangesê word om te bedank ten einde afdanking of ontslag te vermy; en
- (c) 'n ander voordeel as 'n jaargeld betaal word, die afkoopwaarde van die bydraes, uitgesonderd enige addisionele bydraes, deur hom aan die fonds betaal ten opsigte van sy bydraeplichtige diens na die dertigste dag van Junie 1955, bereken volgens die tabelle, betaal word.

(2) As in die geval van 'n lid op wie subregulasie (1) betrekking het die bydraes wat uit inkomste ten opsigte van daardie lid aan 'n kwalifiserende fonds betaal is, aan inkomste ingevolge die wet betreffende daardie kwalifiserende fonds terugbetaal word, moet 'n bedrag gelyk aan die afkoopwaarde betaalbaar ingevolge subregulasie (1) uit die Fonds aan inkomste betaal word.

Afkoopwaarde van bydraes betaalbaar by 'n lid se uitdienststeding, ontslag of oorplasing.

10. (1) Behoudens die bepalings van paragraaf (b) van subregulasie (6) en uitgesonderd soos bepaal in regulasie 9 is 'n lid geregtig tot die afkoopwaarde van die bydraes deur en ten opsigte van hom aan die Fonds betaal, en van enige addisionele bydraes, bereken volgens die tabelle, as hy anders as met 'n jaargeld met pensioen aftree of afgedank of ontslaan word uit die diens ten opsigte waarvan hy onder die verpligting is om tot die Fonds by te dra.

(2) As 'n lid om watter rede ook al ophou om verplig te wees om tot een kwalifiserende fonds by te dra en verplig is om tot 'n ander kwalifiserende fonds by te dra en hy toegelaat word maar nie kies nie om sy pensioengewende diens voor die datum met ingang waarvan hy 'n bydraer tot die ander kwalifiserende fonds word as ononderbroke pensioengewende diens vir doeleindes van laasgenoemde fonds te reken, moet aan hom, behoudens die bepalings van paragraaf (a) van subregulasie (6), die afkoopwaarde van die bydraes, uitgesonderd enige addisionele bydraes, deur hom aan die Fonds betaal ten opsigte van sy bydraeplichtige diens na die dertigste dag van Junie 1955, bereken volgens die tabelle, betaal word.

(3) If a member is transferred to employment under the Railway Administration and as from the date of such transfer becomes a member of the New Railways and Harbours Superannuation Fund referred to in section three of the Railways and Harbours Superannuation Act, 1960 (Act No. 39 of 1960), and if the period of his pensionable service prior to such transfer counts as continuous pensionable service for the purpose of the said Superannuation Fund, an amount equal to the surrender value of the contributions paid by and in respect of him to the Fund, and of any additional contributions, calculated according to the tables, shall, subject to the provisions of sub-regulation (5) and of paragraph (b) of sub-regulation (6), be paid from the Fund to the member or to the said Superannuation Fund, or partly to the member and partly to that Fund.

(4) If a member—

- (a) is transferred to employment in respect of which he becomes subject to a pension law administered by a provincial administration or the administration of the territory or a department of education (whether in the Republic or in the territory) or any pension law (other than the Act) administered by the Minister; or
- (b) is appointed directly without a break in his service to such employment; or
- (c) is appointed to such employment after such a break in his service as the Secretary deems necessary and reasonable in the circumstances; or
- (d) without a break in his service becomes liable to contribute to a pension or provident fund (other than a qualifying fund) which is administered under a law referred to in paragraph (a); and
- (e) in the case of a person referred to in paragraph (a), (b) or (c) becomes a contributor to such a fund as from the date of such transfer or appointment;

there shall, subject to provisions of sub-regulation (5) and paragraph (b) of sub-regulation (6), be paid from the Fund—

- (i) to the member, if he is permitted but elects not to contribute to the said pension or provident fund in respect of his past pensionable service, the surrender value of the contributions, other than any additional contributions, paid by him to the Fund in respect of his contributory service subsequent to the thirtieth day of June, 1955, calculated according to the tables;
- (ii) to the member, if he is not permitted to contribute to the said pension or provident fund in respect of his past pensionable service, the surrender value of the contributions paid by and in respect of him to the Fund, and of any additional contributions, calculated according to the tables;
- (iii) to the member, if he is permitted and elects to contribute to the said pension or provident fund in respect of his past pensionable service but such fund does not provide for the payment of an annuity benefit to the widows of members, the surrender value of the contributions paid by and in respect of him to the Fund, and of any additional contributions, calculated according to the tables; and
- (iv) to the member or to the said pension or provident fund, or partly to the member and partly to such fund, if he is permitted and elects to contribute to that fund in respect of his past pensionable service and the said fund provides for the payment of an annuity benefit to the widows of members, the surrender value of the contributions paid by and in respect of him to the Fund, and of any additional contributions, calculated according to the tables.

(3) As 'n lid oorgeplaas word na diens onder die Spoorwegadministrasie en met ingang van die datum van sodanige oorplasing 'n lid word van die Nuwe Spoorweg- en Hawesuperannuasiefonds genoem in artikel drie van die Wet op die Spoorweg- en Hawesuperannuasiefonds, 1960 (Wet No. 39 van 1960), en as die tydperk van sy pensioengewende diens voor sodanige oorplasing as ononderbroke pensioengewende diens vir die doeleindes van genoemde Superannuasiefonds tel, moet 'n bedrag gelyk aan die afkoopwaarde van die bydraes deur en ten opsigte van hom aan die Fonds betaal, en van enige addisionele bydraes, bereken volgens die tabelle, behoudens die bepalings van subregulasie (5) en van paragraaf (b) van subregulasie (6), uit die Fonds aan die lid of aan genoemde Superannuasiefonds, of gedeeltelik aan die lid en gedeeltelik aan daardie fonds betaal word.

(4) As 'n lid—

- (a) oorgeplaas word na diens ten opsigte waarvan hy onderworpe word aan 'n pensioenwet wat deur 'n provinsiale administrasie of die administrasie van die gebied of 'n departement van onderwys (hetsy in die Republiek of in die gebied) geadminestreer word of enige pensioenwet (uitgesonderd die Wet) wat deur die Minister geadminestreer word; of
- (b) sonder 'n onderbreking in sy diens regstreeks in sodanige diens aangestel word: of
- (c) in sodanige diens aangestel word na 'n onderbreking van sy diens wat die Sekretaris in die omstandighede nodig en redelik ag; of
- (d) sonder 'n onderbreking in sy diens onder verpligting kom om tot 'n pensioen- of voorsorgfonds (uitgesonderd 'n kwalifiserende fonds) wat ingevolge 'n Wet genoem in paragraaf (a) bestuur word, by te dra; en
- (e) in die geval van iemand in paragraaf (a), (b) of (c) bedoel, vanaf genoemde datum van oorplasing of aanstelling 'n bydraer tot so 'n fonds word,

moet daar, behoudens die bepalings van subregulasie (5) en paragraaf (b) van subregulasie (6) uit die Fonds—

- (i) aan die lid, as hy toegelaat word maar nie kies nie om tot genoemde pensioen- of voorsorg- of ondersteuningsfonds ten opsigte van sy vorige pensioengewende diens by te dra, die afkoopwaarde van die bydraes, uitgesonderd enige addisionele bydraes, deur hom aan die Fonds betaal ten opsigte van sy bydrae pligtige diens na die dertigste dag van Junie 1955, bereken volgens die tabelle, betaal word;
- (ii) aan die lid, as hy nie toegelaat word nie om tot genoemde pensioen- of voorsorg- of ondersteuningsfonds ten opsigte van sy vorige pensioengewende diens by te dra nie, die afkoopwaarde van die bydraes deur en ten opsigte van hom aan die Fonds betaal, en van enige addisionele bydraes, bereken volgens die tabelle, betaal word;
- (iii) aan die lid, as hy toegelaat word en kies om tot genoemde pensioen- of voorsorg- of ondersteuningsfonds ten opsigte van sy vorige pensioengewende diens by te dra maar sodanige fonds nie voorsiening maak vir die betaling van 'n jaargeldvoordeel aan die weduwees van lede nie, die afkoopwaarde van die bydraes deur en ten opsigte van hom aan die Fonds betaal, en van enige addisionele bydraes, bereken volgens die tabelle, betaal word; en
- (iv) aan die lid of aan genoemde pensioen- of voorsorg- of ondersteuningsfonds, of gedeeltelik aan die lid en gedeeltelik aan sodanige fonds, as hy toegelaat word en kies om tot daardie fonds by te dra ten opsigte van sy vorige pensioengewende diens en genoemde fonds voorsiening maak vir die betaling van 'n jaargeldvoordeel aan die weduwees van lede, die afkoopwaarde van die bydraes deur en ten opsigte van hom aan die Fonds betaal en van enige addisionele bydraes, bereken volgens die tabelle, betaal word.

(5) The Secretary shall determine whether the amount payable in terms of sub-regulation (3) or sub-paragraph (iv) of sub-regulation (4) shall be paid wholly to the member or wholly to the pension or provident fund in question or partly to the member and partly to such fund and, if he determines that the amount is to be paid partly to the member and partly to such fund he shall determine how the amount is to be apportioned between the member and the said fund: Provided that in making such a determination the Secretary shall first have regard to any amount which may be due to such other fund by and in respect of the member, and, subject to any further condition which he may deem advisable, shall direct that an amount not exceeding the full amount payable from the Fund, shall be paid from the Fund to the other fund in liquidation, in whole or in part, of the amount due to that fund.

(6) (a) The provisions of sub-regulation (2) of this regulation shall not apply in the case of a member to whom paragraph (g) of sub-regulation (1) of regulation (5) relates or, in the case of a member to whom paragraph (j) of sub-regulation (1) of that regulation relates, in respect of the membership acquired by him prior to the date on which he again became liable to contribute to the Fund.

(b) The provisions of sub-regulation (1), (3) or (4) of this regulation shall not apply in the case of a member to whom paragraph (e) of sub-regulation (1) of regulation (5) relates or, in the case of a member to whom paragraph (j) of sub-regulation (1) of that regulation relates, in respect of the membership acquired by him prior to the date on which he again became liable to contribute to the Fund.

Payment from revenue.

11. There shall be paid to the Fund—

- (a) from revenue, at the end of each month an amount equal to the aggregate of the contributions paid during that month by members who in terms of these regulations are required to contribute at the rate of two per cent of their pensionable emoluments; and
- (b) from the Consolidated Revenue Fund, interest at the rate of four per cent per annum on the average of the uninvested amounts in the Fund at the end of each month during the period in respect of which the interest is paid.

Actuarial valuation.

12. (1) The assets and liabilities of the Fund as at the thirty-first day of March, 1968, and every five years thereafter, shall be valued by an actuary who shall declare any surplus or deficiency which his investigation discloses and report thereon to the Minister.

(2) The report of the actuary shall be laid upon the Table in the Senate and in the House of Assembly within sixty days of the receipt thereof by the Minister if Parliament is then in session, or if Parliament is not then in session, within sixty days after the commencement of its next ensuing session.

(3) If the actuary in such a report certifies that there is a substantial surplus or a substantial deficiency, the benefits payable out of the Fund, or some of such benefits, shall be increased or reduced, as the circumstances may require, to such an extent and as from such date, as the Minister in consultation with the Minister of Finance and the Minister of the Interior, and on the recommendation of the actuary, may determine: Provided that no benefit already granted shall be reduced.

(4) A statement embodying the decision of the Minister under sub-regulation (3) shall be laid upon the Table in the Senate and in the House of Assembly within one year from the date on which the report of the actuary was laid thereon.

(5) Die Sekretaris moet bepaal of die bedrag betaalbaar ingevolge subregulasie (3) of subparagraaf (4) van subregulasie (4) in sy geheel aan die lid of in sy geheel aan die betrokke pensioen- of voorsorg- of ondersteuningsfonds of gedeeltelik aan die lid en gedeeltelik aan sodanige fonds betaal moet word en, as hy bepaal dat die bedrag gedeeltelik aan die lid en gedeeltelik aan sodanige fonds betaal moet word, moet hy bepaal hoe die bedrag tussen die lid en genoemde fonds verdeel moet word: Met dien verstande dat wanneer die Sekretaris aldus bepaal, hy eers enige bedrag in aanmerking moet neem wat aan sodanige ander fonds deur en ten opsigte van die lid verskuldig mag wees, en, behoudens enige verdere voorwaarde wat hy raadsaam ag, moet hy gelas dat 'n bedrag van hoogstens die volle bedrag betaalbaar uit die Fonds, uit die Fonds aan die ander fonds te vereffening, hetsy in sy geheel of gedeeltelik, van die bedrag verskuldig aan daardie fonds betaal moet word.

(6) (a) Die bepalings van subregulasie (2) van hierdie regulasie is nie van toepassing nie in die geval van 'n lid op wie paragraaf (g) van subregulasie (1) van regulasie 5 betrekking het of, in die geval van 'n lid op wie paragraaf (j) van subregulasie (1) van daardie regulasie betrekking het, ten opsigte van die lidmaatskap wat deur hom verkry is voor die datum waarop hy weer onder die verpligting gekom het om tot die Fonds by te dra.

(b) Die bepalings van subregulasie (1), (3) of (4) van hierdie regulasie is nie van toepassing nie in die geval van 'n lid op wie paragraaf (e) van subregulasie (1) van regulasie 5 betrekking het of, in die geval van 'n lid op wie paragraaf (j) van subregulasie (1) van daardie regulasie betrekking het, ten opsigte van die lidmaatskap deur hom verkry voor die datum waarop hy weer onder die verpligting gekom het om tot die Fonds by te dra.

Betaling uit inkomste.

11. Onderstaande moet aan die Fonds betaal word—

- (a) uit inkomste, aan die end van elke maand, 'n bedrag gelyk aan die totaalbedrag van die bydraes gedurende daardie maand betaal deur lede wat ingevolge hierdie regulasies volgens die skaal van twee persent van hul pensioengewende verdienste moet bydra; en
- (b) uit die Gekonsolideerde Inkomstefonds, rente teen die koers van vier persent per jaar op die gemiddelde van die onbelegde bedrae in die Fonds aan die end van elke maand gedurende die tydperk ten opsigte waarvan die rente betaal word.

Aktuariële waardering.

12. (1) Die bates en laste van die Fonds soos op die een-en-dertigste dag van Maart 1968, en elke vyf jaar daarna, moet gewaardeer word deur 'n aktuaris wat enige surplus of tekort wat sy ondersoek aan die lig bring, moet verklaar en verslag daarvoor aan die Minister moet doen.

(2) Die verslag van die aktuaris moet binne sestig dae na ontvangs daarvan deur die Minister in die Senaat en in die Volksraad ter tafel gelê word, as die Parlement dan in sitting is, of as die Parlement nie dan in sitting is nie, binne sestig dae na die aanvang van sy eersvolgende sitting.

(3) As die aktuaris in so 'n verslag sertifiseer dat daar 'n aansienlike surplus of 'n aansienlike tekort is, moet die voordele uit die Fonds betaalbaar, of sommige van sodanige voordele, verhoog of verlaag word al na die omstandighede vereis, in die mate en vanaf die datum wat die Minister in oorleg met die Minister van Finansies en die Minister van Binnelandse Sake en op die aanbeveling van die aktuaris mag bepaal: Met dien verstande dat geen voordeel wat reeds toegeken is, verminder mag word nie.

(4) 'n Verklaring wat die beslissing van die Minister kragtens subregulasie (3) beliggaam, moet in die Senaat en in die Volksraad ter tafel gelê word binne een jaar na die datum waarop die verslag van die aktuaris ter tafel gelê is.

Investment of fund balances.

13. (1) All amounts paid to the Fund shall be lodged in the Treasury to the credit of the Fund.

(2) So much of the amounts so lodged as is not required for current purposes shall be a deposit for the purposes of the Public Debt Commissioners Act, 1911 (Act No. 18 of 1911), and shall be invested accordingly.

(3) If the interest earned by the Fund on deposits referred to in sub-regulation (2) should be less than four per cent in the aggregate in any year ending on the thirty-first day of March, a sum equal to the difference between the interest so earned and interest at the rate of four per cent per annum shall be paid out of the Consolidated Revenue Fund to the Fund as soon as the Controller and Auditor-General has certified such sum.

Accounts.

14. (1) The Secretary shall cause full and true accounts of the Fund to be kept showing particulars in connection with any matter of which it is necessary to keep an account for the purposes of these regulations or in order that an actuarial valuation of the Fund may be made at any time.

(2) The Secretary shall cause the books and accounts of the Fund to be balanced up to the thirty-first day of March in every year and a balance sheet to be prepared showing the assets and liabilities of the Fund as at that date.

(3) For the purposes of this regulation and regulation 12 any amount due to a member, or to a child in terms of regulation 8, shall be deemed to have become a liability of the Fund within the financial year in which payments of the said amount is made.

Administration of the Fund.

15. (1) The business of the Fund shall be conducted by the Secretary and the cost in connection therewith and of any actuarial investigation and matters incidental thereto shall be paid out of the Consolidated Revenue Fund.

(2) All benefits payable in terms of these regulations shall be paid out of the Fund.

Belegging van fondssaldo's.

13. (1) Alle bedrae wat aan die Fonds betaal is, moet vir krediet van die Fonds by die Tesourie gestort word.

(2) Soveel van die bedrae aldus gestort as wat nie vir lopende doeleindes nodig is nie, is 'n deposito vir die toepassing van die Openbare Schuld Kommissarissen Wet, 1911 (Wet No. 18 van 1911), en moet dienoooreenkomstig belê word.

(3) As die rente wat deur die Fonds op deposito's genoem in subregulasie (2) verdien word, in die totaal-bedrag minder is as vier persent in enige jaar wat op die een-en-dertigste dag van Maart eindig, moet 'n bedrag gelyk aan die verskil tussen die rente aldus verdien en rente teen die koers van vier persent per jaar uit die Gekonsolideerde Inkomstefonds aan die Fonds betaal word sodra die Kontroleur en Ouditeur-generaal sodanige bedrag gesertifiseer het.

Rekeninge.

14. (1) Die Sekretaris moet volledige en ware rekeninge van die Fonds laat hou wat besonderhede toon in verband met enige aangeleentheid waarvan dit nodig is om 'n rekening vir die toepassing van hierdie regulasies te hou of sodat 'n aktuariële waardering van die Fonds te eniger tyd gemaak kan word.

(2) Die Sekretaris moet die boeke en rekeninge van die Fonds laat balanseer tot en met die een-en-dertigste dag van Maart in elke jaar en 'n balansstaat laat opstel wat die bates en laste van die Fonds soos op daardie datum toon.

(3) Vir die toepassing van hierdie regulasie en regulasie 12 word enige bedrag verskuldig aan 'n lid, of aan 'n kind ingevolge regulasie 8, geag 'n las van die Fonds te geword het binne die boekjaar waarin die betaling van genoemde bedrag gedoen word.

Bestuur van die Fonds.

15. (1) Die sake van die Fonds word deur die Sekretaris behartig en die koste daaraan verbonde en van enige aktuariële ondersoek en aangeleenthede in verband daarmee, word uit die Gekonsolideerde Inkomstefonds bestry.

(2) Alle voordele betaalbaar ingevolge hierdie regulasies moet uit die Fonds betaal word.