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GOVERNMENT NOTICE.

DEPARTMENT OF SOCIAL WELFARE AND PENSIONS

No. R.2032.]

[24th 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 providing for the management and control of the Government Employees' Provident Fund.

GOVERNMENT EMPLOYEES' PROVIDENT 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) "contingency account" means the contingency account referred to in regulation 10;
- (ii) "contributions" means the amounts, other than interest, paid by a member to the Fund;
- (iii) "dependant", in relation to any member, means—
 - (a) the widow or minor child or step-child or legally adopted minor child of such member; or
 - (b) any other relative or person dependent upon such member for maintenance;
- (iv) "full benefit", with reference to a member or his dependants, means an amount equal to the sum of—
 - (a) twice the amount of the member's own contributions to the Fund;
 - (b) for each completed year of the period in respect of which he has contributed to the Fund, an amount equal to two per cent of the amount referred to in paragraph (a) and in respect of any remaining portion of that period, an amount equal to a percentage of the amount so referred to which bears to two per cent the same ratio as the number of days in that portion bears to three hundred and sixty-five;
- (v) "member" means a person who contributes to the Fund or to whom or in respect of whom a benefit or any other amount is payable from the Fund and includes—

GOEWERMENTSKENNISGEWING.

DEPARTEMENT VAN VOLKSWELSYN EN PENSIOENE

No. R.2032.]

[24 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 wat vir die bestuur en beheer van die Regering-werknemersondersteuningsfonds voorsiening maak.

REGERING-WERKNEMERSONDERSTEUNINGSFONDS.

Woordomskrywing.

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

- (i) „gebeurlikheidsrekening” die gebeurlikheidsrekening in regulasie 10 genoem;
- (ii) „bydraes” die bedrae, uitgesonderd rente, deur 'n lid aan die Fonds betaal;
- (iii) „afhanklike”, met betrekking tot 'n lid—
 - (a) die weduwee of minderjarige kind of stiefkind of wettig aangenome minderjarige kind van sodanige lid; of
 - (b) enige ander familiebetrekking of persoon wat van sodanige lid vir onderhoud afhanklik is;
- (iv) „volle voordeel”, met betrekking tot 'n lid of sy afhanklikes, 'n bedrag gelyk aan die som van—
 - (a) twee maal die bedrag van die lid se eie bydraes tot die Fonds;
 - (b) vir elke volle jaar van die tydperk ten opsigte waarvan hy tot die Fonds bygedra het, 'n bedrag gelyk aan twee persent van die bedrag genoem in paragraaf (a) en ten opsigte van enige oorblywende gedeelte van daardie tydperk, 'n bedrag gelyk aan 'n persentasie van die bedrag aldus genoem wat in dieselfde verhouding tot twee persent staan as wat die aantal dae in daardie gedeelte tot driehonderd vyf-en-sestig staan;
- (v) „lid”, 'n persoon wat tot die Fonds bydra of aan wie of ten opsigte van wie 'n voordeel of enige ander bedrag uit die Fonds betaalbaar is en omvat—

- (a) a person who is on leave of absence, or, in the case of a person to whom leave of absence cannot be granted under any law or any regulations relating to the conditions of his employment, who is absent from duty and who was a contributor immediately prior to the commencement of such leave or absence; and
- (b) a person who ceased to be a contributor—
- (i) in accordance with the provisions of section *sixty-four* of the Government Service Pensions Act, 1936, or sub-section (2) of section *eighty-five* of the Pensions Act;
 - (ii) on attaining the age of sixty-five years;
 - (iii) in terms of section *seventy bis* of the Government Service Pensions Act, 1936;
 - (iv) by virtue of paragraph (g) of sub-section (1) of section *eighty-six* of the Pensions Act, or paragraph (e) of regulation 2, but who has not retired or been retired or discharged from the service of the Government;
- (vi) "own contributions" means—
- (a) in the case of a member who became a contributor to the Fund prior to the first day of July, 1955, the contributions paid by him to the Fund at the rate of three per cent of his pensionable emoluments in respect of any period prior to that date and at the rate of five per cent per annum of his pensionable emoluments in respect of any period on or after that date;
 - (b) in the case of a member who became a contributor to the Fund on or after the first day of July, 1955, but before the fixed date or who becomes a member on or after the fixed date, the contributions paid by him to the Fund at the rate of five per cent of his pensionable emoluments,
- and includes any transferred contributions;
- (vii) "pensionable emoluments" includes—
- (a) a person's pay and any special allowance attached to a particular office or forming part of the remuneration paid to the employee, if such allowance be declared by the Commission to be pensionable;
 - (b) so much of any personal allowance granted to a person in consideration of his pay being reduced otherwise than as a penalty, or of any ration allowance or the value of free rations, or of any allowance for quarters or the value of free quarters not exceeding one-sixth of the person's other pensionable emoluments, or of any fuel, light or washing allowance or the value of free fuel, light or washing, as is declared by the Commission to be pensionable,
- but does not include—
- (i) any cost-of-living or climatic allowance;
 - (ii) any special remuneration which a person may receive for performing special duties or while acting temporarily in any capacity;
 - (iii) any transport or subsistence allowance;
 - (iv) any fees, honoraria or bonuses of any kind;
 - (v) any overtime payments; or
 - (vi) any other allowance not herein specified;
- (viii) "qualifying period of service" means a period of two years of continuous employment which an employee shall be required to serve before becoming eligible to contribute to the Fund and includes—
- (a) any period of absence on leave without pay granted to the employee under the law relating to the conditions of his employment, or,

- (a) 'n persoon wat met afwesigheidsverlof is, of, in die geval van 'n persoon aan wie afwesigheidsverlof nie kragtens enige wet of enige regulasies betreffende sy diensvoorwaardes toegestaan kan word nie, wat van diens afwesig is en wat onmiddellik voor die aanvang van sodanige verlof of afwesigheid 'n bydraer was; en
- (b) 'n persoon wat opgehou het om 'n bydraer te wees—
 - (i) ooreenkomstig die bepalings van artikel *vier-en-sestig* van die Regeringsdienspensioenwet, 1936, of subartikel (2) van artikel *vyf-en-tagtig* van die Pensioenwet;
 - (ii) by bereiking van die leeftyd van vyf-en-sestig jaar;
 - (iii) ingevolge artikel *sewentig bis* van die Regeringsdiens-pensioenwet, 1936;
 - (iv) uit hoofde van paragraaf (g) van subartikel (1) van artikel *ses-en-tagtig* van die Pensioenwet, of paragraaf (e) van regulasie 2,
 maar wat nie uit die diens van die Regering afgetree het of afgedank of ontslaan is nie;
- (vi) „eie bydraes”—
 - (a) in die geval van 'n lid wat voor die eerste dag van Julie 1955 'n bydraer tot die Fonds geword het, die bydraes deur hom aan die Fonds betaal volgens die skaal van drie persent van sy pensioengewende verdienste ten opsigte van enige tydperk voor daardie datum en volgens die skaal van vyf persent per jaar van sy pensioengewende verdienste ten opsigte van enige tydperk op of na daardie datum;
 - (b) in die geval van 'n lid wat 'n bydraer tot die Fonds op of na die eerste dag van Julie 1955 maar voor die vasgestelde datum geword het of wat 'n lid op of na die vasgestelde datum word, die bydraes deur hom aan die Fonds betaal volgens die skaal van vyf persent van sy pensioengewende verdienste,
 en omvat enige oorgedraagde bydraes;
- (vii) „pensioengewende verdienste” ook—
 - (a) 'n persoon se besoldiging en enige spesiale toelae wat verbonde is aan 'n bepaalde betrekking of deel uitmaak van die besoldiging aan die werknemer betaal, as sodanige toelae deur die Kommissie verklaar word pensioengewend te wees;
 - (b) soveel van enige persoonlike toelae wat aan 'n persoon toegeken is uit oorweging daarvan dat sy besoldiging op 'n ander wyse as 'n straf verminder is, of van enige rantsoentoelae of die waarde van vry rantsoene, of van enige toelae vir kwartiere of die waarde van vry kwartiere maar hoogstens 'n sesde van die persoon se ander pensioengewende verdienste, of van enige brandstof-, lig-, of wasgoedtoelae of die waarde van vry brandstof, lig of wasgoed, as wat die Kommissie verklaar pensioengewend te wees,
 maar omvat nie—
 - (i) enige lewenskoste- of klimaatstoelae;
 - (ii) enige spesiale besoldiging wat 'n persoon ontvang vir die uitvoering van spesiale pligte of terwyl hy tydelik in enige betrekking waarneem;
 - (iii) enige vervoer- of verblyftoelae;
 - (iv) enige gelde, honoraria of bonusse van water aard ook al;
 - (v) enige oortydbetalings; of
 - (vi) enige ander toelae nie hierin gespesifiseer nie;
- (viii) „kwalifiserende tydperk van diens”, 'n tydperk van twee jaar van ononderbroke diens wat 'n werknemer moet uitdien voordat hy daarvoor in aanmerking kom om tot die Fonds by te dra en omvat—
 - (a) enige tydperk van afwesigheidsverlof sonder besoldiging wat aan die werknemer kragtens die wet betreffende sy diensvoorwaardes toe-

where the said employee is not eligible for the grant of such leave of absence, any period of absence from duty without pay not exceeding ninety days or such longer period as the Secretary may approve in special circumstances;

(b) any period during which a person is employed on contract:

Provided that where a person referred to in paragraph (b) has been employed on contract for a period of more than two years and has, by virtue of paragraph (g) of sub-section (1) of section eighty-six of the Pensions Act or paragraph (e) of regulation 2, been debarred from becoming a contributor to the Fund, the whole period of contract service shall count as qualifying service, if by reason a change in the conditions of his employment he becomes eligible to contribute to the Fund;

(ix) "subsidized employee" means an employee in respect of whose employment a subsidy is paid by the Department of Labour out of monies appropriated by Parliament for the purpose;

(x) "the Fund" means the Government Employees' Provident Fund referred to in sub-section (3) of section two of the Act;

(xi) "the New Superannuation Fund" means 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);

(xii) "transferred contributions" means the contributions which were paid—

(a) by a member to any other pension or provident Fund in accordance with the provisions relating to that fund;

(b) by a contributor to the New Superannuation Fund in accordance with the provisions of the law relating to that fund,

and which formed or forms part or the whole of any payment made to the Fund in terms of sub-section (3) of section seventy-two of the Government Service Pensions Act, 1936, or sub-section (3) of section ninety-three of the Pensions Act, or sub-regulation (6) or (7) of regulation 9, but does not, in the case of a member who became liable to contribute to the Fund prior to the first day of July, 1955, include any contributions in excess of contributions calculated at the rate of three per cent of his pensionable emoluments in respect of the period during which he was a member of such other pension or provident fund, or, in the case of a member who became or becomes liable to contribute to the Fund on or after that date, in excess of contributions calculated at the rate of five per cent of his pensionable emoluments during such a period, and does not include interest or any amount deemed to be interest.

Disqualifications to be a member.

2. No person shall be allowed to contribute to the Fund—

(a) until he has had a qualifying period of service, unless—

(i) he is a person to whom sub-regulation (6) or (7) of regulation 9 relates;

(ii) he was previously a member;

(b) if he is over the age of sixty-five years;

(c) if he is remunerated solely by fees and allowances;

(d) if his whole time is not at the disposal of the Government;

(e) while he is employed on contract for a fixed number of months or years, otherwise than under a contract of apprenticeship;

(f) if his employment is of a casual nature or of the nature of relief employment;

gestaan is, of, waar genoemde werknemer nie vir die toestaan van sodanige afwesigheidsverlof in aanmerking kom nie, enige tydperk van afwesigheid van diens sonder besoldiging, negentig dae nie te bowe gaande nie, of sodanige langer tydperk as wat die Sekretaris in besondere omstandighede goedkeur;

(b) enige tydperk waarin 'n persoon op kontrak in diens is:

Met dien verstande dat waar 'n persoon in paragraaf (b) genoem vir 'n tydperk van meer as twee jaar op kontrak in diens was en uit hoofde van paragraaf (g) van subartikel (1) van artikel ses-en-tagtig van die Pensioenwet of paragraaf (e) van regulasie 2 belet is om 'n bydraer tot die Fonds te word, die hele tydperk van kontrakdiens as kwalifiserende diens tel, as hy weens 'n verandering in sy diensvoorwaardes daarvoor in aanmerking kom om tot die Fonds by te dra;

(ix) „gesubsidieerde werknemer”, 'n werknemer ten opsigte van wie se diens 'n subsidie deur die Departement van Arbeid uit gelde wat deur die Parlement vir die doel bewillig is, betaal word;

(x) „die Fonds”, die Regerings-werknemersondersteuningsfonds in subartikel (3) van artikel twee van die Wet genoem;

(xi) „die Nuwe Superannuasiefonds”, die Nuwe Spoorweg- en Hawesuperannuasiefonds in artikel drie van die Wet op die Spoorweg- en Hawesuperannuasiefonds, 1960 (Wet No. 39 van 1960), genoem;

(xii) „oorgedraagde bydraes”, die bydraes wat betaal is—

(a) deur 'n lid aan 'n ander pensioen- of voorsorg- of ondersteuningsfonds ooreenkomstig die bepalinge betreffende daardie fonds;

(b) deur 'n bydraer aan die Nuwe Superannuasiefonds ooreenkomstig die bepalinge van die wet betreffende daardie fonds,

en wat deel of die geheel uitgemaak het of uitmaak van enige betaling aan die Fonds gedoen ingevolge subartikel (3) van artikel twee-en-sewentig van die Regeringsdiens-pensioenwet, 1936, of subartikel (3) van artikel drie-en-negentig van die Pensioenwet, of subregulasie (6) of (7) van regulasie 9, maar omvat nie enige bydraes wat, in die geval van 'n lid wat voor die eerste dag van Julie 1955 onder die verpligting gekom het om tot die Fonds by te dra, meer is as die bydraes bereken volgens die skaal van drie persent van sy pensioengewende verdienste ten opsigte van die tydperk toe hy 'n lid van die ander pensioen- of voorsorg- of ondersteuningsfonds was of wat, in die geval van 'n lid wat op of na daardie datum onder die verpligting gekom het of kom om tot die Fonds by te dra, meer is as die bydraes bereken volgens die skaal van vyf persent van sy pensioengewende verdienste gedurende so 'n tydperk nie, en omvat nie rente of enige bedrag wat geag word rente te wees nie.

Diskwalifikasies om lid te wees.

2. Geen persoon word toegelaat om tot die Fonds by te dra nie—

(a) totdat hy 'n kwalifiserende tydperk van diens gehad het tensy—

(i) hy 'n persoon is op wie subregulasie (6) of (7) van regulasie 9 betrekking het;

(ii) hy voorheen 'n lid was;

(b) as hy bo die leeftyd van vyf-en-sestig jaar is;

(c) as hy uitsluitlik by wyse van gelde en toelaes besoldig word;

(d) as al sy tyd nie tot die beskikking van die Regering is nie;

(e) terwyl hy vir 'n bepaalde aantal maande of jare op kontrak in diens is, uitgesonderd op 'n leerling-kontrak;

(f) as sy diens van 'n los of onderstandaard is;

- (g) if he is a subsidized employee unless he became such an employee after he had become a member of and a contributor to the Fund and while he was such a contributor;
- (h) if his total salary or wages are not payable from a revenue or loan funds appropriated for the purpose: Provided that if his salary or wages are paid from a source which is not such an appropriation but which is subject to Treasury control he may contribute to the Fund if he is remunerated on a basis of Public Service scales of pay as distinct from contract or trade rates of pay;
- (i) if he is a person who ceased to contribute to the Fund in accordance with an election made in terms of section *seventy bis* of the Government Service Pensions Act, 1936.

Membership.

3. (1) All persons who were members of the Fund immediately prior to the fixed date shall continue to be members thereof.

(2) As from the fixed date every White person employed by the Government to whom in terms of any other law no benefit is payable upon his retirement or discharge, shall, subject to the provisions of regulation 2 and to the approval of the Secretary, contribute to the Fund at the rate of five per cent of his pensionable emoluments, until he reaches the age of sixty-five years when he shall cease to contribute: Provided that where such person attains the age of sixty-five years on a day other than the first day of a month he shall be deemed, for contribution purposes, to have attained that age on the first day of the next succeeding month.

(3) A member who—

- (a) ceased to contribute to the Fund in accordance with the provisions of section *sixty-four* of the Government Service Pensions Act, 1936, or sub-section (2) of section *eighty-five* of the Pensions Act;
- (b) elected the benefits under paragraph (b) of sub-section (2) of section *seventy-two* of the Government Service Pensions Act, 1936, or paragraph (b) of sub-section (2) of section *ninety-three* of the Pensions Act;
- (c) ceases to contribute to the Fund on attaining the age of *sixty-five* years;
- (d) ceased or ceases to contribute to the Fund on the grounds that he was or is appointed to another post on contract or that the conditions of his employment were or are changed to a contract basis, shall retain his membership of the Fund.

(4) A member to whom paragraph (a), (b) or (c) of sub-regulation (3) refers shall, on the final termination of his employment, be paid the benefit which would have been paid to him in accordance with the provisions of regulation 7 had his membership of the Fund terminated on the day he ceased to contribute for the same reason as his employment terminates, or, in the event of his prior death, his dependants shall be paid the benefit which would have been paid in terms of regulation 8 had those same dependants been dependent on him on the day immediately preceding the day he ceased to contribute and had he died on the first-mentioned day: Provided that there shall be added to a benefit payable in terms of sub-regulation (1) of regulation 7 or regulation 8 interest at the rate of four per cent per annum (compounded annually as at the thirty-first day of March) calculated from the date the member ceased to contribute to the Fund and up to and including the day immediately preceding the date on which his employment terminates or up to and including the date of his prior death, as the case may be.

(5) A member to whom paragraph (d) of sub-regulation (3) relates shall on the final termination of his employment, unless he is a member to whom sub-regulation (6) relates, be paid the benefit which would have been paid

- (g) as hy 'n gesubsidieerde werknemer is tensy hy so 'n werknemer geword het nadat hy 'n lid van en 'n bydraer tot die Fonds geword het en terwyl hy so 'n bydraer was;
- (h) as sy totale salaris of loon nie uit inkomste of leningsfondse wat vir die doel bewillig is, betaalbaar is nie: Met dien verstande dat as sy salaris of loon uit 'n bron wat nie so 'n bewilliging is nie maar wat aan Tesouriebeheer onderworpe is, betaal word, hy tot die Fonds kan bydra as hy besoldig word op 'n basis van Staatsdiensskale van besoldiging in teenstelling met kontrak- of ambagskale van besoldiging;
- (i) hy 'n persoon is wat opgehou het om tot die Fonds by te dra ooreenkomstig 'n keuse kragtens artikel *sewentig bis* van die Regeringsdiens-pensioenwet, 1936, gedoen.

Lidmaatskap.

3. (1) Alle persone wat lede van die Fonds was onmiddellik voor die vasgestelde datum gaan voort om lede daarvan te wees.

(2) Met ingang van die vasgestelde datum moet elke Blanke persoon wat in diens van die Regering is en aan wie geen voordeel ingevolge enige ander wet by sy uitdienstreding of ontslag betaalbaar is nie, behoudens die bepalings van regulasie 2 en die goedkeuring van die Sekretaris, tot die Fonds bydra volgens die skaal van vyf persent van sy pensioengewende verdienste, totdat hy die leeftyd van vyf-en-sestig jaar bereik wanneer hy ophou om by te dra: Met dien verstande dat waar sodanige persoon die leeftyd van vyf-en-sestig jaar op 'n ander dag as die eerste dag van 'n maand bereik, hy vir bydrae-doeleindes geag word daardie leeftyd op die eerste dag van die eersvolgende maand te bereik het.

(3) 'n Lid wat—

- (a) opgehou het om ooreenkomstig die bepalings van artikel *vier-en-sestig* van die Regeringsdiens-pensioenwet, 1936, of subartikel (2) van artikel *vyf-en-tagtig* van die Pensioenwet tot die Fonds by te dra;
- (b) die voordele kragtens paragraaf (b) van subartikel (2) van artikel *twee-en-sewentig* van die Regeringsdiens-pensioenwet, 1936, of paragraaf (b) van subartikel (2) van artikel *drie-en-negentig* van die Pensioenwet gekies het;
- (c) ophou om tot die Fonds by te dra by bereiking van die leeftyd van vyf-en-sestig jaar;
- (d) opgehou het of ophou om tot die Fonds by te dra op grond daarvan dat hy in 'n ander pos op kontrak aangestel is of word of dat sy diensvoorwaardes na 'n kontrakbasis verander is of word,

behou sy lidmaatskap van die Fonds.

(4) Aan 'n lid op wie paragraaf (a), (b) of (c) van subregulasie (3) betrekking het, word by die finale beëindiging van sy diens die voordeel betaal wat ooreenkomstig die bepalings van regulasie 7 aan hom betaal sou gewees het as sy lidmaatskap van die Fonds geëindig het op die dag toe hy opgehou het om by te dra om die selfde rede as dié waarom sy diens eindig, of, in die geval van sy dood voor die tyd, aan sy afhanklikes die voordeel betaal wat betaal sou geword het ingevolge regulasie 8 as daardie selfde afhanklikes van hom afhanklik was op die dag onmiddellik voor die dag waarop hy opgehou het om by te dra en as hy op eersgenoemde dag te sterwe gekom het: Met dien verstande dat daar by 'n voordeel ingevolge subregulasie (1) van regulasie 7 of regulasie 8 betaalbaar, rente bygevoeg word teen die koers van vier persent per jaar (jaarliks saamgestel soos op die een-en-dertigste dag van Maart) bereken vanaf die datum waarop die lid opgehou het om tot die Fonds by te dra en tot en met die dag onmiddellik voor die datum waarop sy diens eindig of tot en met die datum van sy dood voor die tyd, na gelang van die geval.

(5) Aan 'n lid op wie paragraaf (d) van subregulasie (3) betrekking het, word by die finale beëindiging van sy diens, tensy hy 'n lid is op wie subregulasie (6) betrekking

to him in accordance with the provisions of regulation 7 had his membership of the Fund terminated on the day he ceased to contribute for the same reason that his employment terminates, or, in the event of his prior death, his dependants shall be paid the benefit which would have been paid in terms of regulation 8 had those same dependants been dependent on him on the day immediately preceding the day he ceased to contribute and had he died on the first-mentioned day: Provided that there shall be added to a benefit payable in terms of sub-regulation (1) of regulation 7, to the amount equal to fifty per cent of the full benefit payable in terms of sub-regulation (2) of regulation 7 or to any benefit payable in terms of regulation 8 interest at the rate of four per cent per annum (compounded annually as at the thirty-first day of March) calculated from the date the member ceased to contribute to the Fund and up to and including the day immediately preceding the date on which his employment terminated or up to and including the date of his prior death, as the case may be.

(6) If a member to whom paragraph (d) of sub-regulation (3) refers, on the termination of the period of his contract employment, again becomes liable to contribute to the Fund, a full benefit, provided that the two periods of contributory employment are continuous with the intervening period of non-contributory employment, shall be calculated in respect of each period of contributory employment for the purpose of determining the benefit payable in terms of regulation 7 or 8, and to the benefit payable in respect of the first period of employment in accordance with the provisions of sub-regulation (1) of regulation 7 or regulation 8, or to the amount equal to fifty per cent of the full benefit payable in respect of the first period of employment in terms of sub-regulation (2) of regulation 7, there shall be added interest at the rate of four per cent per annum (compounded as at the thirty-first day of March) calculated from the date the member ceased to contribute to the Fund and up to and including the day immediately preceding the date on which his employment terminated or up to and including the date of his prior death, as the case may be.

(7) If a member to whom paragraph (d) of sub-regulation (3) refers, on the termination of the period of his contract employment—

- (a) continues in employment in respect of which he is not liable to contribute to the Fund; and
 - (i) has not attained an age at which he may retire on superannuation;
 - (ii) is not appointed to employment in respect of which he is required to contribute to a pension or provident fund referred to in sub-regulation (1) or (2) of regulation 9; or
- (b) is appointed to employment in respect of which he is again required to contribute to the fund but there is a break in the continuity of his contributory and non-contributory periods of employment,

he shall be deemed to have voluntarily resigned with effect from the date his contract service terminates and the provisions of sub-regulation (5) shall *mutatis mutandis* apply for the calculation of the benefit payable forthwith in respect of the first period of contributory employment.

Contributory Service.

4. (1) Subject to the provisions of sub-regulation (2) the period of employment in respect of which contributions are to be made to the Fund shall be continuous.

(2) Any such period shall not be regarded as interrupted—

- (a) by absence on leave, whether with or without pay;
- (b) in the case of a member to whom leave of absence cannot be granted under the law or any regulations relating to the conditions of his employ-

het, die voordeel betaal wat aan hom ooreenkomstig die bepaling van regulasie 7 betaal sou geword het as sy lidmaatskap van die Fonds geëindig het op die dag waarop hy opgehou het om by te dra om dieselfde rede as dié waarom sy diens eindig, of, in die geval van sy dood voor die tyd, aan sy afhanklikes die voordeel betaal wat betaal sou geword het ingevolge regulasie 8 as daardie selfde afhanklikes van hom afhanklik was op die dag onmiddellik voor die dag waarop hy opgehou het om by te dra en as hy op eersgenoemde dag te sterwe gekom het: Met dien verstande dat daar by 'n voordeel ingevolge subregulasie (1) van regulasie 7 betaalbaar, by die bedrag gelyk aan vyftig persent van die volle voordeel ingevolge subregulasie (2) van regulasie 7 betaalbaar of by enige voordeel ingevolge regulasie 8 betaalbaar, rente bygevoeg word teen die koers van vier persent per jaar (jaarliks saamgestel soos op die een-en-dertigste dag van Maart) bereken vanaf die datum waarop die lid opgehou het om tot die Fonds by te dra en tot en met die dag onmiddellik voor die dag waarop sy diens geëindig het of tot en met die datum van sy dood voor die tyd, na gelang van die geval.

(6) As 'n lid op wie paragraaf (d) van subregulasie (3) betrekking het by die beëindiging van die tydperk van sy kontrakdiens, weer onder die verpligting kom om tot die Fonds by te dra, word 'n volle voordeel, mits die twee tydperke van bydraeplygtige diens aaneenlopend is met die tussentydperk van nie-bydraeplygtige diens, bereken ten opsigte van elke tydperk van bydraeplygtige diens vir die doel van die berekening van die voordeel wat ingevolge regulasie 7 of 8 betaalbaar is, en word by die voordeel betaalbaar ten opsigte van die eerste tydperk van diens ooreenkomstig die bepaling van subregulasie (1) van regulasie 7 of regulasie 8, of by die bedrag gelyk aan vyftig persent van die volle voordeel betaalbaar ten opsigte van die eerste tydperk van diens ingevolge subregulasie (2) van regulasie 7, rente bygevoeg teen die koers van vier persent per jaar (saamgestel soos op die een-en-dertigste dag van Maart) bereken vanaf die datum waarop die lid opgehou het om tot die Fonds by te dra en tot en met die dag onmiddellik voor die datum waarop sy diens geëindig het of tot en met die datum van sy dood voor die tyd, na gelang van die geval.

(7) As 'n lid op wie paragraaf (d) van subregulasie (3) betrekking het by die beëindiging van die tydperk van sy kontrakdiens—

- (a) aanby in diens ten opsigte waarvan hy nie onder die verpligting is om tot die Fonds by te dra nie; en
 - (i) nog nie die leeftyd bereik het waarop hy met pensioen kan aftree nie;
 - (ii) nie aangestel word in diens ten opsigte waarvan hy tot 'n pensioen- of voorsorg- of ondersteuningsfonds in subregulasie (1) of (2) van regulasie 9 genoem, moet bydra nie; of
- (b) aangestel word in diens ten opsigte waarvan hy weer tot die Fonds moet bydra maar daar 'n onderbreking in die aaneenlopendheid van sy bydraeplygtige en nie-bydraeplygtige tydperke van diens is,

word hy geag vrywillig te bedank het vanaf die datum waarop sy kontrakdiens eindig en is die bepaling van subregulasie (5) *mutatis mutandis* van toepassing vir die berekening van die voordeel wat onmiddellik ten opsigte van die eerste tydperk van bydraeplygtige diens betaalbaar is.

Bydraeplygtige diens.

4. (1) Behoudens die bepaling van subregulasie (2) moet die tydperk van diens ten opsigte waarvan bydraes tot die Fonds gemaak moet word, ononderbroke wees.

(2) Enige sodanige tydperk word nie geag onderbreek te wees nie—

- (a) deur afwesigheidsverlof, hetsy met of sonder besolidiging;
- (b) in die geval van 'n lid aan wie afwesigheidsverlof nie kragtens die wet of enige regulasies betreffende sy diensvoorwaardes toegestaan kan word nie,

ment, by absence from duty for a period not exceeding ninety days, or for such longer period as the Secretary may in special circumstances allow; or

(c) by suspension, if followed by return to duty.

Contributions.

5. (1) Contributions by a member shall be made by deductions from his pensionable emoluments at the end of each month or at such other times as the Treasury may determine.

(2) If a member is remunerated at a weekly, daily or hourly rate of pay, his pensionable emoluments shall be assessed on the basis of the annual equivalent of such rate calculated to the nearest rand.

(3) (a) A member to whom leave of absence can be granted under any law or any regulations relating to the conditions of his employment shall continue to contribute to the Fund while on sick or other leave with full or less than full pay and may elect to contribute in respect of any period of sick or other leave without pay.

(b) A member to whom leave of absence cannot be so granted may elect to contribute in respect of any period of absence without pay not exceeding ninety days, or in respect of such longer period of such absence as the Secretary may in special circumstances allow.

(4) A member who has been suspended and who is permitted to return to duty shall, on such conditions as the Secretary may determine, contribute to the Fund in respect of the period of suspension.

(5) Any contributions made under sub-regulation (3) shall be based upon the member's full pensionable emoluments.

Contributions on secondment of members.

6. A member who is seconded to the service of any other government or of the Land and Agricultural Bank of South Africa, or of any board, institution or body established by law, or of any other employer approved by the Secretary may, subject to the approval of the Secretary, continue while so seconded to make contributions 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 so continued to be made shall be based upon such an amount, not being less than the pensionable emoluments which such member would have drawn 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.

Benefits upon retirement or discharge.

7. (1) A member who retires or is retired or discharged in circumstances other than those referred to in sub-regulation (2), (3) or (4) shall be paid the full benefit.

(2) A member who—

(a) being a female member who immediately prior to the first day of July, 1955, was a member of the Fund or was liable to contribute to the Fund, retires voluntarily before she has attained the age of fifty-five years;

(b) not being a female member referred to in paragraph (a), retires voluntarily before attaining the age of sixty years; or

(c) is retired on account of ill-health not occasioned without his own default,

shall be paid an amount equal to fifty per cent, of the full benefit together with one per cent, of the full benefit in respect of each complete year in excess of five years of the period in respect of which contributions were payable to the Fund.

deur afwesigheid van diens vir 'n tydperk van hoogstens negentig dae of vir sodanige langer tydperk as wat die Sekretaris in besondere omstandighede kan toelaat of

(c) deur skorsing, as dit deur terugkeer tot diens gevolg word.

Bydraes.

5. (1) Bydraes deur 'n lid word gemaak by wyse van aftrekkings van sy pensioengewende verdienste aan die end van elke maand of op ander tye wat die Tesourie mag bepaal.

(2) As 'n lid per week, per dag of per uur besoldig word, word sy pensioengewende verdienste bereken op die basis van die jaarlikse ekwivalent van sodanige besoldiging tot die naaste rand bereken.

(3) (a) 'n Lid aan wie afwesigheidsverlof ingevolge enige wet of enige regulasies betreffende sy diensvoorwaardes toegestaan kan word, moet voortgaan om tot die Fonds by te dra terwyl hy met siekte- of ander verlof met volle of minder as volle besoldiging is en kan kies om ten opsigte van enige tydperk van siekte- of ander verlof sonder besoldiging by te dra.

(b) 'n Lid aan wie afwesigheidsverlof nie aldus toegestaan kan word nie, kan kies om by te dra ten opsigte van enige tydperk van afwesigheid sonder besoldiging maar hoogstens negentig dae of ten opsigte van sodanige langer tydperk van sodanige afwesigheid as wat die Sekretaris in besondere omstandighede kan toelaat.

(4) 'n Lid wat geskors is en wat toegelaat word om tot diens terug te keer, moet, op die voorwaardes wat die Sekretaris mag bepaal, tot die Fonds bydra ten opsigte van die tydperk van skorsing.

(5) Enige bydraes ingevolge subregulasie (3) gemaak, word gebaseer op die lid se volle pensioengewende verdienste.

Bydraes as lede afgestaan word.

6. 'n Lid wat afgestaan word 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 enige ander werkgewer wat deur die Sekretaris goedgekeur is, kan, behoudens die goedkeuring van die Sekretaris, voortgaan om tot die Fonds by te dra solank hy aldus afgestaan is: Met dien verstande dat genoemde regering, bank, raad, inrigting, liggaam of werkgewer aan wie se diens sodanige lid afgestaan is, of die lid self, 'n bedrag wat gelyk is aan die bydraes wat uit inkomste ten opsigte van die lid betaal is, aan inkomste moet terugbetaal: Met dien verstande voorts dat die bydraes waarmee aldus voortgegaan word, gebaseer moet word op 'n bedrag wat die Tesourie van tyd tot tyd bepaal, maar nie minder nie as die pensioengewende verdienste wat sodanige lid sou getrek het as hy nie afgestaan was nie, en enige bedrag wat aldus bepaal word, word vir die toepassing van hierdie regulasies geag die pensioengewende verdienste van die lid gedurende die betrokke tydperk te wees.

Voordele by uitdienststeding of ontslag.

7. (1) Aan 'n lid wat aftree of afgedank of ontslaan word in ander omstandighede as dié in subregulasie (2), (3) of (4) genoem, word die volle voordeel betaal.

(2) Aan 'n lid wat—

(a) 'n vroulike lid is wat onmiddellik voor die eerste dag van Julie 1955 'n lid van die Fonds was of onder die verpligting was om tot die Fonds by te dra, en vrywillig uit diens tree voordat sy die leeftyd van vyf-en-vyftig jaar bereik het;

(b) nie 'n vroulike lid in paragraaf (a) genoem is nie, en vrywillig uit diens tree voordat hy die leeftyd van sestig jaar bereik het; of

(c) weens swak gesondheid nie sonder sy eie toedoen veroorsaak nie, afgedank word,

word 'n bedrag betaal gelyk aan vyftig persent van die volle voordeel tesame met een persent van die volle voordeel ten opsigte van elke volle jaar bo vyf jaar van die tydperk ten opsigte waarvan bydraes aan die Fonds betaalbaar was.

(3) A member who is discharged on account of misconduct or unsatisfactory service or who resigns or is called upon to resign in order to avoid such discharge, shall receive a refund of his own contributions.

(4) A member who is a female and who is discharged on her marriage or who retires voluntarily in contemplation of marriage after having notified the head of her department in writing to that effect and marries within three months after such retirement, shall be paid an amount equal to twice her own contributions.

(5) The secretary may deduct from any sum payable to any member under this regulation, the amount of any loss certified by the Controller and Auditor-General or a provincial auditor, to have been sustained by the Government through theft, fraud, negligence or any misconduct on the part of such member.

Benefits on death.

8. (1) If a member dies before his retirement from the service of the Government, the full benefit shall, subject to the provisions of sub-regulation (2), be paid to or for the benefit of such of his dependants as the Secretary may determine.

(2) The benefit referred to in sub-regulation (1) shall be allocated amongst the said dependants in such manner as the Secretary may determine and the Secretary may, in the case of any dependant other than the widow of a deceased member, reduce any such benefit to an extent which, having regard to the circumstances of such dependants, appears to him to be reasonable.

(3) If a member dies before his retirement without leaving a dependant an amount equal to his own contributions shall be paid to his estate and there shall be no further claim on the Fund.

Members becoming members of other funds and members of other funds becoming members of the Fund.

9. (1) If a member without a break in the continuity of his employment 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 and, in terms of the regulations governing that pension fund, becomes liable to contribute in respect of the period during which he was a member of the Fund and does so contribute, the full benefit shall be paid out of the Fund to the pension fund to which he becomes liable to contribute: Provided that in the case of a member to whom sub-regulation (3) of regulation 3 relates the provisions of sub-regulations (4), (5) or (6) of that regulation, in so far as they relate to the addition of interest to the full benefit payable, shall *mutatis mutandis* apply.

(2) If a member—

- (a) without a break in the continuity of his employment becomes liable to contribute to a pension or provident fund referred to in paragraph (c); or
- (b) is transferred to employment under the Railway Administration and becomes a member of the New Superannuation Fund; or
- (c) is transferred or is appointed directly without a break in his service to employment in respect of which he is subject to a pension law administered by any provincial administration, or by the administration of the territory, or by a department of education (whether in the Republic or in the territory) or to any pension law (other than the Act) administered by the Minister and becomes a contributor to a pension or provident fund under such law as from the date of such transfer or appointment; and

(3) 'n Lid wat ontslaan word weens wangedrag of onbevestigende diens of wat bedank of aangesê word om te bedank ten einde sodanige ontslag te vermy, ontvang 'n terugbetaling van sy eie bydraes.

(4) Aan 'n lid wat vrou is en wat by haar huwelik ontslaan word of wat met die voorneme om in die huwelik te tree vrywillig uit diens tree nadat sy die hoof van haar departement skriftelik daarvan in kennis gestel het en binne drie maande na sodanige uitdienstreding in die huwelik tree, word 'n bedrag gelyk aan twee maal haar eie bydraes betaal.

(5) Die Sekretaris kan van enige som aan 'n lid ingevolge hierdie regulasie betaalbaar, die bedrag aftrek van enige verlies wat die Regering volgens 'n verklaring van die Kontroleur en Ouditeur-generaal of 'n provinsiale ouditeur as gevolg van diefstal, bedrog, nalatigheid of enige wangedrag van die kant van sodanige lid, gelyk het.

Voordele by afsterwe.

8. (1) As 'n lid te sterwe kom voordat hy uit die diens van die Regering tree, word die volle voordeel, behoudens die bepalinge van subregulasie (2), aan of ten voordele van dié van sy afhanklikes wat die Sekretaris mag bepaal, betaal.

(2) Die voordeel in subregulasie (1) genoem, word toegewys onder genoemde afhanklikes op die wyse wat die Sekretaris mag bepaal en die Sekretaris kan, in die geval van enige ander afhanklike as die weduwee van 'n oorlede lid, enige sodanige voordeel verminder in 'n mate wat hy, met inagneming van die omstandighede van sodanige afhanklikes, as redelik beskou.

(3) As 'n lid te sterwe kom voor sy uitdienstreding en geen afhanklike nalaat nie, word 'n bedrag gelyk aan sy eie bydraes aan sy boedel betaal en is daar geen verdere eis teen die Fonds nie.

Lede wat lede van ander fondse word en lede van ander fondse wat lede van die Fonds word.

9. (1) As 'n lid sonder 'n onderbreking in die aaneenlopendheid van sy diens onder die verpligting kom om tot die Staatsiens-pensioenfonds, die Staandemag-pensioenfonds of die Suid-Afrikaanse Polisies- en Gevangensdiens-pensioenfonds by te dra en, ingevolge die regulasies betreffende daardie Pensioenfonds, onder die verpligting kom om by te dra ten opsigte van die tydperk waarin hy 'n lid van die Fonds was en wel aldus bydra, word die volle, voordeel uit die Fonds aan die Pensioenfonds waartoe hy onder die verpligting kom om by te dra, betaal: Met dien verstande dat in die geval van 'n lid op wie subregulasie (3) van regulasie 3 betrekking het, die bepalinge van subregulasies (4), (5) of (6) van daardie regulasie vir sover hulle op die byvoeging van rente by die volle betaalbare voordeel betrekking het, *mutatis mutandis* van toepassing is.

(2) As 'n lid—

- (a) sonder 'n onderbreking in die aaneenlopendheid van sy diens onder die verpligting kom om tot 'n pensioen- of voorsorg- of ondersteuningsfonds in paragraaf (c) genoem, by te dra; of
- (b) oorgeplaas word na diens onder die Spoorwegadministrasie en lid van die Nuwe Superannuasiefonds word; of
- (c) sonder 'n onderbreking in sy diens oorgeplaas word na of regstreeks aangestel word in diens ten opsigte waarvan hy aan 'n pensioenwet wat deur enige provinsiale administrasie, of deur die administrasie van die gebied, of deur 'n departement van onderwys (hetsy in die Republiek of in die gebied) geadminestreer word of aan enige pensioenwet (uitgesonderd die Wet) wat deur die Minister geadminestreer word, onderworpe is en 'n bydraer tot 'n pensioen- of voorsorg- of ondersteuningsfonds ingevolge sodanige wet met ingang van die datum van sodanige oorpasing of aanstelling word; en

- (d) is permitted and elects to contribute to any such fund in respect of the period of his continuous employment prior to the date upon which he becomes so liable or the date of such transfer or appointment,

the full benefit shall be paid out of the Fund to the fund to which he becomes liable or so elects to contribute: Provided that—

- (i) in the case of a member to whom sub-regulation (3) of regulation 3 relates the provisions of sub-regulations (4), (5) or (6) of that regulation, in so far as they relate to the addition of interest to the full benefit payable, shall *mutatis mutandis* apply;
- (ii) if the full benefit, or the full benefit increased by the addition of interest in accordance with subparagraph (i), is more or less than the amount which is required for the purposes of such fund, the excess shall be disposed of in such manner or the deficiency shall be paid by the member and out of revenue in such proportions as the Secretary may determine.

(3) There shall be added to the amount payable in terms of sub-regulation (1) or (2) interest at the rate of four per cent per annum (compounded annually as at the thirty-first day of March) calculated from the date the member became liable to contribute to the other fund and up to the date of payment.

(4) If a member to whom sub-regulation (1) or (2) relates is not permitted to contribute, to the pension or provident fund to which he becomes liable to contribute, in respect of the period during which he was a contributor to the Fund, or, if permitted to do so, does not contribute, he may elect in writing within sixty days from the date upon which he is called upon to do so either—

- (a) to be dealt with in accordance with the provisions of these regulations as if he had resigned voluntarily; or
- (b) to be granted out of the Fund, if for any reason he retires or is retired or discharged from the Public Service or from service under the Railway Administration or from such employment as is referred to in paragraph (c) of sub-regulation (2), as the case may be, the benefit to which he would have been entitled in terms of regulation 7 at the date upon which he ceased to be contributor, had he at that date retired or been retired or discharged for the same reason:

Provided that—

- (i) there shall be added to a full benefit payable in terms of sub-regulation (1) of the said regulation 7, or to the amount equal to fifty per cent, of the full benefit payable in accordance with sub-regulation (2) of that regulation, as the case may be, interest at the rate of four per cent per annum (compounded annually as at the thirty-first day of March) calculated as from the said date and up to the date of his retirement or discharge;
- (ii) if he dies before his retirement, there shall be paid to or for the benefit of his dependants the benefit to which they would have been entitled in terms of regulation 8 as at the said date, together with interest at the rate of four per cent per annum (compounded annually as at the thirty-first day of March) and calculated as from that date and up to and including the date of his death.

(5) If a member fails to make an election in terms of sub-regulation (4) he shall be deemed to have elected the benefits under paragraph (a) of that sub-regulation.

(6) (a) If any person who is a member of the Public Service Pension Fund, the Permanent Force Pension Fund or the South African Police and Prisons Service Pension Fund becomes liable to contribute to the Fund he shall so contribute to the Fund in respect of the period during which he was a contributor to such pension fund: Provided that such person may within a period of ninety

- (d) toegelaat word en kies om by te dra tot enige sodanige fonds ten opsigte van die tydperk van sy ononderbroke diens voor die datum waarop hy aldus onder verpligting kom of die datum van sodanige oorsplasing of aanstelling,

word die volle voordeel uit die Fonds betaal aan die fonds waartoe hy onder die verpligting kom of aldus kies om by te dra: Met dien verstande dat—

- (i) in die geval van 'n lid op wie subregulasie (3) van regulasie 3 betrekking het, die bepalings van sub-regulasies (4), (5) of (6) van daardie regulasie, vir sover hulle op die byvoeging van rente by die volle betaalbare voordeel betrekking het, *mutatis mutandis* van toepassing is;
- (ii) as die volle voordeel, of die volle voordeel vermeerder deur die byvoeging van rente ooreenkomstig subparagraaf (i), meer of minder is as die bedrag wat vir die doeleindes van sodanige fonds vereis word, daar oor die oorskot beskik moet word op die wyse, of die tekort deur die lid en uit inkomste betaal moet word in die verhoudings wat die Sekretaris mag bepaal.

(3) Daar word by die bedrag ingevolge subregulasie (1) of (2) betaalbaar, rente bygevoeg teen die koers van vier persent per jaar (jaarliks saamgestel soos op die een-dertigste dag van Maart) bereken vanaf die datum waarop die lid onder die verpligting gekom het om tot die ander fonds by te dra en tot op die datum van betaling.

(4) As 'n lid op wie subregulasie (1) of (2) betrekking het nie toegelaat word om tot die pensioen- of voorsorg- of ondersteuningsfonds waartoe hy onder die verpligting kom om by te dra, ten opsigte van die tydperk waarin hy 'n bydraer tot die Fonds was, by te dra nie of as hy toegelaat word om dit te doen maar nie bydra nie, kan hy binne sestig dae na die datum waarop hy aangesê word om dit te doen skriftelik kies—

- (a) om ooreenkomstig die bepalings van hierdie regulasies behandel te word asof hy vrywillig uit diens getree het; of
- (b) as hy om watter rede ook al uit die Staatsdiens of uit diens onder die Spoorwegadministrasie of uit sodanige diens as dié in paragraaf (c) van subregulasie (2) genoem, na gelang van die geval, aftree of afgedank of ontslaan word, die voordeel uit die Fonds toegeken te word waartoe hy ingevolge regulasie 7 geregtig sou gewees het op die datum waarop hy opgehou het om 'n bydraer te wees, as hy op daardie datum om dieselfde rede afgetree het of afgedank of ontslaan was:

Met dien verstande dat—

- (i) daar by 'n volle voordeel ingevolge subregulasie (1) van genoemde regulasie 7 betaalbaar, of by die bedrag gelyk aan vyftig persent van die volle voordeel betaalbaar ooreenkomstig subregulasie (2) van daardie regulasie, na gelang van die geval, rente bygevoeg word teen die koers van vier persent per jaar (jaarliks saamgestel soos op die een-rente bygevoeg word teen die koers van vier persent per jaar (jaarliks saamgestel soos op die een-dertigste dag van Maart) bereken vanaf genoemde datum en tot en met die datum van sy uitdienstreding of ontslag;
- (ii) as hy voor sy uitdienstreding te sterwe kom, daar aan of ten voordele van sy afhanklikes die voordeel betaal word waartoe hulle ingevolge regulasie 8 soos op genoemde datum geregtig sou gewees het, tesame met rente teen die koers van vier persent per jaar (jaarliks saamgestel soos op die een-dertigste dag van Maart) en bereken vanaf daardie datum en tot en met die datum van sy dood.

(5) As 'n lid in gebreke bly om 'n keuse ingevolge subregulasie (4) te doen word hy geag die voordele ingevolge paragraaf (a) van daardie subregulasie te kies.

(6) (a) As 'n persoon wat 'n lid van die Staatsdiens-pensioenfonds, die Staandemag-pensioenfonds of die Suid-Afrikaanse Polisie- en Gevangenisdiens-pensioenfonds is onder die verpligting kom om tot die Fonds by te dra, moet hy aldus tot die Fonds bydra ten opsigte van die tydperk waarin hy 'n bydraer tot sodanige pensioenfonds was: Met dien verstande dat sodanige persoon

days after the date on which he so became liable, or within such further period as the Secretary may in special circumstances allow, elect in writing not so to contribute.

(b) The amount payable to the Fund in respect of the period during which such person was a member of any such pension fund shall be equal to the sum of—

- (i) an amount equal to twice the contributions he would have paid to the Fund during the period of his membership of the said Pension Fund if during that period he had been a member of the Fund and had contributed to the Fund at the rate of five per cent of his pensionable emoluments; and
- (ii) in respect of each completed year of the said period an amount equal to two per cent of the amount payable in terms of sub-paragraph (i) and in respect of any remaining portion of that period, an amount equal to a percentage of the amount so payable which bears to two per cent the same ratio as the number of days in that portion bears to three hundred and sixty-five,

and this amount shall be paid in full from the amount paid from the pension fund.

(7) If a person who is a member of the New Superannuation Fund is transferred to employment under the Government in respect of which he is liable to contribute to the Fund, or if a person who is a member of a pension or provident fund referred to in paragraph (c) of sub-regulation (2) becomes liable without a break in his service to contribute to the Fund or is transferred or appointed directly without a break in his service to employment under the Government in respect of which he is liable to contribute to the Fund, he may, subject to the approval of the Secretary, elect in writing within sixty days from the date upon which he is called upon to do so, to reckon the period of his employment, during which he was a contributor to the said fund or such pension or provident fund, for purposes of the Fund and, if he so elects, there shall be paid to the Fund from any amount payable by the Railway Administration or from the pension or provident fund concerned or from such pension or provident fund and from revenue, or from such fund and from revenue and by such person, in such proportions as the Secretary may determine, any amount calculated in accordance with the provisions of paragraph (b) of sub-regulation (6).

Contingency Account.

10. (1) The Secretary shall continue to keep the contingency account referred to in section *ninety-four* of the Pensions Act.

(2) There shall be placed to the credit of the contingency account—

- (a) the amount by which the full benefit exceeds any amount which is paid or due to a member, which is payable to or for the benefits of a member's dependants or which is paid to his estate;
- (b) so much of the amount by which the assets of the Fund on the thirty-first day of March in any year exceed the aggregate of the full benefits standing to the credit of members at that date, as the Secretary may determine;
- (c) any unclaimed benefit referred to in regulation 11.

(3) For the purposes of paragraph (a) of sub-regulation (2), the amount to be paid to the contingency account shall, in the case of a member to whom sub-regulation (4), (5) or (6) of regulation 3 applies, where the benefit (exclusive of any interest added in terms of that paragraph) payable to the member or his dependants is less than the full benefit, be the difference between the benefit awarded together with the interest added thereto and the full benefit likewise increased by an addition of interest at the same rate and in respect of the same period.

binne 'n tydperk van negentig dae na die datum waarop hy aldus onder verpligting gekom het, of binne sodanige verdere tydperk as wat die Sekretaris in besondere omstandighede kan toelaat, skriftelik kan kies om nie aldus by te dra nie.

(b) Die bedrag betaalbaar aan die Fonds ten opsigte van die tydperk waarin sodanige persoon lid van so 'n pensioenfonds was, is gelyk aan die som van—

- (i) 'n bedrag gelyk aan twee maal die bydraes wat hy gedurende die tydperk van sy lidmaatskap van genoemde Pensioenfonds aan die Fonds sou betaal het as hy gedurende daardie tydperk lid van die Fonds was en tot die Fonds volgens die skaal van vyf persent van sy pensioengewende verdienste bygedra het; en
- (ii) ten opsigte van elke volle jaar van genoemde tydperk, 'n bedrag gelyk aan twee persent van die bedrag ingevolge subparagraaf (i) betaalbaar en ten opsigte van enige oorblywende gedeelte van daardie tydperk, 'n bedrag gelyk aan 'n persentasie van die bedrag aldus betaalbaar wat in dieselfde verhouding tot twee persent staan as wat die aantal dae in daardie gedeelte tot driehonderd vyf-en-sestig staan,

en genoemde bedrag moet ten volle betaal word uit die bedrag wat uit die betrokke pensioenfonds betaal is.

(7) As 'n persoon wat 'n lid van die Nuwe Superannuasiefonds is, oorgeplaas word na diens onder die Regering ten opsigte waarvan hy onder die verpligting kom om tot die Fonds by te dra, of as 'n persoon wat 'n lid is van 'n pensioen- of voorsorg- of ondersteuningsfonds in paragraaf (c) van subregulasie (2) genoem, sonder 'n onderbreking in sy diens onder die verpligting kom om tot die Fonds by te dra of sonder 'n onderbreking in sy diens oorgeplaas word na of regstreeks aangestel word in diens onder die Regering ten opsigte waarvan hy onder die verpligting kom om tot die Fonds by te dra, kan hy, behoudens die goedkeuring van die Sekretaris, binne sestig dae na die datum waarop hy aangesê word om dit te doen skriftelik kies om die tydperk van sy diens, waarin hy 'n bydraer tot genoemde fonds of sodanige pensioen- of voorsorg- of ondersteuningsfonds was, vir doeleindes van die Fonds te reken, en, as hy aldus kies, moet daar aan die Fonds uit enige bedrag betaalbaar deur die Spoorwegadministrasie of uit die betrokke pensioen- of voorsorg- of ondersteuningsfonds of uit sodanige pensioen- of voorsorg- of ondersteuningsfonds en uit inkomste, of uit sodanige fonds en uit inkomste en deur sodanige persoon, in die verhoudings wat die Sekretaris mag bepaal, 'n bedrag betaal word bereken ooreenkomstig die bepalings van paragraaf (b) van subregulasie (6).

Gebeurlikheidsrekening.

10. (1) Die Sekretaris moet voortgaan om die gebeurlikheidsrekening in artikel *vier-en-negentig* van die Pensioenwet genoem, te hou.

(2) Die gebeurlikheidsrekening moet gekrediteer word met—

- (a) die bedrag waarmee die volle voordeel meer is as enige bedrag wat betaal word of verskuldig is aan 'n lid, wat aan of ten voordele van 'n lid se afhanklikes betaalbaar is of wat aan sy boedel uitbetaal word;
- (b) soveel van die bedrag waarmee die bates van die Fonds op die een-en-dertigste dag van Maart in enige jaar meer is as die totaalbedrag van die volle voordele wat op daardie datum in die krediet van lede staan, as wat die Sekretaris mag bepaal;
- (c) enige onopgeëiste voordeel in regulasie 11 genoem.

(3) Vir die toepassing van paragraaf (a) van subregulasie (2) is die bedrag wat aan die gebeurlikheidsrekening betaal moet word, in die geval van 'n lid op wie subregulasie (4), (5) of (6) van regulasie 3 van toepassing is, waar die voordeel (met uitsluiting van enige rente ingevolge daardie paragraaf bygevoeg) betaalbaar aan die lid of sy afhanklikes minder as die volle voordeel is, die verskil tussen die toegekende voordeel tesame met die rente wat daarby gevoeg is en die volle voordeel wat insgelyks vermeerder is deur 'n byvoeging van rente teen dieselfde koers en ten opsigte van dieselfde tydperk.

(4) If the interest on deposits referred to in sub-regulation (2) of regulation 15 during any year is less than four per cent per annum, the amount of the deficiency shall be debited to the contingency account.

(5) If at any time the amount standing to the credit of the contingency account is, in the opinion of the Secretary, more than the present or probable future requirements for the purposes of sub-regulation (4) and for the payment of unclaimed benefits, so much of the said amount as the Secretary may determine in consultation with the Treasury shall be paid into the Consolidated Revenue Fund.

Disposal of unclaimed benefits.

11. If a benefit due to or in respect of a member in terms of these regulations, other than an amount due to the estate of a deceased member in terms of sub-regulation (3) of regulation 8, has not been claimed, such benefit shall be paid into the contingency account, and if payment thereof is subsequently claimed by the member or his dependants, an amount equal to the said benefit shall be paid out of the contingency account to or for the benefit of the person entitled to such benefit.

Payments from revenue to the Fund.

12. There shall be paid to the Fund—

- (a) out of revenue, at the end of each month, an amount equal to the aggregate of the contributions which have been paid to the Fund by members during that month;
- (b) out of the Consolidated Revenue Fund on the thirty-first day of March in each year, the amount required in respect of the twelve months ending upon that date to balance the contingency account after the amount referred to in sub-regulation (4) of regulation 10 has been debited to that account.

Payments from the Fund to revenue.

13. If a member is retired or discharged by reason of bodily injury or permanent ill-health arising out of and in the course of his employment, or if before his retirement or discharge, a member, dies by reason of such an injury or such ill-health and if a compensatory pension which is payable from revenue in lieu of any benefits payable to him or his dependants, as the case may be, in terms of these regulations and the Workmen's Compensation Act, 1941 (Act No. 30 of 1941), is awarded to him or his dependants under any regulations made under the Act to provide for such a pension, there shall be paid out of the Fund to revenue an amount equal to—

- (a) twice the amount of his own contributions;
- (b) in respect of each completed year of his employment for which he has contributed to the Fund up to and including the date of his death an amount equal to two per cent of the amount payable in terms of paragraph (a) and, in respect of the remaining portion of such service, an amount equal to a percentage of the amount so payable which bears to two per cent the same ratio as the number of days in that portion bears to three hundred and sixty-five and any amount so payable in terms of this paragraph shall be deemed to be interest:

Provided that the amount so payable shall be reduced by any contributions or any other amount which was payable by the member to the Fund and was unpaid at the date of his retirement, discharge or death, and any such contributions or amount shall cease to be payable.

(4) As die rente op deposito's in subregulasie (2) van regulasie 15 genoem gedurende enige jaar minder is as vier persent per jaar, moet die bedrag van die tekort teen die gebeurlikheidsrekening gedibiteer word.

(5) As die bedrag wat in die kredit van die gebeurlikheidsrekening staan, te eniger tyd, na die mening van die Sekretaris, meer is as die huidige of waarskynlike toekomstige vereistes vir die toepassing van subregulasie (4) en vir die betaling van onopgeëiste voordele, moet soveel van genoemde bedrag as wat die Sekretaris in oorleg met die Tesourie bepaal, in die Gekonsolideerde Inkomstefonds gestort word.

Beskikking oor onopgeëiste voordele.

11. As 'n voordeel verskuldig aan of ten opsigte van 'n lid ingevolge hierdie regulasies, uitgesonderd 'n bedrag verskuldig aan die boedel van 'n afgestorwe lid ingevolge subregulasie (3) van regulasie 8, nie opgeëis is nie, moet sodanige voordeel op die gebeurlikheidsrekening inbetaal word en as betaling daarvan daarna deur die lid of sy afhanklikes geëis word, moet 'n bedrag gelyk aan genoemde voordeel uit die gebeurlikheidsrekening aan of ten voordele van die persoon wat op daardie voordeel geregtig is, betaal word.

Betalings uit inkomste aan die Fonds.

12. Daar moet aan die Fonds onderstaande betaal word—

- (a) uit inkomste, aan die end van elke maand, 'n bedrag gelyk aan die totaalbedrag van die bydraes wat lede gedurende daardie maand aan die Fonds betaal het;
- (b) uit die Gekonsolideerde Inkomstefonds op die een-en-dertigste dag van Maart in elke jaar, die bedrag wat ten opsigte van die twaalf maande eindigende op daardie datum vereis word om die gebeurlikheidsrekening te balanseer nadat die bedrag in subregulasie (4) van regulasie 10 genoem, teen daardie rekening gedebiteer is.

Betalings uit die Fonds aan inkomste.

13. As 'n lid afgedank of ontslaan word weens liggaamlike besering of blywende swak gesondheid wat uit en in die loop van sy diens ontstaan het, of as 'n lid, voor sy uitdienstreding of ontslag, as gevolg van sodanige besering of sodanige swak gesondheid te sterwe kom, en as 'n vergoedingspensioen wat uit inkomste betaalbaar is in plaas van enige voordele wat aan hom of sy afhanklikes, na gelang van die geval, ingevolge hierdie regulasies en die Ongevallewet, 1941 (Wet No. 30 van 1941) betaalbaar is, aan hom of sy afhanklikes ingevolge enige regulasies ingevolge die Wet gemaak om vir so 'n pensioen voorsiening te maak, toegeken word, moet daar uit die Fonds aan inkomste 'n bedrag betaal word wat gelyk is aan—

- (a) twee maal die bedrag van sy eie bydraes;
- (b) ten opsigte van elke volle jaar van sy diens ten opsigte waarvan hy tot die Fonds bygedra het tot en met die datum van sy dood, 'n bedrag gelyk aan twee persent van die bedrag ingevolge paragraaf (a) betaalbaar en, ten opsigte van die oorblywende gedeelte van sodanige diens, 'n bedrag gelyk aan 'n persentasie van die bedrag aldus betaalbaar wat in dieselfde verhouding tot twee persent staan as wat die aantal dae in daardie gedeelte tot driehonderd vyf-en-sestig staan, en enige bedrag aldus ingevolge hierdie paragraaf betaalbaar, word geag rente te wees:

Met dien verstande dat die bedrag aldus betaalbaar verminder moet word met enige bydraes of enige ander bedrag wat deur die lid aan die Fonds betaalbaar was en wat op die datum van sy uitdienstreding, ontslag of dood, nog onbetaal was, en dat sodanige bydraes of bedrag nie langer betaalbaar is nie.

Accounts.

Rekeninge.

14. (1) The Secretary shall cause full and true accounts of the Fund to be kept showing particulars in connection with any matter for which it is necessary to keep any account for the purposes of these regulations.

(2) The Secretary shall cause the books and the 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.

14. (1) Die Sekretaris moet volledige en juiste rekeninge van die Fonds laat hou wat besonderhede toon in verband met enige aangeleentheid waarvoor dit nodig is om 'n rekening vir die toepassing van hierdie regulasies te hou.

(2) Die Sekretaris moet die boeke en die 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.

Management of the Fund.

Bestuur van die Fonds.

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

15. (1) Die sake van die Fonds word deur die Sekretaris behartig en die koste daaraan verbonde word uit die Gekonsolideerde Inkomstefonds bestry.

(2) All amounts paid to the Fund shall be lodged in the Treasury to the credit of the Fund and so much of the amount standing to the credit of the Fund as is not required for current purposes shall be a deposit for the purposes of the Public Debt Commissioner's Act, 1911 (Act No. 18 of 1911), and shall be invested accordingly.

(2) Alle bedrae wat aan die Fonds betaal word, moet by die Tesourie vir krediet van die Fonds gestort word en soveel van die bedrag wat in die krediet van die Fonds staan 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) All benefits payable under these regulations shall, unless otherwise provided, be paid out of the Fund.

(3) Alle voordele wat ingevolge hierdie regulasies betaalbaar is, moet, tensy anders bepaal, uit die Fonds betaal word.

Date of Commencement of Regulations.

Datum van Inwerkingtreding van Regulasies.

16. These regulations shall come into operation on the first day of January, 1966.

16. Hierdie regulasies tree op die eerste dag van Januarie 1966 in werking.