

EXTRAORDINARY



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26 APRIL

[No. 2060.]

GOVERNMENT NOTICE.**DEPARTMENT OF SOCIAL WELFARE AND PENSIONS.**

No. R. 713. 26 April 1968.
GOVERNMENT SERVICE PENSIONS ACT, 1965.

The Minister of Social Welfare and Pensions has, by virtue of the powers vested in him by section 5 of the Government Service Pensions Act, 1965, amended the regulations for the management and control of the Government Employees' Provident Fund, promulgated by Government Notice No. R. 2032, dated 24 December 1965:—

1. In regulation 1 by the deletion of the existing regulation 1 and by the substitution therefor of the following new regulation:—

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

(i) 'annuity' means an amount which is payable each year;

(ii) 'contingency account' means the contingency account referred to in regulation 10;

(iii) 'contributions' means the amounts, other than interest, paid or due by a member or a dormant member to the Fund;

(iv) 'dependant', in relation to any member or dormant member, means—

(a) the widow or minor child or step-child or legally adopted minor child of such member or dormant member; and

(b) any other relative or person dependent upon such member or dormant member for maintenance;

(v) 'dormant member' means a person who ceased to be a contributor—

(a) on attaining the age of 65 years;

(b) in accordance with the provisions of section 64 of the Government Service Pensions Act, 1936, or section 85 (2) of the Pensions Act;

GOEWERMENSKENNISGEWING.**DEPARTEMENT VAN VOLKSWELSYN EN PENSIOENE.**

No. R. 713. 26 April 1968.
REGERINGSDIENSPENSIOENWET, 1965.

Die Minister van Volkswelsyn en Pensioene het kragtens die bevoegdheid hom verleen by artikel 5 van die Regeringsdienspensioenwet, 1965, die regulasies vir die bestuur en beheer van die Regerings-werknemersondersteuningsfonds, afgekondig by Goewermentskennisgewing No. R. 2032 van 24 Desember 1965, gewysig:—

1. In regulasie 1 deur die bestaande regulasie 1 te skrap en deur die volgende nuwe regulasie te vervang:—

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

(i) 'afhanklike' met betrekking tot 'n rustende lid of 'n lid—

(a) die weduwee of minderjarige kind of stiefkind of wettig aangenome minderjarige kind van sodanige rustende lid of lid; en

(b) enige ander familiebetrekking of persoon wat van sodanige rustende lid of lid vir onderhoud afhanklik is;

(ii) 'bydraes' die bedrae, uitgesonderd rente, deur 'n rustende lid of lid aan die Fonds betaal of verskuldig;

(iii) 'die Fonds' die Regerings-werknemersondersteuningsfonds in artikel 2 (3) van die Wet genoem;

(iv) 'die Nuwe Superannuasiefonds' die Nuwe Spoorweg- en Hawesuperannuasiefonds in artikel 3 van die Wet op die Spoorweg- en Hawesuperannuasiefonds, 1960 (Wet No. 39 van 1960), genoem;

(v) 'die Wet' die Regeringsdienspensioenwet, 1965 (Wet No. 62 van 1965);

(vi) 'eie bydraes' die bydraes deur 'n lid of 'n rustende lid aan die Fonds betaal of verskuldig teen die koers van bydraes wat van tyd tot tyd van krag was en ook enige oorgedraagde bydraes;

(c) in terms of section 70 *bis* of the Government Service Pensions Act, 1936;

(d) by virtue of section 86 (1) (g) of the Pensions Act, or regulation 2 (d),

but who has not retired or been retired or discharged from the service of the Government;

(vi) 'full benefit', with reference to a member or dormant member or the dependants of a member or a dormant member, means—

(a) twice the amount of the member's or dormant member's own contributions; and

(b) for each completed year of the period during which he has contributed to the Fund, an amount equal to 2 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 2 per cent the same ratio as the number of days in that portion bears to 365;

(vii) 'member' means a person, who contributes to the Fund and includes a person other than a dormant member, to whom a benefit is payable from the Fund, and includes 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 relating to his conditions of service, who is absent from duty and who was a contributor immediately prior to the commencement of such leave or absence;

(viii) 'own contributions' means the contributions paid or due to the Fund by a member or a dormant member at the rate of contributions in force from time to time, and includes any transferred contributions;

(ix) 'pensionable emoluments' means—

(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 but 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 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;

(x) 'qualifying period of service' means the period from the date of commencement of an employee's service up to and including the last day of the month during which he completed 2 years' continuous service and includes any period of leave of absence without pay granted to the employee under any law relating to his conditions of service, or, where the employee is not eligible for the granting of such leave of absence, any period of absence from duty without pay not exceeding 90 days or such longer period as the Secretary may approve in special circumstances, but does not include any period of service under a contract which provides specifically for the payment of a benefit on the expiry of such contract;

(vii) ,gebeurlikheidsrekening' die gebeurlikheidsrekening in regulasie 10 genoem;

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

(ix) ,jaargeld' 'n bedrag wat elke jaar betaalbaar is;

(x) ,kwalifiserende tydperk van diens' die tydperk vanaf die aanvangsdatum van die werknemer se diens tot en met die laaste dag van die maand waarin hy 2 jaar ononderbroke diens voltooi het, en omvat enige tydperk van afwesigheidsverlof sonder besoldiging wat aan die werknemer kragtens enige wet betreffende sy diensvoorwaardes toegestaan is, of, waar die werknemer nie vir die toestaan van sodanige afwesigheidsverlof in aanmerking kom nie, enige tydperk van afwesigheid van diens sonder besoldiging, 90 dae nie te bowe gaande nie, of sodanige langer tydperk as wat die Sekretaris in besondere omstandighede goedkeur, maar omvat nie enige tydperk van diens onder 'n kontrak wat spesifiek vir die betaling van 'n voordeel by verstryking daarvan voorsiening maak nie;

(xi) ,lid' iemand wat tot die Fonds bydra, en ook iemand, uitgesonderd 'n rustende lid, aan wie 'n voordeel uit die Fonds betaalbaar is, en ook iemand wat met afwesigheidsverlof is, of in die geval van iemand aan wie afwesigheidsverlof nie kragtens enige wet 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;

(xii) ,oorgedraagde bydraes' die bydraes wat betaal is—

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

(b) deur 'n bydraer aan die Nuwe Superannuasiefonds ooreenkomstig die wet betreffende daardie fonds, en wat deel uitgemaak het of uitmaak van enige betaling aan die Fonds gedoen ingevolge artikel 72 (3) van die Regeringsdienspensioenwet, 1936, of artikel 93 (3) van die Pensioenwet, of subregulasie (6) of (7) van regulasie 9, maar hoogstens die bedrag wat hy ten opsigte van sy pensioengewende diens tot die Fonds sou bygedra het teen die koers van bydraes van krag op die datum waarop hy verplig word of geword het om tot die Fonds by te dra, as hy gedurende die tydperk van daardie diens verplig was om aldus by te dra, maar omvat nie rente of enige bedrag wat geag word rente te wees nie;

(xiii) ,pensioengewende verdienste'—

(a) iemand 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 een-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 klimaattoelae;

(xi) 'subsidised employee' means an employee in respect of whose employment a subsidy is paid by the Department of Labour out of moneys appropriated by Parliament for the purpose;

(xii) 'the Act' means the Government Service Pensions Act, 1965 (Act No. 62 of 1965);

(xiii) 'the Fund' means the Government Employees' Provident Fund referred to in section 2 (3) of the Act;

(xiv) 'the New Superannuation Fund' means the New Railways and Harbours Superannuation Fund referred to in section 3 of the Railways and Harbours Superannuation Act, 1960 (Act No. 39 of 1960);

(xv) '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; or

(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 form part of any payment made to the Fund in terms of section 72 (3) of the Government Service Pensions Act, 1936, or section 93 (3) of the Pensions Act, or subregulation (6) or (7) of regulation 9, but not exceeding the amount which he would have contributed to the Fund in respect of his pensionable service at the rate of contributions in force at the date on which he becomes or became liable to contribute to the Fund, had he during the period of such service been liable so to contribute, but shall not include interest or any amount which is deemed to be interest.”

2. In regulation 2 by the deletion of the existing regulation 2 and by the substitution therefor of the following new regulation:—

“2. No person shall be permitted to contribute to the Fund—

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

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

(ii) he was previously a member;

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

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

(d) while he is employed on contract which makes specific provision for the payment of a benefit on the expiry of such contract;

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

(f) if he is a subsidised 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;

(g) if his total salary or wages are not payable from revenue or loan funds appropriated for the purpose: Provided that if his salary or wages are paid from a source which has not been so appropriated but which is subject to Treasury control he may contribute to the Fund if he is remunerated on a basis of Public Service scales as distinct from contract or trade rates of pay;

(h) if he is a dormant member.”

(ii) enige spesiale besoldiging wat 'n persoon ontvang vir die uitvoering van spesiale pligte of terwyl hy in enige betrekking waarneem;

(iii) enige vervoer- of verblyftoelae;

(iv) enige gelde, honoraria of bonusse van watter aard ookal;

(v) enige oortydbetalings; of

(vi) enige ander toelae nie hierin gespesifiseer nie;

(xiv) ,rustende lid' iemand wat opgehou het om 'n bydraer te wees—

(a) by bereiking van die leeftyd van 65 jaar;

(b) ooreenkomstig die bepalinge van artikel 64 van die Regeringsdienspensioenwet, 1936, of artikel 85 (2) van die Pensioenwet;

(c) ingevolge artikel 70 *bis* van die Regeringsdienspensioenwet, 1936;

(d) uit hoofde van artikel 86 (1) (g) van die Pensioenwet of regulasie 2 (d);

maar wat nie uit die diens van die Regering afgetree het of afgedank of ontslaan is nie;

(xv) ,volle voordeel' met betrekking tot 'n lid of 'n rustende lid of die afhanklikes van 'n lid of 'n rustende lid—

(a) 2 maal die bedrag van die lid of rustende lid se eie bydraes; en

(b) vir elke volle jaar van die tydperk waarin hy tot die Fonds bygedra het 'n bedrag gelyk aan 2 persent van die bedrag in paragraaf (a) genoem 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 2 persent staan as wat die aantal dae in daardie gedeelte tot 365 staan.”

2. In regulasie 2 deur die bestaande regulasie 2 te skrap en deur die volgende nuwe regulasie te vervang:—

„2. Niemand word toegelaat om tot die Fonds by te dra nie—

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

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

(ii) hy voorheen 'n lid was;

(b) as hy uitsluitlik by wyse van gelde en toelae besoldig word;

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

(d) terwyl hy in diens is onder 'n kontrak wat spesifiek voorsiening maak vir die betaling van 'n voordeel by verstryking van daardie kontrak;

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

(f) 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;

(g) as sy totale salaris of loon nie uit inkomste of leningsfondse wat vir die doel bewillig is, betaal word nie: Met dien verstande dat as sy salaris of loon uit 'n bron wat nie so bewillig is nie, maar wat aan Tesourie-beheer onderworpe is, betaal word, hy tot die Fonds kan bydra as hy besoldig word op 'n basis van Staatsdiensskale in teenstelling met kontrak- of ambagskale van besoldiging;

(h) as hy 'n rustende lid is.”

3. In regulation 3 by the deletion of the existing regulation 3 and by the substitution therefor of the following new regulation:—

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

(2) Every White person employed by the Government to whom no benefit in terms of any other law 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 5 per cent of her pensionable emoluments in the case of a female, and at the rate of $6\frac{1}{2}$ per cent of his pensionable emoluments in the case of a male.”

4. In regulation 7 by the deletion of the existing regulation 7 and by the substitution therefor of the following new regulation:—

“7. (1) A member or a dormant member who—

(a) being a female member who immediately prior to the first day of July 1955, was a member or a dormant member of the Fund or was liable to contribute to the Fund, retires voluntarily before she has attained the age of 55 years;

(b) not being a female member referred to in paragraph (a), retires voluntarily before attaining the age of 60 years; or

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

shall be paid an amount equal to 50 per cent of the full benefit, together with 1 per cent of the full benefit in respect of every completed year in excess of 5 years of the period in respect of which contributions were payable to the Fund.

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

(3) A member or a dormant 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 3 months after such retirement, shall be paid an amount equal to twice her own contributions.

(4) If a dormant member, or a member who has completed less than 10 years' contributory service retires or is retired or discharged in circumstances other than those referred to in subregulations (1), (2) and (3) he shall be paid the full benefit.

(5) If a member who has completed at least 10 years' contributory service retires or is retired or discharged in circumstances other than those referred to in subregulations (1), (2) and (3) the full benefit in respect of such member shall be paid into revenue, and there shall be paid to him out of revenue—

(a) an annuity based on the annual average of his pensionable emoluments over the last 7 years of his contributory service and calculated at the rate of one ninety-sixth of such average in respect of each year of his contributory service; and

(b) a gratuity based on such average and calculated at the rate of 4 per cent of such average in respect of each year of his contributory service.

3. In regulasie 3 deur die bestaande regulasie 3 te skrap en deur die volgende nuwe regulasie te vervang:—

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

(2) 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, moet, behoudens die bepalinge van regulasie 2 en die goedkeuring van die Sekretaris, tot die Fonds bydra volgens die skaal van 5 persent van haar pensioengewende verdienste in die geval van 'n vrou, en volgens die skaal van $6\frac{1}{2}$ persent van sy pensioengewende verdienste in die geval van 'n man.”

4. In regulasie 7 deur die bestaande regulasie 7 te skrap en deur die volgende nuwe regulasie te vervang:—

„7. (1) Aan 'n lid of 'n rustende lid wat—

(a) 'n vroulike lid is wat onmiddellik voor die eerste dag van Julie 1955 'n lid of rustende lid van die Fonds was of onder die verpligting was om tot die Fonds by te dra, en wat vrywillig uit diens tree voordat sy die leeftyd van 55 jaar bereik;

(b) nie 'n vroulike lid in paragraaf (a) genoem is nie, en vrywillig uit diens tree voordat hy die leeftyd van 60 jaar bereik;

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

word 'n bedrag betaal gelyk aan 50 persent van die volle voordeel, tesame met 1 persent van die volle voordeel ten opsigte van elke volle jaar bo 5 jaar van die tydperk ten opsigte waarvan bydraes tot die Fonds betaalbaar was.

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

(3) Aan 'n lid of rustende lid wat 'n 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 3 maande na sodanige uitdienstreding in die huwelik tree word 'n bedrag gelyk aan 2 maal haar eie bydraes betaal.

(4) As 'n rustende lid of 'n lid wat minder as 10 jaar bydraeplegtige diens voltooi het, aftree of afgedank of ontslaan word in ander omstandighede as dié in subregulasies (1), (2) en (3) genoem, word die volle voordeel aan hom betaal.

(5) Indien 'n lid wat minstens 10 jaar bydraeplegtige diens voltooi het, aftree of afgedank of ontslaan word in ander omstandighede as dié in subregulasies (1), (2) en (3) genoem, word die volle voordeel ten opsigte van sodanige lid in inkomste gestort, en word aan hom uit inkomste betaal—

(a) 'n jaargeld wat op die jaarlikse gemiddelde van sy pensioengewende verdienste oor die laaste 7 jaar van sy bydraeplegtige diens gebaseer word en wat bereken word teen die koers van een ses-en-negentigste van daardie gemiddelde ten opsigte van elke jaar van sy bydraeplegtige diens; en

(b) 'n gratifikasie wat op sodanige gemiddelde gebaseer word, en wat bereken word teen die koers van 4 persent van daardie gemiddelde ten opsigte van elke jaar van sy bedraeplegtige diens.

(6) The Secretary may deduct from any sum payable 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 or dormant member."

5. In regulation 8 by the deletion of the existing regulation 8 and by the substitution therefor of the following new regulation:—

"8. (1) If a dormant member or a member who has completed less than 10 years' contributory service, dies before his retirement from the service of the Government, the full benefit shall, subject to the provisions of subregulation (6), be paid to or for the benefit of such of his dependants as the Secretary may determine.

(2) If a member who has completed at least 10 years' contributory service dies before his retirement from the service of the Government the full benefit in respect of such member shall be paid into revenue, and there shall be paid out of revenue—

(a) subject to the provisions of subregulation (6), to such of his dependants as the Secretary may determine, an amount equal to the gratuity which would have been payable to him in terms of the provisions of paragraph (b) of subregulation (5) of regulation 7, had he, on the day immediately preceding the day on which he died, been retired by reason of ill-health occasioned without his own default; and

(b) to his widow (if any) an annuity equal to 40 per cent of the annuity which would have been payable to him in terms of the provisions of paragraph (a) of subregulation (5) of regulation 7, had he, on the day immediately preceding the day on which he died, been retired by reason of ill-health occasioned without his own default.

(3) If a member to whom on his retirement an annuity in terms of the provisions of paragraph (a) of subregulation (5) of regulation 7 has been awarded, dies, and leaves a widow to whom he was married before the date of his retirement, such widow shall be paid from revenue an annuity equal to 40 per cent of the annuity awarded to the member on his retirement.

(4) If a member to whom on his retirement an annuity has been awarded under paragraph (a) of subregulation (5) of regulation 7, dies within 5 years of the date of his retirement, and does not leave a widow as referred to in subregulation (3), there shall be paid to such of his dependants as the Secretary may determine, a gratuity equal to the total amount of the annuity which would have been paid to him from the first day of the month following the month in which he died to the last day of the month in which the said 5 years would have expired had he not died.

(5) An annuity referred to in paragraph (b) of subregulation (2) or in subregulation (3) shall be payable during widowhood, and shall lapse with effect from the first day of the month immediately following the month during which the widow dies or remarries.

(6) The benefit referred to in subregulation (1), paragraph (a) of subregulation (2) or subregulation (4) shall be allocated to 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 member, reduce any such benefit to an extent which, having regard to the circumstances of such dependant, appears to him to be reasonable.

(6) Die Sekretaris kan van enige som 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 of rustende lid gelyk het."

5. In regulasie 8 deur die bestaande regulasie 8 te skrap en deur die volgende nuwe regulasie te vervang:—

„8. (1) As 'n rustende lid of 'n lid wat minder as 10 jaar bydraeplygtige diens voltooi het voor sy uittrede uit die diens van die Regering sterf, word die volle voordeel behoudens die bepalings van subregulasie (6) aan of ten voordele van dié van sy afhanklikes wat die Sekretaris mag aanwys betaal.

(2) As 'n lid wat minstens 10 jaar bydraeplygtige diens voltooi het, vóór sy uittrede uit die diens van die Regering sterf, word die volle voordeel ten opsigte van sodanige lid in inkomste gestort, en word uit inkomste betaal—

(a) behoudens die bepalings van subregulasie (6) aan dié van sy afhanklikes wat die Sekretaris mag bepaal, 'n bedrag gelyk aan die gratifikasie wat ingevolge die bepalings van paragraaf (b) van subregulasie (5) van regulasie 7 aan hom betaalbaar sou gewees het as hy op die dag onmiddellik vóór die dag waarop hy gesterf het afgedank was weens swak gesondheid wat sonder sy eie toedoen ontstaan het; en

(b) aan sy weduwee (as daar een is) 'n jaargeld gelyk aan 40 persent van die jaargeld wat ingevolge paragraaf (a) van subregulasie (5) van regulasie 7 aan hom betaalbaar sou gewees het as hy op die dag onmiddellik voor die dag waarop hy gesterf het afgedank was weens swak gesondheid wat sonder sy eie toedoen ontstaan het.

(3) As 'n lid aan wie by sy uitdienstreding 'n jaargeld ingevolge paragraaf (a) van subregulasie (5) van regulasie 7 toegeken is sterf, en 'n weduwee nalaat met wie hy voor die datum van sy uitdienstreding in die huwelik getree het, word uit inkomste aan so 'n weduwee 'n jaargeld betaal gelyk aan 40 persent van die jaargeld wat by sy uitdienstreding aan die lid toegeken was.

(4) As 'n lid aan wie by sy uitdienstreding 'n jaargeld ingevolge paragraaf (a) van subregulasie (5) van regulasie 7 toegeken is binne 5 jaar na die datum van sy uitdienstreding sterf, en nie 'n weduwee soos in subregulasie (3) genoem nalaat nie, word daar aan dié van sy afhanklikes wat die Sekretaris mag aandui 'n gratifikasie betaal gelyk aan die totaalbedrag van die jaargeld wat aan hom betaal sou gewees het vanaf die eerste dag van die maand wat volg op die maand waarin hy gesterf het tot die laaste dag van die maand waarin genoemde 5 jaar sou verstryk het as hy nie gesterf het nie.

(5) 'n Jaargeld in paragraaf (b) van subregulasie (2) of in subregulasie (3) genoem, is gedurende weduweeskap betaalbaar, en vervalt met ingang van die eerste dag van die maand wat onmiddellik volg op die maand waarin die weduwee sterf of weer in die huwelik tree.

(6) Die voordeel in subregulasie (1), paragraaf (a) van subregulasie (2) of in subregulasie (4) genoem, word toegewys aan 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 lid, enige sodanige voordeel verminder in die mate wat hy, met inagneming van die omstandighede van sodanige afhanklike, redelik beskou.

(7) If a member or a dormant member dies before his retirement and leaves no dependants, an amount equal to his own contributions shall be paid to his estate, and there shall be no further claim on the Fund.

(8) Any amount which may be due to the Fund by a member in respect of contributions and which was unpaid at the date of his death shall be recovered from any benefit payable in terms of this regulation, and such benefit shall, where applicable, be calculated on the whole period of contributory service."

6. In regulation 9 by—

(a) the deletion of the proviso to subregulation (1);

(b) by the deletion of the proviso to subregulation (2) and by the substitution thereof of the following:—

"Provided that if the full benefit is more or less than the amount required for the purpose of such Fund, the excess shall be disposed of in such manner or the deficiency paid by the member and from revenue in such proportions as the Secretary may determine."

(c) by the deletion of subregulation (4) and the substitution thereof of the following:—

"(4) If a member to whom subregulation (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 he shall remain a member of the Fund, but shall cease to contribute thereto, and shall, 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 subregulation (2), as the case may be, be paid from the Fund the benefit to which he would have been entitled in terms of regulation 7 on the date on which he ceased to be a contributor, had he on that date retired or been retired or discharged for the same reason: Provided that—

(i) if he so retires or is so retired or discharged by reason of the age he has attained, and the benefit payable from the Fund includes an annuity in terms of paragraph (a) of subregulation (5) of regulation 7, such annuity shall be payable only from the date on which the member attains the appropriate age according to paragraph (a) or (b) of subregulation (1) of regulation 7;

(ii) there shall be added to a full benefit payable in terms of subregulation (4) or (5) of regulation 7 or to the amount equal to 50 per cent of the full benefit payable in terms of subregulation (1) of that regulation, as the case may be, interest at the rate of 4 per cent per annum, compounded annually as at the 31st day of March and calculated from the said date up to and including the date of his retirement or discharge."

(d) by the deletion of subregulation (5) and the substitution thereof of the following:—

"(5) If a member to whom subregulation (4) relates 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: Provided that, if any portion of such benefit consists of a full benefit, there shall be added to such full benefit interest at the rate of 4 per cent per annum, compounded annually as at the 31st day of March and calculated from the said date up to and including the date on which the member died."

(7) As 'n lid of 'n rustende lid voor sy uitdienstreding sterf en geen afhanklikes nalaat nie, word 'n bedrag gelyk aan sy eie bydraes aan sy boedel betaal, en is daar geen verdere eis teen die Fonds nie.

(8) Enige bedrag wat 'n lid ten opsigte van bydraes aan die Fonds verskuldig mag wees, en wat op die dag van sy dood nog nie betaal is nie, word van enige voordeel ingevolge hierdie regulasie betaalbaar verhaal, en sodanige voordeel word, waar toepaslik, op die volle tydperk van bydraepligtige diens bereken."

6. In regulasie 9 deur—

(a) die voorbehoudsbepaling by subregulasie (1) te skrap;

(b) die voorbehoudsbepaling by subregulasie (2) te skrap en deur die volgende te vervang:—

„Met dien verstande dat as die volle voordeel meer of minder is as die bedrag wat vir die doeleindes van sodanige Fonds vereis word, daar oor die oorskot beskik word op die wyse, of die tekort deur die lid en uit inkomste betaal moet word in die verhoudings, wat die Sekretaris mag bepaal."

(c) deur subregulasie (4) te skrap en deur die volgende te vervang:—

„(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, bly hy 'n lid van die Fonds, maar hou hy op om daartoe by te dra, en word aan hom 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 betaal 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 aftree het of afgedank of ontslaan was: Met dien verstande dat—

(i) as hy aldus aftree of afgedank of ontslaan word vanweë die leeftyd wat hy bereik het, en die voordeel uit die Fonds betaalbaar 'n jaargeld ingevolge paragraaf (a) van subregulasie (5) van regulasie 7 insluit, sodanige jaargeld betaalbaar is slegs vanaf die datum waarop die lid die toepaslike leeftyd ooreenkomstig paragraaf (a) of (b) van subregulasie (1) van regulasie 7 bereik;

(ii) daar by 'n volle voordeel ingevolge subregulasie (4) of (5) van regulasie 7 betaalbaar, of by die bedrag gelyk aan 50 persent van die volle voordeel betaalbaar ooreenkomstig subregulasie (1) van daardie regulasie, na gelang van die geval, rente bygevoeg word teen die koers van 4 persent per jaar, jaarliks saamgestel soos op die 31ste dag van Maart, en bereken vanaf genoemde datum tot en met die datum van sy uitdienstreding of ontslag."

(d) deur subregulasie (5) te skrap en deur die volgende te vervang:—

„(5) As 'n lid op wie subregulasie (4) betrekking het voor sy uitdienstreding sterf word aan of ten voordele van sy afhanklikes die voordeel betaal waartoe hulle volgens regulasie 8 soos op genoemde datum geregtig sou gewees het: Met dien verstande dat, indien enige deel van so 'n voordeel uit die volle voordeel bestaan, daar rente by daardie volle voordeel bygevoeg word teen die koers van 4 persent per jaar, jaarliks saamgestel soos op die 31ste dag van Maart, en bereken vanaf genoemde datum tot en met die datum waarop die lid gesterf het."

(e) by the deletion of the proviso to paragraph (a) of subregulation (6);

(f) by the deletion of subregulation (7) and the substitution therefor of the following:—

“(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 becomes 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 subregulation (2), becomes liable without a break in his service to contribute to the Fund, or is transferred or appointed direct without a break in his service to employment under the Government in respect of which he becomes liable to contribute to the Fund, the period of his service in respect of which he was a contributor to the said Fund or such pension or provident fund shall be regarded as contributory service for the purposes of these regulations, and such person shall, in respect of that period of service pay to the Fund an amount calculated in accordance with the provisions of paragraph (b) of subregulation (6): Provided that any amount payable by the Railway Administration or out of the relative pension or provident fund shall be applied in payment of the amount payable to the Fund: Provided further that, if the amount payable by such fund is more or less than the amount required by the Fund the excess shall be disposed of in such manner or the deficiency paid by the member and from revenue in such proportions as the Secretary may determine.”.

7. In regulation 10 by the deletion of subregulation (5) and the substitution therefor of the following new subregulation:—

“(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 future requirements for the purposes of subregulation (4), so much of the said amount as the Secretary may determine shall be paid into the Consolidated Revenue Fund.”.

(e) deur die voorbehoudsbepaling by paragraaf (a) van subregulasie (6) te skrap;

(f) deur subregulasie (7) te skrap en deur die volgende te vervang:—

“(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-, 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, word die tydperk van sy diens waarin hy 'n bydraer tot genoemde Fonds of sodanige pensioen- of voorsorg- of ondersteuningsfonds was, geag bydraeplygtige diens vir die doeleindes van hierdie regulasies te wees, en moet sodanige persoon ten opsigte van daardie tydperk van diens 'n bedrag bereken ooreenkomstig die bepalings van paragraaf (b) van subregulasie (6) aan die Fonds betaal: Met dien verstande dat enige bedrag betaalbaar deur die Spoorwegadministrasie of uit die betrokke pensioen- of voorsorg- of ondersteuningsfonds betaalbaar is, aangewend moet word om die bedrag wat aan die Fonds betaalbaar is, te delg: Met dien verstande voorts dat, as die bedrag wat deur sodanige Fonds betaalbaar is, meer of minder is as die bedrag wat deur die Fonds vereis word, daar oor die oorskot beskik word op die wyse, of die tekort deur die lid en uit inkomste betaalbaar is in die verhoudings, wat die Sekretaris mag bepaal.”.

7. In regulasie 10 deur subregulasie (5) te skrap en deur die volgende nuwe subregulasie te vervang:—

“(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 toekomstige vereiste vir die toepassing van subregulasie (4) moet soveel van genoemde bedrag as wat die Sekretaris bepaal, in die Gekonsolideerde Inkomstefonds gestort word.”.

CONTENTS.

No.	PAGE
Department of Social Welfare and Pensions.	
GOVERNMENT NOTICE.	
R. 713. Government Service Pensions' Act, 1965	1

INHOUD.

No.	BLADSY
Departement van Volkswelsyn en Pensioene.	
GOEWERMENTSKENNISGEWING.	
R. 713. Regeringsdienspensioenwet, 1965	1

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