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GOEWERMENTSKENNISGEWING.

**DEPARTEMENT VAN VOLKSWELSYN
EN PENSIOENE**

No. R.1064.]

[3 Julie 1970.]

**WET OP DIE PENSIOENFONDS VIR
GEASSOSIEERDE INRIGTINGS, 1963**

1. Die Minister van Volkswelsyn en Pensioene het, cragtens artikels 2 en 6 van die Wet op die Pensioenfonds vir Geassosieerde Inrigtings, 1963 (Wet No. 41 van 1963)—

(a) die regulasies by Goewermentskennisgewing No. 1131 van 26 Julie 1963 afgekondig soos gewysig by Goewermentskennisgewing No. R.1123 van 31 Julie 1964 en by Goewermentskennisgewing No. R.1566 van 6 September 1968, met terugwerkende krag van 1 April 1969 verder gewysig deur—

(i) in regulasies 2 (4), 9 (4), 12 (3) en (4), 13 (3) en (4), 13bis (3) (a) en (4) (a), 21 (3), 25 (1) (a) (ii), (2) (b) (ii) en (4), 26 (1) (b) en (c), 27 (2) (b) en (c), 29 (3) (b) en 31 (4) die uitdrukking „vier persent”, deur die uitdrukking „4½ persent” te vervang;

(ii) in regulasie 4 (3) die woorde „of uit inkomste of gesamentlik deur 'n raad en uit inkomste” te skrap;

(iii) in regulasie 10 paragraaf (b) te skrap;

(iv) in regulasies 16 en 27 (1) die uitdrukking „sewe jaar” te vervang deur die uitdrukking „drie jaar”;

(v) die bewoording van regulasies 17, 20 (1), (2) en (3) en 22 onderskeidelik te vervang deur die bewoording van die onderskeie enersgenommerde regulasies wat ingevolge paragraaf (b) van hierdie Goewermentskennisgewing aangekondig word; en

(b) voormelde regulasies, soos by paragraaf (a) gewysig, ingetrek en die regulasies in die Bylae hierby uiteengesit uitgevaardig.

GOVERNMENT NOTICE.

**DEPARTMENT OF SOCIAL WELFARE
AND PENSIONS**

No. R.1064.]

[3rd July, 1970.]

**ASSOCIATED INSTITUTIONS PENSION FUND
ACT, 1963**

1. The Minister of Social Welfare and Pensions has, in terms of sections 2 and 6 of the Associated Institutions Pension Fund Act, 1963 (Act No. 41 of 1963)—

(a) further amended the regulations promulgated by Government Notice No. 1131 of 26 July 1963, as amended by Government Notice No. 1123 of 31 July 1964 and by Government Notice No. 1566 of 6 September 1968, with retrospective effect from 1 April 1969, by—

(i) the substitution in regulations 2 (4), 9 (4), 12 (3) and (4), 13 (3) and (4), 13bis (3) (a) and (4) (a), 21 (3), 25 (1) (a) (ii), (2) (b) (ii) and (4), 26 (1) (b) and (c), 27 (2) (b) and (c), 29 (3) (b) and 31 (4) for the expression “four per cent” of the expression “4½ per cent”;

(ii) the deletion in regulation 4 (3) of the words “or from revenue or jointly by a council and from revenue”;

(iii) the deletion in regulation 10 of paragraph (b);

(iv) the substitution in regulations 16 and 27 (1) for the expression “seven years” of the expression “three years”;

(v) the substitution for the wording, respectively, of regulations 17, 20 (1), (2) and (3) and 22 of the wording of the respective even-numbered regulations promulgated in terms of paragraph (b) of this Government Notice; and

(b) revoked the aforementioned regulations, as amended by paragraph (a), and made the regulations set out in the Schedule hereto.

2. By die toepassing van paragraaf 1 (a) (v) het 'n verwysing, onderskeidelik, na 'n „paragraaf”, 'n „subparagraaf” en 'n „item” met betrekking tot 'n regulasie, waar dit uit die samehang aldus blyk, dieselfde betekenis, onderskeidelik, as 'n verwysing na 'n „subregulasie”, 'n „paragraaf” en 'n „subparagraaf” van 'n regulasie.

BYLAE

REGULASIES VIR DIE PENSIOENFONDS VIR GEASSOSIEERDE INRIGTINGS

Woordomskrywing

1. (1) In hierdie regulasies het alle uitdrukkings waaraan daar in die Wet 'n betekenis geheg is, dieselfde betekenis wanneer dit in hierdie regulasies gebesig word, tensy dit uit die samehang anders blyk, en beteken—

„afhanklike” met betrekking tot 'n lid, 'n persoon (uitgesonderd 'n weduwee of voordeelgeregtigde kind) wat ten tyde van die lid se dood geheel en al of gedeeltelik van so 'n lid vir onderhoud afhanklik was;

„aktuaris” 'n „Fellow” van die „Institute of Actuaries of England” of van die „Faculty of Actuaries in Scotland” of van die „Society of Actuaries of America”;

„die fonds” die Pensioenfonds vir Geassosieerde Inrigtings in regulasie 2 genoem;

„die formule”, met betrekking tot 'n lid en 'n saak wat volgens 'n formule bepaal moet word, die formule—

$$R \times Z \times N \times \frac{(10,000 - D)}{10,000}$$

waarin—

R die koers is waarteen die lid tot die fonds bydra;

Z die gemiddelde jaarlikse pensioengewende verdienste van die lid is gedurende die laaste sewe jaar van sy pensioengewende diens of gedurende die volle tydperk van sodanige diens, naamlik die kortste tydperk;

N die lid se pensioengewende dienstydsperk is; en

D bepaal word ooreenkomstig onderstaande tabel:—

Voltooide maande pensioen- gewende diens	D
0 tot 84	0;
85 tot 120	0 plus 26 vir elke voltooide maand van pensioengewende diens bo 84 maande;
121 tot 240	936 plus 22 vir elke voltooide maand van sodanige diens bo 120 maande;
241 tot 360	3,576 plus 17 vir elke voltooide maand van sodanige diens bo 240 maande;
361 tot 480	5,616 plus 14 vir elke voltooide maand van sodanige diens bo 360 maande;
481 en meer	7,296 plus 12 vir elke voltooide maand van sodanige diens bo 480 maande.”

„die Wet” die Wet op die Pensioenfonds vir Geassosieerde Inrigtings, 1963 (Wet No. 41 van 1963);

„inkomste” gelde wat vir die toepassing van hierdie regulasies deur die Parlement bewillig is;

„jaargeld” 'n bedrag wat elke jaar betaalbaar is, maar dit omvat nie ook 'n jaarlikse voordeel nie;

„jaarlikse voordeel” die bedrag wat elke jaar ten opsigte van 'n voordeelgeregtigde kind betaalbaar is;

„kind” 'n seun of dogter van 'n lid en ook—

SCHEDULE

ASSOCIATED INSTITUTIONS PENSION FUND REGULATIONS

Interpretation of Terms

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

“actuary” means a Fellow of the Institute of Actuaries of England or the Faculty of Actuaries in Scotland or of the Society of Actuaries of America;

“annual benefit” means an amount payable each year in respect of an eligible child;

“annuity” means an amount which is payable each year but does not include an annual benefit;

“child” means a son or daughter of a member and includes—

(a) a posthumous child;

(b) a step-child; and

(c) a child lawfully adopted, or adopted outside the Republic if the Secretary is satisfied that the child was in fact adopted;

“dependant”, in relation to a member, means any person (other than a widow or an eligible child) who at the time of the death of the member was wholly or partly dependent upon such member for maintenance;

“eligible child” means—

(a) a child who has not yet attained the age of eighteen years;

(b) a child who has attained the age of eighteen years, but who has not attained the age of twenty-five years, and, in the opinion of the Secretary, is wholly or partly dependent on the member concerned for his maintenance;

but does not include—

(i) a child who is or has been married;

(ii) the child of a marriage contracted or any union entered into after the member's retirement or discharge on pension;

(iii) a child who became the member's step-child by reason of such a marriage;

(iv) a child adopted after the member's retirement or discharge on pension;

“Government” means the Government of the Republic and includes every provincial administration and the Administration of the Territory of South-West Africa but does not include the Railways Administration;

“insured member” means a member in respect of whom, in terms of regulation 25 (1) (b), a policy of assurance has been ceded to the Secretary for retention on behalf of the fund but does not include such a member whose policy of assurance has been returned to him after the cession of that policy has, in terms of regulation 25 (2) (b), (3) or (5), been cancelled or whose policy of assurance has reached maturity;

“member” means a contributor to the fund and includes a person on leave of absence or under suspension from his office or post who was such a contributor immediately prior to such leave or suspension, and

- (a) 'n postume kind;
- (b) 'n stiefkind; en
- (c) 'n kind wat wetlik aangeneem is of buite die Republiek aangeneem is indien die Sekretaris daarvan oortuig is dat die kind inderdaad aangeneem is;

„lid” 'n bydraer tot die fonds en ook 'n persoon wat met afwesigheidsverlof is of wat in sy betrekking of pos geskors is en wat onmiddellik voor sodanige verlof of skorsing sodanige bydraer was, en ook 'n persoon aan wie daar na uitdienstreding of ontslag met pensioen 'n jaargeld uit die fonds betaal word;

„pensioen” 'n jaargeld, jaarlikse voordeel, gratifikasie of ander voordeel;

„pensioenleeftyd” die leeftyd van sestig jaar;

„pensioengewende diens” pensioengewende diens ooreenkomstig regulasie 14;

„pensioengewende verdienste” die jaarlikse salaris of loon deur die lid ontvang ooreenkomstig 'n skaal deur 'n raad bepaal as die salarisskaal vir die pos of soort pos wat hy beklee: Met dien verstande dat sodanige pensioengewende verdienste nie die volgende insluit nie:

- (a) Lewenskoste- of klimaatstoelae;
- (b) gelde, honoraria of bonusse van enige aard;
- (c) vervoer- en verblyftoelae;
- (d) oortydbesoldiging;
- (e) spesiale vergoeding wat 'n lid mag ontvang vir die uitvoering van spesiale pligte of terwyl hy in enige pos waarneem; of
- (f) enige ander toelae, in kontant of *natura*, nie spesifiek hierin vermeld nie:

Met dien verstande voorts dat, met betrekking tot enige navorsingsinrigting bedoel in artikel 1 van die Wet, sodanige salarisskale nie hoër is nie as die ooreenstemmende salarisskale bepaal vir dié werknemers van die Wetenskaplike en Nywerheidsnavorsingsraad wat in daardie artikel bedoel word;

„Regering” die Regering van die Republiek en ook elke provinsiale administrasie en die Administrasie van die Gebied Suidwes-Afrika, maar dit omvat nie ook die Spoorwegadministrasie nie;

„Spoorwegadministrasie” die owerheid vir die beheer oor en bestuur van die spoorweë en hawens van die Republiek soos ingestel by die een of ander Wetsbepaling;

„uitdienstredingsleeftyd” die leeftyd, nie vroeër as die pensioenleeftyd nie, waarop 'n lid ooreenkomstig die regulasies, voorgeskrewe diensvoorwaardes of verklaarde beleid van 'n geassosieerde inrigting verplig is om uit die diens van so 'n inrigting te tree;

„universiteit” 'n universiteit soos in artikel 1 van die Wet op Universiteite, 1955 (Wet No. 61 van 1955), bedoel;

„versekerde lid” 'n lid ten opsigte van wie 'n versekeringspolis ooreenkomstig regulasie 25 (1) (b) aan die Sekretaris gesedeer is om dit ten behoeve van die fonds te hou, maar dit omvat nie ook 'n lid nie wie se versekeringspolis aan hom teruggegee is nadat die sedering van daardie polis ingevolge regulasie 25 (2) (b), (3) of (5) ingetrek is of wie se versekeringspolis by uitkering verval het;

„voordeelgeregtigde kind” —

- (a) 'n kind wat nog nie die leeftyd van 18 jaar bereik het nie;

a person who after retirement or discharge on pension is paid an annuity from the fund;

“pension” means an annuity, annual benefit, gratuity or other benefit;

“pensionable age” means the age of sixty years;

“pensionable emoluments” means the annual salary or wages received by the member according to a scale determined by a council as the salary scale for the post or class of post he occupies: Provided that such pensionable emoluments shall not include any—

- (a) cost-of-living or climatic allowance;
- (b) fees, honoraria or bonuses of any kind;
- (c) transport or subsistence allowance;
- (d) overtime payments;
- (e) special remuneration which a member may receive for performing special duties or while acting in any office; or
- (f) any other allowance, in cash or in kind, not herein specifically mentioned:

Provided further that in relation to any research institute referred to in section 1 of the Act, such salary scales shall not exceed the corresponding salary scales determined for employees of the Council for Scientific and Industrial Research referred to in that section;

“pensionable service” means pensionable service according to regulation 14;

“Railways Administration” means the authority for the control and management of the railways, ports and harbours of the Republic as established by law;

“retirement age” means the age, not earlier than the pensionable age, at which, in accordance with the regulations, prescribed conditions of service or the declared policy of an associated institution, a member is required to retire from the service of such institution;

“revenue” means moneys appropriated by Parliament for the purposes of these regulations;

“the Act” means the Associated Institutions Pension Fund Act, 1963 (Act 41 of 1963);

“the fund” means the Associated Institutions Pension Fund referred to in regulation 2;

“the formula”, in relation to a member and any matter to be determined in accordance with a formula, means the formula—

$$R \times Z \times N \times \frac{(10,000 - D)}{10,000}$$

in which—

R is the rate at which the member contributes to the fund;

Z is the member's average annual pensionable emoluments during the last seven years of his pensionable service or during the whole period of such service, whichever is the shorter period;

N is the period of the member's pensionable service; and

D is determined in accordance with the following table: —

(b) 'n kind wat die leeftyd van 18 jaar bereik het, maar nog nie die leeftyd van vyf-en-twintig jaar bereik het nie en wat, volgens die oordeel van die Sekretaris, geheel of gedeeltelik van die betrokke lid vir sy onderhoud afhanklik is, maar dit omvat nie ook—

- (i) 'n kind wat getroud is of was nie;
- (ii) 'n kind wat gebore is uit 'n huwelik of verbintenis wat na die lid se uitdienstreding of ontslag met pensioen aangegaan is nie;
- (iii) 'n kind wat as gevolg van so 'n huwelik die lid se stiefkind word nie;
- (iv) 'n kind wat na die lid se uitdienstreding of ontslag met pensioen aangeneem is nie;

„weduwee” die weduwee van 'n gestorwe lid as die huwelik voor die lid se uitdienstreding of ontslag met pensioen plaasgevind het.

(2) Waar daar uit hierdie regulasies nie 'n ander bedoeling blyk nie, word 'n funksie of 'n plig wat waargeneem is, 'n bevoegdheid of 'n keuse wat uitgeoefen is, 'n keuse wat gestel maar nie uitgeoefen is nie, 'n reg of voorreg wat verkry is, 'n verpligting of aanspreeklikheid wat ontstaan of opgeloopt het of enigiets wat behoorlik gedoen of toegelaat is ingevolge 'n regulasie by Goewermentskennisgewing No. 1131 van 26 Julie 1963 gepromulgeer (soos van tyd tot tyd gewysig), geag ingevolge die ooreenstemmende bepaling van hierdie regulasies waargeneem, uitgeoefen, gestel en nie uitgeoefen nie te gewees het, ontstaan of opgeloopt te hê, of gedoen of toegelaat te gewees het: Met dien verstande dat hierdie subregulasie nie uitgelê word nie as sou dit magtiging verleen vir die vermeerdering van 'n bedrag, wat ingevolge 'n regulasie by bedoelde Goewermentskennisgewing gepromulgeer (soos sodanige regulasie van tyd tot tyd gewysig mag gewees het), uit die fonds betaal is of betaalbaar is nie.

HOOFSTUK I

DIE PENSIOENFONDS VIR GEASSOSIEERDE INRIGTINGS

2. (1) Die Pensioenfonds vir Geassosieerde Inrigtings, met ingang van die eerste dag van Augustus 1963 gestig ooreenkomstig die regulasies by Goewermentskennisgewing No. 1131 van 26 Julie 1963 gepromulgeer, bestaan onder dieselfde naam voort, en bestaan uit—

- (a) die bedrag wat op die datum waarop hierdie regulasies in werking tree tot kredit van die fonds staan;
- (b) die bedrae wat lede aan die fonds betaal;
- (c) die bedrae wat rade aan die fonds betaal;
- (d) die bedrae wat uit inkomste aan die fonds betaal word;
- (e) alle ander bedrae waarmee die fonds gekrediteer moet word.

(2) Alle bedrae aan die fonds betaal, word in die kredit van die fonds in die Tesourie gestort.

(3) Dié deel van die bedrae aldus inbetaal, wat nie vir lopende doeleindes nodig is nie, is 'n deposito vir die doeleindes van die Wet op Staatskuldkommissarisse, 1969 (Wet No. 2 van 1969), en word dienooreenkomstig belê.

(4) Indien die rente wat die fonds trek op die beleggings bedoel in subregulasie (3), in enige jaar wat op die een-en-dertigste dag van Maart sluit, altesaam minder as 4½ persent is, word 'n bedrag gelyk aan die verskil tussen die rente aldus getrek en 4½ persent uit inkomste aan die fonds betaal sodra die Kontroleur en Ouditeur-generaal sodanige bedrag gesertifiseer het.

(5) 'n Jaargeld wat onmiddellik voor die datum van die inwerkingtreding van hierdie regulasies uit die fonds betaalbaar was, word met ingang van daardie datum uit die fonds betaal asof hierdie regulasies nie uitgevaardig is nie.

Completed months of pensionable service	D
0 to 84	0;
85 to 120	0 plus 26 for each completed month of pensionable service in excess of 84 months;
121 to 240	936 plus 22 for each completed month of such service in excess of 120 months;
241 to 360	3,576 plus 17 for each completed month of such service in excess of 240 months;
361 to 480	5,616 plus 14 for each completed month of such service in excess of 360 months;
481 and over	7,296 plus 12 for each completed month of such service in excess of 480 months.

“university” means a university referred to in section 1 of the Universities Act, 1955 (Act 61 of 1955);

“widow” means the widow of a deceased member where the marriage took place prior to the member's retirement or discharge on pension.

(2) Unless the contrary intention appears from these regulations, any function or any duty performed, any power or any election exercised, any election called for but not exercised, any right or any privilege acquired or accrued, any obligation or any liability incurred, or anything duly done or permitted in terms of any regulations promulgated by Government Notice No. 1131 of 26 July 1963 (as amended from time to time), shall be deemed to have been so performed, exercised, called for and not exercised, acquired, accrued, incurred, done or permitted in terms of the corresponding provision of these regulations: Provided that this regulation shall not be construed as authorising the increase of any amount paid or payable out of the fund in terms of any regulation promulgated by the said Government Notice (as such regulation may from time to time have been amended).

CHAPTER I

THE ASSOCIATED INSTITUTIONS PENSION FUND

2. (1) The Associated Institutions Pension Fund established with effect from the first day of August, 1963, in terms of the regulations promulgated by Government Notice 1131 of 26 July 1963, shall be continued under the same name and shall consist of—

- (a) the amount standing to the credit of the fund on the date on which these regulations come into force;
- (b) the amounts paid to the fund by members;
- (c) the amounts paid to the fund by councils;
- (d) the amounts paid to the fund out of revenue;
- (e) any other amounts which are to be credited to the fund.

(2) All amounts paid to the fund shall be lodged with the Treasury to the credit of the fund.

(3) So much of the amounts so lodged as is not required for current purposes shall be a deposit for the purposes of the Public Debt Commissioner's Act, 1969 (Act 2 of 1969), and shall be invested accordingly.

(4) If the interest earned by the fund on deposits referred to in subregulation (3) should be less than 4½ per cent in the aggregate in any year ending on the thirty-first day of March, a sum equal to the difference between the interest so earned and 4½ per cent shall be paid out of revenue to the fund as soon as the Controller and Auditor-General has certified such sum.

(5) Any annuity payable from the fund immediately prior to the date on which these regulations came into force, shall, with effect from that date, be paid from the fund as if these regulations had not been promulgated.

(6) 'n Bedrag wat op die dag voor bedoelde datum kragtens die een of ander wetsbepaling deur die fonds aan enigiemand verskuldig was en wat nie betaal is nie, word, ondanks die inwerkingtreding van hierdie regulasies, uit die fonds betaal.

(7) 'n Bedrag wat op die dag voor bedoelde datum aan die fonds verskuldig was, en wat nie betaal is nie, bly, ondanks die inwerkingtreding van hierdie regulasies, 'n skuld wat aan die fonds verskuldig is.

Rekenings

3. (1) Die Sekretaris moet op 'n volledige en juiste wyse laat boekhou van die fonds, en sodanige boekhouding moet besonderhede toon in verband met alle sake waarvan daar boekgehou moet word vir die toepassing van hierdie regulasies of sodat die fonds te eniger tyd aktuarieel gewaardeer kan word.

(2) Die Sekretaris moet die boeke en rekenings van die fonds elke jaar soos op die een-en-dertigste dag van Maart laat afsluit en 'n balansstaat laat opstel waarin die bates en laste van die fonds op daardie datum aangegee word.

Aktuariële Waardering

4. (1) 'n Aktuaris moet die bates en laste van die fonds soos op die een-en-dertigste dag van Maart 1971 en elke vyf jaar daarna waardeer en verslag daaroor aan die Minister doen.

(2) Elke verslag van die aktuaris word binne twee maande na ontvangs daarvan deur die Minister, in die Senaat en die Volksraad ter tafel gelê as die Parlement dan in sessie is of, as die Parlement nie dan in sessie is nie, binne twee maande na die aanvangs van die eersvolgende gewone sessie.

(3) Indien die aktuaris in so 'n verslag sertifiseer dat daar 'n wesenlike surplus of 'n wesenlike tekort is, kan die bydraes wat deur of ten opsigte van lede of enige klas lid betaalbaar is, verlaag of verhoog of die betaalbare voordele verhoog of verlaag word in dié mate en vanaf dié datum wat die Minister, in oorleg met die Minister van Finansies en op aanbeveling van die aktuaris, mag bepaal of die ander stappe, as daar is, gedoen word waaroor die Minister en die Minister van Finansies ooreenkom: Met dien verstande dat die koers waarteen bydraes ten opsigte van lede deur 'n raad betaal word, nie tot minder as die koers waarteen bydraes deur die lede betaal word, verminder mag word nie.

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

Administrasie van die Fonds

5. Die sake van die fonds word deur die Sekretaris bestuur, en die koste in verband daarmee en in verband met 'n aktuariële ondersoek en sake wat daaruit voortvloei, word uit inkomste betaal.

Diskwalifikasie om 'n Bydraer te wees

6. Niemand dra tot die fonds by nie—

- (a) terwyl hy onder die leeftyd van vyftien jaar is;
- (b) indien hy ooreenkomstig 'n kontrak in diens geneem is vir die voltooiing of verrigting van bepaalde werk;
- (c) indien hy uitsluitlik by wyse van honoraria of toelae besoldig word;
- (d) terwyl hy in 'n tydelike hoedanigheid of vir 'n bepaalde getal maande of jare in diens geneem is;
- (e) terwyl hy nie voltyds in 'n vaste hoedanigheid in 'n pos op die diensstaat van 'n geassosieerde inrigting in diens geneem is nie.

(6) Any amount which was due in terms of any law on the day before the said date by the fund to any person and which has not been paid, shall, notwithstanding the commencement of these regulations, be paid from the fund.

(7) Any amount owing to the fund on the day before the said date which has not been paid, shall, notwithstanding the commencement of these regulations, continue to be a debt owing to the fund.

Accounts

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

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

Actuarial Valuations

4. (1) An actuary shall value the assets and liabilities of the fund as at the thirty-first day of March, 1971, and every five years thereafter and shall report thereon to the Minister.

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

(3) If the actuary in such a report certifies that there is a substantial surplus or a substantial deficiency, the contributions payable by or in respect of members or any class of members may be reduced or increased, or the benefits payable may be increased or decreased, to such extent and as from such date as the Minister, in consultation with the Minister of Finance and on the recommendation of the actuary, may determine or such other steps as may be agreed upon by the Minister and the Minister of Finance, if any, may be taken: Provided that the rate at which contributions are paid in respect of members by a council shall not be reduced to less than the rate at which contributions are paid by members.

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

Administration of the Fund

5. The business of the fund shall be conducted by the Secretary and the cost in connection therewith and of any actuarial investigation and matters incidental thereto shall be paid out of revenue.

Disqualifications to be a Contributor

6. No person shall contribute to the fund—

- (a) while under the age of fifteen years;
- (b) if he has been engaged on contract for the completion or performance of specific work;
- (c) if remunerated solely by fees or allowances;
- (d) while employed in a temporary capacity or for a fixed number of months or years;
- (e) while not employed in a full-time permanent capacity in a post on the establishment of an associated institution.

Persone wat Lede moet word

7. (1) Iedereen wat op die dag voor die inwerking-treding van hierdie regulasies 'n lid van die fonds was en daartoe bygedra het, bly 'n lid van die fonds en dra ooreenkomstig regulasie 8 daartoe by.

(2) Behoudens die bepalinge van regulasie 6, moet elke persoon—

(a) wat op die bepaalde datum in 'n voltydse permanente hoedanigheid in 'n pos op die diensstaat van 'n geassosieerde inrigting in diens is en wat op daardie datum nie lid is nie van die voorsorg-fonds vir tegniese kolleges of van 'n ander pensioen- of voorsorgfonds of -skema wat deur 'n raad vir sy werknemers ingestel is en geadminestreer word; of

(b) wat op of na die bepaalde datum in 'n voltydse permanente hoedanigheid in 'n pos op die diensstaat van 'n geassosieerde inrigting aangestel word, behoudens die goedkeuring van die Sekretaris, lid word van en bydra tot die fonds—

(i) in die geval van iemand op wie paragraaf (a) betrekking het, vanaf die bepaalde datum; of

(ii) in die geval van iemand op wie paragraaf (b) betrekking het, vanaf die datum van sodanige aanstelling.

Bydraekoers

8. Behoudens die bepalinge van regulasie 6, moet elke persoon van wie daar vereis word om tot die fonds by te dra, in die geval van 'n man, bydra teen agt persent van sy pensioengewende verdienste of, in die geval van 'n vrou, bydra teen sewe persent van haar pensioengewende verdienste.

Invordering van Bydraes

9. (1) 'n Lid dra by deur middel van aftrekkings van sy pensioengewende verdienste, en sodanige bydraes word maandeliks aan die fonds betaal of op die tye en op dié wyse wat die Sekretaris mag bepaal.

(2) Indien 'n lid wat kragtens hierdie regulasies enige bedrag aan die fonds verskuldig is, te sterwe kom of uit diens tree of afgedank of ontslaan word voordat die hele aldus verskuldigde bedrag betaal is, word die bedrag wat nog nie betaal is nie, in mindering gebring teen die pensioen wat uit die fonds aan hom of sy afhanklikes of aan sy boedel betaalbaar is en word sodanige pensioen bereken op grondslag van die hele tydperk van pensioengewende diens ten opsigte waarvan daar van hom vereis is om by te dra of hy verkies het om by te dra.

(3) 'n Lid hou aan om tot die fonds by te dra terwyl hy met siekte- of ander verlof met volle of minder as volle besoldiging afwesig is, en sy bydraes gedurende sodanige verlof word op sy volle pensioengewende verdienste gebaseer.

(4) 'n Lid kan kies om by te dra ten opsigte van 'n tydperk van afwesigheid met siekte- of ander verlof sonder besoldiging, en indien hy aldus kies om by te dra, word sy bydraes gebaseer op die bedrag wat die Sekretaris mag bepaal maar wat nie minder as sy volle pensioengewende verdienste onmiddellik voor sodanige verlof mag wees nie: Met dien verstande dat as die bydraes wat betaalbaar is, nie betaal word op die datums waarop dit betaal sou gewees het as hy nie met sodanige verlof was nie, genoemde lid rente teen die koers van nege persent per jaar, jaarliks saamgestel op die een-en-dertigste dag van Maart, moet betaal op die bydraes wat aan die einde van elke maand onbetaald bly.

Persons Who Shall Become Members

7. (1) Every person who was a member of and contributed to the fund on the day before the commencement of these regulations shall remain a member of the fund and contribute thereto in terms of regulation 8.

(2) Subject to the provisions of regulation 6 every person—

(a) who on the specified date is employed in a full-time permanent capacity in a post on the establishment of an associated institution and who on that date is not a member of the technical colleges provident fund or of any other pension or provident fund or scheme established and administered by a council for its employees; or

(b) who, on or after the specified date, is appointed in a full-time permanent capacity to a post on the establishment of an associated institution; shall, subject to the approval of the Secretary, become a member of and contribute to the fund—

(i) in the case of a person to whom paragraph (a) refers, as from the specified date; or

(ii) in the case of a person to whom paragraph (b) refers, as from the date of such appointment.

Rate of Contribution

8. Subject to the provisions of regulation 6 every person who is required to contribute to the fund shall, in the case of a male person, contribute at the rate of eight per cent of his pensionable emoluments or, in the case of a female person, contribute at the rate of seven per cent of her pensionable emoluments.

Collection of Contributions

9. (1) Contributions by a member shall be made by deductions from his pensionable emoluments and shall be paid to the fund monthly or at such times and in such manner as the Secretary may determine.

(2) If a member by whom, in terms of these regulations, any amount is due to the fund, dies or retires or is retired or discharged before the total amount so due has been paid, the amount which remains unpaid shall be set off against the pension payable to him or his dependants or to his estate from the fund and such pension shall be calculated upon the whole period of pensionable service in respect of which he was required or has elected to contribute.

(3) A member shall continue to contribute to the fund while on sick or other leave with full or less than full pay and his contributions during such leave shall be based on his full pensionable emoluments.

(4) A member may elect to contribute in respect of any period of absence on sick or other leave without pay and, if he should so elect to contribute, his contributions shall be based on such amount, not being less than his full pensionable emoluments immediately prior to such leave, as may be determined by the Secretary: Provided that, if the contributions payable are not paid on the dates on which they would have been paid had he not been absent on such leave, the said member shall pay interest at the rate of nine per cent per annum, compounded annually as at the thirty-first day of March, on the contributions which remain unpaid at the end of each month.

(5) 'n Lid wat in sy diens geskors is, moet met die toestemming van die Sekretaris en op die voorwaardes wat die Sekretaris mag bepaal, ten opsigte van die tydperk van skorsing tot die fonds bydra.

(6) Indien 'n lid per uur, per dag of per week besoldig word, word sy pensioengewende verdienste vasgestel op grondslag van die jaarlikse ekwivalent van sodanige besoldiging.

Lede wat na Ander Dienste Gesekondeer word

10. 'n Lid wat gesekondeer word van die diens van een raad na die diens van 'n ander raad of na die diens van die Regering of 'n ander regering of 'n liggaam of werk-gewer deur die Sekretaris goedgekeur, mag, behoudens die goedkeuring van die Sekretaris, aanhou om tot die fonds by te dra terwyl hy aldus gesekondeer is: Met dien verstande dat—

- (a) die bydraes waarmee aldus aangehou word, gebaseer word op die verdienste wat die Sekretaris, in oorleg met die betrokke raad, bepaal as die pensioengewende verdienste wat genoemde lid sou ontvang het indien hy nie aldus gesekondeer was nie;
- (b) die raad, Regering, ander regering, liggaam of werk-gewer na wie se diens die lid gesekondeer word, indien daartoe gelas, aan die raad van wie se diens hy gesekondeer is, 'n bedrag moet betaal wat gelyk is aan die bydraes wat laasgenoemde raad ten opsigte van die lid aan die fonds betaal het gedurende die tydperk wat hy aldus gesekondeer is.

Oorplasing en Aanstelling tussen Rade

11. 'n Lid wat van die diens van een raad na die diens van 'n ander raad oorgeplaas word of wat in die diens van 'n ander raad aangestel word sonder 'n onderbreking in die kontinuïteit van sy diens of met dié 'n onderbreking in die kontinuïteit van sy diens wat die Sekretaris mag goedkeur as nodig en redelik onder die omstandighede, bly, tensy die Sekretaris anders gelas en ondanks anders-luidende bepalings in hierdie regulasies vervat, uitgesonderd die eerste voorbehoudsbepaling van hierdie regulasie, sonder onderbreking van die regte en voorregte wat hy verkry en die verpligtinge wat hy aangegaan het, steeds lid van die fonds: Met dien verstande dat die bepalings van hierdie regulasie nie van toepassing is nie in die geval van 'n lid wie se diens by die eerste raad beëindig is onder die omstandighede soos in regulasie 19 (2) beskryf: Met dien verstande voorts dat, indien daar 'n breuk in die kontinuïteit van sy diens is, die lid aansoek mag doen om toegelaat te word om, behoudens regulasie 14 (3), die tydperk van die breuk by sy pensioengewende diens in te sluit, en indien hy aldus toegelaat word moet hy ten opsigte van daardie tydperk aan die fonds 'n bedrag betaal wat ingevolge die bepalings van regulasie 12 (7) (b) bepaal is, en geag word kragtens laasgenoemde regulasie en regulasie 12 (7) (c) betaalbaar te wees.

Keuse om by te dra ten Opsigte van Vorige Ononderbroke en Onderbroke Diens

12. (1) Behoudens die bepalings van subregulasie (2), word daar aan 'n lid wat ononderbroke diens by 'n geassosieerde inrigting gehad het onmiddellik voor die datum waarop hy verplig geword het om tot die fonds by te dra en wat op daardie datum nie lid was nie van die voorsorgfonds vir tegniese kolleges of die voorsorgfonds vir universiteitsinrigtings of enige ander pensioen- of voorsorgfonds of -skema deur 'n raad vir sy werknemers gestig en geadministreer, die keuse gegee om tot die fonds by te dra ten opsigte van dié tydperk van sodanige diens wat die Sekretaris mag goedkeur, en moet hy sy keuse skriftelik uitoefen binne negentig dae vanaf die datum waarop hy deur die betrokke raad aangesê word om dit te doen.

(5) A member who has been suspended from duty shall, with the approval of the Secretary and on such conditions as the Secretary may determine, contribute to the fund in respect of the period of suspension.

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

Members Seconded to Other Services

10. A member who is seconded from the service of one council to the service of any other council, or to the service of the Government or any other government, or any body or 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—

- (a) the contributions so continued to be made shall be based on the emoluments determined by the Secretary, in consultation with the council concerned, as the pensionable emoluments which the said member would have received had he not been so seconded;
- (b) if so required, the council, Government, other government, body or employer to whose service the member is seconded shall repay to the council from whose service he has been seconded an amount equal to any contributions paid to the fund by the last-mentioned council in respect of the member during the period he is so seconded.

Inter-Council Transfers and Appointments

11. A member who transfers from the service of one council to the service of any other council or who is appointed to the service of any other council without a break in the continuity of his employment or with such break in the continuity of his employment as may be approved by the Secretary as necessary and reasonable in the circumstances shall, unless the Secretary otherwise directs and notwithstanding anything to the contrary contained in these regulations other than the first proviso to this regulation, continue to be a member of the fund without interruption of rights and privileges acquired and obligations incurred: Provided that the provisions of this regulation shall not apply in the case of a member whose service with the first council terminates in circumstances described in regulation 19 (2): Provided further that, if there is a break in the continuity of his employment, the member may apply to be permitted subject to regulation 14 (3) to include the period of the break in his pensionable service and if he is so permitted he shall pay to the fund in respect of that period an amount determined in accordance with the provisions of regulation 12 (7) (b) and deemed to be payable in terms of the last-mentioned regulation and regulation 12 (7) (c).

Option to Contribute in Respect of Past Continuous Employment and Non-continuous Employment

12. (1) Subject to the provisions of subregulation (2) any member who has had continuous employment with an associated institution immediately prior to the date on which he became liable to contribute to the fund and who on that date was not a member of the technical colleges provident fund or the university institutions provident fund or of any other pension or provident fund or scheme established and administered by a council for its employees shall be given the option of contributing to the fund in respect of any period of such employment as may be approved by the Secretary and shall exercise such option in writing within ninety days of the date on which he is called upon by the council concerned to do so.

(2) Vir die toepassing van subregulasie (1), omvat ononderbroke diens ook enige tydperk van ononderbroke diens by enige inrigting, raad of liggaam onmiddellik voor die datum waarop die betrokke inrigting, raad of liggaam kragtens die Wet 'n geassosieerde inrigting geword het of word indien sodanige tydperk aaneenlopend is met sodanige diens op of na daardie datum, maar dit omvat nie 'n tydperk van diens waarin die bepalings van regulasie 6 (a) of (c) ten opsigte van dié persoon van toepassing was nie.

(3) Die bedrag wat die betrokke lid uit hoofde van sy keuse in subregulasie (1) bedoel, moet betaal, is die som van—

(a) 'n bedrag ooreenkomstig die formule bereken waar faktor N van die formule die tydperk ingevolge subregulasie (1) goedgekeur, is, faktor Z ooreenkomstig die lid se pensioengewende verdienste gedurende sodanige tydperk bepaal word en faktor D ooreenkomstig die getal maande in sodanige tydperk bepaal word;

(b) 'n bedrag gelyk aan $2\frac{1}{4}$ persent van die bedrag ooreenkomstig paragraaf (a) bereken ten opsigte van elke voltooid jaar in sodanige tydperk en ten opsigte van 'n deel van 'n jaar in sodanige tydperk bereken teen 'n persentasie wat in dieselfde verhouding tot $2\frac{1}{4}$ persent staan as wat die getal dae in sodanige deel tot driehonderd vyf-en-sestig staan; en

(c) rente teen $4\frac{1}{2}$ persent per jaar, jaarliks saamgestel op die een-en-dertigste dag van Maart, op die som van bedrae ingevolge paragrafe (a) en (b) bepaal vanaf die laaste dag van sodanige tydperk tot en met die laaste dag van die maand waarin die betrokke lid van sy aanspreeklikheid verwittig word,

en is, behoudens subregulasie (4), in 'n enkele paaielement op die laaste dag van bedoelde maand betaalbaar.

(4) Indien die lid nie in staat is om die bedrag kragtens subregulasie (3) bereken in een betaling te likwideer nie, word sodanige bedrag verhaal op dié wyse en in dié paaielemente wat die Sekretaris mag bepaal en moet die lid rente teen die koers van $4\frac{1}{2}$ persent per jaar, jaarliks saamgestel op die een-en-dertigste dag van Maart betaal op die bedrag wat aan die einde van elke maand onbetaald bly.

(5) 'n Lid wat een of meer vorige tydperke van diens gehad het ten opsigte waarvan hy tot die fonds bygedra het, mag op aansoek toegelaat word om—

(a) soveel van—
(i) een of meer sodanige tydperke van diens; en
(ii) enige tydperk wat tussen twee sodanige tydperke of tussen sodanige tydperk en die datum waarop sodanige pensioengewende diens begin het, val; of

(b) soveel van die tydperk wat tussen die datum waarop hy die leeftyd van vyf-en-twintig jaar bereik het en die aanvangsdatum van sodanige pensioengewende diens val,

as wat die Sekretaris mag goedkeur, by sy pensioengewende diens in te sluit op dié voorwaardes wat die Minister mag bepaal.

(6) 'n Lid (uitgesonderd 'n lid op wie die bepalings van subregulasie (5) van toepassing is) mag op aansoek toegelaat word om soveel van die tydperk wat tussen die datum waarop hy die leeftyd van vyf-en-twintig jaar bereik het en die aanvangsdatum van sy pensioengewende diens val, by sy pensioengewende diens in te sluit as wat die Sekretaris mag goedkeur op die voorwaardes wat die Minister mag bepaal.

(7) Die voorwaardes bedoel in subregulasies (5) en (6), moet onder andere, behoudens regulasie 14 (3) voorsiening maak—

(2) For the purposes of subregulation (1) continuous employment shall include any period of continuous employment with any institution, council or body immediately prior to the date on which the institution, council or body concerned became or becomes an associated institution in terms of the Act if such period is continuous with such employment on or after that date but shall not include any period of employment during which the provisions of regulation 6 (a) or (c) applied in respect of the person concerned.

(3) The amount payable by the member concerned pursuant to his election referred to in subregulation (1) shall be the sum of—

(a) an amount calculated in accordance with the formula, where factor N of the formula shall be the period approved in terms of subregulation (1), factor Z shall be determined in accordance with the member's pensionable emoluments during such period and factor D shall be determined according to the number of months in such period;

(b) an amount equal to $2\frac{1}{4}$ per cent of the amount calculated in terms of paragraph (a) in respect of each completed year in such period and calculated in respect of a portion of a year in such period at a percentage bearing the same ratio to $2\frac{1}{4}$ per cent as the number of days in such portion bears to three hundred and sixty-five; and

(c) interest at $4\frac{1}{2}$ per cent per annum, annually compounded on the thirty-first day of March, calculated on the total of the amounts determined in terms of paragraph (a) and (b) from the last day of such period up to and including the last day of the month in which the member concerned is notified of his liability;

and shall, subject to subregulation (4), be payable in a single instalment on the last day of the said month.

(4) If the member is unable to liquidate the amount calculated in terms of subregulation (3) in one payment, such amount shall be recovered in such manner and in such instalments as the Secretary may determine and the member shall pay interest at the rate of $4\frac{1}{2}$ per cent per annum, compounded annually as at the thirty-first day of March, on the amount which remains unpaid at the end of each month.

(5) A member who has had one or more previous periods of employment in respect of which he contributed to the fund may on application be permitted to include in his pensionable service—

(a) so much of—
(i) any one or more of such periods of employment; and

(ii) any period intervening between any two such periods or between such period and the date on which such pensionable service commenced; or

(b) so much of the period between the date on which he attained the age of twenty-five years and the date on which such pensionable service commenced, as the Secretary may approve in accordance with such terms and conditions as the Minister may determine.

(6) A member (not being a member to whom the provisions of subregulation (5) apply) may on application be permitted to include in his pensionable service so much of the period between the date on which he attained the age of twenty-five years and the date on which his pensionable service commenced as the Secretary may approve in accordance with such terms and conditions as the Minister may determine.

(7) The terms and conditions referred to in subregulations (5) and (6) shall, subject to regulation 14 (3), provide *inter alia*—

- (a) in die geval van 'n lid wat kragtens subregulasie (5) aansoek doen om 'n vorige tydperk van diens of 'n gedeelte daarvan by sy pensioengewende diens in te sluit, vir die terugbetaling, deur so 'n lid, in paaiemente of andersins, van enige geldelike voordeel, of gedeelte daarvan, wat uit die fonds aan hom betaal mag gewees het by die beëindiging van genoemde tydperk;
 - (b) vir die betaling deur 'n lid, ten opsigte van 'n tydperk, kragtens subregulasie (5) (a) (ii) of (b) of subregulasie (6) by sy pensioengewende diens ingesluit, van 'n bedrag bereken ooreenkomstig 'n spesiale formule wat vir die doel deur 'n aktuaris aanbeveel en deur die Minister goedgekeur is;
 - (c) vir die voorwaardes wat gestel moet word in verband met die terugbetaling van 'n voordeel in paragraaf (a) of die betaling van 'n bedrag wat kragtens paragraaf (b) bepaal is;
 - (d) vir die wyse waarop 'n aansoek kragtens subregulasies (5) en (6) gedoen moet word, die kennis wat aan die betrokke lid gegee moet word van die voorwaardes wat op sy geval van toepassing is en die tydperk waarin hy moet kies of hy sodanige voorwaardes aanvaar of verwerp.
- (8) Enige tydperk ten opsigte waarvan 'n lid verkies het dat dit nie in sy pensioengewende diens ingesluit word nie en wat tussen twee tydperke van pensioengewende diens val, word geag nie die kontinuïteit van sy diens vir die toepassing van regulasie 14 te onderbreek nie.

Persone wat van of uit 'n ander Pensioengewende Diens Oorgeplaas of Aangestel word

13. (1) Iemand wat oorgeplaas word na of aangestel word in 'n diens ten opsigte waarvan hy verplig is om tot die fonds by te dra en wat voor sodanige oorpasing of aanstelling lid was van—

- (a) 'n ander pensioen- of voorsorgfonds wat by wet ingestel is en deur die Minister geadministreer word; of
- (b) 'n pensioenfonds wat by wet ingestel is en deur die Spoorwegadministrasie geadministreer word; of
- (c) 'n pensioen- of voorsorgfonds of ander-skema wat vir 'n uitdienststredingspensioen voorsiening maak, wat binne die Republiek of buite die Republiek bestaan, wat nie 'n fonds of skema is soos in paragraaf (a) of (b) bedoel nie en wat vir die toepassing van hierdie regulasies deur die Minister erken word; moet, indien hy aldus oorgeplaas of aangestel word sonder 'n onderbreking in die kontinuïteit van sy diens of, behoudens die bepalings van enige wet, met dié onderbreking van sy diens wat die Sekretaris as nodig en redelik onder die omstandighede goedkeur, vanaf die datum van sodanige oorpasing of aanstelling ooreenkomstig regulasie 7 tot die fonds bydra, en indien—

- (i) paragraaf (a) of (b) op hom van toepassing is, kom hy met ingang van die datum van sodanige oorpasing of aanstelling onder verpligting om ten opsigte van sy pensioengewende diens as 'n lid van die fonds in die betrokke paragraaf bedoel, tot die fonds by te dra;
- (ii) paragraaf (c) op hom van toepassing is, kan hy, behoudens die bepalings van subregulasie (6), binne sestig dae vanaf die datum waarop hy deur die Sekretaris aangesê word om dit te doen of binne dié addisionele tydperk van hoogstens negentig dae wat die Sekretaris onder spesiale omstandighede toelaat, skriftelik kies om sy vorige pensioengewende diens as pensioengewende diens vir die doeleindes van die fonds te reken, en indien hy kies om sy vorige pensioengewende diens aldus te reken, kom hy, met ingang van die datum van sodanige oorpasing of aanstelling, onder verpligting om ten opsigte van sodanige diens tot die fonds by te dra:

- (a) in the case of a member who applies in terms of subregulation (5) to have a previous period of employment or any portion thereof included in his pensionable service, for the refund by such member, in instalments or otherwise, of any monetary benefit, or part thereof, which on the termination of the said period may have been paid to him from the fund;
 - (b) for the payment by a member, in respect of a period included in his pensionable service in terms of subregulation (5) (a) (ii) or (b) or subregulation (6), of an amount calculated in accordance with a special formula recommended by an actuary and approved by the Minister for the purpose;
 - (c) for the conditions to be imposed in regard to the repayment of any benefit referred to in paragraph (a) or the payment of any amount determined in terms of paragraph (b);
 - (d) for the manner in which an application in terms of subregulations (5) and (6) shall be made, the notification to be given to the member concerned of the terms and conditions applicable to his case and the period within which he shall elect to accept or reject such terms and conditions.
- (8) Any period which a member has not elected to include in his pensionable service and which falls between two periods of pensionable service shall not be deemed to interrupt the continuity of the member's pensionable service for the purposes of regulation 14.

Persons Transferred or Appointed from Other Pensionable Employment

13. (1) A person who is transferred or appointed to employment in respect of which he is liable to contribute to the fund and who prior to such transfer or appointment was a member of—

- (a) any other pension or provident fund established by law and administered by the Minister; or
- (b) a pension fund established by law and administered by the Railways Administration; or
- (c) a pension or provident fund, or any other scheme providing for a retirement pension, which exists in the Republic or outside the Republic, which is not a fund or scheme referred to in paragraph (a) or (b) and which is recognised by the Minister for the purposes of this regulation;

shall, if he is so transferred or appointed without a break in the continuity of his employment or, subject to any provision in any law contained, with such break in his employment as may be approved by the Secretary as necessary and reasonable in the circumstances, contribute to the fund in terms of regulation 7 as from the date of such transfer or appointment, and if—

- (i) paragraph (a) or (b) applies to him, he shall with effect from the date of such transfer or appointment become liable to contribute to the fund in respect of his pensionable service as a member of a fund referred to in the paragraph concerned;
- (ii) paragraph (c) applies to him, he may, subject to the provisions of subregulation (6), within sixty days of the date on which he is called upon by the Secretary to do so, or within such additional period not exceeding ninety days as the Secretary may in special circumstances allow, elect in writing to reckon his past pensionable service as pensionable service for the purposes of the fund and, if he elects so to reckon his past pensionable service, he shall, with effect from the date of such transfer or appointment, become liable to contribute to the fund in respect of such service;

Met dien verstande dat hierdie regulasie nie van toepassing is nie op iemand wat 'n lid is van die voorsorgfonds vir tegniese kolleges of die voorsorgfonds vir universiteitsinrigtings, aan wie, voor die datum van sodanige oorplasing of aanstelling ooreenkomstig regulasie 24 of 'n wet of 'n regulasie wat ooreenstem met regulasie 24 die keuse gestel was om 'n lid van die fonds te word, en wat nie aldus 'n lid geword het nie, en dat sodanige persoon, ondanks andersluidende bepalings van hierdie regulasies, 'n lid bly van die betrokke voorsorgfonds.

(2) Waar 'n lid ingevolge subregulasie (1) onder verpligting kom om ten opsigte van 'n vorige tydperk van pensioengewende diens tot die fonds by te dra, word sodanige tydperk by sy pensioengewende diens vir die doeleindes van die fonds ingesluit, word 'n bedrag, ooreenkomstig subregulasie (5) ten opsigte van sodanige tydperk bereken, aan die fonds betaalbaar, word enige geld wat deur die pensioen- of voorsorgfonds in subregulasie (1) (a), (b) of (c) bedoel ten opsigte van die lid betaalbaar is, tot die betaling van bedoelde bedrag aangewend, en word enige tekort ooreenkomstig subregulasie (3) of (4) op die betrokke lid verhaal.

(3) Behoudens die bepalings van subregulasie (4), is enige bedrag wat 'n lid kragtens subregulasie (2) moet betaal, in een som betaalbaar, tesame met rente op dié bedrag teen die koers van $4\frac{1}{2}$ persent per jaar, jaarliks saamgestel op die een-en-dertigste dag van Maart, vanaf die datum waarop hy verplig geword het om tot die fonds by te dra tot en met die datum waarop betaling aan die fonds geskied.

(4) Indien die lid nie in staat is om die bedrag wat hy ingevolge subregulasie (2) of (3) moet betaal, in een som te vereffen nie, word sodanige bedrag verhaal op dié wyse en in dié paaielemente wat die Sekretaris mag bepaal en moet hy die lid aanhou om rente te betaal teen die koers van $4\frac{1}{2}$ persent per jaar, jaarliks saamgestel op die een-en-dertigste dag van Maart, op die bedrag wat aan die einde van elke maand onbetaald bly.

(5) Die bedrag wat ingevolge subregulasie (2) betaalbaar word, is die som van—

(a) twee maal 'n bedrag ooreenkomstig die formule bereken ten opsigte van die tydperk van die vorige pensioengewende diens in subregulasie (1) bedoel asof die betrokke lid gedurende daardie tydperk 'n lid van die fonds was en daartoe bygedra het teen die toepaslike bydraekoers van krag op die datum waarop hy ingevolge regulasie 7 'n lid geword het; en

(b) $2\frac{1}{2}$ persent van die bedrag ooreenkomstig paragraaf (a) bereken vir elke voltooide jaar van die tydperk van sodanige pensioengewende diens en, vir 'n deel van 'n jaar in sodanige tydperk, 'n persentasie van sodanige bedrag wat in dieselfde verhouding tot $2\frac{1}{2}$ persent staan as wat die getal dae in daardie deel tot driehonderd vyf-en-sestig staan.

(6) 'n Lid op wie subregulasie (1) (c) van toepassing is en wat 'n lewensversekeringspolis uitgeneem het, wat ingevolge die wet, regulasies of reëls betreffende die betrokke pensioen- of voorsorgfonds of -skema die geheel of 'n deel uitgemaak het van die voorsiening wat daar in sodanige fonds vir hom gemaak is, of ten opsigte van wie sodanige polis ingevolge sodanige wet, regulasies of reëls uitgeneem is, kan, binne sestig dae nadat hy daartoe aangesê is deur die Sekretaris, of binne 'n verdere tydperk wat die Sekretaris in spesiale omstandighede kan toelaat, skriftelik kies om, of—

(a) die tydperk van sy vorige pensioengewende diens ingevolge bedoelde subregulasie (1) (c) by sy pensioengewende diens as 'n lid van die fonds in te sluit, en indien hy aldus kies, is subregulasie (2) op hom van toepassing; of

Provided that this regulation shall not apply to any person who is a member of the technical colleges provident fund or the university institutions provident fund, to whom, prior to the date of such transfer or appointment, the option was given, in terms of regulation 24 or any law or regulation corresponding to regulation 24, of becoming a member of the fund and who did not so become a member, and that such person shall, notwithstanding any provision to the contrary in these regulations, remain a member of the provident fund concerned.

(2) Where, in terms of subregulation (1), any member becomes liable to contribute to the fund in respect of a past period of pensionable service, such period shall be included in his pensionable service for the purposes of the fund, an amount calculated in respect of such period in terms of subregulation (5) shall become payable to the fund, any monies payable in respect of the member by the pension or provident fund referred to in subregulation (1) (a), (b) or (c) shall be applied to the payment of the said amount and any deficit shall be recovered from the member concerned in terms of subregulation (3) or (4).

(3) Subject to the provisions of subregulation (4) any amount which a member is required to pay in terms of subregulation (2) shall be payable in one sum together with interest on such amount at the rate of $4\frac{1}{2}$ per cent per annum compounded annually as at the thirty-first day of March as from the date he became liable to contribute to the fund up to and including the date on which payment to the fund is effected.

(4) If the member is unable to liquidate any amount payable by him in terms of subregulation (2) or (3) in one payment, such amount shall be recovered in such manner and in such instalments as the Secretary may determine and the member shall continue to pay interest at the rate of $4\frac{1}{2}$ per cent per annum, compounded annually as at the thirty-first day of March, on the amount which remains unpaid at the end of each month.

(5) The amount becoming payable in terms of subregulation (2) shall be the sum of—

(a) twice an amount calculated in terms of the formula in respect of the period of past pensionable service referred to in subregulation (1), as if, during that period, the member concerned were a member of the fund and contributed thereto at the applicable rate of contribution in force on the date on which, in terms of regulation 7, he became a member; and

(b) $2\frac{1}{2}$ per cent of the amount calculated in terms of paragraph (a) for every completed year of the period of such pensionable service and, for a portion of a year in such period, a percentage of such amount bearing the same ratio to $2\frac{1}{2}$ per cent as the number of days in such portion bears to three hundred and sixty-five.

(6) Any member to whom subregulation (1) (c) is applicable and who has taken out a policy of life assurance which, under the law, regulations or rules governing the pension or provident fund or scheme concerned, formed the whole or part of the provision made for him in such fund, or in respect of whom such policy has, in terms of such law, regulation or rules, been taken out, may, within sixty days of having been called upon by the Secretary to do so, or within such further period as the Secretary may in special circumstances allow, elect, in writing, either—

(a) to include the period of his past pensionable service in terms of the said subregulation (1) (c) in his pensionable service as a member of the fund, and, if he so elects, subregulation (2) shall apply to him; or

(b) sodanige tydperk nie by sy pensioengewende diens in te sluit nie maar sodanige polis, behoudens die bepalings van subregulasies (7), (8) en (9) en ooreenkomstig voorwaardes wat die Sekretaris bepaal, vir bewaring ten behoeve van hom aan die Sekretaris te sedgeer.

(7) Die premies op 'n lewensversekeringspolis wat ooreenkomstig subregulasie (6) (b) gesedgeer is, of dié deel van sodanige premies wat die Sekretaris van tyd tot tyd bepaal, word vanaf die datum van sodanige sessie uit die fonds betaal.

(8) Indien sodanige polis verval voor die datum waarop die betrokke persoon ophou om lid te wees, word die opbrengs van die polis in die fonds gestort: Met dien verstande dat—

(a) indien die bedrag wat aldus in die fonds gestort word, groter is as die som van—

(i) die totaalbedrag van die premies wat ingevolge subregulasie (7) uit die fonds betaal is; en

(ii) $2\frac{1}{4}$ persent van die bedrag ingevolge subparagraaf (i) bepaal vir elke voltooide jaar van die tydperk vanaf die datum waarop die eerste sodanige premie aldus betaal is tot en met die dag waarop die betrokke polis te gelde gemaak moet word, en, ten opsigte van 'n deel van 'n jaar in sodanige tydperk, 'n persentasie wat in dieselfde verhouding tot $2\frac{1}{4}$ persent staan as wat die getal dae in sodanige deel tot driehonderd vyf-en-sestig staan,

die surplus sonder verwyl aan bedoelde persoon, of, as hy reeds te sterwe gekom het, aan sy boedel betaal moet word;

(b) indien die bedrag wat aldus in die fonds gestort word, minder is as die totaalbedrag van sodanige premies en rente ingevolge paragraaf (a) bereken, die tekort, ondanks andersluidende bepalings in hierdie regulasies, in 'n enkele bedrag of in dié paalemente wat die Sekretaris mag bepaal, afgetrek moet word van enige pensioen of ander bedrag wat uiteindelik uit die fonds betaalbaar word aan of ten opsigte van bedoelde persoon.

(9) (a) Indien sodanige polis nie op die datum waarop die betrokke persoon ophou om lid te wees, verval het nie, kan hy binne 'n tydperk wat die Sekretaris bepaal, kies om 'n bedrag aan die fonds te betaal wat gelyk is aan die totaalbedrag van die premies wat uit die fonds betaal is, tesame met rente op sodanige premies teen die koers van $4\frac{1}{2}$ persent per jaar, jaarliks saamgestel op die een-en-dertigste dag van Maart en bereken volgens die datums waarop sodanige premies betaal is en tot en met die datum van bedoelde betaling, en by betaling van sodanige bedrag en rente word die sessie van die versekeringspolis ten gunste van die Sekretaris ingetrek en word die polis aan die betrokke persoon terugbesorg.

(b) Indien sodanige persoon versuim om kragtens paragraaf (a) 'n keuse uit te oefen, word sodanige bedrag en rente, ondanks andersluidende bepalings in hierdie regulasies, in 'n enkele bedrag of in dié paalemente wat die Sekretaris mag bepaal, afgetrek van enige voordeel of ander bedrag wat uit die fonds betaalbaar is: Met dien verstande dat indien sodanige voordeel of ander bedrag minder is as die bedrag en rente wat aldus afgetrek moet word, die polis afgekoop moet word, die tekort afgetrek word van die afkoopwaarde wat betaalbaar is en die saldo (indien daar is) aan bedoelde persoon betaal word.

Pensioengewende Diens

14. (1) Die pensioengewende diens ten opsigte waarvan enige pensioen bereken moet word, moet ononderbroke wees en omvat die tyd deurgebring—

- (a) in gewone diens;
- (b) met afwesighedsverlof;

(b) not to include such period in his pensionable service but, subject to the provisions of subregulations (7), (8) and (9) and in accordance with conditions determined by the Secretary, to cede such policy to the Secretary for retention on his behalf.

(7) The premiums on a policy of life assurance ceded in terms of subregulation (6) (b), or such part of such premiums as the Secretary may from time to time determine, shall with effect from the date of such cession be paid from the fund.

(8) If such policy matures prior to the date on which the person concerned ceases to be a member, the proceeds of the policy shall be paid to the fund: Provided that—

(a) if the amount so paid to the fund exceeds the sum of—

(i) the aggregate amount of the premiums paid out of the fund in terms of subregulation (7); and

(ii) $2\frac{1}{4}$ per cent of the amount determined in terms of subparagraph (i) for each completed year of the period from the date on which the first such premium was so paid up to and including the date on which the policy concerned is to be realised and, in respect of a portion of a year in such period, a percentage bearing to $2\frac{1}{4}$ per cent the same ratio as the number of days in such portion bears to three hundred and sixty-five,

the surplus shall, without delay, be paid to the said person, or, if he has already died, to his estate;

(b) if the amount so paid to the fund is less than the aggregate of such premiums and interest calculated in terms of paragraph (a), the deficiency shall, notwithstanding anything to the contrary contained in these regulations, be recovered in a lump sum or in such instalments as the Secretary may direct from any pension or other amount which may ultimately become payable from the fund to or in respect of the said person.

(9) (a) If such a policy has not matured on the date on which the person concerned ceases to be a member, he may elect within a period specified by the Secretary to pay to the fund an amount equal to the aggregate of the premiums paid from the fund together with interest on such premiums at the rate of $4\frac{1}{2}$ per cent per annum, annually compounded as at the thirty-first day of March and calculated according to the dates upon which such premiums were paid and up to and including the date of the said payment, and on payment of such amount and interest the cession in favour of the Secretary of the policy of assurance shall be cancelled and the policy returned to the person concerned.

(b) If such person fails to make an election in terms of paragraph (a), such amount and interest shall, notwithstanding anything to the contrary contained in these regulations, be deducted in a lump sum or in such instalments as the Secretary may direct from any benefits or other amount payable from the fund: Provided that, if such benefits or other amount is less than the amount and interest so to be deducted, the policy shall be surrendered, in which case the deficiency shall be recovered from the surrender value payable and the balance (if any) shall be paid to the said person.

Pensionable Service

14. (1) Pensionable service with reference to which any pension is to be calculated shall be continuous and shall include the time spent—

- (a) on normal duty;
- (b) on leave of absence;

(c) gedurende skorsing in diens, en word nie geag deur afwesigheid met verlof sonder besoldiging onderbreek te word nie: Met dien verstande dat geen tydperk van diens, verlof of skorsing in diens van 'n lid by sy pensioengewende diens ingesluit word nie tensy die fonds bydraes ontvang het of hy ten opsigte van daardie tydperk tot die fonds bygedra het of tensy die bydraes verskuldig ten opsigte van daardie tydperk, van sy pensioen afgetrek word ooreenkomstig die bepalings van regulasie 9 (2).

(2) Die pensioengewende diens in subregulasie (1) bedoel, omvat, behoudens subregulasie (3)—

- (a) 'n tydperk van ononderbroke diens ten opsigte waarvan bydraes kragtens hierdie regulasies aan die fonds betaal is of betaalbaar is;
- (b) 'n tydperk wat ingevolge regulasie 11, 12, 13 of 24 by 'n lid se pensioengewende diens vir die doeleindes van die fonds ingesluit is of geag word sodanige pensioengewende diens te wees.

(3) Geen tydperk wat in die tweede voorbehoudsbepaling by regulasie 11 of in regulasie 12 (5) (a) (ii) of (b) of 12 (6) bedoel word, word by die berekening van 'n voordeel ingevolge regulasie 19 as pensioengewende diens gereken nie.

(4) Die tydperk van pensioengewende diens word per jaar en gedeelte van 'n jaar bereken, en sodanige gedeelte van 'n jaar word bepaal volgens die verhouding van die getal dae in dié gedeelte tot driehonderd vyf-en-sestig.

Leeftyd vir Uitdienstreding

15. (1) Behoudens die bepalings van subregulasies (2), (3) en (4), word 'n lid met pensioen afgedank wanneer hy die uitdienstredingsleeftyd bereik.

(2) 'n Lid wat die pensioenleeftyd bereik het maar nog nie die uitdienstredingsleeftyd nie, kan, indien hy te eniger tyd skriftelik kennis gee van sy begeerte om met pensioen afgedank te word en die raad tot sodanige uitdienstreding instem, aldus afgedank word.

(3) 'n Lid wat die pensioenleeftyd bereik het maar nog nie die uitdienstredingsleeftyd nie, kan met pensioen afgedank word indien die raad dit gelas.

(4) 'n Lid kan, indien die raad aldus besluit en die lid daarmee instem, na die uitdienstredingsleeftyd van tyd tot tyd in sy amp of pos aangehou word vir dié verdere tydperke wat die raad mag bepaal.

Gratifikasies

16. Aan 'n lid wat—

- (a) voordat hy tien jaar pensioengewende diens voltooi het uit die diens van 'n raad tree, afgedank of ontslaan word—
 - (i) kragtens regulasie 15; of
 - (ii) as gevolg van 'n mediese verslag wat ooreenkomstig die bepalings van regulasie 18 (1) verstrekk is; of
- (b) voordat hy die pensioenleeftyd bereik het, uit die diens van 'n raad afgedank of ontslaan word—
 - (i) weens die afskaffing van sy amp of 'n vermindering in die personeel van 'n geassosieerde inrigting;
 - (ii) omdat sy ontslag, om ander redes as sy ongeskiktheid of onbevoegdheid, doeltreffendheid of besuiniging sal bevorder in die geassosieerde inrigting waar hy werksaam is;
 - (iii) weens ongeskiktheid (uitgesonderd swak gesondheid) vir sy werksaamhede of onvermoë om dit doeltreffend te verrig;

(c) under suspension from duty, and shall not be regarded as interrupted by leave of absence without pay: Provided that no period of employment, leave or suspension from duty of a member shall be included in his pensionable service unless the fund has received contributions or he has contributed to the fund in respect of that period or unless the contributions due in respect of that period are deducted from his pension in terms of regulation 9 (2).

(2) The pensionable service referred to in subregulation (1) shall, subject to subregulation (3), include—

- (a) any period of continuous service in respect of which contributions have been paid or are payable to the fund in terms of these regulations;
- (b) any period, in terms of regulation 11, 12, 13 or 24, included in a member's pensionable service for the purposes of the fund or deemed to be such pensionable service.

(3) No period referred to in the second proviso to regulation 11 or in regulation 12 (5) (a) (ii) or (b) or 12 (6) shall, for the purpose of calculating a benefit in terms of regulation 19, be reckoned as pensionable service.

(4) The period of pensionable service shall be calculated by the year and portion of a year and such portion of a year shall be determined according to the proportion which the number of days in that portion bears to three hundred and sixty-five.

Ages for Retirement

15. (1) Subject to the provisions of subregulations (2), (3) and (4) a member shall be retired on pension on attaining the retirement age.

(2) A member who has reached the pensionable age but has not attained the retirement age may, if at any time he gives written notification of his wish to be retired on pension and the council consents to such retirement, be so retired.

(3) A member who has reached the pensionable age but has not attained the retirement age may be retired on pension if the council so directs.

(4) A member may, if the council so decides and such member agrees thereto, be retained from time to time in his office or post beyond the retirement age for such further periods as the council may decide.

Gratuities

16. A member who—

- (a) before he has had ten years' pensionable service retires or is retired or discharged from the service of the council—
 - (i) in terms of regulation 15; or
 - (ii) as the result of a medical report furnished in terms of regulation 18 (1); or
- (b) before he has attained the pensionable age is retired or discharged from the service of a council—
 - (i) owing to the abolition of his office or to any reduction in the establishment of an associated institution;
 - (ii) if, for reasons other than his own unfitness or incapacity, his discharge will promote efficiency or economy in the associated institution with which he is employed;
 - (iii) on account of unfitness (other than ill-health) for his duties or incapacity to carry them out efficiently;

word, behoudens regulasie 27 (2), 'n gratifikasie betaal gelyk aan sestiens persent van sy jaarlikse gemiddelde pensioengewende verdienste gedurende die laaste drie jaar van sy pensioengewende diens of gedurende die hele tydperk van sodanige diens, naamlik die kortste tydperk, ten opsigte van elke jaar van sy pensioengewende diens.

Jaargeld en Gratifikasie na Tien Jaar Pensioengewende Diens

17. (1) 'n Lid wat kragtens regulasie 15 uit die diens van 'n raad tree of afgedank word of wat, nadat hy die pensioenleeftyd bereik het maar voordat hy die uitdienstredingsleeftyd bereik het, as gevolg van 'n mediese verslag wat ingevolge regulasie 18 (1) verstrekk is, afgedank of ontslaan word, en wat in beide gevalle minstens tien jaar pensioengewende diens voltooi het is geregtig op—

- (a) 'n jaargeld wat gebaseer is op sy jaarlikse gemiddelde pensioengewende verdienste gedurende die laaste drie jaar van sy pensioengewende diens en wat as 'n persentasie van genoemde gemiddelde ten opsigte van elke jaar pensioengewende diens bereken word ooreenkomstig onderstaande skaal:—

<i>Leeftyd laaste verjaarsdag op datum van uitdienstreding of ontslag</i>	<i>Persentasie van jaarlikse gemiddelde pensioengewende verdienste</i>
60	1.25
61	1.31
62	1.37
63	1.43
64	1.49
65 en ouer	1.55:

Met dien verstande dat indien 'n lid op die datum van sy uitdienstreding of ontslag drie maande ouer of meer as drie maande ouer is as die leeftyd wat hy op sy laaste verjaarsdag bereik het, die persentasie in hierdie paragraaf bedoel met 0.015 persent verhoog word vir elke voltooide sodanige drie maande, en dat die bedrag van 'n jaargeld ingevolge hierdie paragraaf bereken, met vyf persent vermeerder word en die aldus vermeerderde bedrag uit die fonds betaalbaar is;

- (b) 'n gratifikasie wat gebaseer is op genoemde gemiddelde en as vyf persent van sodanige gemiddelde ten opsigte van elke jaar van sy pensioengewende diens bereken word.

(2) 'n Lid wat minstens tien jaar pensioengewende diens voltooi het en wat, voordat hy die pensioenleeftyd bereik, as gevolg van 'n mediese verslag wat ooreenkomstig die bepalings van regulasie 18 (1) verstrekk is, uit die diens van 'n raad tree of ontslaan word, is, behoudens regulasie 27 (3), geregtig op—

- (a) 'n jaargeld wat gebaseer is op sy jaarlikse gemiddelde pensioengewende verdienste gedurende die laaste drie jaar van sy pensioengewende diens en bereken word teen 1.25 persent van daardie gemiddelde vir elke jaar van sy pensioengewende diens; en
- (b) 'n gratifikasie wat gebaseer is op genoemde gemiddelde en wat bereken word teen vyf persent van sodanige gemiddelde ten opsigte van elke jaar van sy pensioengewende diens:

Met dien verstande dat daar, vir die berekening van sodanige jaargeld en gratifikasie, maar nie vir die bepaling van sy jaarlikse gemiddelde pensioengewende verdienste nie, by sy pensioengewende diens 'n tydperk bygevoeg word wat gelyk is aan die helfte van die tydperk wat die pensioenleeftyd hoër is as sy leeftyd op die datum van sy uitdienstreding of ontslag: Met dien verstande voorts dat die bedrag van 'n jaargeld, ingevolge paragraaf (a) bereken, met vyf persent vermeerder word en die aldus vermeerderde bedrag uit die fonds betaalbaar is.

shall, subject to regulation 27 (2), be paid a gratuity equal to sixteen per cent of the annual average of his pensionable emoluments for the last three years of his pensionable service or for the whole period of such service, whichever is the shorter period, in respect of each year of his pensionable service.

Annuity and Gratuity After Ten Years' Pensionable Service

17. (1) A member who retires or is retired from the service of a council in terms of regulation 15 or who, after he has reached the pensionable age but before he has reached the retirement age, is retired or discharged as a result of a medical report furnished in terms of regulation 18 (1) and who, in either case, has had not less than ten years' pensionable service, shall be entitled to—

- (a) an annuity which shall be based on the annual average of his pensionable emoluments for the last three years of his pensionable service and shall be calculated as a percentage of the said average in respect of each year of pensionable service according to the following scale:—

<i>Age Last Birthday at Date of Retirement or Discharge</i>	<i>Percentage of Annual Average of Pensionable Emoluments</i>
60	1.25
61	1.31
62	1.37
63	1.43
64	1.49
65 and over	1.55:

Provided that, if a member's age at the date of his retirement or discharge exceeds his age last birthday by a period of three months or more, for every three completed months of such period the percentage referred to in this paragraph shall be increased by 0.015 per cent and that the amount of the annuity calculated in terms of this paragraph shall be increased by five per cent, the amount so increased being payable from the fund;

- (b) a gratuity which shall be based on the said average and shall be calculated at five per cent of such average in respect of each year of his pensionable service.

(2) A member who has had not less than ten years' pensionable service and who, before he reaches the pensionable age, retires or is retired or discharged from the service of a council as a result of a medical report furnished in terms of regulation 18 (1) shall, subject to regulation 27 (3), be entitled to—

- (a) an annuity which shall be based on the annual average of his pensionable emoluments for the last three years of his pensionable service and shall be calculated at the rate of 1.25 per cent of such average for each year of his pensionable service; and
- (b) a gratuity which shall be based on the said average and shall be calculated at the rate of five per cent of such average in respect of each year of his pensionable service:

Provided that there shall be added to his pensionable service, not for the purpose of determining the annual average of his pensionable emoluments but for the purpose of calculating such annuity and gratuity, a period equal to one-half of the period by which the pensionable age exceeds his age at the date of his retirement or discharge: Provided further that the amount of an annuity, calculated in terms of paragraph (a), shall be increased by five per cent, the amount so increased being payable from the fund.

Verslag van Mediese Raad

18. (1) 'n Lid wat weens swak gesondheid uit diens tree, afgedank of ontslaan word, is nie op 'n gratifikasie kragtens regulasie 16 of op 'n jaargeld en gratifikasie kragtens regulasie 17 (2) geregtig nie tensy 'n mediese raad bestaande uit minstens twee geneeshere deur 'n raad benoem, 'n volledige verslag indien in 'n vorm deur die Sekretaris voorgeskryf en tensy daardie verslag toon dat genoemde lid permanent ongeskik is om die werksaamhede van sy amp of pos doeltreffend te verrig en dat die swak gesondheid nie aan die lid se eie toedoen te wyte is nie.

(2) Indien 'n lid om gesondheidsredes uit diens tree of afgedank of ontslaan word onder omstandighede wat die indiening van 'n mediese verslag soos in subregulasie (1) bedoel, uitsluit, word hy behandel asof hy vrywillig uit die diens van 'n raad bedank het.

Voordele by Bedanking of Ontslag

19. (1) Behoudens die bepalings van regulasies 11, 14 (3) en 27 (4) word daar aan 'n lid wat vrywillig bedank of wat, in die geval van 'n vroulike lid weens haar huwelik ontslaan word, uit die fonds 'n bedrag ooreenkomstig die formule bereken, betaal tesame met twee persent van sodanige bedrag vir elke voltooide jaar pensioengewende diens, en daarbenewens word aan hom 'n bedrag betaal wat gelyk is aan 'n bedrag wat hy ingevolge regulasie 12 (7) (b) aan die fonds betaal het (maar nie rente wat ingevolge regulasie 12 (7) (c) op laasgenoemde bedrag betaal is nie): Met dien verstande dat in die geval van 'n lid wat kragtens regulasie 24 (1) of (5) 'n keuse gedoen het, die betaalbare bedrag, behoudens regulasies 14 (3) en 27 (4), nie minder mag wees nie as die totaal van—

(a) die bedrag wat uit die voorsorgfonds vir tegniese kolleges of die voorsorgfonds vir universiteitsinrigtings, na gelang van die geval, aan hom betaalbaar sou gewees het indien hy gekies het om nie lid van die fonds te word nie en op die dag onmiddellik voor die datum waarop hy lid van die fonds geword het, vrywillig bedank het; en

(b) 'n bedrag ooreenkomstig die formule bereken ten opsigte van die tydperk van sy pensioengewende diens wat op genoemde datum begin het, tesame met 2 persent van die totaal van daardie bedrag vir elke voltooide jaar van sodanige pensioengewende diens.

(2) Indien 'n lid weens wangedrag uit die diens van 'n raad ontslaan word of bedank of gevra word om te bedank ten einde ontslag weens wangedrag te vermy en aldus bedank, of uit sodanige diens ontslaan word om 'n rede wat nie spesifiek in hierdie regulasie genoem word nie, word daar behoudens regulasies 14 (3) en 27 (4) 'n bedrag ooreenkomstig die formule bereken, aan hom betaal tesame met 'n bedrag wat die lid ingevolge regulasie 12 (7) (b) aan die fonds betaal het, maar nie rente wat ingevolge regulasie 12 (7) (c) op laasgenoemde bedrag betaal is nie: Met dien verstande dat in die geval van 'n versekerde lid wat kragtens regulasie 24 (1) of (5) 'n keuse gedoen het, die betaalbare bedrag, behoudens die bepalings van regulasies 14 (3) en 27 (4), nie minder mag wees nie as die totaal van—

(a) die bedrag wat, na gelang van die geval, uit die voorsorgfonds vir tegniese kolleges of die voorsorgfonds vir universiteitsinrigtings aan hom betaalbaar sou gewees het, indien hy gekies het om nie 'n lid van die fonds te word nie en hy aldus bedank het of ontslaan is op die dag onmiddellik voor die datum waarop hy lid van die fonds geword het; en

(b) 'n bedrag ooreenkomstig die formule bereken ten opsigte van dié tydperk van die lid se pensioengewende diens wat op bedoelde datum begin het.

Medical Board Report

18. (1) A member who retires, is retired or discharged on account of ill-health shall not be entitled to a gratuity in terms of regulation 16 or an annuity and gratuity in terms of regulation 17 (2) unless a medical board consisting of at least two medical practitioners nominated by a council submits a detailed report in a form prescribed by the Secretary and unless such report indicates that the said member is permanently unfit to perform efficiently the duties of his office or post and that the ill-health has been occasioned without the member's own default.

(2) If a member retires or is retired or discharged on account of ill-health in circumstances which preclude the submission of the medical report referred to in subregulation (1), he shall be dealt with as if he had voluntarily resigned from the service of a council.

Benefits on Resignation or Discharge

19. (1) Subject to the provisions of regulations 11, 14 (3) and 27 (4) a member who voluntarily resigns or who, in the case of a female member, is discharged on account of her marriage shall be paid from the fund an amount calculated in accordance with the formula together with two per cent of such amount for each completed year of pensionable service and shall further be paid an amount equal to an amount paid by him in terms of regulation 12 (7) (b) (but excluding interest paid on the last-mentioned amount in terms of regulation 12 (7) (c)): Provided that in the case of a member who made an election in terms of regulation 24 (1) or (5) the amount payable shall, subject to regulations 14 (3) and 27 (4), not be less than the sum of—

(a) the amount which would have been payable to him from the technical colleges provident fund or the university institutions provident fund, as the case may be, had he elected not to become a member of the fund and had voluntarily resigned on the day immediately preceding the date on which he became a member of the fund; and

(b) an amount calculated in accordance with the formula in respect of the period of his pensionable service commencing on the said date, together with two per cent of the total of that amount for each completed year of such pensionable service.

(2) If a member is discharged from the service of a council on account of misconduct or resigns or is called upon to resign to avoid discharge for misconduct and does so resign, or is discharged from such service for a reason not specifically mentioned in these regulations, he shall, subject to regulations 14 (3) and 27 (4), be paid an amount calculated in terms of the formula together with an amount paid by him to the fund in terms of regulation 12 (7) (b) (but excluding interest paid on the last-mentioned amount in terms of regulation 12 (7) (c)): Provided that in the case of an insured member who made an election in terms of regulation 24 (1) or (5) the amount payable shall, subject to the provisions of regulations 14 (3) and 27 (4), not be less than the total of—

(a) the amount which would have been payable to him from the technical colleges provident fund or the university institutions provident fund, as the case may be, had he elected not to become a member of the fund and had he thus resigned or been discharged on the day immediately preceding the date on which he became a member of the fund; and

(b) an amount calculated in accordance with the formula in respect of the period of the member's pensionable service commencing on the said date.

Voordele by die Afsterwe van 'n Lid

20. (1) Indien 'n manlike lid wat nog nie die pensioenleef tyd bereik het nie, voor sy uitdienstreding of ontslag uit die diens van 'n raad te sterwe kom, word daar behoudens die bepalings van subregulasies (2) en (9), aan sy weduwee betaal—

- (a) 'n jaargeld wat gebaseer is op sy jaarlikse gemiddelde pensioengewende verdienste gedurende die laaste drie jaar van sy pensioengewende diens of die hele tydperk van daardie diens, naamlik die kortste tydperk, wat bereken word teen 0.625 persent van sodanige gemiddelde vir elke jaar pensioengewende diens, en wat nadat dit aldus bereken is, vermeerder word met vyf persent (die aldus vermeerderde bedrag uit die fonds betaalbaar synde); en
- (b) 'n gratifikasie wat gebaseer is op genoemde gemiddelde en bereken word teen 5 persent van sodanige gemiddelde ten opsigte van elke jaar pensioengewende diens: Met dien verstande dat indien sodanige lid ook oorleef word deur—
- (i) 'n voordeeltgeregtigde kind of twee of meer voordeeltgeregtigde kinders wat nie in die weduwee se sorg en bewaring is nie;
- (ii) sodanige voordeeltgeregtigde kind of kinders en 'n afhanklike; of
- (iii) 'n afhanklike;
- genoemde gratifikasie gedeeltelik aan die weduwee en gedeeltelik aan sodanige kind, kinders of afhanklike betaal mag word en tussen hulle verdeel moet word op dié wyse wat die Sekretaris, na oorlegpleging met die betrokke raad, mag bepaal.

(2) By die tydperk van pensioengewende diens soos in subregulasie (1) bedoel, word daar vir die berekening van die jaargeld en gratifikasie waarop die weduwee geregtig is, maar nie vir die bepaling van die lid se jaarlikse gemiddelde pensioengewende verdienste nie, 'n tydperk gevoeg wat gelyk is aan die tydperk wat die pensioenleef tyd hoër is as sy leef tyd op die datum van sy afsterwe.

(3) Indien 'n manlike lid wat die pensioenleef tyd bereik het, voor sy uitdienstreding of ontslag uit die diens van 'n raad te sterwe kom, word daar behoudens die bepalings van subregulasie (9), aan sy weduwee betaal—

- (a) 'n jaargeld wat gebaseer is op sy jaarlikse gemiddelde pensioengewende verdienste gedurende die laaste drie jaar van sy pensioengewende diens, naamlik die kortste tydperk, wat teen 'n persentasie van genoemde gemiddelde bereken word ten opsigte van elke jaar van sy pensioengewende diens ooreenkomstig onderstaande skaal en wat nadat dit aldus bereken is, met vyf persent vermeerder word (die aldus vermeerderde bedrag uit die fonds betaalbaar synde):

<i>Lid se leef tyd laaste verjaarsdag op datum van afsterwe</i>	<i>Persentasie van jaarlikse gemiddelde pensioengewende verdienste</i>
60	0.625
61	0.655
62	0.685
63	0.715
64	0.745
65 en ouer	0.775;

- (b) 'n gratifikasie wat gebaseer is op genoemde gemiddelde en teen vyf persent van sodanige gemiddelde bereken word ten opsigte van elke jaar van sy pensioengewende diens:

Met dien verstande dat indien 'n lid op die datum van sy afsterwe drie maande ouer of meer as drie maande ouer is as die leef tyd wat hy op sy laaste verjaarsdag bereik het, die persentasie in paragraaf (a) bedoel, met 0.0075 persent verhoog word vir elke voltooide sodanige drie maande: Met dien verstande voorts dat indien sodanige lid ook oorleef word deur—

Benefits on Death of a Member

20. (1) If a male member who has not attained the pensionable age dies before his retirement or discharge from the service of a council, there shall, subject to the provisions of subregulations (2) and (9), be paid to his widow—

- (a) an annuity which shall be based on the annual average of his pensionable emoluments for the last three years of his pensionable service or for the whole period of his pensionable service, whichever is the shorter period, and which shall be calculated at the rate of 0.625 per cent of such average for each year of pensionable service and which, after it has so been calculated, shall be increased by five per cent (the amount so increased being payable from the fund); and
- (b) a gratuity which shall be based on the said average and shall be calculated at the rate of 5 per cent of such average in respect of each year of pensionable service: Provided that, if such member is also survived by—
- (i) an eligible child or two or more eligible children who is or who are not in the care and custody of the widow;
- (ii) such eligible child or children and by a dependant; or
- (iii) a dependant,
- the said gratuity may be paid partly to the widow and partly to such child, children or dependant and shall be allocated among them in such manner as the Secretary, after consultation with the council concerned, may determine.

(2) There shall be added to the period of pensionable service referred to in subregulation (1), not for the purpose of determining the annual average of the member's pensionable emoluments but for the purpose of calculating the annuity and gratuity to which the widow shall be entitled, a period equal to the period by which the pensionable age exceeds his age at the date of his death.

(3) If a male member who has attained the pensionable age dies before his retirement or discharge from the service of a council, there shall, subject to the provisions of subregulation (9), be paid to his widow—

- (a) an annuity which shall be based on the annual average of his pensionable emoluments for the last three years of his pensionable service or for the whole period of his pensionable service, whichever is the shorter period, and shall be calculated at a percentage of the said average in respect of each year of pensionable service according to the following scale and which, after it has been so calculated, shall be increased by five per cent (the amount so increased being payable from the fund):

<i>Member's Age Last Birthday at Date of Death</i>	<i>Percentage of Annual Average of Pensionable Emoluments</i>
60	0.625
61	0.655
62	0.685
63	0.715
64	0.745
65 and over	0.775;

- (b) a gratuity which shall be based on the said average and shall be calculated at five per cent of such average in respect of each year of his pensionable service:

Provided that, if a member's age at the date of his death exceeds his age last birthday by a period of three months or more, for every three completed months of such period the percentage referred to in paragraph (a) shall be increased by 0.0075 per cent: Provided further that, if such member is also survived by—

- (i) 'n voordeelgeregtigde kind of twee of meer voordeelgeregtigde kinders wat nie in die weduwee se sorg en bewaring is nie;
- (ii) sodanige voordeelgeregtigde kind of kinders en 'n afhanklike; of
- (iii) 'n afhanklike;

die gratifikasie in paragraaf (b) genoem, gedeeltelik aan die weduwee en gedeeltelik aan sodanige kind, kinders of afhanklike betaal mag word en tussen hulle verdeel moet word op dié wyse wat die Sekretaris, na oorlegpleging met die betrokke raad, mag bepaal.

(4) Indien 'n manlike lid na sy uitdienstreding of ontslag uit die diens van 'n raad te sterwe kom, word daar, behoudens die bepalings van subregulasie (9), 'n jaargeld gelyk aan die helfte van die jaargeld aan hom betaalbaar kragtens regulasie 17, aan sy weduwee betaal.

(5) Indien 'n manlike lid voor sy uitdienstreding of ontslag uit die diens van 'n raad te sterwe kom en, benewens 'n weduwee, een voordeelgeregtigde kind of twee of meer voordeelgeregtigde kinders nalaat, word die volgende behoudens die bepalings van subregulasie (10) betaal—

- (a) terwyl daar slegs een voordeelgeregtigde kind is, ten opsigte van daardie kind 'n jaarlikse voordeel gelyk aan een-derde van die jaargeld wat kragtens subregulasie (1) of (3), na gelang van die geval, aan die weduwee betaalbaar is;
- (b) terwyl daar twee of meer voordeelgeregtigde kinders is, ten opsigte van daardie kinders 'n jaarlikse voordeel gelyk aan twee-derdes van genoemde jaargeld.

(6) Indien 'n manlike lid na sy uitdienstreding of ontslag uit die diens van 'n raad te sterwe kom en benewens 'n weduwee een voordeelgeregtigde kind of twee of meer voordeelgeregtigde kinders nalaat, word die volgende behoudens die bepalings van subregulasie (10) betaal—

- (a) terwyl daar slegs een voordeelgeregtigde kind is, ten opsigte van daardie kind 'n jaarlikse voordeel gelyk aan een-derde van die jaargeld wat kragtens subregulasie (4) aan die weduwee betaalbaar is;
- (b) terwyl daar twee of meer voordeelgeregtigde kinders is, ten opsigte van daardie kinders 'n jaarlikse voordeel gelyk aan twee-derdes van genoemde jaargeld.

(7) (a) Indien 'n manlike lid te sterwe kom en nie deur 'n weduwee oorleef word nie maar wel deur een voordeelgeregtigde kind of deur twee of meer voordeelgeregtigde kinders, word daar, behoudens die bepalings van subregulasie (10), ten opsigte van sodanige kind of kinders 'n jaarlikse voordeel betaal wat gelyk is aan dubbel die bedrag van die jaarlikse voordeel wat ooreenkomstig subregulasie (5) of (6), na gelang van die geval, betaalbaar sou gewees het indien die lid deur 'n weduwee oorleef is.

(b) Indien genoemde lid voor sy uitdienstreding of ontslag uit die diens van 'n raad te sterwe kom, kan daar, benewens sodanige jaarlikse voordeel, ten behoeve van sodanige voordeelgeregtigde kind of kinders 'n gratifikasie betaal word wat nie groter is nie as die gratifikasie wat kragtens subregulasies (1) en (2) of subregulasie (3), na gelang van die geval, aan genoemde lid se weduwee betaalbaar sou gewees het as hy op die datum van sy afsterwe getroud was: Met dien verstande dat—

- (i) indien sodanige lid oorleef word deur een of meer voordeelgeregtigde kinders, genoemde gratifikasie tussen hulle verdeel kan word op 'n wyse wat die Sekretaris, na oorlegpleging met die betrokke raad, bepaal;
- (ii) indien sodanige lid benewens een voordeelgeregtigde kind of twee of meer voordeelgeregtigde kinders deur 'n afhanklike oorleef word, genoemde gratifikasie gedeeltelik aan sodanige kind of kinders en

- (i) an eligible child or two or more eligible children who is or who are not in the care and custody of the widow;
- (ii) such eligible child or children and by a dependant or
- (iii) a dependant,

the gratuity referred to in paragraph (b) may be paid partly to the widow and partly to such child, children or dependant and shall be allocated among them in such manner as the Secretary, after consultation with the council concerned, may determine.

(4) If a male member dies after his retirement or discharge from the service of a council there shall, subject to the provisions of subregulation (9), be paid to his widow an annuity equal to one-half of the annuity payable to him under the provisions of regulation 17.

(5) If a male member dies before his retirement or discharge from the service of a council and leaves, in addition to a widow, one eligible child, or two or more eligible children, there shall, subject to the provisions of subregulation (10), be paid—

- (a) while there is only one eligible child, in respect of that child an annual benefit equal to one-third of the annuity payable to the widow in terms of subregulation (1) or (3) as the case may be;
- (b) while there are two or more eligible children, in respect of those children an annual benefit equal to two-thirds of the said annuity.

(6) If a male member dies after his retirement or discharge from the service of a council and leaves, in addition to a widow, one eligible child, or two or more eligible children, there shall, subject to the provisions of subregulation (10), be paid—

- (a) while there is only one eligible child, in respect of that child an annual benefit equal to one-third of the annuity payable to the widow in terms of subregulation (4);
- (b) while there are two or more eligible children, in respect of those children an annual benefit equal to two-thirds of the said annuity.

(7) (a) If a male member dies and is not survived by a widow but is survived by one eligible child or by two or more eligible children, there shall, subject to the provisions of subregulation (10), be paid in respect of such child or in respect of such children an annual benefit equal to twice the amount of the annual benefit which would have been payable in accordance with subregulation (5) or (6), as the case may be, had the member been survived by a widow.

(b) If the said member dies before his retirement or discharge from the service of a council, there may, in addition to such annual benefit, be paid, on behalf of such eligible child or such eligible children, a gratuity not exceeding the gratuity which would have been paid to the said member's widow in terms of subregulations (1) and (2) or subregulation (3), as the case may be, had he been married at the date of his death: Provided that—

- (i) if such member is survived by two or more eligible children, the said gratuity may be allocated among them in such manner as the Secretary, after consultation with the council concerned, may determine;
- (ii) if in addition to an eligible child or two or more eligible children such member is survived by a dependant, the said gratuity may be paid partly to such child or children and partly to the said

gedeeltelik aan genoemde afhanklike betaal mag word en tussen hulle verdeel word op 'n wyse wat die Sekretaris, na oorlegpleging met die betrokke raad, bepaal.

(8) (a) Indien 'n vroulike lid voor haar uitdienstreding of ontslag uit die diens van 'n raad te sterwe kom en die Sekretaris, met inagneming van die getuienis aan hom voorgelê en na oorlegpleging met die betrokke raad, daarvan oortuig is dat sodanige lid gereeld tot die onderhoud van 'n voordeelgeregtigde kind of twee of meer voordeelgeregtigde kinders bygedra het maar nie ten volle vir die onderhoud van sodanige kind of kinders verantwoordelik was nie, word die volgende behoudens die bepalings van subregulasie (10) betaal—

(i) terwyl daar slegs een voordeelgeregtigde kind is, ten opsigte van daardie kind 'n jaarlikse voordeel wat gelyk is aan een-derde van 'n jaargeld bereken ooreenkomstig die bepalings van subregulasies (1) en (2) van hierdie regulasie indien genoemde lid voor bereiking van die pensioenleeftyd te sterwe kom, of ooreenkomstig die bepalings van subregulasie (3) indien sodanige lid na bereiking van die pensioenleeftyd te sterwe kom;

(ii) terwyl daar twee of meer voordeelgeregtigde kinders is, ten opsigte van daardie kinders 'n jaarlikse voordeel wat gelyk is aan twee-derdes van sodanige jaargeld.

(b) Indien die Sekretaris daarvan oortuig is dat 'n lid wat in paragraaf (a) bedoel word, ten volle verantwoordelik was vir die gereelde onderhoud van sodanige kind of kinders, die jaarlikse voordeel wat aldus betaalbaar is, gelyk is aan dubbel die relevante voordeel wat in genoemde paragraaf bedoel word.

(c) Indien 'n vroulike lid te sterwe kom na haar uitdienstreding of ontslag uit diens van 'n raad en die Sekretaris daarvan oortuig is dat sodanige lid na haar uitdienstreding of ontslag gereeld tot die onderhoud van 'n voordeelgeregtigde kind of twee of meer voordeelgeregtigde kinders bygedra het, maar nie ten volle vir die onderhoud van sodanige kind of kinders verantwoordelik was nie, word die volgende behoudens die bepalings van subregulasie (10) betaal:

(i) terwyl daar slegs een voordeelgeregtigde kind is, ten opsigte van daardie kind 'n jaarlikse voordeel wat gelyk is aan een-sesde van die jaargeld wat kragtens die bepalings van regulasie 17 aan genoemde lid betaalbaar was;

(ii) terwyl daar twee of meer voordeelgeregtigde kinders is, ten opsigte van daardie kinders 'n jaarlikse voordeel wat gelyk is aan een-derde van genoemde jaargeld.

(d) Indien die Sekretaris daarvan oortuig is dat 'n lid wat in paragraaf (c) bedoel word, na haar uitdienstreding of ontslag ten volle vir die gereelde onderhoud van sodanige kind of kinders verantwoordelik was, is die jaarlikse voordeel wat aldus betaalbaar is, gelyk aan dubbel die relevante voordeel soos in genoemde subparagraaf bedoel.

(e) Indien 'n vroulike lid voor haar uitdienstreding of ontslag uit die diens van 'n raad te sterwe kom, kan daar, benewens 'n jaarlikse voordeel wat ingevolge die bepalings van paragraaf (a) of (b) betaal word, ten behoeve van sodanige voordeelgeregtigde kind of voordeelgeregtigde kinders 'n gratifikasie wat nie meer is nie as 'n gratifikasie wat ooreenkomstig die bepalings van subregulasies (1) en (2) van hierdie regulasie bereken is, betaal word indien genoemde lid voor bereiking van die pensioenleeftyd te sterwe kom, of wat ooreenkomstig die bepalings van subregulasie (3) bereken is indien sodanige lid na bereiking van die pensioenleeftyd te sterwe kom: Met dien verstande dat—

(i) indien sodanige lid deur twee of meer voordeelgeregtigde kinders oorleef word, genoemde gratifikasie tussen hulle verdeel word op 'n wyse wat die

dependant and may be allocated among them in such manner as the Secretary, after consultation with the council concerned, may determine.

(8) (a) If a female member dies before her retirement or discharge from the service of a council and the Secretary, having regard to the evidence submitted to him and after consultation with the council concerned, is satisfied that such member regularly contributed towards the maintenance of an eligible child or two or more eligible children but was not wholly responsible for the maintenance of such child or children, there shall, subject to the provisions of subregulation (10), be paid—

(i) while there is only one eligible child, in respect of that child an annual benefit equal to one-third of an annuity calculated, if the said member dies before attaining the pensionable age, in accordance with the provisions of subregulations (1) and (2) of this regulation or, if such member dies after attaining the pensionable age, in accordance with the provisions of subregulation (3);

(ii) while there are two or more eligible children, in respect of those children an annual benefit equal to two-thirds of such annuity.

(b) If the Secretary is satisfied that a member referred to in paragraph (a) was wholly responsible for the regular maintenance of such child or such children, the annual benefit so payable shall be equal to twice the amount of the relevant benefit referred to in the said paragraph.

(c) If a female member dies after her retirement or discharge from the service of a council and the Secretary is satisfied that such member, after her retirement or discharge, regularly contributed towards the maintenance of an eligible child or two or more eligible children but was not wholly responsible for the maintenance of such child or children, there shall, subject to the provisions of subregulation (10), be paid—

(i) while there is only one eligible child, in respect of that child an annual benefit equal to one-sixth of the annuity payable to the said member under the provisions of regulation 17;

(ii) while there are two or more eligible children, in respect of those children an annual benefit equal to one-third of the said annuity.

(d) If the Secretary is satisfied that after her retirement or discharge a member referred to in paragraph (c) was wholly responsible for the regular maintenance of such child or such children, the annual benefit so payable shall be equal to twice the relevant benefit referred to in the said subparagraph.

(e) If a female member dies before her retirement or discharge from the service of a council, there may, in addition to an annual benefit paid in terms of paragraph (a) or (b), be paid, on behalf of such eligible child or such eligible children, a gratuity not exceeding a gratuity calculated, if the said member dies before attaining the pensionable age, in accordance with the provisions of subregulations (1) and (2) of this regulation or, if such member dies after attaining the pensionable age, in accordance with subregulation (3): Provided that—

(i) if such member is survived by two or more eligible children, the said gratuity may be allocated among them in such manner as the Secretary, after con-

Sekretaris, na oorlegpleging met die betrokke raad, mag bepaal;

- (ii) indien sodanige lid, benewens 'n voordeelgeregtigde kind of twee of meer voordeelgeregtigde kinders, ook deur 'n afhanklike oorleef word, genoemde gratifikasie gedeeltelik aan sodanige kind of kinders en gedeeltelik aan genoemde afhanklike betaal mag word en tussen hulle verdeel word op 'n wyse wat die Sekretaris, na oorlegpleging met die betrokke raad, bepaal.

(9) (a) 'n Jaargeld wat ingevolge subregulasie (1), (3) of (4) van hierdie regulasie aan 'n weduwee betaalbaar is, verval op die eerste dag van die maand wat volg op die maand waarin sy te sterwe kom of weer trou.

(b) Indien 'n weduwee wat in ontvangs van so 'n jaargeld is, te sterwe kom en oorleef word deur 'n voordeelgeregtigde kind of voordeelgeregtigde kinders ten opsigte van wie 'n jaarlikse voordeel ingevolge subregulasie (5) of (6) betaalbaar is, word die bedrag van sodanige jaarlikse voordeel met ingang van die dag onmiddellik na die dag van haar afsterwe vermeerder tot dubbel die skaal waarvolgens dit of vir een voordeelgeregtigde kind of vir twee of meer voordeelgeregtigde kinders, na gelang van die geval, betaalbaar sou gewees het as sy nie te sterwe gekom het nie.

(c) Indien genoemde weduwee weer trou en daar 'n voordeelgeregtigde kind of voordeelgeregtigde kinders is ten opsigte van wie 'n jaarlikse voordeel ingevolge subregulasie (5) of (6) betaalbaar is, word daar aangehou om sodanige jaarlikse voordeel te betaal volgens die skaal waarvolgens dit betaal sou gewees het as die weduwee nie weer getrou het nie.

(10) (a) Waar daar voordeelgeregtigde kinders uit meer as een huwelik is en nie al die kinders in die bewaring en sorg van die weduwee is nie of as sodanige kinders in die geval van 'n vroulike lid, onmiddellik voor haar afsterwe nie in haar bewaring en sorg was nie, kan die Sekretaris die jaarlikse voordeel wat ooreenkomstig hierdie regulasie toegestaan is, onder genoemde kinders verdeel in dié verhouding wat hy bepaal: Met dien verstande dat indien 'n kind te eniger tyd ophou om op die jaarlikse voordeel geregtig te wees, die Sekretaris genoemde voordeel onder die oorblywende kinders mag herverdeel.

(b) Die Sekretaris kan, indien hy van mening is dat dit wenslik is om dit te doen, te eniger tyd die betaling van die hele jaarlikse voordeel wat ten opsigte van 'n kind of ten opsigte van twee of meer kinders betaalbaar is, of 'n gedeelte daarvan, opskort, gelas dat ondersoek ingestel word na die omstandighede en welsyn van die kind of kinders en die toekenning van die voordeel in hersiening neem en die stappe doen wat hy dienstig ag om die behoorlike administrasie van die voordeel te verseker: Met dien verstande dat enige gedeelte van die voordeel wat gedurende die tydperk van opskorting betaalbaar was en wat teruggehou is, by die hervatting van die betaling betaal moet word.

(11) Indien 'n lid voor sy uitdienstreding of ontslag uit die diens van 'n raad te sterwe kom en nie deur 'n weduwee of 'n voordeelgeregtigde kind oorleef word nie, kan daar, behoudens die bepalings van regulasie 26 (1) of van subregulasie (13) van hierdie regulasie, 'n gratifikasie gelyk aan dubbel die bedrag ooreenkomstig die formule bereken aan of ten bate van dié afhanklikes van hom wat die Sekretaris mag bepaal, betaal word.

(12) Indien 'n lid binne vyf jaar na die datum van sy uitdienstreding of ontslag met 'n jaargeld te sterwe kom en nie deur 'n weduwee of voordeelgeregtigde kind oorleef word nie, kan daar, behoudens die bepalings van subregulasie (13), aan of ten bate van dié afhanklikes van hom wat die Sekretaris mag bepaal, 'n gratifikasie betaal word wat gelyk is aan die som van die jaargeld wat vanaf die eerste dag van die maand wat volg op die maand

sultation with the council concerned, may determine;

- (ii) if in addition to an eligible child or two or more eligible children such member is survived by dependant, the said gratuity may be paid partly to such child or children and partly to the said dependant and may be allocated among them in such manner as the Secretary, after consultation with the council concerned, may determine.

(9) (a) Any annuity payable to a widow in terms of subregulation (1), (3) or (4) of this regulation shall cease on the first day of the month following the month in which she dies or remarries.

(b) If a widow who is in receipt of such annuity dies and is survived by an eligible child or eligible children in respect of whom an annual benefit is payable in terms of subregulation (5) or (6), the amount of such annual benefit shall be increased, as from the day immediately following the day of her death, to twice the rate at which it would have been payable, either for one eligible child or for two or more eligible children, as the case may be, had she not died.

(c) If the said widow remarries and there is an eligible child or there are eligible children in respect of whom an annual benefit is payable in terms of subregulation (5) or (6), such annual benefit shall continue to be paid at the rate at which it would have been paid had the widow not remarried.

(10) (a) Where there are eligible children of more than one marriage and not all such children are in the custody and care of the widow or, in the case of a female member if such children, immediately prior to her death, were not in her custody and care, the Secretary may allocate the annual benefit granted in terms of this regulation among the said children in such proportion as he may determine. Provided that, if at any time a child ceases to be eligible for the annual benefit, the Secretary may reallocate the said benefit among the remaining children.

(b) The Secretary may at any time, if he is of the opinion that it is desirable to do so, suspend payment of part or the whole of an annual benefit payable in respect of a child or in respect of two or more children, direct that enquiries be made into the circumstances and well-being of the child or children and review the award of the benefit and take such action as he may deem fit to ensure proper administration of the benefit: Provided that any portion of the benefit which was payable during the period of suspension and which was withheld shall be paid on resumption of payment of the benefit.

(11) If a member dies before his retirement or discharge from the service of a council and is not survived by a widow or an eligible child, there may, subject to the provisions of regulation 26 (1) or of subregulation (13) of this regulation, be paid to or for the benefit of such of his dependants as the Secretary may determine a gratuity equal to twice the amount calculated in terms of the formula.

(12) If a member dies within five years of the date of his retirement or discharge on an annuity and is not survived by a widow or an eligible child, there may, subject to the provisions of subregulation (13), be paid to or for the benefit of such of his dependants as the Secretary may determine, a gratuity equal to the aggregate amount of the annuity which, had he not died, would have been paid to the member from the first day of the month following the

waarin hy dood is tot en met die laaste dag van die maand waarin genoemde vyf jaar verstryk aan hom betaal sou gewees het indien hy nie te sterwe gekom het nie.

(13) Die gratifikasies in subregulasies (11) en (12) bedoel, kan onder genoemde afhanklikes verdeel word op dié wyse en in dié verhouding wat die Sekretaris, in oorleg met die betrokke raad, mag bepaal, en die Sekretaris mag die gratifikasie of 'n gedeelte van die gratifikasie aldus verdeel, verminder in 'n mate wat hy, met inagneming van die omstandighede van die afhanklikes, redelik ag: Met dien verstande dat in die geval van 'n gratifikasie wat kragtens subregulasie (11) betaalbaar is, sodanige gratifikasie nie verminder mag word nie tot 'n bedrag wat kleiner is as die bedrag wat aan die boedel betaal sou gewees het as die bepalings van subregulasie (15) van toepassing was.

(14) Ondanks die bepalings van subregulasie (7) of (8) van hierdie regulasie, mag die totaal van die voordele wat ingevolge paragrawe (a) en (b) van subregulasie (7) of paragrawe (a), (b) en (c) van subregulasie (8), na gelang van die geval, betaal of verskuldig is, nie minder wees nie as die gratifikasie wat ten opsigte van die betrokke voordeelgeregtigde kind of voordeelgeregtigde kinders betaal sou gewees het as die bepalings van subregulasie (11) in plaas daarvan van toepassing was.

(15) Indien 'n lid voor sy uitdienststreding of ontslag uit die diens van 'n raad te sterwe kom sonder dat hy 'n weduwee, 'n voordeelgeregtigde kind of 'n afhanklike nalaat, word, behoudens regulasie 26 (1), 'n bedrag ooreenkomstig die formule bereken aan sy boedel betaal.

Lede wat na 'n Ander Pensioengewende Diens Oorgeplaas of Daarin Aangestel word

21. (1) Indien 'n lid sonder 'n onderbreking in die kontinuïteit van sy diens of, behoudens 'n bepaling in enige ander wet vervat, met 'n onderbreking in die kontinuïteit van sy diens wat deur die Sekretaris as nodig en redelik onder die omstandighede goedgekeur word, oorgeplaas word na of aangestel word in diens ten opsigte waarvan hy lid word van—

- (a) 'n ander pensioen- of voorsorgfonds wat by wet ingestel is en deur die Minister geadministreer word;
- (b) 'n pensioenfonds wat by wet ingestel is en deur die Spoorwegadministrasie geadministreer word;
- (c) 'n ander pensioen- of voorsorgfonds of 'n ander skema wat vir 'n uitdienststredingspensioen voorsiening maak, hetsy in of buite die Republiek, wat nie 'n fonds of skema is wat in paragraaf (a) of (b) bedoel word nie en wat vir die toepassing van hierdie regulasie deur die Minister erken word;

dan word daar—

- (i) in die geval van sodanige ander pensioen- of voorsorgfonds in paragraaf (a) of (b) bedoel waar die betrokke lid toegelaat word om sy vorige pensioengewende diens as lid van die fonds as pensioengewende diens te reken en om ten opsigte daarvan by te dra; of
- (ii) in die geval van sodanige ander pensioen- of voorsorgfonds of -skema in paragraaf (c) bedoel, waar die betrokke lid toegelaat word en kies om sy vorige pensioengewende diens as lid van die fonds as pensioengewende diens te reken en ten opsigte daarvan by te dra—

behoudens die ander bepalings van hierdie regulasie, uit die fonds aan sodanige ander pensioen- of voorsorgfonds of skema dié bedrag betaal wat sodanige fonds of skema ten opsigte van die erkenning van sodanige pensioengewende diens vereis.

(2) In die geval van 'n fonds of skema in subregulasie (1) (c) genoem, is die bedrag wat aldus betaalbaar is, nie groter nie as die totaalbedrag van—

month in which he died up to and including the last day of the month in which the said five years expired.

(13) The gratuities referred to in subregulations (11) and (12) may be allocated among the said dependants in such manner and in such proportion as the Secretary, in consultation with the council concerned, may determine and the Secretary may reduce the gratuity or any portion of the gratuity so allocated to an extent which, having regard to the circumstances of the dependants, appears to him to be reasonable: Provided that in the case of a gratuity payable in terms of subregulation (11) such gratuity shall not be reduced to an amount less than the amount which would have been paid to the estate had the provisions of subregulation (15) been applicable.

(14) Notwithstanding anything in subregulation (7) or (8) of this regulation contained, the aggregate of the benefits paid or due in terms of paragraphs (a) and (b) of subregulation (7), or paragraphs (a), (b) and (c) of subregulation (8), as the case may be, shall not be less than the gratuity which would have been paid in respect of the eligible child or eligible children concerned had the provisions of subregulation (11) instead been applicable.

(15) If a member dies before his retirement or discharge from the service of a council without leaving a widow, an eligible child or a dependant, an amount calculated in accordance with the formula shall, subject to regulation 26 (1), be paid to his estate.

Members Transferred or Appointed to Other Pensionable Employment

21. (1) If a member is transferred or is appointed without a break in the continuity of his employment or subject to any provision in any other law contained, with such break in the continuity of his employment as may be approved by the Secretary as necessary and reasonable in the circumstances, to employment in respect of which he becomes a member of—

- (a) any other pension or provident fund established by law and administered by the Minister;
- (b) a pension fund established by law and administered by the Railways Administration;
- (c) any other pension or provident fund or any other scheme providing for a retirement pension, whether in or outside the Republic, which is not a fund or scheme referred to in paragraph (a) or (b) and which is recognized by the Minister for the purposes of this regulation,

then there shall—

- (i) in the case of such other pension or provident fund referred to in paragraph (a) or (b), where the member concerned is permitted to reckon his past pensionable service as a member of the fund as pensionable service and to contribute in respect thereof; or
- (ii) in the case of such other pension or provident fund or scheme referred to in paragraph (c), where the member concerned is permitted and elects to reckon his past pensionable service as a member of the fund as pensionable service and to contribute in respect thereof—

subject to the other provisions of this regulation, be paid out of the fund to such other pension or provident fund or scheme such amount as such fund or scheme may require in respect of the recognition of such pensionable service.

(2) In the case of any fund or scheme referred to in subregulation (1) (c) the amount so payable shall not exceed the aggregate of—

- (a) twee maal die bedrag ooreenkomstig die formule bereken; en
- (b) $2\frac{1}{2}$ persent van die bedrag kragtens paragraaf (a) bereken vir elke voltooid jaar van die tydperk van die lid se pensioengewende diens en vir 'n deel van 'n jaar in sodanige tydperk 'n persentasie van laasgenoemde bedrag wat tot $2\frac{1}{2}$ persent in dieselfde verhouding staan as die getal dae in sodanige deel tot driehonderd vyf-en-sestig staan:

Met dien verstande dat die aldus berekende totaalbedrag in die geval van 'n versekerde lid verminder word met 'n bedrag ooreenkomstig regulasie 27 (2) bereken.

(3) By die bedrag wat aan die ander pensioen- of voorsorgfonds of -skema betaalbaar is, word rente gevoeg teen die koers van $4\frac{1}{2}$ persent per jaar, jaarliks saamgestel op die een-en-dertigste dag van Maart en bereken vanaf die datum waarop sodanige lid opgehou het om lid van die fonds te wees tot en met die datum onmiddellik voor die datum van betaling.

(4) Indien 'n lid wat aldus oorgeplaas of aangestel word, nie toegelaat word om ten opsigte van sy vorige pensioengewende diens as lid van die fonds tot die ander pensioen- of voorsorgfonds of ander skema by te dra nie of, indien hy in die geval van 'n fonds in subregulasie (1) (c) genoem, toegelaat word om dit te doen, nie aldus bydra nie, word, behoudens die bepaling van subregulasie (6)—

- (a) aan hom 'n bedrag wat gelyk is aan dubbel 'n bedrag ooreenkomstig die formule bereken, betaal indien sodanige diens 'n opvoedkundige of wetenskaplike navorsingsdiens is wat vir die toepassing van hierdie paragraaf deur die Minister as sodanig erken word;
- (b) hy behandel asof hy vrywillig bedank het indien sodanige diens nie 'n opvoedkundige of wetenskaplike navorsingsdiens is nie:

Met dien verstande dat 'n bedrag bereken ooreenkomstig regulasie 27 (2), in die geval van 'n versekerde lid afgetrek word van die bedrag ooreenkomstig paragraaf (a) bereken.

(5) Indien 'n lid na 'n opvoedkundige of wetenskaplike navorsingsdiens wat vir die toepassing van hierdie subregulasie deur die Minister erken word, oorgeplaas of daarin aangestel word en daar geen pensioen- of voorsorgfonds of ander -skema bestaan waartoe hy kan bydra nie, word daar, behoudens die bepaling van subregulasie (6), aan hom 'n bedrag betaal wat gelyk is aan twee maal 'n bedrag ooreenkomstig die formule bereken: Met dien verstande dat, in die geval van 'n versekerde lid, 'n bedrag ooreenkomstig regulasie 27 (2) bereken, van die aldus berekende bedrag afgetrek word.

(6) Van die bedrag wat ingevolge hierdie regulasies betaalbaar is, word daar alle bydraes of ander bedrae afgetrek wat deur of ten opsigte van genoemde lid op die datum waarop hy ophou om lid van die fonds te wees, betaalbaar mag wees en nog nie betaal is nie.

(7) Indien 'n lid oorgeplaas word na 'n diens wat nie „diens” is soos in subregulasie (1) bedoel nie, word hy ooreenkomstig die bepaling van regulasie 19 behandel asof hy vrywilliglik bedank het.

(8) By betaling in die geval van 'n versekerde lid, van die bedrag wat ingevolge hierdie regulasie of aan sodanige ander pensioen- of voorsorgfonds of ander -skema of aan die lid self, na gelang van die geval, verskuldig is en na aftrekking van 'n bedrag wat ingevolge die betrokke subregulasie verhaalbaar is, word die sessie van sy versekeringspolis ten gunste van die Sekretaris ingetrek en die polis aan die lid terugbesorg.

Betaling uit Inkomste of deur 'n Raad aan die Fonds

22. (1) 'n Raad betaal aan die end van elke maand aan die fonds—

- (a) die totaalbedrag van die bydraes wat lede in sy diens ten opsigte van die betrokke maand ingevolge regulasie 8 aan die fonds verskuldig is, en kan die

- (a) twice the amount calculated in accordance with the formula, and

- (b) $2\frac{1}{2}$ per cent of the amount calculated in terms of paragraph (a) for each completed year in the period of the member's pensionable service and, for a portion of a year in such period, a percentage of the last-mentioned amount which bears the same ratio to $2\frac{1}{2}$ per cent as the number of days in such portion bears to three hundred and sixty-five:

Provided that the amount so calculated shall, in the case of an insured member, be reduced by an amount calculated in terms of regulation 27 (2).

(3) There shall be added to the amount payable to such other pension or provident fund or scheme interest at the rate of $4\frac{1}{2}$ per cent per annum annually compounded as at the thirty-first day of March and calculated as from the day upon which such member ceased to be a member of the fund and up to and including the day immediately preceding the date of payment.

(4) If a member who is so transferred or appointed is not permitted to contribute to the other pension or provident fund or other scheme in respect of his past pensionable service as a member of the fund or, if, in the case of a fund referred to in subregulation (1) (c), is permitted to do so but does not so contribute, he shall, subject to the provisions of paragraph (6)—

- (a) if such employment is an educational or scientific research service recognized by the Minister as such for the purposes of this paragraph, be paid an amount equal to twice an amount calculated in accordance with the formula;
- (b) if such employment is not an educational or scientific research service, be dealt with as if he had voluntarily resigned:

Provided that an amount calculated in terms of regulation 27 (2) shall, in the case of an insured member, be deducted from the amount calculated in terms of paragraph (a).

(5) If a member is transferred or appointed to an educational or scientific research service recognized by the Minister for the purposes of this subregulation and there exists no pension or provident fund or other scheme to which he may contribute, he shall, subject to the provisions of subregulation (6), be paid an amount equal to twice an amount calculated in accordance with the formula: Provided that, in the case of an insured member, an amount calculated in terms of regulation 27 (2) shall be deducted from the amount so calculated.

(6) There shall be deducted from any amount payable in terms of this regulation any contributions or any other amount which may be payable by or in respect of the said member at the date upon which he ceased to be a member of the fund, and which remain unpaid.

(7) If a member is transferred to employment which is not employment referred to in subregulation (1), he shall be dealt with in accordance with the provisions of regulation 19 as if he had voluntarily resigned.

(8) On payment, in the case of an insured member, of the amount due in terms of this regulation, either to such other pension or provident fund or other scheme or to the member himself, as the case may be, and after the deduction of any amount which is recoverable in terms of the subregulation concerned, the cession of his policy of assurance in favour of the Secretary shall be cancelled and the policy returned to the member.

Payment to the Fund from Revenue or by a Council

22. (1) A council shall at the end of every month pay to the fund—

- (a) the aggregate amount of the contributions due, in terms of regulation 8, by members in its service to the fund in respect of the month in question, and

bedrag van sodanige bydraes, ooreenkomstig regulasie 9 (1), op die betrokke lede verhaal;

- (b) 'n werkgewersbydrae gelyk aan die totaalbedrag in paragraaf (a) genoem;
- (c) 'n ander bedrag wat in die betrokke maand ooreenkomstig hierdie regulasies vir die kredit van die fonds deur 'n lid aan sodanige raad betaal, of deur sodanige raad op 'n lid verhaal is;
- (d) 'n werkgewersbydrae gelyk aan 'n bedrag wat gedurende die betrokke maand ingevolge regulasie 12 (3) deur 'n lid in sy diens aan die fonds betaalbaar word.

(2) Op die een-en-dertigste dag van Maart elke jaar word daar uit inkomste rente teen $4\frac{1}{2}$ persent per jaar betaal op die gemiddelde onbelegde bedrae in die fonds aan die einde van elke maand binne die tydperk ten opsigte waarvan die rente betaalbaar is.

HOOFSTUK II

Woordomskrywing

23. In hierdie Hoofstuk tensy dit uit die samehang anders blyk, beteken—

„nuwe voorsorgfondsregulasies” die regulasies opgestel kragtens artikel 12 (1) (a) en (g) van die Wet tot Addisionele Regeling van het Hoger Onderwijs, 1917 (Wet No. 20 van 1917), gelees met artikels 19 en 29 van die Wet op Universiteite, 1955 (Wet No. 61 van 1955), en afgekondig by Goewermentskennisgewing No. 1134 van 19 Mei 1950, en ook alle wysigings daarvan wat by latere Goewermentskennisgewings afgekondig is;

„ou voorsorgfondsregulasies” die regulasies opgestel kragtens artikel 12 (1) (a) en (g) van die Wet tot Addisionele Regeling van het Hoger Onderwijs, 1917 (Wet No. 20 van 1917), gelees met artikels 19 en 29 van die Wet op Universiteite, 1955 (Wet No. 61 van 1955), wat van krag was vóór die inwerking-treding van die nuwe voorsorgfondsregulasies en wat van krag gebly het ten opsigte van daardie persone wat nie ooreenkomstig regulasie 5 van genoemde nuwe voorsorgfondsregulasies gekies het dat laasgenoemde regulasies op hulle van toepassing moet wees nie;

„versekeringspolis” 'n uitkeringslebensversekeringspolis soos bedoel in regulasie 25;

„regulasies betreffende die voorsorgfonds vir tegniese kolleges” die regulasies opgestel kragtens artikel 19 (1) (g) van die Hoger Onderwijs Wet, 1923 (Wet No. 30 van 1923), en gepubliseer by Goewermentskennisgewing No. 977 van 28 April 1950, en ook alle wysigings daarvan wat in latere Goewermentskennisgewings gepubliseer is.

Keuse van Sekere Persone om Lede van die Fonds te word

24. (1) Iemand wat, onmiddellik voor die bepaalde datum, in die diens van 'n geassosieerde inrigting was en 'n bydraer tot die voorsorgfonds vir universiteitsinrigtings is, of in die diens was van 'n inrigting wat verklaar is tot 'n inrigting waarop die bepalinge van die Wet op Staats-ondersteunde Inrigtings, 1931, van toepassing is, en 'n bydraer tot die voorsorgfonds vir tegniese kolleges is, kan behoudens die bepalinge van regulasie 6 en, in die geval van iemand op wie die ou voorsorgfondsregulasies van toepassing is, behoudens subregulasie (2) (a), binne 90 dae vanaf die datum waarop hy deur die raad in wie se diens hy is, aangesê word om dit te doen, of binne dié addisionele tydperk wat die Sekretaris onder spesiale omstandighede mag toelaat, skriftelik kies om onthef te word van alle verpligtinge en afstand te doen van alle regte en voorregte in die betrokke voorsorgfonds en om lid te word van die fonds, en indien hy aldus kies—

may, in terms of regulation 9 (1), recover the amount of such contributions from the members concerned;

- (b) an employer's contribution equal to the aggregate amount referred to in paragraph (a);
- (c) any other amount which, in terms of these regulations, has, in the month in question, been paid to such council by or recovered by such council from any member for the credit of the fund;
- (d) an employer's contribution equal to an amount which, during the month in question, in terms of regulation 12 (3), becomes payable to the fund by a member in its service.

(2) On the thirty-first day of March in each year there shall be paid from revenue interest at the rate of $4\frac{1}{2}$ per cent per annum on the average of the uninvested amounts in the fund at the end of each month during the period in respect of which the interest is payable.

CHAPTER II

Interpretation of Terms

23. In this Chapter unless the context otherwise indicates—

“new provident fund regulations” means the regulations made in terms of section 12 (1) (a) and (g) of the Higher Education Additional Provision Act, 1917 (Act No. 20 of 1917), read with sections 19 and 29 of the Universities Act, 1955 (Act No. 61 of 1955), and published in Government Notice No. 1134 of 19 May 1950, and includes any amendments thereof published in subsequent Government Notices;

“old provident fund regulations” means the regulations made in terms of section 12 (1) (a) and (g) of the Higher Education Additional Provision Act, 1917 (Act No. 20 of 1917), read with sections 19 and 29 of the Universities Act, 1955 (Act No. 61 of 1955), which were in force prior to the coming into force of the new provident fund regulations and which have continued to apply in respect of those persons who did not elect in terms of regulation 5 of the said new provident fund regulations to be governed by the latter regulations;

“policy of assurance” means a policy of endowment life assurance referred to in regulation 25;

“technical colleges provident fund regulations” means the regulations made in terms of section 19 (1) (g) of the Higher Education Act, 1923 (Act No. 30 of 1923), and published in Government Notice No. 977 of 28 April 1950, and includes any amendments thereof published in subsequent Government Notices.

Option of Certain Persons to Become Members of the Fund

24. (1) Any person who immediately prior to the specified date was in the service of an associated institution and is a contributor to the university institutions provident fund, or was in the service of an institution which has been declared to be subject to the provisions of the State-aided Institutions Act, 1931, and is a contributor to the technical colleges provident fund, may, subject to the provisions of regulation 6 and, in the case of a person governed by the old provident fund regulations, to the provisions of subregulation (2) (a), elect in writing within ninety days of the date of his being called upon by the council in whose service he is to do so, or within such further period as the Secretary may in special circumstances allow, to be released from all obligations and to relinquish all rights and privileges in the provident fund concerned and to become a member of the fund, and if he so elects—

- (a) word hy lid van die fonds en dra daartoe by met ingang van die eerste dag van die tweede maand wat volg op die maand waarin hy sy keuse gedoen het;
- (b) word die hele tydperk van sy vorige pensioengewende diens geag pensioengewende diens vir die toepassing van hierdie regulasies te wees;
- (c) word daar aan die fonds uit die betrokke voorsorgfonds 'n bedrag betaal wat gelyk is aan die totaal van—
 - (i) die bedrag wat op die een-en-dertigste dag van Maart voor die beëindiging van sy lidmaatskap van die voorsorgfonds in sy krediet in die voorsorgfonds staan na die byvoeging van die diwidend wat op daardie datum betaal of verskuldig is ingevolge paragraaf 8 (2) (a) van die nuwe voorsorgfondsregulasies of ingevolge regulasie 39 van die ou voorsorgfondsregulasies of paragraaf 41 (2) (a) van die regulasies betreffende die voorsorgfonds vir tegniese kolleges, na gelang van die geval;
 - (ii) enige bedrag wat deur of ten opsigte van sodanige persoon aan die betrokke voorsorgfonds betaal is na genoemde een-en-dertigste dag van Maart min versekeringspremies wat na daardie datum uit daardie fonds betaal is;
 - (iii) rente op die bedrae in subparagrafe (i) en (ii) bedoel, bereken ooreenkomstig paragraaf 8 (2) (b) van die nuwe voorsorgfondsregulasies of regulasie 40 (2) van die ou voorsorgfondsregulasies of paragraaf 41 (2) (b) van die regulasies betreffende die voorsorgfonds vir tegniese kolleges, na gelang van die geval.

(2) (a) Enigeen in subregulasie (1) bedoel, wat kies om lid van die fonds te word en wat onmiddellik voordat hy lid geword het, aan die ou voorsorgfondsregulasies onderworpe was, moet, benewens enige bedrag wat ingevolge subregulasie (1) (c) betaal is, 'n bedrag aan die fonds betaal wat gelyk is aan die totaal van—

- (i) die verskil tussen die bydraes van ses persent wat hy aan die voorsorgfonds vir universiteitsinrigtings betaal het gedurende die tydperk vanaf die eerste dag van Augustus 1949 tot die dag onmiddellik voor die dag waarop hy lid van die fonds word, en die bydraes van sewe persent wat hy ten opsigte van daardie tydperk aan genoemde voorsorgfonds sou betaal het indien hy aan die nuwe voorsorgfondsregulasies onderworpe was;
 - (ii) die diwidende en rente op die addisionele bydrae van een persent in subparagraaf (i) bedoel, waarmee hy kragtens die nuwe voorsorgfondsregulasies gekrediteer sou gewees het tot op die dag onmiddellik voor die dag waarop hy lid van die fonds word.
- (b) Iemand op wie subregulasie (1) betrekking het en wat kies om lid van die fonds te word, moet aan die fonds enige bedrag betaal wat hy aan die voorsorgfonds vir tegniese kolleges of die voorsorgfonds vir universiteitsinrigtings, na gelang van die geval, verskuldig was en wat onbetaald is op die datum waarop hy lid word.

(3) Indien iemand op wie subregulasie (2) van toepassing is nie in staat is om die bedrag wat hy verskuldig is, in een paalement te likwideer nie, word die bedrag op hom verhaal op dié wyse en in dié paalemente wat die Sekretaris mag bepaal en betaal hy rente teen die koers van 4½ persent per jaar, jaarliks saamgestel op die een-en-dertigste dag van Maart, op die bedrag wat aan die einde van elke maand onbetaald bly.

(4) 'n Bedrag gelyk aan die bedrag wat ingevolge subregulasie (2) (a) deur 'n persoon betaalbaar is, word betaal deur die raad in wie se diens sodanige persoon is: Met dien verstande dat indien sodanige raad nie by wet verplig was om bydraes tot die voorsorgfonds vir universiteits-

- (a) he shall become a member of and shall contribute to the fund as from the first day of the second month following the month in which he makes his election;
- (b) the whole period of his past pensionable service shall be deemed to be pensionable service for the purposes of these regulations;
- (c) there shall be paid from the provident fund concerned to the fund an amount equal to the sum of—
 - (i) the amount standing to his credit in that provident fund as at the thirty-first day of March preceding the termination of his membership of the provident fund, after the addition of the dividend paid or due on that day in terms of paragraph 8 (2) (a) of the new provident fund regulations, regulation 39 of the old provident fund regulations or paragraph 41 (2) (a) of the technical colleges provident fund regulations, as the case may be;
 - (ii) any amount paid to the provident fund concerned by or in respect of such person subsequent to the said thirty-first day of March less any assurance premiums paid out of that fund after that date;
 - (iii) interest on the amounts referred to in subparagraphs (i) and (ii) calculated in terms of paragraph 8 (2) (b) of the new provident fund regulations or regulation 40 (2) of the old provident fund regulations or of paragraph 41 (2) (b) of the technical colleges provident fund regulations, as the case may be.

(2) (a) Any person to whom subregulation (1) refers who elects to become a member of the fund and who immediately prior to becoming a member was governed by the old provident fund regulations, shall pay to the fund, in addition to any amount paid in terms of subregulation (1) (c), an amount equal to the sum of—

- (i) the difference between the six per cent contributions paid by him to the university institutions provident fund during the period from the first day of August, 1949, up to the day immediately prior to the day on which he becomes a member of the fund and the seven per cent contributions he would have paid to the said provident fund in respect of that period had he been governed by the new provident fund regulations;
- (ii) the dividends and interest which in terms of the new provident fund regulations would have accrued to his credit on the additional one per cent contribution referred to in subparagraph (i) up to the day immediately prior to the day on which he becomes a member of the fund.

(b) Any person to whom subregulation (1) refers and who elects to become a member of the fund shall pay to the fund any amount which was due by him to the technical colleges provident fund or the university institutions provident fund, as the case may be, and which remains unpaid on the date on which he becomes a member.

(3) If any person to whom subregulation (2) applies is unable to liquidate the amount due by him in one payment, such amount shall be recovered from him in such manner and in such instalments as the Secretary may determine and he shall pay interest at the rate of 4½ per cent per annum, compounded annually as at the thirty-first day of March, on the amount which remains unpaid at the end of each month.

(4) An amount equal to the amount which becomes payable by a person in terms of subregulation (2) (a) shall be paid by the council in whose service such person is: Provided that, if such council was not by law liable to

inrigtings te betaal nie, genoemde bedrag uit inkomste betaal moet word.

(5) Die betalings van subregulasies (1) tot en met (4) is *mutatis mutandis* van toepassing in die geval van iemand—

- (a) wat onmiddellik voor die bepaalde datum in artikel 5 van die Wet bedoel, in diens is van 'n organisasie, liggaam of inrigting wat ingevolge artikel 4 van die Wet tot 'n geassosieerde inrigting verklaar is of ingevolge 'n ander wet geag word aldus verklaar te wees; en
- (b) wat onmiddellik voor daardie datum 'n bydraer tot die voorsorgfonds vir universiteitsinrigtings is of 'n lid is van die voorsorgfonds vir tegniese kolleges en teen die koers van sewe persent per jaar van sy salaris daartoe bydra.

(6) (a) Iemand wat in die diens is van 'n organisasie, liggaam of inrigting wat kragtens artikel 4 van die Wet deur die Minister tot 'n geassosieerde inrigting verklaar is, of wat by of kragtens 'n ander wet geag word aldus verklaar te wees of te gewees het, en wat onmiddellik voor die bepaalde datum in artikel 5 van die Wet bedoel, 'n bydraer tot 'n pensioen- of voorsorgfonds of ander -skema was (uitgesonderd 'n voorsorgfonds in die voorafgaande subregulasies van hierdie regulasie bedoel), kan binne negentig dae vanaf die datum waarop hy deur die Sekretaris aangesê word om dit te doen, of binne dié verdere tydperk wat die Sekretaris onder spesiale omstandighede mag toelaat, skriftelik kies om van alle verpligtings onthef te word en om afstand te doen van alle regte op en voorregte in so 'n pensioen- of voorsorgfonds of ander -skema en om lid van die fonds te word, en indien hy aldus kies, word hy lid van en dra hy tot die fonds by vanaf die eerste dag van die tweede maand wat volg op die maand waarin hy aldus gekies het.

(b) Iemand op wie paragraaf (a) van toepassing is en wat kies om lid van die fonds te word, reken sy vorige pensioengewende diens voor die datum waarop hy verplig geword het om tot die fonds by te dra, as pensioengewende diens vir die doeleindes van die fonds en betaal aan die fonds 'n bedrag wat gelyk is aan die totaal van—

- (i) twee maal 'n bedrag ooreenkomstig die formule bereken ten opsigte van die tydperk van bedoelde vorige pensioengewende diens, waar faktor R van die formule die koers is wat ooreenkomstig regulasie 8 op die lid van toepassing is en die ander sodanige faktore in ooreenstemming met bedoelde vorige pensioengewende diens bepaal word;

- (ii) $2\frac{1}{2}$ persent van die bedrag ooreenkomstig subparagraaf (i) bereken vir iedere voltooide jaar in die tydperk van sodanige pensioengewende diens, en vir 'n deel van jaar in sodanige tydperk, 'n persentasie van bedoelde bedrag wat in dieselfde verhouding tot $2\frac{1}{2}$ persent staan as wat die getal dae in sodanige deel tot driehonderd vyf-en-sestig staan:

Met dien verstande dat die bedrag waarvoor die lid aanspreeklik mag word, verminder moet word met enige bedrag, uit genoemde pensioen- of voorsorgfonds betaal, waarmee hy gekrediteer word, en met enige ander bedrag wat kragtens die wet, regulasies of reëls betreffende daardie fonds of skema, aan die fonds betaal mag word deur die owerheid wat so 'n fonds of skema administreer.

(c) Die bepalinge van regulasie 13 (3) en (4) is *mutatis mutandis* van toepassing ten opsigte van enige bedrag wat ingevolge paragraaf (b) deur 'n lid betaalbaar is.

Sessie van Lewensversekeringspolisse

25. (1) Indien iemand wat in regulasie 24 (1) of (5) bedoel word en wat kies om lid van die fonds te word, 'n uitkeringslebensversekeringspolis uitgeneem het wat deel uitmaak van die voorsiening wat daar vir hom gemaak is of ooreenkomstig die ou of die nuwe voorsorgfondsregula-

pay contributions to the university institutions provident fund, the said amount shall be paid from revenue.

(5) The provisions of subregulations (1) up to and including (4) shall *mutatis mutandis* apply in the case of any person—

- (a) who immediately prior to the specified date referred to in section 5 of the Act is in the service of any organisation, body or institution which in terms of section 4 of the Act was declared to be an associated institution or in terms of any other law is deemed to have been so declared; and
- (b) who, immediately prior to that date, is a contributor to the university institutions provident fund or is a member of the technical colleges provident fund and contributes thereto at the rate of seven per cent per annum of his salary.

(6) (a) Any person who is in the service of any organisation, body or institution which was declared by the Minister, in terms of section 4 of the Act, to be an associated institution or which by or under any other law is deemed so to be or so to have been declared, and who, immediately prior to the specified date referred to in section 5 of the Act was a contributor to a pension or provident fund or other scheme (other than a provident fund referred to in the preceding subregulations of this regulation) may elect in writing, within ninety days of the date of his being called upon by the Secretary to do so, or within such further period as the Secretary may in special circumstances allow, to be released from all obligations and to relinquish all rights and privileges in such pension or provident fund or other scheme and to become a member of the fund, and if he should so elect he shall become a member of and shall contribute to the fund as from the first day of the second month following the month in which he makes his election.

(b) Any person to whom paragraph (a) applies and who elects to become a member of the fund shall reckon his past pensionable service prior to the date on which he became liable to contribute to the fund as pensionable service for the purposes of the fund and he shall pay to the fund an amount equal to the sum of—

- (i) twice an amount calculated in terms of the formula in respect of the period of the said past pensionable service, where factor R of the formula represents the rate applicable to the member in terms of regulation 8 and the other such factors shall be determined in accordance with the said past pensionable service; and
- (ii) $2\frac{1}{2}$ per cent of the amount calculated in terms of subparagraph (i) for every completed year in the period of such pensionable service, and in respect of a portion of a year in such period, a percentage of the said amount which bears to $2\frac{1}{2}$ per cent the same ratio as the number of days in such portion bears to three hundred and sixty-five:

Provided that the amount for which the member may become liable shall be reduced by any sum paid to his credit from the said pension or provident fund and by any other amount which in terms of the law, regulations or rules governing that fund or scheme may be paid to the fund by the authority administering such fund or scheme.

(c) The provisions of regulation 13 (3) and (4) shall *mutatis mutandis* apply in respect of any amount payable by a member in terms of paragraph (b).

Cession of Life Assurance Policies

25. (1) If a person to whom regulation 24 (1) or (5) refers and who elects to become a member of the fund had taken out a policy of endowment life assurance which formed part of the provision made for him under either the old or the new provident fund regulations or the technical

sies of die regulasies betreffende die voorsorgfonds vir tegniese kolleges, moet hy voor of op die laaste dag van die maand waarin hy lid van die fonds word, skriftelik kies om—

(a) of aan die fonds 'n bedrag te betaal wat gelyk is aan die som van—

(i) die premies wat uit die voorsorgfonds vir tegniese kolleges of die voorsorgfonds vir universiteitsinrigtings, na gelang van die geval, ten opsigte van genoemde polis betaal is, tesame met diwidende en rente wat ooreenkomstig die regulasies betreffende of die voorsorgfonds vir tegniese kolleges of die ou of die nuwe voorsorgfondsregulasies, na gelang van die geval, op daardie premies in sodanige voorsorgfonds sou opgehoop het tot en met die dag onmiddellik voor die datum waarop hy lid van die fonds word, indien daardie premies nie betaal was nie maar in die kredit van sodanige persoon in die betrokke voorsorgfonds gebly het; en

(ii) rente teen die koers van $4\frac{1}{2}$ persent per jaar op die bedrag ingevolge subparagraaf (i) bepaal, jaarliks saamgestel op die een-en-dertigste dag van Maart en bereken vanaf die dag waarop genoemde persoon lid van die fonds geword het en tot en met die datum waarop betaling aan die fonds geskied;

en om, by betaling van genoemde bedrag aan die fonds, die versekeringspolis aan hom te laat terugbesorg; of

(b) genoemde versekeringspolis behoudens die bepaling van subregulasie (2) aan die Sekretaris te seeder vir bewaring ten behoeve van die fonds:

Met dien verstande dat enigeen wat versuim om aldus te kies, geag word te gekies het om genoemde versekeringspolis aan die Sekretaris te seeder ooreenkomstig die bepaling van paragraaf (b).

(2) 'n Lid op wie subregulasie (1) betrekking het en wat, kragtens paragraaf (b) van daardie subregulasie, 'n versekeringspolis aan die Sekretaris gesedeer het, kan te eniger tyd voordat daardie polis te gelde gemaak is, aansoek doen dat—

(a) genoemde polis in 'n opbetaalde polis omgeskep word, en met die goedkeuring van die Sekretaris en na oorlegpleging met die betrokke versekeraar, word die polis dan aldus omgeskep en word geen verdere premies ten opsigte van daardie polis uit die fonds betaal nie; of

(b) die sessie ingetrek word, en met die goedkeuring van die Sekretaris en op voorwaarde dat 'n bedrag aan die fonds betaal word wat gelyk is aan die totaal van—

(i) 'n bedrag bereken ooreenkomstig subregulasie (1) (a) (i) en (ii); en

(ii) die premies uit die fonds betaal, tesame met rente op sodanige premies teen die koers van $4\frac{1}{2}$ persent per jaar, jaarliks saamgestel op die een-en-dertigste dag van Maart en bereken volgens die datums waarop sodanige premies betaal is en tot en met die datum waarop die bedrag aan die fonds betaal is,

word die sessie ingetrek en die polis aan die lid terugbesorg.

(3) Indien 'n versekeringspolis, op aansoek van 'n lid, ooreenkomstig subregulasie (2) (a) in 'n opbetaalde polis omgeskep is, kan genoemde lid te eniger tyd daarna en voor die tegeldemaking van die polis aansoek doen dat die sessie ingetrek word en dan word die sessie met die goedkeuring van die Sekretaris en op voorwaarde dat 'n bedrag bereken ooreenkomstig die bepaling van subregulasie (2) (b) (i) en (ii), aan die fonds betaal word, ingetrek en die polis aan die lid terugbesorg.

colleges provident fund regulations, he shall elect in writing, not later than the last day of the month in which he becomes a member of the fund, either—

(a) to pay to the fund an amount equal to the sum of—

(i) the premiums paid from the technical colleges provident fund or the university institutions provident fund, as the case may be, in respect of the said policy together with the dividends and interest which would have accrued in such provident fund on those premiums under either the technical colleges provident fund regulations or under the old or the new provident fund regulations, as the case may be, up to and including the day immediately preceding the day on which he becomes a member of the fund, had those premiums not been paid but had remained in the provident fund concerned to the credit of such person; and

(ii) interest at the rate of $4\frac{1}{2}$ per cent per annum on the amount determined under subparagraph (i) annually compounded as at the thirty-first day of March and calculated from the day on which the said person became a member of the fund and up to and including the date upon which payment is made to the fund,

and, on payment of the said amount to the fund, to have the policy of assurance returned to him; or

(b) subject to the provisions of subregulation (2) to cede the said policy of assurance to the Secretary for retention on behalf of the fund:

Provided that any person who fails so to elect shall be deemed to have elected to cede the said policy of assurance to the Secretary in accordance with the provisions of paragraph (b).

(2) A member to whom subregulation (1) refers and who, in terms of paragraph (b) of that subregulation, has ceded a policy of assurance to the Secretary may at any time before the realisation of that policy apply—

(a) for the said policy to be converted into a paid-up policy, and, with the approval of the Secretary and in consultation with the insurer concerned, the policy shall be so converted and no further premiums in respect of that policy shall be paid from the fund; or

(b) for the cession to be cancelled, and, with the approval of the Secretary and subject to the payment to the fund of an amount equal to the sum of—

(i) an amount computed in terms of subregulation (1) (a) (i) and (ii); and

(ii) the premiums paid from the fund together with interest on such premiums at the rate of $4\frac{1}{2}$ per cent per annum annually compounded as at the thirty-first day of March and calculated according to the dates upon which such premiums were paid and up to and including the date upon which payment is made to the fund, the said cession shall be cancelled and the policy shall be returned to the member.

(3) If on the application of a member a policy of assurance has, in terms of subregulation (2) (a), been converted into a paid-up policy, the said member may at any time thereafter and before the realisation of that policy apply for the cession to be cancelled and, with the approval of the Secretary and subject to the payment to the fund of an amount calculated in accordance with the provisions of subregulation (2) (b) (i) and (ii), the said cession shall be cancelled and the policy shall be returned to the member.

(4) Indien 'n lid op wie subregulasie (1) (a), (2) (b) of (3) van toepassing is, nie daartoe in staat is om die bedrag wat deur hom aan die fonds betaalbaar is, in een som te betaal nie, word sodanige bedrag verhaal op dié wyse en in dié paaielemente wat die Sekretaris mag bepaal, en hou die lid aan om rente te betaal teen die koers van $4\frac{1}{2}$ persent per jaar, jaarliks saamgestel op die een-en-dertigste dag van Maart, op die bedrag wat aan die einde van elke maand onbetaald bly.

(5) Indien 'n lid aansoek gedoen het om die intrekking van die sessie van 'n versekeringspolis en hy die bedrag wat deur hom verskuldig is, ooreenkomstig die bepalinge van subregulasie (4) in paaielemente betaal, kan sodanige sessie, ondanks die bepalinge vervat in die voorafgaande paragrawe van hierdie regulasie, behoudens die goedkeuring van die Sekretaris en op dié voorwaardes wat die Sekretaris mag bepaal, ingetrek en die polis aan die lid terugbesorg word voordat genoemde bedrag ten volle betaal is.

(6) Alle versekeringspremies betaalbaar ten opsigte van 'n versekeringspolis bedoel in subregulasie (1) (b), word vanaf die datum waarop die betrokke persoon lid van die fonds word, uit die fonds betaal.

(7) Wanneer die sessie van 'n versekeringspolis ingetrek word, is die lid nie meer 'n versekerde lid nie.

Tegeldemaking van 'n Versekeringspolis by Verval of Afsterwe

26. (1) By die tegeldemaking, of op die vervaldatum of by die afsterwe van die versekerde lid voor daardie datum, van 'n versekeringspolis wat deur die Sekretaris gehou word, word die opbrengs van die polis aan die fonds betaal: Met dien verstande dat as die bedrag aldus aan die fonds betaal, groter is as die totaal van—

(a) die premies wat uit die voorsorgfonds vir tegniese kolleges of die voorsorgfonds vir universiteitsinrigtings, na gelang van die geval, ten opsigte van genoemde polis betaal is, tesame met die diwidende en rente wat of ooreenkomstig die regulasies betreffende die voorsorgfonds vir tegniese kolleges of ooreenkomstig die ou of die nuwe voorsorgfondsregulasies, na gelang van die geval, tot en met die dag onmiddellik voor die dag waarop die versekerde lid van die fonds geword het, op daardie premies in sodanige voorsorgfonds sou opgehoop het as die premies nie betaal was nie maar in die betrokke voorsorgfonds in die krediet van sodanige versekerde lid gebly het;

(b) die rente, teen die koers van $4\frac{1}{2}$ persent per jaar op die bedrag ooreenkomstig paragraaf (a) bepaal, jaarliks saamgestel op die een-en-dertigste dag van Maart en bereken vanaf die dag waarop die versekerde lid van die fonds geword het tot en met die dag waarop die polis te gelde gemaak moet word; en

(c) alle premies wat uit die fonds betaal is ten opsigte van so 'n polis, tesame met rente op sodanige premies teen die koers van $4\frac{1}{2}$ persent, per jaar, jaarliks saamgestel op die een-en-dertigste dag van Maart en bereken volgens die datums waarop sodanige premies betaal is tot en met die dag waarop die polis te gelde gemaak moet word,

die surplus, in die geval van 'n polis wat die vervaldatum bereik, aan genoemde versekerde lid of, ingeval hy reeds te sterwe gekom het, aan sy boedel betaal moet word: Met dien verstande voorts dat indien die bedrag aldus aan die fonds betaal, minder as die som van sodanige premies, diwidende en rente is, die tekort in een som of in dié paaielemente wat die Sekretaris mag bepaal, verhaal moet word op die versekerde lid, indien die polis te gelde

(4) If a member to whom subregulation (1) (a), (2) (b) or (3) applies is unable to liquidate the amount payable by him to the fund in one payment, such amount shall be recovered in such manner and in such instalments as the Secretary may determine and the member shall continue to pay interest at the rate of $4\frac{1}{2}$ per cent per annum, annually compounded as at the thirty-first day of March, on the amount which remains unpaid at the end of each month.

(5) Notwithstanding anything in the preceding paragraphs of this regulation contained, if a member has applied for the cancellation of the cession of a policy of assurance and in accordance with the provisions of subregulation (4) is paying the amount due by him to the fund in instalments, such cession may, subject to the approval of the Secretary and to such conditions as the Secretary may determine, be cancelled and the policy returned to the member before the said amount has been liquidated in full.

(6) Any assurance premiums payable in respect of a policy of assurance referred to in subregulation (1) (b) shall, as from the date the person concerned becomes a member of the fund, be paid from the fund.

(7) On the cancellation of a cession of a policy of assurance the member shall cease to be an insured member.

Realisation of a Policy of Assurance on Maturity or Death

26. (1) On the realisation of a policy of assurance held by the Secretary, either as at maturity date or on the prior death of the insured member, the proceeds of such policy shall be paid to the fund: Provided that, if the amount so paid to the fund is greater than the sum of—

(a) the premiums paid from the technical colleges provident fund or the university institutions provident fund, as the case may be, in respect of the said policy together with the dividends and interest which would have accrued in such provident fund on those premiums under either the technical colleges provident fund regulations or under the old or the new provident fund regulations, as the case may be, up to and including the day immediately preceding the day on which the insured member became a member of the fund, had those premiums not been paid but had remained in the provident fund concerned to the credit of such insured member;

(b) interest at the rate of $4\frac{1}{2}$ per cent per annum on the amount determined under paragraph (a), annually compounded as at the thirty-first day of March and calculated from the day on which the insured member became a member of the fund and up to and including the day on which the policy falls to be realised; and

(c) any premiums paid from the fund in respect of such policy together with interest on such premiums at the rate of $4\frac{1}{2}$ per cent per annum annually compounded as at the thirty-first day of March and calculated according to the dates upon which such premiums were paid and up to and including the day on which the policy falls to be realised,

any surplus shall, in the case of a policy reaching maturity, be paid to the said insured member or, in the case of his prior death, to his estate: Provided further that, if the amount so paid to the fund is less than the sum of such premiums, dividends and interest, the deficiency shall be recovered, in a lump sum or in such instalments as the Secretary may determine, from the insured member if the

gemaak word by bereiking van die vervaldatum of, ingeval hy reeds te sterwe gekom het, op enige pensioen of ander bedrag wat uit die fonds betaalbaar is.

(2) By die tegeldemaking van 'n versekeringspolis wat die vervaldatum bereik het, is die persoon nie meer 'n versekerde lid nie.

Berekening van die Voordele van 'n Versekerde Lid

27. (1) Die voordele aan of ten opsigte van 'n versekerde lid betaalbaar, word, ondanks 'n andersluidende bepaling in hierdie regulasies, maar behoudens die ander bepalings van hierdie regulasie, ooreenkomstig die bepalings van regulasies 16 tot en met 20 bereken.

(2) 'n Gratifikasie wat ingevolge regulasie 16 ten opsigte van 'n versekerde lid bereken is, word verminder met 'n bedrag wat gelyk is aan die totaal van—

- (a) die premies uit die voorsorgfonds vir tegniese kolleges of die voorsorgfonds vir universiteitsinrigtings, na gelang van die geval, betaal ten opsigte van 'n versekeringspolis, tesame met die diwidende en rente wat of ooreenkomstig die regulasies betreffende die voorsorgfonds vir tegniese kolleges of ooreenkomstig die ou of die nuwe voorsorgfondsregulasies, na gelang van die geval, tot en met die dag onmiddellik voor die dag waarop die versekerde lid van die fonds geword het, op daardie premies in sodanige voorsorgfonds sou opgeloop het as daardie premies nie betaal was nie maar in die betrokke voorsorgfonds in die kredit van genoemde versekerde lid gebly het;
- (b) die rente, teen die koers van $4\frac{1}{2}$ persent per jaar op die bedrag ooreenkomstig paragraaf (a) bepaal, jaarliks saamgestel op die een-en-dertigste dag van Maart en bereken vanaf die dag waarop die versekerde lid van die fonds geword het en tot en met sy laaste dag van diens; en
- (c) alle premies wat uit die fonds betaal is, tesame met rente op sodanige premies, teen die koers van $4\frac{1}{2}$ persent per jaar, jaarliks saamgestel op die een-en-dertigste dag van Maart en bereken volgens die datums waarop sodanige premies betaal is en tot en met die lid se laaste dag van diens;

en by die betaling van die aldus verminderde gratifikasie word die sessie van die versekeringspolis ten gunste van die Sekretaris ingetrek en die polis aan die betrokke lid teruggegee.

(3) 'n Gratifikasie wat ingevolge regulasie 17 (2) ten opsigte van 'n versekerde lid bereken is, word verminder met 'n bedrag wat ooreenkomstig subregulasie (2) (a), (b) en (c) van hierdie regulasie bereken is, en indien sodanige gratifikasie kleiner is as die aldus berekende bedrag, word die verskuldigde saldo in dié paaielemente wat die Sekretaris bepaal, afgetrek van die jaargeld wat ingevolge regulasie 17 (2) aan die lid betaalbaar is, of van 'n jaargeld of jaarlikse voordeel wat later kragtens regulasie 20 betaalbaar mag word.

(4) In die geval van 'n voordeel wat ingevolge regulasie 19 ten opsigte van 'n versekerde lid bereken word—

- (a) word die bedrag in paragraaf (a) van die voorbehoudsbepaling by subregulasie 19 (1) en die bedrag in paragraaf (a) van die voorbehoudsbepaling by regulasie 19 (2) bedoel, bereken asof die betrokke lid nie 'n versekeringspolis uitgeneem het as deel van die voorsiening wat, na gelang van die geval, ooreenkomstig die regulasies betreffende die voorsorgfonds vir tegniese kolleges of die voorsorgfonds vir universiteitsinrigtings vir hom gemaak is nie;
- (b) word iedere sodanige voordeel wat ooreenkomstig regulasie 19, gelees met paragraaf (a) van hierdie subregulasie, bereken is, verminder met die totaal

policy is realised on reaching maturity date or, in the event of his prior death, from any pension or any other amount payable from the fund.

(2) On the realisation of a policy of assurance which has reached maturity the person shall cease to be an insured member.

Calculation of the Benefits of an Insured Member

27. (1) The benefits payable to or in respect of an insured member shall, notwithstanding any provision to the contrary in these regulations but subject to the other provisions of this regulation, be calculated in terms of the provisions of regulation 16 up to and including regulation 20.

(2) A gratuity calculated in terms of regulation 16 in respect of an insured member shall be reduced by an amount equal to the sum of—

- (a) the premiums paid from the technical colleges provident fund or the university institutions provident fund, as the case may be, in respect of any policy of assurance together with the dividends and interest which would have accrued in such provident fund on those premiums under either the technical colleges provident fund regulations or under the old or new provident fund regulations, as the case may be, up to and including the day immediately preceding the day on which the insured member became a member of the fund, had those premiums not been paid but had remained in the provident fund concerned to the credit of such insured member;
- (b) interest at the rate of $4\frac{1}{2}$ per cent per annum on the amount determined under paragraph (a), annually compounded as at the thirty-first day of March and calculated from the day on which the insured member became a member of the fund up to and including the last day of his service; and
- (c) any premiums paid from the fund together with interest on such premiums at the rate of $4\frac{1}{2}$ per cent per annum annually compounded as at the thirty-first day of March and calculated according to the dates on which such premiums were paid and up to and including the last day of the member's service;

and, on payment of the gratuity so reduced, the cession of the policy of assurance in favour of the Secretary shall be cancelled and the policy shall be returned to the member concerned.

(3) Any gratuity calculated in terms of regulation 17 (2) in respect of an insured member shall be reduced by an amount calculated in terms of subregulation (2) (a), (b) and (c) of this regulation and, if such gratuity is less than the amount so calculated, the balance due shall be deducted from the annuity payable to the member in terms of regulation 17 (2) or from any annuity or annual benefit which may subsequently become payable in terms of regulation 20, in such instalments as the Secretary may determine.

(4) In the case of a benefit calculated in respect of an insured member in terms of regulation 19—

- (a) the amount referred to in paragraph (a) of the proviso to regulation 19 (1) and the amount referred to in paragraph (a) of the proviso to regulation 19 (2) shall be calculated as if the member concerned had not taken out a policy of assurance as part of the provision made for him under the technical colleges provident fund regulations or the university institutions provident fund regulations, as the case may be;
- (b) every such benefit calculated in terms of regulation 19 read with paragraph (a) of this subregulation shall be reduced by the total of the amounts calcu-

van die bedrae ooreenkomstig die bepalings van subregulasie (2) (a) en (c) van hierdie regulasie ten opsigte van die betrokke lid bereken;

- (c) word, behoudens paragraaf (d), by die betaling van die aldus verminderde voordeel die sessie van die versekeringspolis ten gunste van die Sekretaris ingetrek en die polis aan die betrokke lid teruggegee;
- (d) word, indien sodanige voordeel kleiner is as die bedrag waarmee dit ingevolge paragraaf (b) verminder moet word—
 - (i) sodanige sessie ingetrek en die versekeringspolis teen die aansuiwering van die tekort aan die betrokke lid teruggegee; of
 - (ii) die versekeringspolis afgekoop, die tekort op die afkoopwaarde daarvan verhaal en die saldo (as daar een is) aan die betrokke lid betaal.

HOOFTUK III

Delegering van Bevoegdheide

28. (1) Die Minister kan 'n bevoegdheid wat by hierdie regulasies aan hom verleen word, deleger aan die Sekretaris of 'n ander beampte van die Departement van Volkswelsyn en Pensioene en aan die Sekretaris of sodanige beampte magtiging verleen om 'n funksie of plig waar te neem of uit te voer wat aldus aan die Minister toevertrou of opgedra word.

(2) Die Sekretaris kan met die goedkeuring van die Minister 'n bevoegdheid wat by hierdie regulasies aan hom verleen word, aan 'n beampte van sy Departement deleger en aan sodanige beampte magtiging verleen om 'n funksie of plig waar te neem of uit te voer wat aldus aan die Sekretaris toevertrou of opgedra word.

Titel

29. Hierdie regulasies heet die Regulasies vir die Pensioenfondse vir Geassosieerde Inrigtings.

lated in terms of the provisions of subregulation (2) (a) and (c) of this regulation in respect of the member concerned;

- (c) the cession of the policy of assurance in favour of the Secretary shall, subject to paragraph (d), on payment of the benefit so reduced, be cancelled and the policy shall be returned to the member concerned; and
- (d) if such benefit is less than the amount by which it is to be reduced in terms of paragraph (b)—
 - (i) such cession shall be cancelled and the policy of assurance shall be returned to the member concerned on payment of the deficiency; or
 - (ii) the policy of assurance shall be surrendered, the deficiency shall be recovered out of its surrender value and the balance (if any) shall be paid to the member concerned.

CHAPTER III

Delegation of Powers

28. (1) The Minister may delegate any powers conferred on him by these regulations to the Secretary or any other officer of the Department of Social Welfare and Pensions and may authorize the Secretary or such officer to perform any of the functions or duties thus entrusted to or imposed on the Minister.

(2) The Secretary may, with the approval of the Minister, delegate to any officer in his Department any of the powers conferred on him by these regulations and may authorize such officer to perform any of the functions or duties thus entrusted to or imposed on the Secretary.

Title

29. These regulations shall be called the Associated Institutions Pension Fund Regulations.

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