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PROKLAMASIES

van die

Staatspresident

van die Republiek van Suid-Afrika

No. R. 30, 1994

WET OP DIE OORDRAG VAN WALVISBAAI AAN
NAMIBIË, 1993 (WET No. 203 VAN 1993)

INWERKINGTREDING VAN WET

Kragtens artikel 7 van die Wet op die Oordrag van Walvisbaai aan Namibië, 1993 (Wet No. 203 van 1993), bepaal ek **23 Februarie 1994** as die datum waarop genoemde Wet in werking tree.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die Twee-en-Twintigste dag van Februarie, Eenduisend Negehoonderd Vier-en-negentig.

F. W. DE KLERK,

Staatspresident.

Op las van die Staatspresident-in-Kabinet:

R. F. BOTHA,

Minister van die Kabinet.

No. R. 35, 1994

WET OP DIE OORDRAG VAN
WALVISBAAI AAN NAMIBIË, 1993

REËLING VAN SEKERE PENSIOENAANGE-
LEENTHEDE VAN WERKNEMERS VAN DIE MUNISI-
PALITEIT VAN WALVISBAAI

Kragtens artikel 2 (2) (a) van die Wet op die Oordrag van Walvisbaai aan Namibië, 1993 (Wet No. 203 van 1993), en na oorleg met die Uitvoerende Oorgangsraad, maak ek hierby die wette in die Bylae uiteengesit.

PROCLAMATIONS

by the

State President

of the Republic of South Africa

No. R. 30, 1994

TRANSFER OF WALVIS BAY TO NAMIBIA ACT,
1993 (ACT No. 203 OF 1993)

COMMENCEMENT OF ACT

Under section 7 of the Transfer of Walvis Bay to Namibia Act, 1993 (Act No. 203 of 1993), I hereby determine **23 February 1994** as the date on which the said Act shall come into operation.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Twenty-second day of February, One thousand Nine hundred and Ninety-four.

F. W. DE KLERK,

State President.

By Order of the State President-in-Cabinet:

R. F. BOTHA,

Minister of the Cabinet.

No. R. 35, 1994

TRANSFER OF WALVIS BAY TO
NAMIBIA ACT, 1993

REGULATION OF CERTAIN PENSION MATTERS
OF EMPLOYEES OF THE MUNICIPALITY OF
WALVIS BAY

Under section 2 (2) (a) of the Transfer of Walvis Bay to Namibia Act, 1993 (Act No. 203 of 1993), and after consultation with the Transitional Executive Council, I hereby make the laws set out in the Schedule.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die Twee-en-Twintigste dag van Februarie Eenduisend Nege-honderd Vier-en-negentig.

F. W. DE KLERK,

Staatspresident.

Op las van die Staatspresident-in-Kabinet:

J. T. DELPORT,

Minister van die Kabinet.

BYLAE

Woordomskrywings

1. In hierdie Proklamasie, tensy uit die samehang anders blyk, beteken—

“**aktuaris**” die waardeerder aangestel deur die fonds ingevolge artikel 9A van die Wet op Pensioenfondse, 1956 (Wet No. 24 van 1956);

“**bydraer**” ’n persoon, behalwe ’n persoon in artikel 4 beoog, wat op 28 Februarie 1994 in diens van die plaaslike owerheid is en wat ingevolge die Statute verplig is om tot die fonds by te dra;

“**fonds**” Die Kaapse Geamalgameerde Gemeenskaplike Pensioenfonds bedoel in artikel 3 van die Ordonnansie op Pensioenfondse vir Plaaslike Owerhede, 1969 (Ordonnansie No. 23 van 1969) (Kaap die Goeie Hoop), en wat bekend staan as die Kaapse Gemeenskaplike Pensioenfonds;

“**lid**” ’n lid van die fonds soos omskryf in artikel 1 van die Statute;

“**pensioengewende emolumente**” die pensioengewende emolumente soos omskryf in artikel 1 van die Statute;

“**plaaslike owerheid**” die Munisipaliteit van Walvisbaai bedoel in Proklamasie No. 122 van 1993 van die Administrateur van die Provinsie die Kaap die Goeie Hoop;

“**Statute**” die Statute van die Kaapse Gemeenskaplike Pensioenfonds bedoel in artikel 8 van die Ordonnansie op Pensioenfondse vir Plaaslike Owerhede, 1969.

Plaaslike owerheid hou op om by fonds aangesluit te wees

2. (1) Die plaaslike owerheid hou op 28 Februarie 1994 op om by die fonds aangesluit te wees.

(2) Die plaaslike owerheid betaal die bydraes wat kragtens die Statute deur ’n bydraer ten opsigte van sy pensioengewende emolumente vir die maand van Februarie 1994 tot die fonds bygedra moet word en enige bedrae wat deur die plaaslike owerheid ten opsigte daarvan kragtens die Statute betaalbaar is, op 28 Februarie 1994 aan die fonds oor.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria, this Twenty-second day of February, One thousand Nine hundred and Ninety-four.

F. W. DE KLERK,

State President.

By Order of the State President-in-Cabinet:

J. T. DELPORT,

Minister of the Cabinet.

SCHEDULE

Definitions

1. In this Proclamation, unless the context otherwise indicates—

“**actuary**” means the valuator appointed by the fund in terms of section 9A of the Pension Funds Act, 1956 (Act No. 24 of 1956);

“**contributor**” means any person, other than a person contemplated in section 4, who is in the service of the local authority on 28 February 1994 and who is in terms of the Rules obliged to make contributions to the fund;

“**fund**” means The Cape Amalgamated Joint Pension Fund referred to in section 3 of the Local Authorities (Pension Funds) Ordinance, 1969 (Ordinance No. 23 of 1969) (Cape of Good Hope), and known as the Cape Joint Pension Fund;

“**local authority**” means the Municipality of Walvis Bay referred to in Proclamation No. 122 of 1993 by the Administrator of the Province of the Cape of Good Hope;

“**member**” means a member of the fund as defined in section 1 of the Rules;

“**pensionable emoluments**” means the pensionable emoluments as defined in section 1 of the Rules;

“**Rules**” means the Rules of the Cape Joint Pension Fund referred to in section 8 of the Local Authorities (Pension Funds) Ordinance, 1969.

Local authority to cease to be associated with fund

2. (1) The local authority shall on 28 February 1994 cease to be associated with the fund.

(2) The local authority shall on 28 February 1994 pay over to the fund the contributions to be made to the fund under the Rules by any contributor in respect of his pensionable emoluments for the month of February 1994 and any amounts payable to the fund by the local authority in respect thereof under the Rules.

Bydraers hou op om lede van fonds te wees

3. (1) Elke bydraer hou op 28 Februarie 1994 op om 'n lid van die fonds te wees en—

- (a) doen, behoudens subartikel (2), afstand van alle regte en voorregte wat hom toegeval of by hom berus het as lid van die fonds; en
- (b) word kwytgeskeld van alle laste en verpligtinge teenoor die fonds behalwe 'n las of verpligting wat voor of op 28 Februarie 1994 verskuldig geword het.

(2) Elke bydraer wat ingevolge subartikel (1) ophou om 'n lid van die fonds te wees, word deur die fonds 'n bedrag betaal bereken ooreenkomstig die formule—

$$P = \left(1 + \frac{i}{2}\right) \times M + (1 + i) \times R$$

in welke formule—

- (a) *P* die bedrag voorstel wat aan die bydraer betaal moet word;
- (b) *i* die rentekoers voorstel vir die tydperk vanaf 1 Julie 1993 tot 28 Februarie 1994 bereken ooreenkomstig die markwaardes van die bates van die fonds soos op 30 Junie 1993 en 31 Januarie 1994 met inagneming van bydraes gestort en voordele betaal kragtens die Statute gedurende daardie tydperk, verhoog deur die gemiddelde dagkoers deur die fonds se bankier vir Februarie 1994 toege staan soos bepaal op 21 Februarie 1994;
- (c) *M* bydraes voorstel wat aan die fonds deur en ten opsigte van elke bydraer kragtens die Statute betaalbaar was gedurende die tydperk 1 Julie 1993 tot en met 28 Februarie 1994 min enige bedrae toegedeel aan uitgawes en bonusse aan pensioenarisse soos deur die aktuaris bepaal; en
- (d) *R* 'n bedrag voorstel wat op 30 Junie 1993 bepaal is ooreenkomstig die formule—

$$R = C \times \frac{A}{L}$$

in welke formule—

- (i) *C* die aanspreeklikheid voorstel van die fonds soos op 30 Junie 1993 vir die diens van die bydraer tot op daardie datum soos deur die aktuaris bepaal;
- (ii) *A* die totale markwaarde voorstel van die bates van die fonds soos op 30 Junie 1993 soos deur die aktuaris bepaal; en
- (iii) *L* die totale las voorstel van die fonds vir alle lede van die fonds soos op 30 Junie 1993 soos deur die aktuaris bepaal.

Contributors to cease to be members of fund

3. (1) Every contributor shall on 28 February 1994 cease to be a member of the fund and shall—

- (a) subject to subsection (2), relinquish all rights and privileges accruing to or vested in him as a member of the fund; and
- (b) be released from all liabilities or obligations towards the fund other than any liability or obligation which had become due prior to or on 28 February 1994.

(2) Every contributor who in terms of subsection (1) ceases to be a member of the fund shall be paid by the fund an amount calculated in accordance with the formula—

$$P = \left(1 + \frac{i}{2}\right) \times M + (1 + i) \times R$$

in which formula—

- (a) *P* represents the amount to be paid to the contributor;
- (b) *i* represents the rate of interest for the period from 1 July 1993 to 28 February 1994 calculated in accordance with the market values of the assets of the fund as at 30 June 1993 and 31 January 1994 taking into account contributions made and benefits paid under the Rules during that period, increased by the average call rate granted by the fund's banker for February 1994 as determined on 21 February 1994;
- (c) *M* represents contributions payable to the fund by and in respect of each contributor under the Rules during the period 1 July 1993 up to and including 28 February 1994, less any amounts allocated to expenses and bonuses to pensioners as determined by the actuary; and
- (d) *R* represents an amount determined as at 30 June 1993 in accordance with the formula—

$$R = C \times \frac{A}{L}$$

in which formula—

- (i) *C* represents the liability of the fund as at 30 June 1993 for the service of the contributor up to that date as determined by the actuary;
- (ii) *A* represents the total market value of the assets of the fund as at 30 June 1993 as determined by the actuary; and
- (iii) *L* represents the total liability of the fund for all members of the fund as at 30 June 1993 as determined by the actuary.

Sekere werknemers word nie lede van fonds nie

4. Geen persoon wat na die inwerkingtreding van hierdie Proklamasie tot die diens van die plaaslike owerheid toetree, word 'n lid van die fonds nie.

Reëlings betreffende fonds

5. (1) Behoudens artikel 3 (1) word geen reg of voorreg wat 'n persoon op 28 Februarie 1994 kragtens die Statute toeval of by hom berus en geen aanspreeklikheid of verpligting van enige persoon teenoor die fonds, uitgewis bloot as gevolg van die oordrag van Walvisbaai aan Namibië soos beoog in artikel 2 (1) van die Wet op die Oordrag van Walvisbaai aan Namibië, 1993 (Wet No. 203 van 1993).

(2) Daar word op of na 1 Maart 1994 aan die fonds uit die Staatsinkomstefonds 'n bedrag betaal gelykstaande aan die waarde van een persent van die pensioengewende emolumente van alle bydraers soos op 30 Junie 1993 soos deur die aktuaris bepaal en sodanige uitgawes wat na die mening van die Registrateur van Pensioenfondse vermeld in artikel 3 van die Wet op Pensioenfondse, 1956 (Wet No. 24 van 1956), redelikerwys deur die fonds in verband met die beëindiging van die lidmaatskap van bydraers van die fonds soos beoog in artikel 3 aangegaan is, maar nie R1 200 000,00 te bowe gaande nie.

Certain employees not to become members of fund

4. No person who joins the service of the local authority after the commencement of this Proclamation shall become a member of the fund.

Arrangements relating to fund

5. (1) Subject to section 3 (1) no right or privilege accruing to or vested in any person under the Rules on 28 February 1994 and no liability or obligation of any person towards the fund shall be extinguished merely by reason of the transfer of Walvis Bay to Namibia as contemplated in section 2 (1) of the Transfer of Walvis Bay to Namibia Act, 1993 (Act No. 203 of 1993).

(2) There shall on or after 1 March 1994 be paid to the fund from the State Revenue Fund an amount equal to the value of one per cent of the pensionable emoluments of all contributors as at 30 June 1993 as determined by the actuary and such costs as in the opinion of the Registrar of Pension Funds mentioned in section 3 of the Pension Funds Act, 1956 (Act No. 24 of 1956), were reasonably incurred by the fund in connection with the termination of the membership of the fund of contributors as contemplated in section 3, but not exceeding R1 200 000,00.

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