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DEPARTMENT OF THE PRIME MINISTER.

The following Government Notice is published for general information:—

No. 1327.]

[24th June, 1955.]

It is hereby notified that His Excellency the Governor-General has been pleased to assent to the following Acts, which are hereby published for general information:—

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DEPARTEMENT VAN DIE EERSTE MINISTER.

Onderstaande Goewermentskennisgewing word ter algemene inligting gepubliseer:—

No. 1327.]

[24 Junie 1955.]

Hierby word bekendgemaak dat dit Sy Eksellensie die Goewerneur-generaal behaag het om sy goedkeuring te heg aan onderstaande Wette, wat hierby ter algemene inligting gepubliseer word:—

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ACT

To consolidate and amend certain laws relating to the pensions and other financial benefits payable upon retirement or discharge to officers appointed in the Public Service on or since the thirty-first day of May, 1910, or upon the death of such officers to their dependants, and to make provision for pensions and other financial benefits payable to other officers or their dependants or to other persons and for other incidental matters.

(Afrikaans text signed by the Governor-General.)
(Assented to 22nd June, 1955.)

BE IT ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

CHAPTER I.

PENSIONS AND FINANCIAL BENEFITS UPON RETIREMENT OR DISCHARGE OF PERSONS IN THE PUBLIC SERVICE.

Interpretation of terms used in this Chapter.

1. (1) In this Chapter, unless the context otherwise indicates, and save as provided in sub-section (2)—
 - (i) "arrear contributions" means any contributions payable by a contributor in pursuance of an election made by him in terms of sub-section (1) of section *eight*, sub-section (2) of section *twenty-two* or section *forty-two*, or any amount payable by a contributor in respect of any period of past pensionable service referred to in section *twelve*, *thirteen* or *fifteen*; (i)
 - (ii) "contributions" means the amounts paid or due by a contributor to the old fund or a new fund, but does not include interest; (ii)
 - (iii) "contributor" means a contributor to a new fund and includes a person on leave of absence or under suspension from his office who was a contributor immediately prior thereto; (ii)
 - (iv) "excess contributions" means the amounts, other than interest, paid or due by a contributor—
 - (a) in terms of Chapter III of the Public Service Act in excess of four per cent. of his pensionable emoluments;
 - (b) in terms of sub-section (1) of section *five* of the Pensions Act in excess of five and one-quarter per cent. of his pensionable emoluments;
 - (c) in terms of sub-section (2) of section *five* of the Pensions Act or of section *seventeen* of this Act in excess of six per cent. of his pensionable emoluments;
 - (d) in terms of any conditions determined by the Treasury under sub-section (2) of section *twenty-six* of the Pensions Act, in so far as such amounts, together with so much of the amount paid to the old fund in respect of such contributor under that sub-section as represents the contributions paid by such contributor, are in excess of what would have been the amount of those contributions had they been paid in accordance with the relative scale set forth in section *twelve* of the said Act;
 - (e) in terms of any conditions determined by the Treasury under sub-section (2) of section *thirteen* in so far as such amounts, together with so much of the amount paid to a new fund in respect of such contributor under that sub-section as represents the contributions paid by such contributor, are in excess of what would have been the amount of those contributions had they been paid in accordance with the appropriate scale set forth in section *twenty-five*, *thirty-three* or *forty-four*; (v)
 - (v) "own contributions" means the amounts paid or due by a contributor to the old fund or a new fund, and

WET

Om sekere wette betreffende die pensioene en ander geldelike voordele by uitdienstreding of ontslag betaalbaar aan amptenare op of sedert die een-en-dertigste dag van Mei 1910 in die Staatsdiens aangestel, of by die dood van sulke amptenare aan hul afhanklikes, te konsolideer en te wysig, en om voorsiening te maak vir pensioene en ander geldelike voordele aan ander amptenare of hul afhanklikes of aan ander persone betaalbaar, en vir ander bykomstige aangeleenthede.

(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 22 Junie 1955.)

DIT WORD BEPAAL deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

HOOFSTUK I.

PENSIOENE EN GELDELIKE VOORDELE BY UITDIENSTREDING OF ONTSLAG VAN PERSONE IN DIE STAATSDIENS.

1. (1) In hierdie Hoofstuk, tensy uit die samehang anders blyk, en behoudens andersluidende bepalings in sub-artikel (2), beteken—

Omskrywing van uitdrukkings in hierdie Hoofstuk gebesig.

- (i) „agterstallige bydraes” enige bydraes deur ’n bydraer betaalbaar uit hoofde van ’n keuse kragtens sub-artikel (1) van artikel *agt*, sub-artikel (2) van artikel *twee-en-twintig* of artikel *twee-en-veertig* deur hom gedoen, of enige bedrag deur ’n bydraer betaalbaar ten opsigte van ’n tydperk van vorige pensioengewende diens in artikel *twaalf*, *dertien* of *vyftien* bedoel; (i)
- (ii) „bydraer” ’n bydraer tot ’n nuwe fonds en ook iemand wat met verlof afwesig is of uit sy diens geskors is en wat onmiddellik tevore ’n bydraer was; (iii)
- (iii) „bydraes” die bedrae deur ’n bydraer in die ou fonds of ’n nuwe fonds gestort of daaraan verskuldig, maar nie ook rente nie; (ii)
- (iv) „eie bydraes” die bedrae deur ’n bydraer in die ou fonds of ’n nuwe fonds gestort of daaraan verskuldig, en die bedrag verteenwoordigende die bydraes, deur ’n bydraer ingevolge die bepalings tot reëling van ’n ander pensioenfonds of -skema betaal, wat ten opsigte van bedoelde bydraer ingevolge die bepalings van die Pensioenwet in die ou fonds gestort is of ingevolge die bepalings van hierdie Wet in ’n nuwe fonds gestort word, maar nie ook meerdere bydraes en rente nie; (v)
- (v) „meerdere bydraes” die bedrae, behalwe rente, deur ’n bydraer betaal of verskuldig—
 - (a) volgens Hoofstuk III van die Staatsdienswet, bo vier persent van sy pensioengewende verdienste;
 - (b) volgens sub-artikel (1) van artikel *vyf* van die Pensioenwet, bo vyf-en-’n-kwart persent van sy pensioengewende verdienste;
 - (c) volgens sub-artikel (2) van artikel *vyf* van die Pensioenwet of artikel *sewentien* van hierdie Wet, bo ses persent van sy pensioengewende verdienste;
 - (d) volgens voorwaardes deur die Tesourie ingevolge sub-artikel (2) van artikel *ses-en-twintig* van die Pensioenwet bepaal, vir sover daardie bedrae, tesame met soveel van die bedrag ten opsigte van bedoelde bydraer ingevolge daardie sub-artikel in die ou fonds gestort, as wat die deur bedoelde bydraer betaalde bydraes voorstel, die bedrag waarop daardie bydraes te staan sou gekom het as hulle ooreenkomstig die betrokke skaal uiteengesit in artikel *twaalf* van bedoelde Wet betaal was, te bowe gaan;
 - (e) volgens voorwaardes deur die Tesourie ingevolge sub-artikel (2) van artikel *dertien* bepaal, vir sover daardie bedrae, tesame met soveel van die bedrag ten opsigte van bedoelde bydraer inge-

the amount representing the contributions paid by the contributor under the provisions regulating any other pension fund or scheme which was paid to the old fund in respect of such contributor under the provisions of the Pensions Act or is paid to a new fund in respect of such contributor under the provisions of this Act, but does not include excess contributions and interest. (iv)

(2) If in accordance with any conditions determined in terms of sub-section (3) or (4) of section *eight*, a contributor is required, in respect of any period included in his pensionable service in terms of one or the other of those sub-sections, to pay not only the contributions which would have been due by him had the provisions of sub-section (1) of the said section been applicable in respect of such period, but also the amount which would in that event have been payable from revenue in terms of subparagraph (i) of paragraph (b) of section *fifty-one*, no part of the said amount shall be deemed to be included in his own contributions, and only one-half of such amount shall be deemed to be excess contributions.

Establishment of new funds.

2. (1) There shall be deemed to have been established, with effect from the fixed date—

- (a) a Union pension fund;
- (b) a South African permanent force pension fund; and
- (c) a South African police and prisons service pension fund.

(2) Each fund shall consist of—

- (a) the amounts paid to the fund in terms of section *three*;
- (b) the amounts paid to the fund by contributors;
- (c) the amounts paid to the fund out of revenue;
- (d) any other amounts which are to be credited to the fund.

Closing and division of the Union Public Service Pension Fund.

3. (1) The old fund shall be deemed to have been closed as at the fixed date and there shall with effect from that date be credited to each new fund such proportion of the assets of the old fund as at that date as may be determined by an actuary to be fair and reasonable.

(2) Any amount which—

- (a) was payable to or from the old fund immediately prior to the fixed date but was unpaid as at that date; or
- (b) was payable or paid to or from the old fund on or after the fixed date but before the date of commencement of this Act; or
- (c) represents interest gained or lost by the old fund in respect of any amounts paid to or from that fund on or after the fixed date but before the date of commencement of this Act,

shall be credited or debited to the new funds according to such allocation amongst them as the Treasury, in consultation with an actuary, may determine.

(3) All pensions payable under this Chapter shall, except where otherwise provided, be paid out of the new fund concerned.

Annuities payable from Union public service pension fund to be paid from new funds.

4. (1) As from the date of commencement of this Act, any annuity which immediately prior to that date was payable from the old fund to any person who retired or was retired or discharged prior to such date shall, subject to the provisions of section *one hundred and seven*, be paid—

- (a) if immediately prior to his retirement or discharge the said person was a member of the permanent force and was subject to the provisions of Part B of Chapter I of the Pensions Act, from the permanent force pension fund;
- (b) if immediately prior to his retirement or discharge the said person was a member of the police force or prisons service and was subject to the provisions of Part B of Chapter I of the Pensions Act, from the police and prisons pension fund;
- (c) if the said person was not a person referred to in paragraph (a) or (b), from the Union pension fund.

(2) Subject to the provisions of section *one hundred and seven*, an annuity which, immediately prior to the commencement of this Act, was payable from revenue for a period prescribed in the Pensions Act, and which would after the lapse of such period have been paid from the old fund had that fund not been

volge daardie sub-artikel in 'n nuwe fonds gestort, as wat die deur bedoelde bydraer betaalde bydraes voorstel, die bedrag waarop daardie bydraes te staan sou gekom het as hulle ooreenkomstig die betrokke skaal uiteengesit in artikel vyf-en-twintig, drie-en-dertig of vier-en-veertig betaal was, te bowe gaan. (iv)

(2) Indien volgens voorwaardes ingevolge sub-artikel (3) of (4) van artikel agt bepaal, 'n bydraer ten opsigte van 'n tydperk ingevolge een of ander van daardie sub-artikels by sy pensioengewende diens ingesluit, nie slegs die bydraes moet betaal wat deur hom verskuldig sou gewees het as die bepalings van sub-artikel (1) van bedoelde artikel ten opsigte van daardie tydperk van toepassing was nie, maar ook die bedrag wat in so 'n geval ingevolge sub-paragraaf (i) van paragraaf (b) van artikel een-en-vyftig uit inkomste betaalbaar sou gewees het, word geen gedeelte van bedoelde bedrag geag by sy eie bydraes ingesluit te wees nie, en word slegs die helfte van daardie bedrag geag meerdere bydraes te wees.

2. (1) Daar word geag met ingang van die vasgestelde datum gestig te gewees het— Stigting van nuwe fondse.

- (a) 'n Unie-pensioenfonds;
- (b) 'n Suid-Afrikaanse staandemag-pensioenfonds; en
- (c) 'n Suid-Afrikaanse polisie- en gevangenisdiens-pensioenfonds.

(2) Elke fonds bestaan uit—

- (a) die bedrae volgens artikel drie in die fonds gestort;
- (b) die bedrae deur bydraers in die fonds gestort;
- (c) die bedrae uit inkomste in die fonds gestort;
- (d) alle ander bedrae waarmee die fonds gekrediteer dien te word.

3. (1) Die ou fonds word geag op die vasgestelde datum afgesluit te gewees het, en daar word met ingang van daardie datum aan elke nuwe fonds so 'n deel van die bates van die ou fonds op daardie datum gekrediteer as wat deur 'n aktuaris as billik en redelik bepaal word. Afsluiting en verdeling van Unie-staatsdiens-pensioenfonds.

(2) Enige bedrag wat—

- (a) onmiddellik voor die vasgestelde datum aan of uit die ou fonds betaalbaar was, maar op daardie datum nie betaal was nie; of
- (b) op of na die vasgestelde datum, maar voor die datum van inwerkingtreding van hierdie Wet, aan of uit die ou fonds betaalbaar was of betaal is; of
- (c) rente voorstel wat deur die ou fonds verdien of verloor is ten opsigte van bedrae op of na die vasgestelde datum, maar voor die datum van inwerkingtreding van hierdie Wet, aan of uit daardie fonds betaal,

word teen die nuwe fondse gekrediteer of gedebiteer na gelang dit deur die Tesourie in oorlegpleging met 'n aktuaris aan daardie fondse toegewys word.

(3) Behalwe waar anders bepaal, word alle pensioene ingevolge hierdie Hoofstuk betaalbaar, uit die betrokke nuwe fonds betaal.

4. (1) Vanaf die datum van inwerkingtreding van hierdie Wet word, behoudens die bepalings van artikel honderd-en-sewe, enige jaargeld wat onmiddellik voor daardie datum uit die ou fonds betaalbaar was aan iemand wat voor bedoelde datum afgetree het of afgedank of ontslaan was, betaal— Jaargelde betaalbaar uit Unie-staatsdienspensioen-fonds word uit nuwe fondse betaal.

- (a) indien bedoelde persoon onmiddellik voor sy uitdiens-treding of ontslag 'n lid van die staande mag was en onder die bepalings van Deel B van Hoofstuk I van die Pensioenwet geval het, uit die staandemag-pensioenfonds;
- (b) indien bedoelde persoon onmiddellik voor sy uitdiens-treding of ontslag 'n lid van die polisiemag of gevangenisdiens was en onder die bepalings van Deel B van Hoofstuk I van die Pensioenwet geval het, uit die polisie- en gevangenisdiens-pensioenfonds;
- (c) indien bedoelde persoon nie 'n in paragraaf (a) of (b) bedoelde persoon was nie, uit die Unie-pensioen-fonds.

(2) Behoudens die bepalings van artikel honderd-en-sewe, word 'n jaargeld wat onmiddellik voor die inwerkingtreding van hierdie Wet vir 'n tydperk in die Pensioenwet voorgeskryf uit inkomste betaalbaar was, en wat na verstryking van bedoelde tydperk uit die ou fonds betaal sou gewees het indien daardie fonds nie afgesluit was nie, nog tot die verstryking van

closed, shall continue to be paid from revenue until the expiry of the said period and shall thereafter be paid from a new fund in accordance with the provisions of sub-section (1).

Option to certain persons.

5. (1) A person who immediately prior to the commencement of this Act was subject to the provisions of Part A of Chapter I of the Pensions Act, and who, in terms of section *seventeen*, becomes a contributor to the Union pension fund, may, subject to the approval of the Treasury, elect in writing within sixty days from the date upon which he is called upon to do so—

- (a) if he is a member of the permanent force, to become a contributor to the permanent force pension fund;
- (b) if he is a member of the police force or prisons service, to become a contributor to the police and prisons pension fund; or
- (c) if he is not a member of the permanent force or the police force or prisons service, to be subject to the provisions of Part C of this Chapter.

(2) A person who elects in terms of sub-section (1) to become a contributor to the permanent force pension fund or the police and prisons pension fund or to be subject to the provisions of Part C of this Chapter, shall pay to the appropriate fund additional contributions equal to the difference between the contributions paid by him to the old fund and in terms of section *seventeen* of this Act in respect of his pensionable service between the first day of April, 1936, and the last day of the month in which his election is made, and the contributions which he would have paid during that period if he had in terms of section *four* of the Pensions Act elected to be subject to the provisions of Part B of Chapter I of that Act, together with interest on such additional contributions at the rate of four per cent. per annum, compounded annually as at the thirty-first day of March and calculated according to the dates upon which those contributions would have been payable.

(3) If a person to whom sub-section (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 Treasury may determine and he shall pay interest at the rate of four 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) There shall be paid from revenue to the permanent force pension fund, the police and prisons pension fund or the Union pension fund, as the case may be, an amount equal to the additional contributions and interest which become payable by a person in terms of sub-section (2).

(5) All persons who are members of the services and who elect in terms of sub-section (1) to become members of the permanent force pension fund or the police and prisons pension fund, shall relinquish all rights and be freed from all obligations in the Union pension fund, and in respect of such persons there shall be paid from the Union pension fund to the permanent force pension fund or the police and prisons pension fund, as the circumstances may require, such amount as may be determined by an actuary as fair and reasonable.

PART A.

THE NEW FUNDS: GENERAL PROVISIONS.

Interpretation of term "member" in this Part.

6. In this Part, unless the context otherwise indicates, "member" means a contributor to a new fund and includes any person to or in respect of whom a pension or any other amount is payable from such a fund.

Disqualifications to be a contributor.

7. No person shall contribute to a new fund—

- (a) while under the age of sixteen years;
- (b) if he receives pensionable emoluments at a rate of less than ninety pounds per annum;
- (c) if he has been engaged for the completion or performance of specific work;
- (d) if remunerated solely by fees or allowances;
- (e) if his whole time is not at the disposal of the Government;
- (f) while employed for a fixed number of months or years;

bedoelde tydperk uit inkomste betaal, en moet dit daarna ooreenkomstig die bepalings van sub-artikel (1) uit 'n nuwe fonds betaal word.

5. (1) Iemand wat onmiddellik voor die inwerkingtreding van hierdie Wet onder die bepalings van Deel A van Hoofstuk I van die Pensioenwet geval het, en wat ooreenkomstig artikel *sewentien* 'n bydraer tot die Unie-pensioenfonds word, kan, onderworpe aan die goedkeuring van die Tesourie, binne sestig dae vanaf die datum waarop hy daartoe aangesê word, skriftelik kies—

Keuse aan sekere persone.

- (a) indien hy 'n lid van die staande mag is, om 'n bydraer tot die staandemag-pensioenfonds te word;
- (b) indien hy 'n lid van die polisiemag of gevangenisdiens is, om 'n bydraer tot die polisie- en gevangenisdiens-pensioenfonds te word; of
- (c) indien hy nie 'n lid van die staande mag of die polisie-mag of gevangenisdiens is nie, om onder die bepalings van Deel C van hierdie Hoofstuk te val.

(2) Iemand wat ooreenkomstig sub-artikel (1) kies om 'n bydraer tot die staandemag-pensioenfonds of die polisie- en gevangenisdiens-pensioenfonds te word of om onder die bepalings van Deel C van hierdie Hoofstuk te val, moet aan die betrokke fonds bykomstige bydraes betaal gelyk aan die verskil tussen die bydraes aan die ou fonds en ingevolge artikel *sewentien* van hierdie Wet deur hom betaal ten opsigte van sy pensioengewende diens tussen die eerste dag van April 1936 en die laaste dag van die maand waarin sy keuse gedoen word, en die bydraes wat hy gedurende daardie tydperk sou betaal het indien hy ooreenkomstig artikel *vier* van die Pensioenwet gekies het om onder die bepalings van Deel B van Hoofstuk I van daardie Wet te val, met rente op bedoelde bykomstige bydraes teen die koers van vier persent per jaar, jaarliks op die een-en-dertigste dag van Maart saamgestel en bereken volgens die datums waarop daardie bydraes betaalbaar sou gewees het.

(3) Indien iemand op wie sub-artikel (2) van toepassing is, nie in staat is om die deur hom verskuldigde bedrag in een paalement te betaal nie, word bedoelde bedrag op hom verhaal op die wyse en in die paalemente wat die Tesourie mag vasstel, en moet hy rente teen die koers van vier persent per jaar, jaarliks op die een-en-dertigste dag van Maart saamgestel, betaal op die bedrag wat aan die end van elke maand nog nie betaal is nie.

(4) Daar word uit inkomste in die staandemag-pensioenfonds, die polisie- en gevangenisdiens-pensioenfonds of die Unie-pensioenfonds, na gelang van die geval, 'n bedrag gestort gelyk aan die bykomstige bydraes en rente wat ooreenkomstig sub-artikel (2) deur iemand betaalbaar word.

(5) Alle persone wat lede van die dienste is en wat ooreenkomstig sub-artikel (1) kies om lede van die staandemag-pensioenfonds of die polisie- en gevangenisdiens-pensioenfonds te word, doen afstand van al hul regte in en word onthef van al hul verpligtings teenoor die Unie-pensioenfonds, en ten opsigte van bedoelde persone word daar na gelang van die omstandighede uit die Unie-pensioenfonds in die staandemag-pensioenfonds of die polisie- en gevangenisdiens-pensioenfonds so 'n bedrag betaal as wat deur 'n aktuaris as billik en redelik bepaal mag word.

DEEL A.

DIE NUWE FONDSE: ALGEMENE BEPALINGS.

6. In hierdie Deel, tensy uit die samehang anders blyk, beteken „lid” 'n bydraer tot 'n nuwe fonds en ook iemand aan of ten opsigte van wie 'n pensioen of 'n ander bedrag uit so 'n fonds betaalbaar is.

Omskrywing van woord „lid” in hierdie Deel.

7. Niemand dra tot 'n nuwe fonds by nie—

Diskwalifikasies om 'n bydraer te wees.

- (a) terwyl hy onder die leeftyd van sestiën jaar is;
- (b) indien hy pensioengewende verdienste trek volgens 'n skaal van minder as negentig pond per jaar;
- (c) indien hy in diens geneem is vir die voltooiing of verrigting van bepaalde werk;
- (d) indien sy besoldiging uitsluitlik uit honoraria of toelaes bestaan;
- (e) indien al sy tyd nie tot beskikking van die regering staan nie;
- (f) terwyl hy vir 'n bepaalde aantal maande of jare in diens is;

- (g) while employed temporarily;
- (h) while employed in a post which is not a post classified in one of the divisions of the public service unless such post, for pension purposes, is deemed in accordance with any other law to be a post so classified.

Option to contribute in respect of past continuous and non-continuous employment.

8. (1) Subject to the provisions of sub-section (2), any person who on the removal of a disability referred to in section *seven* becomes a member, shall be given the option of contributing in respect of any period of his past continuous employment approved by the Commissioner, and shall exercise such option in writing within thirty days from the date upon which he is called upon to do so.

(2) For the purpose of sub-section (1), continuous employment shall not include any period during which the provisions of paragraph (a), (b), (d) or (e) of section *seven* of this Act or of paragraph (a), (c), (e) or (f) of section *sixteen* of the Pensions Act applied in respect of the person concerned.

(3) A member who has had one or more previous periods of employment in respect of which he contributed to a fund established under section *nineteen* of the Public Service and Pensions Act, 1912 (Act No. 29 of 1912), or section *twenty-five* of the Public Service Act, or to the old fund or a new fund, may, with the approval of the Treasury granted in accordance with the recommendation of the Commission, and on such terms and conditions as may be specified in such approval, be permitted to include in his pensionable service, either—

(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 a 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 Treasury may on the recommendation of the Commission determine, if application for such approval is made by the member to the head of the department in which he is employed and any election by him in pursuance of such approval is made within sixty days from the date on which he is called upon by the Commissioner to elect.

(4) A member (not being a member to whom the provisions of sub-section (3) apply) may, with the approval of the Treasury granted in accordance with the recommendation of the Commission, and on such terms and conditions as may be specified in such approval, 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 Treasury may, on the recommendation of the Commission determine, if application for such approval is made by the member to the head of the department in which he is employed and any election by him in pursuance of such approval is made within sixty days from the date on which he is called upon by the Commissioner to elect.

(5) The terms and conditions referred to in sub-sections (3) and (4) shall provide, *inter alia*—

- (a) in the case of a member who elects in terms of sub-section (3) to have any part of a previous period of employment included in his pensionable service—
 - (i) 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 to which he was a contributor;
 - (ii) for the repayment from revenue of any amount which on the termination of the said period was paid from the said fund to revenue;
 - (iii) if such member is subject to the provisions of Part C, D or E of this Chapter, for the payment in equal shares by such member and from revenue in respect of any such period during which he was

- (g) terwyl hy tydelik in diens is;
- (h) terwyl hy in diens is in 'n betrekking wat nie as 'n betrekking onder 'n afdeling van die staatsdiens geklassifiseer is nie, tensy bedoelde betrekking ooreenkomstig 'n ander wet vir pensioendoeleindes geag word 'n aldus geklassifiseerde betrekking te wees.

8. (1) Daar word onderworpe aan die bepalings van sub-artikel (2), aan iemand wat by verwydering van 'n in artikel *sewe* bedoelde diskwalifikasie 'n lid word, die keuse toegestaan om ten opsigte van enige deur die Kommissaris goedgekeurde tydperk van sy vorige ononderbroke diens by te dra, en bedoelde keuse moet skriftelik deur hom uitgeoefen word binne dertig dae vanaf die datum waarop hy aangesê word om dit te doen.

Keuse om by te dra ten opsigte van vorige ononderbroke en onderbroke diens.

(2) By die toepassing van sub-artikel (1) word onder ononderbroke diens nie ook 'n tydperk verstaan gedurende welke die bepalings van paragraaf (a), (b), (d) of (e) van artikel *sewe* van hierdie Wet of paragraaf (a), (c), (e) of (f) van artikel *sestien* van die Pensioenwet ten opsigte van die betrokke lid geld het nie.

(3) 'n Lid wat een of meer vorige dienstydperke gehad het, ten opsigte waarvan hy tot 'n fonds ingestel kragtens artikel *negentien* van die „Staatsdiens en Pensioen Wet, 1912” (Wet No. 29 van 1912), of artikel *vyf-en-twintig* van die Staatsdienswet, of tot die ou fonds of 'n nuwe fonds bygedra het, kan, met goedkeuring deur die Tesourie ooreenkomstig die aanbeveling van die Kommissie verleen, en op die bedinge en voorwaardes in bedoelde goedkeuring uiteengesit, toegelaat word om of—

- (a) soveel van—
 - (i) een of meer van bedoelde dienstydperke; en
 - (ii) 'n tydperk wat val tussen enige twee sodanige tydperke of tussen so 'n tydperk en die datum waarop sy pensioengewende diens begin het; of
- (b) soveel van die tydperk tussen die datum waarop hy die ouderdom van vyf-en-twintig jaar bereik het en die datum waarop sy pensioengewende diens begin het,

as wat die Tesourie op aanbeveling van die Kommissie mag bepaal, by bedoelde pensioengewende diens in te reken, indien aansoek om sodanige goedkeuring deur die lid gedoen word by die hoof van die departement waar hy in diens is, en enige keuse ingevolge so 'n goedkeuring deur hom uitgeoefen word binne-sestig dae na die datum waarop hy deur die Kommissaris aangesê word om 'n keuse te doen.

(4) 'n Lid (wat nie 'n lid is op wie die bepalings van sub-artikel (3) van toepassing is nie) kan, met goedkeuring deur die Tesourie ooreenkomstig die aanbeveling van die Kommissie verleen, en op die bedinge en voorwaardes in bedoelde goedkeuring uiteengesit, toegelaat word om soveel van die tydperk tussen die datum waarop hy die ouderdom van vyf-en-twintig jaar bereik het en die datum waarop sy pensioengewende diens begin het, as wat die Tesourie op aanbeveling van die Kommissie mag bepaal, by sy pensioengewende diens in te reken, indien aansoek om sodanige goedkeuring deur die lid gedoen word by die hoof van die departement waar hy in diens is en enige keuse ingevolge so 'n goedkeuring deur hom uitgeoefen word binne-sestig dae na die datum waarop hy deur die Kommissaris aangesê word om 'n keuse te doen.

(5) Die in sub-artikels (3) en (4) bedoelde bedinge en voorwaardes moet onder meer voorsiening maak—

- (a) in die geval van 'n lid wat ingevolge sub-artikel (3) kies om enige deel van 'n vorige dienstydperk by sy pensioengewende diens in te reken—
 - (i) vir die terugbetaling deur die lid, in paaiemente of andersins, van enige geldelike voordeel of gedeelte daarvan wat by die beëindiging van bedoelde tydperk uit die fonds waartoe hy bygedra het aan hom betaal mag gewees het;
 - (ii) vir die terugstorting uit inkomste van enige bedrag wat by beëindiging van daardie tydperk uit bedoelde fonds in inkomste gestort was;
 - (iii) indien die lid onder die bepalings van Deel C, D of E van hierdie Hoofstuk val, vir die betaling deur bedoelde lid en uit inkomste in gelyke aandeel, ten opsigte van enige sodanige tydperk gedurende welke hy onder die bepalings van

subject to the provisions of Part A of Chapter I. of the Pensions Act, of such an amount as, together with the amounts referred to in sub-paragraphs (i) and (ii), will be necessary to place the new fund to which he contributes in the position in which it would have been if during that period contributions had been paid to it by and in respect of him in accordance with the appropriate scale of contributions in force from time to time during that period in respect of members who were subject to the provisions of Part B of the said Chapter;

- (b) for the payment by such member of any amount which may be necessary to place the new fund to which he contributes in the position in which it would have been if during any period included in his pensionable service in terms of sub-paragraph (ii) of paragraph (a) of sub-section (3) or sub-section (4), or any period so included in terms of paragraph (b) of sub-section (3), in respect of which he did not contribute to any fund mentioned in that sub-section, contributions had been paid to that fund by and in respect of him in accordance with the appropriate scale of contributions in force at the date of his election and on the basis of pensionable emoluments at a rate equal to his pensionable emoluments at the date of his latest appointment to the public service;
- (c) for the conditions to be imposed in regard to the repayment of any benefit referred to in sub-paragraph (i) of paragraph (a) or the payment of any amount referred to in sub-paragraph (iii) of paragraph (a) or paragraph (b);
- (d) for the payment of interest by the member or from revenue—
 - (i) on the monetary benefit referred to in sub-paragraph (i) of paragraph (a) from the date the benefit was paid to the member until the date it is repaid;
 - (ii) on any amount referred to in sub-paragraph (ii) of paragraph (a) from the date such amount was paid to revenue until the date it is repaid from revenue;
 - (iii) as part of any amount referred to in sub-paragraph (iii) of paragraph (a) or paragraph (b);
 - (iv) on any amount due by a member at the end of each month if he is unable to liquidate his liability in one payment.

(6) Any period which a member has not elected to include in his pensionable service and which falls between two periods of pensionable service, shall be deemed not to interrupt the period of the said member's service for the purposes of section *nine*.

(7) The provisions of section *four* of the Public Service Act shall apply with reference to any recommendation of the Commission under this section.

**Pensionable
service.**

9. (1) The 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) under suspension from office, if followed by re-instatement in the same or another office or post,

and shall not be regarded as interrupted by leave of absence without pay: Provided that no period of employment, leave or suspension of a member shall be included in his pensionable service unless he has contributed to the old fund or a new fund in respect of that period or unless his contributions in respect of that period are deducted from the pension in terms of sub-section (3) of section *ten*.

(2) The period of pensionable service shall be calculated by the year and month and fractions of a month shall be disregarded.

**Collection, etc.,
of arrear and
other con-
tributions.**

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

(2) Any arrear contributions which a member is required or has elected to make, may, except where otherwise provided in this Act, be paid in instalments, and the deductions to be made

Deel A van Hoofstuk I van die Pensioenwet geval het, van so 'n bedrag as wat tesame met die in sub-paragraawe (i) en (ii) bedoelde bedrae nodig sal wees om die nuwe fonds waartoe hy bydra in die posisie te plaas waarin dit sou gewees het indien gedurende daardie tydperk bydraes daaraan deur en ten opsigte van hom betaal was ooreenkomstig die toepaslike skaal van bydraes wat van tyd tot tyd gedurende daardie tydperk van krag was ten opsigte van lede wat onder die bepalings van Deel B van bedoelde Hoofstuk geval het;

- (b) vir die betaling deur bedoelde lid van enige bedrag wat nodig mag wees om die nuwe fonds waartoe hy bydra in die posisie te plaas waarin dit sou gewees het indien daar, gedurende enige tydperk kragtens sub-paragraaf (ii) van paragraaf (a) van sub-artikel (3) of sub-artikel (4) by sy pensioengewende diens ingesluit, of enige tydperk kragtens paragraaf (b) van sub-artikel (3) aldus ingesluit, ten opsigte waarvan hy nie tot 'n in daardie sub-artikel bedoelde fonds bygedra het nie, bydraes deur en ten opsigte van hom aan daardie fonds betaal was ooreenkomstig die toepaslike skaal van bydraes van krag op die datum waarop hy sy keuse gedoen het en op grondslag van 'n pensioengewende verdienste teen 'n skaal gelyk aan sy pensioengewende verdienste op die datum van sy jongste aanstelling tot die staatsdiens;
- (c) vir die voorwaardes wat met betrekking tot die terugbetaling van enige voordeel in sub-paragraaf (i) van paragraaf (a) bedoel, of die betaling van enige bedrag in sub-paragraaf (iii) van paragraaf (a) of paragraaf (b) bedoel, opgelê moet word;
- (d) vir die betaling van rente deur die lid of uit inkomste—
 - (i) op die geldelike voordeel in sub-paragraaf (i) van paragraaf (a) bedoel vanaf die datum waarop die voordeel aan die lid betaal was tot die datum waarop dit terugbetaal word;
 - (ii) op enige bedrag in sub-paragraaf (ii) van paragraaf (a) bedoel vanaf die datum waarop daardie bedrag aan inkomste betaal was tot die datum waarop dit uit inkomste terugbetaal word;
 - (iii) as deel van enige in sub-paragraaf (iii) van paragraaf (a) of paragraaf (b) bedoelde bedrag;
 - (iv) op enige bedrag aan die end van 'n maand deur 'n lid verskuldig indien hy nie sy skuld in een paaiement kan afbetaal nie.

(6) Enige tydperk wat 'n lid nie gekies het om by sy pensioengewende diens in te sluit nie, en wat tussen twee tydperke van pensioengewende diens val, word by die toepassing van artikel *nege* geag nie die tydperk van die lid se diens te onderbreek nie.

(7) Die bepalings van artikel *vier* van die Staatsdienswet is met betrekking tot enige aanbeveling van die Kommissie ingevolge hierdie artikel van toepassing.

9. (1) Die pensioengewende diens met betrekking waartoe 'n pensioen bereken moet word, moet ononderbroke wees en Pensioengewende diens. omvat die tyd wat deurgebring is—

- (a) in normale diens;
- (b) tydens afwesigheid met verlof;
- (c) tydens skorsing uit diens, indien gevolg deur herstelling in dieselfde of 'n ander betrekking of pos,

en word nie geag deur afwesigheid met verlof sonder betaling onderbreek te word nie: Met dien verstande dat geen tydperk van diens, verlof of skorsing van 'n lid by sy pensioengewende diens gereken word nie, tensy hy ten opsigte van daardie tydperk tot die ou fonds of 'n nuwe fonds bygedra het of tensy sy bydraes ten opsigte van daardie tydperk volgens sub-artikel (3) van artikel *tien* van die pensioen afgetrek word.

(2) Die tydperk van pensioengewende diens word by die jaar en maand bereken en breukdele van 'n maand word buite rekening gelaat.

10. (1) Bydraes deur 'n lid word gemaak by wyse van af- Invordering ens., trekkings van sy pensioengewende verdienste aan die end van van agterstallige elke maand of op sulke ander tye as wat die Tesourie mag en ander bydraes. vasstel.

(2) Agterstallige bydraes wat 'n lid moet maak of gekies het om te maak, kan, behoudens andersluidende bepalings van hierdie Wet, in paaiemente betaal word, en die aftrekkings

in respect thereof from a member's pensionable emoluments shall be calculated at the rate of not less than two per cent. of those emoluments.

(3) If a member who is paying arrear contributions in instalments or by whom any other amount is due to a new fund dies or retires or is retired or discharged before the total amount of such contributions or the whole of such other amount has been paid, the amount which remains unpaid shall, save as is provided in sections *sixty-five* and *sixty-six*, be set off against the pension payable to him or his dependants or to his estate from the new fund of which he is a member and such pension shall be calculated upon the whole period of pensionable service in respect of which he is required or has elected to contribute.

(4) (a) A member shall continue to contribute to a new 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.

(b) Subject to such conditions as the Treasury may determine, a member may elect to contribute in respect of any period of absence on sick or other leave without pay and, if he should elect so to contribute, his contributions shall be based on his full pensionable emoluments immediately prior to such leave.

(5) A member who has been suspended from his office and re-instated in that office or any office or post shall, on such conditions as the Treasury may determine, contribute to the new fund of which he is a member in respect of the period of suspension.

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

Members seconded to other services.

11. (1) A member who is seconded to the service of another government or of the Land and Agricultural Bank of South Africa or of any board, institution or body established by law or of any body or employer approved by the Treasury may, subject to the approval of the Treasury, continue while so seconded to make contributions to the new fund of which he is a member: Provided that the said government, bank, board, institution, body or employer to whose service such member has been seconded, or the member himself, shall repay to revenue an amount equal to any contributions paid from revenue in respect of the member: Provided further that the contributions so continued to be made shall be based upon such an amount, not being less than the pensionable emoluments which such member would have drawn if he had not been seconded as may be determined by the Treasury from time to time on the recommendation of the Commission, and any amount so determined shall for the purposes of this Chapter be deemed to be the pensionable emoluments of the member during the period concerned.

(2) A member who prior to the date of commencement of this Act was seconded to the service of a government, bank, board, institution, body or employer referred to in sub-section (1), and who in terms of the Pensions Act had the right to retire on pension on attaining the pensionable age as defined in section *eighty-three* of that Act, and who at such date was still so seconded, shall, notwithstanding anything to the contrary in this Act contained, if he attains the said pensionable age while so seconded, be deemed to have retired from the public service on the date he attains that age.

Transfer of contributions from one new fund to another on promotion or transfer of member.

12. (1) If a member of a new fund is transferred to employment in respect of which he becomes liable to contribute to another new fund, he shall as from the date of such transfer become a member of and contribute to such other fund, and any pension payable from the latter fund shall be calculated upon the whole period of his pensionable service: Provided that the rate of his contributions shall be determined by his age last birthday at the date of commencement of his prior continuous pensionable service under this Act.

(2) When a member is so transferred an amount equal to the contributions paid by and in respect of the member to the new fund to which he was a contributor immediately prior to such transfer, together with interest at the rate of four per cent. per annum on twice the amount of the contributions paid in respect

wat ten opsigte daarvan van 'n lid se pensioengewende verdienste gemaak moet word, word volgens die skaal van minstens twee persent van daardie verdienste bereken.

(3) Indien 'n lid wat agterstallige bydraes by wyse van paaie-mente betaal, of deur wie 'n ander bedrag aan 'n nuwe fonds verskuldig is, te sterwe kom of aftree of afgedank of ontslaan word voordat die hele bedrag van bedoelde bydraes of die totaal van bedoelde ander bedrag betaal is, word die nog onbetaalde bedrag, behoudens die bepalinge van artikels vyf-en-sestig en ses-en-sestig, verreken teen die pensioen uit die nuwe fonds waarvan hy lid is aan hom of sy afhanklikes of aan sy boedel betaalbaar, en bedoelde pensioen word bereken op die hele tydperk van pensioengewende diens ten opsigte waarvan hy moet bydra of gekies het om by te dra.

(4) (a) 'n Lid gaan voort om tot 'n nuwe fonds by te dra onderwyl hy met siekte- of ander verlof teen volle of minder as volle betaling afwesig is, en sy bydraes gedurende bedoelde verlof word op sy volle pensioengewende verdienste gebaseer.

(b) Behoudens sodanige voorwaardes as wat die Tesourie mag bepaal, kan 'n lid kies om by te dra ten opsigte van 'n tydperk van afwesigheid met siekte- of ander verlof sonder betaling, en indien hy kies om aldus by te dra, word sy bydraes op sy volle pensioengewende verdienste onmiddellik voor bedoelde verlof gebaseer.

(5) 'n Lid wat in sy betrekking geskors en in daardie betrekking of enige betrekking of pos herstel is, moet, op die voorwaardes wat die Tesourie mag bepaal, ten opsigte van die tydperk van skorsing tot die nuwe fonds waarvan hy 'n lid is, bydra.

(6) Indien 'n lid per week, per dag of per uur besoldig word, word sy pensioengewende verdienste vasgestel op die basis van die jaarlikse ekwivalent van bedoelde besoldiging bereken tot op die naaste pond.

11. (1) 'n Lid wat tydelik oorgeplaas is na die diens van 'n ander regering of van die Land- en Landboubank van Suid-Afrika, of van 'n raad, inrigting of liggaam by wet ingestel of van enige deur die Tesourie goedgekeurde liggaam of werkgewer, kan, indien die Tesourie dit goedkeur, onderwyl hy aldus oorgeplaas is, voortgaan om by te dra tot die nuwe fonds waarvan hy 'n lid is: Met dien verstande dat bedoelde regering, bank, raad, inrigting, liggaam of werkgewer na wie se diens die lid oorgeplaas is of die lid self 'n bedrag aan inkomste moet terugbetaal gelyk aan enige bydraes ten opsigte van die lid uit inkomste betaal: Met dien verstande voorts dat die bydraes waarmee aldus voortgegaan word, gebaseer word op die bedrag (wat nie minder mag wees nie as die pensioengewende verdienste wat so 'n lid sou getrek het indien hy nie oorgeplaas was nie) wat die Tesourie van tyd tot tyd op aanbeveling van die Kommissie mag bepaal, en 'n aldus bepaalde bedrag word, by die toepassing van hierdie Hoofstuk, geag die pensioengewende verdienste van die lid gedurende die betrokke tydperk te wees.

Lede tydelik na
ander dienste
oorgeplaas.

(2) 'n Lid wat voor die datum van inwerkingtreding van hierdie Wet tydelik na die diens van 'n in sub-artikel (1) bedoelde regering, bank, raad, inrigting, liggaam of werkgewer oorgeplaas was, en wat ingevolge die Pensioenwet die reg gehad het om by bereiking van die pensioenleeftyd soos in artikel drie-en-tagtig van daardie Wet omskryf, met pensioen af te tree, en wat by bedoelde datum nog aldus oorgeplaas was, word, ondanks andersluidende bepalinge van hierdie Wet, indien hy bedoelde pensioenleeftyd bereik terwyl hy aldus oorgeplaas bly, geag op die datum wanneer hy daardie datum bereik uit die staatsdiens af te getree het.

12. (1) Indien 'n lid van 'n nuwe fonds oorgeplaas word na diens ten opsigte waarvan hy onder verpligting kom om tot 'n ander nuwe fonds by te dra, word hy vanaf die datum van bedoelde oorplasing 'n lid van en dra hy by tot bedoelde ander fonds, en word enige pensioen uit laasgenoemde fonds betaalbaar, op die hele tydperk van sy pensioengewende diens bereken: Met dien verstande dat die skaal van sy bydraes volgens sy leeftyd op sy laaste verjaardag by die aanvangsdatum van sy vorige ononderbroke pensioengewende diens ingevolge hierdie Wet vasgestel word.

Oorplasing van
bydraes van een
nuwe fonds na
'n ander by
bevordering of
oorplasing van lid.

(2) Wanneer 'n lid aldus oorgeplaas word, word 'n bedrag gelyk aan die bydraes wat deur en ten opsigte van die lid betaal is, aan die nuwe fonds waartoe hy onmiddellik voor bedoelde oorplasing bygedra het, met rente teen die koers van vier persent per jaar op dubbel die bedrag van die bydraes ten opsigte

of such member, annually compounded as at the thirty-first of March and calculated according to the dates upon which such contributions became payable or, in the case of arrear contributions, as if payment of such contributions were regularly made from the date upon which his pensionable service commenced, shall be paid from such fund to the new fund to which in terms of sub-section (1) he becomes liable to contribute from the date of transfer, and he shall have no further claim on the first-mentioned fund: Provided that if the total amount so paid is more or less than the amount which, in respect of the member's pensionable service prior to his transfer, is required for the purposes of the new fund to which the said member becomes liable so to contribute, the surplus shall be disposed of in such manner or the deficiency shall be paid by the member and from revenue in such proportions as the Treasury may determine.

Persons transferred from provincial and other services.

13. (1) A person who is subject to a pension law administered by a provincial administration or the administration of the territory or a department of education (whether in the Union or in the territory) or any pension law (other than this Act) administered by the Treasury and who is transferred or appointed directly without a break in his service to employment in respect of which he is liable to contribute to a new fund, or who, without a break in his service, becomes liable to contribute to such a fund, shall, subject in the case of a person appointed to a post in the permanent force, to the provisions of sub-section (2) of section *thirty-three*, or, in the case of a person appointed to the police force or prisons service, to the provisions of sub-section (2) of section *forty-four*, contribute to the appropriate new fund as from the date of such transfer or appointment or the date on which he so becomes liable.

(2) Any person who is so transferred or appointed or who so becomes liable may elect in writing within thirty days from the date upon which he is called upon by the Commissioner to do so, to reckon his past pensionable service, on such conditions as the Treasury may determine, as pensionable service under this Act, and if he elects so to reckon his past pensionable service, there shall be paid to the new fund to which he has become a contributor, by the administration or department concerned or the Treasury, as the case may be, from the appropriate fund or from its revenue or from such fund and from such revenue, and by such person, in such proportions as the Treasury may determine, an amount equal to twice the contributions which would have been payable by such person to the said new fund during the period of his past pensionable service if during that period he had been a member of such fund and had contributed in accordance with the appropriate scale of contributions in force at the date of such transfer or appointment or at the date on which he so becomes liable, together with interest on such contributions at the rate of five per cent. per annum, annually compounded as at the thirty-first day of March and calculated according to the dates upon which such contributions would have become payable.

(3) If any such person does not elect in terms of sub-section (2) to reckon his past pensionable service as pensionable service under this Act, he shall be granted out of the fund or scheme of which he was previously a member any pension to which he may be entitled in accordance with the pension law or regulations governing that fund or scheme.

Members transferred to provincial and other services.

14. (1) If a member—

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

and is permitted and elects to contribute to the fund in question in respect of any part of his past pensionable service, such an amount as may be prescribed shall be transferred from the appropriate new fund to such first-mentioned fund: Provided

van die lid betaal, jaarliks saamgestel op die een-en-dertigste dag van Maart en bereken volgens die datums waarop bedoelde bydraes betaalbaar geword het of, in die geval van agterstallige bydraes, asof daardie bydraes gereeld betaal was vanaf die datum waarop sy pensioengewende diens begin het, uit bedoelde fonds betaal aan die nuwe fonds waartoe hy ooreenkomstig sub-artikel (1) vanaf die datum van oorplasing onder verpligting kom om by te dra, en het hy geen verdere vordering teen eersbedoelde fonds nie: Met dien verstande dat indien die totaalbedrag aldus betaal meer of minder is as die bedrag wat, ten opsigte van die lid se pensioengewende diens voor sy oorplasing, nodig is vir die doeleindes van die nuwe fonds waartoe bedoelde lid aldus onder verpligting kom om by te dra, daar oor die oorskot beskik word op die wyse, of die tekort deur die lid en uit inkomste aangesuiwer word in die verhoudings, wat die Tesourie mag bepaal.

13. (1) Iemand wat onderhewig is aan 'n pensioenwet wat deur 'n provinsiale administrasie of die administrasie van die gebied of 'n onderwysdepartement (hetsy in die Unie of in die gebied) uitgevoer word, of 'n ander pensioenwet as hierdie Wet wat deur die Tesourie uitgevoer word, en wat oorgeplaas word na of sonder onderbreking van sy diens regstreeks aangestel word in diens ten opsigte waarvan hy verplig is om tot 'n nuwe fonds by te dra, of wat sonder onderbreking van sy diens onder verpligting kom om tot so 'n fonds by te dra, moet, behoudens die bepalinge van sub-artikel (2) van artikel *drie-en-dertig* in die geval van iemand wat in 'n pos in die staande mag aangestel word, of van sub-artikel (2) van artikel *vier-en-veertig* in die geval van iemand wat in die polisiemag of gevangenisdiens aangestel word, tot die toepaslike nuwe fonds bydra vanaf die datum van bedoelde oorplasing of aanstelling of die datum waarop hy aldus onder verpligting kom.

Persone oorgeplaas
van provinsiale
en ander dienste.

(2) Iemand wat aldus oorgeplaas of aangestel word of wat aldus onder verpligting kom, kan binne dertig dae vanaf die datum waarop hy deur die Kommissaris aangesê word om dit te doen, skriftelik kies om op die voorwaardes wat die Tesourie mag bepaal, sy vorige pensioengewende diens as pensioengewende diens ingevolge hierdie Wet te reken, en indien hy kies om sy vorige pensioengewende diens aldus te reken, word daar deur die betrokke administrasie of departement of die Tesourie, na gelang van die geval, uit die toepaslike fonds of uit sy inkomste of uit bedoelde fonds en uit bedoelde inkomste, en deur bedoelde persoon, volgens die verhouding wat die Tesourie mag bepaal, in die nuwe fonds waarvan hy 'n bydraer geword het 'n bedrag gestort gelyk aan dubbel die bydraes wat bedoelde persoon gedurende die tydperk van sy vorige pensioengewende diens in bedoelde nuwe fonds sou moes gestort het as hy gedurende daardie tydperk 'n lid van daardie fonds was en bygedra het ooreenkomstig die toepaslike skaal van bydraes van krag op die datum van bedoelde oorplasing of aanstelling of die datum waarop hy aldus onder verpligting kom, tesame met rente op bedoelde bydraes teen die koers van vyf persent per jaar, jaarliks op die een-en-dertigste dag van Maart saamgestel en bereken volgens die datums waarop bedoelde bydraes betaalbaar sou geword het.

(3) Indien so iemand nie ooreenkomstig sub-artikel (2) kies om sy vorige pensioengewende diens as pensioengewende diens ingevolge hierdie Wet te reken nie, word daar aan hom uit die fonds of skema waarvan hy voorheen 'n lid was, enige pensioen toegestaan waarop hy ingevolge die pensioenwet of -regulasies op daardie fonds of skema geregtig mag wees.

14. (1) Indien 'n lid—

- (a) oorgeplaas word na of sonder onderbreking van sy diens regstreeks aangestel word in diens ten opsigte waarvan hy onderhewig word aan 'n pensioenwet wat deur 'n provinsiale administrasie of die administrasie van die gebied of 'n onderwysdepartement (hetsy in die Unie of in die gebied) uitgevoer word, of aan 'n ander pensioenwet as hierdie Wet wat deur die Tesourie uitgevoer word, en vanaf die datum van so 'n oorplasing of aanstelling 'n bydraer tot 'n pensioen- of voorsorgfonds ingevolge bedoelde wet word; of
- (b) sonder onderbreking van sy diens onder verpligting kom om tot 'n pensioen- of voorsorgfonds by te dra ingevolge 'n wet in paragraaf (a) bedoel,

Lede oorgeplaas
na provinsiale
en ander dienste.

en toegelaat word en kies om ten opsigte van 'n gedeelte van sy vorige pensioengewende diens tot die betrokke fonds by te dra, word so 'n bedrag as wat voorgeskryf mag word uit die toepaslike nuwe fonds na eersbedoelde fonds oorgedra: Met dien

that if the amount so to be transferred is more or less than the amount which, in respect of such past pensionable service is required for the purposes of such first-mentioned fund, the excess shall be disposed of or the deficiency shall be made good in such manner as the Treasury may determine.

(2) If a member who is so transferred or appointed or who so becomes liable is not permitted to contribute in respect of his past pensionable service, or if permitted to do so does not so contribute, he may elect in writing within thirty days from the date upon which he is called upon by the Commissioner to do so, either—

(a) to be dealt with in accordance with the provisions of this Chapter as if he had retired voluntarily; or

(b) to be granted out of the new fund to which he was a contributor immediately prior to the date of such transfer or appointment or the date on which he so became liable, or out of revenue, or out of both such fund and revenue, as the circumstances require, if for any reason he retires or is retired or discharged from such employment, the pension to which he would have been entitled in respect of his pensionable service at the date of such transfer or appointment or the date on which he so became liable, if at that date he had retired or been retired or discharged from the public service for the same reason: Provided that if such member so retires or is retired or discharged by reason of the age he has attained, or for a reason mentioned in paragraph (c), (d) or (e) of sub-section (1) of section *twenty-seven*, any such pension shall only be payable from the date on which he attains the age at which he would have had the right to retire on pension and would have been required to be so retired if he had not been so transferred or appointed or become so liable: Provided further that if he is retired or discharged for a reason mentioned in paragraph (c) or (d) of sub-section (1) of section *twenty-seven*, there shall be no addition to the pension payable from the said fund.

(3) If such member fails to make an election in terms of sub-section (2) he shall be deemed to have elected the benefits under paragraph (a) of that sub-section.

(4) Notwithstanding the repeal by this Act of section *twenty-seven* of the Pensions Act, the provisions of paragraph (b) of sub-section (2) of that section shall continue to apply, as if the said section had not been repealed, to any member who prior to the date of commencement of this Act was transferred or appointed to employment referred to in sub-section (1) of this section and who in terms of the said sub-section (2) elected to be subject to the provisions of the said paragraph.

Persons transferred from and to employment under the railway administration.

15. (1) Any person who is transferred to the public service from employment under the railway administration and makes contributions to a new fund shall be entitled on his ultimate retirement to have the benefit payable to him upon retirement calculated upon the whole of his pensionable service under the railway administration and in the public service: Provided that the railway administration shall pay over to the Treasury for the benefit of the new fund concerned twice the amount of the said person's contributions together with interest, compounded annually, at the rate of five per cent. per annum.

(2) When a member is transferred from the public service to employment under the railway administration and is permitted to reckon for pension purposes any part of his pensionable employment under this Act as continuous with his period of pensionable employment under the railway administration and elects so to reckon the said part of his pensionable employment, such an amount as may be prescribed shall be paid out of the new fund concerned to the railway administration and he shall have no further claim upon that fund.

(3) If the amount payable in terms of sub-section (1) or (2) is more or less than the amount which is required in respect of such person's service under the authority from whose service he is transferred, for the purpose of the fund of which he is to become a member, the excess shall be disposed of in such manner as the said authority may determine or the deficiency shall be paid in equal shares by him and the said authority.

(4) If a member referred to in sub-section (2) is not permitted

verstande dat indien die bedrag wat aldus oorgeplaas moet word meer of minder is as die bedrag wat ten opsigte van bedoelde vorige pensioengewende diens nodig is vir die doeleindes van eersbedoelde fonds, daar oor die oorskot beskik of die tekort aangesuiwer moet word op die wyse wat die Tesourie bepaal.

(2) Indien 'n lid wat aldus oorgeplaas of aangestel word of wat aldus onder verpligting kom, nie toegelaat word om ten opsigte van sy vorige pensioengewende diens by te dra nie, of waar hy wel toegelaat word om dit te doen, nie aldus bydra nie, kan hy, binne dertig dae vanaf die datum waarop hy deur die Kommissaris aangesê word om dit te doen, skriftelik kies of—

(a) dat met betrekking tot hom ooreenkomstig die bepalings van hierdie Hoofstuk gehandel word asof hy vrywillig uit diens getree het; of

(b) dat, indien hy om een of ander rede uit bedoelde diens aftree of afgedank of ontslaan word, daar uit die nuwe fonds waartoe hy onmiddellik voor die datum van bedoelde oorplasing of aanstelling of die datum waarop hy aldus onder verpligting gekom het, bygedra het, of uit inkomste, of uit beide daardie fonds en uit inkomste, na gelang van die omstandighede, aan hom die pensioen toegeken word waarop hy op die datum van bedoelde oorplasing of aanstelling of die datum waarop hy aldus onder verpligting gekom het, ten opsigte van sy pensioengewende diens geregtig sou gewees het as hy op daardie datum om dieselfde rede uit die staatsdiens afgetree het of afgedank of ontslaan was: Met dien verstande dat indien so 'n lid aldus aftree of afgedank of ontslaan word op grond van die leeftyd wat hy bereik het, of om 'n rede in paragraaf (c), (d) of (e) van sub-artikel (1) van artikel *sewe-en-twintig* bedoel, so 'n pensioen betaalbaar is slegs vanaf die datum waarop hy die leeftyd bereik waarop hy die reg sou gehad het om met pensioen af te tree en aldus sou moes afgetree het indien hy nie aldus oorgeplaas of aangestel was of aldus onder verpligting gekom het nie: Met dien verstande voorts dat indien hy afgedank of ontslaan word om 'n rede in paragraaf (c) of (d) van sub-artikel (1) van artikel *sewe-en-twintig* bedoel, daar geen toevoeging is tot die pensioen uit bedoelde fonds betaalbaar nie.

(3) Indien so 'n lid versuim om ooreenkomstig sub-artikel (2) 'n keuse te doen, word hy geag die voordele ingevolge paragraaf (a) van daardie sub-artikel te gekies het.

(4) Ondanks die herroeping deur hierdie Wet van artikel *sewe-en-twintig* van die Pensioenwet, bly die bepalings van paragraaf (b) van sub-artikel (2) van daardie artikel van toepassing, asof bedoelde artikel nie herroep was nie, op 'n lid wat voor die datum van inwerkingtreding van hierdie Wet oorgeplaas was na of aangestel was in diens in sub-artikel (1) van hierdie artikel bedoel en wat ooreenkomstig bedoelde sub-artikel (2) gekies het om onder die bepalings van bedoelde paragraaf te val.

15. (1) Iemand wat van diens in die spoorwegadministrasie na die staatsdiens oorgeplaas word, en tot 'n nuwe fonds bydra, is by sy uiteindelijke uitdienstreding geregtig op uitdienstredingsvoordele wat volgens die totaal van sy pensioengewende diens in die spoorwegadministrasie en in die staatsdiens bereken word: Met dien verstande dat die spoorwegadministrasie dubbel die bedrag van so iemand se bydraes, tesame met rente wat jaarliks saamgestel word teen die koers van vyf persent per jaar, ten bate van die betrokke nuwe fonds aan die Tesourie moet oorbetal.

Persone oorgeplaas van en na diens in die spoorwegadministrasie.

(2) Wanneer 'n lid van die staatsdiens na diens in die spoorwegadministrasie oorgeplaas word, en toegelaat word om enige deel van sy tydperk van pensioengewende diens ingevolge hierdie Wet vir pensioendoeleindes as aaneenlopend met sy tydperk van pensioengewende diens in die spoorwegadministrasie te reken, en kies om bedoelde deel van sy pensioengewende diens aldus te reken, word so 'n bedrag as wat voorgeskryf mag word uit die betrokke nuwe fonds aan die spoorwegadministrasie betaal, en het hy geen verdere vordering teen daardie fonds nie.

(3) Indien die bedrag ingevolge sub-artikel (1) of (2) betaalbaar, meer of minder is as die bedrag wat vir die doeleindes van die fonds waarvan so 'n persoon 'n lid gaan word, nodig is ten opsigte van sy diens by die gesag van wie se diens hy oorgeplaas word, word oor die oorskot beskik op die wyse wat bedoelde gesag mag bepaal of word die tekort in gelyke dele deur hom en bedoelde gesag aangesuiwer.

(4) Indien 'n in sub-artikel (2) bedoelde lid nie toegelaat word

or if permitted does not elect to reckon his pensionable service prior to transfer as continuous with his pensionable service from the date of transfer, he may elect in writing within thirty days from the date upon which he is called upon by the Commissioner to do so, either—

- (a) to be dealt with in accordance with the provisions of this Chapter as if he had retired voluntarily; or
- (b) to be granted out of the new fund to which he was a contributor immediately prior to such transfer, or out of revenue, or out of both such fund and revenue, as the circumstances require, if for any reason he retires or is retired or discharged from the service of the railway administration, the pension to which he would have been entitled at the date of such transfer in respect of his pensionable service, if he had at that date retired or been retired or discharged from the public service for the same reason: Provided that if such member so retires or is so retired or discharged by reason of the age which he has attained, or for a reason mentioned in paragraph (c), (d) or (e) of sub-section (1) of section *twenty-seven*, any such pension shall only be payable from the date on which he attains the age at which he would have had the right to retire on pension and would have been required to be so retired if he had not been so transferred: Provided further that if he is retired or discharged for a reason mentioned in paragraph (c) or (d) of sub-section (1) of section *twenty-seven*, there shall be no addition to the pension payable from the said fund.

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

(6) Notwithstanding the repeal by this Act of section *twenty-eight* of the Pensions Act, the provisions of sub-paragraph (ii) of paragraph (b) of sub-section (2) of that section shall continue to apply, as if the said section had not been repealed, to any member who prior to the date of commencement of this Act was transferred to employment under the railway administration and who in terms of the said paragraph (b) elected to be subject to the provisions of the said sub-paragraph.

PART B.

UNION PENSION FUND—SPECIAL PROVISIONS.

OLD MEMBERS.

Interpretation of terms used in this Part.

16. In this Part, unless the context otherwise indicates—
- (i) "old member" means a person who is contributing to the fund in accordance with the provisions of this Part, or to or in respect of whom a pension or any other amount is payable from the fund; (ii)
 - (ii) "pensionable age" means the age at which an old member shall have the right to retire and shall be retired on pension in terms of sub-section (1) or sub-section (3) of section *eighteen*; (iii)
 - (iii) "the fund" means the Union pension fund established under section *two*; (i)

Contributions by old members.

17. Subject to the provisions of sections *five* and *seven*, every person who immediately prior to the commencement of this Act was subject to the provisions of Part A of Chapter I of the Pensions Act, shall contribute to the fund in accordance with the following scale:

Age last birthday at commencement of pensionable service:	Percentage of pensionable emoluments:	
	MALES.	FEMALES.
Up to 39	6.0	5.25
40	6.3	5.65
41	6.6	6.05
42	6.9	6.45
43	7.2	6.85
44	7.5	7.25
45	7.8	7.65
46 and over	8.0	8.00

of, indien toegelaat, nie kies om sy pensioengewende diens voor die oorplasing as aaneenlopend met sy pensioengewende diens vanaf die datum van die oorplasing te reken nie, kan hy binne dertig dae vanaf die datum waarop hy deur die Kommissaris aangesê word om dit te doen, skriftelik kies of—

- (a) dat met betrekking tot hom ooreenkomstig die bepalings van hierdie Hoofstuk gehandel word asof hy vrywillig uit diens getree het; of
- (b) dat, indien hy om een of ander rede aftree of afgedank of ontslaan word uit die diens van die spoorweg-administrasie, daar uit die nuwe fonds waartoe hy onmiddellik voor bedoelde oorplasing bygedra het of uit inkomste of uit beide daardie fonds en inkomste, na gelang van die omstandighede, aan hom die pensioen toegeken word waarop hy op die datum van die oorplasing ten opsigte van sy pensioengewende diens geregtig sou gewees het as hy op daardie datum om dieselfde rede uit die staatsdiens afgetree het of afgedank of ontslaan was: Met dien verstande dat indien so 'n lid aldus aftree of afgedank of ontslaan word op grond van die leeftyd wat hy bereik het, of om 'n rede in paragraaf (c), (d) of (e) van sub-artikel (1) van artikel *sewe-en-twintig* bedoel, so 'n pensioen betaalbaar is slegs vanaf die datum waarop hy die leeftyd bereik waarop hy die reg sou gehad het om met pensioen af te tree en aldus sou moes afgetree het indien hy nie aldus oorgeplaas was nie: Met dien verstande voorts dat indien hy afgedank of ontslaan word om 'n rede in paragraaf (c) of (d) van sub-artikel (1) van artikel *sewe-en-twintig* bedoel, daar geen toevoeging is tot die pensioen uit bedoelde fonds betaalbaar nie.
- (5) Indien so 'n lid versuim om ooreenkomstig sub-artikel (4) 'n keuse te doen, word hy geag die voordele ingevolge paragraaf (a) van daardie sub-artikel te gekies het.
- (6) Ondanks die herroeping deur hierdie Wet van artikel *agt-en-twintig* van die Pensioenwet, bly die bepalings van sub-paragraaf (ii) van paragraaf (b) van sub-artikel (2) van daardie artikel van toepassing, asof bedoelde artikel nie herroep was nie, op 'n lid wat voor die datum van inwerkingtreding van hierdie Wet na diens in die spoorwegadministrasie oorgeplaas was en wat ooreenkomstig bedoelde paragraaf (b) gekies het om onder die bepalings van bedoelde sub-paragraaf te val.

DEEL B.

UNIE-PENSIOENFONDS—SPESIALE BEPALINGS.

OU LEDE.

16. In hierdie Deel, tensy uit die samehang anders blyk, Omskrywing van uitdrukkinge in hierdie Deel gebesig.

- (i) „die fonds” die Unie-pensioenfonds kragtens artikel *twee* gestig; (iii).
- (ii) „ou lid” iemand wat ingevolge die bepalings van hierdie Deel tot die fonds bydra, of aan of ten opsigte van wie 'n pensioen of ander bedrag uit die fonds betaalbaar is; (i).
- (iii) „pensioenleeftyd” die leeftyd waarop 'n ou lid ooreenkomstig sub-artikel (1) of sub-artikel (3) van artikel *agtien* die reg het om met pensioen af te tree en met pensioen afgedank moet word. (ii)

17. Behoudens die bepalings van artikels *vyf* en *sewe*, moet Bydraes deur iedereen wat onmiddellik voor die inwerkingtreding van hierdie ou lede. Wet onder die bepalings van Deel A van Hoofstuk I van die Pensioenwet geval het, ooreenkomstig die volgende skaal tot die fonds bydra:

Leeftyd laaste verjaardag by aanvang van pensioengewende diens:	Persentasie van pensioengewende verdienste:	
	MANSPERSONE.	VROUSPERSONE.
Tot 39	6.0	5.25
40	6.3	5.65
41	6.6	6.05
42	6.9	6.45
43	7.2	6.85
44	7.5	7.25
45	7.8	7.65
46 en ouer	8.0	8.00

Ages for
retirement.

18. (1) Subject to the provisions of sub-section (2), the provisions of section *twenty-six* shall *mutatis mutandis* apply in respect of old members other than members of the services.

(2) An old member who has continuously occupied for at least ten years immediately preceding retirement an office or post in a leper hospital or in a government institution used for the treatment of infectious or contagious diseases or in a mental hospital shall, if his duties bring him into regular daily contact with patients suffering from leprosy or such diseases or from mental disorder, have the right to retire on pension on or after attaining the age of fifty years.

(3) Subject to the provisions of sub-sections (4) and (5), an old member who is a member of the services shall have the right to retire on pension on attaining the age of fifty-five years and shall be retired on pension on reaching that age: Provided that—

(a) an old member who is a member of the police force or prisons service may elect in writing before reaching the age of fifty-three years, or within thirty days from the date upon which he is called upon to do so if he is over the age of fifty-three years at the date of commencement of this Act, to continue in the service of the said force or service until he attains the age of fifty-eight years, and if he elects so to continue—

(i) he shall relinquish all rights to be retired on pension on attaining the age of fifty-five years; and

(ii) the age at which he shall have the right to retire and at which, subject to the provisions of paragraph (b), he shall be retired on pension, shall be fifty-eight years;

(b) an old member who—

(i) is a member of the police force or prisons service may, if the Commission recommends that it is in the public interest to retain him in his office or post beyond the age at which he has the right and is required to retire on pension, be retained from time to time until he attains the age of sixty years and may be further so retained, with the approval, by resolution, of both Houses of Parliament, beyond the age of sixty years and until he attains the age of sixty-three years; or

(ii) is a member of the police force or prisons service and who prior to the date of commencement of this Act was retained in his office or post in terms of paragraph (a) of sub-section (1) of section *nineteen* of the Pensions Act beyond the pensionable age as defined in section *eighty-three* of that Act, shall be deemed to have been retained in such office or post in terms of sub-paragraph (i);

(c) an old member who—

(i) is a member of the permanent force may, if the Minister of Defence considers it in the public interest to retain him in his office or post beyond the age at which he has the right and is required to retire on pension be retained by the said Minister from time to time for further periods which shall not exceed in the aggregate five years; or

(ii) is a member of the permanent force and who prior to the date of commencement of this Act was retained in his office or post in terms of paragraph (b) of sub-section (1) of section *nineteen* of the Pensions Act beyond the pensionable age referred to in section *eighty-three* of that Act shall be deemed to have been retained in such office or post in terms of sub-paragraph (i).

(4) An old member who is a member of the services and who has attained the age of forty-five years may be retired on pension.

(5) An old member who—

(a) is a member of the services;

(b) has attained the age of forty-five years; and

(c) has had not less than twenty-five years' pensionable service,

shall have the right to retire on pension, but the annuity paid to such member shall be paid from revenue for five years from

18. (1) Die bepalings van artikel *ses-en-twintig* is, behoudens die bepalings van sub-artikel (2), *mutatis mutandis* van toepassing op ander ou lede as lede van die dienste. Leeftyd vir uitdienstreding.

(2) 'n Ou lid wat vir 'n ononderbroke tydperk van minstens tien jaar onmiddellik voor sy uitdienstreding 'n betrekking of pos in 'n hospitaal vir melaatse of in 'n Staatsinrigting gebruik vir die behandeling van aansteeklike of besmetlike siektes of in 'n hospitaal vir sielsiekes bekleed het, is, indien sy pligte hom in gereelde daaglikse aanraking bring met pasiënte wat aan melaatsheid of sulke siektes ly of geestelik gekrenk is, geregtig om met pensioen af te tree wanneer of nadat hy die leeftyd van vyftig jaar bereik het.

(3) Behoudens die bepalings van sub-artikels (4) en (5), het 'n ou lid wat 'n lid van die dienste is, die reg om met pensioen af te tree wanneer hy die leeftyd van vyf-en-vyftig jaar bereik, en moet hy met pensioen afgedank word wanneer hy daardie leeftyd bereik: Met dien verstande dat—

(a) 'n ou lid wat 'n lid is van die polisiemag of gevangenisdiens, skriftelik kan kies, voordat hy die leeftyd van drie-en-vyftig jaar bereik of, indien hy op die datum van inwerkingtreding van hierdie Wet reeds bo die leeftyd van drie-en-vyftig jaar is, binne dertig dae vanaf die datum waarop hy daartoe aangesê word, om in die diens van bedoelde mag of diens aan te bly totdat hy die leeftyd van agt-en-vyftig jaar bereik, en indien hy kies om aldus aan te bly—

(i) doen hy afstand van alle reg om met pensioen afgedank te word wanneer hy die leeftyd van vyf-en-vyftig jaar bereik; en

(ii) is die leeftyd waarop hy die reg het om met pensioen af te tree en waarop hy, behoudens die bepalings van paragraaf (b), met pensioen afgedank moet word, agt-en-vyftig jaar;

(b) 'n ou lid wat—

(i) 'n lid is van die polisiemag of gevangenisdiens, indien die Kommissie aanbeveel dat dit in die openbare belang is om hom bo die leeftyd waarop hy die reg het en verplig is om met pensioen af te tree, in sy betrekking of pos aan te hou, van tyd tot tyd aangehou kan word totdat hy die leeftyd van sestig jaar bereik, en met goedkeuring, by besluit, van beide Huise van die Parlement, verder aldus aangehou kan word na die leeftyd van sestig jaar en totdat hy die leeftyd van drie-en-sestig jaar bereik; of

(ii) 'n lid is van die polisiemag of gevangenisdiens en wat voor die datum van inwerkingtreding van hierdie Wet, ingevolge paragraaf (a) van sub-artikel (1) van artikel *negentien* van die Pensioenwet bo die pensioenleeftyd soos in artikel *drie-en-tagtig* van daardie Wet omskrywe, in sy betrekking of pos aangehou was, geag word ooreenkomstig sub-paragraaf (i) in bedoelde pos of betrekking aangehou te gewees het;

(c) 'n ou lid wat—

(i) 'n lid is van die staande mag, indien die Minister van Verdediging dit in die openbare belang ag om hom bo die leeftyd waarop hy die reg het en verplig is om met pensioen af te tree, in sy betrekking of pos aan te hou, van tyd tot tyd deur bedoelde Minister aangehou kan word vir verdere tydperke wat in die geheel vyf jaar nie te bowe gaan nie; of

(ii) 'n lid is van die staande mag en wat voor die datum van inwerkingtreding van hierdie Wet, ingevolge paragraaf (b) van sub-artikel (1) van artikel *negentien* van die Pensioenwet bo die pensioenleeftyd in artikel *drie-en-tagtig* van daardie Wet bedoel, in sy betrekking of pos aangehou was, geag word ooreenkomstig sub-paragraaf (i) in bedoelde betrekking of pos aangehou te gewees het.

(4) 'n Ou lid wat 'n lid is van die dienste en wat die leeftyd van vyf-en-veertig jaar bereik het, kan met pensioen afgedank word.

(5) 'n Ou lid wat—

(a) 'n lid is van die dienste;

(b) die leeftyd van vyf-en-veertig jaar bereik het; en

(c) nie minder as vyf-en-twintig jaar pensioengewende diens gehad het nie,

het die reg om met pensioen af te tree, maar die jaargeld wat aan so 'n lid betaal word, word vir vyf jaar vanaf die datum van

the date of retirement or until he attains the age of fifty-five years, whichever is the lesser period.

Annuities.

19. (1) An old member who retires or is retired or discharged from the public service in terms of section *eighteen*, or for a reason mentioned in paragraph (b), (c), (d) or (e) of sub-section (1) of section *twenty-seven*, or under sub-section (3) of section *nineteen* of the Public Service Act, shall be entitled to the payment of an annuity which shall be based upon the annual average of his pensionable emoluments for the last twenty-five years of his pensionable service or for the whole period of such service, whichever may be the lesser period, and which shall be calculated at the rate of one-sixtieth of such average for each year of pensionable service: Provided that the amount paid in respect of any such annuity before such member has attained the pensionable age, shall, except in the case of a member who has been retired on account of ill-health, and subject to the provisions of sub-section (5) of section *eighteen*, be paid out of revenue.

(2) Notwithstanding the provisions of sub-section (1), an old member who elected in terms of sub-section (1) of section *nine* of the Pensions Act to receive the benefits specified in sub-section (2) of that section shall receive—

(a) an annuity equal to seventy-five per cent. of the annuity to which he would otherwise have been entitled in terms of sub-section (1), payable upon the same terms and conditions as the latter annuity; and

(b) a gratuity which shall be calculated—

(i) if such member is discharged on account of ill-health occasioned without his own default, according to the following scale:

MALES.				FEMALES.			
Nearest age at date of retirement or discharge:		Amount in respect of each pound by which annual amount otherwise payable is reduced:		Nearest age at date of retirement or discharge:		Amount in respect of each pound by which annual amount otherwise payable is reduced:	
		£	s. d.			£	s. d.
Up to 60	..	10	16 0	Up to 55	..	13	13 0
61	..	10	9 0	56	..	13	7 0
62	..	10	3 0	57	..	13	1 0
63	..	9	16 0	58	..	12	14 0
64	..	9	10 0	59	..	12	8 0
65	..	9	3 0	60	..	12	1 0
				61	..	11	14 0
				62	..	11	7 0
				63	..	10	19 0
				64	..	10	12 0
				65	..	10	5 0

(ii) if such member retires or is retired in terms of section *eighteen* or is discharged for a reason mentioned in paragraph (b) of sub-section (3) of this section or on account of being unfitted for or incapable of performing efficiently the duties of his office or post or under sub-section (3) of section *nineteen* of the Public Service Act, according to the following scale:

Nearest age at date of retirement or discharge:		Amount in respect of each pound by which annual amount otherwise payable is reduced:		MALES.		FEMALES.	
		£	s. d.	£	s. d.	£	s. d.
Up to 30	..	17	15 0	17	15 0	18	5 0
31	..	17	11 0	17	11 0	18	2 0
32	..	17	8 0	17	8 0	18	0 0
33	..	17	5 0	17	5 0	17	17 0
34	..	17	1 0	17	1 0	17	14 0
35	..	16	18 0	16	18 0	17	11 0
36	..	16	15 0	16	15 0	17	8 0
37	..	16	11 0	16	11 0	17	4 0
38	..	16	7 0	16	7 0	17	1 0
39	..	16	3 0	16	3 0	16	17 0
40	..	15	19 0	15	19 0	16	14 0

uitdienstreding of totdat hy die leeftyd van vyf-en-vyftig jaar bereik, na gelang van watter tydperk die kortste is, uit inkomste betaal.

19. (1) 'n Ou lid wat ooreenkomstig artikel *agtien*, of om 'n Jaargelde. rede in paragraaf (b), (c), (d) of (e) van sub-artikel (1) van artikel *sewe-en-twintig* bedoel, of kragtens sub-artikel (3) van artikel *negentien* van die Staatsdienswet, uit die staatsdiens aftree of afgedank of ontslaan word, is geregtig op die betaling van 'n jaargeld wat gebaseer word op die jaarlikse gemiddelde van sy pensioengewende verdienste gedurende die laaste vyf-en-twintig jaar van sy pensioengewende diens of gedurende die hele tydperk van daardie diens, na gelang van watter tydperk die kortste is, en wat bereken word volgens die skaal van een-sestigste van bedoelde gemiddelde vir elke jaar van pensioengewende diens: Met dien verstande dat die bedrag ten opsigte van so 'n jaargeld betaal voordat so 'n lid die pensioenleeftyd bereik het, behalwe in die geval van 'n lid wat weens slegte gesondheid afgedank is, en met inagneming van die bepalings van sub-artikel (5) van artikel *agtien*, uit inkomste betaal moet word.

(2) Ondanks die bepalings van sub-artikel (1), ontvang 'n ou lid wat ooreenkomstig sub-artikel (1) van artikel *nege* van die Pensioenwet gekies het om die in sub-artikel (2) van daardie artikel bedoelde voordele te ontvang—

(a) 'n jaargeld wat gelyk is aan vyf-en-sewentig persent van die jaargeld waarop hy anders ingevolge sub-artikel (1) geregtig sou gewees het, en wat op dieselfde bedinge en voorwaardes as laasbedoelde jaargeld betaal word; en

(b) 'n gratifikasie wat bereken word—

(i) indien so 'n lid ontslaan word op grond van slegte gesondheid buite sy eie toedoen veroorsaak, ooreenkomstig die volgende skaal:

MANSPERSONE.					VROUSPERSONE.				
Naaste leeftyd op datum van uitdiens-treding of ontslag:		Bedrag ten op-sigte van elke pond waarmee jaarlikse bedrag anders betaalbaar verminder word:			Naaste leeftyd op datum van uitdiens-treding of ontslag:		Bedrag ten op-sigte van elke pond waarmee jaarlikse bedrag anders betaalbaar verminder word:		
		£	s.	d.			£	s.	d.
Tot	60 ..	10	16	0	Tot	55 ..	13	13	0
	61 ..	10	9	0		56 ..	13	7	0
	62 ..	10	3	0		57 ..	13	1	0
	63 ..	9	16	0		58 ..	12	14	0
	64 ..	9	10	0		59 ..	12	8	0
	65 ..	9	3	0		60 ..	12	1	0
						61 ..	11	14	0
						62 ..	11	7	0
						63 ..	10	19	0
						64 ..	10	12	0
						65 ..	10	5	0

(ii) indien so 'n lid ooreenkomstig artikel *agtien* aftree of afgedank word, of om 'n rede in paragraaf (b) van sub-artikel (3) van hierdie artikel bedoel, of omdat hy ongeskik is vir sy betrekking of pos of nie in staat is om die daaraan verbonde werksaamhede op bekwame wyse te verrig nie, of kragtens sub-artikel (3) van artikel *negentien* van die Staatsdienswet ontslaan word, ooreenkomstig die volgende skaal:

Naaste leeftyd op datum van uitdienstreding of ontslag: Bedrag ten opsigte van elke pond waarmee jaarlikse bedrag anders betaalbaar verminder word:

MANSPERSONE. VROUSPERSONE.

				£	s.	d.	£	s.	d.
Tot	30	..	..	17	15	0	18	5	0
	31	..	..	17	11	0	18	2	0
	32	..	..	17	8	0	18	0	0
	33	..	..	17	5	0	17	17	0
	34	..	..	17	1	0	17	14	0
	35	..	..	16	18	0	17	11	0
	36	..	..	16	15	0	17	8	0
	37	..	..	16	11	0	17	4	0
	38	..	..	16	7	0	17	1	0
	39	..	..	16	3	0	16	17	0
	40	..	..	15	19	0	16	14	0

Nearest age at date of retirement or discharge:			Amount in respect of each pound by which annual amount otherwise payable is reduced:					
			MALES.			FEMALES.		
			£	s.	d.	£	s.	d.
Up to	41	.. ..	15	15	0	16	11	0
	42	.. ..	15	11	0	16	7	0
	43	.. ..	15	6	0	16	3	0
	44	.. ..	15	2	0	15	19	0
	45	.. ..	14	17	0	15	15	0
	46	.. ..	14	12	0	15	12	0
	47	.. ..	14	7	0	15	8	0
	48	.. ..	14	2	0	15	3	0
	49	.. ..	13	17	0	14	19	0
	50	.. ..	13	11	0	14	15	0
	51	.. ..	13	5	0	14	10	0
	52	.. ..	13	0	0	14	6	0
	53	.. ..	12	14	0	14	2	0
	54	.. ..	12	9	0	13	17	0
	55	.. ..	12	3	0	13	13	0
	56	.. ..	11	18	0	13	7	0
	57	.. ..	11	12	0	13	1	0
	58	.. ..	11	7	0	12	14	0
	59	.. ..	11	1	0	12	8	0
	60	.. ..	10	16	0	12	1	0
	61	.. ..	10	9	0	11	14	0
	62	.. ..	10	3	0	11	7	0
	63	.. ..	9	16	0	10	19	0
	64	.. ..	9	10	0	10	12	0
	65 or over		9	3	0	10	5	0

(3) There shall be added to the pensionable service of an old member, for the purpose of calculating any annuity to which he is entitled in terms of sub-section (1)—

(a) if he retires in terms of sub-section (2) of section *eighteen* the period, not exceeding five years, by which his pensionable age exceeds his age at retirement: Provided that the amount by which the said annuity is increased by reason of the period so added shall be paid out of revenue;

(b) if he is discharged—

(i) owing to the abolition of his office or to any reduction in or re-organization or re-adjustment of departments, divisions, branches or offices; or

(ii) in order to promote efficiency or economy in the department or office to which he belongs, either one-third of the period of the said service or the period, not exceeding five years, by which his pensionable age exceeds his age at his discharge, whichever is the lesser period: Provided that the amount by which the said annuity is increased by reason of the period so added, shall be paid out of revenue.

(4) If an annuity or part thereof is, in terms of this section or section *eighteen*, payable out of revenue, there shall, in the case of a member to whom sub-section (2) applies, be paid out of revenue—

(a) seventy-five per cent. of the annuity that would otherwise have been payable to such member out of revenue; and

(b) so much of the gratuity paid to such member as is deemed by an actuary to be the capitalized value of the remaining twenty-five per cent. of the said annuity.

Benefits other than annuities.

20. (1) An old member who is a female and who is discharged on her marriage, or who retires voluntarily in contemplation of marriage, after having notified the head of her department in writing to that effect, and marries within three months after such retirement, shall receive a gratuity equal to twice her own contributions.

(2) The provisions of sections *twenty-nine* and *thirty* shall *mutatis mutandis* apply in respect of old members: Provided that the gratuity referred to in paragraph (b) or (c) of sub-section (1) of section *thirty* shall not be less than an amount equal to the member's excess contributions together with twice his own contributions.

Naaste leeftyd op datum van uitdienststreding of ontslag: Bedrag ten opsigte van elke pond waarmee jaarlikse bedrag anders betaalbaar verminder word:

MANSPERSONE. VROUSPERSONE.

			£	s.	d.	£	s.	d.
Tot	41	..	15	15	0	16	11	0
	42	..	15	11	0	16	7	0
	43	..	15	6	0	16	3	0
	44	..	15	2	0	15	19	0
	45	..	14	17	0	15	15	0
	46	..	14	12	0	15	12	0
	47	..	14	7	0	15	8	0
	48	..	14	2	0	15	3	0
	49	..	13	17	0	14	19	0
	50	..	13	11	0	14	15	0
	51	..	13	5	0	14	10	0
	52	..	13	0	0	14	6	0
	53	..	12	14	0	14	2	0
	54	..	12	9	0	13	17	0
	55	..	12	3	0	13	13	0
	56	..	11	18	0	13	7	0
	57	..	11	12	0	13	1	0
	58	..	11	7	0	12	14	0
	59	..	11	1	0	12	8	0
	60	..	10	16	0	12	1	0
	61	..	10	9	0	11	14	0
	62	..	10	3	0	11	7	0
	63	..	9	16	0	10	19	0
	64	..	9	10	0	10	12	0
	65 of ouer	..	9	3	0	10	5	0

(3) By die pensioengewende diens van 'n ou lid word, by die berekening van 'n jaargeld waarop hy ingevolge sub-artikel (1) geregtig is, bygevoeg—

(a) indien hy ooreenkomstig sub-artikel (2) van artikel *agtien* aftree, die tydperk, vyf jaar nie te bowe gaande nie, waarmee sy pensioenleeftyd sy leeftyd by uitdienststreding te bowe gaan: Met dien verstande dat die bedrag waarmee die jaargeld vanweë die aldus bygevoegde tydperk verhoog word, uit inkomste betaal word;

(b) indien hy ontslaan word—

(i) weens die afskaffing van sy betrekking of 'n vermindering in of reorganisasie of herreëling van departemente, afdelings, dienstakke of kantore; of

(ii) ten einde doeltreffendheid of besuiniging te bevorder in die departement of kantoor waartoe hy behoort,

of een-derde van die tydperk van daardie diens of die tydperk, vyf jaar nie te bowe gaande nie, waarmee sy pensioenleeftyd sy leeftyd by ontslag te bowe gaan, na gelang van watter tydperk die kortste is: Met dien verstande dat die bedrag waarmee bedoelde jaargeld vanweë die aldus bygevoegde tydperk verhoog word, uit inkomste betaal word.

(4) Indien 'n jaargeld of 'n gedeelte daarvan volgens hierdie artikel of artikel *agtien* uit inkomste betaalbaar is, word, in die geval van 'n lid op wie sub-artikel (2) van toepassing is, uit inkomste betaal—

(a) vyf-en-sewentig persent van die jaargeld wat anders uit inkomste aan so 'n lid betaalbaar sou gewees het; en

(b) soveel van die gratifikasie aan so 'n lid betaal as wat deur 'n aktuaris geag word die gekapitaliseerde waarde te wees van die oorblywende vyf-en-twintig persent van daardie jaargeld.

20. (1) 'n Ou lid wat 'n vrouspersoon is en wat by haar huwelik ontslaan word, of wat met die voorneme om te trou vrywillig uit diens tree, nadat sy die hoof van haar departement skriftelik te dien effekte in kennis gestel het, en binne drie maande na bedoelde uitdienststreding trou, ontvang 'n gratifikasie gelyk aan dubbel haar eie bydraes. Ander voordele as jaargelde.

(2) Die bepalinge van artikels *nege-en-twintig* en *dertig* is *mutatis mutandis* ten opsigte van ou lede van toepassing: Met dien verstande dat die in paragraaf (b) of (c) van sub-artikel (1) van artikel *dertig* bedoelde gratifikasie nie minder as 'n bedrag gelyk aan die lid se meerdere bydraes tesame met dubbel sy eie bydraes mag wees nie.

PART C.

UNION PENSION FUND—SPECIAL PROVISIONS.

NEW MEMBERS.

Interpretation of terms used in this Part.

21. In this Part, unless the context otherwise indicates—
- (i) "new member" means a person who is contributing to the fund in accordance with the provisions of this Part, or to or in respect of whom a pension or any other amount is payable from the fund, but does not include a person contributing provisionally in terms of section *twenty-three*; (ii)
 - (ii) "pensionable age" means the age at which, in terms of sub-section (1) or (2) of section *twenty-six*, a new member shall have the right to retire and shall be retired on pension; (iii)
 - (iii) "the fund" means the Union pension fund established under section *two*. (i)

Contributions by new members.

22. (1) Any person, other than a member of the services, who—

- (a) immediately prior to the date of commencement of this Act was subject to the provisions of Part B of Chapter I of the Pensions Act;
- (b) elects in terms of section *five* to be subject to the provisions of this Part; or
- (c) on or after the said date is appointed to a post in the public service,

shall, subject to the provisions of section *seven*, contribute to the fund according to the scale set forth in section *twenty-five*.

- (2) (a) An officer, other than a member of the services, who by reason of the provisions of paragraph (b) of section *sixteen* of the Pensions Act was not permitted to contribute to the old fund may elect in writing, within six months of the date of commencement of this Act, to contribute to the fund as from the said date in accordance with the scale set forth in section *twenty-five*: Provided that such officer may, subject to the approval of the Treasury, contribute also in respect of his continuous employment prior to that date.
- (b) For the purposes of this sub-section continuous employment shall not include any period during which the provisions of paragraph (a), (c), (e) or (f) of section *sixteen* of the Pensions Act applied in respect of the officer concerned.

Provisional contributions.

23. (1) A person referred to in paragraph (c) of sub-section (1) of section *twenty-two* who is appointed on probation, shall, subject to the provisions of section *seven*, contribute provisionally to the fund during the period of his probationary service: Provided that if such person is transferred from pensionable employment under any government referred to in section *sixty-four*, or under any administration or from such employment in respect of which he was a contributor, other than a provisional contributor, to another fund administered by the Treasury and is so appointed, or if the person concerned has, immediately prior to such appointment, had not less than one year's pensionable service as a non-contributor to a new fund within the meaning of sub-section (12) of section *sixty-nine* and has elected in terms of sub-section (3) of the said section to be subject to the provisions of this Chapter, the contributions paid by him shall not be regarded as being provisional.

(2) The provisions of sub-section (1) shall *mutatis mutandis* apply in respect of a person who, immediately prior to the date of commencement of this Act, was contributing provisionally to the old fund in terms of section *thirteen* of the Pensions Act and whose period of probationary service had not expired at such date.

Contributions by persons appointed under section 5 (2) of Act 3 of 1911.

24. Notwithstanding anything to the contrary contained in sub-section (2) of section *five* of the High Commissioner's Act, 1911 (Act No. 3 of 1911), any person appointed on or after the date of commencement of this Act under the provisions of that sub-section, who in the opinion of the Commission would have been liable to contribute to the fund if he had been employed in the public service in the Union, shall contribute to the fund in accordance with the scale set forth in section *twenty-five* from the date of his appointment or from any later date on which, in the opinion of the Commission, he would have become so liable had he been so employed.

DEEL C.

UNIE-PENSIOENFONDS—SPESIALE BEPALINGS.

NUWE LEDE.

21. In hierdie Deel, tensy uit die samehang anders blyk, beteken—
- (i) „die fonds” die Unie-pensioenfonds kragtens artikel twee gestig; (iii)
 - (ii) „nuwe lid” iemand wat ingevolge die bepalings van hierdie Deel tot die fonds bydra of aan of ten opsigte van wie ’n pensioen of ander bedrag uit die fonds betaalbaar is, maar nie ook iemand wat ooreenkomstig artikel drie-en-twintig voorlopig bydra nie; (i)
 - (iii) „pensioenleef tyd” die leeftyd waarop ’n nuwe lid ooreenkomstig sub-artikel (1) of (2) van artikel ses-en-twintig die reg het om met pensioen af te tree en met pensioen afgedank moet word. (ii)
22. (1) Iemand wat nie ’n lid van die dienste is nie, en wat—
- (a) onmiddellik voor die datum van inwerkingtreding van hierdie Wet onder die bepalings van Deel B van Hoofstuk I van die Pensioenwet geval het;
 - (b) ooreenkomstig artikel vyf kies om onder die bepalings van hierdie Deel te val; of
 - (c) op of na bedoelde datum in ’n pos in die staatsdiens aangestel word,
- moet, behoudens die bepalings van artikel sewe, ooreenkomstig die skaal in artikel vyf-en-twintig uiteengesit tot die fonds bydra.
- (2) (a) ’n Amptenaar, behalwe ’n lid van die dienste, wat weens die bepalings van paragraaf (b) van artikel sestien van die Pensioenwet nie toegelaat was om tot die ou fonds by te dra nie, kan, binne ses maande vanaf die datum van inwerkingtreding van hierdie Wet, skriftelik kies om vanaf bedoelde datum ooreenkomstig die skaal in artikel vyf-en-twintig uiteengesit tot die fonds by te dra: Met dien verstande dat so ’n amptenaar met goedkeuring van die Tesourie ook ten opsigte van sy ononderbroke diens voor daardie datum kan bydra.
- (b) By die toepassing van hierdie sub-artikel omvat ononderbroke diens nie ’n tydperk gedurende welke die bepalings van paragraaf (a), (c), (e) of (f) van artikel sestien van die Pensioenwet ten opsigte van die betrokke amptenaar van toepassing was nie.
23. (1) ’n In paragraaf (c) van sub-artikel (1) van artikel twee-en-twintig bedoelde persoon wat op proef aangestel word, moet, behoudens die bepalings van artikel sewe, gedurende die tydperk van sy proefdiens voorlopig tot die fonds bydra: Met dien verstande dat indien so ’n persoon uit pensioengewende diens by ’n in artikel vier-en-sestig bedoelde regering of by ’n administrasie, of uit sulke diens ten opsigte waarvan hy ’n bydraer (behalwe ’n voorlopige bydraer) was tot ’n ander fonds wat deur die Tesourie bestuur word, oorgeplaas en aldus aangestel word, of indien die betrokke persoon onmiddellik voor bedoelde aanstelling minstens een jaar pensioengewende diens as ’n nie-bydraer tot ’n nuwe fonds binne die bedoeling van sub-artikel (12) van artikel nege-en-sestig gehad het, en ingevolge sub-artikel (3) van genoemde artikel gekies het om onder die bepalings van hierdie Hoofstuk te val, die bydraes deur hom betaal nie as voorlopig beskou word nie.
- (2) Die bepalings van sub-artikel (1) is *mutatis mutandis* van toepassing ten opsigte van iemand wat onmiddellik voor die datum van inwerkingtreding van hierdie Wet ooreenkomstig artikel dertien van die Pensioenwet voorlopig tot die ou fonds bygedra het, en wie se tydperk van proefdiens op daardie datum nie verstryk was nie.
24. Ondanks andersluidende bepalings in sub-artikel (2) van artikel vyf van die „Hoge Kommissaris Wet, 1911” (Wet No. 3 van 1911), vervat, moet iemand wat op of na die datum van inwerkingtreding van hierdie Wet kragtens die bepalings van daardie sub-artikel aangestel word en wat volgens die Kommissie se oordeel onder verpligting sou gewees het om tot die fonds by te dra as hy in die Unie in die staatsdiens in diens was, vanaf die datum van sy aanstelling of vanaf die latere datum waarop hy volgens die Kommissie se oordeel aldus onder verpligting sou gekom het as hy aldus in diens was, ooreenkomstig die skaal in artikel vyf-en-twintig uiteengesit tot die fonds bydra.

Omskrywing van uitdrukkings in hierdie Deel gebesig.

Bydraes deur nuwe lede.

Voorlopige bydraes.

Bydraes deur persone kragtens artikel 5 (2) van Wet 3 van 1911 aangestel.

Scale of contributions.

25. Subject to the provisions of section seven, every person who is required to contribute to the fund in terms of this Part shall contribute in accordance with the following scale:

MALES.		FEMALES.	
Age last birth-day at commencement of pensionable service:	Percentage of pensionable emoluments:	Age last birth-day at commencement of pensionable service:	Percentage of pensionable emoluments:
Up to 21	6½	Up to 21	5½
22 to 26	7	22 to 26	6
27 to 30	7½	27 to 30	6½
31 to 34	7¾	31 to 34	7
35 and over	8	35 to 38	7½
		39 and over	8

Ages for retirement.

26. (1) Subject to the provisions of sub-sections (4) and (5), a new member who is appointed to a post in the public service with effect from a date after the day immediately preceding the date of commencement of this Act, shall have the right to retire on pension on attaining the age of sixty-five years and shall be so retired on attaining the said age.

(2) Subject to the succeeding sub-sections of this section, a new member who immediately prior to the date of commencement of this Act was a contributor to the old fund or who is appointed to a post in the public service with effect from a date prior to such commencement, and who—

- (a) in the case of a male member, attains the age of sixty years on or before the thirty-first day of December, 1955, shall have the right to retire on pension on attaining that age and shall be retired on pension on attaining such age;
- (b) in the case of a female member, attains the age of fifty-five years on or before the thirty-first day of December, 1955, shall have the right to retire on pension on attaining that age and shall be retired on pension on attaining such age;
- (c) in the case of a male member, attains the age of sixty years on or after the first day of January, 1956, or in the case of a female member attains the age of fifty-five years on or after that day, shall have the right to retire on pension and shall be so retired—
 - (i) on attaining the age of sixty-one years if he attains that age on or after the first day of January, 1956, but before the first day of January, 1961;
 - (ii) if he does not attain the age of sixty-one years before the first day of January, 1961, on attaining the age of sixty-three years, provided he attains the latter age before the first day of January, 1966;
 - (iii) if he does not attain the age of sixty-three years before the first day of January, 1966, on attaining the age of sixty-five years.

(3) A new member who immediately prior to the date of commencement of this Act was a contributor to the old fund, or who is appointed to a post in the public service with effect from a date prior to such commencement, and who, on or after the first day of January, 1956, in the case of a male member attains the age of sixty years or in the case of a female member the age of fifty-five years, shall have the right at any time to give written notification to the head of his department of his wish to be retired on pension, and if he gives such notification he shall—

- (a) if such notification is given at least three months prior to the date on which he attains the said age, be retired on pension on attaining that age; or
- (b) if such notification is not given at least three months prior to the date on which he attains the said age, be retired on pension on the first day of the fourth month following the month in which such notification is received.

(4) A new member may, if the Commission recommends that it is in the public interest to retain him in his office or post beyond the age at which in accordance with sub-section (1) or (2), he shall be retired on pension, be so retained from time to time for further periods which shall not, except with the approval, by resolution, of both Houses of Parliament, exceed

25. Behoudens die bepalinge van artikel *sewe*, moet iedereen wat ooreenkomstig hierdie Deel tot die fonds moet bydra, ooreenkomstig die volgende skaal bydra:

MANSPERSONE.		VROUSPERSONE.	
Leeftyd laaste verjaarsdag by aanvang van pensioengewende diens.	Persentasie van pensioengewende verdienste.	Leeftyd laaste verjaarsdag by aanvang van pensioengewende diens.	Persentasie van pensioengewende verdienste.
Tot 21	6½	Tot 21	5½
22 tot 26	7	22 tot 26	6
27 tot 30	7½	27 tot 30	6½
31 tot 34	7¾	31 tot 34	7
35 en ouer	8	35 tot 38	7½
		39 en ouer	8

26. (1) 'n Nuwe lid wat met ingang vanaf 'n datum na die dag wat die datum van inwerkingtreding van hierdie Wet onmiddellik voorafgaan, in 'n pos in die staatsdiens aangestel word, het, behoudens die bepalinge van sub-artikels (4) en (5), die reg om met pensioen af te tree wanneer hy die leeftyd van vyf-en-sestig jaar bereik, en word afgedank met pensioen wanneer hy daardie leeftyd bereik.

(2) Behoudens die hieropvolgende sub-artikels van hierdie artikel, het 'n nuwe lid wat onmiddellik voor die datum van inwerkingtreding van hierdie Wet 'n bydraer tot die ou fonds was, of wat met ingang vanaf 'n datum voor bedoelde inwerkingtreding in 'n pos in die staatsdiens aangestel word, en wat—

- (a) in die geval van 'n manlike lid, die leeftyd van sestig jaar op of voor die een-en-dertigste dag van Desember 1955 bereik, die reg om met pensioen af te tree wanneer hy daardie leeftyd bereik, en word hy met pensioen afgedank wanneer hy daardie leeftyd bereik;
- (b) in die geval van 'n vroulike lid, die leeftyd van vyf-en-vyftig jaar op of voor die een-en-dertigste dag van Desember 1955 bereik, die reg om met pensioen af te tree wanneer sy daardie leeftyd bereik, en word sy met pensioen afgedank wanneer sy daardie leeftyd bereik;
- (c) in die geval van 'n manlike lid, die leeftyd van sestig jaar op of na die eerste dag van Januarie 1956 bereik, of in die geval van 'n vroulike lid die leeftyd van vyf-en-vyftig jaar op of na daardie dag bereik, die reg om met pensioen af te tree en word so 'n lid met pensioen afgedank—
 - (i) wanneer hy die leeftyd van een-en-sestig jaar bereik indien hy daardie leeftyd op of na die eerste dag van Januarie 1956 maar voor die eerste dag van Januarie 1961 bereik;
 - (ii) indien hy nie voor die eerste dag van Januarie 1961 die leeftyd van een-en-sestig jaar bereik nie, wanneer hy die leeftyd van drie-en-sestig jaar bereik, mits hy laasgenoemde leeftyd voor die eerste dag van Januarie 1966 bereik; of
 - (iii) indien hy nie voor die eerste dag van Januarie 1966 die leeftyd van drie-en-sestig jaar bereik nie, wanneer hy die leeftyd van vyf-en-sestig jaar bereik.

(3) 'n Nuwe lid wat onmiddellik voor die datum van inwerkingtreding van hierdie Wet 'n bydraer tot die ou fonds was, of wat met ingang vanaf 'n datum voor bedoelde inwerkingtreding in 'n pos in die staatsdiens aangestel word, en wat op of na die eerste dag van Januarie 1956, in die geval van 'n manlike lid, die leeftyd van sestig jaar of in die geval van 'n vroulike lid, die leeftyd van vyf-en-vyftig jaar bereik, het die reg om te eniger tyd die hoof van sy departement skriftelik kennis te gee van sy begeerte om met pensioen afgedank te word, en indien hy aldus kennis gee, word hy—

- (a) indien bedoelde kennisgewing minstens drie maande voor die datum waarop hy bedoelde leeftyd bereik, gegee word, afgedank met pensioen wanneer hy daardie leeftyd bereik; of
- (b) indien bedoelde kennisgewing nie minstens drie maande voor die datum waarop hy bedoelde leeftyd bereik, gegee word nie, afgedank met pensioen op die eerste dag van die vierde maand na die maand waarin bedoelde kennisgewing ontvang word.

(4) Indien die Kommissie aanbeveel dat dit in die openbare belang is om 'n nuwe lid in sy betrekking of pos aan te hou bo die leeftyd waarop hy ingevolge sub-artikel (1) of (2) met pensioen afgedank moet word, kan hy van tyd tot tyd aldus aangehou word vir verdere tydperke wat, behalwe met goedkeuring, by besluit, van beide Huise van die Parlement, in die geheel nie

in the aggregate two years: Provided that in the case of a male member whose pensionable age is sixty years or a female member whose pensionable age is fifty-five years the further period which shall not be exceeded shall be five years, and in the case of a member whose pensionable age is sixty-one years, the further period which shall not be exceeded shall be four years: Provided further that a member who was retained in his office or post in terms of paragraph (a) of sub-section (1) of section *nineteen* of the Pensions Act beyond the pensionable age, as defined in section *eighty-three* of that Act, shall be deemed to have been retained in such office or post in terms of this sub-section.

(5) A new member who has reached the age of sixty years may, subject in every case to the recommendation of the Commission, be retired on pension: Provided that in the case of a member to whom sub-section (2) refers, the age at or after which such member may be so retired shall in the case of a male member be fifty-five years and in the case of a female member be fifty years.

Gratuities.

27. (1) A new member who, before he has had ten years' pensionable service, retires or is retired or discharged from the public service—

- (a) in terms of section *twenty-six*;
- (b) on account of ill-health occasioned without his own default;
- (c) owing to the abolition of his office or to any reduction in or re-organisation or re-adjustment of departments, divisions, branches or offices;
- (d) in order to promote efficiency or economy in the department or office to which he belongs;
- (e) on account of being unfitted for or incapable of performing efficiently the duties of his office or post; or
- (f) under sub-section (3) of section *nineteen* of the Public Service Act,

shall be paid a gratuity equal to the sum of—

- (i) his own contributions;
- (ii) an amount equal to six per cent. of his pensionable emoluments during the period of his pensionable service; and
- (iii) his excess contributions:

Provided that if such member is so discharged for a reason mentioned in paragraph (c) or (d) before he has attained the pensionable age, he shall in addition to the said gratuity be entitled to a further amount equal to one-third of the sum of the amounts referred to in paragraphs (i) and (ii), which further amount shall be paid out of revenue.

(2) A new member who is a female, and who is discharged on her marriage, or who retires voluntarily in contemplation of marriage after having notified the head of her department in writing to that effect, and marries within three months after such retirement, shall receive, according to whichever is the greater, a gratuity equal to either—

- (a) the sum of her own contributions and excess contributions; or
- (b) a percentage of the amount of the monthly average of her pensionable emoluments for the last seven years of her pensionable service or for the whole period of such service, whichever is the lesser period, in respect of each completed year of her pensionable service, calculated according to the following scale:

Number of completed years of pensionable service:				Percentage of monthly average of pensionable emoluments:
Up to	2	..	..	50
	3	..	..	56½
	4	..	..	62½
	5	..	..	68½
	6	..	..	75
	7	..	..	81½
	8	..	..	87½
	9	..	..	93½
	10 and over	..	..	100

(3) If a new member, other than a new member to whom an annuity is granted in terms of section *sixty-two*, is discharged from the public service on account of ill-health not occasioned without his own default, he shall be entitled to a gratuity equal to the sum of his own contributions and his excess contributions.

twee jaar te bowe gaan nie: Met dien verstande dat in die geval van 'n manlike lid wie se pensioenleeftyd sestig jaar is of 'n vroulike lid wie se pensioenleeftyd vyf-en-vyftig jaar is, die verdere tydperk wat nie oorskry mag word nie, vyf jaar is, en in die geval van 'n lid wie se pensioenleeftyd een-en-sestig jaar is, die verdere tydperk wat nie oorskry mag word nie, vier jaar is: Met dien verstande voorts dat 'n lid wat ingevolge paragraaf (a) van sub-artikel (1) van artikel *negentien* van die Pensioenwet in sy betrekking of pos aangehou is bo die pensioenleeftyd soos in artikel *drie-en-tagtig* van daardie Wet omskrywe, geag word ingevolge hierdie sub-artikel in bedoelde betrekking of pos aangehou te gewees het.

(5) 'n Nuwe lid wat die leeftyd van sestig jaar bereik het, kan, onderworpe in elke geval aan die aanbeveling van die Kommissie, met pensioen afgedank word: Met dien verstande dat in die geval van 'n lid in sub-artikel (2) bedoel, die leeftyd waarop of waarna bedoelde lid aldus afgedank kan word, vyf-en-vyftig jaar is in die geval van 'n manlike lid en vyftig jaar in die geval van 'n vroulike lid.

27. (1) Daar word aan 'n nuwe lid wat, voordat hy tien jaar pensioengewende diens gehad het uit die staatsdiens aftree of afgedank of ontslaan word—

- (a) ooreenkomstig artikel *ses-en-twintig*;
- (b) weens slegte gesondheid sonder sy eie toedoen veroorsaak;
- (c) weens die opheffing van sy betrekking of vermindering in of reorganisasie of herreëling van departemente, afdelings, dienstakke of kantore;
- (d) ten einde doeltreffendheid of besuiniging in die departement of kantoor waartoe hy behoort te bevorder;
- (e) omdat hy ongeskik is vir sy betrekking of pos of nie in staat is om die werksaamhede daaraan verbonde op bekwame wyse te verrig nie; of
- (f) kragtens sub-artikel (3) van artikel *negentien* van die Staatsdienswet,

'n gratifikasie betaal gelyk aan die totaal van—

- (i) sy eie bydraes;
- (ii) 'n bedrag gelyk aan ses persent van sy pensioengewende verdienste gedurende die tydperk van sy pensioengewende diens; en
- (iii) sy meerdere bydraes:

Met dien verstande dat indien so 'n lid om 'n rede in paragraaf (c) of (d) vermeld, aldus ontslaan word voordat hy die pensioenleeftyd bereik het, hy geregtig is op 'n verdere bedrag, benewens bedoelde gratifikasie, gelyk aan een-derde van die totaal van die bedrae in paragrawe (i) en (ii) bedoel, welke verdere bedrag uit inkomste betaal word.

(2) 'n Nuwe lid wat 'n vrouspersoon is, en wat by haar huwelik ontslaan word, of met die voorneme om te trou vrywillig uit diens tree, nadat sy die hoof van haar departement skriftelik te dien effekte in kennis gestel het, en binne drie maande na bedoelde uitdienststreding trou, ontvang 'n gratifikasie gelyk aan, na gelang van watter die meeste is, of—

- (a) die totaal van haar eie bydraes en meerdere bydraes; of
- (b) 'n persentasie van die bedrag van die maandelikse gemiddelde van haar pensioengewende verdienste gedurende die laaste sewe jaar van haar pensioengewende diens of die hele tydperk van daardie diens, na gelang van watter tydperk die kortste is, ten opsigte van elke voltooide jaar van haar pensioengewende diens, bereken ooreenkomstig die volgende skaal:

Aantal voltooide jare pensioengewende diens:	Persentasie van maande- likse gemiddelde van pensioengewende verdiens.
Tot 2	50
3	56 $\frac{1}{2}$
4	62 $\frac{1}{2}$
5	68 $\frac{3}{4}$
6	75
7	81 $\frac{1}{2}$
8	87 $\frac{1}{2}$
9	93 $\frac{3}{4}$
10 en meer	100

(3) Indien 'n nuwe lid (behalwe 'n nuwe lid aan wie ingevolge artikel *twee-en-sestig* 'n jaargeld toegeken word) uit die staatsdiens ontslaan word weens slegte gesondheid wat nie sonder sy eie toedoen veroorsaak is nie, is hy geregtig op 'n gratifikasie gelyk aan die totaal van sy eie bydraes en sy meerdere bydraes.

Annuity and gratuity after ten years' pensionable service.

28. (1) A new member who has had not less than ten years' pensionable service, and who retires or is retired or discharged from the public service in terms of section *twenty-six*, or for a reason mentioned in paragraph (b), (c), (d) or (e) of sub-section (1) of section *twenty-seven*, or under sub-section (3) of section *nineteen* of the Public Service Act, shall be entitled to—

- (a) an annuity, which shall be based on the annual average of his pensionable emoluments for the last seven years of his pensionable service, and shall be calculated at the rate of one-eightieth of such average for each year of pensionable service; and
- (b) a gratuity which shall be based upon the said average and shall—
 - (i) if such member is discharged on account of ill-health occasioned without his own default, be calculated at a percentage of the said average in respect of each year of pensionable service, according to the following scale:

MALES.			FEMALES.		
Nearest age at date of retirement or discharge:	Percentage of annual average of pensionable emoluments:		Nearest age at date of retirement or discharge:	Percentage of annual average of pensionable emoluments:	
Up to 60	.. 4.50		Up to 55	.. 5.70	
61	.. 4.36		56	.. 5.57	
62	.. 4.23		57	.. 5.43	
63	.. 4.09		58	.. 5.30	
64	.. 3.95		59	.. 5.16	
65	.. 3.81		60	.. 5.02	
			61	.. 4.87	
			62	.. 4.72	
			63	.. 4.57	
			64	.. 4.42	
			65	.. 4.27	

- (ii) if such member retires or is retired or discharged in terms of section *twenty-six*, or for a reason mentioned in paragraph (c), (d) or (e) of sub-section (1) of section *twenty-seven*, or under sub-section (3) of section *nineteen* of the Public Service Act, be calculated at a percentage of the said average in respect of each year of pensionable service, according to the following scale:

Nearest age at date of retirement or discharge: Percentage of annual average of pensionable emoluments:

			MALES.	FEMALES.
Up to 30	..	..	7.40	7.61
31	..	..	7.33	7.56
32	..	..	7.26	7.50
33	..	..	7.19	7.44
34	..	..	7.12	7.38
35	..	..	7.05	7.32
36	..	..	6.98	7.25
37	..	..	6.90	7.18
38	..	..	6.82	7.11
39	..	..	6.74	7.04
40	..	..	6.66	6.97
41	..	..	6.57	6.90
42	..	..	6.48	6.82
43	..	..	6.39	6.74
44	..	..	6.30	6.66
45	..	..	6.20	6.58
46	..	..	6.10	6.50
47	..	..	5.99	6.42
48	..	..	5.88	6.33
49	..	..	5.77	6.24
50	..	..	5.65	6.15
51	..	..	5.53	6.06
52	..	..	5.42	5.97
53	..	..	5.30	5.88
54	..	..	5.19	5.79
55	..	..	5.07	5.70
56	..	..	4.96	5.57
57	..	..	4.84	5.43

28. (1) 'n Nuwe lid wat nie minder as tien jaar pensioengewende diens gehad het nie, en wat ooreenkomstig artikel *ses-en-twintig*, of om 'n rede in paragraaf (b), (c), (d) of (e) van sub-artikel (1) van artikel *sewe-en-twintig* vermeld, of kragtens sub-artikel (3) van artikel *negentien* van die Staatsdienswet, uit die staatsdiens aftree of afgedank of ontslaan word, is geregtig op—

Jaargeld en gratifikasie na tien jaar pensioengewende diens.

(a) 'n jaargeld, wat gebaseer word op die jaarlikse gemiddelde van sy pensioengewende verdienste gedurende die laaste sewe jaar van sy pensioengewende diens, en bereken word volgens die skaal van een-tagtigste van bedoelde gemiddelde vir elke jaar van pensioengewende diens; en

(b) 'n gratifikasie wat gebaseer word op bedoelde gemiddelde, en wat—

(i) indien so 'n lid ontslaan word op grond van slegte gesondheid buite sy eie toedoen veroorsaak, bereken word volgens 'n persentasie van bedoelde gemiddelde ten opsigte van elke jaar van pensioengewende diens, ooreenkomstig die volgende skaal:

MANSPERSONE.				VROUSPERSONE.			
Naaste leeftyd op datum de van pen- van uitdiens- treding of ontslag:		Persentasie van jaarlik- se gemiddel- de van pen- sioenge- wende ver- dienste:		Naaste leeftyd op datum de van pen- van uitdiens- treding of ontslag:		Persentasie van jaarlik- se gemiddel- de van pen- sioenge- wende ver- dienste:	
Tot	60	..	4.50	Tot	55	..	5.70
	61	..	4.36		56	..	5.57
	62	..	4.23		57	..	5.43
	63	..	4.09		58	..	5.30
	64	..	3.95		59	..	5.16
	65	..	3.81		60	..	5.02
					61	..	4.87
					62	..	4.72
					63	..	4.57
					64	..	4.42
					65	..	4.27

(ii) indien so 'n lid ooreenkomstig artikel *ses-en-twintig*, of om 'n rede in paragraaf (c), (d) of (e) van sub-artikel (1) van artikel *sewe-en-twintig* vermeld, of kragtens sub-artikel (3) van artikel *negentien* van die Staatsdienswet, aftree of afgedank of ontslaan word, bereken word volgens 'n persentasie van bedoelde gemiddelde ten opsigte van elke jaar van pensioengewende diens, ooreenkomstig die volgende skaal:

Naaste leeftyd op datum van uitdiens-treding of ontslag:				Persentasie van jaarlikse gemiddelde van pensioengewende verdienste:			
				MANSPERSONE. VROUSPERSONE.			
Tot	30	..	..	7.40	7.61		
	31	..	..	7.33	7.56		
	32	..	..	7.26	7.50		
	33	..	..	7.19	7.44		
	34	..	..	7.12	7.38		
	35	..	..	7.05	7.32		
	36	..	..	6.98	7.25		
	37	..	..	6.90	7.18		
	38	..	..	6.82	7.11		
	39	..	..	6.74	7.04		
	40	..	..	6.66	6.97		
	41	..	..	6.57	6.90		
	42	..	..	6.48	6.82		
	43	..	..	6.39	6.74		
	44	..	..	6.30	6.66		
	45	..	..	6.20	6.58		
	46	..	..	6.10	6.50		
	47	..	..	5.99	6.42		
	48	..	..	5.88	6.33		
	49	..	..	5.77	6.24		
	50	..	..	5.65	6.15		
	51	..	..	5.53	6.06		
	52	..	..	5.42	5.97		
	53	..	..	5.30	5.88		
	54	..	..	5.19	5.79		
	55	..	..	5.07	5.70		
	56	..	..	4.96	5.57		
	57	..	..	4.84	5.43		

Nearest age at date of retirement or discharge: Percentage of annual average of pensionable emoluments:

	MALES.	FEMALES.
58	4.73	5.30
59	4.61	5.16
60	4.50	5.02
61	4.36	4.87
62	4.23	4.72
63	4.09	4.57
64	3.95	4.42
65 or over ..	3.81	4.27

(2) If the said member is discharged for a reason mentioned in paragraph (c) or (d) of sub-section (1) of section *twenty-seven* there shall be added to his pensionable service, for the purpose of calculating any annuity or gratuity to which he is entitled under this section, either one-third of the period of the said service or the period, not exceeding five years, by which his pensionable age exceeds his age at his discharge, whichever is the lesser period: Provided that the amount by which such annuity or gratuity is increased by reason of the period so added, shall be paid out of revenue.

(3) If the said member, before he has attained the pensionable age, is retired or discharged for any reason other than ill-health, all annuity payments in respect of the period before he has reached that age shall be made out of revenue and the gratuity payment partly out of revenue and partly out of the fund in accordance with tables recommended by an actuary and approved by the Treasury.

Benefits on resignation or dismissal.

29. (1) A new member who retires voluntarily from the public service before attaining the pensionable age, otherwise than under the provisions of sub-section (3) of section *twenty-six*, shall receive from the fund an amount equal to his own contributions, together with four per cent. of the said amount in respect of each completed year of his pensionable service in excess of ten years, and shall further be paid an amount equal to his excess contributions: Provided that the amount payable to a new member who immediately prior to the commencement of this Act was a contributor to the old fund and who has had not less than fourteen years of pensionable service, shall not be less than an amount equal to—

- (a) his own contributions together with ten per cent. of those contributions in respect of each completed year of pensionable service in excess of thirteen years; and
- (b) his excess contributions.

(2) If a person who is contributing to the fund provisionally in terms of section *twenty-three*, retires or is retired or discharged or dies before his appointment is confirmed, or before being permanently appointed, his contributions shall be refunded to him, or to his estate, as the circumstances require, and the amount paid to the fund from revenue in respect of such person shall be repaid to revenue: Provided that any refund under this sub-section shall, for the purposes of section *sixty-five* or *sixty-six*, be deemed not to be a benefit.

(3) If a new member, other than a new member to whom an annuity is granted in terms of section *sixty-two*, is discharged from the public service on account of misconduct, or resigns or is called upon to resign from such service in order to avoid such discharge, or is discharged therefrom for a reason not specifically mentioned in this Part, he shall be paid an amount equal to his own contributions and his excess contributions.

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

Gratuity on death of member.

30. (1) If a new member dies before his retirement or discharge from the public service there shall, subject to the provisions of sub-section (3), be paid to or for the benefit of such of his dependants as the Treasury may determine—

- (a) if such member has had less than ten years pensionable service, a gratuity calculated at the rate of the monthly average of his pensionable emoluments for the last seven years of his pensionable service or for the whole period of such service, whichever is the lesser period, in

Naaste leeftyd op datum van uitdienstreding of ontslag:	Persentasie van jaarlikse gemiddelde van pensioen- gewende verdienste:	
	MANSPERSONE	VROUSPERSONE.
58	4.73	5.30
59	4.61	5.16
60	4.50	5.02
61	4.36	4.87
62	4.23	4.72
63	4.09	4.57
64	3.95	4.42
65 of ouer ..	3.81	4.27

(2) Indien bedoelde lid om 'n rede in paragraaf (c) of (d) van sub-artikel (1) van artikel *sewe-en-twintig* vermeld, ontslaan word, word by die berekening van 'n jaargeld of gratifikasie waarop hy kragtens hierdie artikel geregtig is, by sy pensioengewende diens bygevoeg of een-derde van die tydperk van daardie diens of die tydperk, vyf jaar nie te bowe gaande nie, waarmee sy pensioenleeftyd sy leeftyd by sy ontslag te bowe gaan, na gelang van watter tydperk die kortste is: Met dien verstande dat die bedrag waarmee bedoelde jaargeld of gratifikasie vanweë die aldus bygevoegde tydperk verhoog word, uit inkomste betaal word.

(3) Indien bedoelde lid voordat hy die pensioenleeftyd bereik het, om 'n ander rede as slegte gesondheid afgedank of ontslaan word, word alle jaargelde ten opsigte van die tydperk voor hy daardie leeftyd bereik het, uit inkomste betaal, en die gratifikasie gedeeltelik uit inkomste en gedeeltelik uit die fonds, ooreenkomstig tabelle deur 'n aktuaris aanbeveel en deur die Tesourie goedgekeur.

29. (1) 'n Nuwe lid wat anders as ingevolge die bepalings van sub-artikel (3) van artikel *ses-en-twintig*, vrywillig uit die staatsdiens tree voordat hy die pensioenleeftyd bereik het, ontvang uit die fonds 'n bedrag gelyk aan sy eie bydraes, tesame met vier persent van daardie bedrag ten opsigte van elke voltooide jaar van sy pensioengewende diens bo tien jaar, en bowendien word aan hom 'n bedrag gelyk aan sy meerdere bydraes betaal: Met dien verstande dat die bedrag betaalbaar aan 'n nuwe lid wat onmiddellik voor die inwerkingtreding van hierdie Wet 'n bydraer tot die ou fonds was, en wat minstens veertien jaar pensioengewende diens gehad het, nie minder is nie as 'n bedrag gelyk aan—

Voordele by
bedanking of
ontslag.

(a) sy eie bydraes tesame met tien persent van daardie bydraes ten opsigte van elke voltooide jaar van pensioengewende diens bo dertien jaar; en

(b) sy meerdere bydraes.

(2) Indien iemand wat ingevolge artikel *drie-en-twintig* voorlopig tot die fonds bydra, voordat sy aanstelling bekragtig word of voordat hy vas aangestel word, af tree of afgedank of ontslaan word of te sterwe kom, word sy bydraes aan hom, of aan sy boedel, na gelang van die omstandighede, terugbetaal, en word die bedrag wat ten opsigte van so iemand uit inkomste in die fonds gestort is, in inkomste teruggestort: Met dien verstande dat 'n terugbetaling ingevolge hierdie sub-artikel, by die toepassing van artikel *vyf-en-sestig* of *ses-en-sestig* geag word nie 'n voordeel te wees nie.

(3) Indien 'n nuwe lid (behalwe 'n nuwe lid aan wie 'n jaargeld ingevolge artikel *twee-en-sestig* toegeken word) weens wan gedrag uit die staatsdiens ontslaan word, of uit daardie diens bedank of aangesê word om te bedank ten einde sodanige ontslag te vermy, of daaruit ontslaan word om 'n rede nie uitdruklik in hierdie Deel vermeld nie, word 'n bedrag gelyk aan sy eie bydraes en sy meerdere bydraes aan hom betaal.

(4) Die Tesourie kan van 'n bedrag kragtens hierdie artikel aan 'n lid of persoon betaalbaar, die bedrag van enige verlies aftrek wat deur die Kontroleur en Ouditeur-generaal of 'n provinsiale ouditeur gesertifiseer word deur die Regering gelyk te gewees het weens diefstal, bedrog, nalatigheid of enige wan gedrag aan die kant van so 'n lid of persoon.

30. (1) Indien 'n nuwe lid voor sy uitdienstreding of ontslag uit die staatsdiens te sterwe kom, word daar met inagneming van die bepalings van sub-artikel (3), aan of ten bate van diegene van sy afhanklikes wat die Tesourie mag aanwys—

Gratifikasie by
dood van lid.

(a) indien bedoelde lid minder as tien jaar pensioengewende diens gehad het, 'n gratifikasie betaal wat bereken word volgens die skaal van die maandelikse gemiddelde van sy pensioengewende verdienste gedurende die laaste sewe jaar van sy pensioengewende diens, of die hele tydperk van daardie diens, na gelang van watter tydperk die kortste is, ten opsigte van elke

- respect of each year of his pensionable service: Provided that the said gratuity shall not be less than the gratuity which would have been payable to the said member in terms of sub-section (1) of section *twenty-seven* had he been retired on account of ill-health (occasioned without his own default) with effect from the day immediately following the date of his death;
- (b) if such member has had not less than ten years pensionable service and dies before he has attained the pensionable age, a gratuity equal to the aggregate amount of the pension which would have been paid to the member and to or for the benefit of the said dependants if the member had been discharged on account of ill-health (occasioned without his own default) with effect from the day immediately succeeding the last day of his pensionable service and had died on the first-mentioned day;
- (c) if such member has had not less than ten years pensionable service and has been retained in his office or post in terms of sub-section (4) of section *twenty-six* beyond the pensionable age, or being a member of the Commission has been retained in office beyond that age, a gratuity equal to the aggregate amount of the pension which would have been paid to the member and to or for the benefit of the said dependants if the member had retired or been retired on pension by reason of his age with effect from the day immediately succeeding the last day of his pensionable service and had died on the first-mentioned day.
- (2) If a new member who has retired or been retired or discharged from the public service on an annuity dies within five years after the date of his retirement or discharge, there shall, subject to the provision of sub-section (3), be paid to or for the benefit of such of his dependants as the Treasury may determine, a gratuity equal to the aggregate amount of the annuity which would have been paid to such member from the date of his death until the expiry of the said five years, had he not died.
- (3) The gratuities referred to in sub-sections (1) and (2) shall be allocated amongst the said dependants in such manner as the Treasury may determine and the Treasury may, in the case of dependants other than the widow of the deceased member, reduce any such gratuity to an extent which, having regard to the circumstances of such dependants, appears to it to be reasonable.
- (4) If a new member dies before his retirement from the public service without leaving a dependant, an amount equal to his own contributions, together with any excess contributions, shall be paid to his estate and there shall be no further claim on the fund.
- (5) If a new member—
- (a) who has elected the benefits of paragraph (b) of sub-section (2) of section *fourteen* or of that paragraph as applied by sub-section (4) of section *ninety-three* or of paragraph (b) of sub-section (4) of section *fifteen* dies before such benefits become due and payable; or
- (b) to whom sub-section (1) of section *sixty-four* applies, dies before a pension becomes due and payable to him in terms of that sub-section,
- such member shall, for the purposes of sub-sections (1), (3) and (4) of this section, be deemed to have died on the last day of his pensionable service in the public service.
- (6) If a new member referred to in paragraph (a) or (b) of sub-section (5) dies after an annuity becomes payable to him under the provisions referred to in the applicable paragraph, he shall, for the purposes of sub-sections (2) and (3) of this section, be deemed to have retired or been retired or discharged from the public service on an annuity as from the date on which the first-mentioned annuity became payable to him.

PART D.

SOUTH AFRICAN PERMANENT FORCE PENSION FUND—SPECIAL PROVISIONS.

Interpretation of terms used in this Part.

31. In this Part unless the context otherwise indicates—
- (i) "member" means a person who is contributing to the fund in accordance with the provisions of this Part or to or in respect of whom a pension or any other amount is payable from the fund, but does not include a person contributing provisionally in terms of section *thirty-four*; (ii)

jaar van sy pensioengewende diens: Met dien verstande dat bedoelde gratifikasie nie minder mag wees nie as die gratifikasie wat ingevolge sub-artikel (1) van artikel *sewe-en-twintig* aan daardie lid betaalbaar sou gewees het indien hy met ingang vanaf die dag onmiddellik na die datum van sy dood weens slegte gesondheid (sonder sy eie toedoen veroorsaak) afgedank was;

- (b) indien bedoelde lid nie minder as tien jaar pensioengewende diens gehad het nie en te sterwe kom voordat hy die pensioenleeftyd bereik het, 'n gratifikasie betaal gelyk aan die totale bedrag van die pensioen wat aan die lid en aan of ten bate van bedoelde afhanklikes betaal sou gewees het indien die lid met ingang vanaf die dag onmiddellik na die laaste dag van sy pensioengewende diens weens slegte gesondheid (sonder sy eie toedoen veroorsaak) ontslaan was, en op eersbedoelde dag te sterwe gekom het;
- (c) indien bedoelde lid nie minder as tien jaar pensioengewende diens gehad het nie en ingevolge sub-artikel (4) van artikel *ses-en-twintig* bo die pensioenleeftyd in sy betrekking of pos aangehou is, of in die geval van 'n lid van die Kommissie bo daardie leeftyd in sy betrekking aangehou is, 'n gratifikasie betaal gelyk aan die totale bedrag van die pensioen wat aan die lid en aan of ten bate van bedoelde afhanklikes betaal sou gewees het indien die lid met ingang vanaf die dag onmiddellik na die laaste dag van sy pensioengewende diens weens sy ouderdom met pensioen afgetree het of afgedank was, en op eersbedoelde dag te sterwe gekom het.

(2) Indien 'n nuwe lid wat met 'n jaargeld uit die staatsdiens afgetree het of afgedank of ontslaan is, binne vyf jaar na die datum van sy uitdienstreding of ontslag te sterwe kom, word daar met inagneming van die bepalinge van sub-artikel (3), aan of ten bate van diegene van sy afhanklikes wat die Tesourie mag aanwys, 'n gratifikasie betaal gelyk aan die totaalbedrag van die jaargeld wat vanaf die datum van sy dood tot by die verstryking van bedoelde vyf jaar aan daardie lid betaal sou geword het as hy nie gesterf het nie.

(3) Die in sub-artikels (1) en (2) bedoelde gratifikasies word onder bedoelde afhanklikes toegewys op die wyse wat die Tesourie mag bepaal, en die Tesourie kan so 'n gratifikasie in die geval van ander afhanklikes as die weduwee van 'n oorlede lid verminder in die mate wat hy met inagneming van die omstandighede van daardie afhanklikes redelik ag.

(4) Indien 'n nuwe lid voor sy uitdienstreding uit die staatsdiens te sterwe kom en geen afhanklike nalaat nie, word 'n bedrag gelyk aan sy eie bydraes tesame met enige meerdere bydraes aan sy boedel uitbetaal en is daar geen verdere vordering teen die fonds nie.

(5) Indien 'n nuwe lid—

- (a) wat die voordele van paragraaf (b) van sub-artikel (2) van artikel *veertien* of van daardie paragraaf soos toegelas deur sub-artikel (4) van artikel *drie-en-negentig* of van paragraaf (b) van sub-artikel (4) van artikel *vyftien* gekies het, te sterwe kom voordat daardie voordele verskuldig en betaalbaar word; of

- (b) op wie sub-artikel (1) van artikel *vier-en-sestig* van toepassing is, te sterwe kom voordat 'n pensioen ingevolge daardie sub-artikel aan hom verskuldig en betaalbaar word,

word bedoelde lid by die toepassing van sub-artikels (1), (3) en (4) van hierdie artikel geag op die laaste dag van sy pensioengewende diens in die staatsdiens te gesterf het.

(6) Indien 'n in paragraaf (a) of (b) van sub-artikel (5) bedoelde nuwe lid te sterwe kom nadat 'n jaargeld kragtens die in die toepaslike paragraaf bedoelde bepalinge aan hom betaalbaar word, word hy by die toepassing van sub-artikels (2) en (3) van hierdie artikel geag met 'n jaargeld uit die staatsdiens af te getree het of afgedank of ontslaan te gewees het met ingang vanaf die datum waarop eersgenoemde jaargeld aan hom betaalbaar geword het.

DEEL D.

SUID-AFRIKAANSE STAANDEMAG-PENSIOENFONDS—SPESIALE BEPALINGS.

31. In hierdie Deel, tensy uit die samehang anders blyk, beteken—

- (i) „die fonds” die Suid-Afrikaanse staandemag-pensioenfonds kragtens artikel *twee* gestig; (iii)

Omskrywing van uitdrukkinge in hierdie Deel gebesig.

- (ii) "pensionable age" means the age at which a member shall have the right to retire and shall be retired on pension in terms of sub-section (1) of section *thirty-five*; (iii)
- (iii) "the fund" means the South African permanent force pension fund established in terms of section *two*. (i)

Contributions by certain members.

32. As from the fixed date every person who—

- (a) immediately prior to the commencement of this Act was a member of the permanent force and was subject to the provisions of Part B of Chapter I of the Pensions Act; or
- (b) elects in terms of section *five* to become a contributor to the fund,

shall, subject to the provisions of section *seven*, contribute to the fund in accordance with the scale set forth in section *thirty-three*: Provided that the difference between the contributions due according to the said scale and—

- (i) the contributions paid by any person referred to in paragraph (a) in respect of his pensionable service between the fixed date and the date of commencement of this Act; or
- (ii) the contributions which would have been paid by any person referred to in paragraph (b) in respect of his pensionable service between the fixed date and the last day of the month in which he makes his election in terms of sub-section (1) of section *five*, had he during that period been subject to the provisions of Part B of Chapter I of the Pensions Act,

shall be recovered in such manner and in such instalments as the Treasury may determine: Provided further that any contributions together with any interest which may be due by such person immediately prior to the fixed date shall be paid to the fund.

Scale of contributions by members and maximum ages of admission.

33. (1) A person who on or after the date of commencement of this Act is appointed to a post in the permanent force shall, subject to the provisions of section *seven* and sub-section (2) of this section, contribute to the fund in accordance with the following scale:

MALES.		FEMALES.	
Age last birthday at commencement of pensionable service:	Percentage of pensionable emoluments:	Age last birthday at commencement of pensionable service:	Percentage of pensionable emoluments:
Up to 21	8½	Up to 21	7½
22 to 26	9	22 to 26	8
27 to 30	9½	27 to 30	8½
31 to 34	9¾	31 to 34	9
35 and over	10	35 to 38	9½
		39 and over	10

(2) Notwithstanding anything in sub-section (1) contained, a person who is so appointed and whose age at the date of such appointment is forty-five years or more shall not contribute to the fund unless—

- (a) he is a person to whom sub-section (1) of section *eight* refers, has had continuous employment both before and after the date he attained the age of forty-five years and elects to contribute in respect of such employment;
- (b) he is a person to whom section *twelve* applies;
- (c) he is a person to whom section *thirteen* applies, has had pensionable service prior to the date on which he attained the age of forty-five years, and elects and is permitted to reckon his past pensionable service as pensionable service under this Act; or
- (d) he is a person to whom section *fifteen* applies.

Provisional contributions.

34. (1) A person referred to in sub-section (1) of section *thirty-three* shall—

- (a) if he is appointed to commissioned rank, contribute provisionally to the fund during any period of probationary service in the permanent force;
- (b) if he is not appointed to commissioned rank, contribute to the fund provisionally during the first three years of his employment in the said force:

- (ii) „lid” iemand wat ingevolge die bepalings van hierdie Deel tot die fonds bydra of aan of ten opsigte van wie 'n pensioen of ander bedrag uit die fonds betaalbaar is, maar nie ook iemand wat ooreenkomstig artikel vier-en-dertig voorlopig bydra nie; (i)
- (iii) „pensioenleef tyd” die leef tyd waarop 'n lid ooreenkomstig sub-artikel (1) van artikel vyf-en-dertig die reg het om met pensioen af te tree en met pensioen afgedank moet word. (ii)

32. Vanaf die vasgestelde datum moet iedereen wat—

Bydraes deur sekere lede.

- (a) onmiddellik voor die inwerkingtreding van hierdie Wet 'n lid van die staande mag was en onder die bepalings van Deel B van Hoofstuk I van die Pensioenwet geval het; of
- (b) ooreenkomstig artikel vyf kies om 'n bydraer tot die fonds te word,

behoudens die bepalings van artikel sewe, ooreenkomstig die skaal in artikel drie-en-dertig uiteengesit tot die fonds bydra: Met dien verstande dat die verskil tussen die bydraes volgens daardie skaal verskuldig en—

- (i) die bydraes betaal deur iemand in paragraaf (a) bedoel ten opsigte van sy pensioengewende diens tussen die vasgestelde datum en die datum van inwerkingtreding van hierdie Wet; of

- (ii) die bydraes wat betaal sou gewees het deur iemand in paragraaf (b) bedoel ten opsigte van sy pensioengewende diens tussen die vasgestelde datum en die laaste dag van die maand waarin hy sy keuse ingevolge sub-artikel (1) van artikel vyf doen, indien hy gedurende daardie tydperk onder die bepalings van Deel B van Hoofstuk I van die Pensioenwet geval het,

op sodanige wyse en in sulke paalemente as wat die Tesourie mag bepaal, verhaal word: Met dien verstande voorts dat enige bydraes tesame met enige rente wat onmiddellik voor die vasgestelde datum deur so iemand verskuldig mag wees, aan die fonds betaal moet word.

33. (1) Iemand wat op of na die datum van inwerkingtreding van hierdie Wet in 'n pos in die staande mag aangestel word, moet, behoudens die bepalings van artikel sewe en sub-artikel (2) van hierdie artikel, ooreenkomstig die volgende skaal tot die fonds bydra:

Skaal van bydraes deur lede en maksimum leeftye van toelating.

MANSPERSONE.			VROUSPERSONE.		
Leef tyd laaste verjaarsdag by	Persentasie van		Leef tyd laaste verjaarsdag by	Persentasie van	
aanvang van pensioengewende diens.	pensioengewende verdienste.		aanvang van pensioengewende diens.	pensioengewende verdienste.	
Tot 21	8½		Tot 21	7½	
22 tot 26	9		22 tot 26	8	
27 tot 30	9½		27 tot 30	8½	
31 tot 34	9¾		31 tot 34	9	
35 en ouer	10		35 tot 38	9½	
			39 en ouer	10	

(2) Ondanks die bepalings van sub-artikel (1), dra iemand wat aldus aangestel word en wie se leef tyd op die datum van so 'n aanstelling vyf-en-veertig jaar of meer is, nie tot die fonds by nie, tensy—

- (a) hy 'n in sub-artikel (1) van artikel agt bedoelde persoon is, ononderbroke diens gehad het beide voor en na die datum waarop hy die leef tyd van vyf-en-veertig jaar bereik het, en kies om ten opsigte van daardie diens by te dra;
- (b) hy iemand is op wie artikel twaalf van toepassing is;
- (c) hy iemand is op wie artikel dertien van toepassing is, pensioengewende diens gedoen het voor die datum waarop hy die leef tyd van vyf-en-veertig jaar bereik het, en kies en toegelaat word om sy vorige pensioengewende diens as pensioengewende diens ingevolge hierdie Wet te reken; of
- (d) hy iemand is op wie artikel vyftien van toepassing is.

34. (1) 'n In sub-artikel (1) van artikel drie-en-dertig bedoelde persoon moet—

Voorlopige bydraes.

- (a) indien hy in offisiërsrang aangestel word, gedurende enige tydperk van proefdiens in die staande mag voorlopig tot die fonds bydra;
- (b) indien hy nie in offisiërsrang aangestel word nie, gedurende die eerste drie jaar van sy diens in bedoelde mag voorlopig tot die fonds bydra:

Provided that—

- (i) if such person is transferred from pensionable employment under any government referred to in section *sixty-four*, or under any administration, or from such employment in respect of which he was a contributor, other than a provisional contributor, to another fund (other than the Government Employees' Provident Fund referred to in section *eighty-four*) administered by the Treasury, the contributions paid by him shall not be regarded as being provisional;
- (ii) if such person was a member of the said Provident Fund immediately prior to such appointment then, in the case of a person referred to in paragraph (a), his contributions shall not be regarded as being provisional and, in the case of a person referred to in paragraph (b), his continuous service prior to such appointment shall be regarded as employment in the said force; or
- (iii) if a person to whom paragraph (b) applies, is appointed to commissioned rank during the first three years of his employment in the said force, he shall continue to contribute provisionally during any period of probationary service.

(2) The provisions of sub-section (1) shall *mutatis mutandis* apply in the case of a person who, immediately prior to the date of the commencement of this Act, was contributing provisionally to the old fund in terms of either section *thirteen* or *fourteen* of the Pensions Act and whose probationary service, or first three years of employment in the said force, as the case may be, had not expired at such date.

Ages for retirement.

35. (1) A member shall have the right to retire on pension on attaining the age of fifty-five years, and shall be retired on pension on reaching the said age unless the Minister of Defence considers that it is in the public interest to retain him in his office or post beyond that age, and in that event the said Minister may retain him from time to time for further periods which shall not exceed in the aggregate five years: Provided that a member who, prior to the commencement of this Act, was retained in his office or post in terms of paragraph (b) of sub-section (1) of section *nineteen* of the Pensions Act beyond the pensionable age as defined in section *eighty-three* of that Act, shall be deemed to have been retained in such office or post in terms of this sub-section.

(2) Notwithstanding anything in sub-section (1) contained, a member who has attained the age of forty-five years may be retired on pension.

Gratuities.

36. (1) A member who, before he has had ten years pensionable service, retires or is retired or discharged from the permanent force—

- (a) in terms of section *thirty-five*;
- (b) on account of medical unfitness occasioned without his own default;
- (c) owing to the abolition of his office or post or to any reduction in or any re-organisation or re-adjustment of the permanent force or any corps, unit, division, branch or section thereof;
- (d) in order to promote efficiency or economy in the said force or any corps, unit, division, branch or section thereof; or
- (e) on account of being unfitted for or incapable of performing efficiently the duties of his office or post,

shall be paid a gratuity equal to ten per cent. of the annual average of his pensionable emoluments for the last seven years of his pensionable service or for the whole period of such service, whichever is the lesser period, in respect of each year of his pensionable service: Provided that if such a member is so discharged for a reason mentioned in paragraph (c) or (d) before he has attained the age limit for retirement prescribed under paragraph (e) of sub-section (1) of section *one hundred and sixteen* of the South Africa Defence Act, 1912 (Act No. 13 of 1912), he shall in addition to the said gratuity be entitled to a further amount equal to one-third of such gratuity, which further amount shall be paid out of revenue.

(2) A member who is a female and who is discharged on her marriage or who retires voluntarily in contemplation of marriage, after having given written notification of her intention to do so, and marries within three months after such retirement, shall receive a gratuity, according to whichever is the greater, equal to either—

Met dien verstande dat—

- (i) indien so iemand oorgeplaas word uit pensioengewende diens by 'n regering in artikel *vier-en-sestig* bedoel, of by 'n administrasie, of uit sodanige diens ten opsigte waarvan hy 'n bydraer, behalwe 'n voorlopige bydraer, was tot 'n ander fonds (behalwe die Regerings-werknemersondersteuningsfonds in artikel *vier-en-tagtig* bedoel) wat deur die Tesourie bestuur word, die bydraes deur hom betaal nie as voorlopig beskou word nie;
 - (ii) indien so iemand onmiddellik voor bedoelde aanstelling 'n lid van genoemde ondersteuningsfonds was, sy bydraes, in die geval van iemand in paragraaf (a) bedoel, nie as voorlopig beskou word nie, en sy ononderbroke diens voor bedoelde aanstelling, in die geval van iemand in paragraaf (b) bedoel, as diens in bedoelde mag beskou word; of
 - (iii) indien iemand op wie paragraaf (b) van toepassing is, gedurende die eerste drie jaar van sy diens in bedoelde mag tot offisersrang aangestel word, hy gedurende enige tydperk van proefdiens moet voortgaan om voorlopig by te dra.
- (2) Die bepalinge van sub-artikel (1) is *mutatis mutandis* van toepassing in die geval van iemand wat, onmiddellik voor die datum van inwerkingtreding van hierdie Wet, ingevolge artikel *dertien* of *veertien* van die Pensioenwet voorlopig tot die ou fonds bygedra het en wie se proefdiens of eerste drie jaar diens in bedoelde mag, na gelang van die geval, op daardie datum nie verstryk was nie.

35. (1) 'n Lid het die reg om met pensioen af te tree wanneer hy die leeftyd van vyf-en-vyftig jaar bereik, en moet wanneer hy daardie leeftyd bereik met pensioen afgedank word, tensy die Minister van Verdediging dit in die openbare belang ag om hom bo daardie leeftyd in sy betrekking of pos aan te hou, en in so 'n geval kan bedoelde Minister hom van tyd tot tyd aanhou vir verdere tydperke wat in die geheel vyf jaar nie te bowe gaan nie: Met dien verstande dat 'n lid wat voor die inwerkingtreding van hierdie Wet ingevolge paragraaf (b) van sub-artikel (1) van artikel *negentien* van die Pensioenwet bo die pensioenleeftyd, soos in artikel *drie-en-tagtig* van daardie Wet omskrywe, in sy betrekking of pos aangehou is, geag word kragtens hierdie sub-artikel in bedoelde betrekking of pos aangehou te gewees het.

(2) Ondanks die bepalinge van sub-artikel (1) kan 'n lid wat die leeftyd van vyf-en-veertig jaar bereik het, met pensioen afgedank word.

Leeftye vir
uitdienstreding.

36. (1) Daar word aan 'n lid wat, voordat hy tien jaar pensioengewende diens gehad het, uit die staande mag aftree of afgedank of ontslaan word—

Gratifikasies.

- (a) ooreenkomstig artikel *vyf-en-dertig*;
 - (b) weens mediese ongeskiktheid sonder sy eie toedoen veroorsaak;
 - (c) weens die opheffing van sy betrekking of pos of 'n vermindering in of reorganisasie of herreëling van die staande mag of 'n korps, eenheid, afdeling, tak of seksie daarvan;
 - (d) ten einde doeltreffendheid of besuiniging in bedoelde mag of 'n korps, eenheid, afdeling, tak of seksie daarvan te bevorder;
 - (e) omdat hy ongeskik is vir sy betrekking of pos of nie in staat is om die daaraan verbonde werksaamhede op bekwame wyse te verrig nie,
- 'n gratifikasie betaal gelyk aan tien persent van die jaarlikse gemiddelde van sy pensioengewende verdienste gedurende die laaste sewe jaar van sy pensioengewende diens of die hele tydperk van daardie diens, na gelang watter tydperk die kortste is, ten opsigte van elke jaar van sy pensioengewende diens: Met dien verstande dat indien so 'n lid om 'n rede in paragraaf (c) of (d) vermeld, aldus ontslaan word voordat hy die kragtens paragraaf (e) van sub-artikel (1) van artikel *honderd-en-sestien* van die „Zuid-Afrika Verdedigings Wet, 1912” (Wet No. 13 van 1912), voorgeskrewe leeftydgrens vir afdanking bereik het, hy benewens bedoelde gratifikasie geregtig is op 'n verdere bedrag gelyk aan een-derde van daardie gratifikasie, welke verdere bedrag uit inkomste betaal word.
- (2) 'n Lid wat 'n vrouspersoon is en wat by haar huwelik ontslaan word, of wat met die voorneme om te trou vrywillig uit diens tree, nadat sy skriftelik te dien effekte kennis gegee het, en binne drie maande na bedoelde uitdienstreding trou, ontvang 'n gratifikasie gelyk aan, na gelang van watter die meeste is, of—

- (a) the sum of her own contributions and excess contributions; or
- (b) a percentage of an amount equal to ten per cent. of the annual average of her pensionable emoluments for the last seven years of her pensionable service, or for the whole period of such service, whichever is the lesser period, in respect of each completed year of her pensionable service, calculated according to the following scale:

Number of completed years of pensionable service:	Percentage of amount:
Up to 2	50
3	56 $\frac{1}{4}$
4	62 $\frac{1}{2}$
5	68 $\frac{3}{4}$
6	75
7	81 $\frac{1}{4}$
8	87 $\frac{1}{2}$
9	93 $\frac{3}{4}$
10 and over	100

- (3) If a member, other than a member to whom an annuity is granted in terms of section *sixty-two*, is discharged from the permanent force on account of medical unfitness not occasioned without his own default, he shall be entitled to a gratuity equal to the sum of his own contributions and his excess contributions.

Annuity and
gratuity after ten
years' pension-
able service.

37. (1) A member who has had not less than ten years' pensionable service and who retires or is retired or discharged from the permanent force in terms of section *thirty-five* or for a reason mentioned in paragraph (b), (c), (d) or (e) of sub-section (1) of section *thirty-six*, shall be entitled to—

- (a) an annuity which shall be based on the annual average of his pensionable emoluments for the last seven years of his pensionable service and shall be calculated at the rate of one-seventieth of such average for each year of such pensionable service; and
- (b) a gratuity which shall be based on the said average and shall—
- (i) if such member is discharged on account of medical unfitness occasioned without his own default, be calculated, in the case of a male, at the rate of 5.14 per cent. and, in the case of a female, at the rate of 6.51 per cent. of the said average in respect of each year of such pensionable service; and
- (ii) if such member retires or is retired or discharged in terms of section *thirty-five*, or for a reason mentioned in paragraph (c), (d) or (e) of sub-section (1) of section *thirty-six*, be calculated at a percentage of the said average in respect of each year of such pensionable service according to the following scale:

Nearest age at date of retirement or discharge:	Percentage of annual average of pensionable emoluments:	
	MALES	FEMALES.
Up to 30	8.46	8.70
31	8.38	8.64
32	8.30	8.57
33	8.22	8.50
34	8.14	8.44
35	8.06	8.37
36	7.98	8.29
37	7.89	8.21
38	7.79	8.13
39	7.70	8.05
40	7.61	7.97
41	7.51	7.89
42	7.41	7.80
43	7.30	7.70
44	7.20	7.61
45	7.09	7.52
46	6.97	7.43
47	6.85	7.34
48	6.72	7.24
49	6.59	7.13

- (a) die totaal van haar eie bydraes en meerdere bydraes; of
- (b) 'n persentasie van 'n bedrag gelyk aan tien persent van die jaarlikse gemiddelde van haar pensioengewende verdienste gedurende die laaste sewe jaar van haar pensioengewende diens of die hele tydperk van daardie diens, na gelang van watter tydperk die kortste is, ten opsigte van elke voltooide jaar van haar pensioengewende diens, bereken ooreenkomstig die volgende skaal:

Aantal voltooide jare pensioengewende diens:	Persentasie van bedrag:
Tot 2	50
3	56 $\frac{1}{4}$
4	62 $\frac{1}{2}$
5	68 $\frac{3}{4}$
6	75
7	81 $\frac{1}{4}$
8	87 $\frac{1}{2}$
9	93 $\frac{3}{4}$
10 en meer	100

(3) Indien 'n ander lid as 'n lid aan wie 'n jaargeld ingevolge artikel twee-en-sestig toegeken word, weens slegte gesondheid wat nie sonder sy eie toedoen veroorsaak is nie, uit die staande mag ontslaan word, is hy geregtig op 'n gratifikasie gelyk aan die totaal van sy eie bydraes en sy meerdere bydraes.

37. (1) 'n Lid wat nie minder as tien jaar pensioengewende diens gehad het nie en wat ingevolge artikel vyf-en-dertig of om 'n rede in paragraaf (b), (c), (d) of (e) van sub-artikel (1) van artikel ses-en-dertig vermeld, uit die staande mag aftree of afgedank of ontslaan word, is geregtig op—

Jaargeld en gratifikasie na tien jaar pensioengewende diens.

(a) 'n jaargeld wat gebaseer word op die jaarlikse gemiddelde van sy pensioengewende verdienste gedurende die laaste sewe jaar van sy pensioengewende diens, en bereken word volgens die skaal van een-sewentigste van bedoelde gemiddelde vir elke jaar van bedoelde pensioengewende diens; en

(b) 'n gratifikasie wat gebaseer word op bedoelde gemiddelde, en wat—

(i) indien so 'n lid ontslaan word op grond van mediese ongeskiktheid buite sy eie toedoen veroorsaak, bereken word, in die geval van 'n manspersoon volgens die skaal van 5·14 persent, en in die geval van 'n vrouspersoon volgens die skaal van 6·51 persent, van bedoelde gemiddelde ten opsigte van elke jaar van bedoelde pensioengewende diens; en

(ii) indien so 'n lid ooreenkomstig artikel vyf-en-dertig of om 'n rede in paragraaf (c), (d) of (e) van sub-artikel (1) van artikel ses-en-dertig vermeld, aftree of afgedank of ontslaan word, bereken word volgens 'n persentasie van bedoelde gemiddelde ten opsigte van elke jaar van bedoelde pensioengewende diens, ooreenkomstig die volgende skaal:

Naaste leeftyd op datum van uitdienstreding of ontslag:			Persentasie van jaarlikse gemiddelde van pensioengewende verdienste:	
			MANSPERSONE	VROUSPERSONE
Tot	30	..	8·46	8·70
	31	..	8·38	8·64
	32	..	8·30	8·57
	33	..	8·22	8·50
	34	..	8·14	8·44
	35	..	8·06	8·37
	36	..	7·98	8·29
	37	..	7·89	8·21
	38	..	7·79	8·13
	39	..	7·70	8·05
	40	..	7·61	7·97
	41	..	7·51	7·89
	42	..	7·41	7·80
	43	..	7·30	7·70
	44	..	7·20	7·61
	45	..	7·09	7·52
	46	..	6·97	7·43
	47	..	6·85	7·34
	48	..	6·72	7·24
	49	..	6·59	7·13

Nearest age at date of retirement or discharge:	Percentage of annual average of pensionable emoluments:	
	MALES	FEMALES
50	6.46	7.03
51	6.32	6.93
52	6.19	6.83
53	6.06	6.72
54	5.93	6.62
55 and over..	5.79	6.51

(2) If the said member is discharged for a reason mentioned in paragraph (c) or (d) of sub-section (1) of section *thirty-six* there shall be added to his pensionable service, for the purpose of calculating any annuity or gratuity to which he is entitled under this section, either one-third of the period of the said service, or the period, not exceeding five years, by which the age at which he attains the age limit for retirement prescribed under paragraph (e) of sub-section (1) of section *one hundred and sixteen* of the South Africa Defence Act, 1912 (Act No. 13 of 1912), exceeds his age at the date of his discharge, whichever is the lesser period: Provided that the amount by which such annuity or gratuity is increased by reason of the period so added shall be paid out of revenue.

(3) If such a member is retired or discharged for a reason mentioned in paragraph (c), (d) or (e) of sub-section (1) of section *thirty-six*, all annuity payments in respect of the period before he reaches the pensionable age shall be made out of revenue, and the gratuity payment partly out of revenue and partly out of the fund in accordance with tables recommended by the actuary and approved by the Treasury.

Benefit on
resignation or
dismissal.

38. (1) A member who retires voluntarily from the permanent force before attaining the pensionable age, shall receive from the fund an amount equal to his own contributions together with four per cent. of the said amount in respect of each complete year of pensionable service in excess of ten years, and shall further be paid an amount equal to his excess contributions.

(2) If a person who is contributing to the fund provisionally in terms of section *thirty-four*, retires or is retired or discharged or dies before his appointment is confirmed or before the expiry of the first three years of his employment in the permanent force, his contributions shall be refunded to him or to his estate, as the circumstances require, and the contributions paid to the fund from revenue in respect of such person shall be repaid to revenue: Provided that any refund under this sub-section shall, for the purposes of section *sixty-five* or *sixty-six*, be deemed not to be a benefit.

(3) If a member, other than a member to whom an annuity is granted in terms of section *sixty-two*, is discharged from the permanent force on account of misconduct or resigns or is called upon to resign from the said force to avoid such discharge or is discharged therefrom for a reason not specifically mentioned in this Part, he shall be paid an amount equal to his own contributions and his excess contributions.

(4) The Treasury may deduct from any amount payable to any member or person under this section the amount of any loss certified by the Controller and Auditor-General to have been sustained by the Government through theft, fraud, negligence or any misconduct on the part of such member or person.

Gratuity on
death of member.

39. (1) If a member dies before his retirement from the permanent force, there shall, subject to the provisions of sub-section (3), be paid to or for the benefit of such of his dependants as the Treasury may determine—

(a) if such member has had less than ten years pensionable service, a gratuity calculated at the rate of 11.4 per cent. of the annual average of his pensionable emoluments for the last seven years of his pensionable service or for the whole period of such service, whichever is the lesser period, in respect of each year of his pensionable service: Provided that such gratuity shall not be less than an amount equal to the said annual average of his pensionable emoluments.

(b) if such member has had not less than ten years pensionable service and dies before he has attained the pensionable age, a gratuity equal to the aggregate amount of the pension which would have been paid to the member and to or for the benefit of the said

Naaste leeftyd op datum van uitdienstreding of ontslag:	Persentasie van jaarlikse gemiddelde van pensioen- gewende verdienste:	
	MANSPERSONE.	VROUSPERSONE.
50	6.46	7.03
51	6.32	6.93
52	6.19	6.83
53	6.06	6.72
54	5.93	6.62
55 en ouer ..	5.79	6.51

(2) Indien bedoelde lid om 'n rede in paragraaf (c) of (d) van sub-artikel (1) van artikel *ses-en-dertig* vermeld, ontslaan word, word by die berekening van 'n jaargeld of gratifikasie waarop hy kragtens hierdie artikel geregtig is, by sy pensioengewende diens bygevoeg of een-derde van die tydperk van daardie diens of die tydperk, vyf jaar nie te bowe gaande nie, waarmee die kragtens paragraaf (e) van sub-artikel (1) van artikel *honderden-sesien* van die „Zuid-Afrika Verdedigings Wet, 1912” (Wet No. 13 van 1912), voorgeskrewe leeftydgrens vir afdanking sy leeftyd op die datum van sy ontslag te bowe gaan, na gelang van watter tydperk die kortste is: Met dien verstande dat die bedrag waarmee bedoelde jaargeld of gratifikasie vanweë die aldus bygevoegde tydperk verhoog word, uit inkomste betaal word.

(3) Indien so 'n lid om 'n rede in paragraaf (c), (d) of (e) van sub-artikel (1) van artikel *ses-en-dertig* vermeld, afgedank of ontslaan word, word alle jaargelde ten opsigte van die tydperk voordat hy die pensioenleeftyd bereik, uit inkomste betaal, en die gratifikasie gedeeltelik uit inkomste en gedeeltelik uit die fonds, ooreenkomstig tabelle deur die aktuaris aanbeveel en deur die Tesourie goedgekeur.

38. (1) 'n Lid wat vrywillig uit die staande mag tree voordat hy die pensioenleeftyd bereik het, ontvang uit die fonds 'n bedrag gelyk aan sy eie bydraes, tesame met vier persent van daardie bedrag ten opsigte van elke voltooide jaar van pensioengewende diens bo tien jaar, en bowendien word 'n bedrag gelyk aan sy meerdere bydraes aan hom betaal.

Voordeel by
bedanking of
ontslag.

(2) Indien iemand wat ingevolge artikel *vier-en-dertig* voorlopig tot die fonds bydra, voordat sy aanstelling bekrachtig word of voor die verstryking van die eerste drie jaar van sy diens in die staande mag aftree of afgedank of ontslaan word of te sterwe kom, word sy bydraes aan hom of aan sy boedel, na gelang van die omstandighede, terugbetaal, en word die bydraes ten opsigte van so iemand uit inkomste in die fonds gestort, in inkomste teruggestort: Met dien verstande dat 'n terugbetaling ingevolge hierdie sub-artikel by die toepassing van artikel *vyf-en-sestig* of *ses-en-sestig* geag word nie 'n voordeel te wees nie.

(3) Indien 'n ander lid as 'n lid aan wie 'n jaargeld ingevolge artikel *twee-en-sestig* toegeken word, weens wangedrag uit die staande mag ontslaan word, of uit daardie mag bedank of aangesê word om te bedank ten einde sodanige ontslag te vermy, of daaruit ontslaan word om 'n rede nie uitdruklik in hierdie Deel vermeld nie, word 'n bedrag gelyk aan sy eie bydraes en sy meerdere bydraes aan hom betaal.

(4) Die Tesourie kan van 'n bedrag kragtens hierdie artikel aan 'n lid of persoon betaalbaar, die bedrag van enige verlies aftrek wat deur die Kontroleur en Ouditeur-generaal gesertifiseer word deur die Regering gelyk te gewees het weens diefstal, bedrog, nalatigheid of enige wangedrag aan die kant van daardie lid of persoon.

39. (1) Indien 'n lid voor sy uitdienstreding uit die staande mag te sterwe kom, word daar met inagneming van die bepalings van sub-artikel (3), aan of ten bate van diegene van sy afhanklikes wat die Tesourie mag aanwys—

Gratifikasie by
dood van lid.

(a) indien bedoelde lid minder as tien jaar pensioengewende diens gehad het, 'n gratifikasie betaal wat bereken word volgens die skaal van 11.4 persent van die jaarlikse gemiddelde van sy pensioengewende verdienste gedurende die laaste sewe jaar van sy pensioengewende diens of die hele tydperk van daardie diens, na gelang van watter tydperk die kortste is, ten opsigte van elke jaar van sy pensioengewende diens: Met dien verstande dat die gratifikasie nie minder mag wees nie as 'n bedrag gelyk aan bedoelde jaarlikse gemiddelde van sy pensioengewende verdienste;

(b) indien bedoelde lid nie minder as tien jaar pensioengewende diens gehad het nie, en te sterwe kom voordat hy die pensioenleeftyd bereik het, 'n gratifikasie betaal gelyk aan die totale bedrag van die pensioen wat aan die lid en aan of ten bate van bedoelde af-

dependants if the member had been discharged on account of medical unfitness (occasioned without his own default) with effect from the day immediately succeeding the last day of his pensionable service and had died on the first-mentioned day;

- (c) if such member has been retained in his office or post in terms of sub-section (1) of section *thirty-five* beyond the pensionable age and has had not less than ten years pensionable service, a gratuity equal to the aggregate amount of the pension which would have been paid to the member and to or for the benefit of the said dependants if the member had retired or been retired on pension by reason of his age with effect from the day immediately succeeding the last day of his pensionable service and had died on the first-mentioned day.

(2) If a member who has retired or been retired or discharged from the permanent force on an annuity dies within five years after the date of his retirement or discharge, there shall, subject to the provisions of sub-section (3), be paid to or for the benefit of such of his dependants as the Treasury may determine, a gratuity equal to the aggregate amount of the annuity which would have been paid to such member from the date of his death until the expiry of the said five years, had he not died.

(3) The gratuities referred to in sub-sections (1) and (2) shall be allocated amongst the said dependants in such manner as the Treasury may determine, and the Treasury may, in the case of dependants other than the widow of the deceased member, reduce any such gratuity to an extent which, having regard to the circumstances of such dependants, appears to it to be reasonable.

(4) If a member dies before retirement from the permanent force without leaving a dependant, an amount equal to his own contributions, together with any excess contributions, shall be paid to his estate and there shall be no further claim on the fund.

(5) If a member—

- (a) who has elected the benefits of paragraph (b) of sub-section (2) of section *fourteen* or of that paragraph as applied by sub-section (4) of section *ninety-three* or of paragraph (b) of sub-section (4) of section *fifteen* dies before such benefits become due and payable; or

- (b) to whom sub-section (1) of section *sixty-four* applies, dies before a pension becomes due and payable to him in terms of that sub-section,

such member shall, for the purpose of sub-sections (1), (3) and (4) of this section, be deemed to have died on the last day of his pensionable service in the permanent force.

(6) If a member referred to in paragraph (a) or (b) of sub-section (5) dies after an annuity becomes payable to him under the provisions referred to in the applicable paragraph, he shall, for the purposes of sub-sections (2) and (3) of this section, be deemed to have retired or been retired or discharged from the permanent force on an annuity as from the date on which the first-mentioned annuity became payable to him.

PART E.

SOUTH AFRICAN POLICE AND PRISONS SERVICE PENSION FUND: SPECIAL PROVISIONS.

Interpretation of
terms used in
this Part.

40. In this Part, unless the context otherwise indicates—

- (i) "member" means a person who is contributing to the fund in accordance with the provisions of this Part or to or in respect of whom a pension or any other amount is payable from the fund, but does not include a person contributing provisionally in terms of section *forty-five*; (ii)
(ii) "pensionable age" means the age at which a member shall have the right to retire and shall be retired on pension in terms of sub-section (1), (2) or (3) of section *forty-six*; (iii)
(iii) "the fund" means the South African police and prisons service pension fund established in terms of section *two*. (i)

Contributions
by certain
members.

41. As from the fixed date every person who—

- (a) immediately prior to the commencement of this Act was a member of the police force or prisons service and was subject to the provisions of Part B of Chapter I of the Pensions Act; or

hanklikes betaal sou gewees het indien die lid met ingang vanaf die dag onmiddellik na die laaste dag van sy pensioengewende diens weens mediese ongeskiktheid (sonder sy eie toedoen veroorsaak) ontslaan was en op eersbedoelde dag te sterwe gekom het;

- (c) indien bedoelde lid ingevolge sub-artikel (1) van artikel vyf-en-dertig bo die pensioenleeftyd in sy betrekking of pos aangehou is, en nie minder as tien jaar pensioengewende diens gehad het nie, 'n gratifikasie betaal gelyk aan die totale bedrag van die pensioen wat aan die lid en aan of ten bate van bedoelde afhanklikes betaal sou gewees het indien die lid met ingang vanaf die dag onmiddellik na die laaste dag van sy pensioengewende diens weens sy ouderdom met pensioen afgetree het of afgedank was, en op eersbedoelde dag te sterwe gekom het.

(2) Indien 'n lid wat met 'n jaargeld uit die staande mag afgetree het of afgedank of ontslaan is, binne vyf jaar na die datum van sy uitdienstreding of ontslag te sterwe kom, word daar met inagneming van die bepalinge van sub-artikel (3), aan of ten bate van diegene van sy afhanklikes wat die Tesourie mag aanwys, 'n gratifikasie betaal gelyk aan die totaalbedrag van die jaargeld wat aan so 'n lid vanaf die datum van sy dood tot by die verstryking van bedoelde vyf jaar betaal sou geword het as hy nie gesterf het nie.

(3) Die in sub-artikels (1) en (2) bedoelde gratifikasies word op so 'n wyse onder bedoelde afhanklikes toegewys as wat die Tesourie mag bepaal, en die Tesourie kan so 'n gratifikasie in die geval van ander afhanklikes as die weduwee van 'n oorlede lid verminder in die mate wat hy met inagneming van die omstandighede van die afhanklikes redelik ag.

(4) Indien 'n lid voor uitdienstreding uit die staande mag te sterwe kom, en geen afhanklike nalaat nie, word 'n bedrag gelyk aan sy eie bydraes tesame met enige meerdere bydraes aan sy boedel betaal en is daar geen verdere vordering teen die fonds nie.

(5) Indien 'n lid—

- (a) wat die voordele van paragraaf (b) van sub-artikel (2) van artikel veertien of van daardie paragraaf soos toegepas deur sub-artikel (4) van artikel drie-en-negentig of van paragraaf (b) van sub-artikel (4) van artikel vyftien gekies het, te sterwe kom voordat daardie voordele verskuldig en betaalbaar word; of
- (b) op wie sub-artikel (1) van artikel vier-en-sestig van toepassing is, te sterwe kom voordat 'n pensioen ingevolge daardie sub-artikel aan hom verskuldig en betaalbaar word,

word bedoelde lid by die toepassing van sub-artikels (1), (3) en (4) van hierdie artikel geag op die laaste dag van sy pensioengewende diens in die staande mag te gesterf het.

(6) Indien 'n in paragraaf (a) of (b) van sub-artikel (5) bedoelde lid te sterwe kom nadat 'n jaargeld kragtens die in die toepaslike paragraaf bedoelde bepalinge aan hom betaalbaar word, word hy by die toepassing van sub-artikels (2) en (3) van hierdie artikel geag met 'n jaargeld uit die staande mag af te getree of afgedank of ontslaan te gewees het met ingang vanaf die datum waarop eersbedoelde jaargeld aan hom betaalbaar geword het.

DEEL E.

SUID-AFRIKAANSE POLISIE- EN GEVANGENISDIENS-PENSIOENFONDS: SPESIALE BEPALINGS.

40. In hierdie Deel, tensy uit die samehang anders blyk, beteken—

- (i) „die fonds” die Suid-Afrikaanse polisie- en gevangenisdiens-pensioenfonds kragtens artikel twee gestig; (iii)
- (ii) „lid” iemand wat ingevolge die bepalinge van hierdie Deel tot die fonds bydra of aan of ten opsigte van wie 'n pensioen of ander bedrag uit die fonds betaalbaar is, maar nie ook iemand wat ooreenkomstig artikel vyf-en-veertig voorlopig bydra nie; (i)
- (iii) „pensioenleeftyd” die leeftyd waarop 'n lid ooreenkomstig sub-artikel (1), (2) of (3) van artikel ses-en-veertig die reg het om met pensioen af te tree en met pensioen afgedank moet word. (ii)

Omskrywing van uitdrukkings in hierdie Deel gebesig.

41. Vanaf die vasgestelde datum moet iedereen wat—

- (a) onmiddellik voor die inwerkingtreding van hierdie Wet 'n lid van die polisiemag of gevangenisdiens was en onder die bepalinge van Deel B van Hoofstuk I van die Pensioenwet geval het; of

Bydraes deur sekere lede.

(b) elects in terms of section *five* to become a contributor to the fund, shall, subject to the provisions of section *seven*, contribute to the fund in accordance with the scale set forth in section *forty-four*: Provided that the difference between the contributions due according to the said scale and—

- (i) the contributions paid by any person referred to in paragraph (a) in respect of his pensionable service between the fixed date and the date of commencement of this Act; or
- (ii) the contributions which would have been paid by any person referred to in paragraph (b) in respect of his pensionable service between the fixed date and the last day of the month in which he makes his election in terms of sub-section (1) of section *five*, had he during that period been subject to the provisions of Part B of Chapter I of the Pensions Act,

shall be recovered in such manner and in such instalments as the Treasury may determine: Provided further that any contributions together with any interest which may be due by such person immediately prior to the fixed date shall be paid to the fund.

Certain officers may become members.

42. (1) An officer who occupies a post in the police force or prisons service and who—

- (a) by reason of the provisions of paragraph (b) of section *sixteen* of the Pensions Act, was not permitted to contribute to the old fund; and
- (b) has had continuous service from a date prior to the date on which he attained or will attain the age of forty-eight years; and
- (c) within six months from the date of commencement of this Act, elects in writing in terms of sub-section (3) of section *forty-six*, as applied by paragraph (c) of sub-section (1) of section *sixty-one*, to continue in the service of the police force or prisons service until he attains the age of fifty-eight years,

shall be permitted, upon written application to the head of his department within the said six months, to contribute to the fund as from the said date of commencement in accordance with the scale set forth in section *forty-four*: Provided that such officer shall, subject to the approval of the Treasury, contribute also in respect of his continuous employment prior to that date.

(2) For the purposes of this section continuous employment shall not include any period during which the provisions of paragraph (a), (c), (e) or (f) of section *sixteen* of the Pensions Act applied in respect of the officer concerned.

Certain non-European officers may become members.

43. (1) A non-European member of the police force or prisons service who immediately prior to the commencement of this Act was subject to the provisions of sub-section (1) of section *thirty-nine* of the Pensions Act, may, with the approval of the Treasury and subject to the provisions of section *seven* and sub-section (2) of this section, elect in writing within sixty days from the date upon which he is called upon to do so, whether he will become a contributor to the fund or be subject to the provisions of sub-section (1) of section *sixty-nine* of this Act: Provided that until such time as he makes his election or if he fails to make his election within the said period of sixty days he shall be subject to the provisions of sub-section (1) of section *sixty-nine*.

(2) A non-European member of the police force or prisons service referred to in sub-section (1), who has attained the age of forty-eight years, shall not become a contributor to the fund unless he has had continuous employment prior to the date on which he attained that age and elects in terms of sub-section (4) to reckon such employment as pensionable service under this Part.

(3) If such a member elects to become such a contributor he shall, as from the fixed date or the date of his appointment, whichever is the later date, contribute to the said fund in accordance with the scale set forth in section *forty-four*: Provided that the contributions due by him in respect of any period of service between such date and the last day of the month in which he makes his election shall be recovered in such manner and in such instalments as the Treasury may determine.

(4) A non-European employee who becomes a contributor to the fund in terms of sub-section (1) may, subject to the appro-

(b) ooreenkomstig artikel vyf kies om 'n bydraer tot die fonds te word, behoudens die bepalings van artikel sewe, ooreenkomstig die skaal in artikel vier-en-veertig uiteengesit, tot die fonds bydra: Met dien verstande dat die verskil tussen die bydraes volgens daardie skaal verskuldig en—

- (i) die bydraes betaal deur iemand in paragraaf (a) bedoel ten opsigte van sy pensioengewende diens tussen die vasgestelde datum en die datum van inwerkingtreding van hierdie Wet; of
- (ii) die bydraes wat betaal sou gewees het deur iemand in paragraaf (b) bedoel ten opsigte van sy pensioengewende diens tussen die vasgestelde datum en die laaste dag van die maand waarin hy sy keuse ingevolge sub-artikel (1) van artikel vyf doen, indien hy gedurende daardie tydperk onder die bepalings van Deel B van Hoofstuk I van die Pensioenwet geval het, op die wyse en in die paaielemente wat die Tesourie mag bepaal, verhaal word: Met dien verstande voorts dat enige bydraes tesame met enige rente wat onmiddellik voor die vasgestelde datum deur so iemand verskuldig mag wees, aan die fonds betaal moet word.

42. (1) 'n Amptenaar wat 'n pos in die polisiemag of gevangenisdiens beklee, en wat— Sekere amptenare kan lede word.

- (a) weens die bepalings van paragraaf (b) van artikel sestien van die Pensioenwet, nie toegelaat was om tot die ou fonds by te dra nie; en
- (b) ononderbroke diens gehad het vanaf 'n datum voor die datum waarop hy die leeftyd van agt-en-veertig jaar bereik het of sal bereik; en
- (c) binne ses maande vanaf die datum van inwerkingtreding van hierdie Wet ooreenkomstig sub-artikel (3) van artikel ses-en-veertig, soos deur paragraaf (c) van sub-artikel (1) van artikel een-en-sestig toegepas, skriftelik kies om in die diens van die polisiemag of die gevangenisdiens te bly totdat hy die leeftyd van agt-en-veertig jaar bereik,

word, op skriftelike aansoek binne bedoelde ses maande aan die hoof van sy departement gerig, toegelaat om vanaf bedoelde datum van inwerkingtreding ooreenkomstig die skaal in artikel vier-en-veertig uiteengesit tot die fonds by te dra: Met dien verstande dat so 'n amptenaar onderworpe aan die goedkeuring van die Tesourie, ook ten opsigte van sy ononderbroke diens voor daardie datum moet bydra.

(2) By die toepassing van hierdie artikel omvat ononderbroke diens nie 'n tydperk gedurende welke die bepalings van paragraaf (a), (c), (e) of (f) van artikel sestien van die Pensioenwet ten opsigte van die betrokke amptenaar van toepassing was nie.

43. (1) 'n Nie-blanke lid van die polisiemag of gevangenisdiens wat onmiddellik voor die inwerkingtreding van hierdie Wet onder die bepalings van sub-artikel (1) van artikel nege-en-dertig van die Pensioenwet geval het, kan met goedkeuring van die Tesourie, en behoudens die bepalings van artikel sewe en sub-artikel (2) van hierdie artikel, skriftelik kies, binne sestig dae vanaf die datum waarop hy aangesê word om dit te doen, of hy 'n bydraer tot die fonds wil word dan wel of hy onder die bepalings van sub-artikel (1) van artikel nege-en-sestig van hierdie Wet wil val: Met dien verstande dat totdat hy sy keuse doen, of as hy versuim om sy keuse binne bedoelde tydperk van sestig dae te doen, hy onder die bepalings van sub-artikel (1) van artikel nege-en-sestig val. Sekere nie-blanke amptenare kan lede word.

(2) 'n In sub-artikel (1) bedoelde nie-blanke lid van die polisiemag of gevangenisdiens wat die leeftyd van agt-en-veertig jaar bereik het, word nie 'n bydraer tot die fonds nie, tensy hy voor die datum waarop hy daardie leeftyd bereik het ononderbroke diens gehad het en ooreenkomstig sub-artikel (4) kies om sodanige diens as pensioengewende diens ingevolge hierdie Deel te reken.

(3) Indien so 'n lid kies om so 'n bydraer te word, moet hy vanaf die vasgestelde datum of die datum van sy aanstelling, na gelang van watter datum die laaste is, ooreenkomstig die skaal in artikel vier-en-veertig uiteengesit, tot bedoelde fonds bydra: Met dien verstande dat die bydraes deur hom verskuldig ten opsigte van 'n tydperk van diens tussen bedoelde datum en die laaste dag van die maand waarin hy sy keuse doen, op so 'n wyse en in sulke paaielemente as wat die Tesourie mag bepaal, verhaal word.

(4) 'n Nie-blanke werknemer wat ingevolge sub-artikel (1) 'n bydraer tot die fonds word, kan, as die Tesourie dit goedkeur,

val of the Treasury, also elect in writing within sixty days from the date upon which he is called upon to do so, to reckon the period of his continuous employment prior to the fixed date as pensionable service under this Part: Provided that for the purpose of this sub-section continuous employment shall not include any period during which the provisions of paragraph (a), (c), (e) or (f) of section *sixteen* of the Pensions Act applied in respect of such employee.

(5) A non-European employee who makes an election under sub-section (4) shall, in respect of the period to which the election relates pay to the fund such an amount as may be determined by the Treasury on the recommendation of an actuary.

(6) If a non-European employee to whom sub-section (5) 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 Treasury may determine, and he shall pay interest at the rate of four 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.

(7) There shall be paid from revenue to the fund an amount equal to the amount which in terms of sub-section (5) becomes payable by a non-European employee.

Scale of contributions by members and maximum age of admission.

44. (1) A person who on or after the date of commencement of this Act is appointed to a post in the police force or prisons service shall, subject to the provisions of section *seven* and sub-section (2) of this section, contribute to the fund in accordance with the following scale:

MALES.		FEMALES.	
Age last birthday at commencement of pensionable service:	Percentage of pensionable emoluments:	Age last birthday at commencement of pensionable service:	Percentage of pensionable emoluments:
Up to 21	7 $\frac{3}{4}$	Up to 21	6 $\frac{3}{4}$
22 to 26	8 $\frac{1}{4}$	22 to 26	7 $\frac{1}{4}$
27 to 30	8 $\frac{3}{4}$	27 to 30	7 $\frac{3}{4}$
31 to 34	9	31 to 34	8 $\frac{1}{4}$
35 and over	9 $\frac{1}{4}$	35 to 38	8 $\frac{3}{4}$
		39 and over	9 $\frac{1}{4}$

(2) Notwithstanding anything in sub-section (1) contained, a person who is so appointed and whose age at the date of such appointment is forty-eight years or more shall not contribute to the fund unless—

- (a) he is a person to whom sub-section (1) of section *eight* refers, has had continuous employment both before and after the date he attained the age of forty-eight years and elects to contribute in respect of such employment;
- (b) he is a person to whom section *twelve* applies;
- (c) he is a person to whom section *thirteen* applies, has had pensionable service prior to the date on which he attained the age of forty-eight years and elects and is permitted to reckon his past pensionable service as pensionable service under this Act; or
- (d) he is a person to whom section *fifteen* applies;

Provisional contributions.

45. (1) A person referred to in sub-section (1) of section *forty-four* shall contribute provisionally to the fund during the first three years of his employment in the police force or prisons service: Provided that—

- (a) if such person is a member of the Government Employees' Provident Fund referred to in section *eighty-four*, his continuous service prior to his appointment shall be regarded as employment in such force or service; or
- (b) if such person is transferred from pensionable employment under any government referred to in section *sixty-four* or under any administration or from such employment in respect of which he was a contributor, other than a provisional contributor, to another fund (other than the said Provident Fund) administered by the Treasury, the contributions paid by him shall not be regarded as provisional.

(2) The provisions of sub-section (1) shall *mutatis mutandis* apply in the case of a person who, immediately prior to the date of commencement of this Act, was contributing provisionally to the old fund in terms of section *fourteen* of the Pensions Act and whose first three years of employment in the police force or prisons service had not expired at such date.

ook binne sestig dae vanaf die datum waarop hy aangesê word om dit te doen, skriftelik kies om die tydperk van sy ononderbroke diens voor die vasgestelde datum as pensioengewende diens ingevolge hierdie Deel te reken: Met dien verstande dat by die toepassing van hierdie sub-artikel ononderbroke diens nie 'n tydperk omvat gedurende welke die bepalings van paragraaf (a), (c), (e) of (f) van artikel *sestien* van die Pensioenwet ten opsigte van bedoelde werknemer van toepassing was nie.

(5) 'n Nie-blanke werknemer wat ingevolge sub-artikel (4) 'n keuse doen, moet ten opsigte van die tydperk waarop die keuse betrekking het so 'n bedrag stort in die fonds as wat die Tesourie op aanbeveling van 'n aktuaris mag vasstel.

(6) Indien 'n nie-blanke werknemer op wie sub-artikel (5) van toepassing is, nie in staat is om die deur hom verskuldigde bedrag in een paalement te betaal nie, word bedoelde bedrag op hom verhaal op die wyse en in die paalemente wat die Tesourie mag bepaal, en moet hy rente betaal volgens die koers van vier persent per jaar, jaarliks op die een-en-dertigste dag van Maart saamgestel, op die bedrag wat op die end van elke maand nog nie betaal is nie.

(7) Daar word uit inkomste in die fonds 'n bedrag gestort gelyk aan die bedrag wat ooreenkomstig sub-artikel (5) deur 'n nie-blanke werknemer betaalbaar word.

44. (1) Iemand wat op of na die datum van inwerkingtreding van hierdie Wet in 'n pos in die polisiemag of gevangenisdiens aangestel word, moet, behoudens die bepalings van artikel *sewe* en sub-artikel (2) van hierdie artikel, ooreenkomstig die volgende skaal tot die fonds bydra:

MANS-PERSONE.			VROUS-PERSONE.		
Leeftyd laaste verjaarsdag by aanvang van pensioengewende diens.	Persentasie van pensioengewende verdienste.		Leeftyd laaste verjaarsdag by aanvang van pensioengewende diens.	Persentasie van pensioengewende verdienste.	
Tot 21	7 $\frac{3}{4}$		Tot 21	6 $\frac{3}{4}$	
22 tot 26	8 $\frac{1}{4}$		22 tot 26	7 $\frac{1}{4}$	
27 tot 30	8 $\frac{3}{4}$		27 tot 30	7 $\frac{3}{4}$	
31 tot 34	9		31 tot 34	8 $\frac{1}{4}$	
35 en ouer	9 $\frac{1}{4}$		35 tot 38	8 $\frac{3}{4}$	
			39 en ouer	9 $\frac{1}{4}$	

(2) Ondanks die bepalings van sub-artikel (1), dra iemand wat aldus aangestel word en wie se leeftyd op die datum van daardie aanstelling agt-en-veertig jaar of meer is, nie tot die fonds by nie, tensy—

- (a) hy 'n in sub-artikel (1) van artikel *agt* bedoelde persoon is, ononderbroke diens gehad het beide voor en na die datum waarop hy die leeftyd van agt-en-veertig jaar bereik het, en kies om ten opsigte van daardie diens by te dra;
- (b) hy iemand is op wie artikel *twaalf* van toepassing is;
- (c) hy iemand is op wie artikel *dertien* van toepassing is, pensioengewende diens gehad het voor die datum waarop hy die leeftyd van agt-en-veertig jaar bereik het, en kies en toegelaat word om sy vorige pensioengewende diens as pensioengewende diens ingevolge hierdie Wet te reken; of
- (d) hy iemand is op wie artikel *vyftien* van toepassing is.

45. (1) 'n In sub-artikel (1) van artikel *vier-en-veertig* bedoelde persoon moet gedurende die eerste drie jaar van sy diens in die polisiemag of gevangenisdiens voorlopig tot die fonds bydra: Met dien verstande dat—

- (a) indien so iemand 'n lid is van die Regerings-werknemersondersteuningsfonds in artikel *vier-en-tagtig* bedoel, sy ononderbroke diens voor sy aanstelling as diens in bedoelde mag of diens beskou word; of
- (b) indien so iemand oorgeplaas word uit pensioengewende diens by 'n regering in artikel *vier-en-sestig* bedoel, of by 'n administrasie, of uit sodanige diens ten opsigte waarvan hy 'n bydraer, behalwe 'n voorlopige bydraer, was tot 'n ander fonds (behalwe bedoelde ondersteuningsfonds) wat deur die Tesourie bestuur word, die bydraes deur hom betaal nie as voorlopig beskou word nie.

(2) Die bepalings van sub-artikel (1) is *mutatis mutandis* van toepassing in die geval van iemand wat, onmiddellik voor die datum van inwerkingtreding van hierdie Wet, ingevolge artikel *veertien* van die Pensioenwet voorlopig tot die ou fonds bygedra het en wie se eerste drie jaar diens in die polisiemag of gevangenisdiens op daardie datum nie verstryk was

Skaal van bydraes deur lede en maksimum leeftyd van toelating.

Voorlopige bydraes.

Ages for retirement.

46. (1) Subject to the provisions of sub-section (3), a member who was appointed to a post in the police force or prisons service prior to the date of commencement of this Act shall have the right to retire on pension on attaining the age of fifty-five years and shall, subject to the provisions of sub-section (4), be retired on pension on reaching that age.

(2) A member who is appointed to a post in the said force or service on or after the said date shall have the right to retire on pension on attaining the age of fifty-eight years, and shall, subject to the provisions of sub-section (4), be retired on pension on reaching that age.

(3) A member who has the right to retire on pension on attaining the age of fifty-five years may elect in writing before reaching the age of fifty-three years, or within thirty days from the date upon which he is called upon to do so if he is over the age of fifty-three years at the commencement of this Act, to continue in the service of the police force or prisons service until he attains the age of fifty-eight years, and if he elects so to continue—

(a) he shall relinquish all rights to be retired on pension on attaining the age of fifty-five years; and

(b) the age at which he shall have the right to retire on pension or at which, subject to the provisions of sub-section (4), he shall be retired on pension, shall be fifty-eight years.

(4) A member may, if the Commission recommends that it is in the public interest to retain him in his office or post beyond the pensionable age, be retained from time to time until he attains the age of sixty years and may be further so retained, with the approval, by resolution, of both Houses of Parliament, beyond the age of sixty years and until he reaches the age of sixty-three years: Provided that a member who, prior to the date of commencement of this Act, was retained in his office or post in terms of paragraph (a) of sub-section (1) of section *nineteen* of the Pensions Act beyond the pensionable age, as defined in section *eighty-three* of that Act, shall be deemed to have been retained in such office or post in terms of this sub-section.

(5) Notwithstanding anything in this section contained, a member who has attained the age of fifty years may, subject in every case to the recommendation of the Commission, be retired on pension.

Gratuities.

47. (1) A member who, before he has had ten years pensionable service, retires or is retired or discharged from the police force or prisons service—

(a) in terms of section *forty-six*;

(b) on account of medical unfitness occasioned without his own default;

(c) owing to the abolition of his office or post or to any reduction in or any re-organization or re-adjustment of the police force or the prisons service,

(d) in order to promote efficiency or economy in the said force or service; or

(e) on account of being unfitted for or incapable of performing efficiently the duties of his office or post,

shall be paid a gratuity equal to ten per cent. of the annual average of his pensionable emoluments for the last seven years of his pensionable service, or for the whole period of such service, whichever is the lesser period, in respect of each year of his pensionable service: Provided that if such member is discharged for a reason mentioned in paragraph (c) or (d) before he has attained the pensionable age, he shall, in addition to the said gratuity, be entitled to a further amount equal to one-third of such gratuity, which further amount shall be paid out of revenue.

(2) A member who is a female and who is discharged on her marriage or who retires voluntarily in contemplation of marriage after having given written notification of her intention to do so and marries within three months after such retirement, shall receive a gratuity, according to whichever is the greater, equal to either—

(a) the sum of her own contributions and excess contributions; or

(b) a percentage of an amount equal to ten per cent. of the annual average of her pensionable emoluments for the last seven years of her pensionable service, or for the whole period of such service, whichever

46. (1) Behoudens die bepaling van sub-artikel (3), het 'n lid wat voor die datum van inwerkingtreding van hierdie Wet in 'n pos in die polisiemag of gevangenisdiens aangestel was, die reg om met pensioen af te tree wanneer hy die leeftyd van vyf-en-vyftig jaar bereik, en moet hy, behoudens die bepaling van sub-artikel (4), met pensioen afgedank word wanneer hy daardie leeftyd bereik.

Leeftye vir
uitdienstreding.

(2) 'n Lid wat op of na bedoelde datum in 'n pos in bedoelde mag of diens aangestel word, het die reg om met pensioen af te tree wanneer hy die leeftyd van agt-en-vyftig jaar bereik, en moet, behoudens die bepaling van sub-artikel (4), met pensioen afgedank word wanneer hy daardie leeftyd bereik.

(3) 'n Lid wat die reg het om met pensioen af te tree wanneer hy die leeftyd van vyf-en-vyftig jaar bereik, kan voordat hy die leeftyd van drie-en-vyftig jaar bereik of, indien hy by die inwerkingtreding van hierdie Wet reeds bo die leeftyd van drie-en-vyftig jaar is, binne dertig dae vanaf die datum waarop hy aangesê word om dit te doen, skriftelik kies om in die diens van die polisiemag of gevangenisdiens aan te bly totdat hy die leeftyd van agt-en-vyftig jaar bereik, en indien hy kies om aldus aan te bly—

(a) doen hy afstand van alle reg om met pensioen afgedank te word wanneer hy die leeftyd van vyf-en-vyftig jaar bereik; en

(b) is die leeftyd waarop hy die reg het om met pensioen af te tree of waarop hy, behoudens die bepaling van sub-artikel (4), met pensioen afgedank moet word, agt-en-vyftig jaar.

(4) 'n Lid kan, indien die Kommissie aanbeveel dat dit in die openbare belang is om hom bo die pensioenleeftyd in sy betrekking of pos aan te hou, van tyd tot tyd aangehou word totdat hy die leeftyd van sestig jaar bereik, en kan, met goedkeuring, by besluit, van beide Huise van die Parlement, verder aldus aangehou word na die leeftyd van sestig jaar en totdat hy die leeftyd van drie-en-sestig jaar bereik: Met dien verstande dat 'n lid wat voor die datum van inwerkingtreding van hierdie Wet ingevolge paragraaf (a) van sub-artikel (1) van artikel negentien van die Pensioenwet bo die pensioenleeftyd, soos in artikel drie-en-tagtig van daardie Wet omskrywe, in sy betrekking of pos aangehou is, geag word ooreenkomstig hierdie sub-artikel in bedoelde betrekking of pos aangehou te gewees het.

(5) 'n Lid wat die leeftyd van vyftig jaar bereik het, kan, ondanks andersluidende bepaling in hierdie artikel vervat, en onderworpe in elke geval aan die aanbeveling van die Kommissie, met pensioen afgedank word.

47. (1) Daar word aan 'n lid wat, voordat hy tien jaar pensioengewende diens gehad het, uit die polisiemag of gevangenisdiens aftree of afgedank of ontslaan word—

Gratifikasies.

(a) ooreenkomstig artikel ses-en-veertig;

(b) weens mediese ongeskiktheid sonder sy eie toedoen veroorsaak;

(c) weens die opheffing van sy betrekking of pos of 'n vermindering in of reorganisasie of herreëling van die polisiemag of die gevangenisdiens;

(d) ten einde doeltreffendheid of besuiniging in bedoelde mag of diens te bevorder; of

(e) omdat hy ongeskik is vir sy betrekking of pos of nie in staat is om die daaraan verbonde werksaamhede op bekwame wyse te verrig nie,

'n gratifikasie betaal gelyk aan tien persent van die jaarlikse gemiddelde van sy pensioengewende verdienste gedurende die laaste sewe jaar van sy pensioengewende diens of die hele tydperk van daardie diens, na gelang watter tydperk die kortste is, ten opsigte van elke jaar van sy pensioengewende diens: Met dien verstande dat indien so 'n lid om 'n rede in paragraaf (c) of (d) vermeld, ontslaan word voordat hy die pensioenleeftyd bereik het, hy benewens bedoelde gratifikasie geregtig is op 'n verdere bedrag gelyk aan een-derde van daardie gratifikasie, welke verdere bedrag uit inkomste betaal word.

(2) 'n Lid wat 'n vrouspersoon is en wat by haar huwelik ontslaan word, of wat met die voorneme om te trou vrywillig uit diens tree, nadat sy skriftelik te dien effekte kennis gegee het, en binne drie maande na bedoelde uitdienstreding trou, ontvang 'n gratifikasie gelyk aan, na gelang van watter die meeste is, of—

(a) die totaal van haar eie bydraes en meerdere bydraes; of

(b) 'n persentasie van 'n bedrag gelyk aan tien persent van die jaarlikse gemiddelde van haar pensioengewende verdienste gedurende die laaste sewe jaar van haar pensioengewende diens of die hele tydperk van daardie

is the lesser period, in respect of each completed year of her pensionable service, calculated according to the following scale:

Number of completed years of pensionable service:						Percentage of amount:
Up to	2	..	..	..	..	50
	3	..	..	..	..	56 $\frac{1}{4}$
	4	..	..	..	..	62 $\frac{1}{2}$
	5	..	..	..	..	68 $\frac{3}{4}$
	6	..	..	..	..	75
	7	..	..	..	..	81 $\frac{1}{4}$
	8	..	..	..	..	87 $\frac{1}{2}$
	9	..	..	..	..	93 $\frac{3}{4}$
	10 and over	..	..	..	..	100

(3) If a member, other than a member to whom an annuity is granted in terms of section *sixty-two*, is discharged from the police force or prisons service on account of medical unfitness not occasioned without his own default, he shall be entitled to a gratuity equal to the sum of his own contributions and his excess contributions.

Annuity and gratuity after ten years' pensionable service.

48. (1) A member who has had not less than ten years' pensionable service and who retires, or is retired or discharged from the police force or prisons service in terms of section *forty-six* or for a reason mentioned in paragraph (b), (c), (d) or (e) of sub-section (1) of section *forty-seven* shall be entitled to—

(a) an annuity which shall be based on the annual average of his pensionable emoluments for the last seven years of his pensionable service and which shall be calculated at the rate of three-two hundred and twentieths of such average for each year of pensionable service; and

(b) a gratuity which shall be based on the said average and which shall—

(i) if such member is discharged on account of medical unfitness occasioned without his own default, be calculated at a percentage of the said average in respect of each year of pensionable service according to the following scale:

Nearest age at date of retirement or discharge: Percentage of annual average of pensionable emoluments:

Male member: any age 4·91

Female member: up to 55 6·22
 56 6·07
 57 5·92
 58 5·78

(ii) if such member retires or is retired or discharged in terms of section *forty-six* or for a reason mentioned in paragraph (c), (d) or (e) of sub-section (1) of section *forty-seven*, be calculated at a percentage of the said average in respect of each year of pensionable service, according to the following scale:

Nearest age at date of retirement or discharge: Percentage of annual average of pensionable emoluments:

			MALES.	FEMALES.
Up to	30	..	8·07	8·30
	31	..	8·00	8·24
	32	..	7·92	8·18
	33	..	7·84	8·12
	34	..	7·77	8·05
	35	..	7·69	7·98
	36	..	7·61	7·91
	37	..	7·53	7·83
	38	..	7·44	7·76
	39	..	7·35	7·68
	40	..	7·26	7·60
	41	..	7·17	7·52
	42	..	7·07	7·44
	43	..	6·97	7·35

diens, na gelang van watter tydperk die kortste is, ten opsigte van elke voltooide jaar van haar pensioengewende diens, bereken ooreenkomstig die volgende skaal:

Aantal voltooide jare pensioengewende diens:				Persentasie van bedrag:
Tot	2	..	..	50
	3	..	..	56 $\frac{1}{4}$
	4	..	..	62 $\frac{1}{2}$
	5	..	..	68 $\frac{3}{4}$
	6	..	..	75
	7	..	..	81 $\frac{1}{4}$
	8	..	..	87 $\frac{1}{2}$
	9	..	..	93 $\frac{3}{4}$
	10 en meer	..	..	100

(3) Indien 'n ander lid as 'n lid aan wie ingevolge artikel twee-en-sestig 'n jaargeld toegeken word, weens slegte gesondheid wat nie sonder sy eie toedoen veroorsaak is nie, uit die polisiemag of gevangenisdiens ontslaan word, is hy geregtig op 'n gratifikasie gelyk aan die totaal van sy eie bydraes en sy meerdere bydraes.

48. (1) 'n Lid wat nie minder as tien jaar pensioengewende diens gehad het nie, en wat ooreenkomstig artikel ses-en-veertig, of om 'n rede in paragraaf (b), (c), (d) of (e) van sub-artikel (1) van artikel sewe-en-veertig vermeld, uit die polisiemag of gevangenisdiens aftree of afgedank of ontslaan word, is geregtig op—

Jaargeld en gratifikasie na tien jaar pensioengewende diens.

- (a) 'n jaargeld wat gebaseer word op die jaarlikse gemiddelde van sy pensioengewende verdienste gedurende die laaste sewe jaar van sy pensioengewende diens en wat bereken word volgens die skaal van drie tweehonderd-en-twintigstes van bedoelde gemiddelde vir elke jaar pensioengewende diens; en
- (b) 'n gratifikasie wat gebaseer word op bedoelde gemiddelde, en wat—
- (i) indien so 'n lid ontslaan word op grond van mediese ongeschiktheid buite sy eie toedoen veroorsaak, bereken word volgens 'n persentasie van bedoelde gemiddelde ten opsigte van elke jaar van pensioengewende diens, ooreenkomstig die volgende skaal:

Naaste leeftyd op datum van uitdienstreding of ontslag:				Persentasie van jaarlikse gemiddelde van pensioengewende verdienste:
Manlike lid: enige leeftyd	..	..	..	4.91
Vroulike lid: tot 55	..	..	..	6.22
	56	..	..	6.07
	57	..	..	5.92
	58	..	..	5.78

- (ii) indien so 'n lid ooreenkomstig artikel ses-en-veertig, of om 'n rede in paragraaf (c), (d) of (e) van sub-artikel (1) van artikel sewe-en-veertig vermeld, aftree of afgedank of ontslaan word, bereken word volgens 'n persentasie van bedoelde gemiddelde ten opsigte van elke jaar van pensioengewende diens, ooreenkomstig die volgende skaal:

Naaste leeftyd op datum van uitdienstreding of ontslag:				Persentasie van jaarlikse gemiddelde van pensioen- gewende verdienste:	
				MANSPERSONE.	VROUSPERSONE.
Tot	30	..	..	8.07	8.30
	31	..	..	8.00	8.24
	32	..	..	7.92	8.18
	33	..	..	7.84	8.12
	34	..	..	7.77	8.05
	35	..	..	7.69	7.98
	36	..	..	7.61	7.91
	37	..	..	7.53	7.83
	38	..	..	7.44	7.76
	39	..	..	7.35	7.68
	40	..	..	7.26	7.60
	41	..	..	7.17	7.52
	42	..	..	7.07	7.44
	43	..	..	6.97	7.35

Nearest age at date of retirement or discharge: Percentage of annual average of pensionable emoluments:

			MALES.	FEMALES.
44	..	..	6.87	7.27
45	..	..	6.76	7.18
46	..	..	6.65	7.09
47	..	..	6.54	7.00
48	..	..	6.42	6.91
49	..	..	6.29	6.81
50	..	..	6.16	6.71
51	..	..	6.03	6.61
52	..	..	5.91	6.51
53	..	..	5.78	6.42
54	..	..	5.66	6.32
55	..	..	5.53	6.22
56	..	..	5.41	6.07
57	..	..	5.28	5.92
58 or over	..	..	5.16	5.78

(2) If the said member is discharged for a reason mentioned in paragraph (c) or (d) of sub-section (1) of section *forty-seven*, there shall be added to his pensionable service, for the purpose of calculating any annuity or gratuity to which he is entitled under this section, either one-third of the period of the said service or the period not exceeding five years by which his pensionable age exceeds his age at the date of his discharge, whichever is the lesser period: Provided that the amount by which such annuity or gratuity is increased by reason of the period so added shall be paid out of revenue.

(3) If the said member, before he has attained the pensionable age applicable to him, is retired or discharged for any reason other than medical unfitness, all annuity payments in respect of the period before he has reached that age shall be paid out of revenue and the gratuity payment partly out of revenue and partly out of the fund in accordance with tables recommended by the actuary and approved by the Treasury.

Benefits on
resignation or
dismissal.

49. (1) A member who retires voluntarily from the police force or prisons service before attaining the pensionable age, shall receive from the fund an amount equal to his own contributions together with four per cent. of the said amount in respect of each completed year of pensionable service in excess of ten years, and he shall further be paid an amount equal to his excess contributions: Provided that the amount payable to a member who, immediately prior to the commencement of this Act, was a contributor to the old fund and who has had not less than fourteen years of pensionable service, and who has not made an election in terms of sub-section (3) of section *forty-six*, shall not be less than an amount equal to—

(a) his own contributions together with ten per cent. thereof in respect of each completed year of pensionable service in excess of thirteen years; and

(b) his excess contributions.

(2) If a person who is contributing provisionally in terms of section *forty-five* retires or is retired or discharged or dies before the expiry of his first three years of employment in the police force or prisons service, his contributions shall be refunded to him or his estate, as the circumstances require, and the contributions paid to the fund from revenue in respect of such person shall be repaid to revenue: Provided that any refund under this sub-section shall, for the purposes of section *sixty-five* or *sixty-six*, be deemed not to be a benefit.

(3) If a member, other than a member to whom an annuity is granted in terms of section *sixty-two*, is discharged from the police force or prisons service on account of misconduct, or resigns or is called upon to resign from such force or service to avoid such discharge, or is discharged therefrom for a reason not specifically mentioned in this Part, he shall be paid an amount equal to his own contributions and his excess contributions.

(4) The Treasury may deduct from any amount payable to any member or person under this section the amount of any loss certified by the Controller and Auditor-General to have been sustained by the Government through theft, fraud, negligence or any misconduct on the part of such member or person.

Naaste leeftyd op datum van uitdienstreding of ontslag:			Persentasie van jaarlikse gemiddelde van pensioen- gewende verdienste:	
			MANSPERSONE.	VROUSPERSONE.
Tot	44	..	6.87	7.27
	45	..	6.76	7.18
	46	..	6.65	7.09
	47	..	6.54	7.00
	48	..	6.42	6.91
	49	..	6.29	6.81
	50	..	6.16	6.71
	51	..	6.03	6.61
	52	..	5.91	6.51
	53	..	5.78	6.42
	54	..	5.66	6.32
	55	..	5.53	6.22
	56	..	5.41	6.07
	57	..	5.28	5.92
	58 of ouer	..	5.16	5.78

(2) Indien bedoelde lid om 'n rede in paragraaf (c) of (d) van sub-artikel (1) van artikel *sewe-en-veertig* vermeld, ontslaan word, word by die berekening van 'n jaargeld of gratifikasie waarop hy kragtens hierdie artikel geregtig is, by sy pensioengewende diens bygevoeg of een-derde van die tydperk van daardie diens of die tydperk, vyf jaar nie te bowe gaande nie, waarmee sy pensioenleefyd sy leeftyd op die datum van sy ontslag te bowe gaan, na gelang van watter tydperk die kortste is: Met dien verstande dat die bedrag waarmee bedoelde jaargeld of gratifikasie vanweë die aldus bygevoegde tydperk verhoog word, uit inkomste betaal word.

(3) Indien bedoelde lid voordat hy die op hom toepaslike pensioenleefyd bereik het, om 'n ander rede as mediese ongeskiktheid afgedank of ontslaan word, geskied alle betalings van jaargelde ten opsigte van die tydperk voordat hy daardie leeftyd bereik het, uit inkomste en die betaling van die gratifikasie gedeeltelik uit inkomste en gedeeltelik uit die fonds, ooreenkomstig tabelle deur die aktuaris aanbeveel en deur die Tesourie goedgekeur.

49. (1) 'n Lid wat vrywillig uit die polisiemag of gevangensidiens tree voordat hy die pensioenleefyd bereik het, ontvang uit die fonds 'n bedrag gelyk aan sy eie bydraes, tesame met vier persent van daardie bedrag ten opsigte van elke voltooide jaar van sy pensioengewende diens bo tien jaar, en bowendien word 'n bedrag gelyk aan sy meerdere bydraes aan hom betaal: Met dien verstande dat die bedrag betaalbaar aan 'n lid wat onmiddellik voor die inwerkingtreding van hierdie Wet 'n bydraer tot die ou fonds was, en wat minstens veertien jaar pensioengewende diens gehad het, en wat nie ingevolge sub-artikel (3) van artikel *ses-en-veertig* 'n keuse gedoen het nie, nie minder is nie as 'n bedrag gelyk aan—

Voordele by
bedanking of
ontslag.

(a) sy eie bydraes tesame met tien persent daarvan ten opsigte van elke voltooide jaar van pensioengewende diens bo dertien jaar; en

(b) sy meerdere bydraes.

(2) Indien iemand wat ingevolge artikel *vyf-en-veertig* voorlopig bydra, voor die verstryking van die eerste drie jaar van sy diens in die polisiemag of gevangensidiens aftree of afgedank of ontslaan word of te sterwe kom, word sy bydraes aan hom of sy boedel, na gelang van die omstandighede, terugbetaal, en word die bydraes wat ten opsigte van so iemand uit inkomste in die fonds gestort is, in inkomste teruggestort: Met dien verstande dat 'n terugbetaling ingevolge hierdie sub-artikel by die toepassing van artikel *vyf-en-sestig* of *ses-en-sestig* geag word nie 'n voordeel te wees nie.

(3) Indien 'n ander lid as 'n lid aan wie 'n jaargeld ingevolge artikel *twee-en-sestig* toegeken word, weens wangedrag uit die polisiemag of gevangensidiens ontslaan word, of uit daardie mag of diens bedank of aangesê word om te bedank ten einde sodanige ontslag te vermy, of daaruit ontslaan word om 'n rede wat nie uitdruklik in hierdie Deel vermeld word nie, word 'n bedrag gelyk aan sy eie bydraes en sy meerdere bydraes aan hom betaal.

(4) Die Tesourie kan van 'n bedrag kragtens hierdie artikel aan 'n lid of persoon betaalbaar, die bedrag van enige verlies afrek wat deur die Kontroleur en Ouditeur-generaal gesertifiseer word deur die Regering gely te gewees het weens diefstal, bedrog, nalatigheid of enige wangedrag aan die kant van so 'n lid of persoon.

Gratuity on death of member.

50. (1) If a member dies before his retirement from the police force or prisons service, there shall, subject to the provisions of sub-section (3), be paid from the fund to or for the benefit of such of his dependants as the Treasury may determine—

- (a) if such member has had less than ten years pensionable service, a gratuity calculated at the rate of eleven per cent. of the annual average of his pensionable emoluments for the last seven years of his pensionable service or for the whole period of such service, whichever is the lesser period, in respect of each year of his pensionable service: Provided that such gratuity shall not be less than an amount equal to the said annual average of his pensionable emoluments;
- (b) if such member has had not less than ten years pensionable service and dies before he has attained the pensionable age applicable in his case, a gratuity equal to the aggregate amount of the pension which would have been paid from the fund to the member and to or for the benefit of the said dependants if the member had been discharged on account of medical unfitness (occasioned without his own default) with effect from the day immediately succeeding the last day of his pensionable service and died on the first-mentioned day;
- (c) if such member has been retained in his office or post in terms of sub-section (4) of section *forty-six* beyond the pensionable age applicable to him and has had not less than ten years pensionable service, a gratuity equal to the aggregate amount of the pension which would have been paid from the fund to the member and to or for the benefit of the said dependants if the member had retired or been retired on pension by reason of his age with effect from the day immediately succeeding the last day of his pensionable service and had died on the first-mentioned day.

(2) If a member who has retired or been retired or discharged from the police force or prisons service on an annuity dies within five years after the date of his retirement or discharge, there shall, subject to the provisions of sub-section (3), be paid to or for the benefit of such of his dependants as the Treasury may determine a gratuity equal to the aggregate amount of the annuity (exclusive of any annuity awarded from the additional benefits account referred to in section *fifty-seven*) which would have been paid to such member from the date of his death until the expiry of the said five years, had he not died.

(3) The gratuities referred to in sub-sections (1) and (2) shall be allocated amongst the said dependants in such manner as the Treasury may determine and the Treasury may, in the case of dependants other than the widow of the deceased member, reduce any such gratuity to an extent which, having regard to the circumstances of such dependants, appears to it to be reasonable.

(4) If a member dies before retirement from the said force or service without leaving a dependant, an amount equal to his own contributions, together with any excess contributions, shall be paid to his estate and there shall be no further claim on the fund.

(5) If a member—

- (a) who has elected the benefits of paragraph (b) of sub-section (2) of section *fourteen* or of that paragraph as applied by sub-section (4) of section *ninety-three* or of paragraph (b) of sub-section (4) of section *fifteen* dies before such benefits become due and payable; or
- (b) to whom sub-section (1) of section *sixty-four* applies, dies before a pension becomes due and payable to him in terms of that sub-section,

such member shall, for the purposes of sub-sections (1), (3) and (4) of this section, be deemed to have died on the last day of his pensionable service in the police force or prisons service.

(6) If a member referred to in paragraph (a) or (b) of sub-section (5), dies after an annuity becomes payable to him under the provisions referred to in the applicable paragraph, he shall, for the purposes of sub-sections (2) and (3) of this section,

50. (1) Indien 'n lid voor sy uitdienststreding uit die polisiemag of gevangenisdiens te sterwe kom, word daar, met inagneming van die bepalings van sub-artikel (3), uit die fonds aan of ten bate van diegene van sy afhanklikes wat die Tesourie mag aanwys—

Gratifikasie by dood van lid.

- (a) indien bedoelde lid minder as tien jaar pensioengewende diens gehad het, 'n gratifikasie betaal wat bereken word volgens die skaal van elf persent van die jaarlikse gemiddelde van sy pensioengewende verdienste gedurende die laaste sewe jaar van sy pensioengewende diens of die hele tydperk van daardie diens, na gelang van watter tydperk die kortste is, ten opsigte van elke jaar van sy pensioengewende diens: Met dien verstande dat bedoelde gratifikasie nie minder mag wees nie as 'n bedrag gelyk aan bedoelde jaarlikse gemiddelde van sy pensioengewende verdienste;
- (b) indien bedoelde lid nie minder as tien jaar pensioengewende diens gehad het nie, en te sterwe kom voordat hy die in sy geval toepaslike pensioenleeftyd bereik het, 'n gratifikasie betaal gelyk aan die totaalbedrag van die pensioen wat uit die fonds aan die lid en aan of ten bate van bedoelde afhanklikes betaal sou geword het indien die lid met ingang vanaf die dag onmiddellik na die laaste dag van sy pensioengewende diens weens mediese ongeskiktheid (sonder sy eie toedoen veroorsaak) ontslaan was en op eersbedoelde dag te sterwe gekom het;
- (c) indien bedoelde lid ingevolge sub-artikel (4) van artikel *ses-en-veertig* bo die op hom toepaslike pensioenleeftyd in sy betrekking of pos aangehou is, en nie minder as tien jaar pensioengewende diens gehad het nie, 'n gratifikasie betaal gelyk aan die totaalbedrag van die pensioen wat uit die fonds aan die lid en aan of ten bate van genoemde afhanklikes betaal sou geword het indien die lid met ingang vanaf die dag onmiddellik na die laaste dag van sy pensioengewende diens weens sy ouderdom met pensioen afgetree het of afgedank was, en op eersbedoelde dag te sterwe gekom het.

(2) Indien 'n lid wat met 'n jaargeld uit die polisiemag of gevangenisdiens afgetree het of afgedank of ontslaan is, binne vyf jaar na die datum van sy uitdienststreding of ontslag te sterwe kom, word, met inagneming van die bepalings van sub-artikel (3), aan of ten bate van diegene van sy afhanklikes wat die Tesourie mag aanwys, 'n gratifikasie betaal gelyk aan die totaalbedrag van die jaargeld (afgesien van 'n jaargeld wat uit die bykomstige voordele rekening in artikel *sewe-en-vyftig* bedoel, toegeken is) wat aan so 'n lid vanaf die datum van sy dood tot by die verstryking van bedoelde vyf jaar betaal sou geword het as hy nie gesterf het nie.

(3) Die in sub-artikels (1) en (2) bedoelde gratifikasies word op so 'n wyse onder bedoelde afhanklikes toegewys as wat die Tesourie mag bepaal, en die Tesourie kan so 'n gratifikasie in die geval van ander afhanklikes as die weduwee van die oorlede lid in die mate verminder wat hy met inagneming van die omstandighede van daardie afhanklikes redelik ag.

(4) Indien 'n lid voor sy uitdienststreding uit bedoelde mag of diens te sterwe kom en geen afhanklike nalaat nie, word 'n bedrag gelyk aan sy eie bydraes tesame met enige meerdere bydraes aan sy boedel betaal en is daar geen verdere vordering teen die fonds nie.

(5) Indien 'n lid—

- (a) wat die voordele van paragraaf (b) van sub-artikel (2) van artikel *veertien* of van daardie paragraaf soos toegepas deur sub-artikel (4) van artikel *drie-en-negentig* of van paragraaf (b) van sub-artikel (4) van artikel *vyftien* gekies het, te sterwe kom voordat daardie voordele verskuldig en betaalbaar word; of
- (b) op wie sub-artikel (1) van artikel *vier-en-sestig* van toepassing is, te sterwe kom voordat 'n pensioen ingevolge daardie sub-artikel aan hom verskuldig en betaalbaar word,

word bedoelde lid by die toepassing van sub-artikels (1), (3) en (4) van hierdie artikel geag op die laaste dag van sy pensioengewende diens in die polisiemag of gevangenisdiens te gesterf het.

(6) Indien 'n in paragraaf (a) of (b) van sub-artikel (5) bedoelde lid te sterwe kom nadat 'n jaargeld kragtens die in die toepaslike paragraaf bedoelde bepalings aan hom betaalbaar word, word hy by die toepassing van sub-artikels (2)

be deemed to have retired or been retired or discharged from the police force or prisons service on an annuity as from the date on which the first-mentioned annuity became payable to him.

PART F.

FINANCIAL PROVISIONS.

Payments from
revenue to a new
fund.

51. There shall be paid out of revenue to a new fund, with effect from the fixed date—

- (a) at the end of each month an amount equal to the aggregate of the current contributions, excluding the excess contributions, which have been paid to such fund by contributors during that month;
- (b) on the thirty-first day of March in each year—
 - (i) an amount equal to the aggregate of the arrear contributions for which contributors to such fund may have become liable in terms of sub-section (1) of section *eight*, sub-section (2) of section *twenty-two* or section *forty-two*, and the liability for which has been notified to and accepted by the Treasury;
 - (ii) interest at the rate of four per cent. per annum on—
 - (aa) twice the amount of the contributions referred to in sub-paragraph (i), compounded annually and calculated according to the dates upon which the said contributions would have become payable had the contributors been contributing as from the commencement of the periods of their past pensionable service;
 - (bb) the amount of any arrear contributions due by contributors which remain unpaid at the end of each month during the period in respect of which the interest is paid, calculated on a monthly basis; and
 - (cc) the average of the uninvested amounts in such fund at the end of each month during the period in respect of which the interest is paid.

Investment of
fund balances.

52. (1) All amounts paid to a new fund shall be lodged in the Treasury to the credit of that fund.

(2) So much of the amounts so lodged as is not required for current purposes shall be a deposit for the purposes of the Public Debt Commissioner's Act, 1911 (Act No. 18 of 1911), but notwithstanding anything contained in the said Act, the Public Debt Commissioners shall invest any such balance which may from time to time be available in the stock mentioned in sub-section (3).

(3) Any amount so available may be borrowed by the Governor-General, and the Treasury may issue local inscribed stock for any amount so borrowed in accordance with the provisions of the General Loans Consolidation and Amendment Act, 1917 (Act No. 22 of 1917): Provided that such stock—

- (a) shall bear interest at the rate of four per cent. per annum, payable half-yearly on the thirty-first day of March and the thirtieth day of September in each year;
- (b) shall be issued at par;
- (c) shall not be transferable except at par to another new fund or any other pension or provident fund which may be authorized by the Governor-General by proclamation in the *Gazette* to invest in such stock;
- (d) may be redeemed by the Minister of Finance at such times as he may deem fit.

Accounts.

53. (1) The Treasury shall cause full and true accounts of each new fund to be kept showing particulars in connection with—

- (a) all amounts paid or due—
 - (i) to the fund by contributors;
 - (ii) out of the fund to contributors or their dependants;
 - (iii) to the fund from revenue or to revenue from the fund;

en (3) van hierdie artikel geag met 'n jaargeld uit die polisiemag of gevangenisdiens af te getree of afgedank of ontslaan te gewees het vanaf die datum waarop eersgenoemde jaargeld aan hom betaalbaar geword het.

DEEL F.

FINANSIËLE BEPALINGS.

51. Daar word met ingang vanaf die vasgestelde datum uit inkomste in 'n nuwe fonds gestort—

Gelde uit inkomste in 'n nuwe fonds gestort.

(a) aan die end van elke maand 'n bedrag gelyk aan die totaal van die lopende bydraes, met uitsondering van meerdere bydraes, gedurende daardie maand deur bydraers in so 'n fonds gestort;

(b) op die een-en-dertigste dag van Maart in elke jaar—

(i) 'n bedrag gelyk aan die totaal van die agterstallige bydraes waarvoor bydraers tot so 'n fonds ingevolge sub-artikel (1) van artikel *agt*, sub-artikel (2) van artikel *twee-en-twintig* of artikel *twee-en-veertig* aanspreeklik mag geword het, en ten opsigte waarvan die Tesourie van sy aanspreeklikheid in kennis gestel is en dit aanvaar het;

(ii) rente teen die koers van vier persent per jaar op—

(aa) dubbel die bedrag van die in sub-paragraaf

(i) bedoelde bydraes, jaarliks saamgestel en bereken volgens die datums waarop daardie bydraes betaalbaar sou geword het as die bydraers vanaf die begin van die tydperke van hul verstreke pensioengewende diens bygedra het;

(bb) die bedrag van enige agterstallige bydraes deur bydraers verskuldig, wat, gedurende die tydperk ten opsigte waarvan die rentebetaling geskied, aan die end van elke maand nog nie betaal is nie, bereken op 'n maandelikse grondslag; en

(cc) die gemiddelde van die onbelegde bedrae in daardie fonds op die end van elke maand gedurende die tydperk ten opsigte waarvan die rente betaal word.

52. (1) Alle bedrae in 'n nuwe fonds gestort, word op krediet van daardie fonds by die Tesourie inbetaal.

Belegging van oorskotte in fonds.

(2) Soveel van die aldus inbetaalde bedrae as wat nie vir lopende doeleindes nodig is nie, is 'n deposito vir die doeleindes van die „Openbare Schuld Kommissarissen Wet, 1911” (Wet No. 18 van 1911), maar die Openbare Skuldkommissaris moet, ondanks andersluidende bepalings van vermeldde Wet, so 'n oorskot wat van tyd tot tyd beskikbaar mag wees, in die in sub-artikel (3) bedoelde effekte belê.

(3) 'n Aldus beskikbare bedrag kan deur die Goewerneur-generaal geleen word, en die Tesourie kan vir 'n aldus geleende bedrag plaaslik ingeskrewe effekte ooreenkomstig die bepalings van die „Algemene Leningen Konsolidatie en Wijzigings Wet, 1917” (Wet No. 22 van 1917), uitgee: Met dien verstande dat bedoelde effekte—

(a) rente dra teen die koers van vier persent per jaar, halfjaarliks betaalbaar op die een-en-dertigste dag van Maart en die dertigste dag van September van elke jaar;

(b) teen pari uitgegee moet word;

(c) nie oordraagbaar is nie, dan alleen teen pari aan 'n ander nuwe fonds of 'n ander pensioen- of voorsorgfonds wat deur die Goewerneur-generaal by proklamasie in die *Staatskoerant* gemagtig word om in sodanige effekte te belê;

(d) deur die Minister van Finansies op die tydstippe wanneer hy dit wenslik ag, afgelos kan word.

53. (1) Die Tesourie laat met betrekking tot elke nuwe fonds volledige en juiste rekenings hou, met vermelding van besonderhede wat betref—

Boekhouding.

(a) alle bedrae—

(i) deur bydraers in die fonds gestort of aan die fonds verskuldig;

(ii) aan bydraers of hul afhanklikes uit die fonds betaal of verskuldig;

(iii) uit inkomste in die fonds gestort of aan die fonds verskuldig, of uit die fonds in inkomste gestort of aan inkomste verskuldig;

(iv) to or from the fund in terms of section *twelve, thirteen, fourteen or fifteen*; and

(b) any other matter of which it is necessary to keep an account for the purposes of this Act, or in order that an actuarial valuation of such fund may be made at any time.

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

Valuations of the new funds.

54. (1) An actuary shall separately value the assets and liabilities of—

(a) the permanent force pension fund and the police and prisons pension fund as at the thirty-first day of March, 1956, and every five years thereafter; and

(b) the Union pension fund as at the thirty-first day of March, 1957, and every five years thereafter,

and shall declare any surplus or deficiency which his investigation discloses and shall report thereon to the Minister of Finance.

(2) Each report of the actuary shall be laid upon the Tables of both Houses of Parliament within one month of the receipt thereof by the Minister of Finance if Parliament is then in session, or if Parliament is not then in session, within one month after the commencement of its next ensuing session.

(3) If the actuary in such a report certifies that there is a substantial surplus or a substantial deficiency, the contributions payable by or in respect of contributors or any class of contributors, shall be reduced or increased, as the case may be, to such an extent, and as from such date, as the Minister of Finance, on the recommendation of the actuary, may determine: Provided that the rates at which contributions are payable from revenue in respect of contributors shall not, except in respect of the excess contributions payable by old members in terms of Part B of this Chapter, be reduced to less than the rates at which contributions are payable by contributors.

(4) A statement embodying the decision of the Minister of Finance under sub-section (3) shall be laid upon the Tables of both Houses of Parliament within one year from the date on which the report of the actuary was laid thereon.

New funds to be administered by Treasury.

55. The business of each new fund shall be conducted by the Treasury and the cost in connection therewith and of any actuarial investigation and matters incidental thereto shall be paid out of the Consolidated Revenue Fund.

CHAPTER II.

ADDITIONAL BENEFITS ACCOUNT.

Interpretation of terms used in this Chapter.

56. In this Chapter, unless the context otherwise indicates—

(i) "member" means a person who is a member of the police and prisons pension fund; (ii)

(ii) "reckonable service" means a period of either one-fifth of the period by which a member's pensionable service in the police force or prisons service exceeds thirteen years, or a period of five years, whichever is the lesser period; (iii)

(iii) "the account" means the additional benefits account referred to in section *fifty-seven*. (i)

Payment from revenue to the account.

57. (1) As from the fixed date the Treasury shall keep an account to be called the additional benefits account.

(2) There shall be paid from revenue to the account—

(a) at the end of each month an amount equal to 17·5 per cent. of the amount which, at the end of that month, is paid to the police and prisons pension fund in terms of paragraph (a) of section *fifty-one*; and

(b) any other amounts which are to be paid to the said account.

Benefits from the account.

58. (1) If a member who has had not less than thirteen years' pensionable service in the police force or prisons service retires or is retired or discharged from the said force or service in terms of section *forty-six* or on account of medical unfitness occasioned without his own default, there shall be granted to such member out of the account, in addition to any pension payable in terms of section *forty-eight*—

- (iv) ooreenkomstig artikels *twaalf, dertien, veertien of vyftien* in die fonds gestort of aan die fonds verskuldig, of uit die fonds betaal of verskuldig; en
 - (b) enige ander aangeleentheid waarvan dit nodig is om boek te hou vir die doeleindes van hierdie Wet of sodat so 'n fonds te eniger tyd aktuarieel gewaardeer kan word.
- (2) Die Tesourie laat die boeke en rekenings van elke nuwe fonds op die een-en-dertigste dag van Maart in elke jaar afsluit, en 'n balansstaat opstel waarin die bates en laste van elkeen van bedoelde fondse op daardie datum aangegee word.

54. (1) 'n Aktuaris waardeer afsonderlik die bates en laste van— Waarderings van die nuwe fondse.

- (a) die staandemag-pensioenfonds en die polisie- en gevangenisdiens-pensioenfonds op die een-en-dertigste dag van Maart 1956 en elke vyf jaar daarna; en
 - (b) die Unie-pensioenfonds op die een-en-dertigste dag van Maart 1957 en elke vyf jaar daarna,
- en moet die oorskot of tekort wat sy ondersoek openbaar, vasstel en 'n verslag dienaangaande by die Minister van Finansies indien.

(2) Elke verslag van die aktuaris word binne een maand na ontvangs daarvan deur die Minister van Finansies in beide Huse van die Parlement ter Tafel gelê, as die Parlement dan in sitting is, of as die Parlement nie dan in sitting is nie, binne een maand na die aanvang van sy eersvolgende sitting.

(3) Indien die aktuaris in so 'n verslag sertifiseer dat daar 'n wesentlike oorskot of 'n wesentlike tekort is, word die bydraes deur of ten opsigte van bydraers of enige kategorie van bydraers betaalbaar, verminder of verhoog, al na die geval, in die mate en vanaf die datum wat die Minister van Finansies op aanbeveling van die aktuaris bepaal: Met dien verstande dat die skale waarvolgens bydraes ten opsigte van bydraers uit inkomste betaalbaar is, nie tot minder as die skale waarvolgens bydraes deur bydraers betaalbaar is, verminder word nie, behalwe ten opsigte van meerdere bydraes deur ou lede volgens Deel B van hierdie Hoofstuk betaalbaar.

(4) 'n Verklaring wat die beslissing van die Minister van Finansies kragtens sub-artikel (3) behels, word binne een jaar vanaf die datum waarop die verslag van die aktuaris ter Tafel gelê is, in beide Huse van die Parlement ter Tafel gelê.

55. Die sake van elke nuwe fonds word deur die Tesourie bestuur, en die koste in verband daarmee en van enige aktuariële ondersoek en daarmee in verband staande aangeleenthede word uit die Gekonsolideerde Inkomstefonds betaal. Nuwe fondse word deur die Tesourie bestuur.

HOOFSTUK II.

BYKOMSTIGE VOORDELEREKENING.

56. In hierdie Hoofstuk, tensy uit die samehang anders blyk, beteken— Omskrywing van uitdrukkings in hierdie Hoofstuk gebesig.

- (i) „die rekening” die bykomstige voordelerekening in artikel *sewe-en-vyftig* bedoel; (iii)
- (ii) „lid” iemand wat 'n lid is van die polisie- en gevangenisdiens-pensioenfonds; (i)
- (iii) „rekenbare diens” 'n tydperk van of een-vyfde van die tydperk waarmee 'n lid se pensioengewende diens in die polisiemag of gevangenisdiens dertien jaar te bowe gaan, of 'n tydperk van vyf jaar, na gelang van watter tydperk die kortste is. (ii)

57. (1) Vanaf die vasgestelde datum hou die Tesourie 'n rekening genoem die bykomstige voordelerekening. Gelde uit inkomste in die rekening gestort.

(2) Daar word uit inkomste in die rekening gestort—

- (a) aan die end van elke maand 'n bedrag gelyk aan 17.5 persent van die bedrag wat, op die end van daardie maand, ingevolge paragraaf (a) van artikel *een-en-vyftig* in die polisie- en gevangenisdiens-pensioenfonds gestort word; en
- (b) alle ander bedrae waarmee bedoelde rekening gekrediteer dien te word.

58. (1) Indien 'n lid wat nie minder as dertien jaar pensioengewende diens in die polisiemag of gevangenisdiens gehad het nie, ooreenkomstig artikel *ses-en-veertig* of weens mediese ongeskiktheid sonder sy eie toedoen veroorsaak uit bedoelde mag of diens aftree of afgedank of ontslaan word, word daar, benewens enige pensioen ingevolge artikel *agt-en-veertig* betaalbaar, uit die rekening aan so 'n lid— Voordele uit die rekening.

- (a) an annuity, which shall be based on the annual average of his pensionable emoluments for the last seven years of his pensionable service and shall be calculated at the rate of three-two hundred and twentieths of such average for each year of reckonable service; and
 - (b) a gratuity which shall be based on the said average and shall—
 - (i) if such member retires or is retired or discharged in terms of section *forty-six*, be calculated at a percentage of the said average in respect of each year of reckonable service, according to the scale set forth in sub-paragraph (ii) of paragraph (b) of sub-section (1) of section *forty-eight*; or
 - (ii) if such member is discharged on account of medical unfitness occasioned without his own default, be calculated at a percentage of the said average in respect of each year of reckonable service, according to the scale set forth in sub-paragraph (i) of paragraph (b) of sub-section (1) of section *forty-eight*.
- (2) The period of reckonable service shall be calculated by the year and month and fractions of a month shall be disregarded.

Accounts.

59. (1) The Treasury shall cause full and true accounts of the account to be kept showing particulars in connection with—

- (a) all amounts paid or due—
 - (i) to the account from revenue;
 - (ii) from the account to members; and
- (b) any other matter of which it is necessary to keep an account for the purposes of this Chapter or in order that an actuarial valuation of the account may be made at any time.

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

(3) The provisions of sections *fifty-two* and *fifty-five* shall *mutatis mutandis* apply in respect of the account.

Valuation of the account.

60. (1) The assets and liabilities of the account as at the thirty-first day of March, 1956, and every five years thereafter shall be valued by an actuary, who shall declare any surplus or deficiency which his investigation of the account discloses and shall report thereon to the Minister of Finance.

(2) The report of the actuary shall be laid upon the Tables of both Houses of Parliament within one month of the receipt thereof by the Minister of Finance if Parliament is then in session, or, if Parliament is not then in session, within one month after the commencement of its next ensuing session.

(3) If the actuary in such a report certifies that there is a substantial surplus or a substantial deficiency, the amounts payable to the account from revenue in terms of paragraph (a) of sub-section (2) of section *fifty-seven* shall be reduced, or increased, as the case may be, to such an extent and as from such date as the said Minister, on the recommendation of the actuary, may determine.

CHAPTER III.

SPECIAL BENEFITS.

Special gratuity to certain officers and other persons.

61. (1) An officer who is not a member of a new fund shall—

- (a) if he is not a member of the services, be subject to the provisions of section *twenty-six* as if he were a new member as defined in section *twenty-one*; or
- (b) if he is a member of the permanent force, be subject to the provisions of section *thirty-five* as if he were a member as defined in section *thirty-one*; or
- (c) if he is a member of the police force or the prisons service, be subject to the provisions of section *forty-six* as if he were a member as defined in section *forty*.

(2) An officer to whom sub-section (1) applies and who has served for a period of not less than two years, may on retire-

- (a) 'n jaargeld toegeken wat op die jaarlikse gemiddelde van sy pensioengewende verdienste gedurende die laaste sewe jaar van sy pensioengewende diens gebaseer word, en volgens die skaal van drie tweehonderd-entwintigstes van bedoelde gemiddelde vir elke jaar van rekenbare diens bereken word; en
 - (b) 'n gratifikasie toegeken wat op bedoelde gemiddelde gebaseer word, en wat—
 - (i) indien so 'n lid ooreenkomstig artikel *ses-en-veertig* aftree of afgedank of ontslaan word, bereken word volgens 'n persentasie van bedoelde gemiddelde ten opsigte van elke jaar van rekenbare diens, ooreenkomstig die skaal in sub-paragraaf (ii) van paragraaf (b) van sub-artikel (1) van artikel *agt-en-veertig* uiteengesit; of
 - (ii) indien so 'n lid ontslaan word op grond van mediese ongeskiktheid wat sonder sy eie toedoen veroorsaak is, bereken word volgens 'n persentasie van bedoelde gemiddelde ten opsigte van elke jaar van rekenbare diens, ooreenkomstig die skaal in sub-paragraaf (i) van paragraaf (b) van sub-artikel (1) van artikel *agt-en-veertig* uiteengesit.
- (2) Die tydperk van rekenbare diens word by die jaar en maand bereken en breukdele van 'n maand word buite rekening gelaat.

59. (1) Die Tesourie laat met betrekking tot die rekening *Boekhouding*, volledige en juiste rekenings hou, met vermelding van besonderhede wat betref—

- (a) alle bedrae—
 - (i) uit inkomste in die rekening gestort of daaraan verskuldig;
 - (ii) aan lede uit die rekening betaal of verskuldig; en
 - (b) enige ander aangeleentheid waarvan dit nodig is om boek te hou vir die doeleindes van hierdie Hoofstuk of sodat die rekening te eniger tyd aktuarieel gewaardeer kan word.
- (2) Die Tesourie laat die boeke en rekenings van die rekening op die een-en-dertigste dag van Maart in elke jaar afsluit, en 'n balansstaat opstel waarin die bates en laste van die rekening op daardie datum aangegee word.
- (3) Die bepalinge van artikels *twee-en-vyftig* en *vyf-en-vyftig* is *mutatis mutandis* van toepassing met betrekking tot die rekening.

60. (1) Die bates en laste van die rekening word op die een-en-dertigste dag van Maart 1956, en elke vyf jaar daarna, deur 'n aktuaris gewaardeer, en hy moet die oorskot of tekort wat sy ondersoek van die rekening openbaar, vasstel en 'n verslag dienaangaande by die Minister van Finansies indien. Waardering van die rekening.

(2) Die verslag van die aktuaris word binne een maand vanaf die ontvangs daarvan deur die Minister van Finansies in beide Huisse van die Parlement ter Tafel gelê, as die Parlement dan in sitting is, of as die Parlement nie dan in sitting is nie, binne een maand na die aanvang van sy eersvolgende sitting.

(3) Indien die aktuaris in so 'n verslag sertifiseer dat daar 'n wesentlike oorskot of 'n wesentlike tekort is, word die bedrae wat ingevolge paragraaf (a) van sub-artikel (2) van artikel *sewe-en-vyftig* uit inkomste aan die rekening betaalbaar is, verminder of verhoog, al na die geval, in die mate en vanaf die datum wat bedoelde Minister op aanbeveling van die aktuaris mag bepaal.

HOOFSTUK III.

SPEZIALE VOORDELE.

61. (1) 'n Amptenaar wat nie 'n lid van 'n nuwe fonds is nie, Spesiale gratifikasie aan sekere amptenare en ander persone.
val—

- (a) indien hy nie 'n lid van die dienste is nie, onder die bepalinge van artikel *ses-en-twintig* asof hy 'n nuwe lid was soos in artikel *een-en-twintig* omskrywe; of
 - (b) indien hy 'n lid van die staande mag is, onder die bepalinge van artikel *vyf-en-dertig* asof hy 'n lid was soos in artikel *een-en-dertig* omskrywe; of
 - (c) indien hy 'n lid van die polisiemag of gevangenisdiens is, onder die bepalinge van artikel *ses-en-veertig* asof hy 'n lid was soos in artikel *veertig* omskrywe.
- (2) Daar kan aan 'n amptenaar op wie sub-artikel (1) van toepassing is, en wat vir 'n tydperk van minstens twee jaar

ment or discharge under the provisions of section *twenty-six*, *thirty-five* or *forty-six*, or for a reason referred to in paragraph (b), (c), (d) or (e) of sub-section (1) of section *twenty-seven*, or under sub-section (3) of section *nineteen* of the Public Service Act, be paid a gratuity equal to six per cent. of his pensionable emoluments during the period of his pensionable service: Provided that in calculating any such gratuity any period of service during which the pensionable emoluments of such officer were less than ninety pounds per annum shall not be taken into account.

(3) (a) If an officer to whom sub-section (2) applies, or a person to whom sub-section (4) applies, dies before his retirement or discharge from the public service, there may, subject to the provisions of paragraph (b), be paid to or for the benefit of such of his dependants as the Treasury may determine, the amount of the gratuity which could have been paid to him had he been retired or discharged at the date of his death.

(b) The provisions of sub-section (3) of section *thirty* shall *mutatis mutandis* apply in respect of any such amount.

(4) Notwithstanding anything to the contrary contained in sub-section (2) of section *five* of the High Commissioner's Act, 1911 (Act No. 3 of 1911), the provisions of paragraph (a) of sub-section (1), and of sub-section (2) of this section, other than the proviso thereto, shall apply to any person appointed under the first-mentioned sub-section to a clerical post in the office of the High Commissioner, or to such other post in the said office as may be approved by the Commission for the purposes of this sub-section, who did not become a member of the old fund under section *eighteen* of the Pensions Act: Provided that in calculating any gratuity to be paid to such person, any period of service during which his pensionable emoluments were less than sixty pounds per annum shall not be taken into account.

(5) (a) In this section pensionable service with reference to which any gratuity is to be calculated shall be continuous, shall not be regarded as interrupted by leave of absence without pay or any period of suspension and shall include the time spent—

- (i) on normal duty;
 - (ii) on leave of absence with full or less than full pay;
 - (iii) under suspension with full or less than full pay, if followed by re-instatement in the same or another post or office,
- but shall not include the time spent on leave of absence or under suspension without pay.

(b) The period of pensionable service shall be calculated by the year and month and fractions of a month shall be disregarded.

(6) If any officer or person during his pensionable service was—

- (a) remunerated at a weekly, daily or hourly rate of pay, his pensionable emoluments shall be assessed on the basis of the annual equivalent of such rate calculated to the nearest pound;
- (b) on leave of absence or under suspension with less than full pay, he shall, for the purpose of determining any gratuity payable under this section, be deemed to have been paid his full pensionable emoluments during any period of such leave or suspension.

(7) Any gratuity under this section shall be paid out of revenue.

Special
annuities.

62. (1) A member of a new fund—

- (a) who is retired or discharged from the public service on account of ill-health or medical unfitness not occasioned without his own default and who has rendered not less than twenty years of satisfactory pensionable service; or
- (b) who is discharged from the said service on account of misconduct, or is called upon to resign from such service to avoid such discharge, and who prior to the act of misconduct had rendered not less than twenty years of satisfactory pensionable service,

diens gedoen het, by uitdienststreding of ontslag ingevolge die bepalings van artikel *ses-en-twintig*, *vyf-en-dertig* of *ses-en-veertig*, of om 'n rede in paragraaf (b), (c), (d) of (e) van sub-artikel (1) van artikel *sewe-en-twintig* bedoel, of kragtens sub-artikel (3) van artikel *negentien* van die Staatsdienswet, 'n gratifikasie gelyk aan ses persent van sy pensioengewende verdienste gedurende die tydperk van sy pensioengewende diens betaal word: Met dien verstande dat by die berekening van so 'n gratifikasie, 'n tydperk van diens gedurende welke die pensioengewende verdienste van die beampte minder as negentig pond per jaar bedra het, buite rekening gelaat word.

- (3) (a) Indien 'n amptenaar op wie sub-artikel (2) van toepassing is, of iemand op wie sub-artikel (4) van toepassing is, voor sy uitdienststreding of ontslag uit die staatsdiens te sterwe kom, kan, behoudens die bepalings van paragraaf (b), aan of ten bate van diegene van sy afhanklikes wat die Tesourie mag aanwys, die bedrag van die gratifikasie betaal word wat aan hom betaal sou kon geword het as hy op die datum van sy dood afgedank of ontslaan was.
- (b) Die bepalings van sub-artikel (3) van artikel *dertig* is *mutatis mutandis* van toepassing ten opsigte van so 'n bedrag.
- (4) Die bepalings van paragraaf (a) van sub-artikel (1) en van sub-artikel (2) van hierdie artikel, behalwe die voorbehoudsbepaling daarby, is, ondanks andersluidende bepalings vervat in sub-artikel (2) van artikel *vyf* van die „Hoge Kommissaris Wet, 1911” (Wet No. 3 van 1911), van toepassing op iemand kragtens laasgenoemde sub-artikel aangestel in 'n klerklike pos in die kantoor van die Hoë Kommissaris, of in so 'n ander pos in daardie kantoor as wat die Kommissie vir die doeleindes van hierdie sub-artikel mag goedkeur, wat nie kragtens artikel *agtien* van die Pensioenwet 'n lid van die ou fonds geword het nie: Met dien verstande dat by die berekening van 'n gratifikasie wat aan so 'n persoon betaal moet word, 'n dienstydsperk gedurende welke sy pensioengewende verdienste minder as sestig pond per jaar was, buite rekening gelaat word.
- (5) (a) In hierdie artikel moet die pensioengewende diens met betrekking waartoe 'n pensioen bereken moet word, ononderbroke wees, en word dit nie geag deur afwesigheid met verlof sonder betaling of 'n tydperk van skorsing onderbreek te word nie, en omvat dit die tyd wat verloop het—
 - (i) in normale diens;
 - (ii) tydens afwesigheid met verlof teen volle of minder as volle betaling;
 - (iii) tydens skorsing uit diens met volle of minder as volle betaling, indien gevolg deur herstelling in dieselfde of 'n ander betrekking of pos, maar omvat dit nie die tyd wat gedurende afwesigheid met verlof of onder skorsing sonder betaling verloop het nie.
- (b) Die tydperk van pensioengewende diens word by die jaar en maand bereken en breukdele van 'n maand word buite rekening gelaat.
- (6) Indien 'n amptenaar of persoon gedurende sy pensioengewende diens—
 - (a) per week, per dag of per uur besoldig is, word sy pensioengewende verdienste vasgestel op grondslag van die jaarlikse ekwivalent van bedoelde besoldiging, bereken tot die naaste pond;
 - (b) met verlof afwesig of onder skorsing met minder as volle betaling was, word by die berekening van 'n gratifikasie kragtens hierdie artikel betaalbaar, sy volle pensioengewende verdienste gedurende enige tydperk van sodanige verlof of skorsing geag aan hom betaal te gewees het.
- (7) 'n Gratifikasie ingevolge hierdie artikel betaalbaar word uit inkomste betaal.

62. (1) Aan 'n lid van 'n nuwe fonds—

- (a) wat uit die staatsdiens afgedank of ontslaan word weens slegte gesondheid of mediese ongeskiktheid wat nie sonder sy eie toedoen veroorsaak is nie, en wat nie minder as twintig jaar bevredigende pensioengewende diens verrig het nie; of
- (b) wat weens wangedrag uit bedoelde diens ontslaan word of aangesê word om daaruit te bedank ten einde sodanige ontslag te vermy, en wat voor die wangedrag nie minder as twintig jaar bevredigende pensioengewende diens verrig het nie,

Spesiale
jaargelde.

may, in lieu of any other benefit payable from the said fund, be granted such annuity as the Treasury, on the recommendation of the Commission, may determine.

(2) Twenty-five per cent. of any annuity granted in terms of sub-section (1) may, at the discretion of the Treasury, and if written application therefor is made by the member concerned before he has received any payment in respect of the said annuity, be converted into a gratuity calculated according to the scale set forth in sub-paragraph (i) of paragraph (b) of sub-section (2) of section *nineteen*.

(3) All annuity payments in respect of the period before the said member has attained the age at which he would have had the right to retire on pension and would have been required to be so retired, shall be made out of revenue, and all annuity payments thereafter shall be made from the new fund to which such member was a contributor, and any gratuity payable in terms of sub-section (2) shall be paid partly out of revenue and partly out of the said fund in accordance with tables recommended by an actuary and approved by the Treasury.

Special death gratuities.

63. (1) If an officer who is a member of a new fund dies before retirement from the public service, the following gratuities shall, in lieu of any other benefit under this Act (not being a benefit payable out of a widows' pension fund), and subject to the provisions of sub-section (3), be paid to or for the benefit of such of his dependants as the Treasury may determine, if the sum of the said gratuities exceeds the amount of such other benefit:

(a) Out of revenue, a gratuity calculated according to the scale of one-thirty-sixth of the average annual pensionable emoluments of such officer during the last seven years of his pensionable service or during the whole period of such service, whichever is the lesser period, in respect of each completed year of pensionable service.

(b) Out of the new fund to which he contributed, a gratuity equal to—

(i) his own contributions together with four per cent. of those contributions in respect of each completed year of pensionable service in excess of thirteen years; and

(ii) any excess contributions paid by him.

(2) If any person who was an officer on the fixed establishment of the public service, including a person referred to in section *one hundred and forty-four* of the South Africa Act, 1909, and to whom Chapter I does not apply, dies within five years after the date of his retirement or discharge from the said service on annuity, there shall, subject to the provisions of sub-section (3), be paid to or for the benefit of such of his dependants as the Treasury may determine, in lieu of any benefit under any other law (not being a benefit payable out of a widows' pension fund) a gratuity equal to the aggregate amount of the annuity which would have been paid to such officer from the date of his death until the expiry of the said five years, had he not died.

(3) The provisions of sub-section (3) of section *thirty* shall *mutatis mutandis* apply in respect of any gratuity referred to in sub-section (1) or (2).

(4) In this section the expressions "own contributions" and "excess contributions" have the meanings assigned to them in section *one*.

Persons transferred to or from the service of other Governments in the Commonwealth.

64. (1) (a) If any officer is transferred to pensionable employment under the government of a Commonwealth country or of any British colony, possession or protectorate, the Treasury may, when such officer retires or is retired or discharged on pension from the service of the government to which he was so transferred, or of any other such government to which he may subsequently have been transferred, make a contribution towards such pension in respect of his pensionable service under this Act.

(b) Subject to the provisions of sub-section (6), the said contribution shall be assessed on the basis on which a pension payable to such officer would have been computed had he retired or been retired or discharged at the date of transfer from the public service: Provided that such contribution shall only be made if he would have been entitled to a pension had he retired or been retired or discharged from the

kan, in plaas van enige ander voordeel uit bedoelde fonds betaalbaar, so 'n jaargeld toegeken word as wat die Tesourie op aanbeveling van die Kommissie mag bepaal.

(2) Vyf-en-twintig persent van 'n ingevolge sub-artikel (1) toegekende jaargeld kan, na goeëdunke van die Tesourie, en indien die betrokke lid voordat hy enige betaling ten opsigte van bedoelde jaargeld ontvang het, skriftelik daarom aansoek doen, in 'n gratifikasie omgesit word, bereken volgens die skaal in sub-paragraaf (i) van paragraaf (b) van sub-artikel (2) van artikel *negentien* uiteengesit.

(3) Alle jaargelde ten opsigte van die tydperk voor bedoelde lid die leeftyd bereik het waarop hy die reg sou gehad het om met pensioen af te tree en met pensioen afgedank sou moes geword het, word uit inkomste betaal, en alle jaargelde daarna word betaal uit die nuwe fonds waartoe bedoelde lid 'n bydraer was, en 'n gratifikasie wat ingevolge sub-artikel (2) betaalbaar word, word gedeeltelik uit inkomste en gedeeltelik uit genoemde fonds betaal, ooreenkomstig tabelle deur 'n aktuaris aanbeveel en deur die Tesourie goedgekeur.

63. (1) Indien 'n amptenaar wat 'n lid is van 'n nuwe fonds, voor sy uittrede uit die staatsdiens te sterwe kom, word, met inagneming van die bepalings van sub-artikel (3), die volgende gratifikasies in plaas van enige ander voordeel ingevolge hierdie Wet (uitgesonderd 'n voordeel uit 'n weduweespensioenfonds betaalbaar) aan of ten bate van diegene van sy afhanklikes wat die Tesourie mag aanwys, betaal, indien die totaal van daardie gratifikasies die bedrag van bedoelde ander voordeel te bowe gaan:

Spesiale gratifikasies by oorlye.

(a) Uit inkomste, 'n gratifikasie bereken volgens die skaal van een ses-en-dertigste van die gemiddelde jaarlikse pensioengewende verdienste van bedoelde amptenaar gedurende die laaste sewe jaar van sy pensioengewende diens of gedurende die hele tydperk van daardie diens, na gelang van watter tydperk die kortste is, ten opsigte van elke voltooide jaar van pensioengewende diens.

(b) Uit die nuwe fonds waartoe hy bygedra het, 'n gratifikasie gelyk aan—

(i) sy eie bydraes tesame met vier persent van daardie bydraes ten opsigte van elke voltooide jaar van pensioengewende diens bo dertien jaar; en

(ii) enige meerdere bydraes deur hom betaal.

(2) Indien iemand wat 'n amptenaar in die vaste personeel van die staatsdiens was, met inbegrip van iemand in artikel *honderd vier-en-veertig* van die „Zuid-Afrika Wet, 1909”, bedoel, en op wie Hoofstuk I nie van toepassing is nie, te sterwe kom binne vyf jaar na die datum waarop hy met 'n jaargeld uit bedoelde diens getree het of ontslaan is, word, behoudens die bepalings van sub-artikel (3), aan of ten bate van diegene van sy afhanklikes wat die Tesourie mag aanwys, in plaas van 'n voordeel ingevolge enige ander wet (uitgesonderd 'n voordeel uit 'n weduweespensioenfonds betaalbaar) 'n gratifikasie betaal gelyk aan die totaalbedrag van die jaargeld wat aan bedoelde amptenaar betaal sou geword het vanaf die datum van sy dood tot by verstryking van daardie vyf jaar, as hy nie gesterf het nie.

(3) Die bepalings van sub-artikel (3) van artikel *dertig* is *mutatis mutandis* van toepassing ten opsigte van 'n in sub-artikel (1) of (2) bedoelde gratifikasie.

(4) In hierdie artikel het die uitdrukkings „eie bydraes” en „meerdere bydraes” die betekenis in artikel *een* daaraan toegeskryf.

64. (1) (a) Indien 'n amptenaar na pensioengewende diens by die regering van 'n Statebondslan of van 'n Britse kolonie, besitting of protektoraat oorgeplaas word, kan die Tesourie, wanneer daardie amptenaar met pensioen aftree of afgedank of ontslaan word uit die diens van die regering waarheen hy aldus oorgeplaas was, of van enige ander sodanige regering waarheen hy daarna oorgeplaas mag gewees het, ten opsigte van sy pensioengewende diens ingevolge hierdie Wet tot daardie pensioen bydra.

Persone van of na die diens van ander regerings in die Statebond oorgeplaas.

(b) Daardie bydrae word, met inagneming van die bepalings van sub-artikel (6), bereken op die grondslag waarop 'n aan so 'n amptenaar betaalbare pensioen bereken sou geword het as hy op die datum van oorplasing uit die staatsdiens afgetree het of afgedank of ontslaan was: Met dien verstande dat so 'n bydrae gemaak word slegs waar hy op 'n pensioen geregtig sou gewees het indien hy om die redes waarom hy uit die diens waarheen hy aldus oorgeplaas is, aftree of afgedank of

public service on the same grounds on which he retires or is retired or discharged from the service to which he has been so transferred: Provided further that in the case of a person who retires or is retired or discharged by reason of the age which he has attained, or for a reason mentioned in paragraph (c), (d) or (e) of sub-section (1) of section *twenty-seven*, the contribution shall only be payable from the date on which he attains an age at which he would have had the right to retire from the public service on pension and would have been required to be so retired had he not been so transferred: Provided further that if he is retired or discharged for a reason mentioned in paragraph (c) or (d) of sub-section (1) of section *twenty-seven*, no period shall be added to the period of his pensionable service under this Act for the purpose of computing such contribution.

(2) (a) If a person referred to in sub-section (1) of this section or sub-section (1) of section *forty-two* of the Pensions Act, is re-transferred to the public service, his pensionable service prior to his transfer to pensionable employment under a government referred to in the relevant sub-section shall, on such conditions as the Treasury may determine, be reckoned as continuous with his subsequent pensionable service in the public service.

(b) A person to whom paragraph (a) applies, shall, notwithstanding anything to the contrary in this Act contained, again contribute to a new fund as from the date of his re-transfer to the public service: Provided that the rate of his contributions shall be determined by his age last birthday at the date of commencement of his first period of pensionable service under this Act.

(3) If a person to whom sub-section (1) applies, retires or is retired or discharged without any pension from the service of the government to which he was so transferred, he shall be paid an amount equal to his own contributions as defined in section *one*.

(4) Any contribution referred to in sub-section (1), and any amount referred to in sub-section (3), shall be paid out of the new fund to which the person concerned was a contributor immediately prior to his transfer.

(5) If any person, other than a person referred to in sub-section (2), is transferred to the public service from the service of a government referred to in sub-section (1), the provisions of Chapter I or of section *sixty-one*, as the circumstances may require, shall apply to such person.

(6) Notwithstanding anything in this Act contained, an annuity or an annuity together with a gratuity, based on his pensionable service under this Act, may be granted to any such officer or person who has had less than ten years' pensionable service under this Act, either as a contribution towards a pension payable to him or as a separate pension, if the continuous period of his pensionable service under this Act and in the service to or from which the transfer has taken place, is ten years or more.

(7) Notwithstanding the repeal by this Act of section *forty-two* of the Pensions Act, the provisions of sub-sections (1), (3) and (4) of that section shall continue to apply to a person who prior to the date of commencement of this Act was transferred from the public service to pensionable employment under a government referred to in sub-section (1) of this section, as if the said section *forty-two* had not been repealed.

Benefits on retirement through injury, etc., resulting from discharge of duty.

65. (1) If a member of a new fund, other than a person referred to in sub-section (7), is retired or discharged from the public service by reason of bodily injury or permanent ill-health arising out of and in the course of the discharge of his official duties, the Treasury shall, in lieu of any other benefit which may be payable under this Act, and subject to the provisions of section *twenty-nine* of the Workmen's Compensation Act, 1941 (Act No. 30 of 1941), grant him out of revenue—

- (a) if it appears from the prescribed medical certificate that his capacity to contribute to the support of himself and his dependants is impaired to the extent of eighty per cent. or more, an annuity of not less than one-half and not more than two-thirds of his annual pensionable emoluments at the date of retirement or discharge;
- (b) if it appears from such a certificate that his capacity so to contribute is impaired to the extent of forty per

ontslaan word, uit die staatsdiens afgetree het of afgedank of ontslaan was: Met dien verstande voorts dat die bydrae in die geval van iemand wat aftree of afgedank of ontslaan word op grond van die leeftyd wat hy bereik het, of om 'n rede in paragraaf (c), (d) of (e) van sub-artikel (1) van artikel *sewe-en-twintig* vermeld, betaalbaar is slegs vanaf die datum wanneer hy 'n leeftyd bereik waarop hy die reg sou gehad het om met pensioen uit die staatsdiens af te tree en met pensioen afgedank sou moes geword het indien hy nie aldus oorgeplaas was nie: Met dien verstande voorts dat indien hy afgedank of ontslaan word om 'n rede in paragraaf (c) of (d) van sub-artikel (1) van artikel *sewe-en-twintig* vermeld, daar by die berekening van bedoelde bydrae geen tydperk tot die tydperk van sy pensioengewende diens ingevolge hierdie Wet bygevoeg word nie.

- (2) (a) Indien iemand in sub-artikel (1) van hierdie artikel of sub-artikel (1) van artikel *twee-en-veertig* van die Pensioenwet bedoel, weer na die staatsdiens oorgeplaas word, word sy pensioengewende diens voor sy oorpasing na pensioengewende diens by 'n regering in die toepaslike sub-artikel bedoel, op die voorwaardes wat die Tesourie mag vasstel, as aaneenlopend met sy daaropvolgende pensioengewende diens in die staatsdiens gereken.
- (b) Iemand op wie paragraaf (a) van toepassing is, moet, ondanks andersluidende bepalings in hierdie Wet vervat, vanaf die datum van sy heroerpasing na die staatsdiens weer tot 'n nuwe fonds bydra: Met dien verstande dat die skaal van sy bydraes volgens sy leeftyd op sy laaste verjaarsdag voor die aanvangsdatum van sy eerste tydperk van pensioengewende diens ingevolge hierdie Wet vasgestel word.
- (3) Indien iemand op wie sub-artikel (1) van toepassing is, sonder pensioen aftree of afgedank of ontslaan word uit die diens van die regering waarheen hy aldus oorgeplaas was, word 'n bedrag gelyk aan sy eie bydraes soos in artikel *een* omskrywe aan hom betaal.
- (4) 'n Bydrae in sub-artikel (1) bedoel, en 'n bedrag in sub-artikel (3) bedoel, word uit die nuwe fonds waartoe die betrokke persoon onmiddellik voor sy oorpasing 'n bydraer was, betaal.
- (5) Indien iemand, behalwe iemand in sub-artikel (2) bedoel, van die diens van 'n regering in sub-artikel (1) bedoel na die staatsdiens oorgeplaas word, is die bepalings van Hoofstuk I of van artikel *een-en-sestig*, na gelang van die omstandighede, op so iemand van toepassing.
- (6) 'n Jaargeld, of 'n jaargeld met 'n gratifikasie, gebaseer op sy pensioengewende diens ingevolge hierdie Wet, kan, ondanks andersluidende bepalings in hierdie Wet vervat, aan so 'n beaampte of persoon wat minder as tien jaar pensioengewende diens ingevolge hierdie Wet gehad het, toegeken word, hetsy by wyse van 'n bydrae tot 'n pensioen aan hom betaalbaar of by wyse van 'n afsonderlike pensioen, indien die ononderbroke tydperk van sy pensioengewende diens ingevolge hierdie Wet en in die diens waarheen of vanwaar die oorpasing plaasgevind het, tien jaar of meer is.
- (7) Ondanks die herroeping deur hierdie Wet van artikel *twee-en-veertig* van die Pensioenwet, bly die bepalings van sub-artikels (1), (3) en (4) van daardie artikel van toepassing op iemand wat voor die datum van inwerkingtreding van hierdie Wet oorgeplaas was uit die staatsdiens na pensioengewende diens by 'n regering in sub-artikel (1) van hierdie artikel bedoel, asof bedoelde artikel *twee-en-veertig* nie herroep was nie.

65. (1) Indien 'n ander lid van 'n nuwe fonds as iemand in sub-artikel (7) bedoel, uit die staatsdiens afgedank of ontslaan word op grond van liggaamlike letsel of blywende slegte gesondheid wat ontstaan uit en in die loop van die vervulling van sy ampspligte, moet die Tesourie in plaas van enige ander voordeel wat ingevolge hierdie Wet betaalbaar mag wees, en behoudens die bepalings van artikel *nege-en-twintig* van die Ongevallewet, 1941 (Wet No. 30 van 1941), aan hom uit inkomste—

- (a) waar dit uit die voorgeskrewe mediese sertifikaat blyk dat sy vermoë om tot die onderhoud van homself en sy afhanklikes by te dra, verswak is met tagtig persent of meer, 'n jaargeld toeken van minstens die helfte en hoogstens twee-derdes van sy jaarlikse pensioengewende verdienste op die datum van afdanking of ontslag;
- (b) waar dit uit so 'n sertifikaat blyk dat sy vermoë om aldus by te dra, verswak is met veertig persent of meer,

Voordele by uitdienstreding weens letsel, ens. voortspruitende uit vervulling van pligte.

cent. or more, but less than eighty per cent., either an annuity of not less than one-third and not more than one-half of his annual pensionable emoluments at the date of retirement or discharge or a gratuity not exceeding twice his annual pensionable emoluments at that date, as in the opinion of the Treasury the circumstances of the case require;

- (c) if it appears from such certificate that his capacity so to contribute is impaired to the extent of less than forty per cent., either an annuity not exceeding one-third of his annual pensionable emoluments at the date of retirement or discharge, or a gratuity not exceeding the said emoluments, as in the opinion of the Treasury the circumstances of the case require:

Provided that—

- (i) no such pension shall be payable—
 - (a) if the injury or ill-health is attributable to the said member's drunkenness or his serious and wilful misconduct, unless in the opinion of the Treasury such member has sustained serious disablement; or
 - (b) if, in the opinion of the Treasury, the injury or ill-health was continued or aggravated by the member's unreasonable and wilful refusal to submit to medical or surgical treatment or to obtain such treatment;
 - (ii) (a) any gratuity payable under this section to a member with less than ten years' pensionable service shall not be less than the sum of the gratuity and the amount which would have been payable had the member been retired or discharged on grounds of re-organization; and
 - (b) any annuity payable under this section to a member with not less than ten years' pensionable service shall not be less than the annuity which would have been payable to the said member had he been retired or discharged on grounds of re-organization and had the reference to one-eightieth in paragraph (a) of sub-section (1) of section *twenty-eight* been a reference to one-sixtieth, the reference to one-seventieth in paragraph (a) of sub-section (1) of section *thirty-seven* been a reference to two-one hundred and fiftieth and the reference to three-two hundred and twentieths in paragraph (a) of sub-section (1) of section *forty-eight* been a reference to one-fifty-fifth, as the circumstances require;
 - (iii) the amounts (other than provisional contributions under section *twenty-three*, *thirty-four* or *forty-five*) paid to a new fund by the member and in respect of the member, shall be paid to revenue out of the fund concerned, together with interest at the rate of four per cent. per annum on twice the amount paid in respect of the member, calculated according to the dates upon which those amounts became payable, or in the case of arrear contributions, as if payment of such contributions were regularly made from the date upon which his pensionable service commenced.
- (2) (a) Any annuity awarded under this section may in the first instance be awarded temporarily and may from time to time be increased or decreased according to any variation in the degree of disablement of the member, until the degree of disablement is finally determined.
 - (b) A gratuity may, before such final determination, be substituted for the annuity and in that event any payment made in respect of the annuity may, in calculating such gratuity, be disregarded.
 - (c) The final determination of the degree of disablement shall be made within a period of five years from the date of retirement or discharge, and any annuity granted to the member on such final determination shall not thereafter be increased or reduced: Provided that if it is shown by medical testimony to the satisfaction of the Treasury that there has been a substantial increase in the degree of disablement of such member, and that such increase arises out of the injury or

maar met minder as tagtig persent, of 'n jaargeld van minstens een-derde en hoogstens die helfte van sy jaarlikse pensioengewende verdienste op die datum van afdanking of ontslag, of 'n gratifikasie, wat dubbel sy jaarlikse pensioengewende verdienste op daardie datum nie te bowe gaan nie, soos volgens die Tesourie se oordeel deur die omstandighede van die geval vereis word;

- (c) waar dit uit so 'n sertifikaat blyk dat sy vermoë om aldus by te dra, verswak is met minder as veertig persent, of 'n jaargeld, wat een-derde van sy jaarlikse pensioengewende verdienste op die datum van afdanking of ontslag nie te bowe gaan nie, of 'n gratifikasie, wat bedoelde verdienste nie te bowe gaan nie, soos volgens die Tesourie se oordeel deur die omstandighede van die geval vereis word:

Met dien verstande dat—

- (i) so 'n pensioen nie betaalbaar is nie—
 - (a) indien die letsel of slegte gesondheid te wyte is aan bedoelde lid se dronkenskap of sy ernstige en opsetlike wangedrag, tensy bedoelde lid na oordeel van die Tesourie ernstige arbeidsongeskiktheid opgedoen het; of
 - (b) indien die letsel of slegte gesondheid na oordeel van die Tesourie verleng of vererger is deur die lid se onredelike en opsetlike weiering om hom aan genees- of heelkundige behandeling te onderwerp of om sodanige behandeling te verkry;
 - (ii) (a) enige gratifikasie kragtens hierdie artikel betaalbaar aan 'n lid met minder as tien jaar pensioengewende diens, nie minder mag wees nie as die som van die gratifikasie en die bedrag wat betaalbaar sou gewees het as die lid op grond van reorganisasie afgedank of ontslaan was; en
 - (b) 'n jaargeld kragtens hierdie artikel betaalbaar aan 'n lid met minstens tien jaar pensioengewende diens, nie minder mag wees nie as die jaargeld wat aan bedoelde lid betaalbaar sou gewees het indien hy op grond van reorganisasie afgedank of ontslaan was, en indien die verwysing in paragraaf (a) van sub-artikel (1) van artikel *agt-en-twintig* na een-tagtigste 'n verwysing na een-sestigste was, die verwysing in paragraaf (a) van sub-artikel (1) van artikel *sewe-en-dertig* na een-sewentigste 'n verwysing na twee honderd-en-vyfdes was, en die verwysing in paragraaf (a) van sub-artikel (1) van artikel *agt-en-veertig* na drie tweehonderd-en-twintigstes 'n verwysing na een vyf-en-vyftigste was, na gelang van die omstandighede;
 - (iii) die bedrae (behalwe voorlopige bydraes ingevolge artikel *drie-en-twintig*, *vier-en-dertig* of *vyf-en-veertig*) deur die lid en ten opsigte van die lid in 'n nuwe fonds gestort, met rente teen die koers van vier persent per jaar op dubbel die bedrae ten opsigte van die lid gestort, bereken volgens die datums waarop daardie bedrae betaalbaar geword het of, in die geval van agterstallige bydraes, asof daardie bydraes gereeld betaal was vanaf die datum waarop sy pensioengewende diens begin het, uit die betrokke fonds in inkomste gestort moet word.
- (2) (a) 'n Jaargeld kragtens hierdie artikel toegeken, kan in die eerste instansie tydelik toegeken word, en kan van tyd tot tyd verhoog of verminder word na gelang van verandering in die lid se mate van arbeidsongeskiktheid, totdat die mate van arbeidsongeskiktheid finaal vasgestel word.
 - (b) 'n Jaargeld kan voor bedoelde finale vasstelling deur 'n gratifikasie vervang word, en in daardie geval kan betalings wat ten opsigte van die jaargeld geskied het by die berekening van die gratifikasie buite rekening gelaat word.
 - (c) Die finale vasstelling van die mate van arbeidsongeskiktheid geskied binne 'n tydperk van vyf jaar vanaf die datum van afdanking of ontslag, en 'n jaargeld by so 'n finale vasstelling aan die lid toegeken, word daarna nie verhoog of verminder nie: Met dien verstande dat as op grond van mediese getuienis tot bevrediging van die Tesourie bewys word dat so 'n lid se mate van arbeidsongeskiktheid aansienlik toeneem het, en dat die toename uit die letsel of slegte gesondheid

ill-health which resulted in his retirement or discharge, the annuity may be increased accordingly.

- (3) (a) An annuity payable under this section may, subject to sub-paragraph (b) of paragraph (ii) of the proviso to sub-section (1), be reduced if the pensioner at any time before such final determination unreasonably refuses to undergo such treatment for the condition which resulted in his retirement or discharge as the Treasury, after consultation with a medical practitioner, considers to be necessary.
- (b) A pensioner whose annuity has been so reduced may claim a medical examination by a board consisting of three medical practitioners, two of whom shall be nominated by the Treasury and one by the pensioner, to determine whether his refusal to undergo such treatment was unreasonable or not, and if such board finds that his refusal was not unreasonable, he shall be paid his annuity at the same rate as before the reduction together with any portion thereof which has been withheld as a result of the reduction.
- (4) (a) The Treasury may, on such conditions as it may determine, permit the conversion into a gratuity of a portion of an annuity which has been granted under this section—
 - (i) to a person whose degree of disablement has not been finally determined, if he has had not less than ten years' pensionable service and makes application for such conversion within six months from the date upon which he is notified of the grant of such annuity;
 - (ii) to a person whose degree of disablement has been finally determined, if he makes application for such conversion within six months from the date upon which he is notified of such final determination:

Provided that no conversion shall be made which would cause the annuity to be reduced, in the case of a person referred to in sub-paragraph (i), by more than one-fourth of the minimum annuity according to sub-paragraph (b) of paragraph (ii) of the proviso to sub-section (1), or in the case of a person referred to in sub-paragraph (ii), by more than one-fourth.

- (b) If such conversion has taken place in the case of a person referred to in sub-paragraph (i) of paragraph (a) and the annuity is increased upon the final determination of such person's disablement, the Treasury may, on application in accordance with sub-paragraph (ii) of paragraph (a), permit the conversion of a portion of the annual amount by which the annuity has been increased: Provided that such conversion shall not cause the said amount to be reduced by more than one-fourth.
- (5) (a) If a member of a new fund who has been granted a pension under this section is re-appointed to a post in the public service, the period of his pensionable service prior to retirement or discharge may, on such conditions as the Treasury may determine, be reckoned as continuous with his service following the re-appointment, if such member makes written application therefor within thirty days from the date upon which he is called upon by the Commissioner to do so, and accepts the conditions so determined within three months from the date upon which he is advised of those conditions.
- (b) If the pensionable service of such member is so reckoned the amount paid to revenue in terms of paragraph (iii) of the proviso to sub-section (1), shall be repaid out of revenue to the new fund to which he becomes a contributor together with interest at four per cent. per annum, compounded annually as at the thirty-first day of March and calculated as from the date upon which the amount was paid to revenue: Provided that if the amount (inclusive of interest) so repaid is more or less than the amount which is required by such fund in respect of the member's pensionable service prior to retirement or discharge, the excess shall be disposed of in such manner as the Treasury may determine or the deficiency shall be paid from revenue, from the fund to which he contributed prior

wat op sy afdanking of ontslag uitloop het, ontstaan, die jaargeld dien ooreenkomstig verhoog kan word.

- (3) (a) 'n Jaargeld kragtens hierdie artikel betaalbaar, kan, onderworpe aan sub-paragraaf (b) van paragraaf (ii) van die voorbehoudsbepaling by sub-artikel (1), verminder word indien die pensioentrekker te eniger tyd voor bedoelde finale vasstelling op onredelike wyse weier om sodanige behandeling vir die toestand wat op sy afdanking of ontslag uitloop het, te ondergaan as wat die Tesourie na oorlegpleging met 'n geneesheer nodig ag.
- (b) 'n Pensioentrekker wie se jaargeld aldus verminder is, kan 'n mediese ondersoek eis deur 'n raad bestaande uit drie geneeshere, van wie twee deur die Tesourie en een deur die pensioentrekker benoem word, om vas te stel of sy weiering om sodanige behandeling te ondergaan onredelik was al dan nie, en as so 'n raad bevind dat sy weiering nie onredelik was nie, word sy jaargeld volgens dieselfde skaal as voor die vermindering aan hom betaal, asook enige gedeelte daarvan wat as gevolg van die vermindering weerhou is.
- (4) (a) Die Tesourie kan, op die voorwaardes wat hy mag vasstel, die omsetting in 'n gratifikasie toestaan van 'n gedeelte van 'n jaargeld wat kragtens hierdie artikel toegeken is—
 - (i) aan iemand wie se mate van arbeidsongeskiktheid nie finaal vasgestel is nie, indien hy nie minder as tien jaar pensioengewende diens gehad het nie en om bedoelde omsetting aansoek doen binne ses maande vanaf die datum waarop hy van die toekenning van bedoelde jaargeld in kennis gestel word;
 - (ii) aan iemand wie se mate van arbeidsongeskiktheid finaal vasgestel is, indien hy om bedoelde omsetting aansoek doen binne ses maande vanaf die datum waarop hy van daardie finale vasstelling in kennis gestel word:

Met dien verstande dat geen omsetting plaasvind nie waardeur die jaargeld, in die geval van iemand in sub-paragraaf (i) bedoel, met meer as 'n kwart van die minimum jaargeld volgens sub-paragraaf (b) van paragraaf (ii) van die voorbehoudsbepaling by sub-artikel (1) of, in die geval van iemand in sub-paragraaf (ii) bedoel, met meer as 'n kwart verminder sou word.
- (b) Indien bedoelde omsetting in die geval van 'n in sub-paragraaf (i) van paragraaf (a) bedoelde persoon plaasgevind het, en die jaargeld by die finale vasstelling van so iemand se arbeidsongeskiktheid verhoog word, kan die Tesourie op aansoek ooreenkomstig sub-paragraaf (ii) van paragraaf (a) die omsetting toestaan van 'n gedeelte van die jaarlikse bedrag waarmee die jaargeld verhoog is: Met dien verstande dat daardie bedrag nie deur die omsetting met meer as 'n kwart verminder word nie.
- (5) (a) Indien 'n lid van 'n nuwe fonds aan wie 'n pensioen kragtens hierdie artikel toegeken is, weer in 'n pos in die staatsdiens aangestel word, kan die tydperk van sy pensioengewende diens voor afdanking of ontslag, op die voorwaardes wat die Tesourie mag bepaal, as aaneenlopend met sy diens na die heraanstelling gereken word, indien so 'n lid binne dertig dae vanaf die datum waarop hy deur die Kommissaris aangesê word om dit te doen, skriftelik daarom aansoek doen, en die aldus vasgestelde voorwaardes aanneem binne drie maande vanaf die datum waarop daardie voorwaardes aan hom meegedeel word.
- (b) Indien die pensioengewende diens van so 'n lid aldus gereken word, word die bedrag wat ooreenkomstig paragraaf (iii) van die voorbehoudsbepaling by sub-artikel (1) in inkomste gestort is, uit inkomste in die nuwe fonds waartoe hy 'n bydraer word, teruggestort met rente teen vier persent per jaar, jaarliks saamgestel op die een-en-dertigste dag van Maart, en bereken vanaf die datum waarop die bedrag in inkomste gestort was: Met dien verstande dat indien die bedrag (met inbegrip van rente) aldus teruggestort meer of minder is as die bedrag wat ten opsigte van die lid se pensioengewende diens voor sy afdanking of ontslag vir bedoelde fonds nodig is, daar oor die oorskot beskik word op die wyse wat die Tesourie mag bepaal, of die tekort uit inkomste, uit die fonds waartoe hy voor sy

to retirement or discharge, and by the member, in such proportions as the Treasury may determine.

- (c) The provisions of this sub-section shall *mutatis mutandis* apply in respect of a person to whom a pension has been granted under section *twenty-nine* of the Pensions Act and who is re-appointed to a post in the public service on or after the commencement of this Act.

(6) A member to whom a pension has been granted under this section shall cease to be liable for any arrear contributions and any amount payable by him in terms of sub-section (3) or (4) of section *eight* which are unpaid at the date of his retirement or discharge.

(7) The provisions of this section shall not apply to any person who became a member of the old fund under the provisions of paragraph (a) of section *eighteen* of the Pensions Act with effect from a date after the thirtieth day of September, 1954, or who becomes a member of the Union pension fund under the provisions of section *twenty-four* of this Act.

Benefits to dependants on death from injury or ill-health resulting from discharge of duties.

66. (1) If a member of a new fund, other than a person referred to in sub-section (6), dies as a result of an injury sustained or an illness contracted in the circumstances described in section *sixty-five*, the Treasury shall, subject to the provisions of section *twenty-nine* of the Workmen's Compensation Act, 1941 (Act No. 30 of 1941), whether or not the injury or illness is attributable to the member's drunkenness or to his serious and wilful misconduct, grant to or for the benefit of such of his dependants as the Treasury may determine, in lieu of any other benefit that may be payable to the dependants of such member in terms of this Act, not being a benefit from a widows' pension fund, such annuity, not exceeding one-half of the annual pensionable emoluments last drawn by such member, or such gratuity, as the Treasury considers to be reasonable in the circumstances of the case: Provided that such annuity or gratuity shall not be of a lesser value than such other benefit: Provided further that if a member dies before his retirement or discharge from the public service, the amounts (other than provisional contributions under section *twenty-three*, *thirty-four* or *forty-five*) paid to the said fund by the member and in respect of the member, shall be paid to revenue out of that fund, together with interest at the rate of four per cent. per annum on twice the amounts paid in respect of the member, calculated according to the dates upon which those amounts became payable or in the case of arrear contributions, as if payment of such contributions were regularly made from the date upon which his pensionable service commenced.

(2) Any such annuity shall cease to be payable—

- (a) in the case of a female dependant other than a minor, when she marries;
- (b) in the case of a female dependant who is a minor, when she reaches the age of twenty-one years or marries; and
- (c) in the case of a male dependant, when he reaches the age of eighteen years:

Provided that in the case of a non-European person the ages mentioned in paragraphs (b) and (c) shall be sixteen years: Provided further that the Treasury may grant or continue the payment of an annuity to a dependant after such dependant has reached the age mentioned, for any period during which he is attending an educational institution or is, by reason of age or mental or physical infirmity, unable to maintain himself: Provided further that on the remarriage of the widow of a member, to whom an annuity has been awarded under this section, such widow shall be granted a gratuity equal to the amount of such annuity for one year.

(3) (a) If a member of a new fund who has been retired or discharged on an annuity in the circumstances mentioned in section *sixty-five*, dies within five years of the date of his retirement or discharge from the public service, and under such circumstances that his dependants are not entitled to any benefit under sub-section (1), there shall be paid to or for the benefit of such of his dependants as the Treasury may determine a gratuity equal to the aggregate amount of the annuity which would have been paid to such member from the date of his death until the expiry of the said five years, had he not died.

(b) Any such gratuity shall be allocated amongst the said dependants in such manner as the Treasury may

afdanking of ontslag 'n bydraer was en deur die lid betaal word volgens die verhoudings wat die Tesourie mag bepaal.

- (c) Die bepalings van hierdie sub-artikel is *mutatis mutandis* van toepassing ten opsigte van iemand aan wie 'n pensioen kragtens artikel *nege-en-twintig* van die Pensioenwet toegeken is, en wat op of na die inwerking-treding van hierdie Wet weer in 'n pos in die staatsdiens aangestel word.

(6) 'n Lid aan wie 'n pensioen kragtens hierdie artikel toegeken is, hou op om aanspreeklik te wees vir agterstallige bydraes en enige ingevolge sub-artikel (3) of (4) van artikel *agt* deur hom verskuldigde bedrag wat op die datum van sy afdanking of ontslag nog nie betaal is nie.

(7) Die bepalings van hierdie artikel is nie van toepassing nie op iemand wat kragtens die bepalings van paragraaf (a) van artikel *agtien* van die Pensioenwet 'n lid van die ou fonds geword het met ingang vanaf 'n datum na die dertigste dag van September 1954, of wat kragtens die bepalings van artikel *vier-en-twintig* van hierdie Wet 'n lid van die Unie pensioenfonds word.

66. (1) Indien 'n ander lid van 'n nuwe fonds as 'n in sub-artikel (6) bedoelde persoon, as gevolg van letsel of siekte onder die in artikel *vyf-en-sestig* beskrewe omstandighede opgedoen, te sterwe kom, moet die Tesourie, behoudens die bepalings van artikel *nege-en-twintig* van die Ongevallewet, 1941 (Wet No. 30 van 1941), hetsy die letsel of siekte aan die lid se dronkenskap of aan sy ernstige en opsetlike wangedrag te wyte is al dan nie, in die plek van enige ander voordeel wat ingevolge hierdie Wet aan die afhanklikes van so 'n lid betaalbaar mag wees (uitgesonderd 'n voordeel uit 'n weduweespensioenfonds), aan of ten bate van diegene van sy afhanklikes wat die Tesourie mag aanwys, so 'n jaargeld, wat die helfte van die jaarlikse pensioengewende verdienste laas deur so 'n lid getrek nie te bowe gaan nie, of so 'n gratifikasie, toeken as wat die Tesourie onder die omstandighede van die geval redelik ag: Met dien verstande dat so 'n jaargeld of gratifikasie nie minder in waarde is as bedoelde ander voordeel nie: Met dien verstande voorts dat indien 'n lid voor sy afdanking of ontslag uit die staatsdiens te sterwe kom, die bedrae (behalwe voorlopige bydraes ingevolge artikel *drie-en-twintig*, *vier-en-dertig* of *vyf-en-veertig*) deur die lid en ten opsigte van die lid in bedoelde fonds gestort, met rente teen die koers van vier persent per jaar op dubbel die bedrae ten opsigte van die lid gestort, bereken volgens die datums waarop daardie bedrae betaalbaar geword het of, in die geval van agterstallige bydraes, asof daardie bydraes gereeld betaal was vanaf die datum waarop sy pensioengewende diens begin het, uit daardie fonds in inkomste gestort moet word.

(2) So 'n jaargeld hou op om betaalbaar te wees—

(a) in die geval van 'n vroulike afhanklike wat nie 'n minderjarige is nie, wanneer sy trou;

(b) in die geval van 'n vroulike afhanklike wat 'n minderjarige is, wanneer sy die leeftyd van een-en-twintig jaar bereik of trou; en

(c) in die geval van 'n manlike afhanklike, wanneer hy die leeftyd van agtien jaar bereik:

Met dien verstande dat in die geval van 'n nie-blanke die in paragrafe (b) en (c) bedoelde leeftyd sestien jaar is: Met dien verstande voorts dat die Tesourie 'n jaargeld aan 'n afhanklike kan toeken of kan voortgaan om dit aan hom te betaal nadat daardie afhanklike die bedoelde leeftyd bereik het, solank as wat hy 'n onderwys-inrigting bywoon of weens ouderdom of geestes- of liggaamsgebrek nie in staat is om homself te onderhou nie: Met dien verstande voorts dat indien 'n lid se weduwee aan wie ingevolge hierdie artikel 'n jaargeld toegeken is, weer trou, daar aan haar 'n gratifikasie gelyk aan die bedrag van die jaargeld vir een jaar toegeken word.

(3) (a) Indien 'n lid van 'n nuwe fonds wat onder die in artikel *vyf-en-sestig* bedoelde omstandighede met 'n jaargeld afgedank of ontslaan is, binne vyf jaar vanaf die datum van sy afdanking of ontslag uit die staatsdiens te sterwe kom onder omstandighede waaronder sy afhanklikes nie op enige voordeel ingevolge sub-artikel (1) geregtig is nie, word aan of ten bate van diegene van sy afhanklikes wat die Tesourie mag aanwys 'n gratifikasie betaal gelyk aan die totaalbedrag van die jaargeld wat aan so 'n lid vanaf die datum van sy dood tot by die verstryking van bedoelde vyf jaar betaal sou geword het as hy nie gesterf het nie.

(b) So 'n gratifikasie word op so 'n wyse onder bedoelde afhanklikes toegewys as wat die Tesourie mag bepaal,

Voordele aan afhanklikes by dood as gevolg van letsel of slegte gesondheid wat voortspuit uit vervulling van pligte.

determine, and the Treasury may, in the case of dependants other than the widow of a member, reduce any such gratuity to an extent which, having regard to the circumstances of such dependants, appears to it to be reasonable.

(4) Any annuity or gratuity granted under this section shall be paid out of revenue.

(5) Any arrear contributions and any amount due in terms of sub-section (3) or (4) of section *eight* which were payable by a deceased member to or for the benefit of whose dependants an annuity or gratuity has been granted under this section, and which are unpaid at the date of such member's death, shall cease to be payable.

(6) The provisions of this section shall not apply to the dependants of any person who became a member of the old fund under the provisions of paragraph (a) of section *eighteen* of the Pensions Act with effect from a date after the thirtieth day of September, 1954, or who becomes a member of the Union pension fund under the provisions of section *twenty-four* of this Act.

Application of sections 65 and 66 to officers and employees not falling under Chapter I or having no pension rights, and to their dependants.

67. The provisions of sections *sixty-five* and *sixty-six* shall *mutatis mutandis* apply in the circumstances therein described to all officers and employees of the Government whose pension rights are governed by provisions other than those contained in Chapter I, or who possess no pension rights, and to the dependants of such officers or employees: Provided that any benefit under the said sections shall be in lieu of any pension payable under such other provisions, not being a pension from a widows' pension fund: Provided further that the provisions of this section shall not apply to any employee of the Government appointed and employed by the Government outside the Union or the territory with effect from a date after the thirtieth day of September, 1954, or to the dependants of such an employee.

Treatment for disablement resulting from discharge of duties.

68. (1) If any person formerly employed by the Government, who has been retired or discharged in the circumstances described in section *sixty-five*, has suffered any disablement as the result of bodily injury or permanent ill-health arising out of and in the course of the discharge of his official duties, the Treasury may authorize treatment for the disablement, and if the disablement involves the loss of the use of any part of the body, such person shall be entitled to receive any artificial part of the body or any mechanical device necessitated by such disablement, and any such part or device shall whenever necessary be renewed, repaired or adjusted: Provided that the need for such treatment, renewal, repair or adjustment is not attributable to such person's drunkenness or serious and wilful misconduct.

(2) If the Treasury is satisfied that any such person who is in employment has, while undergoing treatment under sub-section (1), suffered loss of salary or wages for a continuous period of not less than six days, the Treasury may grant to him, if he receives an annuity under section *sixty-five*, an allowance not exceeding the amount by which such portion of such annuity, as would be payable in respect of that period, is less than such portion of the maximum annuity which could have been granted to him under paragraph (a) of sub-section (1) of that section, as would have been payable in respect of that period, or if he receives no annuity under that section, an allowance not exceeding the said portion of the annuity which could have been so granted to him.

(3) The expenditure incurred in giving effect to the provisions of sub-sections (1) and (2) shall be paid out of revenue.

(4) The provisions of this section shall not apply to any person while he is entitled to medical aid under the Workmen's Compensation Act, 1941, or to any employee of the Government appointed and employed by the Government outside the Union or the territory with effect from a date after the thirtieth day of September, 1954.

Awards to non-European employees and their dependants.

69. (1) Subject to the provisions of sub-section (10), a non-European employee of the Government in respect of whom provision for a pension is not otherwise made by law, or who becomes subject to the provisions of this sub-section in terms of sub-section (3), or who does not become a contributor to the police and prisons pension fund in terms of sub-section (1) of section *forty-three*, shall on retirement or discharge at the pensionable age, or for a reason mentioned in paragraph (b),

en die Tesourie kan so 'n gratifikasie in die geval van ander afhanklikes as die weduwee van die lid, verminder in die mate wat hy met inagneming van die omstandighede van bedoelde afhanklikes redelik ag.

(4) 'n Jaargeld of gratifikasie kragtens hierdie artikel toegeken, word uit inkomste betaal.

(5) Agterstallige bydraes en enige ingevolge sub-artikel (3) of (4) van artikel *agt* verskuldigde bedrag wat deur 'n oorlede lid aan of ten bate van wie se afhanklikes 'n jaargeld of gratifikasie kragtens hierdie artikel toegeken is, betaalbaar was, en wat op die datum van so 'n lid se dood nog nie betaal is nie, hou op om betaalbaar te wees.

(6) Die bepalinge van hierdie artikel is nie van toepassing nie op die afhanklikes van iemand wat kragtens die bepalinge van paragraaf (a) van artikel *agtien* van die Pensioenwet 'n lid van die ou fonds geword het met ingang vanaf 'n datum na die dertigste dag van September 1954, of wat kragtens die bepalinge van artikel *vier-en-twintig* van hierdie Wet 'n lid van die Unie-pensioenfonds word.

67. Die bepalinge van artikels *vyf-en-sestig* en *ses-en-sestig* is, onder die daarin beskrewe omstandighede, *mutatis mutandis* van toepassing op alle amptenare en werknemers van die Regering wie se pensioenregte deur ander bepalinge as die bepalinge van Hoofstuk I gereël word, of wat geen pensioenregte het nie, en op die afhanklikes van sulke amptenare of werknemers: Met dien verstande dat 'n voordeel kragtens bedoelde artikels in die plek van 'n pensioen betaalbaar kragtens bedoelde ander bepalinge gestel word, behalwe wat betref 'n pensioen uit 'n weduwees-pensioenfonds: Met dien verstande voorts dat die bepalinge van hierdie artikel nie van toepassing is nie op 'n werknemer van die Regering wat met ingang vanaf 'n datum na die dertigste dag van September 1954 buite die Unie of die gebied deur die Regering aangestel en in diens gehou word, of op die afhanklikes van so 'n werknemer.

Toepassing van artikels 65 en 66 op amptenare en werknemers wat nie onder Hoofstuk I val nie of geen pensioenregte het nie, en op hul afhanklikes.

68. (1) Indien iemand wat voorheen in diens van die Regering was en wat onder die omstandighede in artikel *vyf-en-sestig* beskryf, afgedank of ontslaan is, een of ander liggaamsgebrek opgeloopt het as gevolg van 'n letsel of blywende slegte gesondheid wat uit en in die loop van die vervulling van sy ampspligte ontstaan het, kan die Tesourie magtiging verleen vir die behandeling vir die gebrek, en indien die gebrek met die verlies van die gebruik van 'n liggaamsdeel gepaard gaan, is so iemand geregtig om 'n kunsmatige liggaamsdeel of toestel te ontvang wat weens daardie gebrek nodig is, en so 'n deel of toestel moet wanneer nodig hernu, herstel of aangepas word: Met dien verstande dat die noodsaaklikheid vir bedoelde behandeling, hernuwing, herstel of aanpassing nie aan so iemand se dronkenskap of ernstige en opsetlike wangedrag te wyte is nie.

Behandeling vir gebrek wat voortspruit uit vervulling van pligte.

(2) Indien die Tesourie oortuig is dat so iemand wat in diens is, vir 'n aaneenlopende tydperk van minstens ses dae verlies aan salaris of loon gely het terwyl hy ingevolge sub-artikel (1) behandeling ondergaan het, kan die Tesourie aan hom 'n toelae toeken wat, indien hy ingevolge artikel *vyf-en-sestig* 'n jaargeld trek, nie meer is nie as die bedrag wat die ten opsigte van daardie tydperk betaalbare gedeelte van bedoelde jaargeld minder is as so 'n gedeelte van die maksimum jaargeld wat ingevolge paragraaf (a) van sub-artikel (1) van daardie artikel aan hom toegeken sou kon geword het, as wat ten opsigte van daardie tydperk betaalbaar sou gewees het, of indien hy geen jaargeld ingevolge daardie artikel trek nie, nie meer is nie as bedoelde gedeelte van die jaargeld wat aldus aan hom toegeken sou kon geword het.

(3) Die uitgawes by die uitvoering van die bepalinge van sub-artikels (1) en (2) beloop, word uit inkomste betaal.

(4) Die bepalinge van hierdie artikel is nie op iemand van toepassing nie terwyl hy ingevolge die Ongevallewet, 1941, op geneeskundige hulp geregtig is of op enige werknemer van die Regering wat met ingang vanaf 'n datum na die dertigste dag van September 1954 buite die Unie of die gebied deur die Regering aangestel en in diens gehou word.

69. (1) 'n Nie-blanke werknemer van die Regering ten opsigte van wie voorsiening vir 'n pensioen nie andersins by wet gemaak word nie, of wat ingevolge sub-artikel (3) aan die bepalinge van hierdie sub-artikel onderhewig word, of wat nie ingevolge sub-artikel (1) van artikel *drie-en-veertig* 'n bydraer tot die polisie- en gevangenisdiens-pensioenfonds word nie, is, behoudens die bepalinge van sub-artikel (10), by uitdienstreding of ontslag op die pensioenleeftyd, of om 'n rede

Toekenning aan nie-blanke werknemers en hul afhanklikes.

(c), (d) or (e) of sub-section (1) of section *twenty-seven*, or under sub-section (3) of section *nineteen* of the Public Service Act, be entitled to a pension according to the following provisions:

- (a) If his pensionable service is five years or more, but less than fifteen years, a gratuity calculated at the rate of one-half of his pensionable emoluments during the last month of his pensionable service for each complete year of his pensionable service.
 - (b) If his pensionable service is fifteen years or more, but less than twenty-five years, an annuity calculated at the rate of twenty shillings for each complete year of his pensionable service, but not exceeding one-half of his average annual pensionable emoluments during the last ten years of such service.
 - (c) If his pensionable service is twenty-five years or more, either an annuity calculated at the rate of thirty shillings for each complete year of his pensionable service, or an annuity of two-thirds of his average annual pensionable emoluments during the last ten years of such service, whichever is the lesser.
- (2) (a) If a non-European employee to whom sub-section (1) applies, dies after the completion of five years' pensionable service, there may, subject to the provisions of paragraph (b), be paid to or for the benefit of such of his dependants as the Treasury may determine—
- (i) if death occurs before his retirement or discharge, a gratuity calculated at a rate not exceeding one-half of his pensionable emoluments during the last month of his pensionable service in respect of each complete year of his pensionable service; or
 - (ii) if death occurs after his retirement or discharge on an annuity, a gratuity equal to the amount by which the gratuity which could have been paid to his dependants under sub-paragraph (i), had his death occurred immediately before retirement or discharge, exceeds the amount of the pension payments which have been made to such employee up to the time of his death.
- (b) The provisions of sub-section (3) of section *thirty* shall *mutatis mutandis* apply in respect of any gratuity referred to in this sub-section.
- (3) If a non-European employee to whom sub-section (1) applies, or any non-European employee who is appointed after the commencement of this Act, becomes or is liable to contribute to the Union pension fund under Part C of Chapter I, he shall elect in writing within three months from the date upon which he is called upon to do so, whether he is to be subject to the provisions of Part C of Chapter I or of sub-section (1), and if he fails so to elect, he shall be subject to the provisions of sub-section (1).
- (4) Notwithstanding the provisions of sub-section (3), a non-European employee who is or has elected to be subject to the provisions of Part C of Chapter I, or has elected in terms of sub-section (1) of section *forty-three* to become a contributor to the police and prisons pension fund, or becomes a contributor to such fund in terms of section *forty-one*, and who retires or is retired or discharged from the public service in terms of section *twenty-six* or *forty-six* of this Act, or for a reason mentioned in paragraph (b), (c), (d) or (e) of sub-section (1) of section *twenty-seven* of this Act or under sub-section (3) of section *nineteen* of the Public Service Act, shall, if he is granted a pension from a new fund, be entitled, in addition to such pension, to a pension in respect of his pensionable service (if any) as a non-contributor to a new fund, in accordance with the following provisions:
- (a) If the period of his continuous pensionable service, both as a contributor and as a non-contributor to a new fund, is five years or more, but less than fifteen years, and his pensionable service as a non-contributor to a new fund is not less than one year, a gratuity calculated at the rate of one-half of his pensionable emoluments during the last month of his

in paragraaf (b), (c), (d) of (e) van sub-artikel (1) van artikel *sewe-en-twintig* vermeld, of kragtens sub-artikel (3) van artikel *negentien* van die Staatsdienswet, geregtig op 'n pensioen ooreenkomstig die volgende bepalinge:

- (a) Indien sy pensioengewende diens vyf jaar of meer, maar minder as vyftien jaar beloop, 'n gratifikasie bereken volgens die skaal van die helfte van sy pensioengewende verdienste gedurende die laaste maand van sy pensioengewende diens vir elke voltooide jaar van sy pensioengewende diens.
 - (b) Indien sy pensioengewende diens vyftien jaar of meer, maar minder as vyf-en-twintig jaar beloop, 'n jaargeld bereken volgens die skaal van twintig sjelings vir elke voltooide jaar van sy pensioengewende diens, maar die helfte van sy gemiddelde jaarlikse pensioengewende verdienste gedurende die laaste tien jaar van daardie diens nie te bowe gaande nie.
 - (c) Indien sy pensioengewende diens vyf-en-twintig jaar of meer beloop, of 'n jaargeld bereken volgens die skaal van dertig sjelings vir elke voltooide jaar van sy pensioengewende diens, of 'n jaargeld van tweederdes van sy gemiddelde jaarlikse pensioengewende verdienste gedurende die laaste tien jaar van daardie diens, na gelang van watter die minste is.
- (2) (a) Indien 'n nie-blanke werknemer op wie sub-artikel (1) van toepassing is, na die voltooiing van vyf jaar pensioengewende diens te sterwe kom, kan daar met inagneming van die bepalinge van paragraaf (b), aan of ten bate van diegene van sy afhanklikes wat die Tesourie mag aanwys—
- (i) as die dood voor sy uitdienstreding of ontslag plaasvind, 'n gratifikasie betaal word wat bereken word volgens 'n skaal van hoogstens die helfte van sy pensioengewende verdienste gedurende die laaste maand van sy pensioengewende diens, ten opsigte van elke voltooide jaar van sy pensioengewende diens; of
 - (ii) as die dood na sy uitdienstreding of ontslag met 'n jaargeld plaasvind, 'n gratifikasie betaal word gelyk aan die bedrag waarmee die gratifikasie wat kragtens sub-paragraaf (i) aan sy afhanklikes betaal sou kon geword het as sy dood onmiddellik voor uitdienstreding of ontslag plaasgevind het, die bedrag van die pensioengelde wat aan so 'n werknemer tot by sy dood betaal is, te bowe gaan.
- (b) Die bepalinge van sub-artikel (3) van artikel *dertig* is *mutatis mutandis* van toepassing ten opsigte van 'n gratifikasie in hierdie sub-artikel bedoel.
- (3) Indien 'n nie-blanke werknemer op wie sub-artikel (1) van toepassing is, of 'n nie-blanke werknemer wat na die inwerkingtreding van hierdie Wet aangestel word, onder verpligting kom of is om ingevolge Deel C van Hoofstuk I tot die Unie-pensioenfonds by te dra, moet hy binne drie maande vanaf die datum waarop hy aangesê word om dit te doen, skriftelik kies of hy onder die bepalinge van Deel C van Hoofstuk I dan wel van sub-artikel (1) wil val, en as hy versuim om aldus te kies, val hy onder die bepalinge van sub-artikel (1).
- (4) Ondanks die bepalinge van sub-artikel (3), is 'n nie-blanke werknemer wat onder die bepalinge van Deel C van Hoofstuk I val, of gekies het om daaronder te val, of ooreenkomstig sub-artikel (1) van artikel *drie-en-veertig* gekies het om 'n bydraer tot die polisie- en gevangenisdiens-pensioenfonds te word, of ingevolge artikel *een-en-veertig* 'n bydraer tot daardie fonds word, en wat ingevolge artikel *ses-en-twintig* of *ses-en-veertig* van hierdie Wet, of om 'n rede in paragraaf (b), (c), (d) of (e) van sub-artikel (1) van artikel *sewe-en-twintig* van hierdie Wet bedoel, of kragtens sub-artikel (3) van artikel *negentien* van die Staatsdienswet uit die staatsdiens aftree of afgedank of ontslaan word, indien 'n pensioen uit 'n nuwe fonds aan hom toegeken word, daarbenewens geregtig op 'n pensioen ten opsigte van sy pensioengewende diens (as daar is) as 'n nie-bydraer tot 'n nuwe fonds, ooreenkomstig die volgende bepalinge:
- (a) Indien die tydperk van sy ononderbroke pensioengewende diens, beide as 'n bydraer en as 'n nie-bydraer tot 'n nuwe fonds, vyf jaar of meer, maar minder as vyftien jaar beloop, en sy pensioengewende diens as 'n nie-bydraer tot 'n nuwe fonds minstens een jaar beloop, 'n gratifikasie bereken volgens die skaal van die helfte van sy pensioengewende verdienste gedurende die laaste maand van sy pensioengewende diens as 'n nie-

pensionable service as a non-contributor to a new fund for each complete year of such service.

(b) If the period of his continuous pensionable service, both as a contributor and as a non-contributor to a new fund, is fifteen years or more, but less than twenty-five years, and his pensionable service as a non-contributor to a new fund is not less than one year, an annuity calculated at the rate of twenty shillings for each complete year of his pensionable service as a non-contributor to a new fund, but not exceeding one-half of his average annual pensionable emoluments during the last ten years of such service or during the whole period of such service, whichever is the lesser period.

(c) If the period of his continuous pensionable service, both as a contributor and as a non-contributor to a new fund, is twenty-five years or more, and his pensionable service as a non-contributor to a new fund is not less than one year, an annuity calculated at the rate of thirty shillings for each complete year of his pensionable service as a non-contributor to a new fund, but not exceeding two-thirds of his average annual pensionable emoluments during the last ten years of such service or during the whole period of such service, whichever is the lesser period.

(5) A non-European employee who becomes entitled to an annuity in terms of paragraph (b) or (c) of sub-section (4), and who has had less than ten years pensionable service as a contributor to a new fund, shall, notwithstanding anything to the contrary in this Act contained, be granted from the appropriate new fund an annuity, or an annuity together with a gratuity, in respect of and based on his pensionable service as a contributor to a new fund.

(6) If a non-European employee who is or has elected to be subject to the provisions of Part C of Chapter I or who has elected in terms of sub-section (1) of section *forty-three* to become a contributor to the police and prisons pension fund, dies after he has completed five years continuous pensionable service both as a contributor and as a non-contributor to a new fund, and his pensionable service as a non-contributor to a new fund is not less than one year, the provisions of sub-section (2) shall, in respect of his dependants, apply *mutatis mutandis* in respect of his pensionable service as a non-contributor to a new fund: Provided that—

(a) the gratuity payable in terms of sub-paragraph (i) of paragraph (a) of sub-section (2) shall be based on the pensionable emoluments of such employee during the last month of his pensionable service as a non-contributor to a new fund;

(b) the gratuity payable in terms of sub-paragraph (ii) of paragraph (a) of sub-section (2), shall be equal to the amount by which the gratuity which could have been paid to the dependants of such employee in terms of sub-paragraph (i) of paragraph (a) of that sub-section, as so applied, had his death occurred immediately before retirement or discharge, exceeds the amount of the pension payments which have been made to such employee in terms of paragraph (b) or (c) of sub-section (4) up to the time of his death.

(7) Sub-sections (4) and (6) shall not apply in respect of a non-European employee, unless—

(a) he elected, in terms of section *fifteen* of the Pensions Act, to contribute to the old fund in respect of that period of his continuous employment prior to the date on which he became subject to the provisions of Chapter I of that Act, in respect of which he was in terms of the said section given the option of contributing to that fund; or

(b) he has, in terms of sub-section (1) of section *eight* of this Act, elected to contribute to the Union pension fund in respect of that period of his continuous employment prior to the date on which he became subject to the provisions of Part C of Chapter I, in respect of which he has in terms of the said sub-section been given the option of contributing to that fund.

bydraer tot 'n nuwe fonds vir elke voltooide jaar van sodanige diens.

- (b) Indien die tydperk van sy ononderbroke pensioengewende diens, beide as 'n bydraer en as 'n nie-bydraer tot 'n nuwe fonds, vyftien jaar of meer, maar minder as vyf-en-twintig jaar beloop, en sy pensioengewende diens as 'n nie-bydraer tot 'n nuwe fonds minstens een jaar beloop, 'n jaargeld bereken volgens die skaal van twintig sjelings vir elke voltooide jaar van sy pensioengewende diens as 'n nie-bydraer tot 'n nuwe fonds, maar hoogstens die helfte van sy gemiddelde jaarlikse pensioengewende verdienste gedurende die laaste tien jaar van sodanige diens of gedurende die hele tydperk van sodanige diens, na gelang van watter tydperk die kortste is.
- (c) Indien die tydperk van sy ononderbroke pensioengewende diens, beide as 'n bydraer en as 'n nie-bydraer tot 'n nuwe fonds, vyf-en-twintig jaar of meer beloop, en sy pensioengewende diens as 'n nie-bydraer tot 'n nuwe fonds minstens een jaar beloop, 'n jaargeld bereken volgens die skaal van dertig sjelings vir elke voltooide jaar van sy pensioengewende diens as 'n nie-bydraer tot 'n nuwe fonds, maar hoogstens twee-derdes van sy gemiddelde jaarlikse pensioengewende verdienste gedurende die laaste tien jaar van sodanige diens of gedurende die hele tydperk van sodanige diens, na gelang van watter tydperk die kortste is.
- (5) Aan 'n nie-blanke werknemer wat ingevolge paragraaf (b) of (c) van sub-artikel (4) op 'n jaargeld geregtig word, en wat minder as tien jaar pensioengewende diens as 'n bydraer tot 'n nuwe fonds gehad het, word uit die betrokke nuwe fonds, ondanks andersluidende bepalings van hierdie Wet, 'n jaargeld of 'n jaargeld tesame met 'n gratifikasie, ten opsigte van en gebaseer op sy pensioengewende diens as 'n bydraer tot 'n nuwe fonds, toegeken.
- (6) Indien 'n nie-blanke werknemer wat onder die bepalings van Deel C van Hoofstuk I val, of gekies het om daaronder te val, of wat ooreenkomstig sub-artikel (1) van artikel *drie-en-veertig* gekies het om 'n bydraer tot die polisie- en gevangensdiens-pensioenfonds te word, te sterwe kom nadat hy vyf jaar ononderbroke pensioengewende diens beide as 'n bydraer en as 'n nie-bydraer tot 'n nuwe fonds voltooi het, en sy pensioengewende diens as 'n nie-bydraer tot 'n nuwe fonds minstens een jaar beloop, is die bepalings van sub-artikel (2) *mutatis mutandis* met betrekking tot sy afhanklikes van toepassing ten opsigte van sy pensioengewende diens as 'n nie-bydraer tot 'n nuwe fonds: Met dien verstande dat—
- (a) die gratifikasie wat ingevolge sub-paragraaf (i) van paragraaf (a) van sub-artikel (2) betaalbaar is, op die pensioengewende verdienste van so 'n werknemer gedurende die laaste maand van sy pensioengewende diens as 'n nie-bydraer tot 'n nuwe fonds gebaseer word;
- (b) die gratifikasie wat ingevolge sub-paragraaf (ii) van paragraaf (a) van sub-artikel (2) betaalbaar is, gelyk moet wees aan die bedrag waarmee die gratifikasie wat ingevolge sub-paragraaf (i) van paragraaf (a) van daardie artikel, soos aldus toegepas, aan die afhanklikes van bedoelde werknemer betaal sou kon geword het, indien sy dood onmiddellik voor uitdienstreding of ontslag plaasgevind het, die bedrag van die pensioengelde wat ingevolge paragraaf (b) of (c) van sub-artikel (4) tot by sy dood aan daardie werknemer betaal is, te bowe gaan.
- (7) Sub-artikels (4) en (6) is nie ten opsigte van 'n nie-blanke werknemer van toepassing nie, tensy—
- (a) hy ingevolge artikel *vyftien* van die Pensioenwet gekies het om tot die ou fonds by te dra ten opsigte van daardie tydperk van sy ononderbroke diens voor die datum waarop hy aan die bepalings van Hoofstuk I van daardie Wet onderhewig geword het, ten opsigte waarvan ingevolge daardie artikel aan hom die keuse toegestaan is om tot daardie fonds by te dra; of
- (b) hy ingevolge sub-artikel (1) van artikel *agt* van hierdie Wet gekies het om tot die Unie-pensioenfonds by te dra ten opsigte van daardie tydperk van sy ononderbroke diens voor die datum waarop hy aan die bepalings van Deel C van Hoofstuk I onderhewig geword het, ten opsigte waarvan ingevolge genoemde sub-artikel aan hom die keuse toegestaan is om tot daardie fonds by te dra.

(8) Twenty-five per cent. of an annuity awarded in terms of sub-section (1) or paragraph (b) or (c) of sub-section (4) shall be converted into a gratuity on the basis of ten pounds for each pound so converted.

(9) Any annuity or gratuity under this section (excluding sub-section (5)) shall be paid out of revenue.

(10) The provisions of this section shall not apply to any employee of the Government appointed and employed by the Government outside the Union or the territory with effect from a date after the thirtieth day of September, 1954, or to the dependants of any such employee.

(11) The provisions of sub-section (6) of section *sixty-one* shall *mutatis mutandis* apply in respect of the pensionable emoluments of a non-European employee to whom this section applies.

(12) In this section—

- (i) "pensionable age" means not less than fifty-five and not more than sixty-five years; (i)
- (ii) "pensionable service" or "pensionable service as a non-contributor to a new fund", in respect of which any pension is to be calculated under this section shall be continuous, shall not be regarded as interrupted by leave of absence without pay or any period of suspension, and shall include time spent—
 - (a) on normal duty;
 - (b) on leave of absence with full or less than full pay;
 - (c) under suspension, with full or less than full pay, if followed by re-instatement in the same or another office or post, but shall not include the time spent on leave of absence or under suspension without pay; (iii)
- (iii) "pensionable service as a contributor to a new fund" means pensionable service in terms of section *nine*. (ii)

CHAPTER IV.

UNION WIDOWS' PENSION FUND.

Interpretation of terms used in this Chapter.

70. In this Chapter, unless the context otherwise indicates—

- (i) "additional contributions" means additional contributions referred to in section *seventy-four*; (i)
- (ii) "contributions" means contributions to the fund under section *eighty* of the Public Service Act, section *fifty-two* of the Pensions Act or section *seventy-three* of this Act; (ii)
- (iii) "fixed date" means the first day of July, 1955; (vi)
- (iv) "member" means a person who contributes to the fund in accordance with this Chapter, or who has ceased to contribute in terms of section *seventy-three*, and in respect of whom a pension or any other amount is payable from the fund; (v)
- (v) "the fund" means the Union Widows' Pension Fund referred to in sub-section (1) of section *seventy-one*; (iii)
- (vi) "the tables" means the tables referred to in sub-section (1) of section *seventy-six*. (iv)

Continuation of fund.

71. (1) The Union Widows' Pension Fund established under section *seventy-eight* of the Public Service Act and referred to in section *fifty* of the Pensions Act, shall be continued under the name of the "Union Widows' Pension Fund".

(2) The fund shall consist of—

- (a) the amount standing to the credit of the fund at the fixed date;
- (b) contributions and additional contributions made by members in accordance with the provisions of this Chapter;
- (c) the amounts paid to the fund out of revenue under section *eighty*;
- (d) interest received on deposits under section *eighty-two*; and
- (e) any other amounts which are to be credited to the fund.

(3) All pensions under this Chapter shall be paid out of the fund.

(8) Vyf-en-twintig persent van 'n jaargeld wat ingevolge sub-artikel (1) of paragraaf (b) of (c) van sub-artikel (4) toegeken word, word omgeset in 'n gratifikasie op grondslag van tien pond vir elke pond aldus omgeset.

(9) 'n Jaargeld of gratifikasie ingevolge hierdie artikel (uitgesonderd sub-artikel (5)) word uit inkomste betaal.

(10) Die bepalings van hierdie artikel is nie op 'n werknemer van die Regering wat met ingang vanaf 'n datum na die dertigste dag van September 1954 buite die Unie of die gebied deur die Regering aangestel en in diens gehou word, of op die afhanklikes van so 'n werknemer van toepassing nie.

(11) Die bepalings van sub-artikel (6) van artikel *een-en-sestig* is *mutatis mutandis* van toepassing ten opsigte van die pensioengewende verdienste van 'n nie-blanke werknemer op wie hierdie artikel van toepassing is.

(12) In hierdie artikel—

- (i) beteken „pensioenleeftyd” nie minder as vyf-en-vyftig en nie meer as vyf-en-sestig jaar nie; (i)
- (ii) beteken „pensioengewende diens as 'n bydraer tot 'n nuwe fonds” pensioengewende diens volgens artikel *nege*; (iii)
- (iii) moet „pensioengewende diens” of „pensioengewende diens as 'n nie-bydraer tot 'n nuwe fonds”, ten opsigte waarvan 'n pensioen kragtens hierdie artikel bereken moet word, ononderbroke wees en word dit nie geag deur afwesigheid met verlof sonder betaling of 'n tydperk van skorsing onderbreek te word nie, en word daarby inbegrepe tyd wat verloop het—
 - (a) met normale diens;
 - (b) met afwesigheid met verlof met volle of minder as volle betaling;
 - (c) tydens skorsing met volle of minder as volle betaling indien gevolg deur herstelling in dieselfde of 'n ander betrekking of pos, maar nie ook die tyd wat met afwesigheid met verlof of tydens skorsing sonder betaling verloop het nie. (ii)

HOOFSTUK IV.

UNIE-WEDUWEESPENSIOENFONDS.

70. In hierdie Hoofstuk, tensy uit die samehang anders blyk, beteken— Omskrywing van uitdrukkings in hierdie Hoofstuk gebesig.

- (i) „addisionele bydraes” addisionele bydraes in artikel *vier-en-sewentig* bedoel; (i)
- (ii) „bydraes” bydraes tot die fonds ingevolge artikel *tagtig* van die Staatsdienswet, artikel *twee-en-vyftig* van die Pensioenwet of artikel *drie-en-sewentig* van hierdie Wet; (ii)
- (iii) „die fonds” die Unie-weduweespensioenfonds in sub-artikel (1) van artikel *een-en-sewentig* bedoel; (v)
- (iv) „die tabelle” die in sub-artikel (1) van artikel *ses-en-sewentig* bedoelde tabelle; (vi)
- (v) „lid” iemand wat ingevolge hierdie Hoofstuk tot die fonds bydra, of wat ooreenkomstig artikel *drie-en-sewentig* sy bydraes gestaak het, en ten opsigte van wie 'n pensioen of 'n ander bedrag uit die fonds betaalbaar is; (iv)
- (vi) „vasgestelde datum” die eerste dag van Julie 1955. (iii)

71. (1) Die Unie-weduweespensioenfonds wat kragtens artikel *agt-en-sewentig* van die Staatsdienswet gestig is en waarna in artikel *vyftig* van die Pensioenwet verwys word, bly onder die naam van die „Unie-weduweespensioenfonds” voortbestaan. Voortsetting van fonds.

(2) Die fonds bestaan uit—

- (a) die bedrag wat op die vasgestelde datum tot die krediet van die fonds staan;
- (b) bydraes en addisionele bydraes ooreenkomstig die bepalings van hierdie Hoofstuk deur lede gemaak;
- (c) die bedrae ingevolge artikel *tagtig* uit inkomste in die fonds gestort;
- (d) rente ingevolge artikel *twee-en-tagtig* op deposito's ontvang; en
- (e) enige ander bedrae waarmee die fonds gekrediteer dien te word.

(3) Alle pensioene ingevolge hierdie Hoofstuk word uit die fonds betaal.

Membership.

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

(2) Subject to the provisions of sub-sections (3) and (4), every male contributor to a new fund shall be a member of the fund as from the date upon which he becomes a member of the first-mentioned fund.

(3) A male contributor to a new fund who contributes provisionally to that fund or whose pensionable emoluments are less than one hundred and twenty pounds per annum, shall not become a member of the fund until such time as he has ceased to contribute provisionally or such time as he is in receipt of pensionable emoluments of not less than one hundred and twenty pounds per annum.

(4) A member whose pensionable emoluments are reduced to less than one hundred and twenty pounds per annum may, if he so desires, terminate his membership of the fund.

Ordinary contributions.

73. (1) Subject to the provisions of sub-section (6), a member who retired or was retired or discharged on pension prior to the fixed date and who—

(a) has not attained the age of sixty years shall continue to contribute to the fund, at the rate at which he was contributing immediately prior to such date, up to and including the day immediately preceding the date on which he attains that age, when he shall cease to contribute; or

(b) attained the age of sixty years prior to the fixed date, shall cease to contribute to the fund as from that date.

(2) The provisions of sub-section (5) shall *mutatis mutandis* apply in respect of a member referred to in sub-section (1).

(3) Subject to the succeeding sub-sections of this section, and unless otherwise provided in this Chapter, every member, other than a member to whom sub-section (1) applies, shall, as from the fixed date, and while in the public service, contribute to the fund at the rate of two per cent. of his pensionable emoluments up to and including the day immediately preceding the date on which he attains the age of sixty years, when he shall cease to contribute: Provided that if the said member retires or is retired or discharged on pension prior to attaining the age of sixty years and becomes entitled to or is granted an annuity under this Act, he shall after such retirement or discharge continue to contribute to the fund up to and including such day at the rate of two per cent. of his pensionable emoluments immediately prior to his retirement or discharge.

(4) A member referred to in sub-section (3), who does not retire or is not retired or discharged on pension on attaining the age of sixty years, shall continue to contribute to the fund at the rate of two per cent. of his pensionable emoluments, and if after he has attained that age he retires or is retired or discharged on pension and becomes entitled to or is granted an annuity under this Act, he shall—

(a) if he retires or is retired or discharged on an anniversary of his birthday, cease to contribute as from the date of retirement or discharge; or

(b) if he retires or is retired or discharged on a date other than an anniversary of his birthday, continue to contribute at the said rate on his pensionable emoluments immediately prior to retirement or discharge up to and including the day immediately preceding the next succeeding anniversary of his birthday, when he shall cease to contribute.

(5) (a) A member who retires or is retired or discharged on pension and who under this Act becomes entitled to or is granted an annuity of less than one hundred and fifty pounds may, whether or not a gratuity is also payable to him, elect at any time prior to attaining the age of sixty years to cease to contribute to the fund.

(b) A member who has retired or been retired or discharged on an annuity and who has attained the age of sixty years, may, if he is a bachelor, widower or divorcee, elect at any time to terminate his membership of the fund and if he so elects he shall be paid the surrender value of the contributions paid by him, but excluding any additional contributions, calculated according to the tables.

(6) (a) A member whose contributions to the fund, immediately prior to the fixed date, included contributions made in accordance with the provisions of paragraph (c) of the proviso to sub-section (1) of section

72. (1) Alle persone wat onmiddellik voor die vasgestelde Lidmaatskap datum lede van die fonds was, bly lede daarvan.

(2) Elke manlike bydraer tot 'n nuwe fonds is, behoudens die bepalinge van sub-artikels (3) en (4), 'n lid van die fonds vanaf die datum waarop hy 'n lid van eersbedoelde fonds word.

(3) 'n Manlike bydraer tot 'n nuwe fonds wat voorlopig tot daardie fonds bydra of wie se pensioengewende verdienste minder as honderd-en-twintig pond per jaar bedra, word nie 'n lid van die fonds nie alvorens hy opgehou het om voorlopig by te dra of alvorens hy 'n pensioengewende verdienste van minstens honderd-en-twintig pond per jaar trek.

(4) 'n Lid wie se pensioengewende verdienste tot minder as honderd-en-twintig pond per jaar verminder word, kan indien hy dit verlang sy lidmaatskap van die fonds beëindig.

73. (1) Behoudens die bepalinge van sub-artikel (6), moet 'n Gewone bydraes lid wat voor die vasgestelde datum met pensioen afgetree het of afgedank of ontslaan is, en wat—

(a) nog nie die leeftyd van sestig jaar bereik het nie, aanhou om tot die fonds by te dra volgens die skaal waarvolgens hy onmiddellik voor bedoelde datum bygedra het, tot en met die dag onmiddellik voor die datum waarop hy daardie leeftyd bereik, wanneer sy bydraes gestaak word; of

(b) voor die vasgestelde datum die leeftyd van sestig jaar bereik het, vanaf daardie datum ophou om tot die fonds by te dra.

(2) Die bepalinge van sub-artikel (5) is *mutatis mutandis* van toepassing ten opsigte van 'n lid in sub-artikel (1) bedoel.

(3) Elke lid, uitgesonderd 'n lid op wie sub-artikel (1) van toepassing is, moet, behoudens die hieropvolgende sub-artikels van hierdie artikel en tensy in hierdie Hoofstuk anders bepaal, vanaf die vasgestelde datum, en solank hy in die staatsdiens is, tot die fonds bydra volgens die skaal van twee persent van sy pensioengewende verdienste tot en met die dag onmiddellik voor die datum waarop hy die leeftyd van sestig jaar bereik, wanneer sy bydraes gestaak word: Met dien verstande dat indien bedoelde lid voordat hy die leeftyd van sestig jaar bereik met pensioen aftree of afgedank of ontslaan word, en kragtens hierdie Wet op 'n jaargeld geregtig word of 'n jaargeld daarkragtens aan hom toegeken word, hy na sodanige uitdienststeking of ontslag voortgaan om tot en met bedoelde dag tot die fonds by te dra volgens die skaal van twee persent van sy pensioengewende verdienste onmiddellik voor sy uitdienststeking of ontslag.

(4) 'n In sub-artikel (3) bedoelde lid wat nie wanneer hy die leeftyd van sestig jaar bereik, met pensioen aftree of afgedank of ontslaan word nie, gaan voort om tot die fonds by te dra volgens die skaal van twee persent van sy pensioengewende verdienste, en indien hy nadat hy daardie leeftyd bereik het met pensioen aftree of afgedank of ontslaan word en kragtens hierdie Wet op 'n jaargeld geregtig word of 'n jaargeld daarkragtens aan hom toegeken word, moet hy—

(a) indien hy op sy verjaarsdag aftree of afgedank of ontslaan word, sy bydraes tot die fonds staak vanaf die datum van sy uitdienststeking of ontslag; of

(b) indien hy op 'n ander datum as sy verjaarsdag aftree of afgedank of ontslaan word, voortgaan om volgens bedoelde skaal by te dra op sy pensioengewende verdienste onmiddellik voor sy uitdienststeking of ontslag, tot en met die dag onmiddellik voor sy daaropvolgende verjaarsdag, wanneer hy sy bydraes staak.

(5) (a) 'n Lid wat met pensioen aftree of afgedank of ontslaan word, en wat kragtens hierdie Wet op 'n jaargeld van minder as honderd-en-veertig pond geregtig word of aan wie so 'n jaargeld daarkragtens toegeken word, kan, hetsy 'n gratifikasie ook aan hom betaalbaar is al dan nie, te eniger tyd voordat hy die ouderdom van sestig jaar bereik, kies om sy bydraes tot die fonds te staak.

(b) 'n Lid wat met 'n jaargeld afgetree het of afgedank of ontslaan is, en wat die leeftyd van sestig jaar bereik het, kan, indien hy 'n vrygesel, wewenaar of geskeie persoon is, te eniger tyd kies om sy lidmaatskap van die fonds te beëindig, en indien hy aldus kies, word die afkoopwaarde, ooreenkomstig die tabelle bereken, van die deur hom betaalde bydraes, behalwe addisionele bydraes, aan hom uitbetaal.

(6) (a) 'n Lid wie se bydraes tot die fonds onmiddellik voor die vasgestelde datum bydraes ingesluit het wat ooreenkomstig die bepalinge van paragraaf (c) van die

fifty-two of the Pensions Act, shall, as from the said date, and in lieu of his previous contributions, contribute at the rate of two per cent. of his pensionable emoluments on re-employment.

- (b) A member who retired or was retired or discharged on pension prior to the fixed date, and who contributes to the fund at the rate of one per cent. of his pensionable emoluments immediately prior to retirement or discharge, and who becomes liable on re-employment to contribute to the fund on his pensionable emoluments on re-employment shall, as from the date he so becomes liable, cease so to contribute and in lieu thereof shall contribute at the rate of two per cent. of his pensionable emoluments on re-employment.
 - (c) If a member who retires or is retired or discharged on pension, and who after such retirement or discharge contributes to the fund, becomes liable on re-employment to contribute to the fund on his pensionable emoluments on re-employment, he shall, as from the date he so becomes liable—
 - (i) while the said pensionable emoluments on re-employment are less than his pensionable emoluments immediately prior to such retirement or discharge, continue to contribute at the rate of two per cent. of the latter emoluments; or
 - (ii) while the said pensionable emoluments on re-employment are in excess of his pensionable emoluments immediately prior to such retirement or discharge, contribute, in addition to the contributions payable on the latter emoluments, at the rate of two per cent. per annum on the amount by which the said pensionable emoluments on re-employment exceed his pensionable emoluments immediately prior to retirement or discharge.
 - (d) If a member who contributes to the fund in accordance with paragraph (a), (b) or (c), becomes entitled to or is granted an annuity under this Act on his ultimate retirement or discharge, and is required to continue to contribute for any period after such retirement or discharge, he shall continue to pay to the fund the contributions paid by him under the said paragraph immediately before retirement or discharge and the provisions of sub-section (5) shall apply.
- (7) Contributions shall be made by monthly deductions from the member's pensionable emoluments or annuity, as the case may be, and in calculating the amount of such deductions a fraction of a penny shall be taken as one penny.
- (8) A member on sick or other leave with or without pay shall contribute to the fund on his full pensionable emoluments, and on any amount on which he is contributing under sub-paragraph (ii) of paragraph (c) of sub-section (6).
- (9) If a member is suspended from his office and re-instated in that office or in another office or post, he shall, on such conditions as the Treasury may determine, contribute in respect of the period of suspension, and the contributions so to be made by him shall be deducted from the first amount of his pensionable emoluments paid after such re-instatement.
- (10) Any contributions payable by a member to the fund under this section which remain unpaid at the time of his death shall be deducted from the annuity payable to his widow.
- (11) A member who is seconded to the service of a government, bank, board, institution, body or employer referred to in section *eleven*, shall continue, while so seconded, to contribute to the fund: Provided that the said government, bank, board, institution, body or employer to whose service such member has been seconded, or the member himself, shall repay to revenue an amount equal to any contributions paid from revenue in respect of the member: Provided further that the contributions, other than additional contributions, so continued to be made, shall be based upon such an amount, not being less than the amount upon which such member would have been liable to contribute had he not been seconded, as may be determined by the Treasury from time to time, and

voorbehoudsbepaling by sub-artikel (1) van artikel twee-en-veertig van die Pensioenwet gemaak is, dra vanaf bedoelde datum in plaas van sy vorige bydraes by volgens die skaal van twee persent van sy pensioengewende verdienste by herindiensneming.

- (b) 'n Lid wat voor die vasgestelde datum met pensioen afgetree het of afgedank of ontslaan is, en wat tot die fonds bydra volgens die skaal van een persent van sy pensioengewende verdienste onmiddellik voor sy uitdienstreding of ontslag, en wat by herindiensneming onder verpligting kom om tot die fonds by te dra op sy pensioengewende verdienste by herindiensneming, hou vanaf die datum waarop hy aldus onder verpligting kom op om aldus by te dra en dra in plaas daarvan by volgens die skaal van twee persent van sy pensioengewende verdienste by herindiensneming.

- (c) Indien 'n lid wat met pensioen aftree of afgedank of ontslaan word, en wat na sodanige uitdienstreding of ontslag tot die fonds bydra, by herindiensneming onder verpligting kom om tot die fonds by te dra op sy pensioengewende verdienste by herindiensneming, moet hy, vanaf die datum waarop hy aldus onder verpligting kom—

(i) solank as wat bedoelde pensioengewende verdienste by herindiensneming minder is as sy pensioengewende verdienste onmiddellik voor bedoelde uitdienstreding of ontslag, voortgaan om by te dra volgens die skaal van twee persent van laasbedoelde verdienste; of

(ii) solank as wat bedoelde pensioengewende verdienste by herindiensneming meer bedra as sy pensioengewende verdienste onmiddellik voor bedoelde uitdienstreding of ontslag, benewens die bydraes op laasbedoelde verdienste betaalbaar, ook bydra volgens die skaal van twee persent per jaar op die bedrag waarmee bedoelde pensioengewende verdienste by herindiensneming sy pensioengewende verdienste onmiddellik voor uitdienstreding of ontslag te bowe gaan.

- (d) Indien 'n lid wat ooreenkomstig paragraaf (a), (b) of (c) tot die fonds bydra, by uiteindelijke uitdienstreding of ontslag op 'n jaargeld ingevolge hierdie Wet geregtig word, of 'n jaargeld daarkragtens aan hom toegeken word, en vir enige tydperk na bedoelde uitdienstreding of ontslag moet voortgaan om by te dra, gaan hy voort om die bydraes aan die fonds te betaal wat hy onmiddellik voor sy uitdienstreding of ontslag ingevolge genoemde paragraaf betaal het en is die bepaling van sub-artikel (5) van toepassing.

(7) Bydraes word gemaak by wyse van maandelikse aftrekkings van die lid se pensioengewende verdienste of jaargeld, na gelang van die geval, en by die berekening van die bedrag van bedoelde aftrekkings word 'n breukdeel van 'n pennie vir een pennie gereken.

(8) 'n Lid wat met siekte- of ander verlof teen of sonder betaling afwesig is, dra tot die fonds by op sy volle pensioengewende verdienste en op enige bedrag waarop hy ingevolge sub-paragraaf (ii) van paragraaf (c) van sub-artikel (6) bydra.

(9) Indien 'n lid in sy betrekking geskors word en in daardie betrekking of 'n ander betrekking of pos herstel word, dra hy op die voorwaardes wat die Tesourie mag bepaal by ten opsigte van die tydperk van skorsing, en die bydraes wat aldus deur hom gemaak moet word, word afgetrek van die eerste bedrag van sy pensioengewende verdienste wat na bedoelde herstelling betaal word.

(10) Enige bydraes ingevolge hierdie artikel deur 'n lid aan die fonds betaalbaar, wat by sy dood nog nie betaal is nie, word van die jaargeld wat aan sy weduwee betaalbaar is, afgetrek.

(11) 'n Lid wat tydelik oorgeplaas word na die diens van 'n in artikel elf bedoelde regering, bank, raad, inrigting, liggaam of werkgewer, gaan, onderwyl hy aldus oorgeplaas is, voort om tot die fonds by te dra: Met dien verstande dat bedoelde regering, bank, raad, inrigting, liggaam of werkgewer na wie se diens die lid oorgeplaas is, of die lid self, aan inkomste 'n bedrag moet terugbetaal gelyk aan enige bydraes wat ten opsigte van die lid uit inkomste betaal word: Met dien verstande voorts dat die bydraes, behalwe addisionele bydraes, waarmee aldus voortgegaan word, gebaseer word op 'n bedrag (wat nie minder mag wees nie dan die bedrag waarop so 'n lid sou moes bygedra het indien hy nie oorgeplaas was nie) wat die Tesourie van tyd

any amount so determined, shall, for the purposes of this Chapter, be deemed to be the amount upon which such member is liable to contribute during the period concerned.

Additional contributions.

74. (1) A member who under the provisions of section *eighty-one* of the Public Service Act or section *fifty-three* of the Pensions Act was permitted to make additional contributions to the fund to secure a higher annuity in respect of a named wife than that secured by the contributions paid by him, shall continue to make such additional contributions: Provided that such member may, if he so wishes, discontinue payment of the said additional contributions at any time, either in part or in whole.

(2) The provisions of sub-sections (7), (8), (9) and (10), of section *seventy-three* shall *mutatis mutandis* apply in respect of additional contributions.

(3) If the wife predeceases the member, any additional contributions which he has been permitted to make shall cease to be payable, and any such contributions paid or payable by him up to the date of her death, shall be forfeited to the fund.

Proof of dates of marriage and birth and other dates.

75. Every member, other than a member who is a bachelor, shall submit to the Commissioner documentary evidence of —

- (a) the date of his marriage or re-marriage;
- (b) the date of his wife's birth;
- (c) any other date in respect of which evidence is required by the Commissioner.

Annuities payable to widows.

76. (1) There shall be paid to the widow of a deceased member an annuity which shall be based on the contributions paid by and in respect of such member, and on any additional contributions, and which shall be calculated in accordance with the tables in use immediately prior to the fixed date or such other tables as may be approved by the Treasury on the advice of an actuary.

(2) Such annuity shall be paid in addition to any other benefit to which the widow may be entitled under this Act or any other law.

(3) If the annuity payable to a widow does not exceed eighteen pounds it may, if the widow makes written application therefor before any payment in respect of such annuity has been made to her, be commuted into a single cash payment calculated in accordance with the tables.

Benefits to minor children.

77. (1) If a member dies without leaving a widow to whom an annuity is payable under this Chapter, there shall be paid to such of his minor children or step-children, and according to such allocation amongst them, as the Treasury may determine, an amount equal to the contributions paid by and in respect of him to the fund.

(2) If a member's widow to whom an annuity is payable dies before she has drawn in respect of the annuity secured by the contributions referred to in the preceding sub-section an amount equal to the aggregate of those contributions, the difference between the amount so drawn by her and the said aggregate shall be paid to such of the minor children or step-children of the member, and according to such allocation amongst them, as the Treasury may determine.

Members entitled to surrender value of contributions.

78. Subject to the provisions of section *seventy-nine*, a member shall be entitled to the surrender value of both the contributions paid by and in respect of him and any additional contributions, calculated according to the tables if—

- (a) he retires or is retired or discharged from the public service otherwise than on an annuity under this Act;
- (b) he is transferred or appointed to a post which is not a post in the public service;
- (c) he terminates his membership in terms of sub-section (4) of section *seventy-two*; or
- (d) at any time the provisions of section *fourteen*, sub-section (2) or (4) of section *fifteen* or sub-section (1) of section *sixty-four* apply in respect of him.

Termination of membership on resignation or dismissal.

79. A member who on or after the fixed date retires or is retired or discharged from the public service for a reason specified in section *twenty-nine* and who is granted a benefit other than an annuity, shall be entitled to the surrender value of the contributions, other than any additional contributions, paid by him in respect of his pensionable service subsequent to the thirtieth day of June, 1955, calculated according to the tables.

tot tyd mag bepaal, en 'n aldus bepaalde bedrag word by die toepassing van hierdie Hoofstuk geag die bedrag te wees waarop die lid gedurende die betrokke tydperk verplig is om by te dra.

74. (1) 'n Lid wat ingevolge die bepalinge van artikel *een-en-tagtig* van die Staatsdienswet of artikel *drie-en-vyftig* van die Pensioenwet toegelaat was om addisionele bydraes tot die fonds te maak ten einde vir 'n aangewese eggenote 'n hoër jaargeld te verkry as die jaargeld verseker deur die bydraes deur hom betaal, gaan voort om daardie addisionele bydraes te betaal: Met dien verstande dat bedoelde lid indien hy dit verlang betaling van bedoelde addisionele bydraes te eniger tyd gedeeltelik of in die geheel kan staak.

Addisionele bydraes.

(2) Die bepalinge van sub-artikels (7), (8), (9) en (10) van artikel *drie-en-sewentig* is *mutatis mutandis* ten opsigte van addisionele bydraes van toepassing.

(3) Indien die eggenote voor die lid te sterwe kom, is addisionele bydraes wat hy toegelaat is om te maak, nie langer betaalbaar nie, en enige sodanige bydraes wat tot op die datum van haar dood deur hom betaal of betaalbaar is, word aan die fonds verbeur.

75. Elke ander lid as 'n lid wat 'n vrygesel is, moet aan die Kommissaris dokumentêre bewys voorlê van—

- (a) die datum van sy huwelik of hertrouing;
- (b) die datum van sy eggenote se geboorte;
- (c) enige ander datum ten opsigte waarvan bewys deur die Kommissaris vereis word.

Bewys van datums van huwelik en geboorte en ander datums.

76. (1) Aan die weduwee van 'n oorlede lid word 'n jaargeld betaal wat gebaseer word op die bydraes deur en ten opsigte van daardie lid betaal, en op enige addisionele bydraes, en wat bereken word ooreenkomstig die tabelle wat onmiddellik voor die vasgestelde datum in gebruik was of op die ander tabelle wat die Tesourie op advies van 'n aktuaris mag goedkeur.

Jaargelde aan weduwees betaalbaar.

(2) Bedoelde jaargeld word betaal bo en behalwe enige ander voordeel waarop die weduwee ingevolge hierdie Wet of enige ander wet geregtig mag wees.

(3) Indien die jaargeld aan 'n weduwee betaalbaar, agtien pond nie te bowe gaan nie, kan dit, as die weduwee skriftelik daarom aansoek doen voordat enige betaling ten opsigte van die jaargeld aan haar geskied het, omgeset word in 'n enkele kontantbetaling ooreenkomstig die tabelle bereken.

77. (1) Indien 'n lid sterf en nie 'n weduwee nalaat aan wie 'n jaargeld ingevolge hierdie Hoofstuk betaalbaar is nie, word aan sodanige van sy minderjarige kinders of stiefkinders, en volgens sodanige toewysing onder hulle, as wat die Tesourie mag bepaal, 'n bedrag betaal gelyk aan die bydraes deur en ten opsigte van hom aan die fonds betaal.

Voordele aan minderjarige kinders.

(2) Indien 'n lid se weduwee aan wie 'n jaargeld betaalbaar is, te sterwe kom voordat sy ten opsigte van die jaargeld wat verkry is deur die bydraes in die voorgaande sub-artikel bedoel, 'n bedrag getrek het wat gelykstaan met die totaalbedrag van daardie bydraes, word die verskil tussen die bedrag aldus deur haar getrek en bedoelde totaalbedrag betaal aan sodanige van die minderjarige kinders of stiefkinders van die lid, en volgens sodanige toewysing onder hulle, as wat die Tesourie mag bepaal.

78. 'n Lid is, behoudens die bepalinge van artikel *nege-en-sewentig*, geregtig op die afkoopwaarde van sowel die bydraes deur en ten opsigte van hom betaal as enige addisionele bydraes, volgens die tabelle bereken, indien—

Lede geregtig op afkoopwaarde van bydraes.

- (a) hy anders as met 'n jaargeld kragtens hierdie Wet uit die staatsdiens aftree of afgedank of ontslaan word;
- (b) hy verplaas word na of aangestel word in 'n betrekking wat nie 'n betrekking in die staatsdiens is nie;
- (c) hy ooreenkomstig sub-artikel (4) van artikel *twee-en-sewentig* sy lidmaatskap beëindig; of
- (d) die bepalinge van artikel *veertien*, sub-artikel (2) of (4) van artikel *vyftien* of sub-artikel (1) van artikel *vier-en-sestig* te eniger tyd ten opsigte van hom van toepassing is.

79. 'n Lid wat op of na die vasgestelde datum uit die staatsdiens aftree of afgedank of ontslaan word om 'n rede in artikel *nege-en-twintig* genoem, en aan wie 'n ander voordeel as 'n jaargeld toegeken word, is geregtig op die afkoopwaarde van die bydraes, behalwe addisionele bydraes, deur hom betaal ten opsigte van sy pensioengewende diens na die dertigste dag van Junie 1955, volgens die tabelle bereken.

Beëindiging van lidmaatskap by bedanking of ontslag.

Payments from
revenue.

80. As from the fixed date there shall be paid to the fund from revenue—

- (a) at the end of each month an amount equal to the aggregate of the contributions paid during that month by members who in terms of section *seventy-three* are required to contribute at the rate of two per cent. of their pensionable emoluments;
- (b) interest at the rate of four per cent. per annum on the average of the uninvested amounts in the fund at the end of each month during the period in respect of which the interest is paid; and
- (c) an amount (if any) by which the interest on any amount invested in securities retained by the Public Debt Commissioners in pursuance of sub-section (2) of section *eighty-two* falls short of four per cent. per annum.

Quinquennial
valuation of
fund.

81. (1) The assets and liabilities of the fund as at the thirty-first day of March, 1958, and every five years thereafter shall be valued by an actuary, who shall declare any surplus or deficiency which appears therein and report thereon to the Minister of Finance.

(2) The report of the actuary shall be laid upon the Tables of both Houses of Parliament within one month of the receipt thereof by the Minister of Finance if Parliament is then in session, or if Parliament is not then in session, within one month after the commencement of its next ensuing session.

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

(4) A statement embodying the decision of the Minister of Finance under sub-section (3) shall be laid upon the Tables of both Houses of Parliament within one year from the date upon which the report of the actuary was laid thereon.

Application of
sections 52, 53
and 55.

82. (1) The provisions of sections *fifty-two*, *fifty-three* and *fifty-five* shall *mutatis mutandis* apply in respect of the fund.

(2) The Public Debt Commissioners may retain the securities held on behalf of the fund immediately prior to the fixed date until such time as the said securities may be realized.

CHAPTER V.

GOVERNMENT EMPLOYEES' PROVIDENT FUND.

Interpretation
of terms used
in this Chapter.

83. In this Chapter, unless the context otherwise indicates—

- (i) "contingency account" means the contingency account referred to in section *ninety-four*; (iii)
- (ii) "contributions" means the amounts, other than interest, paid by a member to the fund; (i)
- (iii) "fixed date" means the first day of July, 1955; (v)
- (iv) "full benefit", with reference to a member or his dependants, means the aggregate of the amounts paid into the fund by and in respect of the member, together with interest at the rate of four per cent. per annum on the said aggregate, compounded annually on the thirty-first day of March, and calculated according to the dates upon which the said amounts were paid, and up to the date upon which any benefit is paid from the fund to or in respect of a member or to or for the benefit of his dependants or to his estate in terms of this Chapter or into the Consolidated Revenue Fund in terms of section *ninety-two*; (vi)
- (v) "fund" means the Government employees' provident fund referred to in sub-section (1) of section *eighty-four*; (ii)
- (vi) "member" means a person who contributes to the fund or to or in respect of whom a benefit or any other amount is payable from the fund, and includes—
 - (a) a person who is on leave of absence or, in the case of a person to whom leave of absence cannot be granted under regulations made under the Public Service Act or a law administered by a department of education, who is absent from duty, and who was a contributor immediately prior to such leave of absence; and

80. Vanaf die vasgestelde datum word uit inkomste in die fonds gestort— Betalings uit inkomste.

- (a) op die end van elke maand 'n bedrag gelyk aan die totaal van die bydraes gedurende daardie maand betaal deur lede wat ooreenkomstig artikel *drie-en-sewentig* volgens die skaal van twee persent van hul pensioengewende verdienste moet bydra;
- (b) rente teen die koers van vier persent per jaar op die gemiddelde van die onbelegde bedrae in die fonds aan die end van elke maand gedurende die tydperk ten opsigte waarvan die rente betaal word; en
- (c) 'n bedrag, as daar is, waarmee die rente op enige bedrag wat belê is in sekuriteite wat ingevolge sub-artikel (2) van artikel *twee-en-tagtig* deur die Openbare Skuldkommissaris behou word, kortskiet op vier persent per jaar.

81. (1) Die bates en laste van die fonds op die een-en-dertigste dag van Maart 1958, en elke vyf jaar daarna, word deur 'n aktuaris gewaardeer, wat enige oorskot of tekort wat daaruit blyk, moet vasstel en 'n verslag dienaangaande by die Minister van Finansies moet indien. Vyfjaarlikse waardering van fonds.

(2) Die verslag van die aktuaris word binne een maand vanaf die ontvangs daarvan deur die Minister van Finansies in beide Huise van die Parlement ter Tafel gelê, as die Parlement dan in sitting is, of as die Parlement nie dan in sitting is nie, binne een maand na die aanvang van sy eersvolgende sitting.

(3) Indien die aktuaris in so 'n verslag sertifiseer dat daar 'n wesentlike oorskot of 'n wesentlike tekort is, word die voordele uit die fonds betaalbaar, of sommige van daardie voordele, verhoog of verminder, na gelang van die geval, in die mate en vanaf die datum wat die Minister van Finansies op aanbeveling van die aktuaris mag bepaal: Met dien verstande dat 'n reeds toegekende voordeel nie verminder word nie.

(4) 'n Verklaring wat die beslissing van die Minister van Finansies kragtens sub-artikel (3) behels, word binne 'n jaar vanaf die datum waarop die verslag van die aktuaris ter Tafel gelê is, in beide Huise van die Parlement ter Tafel gelê.

82. (1) Die bepalinge van artikels *twee-en-vyftig*, *drie-en-vyftig* en *vyf-en-vyftig* is *mutatis mutandis* van toepassing ten opsigte van die fonds. Toepassing van artikels 52, 53 en 55.

(2) Die Openbare Skuldkommissaris kan die sekuriteite wat onmiddellik voor die vasgestelde datum ten behoeve van die fonds gehou was, behou totdat daardie sekuriteite te gelde gemaak kan word.

HOOFTUK V.

REGERINGS-WERKNEMERSONDERSTEUNINGSFONDS.

83. In hierdie Hoofstuk, tensy uit die samehang anders blyk, beteken— Omskrywing van uitdrukkinge in hierdie Hoofstuk gebesig.

- (i) „bydraes” die bedrae, behalwe rente, deur 'n lid in die fonds gestort; (ii)
- (ii) „fonds” die Regerings-werknemersondersteuningsfonds in sub-artikel (1) van artikel *vier-en-tagtig* bedoel; (v)
- (iii) „gebeurlikheidsrekening” die gebeurlikheidsrekening in artikel *vier-en-negentig* bedoel; (i)
- (iv) „lid” iemand wat tot die fonds bydra of aan of ten opsigte van wie 'n voordeel of enige ander bedrag uit die fonds betaalbaar is, en ook—
 - (a) iemand wat met verlof afwesig is of, in die geval van iemand aan wie verlof nie ingevolge die regulasies uitgevaardig kragtens die Staatsdienswet of 'n wet wat deur 'n onderwysdepartement uitgevoer word, toegestaan kan word nie, van diens afwesig is, en wat onmiddellik voor die verlof of afwesigheid 'n bydraer was; en
 - (b) iemand wat opgehou het om 'n bydraer te wees—
 - (i) ooreenkomstig die bepalinge van artikel *vier-en-sestig* van die Pensioenwet;
 - (ii) by bereiking van die leeftyd van vyf-en-sestig jaar;
 - (iii) ten gevolge van die vermindering van sy pensioengewende verdienste na 'n skaal van minder as negentig pond per jaar;
 - (iv) ingevolge die bepalinge van artikel *sewentig bis* van die Pensioenwet; of
 - (v) ingevolge paragraaf (g) van artikel *ses-en-tagtig*,

(b) a person who ceased to be a contributor—

- (i) in accordance with the provisions of section *sixty-four* of the Pensions Act;
- (ii) on attaining the age of sixty-five years;
- (iii) by reason of the reduction of his pensionable emoluments to a rate of less than ninety pounds per annum;
- (iv) in terms of the provisions of section *seventy bis* of the Pensions Act; or
- (v) by virtue of paragraph (g) of section *eighty-six*,

but who has not retired or been retired or discharged from the service of the Government. (iv)

Continuation of fund.

84. (1) The Government Employees' Provident Fund established under section *sixty-three* of the Pensions Act shall be continued under the name of the "Government Employees' Provident Fund".

(2) The fund shall consist of—

- (a) the amount standing to the credit of the fund at the fixed date;
- (b) the contributions made to the fund by members;
- (c) the amounts paid to the fund out of revenue; and
- (d) any other amounts which are to be credited to the fund.

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

(4) All benefits payable under this Chapter shall, except where otherwise provided, be paid out of the fund.

Membership.

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

(2) As from the fixed date every European employed by the Government to whom, in terms of the provisions of this Act (other than the provisions contained in this Chapter) or in terms of any other law, no benefit is payable upon retirement or discharge, shall, subject to the provisions of section *eighty-six* and to the approval of the Treasury, contribute to the fund at the rate of five per cent. of his pensionable emoluments, until he reaches the age of sixty-five years when he shall cease to contribute.

Disqualifications to be a member.

86. No person shall be allowed to contribute to the fund—

- (a) while under the age of sixteen years;
- (b) if he receives pensionable emoluments at a rate of less than ninety pounds per annum;
- (c) until he has had two years' continuous employment unless—
 - (i) he has been transferred from other pensionable employment to employment in respect of which he is liable to contribute to the fund; or
 - (ii) he was previously a member;
- (d) if he is remunerated solely by fees or allowances;
- (e) if his whole time is not at the disposal of the Government;
- (f) if he is a person who may contribute to a new fund;
- (g) while he is employed on contract for a fixed number of months or years;
- (h) if he is a person who would but for the provisions of sub-section (2) of section *thirty-three* or sub-section (2) of section *forty-four* be liable to contribute to the permanent force pension fund or the police and prisons pension fund; or
- (i) if he is a person who prior to the fixed date ceased to be a contributor in accordance with the provisions of section *sixty-four* of the Pensions Act or who has ceased or ceases to contribute in accordance with an election made in terms of section *seventy bis* of that Act.

Period of employment to be continuous.

87. (1) The period of employment in respect of which contributions are to be made under this Chapter shall be continuous.

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

(v) „vasgestelde datum” die eerste dag van Julie, 1955; (iii)

(vi) „volle voordeel,” met betrekking tot ’n lid of sy afhanklikes, die totaal van die bedrae deur en ten opsigte van die lid in die fonds gestort, met rente op daardie totaal teen die koers van vier persent per jaar, jaarliks saamgestel op die een-en-dertigste dag van Maart, en bereken volgens die datums waarop daardie bedrae betaal is, en tot die datum waarop ingevolge hierdie Hoofstuk enige voordeel uit die fonds aan of ten opsigte van ’n lid of aan of ten bate van sy afhanklikes of aan sy boedel betaal word of kragtens artikel *twee-en-negentig* in die Gekonsolideerde Inkomstefonds gestort word. (iv)

84. (1) Die Regerings-werknemersondersteuningsfonds krag- Voortbestaan
tens artikel *drie-en-sestig* van die Pensioenwet gestig, bly onder van fonds.
die naam van die „Regerings-werknemersondersteuningsfonds” voortbestaan.

(2) Die fonds bestaan uit—

- (a) die bedrag wat op die vasgestelde datum tot die krediet van die fonds staan;
- (b) die bydraes deur lede tot die fonds gemaak;
- (c) die bedrae uit inkomste in die fonds gestort; en
- (d) alle ander bedrae waarmee die fonds gekrediteer dien te word.

(3) Alle bedrae in die fonds gestort, word op krediet van die fonds by die Tesourie inbetaal, en soveel van die bedrag wat op krediet van die fonds staan as wat nie vir lopende doeleindes nodig is nie, is ’n deposito vir die doeleindes van die „Openbare Schuld Kommissarissen Wet, 1911” (Wet No. 18 van 1911), en word dienooreenkomstig belê.

(4) Alle voordele ingevolge hierdie Hoofstuk betaalbaar, word, behalwe waar anders bepaal, uit die fonds betaal.

85. (1) Alle persone wat onmiddellik voor die vasgestelde Lidmaatskap.
datum lede van die fonds was, bly lede daarvan.

(2) Vanaf die vasgestelde datum moet elke blanke wat by die Regering in diens is en aan wie by uitdienstreding of ontslag geen voordeel ingevolge ander bepalings van hierdie Wet as die bepalings in hierdie Hoofstuk vervat, of ingevolge enige ander wet, betaalbaar is nie, behoudens die bepalings van artikel *ses-en-tagtig*, en onderworpe aan die goedkeuring van die Tesourie, volgens die skaal van vyf persent van sy pensioengewende verdienste tot die fonds bydra totdat hy die leeftyd van vyf-en-sestig jaar bereik, wanneer sy bydraes gestaak word.

86. Niemand word toegelaat om tot die fonds by te dra nie— Diskwalifikasies
om lid te wees.

- (a) terwyl hy onder die leeftyd van sestig jaar is;
- (b) indien hy pensioengewende verdienste trek volgens ’n skaal van minder as negentig pond per jaar;
- (c) alvorens hy twee jaar ononderbroke diens gehad het, tensy—
 - (i) hy uit ander pensioengewende diens oorgeplaas is na diens ten opsigte waarvan hy onder verpligting is om tot die fonds by te dra; of
 - (ii) hy tevore ’n lid was;
- (d) indien sy besoldiging uitsluitlik uit honoraria of toelaes bestaan;
- (e) indien al sy tyd nie tot beskikking van die Regering is nie;
- (f) indien hy iemand is wat tot ’n nuwe fonds kan bydra;
- (g) terwyl hy onder kontrak vir ’n bepaalde aantal maande of jare in diens is;
- (h) indien hy iemand is wat by ontstentenis van die bepalings van sub-artikel (2) van artikel *drie-en-dertig* of sub-artikel (2) van artikel *vier-en-veertig* verplig sou wees om tot die staandemagpensioenfonds of die polisie- en gevangenisdiens-pensioenfonds by te dra; of
- (i) indien hy iemand is wat voor die vasgestelde datum ooreenkomstig die bepalings van artikel *vier-en-sestig* van die Pensioenwet opgehou het om ’n bydraer te wees, of wat ooreenkomstig ’n keuse kragtens artikel *sewentig bis* van daardie Wet gemaak sy bydraes gestaak het of staak.

87. (1) Die tydperk van diens ten opsigte waarvan bydraes Tydperk van diens
ingevolge hierdie Hoofstuk gemaak moet word, moet ononder- moet ononderbroke
broke wees. wees.

- (2) Any such period shall not be regarded as interrupted—
- (a) by absence on leave, whether with or without pay;
 - (b) in the case of a member to whom leave of absence cannot be granted under regulations made under the Public Service Act or any law administered by a department of education, by absence from duty for a period not exceeding ninety days, or for such longer period as the Treasury may in special circumstances allow; or
 - (c) by suspension, if followed by re-instatement in the same or another office or post.

Collection etc.
of contributions.

88. (1) Sub-sections (1), (5) and (6) of section *ten* shall *mutatis mutandis* apply in respect of contributions by members.

(2) A member to whom leave of absence can be granted under regulations made under the Public Service Act or a law administered by a department of education shall continue to contribute to the fund while on sick or other leave with full or less than full pay, and may elect to contribute in respect of any period of sick or other leave without pay.

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

(4) Any contributions made under sub-section (2) or (3) shall be based upon the full pensionable emoluments of the member.

Contributions on
secondment of
members.]

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

Benefits upon
retirement or
discharge.

90. (1) A member who retires or is retired or discharged in circumstances other than those referred to in sub-section (2), (3), (4) or (5), shall be paid the full benefit.

(2) A member—

(a) in the case of a female, who immediately prior to the fixed date was a member of the fund or was liable to contribute to the fund, and who retires voluntarily before she has attained the age of fifty-five years;

(b) other than a female member referred to in paragraph (a), who retires voluntarily before attaining the age of sixty years; or

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

shall be paid an amount equal to fifty per cent. of the full benefit together with one per cent. of the full benefit in respect of each complete year of membership in excess of five years.

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

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

(5) If at any time the provisions of paragraph (b) of section *eighty-six* apply in respect of a member, he shall be paid one-half of the full benefit and shall thereafter have no claim upon the fund.

(6) The Treasury may deduct from any sum payable to any member under this section, the amount of any loss certified by

- (2) So 'n tydperk word nie geag onderbreek te word nie—
- (a) deur afwesigheid met verlof, hetsy met of sonder betaling;
 - (b) in die geval van 'n lid aan wie verlof tot afwesigheid nie ingevolge die regulasies uitgevaardig kragtens die Staatsdienswet of enige wet wat deur 'n onderwysdepartement uitgevoer word, toegestaan kan word nie, deur afwesigheid van diens vir 'n tydperk van hoogstens negentig dae of so 'n langer tydperk as wat die Tesourie in besondere omstandighede mag toelaat; of
 - (c) deur skorsing, indien gevolg deur herstelling in dieselfde of 'n ander betrekking of pos.

88. (1) Sub-artikels (1), (5) en (6) van artikel *tien* is *mutatis mutandis* van toepassing ten opsigte van bydraes deur lede. Invordering, ens. van bydraes.

(2) 'n Lid aan wie afwesigheidsverlof ingevolge die regulasies uitgevaardig kragtens die Staatsdienswet of 'n wet wat deur 'n onderwysdepartement uitgevoer word, toegestaan kan word, gaan voort om tot die fonds by te dra onderwyl hy met siekte- of ander verlof met volle of minder as volle betaling afwesig is, en kan kies om ten opsigte van 'n tydperk van siekte- of ander verlof sonder betaling by te dra.

(3) 'n Lid aan wie afwesigheidsverlof nie aldus toegestaan kan word nie, kan kies om by te dra ten opsigte van 'n tydperk van afwesigheid sonder betaling van hoogstens negentig dae of so 'n langer tydperk van sodanige afwesigheid as wat die Tesourie onder besondere omstandighede mag toelaat.

(4) Bydraes ingevolge sub-artikel (2) of (3) gemaak, word op die volle pensioengewende verdienste van die lid gebaseer.

89. 'n Lid wat tydelik oorgeplaas is na die diens van 'n ander regering of van die Land- en Landboubank van Suid-Afrika, of van 'n raad, inrigting of liggaam by wet ingestel, of van enige ander deur die Tesourie goedgekeurde werkgewer, kan, indien die Tesourie dit goedkeur, onderwyl hy aldus oorgeplaas is, voortgaan om tot die fonds by te dra: Met dien verstande dat bedoelde regering, bank, raad, inrigting, liggaam of werkgewer na wie se diens die lid tydelik oorgeplaas is of die lid self 'n bedrag gelyk aan enige bydraes wat ten opsigte van die lid uit inkomste betaal is, aan inkomste moet terugbetaal: Met dien verstande voorts dat die bydraes waarmee aldus voortgegaan word, gebaseer word op die bedrag (wat nie minder mag wees nie as die pensioengewende verdienste wat daardie lid sou getrek het indien hy nie oorgeplaas was nie) wat die Tesourie van tyd tot tyd mag bepaal, en 'n aldus bepaalde bedrag word by die toepassing van hierdie Hoofstuk geag die pensioengewende verdienste van die lid gedurende die betrokke tydperk te wees. Bydraes gedurende tydelike oorpasing van lede.

90. (1) Aan 'n lid wat aftree of afgedank of ontslaan word onder ander omstandighede as die in sub-artikel (2), (3), (4) of (5) vermeld, word die volle voordeel betaal. Voordele by uitdienstreding of ontslag.

(2) Aan 'n lid—

(a) wat, in die geval van 'n vroulike lid, onmiddellik voor die vastgestelde datum 'n lid van die fonds was of verplig was om daartoe by te dra, en wat vrywillig aftree voordat sy die ouderdom van vyf-en-vyftig jaar bereik het;

(b) behalwe 'n vroulike lid in paragraaf (a) bedoel, wat vrywillig aftree voordat hy die leeftyd van sestig jaar bereik het; of

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

word 'n bedrag betaal gelyk aan vyftig persent van die volle voordeel, tesame met een persent van die volle voordeel ten opsigte van elke voltooide jaar van lidmaatskap bo vyf jaar.

(3) Aan 'n lid wat ontslaan word weens wangedrag of onbevredigende diens, of wat bedank of aangesê word om te bedank ten einde sodanige ontslag te vermy, word sy eie bydraes terugbetaal.

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

(5) Indien die bepalinge van paragraaf (h) van artikel *ses-en-tagtig* te eniger tyd ten opsigte van 'n lid van toepassing is, word aan hom die helfte van die volle voordeel betaal, en daarna het hy geen vordering teen die fonds nie.

(6) Die Tesourie kan van 'n bedrag kragtens hierdie artikel aan 'n lid betaalbaar, die bedrag van enige verlies aftrek wat

the Controller and Auditor-General or a provincial auditor, to have been sustained by the Government through theft, fraud, negligence or any misconduct on the part of such member.

Benefits on death.

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

(2) The provisions of sub-section (3) of section *thirty* shall *mutatis mutandis* apply in respect of any such benefit.

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

Disposal of unclaimed benefits.

92. If a benefit due to or in respect of a member in terms of the provisions of this Chapter, other than an amount due to the estate of a deceased member in terms of sub-section (3) of section *ninety-one*, has not been claimed within a period of twelve months from the date of retirement, discharge or death of that member, such benefit shall, as soon as may be thereafter, be paid into the Consolidated Revenue Fund, and if such member or his dependants subsequently claim payment thereof, an amount equal to the said benefit shall be paid out of the Consolidated Revenue Fund to or for the benefit of the person entitled to it.

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

93. (1) If a member—

- (a) without a break in his service becomes liable to contribute to a new fund or a pension or provident fund under a law referred to in paragraph (c); or
- (b) is transferred to employment under the railway administration and becomes a member of the New Railways and Harbours Superannuation Fund; or
- (c) is transferred or is appointed directly without a break in his service to employment in respect of which he is subject to a pension law administered by any provincial administration, or by the administration of the territory, or by a department of education (whether in the Union or in the territory) or to any pension law (other than this Act) administered by the Treasury, and becomes a contributor to a pension or provident fund under such law as from the date of such transfer or appointment; and
- (d) is permitted and elects to contribute to any such fund in respect of the period of his continuous employment prior to the date upon which he becomes so liable or the date of such transfer or appointment,

an amount not exceeding the full benefit shall be paid out of the fund to the fund to which he becomes liable or so elects to contribute: Provided that if the full benefit is more or less than the amount which is required for the purposes of such fund, the excess shall be disposed of in such manner or the deficiency shall be paid by the member and out of revenue in such proportions as the Treasury may determine.

(2) If a member who so becomes liable or is so transferred or appointed, is not permitted so to contribute, or if permitted to do so does not contribute, he may elect in writing within thirty days from the date upon which he is called upon to do so either—

- (a) to be dealt with in accordance with the provisions of this Chapter as if he had retired voluntarily; or
- (b) to be granted out of the fund, if for any reason he retires or is retired or discharged from the public service or from service under the railway administration or from such employment as is referred to in paragraph (c) of sub-section (1), as the case may be, the benefit to which he would have been entitled in terms of section *ninety* at the date upon which he ceased to be a contributor, had he at that date retired or been retired or discharged for the same reason:

Provided that—

- (i) there shall be added to a full benefit payable in terms of sub-section (1) of the said section, or to the amount equal to fifty per cent. of the full benefit payable in

deur die Kontroleur en Ouditeur-generaal of 'n provinsiale ouditeur gesertifiseer word deur die Regering gelyk te gewees het weens diefstal, bedrog, nalatigheid of enige wangedrag deur so 'n lid.

91. (1) Indien 'n lid voor sy uittreding uit die diens van die Regering te sterwe kom, word met inagneming van die bepalings van sub-artikel (2), die volle voordeel aan of ten bate van diegene van sy afhanklikes wat die Tesourie mag aanwys, betaal.

Voordele by oorlye.

(2) Die bepalings van sub-artikel (3) van artikel *dertig* is *mutatis mutandis* ten opsigte van so 'n voordeel van toepassing.

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

92. Indien 'n voordeel wat ingevolge die bepalings van hierdie Hoofstuk aan of ten opsigte van 'n lid verskuldig is (behalwe 'n bedrag wat ooreenkomstig sub-artikel (3) van artikel *een-en-negentig* aan die boedel van 'n oorlede lid verskuldig is), nie binne 'n tydperk van twaalf maande vanaf die datum van die aftreding, afdanking, ontslag of dood van daardie lid opgeëis is nie, word daardie voordeel so gou doenlik daarna in die Gekonsolideerde Inkomstefonds gestort, en indien so 'n lid of sy afhanklikes later betaling daarvan eis, word 'n bedrag gelyk aan bedoelde voordeel uit die Gekonsolideerde Inkomstefonds aan of ten bate van die persoon wat daarop geregtig is, betaal.

Beskikking oor onopgeëiste voordele.

93. (1) Indien 'n lid—

(a) sonder onderbreking van sy diens onder verpligting kom om tot 'n nuwe fonds of 'n pensioen- of voorsorgsfonds ingevolge 'n in paragraaf (c) bedoelde wet by te dra; of

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

(b) na diens by die spoorwegadministrasie oorgeplaas word en 'n lid van die „Nuwe Spoorweg- en Hawensuperannuasiefonds” word; of

(c) oorgeplaas word na of sonder onderbreking van sy diens regstreeks aangestel word in diens ten opsigte waarvan hy onderhewig is aan 'n pensioenwet wat deur 'n provinsiale administrasie, of deur die administrasie van die gebied, of deur 'n onderwysdepartement (hetsy in die Unie of in die gebied) uitgevoer word, of aan 'n ander pensioenwet as hierdie Wet wat deur die Tesourie uitgevoer word, en vanaf die datum van die oorplasing of aanstelling 'n bydraer tot 'n pensioen- of voorsorgsfonds ingevolge sodanige wet word; en

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

word 'n bedrag wat die volle voordeel nie te bowe gaan nie uit die fonds gestort in die fonds waartoe hy onder verpligting kom of aldus kies om by te dra: Met dien verstande dat indien die volle voordeel meer of minder is as die bedrag wat vir die doeleindes van sodanige fonds nodig is, daar oor die oorskot beskik word op die wyse of die tekort deur die lid en uit inkomste aangesuiwer word in die verhoudings wat die Tesourie mag bepaal.

(2) Indien 'n lid wat aldus onder verpligting kom of aldus oorgeplaas of aangestel word, nie toegelaat word om aldus by te dra nie, of as hy toegelaat word om dit te doen, nie bydra nie, kan hy binne dertig dae vanaf die datum waarop hy aangese word om dit te doen, skriftelik kies of—

(a) dat in sy geval ooreenkomstig die bepalings van hierdie Hoofstuk gehandel word asof hy vrywillig uit diens getree het; of

(b) dat indien hy om een of ander rede aftree of afgedank of ontslaan word uit die staatsdiens of uit diens by die spoorwegadministrasie of uit sulke diens as wat in paragraaf (c) van sub-artikel (1) vermeld word, na gelang van die geval, daar aan hom uit die fonds die voordeel toegeken word waarop hy ingevolge artikel *negentig* op die datum waarop hy opgehou het om 'n bydraer te wees, geregtig sou gewees het as hy op daardie datum om dieselfde rede afgetree het of afgedank of ontslaan was:

Met dien verstande dat—

(i) by 'n volle voordeel betaalbaar ingevolge sub-artikel (1) van genoemde artikel, of by die bedrag gelyk aan vyftig persent van die volle voordeel betaalbaar ooreen-

accordance with sub-section (2) of that section, as the case may be, interest at the rate of four per cent. per annum compounded annually as at the thirty-first day of March and calculated as from the said date and up to the date upon which such benefit or amount is paid;

- (ii) if he dies before his retirement, there shall be paid to or for the benefit of his dependants the benefit to which they would have been entitled in terms of section *ninety-one* as at the said date, together with interest at the rate of four per cent. per annum compounded annually as at the thirty-first day of March and calculated as from that date and up to the date upon which such benefit is paid.

(3) If a member of a new fund becomes liable to contribute to the fund, or if a person in the employ of the railway administration is transferred to employment under the Government in respect of which he is liable so to contribute, or if a person who is a member of a pension or provident fund referred to in paragraph (c) of sub-section (1) becomes liable without a break in his service to contribute to the fund or is transferred or appointed directly without a break in his service to employment under the Government in respect of which he is liable to contribute to the fund, he may, subject to the approval of the Treasury, elect in writing within thirty days from the date upon which he is called upon to do so, to reckon the period of his past pensionable service as pensionable employment under this Chapter, and if he elects so to reckon the said period, there shall be paid to the fund out of the new fund to which he was a contributor, or by the railway administration, or out of the said pension or provident fund, as the case may be, twice the amount of his contributions together with interest compounded annually at the rate of five per cent. per annum and calculated according to the dates upon which the contributions were payable: Provided that if the amount so payable is more or less than an amount equal to twice the contributions which would have been payable by such member or person to the fund during the period of his pensionable service had he during that period been a member of the fund and contributed in accordance with the provisions of section *eighty-five* together with interest on such contributions at the rate of four per cent. per annum, compounded annually as at the thirty-first day of March and calculated according to the dates upon which they would have become payable, the excess shall be disposed of in such manner as the Treasury or, in the case of a railway employee, the railway administration may direct, or the deficiency shall be made good in such manner as the Treasury may determine.

(4) If a member of a new fund who so becomes liable, elects not so to reckon the period of his pensionable service in the public service, the provisions of sub-sections (2) and (3) of section *fourteen* shall *mutatis mutandis* apply in respect of such member.

(5) Notwithstanding the repeal by this Act of section *seventy-two* of the Pensions Act, the provisions of paragraph (b) of sub-section (2) of that section shall continue to apply, as if the said section *seventy-two* had not been repealed, to any member who prior to the fixed date, became liable to contribute to a pension or provident fund referred to in sub-section (1) of this section and who in terms of the said sub-section (2) elected to be subject to the provisions of the said paragraph.

Contingency
account.

94. (1) The Treasury shall continue to keep the contingency account referred to in section *sixty-nine* of the Pensions Act.

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

- (a) the amount by which the full benefit exceeds any amount paid to a member or to or for the benefit of his dependants or to his estate in terms of this Chapter or into the Consolidated Revenue Fund in terms of section *ninety-two*; and
- (b) so much of the amount by which the assets of the fund on the thirty-first day of March in any year exceed the aggregate of the full benefits standing to the credit of members at that date, as the Treasury may determine.

(3) If the interest on deposits referred to in sub-section (3) of section *eighty-four* during any year is less than four per cent. per annum, the amount of the deficiency shall be debited to the contingency account.

komstig sub-artikel (2) van genoemde artikel, na gelang van die geval, rente gevoeg word teen die koers van vier persent per jaar, jaarliks saamgestel op die een-en-dertigste dag van Maart, en bereken vanaf vermelde datum tot die datum waarop bedoelde voordeel of bedrag betaal word;

- (ii) indien hy voor sy uitdienststreding te sterwe kom, die voordeel waarop sy afhanklikes op bedoelde datum ingevolge artikel *een-en-negentig* geregtig sou gewees het, aan of ten bate van hulle betaal word, tesame met rente teen die koers van vier persent per jaar, jaarliks saamgestel op die een-en-dertigste dag van Maart, en bereken vanaf daardie datum tot die datum waarop bedoelde voordeel betaal word.

(3) Indien 'n lid van 'n nuwe fonds onder verpligting kom om tot die fonds by te dra, of indien iemand in diens by die spoorwegadministrasie oorgeplaas word na diens by die Regering ten opsigte waarvan hy verplig is om aldus by te dra, of indien iemand wat lid is van 'n pensioen- of voorsorgsfonds bedoel in paragraaf (c) van sub-artikel (1) sonder onderbreking van sy diens onder verpligting kom om tot die fonds by te dra, of oorgeplaas word na of sonder onderbreking van sy diens regstreeks aangestel word in Regeringsdiens ten opsigte waarvan hy verplig is om tot die fonds by te dra, kan hy, indien die Tesourie dit goedkeur, binne dertig dae vanaf die datum waarop hy aangesê word om dit te doen, skriftelik kies om die tydperk van sy vorige pensioengewende diens as pensioengewende diens ingevolge hierdie Hoofstuk te reken, en indien hy kies om bedoelde tydperk aldus te reken, word in die fonds uit die nuwe fonds waartoe hy bygedra het, of deur die spoorwegadministrasie of uit bedoelde pensioen- of voorsorgsfonds, na gelang van die geval, twee maal die bedrag van sy bydraes gestort, tesame met rente jaarliks saamgestel teen die koers van vyf persent per jaar, en bereken ooreenkomstig die datums waarop die bydraes betaalbaar was: Met dien verstande dat indien die bedrag aldus betaalbaar meer of minder beloop as 'n bedrag gelyk aan twee maal die bydraes wat so 'n lid of persoon gedurende die tydperk van sy pensioengewende diens in die fonds sou moes gestort het as hy gedurende daardie tydperk 'n lid van die fonds was en ooreenkomstig die bepalinge van artikel *vyf-en-tagtig* bygedra het, tesame met rente op sodanige bydraes teen die koers van vier persent per jaar, jaarliks saamgestel op die een-en-dertigste dag van Maart, en bereken ooreenkomstig die datums waarop hulle betaalbaar sou gewees het, daar oor die oorskot beskik word op die wyse wat die Tesourie of, in die geval van 'n spoorwegwerknemer, die spoorwegadministrasie mag gelas of die tekort aangesuiwer word op die wyse wat die Tesourie bepaal.

(4) Indien 'n lid van 'n nuwe fonds wat aldus onder verpligting kom, kies om die tydperk van sy pensioengewende diens in die staatsdiens nie aldus te reken nie, is die bepalinge van sub-artikels (2) en (3) van artikel *veertien mutatis mutandis* van toepassing ten opsigte van so 'n lid.

(5) Ondanks die herroeping deur hierdie Wet van artikel *twee-en-sewentig* van die Pensioenwet, bly die bepalinge van paragraaf (b) van sub-artikel (2) van daardie artikel van toepassing op 'n lid wat voor die vasgestelde datum onder verpligting gekom het om by te dra tot 'n pensioen- of voorsorgsfonds in sub-artikel (1) van hierdie artikel bedoel, en wat ooreenkomstig bedoelde sub-artikel (2) gekies het om onderhewig te wees aan die bepalinge van bedoelde paragraaf, asof bedoelde artikel *twee-en-sewentig* nie herroep was nie.

94. (1) Die Tesourie gaan voort om die gebeurlikheidsrekening in artikel *nege-en-sestig* van die Pensioenwet bedoel, te hou. Gebeurlikheidsrekening.

(2) Op krediet van die gebeurlikheidsrekening word geplaas—

- (a) die bedrag waarmee die volle voordeel 'n bedrag ingevolge hierdie Hoofstuk aan 'n lid of aan of ten bate van sy afhanklikes of aan sy boedel betaal of ingevolge artikel *twee-en-negentig* in die Gekonsolideerde Inkomstefonds gestort, te bowe gaan; en
- (b) soveel van die bedrag waarmee die bates van die fonds op die een-en-dertigste dag van Maart in enige jaar, die totaal van die volle voordele wat op daardie datum op krediet van lede staan, te bowe gaan, as wat die Tesourie mag bepaal.

(3) Indien die rente op deposito's in sub-artikel (3) van artikel *vier-en-tagtig* bedoel gedurende enige jaar minder as vier persent per jaar bedra, word die bedrag van die tekort teen die gebeurlikheidsrekening gedebiteer.

(4) If at any time the amount standing to the credit of the contingency account is, in the opinion of the Treasury, more than the present or probable future requirements for the purposes of sub-section (3), so much of the said amount as the Treasury may determine shall be paid into the Consolidated Revenue Fund.

Payments from revenue to the fund.

95. There shall be paid to the fund—

- (a) out of revenue, at the end of each month, an amount equal to the aggregate of the contributions which have been paid to the fund by members during that month;
- (b) out of the Consolidated Revenue Fund on the thirty-first day of March in each year, the amount required in respect of the twelve months ending upon that date to balance the contingency account after the amount referred to in sub-section (3) of section *ninety-four* has been debited to that account.

Application of sections 53 and 55.

96. The provisions of sections *fifty-three* and *fifty-five* shall *mutatis mutandis* apply in respect of the fund.

CHAPTER VI.

JOINT PRE-UNION FUND.

Continuation of joint pre-Union fund.

97. (1) The joint pre-Union fund referred to in section *forty-six* of the Pensions Act shall be continued under the name of the "joint pre-Union fund".

(2) For the purposes of any law relating to any payments to be made to or from the Civil Service Pension Fund referred to in the Civil Service and Pensions Funds Act, 1895 (Act No. 32 of 1895), of the Cape of Good Hope, and the Administrative and Clerical Service Pension Fund established under the Public Service and Pensions Act, 1908 (Act No. 19 of 1908), of the Transvaal, the joint pre-Union fund shall be deemed to have been substituted for the fund concerned.

Quinquennial valuation and payments to or from the Consolidated Revenue Fund.

98. (1) The assets and liabilities of the joint pre-Union fund as at the thirty-first day of March, 1958, and every five years thereafter, shall be valued by an actuary, who shall declare any surplus or deficiency which appears therein, and report thereon to the Minister of Finance.

(2) The report of the actuary shall be laid upon the Tables of both Houses of Parliament within one month of the receipt thereof by the Minister of Finance, if Parliament is then in session, or if Parliament is not then in session, within one month after the commencement of its next ensuing session.

(3) If the actuary in such a report certifies that there is a substantial surplus or a substantial deficiency, there may be paid to the Consolidated Revenue Fund from the joint pre-Union fund, or from the Consolidated Revenue Fund to the joint pre-Union fund, as the circumstances require, such amount as the Minister of Finance, on the recommendation of the actuary, may determine.

(4) A statement embodying the decision of the Minister of Finance under sub-section (3) shall be laid upon the Tables of both Houses of Parliament within one year from the date on which the report of the actuary was laid thereon.

Application of sections 51, 52, 53 and 55 in respect of joint pre-Union fund.

99. The provisions of item (cc) of sub-paragraph (ii) of paragraph (b) of section *fifty-one* and sections *fifty-two*, *fifty-three* and *fifty-five* shall *mutatis mutandis* apply in respect of the joint pre-Union fund.

CHAPTER VII.

GENERAL AND MISCELLANEOUS.

Benefits may not be granted or varied, except in accordance with statute.

100. Save as is otherwise provided in this Act, no grant of a pension or other similar benefit or any increase thereof in respect of former employment in the public service or in the public or civil service of any part of South Africa now included in the Union or in respect of former employment by the Government during any period during which the employee concerned was a member of the Government Employees' Provident Fund established under section *sixty-three* of the Pensions Act, and no alteration of any condition or condonation of a breach of any condition upon which any such pension or benefit is by law earned or to be earned, shall be lawful unless the grant, increase, alteration or condonation is specifically authorized by statute.

(4) Indien die bedrag wat op krediet van die gebeurlikheidsrekening staan, te eniger tyd volgens die oordeel van die Tesourie meer bedra as wat onmiddellik nodig is of waarskynlik in die toekoms nodig sal wees vir die doeleindes van sub-artikel (3), word soveel van daardie bedrag as wat die Tesourie mag bepaal in die Gekonsolideerde Inkomstefonds gestort.

95. Daar word in die fonds gestort—

- (a) uit inkomste, aan die end van elke maand, 'n bedrag gelyk aan die totaal van die bydraes wat gedurende daardie maand deur lede in die fonds gestort is;
- (b) uit die Gekonsolideerde Inkomstefonds, op die een-en-dertigste dag van Maart in elke jaar, die bedrag wat ten opsigte van die twaalf maande wat op daardie datum eindig, nodig is om die gebeurlikheidsrekening te laat balanseer nadat die in sub-artikel (3) van artikel vier-en-negentig bedoelde bedrag teen daardie rekening gedebiteer is.

Bedrae uit inkomste in die fonds gestort.

96. Die bepalings van artikels drie-en-vyftig en vyf-en-vyftig is *mutatis mutandis* van toepassing ten opsigte van die fonds. Toepassing van artikels 53 en 55.

HOOFSTUK VI.

GESAMENTLIKE VOOR-UNIE-FONDS.

97. (1) Die gesamentlike voor-Unie-fonds in artikel ses-en-veertig van die Pensioenwet bedoel, bly onder die naam van die „gesamentlike voor-Unie-fonds” voortbestaan. Voortbestaan van die gesamentlike voor-Unie-fonds.

(2) By die toepassing van 'n wet betreffende betalings wat moet geskied aan of uit die Siviele Diens Pensioenfondse in die „Civil Service and Pensions Funds Act, 1895” (Wet No. 32 van 1895), van die Kaap die Goeie Hoop, bedoel, en die Administratiewe en Klerklike Diens Pensioenfondse kragtens die „Public Service and Pensions Act, 1908” (Wet No. 19 van 1908), van Transvaal, gestig, word die betrokke fonds geag deur die gesamentlike voor-Unie-fonds vervang te gewees het.

98. (1) Die bates en laste van die gesamentlike voor-Unie-fonds op die een-en-dertigste dag van Maart 1958, en elke vyf jaar daarna, word deur 'n aktuaris gewaardeer, en hy moet die oorskot of tekort wat daaruit blyk, vasstel, en 'n verslag dien-aangaande by die Minister van Finansies indien. Vyfjaarlikse waardering en betalings aan of uit die Gekonsolideerde Inkomstefonds.

(2) Die verslag van die aktuaris word binne een maand vanaf die ontvangs daarvan deur die Minister van Finansies in beide Huise van die Parlement ter Tafel gelê, as die Parlement dan in sitting is, of as die Parlement nie dan in sitting is nie, binne een maand na die aanvang van sy eersvolgende sitting.

(3) Indien die aktuaris in so 'n verslag sertifiseer dat daar 'n wesentlike oorskot of 'n wesentlike tekort is, kan daar na gelang die omstandighede vereis, uit die gesamentlike voor-Unie-fonds in die Gekonsolideerde Inkomstefonds of uit die Gekonsolideerde Inkomstefonds in die gesamentlike voor-Unie-fonds so 'n bedrag gestort word as wat die Minister van Finansies op aanbeveling van die aktuaris mag bepaal.

(4) 'n Verklaring wat die beslissing van die Minister van Finansies kragtens sub-artikel (3) behels, word binne 'n jaar vanaf die datum waarop die verslag van die aktuaris ter Tafel gelê is, in beide Huise van die Parlement ter Tafel gelê.

99. Die bepalings van item (cc) van sub-paragraaf (ii) van paragraaf (b) van artikel een-en-vyftig en artikels twee-en-vyftig, drie-en-vyftig en vyf-en-vyftig is *mutatis mutandis* van toepassing ten opsigte van die gesamentlike voor-Unie-fonds. Toepassing van artikels 51, 52, 53 en 55 ten opsigte van gesamentlike voor-Unie-fonds.

HOOFSTUK VII.

ALGEMENE EN GEMENGDE BEPALINGS.

100. Behalwe vir sover in hierdie Wet anders bepaal word, is geen toekenning van 'n pensioen of ander soortgelyke voordeel of 'n verhoging daarvan, ten opsigte van vorige diens in die staatsdiens of in die staats- of siviele diens van 'n deel van Suid-Afrika tans in die Unie opgeneem, of ten opsigte van vorige diens by die Regering gedurende 'n tydperk gedurende welke die betrokke werknemer 'n lid was van die Regerings-werknemers-ondersteuningsfonds kragtens artikel drie-en-sestig van die Pensioenwet gestig, en geen verandering van 'n voorwaarde of kondonasie van 'n versuim om 'n voorwaarde na te kom, waarop so 'n pensioen of voordeel volgens wet verdien word of moet word, wettig nie, tensy die toekenning, verhoging, verandering of kondonasie uitdruklik by wetsbepaling gemagtig word. Voordele mag nie toegeken of gewysig word nie, behalwe volgens wetsbepaling.

Rights in respect of pensions not cedable or subject to execution.

101. (1) No right in respect of a pension payable under this Act or any other law relating to a pension fund or scheme administered by the Treasury shall be capable of being ceded or of being hypothecated, and any such right shall not be liable to be attached or be subject to any form of execution under a judgment or order of a court.

(2) If any person attempts to cede or hypothecate any right in respect of any such pension to which he is entitled, payment of such pension may, if the Minister of Finance so directs, be withheld, suspended or discontinued: Provided that the Minister of Finance may direct that such pension or a part thereof be paid to one or more of the dependants of such person or to a trustee for such person or his dependants during such period as he may determine.

(3) Notwithstanding anything contained in sub-section (1) or in any other law, any amount which is payable by any officer or employee to the Government at the date of his retirement or discharge, or which the Government is liable to pay in respect of such officer or employee, may be deducted from the pension to be paid to such officer or employee, in a lump sum or in such instalments as the Treasury may determine.

Power to reduce pensions in certain cases.

102. If any person who has retired or been retired or discharged from the service of the Government—

(a) is found by the Commission, after enquiry in accordance with regulation—

(i) to have misappropriated public money or Government property before his retirement; or

(ii) to have made a false statement for the purpose of obtaining a pension, knowing the statement to be false; or

(b) refuses to comply with any reasonable request made by a Minister or an Administrator to give such assistance as is in his power or such information as he is able to give, in connection with any matter within the scope of his duties while he was in the said service,

the Minister of Finance may, on the recommendation of the Commission, reduce any pension or substitute a gratuity for any annuity to which such person may be entitled: Provided that such person shall not, as a result of the exercise of the powers conferred by this section, receive a gratuity which is less than the amount by which the contributions paid by him to a new fund exceed the pension benefits received by him to the date of the reduction or substitution, or an annuity which, according to actuarial calculation, is of a lesser value than the said amount.

Annuities on sequestration.

103. If the estate of any annuitant under this Act or any other law relating to a pension fund or scheme administered by the Treasury is sequestrated, the annuity shall not form part of the assets in his insolvent estate.

Annuities on conviction of certain offences.

104. (1) If any annuitant under this Act or any other law relating to a pension fund or scheme administered by the Treasury is convicted of any offence, and sentenced to death or to any term of imprisonment exceeding twelve months without the option of a fine, payment of the annuity to him shall be discontinued.

(2) The annuity or a portion thereof shall, during such annuitant's imprisonment, be paid to or for the benefit of such of his dependants and according to such allocation amongst them as the Treasury may determine.

(3) On the discharge of such annuitant from prison, the payment to him of the annuity shall be resumed and he shall also be paid any portion of his annuity which may have been withheld.

Pensions may be paid to other person than pensioner himself.

105. If the Treasury is satisfied that it is undesirable for any reason to pay the whole amount of any pension payable to a person under this Act, or any other law relating to a pension fund or scheme administered by the Treasury, directly to such person himself, the Treasury may order that such pension or a portion thereof shall be paid to some other person under such conditions as to its administration for the benefit of such pensioner or his dependants as the Treasury may determine.

101. (1) Geen reg ten opsigte van 'n pensioen wat kragtens hierdie Wet of enige ander wet betreffende 'n pensioenfonds of -skema deur die Tesourie uitgevoer, betaalbaar is, kan gesedeer of verhipotekeer word nie, en so 'n reg is nie vatbaar vir beslaglegging of onderhewig aan enige vorm van eksekusie ingevolge 'n vonnis of order van 'n hof nie.

Regte ten opsigte van pensioene nie sedgebaar of onderhewig aan eksekusie nie.

(2) Indien iemand poog om enige reg ten opsigte van so 'n pensioen waarop hy geregtig is, te sedgeer of te verhipotekeer, kan betaling van so 'n pensioen, indien die Minister van Finansies dit gelas, weerhou, opgeskort of gestaak word: Met dien verstande dat die Minister van Finansies kan gelas dat so 'n pensioen of 'n gedeelte daarvan aan een of meer van die afhanklikes van so iemand of aan 'n kurator ten behoeve van so iemand of sy afhanklikes betaal word gedurende so 'n tydperk as wat hy mag vasstel.

(3) 'n Bedrag wat deur 'n amptenaar of werknemer op die datum van sy uitdienstreding of ontslag aan die Regering betaalbaar is, of wat die Regering ten opsigte van so 'n amptenaar of werknemer onder verpligting is om te betaal, kan, ondanks die bepalinge in sub-artikel (1) of enige ander wet vervat, in 'n enkele bedrag of in sulke paaiemente as wat die Tesourie mag bepaal, afgetrek word van die pensioen wat aan so 'n amptenaar of werknemer betaal moet word.

102. Indien iemand wat uit die diens van die Regering afgetree het of afgedank of ontslaan is—

Mag om pensioene in sekere gevalle te verminder.

(a) volgens bevinding van die Kommissie na ondersoek ooreenkomstig regulasie—

(i) voor sy uitdienstreding hom wederregtelik staatsgeld of -eiendom toegeëin het; of

(ii) 'n valse verklaring gemaak het met die doel om 'n pensioen te verkry, wetende dat die verklaring vals is; of

(b) weier om te voldoen aan 'n redelike versoek deur 'n Minister of 'n Administrateur om hulp te verleen wat hy by magte is om te verleen of om inligting te verstrek wat hy in staat is om te verstrek, in verband met 'n aangeleentheid binne die bestek van sy pligte terwyl hy in bedoelde diens was,

kan die Minister van Finansies op aanbeveling van die Kommissie 'n pensioen waarop so iemand geregtig mag wees, verminder, of 'n jaargeld waarop hy geregtig mag wees deur 'n gratifikasie vervang: Met dien verstande dat so iemand nie as gevolg van die uitoefening van die bevoegdheid deur hierdie artikel verleen, 'n gratifikasie ontvang wat minder is as die bedrag waarmee die bydraes wat hy in 'n nuwe fonds gestort het, die pensioenvoordele deur hom tot op die datum van die vermindering of vervanging ontvang, te bowe gaan nie, of 'n jaargeld ontvang wat volgens aktuariële berekening van minder waarde as daardie bedrag is nie.

103. Indien die boedel van iemand wat ingevolge hierdie Wet of 'n ander wet op 'n pensioenfonds of -skema wat deur die Tesourie uitgevoer word, 'n jaargeld trek, gesekwestreer word, maak die jaargeld nie deel van die bates in sy insolvente boedel uit nie.

Jaargelde by sekwestrasie.

104. (1) Indien iemand wat kragtens hierdie Wet of 'n ander wet op 'n pensioenfonds of -skema wat deur die Tesourie uitgevoer word, 'n jaargeld trek, aan 'n misdryf skuldig bevind word en tot die dood of tot 'n tydperk van gevangenisstraf van meer as twaalf maande sonder die keuse van 'n boete gevonniss word, word die betaling van die jaargeld aan hom gestaak.

Jaargelde by skuldigbevinding aan sekere misdrywe.

(2) Die jaargeld of 'n gedeelte daarvan word gedurende so 'n jaargeldtrekker se gevangenskap betaal aan of ten bate van sodanige van sy afhanklikes en volgens sodanige toewysing onder hulle as wat die Tesourie mag bepaal.

(3) Wanneer so 'n jaargeldtrekker uit die gevangenis ontslaan word, word die betaling van die jaargeld aan hom hervat en word ook enige gedeelte van sy jaargeld wat weerhou mag gewees het, aan hom betaal.

105. Indien die Tesourie oortuig is dat dit om een of ander rede onwenslik is om die hele bedrag van 'n pensioen wat kragtens hierdie Wet, of 'n ander wet op 'n pensioenfonds of -skema wat deur die Tesourie uitgevoer word, aan iemand betaalbaar is, regstreeks aan so iemand self te betaal, kan die Tesourie gelas dat daardie pensioen of 'n gedeelte daarvan aan iemand anders betaal word op sulke voorwaardes wat betref die beheer daarvan ten bate van so 'n pensioentrekker of sy afhanklikes as wat die Tesourie mag bepaal.

Pensioene kan aan iemand anders as pensioentrekker self betaal word.

Prescription of actions.

106. (1) No legal proceedings of any nature shall be brought against the Government, the Treasury or any Minister or Administrator in respect of anything done or omitted under this Act or any law relating to a pension fund or scheme administered by the Treasury, unless such proceedings are brought before the expiry of a period of twelve months as from the date upon which the claimant had knowledge or could reasonably have had knowledge of the act or omission alleged.

(2) No such proceedings shall be commenced until one month after written notice of the intention to bring such proceedings has been served on the Minister, Administrator or officer concerned, and particulars as to the alleged act or omission shall be clearly and explicitly given in such notice.

Application of Act to certain pensioners or their dependants.

107. (1) Any person who was a member of the services and of the old fund and who retired or was retired or discharged on pension on or after the fixed date and before the date of commencement of this Act, in terms of sub-section (1) or (3) of section *six* or section *nineteen* of the Pensions Act, or for a reason mentioned in paragraph (b), (c), (d) or (e) of sub-section (5) of section *twenty-one* of that Act, may elect, within thirty days from the date upon which he is called upon by the Commissioner to do so, to receive, in lieu of the pension payable to him under the Pensions Act, and upon such conditions as to the payment by him of any amount to the appropriate new fund as the Treasury may determine, the pension (including any pension under Chapter II) which would have been payable to him had this Act been in operation as from the fixed date and had he, in the case of a person to whom section *five* would have applied, elected to become a contributor to the permanent force pension fund or the police and prisons pension fund.

(2) In lieu of any gratuity paid in terms of the Pensions Act to a dependant of a member of the services who died on or after the fixed date but prior to his retirement or discharge, and before the date of commencement of this Act, and who at the date of his death was subject to the provisions of Part B of Chapter I of the Pensions Act, there may be paid, subject to such conditions as to the payment of any amount to the appropriate new fund as the Treasury may determine—

(a) if the member died on or after the fixed date and before the twenty-fifth day of June, 1954, the gratuity which would have been payable had this Act been in operation as from the fixed date and had such gratuity, in the case of a dependant of a member of the permanent force, been calculated and allocated in accordance with the provisions of paragraph (a) of sub-section (1) and sub-section (3) of section *thirty-nine*, and, in the case of a dependant of a member of the police force or prisons service, in accordance with the provisions of paragraph (a) of sub-section (1) and sub-section (3) of section *fifty*; and

(b) if the said member died on or after the twenty-fifth day of June, 1954, and before the date of commencement of this Act, the gratuity which would have been payable had the provisions of sub-sections (1) and (3) of section *thirty-nine* or sub-sections (1) and (3) of section *fifty*, as the circumstances require, been in operation as from the twenty-fifth day of June, 1954.

(3) A member of the services who retired or was retired or discharged on or after the fixed date and died before the date of commencement of this Act, and who immediately prior to the fixed date was subject to the provisions of Part B of Chapter I of the Pensions Act, shall, subject to such conditions as to the payment of any amount to the appropriate new fund as the Treasury may determine, be deemed to have been a contributor to the permanent force pension fund or the police and prisons pension fund, as the case may be, as from the fixed date, and there shall be paid from such fund—

(a) to his estate an amount equal to the difference between the pension paid or payable in accordance with the said Pensions Act from the fixed date until the date of his death, and the pension which would have been payable for that period had he, in the case of a member of the permanent force, been subject to the provisions of

106. (1) Geen regsgeding van watter aard ook word teen die Regering, die Tesourie of 'n Minister of Administrateur ingestel ten opsigte van enigiets ingevolge hierdie Wet, of enige wet op 'n pensioenfonds of -skema wat deur die Tesourie uitgevoer word, gedoen of nagelaat nie, tensy daardie geding ingestel word voor die verstryking van 'n tydperk van twaalf maande vanaf die datum waarop die eiser die beweerde daad of versuim te wete gekom het of redelikerwys daarvan kon geweet het.

Verjaring van
vorderingsregte.

(2) Geen sodanige geding word aanhangig gemaak nie voordat 'n maand verloop het na bestelling aan die betrokke Minister, Administrateur of beamppte van skriftelike kennisgewing van die voorneme om so 'n geding in te stel, en besonderhede omtrent die beweerde daad of versuim moet duidelik en uitdruklik in bedoelde kennisgewing aangegee word.

107. (1) Iemand wat 'n lid van die dienste en van die ou fonds was en wat op of na die vasgestelde datum en voor die datum van inwerkingtreding van hierdie Wet, ooreenkomstig sub-artikel (1) of (3) van artikel *ses* of artikel *negentien* van die Pensioenwet, of om 'n rede in paragraaf (b), (c), (d) of (e) van sub-artikel (5) van artikel *een-en-twintig* van daardie Wet bedoel, met pensioen afgetree het of afgedank of ontslaan is, kan binne dertig dae vanaf die datum waarop hy deur die Kommissaris aangese word om dit te doen, kies om in plaas van die pensioen ingevolge die Pensioenwet aan hom betaalbaar, en op sulke voorwaardes, wat betref die storting deur hom van 'n bedrag in die betrokke nuwe fonds, as wat die Tesourie mag bepaal, die pensioen (met inbegrip van 'n pensioen ingevolge Hoofstuk II) te ontvang wat aan hom betaalbaar sou gewees het as hierdie Wet vanaf die vasgestelde datum in werking was en as hy, in die geval van iemand op wie artikel *vyf* van toepassing sou gewees het, gekies het om 'n bydraer tot die staandemag-pensioenfonds of die polisie- en gevangenisdiens-pensioenfonds te word.

Toepassing van
Wet op sekere
pensionarisse
of hul
afhanklikes.

(2) In plaas van 'n gratifikasie wat ingevolge die Pensioenwet betaal is aan 'n afhanklike van 'n lid van die dienste wat op of na die vasgestelde datum maar voor sy uitdienststreding of ontslag, en voor die datum van inwerkingtreding van hierdie Wet, te sterwe gekom het, en wat op die datum van sy dood onder die bepalings van Deel B van Hoofstuk I van die Pensioenwet geval het, kan daar, behoudens sodanige voorwaardes, wat betref die betaling van enige bedrag aan die betrokke nuwe fonds, as wat die Tesourie mag bepaal, betaal word—

(a) indien die lid op of na die vasgestelde datum en voor die vyf-en-twintigste dag van Junie 1954 gesterf het, die gratifikasie wat betaalbaar sou gewees het as hierdie Wet vanaf die vasgestelde datum in werking was en as bedoelde gratifikasie, in die geval van 'n afhanklike van 'n lid van die staande mag, bereken en toegewys was volgens die bepalings van paragraaf (a) van sub-artikel (1) en sub-artikel (3) van artikel *nege-en-dertig* en, in die geval van 'n afhanklike van 'n lid van die polisiemag of gevangenisdiens, volgens die bepalings van paragraaf (a) van sub-artikel (1) en sub-artikel (3) van artikel *vyftig*; en

(b) indien bedoelde lid op of na die vyf-en-twintigste dag van Junie 1954 en voor die datum van inwerkingtreding van hierdie Wet gesterf het, die gratifikasie wat betaalbaar sou gewees het as die bepalings van sub-artikels (1) en (3) van artikel *nege-en-dertig* of sub-artikels (1) en (3) van artikel *vyftig*, na gelang van die omstandighede, vanaf die vyf-en-twintigste dag van Junie 1954 in werking was.

(3) 'n Lid van die dienste wat op of na die vasgestelde datum afgetree het of afgedank of ontslaan is, en voor die datum van inwerkingtreding van hierdie Wet gesterf het, en wat onmiddellik voor die vasgestelde datum onder die bepalings van Deel B van Hoofstuk I van die Pensioenwet geval het, word, op sodanige voorwaardes, wat betref die storting van 'n bedrag in die betrokke nuwe fonds, as wat die Tesourie mag bepaal, geag vanaf die vasgestelde datum 'n bydraer tot die staandemag-pensioenfonds of die polisie- en gevangenisdiens-pensioenfonds, na gelang van die geval, te gewees het, en daar word uit bedoelde fonds betaal—

(a) aan sy boedel 'n bedrag gelyk aan die verskil tussen die pensioen wat ooreenkomstig bedoelde Pensioenwet vanaf die vasgestelde datum tot die datum van sy dood betaal is of betaalbaar was, en die pensioen wat vir daardie tydperk betaalbaar sou gewees het indien hy, in die geval van 'n lid van die staande mag onder die

Part D of Chapter I of this Act, or, in the case of a member of the police force or prisons service, to the provisions of Part E of Chapter I of this Act;

- (b) to his dependants, in lieu of the gratuity paid or payable in terms of the Pensions Act, the gratuity which would have been payable had the annuity to which he was entitled on the day of his death been calculated in accordance with paragraph (a) of sub-section (1) of section *thirty-seven* or paragraph (a) of sub-section (1) of section *forty-eight*, whichever is applicable.

(4) Save as provided in sub-sections (2) and (3) of section *thirty-seven* and sub-sections (2) and (3) of section *forty-eight*, all pensions (other than pensions under Chapter II) which become payable in terms of this section shall be paid from the permanent force pension fund or the police and prisons pension fund, as the circumstances require.

108. (1) The Governor-General may make regulations as to—

- (a) the method of calculating, for the purpose of determining the pensionable emoluments of any person under this Act, the value of any free rations, quarters, fuel, light or washing;
- (b) the form and manner in which the accounts of any pension or provident fund under this Act, or the additional benefits account referred to in Chapter II, shall be kept;
- (c) any matter which under this Act is required or permitted to be prescribed,

and generally for the better carrying out of the objects and purposes of this Act.

(2) Different regulations may be made in respect of different pension funds and different classes of contributors to such funds.

Interpretation
of terms.

109. In this Act, unless the context otherwise indicates, any expression not defined in this Act to which in the Public Service Act a meaning has been assigned, bears, when used in this Act, the same meaning, and, except where specially defined—

- (i) "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; (ii)
- (ii) "annuity" means an amount which is payable each year; (xiii)
- (iii) "Commissioner" means the Commissioner of Pensions; (xiv)
- (iv) "dependant" means, in relation to any person—
 - (a) the widow or a minor child or stepchild of such person; or
 - (b) any other relative or person dependant upon such person for maintenance; (i)
- (v) "fixed date" means the first day of April, 1954; (xxix)
- (vi) "Government" means the Government of the Union and includes every provincial administration and the administration of the territory, but does not include the railway administration; (xxii)
- (vii) "new fund" means a fund established under section *two*; (xv)
- (viii) "officer" means any person who is employed in the public service and is paid by salary or wages, and includes any person who according to any law is deemed for pension and retirement purposes to be employed in a post classified in the public service, but does not include any person referred to in section *one hundred and forty-four* of the South Africa Act, 1909, or any person in the public service who by virtue of the provisions of any other law is a member of some other pension or provident fund or scheme which makes provision for the payment of a retirement benefit; (iii)
- (ix) "old fund" means the Union Public Service Pension Fund established under section *three* of the Pensions Act; (xvi)
- (x) "pension" means an annuity, gratuity or other benefit; (xvii)
- (xi) "pensionable emoluments" includes—
 - (a) a person's pay and any special allowance attached to a particular office if such allowance be declared by the Commission to be pensionable;
 - (b) so much of any personal allowance granted to a person in consideration of his pay being reduced otherwise than as a penalty, or of any ration

bepalings van Deel D van Hoofstuk I van hierdie Wet, of, in die geval van 'n lid van die polisiemag of gevangenisdiens, onder die bepalings van Deel E van Hoofstuk I van hierdie Wet geval het;

- (b) aan sy afhanklikes, in plaas van die gratifikasie wat ingevolge die Pensioenwet betaal is of betaalbaar was, die gratifikasie wat betaalbaar sou gewees het as die jaargeld waarop hy op die dag van sy dood geregtig was, ooreenkomstig paragraaf (a) van sub-artikel (1) van artikel *sewe-en-dertig* of paragraaf (a) van sub-artikel (1) van artikel *agt-en-veertig*, watter ook al van toepassing is, bereken was.
- (4) Behoudens die bepalings van sub-artikels (2) en (3) van artikel *sewe-en-dertig* en sub-artikels (2) en (3) van artikel *agt-en-veertig*, word ander pensioene as pensioene kragtens Hoofstuk II, wat ingevolge hierdie artikel betaalbaar word, uit die staandemag-pensioenfondse of die polisie- en gevangenisdiens-pensioenfondse, na gelang van die omstandighede, betaal.

108. (1) Die Goewerneur-generaal kan regulasies uitvaardig wat betref—

- (a) die wyse waarop die waarde van enige vry rantsoene, woning, brandstof, lig of wasgoed bereken moet word ten einde iemand se pensioengewende verdienste ingevolge hierdie Wet vas te stel;
- (b) die vorm waarin en die wyse waarop die rekenings van 'n pensioen- of ondersteuningsfonds ingevolge hierdie Wet, of die bykomstige voordelerekening in Hoofstuk II bedoel, gehou moet word;
- (c) enige aangeleentheid wat volgens hierdie Wet moet of kan voorgeskryf word,
- en oor die algemeen vir die betere uitvoering van die oogmerke en doeleindes van hierdie Wet.

(2) Verskillende regulasies kan ten opsigte van verskillende pensioenfondse en verskillende kategorieë van bydraers tot sulke fondse uitgevaardig word.

109. In hierdie Wet, tensy uit die samehang anders blyk, het 'n uitdrukking wat nie in hierdie Wet omskryf word nie en waaraan in die Staatsdienswet 'n betekenis toegeskryf is, wanneer dit in hierdie Wet gebesig word, dieselfde betekenis, en beteken, behalwe waar dit spesiaal omskryf word—

- (i) „afhanklike”, met betrekking tot 'n persoon—
- (a) die weduwee of 'n minderjarige kind of stiefkind van daardie persoon; of
- (b) 'n ander familiebetrekking of persoon wat van so 'n persoon afhanklik is vir onderhoud; (iv)
- (ii) „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”; (i)
- (iii) „amptenaar” iemand wat in die staatsdiens in diens is en deur middel van salaris of loon betaal word, en ook iemand wat ooreenkomstig enige wet vir pensioen- en aftredingsdoeleindes geag word in diens te wees in 'n betrekking onder die staatsdiens geklassifiseer, maar nie ook iemand in artikel *honderd vier-en-veertig* van die „Zuid-Afrika Wet, 1909”, bedoel, of iemand in die staatsdiens wat ooreenkomstig die bepalings van enige ander wet 'n lid is van 'n ander pensioen- of voorsorgsfonds of -skema, wat vir die betaling van 'n aftredingsvoordeel voorsiening maak nie; (viii)
- (iv) „die dienste”—
- (a) die staande mag;
- (b) die polisiemag; en
- (c) die gevangenisdiens; (xxvii)
- (v) „die gebied” die Gebied Suidwes-Afrika; (xxvi)
- (vi) „die Kommissie” die Staatsdienskommissie aangestel kragtens die Staatsdienswet; (xxii)
- (vii) „die Pensioenwet” die Regeringsdiens Pensioenwet, 1936 (Wet No. 32 van 1936); (xxiii)
- (viii) „die spoorwegadministrasie” die gesag vir die beheer en bestuur van die spoorweë en hawens van die Unie, soos ingestel kragtens die „Zuid-Afrika Wet, 1909”, of enige ander wet; (xxv)
- (ix) „die Staatsdienswet” die „Staatsdienst Wet, 1923” (Wet No. 27 van 1923); (xxiv)
- (x) „gevangenisdiens” die Departement van Gevangenisne in sub-artikel (1) van artikel *drie* van die „Wet op Gevangenisne en Verbetergestichten, 1911” (Wet No. 13 van 1911), bedoel, maar nie ook iemand wat nie 'n

Woordbepaling.

allowance or the value of free rations, or of any allowance for quarters or the value of free quarters not exceeding one-sixth of the person's other pensionable emoluments, or of any fuel, light or washing allowance or the value of free fuel, light or washing, as is declared by the Commission to be pensionable,

but does not include—

- (i) any cost of living or climatic allowance;
- (ii) any special remuneration which a person may receive for performing special duties or while acting in any office;
- (iii) any transport or subsistence allowance;
- (iv) any fees, honoraria or bonuses of any kind;
- (v) any overtime payments; or
- (vi) any other allowances not herein specified:

Provided that the pensionable emoluments of any person—

- (a) who has made an election in terms of sub-section (2) of section *eighty-three bis* of the Pensions Act;
- (b) who in terms of the provisions of paragraph (a) of section *eighteen* of the Pensions Act became a member of the old fund with effect from a date after the thirtieth day of September, 1954;
- (c) who in terms of the provisions of section *twenty-four*, becomes a member of the Union pension fund; or
- (d) appointed under the provisions of sub-section (2) of section *five* of the High Commissioner's Act, 1911 (Act No. 3 of 1911), with effect from a date after the thirtieth day of September, 1954, to whom the provisions of sub-section (4) of section *sixty-one* apply,

shall be such amount as the Treasury may from time to time determine on the recommendation of the Commission: Provided further that when any member of the permanent force has been temporarily granted a rank higher than his substantive rank in the said force, any amount by which his pay or allowances have been increased by reason of the fact that he is temporarily holding such higher rank, shall not form part of his pensionable emoluments unless the said amount is declared by the Commission to be pensionable; (xix)

- (xii) "pensionable service" means pensionable service according to the provisions of section *nine*; (xviii)
- (xiii) "permanent force" means the Permanent Force established under the South Africa Defence Act, 1912 (Act No. 13 of 1912), and reconstituted as the South African Permanent Force in terms of the South Africa Defence Act Amendment Act, 1922 (Act No. 22 of 1922); (xxiv)
- (xiv) "permanent force pension fund" means the South African permanent force pension fund established under section *two*; (xxv)
- (xv) "police and prisons pension fund" means the South African police and prisons service pension fund established under section *two*; (xx)
- (xvi) "police force" means the force established under the Police Act, 1912 (Act No. 14 of 1912), and includes the police force incorporated in the South African Police under section *one* of the Police (South-West Africa) Act, 1939 (Act No. 19 of 1939); (xxi)
- (xvii) "prescribed" means prescribed by or under this Act; (xxx)
- (xviii) "prisons service" means the Prisons Department referred to in sub-section (1) of section *three* of the Prisons and Reformatories Act, 1911 (Act No. 13 of 1911), but does not include any person who is not an officer as defined in section *two* of that Act; and such of the staff of the prisons department of the territory as are subordinate officers (according to the definition in that Act as applied to the territory by Administrator's Proclamation No. 6 of 1916, as amended by Proclamations No. 20 of 1922 and No. 4 of 1923), in that department; (x)
- (xix) "public service" means the public service according to the provisions of section *one* of the Public Service Act, and includes any post which according to any law is deemed for pension and retirement purposes to be a post classified in one of the divisions of the public service; (xxvi)

beampte soos in artikel *twee* van daardie Wet omskrywe, is nie; en sodanige lede van die personeel van die departement van gevangenis in die gebied as wat ondergeskikte beamptes (volgens die omskrywing in daardie Wet soos op die gebied van toepassing verklaar deur die Administrateur se Proklamasie No. 6 van 1916, soos gewysig deur Proklamasies No. 20 van 1922 en No. 4 van 1923), van daardie departement is; (xviii)

- (xi) „hierdie Wet” ook die regulasies; (xxviii)
- (xii) „inkomste” die Gekonsolideerde Inkomstefonds of, met betrekking tot amptenare of werknemers wat in diens is by of persone wat uitgetree het of ontslaan is uit die diens van ’n provinsiale administrasie, die provinsiale inkomstefonds van die betrokke provinsie, of, met betrekking tot amptenare of werknemers wat in diens is by of persone wat uitgetree het of ontslaan is uit die diens van die administrasie van die gebied, die Inkomstefonds van die gebied kragtens artikel *sesen-dertig* van die „Zuidwest-Afrika Konstitutie Wet, 1925” (Wet No. 42 van 1925), gestig; (xxi)
- (xiii) „jaargeld” ’n bedrag wat elke jaar betaalbaar is; (ii)
- (xiv) „Kommissaris” die Kommissaris van Pensioene; (iii)
- (xv) „nuwe fonds” ’n fonds kragtens artikel *twee* gestig; (vii)
- (xvi) „ou fonds” die Unie-staatsdienspensioenfonds kragtens artikel *drie* van die Pensioenwet gestig; (ix)
- (xvii) „pensioen” ’n jaargeld, gratifikasie of ander voordeel; (x)
- (xviii) „pensioengewende diens” pensioengewende diens volgens die bepalinge van artikel *nege*; (xii)
- (xix) „pensioengewende verdienste” ook—

(a) iemand se besoldiging en enige spesiale toelae aan ’n bepaalde betrekking verbonde as daardie toelae deur die Kommissie verklaar word pensioengewend te wees;

(b) soveel van ’n persoonlike toelae aan iemand toegeken om te vergoed vir vermindering van sy besoldiging andersins as by wyse van straf, of van ’n rantsoentoelae of die waarde van vry rantsoene, of van ’n woningtoelae of die waarde van vry woning wat een-sesde van so iemand se ander pensioengewende verdienste nie te bowe gaan nie, of van ’n brandstof-, lig- of wasgoedtoelae of die waarde van vry brandstof, lig of wasgoeddienste, as wat deur die Kommissie verklaar word pensioengewend te wees,

maar nie ook—

- (i) ’n lewenskoste- of klimaatstoelae nie;
- (ii) ’n spesiale besoldiging wat ’n lid weens die verrigting van besondere pligte of terwyl hy ’n betrekking waarneem, ontvang nie;
- (iii) ’n reis- of onderhoudstoelae nie;
- (iv) gelde, honoraria of bonusse van enige aard nie;
- (v) vergoeding vir oortydwerk nie; of
- (vi) enige ander toelae nie hierin vermeld nie;

Met dien verstande dat die pensioengewende verdienste van iemand—

- (a) wat ingevolge sub-artikel (2) van artikel *drie-en-tagtig bis* van die Pensioenwet ’n keuse gedoen het;
- (b) wat met ingang van ’n datum na die dertigste dag van September 1954, ingevolge die bepalinge van paragraaf (a) van artikel *agtien* van die Pensioenwet ’n lid van die ou fonds geword het;
- (c) wat ingevolge die bepalinge van artikel *vier-en-twintig* ’n lid van die Unie-pensioenfonds word; of
- (d) wat met ingang vanaf ’n datum na die dertigste dag van September 1954 ingevolge die bepalinge van sub-artikel (2) van artikel *vyf* van die „Hoge Kommissaris Wet, 1911” (Wet No. 3 van 1911), aangestel is, en op wie die bepalinge van sub-artikel (4) van artikel *een-en-sestig* van toepassing is,

die bedrag is wat die Tesourie van tyd tot tyd op aanbeveling van die Kommissie mag bepaal: Met dien verstande voorts dat wanneer aan ’n lid van die staande mag tydelik ’n hoër rang as sy substantiewe rang in bedoelde mag toegeken is, enige bedrag waarmee sy soldy of toelae verhoog is weens die feit dat hy tydelik sodanige hoër rang hou, nie deel van sy pensioengewende verdienste uitmaak nie tensy bedoelde bedrag deur die Kommissie verklaar word pensioengewend te wees; (xi)

- (xx) "regulation" means a regulation made under this Act; (xxiii)
- (xxi) "revenue" means the Consolidated Revenue Fund or, in respect of officers or employees serving under or persons retired or discharged from service under a provincial administration, the provincial revenue fund of the province concerned, or, in respect of officers or employees serving under or persons retired or discharged from service under the administration of the territory, the Territory Revenue Fund established under section *thirty-six* of the South-West Africa Constitution Act, 1925 (Act No. 42 of 1925); (xii)
- (xxii) "the Commission" means the Public Service Commission appointed under the Public Service Act; (vi)
- (xxiii) "the Pensions Act" means the Government Service Pensions Act, 1936 (Act No. 32 of 1936); (vii)
- (xxiv) "the Public Service Act" means the Public Service Act, 1923 (Act No. 27 of 1923); (ix)
- (xxv) "the railway administration" means the authority for the control and management of the railways, ports and harbours of the Union, as established under the South Africa Act, 1909, or any other law; (viii)
- (xxvi) "the territory" means the Territory of South-West Africa; (v)
- (xxvii) "the services" means—
 - (a) the permanent force;
 - (b) the police force; and
 - (c) the prisons service; (iv)
- (xxviii) "this Act" includes the regulations; (xi)
- (xxix) "Treasury" means the Minister of Finance or any officer in the Department of Finance or the Department of Pensions authorized by the said Minister to perform any of the functions assigned to the Treasury in this Act; (xxvii)
- (xxx) "Union pension fund" means the Union pension fund established under section *two*. (xxviii)

Interpretation of references in other laws to certain provisions of Act 32 of 1936.

110. Any reference to section *nineteen* of the Pensions Act in any law which provides that a person in the public service shall be a member of some pension or provident fund or scheme administered in accordance with that law shall be deemed to be a reference to section *twenty-six* of this Act, and any reference in any such law to the expression "pensionable age" as defined in section *eighty-three* of the said Pensions Act, shall be deemed to be a reference to the expression "pensionable age" as defined in section *twenty-one* of this Act.

Provisions relating to certain employees at agricultural schools.

111. The provisions of sub-section (1) of section *eighteen* or of section *twenty-six*, as the circumstances require, shall, notwithstanding anything to the contrary in the first proviso to sub-section (3) of section *three* of the Agricultural Schools Transfer Act, 1937 (Act No. 30 of 1937), contained, apply to any person who in terms of sub-section (4) of the said section *three* was a contributor to the old fund immediately prior to the commencement of this Act and who in accordance with the provisions of Chapter I of this Act becomes a contributor to the Union pension fund.

Provisions relating to certain members of the National Road Board Provident Fund.

112. (1) If a person in the public service who in terms of paragraph (a) of sub-section (1) of section *fourteen* of the Transport (Co-ordination) Act, 1948 (Act No. 44 of 1948), has retained his membership of the National Road Board Provident Fund established under the regulations made under paragraph (d) of sub-section (1) of section *sixteen* of the National Roads Act, 1935 (Act No. 42 of 1935), does not retire or is not retired or discharged on attaining, in the case of a male the age of sixty years, or in the case of a female the age of fifty-five years, any policy or policies of insurance taken out in respect of him in accordance with the said regulations, shall, notwithstanding anything in such regulations or the said section *fourteen* of the Transport (Co-ordination) Act, 1948, contained, not be ceded or delivered to him, and—

- (a) on maturity the said policy or policies shall be realized and the full amount of the proceeds thereof shall be placed to his credit in the Government Employees Provident Fund referred to in section *eighty-four*; and

- (xx) „polisie- en gevangensdiens-pensioenfonds” die Suid-Afrikaanse polisie- en gevangensdiens-pensioenfonds kragtens artikel *twee* gestig; (xv)
- (xxi) „polisiemag” die mag ingestel deur die „Politiewet, 1912” (Wet No. 14 van 1912), en ook die polisiemag kragtens artikel *een* van die Polisie (Suidwes-Afrika) Wet, 1939 (Wet No. 19 van 1939), by die Suid-Afrikaanse polisie ingelyf; (xvi)
- (xxii) „Regering” die Regering van die Unie en ook elke provinsiale administrasie en die administrasie van die gebied, maar nie ook die spoorwegadministrasie nie; (vi)
- (xxiii) „regulasie” ’n regulasie kragtens hierdie Wet uitgevaardig; (xx)
- (xxiv) „staande mag” die Staande Mag ingestel deur die „Zuid Afrika Verdedigings Wet, 1912” (Wet No. 13 van 1912), en hersamegestel as die Suid-Afrikaanse Staande Mag ingevolge die „Zuid-Afrika Verdedigings Wet Wijzigings Wet, 1922” (Wet No. 22 van 1922); (xiii)
- (xxv) „staandemag-pensioenfonds” die Suid-Afrikaanse staandemag-pensioenfonds kragtens artikel *twee* gestig; (xiv)
- (xxvi) „staatsdiens” die staatsdiens volgens die bepalings van artikel *een* van die Staatsdienswet, en ook enige pos wat volgens een of ander wet vir pensioen- en aftredingsdoeleindes geag word ’n pos onder ’n diens-tak van die staatsdiens geklassifiseer te wees; (xix)
- (xxvii) „Tesourie” die Minister van Finansies of enige amptenaar in die Departement van Finansies of die Departement van Pensioene wat deur bedoelde Minister gemagtig is om enige van die werksaamhede te verrig wat in hierdie Wet aan die Tesourie opgedra word; (xxix)
- (xxviii) „Unie-pensioenfonds” die Unie-pensioenfonds kragtens artikel *twee* gestig; (xxx)
- (xxix) „vasgestelde datum” die eerste dag van April 1954; (v)
- (xxx) „voorgeskrif” deur of kragtens hierdie Wet voorgeskryf. (xvii)

110. ’n Verwysing na artikel *negentien* van die Pensioenwet in enige wet wat bepaal dat iemand in die staatsdiens ’n lid moet wees van een of ander pensioen- of voorsorgsfonds of -skema wat ooreenkomstig daardie wet uitgevoer word, word geag ’n verwysing na artikel *ses-en-twintig* van hierdie Wet te wees, en ’n verwysing in so ’n wet na die uitdrukking „pensioenleef tyd” soos in artikel *drie-en-tagtig* van bedoelde Pensioenwet omskrywe, word geag ’n verwysing te wees na die uitdrukking „pensioenleef tyd” soos in artikel *een-en-twintig* van hierdie Wet omskrywe.

Uitleg van verwysings in ander wette na sekere bepalings van Wet 32 van 1936.

111. Die bepalings van sub-artikel (1) van artikel *agtien* of van artikel *ses-en-twintig*, na gelang van die omstandighede, is ondanks andersluidende bepalings van die eerste voorbehoudsbepaling van sub-artikel (3) van artikel *drie* van die Wet op Oordrag van Landbouskole, 1937 (Wet No. 30 van 1937), van toepassing op enigiemand wat, onmiddellik voor die inwerking-treding van hierdie Wet, ingevolge sub-artikel (4) van bedoelde artikel *drie* ’n bydraer tot die ou fonds was, en wat ooreenkomstig die bepalings van Hoofstuk I van hierdie Wet ’n bydraer tot die Unie-pensioenfonds word.

Bepalings betreffende sekere werknemers in diens by landbouskole.

112. (1) Indien iemand in die staatsdiens, wat ooreenkomstig paragraaf (a) van sub-artikel (1) van artikel *veertien* van die Wet op die Koördinering van Vervoer, 1948 (Wet No. 44 van 1948), sy lidmaatskap van die Voorsieningsfonds van die Nasionale Padraad, gestig ingevolge die regulasies uitgevaardig kragtens paragraaf (d) van sub-artikel (1) van artikel *sestien* van die Wet op Nasionale Paaie, 1935 (Wet No. 42 van 1935), behou het, nie by die bereiking, in die geval van ’n manspersoon, van die leeftyd van sestig jaar of, in die geval van ’n vrouspersoon, van die leeftyd van vyf-en-vyftig jaar aftree of ontslaan of afgedank word nie, word ’n versekeringspolis- of polisse wat ooreenkomstig bedoelde regulasies ten opsigte van hom uitgeeneem is, ondanks andersluidende bepalings van bedoelde regulasies of bedoelde artikel *veertien* van die Wet op die Koördinering van Vervoer, 1948, nie aan hom gesedêr of oorhandig nie, en—

Bepalings betreffende sekere lede van die Voorsieningsfonds van die Nasionale Padraad.

- (a) word bedoelde polis of polisse by vervaldatum tot geld gemaak en die volle bedrag van die opbrings daarvan tot sy krediet in die in artikel *vier-en-tagtig* bedoelde Regerings-werknemersondersteuningsfonds geplaas; en

(b) if for any reason thereafter he ceases to be employed in the public service, the said amount, together with interest at the rate of four per cent. per annum, compounded annually as at the thirty-first day of March and calculated from the date such amount was placed to his credit in the said Government Employees' Provident Fund and up to the date upon which payment is made, shall, notwithstanding anything to the contrary in Chapter V contained, be paid from the Fund to him or his legal representative or his estate, as the case may be.

(2) Notwithstanding anything to the contrary in this Act contained, a person to whom sub-section (1) refers may, if he so wishes, elect to contribute to the said Government Employees' Provident Fund as from the date he ceased to be a member of the said National Road Board Provident Fund, and if he so elects he shall in respect of his service from that date be deemed to be a person referred to in sub-section (2) of section *eighty-five*.

Provisions relating to certain officers and employees formerly employed in the Pretoria Branch of the Royal Mint.

113. Any reference to the Pensions Act in the South African Mint Act, 1941 (Act No. 16 of 1941), shall be deemed to be a reference to this Act, and any person who elected, or is deemed to have elected, to have the conditions of his service determined as set forth in paragraph (b) of sub-section (1) of section *ten* of the said South African Mint Act, 1941, shall continue to pay to the Treasury from time to time in respect of his service under the Government of the Union such sums of money as he would have been required to contribute to a new fund or to the Government Employees' Provident Fund referred to in section *eighty-four* had he been a contributor as defined in section *one* or a member as defined in section *eighty-three*, as the case may be.

Validation of application of section 26 of Act 32 of 1936 to certain persons.

114. The application of the provisions of section *twenty-six* of the Pensions Act to or in respect of persons who, prior to their transfer or appointment to the public service, were subject to a law relating to pensions administered by a provincial administration, the administration of the territory, a department of education or the Treasury, but to or in respect of whom the said provisions did not in fact apply, is hereby validated.

Repeal and amendment of laws.

115. (1) Subject to the provisions of sub-section (2), the laws mentioned in the Schedule to this Act are hereby repealed or amended to the extent set out in the third column of that Schedule: Provided that, notwithstanding the repeal of sections *seventy bis* and *eighty-three bis* of the Pensions Act, the provisions of those sections shall continue to apply in respect of any person who, at the date of commencement of this Act, has not been called upon to make an election in terms of the said sections or who, if he has been so called upon prior to the said date, makes his election on or after that date.

(2) Notwithstanding anything in sub-section (1) contained, the provisions of Chapter V and Chapter VI of the Pensions Act shall remain in force up to and including the thirtieth day of June, 1955.

Short title and commencement.

116. (1) This Act shall be called the Government Service Pensions Act, 1955.

(2) Chapters IV and V shall not come into operation before the first day of July, 1955.

(b) word bedoelde bedrag, indien sy diens in die staatsdiens daarna om enige rede beëindig word, ondanks andersluidende bepalings in Hoofstuk V vervat, tesame met rente teen die koers van vier persent per jaar, jaarliks op die een-en-dertigste dag van Maart saamgestel en bereken vanaf die datum waarop bedoelde bedrag tot sy krediet in bedoelde Regerings-werknemersondersteuningsfonds geplaas is en tot die datum waarop betaling geskied, uit die fonds aan hom of sy regsvertegenwoordiger of sy boedel, na gelang van die geval, betaal.

(2) 'n In sub-artikel (1) bedoelde persoon kan, ondanks andersluidende bepalings in hierdie Wet vervat, indien hy dit verlang, kies om tot die bedoelde Regerings-werknemersondersteuningsfonds by te dra vanaf die datum waarop hy opgehou het om 'n lid van bedoelde Voorsieningsfonds van die Nasionale Padraad te wees, en indien hy aldus kies, word hy ten opsigte van sy diens vanaf daardie datum geag iemand te wees wat in sub-artikel (2) van artikel vyf-en-tagtig bedoel word.

113. 'n Verwysing in die Wet op die Suid-Afrikaanse Munt, 1941 (Wet No. 16 van 1941), na die Pensioenwet, word geag 'n verwysing na hierdie Wet te wees, en iemand wat gekies het of geag word te gekies het dat sy diensvoorwaardes volgens voorskrif van paragraaf (b) van sub-artikel (1) van artikel tien van bedoelde Wet op die Suid-Afrikaanse Munt, 1941, bepaal word, gaan voort om ten opsigte van sy diens by die Unie-regering van tyd tot tyd aan die Tesourie die geldbedrae te betaal wat hy aan 'n nuwe fonds of die Regerings-werknemersondersteuningsfonds in artikel vier-en-tagtig bedoel, sou moes bygedra het indien hy 'n bydraer was soos in artikel een omskrywe of 'n lid was soos in artikel drie-en-tagtig omskrywe, na gelang van die geval.

Bepalings
betreffende
sekere amptenare
en werknemers
voorheen in diens
by die Pretoriase
tak van die
Koninklike Munt.

114. Die toepassing van die bepalings van artikel ses-en-twintig van die Pensioenwet op of ten opsigte van persone wat, voor hul oorpasing na of aanstelling in die staatsdiens, geval het onder 'n wet betreffende pensioene wat deur 'n provinsiale administrasie, die administrasie van die gebied, 'n onderwysdepartement of die Tesourie uitgevoer word, maar op of ten opsigte van wie bedoelde bepalings inderdaad nie van toepassing was nie, word hiermee bekragtig.

Bekrragtiging van
toepassing van
artikel 26 van
Wet 32 van 1936
op sekere persone.

115. (1) Die wette in die Bylae by hierdie Wet vermeld, word, behoudens die bepalings van sub-artikel (2), hiermee herroep of gewysig vir sover in die derde kolom van daardie Bylae aangegeef: Met dien verstande dat, ondanks die herroeping van artikels sewentig bis en drie-en-tagtig bis van die Pensioenwet, die bepalings van daardie artikels van toepassing bly ten opsigte van iemand wat, op die datum van inwerkingtreding van hierdie Wet, nie aangesê is om 'n keuse ingevolge bedoelde artikels te doen nie, of wat, indien hy voor bedoelde datum aldus aangesê is, sy keuse op of na daardie datum doen.

Herroeping en
wysiging van
wette.

(2) Ondanks andersluidende bepalings in sub-artikel (1) vervat, bly die bepalings van Hoofstuk V en Hoofstuk VI van die Pensioenwet van krag tot en met die dertigste dag van Junie, 1955.

116. (1) Hierdie Wet heet die Regeringsdiens-pensioenwet, 1955.

Kort titel en
inwerkingtreding.

(2) Hoofstukke IV en V tree nie voor die eerste dag van Julie 1955 in werking nie.

Schedule.

LAWS REPEALED OR AMENDED.

Number and year of law.	Short title of law.	Extent of repeal or amendment.
Act No. 32 of 1936.	Government Service Pensions Act, 1936.	The repeal of the whole.
Act No. 17 of 1938.	Finance Act, 1938 ..	The repeal of sections <i>six</i> and <i>seven</i> .
Act No. 18 of 1941.	Government Service Pensions Amendment Act, 1941.	The repeal of the whole.
Act No. 41 of 1942.	Finance Act, 1942 ..	The repeal of section <i>seventeen</i> .
Act No. 33 of 1943.	Pension Laws Amendment Act, 1943.	The repeal of section <i>ten</i> .
Act No. 32 of 1946.	Government Service Pensions Amendment Act, 1946.	The repeal of the whole.
Act No. 28 of 1947.	Government Service Pensions Amendment Act, 1947.	The repeal of the whole.
Act No. 41 of 1948.	Pension Laws Amendment Act, 1948.	The repeal of section <i>four</i> .
Act No. 35 of 1949.	Pension Laws Amendment Act, 1949.	The repeal of sections <i>six</i> , <i>seven</i> and <i>eight</i> .
Act No. 47 of 1949.	Finance Act, 1949 ..	The repeal of section <i>seventeen</i> .
Act No. 36 of 1950.	Finance Act, 1950 ..	The deletion in sub-section (1) of section <i>ten</i> of the words "and for the purposes of the Government Service Pensions Act, 1936 (Act No. 32 of 1936), not be regarded as part of his pensionable emoluments as defined in section <i>eighty-three</i> of that Act".
Act No. 47 of 1951.	Pension Laws Amendment Act, 1951.	The repeal of sections <i>four</i> , <i>five</i> and <i>six</i> .
Act No. 44 of 1953.	Pension Laws Amendment Act, 1953.	The repeal of sections <i>four</i> , <i>five</i> , <i>six</i> and <i>seven</i> .
Act No. 52 of 1954.	Pension Laws Amendment Act, 1954.	The repeal of sections <i>one</i> to <i>fourteen</i> (inclusive).

Bylae.

HERROEPE OF GEWYSIGDE WETTE.

Nommer en jaar van Wet.	Kort titel van Wet.	In hoever herroep of gewysig.
Wet No. 32 van 1936.	Regeringsdiens Pen- sioenwet, 1936.	Die herroeping van die geheel.
Wet No. 17 van 1938.	Finansiewet, 1938 ...	Die herroeping van artikels <i>ses</i> en <i>sewe</i> .
Wet No. 18 van 1941.	Wysigingswet op Rege- ringsdiens-pensioene, 1941.	Die herroeping van die geheel.
Wet No. 41 van 1942.	Finansiewet, 1942 ..	Die herroeping van artikel <i>sewentien</i> .
Wet No. 33 van 1943.	Wysigingswet op die Pensioenwette, 1943.	Die herroeping van artikel <i>tien</i> .
Wet No. 32 van 1946.	Wysigingswet op Rege- ringsdiens-pensioene, 1946.	Die herroeping van die geheel.
Wet No. 28 van 1947.	Wysigingswet op Rege- ringsdiens-pensioene, 1947.	Die herroeping van die geheel.
Wet No. 41 van 1948.	Wysigingswet op die Pensioenwette, 1948.	Die herroeping van artikel <i>vier</i> .
Wet No. 35 van 1949.	Wysigingswet op die Pensioenwette, 1949.	Die herroeping van artikels <i>ses</i> , <i>sewe</i> en <i>agt</i> .
Wet No. 47 van 1949.	Finansiewet, 1949 ..	Die herroeping van artikel <i>sewentien</i> .
Wet No. 36 van 1950.	Finansiewet, 1950 ..	Die skrapping in sub-artikel (1) van artikel <i>tien</i> van die woorde „en by die toepassing van die Regeringsdiens Pensioenwet, 1936 (Wet No. 32 van 1936), nie as deel van sy „pensioengewende verdienste” soos in artikel <i>drie-en-tagtig</i> van daardie Wet omskryf, beskou nie”.
Wet No. 47 van 1951.	Wysigingswet op die Pensioenwette, 1951.	Die herroeping van artikels <i>vier</i> , <i>vyf</i> en <i>ses</i> .
Wet No. 44 van 1953.	Wysigingswet op die Pensioenwette, 1953.	Die herroeping van artikels <i>vier</i> , <i>vyf</i> , <i>ses</i> en <i>sewe</i> .
Wet No. 52 van 1954.	Wysigingswet op die Pensioenwette, 1954.	Die herroeping van artikels <i>een</i> tot en met <i>veertien</i> .

No. 64, 1955.]

ACT

To apply a sum not exceeding three hundred and thirty-eight million six hundred and fifty-two thousand three hundred and thirty pounds towards the service of the Union, for the financial year ending on the thirty-first day of March, 1956.

(Afrikaans text signed by the Governor-General.)
(Assented to 23rd June, 1955.)

BE IT ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Exchequer Account charged with sums not exceeding £238,524,030 on revenue account.

1. The Exchequer Account of the Union is hereby charged with such sums of money as may be required for the service of the Union for the financial year ending on the thirty-first day of March, 1956, not exceeding in the aggregate two hundred and thirty-eight million five hundred and twenty-four thousand and thirty pounds on revenue account as shown in column 1 of the First Schedule.

Exchequer Account charged with sums not exceeding £8,650,000 on Bantu Education Account.

2. The Exchequer Account of the Union is further charged with such sums of money as may be required for the service of the Union for the financial year ending on the thirty-first day of March, 1956, not exceeding in the aggregate eight million six hundred and fifty thousand pounds on Bantu Education Account as shown in column 1 of the Second Schedule.

Exchequer Account charged with sums not exceeding £91,478,300 on loan account.

3. The Exchequer Account of the Union is further charged with such sums of money as may be required for the service of the Union for the financial year ending on the thirty-first day of March, 1956, not exceeding in the aggregate ninety-one million four hundred and seventy-eight thousand and three hundred pounds on loan account as shown in column 1 of the Third Schedule.

How money to be applied.

4. The money appropriated by this Act shall be applied to the services detailed in the Schedules, and more particularly specified in the Estimates of Expenditure from Revenue and Bantu Education Accounts [U.G. 1—1955 and U.G. 29—1955] and in the Estimates of Expenditure from Loan Account [U.G. 8—1955 and U.G. 29—1955], as approved by Parliament, and to no other purpose: Provided that in the case of the sum of forty-two million and one hundred thousand pounds for capital expenditure of railways and harbours, shown under Loan Vote "A" in the Third Schedule, the authority granted by this Act shall be deemed to apply only to the transfer of that sum from the Consolidated Revenue Fund to the Railway and Harbour Fund, and the expenditure of the said sum shall be in accordance with any appropriation made by Parliament in that behalf.

Minister may approve variation.

5. With the approval of the Minister of Finance, a saving on any sub-head of a vote may be made available to meet excess expenditure on any other sub-head, or expenditure on a new sub-head of the same vote: Provided that the sums appearing in column 2 of the Schedules shall not be exceeded, nor shall savings thereon be available for any purpose other than that for which the money is hereby granted as indicated in the said Schedules.

Short title.

6. This Act shall be called the Appropriation Act, 1955.

No. 64, 1955.]

WET

Tot aanwending van 'n som van hoogstens driehonderd agt-en-dertigmiljoen seshonderd twee-en-veertigduisend driehonderden-dertig pond vir die diens van die Unie vir die boekjaar wat op die een-en-dertigste dag van Maart 1956 eindig.

(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 23 Junie 1955.)

DIT WORD BEPAAL deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

1. Die Skatkisrekening van die Unie word hiermee belas met die somme geld wat nodig mag wees vir die diens van die Unie vir die boekjaar wat op die een-en-dertigste dag van Maart 1956 eindig, maar gesamentlik hoogstens tweehonderd agt-en-dertigmiljoen vyfhonderd vier-en-twintigduisend en dertig pond op die inkomsterekening, soos uiteengesit in kolom 1 van die Eerste Bylae. Skatkisrekening
belas met somme
van hoogstens
£238,524,030 op
inkomsterekening.
2. Die Skatkisrekening van die Unie word verder belas met die somme geld wat nodig mag wees vir die diens van die Unie vir die boekjaar wat op die een-en-dertigste dag van Maart 1956 eindig, maar gesamentlik hoogstens agtmiljoen seshonderd en vyftigduisend pond op die Bantoe-onderwysrekening, soos uiteengesit in kolom 1 van die Tweede Bylae. Skatkisrekening
belas met somme
van hoogstens
£8,650,000 op
Bantoe-onderwys-
rekening.
3. Die Skatkisrekening van die Unie word verder belas met die somme geld wat nodig mag wees vir die diens van die Unie vir die boekjaar wat op die een-en-dertigste dag van Maart 1956 eindig, maar gesamentlik hoogstens een-en-negentigmiljoen vierhonderd agt-en-sewentigduisend en driehonderd pond op die leningsrekening, soos uiteengesit in kolom 1 van die Derde Bylae. Skatkisrekening
belas met somme
van hoogstens
£91,478,300 op
leningsrekening.
4. Die geld wat deur hierdie Wet beskikbaar gestel word, moet aangewend word vir die dienste, in besonderhede vermeld in die Bylaes en meer omstandig uiteengesit in die Begrotings van Uitgawes uit Inkomste- en Bantoe-onderwysrekenings [U.G. 1—1955 en U.G. 29—1955], en in die Begrotings van Uitgawes uit Leningsrekening [U.G. 8—1955 en U.G. 29—1955], soos deur die Parlement goedgekeur, en vir geen ander doel nie: Met dien verstande dat, in die geval van die som van twee-en-veertigmiljoen en eenhonderdduisend pond aan kapitaaluitgawe van spoorweë en hawens, wat voorkom onder Leningsbegrotingspos „A” in die Derde Bylae, die magtiging by hierdie Wet verleen geag word van toepassing te wees slegs op die oordrag van daardie som van die Gekonsolideerde Inkomstefonds na die Spoorweg- en Hawefonds, en die besteding van gemelde som moet plaasvind ooreenkomstig 'n beskikbaarstelling van die Parlement wat daarop betrekking het. Hoe die geld
bestee moet word.
5. Met goedkeuring van die Minister van Finansies kan 'n besparing onder die een sub-hoof van 'n begrotingspos aangewend word tot dekking van uitgawes bo die gemagtigde bedrag onder 'n ander sub-hoof, of van uitgawe onder 'n nuwe sub-hoof van dieselfde begrotingspos: Met dien verstande dat die somme wat in kolom 2 van die Bylaes voorkom, nie oorskry mag word nie, en besparings daarop ewemin aangewend mag word vir enige ander doel as dié waarvoor die geld hierby toegestaan word soos in gemelde Bylaes aangedui. Die Minister kan
'n afwyking
goedkeur.

6. Hierdie Wet heet die Begrotingswet, 1955.

Kort titel.

First Schedule.

(CHARGEABLE TO REVENUE ACCOUNT.)

No.	Vote.	Column 1.	Column 2.
	Designation.		
		£	£
1	His Excellency the Governor-General ..	30,000	
2	Senate	37,400	
	Including—		
	Official Entertainment		100
3	House of Assembly	118,950	
	Including—		
	Official Entertainment		100
4	Prime Minister	44,500	
5	Justice	305,000	
	Including—		
	Official Entertainment		200
	Legal Aid Bureaux		6,500
6	Superior Courts	645,000	
7	Magistrates and District Administra- tion	2,020,000	
8	Prisons and Gaols	2,832,000	
	Including—		
	Official Entertainment		100
9	Police	12,530,000	
	Including—		
	Official Entertainment		100
	Purchase of Motor Vehicles ..		300,000
	Purchase of Material		10,000
10	Lands	616,000	
	Including—		
	Official Entertainment		100
	Contribution to National Parks Board		21,800
11	Deeds	246,000	
12	Surveys	319,000	
13	Irrigation	1,786,000	
	Including—		
	Official Entertainment		150
14	Agriculture (Administration and National Services)	3,893,800	
	Including—		
	Official Entertainment		100
	Grants to Agricultural Societies ..		4,000
	Subscriptions		29,902
	Special Grants		84,084
15	Agriculture (Regional Services and Education)	1,601,500	
	Including—		
	Agricultural Scholarships and Bur- saries		15,900
	Research Expenses (Dairying) ..		1,000
16	Agriculture (General)	16,390,000	
17	Treasury	225,400	
	Including—		
	Official Entertainment		200
18	Public Debt	16,924,000	
19	Provincial Administrations	42,056,400	
20	Miscellaneous Services	39,000	
	Including—		
	Secret Services		10,600
21	High Commissioner in London	203,000	
22	South African Mint	720,000	
23	Pensions	30,043,000	
	Including—		
	Official Entertainment		100
24	Inland Revenue	1,150,000	
	Including—		
	Official Entertainment		100
25	Customs and Excise	1,105,000	
	Including—		
	Official Entertainment		100
26	Audit	285,100	
	Including—		
	Official Entertainment		100
27	State Advances Recoveries Office	103,150	
28	External Affairs	1,081,430	
	Including—		
	Grant to Imperial Institute		500
29	Interior	1,021,070	
	Including—		
	Official Entertainment		210
	Grants to approved Societies for Care of War Graves in South Africa		4,000
	Voortrekker Monument		3,500
30	Public Service Commission	197,700	
	Including—		
	Official Entertainment		200
31	Printing and Stationery	2,356,000	
	Including—		
	Official Entertainment		50
32	Defence	25,254,730	
	Including—		
	Official Entertainment		100

Eerste Bylae.

(TEN LASTE VAN INKOMSTEREKENING.)

No.	Begrotingspos.	Kolom 1.	Kolom 2.
	Benaming.		
1	Sy Eksellensie die Goewerneur-generaal	£	£
2	Senaat	30,000	
	Met inbegrip van—	37,400	
	Amptelike onthaal		100
3	Volksraad	118,950	
	Met inbegrip van—		
	Amptelike onthaal		100
4	Eerste Minister	44,500	
5	Justisie	305,000	
	Met inbegrip van—		
	Amptelike onthaal		200
	Regshulpburo's		6,500
6	Hooggeregshowe	645,000	
7	Magistrate en Distriksadministrasie ..	2,020,000	
8	Gevangenis en Tronke	2,832,000	
	Met inbegrip van—		
	Amptelike onthaal		100
9	Polisie	12,530,000	
	Met inbegrip van—		
	Amptelike onthaal		100
	Aankoop van Motorvoertuie		300,000
	Aankoop van Materiaal		10,000
10	Lande	616,000	
	Met inbegrip van—		
	Amptelike onthaal		100
	Bydrae tot Nasionale Parkeraad ..		21,800
11	Registrasiekantore	246,000	
12	Opmetings	319,000	
13	Besproeiing	1,786,000	
	Met inbegrip van—		
	Amptelike onthaal		150
14	Landbou (Administrasie en Nasionale Dienste)	3,893,800	
	Met inbegrip van—		
	Amptelike onthaal		100
	Toekennings aan Landbouver- enigings		4,000
	Intekengelde		29,902
	Spesiale toekennings		84,084
15	Landbou (Streekdienste en Onderwys)	1,601,500	
	Met inbegrip van—		
	Landbou-studiebeurse		15,900
	Navorsingsuitgawes (Suiwelbe- reiding)		1,000
16	Landbou (Algemeen)	16,390,000	
17	Tesourie	225,400	
	Met inbegrip van—		
	Amptelike onthaal		200
18	Staatskuld	16,924,000	
19	Provinsiale Administrasies	42,056,400	
20	Diverse Dienste	39,000	
	Met inbegrip van—		
	Geheime Dienste		10,600
21	Hoë Kommissaris in Londen	203,000	
22	Suid-Afrikaanse Munt	720,000	
23	Pensioene	30,043,000	
	Met inbegrip van—		
	Amptelike onthaal		100
24	Binnelandse Inkomste	1,150,000	
	Met inbegrip van—		
	Amptelike onthaal		100
25	Doecane en Aksyns	1,105,000	
	Met inbegrip van—		
	Amptelike onthaal		100
26	Ouditeursdepartement	285,100	
	Met inbegrip van—		
	Amptelike onthaal		100
27	Kantoor tot Invordering van Staats- voorskotte	103,150	
28	Buitelandse Sake	1,081,430	
	Met inbegrip van—		
	Toekenning aan Imperiale Instituut		500
29	Binnelandse Sake	1,021,070	
	Met inbegrip van—		
	Amptelike onthaal		210
	Toekennings aan goedgekeurde Verenigings vir die versorging van Oorlogsgrafe in Suid- Afrika		4,000
	Voortrekkermonument		3,500
30	Staatsdienskommissie	197,700	
	Met inbegrip van—		
	Amptelike onthaal		200
31	Drukwerk en Skryfbehoeftes	2,356,000	
	Met inbegrip van—		
	Amptelike onthaal		50
32	Verdediging	25,254,730	
	Met inbegrip van—		
	Amptelike onthaal		100

No.	Vote.	Column 1.	Column 2.
	Designation.	£	£
33	Transport	4,082,000	
	Including—		
	Official Entertainment		120
	Purchase of Motor Vehicles		1,200,000
	Grants and Contributions		141,680
34	Health (Union)	5,711,500	
	Including—		
	Official Entertainment		140
	Grant-in-Aid to the National Society of Mental Health		5,000
	Tuberculosis: Grants in terms of section 50 (1) (f) of Act 36 of 1919		114,400
	Council for Combating Venereal Disease (Cape Town)		100
	Contributions under section 135 of Act 36 of 1919		226,000
	Refunds and advances for capital expenditure		245,000
35	Health (Union): Hospitals and Institutions	4,220,000	
36	Nutrition	950,000	
	Including—		
	Official Entertainment		100
37	National Housing	882,000	
	Including—		
	Official Entertainment		100
38	Native Affairs	6,794,000	
	Including—		
	Official Entertainment		150
	Grant to the South African Native Trust Fund		350
	Assistance to Agencies conducting Hostels for Native workers		1,200
	Relief of Distress		5,000
39	Education, Arts and Science	6,662,700	
	Including—		
	Official Entertainment		100
	Grants-in-Aid to State-aided Institutions		171,700
	Grants-in-Aid to Scientific and Cultural Societies		8,790
	Grants-in-Aid for Physical Education, Adult Education, Advancement of Art, etc.		77,050
40	Industrial Schools and Reformatories	1,016,000	
41	Forestry	510,000	
	Including—		
	Official Entertainment		100
	Grants and Subsidies		12,315
42	Commerce and Industries	5,170,000	
	Including—		
	Official Entertainment		350
	Grants-in-Aid and Subscriptions		1,769,500
43	Mines	2,217,000	
	Including—		
	Official Entertainment		350
	Grants and Contributions		149,200
44	Posts, Telegraphs and Telephones	20,330,000	
	Including—		
	Entertainment		200
45	Social Welfare	3,387,700	
	Including—		
	Official Entertainment		100
	Child Welfare: Special Grants		10,000
	South African Orphanage, Cape Town		36
	Subsidies to Social Centres		16,000
	Rand Aid Association		2,500
	Released Prisoners on Probation and other Rescue Work (Salvation Army)		1,100
46	Labour	3,292,000	
	Including—		
	Official Entertainment		250
	Witwatersrand Juvenile Affairs Board		300
47	Public Works	6,951,000	
	Including—		
	Official Entertainment		100
	Fire Brigades		25,200
	Fire protection services		2,100
	Simonstown Municipality		30,000
	Board of Control—Huguenot Monument		500
	Amounts in lieu of assessment rates		9,700
48	Government Villages	168,000	
	Including—		
	Official Entertainment		100
	Fire protection services		880
	Total	£ 238,524,030	

No.	Begrotingspos.	Kolom 1.	Kolom 2.
	Benaming.		
		£	£
33	Vervoer	4,082,000	
	Met inbegrip van—		
	Amptelike onthaal		120
	Aankoop van Motorvoertuie		1,200,000
	Toekennings en Bydraes		141,680
34	Gesondheid (Unie)	5,711,500	
	Met inbegrip van—		
	Amptelike onthaal		140
	Subsidie aan die Nasionale Ver- eniging van Geestesgesondheid		5,000
	Tuberkulose: Toekennings krag- tens artikel 50 (1) (f) van Wet 36 van 1919		114,400
	Raad vir die bestryding van Vene- riesie Siekte (Kaapstad)		100
	Bydraes kragtens artikel 135 van Wet 36 van 1919		226,000
	Terugbetalings van en voorskotte vir kapitaaluitgawes		245,000
35	Gesondheid (Unie): Hospitale en Inrigtings	4,220,000	
36	Voeding	950,000	
	Met inbegrip van—		
	Amptelike onthaal		100
37	Nasionale Behuising	882,000	
	Met inbegrip van—		
	Amptelike onthaal		100
38	Naturellesake	6,794,000	
	Met inbegrip van—		
	Amptelike onthaal		150
	Toekenning aan die Suid-Afri- kaanse Naturellestuiffonds		350
	Hulp aan liggame wat tehuise vir Naturellewerkers beheer		1,200
	Noodleniging		5,000
39	Onderwys, Kuns en Wetenskap	6,662,700	
	Met inbegrip van—		
	Amptelike onthaal		100
	Hulptoelae aan Staatsonder- steunde Inrigtings		171,700
	Hulptoelae aan Wetenskaplike en Kulturele Verenigings		8,790
	Hulptoelae vir Liggaamlike Op- voeding, Volwassene-opvoeding, Kunsbevordering, ens.		77,050
40	Nywerheidskole en Verbeteringshuise	1,016,000	
41	Bosbou	510,000	
	Met inbegrip van—		
	Amptelike onthaal		100
	Toekennings en Subsidies		12,315
42	Handel en Nywerheid	5,170,000	
	Met inbegrip van—		
	Amptelike onthaal		350
	Hulptoekennings en Intekengelde		1,769,500
43	Mynwese	2,217,000	
	Met inbegrip van—		
	Amptelike onthaal		350
	Toekennings en Bydraes		149,200
44	Pos-, Telegraaf- en Telefoonwese	20,330,000	
	Met inbegrip van—		
	Onthaalkoste		200
45	Volkswelsyn	3,387,700	
	Met inbegrip van—		
	Amptelike onthaal		100
	Kindersorg: Spesiale toekennings Suid-Afrikaanse Weeshuis, Kaap- stad		10,000
	Subsidies aan maatskaplike sen- trums		36
	„Rand Aid Association”		16,000
	Gevangenes op voorwaardelike vrystelling en ander reddings- dienste (Heilsleër)		2,500
46	Arbeid	3,292,000	
	Met inbegrip van—		
	Amptelike onthaal		250
	Jeugraad, Witwatersrand		300
47	Publieke Werke	6,951,000	
	Met inbegrip van—		
	Amptelike onthaal		100
	Brandwese		25,200
	Beskerming teen brand		2,100
	Simonstadse Munisipaliteit		30,000
	Raad van Beheer—Hugenote- Monument		500
	Bedrae in plaas van eiendoms- belasting		9,700
48	Staatsdorpies	168,000	
	Met inbegrip van—		
	Amptelike onthaal		100
	Beskerming teen brand		880
	Totaal	£ 238,524,030	

Second Schedule.
(CHARGEABLE TO BANTU EDUCATION ACCOUNT.)

No.	Vote.	Column 1.	Column 2.
	Designation.		
	Bantu Education	£ 8,650,000	£

Third Schedule.
(CHARGEABLE TO LOAN ACCOUNT.)

No.	Vote.	Column 1.	Column 2.
	Designation.		
		£	£
A.	Miscellaneous Loans and Services ..	51,513,800	
	Including—		
	Transfer of moneys to the Railway and Harbour Fund ..		42,100,000
	Land and Agricultural Bank ..		750,000
B.	Public Works	3,020,000	
C.	Telegraphs and Telephones	7,500,000	
D.	Lands and Settlements	2,409,000	
	Including—		
	1. Land Settlement and Development		1,200,000
	2. General Development of Irrigation Settlements		191,000
	3. Advances to Settlers		40,000
	4. Purchase of Land for Public and General purposes		600,000
	5. Trigonometrical, Topographical, Level, Geodetic, Geophysical, Air and other Surveys		285,000
	6. Survey and Development of Townships		23,000
	7. Loan to the National Parks Board of Trustees		70,000
E.	Irrigation	6,800,000	
	Including—		
	1. Government Irrigation Works		5,080,000
	2. Water Boring		140,000
	3. Minor Irrigation Loans and Subsidies		150,000
	4. Repair of Irrigation Works		7,000
	5. Combating of Soil Erosion		10,000
	6. General		3,000
	7. Board, Subsidy or Relief Schemes		1,170,000
	8. Betterment and Drainage on Government Irrigation Works in operation		230,000
	9. Central Construction Workshops for Irrigation Schemes		10,000
F.	Forestry	3,485,000	
G.	Agriculture	2,085,000	
H.	State Advances Recoveries Office	25,000	
J.	Commerce and Industries	43,000	
K.	National Housing	10,000,000	
L.	Transport	800,000	
M.	Education, Arts and Science	539,500	
	Including—		
	1. Loans to Educational Institutions:		
	(a) University of the Orange Free State		2,925
	(b) University of Stellenbosch		171,560
	(c) University of the Witwatersrand		37,425
	(d) University of Pretoria		72,700
	(e) Potchefstroom University		40,000
	(f) University of Cape Town		22,500
	(g) University of Natal		27,840
	(h) Pretoria Technical College		47,800
	(i) Cape Technical College		45,000
	(j) Port Elizabeth Technical College		48,000
	(l) Commercial High School, Ermelo		3,300
N.	Native Affairs	3,208,000	
O.	Interior	50,000	
	Total	£ 91,478,300	

SUMMARY.

Amount chargeable to Revenue Account	£238,524,030
Amount chargeable to Bantu Education Account	8,650,000
Amount chargeable to Loan Account	91,478,300
Total	£338,652,330

A further amount of £7,453,700 forms a direct charge on the Consolidated Revenue Fund. For details see Votes Nos. 1, 2, 3, 18, 23, 26, 30 and 38 in the Estimates of Expenditure from Revenue and Bantu Education Accounts.

Tweede Bylae.

(TEN LASTE VAN BANTOE-ONDERWYSREKENING.)

No.	Begrotingspos.	Kolom 1.	Kolom 2.
	Benaming.		
	Bantoe-onderwys	£ 8,650,000	£

Derde Bylae.

(TEN LASTE VAN LENINGSREKENING.)

No.	Begrotingspos.	Kolom 1.	Kolom 2.
	Benaming.		
		£	£
A.	Diverse Lenings en Dienste Met inbegrip van— Oordrag van gelde na die Spoor- weg- en Hawefonds Land- en Landboubank	51,513,800	42,100,000 750,000
B.	Publieke Werke	3,020,000	
C.	Telegraaf- en Telefoonwese	7,500,000	
D.	Lande en Nedersettings Met inbegrip van— 1. Grondnedersetting en Ontwik- keling 2. Algemene Ontwikkeling van Besproeiingsnedersettings 3. Voorskotte aan Nedersetters 4. Aankoop van Grond vir Pu- blieke en Algemene doeleindes 5. Driehoeks-, Topografiese, Wa- terpas-, Geodetiese, Geofisiese, Lug- en ander Opmetings 6. Opmeting en Ontwikkeling van Stadsgebiede 7. Lening aan die Raad van Kura- tore vir Nasionale Parke	2,409,000	1,200,000 191,000 40,000 600,000 285,000 23,000 70,000
E.	Besproeiing Met inbegrip van— 1. Staatsbesproeiingswerke 2. Waterboorwerk 3. Kleinere Besproeiingslenings en -subsidies 4. Herstel van Besproeiingswerke 5. Bestryding van Grondverspoe- ling 6. Algemeen 7. Raad-, Subsidie- of Onderstand- skemas 8. Verbeterings en Dreinerings op bestaande Staatsbesproeiings- werke 9. Sentrale Konstruksiewerk- winkels vir Besproeiingskemas	6,800,000	5,080,000 140,000 150,000 7,000 10,000 3,000 1,170,000 230,000 10,000
F.	Bosbou	3,485,000	
G.	Landbou	2,085,000	
H.	Kantoor tot Invordering van Staats- voorskotte	25,000	
J.	Handel en Nywerheid	43,000	
K.	Nasionale Behuising	10,000,000	
L.	Vervoer	800,000	
M.	Onderwys, Kuns en Wetenskap Met inbegrip van— 1. Lenings aan onderwysinrigtings: (a) Universiteit van die Oranje- Vrystaat (b) Universiteit van Stellenbosch (c) Universiteit van die Wit- watersrand (d) Universiteit van Pretoria (e) Potchefstroomse Universi- teit (f) Universiteit van Kaapstad (g) Universiteit van Natal (h) Pretoriase Tegniese Kollege (i) Kaapse Tegniese Kollege (j) Tegniese Kollege, Port Eliza- beth (l) Hoër Handelskool, Ermelo	539,500	2,925 171,560 37,425 72,700 40,000 22,500 27,840 47,800 45,000 48,000 3,300
N.	Naturellesake	3,208,000	
O.	Binnelandse Sake	50,000	
	Totaal	91,478,300	

SAMEVATTING.

Bedrag ten laste van Inkomsterekening	£238,524,030
Bedrag ten laste van Bantoe-onderwysrekening	8,650,000
Bedrag ten laste van Leningsrekening	91,478,300
Totaal	£338,652,330

'n Verdere bedrag van £7,453,700 kom regstreeks ten laste van die Gekonsolideerde Inkomstefonds. Vir besonderhede sien Begrotingsposte Nos. 1, 2, 3, 18, 23, 26, 30 en 38 in die Begrotings van Uitgawes uit Inkomste- en Bantoe-onderwysrekenings.