



REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

---

## STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

*Registered at the Post Office as a Newspaper*

*As 'n Nuusblad by die Poskantoor Geregistreer*

Price 10c Prys  
Overseas 15c Oorsee  
POST FREE—POSVRY

Vol. 48.]

CAPE TOWN, 27TH JUNE, 1969.

KAAPSTAD, 27 JUNIE 1969.

[No. 2459.

DEPARTMENT OF THE PRIME MINISTER.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 1093. 27th June, 1969.

No. 1093.

27 Junie 1969.

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 94 of 1969: Members of Statutory Bodies Pension Act, 1969.

No. 94 van 1969: Pensioenwet vir Lede van Statutêre Liggame, 1969.

Act No. 94, 1969

MEMBERS OF STATUTORY BODIES PENSION ACT, 1969.

# ACT

To provide for the establishment, control and administration of a pension scheme for, and the payment of pensions and other financial benefits to, certain persons serving in a full-time, paid capacity as members of certain bodies established by law, or performing full-time, paid Government service in any other capacity prescribed by law, and to their widows; and to provide for other incidental matters.

*(Afrikaans text signed by the State President.)  
(Assented to 19th June, 1969.)*

**BE IT ENACTED** by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

## Definitions.

1. In this Act, unless the context otherwise indicates—
  - (i) “annuity” means an amount which is payable each year; (vi)
  - (ii) “Consolidated Revenue Fund”, in relation to any payment to be made out of that Fund, means moneys appropriated by Parliament for the purpose of such payment; (v)
  - (iii) “final salary” means the amount of the annual salary payable to a member on the date of his retirement or death together with the amount of any allowance regularly paid to him annually in respect of special services rendered by him to the statutory body concerned, but does not include any allowance paid to him in respect of subsistence and transport expenses or entertainment expenses; (iv)
  - (iv) “member” means any person—
    - (a) serving on a statutory body in a full-time, paid capacity, whose contract of service does not provide for the payment of a pension to or in respect of himself, other than such a gratuity as is referred to in section 3 (3), but does not include such person who is also, or any other person who is, a paid executive officer, officer or employee in the service of such body; or
    - (b) serving as a commissioner-general referred to in section 2 (2) of the Promotion of Bantu Self-government Act, 1959 (Act No. 46 of 1959), to whom the Parliamentary Service and Administrators’ Pensions Act, 1965 (Act No. 85 of 1965), does not apply, or who, in the opinion of the Minister, is rendering full-time paid service to the Government in a similar capacity, and who is not a contributing member of any pension or provident fund, from which he may personally receive any benefit, and which is administered by the Minister or is registered or exempt from registration under the Pension Funds Act, 1956 (Act No. 24 of 1956); (vii)
  - (v) “Minister” means the Minister of Social Welfare and Pensions; (viii)

## PENSIOENWET VIR LEDE VAN STATUTÊRE LIGGAME, 1969. Wet No. 94, 1969

**WET**

Om voorsiening te maak vir die instelling, beheer en administrasie van 'n pensioenskema vir, en die betaling van pensioene en ander geldelike voordele aan, sekere persone wat in 'n voltydse besoldigde hoedanigheid as lede van sekere by wet ingestelde liggame dien of wat voltydse besoldigde Regeringsdiens in 'n ander by wet voorgeskrewe hoedanigheid verrig, en aan hulle weduwees; en om voorsiening te maak vir ander aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)  
(Goedgekeur op 19 Junie 1969.)

**DAAR WORD BEPAAL** deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

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

- (i) „aftrede” die beëindiging van 'n lid se diens om enige rede; en het „aftree” 'n ooreenstemmende betekenis; (viii)
- (ii) „die gebied” die gebied Suidwes-Afrika met inbegrip van daardie gedeelte van genoemde gebied wat die Oostelike Caprivi Zipfel heet en bedoel word in artikel 38 (5) van die Wet op die Konstitusie van Suidwes-Afrika, 1968 (Wet No. 39 van 1968); (xii)
- (iii) „diens” aaneenlopende diens as 'n lid en ook soortgelyke diens wat onmiddellik voor die inwerking-treding van hierdie Wet gelewer is met betrekking tot 'n statutêre liggaam; (x)
- (iv) „finale salaris” die bedrag van die jaarlikse salaris wat op die datum van sy aftrede of dood aan 'n lid betaalbaar was, tesame met die bedrag van 'n toelae wat gereeld jaarliks aan hom betaalbaar was ten opsigte van spesiale dienste wat hy aan die betrokke statutêre liggaam gelewer het maar nie ook 'n toelae wat ten opsigte van reis- en verblyf koste of van ont-haalkoste aan hom betaal is nie; (iii)
- (v) „Gekonsolideerde Inkomstefonds”, met betrekking tot 'n betaling wat uit daardie fonds gemaak moet word, gelde wat deur die Parlement vir die doeleindes van sodanige betaling bewillig word; (ii)
- (vi) „jaargeld” 'n bedrag wat elke jaar betaalbaar is; (i)
- (vii) „lid” 'n persoon—
  - (a) wat in 'n voltydse, besoldigde hoedanigheid in 'n statutêre liggaam dien, wie se dienskontrak geen voorsiening maak vir die betaling van 'n pensioen aan of ten opsigte van hom nie, uitgesonderd 'n gratifikasie in artikel 3 (3) bedoel, maar nie ook sodanige persoon wat ook, of iemand anders wat, 'n besoldigde uitvoerende beampte, beampte of werknemer in diens van sodanige liggaam is nie; of
  - (b) wat dien as 'n kommissaris-generaal in artikel 2 (2) van die Wet op die Bevordering van Bantoeselfbestuur, 1959 (Wet No. 46 van 1959), bedoel, op wie die Wet op Pensioene vir Parlementsdiens en

## Act No. 94, 1969

## MEMBERS OF STATUTORY BODIES PENSION ACT, 1969.

- (vi) "pension" means an annuity or gratuity; (ix)
- (vii) "Railway and Harbour Fund", in relation to any payment to be made out of that Fund by virtue of the provisions of section 2 (3) (c), means moneys appropriated by Parliament for the purpose of such payment; (xi)
- (viii) "retirement" means the termination for any reason of a member's service; and "retire" has a corresponding meaning; (i)
- (ix) "scheme" means the Members of Statutory Bodies Pension Scheme referred to in section 2; (x)
- (x) "service" means continuous service as a member, including similar service in relation to a statutory body rendered immediately prior to the commencement of this Act; (iii)
- (xi) "statutory body" means any board, council or other body established by or under any Act of Parliament or any ordinance of a provincial council or of the Legislative Assembly of the territory to perform any function prescribed by or under any law, and—
  - (a) in respect of which all expenditure on the remuneration of its full-time members is defrayed from moneys appropriated for the purpose by Parliament or by a provincial council or by the Legislative Assembly of the territory, as the case may be; or
  - (b) which has, at its request, been designated by the Minister, in consultation with the Minister of Finance, as a statutory body for the purposes of this Act; (xii)
- (xii) "the territory" means the territory of South-West Africa, including that part of the said territory known as the Eastern Caprivi Zipfel and referred to in section 38 (5) of the South-West Africa Constitution Act, 1968 (Act No. 39 of 1968). (ii)

**Establishment of  
scheme and  
payment of  
pensions.**

2. (1) There is hereby established a pension scheme to be known as the Members of Statutory Bodies Pension Scheme.

(2) A pension payable in terms of this Act shall, subject to the provisions of subsection (3), be paid from the Consolidated Revenue Fund.

(3) The amount of a pension payable in terms of subsection (2) shall, on such conditions (which may include conditions as to the payment in advance of any amount by any fund or body referred to in paragraph (a) or (b), respectively), in such manner and at such time as the Minister shall, in consultation with the Minister of Finance, determine—

- (a) in the case of any person who was a member in relation to a statutory body referred to in paragraph (a) of the definition of "statutory body" in section 1, which has been established by or under an ordinance referred to in that paragraph, or in the case of the widow of such a person, be recoverable from the provincial revenue fund of the province concerned, or from the Territory Revenue Fund, as the case may be;
- (b) in the case of any person who was a member in relation to a statutory body referred to in paragraph (b) of the said definition, or in the case of the widow of such a person, be recoverable from such statutory body; and
- (c) in the case of any person who was a member in relation to the statutory body referred to in section 102 of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), or in the case of the widow of such a person, be recoverable from the Railway and Harbour Fund.

## PENSIOENWET VIR LEDE VAN STATUTÊRE LIGGAME, 1969. Wet No. 94, 1969

- Administrateurs, 1965 (Wet No. 85 van 1965), nie van toepassing is nie, of wat, volgens die oordeel van die Minister, in 'n soortgelyke hoedanigheid voltydse besoldigde diens aan die Regering lewer, en wat nie 'n bydraende lid is nie van 'n pensioen-, voorsorg- of ondersteuningsfonds, waaruit hy persoonlik 'n voordeel kan ontvang, en wat deur die Minister uitgevoer word of ingevolge die Wet op Pensioenfondse, 1956 (Wet No. 24 van 1956), geregistreer of van registrasie vrygestel is; (iv)
- (viii) „Minister” die Minister van Volkswelsyn en Pensioene; (v)
- (ix) „pensioen” 'n jaargeld of gratifikasie; (vi)
- (x) „skema” die Pensioenskema vir Lede van Statutêre Liggame in artikel 2 bedoel; (ix)
- (xi) „Spoorweg- en Hawefonds”, met betrekking tot 'n betaling wat uit daardie fonds uit hoofde van die bepalings van artikel 2 (3) (c) gemaak moet word, gelde wat deur die Parlement vir die doeleindes van sodanige betaling bewillig word; (vii)
- (xii) „statutêre liggaam” 'n raad of ander liggaam wat by of kragtens 'n Wet van die Parlement of 'n ordonnansie van 'n provinsiale raad of van die Wetgewende Vergadering van die gebied ingestel is om 'n werksaamheid te verrig wat by of kragtens wet voorgeskryf is, en—
- (a) ten opsigte waarvan al die uitgawes aan die besoldiging van sy voltydse lede bestry word uit gelde wat deur die Parlement of deur 'n provinsiale raad of deur die Wetgewende Vergadering van die gebied, na gelang van die geval, vir die doel bewillig word; of
- (b) wat, op sy aansoek, deur die Minister in oorleg met die Minister van Finansies as 'n statutêre liggaam vir die doeleindes van hierdie Wet aangewys is. (xi)
2. (1) Daar word hierby 'n pensioenskema ingestel wat bekend staan as die Pensioenskema vir Lede van Statutêre Liggame. Instelling van skema en betaling van pensioene.
- (2) 'n Pensioen kragtens hierdie Wet betaalbaar, word, behoudens die bepalings van subartikel (3), uit die Gekonsolideerde Inkomstefonds betaal.
- (3) Die bedrag van 'n pensioen wat ingevolge subartikel (2) betaalbaar is, is op die voorwaardes (wat voorwaardes aangaande die vooruitbetaling van 'n bedrag deur 'n fonds of liggaam onderskeidelik in paragraaf (a) of (b) genoem, kan insluit), wyse en tyd wat die Minister in oorleg met die Minister van Finansies bepaal—
- (a) in die geval van iemand wat 'n lid was met betrekking tot 'n statutêre liggaam wat in paragraaf (a) van die woordskrywing van „statutêre liggaam” in artikel 1 bedoel word, en wat by of kragtens 'n ordonnansie in daardie paragraaf bedoel, ingestel is, of in die geval van die weduwee van so iemand, verhaalbaar op die provinsiale inkomstefonds van die betrokke provinsie of op die Inkomstefonds van die gebied, na gelang van die geval;
- (b) in die geval van iemand wat 'n lid was met betrekking tot 'n statutêre liggaam in paragraaf (b) van gemelde woordskrywing bedoel, of in die geval van die weduwee van so iemand, op sodanige statutêre liggaam verhaalbaar; en
- (c) in die geval van iemand wat 'n lid was met betrekking tot die statutêre liggaam bedoel in artikel 102 van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), of in die geval van die weduwee van so iemand, op die Spoorweg- en Hawefonds verhaalbaar.

## Act No. 94, 1969

## MEMBERS OF STATUTORY BODIES PENSION ACT, 1969.

## Benefits on retirement.

3. (1) Any member who has completed not less than nine years' service may, subject to the provisions of subsections (3) and (4), elect to receive on his retirement one of the following benefits, namely—

- (a) a gratuity calculated at the rate of one-ninth of his final salary for each completed year of his service;
- (b) a gratuity coupled with an annuity where—
  - (i) such gratuity shall be calculated at the rate of one-eighteenth of his final salary for each completed year of his service; and
  - (ii) such annuity shall be calculated at the rate of 2.8 per cent of his final salary for each completed year of his service but not exceeding twenty years;
- (c) an annuity calculated at the rate of three and one-third per cent of his final salary for each completed year of his service but not exceeding twenty years.

(2) Any retiring member who has completed not less than three but less than nine years' service shall receive the benefit referred to in subsection (1) (a).

(3) Any member who was immediately prior to the commencement of this Act entitled, on account of his membership of any statutory body referred to in paragraph (a) of the definition of "statutory body" in section 1, to receive, on his retirement after not less than three years' service, a gratuity, calculated at the rate of six per cent of his final salary for each completed year of his service together with interest at the rate of four and one-half per cent per annum, compounded annually on the thirty-first day of March, and calculated as though the said six per cent were a contribution paid on the last day of every year of such member's service, may elect to receive such gratuity in lieu of any benefit to which he may be entitled in terms of subsection (1) or (2).

(4) If any person who after his retirement is in receipt of an annuity in terms of subsection (1) (b) or (c), again becomes a member, he shall forfeit all further claim to such annuity and such annuity shall lapse with effect from the date on which he again becomes a member, and on his subsequent retirement from service, a benefit shall be determined for him in accordance with the election exercised by him under subsection (1) at the time of his first-mentioned retirement and on the basis of the aggregate of the periods of his service preceding his first-mentioned and his last-mentioned retirement: Provided that if the benefit so determined is calculated in terms of subsection (1) (b), the amount of the gratuity calculated in terms of subsection (1) (b) (i) shall be reduced by the amount of the gratuity paid to him at the time of his first-mentioned retirement.

(5) If such person again becomes a member after his last-mentioned retirement, the provisions of subsection (4) shall *mutatis mutandis* apply to him.

## Benefits for widows.

4. (1) The widow of a member who dies in service may elect to receive a benefit equivalent to two-thirds of any benefit to which such member would have been entitled under section 3, had he retired on the date of his death.

(2) The widow of a person who was in receipt of an annuity in terms of section 3, shall, provided the person concerned was married to such widow before the date of his retirement, become entitled to an annuity in an amount equal to two-thirds of the annuity such person so received.

(3) An annuity paid to any widow in terms of this section shall, notwithstanding her remarriage, continue to be payable to her.

## Pensions not to be augmented.

5. No pension payable in terms of section 3 or 4 shall be augmented by means of a bonus or any other allowance.

## PENSIOENWET VIR LEDE VAN STATUTÊRE LIGGAME, 1969. Wet No. 94, 1969

3. (1) 'n Lid wat minstens nege jaar diens voltooi het, kan, Voordele by behoudens die bepalings van subartikels (3) en (4), kies om bysy aftrede. aftrede een van die volgende voordele te ontvang, naamlik—

(a) 'n gratifikasie bereken teen die skaal van een-negende van sy finale salaris vir iedere voltooide jaar van sy diens;

(b) 'n gratifikasie gepaard met 'n jaargeld waar—

(i) sodanige gratifikasie bereken word teen die skaal van een-agiende van sy finale salaris vir iedere voltooide jaar van sy diens; en

(ii) sodanige jaargeld bereken word teen die skaal van 2.8 persent van sy finale salaris vir elke voltooide jaar van sy diens maar vir hoogstens twintig jaar;

(c) 'n jaargeld bereken teen die skaal van drie en 'n derdepersent van sy finale salaris vir elke voltooide jaar van sy diens maar vir hoogstens twintig jaar.

(2) 'n Lid wat aftree en wat minstens drie maar minder as nege jaar diens voltooi het, ontvang die voordeel in subartikel (1) (a) bedoel.

(3) 'n Lid wat onmiddellik voor die inwerkingtreding van hierdie Wet weens sy lidmaatskap van 'n statutêre liggaam bedoel in paragraaf (a) van die woordskrywing van „statutêre liggaam” in artikel 1, geregtig was om by sy aftrede na minstens drie jaar diens, 'n gratifikasie te ontvang, bereken teen die skaal van ses persent van sy finale salaris vir iedere voltooide jaar van sy diens, tesame met rente teen vier en 'n halfpersent per jaar, jaarliks saamgestel op die een-en-dertigste dag van Maart en bereken asof bedoelde ses persent 'n bydrae is wat op die laaste dag van elke jaar van sodanige lid se diens betaal is, kan kies om sodanige gratifikasie te ontvang in plaas van 'n voordeel waarop hy ingevolge subartikel (1) of (2) geregtig mag wees.

(4) Indien 'n persoon wat na sy aftrede ingevolge subartikel (1) (b) of (c) 'n jaargeld ontvang, weer 'n lid word, verbeur hy alle verdere aanspraak op sodanige jaargeld en verval sodanige jaargeld met ingang van die datum waarop hy weer 'n lid word, en by sy aftrede daarna uit diens word, na gelang van die keuse wat hy kragtens subartikel (1) ten tyde van sy eersgenoemde aftrede uitgeoefen het, 'n voordeel vir hom bepaal op die grondslag van die totaal van die tydperke van sy diens voor sy eersgenoemde en laasgenoemde aftrede: Met dien verstande dat indien die aldus bepaalde voordeel ingevolge subartikel 1 (b) bereken word, die bedrag van die ingevolge subartikel (1) (b) (i) berekende gratifikasie verminder word met die bedrag van die gratifikasie wat ten tyde van sy eersgenoemde aftrede aan hom betaal is.

(5) Indien so iemand na sy laasgenoemde aftrede weer 'n lid word, is die bepalings van subartikel (4) *mutatis mutandis* op hom van toepassing.

4. (1) Die weduwee van 'n lid wat in diens sterf, kan kies Voordele vir om 'n voordeel te ontvang gelyk aan twee-derdes van 'n voordeel weduwees. waarop sodanige lid kragtens artikel 3 geregtig sou gewees het as hy op die datum van sy dood afgetree het.

(2) Die weduwee van 'n persoon wat ingevolge artikel 3 'n jaargeld ontvang het, word, mits die betrokke persoon voor die datum van sy aftrede met sodanige weduwee getroud was, geregtig op 'n jaargeld van 'n bedrag gelyk aan twee-derdes van die jaargeld wat sodanige persoon aldus ontvang het.

(3) 'n Jaargeld wat ingevolge hierdie artikel aan 'n weduwee betaal word, bly ondanks haar hertroue aan haar betaalbaar.

5. Geen pensioen ingevolge artikel 3 of 4 betaalbaar, word Pensioene word by wyse van 'n bonus of ander toelae aangevul nie. nie aangevul nie.

**Act No. 94, 1969 MEMBERS OF STATUTORY BODIES PENSION ACT, 1969.**

**Administration.** 6. (1) The scheme shall be controlled and administered by the Minister.

(2) The Minister may delegate any of the powers conferred on him by this Act to the Secretary for Social Welfare and Pensions or to any other officer of the Department of Social Welfare and Pensions, and may authorize the said Secretary or officer to perform or carry out any of the functions or duties entrusted to or imposed on the Minister by this Act.

**Application of Act to South-West Africa.** 7. This Act and any amendment thereof shall, so far as is necessary for the effective application thereof, apply also in the territory.

**Short title.** 8. This Act shall be called the Members of Statutory Bodies Pension Act, 1969.

**PENSIOENWET VIR LEDE VAN STATUTÊRE LIGGAME, 1969. Wet No. 94, 1969**

6. (1) Die skema word deur die Minister beheer en uitgevoer. Administrasie.
- (2) Die Minister kan 'n bevoegdheid wat by hierdie Wet aan hom verleen word, deleger aan die Sekretaris van Volkswelsyn en Pensioene of 'n ander beampte van die Departement van Volkswelsyn en Pensioene, en aan bedoelde Sekretaris of beampte magtiging verleen om 'n werksaamheid of plig te verrig of uit te voer wat by hierdie Wet aan die Minister toevertrou of opgedra word.
7. Hierdie Wet en enige wysiging daarvan is, vir sover dit Toepassing van vir die doeltreffende toepassing daarvan nodig is, ook in die Wet op Suidwes-Afrika, gebied van toepassing.
8. Hierdie Wet heet die Pensioenwet vir Lede van Statutêre Kort titel. Liggame, 1969.

