



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 370.

6 Maart 1970.

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

No. 20 van 1970: Wysigingswet op die Pensioenwette, 1970.

DEPARTMENT OF THE PRIME MINISTER.

No. 370.

6th March, 1970.

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

No. 20 of 1970: Pension Laws Amendment Act, 1970.

WET

Tot wysiging van die bepalings van die Wet tot Uitbreiding van Provinsiale Bevoegdhede, 1960, met betrekking tot die bedrag van pensioene; tot wysiging van die bepalings van die Regeringsdienspensioenwet, 1965, met betrekking tot die leef-tye vir uitdienstreding; tot wysiging van die bepalings van die Wet op Pensioene vir Parlementsdiens en Administrateurs, 1965, met betrekking tot woordskrywings en om vir pensioene en ander voordele aan kinders voorsiening te maak; tot wysiging van die bepalings van die Wysigingswet op die Pensioenwette, 1968, met betrekking tot bonusse; tot wysiging van die bepalings van die Provinsiale en die Gebiedsdienstpensioenwet, 1969, met betrekking tot lidmaatskap van die fonds deur daardie Wet ingestel; en tot wysiging van die bepalings van die Wysigingswet op die Pensioenwette, 1969, met betrekking tot pensioenregte en bystand aan persone in ontvangs van sekere pensioene.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 3 Maart 1970.)

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

Wysiging van
artikel 1 van
Wet 42 van 1960.

1. (1) Artikel 1 van die Wet tot Uitbreiding van Provinsiale Bevoegdhede, 1960, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

„(2) 'n In subartikel (1) bedoelde pensioen oorskry nie 'n bedrag wat, as dit oor 'n tydperk van twaalf maande bereken word, gelyk is aan die hoogste bedrag wat ten opsigte van enige jaar gedurende die ampstermyn van die betrokke lid, aan daardie lid kragtens artikels 74 en 76 van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), betaalbaar was nie.”

(2) Subartikel (1) word geag op die eerste dag van September 1969 in werking te getree het.

Wysiging van
artikel 6 van
Wet 62 van 1965,
soos gewysig
deur artikel 7 van
Wet 88 van 1969 en
artikel 9 van
Wet 98 van 1969.

2. (1) Artikel 6 van die Regeringsdienspensioenwet, 1965, word hierby gewysig deur subartikel (13A) deur die volgende subartikel te vervang:

„(13A) Ondanks andersluidende bepalings van subartikel (2) of van enige ander wet, is die bepalings van subartikel (4) *mutatis mutandis* van toepassing ten opsigte van iemand wat ooreenkomstig artikel 3 (5) van die Wet op die Oorplasing van Telefoonwerknemers van die Durban-korporasie, 1969 (Wet No. 88 van 1969), gekies het om 'n lid van die Staatsdiens-pensioenfonds te word en wat sonder onderbreking vanaf 'n datum voor die vier-en-

PENSION LAWS AMENDMENT ACT, 1970.

Act No. 20, 1970

ACT

To amend the provisions of the Provincial Powers Extension Act, 1960, relating to the amount of pensions; to amend the provisions of the Government Service Pensions Act, 1965, relating to ages for retirement; to amend the provisions of the Parliamentary Service and Administrators' Pensions Act, 1965, relating to definitions and in order to provide for pensions and other benefits for children; to amend the provisions of the Pension Laws Amendment Act, 1968, relating to bonuses; to amend the provisions of the Provincial and the Territory Service Pension Act, 1969, relating to membership of the fund established by that Act; and to amend the provisions of the Pension Laws Amendment Act, 1969, relating to pension rights and assistance to persons in receipt of certain pensions.

(English text signed by the State President.)
(Assented to 3rd March, 1970.)

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

1. (1) Section 1 of the Provincial Powers Extension Act, 1960, is hereby amended by the substitution for subsection (2) of the following subsection: Amendment of section 1 of Act 42 of 1960.

“(2) A pension referred to in subsection (1) shall not exceed an amount which, if calculated over a period of twelve months, is equal to the highest amount that was payable in respect of any year during the period of office of the member concerned, to that member under sections 74 and 76 of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961).”.

(2) Subsection (1) shall be deemed to have come into operation on the first day of September, 1969.

2. (1) Section 6 of the Government Service Pensions Act, 1965, is hereby amended by the substitution for subsection (13A) of the following subsection: Amendment of section 6 of Act 62 of 1965, as amended by section 7 of Act 88 of 1969 and section 9 of Act 98 of 1969.

“(13A) Notwithstanding anything to the contrary contained in subsection (2) or in any other law, the provisions of subsection (4) shall *mutatis mutandis* apply in respect of any person who has elected in terms of section 3 (5) of the Durban Corporation Telephone Employees' Transfer Act, 1969 (Act No. 88 of 1969), to become a member of the Public Service Pension Fund and who was an employee of the City Council of the city of Durban continuously from a date prior to the twenty-fourth day of June, 1955,

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WYSIGINGSWET OP DIE PENSIOENWETTE, 1970.

twintigste dag van Junie 1955 tot en met die een-en-dertigste dag van Maart 1969 'n werknemer van die Stadsraad van die stad Durban was, asof subartikel (3) van hierdie artikel ten opsigte van so iemand van toepassing was."

(2) Die bepalings van subartikel (1) word geag op die sewen-twintigste dag van Junie 1969 in werking te getree het.

Wysiging van artikel 8 van Wet 62 van 1965, soos gewysig deur artikel 10 van Wet 98 van 1969.

3. (1) Artikel 8 van die Regeringsdienspensioenwet, 1965, word hierby gewysig deur subartikels (5) en (6) deur die volgende subartikels te vervang:

„(5) Indien dit in die openbare belang is om 'n lid in die polisiemag of die gevangensdiens in diens te hou na die dag wat die dag onmiddellik voorafgaan waarop hy ooreenkomstig subartikel (2) met pensioen afgedank moet word, kan hy van tyd tot tyd aldus in diens gehou word—

(a) vir tydperke wat altesame nie drie jaar te bowe gaan nie; en

(b) met die goedkeuring, by besluit, van die Senaat en van die Volksraad, na die verstryking van bedoelde drie jaar, vir verdere tydperke wat altesame nie twee jaar te bowe gaan nie.

(6) 'n Lid wat die leeftyd van vyftig jaar bereik het, kan, ondanks andersluidende bepalings van hierdie artikel, met pensioen afgedank word."

(2) Subartikel (1) tree in werking op 'n datum deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

Wysiging van artikel 1 van Wet 85 van 1965, soos gewysig deur artikel 1 van Wet 92 van 1967.

4. Artikel 1 van die Wet op Pensioene vir Parlementsdiens en Administrateurs, 1965, word hierby gewysig—

(a) deur die volgende omskrywing na die omskrywing van „inkomste" in te voeg:

„„kind" 'n ongetroude kind, stiefkind of wettiglik aangenome kind wat onder die leeftyd van agtien jaar is of wat na die oordeel van die Sekretaris vanweë 'n geestes- of liggaamlike gebrek nie in staat is om homself te onderhou nie;";

(b) deur die omskrywing van „kommissaris-generaal" deur die volgende omskrywing te vervang:

„„kommissaris-generaal" iemand wat lid was van die Senaat of the Volksraad ingestel ingevolge die Grondwet en wat met ingang van die datum onmiddellik na die datum waarop hy opgehou het om so 'n lid te wees, kragtens artikel 2 (2) van die Wet op die Bevordering van Bantoe-selfbestuur, 1959 (Wet No. 46 van 1959), as 'n kommissaris-generaal aangestel is of wat met ingang van eersbedoelde datum in 'n soortgelyke hoedanigheid aangestel is om voltydse besoldigde diens aan die Regering in die gebied Suidwes-Afrika te lewer, en wat, in die geval van iemand aldus aangestel voor die inwerkingtreding van die Wysigingswet op Pensioene vir Parlementsdiens en Administrateurs, 1961 (Wet No. 70 van 1961), die keuse waarvoor artikel 7 (1) van daardie Wet voorsiening maak, uitgeoefen het;";

(c) deur na die omskrywing van „salaris" die volgende omskrywing in te voeg:

„„Sekretaris" die Sekretaris van Volkswelsyn en Pensioene;";

Invoeging van artikel 12A in Wet 85 van 1965.

5. Die volgende artikel word hierby in die Wet op Pensioene vir Parlementsdiens en Administrateurs, 1965, na artikel 12 ingevoeg:

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and up to and including the thirty-first day of March, 1969, as if subsection (3) of this section applied in respect of such person.”.

(2) The provisions of subsection (1) shall be deemed to have come into operation on the twenty-seventh day of June, 1969.

3. (1) Section 8 of the Government Service Pensions Act, 1965, is hereby amended by the substitution for subsections (5) and (6) of the following subsections:

Amendment of section 8 of Act 62 of 1965, as amended by section 10 of Act 98 of 1969.

“(5) If it is in the public interest to retain a member in the police force or prisons service after the day immediately preceding the day on which, in accordance with subsection (2), he shall be retired on pension, he may be so retained from time to time—

(a) for periods which shall not exceed in the aggregate three years; and

(b) with the approval, by resolution, of the Senate and of the House of Assembly, after the expiry of the said three years, for further periods which shall not exceed in the aggregate two years.

(6) Notwithstanding anything to the contrary contained in this section, a member who has attained the age of fifty years may be retired on pension.”.

(2) Subsection (1) shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

4. Section 1 of the Parliamentary Service and Administrators' Pensions Act, 1965, is hereby amended—

Amendment of section 1 of Act 85 of 1965, as amended by section 1 of Act 92 of 1967.

(a) by the insertion after the definition of “arrear contributions” of the following definition:

“‘child’ means any unmarried child, step-child or legally adopted child who is under the age of eighteen years or who in the opinion of the Secretary is, by reason of mental or physical infirmity, unable to maintain himself;”;

(b) by the substitution for the definition of “commissioner-general” of the following definition:

“‘commissioner-general’ means a person who, having been a member of the Senate or the House of Assembly established under the Constitution Act, has, with effect from the date immediately following the date upon which he ceased to be such a member, been appointed as a commissioner-general under section 2 (2) of the Promotion of Bantu Self-government Act, 1959 (Act No. 46 of 1959), or has, with effect from the first-mentioned date, been appointed in a similar capacity to render full-time paid service to the Government in the territory of South-West Africa, and who has, in the case of a person so appointed before the commencement of the Parliamentary Service and Administrators' Pensions Amendment Act, 1961 (Act No. 70 of 1961), made the election provided for in section 7 (1) of that Act;”;

(c) by the insertion after the definition of “salary” of the following definition:

“‘Secretary’ means the Secretary for Social Welfare and Pensions;”.

5. The following section is hereby inserted in the Parliamentary Service and Administrators' Pensions Act, 1965, after section 12:

Insertion of section 12A in Act 85 of 1965.

Wet No. 20, 1970

WYSIGINGSWET OP DIE PENSIOENWETTE, 1970.

„Pensioene
en ander
voordele aan
kinders van
lede.

12A. (1) Indien 'n lid te sterwe kom terwyl hy nog 'n lid is en hy nie 'n weduwee nalaat aan wie 'n voordeel ingevolge artikel 12 betaalbaar is nie, is daar, behoudens die bepalings van hierdie artikel—

(a) aan iedereen van sy kinders 'n pensioen betaalbaar van 'n bedrag gelyk aan twee-negendes van die pensioen waarop bedoelde lid, as hy nie gesterf het nie, ingevolge hierdie Hoofstuk geregtig sou gewees het indien hy op die datum van sy dood opgehou het om 'n lid te wees of van 'n bedrag verkry deur vier-negendes van laasbedoelde pensioen deur die getal van bedoelde kinders te deel, watter bedrag ook al die kleinste is;

(b) aan sy kinders 'n bedrag betaalbaar wat op die deur die Sekretaris bepaalde wyse onder hulle verdeel moet word en gelyk is aan die bedrag van enige ander voordeel waarop bedoelde lid aldus geregtig sou gewees het.

(2) 'n Pensioen of ander voordeel wat ingevolge hierdie artikel aan 'n kind betaalbaar is, kan na goeddunke van die Sekretaris en om redes wat hy in belang van die kind voldoende ag—

(a) aan die kind betaal word, of in paaiemente of op die ander wyse wat die Sekretaris gelas;

(b) van tyd tot tyd belê of aangewend word op die wyse wat die Sekretaris gelas;

(c) aan 'n Meester van die Hooggeregshof, 'n kurator of ander persoon betaal word om op die voorwaardes wat die Sekretaris oplê, gebruik te word;

(d) gedeeltelik op een en gedeeltelik op 'n ander in hierdie artikel bedoelde wyse aangewend word.

(3) 'n Pensioen wat ingevolge hierdie artikel betaalbaar is, kan na goeddunke van die Sekretaris en op die grondslag en voorwaardes wat hy bepaal, in 'n enkele kontantbetaling omgeset word.

(4) Wanneer pensioene ingevolge hierdie artikel aan kinders van 'n lid betaalbaar word, word—

(a) die onbetaalde balans van enige agterstallige bydraes of enige ander bedrag ingevolge enige bepaling van hierdie Hoofstuk deur daardie lid verskuldig;

(b) in die geval van 'n in artikel 5 (2) bedoelde lid, enige bydraes waarvoor daardie lid ingevolge artikel 5 (3) aanspreeklik sou gewees het indien hy nie te sterwe gekom het nie, maar op die datum van sy dood opgehou het om 'n lid te wees,

teen bedoelde pensioene verreken.

(5) Indien 'n bedrag ingevolge subartikel (1) (b) aan 'n kind van 'n lid betaalbaar word, hou enige bedrae wat nog ingevolge 'n bepaling van hierdie Hoofstuk verskuldig is, maar op die datum van die lid se dood nog nie betaal is nie, op om betaalbaar te wees.

(6) 'n Pensioen ingevolge hierdie artikel is met ingang van die dag na die datum van die dood van die betrokke lid betaalbaar.”.

Wysiging van
artikel 15 van
Wet 85 van 1965.

6. Artikel 15 van die Wet op Pensioene vir Parlementsdiens en Administrateurs, 1965, word hierby gewysig deur al die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

„Behalwe soos in hierdie Hoofstuk bepaal en ondanks andersluidende bepalings van Hoofstuk I of ander wetsbepalings, word geen voordele aan 'n deelnemende lid of sy weduwee of kind betaal nie—”.

PENSION LAWS AMENDMENT ACT, 1970.

Act No. 20, 1970

"Pension and other benefits to children of members.

12A. (1) If a member dies while he is still a member and is not survived by a widow to whom a benefit is payable in terms of section 12, there shall, subject to the provisions of this section, be payable—

- (a) to each of his children a pension of an amount equal to two-ninths of the pension to which such member would, if he had not died, have been entitled in terms of this Chapter had he ceased to be a member at the date of his death or of an amount obtained by dividing four-ninths of such last-mentioned pension by the number of such children, whichever may be the lesser amount;
- (b) to his children an amount to be divided amongst them in such manner as the Secretary may determine, equal to the amount of any other benefit to which such member would so have been entitled.

(2) Any pension or other benefit payable to a child in terms of this section may, at the discretion of the Secretary and for reasons deemed by him to be sufficient in the interest of a child—

- (a) be paid to the child, either in instalments or in such other manner as the Secretary may direct;
- (b) be invested or applied from time to time in such manner as the Secretary may direct;
- (c) be paid to a Master of the Supreme Court, a trustee or other person, to be used subject to such conditions as the Secretary may impose;
- (d) be applied partly in one and partly in any other manner referred to in this subsection.

(3) Any pension payable in terms of this section may, at the discretion of the Secretary and on such basis and conditions as he may determine, be commuted into a single cash payment.

(4) Whenever any pensions become payable to children of a member in terms of this section—

- (a) the unpaid balance of any arrear contributions or other amount due by such member under any provision of this Chapter;
- (b) in the case of a member referred to in section 5 (2), any contributions for which that member would under section 5 (3) have been liable if he had not died but had ceased to be a member at the date of his death,

shall be set off against such pensions.

(5) Whenever any amount becomes payable to a child of a member in terms of subsection (1) (b), any amounts which are still due in terms of any provision of this Chapter but which are unpaid at the date of the member's death shall cease to be payable.

(6) Any pension under this section shall be payable with effect from the day following the date of death of the member concerned."

6. Section 15 of the Parliamentary Service and Administrators' Pensions Act, 1965, is hereby amended by the substitution for all the words preceding paragraph (a) of the following words:

"Save as provided in this Chapter and notwithstanding anything to the contrary contained in Chapter I or any other law, no benefits shall be paid to a participating member or to his widow or child—"

Amendment of section 15 of Act 85 of 1965.

Wet No. 20, 1970

WYSIGINGSWET OP DIE PENSIOENWETTE, 1970.

Invoeging van
artikel 22A in
Wet 85 van 1965.

7. Die volgende artikel word hierby in die Wet op Pensioene vir Parlementsdiens en Administrateurs, 1965, na artikel 22 ingevoeg:

„Pensioene en ander voordele aan kinders van deelnemende lede. 22A. (1) Indien 'n deelnemende lid te sterwe kom terwyl hy nog 'n Parlementêre lid is en hy nie 'n weduwee nalaat aan wie 'n voordeel ingevolge artikel 22 (3) betaalbaar is nie, is daar, behoudens die bepalings van hierdie artikel—

(a) aan iedereen van sy kinders 'n pensioen betaalbaar van 'n bedrag gelyk aan twee-negendes van die pensioen waarop bedoelde lid, as hy nie gesterf het nie, ingevolge hierdie Hoofstuk geregtig sou gewees het indien hy op die datum van sy dood opgehou het om 'n Parlementêre lid te wees of van 'n bedrag verkry deur vier-negendes van laasbedoelde pensioen deur die getal van bedoelde kinders te deel, watter bedrag ook al die kleinste is;

(b) aan sy kinders 'n bedrag betaalbaar wat op die deur die Sekretaris bepaalde wyse onder hulle verdeel moet word en gelyk is aan die bedrag van enige ander voordeel waarop bedoelde lid aldus geregtig sou gewees het.

(2) Die bepalings van artikel 12A (2) is *mutatis mutandis* van toepassing ten opsigte van 'n pensioen of ander voordeel wat ingevolge hierdie artikel betaalbaar is.

(3) 'n Pensioen betaalbaar ingevolge hierdie artikel kan, na goeddunke van die Sekretaris en op die grondslag en voorwaardes wat hy bepaal, in 'n enkele kontantbetaling omgeset word.

(4) Die bepalings van artikel 22 (4), (5) en (6) is *mutatis mutandis* van toepassing ten opsigte van 'n pensioen wat ingevolge subartikel (1) (a) van hierdie artikel betaalbaar is asof sodanige pensioen 'n pensioen is wat ingevolge artikel 22 aan 'n weduwee betaalbaar is.

(5) 'n Pensioen of bedrag wat ingevolge hierdie artikel betaalbaar is, word, ondanks andersluidende bepalings van artikel 23, betaal uit gelde deur die Parlement vir die doel bewillig.”

Wysiging van
artikel 27 van
Wet 85 van 1965.

8. Artikel 27 van die Wet op Pensioene vir Parlementsdiens en Administrateurs, 1965, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Geen pensioen of ander voordeel waarvoor hierdie Hoofstuk of 'n pensioenordonnansie voorsiening maak, is aan iemand op wie artikel 9 van toepassing is of aan die weduwee of kind van so iemand betaalbaar nie.”

Vervanging van
artikel 36 van
Wet 85 van 1965.

9. Artikel 36 van die Wet op Pensioene vir Parlementsdiens en Administrateurs, 1965, word hierby deur die volgende artikel vervang:

„Toepassing van Wet op Suidwes-Afrika. 36. Hierdie Wet en enige wysiging daarvan wat van tyd tot tyd aangebring word, is vir sover dit vir die doeltreffiende toepassing daarvan nodig is, ook in die gebied Suidwes-Afrika van toepassing.”

Vervanging van
lang titel van
Wet 85 van 1965.

10. Die lang titel van die Wet op Pensioene vir Parlementsdiens en Administrateurs, 1965, word hierby deur die volgende lang titel vervang:

PENSION LAWS AMENDMENT ACT, 1970.

Act No. 20, 1970

7. The following section is hereby inserted in the Parliamentary Service and Administrators' Pensions Act, 1965, after section 22:

Insertion of section 22A in Act 85 of 1965.

"Pensions and other benefits to children of participating members.

22A. (1) If a participating member dies while he is still a Parliamentary member and he is not survived by a widow to whom a benefit is payable in terms of section 22 (3), there shall, subject to the provisions of this section, be payable—

- (a) to each of his children a pension of an amount equal to two-ninths of the pension to which such member would, if he had not died, have been entitled in terms of this Chapter had he ceased to be a Parliamentary member at the date of his death or of an amount obtained by dividing four-ninths of such last-mentioned pension by the number of such children, whichever may be the lesser amount;
- (b) to his children an amount, to be divided among them in such manner as the Secretary may determine, equal to the amount of any other benefit to which such member would so have been entitled.

(2) The provisions of section 12A (2) shall *mutatis mutandis* apply in respect of any pension or other benefit payable in terms of this section.

(3) Any pension payable in terms of this section may, at the discretion of the Secretary and on such basis and conditions as he may determine, be commuted into a single cash payment.

(4) The provisions of section 22 (4), (5) and (6) shall *mutatis mutandis* apply in respect of any pension payable in terms of subsection (1) (a) of this section as if such pension were a pension payable to a widow in terms of section 22.

(5) Notwithstanding anything to the contrary contained in section 23, any pension or amount payable in terms of this section shall be paid out of moneys appropriated by Parliament for the purpose."

8. Section 27 of the Parliamentary Service and Administrators' Pensions Act, 1965, is hereby amended by the substitution for subsection (1) of the following subsection:

Amendment of section 27 of Act 85 of 1965.

"(1) No pension or any other benefit for which this Chapter or any pensions ordinance makes provision shall be payable to any person to whom section 9 applies or to the widow or child of any such person."

9. The following section is hereby substituted for section 36 of the Parliamentary Service and Administrators' Pensions Act, 1965:

Substitution of section 36 of Act 85 of 1965.

"Applica-
tion of Act
to South-
West Africa.

36. This Act and any amendments thereof which may be made from time to time shall, in so far as is necessary for the effective application thereof, apply in the territory of South-West Africa."

10. The following long title is hereby substituted for the long title of the Parliamentary Service and Administrators' Pensions Act, 1965:

Substitution of long title of Act 85 of 1965.

Wet No. 20, 1970

WYSIGINGSWET OP DIE PENSIOENWETTE, 1970.

„Tot samevatting en wysiging van die wette betreffende die betaling van pensioene en ander voordele aan lede van die Parlement, Administrateurs, sekere persone in die diplomatieke diens van die Republiek en kommissaris-generaal, en aan hulle weduwees of kinders, en om vir ander bykomstige aangeleenthede voorsiening te maak.”.

Wysiging van
artikel 15 van
Wet 79 van 1968,
soos gewysig deur
artikel 17 van
Wet 98 van 1969.

11. (1) Artikel 15 van die Wysigingswet op die Pensioenwette, 1968, word hierby gewysig deur in subartikel (1) al die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:

„(1) Daar kan aan iemand wat 'n pensioen, toelae of kleretoekenning ingevolge of op die grondslag van die Wet op Speciale Oorlogspensioene, 1962 (Wet No. 35 van 1962), of die Oorlogspensioenwet, 1967 (Wet No. 82 van 1967), ontvang, 'n bonus van twaalf en 'n halfpersent van sodanige pensioen, toelae of toekenning betaal word.”.

(2) Subartikel (1) tree in werking op die eerste dag van April 1970.

Wysiging van
artikel 4 van
Wet 14 van 1969.

12. (1) Artikel 4 van die Provinsiale en die Gebiedsdienspensioenwet, 1969, word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang:

„(4) Ondanks andersluidende bepalings van hierdie Wet, word iemand op wie subartikel (1) (b) (ii) van toepassing is, met ingang van die vasgestelde datum 'n lid van die Fonds en geag 'n lid te wees wat, ingevolge artikel 6 (1), gekies het om die voorregte en voordele te aanvaar wat op die dag voor die vasgestelde datum by wet op hom as lid van 'n provinsiale of die gebiedspensioenfonds van toepassing was, in plaas van al die ander voorregte en voordele waarin hy andersins, ingevolge hierdie Wet, sou deel: Met dien verstande dat indien so iemand voor die eerste dag van Januarie 1971 skriftelik 'n keuse uitoefen om nie geag te word 'n lid wat soos voormeld gekies het, te wees nie, hy op die eerste dag van die tweede maand wat volg op die maand waarin hy aldus 'n keuse uitoefen, ophou om 'n lid van die Fonds te wees, en op daardie dag geregtig word op 'n gratifikasie uit die Fonds gelyk aan die som van—

(a) die totaal van die bydraes wat hy aan die betrokke provinsiale of gebiedspensioenfonds en aan die Fonds betaal het; en

(b) twee persent van die bedrag in paragraaf (a) bedoel vir iedere voltooide jaar waarin hy tot so 'n fonds bygedra het en vir 'n deel van sodanige jaar, 'n persentasie van die bedrag in paragraaf (a) bedoel, wat in dieselfde verhouding tot twee persent staan as wat die getal dae in sodanige deel tot driehonderd vyf-en-sestig staan.”.

(2) Subartikel (1) word geag op die eerste dag van April 1969 in werking te getree het.

Wysiging van
artikel 21 van
Wet 98 van 1969.

13. (1) Artikel 21 van die Wysigingswet op die Pensioenwette, 1969, word hierby gewysig—

(a) deur paragraaf (b) van subartikel (4) deur die volgende paragraaf te vervang:

„(b) word by die toepassing van die wetsbepalings betreffende die gemelde Staatsdiens-pensioenfonds en voormelde Provinsiale en die Gebiedsdienspensioenfonds, geag onmiddellik voor die in paragraaf (a) bedoelde dag 'n lid van laasbedoelde fonds te gewees het en met ingang van daardie

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"To consolidate and amend the laws relating to the payment of pensions and other benefits to members of Parliament, Administrators, certain persons employed in the diplomatic service of the Republic and commissioners-general, and to their widows or children, and to provide for other incidental matters."

11. (1) Section 15 of the Pension Laws Amendment Act, 1968, is hereby amended by the substitution in subsection (1) for all the words preceding the proviso of the following words:

Amendment of section 15 of Act 79 of 1968, as amended by section 17 of Act 98 of 1969.

"(1) Any person who is in receipt of a pension, allowance or clothing grant in terms of or on the basis of the War Special Pensions Act, 1962 (Act No. 35 of 1962), or the War Pensions Act, 1967 (Act No. 82 of 1967), may be paid a bonus of twelve and one-half per cent of such pension, allowance or grant."

(2) Subsection (1) shall come into operation on the first day of April, 1970.

12. (1) Section 4 of the Provincial and the Territory Service Pension Act, 1969, is hereby amended by the substitution for subsection (4) of the following subsection:

Amendment of section 4 of Act 14 of 1969.

"(4) Notwithstanding anything to the contrary in this Act contained, any person to whom subsection (1) (b) (ii) applies, shall, with effect from the fixed date, become a member of the Fund and be deemed to be a member who has, in terms of section 6 (1), elected to assume such privileges and benefits as were by law applicable to him as a member of a provincial or the territory pension fund on the day before the fixed date in lieu of all other privileges and benefits in which he would otherwise have participated in terms of this Act: Provided that if, before the first day of January, 1971, such person exercises in writing an election not to be deemed to be a member who has elected as aforesaid, he shall, on the first day of the second month following the month in which he so exercises an election cease to be a member of the Fund and on that day become entitled to a gratuity from the Fund which is equal to the sum of—

- (a) the aggregate of the contributions paid by him to the provincial or the territory pension fund concerned and to the Fund; and
- (b) two per cent of the amount referred to in paragraph (a) for each completed year in which he contributed to any such fund, and for any portion of such year, a percentage of the amount referred to in paragraph (a), which bears the same ratio to two per cent as the number of days in such portion bears to three hundred and sixty-five."

(2) Subsection (1) shall be deemed to have come into operation on the first day of April, 1969.

13. (1) Section 21 of the Pension Laws Amendment Act, 1969, is hereby amended—

Amendment of section 21 of Act 98 of 1969.

- (a) by the substitution for paragraph (b) of subsection (4) of the following paragraph:

"(b) shall, for the purposes of the laws governing the said Public Service Pension Fund and the Provincial and the Territory Service Pension Fund aforesaid, be deemed to have been a member of the last-mentioned fund immediately prior to the day referred to in paragraph (a) and to have been transferred with effect from that day from

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dag van pensioengewende diens by 'n provinsiale skool oorgeplaas te gewees het na diens ten opsigte waarvan hy verplig is om tot gemelde Staatsdiens-pensioenfonds by te dra.”;

(b) deur na subartikel (4) die volgende subartikel in te voeg:

„(4A) Ondanks andersluidende wetsbepalings, is die bepaling van artikel 6 (4) van die Regeringsdienspensioenwet, 1965, *mutatis mutandis* van toepassing ten opsigte van iemand wat ingevolge subartikel (4) van hierdie artikel 'n lid van gemelde Staatsdiens-pensioenfonds word, asof bedoelde persoon met ingang van 'n datum voor die vier-en-twintigste dag van Junie 1955 in 'n pos in die staatsdiens, soos omskryf in artikel 1 van daardie Wet, aangestel was.”.

(2) Subartikel (1) word geag op die eerste dag van April 1969 in werking te getree het.

Wysiging van
artikel 22 van
Wet 98 van 1969.

14. (1) Artikel 22 van die Wysigingswet op die Pensioenwette, 1969, word hierby gewysig—

(a) deur die woord „of” by subartikel (1) (a) (v) te voeg;

(b) deur na subartikel (1) (a) (v) die volgende subparagrafe in te voeg:

„(vi) 'n pensioen ontvang ingevolge 'n regulasie uitgevaardig kragtens artikel 12 (1) (a) en (g) van die „Wet tot Additionele Regeling van het Hoger Onderwijs, 1917” (Wet No. 20 van 1917), of artikel 19 (1) (g) van die „Hoger Onderwijs Wet, 1923” (Wet No. 30 van 1923), of artikel 19 van die Wet op Universiteite, 1955 (Wet No. 61 van 1955); of

(vii) 'n pensioen ontvang uit die ingevolge die Wet op die Pensioenfonds vir Geassosieerde Inrigtings, 1963 (Wet No. 41 van 1963), ingestelde pensioenfonds; of

(viii) 'n pensioen ontvang ingevolge 'n regulasie uitgevaardig kragtens artikel 2 van die Wet op pensioene vir Nie-blanke Regeringswerknemers, 1966 (Wet No. 42 van 1966), maar nie onmiddellik voor die datum waarop hy op daardie pensioen geregtig geword het 'n werknemer van die Regering was nie.”;

(c) deur die volgende voorbehoudsbepaling by subartikel (1) (a) te voeg:

„Met dien verstande dat in die geval van iemand op wie subparagraaf (vi) of (vii) betrekking het, die toelae nie betaalbaar is vanaf 'n vroeër datum as die eerste dag van April 1970 nie.”;

(d) deur die volgende paragraaf by subartikel (1) te voeg:

„(c) 'n Toelae wat ingevolge hierdie subartikel betaalbaar is, word teen inkomste in rekening gebring.”;

(e) deur paragraaf (a) van subartikel (2) deur die volgende paragraaf te vervang:

„(a) Elke in paragraaf (a) van subartikel (1) bedoelde pensioen, uitgesonderd 'n pensioen betaalbaar ingevolge 'n wet wat deur die Minister van Volkswelsyn en Pensioene goedgekeur is vir die doeleindes van subparagraaf (ii) van bedoelde paragraaf (a) of 'n in subparagraaf (vi) van daardie paragraaf bedoelde pensioen, word, behoudens die bepaling van paragraaf (b) van hierdie subartikel, verhoog met 'n bedrag gelyk aan vyf persent van daardie pensioen en 'n verwysing in 'n pensioenwet na so 'n pensioen word geag 'n verwysing na daardie pensioen soos aldus verhoog, te wees.”;

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pensionable employment at a provincial school to employment in respect of which he is required to contribute to the said Public Service Pension Fund.”;

- (b) by the insertion after subsection (4) of the following subsection:

“(4A) Notwithstanding anything to the contrary in any law contained, the provisions of section 6 (4) of the Government Service Pensions Act, 1965, shall *mutatis mutandis* apply in respect of any person who becomes a member of the said Public Service Pension Fund in terms of subsection (4) of this section, as if such person had been appointed to a post in the public service, as defined in section 1 of that Act, with effect from a date prior to the twenty-fourth day of June, 1955.”.

- (2) Subsection (1) shall be deemed to have come into operation on the first day of April, 1969.

14. (1) Section 22 of the Pension Laws Amendment Act, 1969, is hereby amended—

Amendment of
section 22 of
Act 98 of 1969.

- (a) by the addition to subsection (1) (a) (v) of the word “or”;

- (b) by the insertion after subsection (1) (a) (v) of the following subparagraphs:

“(vi) is in receipt of a pension in terms of any regulation made under section 12 (1) (a) and (g) of the Higher Education Additional Provision Act, 1917 (Act No. 20 of 1917), or section 19 (1) (g) of the Higher Education Act, 1923 (Act No. 30 of 1923), or section 19 of the Universities Act, 1955 (Act No. 61 of 1955); or

(vii) is in receipt of a pension from the pension fund established in terms of the Associated Institutions Pension Fund Act, 1963 (Act No. 41 of 1963); or

(viii) is in receipt of a pension under any regulation made under section 2 of the Government non-White Employees Pensions Act, 1966 (Act No. 42 of 1966), but was not an employee of the Government immediately prior to the date on which he became entitled to such pension,”;

- (c) by the addition to subsection (1) (a) of the following proviso:

“Provided that in the case of any person to whom subparagraph (vi) or (vii) refers, the allowance shall not be payable from a date earlier than the first day of April, 1970.”;

- (d) by the addition to subsection (1) of the following paragraph:

“(c) Any allowance payable in terms of this subsection shall be charged to revenue.”;

- (e) by the substitution for paragraph (a) of subsection (2) of the following paragraph:

“(a) Subject to the provisions of paragraph (b) of this subsection, every pension referred to in paragraph (a) of subsection (1), other than a pension payable in terms of a law approved by the Minister of Social Welfare and Pensions for the purposes of subparagraph (ii) of the said paragraph (a) or a pension referred to in subparagraph (vi) of that paragraph, shall be increased by an amount equal to five per cent of that pension and any reference in any pension law to such a pension shall be deemed to be a reference to that pension as so increased.”;

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- (f) deur aan die end van subartikel (2) (b) (iii) die woord „of” te skrap;
- (g) deur na subartikel (2) (b) (iii) die volgende subparagrafe in te voeg:
 „(iiiA) ’n regulasie uitgevaardig kragtens artikel 2 van die Wet op die Pensioenfonds vir Geassosieerde Inrigtings, 1963 (Wet No. 41 van 1963);
 (iiiB) ’n regulasie uitgevaardig kragtens artikel 7 van die Provinsiale en die Gebiedsdienstepensioenwet, 1969 (Wet No. 14 van 1969); of”;
- (h) deur paragraaf (a) van subartikel (4) deur die volgende paragraaf te vervang:
 „(a) Aan iemand wat ’n in paragraaf (a) van subartikel (1) bedoelde pensioen ontvang, uitgesonderd ’n pensioen betaalbaar ingevolge ’n wet wat deur die Minister van Volkswelsyn en Pensioene goedgekeur is vir die doeleindes van subparagraaf (ii) van daardie paragraaf of ’n in subparagraaf (vi) van daardie paragraaf bedoelde pensioen, kan daar, terwyl daardie pensioen voortduur, ’n bonus betaal word gelyk aan die persentasie van daardie pensioen wat die Minister van Volkswelsyn en Pensioene in oorleg met die Minister van Finansies van tyd tot tyd bepaal.”;
- (i) deur die voorbehoudsbepaling by paragraaf (c) van subartikel (4) deur die volgende voorbehoudsbepaling te vervang:
 „Met dien verstande dat indien die pensioen of ’n deel van die pensioen van sodanige persoon uit ’n pensioenfonds betaalbaar is, die hele bonus of die deel daarvan wat die Minister van Volkswelsyn en Pensioene in oorleg met die Minister van Finansies van tyd tot tyd bepaal, teen die betrokke pensioenfonds in rekening gebring word, en die oorskot van daardie bonus (indien daar is) teen inkomste in rekening gebring word.”;
- (j) deur in subartikel (5) al die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:
 „By die toepassing van hierdie artikel—”;
- (k) deur subparagraaf (i) van subartikel (5) (a) deur die volgende subparagraaf te vervang:
 „(i) behoudens die bepalings van subparagraaf (ii), (iii) of (iv), inkomste soos omskryf in artikel 1 van die Regeringsdienstepensioenwet, 1965;”;
- (l) deur die volgende subparagrafe en voorbehoudsbepaling by subartikel (5) (a) te voeg:
 „(iii) met betrekking tot iemand op wie subartikel (1) (a) (iv), (v), (vi) of (vii) betrekking het, gelde deur die Parlement vir die doel bewillig;
 (iv) met betrekking tot iemand (uitgesonderd iemand in subparagraaf (ii) bedoel) wat ’n pensioen ontvang ingevolge ’n regulasie uitgevaardig kragtens artikel 2 van die Wet op Pensioene vir Nie-blanke Regeringswerknemers, 1966 (Wet No. 42 van 1966), inkomste soos in artikel 1 van daardie Wet omskryf:
- Met dien verstande dat by die toepassing van subartikels (1) (c) en (4) (c), „inkomste”, met betrekking tot iemand op wie subartikel (1) (a) (viii) betrekking het maar wat nie ’n in subparagraaf (ii) van hierdie paragraaf bedoelde persoon is nie, geld deur die Parlement vir die doel bewillig, beteken.”;
- (m) deur subparagraaf (i) van subartikel (5) (b) van die Engelse teks deur die volgende subparagraaf te vervang:

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- (f) by the deletion at the end of subsection (2) (b) (iii) of the word "or";
- (g) by the insertion after subsection (2) (b) (iii) of the following subparagraphs:
 - "(iiiA) any regulation made under section 2 of the Associated Institutions Pension Fund Act, 1963 (Act No. 41 of 1963);
 - (iiiB) any regulation made under section 7 of the Provincial and the Territory Service Pension Act, 1969 (Act No. 14 of 1969); or";
- (h) by the substitution for paragraph (a) of subsection (4) of the following paragraph:
 - "(a) Any person who is in receipt of a pension referred to in paragraph (a) of subsection (1), other than a pension payable in terms of a law approved by the Minister of Social Welfare and Pensions for the purposes of subparagraph (ii) of that paragraph or a pension referred to in subparagraph (vi) of that paragraph, may, during the continuance of that pension, be paid a bonus equal to such percentage of that pension as the Minister of Social Welfare and Pensions in consultation with the Minister of Finance may from time to time determine.";
- (i) by the substitution for the proviso to paragraph (c) of subsection (4) of the following proviso:
 - "Provided that if the pension or any portion of the pension of such person is payable from a pension fund, the whole of the bonus or such portion thereof as the Minister of Social Welfare and Pensions may in consultation with the Minister of Finance from time to time determine, shall be charged to the pension fund in question and the balance of that bonus (if any) shall be charged to revenue.";
- (j) by the substitution in subsection (5) for all the words preceding paragraph (a) of the following words:
 - "For the purpose of this section—";
- (k) by the substitution for subparagraph (i) of subsection (5) (a) of the following subparagraph:
 - "(i) save as provided in subparagraph (ii), (iii) or (iv), revenue as defined in section 1 of the Government Service Pensions Act, 1965;"
- (l) by the addition to subsection (5) (a) of the following subparagraphs and proviso:
 - "(iii) in relation to any person to whom subsection (1) (a) (iv), (v), (vi) or (vii) refers, moneys appropriated by Parliament for the purpose;
 - (iv) in relation to any person (other than a person referred to in subparagraph (ii)) who is in receipt of a pension in terms of any regulation made under section 2 of the Government non-White Employees Pensions Act, 1966 (Act No. 42 of 1966), revenue as defined in section 1 of that Act: Provided that for the purposes of subsections (1) (c) and (4) (c) 'revenue', in relation to any person to whom subsection (1) (a) (viii) refers but who is not a person referred to in subparagraph (ii) of this paragraph, means moneys appropriated by Parliament for the purpose.";
- (m) by the substitution for subparagraph (i) of subsection (5) (b) of the following subparagraph:

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- „(i) save as provided in subparagraph (ii), a fund referred to in the definition of ‘revenue’ in section 1 of the Government Service Pensions Act, 1965;”;
- (n) deur aan die end van subartikel (5) (c) (iv) die woord „of” te skrap;
- (o) deur na subartikel (5) (c) (iv) die volgende subparagrafe in te voeg:
- „(ivA) die Provinsiale en die Gebiedsdienspensioenfonds by artikel 2 (1) van die Provinsiale en die Gebiedsdienspensioenwet, 1969 (Wet No. 14 van 1969), ingestel;
- (ivB) die ingevolge die Wet op die Pensioenfonds vir Geassosieerde Inrigtings, 1963 (Wet No. 41 van 1963), ingestelde pensioenfonds;
- (ivC) die ingevolge die Wet op Pensioene vir Nie-blanke Regeringswerknemers, 1966 (Wet No. 42 van 1966), ingestelde pensioenfonds; of”.
- (2) Subartikel (1) word geag op die eerste dag van April 1969 in werking te getree het.

Kort titel.

15. Hierdie Wet heet die Wysigingswet op die Pensioenwette, 1970.

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- “(i) save as provided in subparagraph (ii), a fund referred to in the definition of ‘revenue’ in section 1 of the Government Service Pensions Act, 1965;”;
- (n) by the deletion at the end of subsection (5) (c) (iv) of the word “or”;
- (o) by the insertion after subsection (5) (c) (iv) of the following subparagraphs:
- “(ivA) the Provincial and the Territory Service Pension Fund established by section 2 (1) of the Provincial and the Territory Service Pension Act, 1969 (Act No. 14 of 1969);
- (ivB) the pension fund established in terms of the Associated Institutions Pension Fund Act, 1963 (Act No. 41 of 1963);
- (ivC) the pension fund established in terms of the Government non-White Employees Pensions Act, 1966 (Act No. 42 of 1966); or”.
- (2) Subsection (1) shall be deemed to have come into operation on the first day of April, 1969.

15. This Act shall be called the Pension Laws Amendment Short title Act, 1970.

