



# STAATSKOERANT

## VAN DIE REPUBLIEK VAN SUID-AFRIKA

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### REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

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[No. 5965

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 679.

31 Maart 1978.

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

No. 40 van 1978: Wysigingswet op die Pensioenwette, 1978.

DEPARTMENT OF THE PRIME MINISTER

No. 679.

31 March 1978.

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

No. 40 of 1978: Pension Laws Amendment Act, 1978.

Wet No. 40, 1978

WYSIGINGSWET OP DIE PENSIOENWETTE, 1978.

## ALGEMENE VERDUIDELIKENDE NOTA:

**[ ]** Woorde in vet druk tussen vierkantige hake dui skappings uit bestaande verordenings aan.

       Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

## WET

Tot wysiging van die Wet op die Pensioenfonds vir Geassosieerde Inrigtings, 1963, ten einde die omskrywing van „geassosieerde inrigting” uit te brei; en om voorsiening te maak vir die verklaring van sekere maatskappye tot geassosieerde inrigtings; tot wysiging van artikel 16 van die Tweede Wysigingswet op die Pensioenwette, 1974, ten einde die bepalings daarvan op sekere werknemers van die Regering wat afgestaan word vir diens aan plaaslike besture in sekere gebiede wat nie meer deel van die Republiek uitmaak nie, van toepassing te maak; en om die omskrywing van „vasgestelde datum” te wysig; tot wysiging van artikel 10 van die Wysigingswet op die Pensioenwette, 1975, ten einde die bepalings met betrekking tot die behoud van pensioenregte uit te brei tot sekere persone wat as lede of in die diens van die regerings of wetgewende liggame van sekere lande aangestel, benoem of verkies word; tot wysiging van artikel 8 van die Wysigingswet op die Pensioenwette, 1976, ten einde die bepalings daarvan op Indiërs van toepassing te maak; om die instandhouding van die pensioenregte van sekere persone wat die diens van die Wetenskaplike en Nywerheidsnavorsingsraad verlaat, te reël; om die uitdiens-tredingsvoordele van sekere lede van die personeel van sekere universiteite wat in sekere omstandighede ontslaan word, te reël; en om voorsiening te maak vir aangeleent-hede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)  
(Goedgekeur op 30 Maart 1978.)

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

Wysiging van  
artikel 1 van  
Wet 41 van 1963,  
soos gewysig deur  
artikel 18 van  
Wet 50 van 1973.

1. Artikel 1 van die Wet op die Pensioenfonds vir Geassosieerde Inrigtings, 1963 (hieronder die Hoofwet genoem), word hierby gewysig deur paragraaf (h) van die omskrywing van „geassosieerde inrigting” deur die volgende paragraaf te vervang: „(h) enige ander inrigting, organisasie of liggaam wat deur of kragtens die een of ander wetsbepaling ingestel is, met inbegrip van 'n maatskappy wat ingevolge die wetsbepalings betreffende maatskappye ingelyf is, en wat ingevolge artikel 4 deur die Minister tot 'n geassosieerde inrigting, vir die doeleindes van hierdie Wet, verklaar word;”.

Wysiging van  
artikel 4 van  
Wet 41 van 1963,  
soos gewysig deur  
artikel 15 van  
Wet 91 van 1967.

2. Artikel 4 van die Hoofwet word hierby gewysig deur 15 subartikel (1) deur die volgende subartikel te vervang: „(1) Die Minister kan, na oorlegpleging met die Minister van Finansies, enige inrigting, organisasie of liggaam wat deur of kragtens die een of ander wetsbepaling ingestel is, met inbegrip van 'n maatskappy wat ingevolge die wetsbepa- 20

## PENSION LAWS AMENDMENT ACT, 1978.

Act No. 40, 1978

**GENERAL EXPLANATORY NOTE:**

**[** Words in bold type in square brackets indicate omissions from existing enactments.

       Words underlined with solid line indicate insertions in existing enactments.

# ACT

To amend the Associated Institutions Pension Fund Act, 1963, in order to extend the definition of "associated institution"; and to provide for the declaration of certain companies to be associated institutions; to amend section 16 of the Second Pension Laws Amendment Act, 1974, in order to apply the provisions thereof to certain employees of the Government seconded for service to local authorities in a country or area no longer forming part of the Republic; and to amend the definition of "fixed date"; to amend section 10 of the Pension Laws Amendment Act, 1975, in order to extend the provisions relating to the preservation of pension rights to certain persons appointed, nominated or elected as members of or in the service of the governments or legislative bodies of certain countries; to amend section 8 of the Pension Laws Amendment Act, 1976, in order to apply the provisions thereof to Indians; to regulate the continuation of the pension rights of certain persons leaving the service of the Council for Scientific and Industrial Research; to regulate the retirement benefits of certain members of the staff of certain universities discharged in certain circumstances; and to provide for matters connected therewith.

*(Afrikaans text signed by the State President.)*  
*(Assented to 30 March 1978.)*

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

1. Section 1 of the Associated Institutions Pension Fund Act, 1963 (hereinafter referred to as the principal Act), is hereby amended by the substitution for paragraph (h) of the definition of "associated institution" of the following paragraph:

5 " (h) any other institution, organization or body established by or under any law, including any company incorporated in terms of the laws relating to companies, which, in terms of section 4; is declared by the Minister to be an associated institution for the purposes of this Act;".

10

Amendment of section 1 of Act 41 of 1963, as amended by section 18 of Act 50 of 1973.

2. Section 4 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

15 " (1) The Minister may, after consultation with the Minister of Finance, by notice in the *Gazette* declare any institution, organization or body established by or under any law, including any company incorporated in terms of the

Amendment of section 4 of Act 41 of 1963, as amended by section 15 of Act 91 of 1967.

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## WYSIGINGSWET OP DIE PENSIOENWETTE, 1978.

lings betreffende maatskappye ingelyf is, en wat nie 'n geassosieerde inrigting is nie, by kennisgewing in die *Staatskoerant* vanaf 'n in daardie kennisgewing bepaalde datum, tot so 'n inrigting verklaar."

Vervanging van artikel 5 van Wet 41 van 1963.

3. Artikel 5 van die Hoofwet word hierby deur die volgende artikel vervang:

„Datum wat met betrekking tot sekere inrigtings, ens., geag word bepaalde datum te wees.

5. Wanneer 'n inrigting, organisasie, **[of]** liggaam of maatskappy op 'n datum na die datum in die regulasies bepaal as die stigtingsdatum van die fonds, 'n geassosieerde inrigting word, word eersgenoemde datum met betrekking tot sodanige inrigting, organisasie, **[of]** liggaam of maatskappy en enigiemand in diens daarvan, by die toepassing van hierdie Wet, geag die bepaalde datum te wees."

Wysiging van artikel 16 van Wet 77 van 1974, soos gewysig deur artikel 7 van Wet 50 van 1975 en artikel 4 van Wet 83 van 1976.

4. Artikel 16 van die Tweede Wysigingswet op die Pensioenwette, 1974, word hierby gewysig—

(a) deur subartikel (3B) deur die volgende subartikel te vervang:

„(3B) Indien iemand wat in die diens van 'n plaaslike bestuur was, sonder onderbreking in sy diens of na die onderbreking in sy diens wat die Sekretaris van Volkswelsyn en Pensioene goedkeur, 'n lid word van **[die Regeringsdienspensioneringsfonds word]** 'n pensioenfonds wat kragtens die een of ander wet deur of onder die beheer van die Minister geadminestreer word, en vir diens aan 'n plaaslike bestuur in 'n land of gebied wat onmiddellik voor **[die inwerkingtreding van hierdie subartikel]** 1 Julie 1973 'n deel van die Republiek was, afgestaan word, kan die Minister in oorleg met die Minister van Finansies, die bepalings van hierdie artikel met betrekking tot bedoelde persoon van toepassing verklaar, en daarop is sodanige bepalings *mutatis mutandis* met betrekking tot bedoelde persoon van toepassing asof 'n oornome soos in subartikel (1) bedoel op die datum waarop hy aldus vir diens afgestaan is, plaasgevind het en sodanige persoon 'n geaffekteerde beampte en sodanige datum die vasgestelde datum is soos in subartikel (4) bedoel."

(b) deur in subartikel (4) die omskrywing van „vasgestelde datum" deur die volgende omskrywing te vervang: „„vasgestelde datum" die datum waarop 'n onderneming of bedrywigheid van 'n plaaslike bestuur of 'n bevoegdheid of werksaamheid van 'n plaaslike bestuur in verband met die verskaffing van 'n diens of die administrasie van 'n gebied soos in subartikel (1) beoog, oorgeneem word of ophou om deur 'n plaaslike bestuur beheer, uitgeoefen of verrig te word of die datum waarop iemand in diens van 'n plaaslike owerheid, met die oog op sodanige oornome en met die goedkeuring van die Minister, in die diens van die Regering aangestel word."

Wysiging van artikel 10 van Wet 50 van 1975.

5. Artikel 10 van die Wysigingswet op die Pensioenwette, 1975, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Indien 'n lid van 'n pensioenfonds, voordat hy die leeftyd bereik waarop hy die reg sou hê om met pensioen af te tree, **[deur die Staatspresident of 'n Minister bedoel in artikel 20 van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961)]** sonder 'n onderbreking in sy diens of na die onderbreking in sy diens wat die Sekretaris van Volkswelsyn en Pensioene goedkeur, aangestel, **[of]** benoem of verkies word as 'n lid of in diens van 'n raad, inrigting, instelling of liggaam by of kragtens 'n

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laws relating to companies, which is not an associated institution, to be such an institution as from a date specified in such notice."

3. The following section is hereby substituted for section 5 of the principal Act: Substitution of section 5 of Act 41 of 1963.

10 "Date deemed to be specified date in relation to certain institutions, etc. 5. Whenever any institution, organization, **[or]** body or company becomes an associated institution on a date after the date specified in the regulations as the date of the establishment of the fund, such first-mentioned date shall in relation to such institution, organization, **[or]** body or company and any person in the service thereof, be deemed to be the specified date for the purposes of this Act."

15 4. Section 16 of the Second Pension Laws Amendment Act, 1974, is hereby amended— Amendment of section 16 of Act 77 of 1974, as amended by section 7 of Act 50 of 1975 and section 4 of Act 83 of 1976.

(a) by the substitution for subsection (3B) of the following subsection:

20 "(3B) If any person who was in the employ of a local authority, without a break in his service or after such a break in his service as the Secretary for Social Welfare and Pensions may approve, becomes a member of **[the Government Service Pension Fund]** a pension fund administered in terms of any law by or under the control of the Minister and is seconded for service to a local authority in a country or area which, immediately prior to **[the commencement of this section]** 1 July 1973, was a part of the Republic, the Minister, in consultation with the Minister of Finance, may declare that the provisions of this section shall apply with reference to such person, and such provisions shall thereupon *mutatis mutandis* apply with reference to such person as if a take-over referred to in subsection (1) took place on the date on which he was so seconded for service and such person is an affected officer and such date is the fixed date referred to in subsection (4)."

35 (b) by the substitution in subsection (4) for the definition of "fixed date" of the following definition:

40 "'fixed date' means the date on which any undertaking or activity of a local authority or any power or function of a local authority in connection with the provision of any service or the administration of any area is taken over as contemplated in subsection (1) or ceases to be controlled, exercised or performed by a local authority or the date on which a person in the service of a local authority, with a view to such take-over and with the approval of the Minister, is appointed in the service of the Government;"

50 5. Section 10 of the Pension Laws Amendment Act, 1975, is hereby amended by the substitution for subsection (1) of the following subsection: Amendment of section 10 of Act 50 of 1975.

55 "(1) If a member of a pension fund is, before attaining the age at which he would have the right to retire on pension, appointed, **[or]** nominated or elected **[by the State President or a Minister referred to in section 20 of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961)]** without a break in his service or after such break in his service as the Secretary for Social Welfare and Pensions may approve, as a member or in the service of any board, institution, establishment or body established by or

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## WYSIGINGSWET OP DIE PENSIOENWETTE, 1978.

Wet ingestel of van die regering of wetgewende liggaam van 'n land of gebied in Afrika ten opsigte waarvan die Parlement voorheen wetgewende bevoegdhede uitgeoefen het, en bedoelde Sekretaris dit dienstig ag dat sy pensioengewende diens as sodanige lid **[nie ingevolge enige wet, vir die doeleindes van 'n ander pensioenfonds waarvan hy 'n lid mag word uit hoofde van sodanige aanstelling of benoeming, as pensioengewende diens gereken moet of kan word nie]** vir hom behou word, kan **[die]** bedoelde Sekretaris **[van Volkswelsyn en Pensioene]**, na goeddunke, sodanige lid, met ingang van die datum waarop hy aldus aangestel, **[of]** benoem of verkies is, 'n rustende lid van sodanige **[leersbedoelde]** pensioenfonds verklaar."

Wysiging van  
artikel 8 van  
Wet 83 van 1976.

6. Artikel 8 van die Wysigingswet op die Pensioenwette, 1976, word hierby gewysig—

(a) deur in subartikel (1) al die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

„(1) By die toepassing van 'n wet met betrekking tot maatskaplike pensioene in die geval van 'n Blanke persoon of Kleurlingpersoon wat 'n Suid-Afrikaanse burger is of 'n Indiër wat onmiddellik voor 26 Oktober 1976 aan al die vereistes van sodanige wet betreffende burgerskap of verblyf in die Republiek voldoen het, en wat woonagtig is in 'n land of gebied wat onmiddellik voor **[die inwerkingtreding van hierdie artikel]** daardie datum 'n deel van die Republiek was en wat vir die doeleindes van hierdie artikel deur die Minister van Volkswelsyn en Pensioene by kennisgewing in die *Staatskoerant* aangewys is—”;

(b) deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:

„(b) word 'n aansoek om 'n pensioen of toelae deur sodanige persoon ingevolge so 'n wet, wat by die Sekretaris van Volkswelsyn en Pensioene of die Sekretaris van Kleurling-, Rehoboth- en Namabe-trekkinge of die Sekretaris van Indiërsake, na gelang van die geval, ingedien is, geag by 'n distrikspensioenbeampte ingedien te gewees het”;

(c) deur die volgende paragraaf na paragraaf (a) van subartikel (2) in te voeg:

„(aA) 'Indiër' iemand wat ingevolge die Bevolkings-registrasiewet, 1950, as 'n lid van die Indiërgroep geklassifiseer is”.

Instandhouding van  
pensioenregte en  
verpligtinge van,  
en met betrekking  
tot, sekere  
werknemers van die  
Wetenskaplike  
en Nywerheids-  
navorsingsraad.

7. Indien 'n persoon wat onmiddellik voor die inwerkingtreding van hierdie artikel 'n bydraer was tot die Pensioenfonds vir Geassosieerde Inrigtings, ingestel by die regulasies uitgevaardig kragtens artikel 2 van die Hoofwet, en wat ingevolge artikel 4Ater (1) van die Wet op Krygstuigontwikkeling en -vervaardiging, 1968 (Wet No. 57 van 1968), 'n werknemer van die korporasie ingestel by artikel 2, of 'n filiaalmaatskappy soos omskryf in artikel 1, van laasgenoemde Wet word—

(a) word sodanige persoon geag sonder enige onderbreking in sy diens 'n lid van die pensioenfonds waarvan hy aldus 'n lid was, te bly en bly die bepalings van enige wet met betrekking tot bedoelde pensioenfonds ten opsigte van hom van toepassing solank hy aldus 'n lid van bedoelde pensioenfonds bly;

(b) is sodanige persoon, ondanks andersluidende bepalings van die een of ander wet, nie geregtig op die betaling van enige voordeel uit bedoelde pensioenfonds of andersins uit hoofde van die beëindiging van sy diens ingevolge die voormelde artikel 4Ater (1) nie;

(c) is bedoelde korporasie, met betrekking tot sodanige persoon, met ingang van die datum van sodanige inwerkingtreding, onderworpe aan die bepalings in

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under any law, or of a government or legislative body of a country or area in Africa in respect of which Parliament has previously exercised legislative powers, and the said Secretary deems it expedient that his pensionable service as such member **[is not in terms of any law required to be or capable of being reckoned as pensionable service for the purposes of any other pension fund of which he may become a member by virtue of such appointment or nomination]** should be retained for him, the said Secretary **[of Social Welfare and Pensions]** may, in his discretion, declare such member a dormant member of such **[first-mentioned]** pension fund with effect from the date on which he has been so appointed, **[or]** nominated or elected.”

6. Section 8 of the Pension Laws Amendment Act, 1976, is hereby amended—

Amendment of section 8 of Act 83 of 1976.

(a) by the substitution in subsection (1) for all the words preceding paragraph (a) of the following words:

“(1) For the purposes of any law relating to social pensions in the case of a White person or a Coloured person who is a South African citizen or an Indian who immediately prior to 26 October 1976 complied with all the requirements of such law relating to citizenship or residence in the Republic, and who is resident in a country or area which, immediately prior to **[the commencement of this section]** such date, was a part of the Republic and which has been designated by the Minister of Social Welfare and Pensions by notice in the *Gazette* for the purposes of this section—”;

(b) by the substitution for paragraph (b) of subsection (1) of the following paragraph:

“(b) any application for a pension or grant by such person in terms of such a law, which has been submitted to the Secretary for Social Welfare and Pensions or the Secretary for Coloured, Rehoboth and Nama Relations or the Secretary for Indian Affairs, as the case may be, shall be deemed to have been submitted to a district pension officer;”;

(c) by the insertion after paragraph (a) of subsection (2) of the following paragraph:

“(aA) ‘Indian’ means a person classified as a member of the Indian group in terms of the Population Registration Act, 1950;”.

7. (1) If any person who immediately before the commencement of this section was a contributor to the Associated Institutions Pension Fund established by the regulations promulgated under section 2 of the principal Act, in terms of section 4Ater (1) of the Armaments Development and Production Act, 1968 (Act No. 57 of 1968), becomes an employee of the corporation established by section 2, or a subsidiary company as defined in section 1, of the last-mentioned Act—

Continuation of pension rights and obligations of, and relating to, certain employees of the Council for Scientific and Industrial Research.

(a) such person shall be deemed to remain, without a break in his service, a member of the pension fund of which he so was a member and the provisions of any law relating to such pension fund shall continue to apply in respect of him as long as he so remains a member of such pension fund;

(b) such person shall, notwithstanding anything to the contrary in any law contained, not be entitled to the payment of any benefit from such pension fund or otherwise by virtue of the termination of his service in terms of the said section 4Ater (1);

(c) such corporation shall, in relation to such person, with effect from the date of such commencement, be subject to the provisions referred to in paragraph (a) to which the

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paragraaf (a) bedoel waaraan die Wetenskaplike en Nywerheidsnavorsingsraad bedoel in artikel 2 van die Wet op die Wetenskaplike Navorsingsraad, 1962 (Wet No. 32 van 1962), onderworpe sou gewees het indien die Wysigingswet op Krygstuigontwikkeling en -vervaardiging, 1978, nie aangeneem was nie en sodanige persoon in diens van bedoelde Wetenskaplike en Nywerheidsnavorsingsraad gebly het.

Pensioenvoordele van lede van die personeel van sekere universiteite wat in sekere omstandighede ontslaan word.

8. (1) Indien iemand wat 'n lid van die pensioenfonds is en 'n pos op die vaste diensstaat van 'n universiteit beklee, voor die bereiking van die leeftyd waarop hy die reg sou hê om met pensioen uit diens te tree, ingevolge 'n bepaling van die een of ander wet deur daardie universiteit uit daardie pos ontslaan word met die uitsluitlike oogmerk om 'n lid van 'n volkseenheid wat deur daardie universiteit bedien word in daardie pos aan te stel, en so iemand na die oordeel van die Sekretaris van Volkswelsyn en Pensioene waarskynlik nie binne 'n tydperk van ses maande nadat hy aldus ontslaan is in diens aangestel sal word of diens sal aanvaar ingevolge waarvan hy verplig sal wees om tot die pensioenfonds of die Regeringsdienspensioenfonds ingestel by artikel 3 van die Regeringsdienspensioenwet, 1973 (Wet No. 57 van 1973), by te dra nie, word so iemand, by die toepassing van die regulasies, geag, met ingang van die datum waarop sy ontslag uit voormelde pos van krag word, uit sy diens ontslaan te wees by bereiking van die leeftyd waarop hy die reg sou hê om met pensioen uit diens te tree en word daar by die berekening van enige jaargeld of gratifikasie waarop hy ingevolge bedoelde regulasies geregtig is, by sy pensioengewende diens ingevolge bedoelde regulasies 'n tydperk toegevoeg wat gelykstaan met een derde van sy pensioengewende diens of met die tydperk wat gelykstaan met die tydperk tussen die datum waarop hy aldus ontslaan word en die datum waarop hy die leeftyd sal bereik waarop hy ingevolge die wetsbepalings wat dan op hom van toepassing is, uit diens kan tree, watter tydperk ook al die kortste is: Met dien verstande dat geen tydperk wat aldus tot sy pensioengewende diens gevoeg word vyf jaar oorskry nie.

(2) Indien iemand wat 'n lid van die pensioenfonds is, ingevolge subartikel (1) geag word met pensioen uit diens te getree het, word daar van tyd tot tyd van die betrokke universiteit die bedrag verhaal—

- (a) van enige jaargeld wat ingevolge die regulasies aan of ten opsigte van so iemand betaal word ten opsigte van enige tydperk binne die tydperk tussen die datum van sodanige uitdienststreding en die dag wat onmiddellik volg op die datum waarop hy die leeftyd bereik waarop hy geregtig is om uit diens te tree of, indien hy voor laasgenoemde datum te sterwe kom, die datum waarop hy bedoelde leeftyd sou bereik het indien hy nie gesterf het nie;
- (b) waarmee enige voordeel wat ingevolge die regulasies betaal word, verhoog word as gevolg van enige toevoeging van sy pensioengewende diens ingevolge subartikel (1).

(3) By die toepassing van hierdie artikel, beteken—

- (a) „die pensioenfonds” die pensioenfonds vir Geassosieerde Inrigtings ingestel kragtens die regulasies;
- (b) „die regulasies” die regulasies afgekondig kragtens die Hoofwet;
- (c) „universiteit” 'n universiteit ingestel by die Wet op die Universiteit van Fort Hare, 1969 (Wet No. 40 van 1969), die Wet op die Universiteit van Zoeloeland, 1969 (Wet No. 43 van 1969), die Wet op die Universiteit van die Noorde, 1969 (Wet No. 47 van 1969), of die Wet op die Mediese Universiteit van Suider-Afrika, 1976 (Wet No. 78 van 1976);
- (d) „volkseenheid” 'n volkseenheid bedoel in artikel 2 (1) van die Wet op die Bevordering van Bantoeselfbestuur, 1959 (Wet No. 46 van 1959).

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5 Council for Scientific and Industrial Research referred to in section 2 of the Scientific Research Council Act, 1962 (Act No. 32 of 1962), would have been subject if the Armaments Development and Production Amendment Act, 1978, had not been passed and such person had remained in the service of the said Council for Scientific and Industrial Research.

8. (1) If any person who is a member of the pension fund and who holds a post on the fixed establishment of any university, is in terms of a provision of any law discharged from such post by such university before attaining the age at which he would have the right to retire on pension, for the sole purpose of appointing a member of a national unit served by such university to such post, and such person, in the opinion of the Secretary for Social Welfare and Pensions, is unlikely to be appointed in any service or to assume any duty, within a period of six months after being so discharged, in terms of which he will be obliged to contribute to the pension fund or the Government Service Pension Fund established by section 3 of the Government Service Pension Act, 1973 (Act No. 57 of 1973), such person shall, for the purposes of the regulations, be deemed to be discharged from his service on attaining the age at which he would have the right to retire on pension, with effect from the date on which his discharge from the said post comes into force, and in calculating any annuity or gratuity to which he is entitled in terms of the said regulations, there shall be added to his pensionable service in terms of the said regulations a period equal to one third of his pensionable service or a period equal to the period between the date on which he is so discharged and the date on which he will attain the age at which he may retire in terms of the provisions of any law then applicable to him, whichever is the shorter period: Provided that no period which has been so added to his pensionable service shall exceed five years.

Pension benefits of members of the staff of certain universities discharged in certain circumstances.

(2) If any person who is a member of the pension fund, is deemed to have retired on pension in terms of subsection (1), there shall be recovered from time to time from the university in question the amount—

- (a) of any annuity paid in terms of the regulations to or in respect of such member in respect of any period within the period between the date of such retirement and the day immediately following the date on which he attains the age at which he is entitled to retire from service or, if he dies before the last-mentioned date, the date on which he would have attained the said age if he had not died;
- (b) by which any benefit paid in terms of the regulations is increased by reason of any addition of his pensionable service in terms of subsection (1).

(3) For the purposes of this section—

- (a) "national unit" means a national unit referred to in section 2 (1) of the Promotion of Bantu Self-government Act, 1959 (Act No. 46 of 1959);
- (b) "the pension fund" means the Associated Institutions Pension Fund established in terms of the regulations;
- (c) "the regulations" means the regulations promulgated in terms of the principal Act;
- (d) "university" means a university established by the University of Fort Hare Act, 1969 (Act No. 40 of 1969), the University of Zululand Act, 1969 (Act No. 43 of 1969), the University of the North Act, 1969 (Act No. 47 of 1969), and the Medical University of Southern Africa Act, 1976 (Act No. 78 of 1976).

## Wet No. 40, 1978

## WYSIGINGSWET OP DIE PENSIOENWETTE, 1978.

Inwerkingtreding  
van sekere  
bepalings.

9. Die bepalinge van—
- (a) artikels 1, 2 en 3 word geag op 10 Mei 1963 in werking te getree het;
  - (b) artikel 4 word geag op 1 Julie 1973 in werking te getree het;
  - (c) artikel 5 word geag op 1 April 1975 in werking te getree het;
  - (d) artikel 6 word geag op 26 Oktober 1976 in werking te getree het;
  - (e) artikel 7 tree in werking op die datum waarop die 10 Wysigingswet op Krygstuigontwikkeling en -vervaardiging, 1978, in werking tree.

5

Kort titel.

10. Hierdie Wet heet die Wysigingswet op die Pensioenwette, 1978.

## PENSION LAWS AMENDMENT ACT, 1978.

Act No. 40, 1978

9. The provisions of—
- (a) sections 1, 2 and 3 shall be deemed to have come into operation on 10 May 1963;
- 5 (b) section 4 shall be deemed to have come into operation on 1 July 1973;
- (c) section 5 shall be deemed to have come into operation on 1 April 1975;
- (d) section 6 shall be deemed to have come into operation on 26 October 1976;
- 10 (e) section 7 shall come into operation on the date on which the Armaments Development and Production Amendment Act, 1978, comes into operation.

Commencement of certain provisions.

10. This Act shall be called the Pension Laws Amendment Act, 1978. Short title.

