



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 20c Prys

Overseas 30c Oorsee

POST FREE—POSVRY

Vol. 156]

CAPE TOWN, 30 JUNE 1978

[No. 6097

KAAPSTAD, 30 JUNIE 1978

DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1354. 30 June 1978.

No. 1354. 30 Junie 1978.

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. 105 of 1978: Second Pension Laws Amendment Act, 1978.

No. 105 van 1978: Tweede Wysigingswet op die Pensioenwette, 1978.

Wet No. 105, 1978

TWEDE WYSIGINGSWET OP DIE
PENSIOENWETTE, 1978.**ALGEMENE VERDUIDELIKENDE NOTA:**

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

WET

Om artikel 46 van die Wysigingswet op die Pensioenwette, 1943, te herroep; om die Wet op Pensioene vir Parlementsdiens en Administrateurs, 1971, te wysig ten einde spesiale voorsiening te maak vir die betaling van pensioene aan sekere lede wie se diens beëindig is; om voorsiening te maak vir die betaling van pensioenvoordele aan sekere heeltydse werknemers in die Parlementsdiens, en hul afhanklikes; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 20 Junie 1978.)

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

Herroeping van
artikel 46 van
Wet 33 van 1943.

1. (1) Artikel 46 van die Wysigingswet op die Pensioenwette, 1943, word hierby herroep. 5
- (2) Subartikel (1) tree in werking op 'n datum deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

Invoeging van
artikel 10A in
Wet 81 van 1971.

2. Die volgende artikel word hierby in die Wet op Pensioene vir Parlementsdiens en Administrateurs, 1971, na artikel 10 ingevoeg:

„Spesiale
bepalings
met betrek-
king tot
sekere lede.

10A. (1) Die bepalinge van artikel 6 is, met ingang van 29 November 1977, *mutatis mutandis* ook op 'n gebiedslid in subartikel (6) (a) (i) bedoel van toepassing.

(2) Die pensioen of spesiale pensioen wat in gevolge artikel 6 of 9, soos toegepas deur subartikel (1), betaalbaar is aan 'n gebiedslid of, indien sodanige lid gesterf het, wat aldus betaalbaar sou gewees het indien hy nie gesterf het nie, word—

(a) in die geval van 'n gebiedslid in subartikel (6) (a) bedoel, met ingang van 29 November 1978, 29 November 1979 en 29 Junie 1980, elke keer herbereken asof sy pensioengewende diens (met inbegrip van enige tydperk deur hom gedien in 'n amp bedoel in artikel 9) die tydperke van een jaar wat eersgenoemde datums van herberekening onmiddellik voorafgegaan het en die tydperk van sewe maande wat laasgenoemde datum van herberekening onmiddellik voorafgegaan het, insluit; 25

(b) in die geval van 'n gebiedslid in subartikel (6) (b) bedoel, met ingang van 1 Januarie 1979, 1 Januarie 1980 en 1 April 1980, elke keer herbereken asof sy pensioengewende diens die tydperke van een jaar wat eersgenoemde datums van herberekening onmiddellik voorafgegaan het en die tydperk van drie maande wat laasgenoemde datum van herberekening onmiddellik voorafgegaan het, insluit. 30 35

SECOND PENSION LAWS AMENDMENT ACT, 1978.

Act No. 105, 1978

GENERAL EXPLANATORY NOTE:

Words underlined with solid line indicate insertions in existing enactments.

ACT

To repeal section 46 of the Pension Laws Amendment Act, 1943; to amend the Parliamentary Service and Administrators' Pensions Act, 1971, in order to make special provision for the payment of pensions to certain members whose service was terminated; to make provision for the payment of pension benefits to certain full-time employees in the Parliamentary service and their dependants; and to provide for matters connected therewith.

(English text signed by the State President.)
(Assented to 20 June 1978.)

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 46 of the Pension Laws Amendment Act, 1943, is hereby repealed. Repeal of
section 46 of
Act 33 of 1943.
- (2) Subsection (1) shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

2. The following section is hereby inserted in the Parliamentary Service and Administrators' Pensions Act, 1971, after section 10: Insertion of
section 10A in
Act 81 of 1971.

- 10 "Special provisions relating to certain members. **10A.** (1) The provisions of section 6 shall, with effect from 29 November 1977, *mutatis mutandis* apply also to any territorial member referred to in subsection (6) (a) (i).
- 15 (2) The pension or special pension payable under section 6 or 9, as applied by subsection (1), to a territorial member or, if such member has died, which would have been so payable if he had not died, shall—
- 20 (a) in the case of a territorial member referred to in subsection (6) (a), with effect from 29 November 1978, 29 November 1979 and 29 June 1980, every time be recalculated as if his pensionable service (including any period served by him in a post referred to in section 9) included the periods of one year which immediately preceded such first-mentioned dates of recalculation, and the period of seven months which immediately preceded such last-mentioned date of recalculation;
- 25 (b) in the case of a territorial member referred to in subsection (6) (b), with effect from 1 January 1979, 1 January 1980 and 1 April 1980, every time be recalculated as if his pensionable service included the periods of one year which immediately preceded such first-mentioned dates of recalculation and the period of three months which preceded such last-mentioned date of recalculation.
- 30
- 35

Wet No. 105, 1978

TWEDE WYSIGINGSWET OP DIE
PENSIOENWETTE, 1978.

(3) 'n Pensioen of spesiale pensioen herbereken ooreenkomstig subartikel (2), is, met ingang van die betrokke datum en onderworpe aan die bepalings van subartikel (4), as 'n pensioen of spesiale pensioen ingevolge artikel 6 of 9 aan sodanige gebiedslid betaalbaar of word, indien hy gesterf het, geag 'n pensioen of spesiale pensioen te wees wat aldus aan hom betaalbaar sou gewees het indien hy nie gesterf het nie.

(4) Indien 'n pensioen of spesiale pensioen wat ingevolge hierdie artikel herbereken is, te eniger tyd voor sodanige herberekening verhoog was ingevolge 'n goedkeuring verleen ingevolge artikel 5 van die Wysigingswet op die Pensioenwette, 1973 (Wet No. 73 van 1973), word die pensioen of spesiale pensioen wat aldus herbereken is, verhoog in dieselfde mate as waarin dit voor sodanige herberekening verhoog was.

(5) Enige bedrag wat op of na 29 November 1977 aan 'n gebiedslid ingevolge artikel 7 betaal is, word verreken teen enige bedrag wat ingevolge hierdie Wet aan hom of sy weduwee of kind betaalbaar is.

(6) By die toepassing van hierdie artikel, beteken 'gebiedslid'—

(a) 'n lid wie se diens met ingang van 29 November 1977 beëindig is uit hoofde van die herroeping van die bepalings bedoel in paragraaf (1) (a) van Proklamasie No. R.249 van 28 September 1977, en wat nie na sodanige beëindiging van sy diens en voor die inwerkingtreding van hierdie artikel weer 'n lid geword het nie, en—

(i) wat ten tyde van sodanige beëindiging van sy diens, minder as agt jaar pensioengevende diens gehad het; of

(ii) wat geregtig is op 'n pensioen ingevolge artikel 6 bereken wat minder is as die hoogste jaarlikse salaris wat gedurende die tydperk van sy diens aan hom betaalbaar was; of

(b) 'n lid wat onmiddellik voor 1 Januarie 1978 'n kommissaris-generaal was wat nie ingevolge artikel 2 (2) van die Wet op die Bevordering van Bantoe-selfbestuur, 1959 (Wet No. 46 van 1959), aangestel was nie en wie se diens as sodanige kommissaris-generaal met ingang van genoemde datum beëindig is."

Pensioenvoordele vir sekere werknemers van die Parlement of hul weduwees of ander afhanklikes.

3. (1) 'n Pensioen, gratifikasie of ander voordeel soos deur die Speaker bepaal wat aan 'n werknemer wat heeltjyds in die Parlementêre diens was, maar wat nie op die vaste diensstaat van die Parlement was nie, of aan die weduwee of ander afhanklike van so iemand betaalbaar is, word aan die bevoordeelde betaal uit geld wat die Parlement vir dié doel bewillig, en 'n sertifikaat, behoorlik onderteken deur die Speaker, dat so 'n werknemer of sy weduwee of ander afhanklike, na gelang van die geval, op die betaling van sodanige voordele geregtig geword het, en waarin besonderhede uiteengesit word van sodanige voordele en van die bedinge en voorwaardes (as daar is) waaraan die betaling daarvan onderhewig is, maak die vereiste magtiging vir die betaling van sodanige voordele uit.

(2) 'n Werknemer bedoel in subartikel (1) word by die toepassing van die bepalings van daardie subartikel geag nie 'n „Parlementsampenaar" binne die bedoeling van artikel 18 van die Tweede Wysigingswet op die Pensioenwette, 1974 (Wet No. 77 van 1974), te wees nie.

(3) Subartikels (2) tot (7) van genoemde artikel 18 is *mutatis mutandis* van toepassing op voordele kragtens subartikel (1) betaalbaar.

Kort titel.

4. Hierdie Wet heet die Tweede Wysigingswet op die Pensioenwette, 1978.

SECOND PENSION LAWS AMENDMENT ACT, 1978.

Act No. 105, 1978

(3) Any pension or special pension recalculated in accordance with subsection (2) shall, with effect from the date concerned and subject to the provisions of subsection (4), be payable to such territorial member as a pension or special pension under section 6 or 9 or, if he has died, be deemed to be the pension or special pension which would have been so payable to him if he had not died.

(4) If any pension or special pension recalculated in terms of this section had at any time before such recalculation been increased in terms of any authorization granted under section 5 of the Pension Laws Amendment Act, 1973 (Act No. 73 of 1973), the pension or special pension so recalculated shall be increased to the same extent as that to which it had before such recalculation been so increased.

(5) Any amount paid to a territorial member on or after 29 November 1977 in terms of section 7, shall be set off against any amount payable to him or his widow or child under this Act.

(6) For the purposes of this section 'territorial member' means—

(a) any member whose service has been terminated with effect from 29 November 1977 by virtue of the repeal of the provisions referred to in paragraph (1) (a) of Proclamation No. R.249 of 28 September 1977, and who has not after such termination of his service and before the commencement of this section again become a member, and

(i) who, at the time of the said termination of his service, had had less than eight years pensionable service; or

(ii) who is entitled to a pension calculated in terms of section 6 which is less than the highest annual salary which was payable to him during the period of his service as a member; or

(b) any member who immediately before 1 January 1978 was a commissioner-general who was not appointed under section 2 (2) of the Promotion of Bantu Self-government Act, 1959 (Act No. 46 of 1959), and whose service as such commissioner-general was terminated with effect from the said date."

3. (1) Any pension, gratuity or other benefit as determined by the Speaker, payable to an employee who was full-time in the Parliamentary service, but who was not on the fixed establishment of Parliament, or to the widow or any other dependant of such person, shall be paid to the beneficiary out of moneys appropriated by Parliament for the purpose, and a certificate, duly signed by the Speaker, that such employee or his widow or other dependant, as the case may be, has become entitled to be paid such benefits, and setting out particulars of such benefits and of the terms and conditions (if any) to which the payment thereof is subject, shall constitute the requisite authority for the payment of such benefits.

Pension benefits for certain employees of Parliament or their widows or other dependants.

(2) An employee referred to in subsection (1) shall for the purpose of the application of the provisions of that subsection be deemed not to be an "officer of Parliament" within the meaning of section 18 of the Second Pension Laws Amendment Act, 1974 (Act No. 77 of 1974).

(3) Subsections (2) to (7) of the said section 18 shall *mutatis mutandis* apply to benefits payable under subsection (1).

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

