



REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

## STAATSKOERANT

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#### DEPARTMENT OF THE PRIME MINISTER

No. 1272.

13 June 1979.

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

No. 66 of 1979: Judges' Pensions Amendment Act, 1979.

#### DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1272.

13 Junie 1979.

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

No. 66 van 1979: Wysigingswet op Pensioene van Regters, 1979.

Act No. 66, 1979

JUDGES' PENSIONS AMENDMENT ACT, 1979.

## 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 Judges' Pensions Act, 1978, so as to amend the definition of "salary" and to delete the definition of "widow"; to provide for the payment of gratuities to judges and widows of judges; to further provide for the payment of pensions to such widows; to prescribe the date on which the payment of pensions to such widows commences; and to repeal sections 5 and 6; and to provide for incidental matters.

(Afrikaans text signed by the Acting State President.)  
(Assented to 6 June 1979.)

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

Amendment of  
section 1 of  
Act 90 of 1978.

1. Section 1 of the Judges' Pensions Act, 1978 (hereinafter referred to as the principal Act), is hereby amended— 5

- (a) by the substitution for the definition of "salary" of the following definition:  
"salary" means the annual salary and the allowance payable to a judge in terms of [any law relating to the remuneration of judges] section 1 of the 10 Judges' Remuneration Act, 1978 (Act No. 91 of 1978);"; and

(b) by the deletion of the definition of "widow".

Insertion of  
section 2A in  
Act 90 of 1978.

2. The following section is hereby inserted in the principal Act after section 2: 15

"Gratuities payable to judges after retirement or removal from office on grounds of infirmity. 2A. (1) Any judge who on or after 1 January 1979 retired or retires from office in terms of section 2 or was or is removed from office under section 10 (7) of the Supreme Court Act, 1959 (Act No. 59 of 1959), on the grounds of incapacity arising out of a permanent infirmity of mind or body disabling him from the proper discharge of the duties of his office, shall, in addition to any pension payable to him in terms of section 3, be paid a gratuity which in respect of each office held by him during his pensionable service shall be calculated in accordance with the formula— 20 25

$$D \times E \times F$$

in which formula—

- (a) D represents the salary applicable to the office concerned at the time of such judge's retirement from office; 30

**ALGEMENE VERDUIDELIKENDE NOTA:**

- I** Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.
- Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.
- 
- 

**WET**

**Tot wysiging van die Wet op Pensioene van Regters, 1978,** ten einde die omskrywing van „salaris” te wysig en die omskrywing van „weduwee” te skrap; voorsiening te maak vir die betaling van gratifikasies aan regters en weduwees van regters; verdere voorsiening te maak vir die betaling van pensioene aan sodanige weduwees; die datum voor te skryf waarop die betaling van pensioene aan sodanige weduwees 'n aanvang neem; en artikels 5 en 6 te herroep; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Waarnemende Staatspresident geteken.)  
(Goedgekeur op 6 Junie 1979.)

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

1. Artikel 1 van die Wet op Pensioene van Regters, 1978 (hieronder die Hoofwet genoem), word hierby gewysig—

5 (a) deur die omskrywing van „salaris” deur die volgende omskrywing te vervang:

„salaris” die jaarlikse salaris en die toelae ingevolge

10 [‘n wetsbepaling op die besoldiging van regters] artikel 1 van die Wet op die Besoldiging van Regters, 1978 (Wet No. 91 van 1978), aan 'n regter betaalbaar;” en

(b) deur die omskrywing van „weduwee” te skrap.

2. Die volgende artikel word hierby in die Hoofwet na artikel 2 ingevoeg:

20 „Gratifikasie betaalbaar aan regters na aftrede of ontheffing van amp weens 'n swakheid.

25 2A. (1) Daar word aan 'n regter wat op of na 1 Januarie 1979 ingevolge artikel 2 afgetree het of aftree of kragtens artikel 10 (7) van die Wet op die Hooggereghof, 1959 (Wet No. 59 van 1959), van sy amp ontheft is of word op grond van onbekwaamheid wat voortspruit uit 'n permanente geeste- of liggams- swakheid wat hom ongeskik maak om sy amptelike behoorlik te vervul, benewens 'n pensioen wat ingevolge artikel 3 aan hom betaalbaar is, 'n gratifikasie betaal wat ten opsigte van elke amp deur hom tydens sy pensioengewende diens beklee ooreenkoms- stig die formule—

D × E × F

berekend word, in welke formule—

30 (a) D die salaris voorstel wat ten tyde van so 'n regter se aftrede aan die betrokke amp verbonden is;

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## JUDGES' PENSIONS AMENDMENT ACT, 1979.

Amendment of  
section 3 of  
Act 90 of 1978.

- (b) E represents 0,0672;  
(c) F represents the period in years of pensionable service of such a judge in the office concerned.

(2) The amount of a gratuity payable in terms of subsection (1) to a judge shall not exceed his highest salary during the period of his pensionable service. 5

(3) For the purposes of subsection (1) the period of pensionable service in any particular office shall be calculated by the year and the month, and fractions of 10 a month shall be disregarded.”.

Amendment of  
section 4 of  
Act 90 of 1978.

3. Section 3 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (2) of the following paragraph:

“(a) A represents the [annual] salary applicable to the 15 office concerned at the time of such judge’s retirement from office;”.

4. Section 4 of the principal Act is hereby amended—

(a) by the substitution for subsection (3) of the following subsection: 20

“(3) To the widow of any person who in terms of any law repealed by this Act paid contributions to revenue and who [died or who] retired from office as a judge or was removed from office as a judge [on or after 1 April 1972 but] before the fixed date [, other than 25 any person who retired from office as a judge or was removed from office as a judge before 1 April 1972] and who died [before] or dies on or after 1 July 1974, there shall be paid a pension of R2 819,30 per annum plus R281,93 per annum in respect of each completed 30 year in respect of which contributions were so paid: Provided that the pension to which such widow shall be entitled under this section shall amount to not less than R4 356 and not more than R5 638,60 per annum.”; and

(b) by the addition of the following subsection: 35

“(5) A pension payable to the widow of a judge in terms of subsections (1), (2) and (3) shall be payable with effect from the first day of the month following immediately upon the date on which he died.”.

Insertion of  
sections 4A and 4B  
in Act 90 of 1978.

5. The following section is hereby inserted in the principal 40 Act after section 4:

“Gratuity payable to widow of judge.

**4A.** If a gratuity referred to in section 2A would have been payable to a judge who died or dies on or after 1 January 1979, had he not died but, on the date of his death, retired from office in terms of section 2, 45 there shall—

- (a) if such judge is survived by a widow, be payable to such widow, in addition to any pension payable to her in terms of section 4; or  
(b) if such judge is not survived by a widow or if such judge is a female, be payable to the estate of such judge,

a gratuity which shall be equal to the amount of the gratuity which would have been so payable to such judge had he not died but, on the date of his death, 50 retired as aforesaid.”.

Repeal of  
sections 5 and 6 of  
Act 90 of 1978.

6. Sections 5 and 6 of the principal Act are hereby repealed. 55

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- (b) E 0,0672 voorstel;  
(c) F die tydperk in jare van pensioengewende diens van so 'n regter in die betrokke amp voorstel.
- 5 (2) Die bedrag van 'n gratifikasie ingevolge subartikel (1) aan 'n regter betaalbaar, bedra nie meer as sy hoogste salaris gedurende die tydperk van sy pensioengewende diens nie.
- 10 (3) By die toepassing van subartikel (1) word die tydperk van pensioengewende diens in 'n bepaalde amp by die jaar en die maand bereken en word breukdele van 'n maand buite rekening gelaat."
- 15 3. Artikel 3 van die Hoofwet word hierby gewysig deur Wysiging van paragraaf (a) van subartikel (2) deur die volgende paragraaf te artikel 3 van Wet 90 van 1978.  
15 vervang:  
,,(a) A die **[jaarlikse]** salaris voorstel wat ten tyde van so 'n regter se aftrede aan die betrokke amp verbonde is,".
- 20 4. Artikel 4 van die Hoofwet word hierby gewysig— Wysiging van  
(a) deur subartikel (3) deur die volgende subartikel te artikel 4 van Wet 90 van 1978.  
20 vervang:  
,,(3) Aan die weduwee van iemand wat ingevolge 'n wet herroep deur hierdie Wet bydraes aan inkomste betaal het en wat **[op of na 1 April 1972 maar]** voor die vasgestelde datum **[te sterwe gekom het of]** as regter afgetree het of van sy amp as regter onthef is **[, uitgesonderd iemand wat voor 1 April 1972 as regter afgetree het of van sy amp as regter onthef is en voor]** en op of na 1 Julie 1974 te sterwe gekom het of kom, word 'n pensioen betaal van R2 819,30 per jaar, plus R281,93 per jaar ten opsigte van elke voltooide jaar ten opsigte waarvan bydraes aldus betaal is: Met dien verstande dat die pensioen waarop so 'n weduwee kragtens hierdie subartikel geregtig is, nie minder as R4 356 en nie meer as R5 638,60 per jaar bedra nie.";
- 25 30 35  
35 (b) en  
deur die volgende subartikel by te voeg:  
,,(5) 'n Pensioen betaalbaar aan die weduwee van 'n regter ingevolge subartikels (1), (2) en (3) is betaalbaar met ingang van die eerste dag van die maand wat onmiddellik volg op die datum waarop hy te sterwe kom."
- 40 45 50 55 60  
5. Die volgende artikel word hierby in die Hoofwet na artikel 4 ingevoeg: Invoeging van artikels 4A en 4B in Wet 90 van 1978.  
,,Gratifikasie betaalbaar aan weduwee van regter.  
4A. Indien 'n gratifikasie in artikel 2A bedoel aan 'n regter wat op of na 1 Januarie 1979 te sterwe gekom het of kom, betaalbaar sou gewees het indien hy nie te sterwe gekom het nie maar, op die datum van sy afsterwe, ingevolge artikel 2 afgetree het, word daar—  
(a) indien so 'n regter deur 'n weduwee oorleef word, aan sodanige weduwee, benewens enige pensioen wat ingevolge artikel 4 aan haar betaalbaar is; of  
(b) indien so 'n regter nie deur 'n weduwee oorleef word nie of indien so 'n regter 'n vrou is, aan die boedel van so 'n regter,  
'n gratifikasie betaal wat gelykstaan met die bedrag van die gratifikasie wat aldus aan bedoelde regter betaalbaar sou gewees het indien hy nie te sterwe gekom het nie maar, op die datum van sy afsterwe, afgetree het soos voormeld."
6. Artikels 5 en 6 van die Hoofwet word hierby herroep. Herroeping van artikels 5 en 6 van Wet 90 van 1978.

**Act No. 66, 1979****JUDGES' PENSIONS AMENDMENT ACT, 1979.**

**Short title and commencement.**

**7. (1)** This Act shall be called the Judges' Pensions Amendment Act, 1979, and shall, subject to the provisions of subsection (2), be deemed to have come into operation on 1 January 1979.

**(2)** Section 4 shall be deemed to have come into operation on 1 January 1978. 5

## WYSIGINGSWET OP PENSIOENE VAN REGTERS, 1979.

**Wet No. 66, 1979**

7. (1) Hierdie Wet heet die Wysigingswet op Pensioene van Kort titel en Regters, 1979, en word, behoudens die bepalings van subartikel inwerkingtreding.  
(2), geag op 1 Januarie 1979 in werking te getree het.  
(2) Artikel 4 word geag op 1 Januarie 1978 in werking te getree  
5 het.

