



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 1690.

15 Augustus 1984

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

No. 112 van 1984: Wet op die Pensioenskema vir Parlementslede en Politieke Ampsbekleërs, 1984.

No. 1690.

15 August 1984

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

No. 112 of 1984: Members of Parliament and Political Office-bearers Pension Scheme Act, 1984.

Wet No. 112, 1984

WET OP DIE PENSIOENSKEMA VIR PARLEMENTSLEDE EN
POLITIEKE AMPSBEKLEËRS, 1984**ALGEMENE VERDUIDELIKENDE NOTA:**

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

WET

Om voorsiening te maak vir die instelling van 'n Pensioenskema vir Parlementslede en Politieke Ampsbekleërs en vir aangeleenthede wat daarmee in verband staan.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 12 Julie 1984.)*

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

Woordomskrywing.

1. (1) Tensy uit die samehang anders blyk, beteken in hierdie Wet—

- (i) "Adjunk-minister" iemand wat as sodanig aangestel is ingevolge die vorige Grondwet, of aldus aangestel word of geag word aangestel te wees ingevolge die Grondwet; (ix)
- (ii) "Adjunk-voorsitter van die Presidentsraad" iemand wat as sodanig verkies word ingevolge artikel 72 (3) 10 van die Grondwet; (viii)
- (iii) "administrateur" die administrateur van 'n provinsie; (i)
- (iv) "Administrateur-generaal" die Administrateur-generaal vir die gebied Suidwes-Afrika wat kragtens Proklamasie No. 180 van 19 Augustus 1977 aangestel is; (ii)
- (v) "amp" 'n amp bedoel in paragraaf (a), (b), (c) of (d) van die omskrywing van "ampsbekleër"; (xviii)
- (vi) "ampsbekleër"—
 - (a) iemand wat die amp van Minister, Adjunk-minister, of Voorsitter of Adjunk-voorsitter van die Presidentsraad, beklee of beklee het;
 - (b) iemand wat 'n amp beklee of beklee het as ampsdraer van die Parlement op grond waarvan hy ingevolge 'n Wet van die Parlement 'n salaris en toelae ontvang of ontvang het;
 - (c) iemand wat 'n amp bedoel in artikel 3 (1) (a) (ii) of (iii) beklee of beklee het; en
 - (d) iemand wat 'n amp beklee of beklee het wat deur die Staatspresident vir die doeleindes van hierdie Wet goedgekeur is en, behoudens subartikel (2), in die *Staatskoerant* gepubliseer is; (xix)
- (vii) "direkteur-generaal" die Direkteur-generaal: Gesondheid en Welsyn; (x)
- (viii) "effektiewe datum", met betrekking tot 'n lid aan wie 'n spesiale pensioen of 'n gratifikasie bedoel in artikel 10 (ii) betaalbaar is, die vasgestelde datum, of die datum waarop so 'n lid sy amp ontruim het of ontruim soos beoog in artikel 10 (b), na gelang van watter datum die laaste datum is; (xi)
- (ix) "gewone lid" 'n lid wat nie 'n ampsbekleër is nie; (xx)
- (x) "Grondwet" die Grondwet van die Republiek van Suid-Afrika, 1983 (Wet No. 110 van 1983); (vii)

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GENERAL EXPLANATORY NOTE:

Words underlined with solid line indicate insertions in existing enactments.

ACT

To provide for the establishment of a Members of Parliament and Political Office-bearers Pension Scheme and for matters connected therewith.

(English text signed by the State President.)
(Assented to 12 July 1984.)

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

1. (1) In this Act, unless the context otherwise indicates—

Definitions.

- (i) "administrator" means the administrator of a province;
- (ii) "Administrator-General" means the Administrator-General for the territory of South West Africa appointed under Proclamation No. 180 of 19 August 1977; (iv)
- (iii) "applicable pension law" means this Act, the Members of the Coloured Persons Representative Council Pensions Act, 1974 (Act No. 79 of 1974), the Members of the South African Indian Council Pensions Act, 1974 (Act No. 86 of 1974), any ordinance made under the Provincial Powers Extension Act, 1980 (Act No. 32 of 1980), or any repealed law; (xxii)
- (iv) "benefit" means an amount of money payable in terms of section 13 or 15; (xxiv)
- (v) "Chairman of the President's Council" means any person elected as such in terms of section 72 (1) of the Constitution Act; (xxvi)
- (vi) "commissioner-general" means any person appointed as such under section 2 (2) of the Promotion of Black Self-government Act, 1959 (Act No. 46 of 1959); (xii)
- (vii) "Constitution Act" means the Republic of South Africa Constitution Act, 1983 (Act No. 110 of 1983); (x)
- (viii) "Deputy Chairman of the President's Council" means any person elected as such in terms of section 72 (3) of the Constitution Act; (ii)
- (ix) "Deputy Minister" means any person appointed as such in terms of the former Constitution Act, or so appointed or deemed to have been so appointed in terms of the Constitution Act; (i)
- (x) "director-general" means the Director-General: Health and Welfare; (vii)
- (xi) "effective date", in relation to a member to whom a special pension or a gratuity mentioned in section 10 (ii) is payable, means the fixed date, or the date on which such member vacated or vacates his office as contemplated in section 10 (b), whichever is the later date; (viii)
- (xii) "fixed date" means—
 - (a) in relation to any provision of this Act to the ex-

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- (xi) "herroep wet" 'n wet in die Bylae vermeld wat deur artikel 20 (1) herroep word; (xxvi)
- (xii) "kommissaris-generaal" iemand wat as sodanig aangestel is kragtens artikel 2 (2) van die Wet op die Bevordering van Swart Selfbestuur, 1959 (Wet No. 46 van 1959); (vi)
- (xiii) "lid" iemand wat ingevolge artikel 3 (1) 'n lid van die Skema is of word; en word "lidmaatskap" dienooreenkomstig uitgelê; (xvi)
- (xiv) "Minister" iemand wat as sodanig aangestel is ingevolge die vorige Grondwet, of aldus aangestel word of geag word aangestel te wees ingevolge die Grondwet; (xvii)
- (xv) "Parlement", na gelang omstandighede vereis, 'n Parlement bedoel in die vorige Grondwet of die Grondwet; (xxi)
- (xvi) "pensioen" 'n bedrag wat jaarliks betaalbaar is; (xxii)
- (xvii) "pensioengewende diens", met betrekking tot 'n lid—
 - (a) diens gedurende 'n tydperk voor die vasgestelde datum wat ten opsigte van die lid pensioengewende diens ingevolge 'n herroep wet was;
 - (b) diens gedurende 'n tydperk van aaneenlopende lidmaatskap na die vasgestelde datum; en
 - (c) diens gedurende 'n tydperk wat ingevolge hierdie Wet ten opsigte van die lid as pensioengewende diens toegelaat word; (xxiv)
- (xviii) "pensioengewende salaris"—
 - (a) met betrekking tot 'n lid, die lid se jaarlikse salaris en toelaes, met uitsluiting van dié gedeelte van daardie salaris en toelaes (as daar is) wat kragtens 30 subartikel (4) bepaal is; en
 - (b) met betrekking tot 'n amp, behoudens subartikel (3), die pensioengewende salaris in paragraaf (a) beoog van 'n lid wat dié amp beklee; (xxiii)
- (xix) "Presidentsraad" die Presidentsraad ingestel deur artikel 70 van die Grondwet; (xxv)
- (xx) "Skema" die Pensioenskema vir Parlementslede en Politieke Ampsbekleërs ingestel deur artikel 2; (xxvii)
- (xxi) "spesiale pensioen" 'n pensioen wat ingevolge artikel 10 (i) betaalbaar is en, by die toepassing van artikel 5 40 (1), ook 'n spesiale pensioen wat ingevolge artikel 14 van die Algemene Pensioenwet, 1979 (Wet No. 29 van 1979), betaalbaar is; (xxviii)
- (xxii) "toepaslike pensioenwet" hierdie Wet, die Wet op Pensioene vir Lede van die Verteenwoordigende 45 Kleurlingraad, 1974 (Wet No. 79 van 1974), die Wet op Pensioene vir Lede van die Suid-Afrikaanse Indiërraad, 1974 (Wet No. 86 van 1974), 'n ordonnansie verorden kragtens die Wet tot Uitbreiding van Provinsiale Bevoegdhede, 1980 (Wet No. 32 van 1980), of 'n herroep wet; (iii)
- (xxiii) "vasgestelde datum"—
 - (a) met betrekking tot 'n bepaling van hierdie Wet vir sover dit Proklamasie No. R63 van 1981, vermeld in die Bylae, herroep, die datum van inwerking-treding van artikel 70 van die Grondwet; en
 - (b) met betrekking tot enige ander bepaling van hierdie Wet, 1 Julie 1984; (xii)
- (xxiv) "voordeel" 'n bedrag geld wat ingevolge artikel 13 of 15 betaalbaar is; (iv) 60
- (xxv) "voormalige lid" 'n lid wat voor die datum waarop hy 'n lid word, aan 'n toepaslike pensioenwet onderworpe was; (xiv)
- (xxvi) "Voorsitter van die Presidentsraad" iemand wat as sodanig verkies word ingevolge artikel 72 (1) van die 65 Grondwet; (v)

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tent that it repeals Proclamation No. R63 of 1981, mentioned in the Schedule, the date of coming into operation of section 70 of the Constitution Act; and

- 5 (b) in relation to any other provision of this Act, 1 July 1984; (xxiii)
- (xiii) "former Constitution Act" means the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961); (xxvii)
- 10 (xiv) "former member" means any member who was subject to an applicable pension law prior to the date on which he becomes a member; (xxv)
- (xv) "former President's Council" means a President's Council established by section 102 of the former Constitution Act; (xxviii)
- 15 (xvi) "member" means any person who is or becomes a member of the Scheme in terms of section 3 (1); and "membership" shall be construed accordingly; (xiii)
- 20 (xvii) "Minister" means any person appointed as such in terms of the former Constitution Act, or so appointed or deemed to have been so appointed in terms of the Constitution Act; (xiv)
- (xviii) "office" means an office referred to in paragraph (a), (b), (c) or (d) of the definition of "office-bearer"; (v)
- 25 (xix) "office-bearer" means—
- (a) any person who holds or held office as a Minister, a Deputy Minister, or a Chairman or Deputy Chairman of the President's Council;
- 30 (b) any person who holds or held office as an office-bearer of Parliament and who as such receives or received a salary and an allowance in terms of an Act of Parliament;
- (c) any person who holds or held an office referred to in section 3 (1) (a) (ii) or (iii); and
- 35 (d) any person who holds or held an office approved for purposes of this Act by the State President and published, subject to subsection (2), in the *Gazette*; (vi)
- (xx) "ordinary member" means a member who is not an office-bearer; (ix)
- 40 (xxi) "Parliament" means, as circumstances may require, a Parliament referred to in the former Constitution Act or the Constitution Act; (xv)
- (xxii) "pension" means an amount payable annually; (xvi)
- 45 (xxiii) "pensionable salary" means—
- (a) in relation to a member, the annual amount of the member's salary and allowances, excluding such portion of that salary and allowances (if any) as may be determined under subsection (4); and
- 50 (b) in relation to an office, subject to subsection (3), the pensionable salary contemplated in paragraph (a) of a member holding such office; (xviii)
- (xxiv) "pensionable service" means, in relation to a member—
- 55 (a) service during any period which in respect of the member was pensionable service immediately prior to the fixed date in terms any repealed law;
- (b) service during any period of continuous membership after the fixed date; and
- 60 (c) service during any period allowed as pensionable service in respect of the member in terms of this Act; (xvii)
- (xxv) "President's Council" means the President's Council established by section 70 of the Constitution Act; (xix)
- 65 (xxvi) "repealed law" means any law mentioned in the Schedule which is repealed by section 20 (1); (xi)

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(xxvii) "vorige Grondwet" die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961); (xiii)

(xxviii) "vorige Presidentsraad" 'n Presidentsraad ingestel deur artikel 102 van die vorige Grondwet. (xv)

(2) Die Staatspresident kan in 'n kennisgewing beoog in paragraaf (d) van die omskrywing van "ampsbekleër" in subartikel (1), enige datum, wat 'n datum vroeër as die datum van die kennisgewing kan wees, as die datum van inwerkingtreding van die kennisgewing bepaal. 5

(3) Indien 'n lid gedurende die tydperk van sy pensioengewende diens 'n amp bekleë het wat opgehou het om te bestaan voor die datum waarop die lid ophou om 'n lid te wees, is die pensioengewende salaris verbonde aan sodanige amp op 'n bepaalde datum, vir die doeleindes van die berekening van 'n pensioen of gratifikasie ingevolge hierdie Wet met betrekking tot so 'n lid, ondanks andersluidende bepalings van hierdie Wet, 'n bedrag wat die Minister van Gesondheid en Welsyn met die instemming van die Minister van Finansies vasstel. 10

(4) Die genoemde Minister kan van tyd tot tyd, met die instemming van die Minister van Finansies, in die geval van 'n bepaalde lid, of 'n kategorie lede (met inbegrip van gewone lede), of ten opsigte van lede in die algemeen, 'n gedeelte van die jaarlikse salaris en toelaes van sodanige lid of lede bepaal wat by die toepassing van hierdie Wet, en met inwerkingtreding vanaf 'n datum (wat 'n datum vroeër as die datum van die bepaling kan wees) insgelyks bepaal, nie deel vorm van sy of hul pensioengewende salaris nie. 25

Instelling van Pensioenskema vir Parlementslede en Politieke Ampsbekleërs.

2. Daar word hierby 'n pensioenskema ingestel wat die Pensioenskema vir Parlementslede en Politieke Ampsbekleërs heet. 30

Lidmaatskap van Skema.

3. (1) 'n Persoon wat—

(a) op die vasgestelde datum—

(i) 'n lid van die Parlement;

(ii) 'n administrateur, Administrateur-generaal of kommissaris-generaal; 35

(iii) buite die Republiek 'n Buitengewone Gesant en Gevolmagtigde Minister, of 'n Buitengewone en Gevolmagtigde Ambassadeur, of iemand wat aldus 'n soortgelyke amp bekleë, en 'n voormalige lid; of

(iv) 'n ander ampsbekleër as 'n ampsbekleër bedoel in subparagraaf (ii) of (iii), en nie ook 'n lid van die Parlement nie, 40

is; of

(b) na die vasgestelde datum—

(i) 'n lid van die Parlement; 45

(ii) 'n ampsbekleër bedoel in paragraaf (a) (ii);

(iii) as 'n voormalige lid, 'n ampsbekleër bedoel in paragraaf (a) (iii);

(iv) 'n lid van die Presidentsraad; of

(v) terwyl hy nie tegelykertyd ook 'n lid van die Parlement is nie, 'n ander ampsbekleër, word, is of word, na gelang van die geval, 'n lid. 50

(2) Behoudens die bepalings van subartikel (3) eindig 'n persoon se lidmaatskap indien en wanneer—

(a) in die geval van 'n lid van die Parlement, hy sy setel ontruim; of 55

(b) in die geval van 'n lid van die Presidentsraad, of 'n ampsbekleër wat nie ook 'n lid van die Parlement is nie, hy sy amp ontruim; of

(c) hy onder 'n verpligting kom om 'n lid te word van 'n pensioen- of voorsorgfonds wat deur of kragtens 'n wet ingestel is. 60

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- (xxvii) "Scheme" means the Members of Parliament and Political Office-bearers Pension Scheme established by section 2; (xx)
- 5 (xxviii) "special pension" means a special pension payable in terms of section 10 (i) and, for the purposes of section 5 (1), includes a special pension payable in terms of section 14 of the General Pension Act, 1979 (Act No. 29 of 1979). (xxi)
- 10 (2) The State President may in a notice contemplated in paragraph (d) of the definition of "office-bearer" in subsection (1), determine any date, which may be a date prior to the date of the notice, as the date of coming into operation of the notice.
- (3) If any member during the period of his pensionable service held any office which ceased to exist prior to the date on which he ceases to be a member, the pensionable salary applicable to such office at a particular date shall, for the purposes of the calculation of any pension or gratuity in terms of this Act in respect of such member, notwithstanding provisions to the contrary in this Act, be an amount fixed by the Minister of Health and Welfare with the concurrence of the Minister of Finance.
- 20 (4) The said Minister may from time to time, with the concurrence of the Minister of Finance, in the case of a particular member, or a category of members (including ordinary members), or in respect of members in general, determine a portion of the annual salary and allowances of such member or members which shall for the purposes of this Act, and commencing from a date (which may be a date prior to the date of the determination) likewise determined, not form part of his or their pensionable salary.

- 30 2. There is hereby established a pension scheme to be known as the Members of Parliament and Political Office-bearers Pension Scheme.

Establishment of
Members of Parliament
and Political
Office-bearers Pension
Scheme.

3. (1) Any person who—
- 35 (a) on the fixed date—
- (i) is a member of Parliament;
- (ii) is an administrator, Administrator-General or commissioner-general;
- 40 (iii) is outside the Republic an Envoy Extraordinary and Minister Plenipotentiary or Ambassador Extraordinary and Plenipotentiary or so holds any similar office, being a former member; or
- (iv) is an office-bearer other than an office-bearer referred to in subparagraph (ii) or (iii), and not being also a member of Parliament; or
- 45 (b) after the fixed date—
- (i) becomes a member of Parliament;
- (ii) becomes an office-bearer referred to in paragraph (a) (ii);
- 50 (iii) as a former member, becomes an office-bearer referred to in paragraph (a) (iii);
- (iv) becomes a member of the President's Council; or
- (v) while not at the same time being also a member of Parliament, becomes any other office-bearer, is, or, as the case may be, becomes a member.
- 55 (2) Subject to subsection (3), a person's membership shall terminate if and when—
- (a) in the case of a member of Parliament, he vacates his seat;
- 60 (b) in the case of a member of the President's Council, or an officer-bearer who is not also a member of Parliament, he vacates his office; or
- (c) he becomes liable to contribute to a pension or provident fund established by law.

Membership of
Scheme.

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(3) Indien 'n lid se lidmaatskap ingevolge subartikel (2) eindig en hy onmiddellik daarna, of na 'n onderbreking wat die Minister van Gesondheid en Welsyn goedkeur, weer 'n lid word, word sy lidmaatskap, behoudens subartikel (4), geag nie onderbreek te gewees het nie en is hy nie bloot op grond van so 'n beëindiging van lidmaatskap op enige pensioen of gratifikasie (behalwe 'n spesiale pensioen en 'n gratifikasie bedoel in artikel 10 (ii)), of 'n ander voordeel ingevolge hierdie Wet geregtig nie.

(4) 'n Tydperk van onderbreking wat ingevolge subartikel (3) goedgekeur word, word by die toepassing van hierdie Wet nie as pensioengewende diens toegelaat nie.

Pensioenbydraes.

4. (1) 'n Lid dra, vanaf die datum waarop hy 'n lid word tot aan die einde van die maand waarin hy 12 jaar pensioengewende diens tot sy krediet het, 'n bedrag tot die Staatsinkomstefonds by gelykstaande met sewe persent van die pensioengewende salaris van 'n gewone lid.

(2) Geen bydraes is betaalbaar deur 'n lid wat 'n amp in artikel 7 (1) genoem, beklee nie.

(3) 'n Bedrag wat 'n lid ingevolge hierdie artikel moet bydra, word in maandelikse paaielemente, of in die ander paaielemente en op die ander tye wat die direkteur-generaal goedkeur, van die lid se salaris afgetrek.

Erkenning van sekere tydperke as pensioengewende diens.

5. (1) Indien 'n voormalige lid wat 'n lid of weer 'n lid word op of na die vasgestelde datum, op die datum waarop hy 'n lid word of weer 'n lid word op 'n pensioen ingevolge 'n toepaslike pensioenwet, behalwe 'n spesiale pensioen, geregtig is—

(a) hou daardie pensioen vanaf die datum waarop hy lid word, of weer word, op om aan hom betaalbaar te wees;

(b) moet hy enige bedrag wat ten opsigte van 'n tydperk vanaf daardie datum by wyse van so 'n pensioen aan hom betaal is, aan die betrokke inkomstefonds terugbetaal; en

(c) word—

(i) die hele tydperk van sy vorige pensioengewende diens ingevolge hierdie Wet of 'n herroepe wet; en

(ii) een helfte van die tydperk van sy pensioengewende diens ingevolge die Wet op Pensioene vir Lede van die Verteenwoordigende Kleurlingraad, 1974 (Wet No. 79 van 1974), die Wet op Pensioene vir Lede van die Suid-Afrikaanse Indiërraad, 1974 (Wet No. 86 van 1974), of 'n ordonnansie verorden kragtens die Wet tot Uitbreiding van Provinsiale Bevoegdhede, 1980 (Wet No. 32 van 1980), as daar is, vir die doeleindes van hierdie Wet as pensioengewende diens toegelaat.

(2) 'n Voormalige lid kan terwyl hy 'n lid is, te eniger tyd 'n keuse doen om—

(a) enige gedeelte van daardie helfte van sy pensioengewende diens wat ingevolge artikel 4 (4) van die Wet op Pensioene vir Parlementsdiens en Administrateurs, 1971 (Wet No. 81 van 1971), of subartikel (1) (c) (ii) van hierdie artikel, nie as pensioengewende diens toegelaat word nie; en

(b) enige tydperk van sy pensioengewende diens kragtens 'n toepaslike pensioenwet wat ten opsigte van 'n voormalige lid nie ingevolge 'n bepaling van hierdie Wet as pensioengewende diens toegelaat word nie,

te laat toelaat as pensioengewende diens vir die doeleindes van hierdie Wet, en by ontvangs deur die direkteur-generaal van 'n skriftelike kennisgewing deur so 'n lid van die keuse wat hy gedoen het, word sodanige tydperke van pensioengewende diens vir die doeleindes van hierdie Wet toegelaat.

(3) Daar word ten opsigte van pensioengewende diens wat kragtens paragraaf (a) of (b) van subartikel (2) toegelaat word, deur die betrokke lid 'n bedrag betaal bereken teen 10 persent

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- (3) If the membership of any member terminates in terms of subsection (2) and he immediately thereafter, or after such interruption as the Minister of Health and Welfare may approve, again becomes a member, his membership shall, subject to subsection (4), be deemed not to have been interrupted and he shall not merely on the ground of any such interruption be entitled to any pension or gratuity (except a special pension and a gratuity referred to in section 10 (ii)), or any other benefit in terms of this Act.
- (4) Any period of interruption which is approved in terms of subsection (3) shall not for the purposes of this Act be allowed as pensionable service.
4. (1) A member shall, from the date on which he becomes a member until the end of the month in which he has 12 years pensionable service to his credit, contribute an amount to the State Revenue Fund equal to seven percent of the pensionable salary of an ordinary member. Pension contributions.
- (2) No contributions are payable by any member holding an office referred to in section 7 (1).
- (3) Any amount to be contributed by a member in terms of this section shall be deducted in monthly instalments, or in such other instalments and at such other times as the director-general may approve, from the member's salary.
5. (1) If a former member who becomes or again becomes a member on or after the fixed date is, on the date on which he becomes or again becomes a member, entitled to a pension in terms of an applicable pension law, except a special pension— Recognition of certain periods as pensionable service.
- (a) such pension shall cease to be payable to him as from the date on which he becomes, or again becomes, a member;
- (b) he shall refund to the revenue fund concerned any amount paid to him by way of such pension in respect of any period as from the said date; and
- (c) (i) the whole period of his previous pensionable service in terms of this Act or any repealed law; and
(ii) one half of the period of his pensionable service in terms of the Members of the Coloured Persons Representative Council Pensions Act, 1974 (Act No. 79 of 1974), the Members of the South African Indian Council Pensions Act, 1974 (Act No. 86 of 1974), or any ordinance made under the Provincial Powers Extension Act, 1980 (Act No. 32 of 1980),
if any, shall be allowed as pensionable service for purposes of this Act.
- (2) A former member may, while he is a member, at any time elect to have—
- (a) any part of that half of his pensionable service which in terms of section 4 (4) of the Parliamentary Service and Administrators' Pensions Act, 1971 (Act No. 81 of 1971), or subsection (1) (c) (ii) of this section, is not allowed as pensionable service; and
- (b) any period of his pensionable service under any applicable pension law which is in respect of a former member not allowed as pensionable service in terms of any provision of this Act,
allowed as pensionable service for purposes of this Act, and on receipt by the director-general of a written notification by such member of his election, such periods of pensionable service shall be allowed for purposes of this Act.
- (3) There shall, in respect of pensionable service allowed in terms of paragraph (a) or (b) of subsection (2), be paid by the member concerned an amount calculated at 10 percent of his

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van sy pensioengewende salaris op die datum waarop die skriftelike kennisgewing bedoel in subartikel (2) deur die direkteur-generaal ontvang word, vermenigvuldig met die tydperk van pensioengewende diens wat aldus toegelaat word.

(4) Enige bedrag wat ingevolge hierdie artikel deur 'n lid betaal of terugbetaal moet word—

(a) word betaal of terugbetaal in die paalemente en onderworpe aan die voorwaardes wat die direkteur-generaal bepaal; en

(b) hou, indien so 'n lid 'n amp genoem in artikel 7 (1) of 16 aanvaar, en vir sover enige gedeelte van so 'n bedrag op die datum van sodanige aanvaarding nie betaal is nie, op so 'n datum op om deur hom betaalbaar te wees.

Berekening van tydperke van pensioengewende diens.

6. (1) By die toepassing van hierdie Wet word 'n tydperk van 15 pensioengewende diens by die jaar en 'n gedeelte van 'n jaar bereken.

(2) 'n Gedeelte van 'n jaar word bepaal volgens die verhouding waarin die getal dae in so 'n gedeelte tot 365 staan.

Pensioen en gratifikasie betaalbaar aan Eerste Minister.

7. (1) Daar word, behoudens artikel 16, aan 'n lid wat die amp 20 van Eerste Minister bekleë en ophou om daardie amp te bekleë—

(a) 'n pensioen wat gelykstaan met sy pensioengewende salaris; en

(b) 'n gratifikasie wat gelykstaan met drie maal sy pensioengewende salaris,

op die datum waarop hy ophou om dié amp te bekleë, betaal.

(2) 'n Lid aan wie 'n pensioen en gratifikasie ingevolge subartikel (1) betaalbaar is, is nie op 'n ander pensioen, gratifikasie of voordeel ingevolge 'n toepaslike pensioenwet geregtig nie. 30

Pensioene betaalbaar aan lede wat nie ampte bekleë het nie, of ampte bekleë het ten opsigte waarvan spesiale pensioene betaal word.

8. By die beëindiging van sy lidmaatskap word daar, behoudens artikels 7 (2), 12 (1) en 16, aan 'n lid wat—

(a) minstens sewe jaar en ses maande pensioengewende diens tot sy krediet het, of gedurende die volle duur van minstens twee agtereenvolgende Parlemente of 35 Presidentsrade (met inbegrip van 'n Parlement bedoel in die vorige Grondwet of 'n vorige Presidentsraad, na gelang van die geval), 'n lid was en wie se lidmaatskap geëindig het by die ontbinding van 'n Parlement of Presidentsraad; en 40

(b) te eniger tyd gedurende die tydperk van sy pensioengewende diens 'n gewone lid was of 'n amp ten opsigte waarvan 'n spesiale pensioen aan hom betaalbaar is, bekleë het,

'n pensioen betaal wat bereken word ooreenkomstig die formule—

$$\frac{A}{15} \times B$$

in welke formule—

(i) A die totale tydperk van die lid se pensioengewende 50 diens, maar hoogstens 15 jaar, waartydens hy nie 'n amp bekleë het nie, of 'n amp bekleë het ten opsigte waarvan 'n spesiale pensioen aan hom betaal word, voorstel; en

(ii) B die pensioengewende salaris van 'n gewone lid op die 55 datum waarop die lidmaatskap van die betrokke lid eindig, voorstel.

Pensioene betaalbaar aan ampsbekleërs.

9. (1) Behoudens die bepalinge van artikels 7 (2), 12 (1) en 16, en subartikel (2) van hierdie artikel, word daar aan 'n lid wat te eniger tyd gedurende sy pensioengewende diens 'n ampsbekleër 60 was, benewens 'n pensioen wat ingevolge artikel 8 aan hom betaalbaar is (as daar is), by die beëindiging van sy lidmaatskap 'n pensioen betaal, ten opsigte van elke amp deur hom bekleë, bereken—

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pensionable salary on the date on which the written notice referred to in subsection (2) is received by the director-general, multiplied by the period of pensionable service which is so allowed.

(4) Any amount which in terms of this section is to be paid or refunded by a member—

- (a) shall be paid or refunded in such instalments and subject to such conditions as the director-general may determine; and
- (b) shall, if such member assumes an office referred to in section 7 (1) or 16, and to the extent that any portion of such amount is unpaid on the date of such assumption, on such date cease to be payable by him.

6. (1) For the purposes of this Act any period of pensionable service shall be calculated by the year and a portion of a year.

Calculation of periods of pensionable service.

(2) A portion of a year shall be determined according to the proportion which the number of days in such portion bears to 365.

7. (1) There shall, subject to section 16, be paid to a member who holds the office of Prime Minister and ceases to hold such office—

Pension and gratuity payable to Prime Minister.

- (a) a pension equal to his pensionable salary; and
 - (b) a gratuity equal to three times his pensionable salary, on the date on which he ceases to hold that office.
- (2) A member to whom a pension and gratuity are payable in terms of subsection (1) shall not be entitled to any other pension, gratuity or benefit in terms of any applicable pension law.

8. On the termination of his membership there shall, subject to sections 7 (2), 12 (1) and 16, be paid to a member who—

Pensions payable to members who did not hold offices, or held offices in respect of which special pensions are payable.

- (a) has at least seven years and six months pensionable service to his credit, or was a member during the full duration of at least two successive Parliaments or President's Councils (including a Parliament referred to in the former Constitution Act, or a former President's Council, as the case may be), and whose membership terminated on the dissolution of a Parliament or President's Council; and
 - (b) at any time during the period of his pensionable service was an ordinary member, or held an office in respect of which a special pension is payable to him,
- a pension calculated in accordance with the formula—

$$\frac{A}{15} \times B$$

in which formula—

- (i) A represents the total period of the member's pensionable service, but not exceeding 15 years, during which he did not hold any office, or held an office in respect of which a special pension is being paid to him; and
- (ii) B represents the pensionable salary of an ordinary member on the date on which the membership of the member concerned terminates.

9. (1) Subject to the provisions of sections 7 (2), 12 (1) and 16, and subsection (2) of this section, there shall be paid to a member who at any time during his pensionable service was an office-bearer, in addition to any pension payable to him in terms of section 8 (if any), on the termination of his membership a pension, in respect of each office held by him, calculated—

Pensions payable to office-bearers.

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- (a) in die geval van 'n lid wat minstens vyf jaar pensioenge-
wende diens tot sy krediet het, ooreenkomstig die formule—

$$\frac{C}{12} \times D; \text{ en}$$

- (b) in die geval van 'n lid wat minder as vyf jaar pensioenge-
wende diens tot sy krediet het, ooreenkomstig die formule—

$$\left(\frac{D}{12} - \frac{E}{15} \right) C$$

in welke onderskeie formules—

- (i) C die tydperk waartydens sodanige lid die be-
trokke amp beklee het, maar hoogstens 12 jaar,
voorstel;
(ii) D die pensioengewende salaris verbonde aan die
betrokke amp op die datum waarop die lidmaat-
skap van die betrokke lid eindig, voorstel; en
(iii) E die pensioengewende salaris van 'n gewone lid
op die datum waarop die lidmaatskap van die be-
trokke lid eindig, voorstel.

(2) 'n Lid is nie op 'n pensioen ingevolge hierdie artikel geregtig nie met betrekking tot 'n amp ten opsigte waarvan 'n spesiale pensioen aan hom betaalbaar is.

(3) By die toepassing van hierdie artikel beteken die uitdrukking "ampsbekleër" ook 'n lid van die uitvoerende komitee van 'n provinsie, en 'n voorsitter van die uitvoerende komitee van 'n Raad bedoel in artikel 7 van die Wet op Pensioene vir Lede van die Verteenwoordigende Kleurlingraad, 1974 (Wet No. 79 van 1974), of artikel 7 van die Wet op Pensioene vir Lede van die Suid-Afrikaanse Indiërraad, 1974 (Wet No. 86 van 1974), wat, nadat hy opgehou het om 'n amp as so lid of voorsitter te beklee, kragtens 'n toepaslike pensioenwet op 'n pensioen geregtig was wat ingevolge artikel 5 (1) opgehou het om aan hom betaalbaar te wees.

Spesiale pensioene.

10. 'n Lid wat—

- (a) op die vasgestelde datum 'n gewone lid is en te eniger tyd voor daardie datum 'n amp beklee het; of

- (b) na die vasgestelde datum 'n amp beklee, daardie amp ontruim en sonder onderbreking in sy pensioengewende diens as 'n gewone lid aanbly,

is vanaf die effektiewe datum, ten opsigte van elke amp wat hy gedurende die tydperk van sy pensioengewende diens beklee het, geregtig op—

- (i) 'n pensioen bereken ooreenkomstig die formule—

$$\left(\frac{F}{12} - \frac{G}{15} \right) H$$

in welke formule—

- (aa) F die pensioengewende salaris wat op die effektiewe datum van toepassing was op die betrokke amp, voorstel;

- (bb) G die pensioengewende salaris van 'n gewone lid op die effektiewe datum voorstel; en

- (cc) H die tydperk waartydens die lid die betrokke amp beklee het, voorstel; en

- (ii) 'n gratifikasie, bereken ooreenkomstig artikel 11 (2), wat aan hom betaalbaar sou gewees het ten opsigte van die amp wat hy gedurende die tydperk van sy pensioengewende diens beklee het, indien daardie artikel toepaslik was en sy lidmaatskap op die effektiewe datum geëindig het: Met dien verstande dat indien 'n gratifikasie aan 'n lid betaal is kragtens artikel 9 van die Wet op Pensioene vir Parlementsdiens en Administrateurs, 1971 (Wet No. 81 van 1971), ten opsigte van enige amp ten opsigte waarvan 'n gratifikasie ingevolge hierdie paragraaf betaalbaar is, die bedrag van die gratifikasie verreken word teen enige gratifikasie wat ingevolge hierdie paragraaf aan hom betaalbaar is.

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- (a) in the case of a member who has at least five years pensionable service to his credit, in accordance with the formula—

$$\frac{C}{12} \times D; \text{ and}$$

- (b) in the case of a member who has less than five years pensionable service to his credit, in accordance with the formula—

$$\left(\frac{D}{12} - \frac{E}{15} \right) C$$

in which respective formulas—

- (i) C represents the period during which such member held the office concerned, but not exceeding 12 years;
- (ii) D represents the pensionable salary applicable to the office concerned on the date on which the membership of the member concerned terminates; and
- (iii) E represents the pensionable salary of an ordinary member on the date on which the membership of the member concerned terminates.

(2) A member shall not be entitled to any pension in terms of this section with regard to any office in respect of which a special pension is payable to him.

- (3) For the purposes of this section the expression "office-bearer" shall include any member of an executive committee of a province, and any chairman of the executive committee of a Council mentioned in section 7 of Members of the Coloured Persons Representative Council Pensions Act, 1974 (Act No. 79 of 1974), or section 7 of the Members of the South African Indian Council Pensions Act, 1974 (Act No. 86 of 1974), who, after he ceased to hold office as such a member or chairman, was entitled to a pension in terms of an applicable pension law which ceased to be payable to him in terms of section 5 (1).

10. A member who—

Special pensions.

- (a) on the fixed date is an ordinary member and at any time before that date held any office; or
- (b) holds any office after the fixed date, vacates that office and without any interruption in his pensionable service remains an ordinary member,

shall with effect from the effective date be entitled, in respect of each office held by him during his period of pensionable service, to—

- (i) a pension calculated in accordance with the formula—

$$\left(\frac{F}{12} - \frac{G}{15} \right) H$$

in which formula—

- (aa) F represents the pensionable salary which was applicable to the office concerned on the effective date;
- (bb) G represents the pensionable salary of an ordinary member on the effective date; and
- (cc) H represents the period for which the member held the office concerned; and

- (ii) a gratuity, calculated in accordance with section 11 (2), which would have been payable to him in respect of the office held by him during the period of his pensionable service, had that section been applicable and had his membership terminated on the effective date: Provided that if any gratuity was paid to a member under section 9 of the Parliamentary Service and Administrators' Pensions Act, 1971 (Act No. 81 of 1971), in respect of any office in respect of which a gratuity is payable in terms of this paragraph, the amount of the gratuity shall be set off against any gratuity payable to him in terms of this paragraph.

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Gratifikasies.

11. (1) Daar word, behoudens artikels 7 (2), 12 (2) en 16, aan 'n lid wat—

(a) minstens sewe jaar en ses maande pensioengewende diens tot sy krediet het; of

(b) gedurende die volle duur van minstens twee agtereenvolgende Parlemente of Presidentsrade (met inbegrip van 'n Parlement bedoel in die vorige Grondwet of 'n vorige Presidentsraad, na gelang van die geval), 'n lid was, en wie se lidmaatskap geëindig het by die ontbinding van van 'n Parlement of Presidentsraad,

by die beëindiging van sy lidmaatskap 'n gratifikasie betaal ooreenkomstig die formule—

$$\frac{I}{15} \times 2 \times J$$

in welke formule—

- (i) I die tydperk van die lid se pensioengewende diens, maar hoogstens 20 jaar, voorstel; en
- (ii) J die pensioengewende salaris van 'n gewone lid op die datum waarop die betrokke lid se lidmaatskap eindig, voorstel.

(2) Behoudens die bepalinge van artikel 7 (2), 12 (2) en 16 en subartikel (3) van hierdie artikel, is 'n lid wat op 'n pensioen ingevolge artikel 9 geregtig is, benewens 'n gratifikasie wat ingevolge subartikel (1) aan hom betaalbaar is, ten opsigte van elke amp deur hom bekleed gedurende die tydperk van sy pensioengewende diens, by die beëindiging van sy lidmaatskap geregtig op 'n gratifikasie bereken ooreenkomstig die formule—

$$\frac{K}{15} \times 2 \times L$$

in welke formule—

- (a) K die tydperk waartydens sodanige lid die betrokke amp bekleed het, maar hoogstens 20 jaar, voorstel; en
- (b) L die pensioengewende salaris verbonde aan die betrokke amp op die datum waarop die betrokke lid se lidmaatskap eindig, voorstel.

(3) 'n Lid is nie ingevolge subartikel (2) op 'n gratifikasie geregtig met betrekking tot 'n amp ten opsigte waarvan 'n gratifikasie ingevolge artikel 10 (ii) aan hom betaal is nie.

(4) Indien 'n gratifikasie, behalwe enige gratifikasie vermeld in artikel 10 (ii), aan 'n lid betaal is ingevolge 'n toepaslike pensioenwet, word die bedrag van die gratifikasie aldus aan hom betaal, verreken teen enige gratifikasie wat ingevolge hierdie artikel aan hom betaalbaar is.

Maksimum pensioene en gratifikasies.

12. (1) Die totaal van enige pensioene (uitgesonderd 'n pensioen bedoel in artikel 10 (i) of 14 (1)) wat ingevolge hierdie Wet aan iemand betaalbaar is, oorskry nie die hoogste pensioengewende salaris van die persoon gedurende sy pensioengewende diens nie.

(2) Die totaal van enige gratifikasies (uitgesonderd 'n gratifikasie bedoel in artikel 10 (ii)) wat ingevolge hierdie Wet aan iemand betaalbaar is, oorskry nie 'n bedrag wat gelyk is aan drie maal die hoogste pensioengewende salaris van die persoon gedurende sy pensioengewende diens nie.

Terugbetaling van pensioenbydraes.

13. 'n Lid wat by die beëindiging van sy lidmaatskap nie op 'n pensioen ingevolge hierdie Wet geregtig is nie, is geregtig op 'n bedrag gelyk aan die som van sy pensioenbydraes en enige bedrae deur hom betaal ten opsigte van 'n tydperk wat ingevolge hierdie Wet as pensioengewende diens toegelaat word, tesame met rente teen vyf persent op die totaal van daardie bedrae.

Pensioen betaalbaar aan weduwee of wewenaar.

14. (1) Indien 'n lid sterf en hy 'n weduwee of, in die geval van 'n vroulike lid, sy 'n wewenaar (in hierdie artikel 'n bevoordeelde genoem) nalaat, word daar aan sodanige bevoordeelde as pensioen 'n bedrag betaal gelyk aan—

- (a) $37\frac{1}{2}$ persent van die lid se hoogste pensioengewende salaris gedurende die tydperk van sy pensioengewende diens; of
- (b) drie-kwart van die totaal van die pensioene wat ingevolge hierdie Wet aan die lid betaalbaar sou gewees het

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11. (1) There shall, subject to sections 7 (2), 12 (2) and 16, be paid to any member who—
- (a) has at least seven years and six months pensionable service to his credit; or
- 5 (b) was a member during the full duration of at least two successive Parliaments or President's Councils (including a Parliament referred to in the former Constitution Act, or a former President's Council, as the case may be), and whose membership terminated on the dissolution of a Parliament or President's Council,
- 10 on the termination of his membership a gratuity calculated in accordance with the formula—
- $$\frac{I}{15} \times 2 \times J$$
- 15 in which formula—
- (i) I represents the period of the member's pensionable service, but not exceeding 20 years; and
- (ii) J represents the pensionable salary of an ordinary member on the date on which the membership of the member concerned terminates.
- 20 (2) Subject to the provisions of sections 7 (2), 12 (2) and 16, and subsection (3) of this section, a member who is entitled to a pension in terms of section 9 shall, in addition to any gratuity payable to him in terms of subsection (1), in respect of every
- 25 office held by him during the period of his pensionable service, be entitled on the termination of his membership to a gratuity calculated in accordance with the formula—
- $$\frac{K}{15} \times 2 \times L$$
- 30 in which formula—
- (a) K represents the period during which such member held the office concerned, but not exceeding 20 years; and
- (b) L represents the pensionable salary applicable to the office concerned on the date on which the membership of the member concerned terminates.
- 35 (3) A member shall not be entitled to a gratuity in terms of subsection (2) with regard to any office in respect of which a gratuity was paid to him in terms of section 10 (ii).
- 40 (4) If a gratuity, except any gratuity mentioned in section 10 (ii), has been paid to a member in terms of an applicable pension law, the amount of the gratuity so paid to him shall be set off against any gratuity payable to him in terms of this section.
12. (1) The total of any pensions (excluding a pension referred to in section 10 (i) or 14 (1)) payable in terms of this Act to any person, shall not exceed the highest pensionable salary of that person during the period of his pensionable service.
- 45 (2) The total of any gratuities (excluding a gratuity referred to in section 10 (ii)) payable in terms of this Act to any person shall not exceed an amount equal to three times the highest pensionable salary of the person during the period of his pensionable service.
- 50
13. Any member who is not entitled to any pension in terms of this Act on the termination of his membership, shall be entitled to an amount equal to the aggregate of his pension contributions and any amounts paid by him in respect of any period allowed in terms of this Act as pensionable service, together with five percent interest on the total of those amounts.
- 55
14. (1) If a member dies and he is survived by a widow or, in the case of a female member, a widower (in this section called a beneficiary), there shall be paid to such beneficiary as a pension an amount equal to—
- 60 (a) $37\frac{1}{2}$ percent of the highest pensionable salary of the member during the period of his pensionable service; or
- 65 (b) three-fourths of the aggregate of the pensions which would have been payable to the member in terms of

Maximum pensions and gratuities.

Refund of pension contributions.

Pension payable to widow or widower.

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indien sy lidmaatskap op die datum van sy afsterwe om enige ander rede beëindig is, welke bedrag ook al die grootste is.

(2) Indien 'n persoon wat ingevolge hierdie Wet 'n pensioen ontvang, sterf en 'n bevoordeelde nalaat, word daar aan sodanige bevoordeelde 'n pensioen betaal wat gelykstaan met driekwart van die pensioen wat kragtens hierdie Wet aan die betrokke pensioentrekker onmiddellik voor sy afsterwe betaalbaar was.

(3) 'n Pensioen wat kragtens hierdie artikel betaal word, word nie deur die hertroue van die betrokke bevoordeelde geraak nie.

Voordele betaalbaar aan afhanklikes.

15. (1) Indien 'n lid op 'n gratifikasie ingevolge artikel 7 (1) (b), 10 (ii) of 11, of 'n voordeel ingevolge artikel 13, geregtig sou gewees het indien sy lidmaatskap onmiddellik voor sy afsterwe geëindig het, word daar by sy afsterwe aan die afhanklikes van die lid wat die direkteur-generaal aanwys of, indien geen afhanklikes aldus aangewys kan word nie, aan sy boedel, 'n bedrag betaal gelyk aan die gratifikasie of voordeel wat aldus aan hom betaalbaar sou gewees het.

(2) 'n Voordeel wat ingevolge subartikel (1) aan 'n lid se afhanklikes betaalbaar is, word onder hulle verdeel in die verhouding wat die direkteur-generaal bepaal.

Staatspresident nie op pensioene, gratifikasies of voordele kragtens hierdie Wet geregtig nie.

16. Iemand wat die amp van Staatspresident beklee of beklee het, is, ondanks andersluidende bepalings van hierdie Wet, nie op 'n pensioen ingevolge hierdie Wet geregtig nie. 25

Aftrekkings van pensioene en gratifikasies.

17. (1) Wanneer 'n lid, of sy of haar bevoordeelde bedoel in artikel 14, afhanklikes of boedel ingevolge hierdie Wet geregtig word op 'n pensioen, gratifikasie of voordeel, na gelang van die geval, voordat 'n bedrag wat ingevolge hierdie Wet of 'n herroepe wet deur sodanige lid verskuldig is deur hom betaal is, word die bedrag wat nog nie deur hom betaal is nie verreken teen bedoelde pensioen, gratifikasie of voordeel, na gelang van die geval.

(2) Die direkteur-generaal kan, ondanks andersluidende bepalings van die een of ander wet, maandeliks van 'n pensioen kragtens hierdie Wet aan iemand betaalbaar 'n bedrag, gelyk aan die maandelikse bydrae wat deur so iemand ingevolge die reëls van die mediese skema vir Parlementslede betaalbaar is ten opsigte van sy voortgesette lidmaatskap van bedoelde skema, aftrek.

(3) 'n Bedrag ingevolge subartikel (2) afgetrek, word aan die bestuurder van bedoelde mediese skema betaal. 40

Betaling van pensioene, gratifikasies en voordele uit, en bydraes en bedrae aan, Staatsinkomstefonds.

18. (1) 'n Pensioen, gratifikasie of voordeel wat kragtens hierdie Wet aan iemand betaal word, word uit die Staatsinkomstefonds betaal uit gelde wat vir dié doel deur die Parlement bewillig word. 45

(2) Bydraes of bedrae wat kragtens hierdie Wet deur iemand betaalbaar is, word betaal vir storting in die Staatsinkomstefonds.

Uitvoering van Wet.

19. Die direkteur-generaal is, onderworpe aan die beheer van die Minister van Gesondheid en Welsyn, met die uitvoering van hierdie Wet belas. 50

Wysiging en herroeping van wette.

20. (1) Die wette in die Bylae vermeld, word hierby gewysig of herroep in die mate in die derde kolom van daardie Bylae aangedui.

(2) 'n Pensioen, weduweepensioen of voordeel wat onmiddellik voor die vasgestelde datum ingevolge 'n herroepe wet aan iemand betaalbaar was, en wat nie ingevolge 'n bepaling van hierdie Wet ophou om betaalbaar te wees nie, word vanaf daardie datum nie verminder nie en bly, ondanks die herroeping van so 'n wet, ooreenkomstig die bepalings daarvan aldus betaalbaar. 60

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this Act, had his membership terminated on the date of his death for any other reason, whichever is the greater amount.

(2) If a person receiving a pension in terms of this Act dies and is survived by a beneficiary, there shall be paid to such beneficiary a pension equal to three-fourths of the pension which was payable to the pensioner under this Act immediately prior to his death.

(3) A pension payable under this section shall not be affected by the beneficiary's remarriage.

15. (1) If a member would have been entitled to a gratuity in terms of section 7 (1) (b), 10 (ii) or 11, or a benefit in terms of section 13, had his membership terminated immediately prior to his death, there shall be payable to the dependants of the member designated by the director-general or, if there are no dependants to be so designated, to his estate, an amount equal to the gratuity or benefit which would have been so payable to him.

Benefits payable to dependants.

(2) Any benefit payable in terms of subsection (1) to a member's dependants shall be divided among them in such proportion as the director-general may determine.

16. Any person who holds or held the office of State President shall, notwithstanding anything to the contrary in this Act contained, not be entitled to any pension in terms of this Act.

State President not entitled to pensions, gratuities or benefits under this Act.

17. (1) Whenever a member, or his or her beneficiary referred to in section 14, dependants or estate becomes entitled in terms of this Act to any pension, gratuity or benefit, as the case may be, before any amount due by such member in terms of this Act or any repealed law has been paid by him, the amount which remains unpaid by him shall be set off against the said pension, gratuity or benefit, as the case may be.

Deductions from pensions and gratuities.

(2) The director-general may, notwithstanding provisions of any law to the contrary, deduct monthly from any pension payable under this Act to any person an amount equal to the monthly contribution payable by such person in terms of the rules of the medical scheme for members of Parliament in respect of his continued membership of the said scheme.

(3) Any amount deducted in terms of subsection (2) shall be paid to the manager of the said medical scheme.

18. (1) Any pension, gratuity or benefit payable to any person under this Act, shall be paid from the State Revenue Fund out of moneys appropriated by Parliament for that purpose.

Payment of pensions, gratuities and benefits from, and of contributions and amounts to, State Revenue Fund.

(2) Any contributions or amounts payable by any person under this Act shall be paid for payment into the State Revenue Fund.

19. The director-general shall, subject to the control of the Minister of Health and Welfare, be charged with the administration of this Act.

Administration of Act.

20. (1) The laws mentioned in the Schedule are hereby amended or repealed to the extent indicated in the third column of that Schedule.

Amendment and repeal of laws.

(2) Any pension, widow's pension or other benefit which was immediately prior to the fixed date payable in terms of any repealed law to any person, and which does not in terms of a provision of this Act cease to be payable, shall with effect from that date not be decreased and shall, notwithstanding the repeal of such law, continue to be so payable in accordance with the provisions thereof.

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WET OP DIE PENSIOENSKEMA VIR PARLEMENTSLEDE EN POLITIEKE AMPSBEKLEËRS, 1984

(3) Iemand wat onmiddellik voor die vasgestelde datum ingevolge 'n herroeping wet aanspreeklik was vir die betaling van 'n bedrag wat ingevolge so 'n wet deur hom verskuldig was maar op daardie datum nog nie deur hom betaal is nie bly, ondanks die herroeping van so 'n wet, vir sodanige betaling aanspreeklik. 5

(4) Die bepalings van artikel 5 (4) is *mutatis mutandis* op 'n bedrag bedoel in subartikel (3) van toepassing.

(5) 'n Verwysing in die Proklamasie op die Pensioenskema vir Lede van die Presidentsraad, No. R63 van 1981, in die Bylae vermeld, na die Wet op Pensioene vir Parlementsdiens en Admi- 10 nistrateurs, 1971 (Wet No. 81 van 1971), ook daarin vermeld, bly ondanks die herroeping van daardie Wet ingevolge hierdie Wet, en behoudens die bepalings van enige ander wet, van toepassing vir die doeleindes van genoemde proklamasie asof daardie herroeping nie plaasgevind het nie, totdat die herroeping van 15 die proklamasie ingevolge hierdie Wet van krag word.

Kort titel en inwerking-treding.

21. Hierdie Wet heet die Wet op die Pensioenskema vir Parlementslede en Politieke Ampsbekleërs, 1984, en tree in werking op die vasgestelde datum.

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(3) Any person who immediately before the fixed date was in terms of any repealed law liable for the payment of any amount which was in terms of such law due by him but was at that date unpaid by him shall, notwithstanding the repeal of such law, continue to be liable for such amount.

(4) The provisions of section 5 (4) shall *mutatis mutandis* apply to any amount due in terms of subsection (3).

(5) A reference in the Proclamation relating to the Pension Scheme for Members of the President's Council, No. R63 of 1981, mentioned in the Schedule, to the Parliamentary Service and Administrators' Pensions Act, 1971 (Act No. 81 of 1971), likewise mentioned therein, shall notwithstanding the repeal of that Act in terms of this Act, and subject to the provisions of any other law, remain applicable for the purposes of the said proclamation as if that repeal has not taken place, until the repeal of the proclamation comes into operation in terms of this Act.

21. This Act shall be called the Members of Parliament and Political Office-bearers Pension Scheme Act, 1984, and shall come into operation on the fixed date.

Short title and
commencement.

Wet No. 112, 1984

WET OP DIE PENSIOENSKEMA VIR PARLEMENTSLEDE EN
POLITIEKE AMPSBEKLEËRS, 1984

Bylae

Nommer en jaar van wet	Kort titel	In hoeverre gewysig of herroep
No. 81 van 1971	Wet op Pensioene vir Parlementsdiens en Administrateurs, 1971	Die herroeping van die geheel.
No. 33 van 1974	Wet op die Parlementsdiens, 1974	Die herroeping van artikels 20 en 21.
No. 77 van 1974	Tweede Wysigingswet op die Pensioenwette, 1974	Die herroeping van die geheel.
No. 29 van 1979	Algemene Pensioenwet, 1979	Die wysiging van artikel 14— (a) deur subartikel (1) deur die volgende subartikel te vervang: “(1) Indien 'n lid wat voor die vasgestelde datum soos bedoel in artikel 1 (1) van die Wet op die Pensioenskema vir Parlementslede en Politieke Ampsbekleërs, 1984, 'n lid geword het, voor die datum waarop hy 'n lid geword het, aan 'n pensioenordonnansie onderworpe was en 'n amp beklee het wat in daardie pensioenordonnansie vermeld word, maar geen spesiale pensioen ingevolge die bepalings van die toepaslike pensioenordonnansie aan hom ten opsigte van sy diens in sodanige amp betaalbaar is nie, word daar, ondanks andersluidende wetsbepalings, aan hom, met ingang van die dag wat volg op die datum van die beëindiging van sy diens in sodanige amp, 'n spesiale pensioen ingevolge die toepaslike pensioenordonnansie betaal ten opsigte van die tydperk van sy diens in daardie amp asof hy met ingang van bedoelde dag op sodanige spesiale pensioen ingevolge daardie ordonnansie geregtig was, ongeag of daardie ordonnansie herroep is al dan nie.”; en (b) deur subartikel (2) deur die volgende subartikel te vervang: “(2) Tensy uit die samehang anders blyk, het 'n woord of uitdrukking in subartikel (1) waaraan in die Wet op Pensioene vir Parlementsdiens en Administrateurs, 1971 (Wet No. 81 van 1971), 'n betekenis toegeskryf is, ondanks die herroeping van daardie Wet deur die Wet op die Pensioenskema vir Parlementslede en Politieke Ampsbekleërs, 1984, dieselfde betekenis.”.
No. 49 van 1979	Wysigingswet op Pensioene vir Parlementsdiens en Administrateurs, 1979	Die herroeping van die geheel.
No. 100 van 1979	Wysigingswet op die Pensioenwette, 1979	Die herroeping van artikels 7, 8 en 13 (c).
No. 97 van 1980	Wysigingswet op die Pensioenwette, 1980	Die herroeping van artikel 2.
No. 67 van 1981	Wysigingswet op die Pensioenwette, 1981	Die herroeping van artikel 1 en, vir sover dit op daardie artikel betrekking het, artikel 4 (a).
No. 81 van 1982	Wysigingswet op die Pensioenwette, 1982	Die herroeping van artikels 1, 2 en 9 (a).
No. 96 van 1983	Wysigingswet op die Pensioenwette, 1983	Die herroeping van artikels 4 tot en met 11.
Proklamasie No. R63 van 1981	Proklamasie op die Pensioenskema vir Lede van die Presidentsraad, 1981	Die herroeping van die geheel.

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Schedule

Number and year of law	Short title	Extent of amendment or repeal
No. 81 of 1971	Parliamentary Service and Administrators' Pensions Act, 1971	The repeal of the whole.
No. 33 of 1974	Parliamentary Service Act, 1974 ..	The repeal of sections 20 and 21.
No. 77 of 1974	Second Pension Laws Amendment Act, 1974	The repeal of the whole.
No. 29 of 1979	General Pensions Act, 1979	The amendment of section 14— (a) by the substitution for subsection (1) of the following subsection: “(1) If any member who became a member prior to the fixed date as defined in section 1 (1) of the Members of Parliament and Political Office-bearers Pension Scheme, 1984, was, before the date on which he became a member, subject to a pensions ordinance and held an office referred to in that pensions ordinance, but no special pension is payable to him in terms of the provisions of the applicable pensions ordinance in respect of his service in such office, there shall, notwithstanding anything to the contrary in any law contained, be paid to him with effect from the day following the date of the termination of his service in such office, a special pension in terms of the applicable pensions ordinance in respect of the period of his service in such office as if he was entitled with effect from the said day to such special pension in terms of that ordinance, irrespective of whether or not that ordinance has been repealed.”; and (b) by the substitution for subsection (2) of the following subsection: “(2) Unless the context otherwise indicates, any word or expression in subsection (1) to which a meaning has been assigned in the Parliamentary Service and Administrators' Pensions Act, 1971 (Act No. 81 of 1971), bears, notwithstanding the repeal of that Act by the Members of Parliament and Political Office-bearers Pension Scheme Act, 1984, the same meaning.”
No. 49 of 1979	Parliamentary Service and Administrators' Pensions Amendment Act, 1979	The repeal of the whole.
No. 100 of 1979	Pension Laws Amendment Act, 1979	The repeal of sections 7, 8 and 13 (c).
No. 97 of 1980	Pension Laws Amendment Act, 1980	The repeal of section 2.
No. 67 of 1981	Pension Laws Amendment Act, 1981	The repeal of section 1 and, to the extent that it relates to that section, section 4 (a).
No. 81 of 1982	Pension Laws Amendment Act, 1982	The repeal of sections 1, 2 and 9 (a).
No. 96 of 1983	Pension Laws Amendment Act, 1983	The repeal of sections 4 to 11, inclusive.
Procl. No. R63 of 1981	Proclamation relating to the Pension Scheme for Members of the President's Council, 1981	The repeal of the whole.

