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STATE PRESIDENT'S OFFICE

No. 1502.

2 July 1985

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

No. 98 of 1985: Members of Parliament and Political Office-bearers Pension Scheme Amendment Act, 1985.

KANTOOR VAN DIE STAATSPRESIDENT

No. 1502.

2 Julie 1985

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

No. 98 van 1985: Wysigingswet op die Pensioenskema vir Parlementslede en Politieke Ampsbekleërs, 1985.

Act No. 98, 1985**MEMBERS OF PARLIAMENT AND POLITICAL OFFICE-BEARERS
PENSION SCHEME AMENDMENT ACT, 1985****GENERAL EXPLANATORY NOTE:**

- I** Words in bold type in square brackets indicate omissions from existing enactments.
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- Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the provisions of the Members of Parliament and Political Office-bearers Pension Scheme Act, 1984, so as to define the expression "highest office" and to further define the expression "special pension"; to determine the minimum pension to which a member to whom a special pension is payable shall be entitled on termination of his membership; to provide for the suspension of the payment of a special pension if a member to whom such a special pension is payable, again assumes an office under certain circumstances; and to further regulate the limit of the total of pensions which may be paid to any person in terms of the said Act; and to provide for matters connected therewith.

*(English text signed by the State President.)
(Assented to 1 July 1985.)*

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

Amendment of
section 1 of
Act 112 of 1984.

1. Section 1 of the Members of Parliament and Political Office-bearers Pension Scheme Act, 1984 (hereinafter referred to as the principal Act), is hereby amended—
- (a) by the insertion, in subsection (1), after the definition of "former President's Council" or the following definition:
“highest office means the office to which the highest pensionable salary applies;”;
 - (b) by the substitution, in subsection (1), for the definition of "special pension" of the following definition:
“special pension means a [special] pension payable in terms of section 10 (1) (i) and includes—
- (a) 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);
 - (b) any pension which was, immediately prior to the fixed date, payable in terms of any repealed law to a former member who becomes a member on that date.”.

Amendment of
section 8 of
Act 112 of 1984.

2. Section 8 of the principal Act is hereby amended by the addition of the following subsection, the existing section becoming subsection (1):
- “(2) A member referred to in subsection (1) to whom a special pension is payable shall, as from the date on which his membership terminates, be entitled to a pension equal to—
- (a) the sum of the special pension and the pension payable to him in terms of subsection (1) as from that date; or

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**WYSIGINGSWET OP DIE PENSIOENSKEMA VIR
PARLEMENTSLEDE EN POLITIEKE AMPSBEKLEËRS, 1985**

Wet No. 98, 1985

ALGEMENE VERDUIDELIKENDE NOTA:

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

Tot wysiging van die bepalings van die Wet op die Pensioenskema vir Parlementslede en Politieke Ampsbekleërs, 1984, ten einde die uitdrukking "hoogste amp" te omskryf en die uitdrukking "spesiale pensioen" nader te omskryf; die minimum pensioen te bepaal waarop 'n lid aan wie 'n spesiale pensioen betaalbaar is, by beëindiging van sy lidmaatskap geregtig is; voorsiening te maak vir die opskorting van die betaling van 'n spesiale pensioen indien 'n lid aan wie so 'n spesiale pensioen betaalbaar is, onder sekere omstandighede weer 'n amp aanvaar; en die perk van die totaal van pensioene wat ingevolge genoemde Wet aan iemand betaal kan word, verder te reël; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 1 Julie 1985.)*

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

1. Artikel 1 van die Wet op die Pensioenskema vir Par- Wysiging van
lemtslede en Politieke Ampsbekleërs, 1984 (hieronder die artikel 1 van
5 Hoofwet genoem), word hierby gewysig deur in subartikel (1)— Wet 112 van 1984.
(a) na die omskrywing van "herroepe wet" die volgende omskrywing in te voeg:
"hoogste amp" die amp waaraan die hoogste pensioengewende salaris verbonde is"; en
- 10 (b) die omskrywing van "spesiale pensioen" deur die volgende omskrywing te vervang:
"spesiale pensioen" 'n pensioen wat ingevolge artikel 10 (1) (i) betaalbaar is en—
- 15 (a) by die toepassing van artikel 5 (1), ook 'n spesiale pensioen wat ingevolge artikel 14 van die Algemene Pensioenwet, 1979 (Wet No. 29 van 1979), betaalbaar is;
(b) ook 'n pensioen wat onmiddellik voor die vasgestelde datum ingevolge 'n herroepe wet betaalbaar was aan 'n voormalige lid wat op daardie datum 'n lid word;".
- 20 2. Artikel 8 van die Hoofwet word hierby gewysig deur die volgende subartikel by te voeg, terwyl die bestaande artikel subartikel (1) word:
"(2) 'n Lid bedoel in subartikel (1) aan wie 'n spesiale pensioen betaalbaar is, is vanaf die datum waarop sy lidmaatskap eindig, geregtig op 'n pensioen gelyk aan—
- 25 (a) die som van die spesiale pensioen en die pensioen wat ingevolge subartikel (1) vanaf daardie datum aan hom betaalbaar is; of

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PENSION SCHEME AMENDMENT ACT, 1985**

- (b) the pension to which he would have been entitled had his membership terminated on the date on which he vacated the office in respect of which the special pension is payable to him, whichever is the greater.”.

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Amendment of
section 10 of
Act 112 of 1984.

3. Section 10 of the principal Act is hereby amended by the addition of the following subsection, the existing section becoming subsection (1):

“(2) If a member, after he became entitled to a special pension, again assumes an office, and the pensionable salary applicable to that office is equal to or exceeds the pensionable salary which is, on the date on which that member so again assumes an office, applicable to the highest office in respect of which the said special pension is payable, payment of the special pension shall be suspended for so long as the member holds the first-mentioned office.”.

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Amendment of
section 12 of
Act 112 of 1984.

4. Section 12 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(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, in the case of—

- (a) any person to whom a pension is payable in terms of section 8 or 9, the highest pensionable salary of that person during the period of his pensionable service;
- (b) any person to whom a pension referred to in paragraph 25 (a) as well as a special pension is payable, the pensionable salary applicable to the highest office held by that person during his period of pensionable service;
- (c) a member to whom a special pension is payable, the difference between the pensionable salary applicable to the highest office in respect of which that special pension is payable and the pensionable salary of the member concerned.”.

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Short title and
commencement.

5. This Act shall be called the Members of Parliament and Political Office-bearers Pension Scheme Amendment Act, 1985, 35 and shall be deemed to have come into operation on 1 July 1984.

**WYSIGINGSWET OP DIE PENSIOENSKEMA VIR
PARLEMENTSLEDE EN POLITIEKE AMPSBEKLEËRS, 1985**

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- (b) die pensioen waarop hy geregtig sou gewees het indien sy lidmaatskap geëindig het op die datum waarop hy die amp ten opsigte waarvan die spesiale pensioen aan hom betaalbaar is, ontruim het,
 5 watter ook al die grootste is.”.

3. Artikel 10 van die Hoofwet word hierby gewysig deur die Wysiging van artikel 10 van Wet 112 van 1984.

volgende subartikel by te voeg, terwyl die bestaande artikel sub-

artikel (1) word:

- “(2) Indien 'n lid, nadat hy op 'n spesiale pensioen gereg-
 10 tig geword het, weer 'n amp aanvaar, en die pensioengewende salaris verbonde aan daardie amp gelyk is aan of hoër is as die pensioengewende salaris wat op die datum waarop daardie lid aldus weer 'n amp aanvaar, verbonde is aan die hoogste amp ten opsigte waarvan genoemde spe-
 15 siale pensioen betaalbaar is, word die betaling van die spe-
 siale pensioen opgeskort so lank as wat die lid eersge-
 noemde amp beklee.”.

4. Artikel 12 van die Hoofwet word hierby gewysig deur sub- Wysiging van artikel 12 van Wet 112 van 1984.

artikel (1) deur die volgende subartikel te vervang:

- “(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, in die geval van—
 20 (a) iemand aan wie 'n pensioen ingevolge artikel 8 of 9 be-
 taalbaar is, die hoogste pensioengewende salaris van die persoon gedurende sy pensioengewende diens nie;
 (b) iemand aan wie 'n pensioen bedoel in paragraaf (a) so-
 25 wel as 'n spesiale pensioen betaalbaar is, die pensioengewende salaris verbonde aan die hoogste amp wat daardie persoon tydens sy tydperk van pensioengewende diens beklee het nie;
 (c) 'n lid aan wie 'n spesiale pensioen betaalbaar is, die verskil tussen die pensioengewende salaris verbonde aan die hoogste amp ten opsigte waarvan daardie spesiale pensioen betaalbaar is en die pensioengewende
 30 salaris van die betrokke lid nie.”.

5. Hierdie Wet heet die Wysigingswet op die Pensioenskema vir Parlementslede en Politieke Ampsbekleërs, 1985, en word geag op 1 Julie 1984 in werking te getree het. Kort titel en inwerkingtreding.

