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STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 1416.

3 July 1985

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

No. 85 of 1985: Judges' Pensions Amendment Act, 1985.

No. 1416.

3 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. 85 van 1985: Wysigingswet op Pensioene van Regters, 1985.

Act No. 85, 1985

JUDGES' PENSIONS AMENDMENT ACT, 1985

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 further regulate the gratuity payable to judges; to regulate the payment of pension to a judge who has retired and who is thereafter appointed as a judge in an acting capacity; and to provide for incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 20 June 1985.)

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

Amendment of
section 2A of
Act 90 of 1978,
as inserted by
section 2 of
Act 66 of 1979.

1. Section 2A of the Judges' Pensions Act, 1978 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) Any judge who on or after **[1 January 1979]** 1 July 1984 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 15 held by him during his pensionable service shall be calculated in accordance with the formula—

$$[D \times E \times F] D \times 2 \times \frac{E}{15}$$

in which formula—

- (a) D represents the salary applicable to the office concerned at the time of such judge's retirement from office;
- (b) E **[represents 0,0672;**
- (c) **F]** represents the period **[in years]** of pensionable 25 service of such a judge in the office concerned, but not exceeding 20 years.”; and

(b) by the substitution for subsection (2) of the following subsection:

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

ALGEMENE VERDUIDELIKENDE NOTA:

- []** 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 gratifikasie betaalbaar aan regters verder te reël; die betaling van pensioen aan 'n regter wat afgetree het en daarna as regter in 'n waarnemende hoedanigheid aangestel word, te reël; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 20 Junie 1985.)

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

1. Artikel 2A van die Wet op Pensioene van Regters, 1978 (hieronder die Hoofwet genoem), word hierby gewysig—

5 (a) deur subartikel (1) deur die volgende subartikel te vervang:

10 “(1) Daar word aan 'n regter wat op of na **[1 Januarie 1979]** 1 Julie 1984 ingevolge artikel 2 afgetree het of aftree of kragtens artikel 10 (7) van die Wet op die Hooggeregshof, 1959 (Wet No. 59 van 1959), van sy amp onthef is of word op grond van onbekwaamheid wat voortspruit uit 'n permanente geeste- of liggaamswakheid wat hom ongeskik maak om sy ampspligte 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 bekleed ooreenkomstig die formule—

20
$$[D \times E \times F] D \times 2 \times \frac{E}{15}$$

bereken word, in welke formule—

- (a) D die salaris voorstel wat ten tyde van so 'n regter se aftrede aan die betrokke amp verbonde is;
- 25 (b) E **[0,0672 voorstel]**;
- (c) F **[in jare]** van pensioengewende diens maar hoogstens 20 jaar van so 'n regter in die betrokke amp voorstel.”; en
- (b) deur subartikel (2) deur die volgende subartikel te vervang:

30 “(2) Die bedrag van 'n gratifikasie ingevolge subartikel (1) aan 'n regter betaalbaar, bedra nie meer as drie maal sy hoogste salaris gedurende die tydperk van sy pensioengewende diens nie.”.

Wysiging van artikel 2A van Wet 90 van 1978, soos ingevoeg deur artikel 2 van Wet 66 van 1979.

Act No. 85, 1985

JUDGES' PENSIONS AMENDMENT ACT, 1985

Insertion of
section 3A in
Act 90 of 1978.

2. The following section is hereby inserted in the principal Act after section 3:

"Suspension
of pension
on appoint-
ment in act-
ing capacity.

3A. If a judge who retired or retires from office in terms of section 2, is appointed on or after 1 July 1984 as a judge in an acting capacity, any pension to which he is entitled in terms of this Act shall cease to be payable to him as from the date on which he is so appointed, but shall again become payable when the appointment in question expires or when he attains the age of 70 years, whichever happens first." 5 10

Amendment of
section 4A of
Act 90 of 1978,
as inserted by
section 6 of
Act 66 of 1979.

3. Section 4A of the principal Act is hereby amended by the substitution for the words preceding paragraph (a) of the following words:

"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] 1 July 1984, had he not died but, on the date of his death, retired from office in terms of section 2, there shall—". 15

Short title and
commencement.

4. This Act shall be called the Judges' Pensions Amendment Act, 1985, and shall be deemed to have come into operation on 1 July 1984. 20

WYSIGINGSWET OP PENSIOENE VAN REGTERS, 1985

Wet No. 85, 1985

2. Die volgende artikel word hierby in die Hoofwet na artikel 3 ingevoeg:
- “Opskorting van pensioen by aanstelling in waarnemende hoedanigheid.”
- 3A. Indien 'n regter wat ingevolge artikel 2 afgetree het of aftree, op of na 1 Julie 1984 as regter in 'n waarnemende hoedanigheid aangestel word, hou 'n pensioen waarop hy ingevolge hierdie Wet geregtig is op om aan hom betaalbaar te wees vanaf die datum waarop hy aldus aangestel word, maar word dit weer betaalbaar wanneer die betrokke aanstelling verstryk of wanneer hy die ouderdom van 70 jaar bereik, wat ook al die eerste gebeur.”.
3. Artikel 4A van die Hoofwet word hierby gewysig deur die woorde wat paragraaf (a) voorafgaan, deur die volgende woorde te vervang:
- “Indien 'n gratifikasie in artikel 2A bedoel aan 'n regter wat op of na **[1 Januarie 1979]** 1 Julie 1984 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—”.
4. Hierdie Wet heet die Wysigingswet op Pensioene van Regters, 1985, en word geag op 1 Julie 1984 in werking te getree het.
- Invoeëing van artikel 3A in Wet 90 van 1978.
- Wysiging van artikel 4A van Wet 90 van 1978, soos ingevoeg deur artikel 6 van Wet 66 van 1979.
- Kort titel en inwerkingtreding.

