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STAATSKOERANT

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KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 1619.

13 Julie 1990

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

No. 117 van 1990: Wysigingswet op die Pensioenwette, 1990.

No. 1619.

13 July 1990

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

No. 117 of 1990: Pension Laws Amendment Act, 1990.

Wet No. 117, 1990

WYSIGINGSWET OP DIE PENSIOENWETTE, 1990

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hake dui skappings uit bestaande verordenings aan.

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

WET

Tot wysiging van die Wet op die Pensioenfonds vir Geassosieerde Inrigtings, 1963, ten einde die lidmaatskap van en bydraes tot 'n pensioenfonds vir 'n pensioenskema vir persone wat by geassosieerde inrigtings aangestel word, verder te reël; en verdere voorsiening te maak vir die betaling van pensioenvoordele; tot wysiging van die Wet op Bedryfsiektes in Myne en Bedrywe, 1973, ten einde 'n bepaling betreffende verjaring te herroep; tot wysiging van die Wet op Militêre Pensioene, 1976, ten einde verdere voorsiening te maak vir die hersiening van pensioene; tot wysiging van die Algemene Pensioenwet, 1979, ten einde die koers te verhoog waarteen sekere rente aan die Regeringsdienspensioenfonds en die Pensioenfonds vir Tydelike Werknemers betaal moet word; en verdere voorsiening te maak vir die uitbetaling van voordele aan rustende lede van 'n pensioenfonds; om Die Ordonnansie op 'n Spaarfonds vir Natalse Nie-Europese Onderwysers, 1930, te herroep; om sekere voordele te verhoog wat ingevolge die Wet op Bedryfsiektes in Myne en Bedrywe, 1973, betaalbaar is; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 28 Junie 1990.)*

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

Wysiging van artikel 2 van Wet 41 van 1963, soos gewysig deur artikel 1 van Wet 86 van 1970, artikel 2 van Wet 97 van 1972, artikel 1 van Wet 97 van 1980, artikel 1 van Wet 106 van 1986 en artikel 1 van Wet 89 van 1988

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1. Artikel 2 van die Wet op die Pensioenfonds vir Geassosieerde Inrigtings, 1963, word hierby gewysig deur die volgende paragraaf by subartikel (2) te voeg:

“(i) die omstandighede waaronder, die prosedure waarvolgens en die grondslag en voorwaardes waarop die belang van 'n lid in die fonds, asook sy regte en verpligtinge ingevolge die fonds, aan 'n ander pensioenfonds oorgedra kan word, voorskryf.”

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Wysiging van artikel 3 van Wet 41 van 1963, soos vervang deur artikel 5 van Wet 98 van 1969 en gewysig deur artikel 11 van Wet 11 van 1971 en artikel 1 van Wet 123 van 1984

2. Artikel 3 van die Wet op die Pensioenfonds vir Geassosieerde Inrigtings, 1963, word hierby gewysig—

(a) deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

“(a) moet elke persoon wat op of na die bepaalde datum in 'n permanente hoedanigheid in diens by 'n geassosieerde inrigting aangestel is of word en wat nie ingevolge die voorwaardes van aanstelling verplig word om

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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 Associated Institutions Pension Fund Act, 1963, so as to further regulate the membership of and contributions to a pension fund for a pension scheme for persons appointed to associated institutions; and to further provide for the payment of pension benefits; to amend the Occupational Diseases in Mines and Works Act, 1973, so as to repeal a provision relating to prescription; to amend the Military Pensions Act, 1976, so as to further provide for the review of pensions; to amend the General Pensions Act, 1979, so as to increase the rate at which certain interest shall be payable to the Government Service Pension Fund and the Temporary Employees Pension Fund; and to further provide for the payment of benefits to dormant members of a pension fund; to repeal The Natal Non-European Teachers' Provident Fund Ordinance, 1930; to increase certain benefits payable in terms of the Occupational Diseases in Mines and Works Act, 1973; and to provide for matters connected therewith.

(Afrikaans text signed by the State President.)
(Assented to 28 June 1990.)

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

Amendment of section 2 of Act 41 of 1963, as amended by section 1 of Act 86 of 1970, section 2 of Act 97 of 1972, section 1 of Act 97 of 1980, section 1 of Act 106 of 1986
5 and section 1 of Act 89 of 1988

1. Section 2 of the Associated Institutions Pension Fund Act, 1963, is hereby amended by the addition to subsection (2) of the following paragraph:

10 “(i) prescribe the circumstances in which, the procedure according to which and the basis and conditions on which the interest of a member in the fund, including his rights and obligations in terms of the fund, may be transferred to any other pension fund.”

Amendment of section 3 of Act 41 of 1963, as substituted by section 5 of Act 98 of 1969 and amended by section 11 of Act 11 of 1971 and section 1 of Act 123 of 1984

15 2. Section 3 of the Associated Institutions Pension Fund Act, 1963, is hereby amended—

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

20 “(a) every person appointed to the service of an associated institution in a permanent capacity on or after the specified date and who is not obliged in terms of the conditions of appointment to become a member

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'n lid te word of by te dra tot 'n ander pensioenfonds as die fonds nie, behoudens die bepalings van die regulasies 'n lid van die fonds word en daartoe bydra;"; en

(b) deur subartikel (2) te skrap.

Invoeging van artikel 3A in Wet 41 van 1963

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3. Die volgende artikel word hierby na artikel 3 van die Wet op die Pensioenfonds vir Geassosieerde Inrigtings, 1963, ingevoeg:

"Betaling van pensioenvoordele aan lede wie se dienste beëindig word

3A. Indien—

- (a) die dienste van 'n lid van die fonds wat meer as tien jaar pensioenge- 10
wende diens tot sy krediet het, beëindig word by 'n geassosieerde
inrigting—
(i) weens die afskaffing van sy pos of vermindering van personeel
by die inrigting; 15
(ii) op grond daarvan dat sy diensbeëindiging doeltreffendheid of
besparing sal bevorder in die inrigting; of
(iii) weens ongeskiktheid vir sy pligte of onvermoë om hulle op
bekwame wyse uit te voer;
(b) die betrokke geassosieerde inrigting skriftelik onderneem om die 20
fonds te vergoed vir die voorgeskrewe jaargeld wat aan die lid betaal
word tot die laaste dag van die maand waarin hy die leeftyd bereik
waarop hy die reg sou gehad het om met pensioen af te tree indien
sy dienste nie aldus beëindig was nie; en
(c) die Minister dit dienstig ag dat die voorgeskrewe jaargeld en 25
gratifikasie aan die lid betaal word,
word daar deur die fonds aan die lid die voorgeskrewe jaargeld en
gratifikasie betaal."

Herroeping van artikel 128 van Wet 78 van 1973

4. Artikel 128 van die Wet op Bedryfsiektes in Myne en Bedrywe, 1973, word 30
hierby herroep.

Wysiging van artikel 11 van Wet 84 van 1976, soos gewysig deur artikel 8 van Wet 97 van 1980

5. Artikel 11 van die Wet op Militêre Pensioene, 1976, word hierby gewysig—
(a) deur die volgende paragraaf by subartikel (1) te voeg: 35
"(f) dat 'n hersiening van 'n lid se pensioen tot sy voordeel sal wees."; 35
(b) deur na paragraaf (d) van subartikel (3) die volgende paragraaf in te voeg:
"(e) dat die vermoede bedoel in paragraaf (f) van subartikel (1) bevestig
is,"; en
(c) deur die volgende paragraaf by subartikel (3) te voeg: 40
"(v) in 'n in paragraaf (e) bedoelde geval, die pensioen van die betrokke lid
onverwyld ooreenkomstig die bepalings van hierdie Wet wat dan op
die betrokke geval van toepassing is, herbereken, en word die aldus
herberekende pensioen met ingang van die eerste dag van die maand
wat onmiddellik volg op die maand waarin die pensioen aldus hersien
is, as 'n pensioen betaal.'" 45

Wysiging van artikel 12 van Wet 29 van 1979, soos gewysig deur artikel 6 van Wet 81 van 1982

6. Artikel 12 van die Algemene Pensioenwet, 1979, word hierby gewysig deur
paragraaf (b) van subartikel (2) deur die volgende paragraaf te vervang: 50
"(b) rente teen [5,5] 15% per jaar op die bedrag bedoel in paragraaf (a), jaarliks
saamgestel soos op 31 Maart, en bereken vanaf die vasgestelde datum tot
die datum waarop bedoelde bedrag aan die betrokke pensioenfonds
ingevoel hierdie subartikel betaal word."

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- of or contribute to any pension fund other than the fund, shall, subject to the provisions of the regulations, become a member of and contribute to the fund;"; and
- (b) by the deletion of subsection (2).

5 Insertion of section 3A in Act 41 of 1963

3. The following section is hereby inserted after section 3 of the Associated Institutions Pension Fund Act, 1963:

"Payment of pension benefits to members whose services are terminated**3A. If—**

- 10 (a) the services of a member of the fund who has more than ten years' pensionable service to his credit are terminated at an associated institution—
- (i) on account of the abolition of his post or reduction of staff at the institution;
- 15 (ii) on the ground that his termination of service will promote efficiency or economy in the institution; or
- (iii) on account of unfitness for his duties or incapacity to carry them out efficiently;
- 20 (b) the associated institution concerned undertakes in writing to compensate the fund for the prescribed annuity paid to the member up to the last day of the month in which he attains the age on which he would have had the right to retire on pension had his services not been so terminated; and
- 25 (c) the Minister deems it expedient that the prescribed annuity and gratuity be paid to the member,
- the prescribed annuity and gratuity shall be paid by the fund to such member."

Repeal of section 128 of Act 78 of 1973

4. Section 128 of the Occupational Diseases in Mines and Works Act, 1973, is hereby repealed.

Amendment of section 11 of Act 84 of 1976, as amended by section 8 of Act 97 of 1980

5. Section 11 of the Military Pensions Act, 1976, is hereby amended—

- (a) by the addition to subsection (1) of the following paragraph:
- 35 "(f) that a review of a member's pension will be to his advantage.";
- (b) by the insertion after paragraph (d) of subsection (3) of the following paragraph:
- 40 "(e) that the belief referred to in paragraph (f) of subsection (1) has been confirmed,"; and
- (c) by the addition to subsection (3) of the following paragraph:
- 45 "(v) in any case referred to in paragraph (e), the pension of the member concerned shall forthwith be recalculated in accordance with the provisions of this Act which then apply to the case concerned, and the pension so recalculated shall, with effect from the first day of the month following immediately on the month in which the pension was so reviewed, be paid as a pension."

Amendment of section 12 of Act 29 of 1979, as amended by section 6 of Act 81 of 1982

6. Section 12 of the General Pensions Act, 1979, is hereby amended by the substitution for paragraph (b) of subsection (2) of the following paragraph:

- 50 "(b) interest calculated at [5,5] 15% per annum on the amount referred in paragraph (a), compounded annually as at 31 March, and calculated from the fixed date to the date on which the said amount is paid to the pension fund in question in terms of this subsection."

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Wysiging van artikel 15 van Wet 29 van 1979, soos gewysig deur artikel 3 van Wet 67 van 1981, artikel 8 van Wet 123 van 1984, artikel 7 van Wet 106 van 1986 en artikel 16 van Wet 89 van 1988

7. Artikel 15 van die Algemene Pensioenwet, 1979, word hierby gewysig deur paragraaf (e) van subartikel (4) deur die volgende paragraaf te vervang: 5

“(e) ‘vasgestelde datum’—

- (i) die datum waarop ’n rustende lid (uitgesonderd ’n lid in subparagraaf (ii) bedoel) die leeftyd bereik waarop hy, onmiddellik voor die datum waarop sy lidmaatskap beëindig is soos in subartikel (1) beoog, die reg sou gehad het om met pensioen af te tree; of 10
- (ii) die datum wat deur die Direkteur-generaal bepaal word in die geval van ’n rustende lid wat nog nie die leeftyd bedoel in subparagraaf (i) bereik het nie en wie se omstandighede na die oordeel van die Direkteur-generaal van so ’n aard is dat hy op grond van voortdurende swak gesondheid wat nie deur sy eie toedoen veroorsaak is nie of enige ander voorgeskrewe rede met pensioen sou afgetree het of afgedank of ontslaan sou gewees het indien hy ’n bydraende lid was van die pensioenfonds waarvan hy ’n rustende lid is;”. 15

Herroeping van Ordonnansie 10 van 1930 (Natal)

8. (1) Die Ordonnansie op ’n Spaarfonds vir Natalse Nie-Europese Onderwysers, 1930 (Natal), word hierby vanaf 1 April 1990 herroep.

(2) Vanaf gemelde datum—

- (a) hou die Spaarfonds vir Natalse Nie-Europese Onderwysers bedoel in artikel 2 van gemelde Ordonnansie (hieronder in hierdie artikel die Spaarfonds genoem) op om te bestaan; 25
- (b) word die Regeringsdienspensioenfonds ingestel by artikel 3 van die Regeringsdienspensioenwet, 1973 (Wet No. 57 van 1973) (hieronder in hierdie artikel die Pensioenfonds genoem), gekrediteer met alle bedrae wat op daardie datum tot die krediet van die Spaarfonds gestaan het;
- (c) word alle regte en verpligtinge, bestaande sowel as toekomstige, van die Spaarfonds die regte en die verpligtinge van die Pensioenfonds; en 30
- (d) word ’n verwysing in enige wet na die Spaarfonds uitgelê as ’n verwysing na die Pensioenfonds.

Verhoging van sekere voordele

9. (1) Behoudens die bepalings van subartikel (2) word ’n voordeel soos omskryf in artikel 1 van die Wet op Bedryfsiektes in Myne en Bedrywe, 1973 (Wet No. 78 van 1973) (hieronder die Wet genoem), wat ingevolge die Wet betaalbaar is en wat by artikel 2 van die Wysigingswet op die Pensioenwette, 1987 (Wet No. 88 van 1987) (met inbegrip van die wette in daardie artikel genoem), en artikel 1 van die Wysigingswet op die Pensioenwette, 1989 (Wet No. 79 van 1989), verhoog is, verder 40 verhoog, in die geval van—

- (a) ’n voordeel beoog in artikels 79 (4), 83 (1) en 91 (1) van die Wet, met ingang van 1 April 1990 tot R24 154,00;
- (b) ’n enkelbedragvoordeel beoog in artikel 79 (6) van die Wet, met ingang van 1 Januarie 1989 met R4 664,00 en met ingang van 1 April 1990 met R3 009,00; 45
- (c) ’n voordeel beoog in artikels 80 (1), 80 (3), 80 (4) en 82 (1) van die Wet, met 15 persent;
- (d) ’n enkelbedragvoordeel beoog in artikels 87 (1), 87 (3), 87 (4) en 88 (2) van die Wet, met 17 persent; en 50
- (e) ’n enkelbedragvoordeel beoog in artikel 106 van die Wet, met 20 persent.

(2) By die berekening van ’n voordeel in subartikel (1) bedoel, word ’n breukdeel van ’n rand tot die volgende volle rand bereken.

Kort titel

10. Hierdie Wet heet die Wysigingswet op die Pensioenwette, 1990.

PENSION LAWS AMENDMENT ACT, 1990

Act No. 117, 1990

Amendment of section 15 of Act 29 of 1979, as amended by section 3 of Act 67 of 1981, section 8 of Act 123 of 1984, section 7 of Act 106 of 1986 and section 16 of Act 89 of 1988

7. Section 15 of the General Pensions Act, 1979, is hereby amended by the substitution for paragraph (d) of subsection (4) of the following paragraph:

“(d) ‘fixed date’ means—

- (i) the date on which a dormant member (excluding a member referred to in subparagraph (ii)) attains the age at which he, immediately before the date on which his membership was terminated as contemplated in subsection (1), would have had the right to retire on pension; or
- (ii) the date determined by the Director-General in the case of a dormant member who has not yet attained the age referred to in subparagraph (i) and whose circumstances are in the opinion of the Director-General of such a nature that he would have retired or would have been retired or discharged on pension on the ground of continued ill-health which has not been occasioned by his own default or any other prescribed reason had he been a contributing member of the pension fund of which he is a dormant member;”.

Repeal of Ordinance 10 of 1930 (Natal)

8. (1) The Natal Non-European Teachers' Provident Fund Ordinance, 1930 (Natal), is hereby repealed with effect from 1 April 1990.

(2) As from the said date—

- (a) the Natal Non-European Teachers' Provident Fund referred to in section 2 of the said Ordinance (hereinafter referred to as the Provident Fund) shall cease to exist;
- (b) the Government Service Pension Fund established by section 3 of the Government Service Pension Fund Act, 1973 (Act No. 57 of 1973) (hereinafter referred to as the Pension Fund), shall be credited with all amounts which on that date are credited to the Provident Fund;
- (c) all rights and liabilities, existing as well as prospective, of the Provident Fund shall become the rights and liabilities of the Pension Fund; and
- (d) any reference in any law to the Provident Fund shall be construed as a reference to the Pension Fund.

Increase in certain benefits

9. (1) Subject to the provisions of subsection (2), a benefit as defined in section 1 of the Occupational Diseases in Mines and Works Act, 1973 (Act No. 78 of 1973) (hereinafter referred to as the Act), which is payable in terms of the Act and which was increased by section 2 of the Pension Laws Amendment Act, 1987 (Act No. 88 of 1987) (including the laws mentioned in that section), and section 1 of the Pension Laws Amendment Act, 1989 (Act No. 79 of 1989), shall be further increased, in the case of—

- (a) a benefit contemplated in sections 79 (4), 83 (1) and 91 (1) of the Act, to R24 154,00 with effect from 1 April 1990;
- (b) a one-sum benefit contemplated in section 79 (6) of the Act, by R4 664,00 with effect from 1 January 1989 and by R3 009,00 with effect from 1 April 1990;
- (c) a benefit contemplated in sections 80 (1), 80 (3), 80 (4) and 82 (1) of the Act, by 15 per cent;
- (d) a one-sum benefit contemplated in sections 87 (1), 87 (3), 87 (4) and 88 (2) of the Act, by 17 per cent; and
- (e) a one-sum benefit contemplated in section 106 of the Act, by 20 per cent.

(2) In calculating any benefit referred to in subsection (1), a fraction of a rand shall be calculated to the next complete rand.

Short title

10. This Act shall be called the Pension Laws Amendment Act, 1990.

