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GOVERNMENT NOTICE.

DEPARTMENT OF SOCIAL WELFARE AND PENSIONS

No. R.2031.]

[22nd December, 1965]

GOVERNMENT SERVICE PENSIONS ACT, 1965.

The Minister of Social Welfare and Pensions has, by virtue of the powers vested in him by section five of the Government Service Pensions Act, 1965, made the following regulations providing for the management and control of the South African Police and Prisons Service Pension Fund, the Additional Benefits Account and for certain pension schemes in conjunction with or apart from the Fund.

CHAPTER I.

THE SOUTH AFRICAN POLICE AND PRISONS SERVICE PENSION FUND.

Interpretation of terms.

1. In these regulations, unless the context otherwise indicates, any expression to which a meaning has been assigned in section one of the Act, bears, when used in these regulations, the same meaning, and except where specially defined—

(i) "arrear contributions" means—

(a) any contributions paid or due by a contributor in respect of any period of employment referred to in sub-regulation (1) of regulation 6;

(b) in relation to a member who has made an election in terms of sub-regulation (2) of regulation 8 an amount which is equal to the difference between—

(i) the amount of the contributions which the member would have paid to the Fund, in circumstances described in paragraph (a) of the said sub-regulation, during a period of past pensionable service reckoned as pensionable service for purposes of the Fund in terms of that sub-regulation; and

(ii) the amount of the member's transferred contributions if the amount of such transferred contributions is less than the amount of the contributions referred to in sub-paragraph (i);

and which is payable by the member to the Fund;

GOEWERMENSKENNISGEWING.

DEPARTEMENT VAN VOLKSWELSYN EN PENSIOENE

No. R.2031.]

[22 Desember 1965.]

REGERINGSDIENSPENSIOENWET, 1965.

Die Minister van Volkswelsyn en Pensioene het, kragtens die bevoegdheid hom verleen by artikel vyf van die Regeringsdienspensioenwet, 1965, onderstaande regulasies gemaak wat vir die bestuur en beheer van die Suid-Afrikaanse Polisie- en Gevangensdienspensioenfonds, die Bykomstige Voordelekening en sekere pensioenskemas, tesame met of afsonderlik van die Fonds voorsiening maak.

HOOFTUK I.

DIE SUID-AFRIKAANSE POLISIE- EN GEVANGENISDIENSPENSIOENFONDS.

Woordomskrywing.

1. In hierdie regulasies, tensy uit die samehang anders blyk, het enige uitdrukking waaraan 'n betekenis in artikel een van die Wet geheg is, dieselfde betekenis wanneer dit in hierdie regulasies gebruik word en, behalwe waar spesiaal omskryf, beteken—

(i) "agterstallige bydraes"—

(a) enige bydraes betaal of verskuldig deur 'n bydraer ten opsigte van enige tydperk van diens in subregulasie (1) van regulasie 6 genoem;

(b) met betrekking tot 'n lid wat kragtens subregulasie (2) van regulasie 8 'n keuse gedoen het, 'n bedrag wat gelyk is aan die verskil tussen—

(i) die bedrag van die bydraes wat die lid aan die Fonds sou betaal het in omstandighede in paragraaf (a) van genoemde subregulasie beskryf, gedurende 'n tydperk van vorige pensioengewende diens wat ooreenkomstig daardie subregulasie vir die doeleindes van die Fonds as pensioengewende diens gereken word; en

(ii) die bedrag van die lid se oorgedraagde bydraes as die bedrag van sodanige oorgedraagde bydraes minder is as die bedrag van die bydraes in sub-paragraaf (i) genoem;

en wat deur die lid aan die Fonds betaalbaar is;

- (c) in relation to a member to whom sub-regulation (2) of regulation 10 applies an amount which is equal to the difference between—
- (i) the amount of the contributions which the member would have paid to the Fund, in circumstances described in paragraph (a) of the said sub-regulation, during the period of pensionable employment under the Railway Administration prior to his transfer to the Police Force or Prisons Service; and
 - (ii) the amount of the member's transferred contributions paid from the New Superannuation Fund to the Fund, if the amount of such transferred contributions is less than the amount of the contributions referred to in sub-paragraph (i);
- and which is payable by the member to the Fund;
- (d) any contributions or amount referred to in the definition of "arrear contributions" in section one of the Pensions Act,
- but does not include interest or any amount deemed to be interest;
- (ii) "contributions" means the contributions paid or due by a contributor to the old fund or the Fund in accordance with the appropriate scale of contributions in force from time to time, but does not include interest;
- (iii) "contributor" means a contributor to the Fund and includes a member absent from duty with or without leave or under suspension from duty who was a contributor immediately prior thereto;
- (iv) "dependant", in relation to any person, means—
- (a) the widow or a minor child or stepchild, or a legally adopted minor child of such person;
 - (b) any other relative or person dependent upon such person for maintenance;
- (v) "excess contributions" means—
- (a) in the case of a member who was, in respect of any period included in his pensionable service in terms of sub-paragraph (ii) of paragraph (a) or paragraph (b) of sub-section (3) or sub-section (4) or (4) *bis* of section eight of the Pensions Act, or sub-section (1) of section nine of the Pension Laws Amendment Act, 1957 (Act No. 62 of 1957), required to pay an amount determined in accordance with paragraph (b) of sub-section (5) of the said section eight or paragraph (a) of sub-section (2) of the said section nine, as the case may be, one quarter of the amount (determined in accordance with the prescribed formula) deemed to be the amount which would have been payable in contributions to the Fund by and in respect of the contributor had the provisions of sub-section (1) of the said section eight been applicable in respect of the period so included;
 - (b) in the case of a member who is required, in respect of any period included in his pensionable service in terms of sub-paragraph (ii) of paragraph (a) or paragraph (b) of sub-regulation (3) or sub-regulation (4) or (5) of regulation 6, to pay an amount determined in accordance with paragraph (b) of sub-regulation (6) of that regulation, one-quarter of the amount (determined in accordance with the prescribed formula) deemed for purposes of these regulations to be the amount which would have been payable in contributions to the Fund by and in respect of the member had the provisions of sub-regulation (1) of the said regulation 6 been applicable in respect of the period so included;

- (c) met betrekking tot 'n lid op wie subregulasie (2) van regulasie 10 van toepassing is, 'n bedrag wat gelyk is aan die verskil tussen—
- (i) die bedrag van die bydraes wat die lid aan die Fonds sou betaal het in omstandighede in paragraaf (a) van genoemde subregulasie beskryf, gedurende die tydperk van pensioengewende diens onder die Spoorwegadministrasie voor sy oorpasing na die Polisiemag of die Gevangenisdiens; en
 - (ii) die bedrag van die lid se oorgedraagde bydraes uit die Nuwe Superannuasiefonds aan die Fonds betaal, indien die bedrag van sodanige oorgedraagde bydraes minder is as die bedrag van die bydraes in sub-paragraaf (i) genoem;
- en wat deur die lid aan die Fonds betaalbaar is;
- (d) enige bydraes of bedrag genoem in die omskrywing van „agterstallige bydraes” in artikel een van die Pensioenwet,
- maar omvat nie rente of enige bedrag geag rente te wees nie;
- (ii) „bydraes” die bydraes betaal of verskuldig deur 'n bydraer aan die ou fonds of die Fonds ooreekomstig die toepaslike skaal van bydraes wat van tyd tot tyd van krag is, maar omvat nie rente nie;
- (iii) „bydraer” 'n bydraer tot die Fonds en omvat 'n lid wat met of sonder verlof van diens afwesig is of in diens geskors is, wat onmiddellik voor sodanige verlof of skorsing 'n bydraer was;
- (iv) „afhanklike” met betrekking tot enige persoon—
- (a) die weduwee of 'n minderjarige kind of stiefkind of 'n wettig aangenome minderjarige kind van sodanige persoon;
 - (b) enige ander familiebetrekking of persoon wat van sodanige persoon vir onderhoud afhanklik is;
- (v) „meerdere bydraes”—
- (a) in die geval van 'n lid wat ten opsigte van enige tydperk wat by sy pensioengewende diens ingereken is kragtens subparagraaf (ii) van paragraaf (a) of paragraaf (b) van subartikel (3) of subartikel (4) of (4) *bis* van artikel agt van die Pensioenwet, of subartikel (1) van artikel nege van die Wysigingswet op die Pensioenwette, 1957 (Wet No. 62 van 1957), verplig was om 'n bedrag bepaal ooreekomstig paragraaf (b) van subartikel (5) van genoemde artikel agt of paragraaf (a) van subartikel (2) van genoemde artikel nege, na gelang van die geval, te betaal, 'n kwart van die bedrag (bepaal ooreekomstig die voorgeskrewe formula) wat geag word die bedrag te wees wat aan bydraes aan die Fonds betaalbaar sou gewees het deur en ten opsigte van die bydraer as die bepalings van subartikel (1) van genoemde artikel agt ten opsigte van die tydperk aldus ingereken, van toepassing was;
 - (b) in die geval van 'n lid wat ten opsigte van enige tydperk wat kragtens subparagraaf (ii) van paragraaf (a) of paragraaf (b) van subregulasie (3) of subregulasie (4) of (5) van regulasie 6 by sy pensioengewende diens ingereken is, verplig is om 'n bedrag bepaal ooreekomstig paragraaf (b) van subregulasie (6) van daardie regulasie te betaal, 'n kwart van die bedrag (bepaal ooreekomstig die voorgeskrewe formule) wat vir die toepassing van hierdie regulasies geag word die bedrag te wees wat aan bydraes aan die Fonds betaalbaar sou gewees het deur en ten opsigte van die lid as die bepalings van subregulasie (1) van genoemde regulasie 6 ten opsigte van die tydperk aldus ingereken, van toepassing was;

(c) in the case of a member who made an election in terms of sub-section (2) of section *twenty-six* of the Government Service Pensions Act, 1936, or sub-section (2) of section *thirteen* of the Pensions Act or who makes an election in terms of sub-regulation (2) of regulation 8, an amount which is equal to the difference between—

(i) the amount of the contributions which would have been payable in respect of that member to the old fund or the Fund if, during the period of his past pensionable service, he had been a member of the old fund or the Fund, as the case may be, and such contributions had been paid from revenue at the rate at which the said member would have paid had he been required to pay in accordance with the appropriate scale of contributions in force at the date on which he became a contributor to the Fund; and

(ii) the amount of the contributions which were paid in respect of the said member to a person or provident fund administered under a law referred to in sub-section (1) of section *twenty-six* of the Government Service Pensions Act, 1936, sub-section (1) of section *thirteen* of the Pensions Act or sub-regulation (1) of regulation 8, and which formed part of the amount transferred from such fund to the Fund in accordance with a determination made in terms of such sub-section or sub-regulation, if the amount of the said contributions is less than the amount of the contributions referred to in sub-paragraph (i);

and which is payable by the said member in accordance with such determination;

(vi) "member" means—

(a) a person who pays contributions to the Fund in terms of regulation 3; and

(b) any person to whom or in respect of whom a pension or any other amount is payable from the Fund;

(vii) "own contributions" means the contributions paid by a contributor to the old fund and the contributions paid or due by a contributor to the Fund and includes—

(a) any arrear or transferred contributions; and

(b) in the case of a member who was, in respect of any period included in his pensionable service in terms of sub-paragraph (ii) of paragraph (a) or paragraph (b) of sub-section (3) or sub-section (4) or (4) *bis* of section *eight* of the Pensions Act, or sub-section (1) of section *nine* of the Pension Laws Amendment Act, 1957, required to pay an amount determined in accordance with paragraph (b) of sub-section (5) of the said section *eight* or paragraph (a) of sub-section (2) of the said section *nine*, as the case may be, one half of the amount which, in accordance with the prescribed formula, is deemed to be the amount which would have been payable in contributions to the Fund by and in respect of the contributor had the provisions of sub-section (1) of the said section *eight* been applicable in respect of the period so included;

(c) in the case of a member who is required in respect of any period included in his pensionable service in terms of sub-paragraph (ii) of paragraph (a) or paragraph (b) of sub-regulation (3) or sub-regulation (4) or (5) of regulation 6, to pay an amount determined in accordance with paragraph (b) of sub-regulation (6) of that regulation, one-half of the amount (determined in accordance with the prescribed formula), is deemed to be the amount which

(c) in die geval van 'n lid wat kragtens sub-artikel (2) van artikel *ses-en-twintig* van die Regeringsdienspensioenwet, 1936, of subartikel (2) van artikel *dertien* van die Pensioenwet 'n keuse gedoen het, of kragtens subregulasie (2) van regulasie 8 'n keuse doen, 'n bedrag wat gelyk is aan die verskil tussen—

(i) die bedrag van die bydraes wat ten opsigte van daardie lid aan die ou fonds of die Fonds betaalbaar sou gewees het, as hy gedurende die tydperk van sy vorige pensioengewende diens 'n lid van die ou fonds of die Fonds, na gelang van die geval, was en sodanige bydraes uit inkomste betaal is volgens die skaal waarvolgens genoemde lid sou betaal het as hy verplig was om te betaal ooreenkomstig die toepaslike skaal van bydraes wat op die datum waarop hy 'n bydraer tot die Fonds geword het, van krag was; en

(ii) die bedrag van die bydraes wat ten opsigte van genoemde lid betaal is aan 'n pensioen- of voorsorg- of ondersteuningsfonds wat bestuur word kragtens 'n wet genoem in subartikel (1) van artikel *ses-en-twintig* van die Regeringsdienspensioenwet, 1936, subartikel (1) van artikel *dertien* van die Pensioenwet of subregulasie (1) van regulasie 8, en wat deel uitgemaak het van die bedrag wat uit sodanige fonds na die Fonds oorgedra is ooreenkomstig 'n bepaling kragtens sodanige subartikel of subregulasie gemaak, as die bedrag van sodanige bydraes minder is as die bedrag van die bydraes in subparagraaf (i) genoem;

en wat ooreenkomstig sodanige bepaling deur genoemde lid betaalbaar is;

(vi) „lid”—

(a) iemand wat ingevolge regulasie 3 bydraes aan die Fonds betaal; en

(b) enige persoon aan wie of ten opsigte van wie 'n pensioen of enige ander bedrag uit die Fonds betaalbaar is;

(vii) „eie bydraes” die bydraes deur 'n bydraer aan die ou fonds betaal en die bydraes betaal of verskuldig deur 'n bydraer aan die Fonds en omvat—

(a) enige agterstallige of oorgedraagde bydraes; en

(b) in die geval van 'n lid wat verplig was om ten opsigte van enige tydperk wat by sy pensioengewende diens ingereken is kragtens subparagraaf (ii) van paragraaf (a) of paragraaf (b) van subartikel (3) of subartikel (4) of (4) *bis* van artikel *agt* van die Pensioenwet, of subartikel (1) van artikel *nege* van die Wysigingswet op die Pensioenwette, 1957, 'n bedrag te betaal wat bepaal is ooreenkomstig paragraaf (b) van subartikel (5) van genoemde artikel *agt* of paragraaf (a) van subartikel (2) van genoemde artikel *nege*, na gelang van die geval, die helfte van die bedrag wat ooreenkomstig die voorgeskrewe formule geag word die bedrag te wees wat aan bydraes aan die Fonds betaalbaar sou gewees het deur en ten opsigte van die bydraer as die bepalings van subartikel (1) van genoemde artikel *agt* ten opsigte van die tydperk aldus ingereken, van toepassing was;

(c) in die geval van 'n lid wat verplig is om ten opsigte van enige tydperk wat by sy pensioengewende diens ingereken is kragtens subparagraaf (ii) van paragraaf (a) of paragraaf (b) van subregulasie (3) of subregulasie (4) of (5) van regulasie 6, 'n bedrag te betaal wat bepaal is ooreenkomstig paragraaf (b) van subregulasie (6) van daardie regulasie, die helfte van die bedrag bepaal ooreenkomstig die voorgeskrewe formule, wat geag word die bedrag te

would have been payable in contributions by and in respect of the member had the provisions of sub-regulation (1) of the said regulation 6 been applicable in respect of the period so included;

- (d) in the case of a non-White member who was, in respect of any period included in his pensionable service in accordance with an election made in terms of sub-section (4) of section *forty-three* of the Pensions Act, required to pay to the Fund an amount determined in accordance with sub-section (5) of that section, so much of that amount as is deemed to be the amount which the member would have paid in contributions had the provisions of sub-section (1) of section *eight* of the Pensions Act been applicable in respect of the period so included;
- (viii) "pensionable age" means the age of a member on the day on which in accordance with the provisions of sub-section (2) or (4) of section *eight* of the Act, the said member shall have the right to retire and shall be retired on pension;
- (ix) "pensionable emoluments" includes—
- a person's pay and any special allowance attached to a particular office if such allowance be declared by the Commission to be pensionable;
 - so much of any personal allowance granted to a person in consideration of his pay being reduced otherwise than as a penalty, or of any ration allowance or the value of free rations, or of any allowance for quarters or the value of free quarters not exceeding one-sixth of the person's other pensionable emoluments, or of any fuel, light or washing allowance or the value of free fuel, light or washing, as is declared by the Commissioner to be pensionable, but does not include—
 - any cost-of-living or climatic allowance;
 - any special remuneration which a person may receive for performing special duties or while acting in any office;
 - any transport or subsistence allowance;
 - any fees, honoraria or bonuses of any kind;
 - any overtime payments; or
 - any other allowances not herein specified;
- (x) "pensionable service" means pensionable service according to the provisions of regulation 12;
- (xi) "prescribed formula" in relation to any matter to be determined in accordance with a prescribed formula, means a formula furnished in respect of that matter by an actuary and approved by the Minister on the recommendation of the Commission, and includes any supplementary table to be used in conjunction with such formula;
- (xii) "the Act" means the Government Service Pensions Act, 1965;
- (xiii) "the Fund" means the South African Police and Prisons Service Pension Fund referred to in sub-section (1) of section *two* of the Act;
- (xiv) "the New Superannuation Fund" means the New Railways and Harbour Superannuation Fund referred to in section *three* of the Railways and Harbours Superannuation Act, 1960 (Act No. 39 of 1960);
- (xv) "the transfer date", in relation to any member to whom sub-regulation (3) of regulation 7, sub-regulation (1) of regulation 9 or sub-regulation (3) of regulation 10 applies, means the date from which that ceases to be a contributor to the Fund;
- (xvi) "transferred contributions" means the contributions which were paid—
- by a member to another pension or provident fund in accordance with the provisions regulating that fund; or

wees wat aan bydraes betaalbaar sou gewees het deur en ten opsigte van die lid as die bepalings van subregulasie (1) van genoemde regulasie 6 ten opsigte van die tydperk aldus ingereken, van toepassing was;

- (d) in die geval van 'n nie-Blanke lid wat verplig was om ten opsigte van enige tydperk wat by sy pensioengewende diens ingereken is ooreenkomstig 'n keuse kragtens subartikel (4) van artikel *drie-en-veertig* van die Pensioenwet gedoen, 'n bedrag aan die Fonds te betaal wat bepaal is ooreenkomstig subartikel (5) van daardie artikel, soveel van daardie bedrag as wat geag word die bedrag te wees wat die lid aan bydraes sou betaal het as die bepalings van subartikel (1) van artikel *agt* van die Pensioenwet van toepassing was ten opsigte van die tydperk aldus ingereken;
- (viii) „pensioenleef tyd” die leeftyd van 'n lid op die dag waarop genoemde lid ooreenkomstig die bepalings van subartikel (2) of (4) van artikel *agt* van die Wet die reg het om met pensioen af te tree en met pensioen afgedank moet word;
- (ix) „pensioengewende verdienste” ook—
- 'n persoon se besoldiging en enige spesiale toelae verbonde aan 'n bepaalde betrekking as sodanige toelae deur die Kommissie verklaar word pensioengewend te wees;
 - soveel van enige persoonlike toelae wat aan 'n persoon toegeken is uit oorweging daarvan dat sy besoldiging op 'n ander wyse as 'n straf verminder is, of van enige rantsoentoelae of die waarde van vry rantsoene, of van enige toelae vir kwartiere of die waarde van vry kwartiere, maar hoogstens 'n sesde van die persoon se ander pensioengewende verdienste, of van enige brandstof-, lig- of wasgoedtoelae of die waarde van vry brandstof, lig of wasgoed, as wat die Kommissie verklaar pensioengewend te wees, maar omvat nie—
 - enige lewenskoste- of klimaatstoelae;
 - enige spesiale besoldiging wat 'n persoon ontvang vir die uitvoering van spesiale pligte of terwyl hy in enige betrekking waarneem;
 - enige vervoer- of verblyftoelae;
 - enige gelde, honoraria of bonusse van water aard ook al;
 - enige oortydbetalings; of
 - enige ander toelaes nie hierin gespesifiseer nie;
- (x) „pensioengewende diens” pensioengewende diens ooreenkomstig die bepalings van regulasie 12;
- (xi) „voorgeskrewe formule” met betrekking tot enige saak wat ooreenkomstig 'n voorgeskrewe formule bepaal moet word, 'n formule deur 'n aktuaris ten opsigte van daardie saak, verstrekkend deur die Minister op aanbeveling van die Kommissie goedgekeur en omvat enige aanvullende tabel wat saam met sodanige formule gebruik moet word;
- (xii) „die Wet” die Regeringsdienspensioenwet, 1965;
- (xiii) „die Fonds” die Suid-Afrikaanse Polisie- en Gevangensdienspensioenfonds in subartikel (1) van artikel *twee* van die Wet genoem;
- (xiv) „die Nuwe Superannuasiefonds” die Nuwe Spoorweg- en Hawesuperannuasiefonds in artikel *drie* van die Wet op die Spoorweg- en Hawesuperannuasiefonds, 1960 (Wet No. 39 van 1960) genoem;
- (xv) „die oorplatingsdatum”, met betrekking tot enige lid, op wie subregulasie (3) van regulasie 7, subregulasie (1) van regulasie 9 of subregulasie (3) van regulasie 10 van toepassing is, die datum waarop daardie lid ophou om 'n bydraer tot die Fonds te wees;
- (xvi) „oorgedraagde bydraes” die bydraes wat betaal is—
- deur 'n lid aan 'n ander pensioen- of voorsorg- of ondersteuningsfonds ooreenkomstig die bepalings van toepassing op daardie fonds; of

(b) by a contributor to the New Superannuation Fund in accordance with the provisions of the law applicable to that Fund;

and which formed or forms part or the whole of any payment made to the old fund or the Fund, as the case may be, in terms of—

- (i) sub-section (2) of section *twenty-six*, sub-section (1) of section *twenty-eight* or sub-section (1) of section *seventy-two* of the Government Service Pensions Act, 1936; or
- (ii) sub-section (2) of section *twelve*, sub-section (2) of section *thirteen*, sub-section (1) of section *fifteen* or sub-section (1) of section *ninety-three* of the Pensions Act; or
- (iii) sub-regulation (2) or (4) of regulation 7, sub-regulation (2) of regulation 8 or sub-regulation (2) of regulation 10,

but does not include interest or any amount deemed to be interest;

(xvii) "Treasury" means the Minister of Finance or any officer in the Department of Finance authorized by the said Minister to perform any of the functions assigned to the Treasury in these regulations.

PART I: MEMBERSHIP.

Qualifications for membership.

2. (1) No person shall contribute to the Fund—

- (a) (i) until he attains the age of fifteen years;
- (ii) in respect of any period of continuous employment referred to in sub-regulation (1) of regulation 6 while he was under the age of fifteen years
- (b) if he receives pensionable emoluments at a rate of less than one hundred and eighty rand per annum;
- (c) if he has been engaged for the completion or performance of specific work;
- (d) if his whole time is not at the disposal of the Government;
- (e) while employed for a fixed number of months or years;
- (f) while employed temporarily.

(2) Notwithstanding the provisions of paragraph (a) of sub-regulation (1), no person who became a member of the Fund from a date prior to the seventh day of July, 1961, shall be permitted to contribute to the Fund in respect of any period of his continuous employment referred to in sub-regulation (1) of regulation 6 while he was under the age of sixteen years.

Contributions.

3. Any person who—

- (a) immediately prior to the fixed date was a contributor to the Fund; or
- (b) on or after the said date is appointed as a member of the Police Force or Prisons Service,

shall, subject in the case of any person referred to in paragraph (b) to the provisions of regulation 2, contribute to the Fund in accordance with the following scale—

Males		Females	
Age last birthday at commencement of pensionable service.	Percentage of pensionable emoluments.	Age last birthday at commencement of pensionable service.	Percentage of pensionable emoluments.
Up to 21	7½	Up to 21	6½
22 to 26	8½	22 to 26	7½
27 to 30	8½	27 to 30	7½
31 to 34	9	31 to 34	8½
35 and over	9½	35 to 38	8½
		39 and over	9½

Collection of arrear and other contributions, etc.

4. (1) Contributions by a contributor shall be made by deductions from his pensionable emoluments at the end of each month or at such other times as the Treasury may determine.

(b) deur 'n bydraer aan die Nuwe Superannuasiefonds ooreenkomstig die bepalings van die wet wat op daardie fonds van toepassing is;

en wat deel van of die hele betaling aan die ou fonds of die Fonds, na gelang van die geval, uitgemaak het of uitmaak, ingevolge—

- (i) subartikel (2) van artikel *ses-en-twintig*, subartikel (1) van artikel *agt-en-twintig*, of subartikel (1) van artikel *twee-en-sewentig* van die Regeringsdienspensioenwet, 1936; of
- (ii) subartikel (2) van artikel *twaalf*, subartikel (2) van artikel *dertien*, subartikel (1) van artikel *vyftien* of subartikel (1) van artikel *drie-en-negentig* van die Pensioenwet; of
- (iii) subregulasie (2) of (4) van regulasie 7, subregulasie (2) van regulasie 8 of subregulasie (2) van regulasie 10,

maar omvat nie rente of enige bedrag wat geag word rente te wees nie;

(xvii) „Tesourie" die Minister van Finansies of enige amptenaar van die Departement van Finansies, wat deur daardie Minister gemagtig is om enige van die werksaamhede te verrig wat in hierdie regulasies aan die Tesourie opgedra word.

DEEL I: LIDMAATSKAP.

Kwalifikasies vir lidmaatskap.

2. (1) Geen persoon dra tot die Fonds by nie—

- (a) (i) totdat hy die leeftyd van vyftien jaar bereik het;
- (ii) ten opsigte van enige tydperk van ononderbroke diens in subregulasie (1) van regulasie 6 genoem, terwyl hy onder die leeftyd van vyftien jaar was;
- (b) as hy pensioengewende verdienste ontvang volgens 'n skaal van minder as honderd-en-tagtig rand per jaar;
- (c) as hy in diens geneem is vir die afhandeling of uitvoering van bepaalde werk;
- (d) as al sy tyd nie tot die beskikking van die Regering is nie;
- (e) terwyl hy vir 'n bepaalde aantal maande of jare in diens is;
- (f) terwyl hy tydelik in diens is.

(2) Ondanks die bepalings van paragraaf (a) van subregulasie (1), word geen persoon wat op 'n datum voor die sewende dag van Julie 1961 lid van die Fonds geword het, toegelaat om tot die Fonds by te dra nie ten opsigte van enige tydperk van sy ononderbroke diens in subregulasie (1) van regulasie 6 genoem, terwyl hy onder die leeftyd van sestig jaar was.

Bydraes.

3. Enige persoon wat—

- (a) onmiddellik vir die vasgestelde datum 'n bydraer tot die Fonds was; of
- (b) op of na genoemde datum as 'n lid van die Polisiemag of die Gevangenisdiens aangestel word,

moet, behoudens die bepalings van regulasie 2, in die geval van 'n persoon in paragraaf (b) genoem, ooreenkomstig onderstaande skaal tot die Fonds bydra:

Mans		Vroue	
Leeftyd laaste verjaarsdag by aanvang van pensioengewende diens.	Persentasie van pensioengewende verdienste.	Leeftyd laaste verjaarsdag by aanvang van pensioengewende diens.	Persentasie van pensioengewende verdienste.
Tot 21	7½	Tot 21	6½
22 tot 26	8½	22 tot 26	7½
27 tot 30	8½	27 tot 30	7½
31 tot 34	9	31 tot 34	8½
35 en ouer	9½	35 tot 38	8½
		39 en ouer	9½

Invordering van agterstallige en ander bydraes, ens.

4. (1) Bydraes deur 'n bydraer word gemaak by wyse van afrekkings van sy pensioengewende verdienste aan die end van elke maand of op ander tye wat die Tesourie mag bepaal.

(2) Any arrear or excess contributions or any other amount which a contributor is required or has elected to pay, may, except where otherwise provided in these regulations, be paid in instalments which shall be deducted from the contributor's pensionable emoluments at the rate of two per cent of those emoluments or at such higher rate as the contributor may elect.

(3) (a) If a contributor who is paying arrear or excess contributions or any other amount which is due to the Fund in instalments dies or retires or is retired or discharged before the total amount of such contributions or the whole of such other amount has been paid, the amount which remains unpaid shall, subject to the provisions of paragraph (b), be set off against the pension payable to him or his dependants or to his estate from the Fund and such pension shall be calculated upon the whole period of pensionable service in respect of which he is required or has elected to contribute: Provided that if the amount which remains unpaid exceeds the amount payable to the contributor or his dependants or his estate the excess shall not be recoverable.

(b) Any arrear contributions, any amount due in terms of sub-regulation (3), (4) or (5) of regulation 6 or any other amount payable to the Fund by a member to whom sub-regulation (3) of regulation 17 refers, and which were unpaid at the date of his retirement, discharge or death, as the case may be, shall cease to be payable.

(4) (a) A contributor shall continue to contribute to the Fund while on sick or other leave with full or less than full pay and his contributions during such leave shall be based on his full pensionable emoluments.

(b) Subject to such conditions as the Secretary may determine a contributor shall contribute in respect of any period of absence from duty without pay and the contributions due in respect of that period shall be based on such an amount, not being less than his full pensionable emoluments immediately prior to the commencement of such absence, as may be determined by the Secretary: Provided that within a period of sixty days after his return to duty, the said contributor may elect not to contribute in respect of the period of absence and, if he should so elect, any contributions paid by him to the Fund in respect of that period shall be repaid to him and any amount paid from revenue in respect of that period shall be repaid to revenue.

(5) A contributor who has been suspended from duty and is later permitted to return to duty shall, on such conditions as the Secretary may determine, contribute to the Fund in respect of the period of suspension.

(6) If a contributor is remunerated at a weekly, daily or hourly rate of pay, his pensionable emoluments shall be assessed on the basis of the annual equivalent of such rate calculated to the nearest rand.

Contributions by contributors seconded to other services.

5. (1) A contributor who is seconded to the service of another government or of the Land and Agricultural Bank of South Africa or of any board, institution or body established by law or of any body or employer approved by the Secretary may, subject to the approval of the Secretary continue while so seconded to make contributions to the Fund: Provided that the said government, bank, board, institution, body or employer to whose service such contributor has been seconded, or the contributor himself, shall repay to revenue an amount equal to any contributions paid from revenue in respect of the contributor: Provided further that the contributions so continued to be made shall be based upon such an amount, not being less than the pensionable emoluments which such contributor would have drawn if he had not been seconded, as may be determined by the Treasury from time to time on the recommendation of the Commission and any amount so determined shall for the purposes of these regulations be deemed to be the pensionable emoluments of the contributor during the period concerned.

(2) Agterstallige of meerdere bydraes of enige ander bedrag wat 'n bydraer verplig is of gekies het om te betaal, kan, behalwe waar anders in hierdie regulasies bepaal, in paalemente betaal word, wat van die lid se pensioengewende verdienste afgetrek teen die skaal van twee persent van sodanige verdienste, of teen so 'n hoër skaal as wat die lid mag verkies.

(3) (a) As 'n bydraer wat agterstallige of meerdere bydraes of enige ander bedrag wat aan die Fonds verskuldig is, in paalemente betaal, te sterwe kom of aftree of afgedank of ontslaan word voordat die totale bedrag van sodanige bydraes of die geheel van sodanige ander bedrag betaal is, word die bedrag wat nog nie betaal is nie, behoudens die bepaling van paragraaf (b), verreken teen die pensioen wat aan hom of sy afhanklikes of aan sy boedel uit die Fonds betaalbaar is, en sodanige pensioen word bereken op die hele tydperk van pensioengewende diens ten opsigte waarvan hy verplig is of gekies het om by te dra: Met dien verstande dat as die bedrag wat nog nie betaal is nie, meer is as die bedrag wat aan die bydraer of sy afhanklikes of sy boedel betaalbaar is, die verskil nie verhaalbaar is nie.

(b) Enige agterstallige bydraes, enige bedrag verskuldig ingevolge subregulasie (3), (4) of (5) van regulasie 6, of enige ander bedrag wat aan die Fonds betaalbaar is deur 'n lid op wie subregulasie (3) van regulasie 17 betrekking het, en wat op die datum van sy uitdienstreding, ontslag of dood, na gelang van die geval, nog nie betaal was nie, is nie meer betaalbaar nie.

(4) (a) 'n Bydraer moet voortgaan om tot die Fonds by te dra terwyl hy met siekte- of ander verlof met volle of minder as volle besoldiging is en sy bydraes gedurende sodanige verlof word gebaseer op sy volle pensioengewende verdienste.

(b) Behoudens die voorwaardes wat die Sekretaris mag bepaal, moet 'n bydraer ten opsigte van enige tydperk van afwesigheid van diens sonder besoldiging bydra en die bydraes ten opsigte van sodanige tydperk verskuldig, word gebaseer op die bedrag wat die Sekretaris mag bepaal, maar nie minder nie as sy volle pensioengewende verdienste onmiddellik voor die aanvang van sodanige afwesigheid: Met dien verstande dat genoemde bydraer binne 'n tydperk van sestig dae na sy terugkeer tot diens kan kies om nie ten opsigte van die tydperk van afwesigheid by te dra nie en, as hy aldus kies, enige bydraes wat hy ten opsigte van daardie tydperk aan die Fonds betaal het, aan hom terugbetaal moet word en enige bedrag uit inkomste betaal ten opsigte van daardie tydperk aan inkomste terugbetaal moet word.

(5) 'n Bydraer wat in diens geskors is en later toegelaat word om tot diens terug te keer, moet op die voorwaardes wat die Sekretaris mag bepaal, tot die Fonds bydra ten opsigte van die tydperk van skorsing.

(6) As 'n bydraer per week, per dag of per uur besoldig word, word sy pensioengewende verdienste bereken op die basis van die jaarlikse ekwivalent van sodanige besoldiging tot die naaste rand bereken.

Bydraes deur bydraers aan ander dienste afgestaan.

5. (1) 'n Bydraer wat afgestaan word aan die diens van 'n ander regering of van die Land- en Landboubank van Suid-Afrika of van 'n raad, inrigting of liggaam wat by wet ingestel is of van enige liggaam of werkgewer wat deur die Sekretaris goedgekeur is, kan, behoudens die goedkeuring van die Sekretaris, voortgaan om tot die Fonds by te dra solank hy aldus afgestaan is: Met dien verstande dat genoemde regering, bank, raad, inrigting, liggaam of werkgewer aan wie se diens sodanige bydraer afgestaan is, of die bydraer self, 'n bedrag wat gelyk is aan die bydraes wat uit inkomste ten opsigte van die bydraer betaal is, aan inkomste moet terugbetaal: Met dien verstande voorts dat die bydraes waarmee aldus voortgegaan word, gebaseer moet word op 'n bedrag wat die Tesourie van tyd tot tyd op aanbeveling van die Kommissie bepaal, maar nie minder nie as die pensioengewende verdienste wat sodanige bydraer sou getrek het as hy nie afgestaan was nie, en enige bedrag wat aldus betaal word, word vir die toepassing van hierdie regulasies geag die pensioengewende verdienste van die bydraer gedurende die betrokke tydperk te wees.

(2) A contributor who is seconded to employment in respect of which he would have become liable to contribute to the Public Service Pension Fund or the Permanent Force Pension Fund if he had been transferred to such employment shall, on such conditions as the Secretary on the recommendation of the Commission may determine, continue while so seconded to pay contributions to the Fund: Provided that the contributions so continued to be paid shall be based on such an amount, not being less than the pensionable emoluments which such contributor would have drawn if he had not been seconded, as may be determined by the Treasury from time to time on the recommendation of the Commission, and any amount so determined shall for the purposes of these regulations be deemed to be the pensionable emoluments of the contributor during the period concerned.

Option to contribute in respect of past continuous and non-continuous periods of employment and other periods.

6. (1) Subject to the provisions of sub-regulation (2) of this regulation any person who, on the removal of a disability referred to in regulation 2, becomes a contributor to the Fund, shall contribute in respect of the period of his past continuous employment approved by the Secretary: Provided that such person may within a period of ninety days after the removal of such a disability or within such further period as the Secretary may in special circumstances allow, elect in writing not so to contribute.

(2) For the purposes of sub-regulation (1) continuous employment shall not include any period during which the provisions of paragraph (a), (c), (e) or (f) of section sixteen of the Government Service Pensions Act, 1936, paragraph (a), (b), (d) or (e) of section seven of the Pensions Act or paragraph (a), (b) or (d) of sub-regulation (1) or sub-regulation (2) of regulation 2 applied in respect of the person concerned.

(3) A contributor who has had one or more previous periods of employment in respect of which he contributed to a fund established under section nineteen of the Public Service and Pensions Act, 1912 (Act No. 29 of 1912), or section twenty-five of the Public Service and Pensions Act, 1923 (Act No. 27 of 1923) or to the old fund or the Fund or the Public Service Pension Fund or the South African Police and Prisons Service Pension Fund, may on application be permitted to include in his pensionable service either—

(a) so much of—

- (i) any one or more of such periods of employment; and
- (ii) any period intervening between any two such periods or between such a period and the date on which such pensionable service commenced; or

(b) so much of the period between the date on which he attained the age of twenty-five years and the date on which such pensionable service commenced,

as the Secretary may approve subject to such terms and conditions as may be determined by the Minister on the recommendation of the Commission.

(4) A contributor (not being a contributor to whom the provisions of sub-regulation (3) apply) may on application be permitted to include in his pensionable service so much of the period between the date on which he attained the age of twenty-five years and the date on which his pensionable service commenced, as the Secretary may approve subject to such terms and conditions as may be determined by the Minister on the recommendation of the Commission.

(5) A contributor may on application be permitted to include in his pensionable service so much of any one or more of the following periods as the Secretary may approve subject to such terms and conditions as may be determined by the Minister on the recommendation of the Commission, namely—

(2) 'n Bydraer wat afgestaan word aan diens ten opsigte waarvan hy onder die verpligting sou gekom het om tot die Staatsdienspensioenfonds of die Staandemagpensioenfonds by te dra as hy na sodanige diens oorgeplaas was, moet voortgaan om tot die Fonds by te dra solank hy aldus afgestaan is, op die voorwaardes wat die Sekretaris op aanbeveling van die Kommissie mag bepaal: Met dien verstande dat die bydraes waarmee aldus voortgegaan word, gebaseer moet word op 'n bedrag wat die Tesourie van tyd tot tyd op aanbeveling van die Kommissie bepaal, maar nie minder nie as die pensioengewende verdienste wat sodanige bydraer sou getrek het as hy nie afgestaan was nie, en enige bedrag wat aldus bepaal word, word vir die toepassing van hierdie regulasies geag die pensioengewende verdienste van die bydraer gedurende die betrokke tydperk te wees.

Keuse om ten opsigte van vorige ononderbroke en onderbroke tydperke van diens en ander tydperke by te dra.

6. (1) Behoudens die bepalings van subregulasie (2) van hierdie regulasie, moet enige persoon wat met die verwydering van 'n diskwalifikasie in regulasie 2 genoem, 'n bydraer tot die Fonds word, bydra ten opsigte van die tydperk van sy vorige ononderbroke diens wat deur die Sekretaris goedgekeur word: Met dien verstande dat sodanige persoon binne 'n tydperk van negentig dae na die verwydering van sodanige diskwalifikasie of binne 'n verdere tydperk wat die Sekretaris in besondere omstandighede kan toelaat, skriftelik kan kies om nie aldus by te dra nie.

(2) Vir die toepassing van paragraaf (1) omvat ononderbroke diens nie enige tydperk waarin die bepalings van paragraaf (a), (c), (e) of (f) van artikel sestien van die Regeringsdienspensioenwet, 1936, paragraaf (a), (b), (d) of (e) van artikel sewe van die Pensioenwet of paragraaf (a), (b) of (d) van subregulasie (1) of subregulasie (2) van regulasie 2 ten opsigte van die betrokke persoon van toepassing was nie.

(3) 'n Bydraer wat een of meer vorige tydperke van diens gehad het ten opsigte waarvan hy bygedra het tot 'n fonds ingestel kragtens artikel negentien van die Staatsdiens en Pensioenwet, 1912 (Wet No. 29 van 1912), of artikel vyf-en-twintig van die Staatsdiens en Pensioenwet, 1923 (Wet No. 27 van 1923), of tot die ou fonds of die Fonds, of tot die Staatsdienspensioenfonds of die Staandemagpensioenfonds, kan op aansoek toegelaat word om of—

(a) soveel van—

- (i) een of meer van sodanige tydperke van diens; en
- (ii) enige tydperk wat val tussen enige twee sodanige tydperke of tussen sodanige tydperk en die datum waarop sodanige pensioengewende diens begin het; of

(b) soveel van die tydperk tussen die datum waarop hy die leeftyd van vyf-en-twintig jaar bereik het en die datum waarop sodanige pensioengewende diens begin het,

as wat die Sekretaris mag goedkeur behoudens die voorwaardes en bedinge wat die Minister op aanbeveling van die Kommissie bepaal, by sy pensioengewende diens in te reken.

(4) 'n Bydraer (uitgesonderd 'n bydraer op wie die bepalings van subregulasie (3) van toepassing is) kan op aansoek toegelaat word om by sy pensioengewende diens soveel van die tydperk tussen die datum waarop hy die leeftyd van vyf-en-twintig jaar bereik het en die datum waarop sy pensioengewende diens begin het, in te reken as wat die Sekretaris mag goedkeur behoudens die voorwaardes en bedinge wat die Minister op aanbeveling van die Kommissie bepaal.

(5) 'n Bydraer kan op aansoek toegelaat word om by sy pensioengewende diens soveel van een of meer van onderstaande tydperke as wat die Sekretaris mag goedkeur behoudens die voorwaardes en bedinge wat die Minister op aanbeveling van die Kommissie bepaal in te reken, naamlik—

- (a) any period which intervenes between any two consecutive periods of his pensionable service and which in terms of any law is deemed to have been a period of special leave of absence without pay not counting as service;
- (b) in the case of a person who elected in terms of sub-section (5) of section four of the Public Servants (Military Service) Act, 1944 (Act No. 27 of 1944), to have the period or periods of his military service included in his pensionable service, any period which fell between the date of his final discharge from military service and the date of his subsequent appointment under the Government or which fell between any two consecutive periods of his military service.
- (6) The terms and conditions referred to in sub-regulations (3), (4) and (5) shall provide, *inter alia*—
- (a) in the case of a contributor who applies in terms of sub-regulation (3) to have any part of a previous period of employment included in his pensionable service—
- for the payment to the Fund by such contributor, in instalments or otherwise, of an amount equal to any monetary benefit or part thereof which on the termination of the said period may have been paid to him from the fund to which he was a contributor;
 - for the payment to the Fund from revenue of an amount equal to any amount which on the termination of the said period was paid to revenue from the fund to which he was a contributor;
 - for the payment in equal shares by such contributor and from revenue in respect of any such period during which he was subject to the provisions of Part A of Chapter 1 of the Government Service Pensions Act, 1936, or Part B of Chapter I of the Pensions Act or to the law governing the Public Service Pension Fund, of such an amount as, together with the amounts referred to in sub-paragraphs (i) and (ii), will be necessary to place the Fund in the position in which it would have been if, during any period during which he was subject to the provisions of Part A of Chapter I of the Government Service Pensions Act, 1936, he had instead been subject to the provisions of Part B of that Chapter, and, during any period during which he was subject to the provisions of Part B of Chapter I of the Pensions Act or to the said law, if he had been a contributor to the Fund.
- (b) for the payment by such contributor, in respect of any period included in his pensionable service in terms of sub-paragraph (ii) of paragraph (a) or paragraph (b) of sub-regulation (3) or sub-regulation (4) or (5) of an amount determined in accordance with the prescribed formula;
- (c) for the conditions to be imposed in regard to the payment of any amount referred to in sub-paragraph (i) of paragraph (a) or the payment of any amount referred to in sub-paragraph (iii) of paragraph (a) or paragraph (b);
- (d) for the payment of interest by the contributor or from revenue—
- on the amount referred to in sub-paragraph (i) of paragraph (a) from the date the benefit was paid to the contributor until the date the said amount is paid;
- (a) enige tydperk wat val tussen twee opeenvolgende tydperke van sy pensioengewende diens en wat ooreenkomstig enige wet geag word 'n tydperk van spesiale afwesigheidsverlof sonder besoldiging, wat nie as diens tel nie, te gewees het;
- (b) in die geval van 'n persoon wat kragtens sub-artikel (5) van artikel vier van die Wet op Staatsamptenare (Militêre Diens), 1944 (Wet No. 27 van 1944), gekies het om die tydperk of tydperke van sy militêre diens by sy pensioengewende diens te laat inreken, enige tydperk wat tussen die datum van sy finale ontslag uit militêre diens en die datum van sy latere aanstelling onder die Regering geval het of wat tussen enige twee opeenvolgende tydperke van sy militêre diens geval het.
- (6) Die voorwaardes en bedinge in subregulasies (3), (4) en (5) genoem, moet onder andere voorsiening maak—
- (a) in die geval van 'n bydraer wat kragtens sub-regulasie (3) aansoek doen om 'n deel van 'n vorige tydperk van diens by sy pensioengewende diens te laat inreken—
- vir die betaling aan die Fonds deur sodanige bydraer, in paaiemente of andersins, van 'n bedrag gelyk aan enige geldelike voordeel of deel daarvan wat by die verstryking van genoemde tydperk aan hom betaal mag gewees het uit die fonds waartoe hy 'n bydraer was;
 - vir die betaling aan die Fonds uit inkomste van 'n bedrag gelyk aan enige bedrag wat by die verstryking van sodanige tydperk uit die fonds waartoe hy bygedra het aan inkomste betaal is;
 - vir die betaling deur sodanige bydraer en uit inkomste, gelykop, ten opsigte van enige sodanige tydperk waarin hy onderworpe was aan die bepalings van Deel A van Hoofstuk I van die Regeringsdiens Pensioenwet, 1936, of Deel B van Hoofstuk I van die Pensioenwet of aan die Wet wat die Staatsdienspensioenfonds beheer, van sodanige bedrag as wat tesame met die bedrae in subparagrafe (i) en (ii) genoem, nodig sal wees om die Fonds in die posisie te plaas waarin hy sou gewees het as hy gedurende enige tydperk gedurende welke hy aan die bepalings van Deel A van Hoofstuk I van die Regeringsdienspensioenwet, 1936, onderworpe was, in plaas daarvan aan die bepalings van Deel B van daardie Hoofstuk onderworpe was, en gedurende enige tydperk gedurende welke hy aan die bepalings van Deel B van Hoofstuk I van die Pensioenwet of aan genoemde Wet onderworpe was, 'n bydraer tot die Fonds was;
- (b) vir die betaling deur sodanige bydraer ten opsigte van 'n tydperk wat by sy pensioengewende diens ingereken is kragtens subparagraaf (ii) van paragraaf (a) of paragraaf (b) van subregulasie (3) of subregulasie (4) of (5) van 'n bedrag ooreenkomstig die voorgeskrewe formule bereken;
- (c) vir die voorwaardes wat opgelê moet word met betrekking tot die betaling van enige bedrag in subparagraaf (i) van paragraaf (a) genoem of die betaling van 'n bedrag in subparagraaf (iii) van paragraaf (a) of paragraaf (b) genoem;
- (d) vir die betaling van rente deur die bydraer of uit inkomste—
- op die bedrag in subparagraaf (i) van paragraaf (a) genoem, vanaf die datum waarop die voordeel aan die bydraer betaal is, tot die datum waarop die genoemde bedrag betaal is;

- (ii) on any amount referred to in sub-paragraph (ii) of paragraph (a) from the date such amount was paid to revenue until the date it is paid from revenue;
- (iii) as part of any amount referred to in sub-paragraph (iii) of paragraph (a);
- (iv) on any amount due by a contributor at the end of each month if he is unable to liquidate his liability in one payment;
- (e) for the manner in which an application in terms of sub-regulation (3), (4) or (5) shall be made, the notification to be given to the contributor concerned of the terms and conditions applicable to his case and the period within which he shall elect to accept or reject such terms and conditions.

(7) Any period which under the provisions of sub-section (2) of section *two* or sub-section (5) of section *four* of the Public Servants (Military Service) Act, 1944 (Act No. 27 of 1944), has been included in the pensionable service of a contributor to whom sub-regulation (3) of this regulation applies shall, for purposes of the said sub-regulation (3), be deemed to form part of his previous period or periods of employment.

(8) No application under sub-regulation (3), (4) or (5) shall be refused except with the approval of the Commission.

(9) Any terms and conditions prescribed in terms of sub-section (3), (4) or (4) *bis* of section *eight* of the Pensions Act and which were in force immediately prior to the date of the commencement of these regulations shall, in so far as they applied to members of the Fund, be deemed to have been determined in terms of the corresponding provisions of sub-regulation (3), (4) or (5) of this regulation, whichever is applicable.

(10) If any regulation made in terms of section *five* of the Act, which relates to the Public Service Pension Fund or the Permanent Force Pension Fund, contains provisions which correspond to the provisions of sub-regulation (3) and if a contributor to such a fund is in terms of such first-mentioned provisions, permitted to include in his service which is pensionable service for the purposes of such fund, one or more periods of employment in respect of which he contributed to a fund referred to in the said sub-regulation (3) other than the Public Service Pension Fund or the Permanent Force Pension Fund, there may be paid from the Fund to the Public Service Pensions Fund or the Permanent Force Pension Fund, as the circumstances may require, such an amount as the Secretary may determine.

PART II: TRANSFERS FROM AND TO OTHER FUNDS.

Transfers from and to another pension or provident Fund administered under the Act.

7. (1) If a contributor to the Public Service Pension Fund or the Permanent Force Pension Fund is transferred to employment in respect of which he becomes liable to contribute to the Fund, he shall, as from the date of such transfer, become a member of and contribute to the Fund, and any pension payable from the Fund shall be calculated upon the whole period of his pensionable service under these regulations and the law governing the said Public Service Pension Fund or the said Permanent Force Pension Fund: Provided that the rate of his contributions to the Fund shall be determined by his age last birthday at the date of commencement of his prior pensionable service.

(2) These shall be payable to the Fund in respect of the prior pensionable service of any such contributor an amount equal to the sum of—

- (a) an amount equal to twice the contributions such contributor would have paid to the Fund in respect of the period of his actual employment which formed part or the whole of his prior pensionable service if during that period he had been a mem-

- (ii) op enige bedrag in subparagraaf (ii) van paragraaf (a) genoem, vanaf die datum waarop sodanige bedrag aan inkomste betaal is, tot die datum waarop dit uit inkomste betaal is;
- (iii) as deel van 'n bedrag in subparagraaf (iii) van paragraaf (a) genoem;
- (iv) op enige bedrag wat deur 'n bydraer aan die end van elke maand verskuldig is, as hy nie in staat is om sy verpligting in een betaling te vereffen nie;

(e) vir die wyse waarop daar ooreenkomstig sub-regulasie (3), (4) of (5) aansoek gedoen moet word, die kennis wat aan die betrokke bydraer gegee moet word van die voorwaardes en bedinge wat op sy geval van toepassing is, en die tydperk waarbinne hy moet kies of hy sodanige voorwaardes en bedinge aanneem of verwerp.

(7) Enige tydperk wat kragtens die bepalings van sub-artikel (2) van artikel *twee* of subartikel (5) van artikel *vier* van die Wet op Staatsamptenare (Militêre Diens), 1944 (Wet No. 27 van 1944), ingereken is by die pensioengewende diens van 'n bydraer op wie subregulasie (3) van hierdie regulasie van toepassing is, word vir die toepassing van genoemde subregulasie (3) geag deel van sy vorige tydperk of tydperke van diens uit te maak.

(8) Behalwe met die goedkeuring van die Kommissie mag geen aansoek kragtens subregulasie (3), (4) of (5) geweier word nie.

(9) Enige voorwaardes en bedinge wat ingevolge sub-artikel (3), (4) of (4) *bis* van artikel *agt* van die Pensioenwet voorgeskryf is en wat onmiddellik voor die datum van inwerkingtreding van hierdie regulasies van krag was, word, vir sover hulle op lede van die Fonds van toepassing is, geag kragtens subregulasie (3), (4) of (5) van hierdie regulasie, wat ook al van toepassing is, bepaal te wees.

(10) As enige regulasie ingevolge artikel *vyf* van die Wet uitgevaardig wat op die Staatsdienspensioenfonds of die Staandemagpensioenfonds betrekking het, bepalings bevat wat met die bepalings van subregulasie (3) ooreenstem en as 'n bydraer tot sodanige fonds ingevolge daardie eersgenoemde bepalings toegelaat word om een of meer tydperke van diens ten opsigte waarvan hy tot 'n fonds waarna in subregulasie (3) verwys word, behalwe die Staatsdienspensioenfonds of die Staandemagpensioenfonds, bygedra het, in te sluit by sy diens wat pensioengewende diens is vir die doeleindes van daardie fonds, kan uit die Fonds aan die Staatsdienspensioenfonds of aan die Staandemagpensioenfonds, soos omstandighede vereis, 'n bedrag betaal word wat die Sekretaris bepaal.

DEEL II: OORDRAGTE UIT EN NA ANDER FONDSE.

Oordragte uit en na 'n ander pensioen- of voorsorg- of ondersteuningsfonds ingevolge die Wet bestuur.

7. (1) As 'n bydraer tot die Staatsdienspensioenfonds of die Staandemagpensioenfonds oorgeplaas word na diens ten opsigte waarvan hy onder die verpligting kom om tot die Fonds by te dra, moet hy met ingang van die datum van sodanige oorplasing lid word van en bydra tot die Fonds, en enige pensioen wat uit die Fonds betaalbaar is, word bereken op die hele tydperk van sy pensioengewende diens kragtens hierdie regulasies en die wet wat genoemde Staatsdienspensioenfonds of genoemde Staandemagpensioenfonds beheer: Met dien verstande dat die skaal van sy bydraes tot die Fonds bepaal word deur sy leeftyd op sy laaste verjaarsdag op die aanvangsdatum van sy vorige pensioengewende diens.

(2) Daar is ten opsigte van so 'n bydraer se vorige pensioengewende diens 'n bedrag aan die Fonds betaalbaar gelyk aan die som van—

- (a) 'n bedrag wat gelyk is aan twee maal die bydraes wat daardie bydraer aan die Fonds sou betaal het ten opsigte van die tydperk van sy werklike diens wat deel of die geheel van sy vorige pensioengewende diens uitgemaak het, as hy gedurende

ber of the Fund and had contributed to the Fund up to and including the thirty-first day of March, 1936, at the rate of four per cent of his pensionable emoluments and thereafter in accordance with the appropriate scale of contributions in force from time to time under section *twelve* of the Government Service Pensions Act, 1936, section *forty-four* of the Pensions Act or regulation 3; and

- (b) in respect of each completed year of the whole period of such employment prior to the date of his transfer an amount equal to two per cent of the amount payable in terms of paragraph (a) and in respect of any remaining portion of such employment, an amount equal to a percentage of the amount so payable which bears to two per cent the same ratio as the number of days in that portion bears to three hundred and sixty-five, and any amount calculated in terms of this sub-paragraph shall for purposes of these regulations be deemed to be interest; and
- (c) in respect of any period included in his pensionable service prior to the date of his transfer in terms of sub-paragraph (ii) of paragraph (a) or paragraph (b) of sub-section (3) or sub-section (4) or (4) *bis* of section *eight* of the Pensions Act, or sub-section (1) of section *nine* of the Pension Laws Amendment Act, 1957, or of any similar provision in the law relating to the Public Service Pension Fund or the Permanent Force Pension Fund, whichever may be concerned, an amount equal to the amount which he would have been required to pay to the Fund had he been a contributor to the Fund during his service prior to the date of his transfer and had his liability to the Fund in respect of the said period been determined as at the date immediately preceding that date:

Provided that—

- (i) this amount shall be reduced by or paid in full from any amount received either from the Public Service Pension Fund or the Permanent Force Pension Fund in accordance with the law governing that fund;
- (ii) if any amount owed by the member to the said Public Service Pension Fund or the Permanent Force Pension Fund at the date of his transfer was unpaid at that date and the amount available for transfer to the Fund from either of the said pension funds is reduced by the amount due and unpaid, or if the amount available for transfer from any such pension fund is reduced by the amount due and unpaid to an amount less than that required by the Fund the reduction in the one case or the deficit created in the other shall be made good by the member in such manner as the Secretary shall determine;
- (iii) any deficit, exclusive of any amount referred to in sub-paragraph (ii), shall be paid by the member and from revenue in such manner and in such proportions as the Secretary may determine.

(3) If a member of the Fund is transferred to employment in respect of which he is required to contribute to either the Public Service Pension Fund or the Permanent Force Pension Fund or becomes liable to contribute to the Government Employees' Provident Fund referred to in sub-section (3) of section *two* of the Act and contributes to one or other of such pension or provident funds in respect of his prior pensionable service, there shall be paid from the Fund to the appropriate—

- (a) an amount equal to twice the contributor's own contributions to the Fund; and
- (b) in respect of each completed year of the whole period of such member's pensionable service prior to the transfer date, an amount equal to two per

daardie tydperk 'n lid van die Fonds was en volgens die skaal van vier persent van sy pensioengewende verdienste tot die Fonds bygedra het tot en met die een-en-dertigste dag van Maart 1936 en daarna ooreenkomstig die toepaslike skaal van bydraes wat van tyd tot tyd ingevolge artikel *twaalf* van die Regeringsdienspensioenwet, 1936, artikel *vier-en-veertig* van die Pensioenwet of regulasie 3 van krag was; en

- (b) ten opsigte van elke volle jaar van die hele tydperk van sodanige diens voor die datum van sy oorplasing, 'n bedrag gelyk aan twee persent van die bedrag betaalbaar ingevolge paragraaf (a) en, ten opsigte van enige oorblywende gedeelte van sodanige diens, 'n bedrag gelyk aan 'n persentasie van die bedrag aldus betaalbaar wat in dieselfde verhouding tot twee persent staan as wat die aantal dae in daardie gedeelte tot driehonderd vyf-en-sestig staan, en enige bedrag wat kragtens hierdie subparagraaf bereken word, word vir die toepassing van hierdie regulasies geag rente te wees; en
- (c) ten opsigte van enige tydperk wat by sy pensioengewende diens voor die datum van sy oorplasing ingereken is kragtens subparagraaf (ii) van paragraaf (a) of paragraaf (b) van subartikel (3) of subartikel (4) of (4) *bis* van artikel *agt* van die Pensioenwet, of subartikel (1) van artikel *nege* van die Wysigingswet op die Pensioenwette, 1957, of enige dergelike bepaling in die Wet betreffende die Staatsdienspensioenfonds of die Staandemagpensioenfonds, watter ook al betrokke is, 'n bedrag gelyk aan die bedrag wat hy aan die Fonds sou moes betaal het as hy gedurende sy diens voor die datum van sy oorplasing 'n bydraer tot die Fonds was en as sy aanspreeklikheid teenoor die Fonds ten opsigte van genoemde tydperk bepaal was soos op die datum onmiddellik voor daardie datum;

Met dien verstande dat—

- (i) hierdie bedrag verminder moet word met of ten volle betaal moet word uit enige bedrag wat uit die Staatsdienspensioenfonds of die Staandemagpensioenfonds ontvang is ooreenkomstig die Wet wat daardie fonds beheer;
- (ii) as 'n bedrag wat die lid aan genoemde Staatsdienspensioenfonds of die Staandemagpensioenfonds verskuldig was op die datum van sy oorplasing op daardie datum nog onbetaal was en die bedrag wat vir oordrag na die Fonds uit een van die genoemde fondse beskikbaar is, verminder word met die bedrag wat verskuldig en onbetaal is, of as die bedrag wat vir oordrag uit enige sodanige fonds beskikbaar is, verminder word met die bedrag wat verskuldig en onbetaal is, tot 'n bedrag wat minder is as wat die Fonds nodig het, die vermindering in die een geval of die tekort wat in die ander geval geskep word, deur die lid goedgemaak moet word op die wyse wat die Sekretaris mag bepaal;
- (iii) enige tekort, uitgesonderd enige bedrag in subparagraaf (ii) genoem, deur die lid en uit inkomste betaal moet word op die wyse en in die verhoudings wat die Sekretaris mag bepaal.

(3) As 'n lid van die Fonds oorgeplaas word na diens ten opsigte waarvan hy verplig is om tot of die Staatsdienspensioenfonds of die Staandemagpensioenfonds by te dra of onder die verpligting kom om tot die Regeringswerknemersondersteuningsfonds in subartikel (3) van artikel *twee* van die Wet genoem, by te dra en tot een of ander van genoemde pensioen- of ondersteuningsfondse bydra ten opsigte van sy vorige pensioengewende diens, moet onderstaande uit die Fonds aan die toepaslike fonds betaal word—

- (a) 'n bedrag gelyk aan twee maal die bydraer se eie bydraes tot die Fonds; en
- (b) ten opsigte van elke volle jaar van die hele tydperk van sodanige lid se pensioengewende diens voor die oorplatingsdatum 'n bedrag gelyk aan

cent of the amount payable in terms of paragraph (a), and in respect of any remaining portion of such service, an amount equal to a percentage of the amount which bears to two per cent the same ratio so payable as the number of days in that portion bears to three hundred and sixty-five; and

- (c) interest at the rate of four per cent per annum, compounded annually as at the thirty-first day of March, on the total of the amounts referred to in paragraphs (a) and (b) from the transfer date up to the date of payment:

Provided that—

- (i) the total of the amounts payable to the other fund in terms of paragraphs (a) and (b) shall be reduced by any arrear or excess contributions due to the Fund but unpaid at the transfer date and by any other amounts which may be due by the member to the Fund and which was unpaid at that date, and any interest payable in terms of paragraph (c) shall be calculated on the reduced total;
- (ii) if in the case of a member who is required to contribute to the Public Service Pension Fund or who becomes liable to contribute to the Government Employees' Provident Fund, the total of the amounts to be paid in terms of paragraphs (a) and (b), unreduced by any contributions or any other amount referred to in sub-paragraph (i), is more than the amount required by the other fund in respect of his pensionable service prior to transfer, the surplus shall be disposed of in such manner as the Secretary may determine.

(4) If a member to whom sub-regulation (1) of regulation 6 relates and who in terms of that sub-regulation contributes to the Fund in respect of the whole or part of his past continuous period of employment, was immediately prior to the date on which he enrolled for service with the Police Force or the Prisons Service, a contributor to the Government Employees' Provident Fund, any amount paid to the Fund in accordance with the law governing the said Provident Fund, shall be utilized as follows—

- (a) the arrear contributions payable by the member in respect of such period shall be reduced by the amount of the transferred contributions;
- (b) the amount payable out of revenue in respect of the member in terms of sub-paragraph (i) of paragraph (b) of sub-regulation (1) of regulation 17 shall be reduced by an amount equal to the contributions which were paid to the Provident Fund from revenue in respect of the member;
- (c) the interest payable from revenue in respect of the member in terms of item (aa) of sub-paragraph (ii) of paragraph (b) of sub-regulation (1) of regulation 17 shall be reduced by the interest included in the amount paid from the Provident Fund to the Fund.

Transfers from provincial and other funds.

8. (1) If any person who is subject to a pension law administered by a provincial administration or the administration of the territory or a department of education (whether in the Republic or in the territory) or is a member of a pension or provident fund (other than a pension or provident fund referred to in sub-section (1) or (3) of section two of the Act) in accordance with a pension law administered by the Minister—

- (a) is transferred to employment in respect of which he is liable to contribute to the Fund; or
- (b) is appointed directly without a break in his service to such employment; or

twee persent van die bedrag betaalbaar ingevolge paragraaf (a), en ten opsigte van enige oorblywende gedeelte van sodanige diens, 'n bedrag gelyk aan 'n persentasie van die bedrag aldus betaalbaar wat in dieselfde verhouding tot twee persent staan as wat die aantal dae in daardie gedeelte tot driehonderd vyf-en-sestig staan; en

- (c) rente teen die koers van vier persent per jaar, jaarliks saamgestel soos op die een-en-dertigste dag van Maart, op die totaal van die bedrae in paragraaf (a) en (b) genoem, vanaf die oorplatingsdatum tot die datum van betaling:

Met dien verstande dat—

- (i) die totaal van die bedrae wat ingevolge paragraaf (a) en (b) aan die ander fonds betaalbaar is, verminder moet word met enige agterstallige of meerdere bydraes wat op die oorplatingsdatum aan die Fonds verskuldig maar nog onbetaal was, en met enige ander bedrag wat die lid aan die Fonds verskuldig mag wees en wat op daardie datum onbetaal was, en enige rente wat ingevolge paragraaf (c) betaalbaar is, op die verminderde totaal bereken moet word;
- (ii) indien, in die geval van 'n lid wat verplig is om tot die Staatsdienspensioenfonds by te dra of wat onder die verpligting kom om tot die Regerings-werknemersondersteuningsfonds by te dra, die totaal van die bedrae wat ingevolge paragraaf (a) en (b) betaal moet word, onverminder met enige bydraes of enige ander bedrag in subparagraaf (i) genoem, meer is as die bedrag wat die ander fonds vereis ten opsigte van sy pensioengewende diens voor die oorplasing, oor die surplus beskik moet word op die wyse wat die Sekretaris mag bepaal.

(4) As 'n lid op wie subregulasie (1) van regulasie 6 betrekking het en wat ingevolge daardie subregulasie tot die Fonds bydra ten opsigte van die geheel of 'n deel van sy vorige ononderbroke diens tydperk, onmiddellik voor die datum waarop hy vir diens by die Polisiemag of die Gevangenisdiens ingeskryf is, 'n bydraer tot die Regerings-werknemersondersteuningsfonds was, word enige bedrag wat ooreenkomstig die Wet wat genoemde Ondersteuningsfonds beheer aan die Fonds betaal is, soos volg aangewend—

- (a) die agterstallige bydraes deur die lid ten opsigte van sodanige tydperk betaalbaar, word met die bedrag van die oorgedraagde bydraes verminder;
- (b) die bedrag wat ingevolge subparagraaf (i) van paragraaf (b) van subregulasie (1) van regulasie 17 ten opsigte van die lid uit inkomste betaalbaar is, word verminder met 'n bedrag gelyk aan die bydraes wat uit inkomste ten opsigte van die lid aan die Ondersteuningsfonds betaal is;
- (c) die rente wat ingevolge item (aa) van subparagraaf (ii) van paragraaf (b) van subregulasie (1) van regulasie 17 ten opsigte van die lid uit inkomste betaalbaar is, word verminder met die rente wat ingesluit is by die bedrag wat uit die Ondersteuningsfonds aan die Fonds betaal is.

Oordragte uit provinsiale en ander fondse.

8. (1) As enige persoon wat onderworpe is aan 'n Pensioenwet wat deur 'n provinsiale administrasie of die administrasie van die gebied of 'n Departement van Onderwys (hetsy in die Republiek of in die gebied) geadminestreer word of wat 'n lid is van 'n pensioen- of voorsorg- of ondersteuningsfonds (uitgesonderd 'n pensioen- of ondersteuningsfonds in subartikel (1) of (3) van artikel twee van die Wet genoem) ooreenkomstig 'n pensioenwet wat deur die Minister geadminestreer word—

- (a) oorgeplaas word na diens ten opsigte waarvan hy onder die verpligting kom om tot die Fonds by te dra; of
- (b) regstreeks in sodanige diens aangestel word sonder 'n onderbreking in sy diens; of

(c) is appointed to such employment after such a break in his service as the Secretary deems necessary and reasonable in the circumstances; or

(d) without a break in his service becomes liable to contribute to the Fund,

he shall become a member of and shall contribute to the Fund as from the date of such transfer or appointment or the date on which he so becomes liable.

(2) Any person who is so transferred or appointed or who so becomes liable may (subject in the case of a person referred to in paragraph (c) of sub-regulation (1) to the provisions of any other applicable law) elect in writing within sixty days from the date upon which he is called upon by the Secretary to do so, or within such further period not exceeding ninety days as the Secretary may in special circumstances allow, to reckon his past pensionable service, on such conditions as the Secretary may determine, as pensionable service for the purposes of the Fund and, if he elects so to reckon his past pensionable service, there shall be paid to the Fund from the pension or provident fund to which, prior to his becoming a member of the Fund, he contributed in respect of such service, or from such fund or from revenue or from such fund and revenue and by such person, in such proportions as the Secretary may determine—

(a) an amount equal to twice the contributions which would have been payable by such person to the Fund during the period of his past pensionable service if during that period he had been a member of the Fund and had contributed in accordance with the appropriate scale of contributions in force at the date of such transfer or appointment or at the date on which he so becomes liable; and

(b) in respect of each completed year of the whole period of such person's past pensionable service, an amount equal to two and one-half per cent of the amount payable in terms of paragraph (a), and in respect of any remaining portion of such service, an amount equal to a percentage of the amount so payable which bears to two and one-half per cent the same ratio as the number of days in that portion bears to three hundred and sixty-five and any amount payable in terms of this subparagraph shall for the purposes of these regulations be deemed to be interest.

(3) If any person to whom sub-regulation (2) relates does not elect in terms of that sub-regulation to reckon his past pensionable service as pensionable service for purposes of the Fund he shall be granted out of the fund or scheme of which he was previously a member any pension or any other amount to which he may be entitled in accordance with the pension law, regulations or rules governing that fund or scheme.

(4) If a person who elects in terms of sub-regulation (2) to reckon his past pensionable service as pensionable service under these regulations, was, prior to the date on which he became subject to a pension law referred to in sub-regulation (1), a contributor to the old fund, the Public Service Pension Fund, the Permanent Force Pension Fund or the Fund and elected to be dealt with in accordance with the provisions of paragraph (b) of sub-section (2) of section *twenty-seven* of the Government Service Pensions Act, 1936, paragraph (b) of sub-section (2) of section *fourteen* of the Pensions Act or paragraph (b) of sub-regulation (2) of regulation 9, then his pensionable service under these regulations or the Pensions Act or the Government Service Pensions Act, 1936, prior to such date shall, on such conditions as the Secretary may determine, be reckoned as continuous with his subsequent pensionable service under these regulations: Provided that the rate of his contributions to the Fund shall be determined by his age last birthday at the date of commencement of his first period of pensionable service.

(c) in sodanige diens aangestel word na so 'n onderbreking in sy diens as wat die Sekretaris in die omstandighede nodig en redelik ag; of

(d) sonder 'n onderbreking in sy diens onder die verpligting kom om tot die Fonds by te dra,

moet hy lid word van en bydra tot die Fonds met ingang van die datum van sodanige oorplasing of aanstelling of die datum waarop hy aldus onder verpligting kom.

(2) Enige persoon wat aldus oorgeplaas of aangestel word of wat aldus onder verpligting kom, kan (behoudens die bepalinge van enige ander toepaslike wet in die geval van 'n persoon in paragraaf (c) van subregulasie (1) genoem) binne sestig dae na die datum waarop hy deur die Sekretaris aangesê word om dit te doen of binne sodanige verdere tydperk, maar hoogstens negentig dae, as wat die Sekretaris in besondere omstandighede mag toelaat, skriftelik kies om op die voorwaardes wat die Sekretaris mag bepaal, sy vorige pensioengewende diens te reken as pensioengewende diens vir die doeleindes van die Fonds en, as hy kies om sy vorige pensioengewende diens aldus te reken, moet onderstaande uit die pensioen- of voorsorg- of ondersteuningsfonds waartoe hy ten opsigte van sodanige diens bygedra het voordat hy lid van die Fonds geword het, of uit sodanige fonds of uit inkomste of uit sodanige fonds en inkomste en deur sodanige persoon in die verhoudings wat die Sekretaris mag bepaal, aan die Fonds betaal word—

(a) 'n bedrag gelyk aan twee maal die bydraes wat deur sodanige persoon aan die Fonds betaalbaar sou gewees het gedurende die tydperk van sy vorige pensioengewende diens as hy gedurende daardie tydperk 'n lid van die Fonds was en bygedra het ooreenkomstig die toepaslike skaal van bydraes van krag op die datum van sodanige oorplasing of aanstelling of op die datum waarop hy aldus onder verpligting kom; en

(b) ten opsigte van elke volle jaar van die hele tydperk van sodanige persoon se vorige pensioengewende diens, 'n bedrag gelyk aan twee-en-'n-half persent van die bedrag wat ingevolge paragraaf (a) betaalbaar is, en ten opsigte van enige oorblywende gedeelte van sodanige diens, 'n bedrag gelyk aan 'n persentasie van die bedrag wat aldus betaalbaar is, wat in dieselfde verhouding tot twee-en-'n-half persent staan as wat die aantal dae in daardie gedeelte tot driehonderd vyf-en-sestig staan, en enige bedrag wat ingevolge hierdie subparagraaf betaalbaar is, word vir die toepassing van hierdie regulasies geag rente te wees.

(3) As enige persoon op wie subregulasie (2) betrekking het, nie kragtens daardie subregulasie kies om sy vorige pensioengewende diens as pensioengewende diens vir doeleindes van die Fonds te reken nie, moet enige pensioen of enige ander bedrag waartoe hy ooreenkomstig die pensioenwet, regulasies of reëls betreffende daardie fonds of skema geregtig mag wees, toegeken word uit die fonds of skema waarvan hy voorheen 'n lid was.

(4) As 'n persoon wat kragtens subregulasie (2) kies om sy vorige pensioengewende diens as pensioengewende diens kragtens hierdie regulasie te reken, voor die datum waarop hy onderworpe geword het aan 'n pensioenwet in subregulasie (1) genoem, 'n bydraer tot die ou fonds, die Staatsdienspensioenfonds, die Staandemagpensioenfonds of die Fonds was en gekies het om ooreenkomstig die bepalinge van paragraaf (b) van subartikel (2) van artikel *sewe-en-twintig* van die Regeringsdienspensioenwet, 1936, paragraaf (b) van subartikel (2) van artikel *veertien* van die Pensioenwet of paragraaf (b) van subregulasie (2) van regulasie 9, behandel te word, dan word sy pensioengewende diens kragtens hierdie regulasies of die Pensioenwet of die Regeringsdienspensioenwet, 1936, voor sodanige datum, op die voorwaardes wat die Sekretaris mag bepaal, gereken aaneenlopend te wees met sy latere pensioengewende diens kragtens hierdie regulasies: Met dien verstande dat die skaal van sy bydraes tot die Fonds bepaal word deur sy leeftyd op sy laaste verjaardag op die aanvangsdatum van sy eerste tydperk van pensioengewende diens.

Transfers to provincial and other funds.

9. (1) If a member of the Fund—

- (a) is transferred to employment in respect of which he becomes subject to a pension law administered by a provincial administration or the administration of the territory or a department of education (whether in the Republic or in the territory) or any pension law (other than any regulation made under section five of the Act) administered by the Minister; or
- (b) is appointed directly without a break in his service to such employment; or
- (c) is appointed to such employment after such a break in his service as the Secretary deems reasonable and necessary in the circumstances; or
- (d) without a break in his service becomes liable to contribute to a pension or provident fund under a law referred to in paragraph (a); and
- (e) in the case of a person referred to in paragraph (a), (b) or (c) becomes a contributor to a pension or provident fund under a law referred to in paragraph (a) as from the date of such transfer or appointment,

and is permitted and elects to contribute to a pension or provident fund administered under such law in respect of any part of his past pensionable service, there shall be transferred from the Fund to such first-mentioned fund—

- (i) an amount equal to twice the member's own contributions;
- (ii) in respect of each completed year of the whole period of such member's past pensionable service, an amount equal to two and one-half per cent of the amount payable in terms of sub-paragraph (i), and in respect of any remaining portion of such service, an amount equal to a percentage of the amount so payable which bears to two and one-half per cent the same ratio as the number of days in that portion bears to three hundred and sixty-five, and any amount payable in terms of this item shall for the purpose of the payment to be made from the Fund deemed to be interest; and
- (iii) interest at the rate of four per cent per annum, compounded annually as at the thirty-first day of March, on the total of the amounts referred to in sub-paragraphs (i) and (ii) from the transfer date up to the date of payment:

Provided that—

- (aa) the total of the amounts to be transferred to the other fund in terms of sub-paragraphs (i) and (ii) shall not exceed the amount required by that fund;
- (bb) the total of the amounts to be transferred in terms of sub-paragraphs (i) and (ii), not exceeding the amount required by the other fund, shall be reduced by any arrear or excess contributions due to the Fund but unpaid at the transfer date and by any other amount which may be due by the contributor to the Fund and which was unpaid at that date and any interest payable in terms of sub-paragraph (iii) shall be calculated on the reduced total;
- (cc) if the total of the amounts to be transferred to the other fund in terms of sub-paragraphs (i) and (ii), unreduced by any contributions or any other amount referred to in item (bb) is more or less than the amount which is required by the other fund in respect of such past pensionable service, the surplus shall be disposed of or the deficiency shall be made good in such manner as the Secretary may determine;
- (dd) in the case of a member to whom paragraph (c) applies the period of the break in his service shall be deemed not to interrupt the continuity of his service for pension purposes.

Oordragte na provinsiale en ander fondse.

9. (1) As 'n lid van die Fonds—

- (a) oorgeplaas word na diens ten opsigte waarvan hy onderworpe word aan 'n pensioenwet wat deur 'n provinsiale administrasie of die administrasie van die gebied of 'n departement van onderwys (hetsy in die Republiek of in die gebied) geadminestreer word of enige pensioenwet (uitgesonderd 'n regulasie kragtens artikel vyf van die Wet gemaak) wat deur die Minister geadminestreer word; of
- (b) regstreeks sonder onderbreking in sy diens in sodanige diens aangestel word; of
- (c) in sodanige diens aangestel word na 'n onderbreking in sy diens wat die Sekretaris in die omstandighede redelik en nodig ag; of
- (d) sonder 'n ontbreking in sy diens onder die verpligting kom om tot 'n pensioen- of voorsorg- of ondersteuningsfonds by te dra ingevolge 'n wet in paragraaf (a) genoem; en
- (e) in die geval van 'n persoon in paragraaf (a), (b) of (c) genoem, ingevolge 'n wet in paragraaf (a) genoem 'n bydraer tot 'n pensioen- of voorsorg- of ondersteuningsfonds word met ingang van die datum van sodanige oorpasing of aanstelling,

en hy toegelaat word en kies om ten opsigte van enige gedeelte van sy vorige pensioengewende diens by te dra tot 'n pensioen- of voorsorg- of ondersteuningsfonds wat ingevolge sodanige wet bestuur word, word onderstaande uit die Fonds na sodanige eersgenoemde fonds oorgedra—

- (i) 'n bedrag gelyk aan twee maal die lid se eie bydraes;
- (ii) ten opsigte van elke volle jaar van die hele tydperk van sodanige lid se vorige pensioengewende diens, 'n bedrag gelyk aan twee-en-'n-half persent van die bedrag wat ingevolge subparagraaf (i) betaalbaar is, en ten opsigte van enige oorblywende gedeelte van sodanige diens, 'n bedrag gelyk aan 'n persentasie van die bedrag wat aldus betaalbaar is, wat in dieselfde verhouding tot twee-en-'n-half persent staan as wat die aantal dae in daardie gedeelte tot driehonderd vyf-en-sestig staan, en enige bedrag wat ingevolge hierdie item betaalbaar is, word vir die doel van die betaling wat uit die fonds gedoen moet word, geag rente te wees; en
- (iii) rente teen die koers van vier persent per jaar, jaarliks soos op die een-en-dertigste dag van Maart saamgestel, op die totaal van die bedrae in subparagraawe (i) en (ii) genoem, vanaf die oorpasingdatum tot die datum van betaling:

Met dien verstande dat—

- (aa) die totaal van die bedrae wat ingevolge subparagraawe (i) en (ii) na die ander fonds oorgedra moet word, nie meer mag wees nie as die bedrag wat deur daardie fonds vereis word;
- (bb) die totaal van die bedrae wat ingevolge subparagraawe (i) en (ii) oorgedra moet word, maar hoogstens die bedrag deur die ander fonds vereis, verminder moet word met enige agterstallige of meerdere bydraes wat op die oorpasingdatum aan die Fonds verskuldig maar nog onbetaal was, en met enige ander bedrag wat die bydraer aan die Fonds verskuldig is en wat op daardie datum onbetaal was, en enige rente wat ingevolge subparagraaf (iii) betaalbaar is, op die verminderde totaal bereken moet word;
- (cc) as die totaal van die bedrae wat na die ander fonds oorgedra moet word ingevolge subparagraawe (i) en (ii), onverminder met enige bydraes of enige ander bedrag in item (bb) genoem, meer of minder is as die bedrag wat deur die ander fonds ten opsigte van sodanige vorige pensioengewende diens vereis word, daar oor die surplus beskik moet word of die tekort goedgemaak moet word op die wyse wat die Sekretaris mag bepaal;
- (dd) in die geval van 'n lid op wie paragraaf (c) van toepassing is, die tydperk van die onderbreking in sy diens geag word nie die aaneenlopendheid van sy diens vir pensioendoeleindes te onderbreek nie.

(2) If a member who is so transferred or appointed or who so becomes liable is not permitted to contribute in respect of his past pensionable service, or if permitted to do so does not so contribute, he may elect in writing within sixty days from the date upon which he is called upon by the Secretary to do so, or within such further period not exceeding ninety days as the Secretary in special circumstances may allow, either—

- (a) to be dealt with in accordance with the provisions of sub-regulation (1) of regulation 15, as if he had retired voluntarily; or
- (b) to be granted out of the Fund or out of revenue, or out of both the Fund and revenue, as the circumstances may require, if for any reason he retires or is retired or discharged from such employment, the pension to which he would have been entitled in respect of his pensionable service at the date of such transfer or appointment or the date on which he so became liable, if at that date he had retired or been retired or discharged from the Police Force or Prisons Service for the same reason: Provided that if such member so retires or is retired or discharged by reason of the age he has attained, or for a reason mentioned in paragraph (c), (d) or (e) of sub-regulation (1) of regulation 13, any such pension shall only be payable from the date on which he attains the age at which he would have had the right to retire on pension and would have been required to be so retired if he had not been so transferred or appointed or so become liable: Provided further that if he is retired or discharged for a reason mentioned in paragraph (c) or (d) of sub-regulation (1) of regulation 13 there shall be no addition to the pension payable from the Fund.

(3) If such contributor fails to make an election in terms of sub-regulation (2) he shall be deemed to have elected the benefits under paragraph (a) of that sub-regulation.

(4) The provisions of paragraph (b) of sub-regulation (2) shall *mutatis mutandis* apply in respect of a member who was transferred or appointed to employment referred to in sub-regulation (1) of this regulation on or after the twenty-fourth day of June, 1955, but before the fixed date, and who in terms of sub-section (2) of section fourteen of the Pensions Act elected to be subject to the provisions of paragraph (b) of that sub-section.

Persons transferred from and to employment under the Railway Administration.

10. (1) Any person who is transferred to the Police Force or the Prisons Service from pensionable employment under the Railway Administration shall become a member of and shall contribute to the Fund as from the date of such transfer and on his ultimate retirement, or in the event of his prior death, any benefits payable to him or to his dependants, shall be calculated on the whole period of his pensionable service under the Railway Administration and in the Police Force or the Prisons Service.

(2) Any person to whom sub-regulation (1) relates shall pay to the Fund, in respect of his period of pensionable employment under the Railway Administration and amount equal to the sum of—

- (a) an amount equal to twice the contributions which would have been payable by such person during such period of pensionable service if during that period he had been a member of the Fund and had contributed throughout in accordance with the appropriate scale of contributions set forth in regulation 3 and in force at the date of his transfer; and
- (b) in respect of each completed year of his pensionable service under the Railway Administration, an amount equal to two and one-half per cent of the amount payable in terms of paragraph (a)

(2) As 'n lid wat aldus oorgeplaas of aangestel word of aldus onder verpligting kom, nie toegelaat word om ten opsigte van sy vorige pensioengewende diens by te dra nie, of as hy toegelaat word om dit te doen, nie aldus bydra nie, kan hy binne sestig dae na die datum waarop hy deur die Sekretaris aangesê word om dit te doen, of binne 'n verdere tydperk, maar hoogstens negentig dae, wat die Sekretaris in besondere omstandighede mag toelaat, kies—

- (a) om ooreenkomstig die bepalings van subregulasie (1) van regulasie 15 behandel te word asof hy vrywillig uit diens getree het; of
- (b) om, as hy om watter rede ook al uit sodanige diens aftree of afgedank of ontslaan word, uit die Fonds of uit inkomste, of uit sowel die Fonds as inkomste, al na die omstandighede vereis, die pensioen toegeken te word waartoe hy op die datum van sodanige oorplasing of aanstelling of die datum waarop hy aldus onder verpligting gekom het, ten opsigte van sy pensioengewende diens geregtig sou gewees het as hy op daardie datum om dieselfde rede uit die Polisiemag of die Gevangenisdiens afgetree het of afgedank of ontslaan was: Met dien verstande dat as sodanige lid aldus aftree of afgedank of ontslaan word weens die leeftyd wat hy bereik het, of om 'n rede in paragraaf (c), (d) of (e) van subregulasie (1) van regulasie 13 genoem, enige sodanige pensioen betaalbaar is slegs vanaf die datum waarop hy die leeftyd bereik het waarop hy die reg sou gehad het om met pensioen af te tree en aldus afgedank sou moes gewees het as hy nie aldus oorgeplaas of aangestel was of aldus onder verpligting gekom het nie: Met dien verstande voorts dat as hy afgedank of ontslaan word om 'n rede in paragraaf (c) of (d) van subregulasie (1) van regulasie 13 genoem, niks by die pensioen wat uit die Fonds betaalbaar is, bygevoeg word nie.

(3) As sodanige bydraer nie kragtens subregulasie (2) 'n keuse doen nie, word hy geag die voordele kragtens paragraaf (a) van daardie subregulasie te gekies het.

(4) Die bepalings van subparagraaf (b) van subregulasie (2) is *mutatis mutandis* van toepassing ten opsigte van 'n lid wat op of na die vier-en-twintigste dag van Junie 1955, maar voor die vasgestelde datum, oorgeplaas is na of aangestel is in diens in subregulasie (1) van hierdie regulasie genoem en wat kragtens subartikel (2) van artikel veertien van die Pensioenwet gekies het om aan die bepalings van paragraaf (b) van daardie subartikel onderworpe te wees.

Persone oorgeplaas uit en na diens onder die Spoorwegadministrasie.

10. (1) Enige persoon wat uit pensioengewende diens onder die Spoorwegadministrasie na die Polisiemag of die Gevangenisdiens oorgeplaas word, moet lid word van en bydra tot die Fonds met ingang van die datum van sodanige oorplasing, en by sy uiteindelijke uitdienstreding, of as voor die tyd te sterwe kom, word enige voordele wat aan hom of sy afhanklikes betaalbaar is, bereken op die hele tydperk van sy pensioengewende diens onder die Spoorwegadministrasie en in die Polisiemag of die Gevangenisdiens.

(2) Enige persoon op wie subregulasie (1) betrekking het, moet ten opsigte van sy tydperk van pensioengewende diens onder die Spoorwegadministrasie aan die Fonds 'n bedrag betaal wat gelyk is aan die som van—

- (a) 'n bedrag gelyk aan twee maal die bydraes wat deur sodanige persoon gedurende sodanige tydperk van pensioengewende diens betaalbaar sou gewees het as hy gedurende daardie tydperk lid van die Fonds was en al die tyd bygedra het ooreenkomstig die toepaslike skaal van bydraes wat in regulasie 3 uiteengesit is en op die datum van sy oorplasing van krag was; en
- (b) ten opsigte van elke volle jaar van sy pensioengewende diens onder die Spoorwegadministrasie, 'n bedrag gelyk aan twee-en-'n-half persent van die bedrag ingevolge paragraaf (a) betaalbaar en, ten

and in respect of any remaining portion of such service, an amount equal to a percentage of the amount so payable which bears to two and one-half per cent the same ratio as the number of days in that portion bears to three hundred and sixty-five and any amount so payable in terms of this sub-paragraph shall for the purposes of these regulations be deemed to be interest:

Provided that the amount so payable shall be reduced by any amount paid to the Fund in terms of sub-section (1) of section *forty-one* of the Railways and Harbours Superannuation Fund Act, 1960.

(3) If a member is transferred from the Police Force or the Prisons Service to employment under the Railway Administration in respect of which he becomes liable to contribute to the New Superannuation Fund as from the date of his transfer and, in terms of sub-section (2) of section *forty-one* of the said Act, the whole period of his pensionable service prior to the date of his transfer is reckoned for purposes of that fund as continuous with his pensionable employment after that date, there shall be paid to the said fund an amount equal to the sum of—

- (a) twice the amount of his own contributions to the Fund;
- (b) in respect of each completed year of his pensionable service prior to the date of his transfer an amount equal to two and one-half per cent of the amount payable in terms of paragraph (a), and, in respect of any remaining portion of such service, an amount equal to a percentage of the amount so payable which bears to two and one-half per cent the same ratio as the number of days in that portion bears to three hundred and sixty-five and any amount so payable in terms of this sub-paragraph shall be deemed to be the interest payable on the member's own contributions:

Provided that—

- (i) the total of the amounts to be paid to the New Superannuation Fund in terms of paragraphs (a) and (b) shall not exceed the amount required by that fund;
- (ii) the total of the amounts to be paid in terms of paragraphs (a) and (b), not exceeding the amount required by the New Superannuation Fund, shall be reduced by any arrear or excess contributions due to the Fund but unpaid at the transfer date and by any other amount which may be due by the member to the Fund and which was unpaid at that date;
- (iii) if the amount to be paid to the New Superannuation Fund, unreduced by any contributions or any other amount referred to in sub-paragraph (ii), is more or less than the amount which is required by that fund, the excess shall be disposed of in such manner as the Secretary may determine and the deficiency shall be paid in equal shares by the member and from revenue: Provided further that any such deficiency may first be reduced by such portion of any amount paid to the said fund from the Government Service Widows' Pension Fund referred to in sub-section (2) of section *two* of the Act, in accordance with the law governing the latter fund, as the Secretary may determine.

(4) There shall be added to the amount payable in terms of sub-regulation (3) at the transfer date interest at the rate of four and one-half per cent per annum compounded monthly as at the last day of each month up to the date of payment.

(5) If a member is transferred to employment under the Railway Administration in respect of which he does not become liable to contribute to the New Superannuation Fund, he may elect in writing within sixty days from the date upon which he is called upon by the Secretary to do so, either—

opsigte van enige oorblywende gedeelte van sodanige diens, 'n bedrag gelyk aan 'n persentasie van die bedrag aldus betaalbaar wat in dieselfde verhouding tot twee-en-'n-half persent staan as wat die aantal dae in daardie gedeelte tot driehonderd vyf-en-sestig staan, en enige bedrag wat ingevolge hierdie subparagraaf aldus betaalbaar is, word vir die toepassing van hierdie regulasies geag rente te wees:

Met dien verstande dat die bedrag wat aldus betaalbaar is, verminder moet word met enige bedrag wat ingevolge subartikel (1) van artikel *een-en-veertig* van die Wet op die Spoorweg- en Hawesuperannuasiefonds, 1960, aan die Fonds betaal is.

(3) As 'n lid uit die Polisiemag of die Gevangenisdiens oorgeplaas word na diens onder die Spoorwegadministrasie ten opsigte waarvan hy onder die verpligting kom om met ingang van die datum van sy oorplasing tot die Nuwe Superannuasiefonds by te dra en die hele tydperk van sy pensioengewende diens voor die datum van sy oorplasing ingevolge subartikel (2) van artikel *een-en-veertig* van genoemde Wet vir doeleindes van daardie fonds gereken word as aaneenlopend met sy pensioengewende diens na daardie datum, moet daar aan genoemde fonds 'n bedrag betaal word wat gelyk is aan die som van—

- (a) twee maal die bedrag van sy eie bydraes tot die Fonds;
- (b) ten opsigte van elke volle jaar van sy pensioengewende diens voor die datum van sy oorplasing, 'n bedrag gelyk aan twee-en-'n-half persent van die bedrag ingevolge paragraaf (a) betaalbaar, en ten opsigte van enige oorblywende gedeelte van sodanige diens, 'n bedrag gelyk aan 'n persentasie van die bedrag aldus betaalbaar wat in dieselfde verhouding tot twee-en-'n-half persent staan as wat die aantal dae in daardie gedeelte tot driehonderd vyf-en-sestig staan, en enige bedrag wat ingevolge hierdie subparagraaf aldus betaalbaar is, word geag rente te wees wat op die lid se eie bydraes betaalbaar is:

Met dien verstande dat—

- (i) die totaal van die bedrae wat ingevolge paragrafe (a) en (b) aan die Nuwe Superannuasiefonds betaal moet word, nie meer mag wees nie as die bedrag wat deur daardie fonds vereis word;
- (ii) die totaal van die bedrae wat ingevolge paragrafe (a) en (b) betaal moet word, maar hoogstens die bedrag deur die Nuwe Superannuasiefonds vereis, verminder moet word met enige agterstallige of meerdere bydraes wat op die oorplatingsdatum aan die Fonds verskuldig maar nog onbetaal was, en met enige ander bedrag wat die lid aan die Fonds verskuldig is en wat op daardie datum onbetaal was;
- (iii) as die bedrag wat aan die Nuwe Superannuasiefonds betaal moet word, onverminder met enige bydraes of enige ander bedrag in subparagraaf (ii) genoem, meer of minder is as die bedrag wat daardie fonds vereis, daar oor die oorskot besluit moet word op die wyse wat die Sekretaris mag bepaal en die tekort deur die lid en uit inkomste, gelykop, betaal moet word: Met dien verstande voorts dat enige sodanige tekort eers verminder kan word met sodanige gedeelte van 'n bedrag wat aan genoemde fonds betaal is uit die Regeringsdiensweduweespensioenfonds in subartikel (2) van artikel *twee* van die Wet genoem, ooreenkomstig die wet wat laasgenoemde fonds beheer, as wat die Sekretaris mag bepaal.

(4) By die bedrag wat ingevolge subregulasie (3) op die oorplatingsdatum betaalbaar is, word rente teen die koers van vier-en-'n-half persent per jaar, maandeliks saamgestel soos op die laaste dag van elke maand tot die datum van betaling, bygevoeg.

(5) As 'n lid oorgeplaas word na diens onder die Spoorwegadministrasie ten opsigte waarvan hy nie onder die verpligting kom om tot die Nuwe Superannuasiefonds by te dra nie kan hy binne sestig dae na die datum waarop hy deur die Sekretaris aangesê word om dit te doen, skriftelik kies—

- (a) to be dealt with in accordance with the provisions of sub-regulation (1) of regulation 15 as if he had retired voluntarily; or
- (b) to be granted out of the Fund or out of revenue or out of both the fund and revenue, as the circumstances may require, if for any reason he retires or is retired or discharged from the service of the Railway Administration, the pension to which he would have been entitled at the date of such transfer in respect of his pensionable service, if he had at that date retired or been retired or discharged from the Police Force or Prisons Service for the same reason: Provided that if such member so retires or is so retired or discharged by reason of the age which he has attained, or for a reason mentioned in paragraph (c), (d) or (e) of sub-regulation (1) of regulation 13, any such pension shall only be payable from the date on which he attains the age at which he would have had the right to retire on pension and would have been required to be so retired if he had not been so transferred: Provided further that if he is retired or discharged for a reason mentioned in paragraph (c) or (d) of sub-regulation (1) of regulation 13 there shall be no addition to the pension payable from the Fund.
- (6) If such member fails to make an election in terms of sub-regulation (5), he shall be deemed to have elected the benefits under paragraph (a) of that sub-regulation.
- (7) The provisions of paragraph (b) of sub-regulation (5) shall *mutatis mutandis* apply in respect of a member who was transferred to employment under the Railway Administration on or after the twenty-fourth day of June, 1955, but before the fixed date and who in terms of sub-section (4) of section fifteen of the Pensions Act elected to be subject to the provisions of paragraph (b) of that sub-section.

Transfer of certain members of the Public Service Pension Fund to the Fund.

11. (1) If a member of the Police Force or Prisons Service who, in accordance with an election made in terms of section four of the Government Service Pensions Act, 1936, to be subject to the provisions of Part A of Chapter I of that Act, has continued to be a member of the Public Service Pension Fund, elects in terms of the law relating to that fund, to become a member of the Fund, he shall become a contributor to the Fund as from the first day of the month immediately succeeding the month in which he made his election and, in addition to any amount paid from the Public Service Pension Fund to the Fund in accordance with such law, he shall pay to the Fund additional contributions equal to the difference between—

- (a) the sum of the contributions paid by him—
- to the old fund as from the first day of April, 1936, up to and including the thirty-first day of March, 1954;
 - to the Public Service Pension Fund, in terms of section seventeen of the Pensions Act and the law relating to the rate at which contributions shall be paid by members of that fund, as from the first day of April, 1954, up to and including the last day of the month in which he made his election; and
- (b) the sum of the contributions he would have paid—
- to the old fund as from the first day of April, 1936, up to and including the thirty-first day of March, 1954, had he elected in terms of section four of the Government Service Pensions Act, 1936, to be subject to Part B of Chapter I of that Act;
 - to the Fund, as from the first day of April, 1954, up to and including the last day of the month in which he made his election, had he on the first day of April, 1954, become a member of the Fund and had contributed to the Fund in terms of sub-section (1) of section forty-four of the Pensions Act and regulation 3 of these regulations,

- (a) om ooreenkomstig die bepalings van subregulasie (1) van regulasie 15 behandel te word asof hy vrywillig uit diens getree het; of
- (b) om, as hy om watter rede ook al uit die diens van die Spoorwegadministrasie aftree of afgedank of ontslaan word, uit die Fonds of uit inkomste, of uit sowel die Fonds as inkomste, al na die omstandighede vereis, die pensioen toegeken te word waartoe hy op die datum van sodanige oorplasing ten opsigte van sy pensioengewende diens geregtig sou gewees het as hy op daardie datum om dieselfde rede uit die Polisiemag of die Gevangensidiens afgetree het of afgedank of ontslaan was: Met dien verstande dat as sodanige lid aldus aftree of aldus afgedank of ontslaan word weens die leeftyd wat hy bereik het, of om 'n rede in paragraaf (c), (d) of (e) van subregulasie (1) van regulasie 13 genoem, enige sodanige pensioen betaalbaar is slegs vanaf die datum waarop hy die leeftyd bereik waarop hy die reg sou gehad het om met pensioen af te tree en aldus afgedank sou moes gewees het as hy nie aldus oorgeplaas was nie: Met dien verstande voorts dat as hy aldus afgedank of ontslaan word om 'n rede in paragraaf (c) of (d) van subregulasie (1) van regulasie 13 genoem, niks by die pensioen wat uit die Fonds betaalbaar is, bygevoeg word nie.

(6) As sodanige lid nie kragtens subregulasie (5) 'n keuse doen nie, word hy geag die voordele kragtens paragraaf (a) van daardie subregulasie te gekies het.

(7) Die bepalings van paragraaf (b) van subregulasie (5) is *mutatis mutandis* van toepassing ten opsigte van 'n lid wat op of na die vier-en-twintigste dag van Junie 1955, maar voor die vasgestelde datum, na diens onder die Spoorwegadministrasie oorgeplaas is en wat kragtens subartikel (4) van artikel vyftien van die Pensioenwet gekies het om aan die bepalings van paragraaf (b) van daardie subartikel onderworpe te wees.

Oorplasing van sekere lede van die Staatsdienspensioenfonds na die Fonds.

11. (1) As 'n lid van die Polisiemag of die Gevangensidiens wat ooreenkomstig 'n keuse wat kragtens artikel vier van die Regeringsdienspensioenwet, 1936, gedoen is om aan die bepalings van Deel A van Hoofstuk I van daardie Wet onderworpe te wees, voortgegaan het om 'n lid van die Staatsdienspensioenfonds te wees, en kragtens die wet wat daardie fonds beheer kies om lid van die Fonds te word, moet hy 'n bydraer tot die Fonds word vanaf die eerste dag van die maand wat volg onmiddellik op die maand waarin hy sy keuse gedoen het en, benewens enige bedrag wat uit die Staatsdienspensioenfonds aan die Fonds betaal is ooreenkomstig sodanige wet, moet hy aan die Fonds addisionele bydraes betaal gelyk aan die verskil tussen—

- (a) die som van die bydraes deur hom betaal—
- aan die ou fonds vanaf die eerste dag van April 1936 tot en met die een-en-dertigste dag van Maart 1954;
 - aan die Staatsdienspensioenfonds ingevolge artikel sewentien van die Pensioenwet en die wet betreffende die skaal waarteen bydraes deur lede van daardie fonds gemaak moet word, vanaf die eerste dag van April 1954 tot en met die laaste dag van die maand waarin hy sy keuse gedoen het; en
- (b) die som van die bydraes wat hy sou betaal het—
- aan die ou fonds vanaf die eerste dag van April 1936 tot en met die een-en-dertigste dag van Maart 1954, as hy kragtens artikel vier van die Regeringsdienspensioenwet, 1936, gekies het om aan Deel B van Hoofstuk I van daardie Wet onderworpe te wees;
 - aan die Fonds met ingang van die eerste dag van April 1954 tot en met die laaste dag van die maand waarin hy sy keuse gedoen het, as hy op die eerste dag van April 1954 lid van die Fonds geword het en ingevolge subartikel (1) van artikel vier-en-veertig van die Pensioenwet en regulasie 3 van hierdie regulasies tot die Fonds bygedra het,

together with interest on such additional contributions at the rate of four per cent per annum, compounded annually as at the thirty-first day of March, and calculated according to the dates upon which those additional contributions would have been payable.

(2) If a member is unable to liquidate the amount due by him in terms of sub-regulation (1) in one payment, such amount shall be recovered from him in such manner and in such instalments as the Secretary may determine and he shall pay interest at the rate of four per cent per annum, compounded annually as at the thirty-first day of March, on the amount which remains unpaid at the end of each month.

(3) There shall be paid from revenue to the Fund an amount equal to the additional contributions and interest which become payable by the member in terms of sub-regulation (1).

PART III: BENEFITS PAYABLE TO MEMBERS OR THEIR DEPENDANTS.

Pensionable Service.

12. (1) The pensionable service with reference to which any pension is to be calculated shall include—

- (a) any period of continuous employment in respect of which contributions have been paid or are payable to the Fund;
- (b) any previous period of employment or portion of that period included in a member's pensionable service in terms of sub-paragraph (i) of paragraph (a) of sub-section (3) of section *eight* of the Pensions Act or sub-paragraph (i) of paragraph (a) of sub-regulation (3) of regulation 6;
- (c) any period included in a member's pensionable service in terms of—
 - (i) paragraph (b) of sub-section (3) or sub-section (4) of section *eight* of the Pensions Act or paragraph (b) of sub-regulation (3) or sub-regulation (4) of regulation 6;
 - (ii) the relevant provisions of the Public Servants (Military Service) Act, 1944 (Act No. 27 of 1944);
 - (iii) any other law in which provision is made for that period not being a period referred to in paragraph (d) to be so included;
- (d) any period or portion of a period intervening between two periods of employment, or intervening between two consecutive periods of pensionable service, which is included in a member's pensionable service in terms of sub-paragraph (ii) of paragraph (a) of sub-section (3) or sub-section (4) *bis* of section *eight* of the Pensions Act, or sub-section (1) of section *nine* of the Pensions Laws Amendment Act, 1957 (Act No. 62 of 1957), or sub-paragraph (ii) of paragraph (a) of sub-regulation (3) or sub-regulation (4) or (5) of regulation 6;

Provided that—

- (i) a period of continuous employment referred to in paragraph (a) shall not be regarded as interrupted by—
 - (aa) any period of absence from duty without pay in respect of which the member did not elect to contribute in terms of paragraph (b) of sub-section (4) of section *twenty-four* of the Government Service Pensions Act, 1936, or paragraph (b) of sub-section (4) of section *ten* of the Pensions Act or in respect of which, in terms of paragraph (b) of sub-regulation (4) of regulation 4, he elects not to contribute; or
 - (bb) any break in service referred to in paragraph (c) of sub-section (1) of section *thirteen* of the Pensions Act or paragraph (d) of sub-regulation (1) of regulation 8;
 - (cc) any break which occurred in a period of service included in a member's pensionable service in terms of the relevant provisions of section *twenty-six* or *twenty-eight* of the Govern-

tesame met rente op sodanige addisionele bydraes teen die koers van vier persent per jaar, jaarliks saamgestel soos op die een-en-dertigste dag van Maart, en bereken volgens die datums waarop daardie addisionele bydraes betaalbaar sou gewees het.

(2) As 'n lid nie in staat is om die bedrag wat hy ingevolge subregulasie (1) verskuldig is, in een betaling te ver-effen nie, moet sodanige bedrag op hom verhaal word op die wyse en in die paaielemente wat die Sekretaris mag bepaal, en moet hy rente betaal teen die koers van vier persent per jaar, jaarliks saamgestel soos op die een-en-dertigste dag van Maart, op die bedrag wat aan die end van elke maand nog onbetaal is.

(3) Daar moet uit inkomste 'n bedrag aan die Fonds betaal word wat gelyk is aan die addisionele bydraes en rente wat ingevolge subregulasie (1) deur die lid betaalbaar word.

DEEL III: VOORDELE AAN LEDE OF HULLE AFHANKLIKES BETAALBAAR.

Pensioengewende diens.

12. (1) Die pensioengewende diens ten opsigte waarvan enige pensioen bereken moet word, omvat—

- (a) enige tydperk van ononderbroke diens ten opsigte waarvan bydraes betaal is of betaalbaar is aan die Fonds;
- (b) enige vorige tydperk van diens of enige gedeelte van daardie tydperk wat by 'n lid se pensioengewende diens ingereken is kragtens subparagraaf (i) van paragraaf (a) van subartikel (3) van artikel *agt* van die Pensioenwet of subparagraaf (i) van paragraaf (a) van subregulasie (3) van regulasie 6;
- (c) enige tydperk wat by 'n lid se pensioengewende diens ingereken is kragtens—
 - (i) paragraaf (b) van subartikel (3) of subartikel (4) van artikel *agt* van die Pensioenwet of paragraaf (b) van subregulasie (3) of subregulasie (4) van regulasie 6;
 - (ii) die toepaslike bepalings van die Wet op Staatsamptenare (Militêre Diens), 1944 (Wet No. 27 van 1944);
 - (iii) enige ander wet wat bepaal dat daardie tydperk (uitgesonderd 'n tydperk in paragraaf (d) genoem) aldus ingereken kan word;
- (d) enige tydperk of gedeelte van 'n tydperk wat tussen twee tydperke van diens val of wat tussen twee opeenvolgende tydperke van pensioengewende diens val en wat by 'n lid se pensioengewende diens ingereken is kragtens subparagraaf (ii) van paragraaf (a) van subartikel (3) of subartikel (4) *bis* van artikel *agt* van die Pensioenwet, of subartikel (1) van artikel *nege* van die Wysigingswet op die Pensioenwette, 1957 (Wet No. 62 van 1957), of subparagraaf (ii) van paragraaf (a) van subregulasie (3) of subregulasie (4) of (5) van regulasie 6;

Met dien verstande dat—

- (i) 'n tydperk van ononderbroke diens in paragraaf (a) genoem, nie geag word onderbreek te wees nie deur—
 - (aa) enige tydperk van afwesigheid van diens sonder besoldiging ten opsigte waarvan die lid nie kragtens paragraaf (b) van subartikel (4) van artikel *vier-en-twintig* van die Regeringsdienspensioenwet, 1936, of paragraaf (b) van subartikel (4) van artikel *tien* van die Pensioenwet gekies het om by te dra nie of ten opsigte waarvan hy kragtens paragraaf (b) van subregulasie (4) van regulasie 4 kies om nie by te dra nie; of
 - (bb) enige onderbreking in diens in paragraaf (c) van subartikel (1) van artikel *dertien* van die Pensioenwet of paragraaf (d) van subregulasie (1) van regulasie 8 genoem;
 - (cc) enige onderbreking wat voorgekom het in 'n tydperk van diens wat kragtens die toepaslike bepalings van artikel *ses-en-twintig* of *agt-en-twintig* van die Regeringsdienspensioenwet,

ment Service Pensions Act, 1936, section *twelve, thirteen or fifteen* of the Pensions Act or of regulation 7, 8 or 10 and which did not interrupt that service for purposes of the pension or provident fund to which the member contributed prior to his transfer or appointment to the Police Force or Prisons Service;

- (ii) no period of employment, absence from duty or suspension from duty, or any other period shall be included in the member's pensionable service unless the contributions or any other amount due by the member to the Fund in respect of that period have been paid to the Fund or are deducted from the pension in terms of sub-regulation (3) of regulation 4.

(2) Save as is otherwise provided the period of pensionable service shall be calculated by the year and portion of a year and any portion of a year shall be determined according to the proportion which the number of days in that portion bears to three hundred and sixty-five.

Gratuities.

13. (1) A member who, before he has had ten years' pensionable service, retires or is retired or discharged from the Police Force or Prisons Service—

- in terms of section *eight* of the Act;
- on account of medical unfitness occasioned without his own default;
- owing to the abolition of his office or post or to any reduction in or reorganization or re-adjustment of the Police Force or the Prisons Service;
- on the grounds that his discharge will, for reasons other than his own unfitness or incapacity, promote efficiency or economy in the Police Force or Prisons Service;
- on account of unfitness for his duties, or incapacity to carry them out efficiently,

shall be paid a gratuity equal to ten per cent of the annual average of his pensionable emoluments for the last seven years of his pensionable service, or for the whole period of such service, whichever is the lesser period, in respect of each year of his pensionable service: Provided that if such member is so discharged for a reason mentioned in paragraph (c) or (d) before he has attained the pensionable age, he shall in addition to the said gratuity be entitled to a further amount equal to one-third of such gratuity, which further amount shall be paid out of revenue.

(2) A member who is a female and who is discharged on account of her marriage, or retires voluntarily in contemplation of marriage after having given written notification of her intention to do so and marries within three months after such retirement, shall receive a gratuity equal to the greater of the following amounts namely—

- the sum of her own contributions and excess contributions; or
- a percentage of an amount equal to ten per cent of the annual average of her pensionable emoluments for the last seven years of her pensionable service, or for the whole period of such service, whichever is the lesser period, in respect of each completed year of her pensionable service, calculated according to the following scale:

Number of completed years of pensionable service	Percentage of amount.
2	50
3	56½
4	62½
5	68½
6	75
7	81½
8	87½
9	93½
10 and over	100

1936, artikel *twaalf, dertien of vyftien* van die Pensioenwet, of van regulasie 7, 8 of 10 by 'n lid se pensioengewende diens ingereken is, en wat nie daardie diens vir doeleindes van die pensioen- of voorsorg- of ondersteuningsfonds waartoe die lid voor sy oorpasing na of aanstelling in die Polisiemag of Gevangensdiens bygedra het, onderbreek het nie;

- (ii) geen tydperk van diens, afwesigheid van diens of skorsing in diens, of enige ander tydperk word by die lid se pensioengewende diens ingereken nie, tensy die bydraes of enige ander bedrag wat deur die lid aan die Fonds verskuldig is ten opsigte van daardie tydperk aan die Fonds betaal is of ingevolge subregulasie (3) van regulasie 4 van die pensioen afgetrek word.

(2) Uitgesonderd soos anders bepaal, word die tydperk van pensioengewende diens by die jaar en gedeelte van 'n jaar bereken en enige gedeelte van 'n jaar word bepaal volgens die verhouding waarin die aantal dae in daardie gedeelte tot driehonderd vyf-en-sestig staan.

Gratifikasies.

13. (1) Aan 'n lid wat voordat hy tien jaar pensioengewende diens gehad het, uit die Polisiemag of die Gevangensdiens aftree of afgedank of ontslaan word—

- kragtens artikel *agt* van die Wet;
- weens mediese ongeskiktheid sonder sy eie toedoen veroorsaak;
- weens die afskaffing van sy betrekking of pos of die vermindering of reorganisasie of herreëling van die Polisiemag of die Gevangensdiens;
- op grond daarvan dat sy ontslag om ander redes as sy eie ongeskiktheid of onvermoë, doeltreffendheid of besuiniging in die Polisiemag of die Gevangensdiens sal bevorder;
- weens ongeskiktheid vir sy pligte of onvermoë om hulle op bekwame wyse uit te voer,

word 'n gratifikasie betaal wat gelyk is aan tien persent van die jaarlikse gemiddelde van sy pensioengewende verdienste oor die laaste sewe jaar van sy pensioengewende diens, of oor die hele tydperk van sodanige diens, naamlik die kortste tydperk, ten opsigte van elke jaar van sy pensioengewende diens: Met dien verstande dat as sodanige lid aldus ontslaan word om 'n rede in paragraaf (c) of (d) genoem voordat hy die pensioenleeftyd bereik het, hy benewens genoemde gratifikasie geregtig is tot 'n verdere bedrag gelyk aan 'n derde van sodanige gratifikasie, en so 'n verdere bedrag word uit inkomste betaal.

(2) 'n Lid wat 'n vrou is en wat weens haar huwelik ontslaan word, of met die voorneme om in die huwelik te tree vrywillig uit diens tree nadat sy skriftelik kennis gee het van haar voorneme om dit te doen en binne drie maande na sodanige uitdienstreding in die huwelik tree, ontvang 'n gratifikasie gelyk aan die grootste van onderstaande bedrae, naamlik—

- die som van haar eie bydraes en meerdere bydraes; of
- 'n persentasie van 'n bedrag gelyk aan tien persent van die jaarlikse gemiddelde van haar pensioengewende verdienste oor die laaste sewe jaar van haar pensioengewende diens, of oor die hele tydperk van sodanige diens, naamlik die kortste tydperk, ten opsigte van elke volle jaar van haar pensioengewende diens, bereken ooreenkomstig die volgende skaal:—

Aantal volle jare pensioengewende diens.	Persentasie van bedrag.
2	50
3	56½
4	62½
5	68½
6	75
7	81½
8	87½
9	93½
10 en meer	100

(3) If a member, other than a member to whom an annuity is granted in terms of regulation 28, is discharged from the Police Force or Prisons Service on account of medical unfitness, not occasioned without his own default, he shall be paid from the Fund a gratuity equal to the amount of his own contributions together with four per cent of the said amount in respect of each completed year of his pensionable service in excess of ten years and he shall further be paid an amount equal to his excess contributions: Provided that the amount payable to a member who was appointed as a member of the Police Force or Prisons Service prior to the twenty-fourth day of June, 1955, and who has had not less than fourteen years of pensionable service, shall not be less than an amount equal to—

- (a) his own contributions together with ten per cent of those contributions in respect of each completed year of pensionable service in excess of thirteen years; and
- (b) his excess contributions.

Annuity and gratuity after ten years' pensionable service.

14. (1) A member who has had not less than ten years' pensionable service and who retires or is retired or discharged from the Police Force or Prisons Service in terms of section eight of the Act or for a reason mentioned in paragraph (b), (c) or (e) of sub-regulation (1) of regulation 13 shall be entitled to the following benefits, namely—

- (a) an annuity, which shall be based on the annual average of his pensionable emoluments for the last seven years of his pensionable service and shall be calculated at a fraction of such average for each year of pensionable service according to the following scale:

Age at date of retirement or discharge.	Fraction of annual average of pensionable emoluments.
Under 56 years	3/220
56 years or over but under 57 years.	3/217
57 years or over but under 58 years	3/212
58 years or over but under 59 years	3/203
59 years or over but under 60 years	3/192
60 years or over	3/180

- (b) a gratuity which shall be based on the said average and shall be calculated, in the case of a male member, at the rate of five and three-quarters per cent and, in the case of a female member, at the rate of six and one-quarter per cent of such average in respect of each year of pensionable service: Provided that in the case of a member who was appointed as a member of the Police Force or Prisons Service with effect from a date prior to the first day of June, 1960, and who is retired in terms of subsection (6) of section eight of the Act, the gratuity shall be calculated at a percentage of such average in respect of each year of pensionable service, according to the following scale:

Males		Females	
Nearest age at date of retirement.	Percentage of annual average of pensionable emoluments.	Nearest age at date of retirement.	Percentage of annual average of pensionable emoluments.
50	6.16	50	6.71
51	6.03	51	6.61
52	5.91	52	6.51
53	5.78	53	6.42
54 or over	5.75	54	6.32
		55 or over	6.25

(2) If a member is discharged for a reason mentioned in paragraph (c) or (d) of sub-regulation (1) of regulation 13 there shall be added to his pensionable service, solely for the purpose of determining the period of his pensionable service upon which any annuity or gratuity to which he is entitled under sub-regulation (1) is to be based, either one-third of the period of the said service or the period,

(3) As 'n lid, uitgesonderd 'n lid aan wie 'n jaargeld kragtens regulasie 28 toegeken word, uit die Polisiemag of Gevangenisdiens ontslaan word weens mediese ongeskiktheid wat nie sonder sy eie toedoen veroorsaak is nie, word daar uit die Fonds 'n gratifikasie aan hom betaal wat gelyk is aan die bedrag van sy eie bydraes tesame met vier persent van genoemde bedrag ten opsigte van elke volle jaar van sy pensioengewende diens bo tien jaar en word daar ook 'n bedrag gelyk aan sy meerdere bydraes aan hom betaal: Met dien verstande dat die bedrag wat betaalbaar is aan 'n lid wat voor die vier-en-twintigste dag van Junie 1955 aangestel is as 'n lid van die Polisiemag of die Gevangenisdiens en wat minstens veertien jaar pensioengewende diens gehad het, nie minder mag wees nie as 'n bedrag gelyk aan—

- (a) sy eie bydraes tesame met tien persent van daardie bydraes ten opsigte van elke volle jaar pensioengewende diens bo dertien jaar; en
- (b) sy meerdere bydraes.

Jaargeld en gratifikasie na tien jaar pensioengewende diens.

14. (1) 'n Lid wat minstens tien jaar pensioengewende diens gehad het en wat uit die Polisiemag of Gevangenisdiens aftree of afgedank of ontslaan word ingevolge artikel agt van die Wet of om 'n rede in paragraaf (b), (c), (d) of (e) van subregulasie (1) van regulasie 13 genoem, is geregtig tot onderstaande voordele, naamlik—

- (a) 'n jaargeld wat gebaseer moet word op die jaarlikse gemiddelde van sy pensioengewende verdienste oor die laaste sewe jaar van sy pensioengewende diens en bereken word teen 'n breukdeel van sodanige tweehonderd-en-twintigstes gemiddelde vir elke jaar pensioengewende diens ooreenkomstig onderstaande skaal:

Leeftyd op datum van uitdienststreding of ontslag.	Breukdeel van jaarlikse gemiddelde van pensioengewende verdienste.
Onder 56 jaar	3/220
56 jaar of ouer maar onder 57 jaar	3/217
57 jaar of ouer maar onder 58 jaar	3/212
58 jaar of ouer maar onder 59 jaar	3/203
59 jaar of ouer maar onder 60 jaar	3/192
60 jaar of ouer	3/180

- (b) 'n gratifikasie wat op genoemde gemiddelde gebaseer word en in die geval van 'n manlike lid bereken word volgens die skaal van vyf en driekwart persent en, in die geval van 'n vroulike lid, volgens die skaal van ses-en-'n-kwart persent van sodanige gemiddelde ten opsigte van elke jaar pensioengewende diens: Met dien verstande dat in die geval van 'n lid wat met ingang van 'n datum voor die eerste dag van Junie 1960 aangestel is as 'n lid van die Polisiemag of Gevangenisdiens en wat ingevolge subartikel (6) van artikel agt van die Wet afgedank word, die gratifikasie bereken word volgens 'n persentasie van sodanige gemiddelde ten opsigte van elke jaar pensioengewende diens volgens onderstaande skaal:

Mans		Vroue	
Naaste leeftyd op datum van afdanking.	Persentasie van jaarlikse gemiddelde van pensioengewende verdienste.	Naaste leeftyd op datum van afdanking.	Persentasie van jaarlikse gemiddelde van pensioengewende verdienste.
50	6.16	50	6.71
51	6.03	51	6.61
52	5.91	52	6.51
53	5.78	53	6.42
54 of ouer	5.75	54	6.32
		55 of ouer	6.25

(2) As 'n lid ontslaan word om 'n rede in paragraaf (c) of (d) van subregulasie (1) van regulasie 13 genoem, word daar, slegs vir die doel van die bepaling van die tydperk van sy pensioengewende diens waarop enige jaargeld of gratifikasie waartoe hy kragtens subregulasie (1) geregtig is gebaseer moet word, 'n derde van die tydperk van genoemde diens of die tydperk, maar hoogstens

not exceeding five years, by which his pensionable age exceeds his age at the date of his discharge, whichever is the lesser period: Provided that the amount by which such annuity or gratuity is increased by reason of the period so added, shall be paid out of revenue.

(3) If a member, before he has attained the pensionable age, is retired or discharged for any reason other than medical unfitness or otherwise than under the provisions of sub-section (3) or (7) of section *eight* of the Act, all annuity payments in respect of the period before he reaches that age shall be made out of revenue and the gratuity payment partly out of revenue and partly out of the Fund in accordance with tables recommended by an actuary and approved by the Secretary.

Benefits on resignation or dismissal.

15. (1) A member who retires voluntarily from the Police Force or Prisons Service before attaining the pensionable age, otherwise than under the provisions of sub-section (3) or (7) of section *eight* of the Act, shall be paid from the Fund an amount equal to his own contributions, together with four per cent of the said amount in respect of each completed year of his pensionable service in excess of ten years and shall further be paid an amount equal to his excess contributions: Provided that the amount payable to a member who was appointed as a member of the Police Force or Prisons Service with effect from a date prior to the twenty-fourth day of June, 1955, and who has had not less than fourteen years of pensionable service, shall not be less than an amount equal to—

- (a) the member's own contributions together with ten per cent of the total of such contributions in respect of each completed year of pensionable service in excess of thirteen years; and
- (b) the member's excess contributions.

(2) If a member, other than a member to whom an annuity is granted in terms of regulation 28, is discharged from the Police Force or Prisons Service on account of misconduct, or resigns or is called upon to resign from such service in order to avoid such discharge, or is discharged therefrom for a reason not specifically mentioned in these regulations he shall be paid an amount equal to his own contributions and his excess contributions.

(3) The Secretary may deduct from any amount payable under this regulation to any member the amount of any loss certified by the Controller and Auditor-General to have been sustained by the Government through theft, fraud, negligence or any misconduct on the part of such member.

Benefits on death of a member.

16. (1) If a member dies before his retirement or discharge from the Police Force or Prisons Service, there shall, subject to the provisions of sub-regulation (3), be paid from the Fund to or for the benefit of such of his dependants as the Secretary may determine—

- (a) if such member has had less than ten years' pensionable service, a gratuity calculated at the rate of eleven per cent of the annual average of his pensionable emoluments for the last seven years of his pensionable service or for the whole period of such service, whichever is the lesser period, in respect of each year of his pensionable service: Provided that such gratuity shall not be less than an amount equal to the said annual average of his pensionable emoluments;
- (b) if such member has had not less than ten years of pensionable service, a gratuity equal to the aggregate amount of—
 - (i) the benefits which would have been paid to the member in terms of sub-regulation (1) of regulation 14; and
 - (ii) the gratuity which would have been paid in terms of sub-regulation (2) of this regulation to or in respect of the said dependants,

vyf jaar, waarmee sy pensioenleef tyd hoër is as sy leeftyd op die datum van sy ontslag, naamlik die kortste tydperk, by sy pensioengewende diens bygevoeg: Met dien verstande dat die bedrag waarmee sodanige jaargeld of gratifikasie verhoog word weens die tydperk aldus bygevoeg, uit inkomste betaal word.

(3) As 'n lid om enige ander rede as mediese ongeskiktheid of op 'n ander wyse as ingevolge die bepalings van subartikel (3) of (7) van artikel *agt* van die Wet afgedank of ontslaan word voordat hy die pensioenleef tyd bereik het, word alle jaargeldbetalings ten opsigte van die tydperk voordat hy daardie leeftyd bereik, uit inkomste gedoen, en word die gratifikasiebetaling gedeeltelik uit inkomste en gedeeltelik uit die Fonds gedoen ooreenkomstig tabelle deur 'n aktuaris aanbeveel en deur die Sekretaris goedgekeur.

Voordele by bedanking of ontslag

15. (1) Aan 'n lid wat voordat hy die pensioenleef tyd bereik, vrywillig uit die Polisiemag of Gevangenisdiens tree op 'n ander wyse as kragtens die bepalings van subartikel (3) of (7) van artikel *agt* van die Wet, word uit die Fonds 'n bedrag betaal gelyk aan sy eie bydraes, tesame met vier persent van genoemde bedrag ten opsigte van elke volle jaar van sy pensioengewende diens bo tien jaar en verder 'n bedrag gelyk aan sy meerdere bydraes: Met dien verstande dat die bedrag betaalbaar aan 'n lid wat met ingang van 'n datum voor die vier-en-twintigste dag van Junie 1955 as 'n lid van die Polisiemag of Gevangenisdiens aangestel is, en wat minstens veertien jaar pensioengewende diens gehad het, nie minder mag wees nie as 'n bedrag gelyk aan—

- (a) die lid se eie bydraes tesame met tien persent van die totaal van sodanige bydraes ten opsigte van elke volle jaar pensioengewende diens bo dertien jaar; en
- (b) die lid se meerdere bydraes.

(2) As 'n lid, uitgesonderd 'n lid aan wie 'n jaargeld kragtens regulasie 28 toegeken word, weens wangedrag uit die Polisiemag of Gevangenisdiens ontslaan word, of uit sodanige diens bedank of aangesê word om te bedank om sodanige ontslag te vermy, of daaruit ontslaan word om 'n rede wat nie uitdruklik in hierdie regulasie genoem word nie, word 'n bedrag aan hom betaal wat gelyk is aan sy eie bydraes en sy meerdere bydraes.

(3) Die Sekretaris kan van enige bedrag wat ingevolge hierdie regulasie aan 'n lid betaalbaar is, die bedrag aftrek van enige verlies wat die Regering volgens 'n sertifikaat van die Kontroleur en Ouditeur-generaal as gevolg van diefstal, bedrog, nalatigheid of enige wangedrag van die kant van sodanige lid gelyk het.

Voordele by afsterwe van 'n lid.

16. (1) As 'n lid te sterwe kom voor sy uitdienstreding of ontslag uit die Polisiemag of Gevangenisdiens, word onderstaande, behoudens die bepalings van subregulasie (3), uit die Fonds betaal aan of ten voordele van dié van sy afhanklikes wat die Sekretaris mag bepaal—

- (a) as sodanige lid minder as tien jaar pensioengewende diens gehad het, 'n gratifikasie bereken volgens die skaal van elf persent van die jaarlikse gemiddelde van sy pensioengewende verdienste oor die laaste sewe jaar van sy pensioengewende diens of oor die hele tydperk van sodanige diens, naamlik die kortste tydperk, ten opsigte van elke jaar pensioengewende diens: Met dien verstande dat sodanige gratifikasie nie minder mag wees nie as 'n bedrag gelyk aan genoemde jaarlikse gemiddelde van sy pensioengewende verdienste;
- (b) indien genoemde lid nie minder as tien jaar pensioengewende diens gehad het nie, 'n gratifikasie betaal gelyk aan die totaalbedrag van—
 - (i) die voordele wat ingevolge subregulasie (1) van regulasie 14 aan die lid betaal sou gewees het; en
 - (ii) die gratifikasie wat ingevolge subregulasie (2) van hierdie regulasie aan genoemde afhanklikes betaal sou gewees het,

if the member had been discharged on account of medical unfitness (occasioned without his own default) with effect from the day immediately succeeding the last day of his pensionable service and had died on the first-mentioned day.

(2) If a member who has retired or been retired or discharged from the Police Force or Prisons Service on an annuity dies within five years after the date of his retirement or discharge, there shall, subject to the provisions of sub-regulation (3), be paid to or for the benefit of such of his dependants as the Secretary may determine a gratuity equal to the aggregate amount of the annuity (exclusive of any annuity awarded from the additional benefits account referred to in Chapter II) which would have been paid to such member from the date of his death until the expiry of the said five years, had he not died.

(3) The gratuities referred to in sub-regulations (1) and (2) shall be allocated amongst the said dependants in such manner as the Secretary may determine and the Secretary may, in the case of dependants other than the widow of the deceased member, reduce any such gratuity to an extent which, having regard to the circumstances of such dependants, appears to him to be reasonable.

(4) If a member dies before retirement from the said Force or Service without leaving a dependant, an amount equal to his own contributions, together with any excess contributions, shall be paid to his estate and there shall be no further claim on the Fund.

(5) If a member—

(a) who elected the benefits of paragraph (b) of sub-section (2) of section *fourteen* of the Pensions Act, or of that paragraph as applied by sub-section (4) of section *ninety-three* of that Act, or has elected the benefits of paragraph (b) of sub-regulation (2) of regulation 9 or paragraph (b) of sub-regulation (5) of regulation 10, dies before such benefits become due and payable; or

(b) to whom sub-regulation (1) of regulation 28 applies, dies before a pension becomes due and payable in terms of that sub-regulation,

such member shall, for purposes of sub-regulations (1), (3) and (4) of this regulation be deemed to have died on the last day of his pensionable service in the Police Force or Prisons Service.

(6) If a member referred to in paragraph (a) or (b) of sub-regulation (5) dies after an annuity becomes payable to him under the provisions referred to in the applicable paragraph, he shall, for the purposes of sub-regulations (2) and (3) of this regulation be deemed to have retired or been retired or discharged from the Police Force or Prisons Service on an annuity as from the date on which the first-mentioned annuity became payable.

PART IV: FINANCIAL PROVISIONS.

Payments from revenue to the Fund and from the Fund to revenue.

17. (1) There shall be paid out of revenue to the Fund, with effect from the fixed date—

(a) at the end of each month an amount equal to the aggregate of the current contributions, excluding the excess contributions, which have been paid to the Fund by contributors during that month;

(b) on the thirty-first day of March in each year—

(i) an amount equal to the aggregate of the arrear contributions for which contributors to the Fund may have become liable in terms of sub-regulation (1) of regulation 6 or sub-section (1) of section *eight* of the Pensions Act and the liability for which has been notified to and accepted by the Secretary;

indien die lid met ingang van die dag onmiddellik na die laaste dag van sy pensioengewende diens weens mediese ongeskiktheid (sonder sy eie toedoen veroorsaak) ontslaan was, en op eersgenoemde dag te sterwe gekom het.

(2) As 'n lid wat met 'n jaargeld uit die Polisiemag of Gevangenisdiens afgetree het, of afgedank of ontslaan is, te sterwe kom binne vyf jaar na die datum van sy uitdienstreding of ontslag, word daar, behoudens die bepalings van subregulasie (3), aan of ten voordele van dié van sy afhanklikes wat die Sekretaris mag bepaal, 'n gratifikasie betaal gelyk aan die totaalbedrag van die jaargeld (met uitsluiting van enige jaargeld wat uit die bykomstige voordelerekening in Hoofstuk 11 genoem, toegeken is) wat vanaf die datum van sy afsterwe tot die verstryking van genoemde vyf jaar aan sodanige lid betaal sou gewees het as hy nie te sterwe gekom het nie.

(3) Die gratifikasies in subregulasies (1) en (2) genoem word onder genoemde afhanklikes toegewys op die wyse wat die Sekretaris mag bepaal en die Sekretaris kan, in die geval van ander afhanklikes as die weduwee van die oorlede lid, enige sodanige gratifikasie verminder in die mate wat hy, met inagneming van die omstandighede van sodanige afhanklikes, as redelik beskou.

(4) As 'n lid voor sy uitdienstreding uit genoemde Mag of Diens te sterwe kom en geen afhanklike nalaat nie, word 'n bedrag gelyk aan sy eie bydraes, tesame met enige meerdere bydraes, aan sy boedel uitbetaal en is daar geen verdere eis teen die Fonds nie.

(5) As 'n lid—

(a) wat die voordele van paragraaf (b) van subartikel (2) van artikel *veertien* van die Pensioenwet, of van daardie paragraaf soos by subartikel (4) van artikel *drie-en-negentig* van daardie Wet toegepas, gekies het, of die voordele van paragraaf (b) van subregulasie (2) van regulasie 9 of paragraaf (b) van subregulasie (5) van regulasie 10 gekies het, te sterwe kom voordat sodanige voordele verskuldig en betaalbaar word; of

(b) op wie subregulasie (1) van regulasie 28 van toepassing is, te sterwe kom voordat 'n pensioen ingevolge daardie subregulasie verskuldig en betaalbaar word,

word sodanige lid vir die toepassing van subregulasies (1), (3) en (4) van hierdie regulasie geag op die laaste dag van sy pensioengewende diens in die Polisiemag of Gevangenisdiens te gesterf het.

(6) As 'n lid in paragraaf (a) of (b) van subregulasie (5) genoem, te sterwe kom nadat 'n jaargeld aan hom betaalbaar word ingevolge die bepalings in die toepaslike paragraaf genoem, word hy vir die toepassing van subregulasies (2) en (3) van hierdie regulasie geag met 'n jaargeld uit die Polisiemag of Gevangenisdiens af te getree het of afgedank of ontslaan te gewees het met ingang van die datum waarop eersgenoemde jaargeld betaalbaar geword het.

DEEL IV: FINANSIËLE BEPALINGS.

Betalings uit inkomste aan die Fonds en uit die Fonds aan inkomste.

17. (1) Onderstaande moet met ingang van die vasgestelde datum uit inkomste aan die Fonds betaal word—

(a) aan die end van elke maand, 'n bedrag gelyk aan die totaalbedrag van die lopende bydraes, uitgesonderd die meerdere bydraes, wat bydraers gedurende daardie maand aan die Fonds betaal het;

(b) op die een-en-dertigste dag van Maart in elke jaar—

(i) 'n bedrag gelyk aan die totaalbedrag van die agterstallige bydraes waarvoor bydraers tot die Fonds ingevolge subregulasie (1) van regulasie 6 of subartikel (1) van artikel *agt* van die Pensioenwet aanspreeklik mag geword het en van die aanspreeklikheid waarvoor die Sekretaris in kennis gestel is en wat hy aanvaar het;

(ii) interest at the rate of four per cent per annum on—

- (aa) twice the amount of the contributions referred to in sub-paragraph (i), compounded annually and calculated according to the dates upon which the said contributions would have become payable had the contributors been contributing as from the commencement of the periods of their past pensionable service;
- (bb) the amount of any arrear or excess contributions and any other amounts due by contributors to the Fund in respect of which such contributors are not required to pay interest and which remain unpaid at the end of each month during the period in respect of which the interest is paid, calculated on a monthly basis; and
- (cc) the average of the uninvested amounts in the Fund at the end of each month during the period in respect of which the interest is paid.

(2) (a) If a member becomes entitled to a benefit under regulation 15 or dies without leaving a dependant, before he has completed three years' employment in the Police Force or Prisons Service, any amount paid from revenue in respect of such member shall, subject to the provisions of paragraphs (b) and (c), be repaid to revenue.

(b) The provisions of paragraph (a) shall not apply in respect of any such member, if he was transferred from pensionable employment under any government referred to in regulation 29, or under any administration, or from such employment in respect of which he was a contributor to another fund (other than the Government Employees' Provident Fund) administered by the Minister.

(c) If a member in respect of whom sub-paragraph (a) applies was immediately prior to his appointment as a member of the Police Force or Prisons Service a member of the Government Employees' Provident Fund, his continuous service prior to such appointment shall for purposes of that sub-paragraph be deemed to be employment in the said Force or Service.

(3) If a member is retired or discharged from the Police Force or Prisons Service by reason of bodily injury or permanent medical unfitness arising out of and in the course of his employment, or is a member, before his retirement or discharge from the Police Force or Prisons Service, dies by reason of such an injury or such medical unfitness, and a compensatory pension which is payable from revenue in lieu of any benefits payable to him or his dependants in terms of these regulations and the Workmen's Compensation Act, 1941 (Act No. 30 of 1941), is granted to him or his dependants in terms of any regulations made under the Act to provide for such a pension, there shall be paid out of the Fund to revenue an amount equal to—

- (a) twice the amount of his own contributions; and
- (b) in respect of each completed year of his pensionable service prior to the date of his retirement or death an amount equal to two per cent of the amount payable in terms of paragraph (a) and in respect of any remaining portion of such service, an amount equal to a percentage of the amount so payable which bears to two per cent the same ratio as the number of days in that portion bears to three hundred and sixty-five and any amount so payable in terms of this sub-paragraph shall be deemed to be interest accrued:

Provided that the amount so payable shall be reduced by any contributions or any other amount which in terms of paragraph (b) of sub-regulation (3) of regulation 4 ceased to be payable to the Fund.

Investment of Fund balances.

18. (1) All amounts paid to the Fund shall be lodged in the Treasury to the credit of the Fund.

(ii) rente teen die koers van vier persent per jaar op—

- (aa) twee maal die bedrag van die bydraes in subparagraaf (i) genoem, jaarliks saamgestel en bereken volgens die datums waarop genoemde bydraes betaalbaar sou geword het as die bydraers vanaf die begin van die tydperke van hulle vorige pensioengewende diens bygedra het;
- (bb) die bedrag van enige agterstallige of meerdere bydraes en enige ander bedrae deur bydraers aan die Fonds verskuldig ten opsigte waarvan sodanige bydraers nie verplig is om rente te betaal nie en wat nog onbetaal is aan die end van elke maand gedurende die tydperk ten opsigte waarvan die rente betaal word, bereken op 'n maandelikse basis; en
- (cc) die gemiddelde van die onbelegde bedrae in die Fonds aan die end van elke maand gedurende die tydperk ten opsigte waarvan die rente betaal word.

(2) (a) As 'n lid voordat hy drie jaar diens in die Polisiemag of Gevangenisdiens voltooi het, tot 'n voordeel kragtens regulasie 15 geregtig word of te sterwe kom en geen afhanklike nalaat nie word enige bedrag wat uit inkomste ten opsigte van sodanige lid betaal is, behoudens die bepalinge van paragrafe (b) en (c), aan inkomste terugbetaal.

(b) Die bepalinge van paragraaf (a) is nie ten opsigte van so 'n lid van toepassing nie as hy oorgeplaas is uit pensioengewende diens onder 'n regering in regulasie 29 genoem of onder enige administrasie of uit sodanige diens ten opsigte waarvan hy 'n bydraer was tot 'n ander fonds (uitgesonderd die Regerings-werknemersondersteuningsfonds) wat deur die Minister geadministreer word.

(c) As 'n lid ten opsigte van wie subparagraaf (a) van toepassing is onmiddellik voor sy aanstelling as 'n lid van die Polisiemag of Gevangenisdiens, 'n lid van die Regerings-werknemersondersteuningsfonds was, word sy ononderbroke diens voor sodanige aanstelling vir die toepassing van daardie subparagraaf geag diens in genoemde Mag of Diens te wees.

(3) As 'n lid uit die Polisiemag of Gevangenisdiens afgedank of ontslaan word weens liggaamlike besering of blywende mediese ongeskiktheid wat uit en in die loop van sy diens ontstaan het, of as 'n lid as gevolg van sodanige besering of sodanige mediese ongeskiktheid voor sy uitdienstreding of ontslag uit die Polisiemag of Gevangenisdiens te sterwe kom en as 'n vergoedingspensioen wat uit inkomste betaalbaar is, in plaas van enige voordele wat aan hom of sy afhanklikes, betaalbaar is ingevolge hierdie regulasies en die Ongevalwet, 1941 (Wet No. 30 van 1941), aan hom of sy afhanklikes toegeken word ingevolge enige regulasies kragtens die Wet gemaak om vir sodanige pensioen voorsiening te maak, word daar uit die Fonds aan inkomste 'n bedrag betaal gelyk aan—

- (a) twee maal die bedrag van sy eie bydraes; en
- (b) ten opsigte van elke volle jaar van sy pensioengewende diens voor die datum van sy uitdienstreding of dood, 'n bedrag gelyk aan twee persent van die bedrag ingevolge paragraaf (a) betaalbaar en, ten opsigte van enige oorblywende gedeelte van sodanige diens, 'n bedrag gelyk aan 'n persentasie van die bedrag aldus betaalbaar, wat in dieselfde verhouding tot twee persent staan as wat die aantal dae in daardie gedeelte tot driehonderd vyf-en-sestig staan, en enige bedrag aldus betaalbaar ingevolge hierdie subparagraaf word geag opgelope rente te wees;

Met dien verstande dat die bedrag aldus betaalbaar verminder moet word met enige bydraes of enige ander bedrag wat ingevolge paragraaf (b) van subregulasie (3) van regulasie 4 nie meer aan die Fonds betaalbaar is nie.

Belegging van Fondssaldo's.

18. (1) Alle bedrae wat aan die Fonds betaal is, moet vir krediet van die Fonds by die Tesourie gestort word.

(2) So much of the amounts so lodged as is not required for current purposes shall be a deposit for the purposes of the Public Debt Commissioners Act, 1911 (Act No. 18 of 1911), and shall be invested accordingly.

(3) If the interest earned by the Fund on deposits referred to in sub-regulation (2) should be less than four per cent in the aggregate in any year ending on the thirty-first day of March, a sum equal to the difference between the interest so earned and interest at the rate four per cent per annum shall be paid out of the Consolidated Revenue Fund to the Fund as soon as the Controller and Auditor-General has certified such sum.

Accounts.

19. (1) The Secretary shall cause full and true accounts of the Fund to be kept showing particulars in connection with any matter of which it is necessary to keep an account for the purpose of the Act or in order that an actuarial valuation of the Fund may be made at any time.

(2) The Secretary shall cause the books and accounts of the Fund to be balanced up to the thirty-first day of March in every year and a balance sheet to be prepared showing the assets and liabilities of the Fund as at that date.

(3) For the purposes of this regulation and regulation 20 any amount due to a member (other than a member to whom an annuity is payable) shall be deemed to have become a liability of the Fund within the Financial year in which payment of the said amount is made.

Valuations and Management of the Fund.

20. (1) An actuary shall value the assets and liabilities of the Fund as at the thirty-first day of March, 1968, and every five years thereafter and shall declare any surplus or deficiency which his investigation discloses and shall report thereon to the Minister.

(2) The report of the actuary shall be laid upon the Table in the Senate and in the House of Assembly within sixty days of the receipt thereof by the Minister if Parliament is then in session, or if Parliament is not then in session, within sixty days after the commencement of its next ensuing session.

(3) If the actuary in such a report certifies that there is substantial surplus or a substantial deficiency, the contributions payable by or in respect of contributors or any class of contributors, shall be reduced or increased, as the case may be, to such an extent and as from such date, as the Minister in consultation with the Minister of Finance and the Minister of Justice and on the recommendation of the actuary, may determine: Provided that the rates at which contributions are payable from revenue in respect of contributors shall not be reduced to less than the rates at which contributions are payable by contributors.

(4) A statement embodying the decision of the Minister under sub-regulation (3) shall be laid upon the Table in the Senate and in the House of Assembly within one year from the date on which the report of the actuary was laid thereon.

(5) The business of the Fund shall be conducted by the Secretary and the cost in connection therewith and of any actuarial investigation and matters incidental thereto shall be paid out of the Consolidated Revenue Fund.

(6) All pensions payable under this Chapter shall, except where otherwise provided, be paid out of the Fund.

CHAPTER II.

ADDITIONAL BENEFITS ACCOUNT.

Interpretation of terms.

21. In this Chapter, unless the context otherwise indicates—

- (i) "member" means a member of the Fund;
- (ii) "qualifying service" means—

(2) Soveel van die bedrae aldus gestort as wat nie vir lopende doeleindes nodig is nie, is 'n deposito vir die toepassing van die Openbare Schuld Kommissarissen Wet, 1911 (Wet No. 18 van 1911), en moet dienooreenkomstig belê word.

(3) As die rente wat deur die Fonds op deposito's in subregulasie (2) genoem, verdien word, in die totaalbedrag minder is as vier persent in enige jaar wat op die een-en-dertigste dag van Maart eindig, moet 'n bedrag gelyk aan die verskil tussen die rente aldus verdien en rente teen die koers van vier persent per jaar uit die Gekonsolideerde Inkomstefonds aan die Fonds betaal word sodra die Kontroleur en Ouditeur-generaal sodanige bedrag gesertifiseer het.

Rekeninge.

19. (1) Die Sekretaris moet volledige en juiste rekenings van die Fonds laat hou wat besonderhede toon in verband met enige aangeleentheid waarvan dit nodig is om 'n rekening vir die toepassing van die Wet te hou of sodat 'n aktuariële waardering van die Fonds te eniger tyd gemaak kan word.

(2) Die Sekretaris moet die boeke en rekeninge van die Fonds laat balanseer tot en met die een-en-dertigste dag van Maart in elke jaar en 'n balansstaat laat opstel wat die bates en laste van die Fonds soos op daardie datum toon.

(3) Vir die toepassing van hierdie regulasie en regulasie 20 word 'n bedrag wat aan 'n lid (uitgesonderd 'n lid aan wie 'n jaargeld betaalbaar is) verskuldig is, geag 'n las van die Fonds te geword het binne die boekjaar waarin die betaling van genoemde bedrag gedoen word.

Waarderings en bestuur van die Fonds.

20. (1) 'n Aktuaris moet die bates en laste van die Fonds soos op die een-en-dertigste dag van Maart 1968 en elke vyf jaar daarna waardeur en moet enige surplus of tekort wat sy ondersoek aan die lig bring, verklaar en verslag daarvoor aan die Minister doen.

(2) Die verslag van die aktuaris moet binne sestig dae na ontvangs daarvan deur die Minister in die Senaat en in die Volksraad ter tafel gelê word, as die Parlement dan in sitting is, of as die Parlement nie dan in sitting is nie, binne sestig dae na die aanvang van sy eersvolgende sitting.

(3) As die aktuaris in so 'n verslag sertifiseer dat daar 'n aansienlike surplus of 'n aansienlike tekort is, moet die bydraes wat deur of ten opsigte van bydraers of enige klas bydraers betaalbaar is, verlaag of verhoog word, na gelang van die geval, in die mate en vanaf die datum wat die Minister in oorleg met die Minister van Finansies en die Minister van Justisie en op aanbeveling van die aktuaris mag bepaal. Met dien verstande dat die skaal waarvolgens bydraes uit inkomste ten opsigte van bydraers betaalbaar is, nie verlaag mag word nie tot minder as die skaal waarvolgens bydraes deur bydraers betaalbaar is.

(4) 'n Verklaring wat die beslissing van die Minister kragtens subregulasie (3) beliggaam, moet in die Senaat en in die Volksraad ter tafel gelê word binne een jaar na die datum waarop die verslag van die aktuaris ter tafel gelê is.

(5) Die sake van die Fonds word deur die Sekretaris behartig en die koste daaraan verbonde en van enige aktuariële ondersoek en aangeleenthede in verband daarmee, word uit die Gekonsolideerde Inkomstefonds bestry.

(6) Tensy anders bepaal, moet alle pensioene wat ingevolge hierdie hoofstuk betaalbaar is, uit die Fonds betaal word.

HOOFSTUK II.

BYKOMSTIGE VOORDELEREKENING.

Woordomskrywing.

21. In hierdie hoofstuk, tensy uit die samehang anders blyk, beteken—

- (i) „lid” 'n lid van die Fonds;
- (ii) „kwalifiserende diens”—

(a) service rendered by a member—

- (i) as a member of the Police Force or Prisons Service;
- (ii) as a subordinate officer in terms of the definition of "subordinate officer" as it was defined in section two of the Prisons and Reformatories Act, 1911 (Act No. 13 of 1911), prior to the commencement of the Prisons and Reformatories Amendment Act, 1955 (Act No. 11 of 1955);
- (iii) as an officer as defined in section two of the Prisons and Reformatories Act, 1911;
- (iv) as a subordinate officer (as defined in the Prisons and Reformatories Act, 1911, as applied to the territory by Administrator's Proclamation No. 6 (of 1916, as amended Proclamations No. 20 of 1922 and No. 4 of 1923) in the prisons department of the territory;
- (v) in a post referred to in sub-section (1) of section four of sub-section (1) of section five of the Prisons and Reformatories Act, 1911, prior to the date upon which, in accordance with the definition of "officer" in section two of that Act, he became a member of the Prisons Service;

(b) any period intervening between two consecutive periods of actual service in the Police Force or Prisons Service if, in accordance with the provisions of any law, the first period of service is deemed not to have terminated and the member is deemed to have continued as a member of the Police Force or Prisons Service, as the case may be, during that period, but does not include—

- (i) any period (other than a period referred to in paragraph (b)) which is included in the member's pensionable service but during which he was not an actual member of the Police Force or Prisons Service or was not a subordinate officer (as defined in the Prisons and Reformatories Act, 1911, as applied to be territory by Administrator's Proclamations No. 20 of 1922 and No. 4 of 1923) in the prisons department of the territory;
- (ii) any period of his service in respect of which contributions have not been paid to the Fund;
- (iii) "reckonable service" means a period of either one-fifth of the period by which a member's qualifying service exceeds thirteen years, or a period of five years, whichever is the lesser period;
- (iv) "the Account" means the Additional Benefits Account referred to in sub-section (5) of section two of the Act.

Payments from revenue to the Account.

22. There shall be paid from revenue to the Account such amounts as the Minister in consultation with the Minister of Finance may from time to time determine.

Benefits from the Account.

23. (1) If a member who has had not less than thirteen years qualifying service retires or is retired or discharged in terms of section eight of the Act or on account of medical unfitness occasioned without his own default, there shall be granted to such member out of the Account, in addition to a pension payable in terms of regulation 14 or any pension granted to him in terms of any regulations made under the Act for the payment of compensatory pensions to members retired or discharged by reason of an injury or permanent medical unfitness which arose out of and in the course of their employment—

(a) diens deur 'n lid gelewer—

- (i) as 'n lid van die Polisiemag of Gevangenisdiens;
- (ii) as 'n ondergeskikte beampte ooreenkomstig die omskrywing van „ondergeskikte beampte”, soos omskryf in artikel twee van die Wet op Gevangenis en Verbetergestichten, 1911 (Wet No. 13 van 1911), voor die inwerkingtreding van die Wysigingswet op Gevangenis en Verbetergestigte, 1955 (Wet No. 11 van 1955);
- (iii) as 'n beampte soos omskryf in artikel twee van die Wet op Gevangenis en Verbetergestichten, 1911;
- (iv) as 'n ondergeskikte beampte (soos omskryf in die Wet op Gevangenis en Verbetergestichten, 1911, soos op die gebied toegepas by Administrateursproklamasie No. 6 van 1916, soos gewysig deur Proklamasies No. 20 van 1922 en No. 4 van 1923) in die Departement van Gevangenis van die gebied;
- (v) in 'n pos genoem in subartikel (1) van artikel vier of subartikel (1) van artikel vyf van die Wet op Gevangenis en Verbetergestichten, 1911, voor die datum waarop hy ooreenkomstig die omskrywing van „beampte” in artikel twee van daardie Wet 'n lid van die Gevangenisdiens geword het;

(b) enige tydperk wat val tussen twee opeenvolgende tydperke van werklike diens in die Polisiemag of Gevangenisdiens as die eerste tydperk van diens ooreenkomstig die bepaling van enige wet geag word nie te geëindig het nie en die lid geag word as 'n lid van die Polisiemag of Gevangenisdiens, na gelang van die geval, voort te gegaan het gedurende daardie tydperk, maar omvat nie—

- (i) enige tydperk (uitgesonderd 'n tydperk in paragraaf (b) genoem) wat by die lid se pensioengewende diens ingereken is maar waartydens hy nie 'n werklike lid van die Polisiemag of Gevangenisdiens was nie of nie 'n ondergeskikte beampte (soos omskryf in die Wet op Gevangenis en Verbetergestichten, 1911, soos by Administrateursproklamasies No. 20 van 1922 en No. 4 van 1923 op die gebied toegepas) in die Departement van Gevangenis van die gebied was nie;
- (ii) enige tydperk van sy diens ten opsigte waarvan bydraes nie aan die Fonds betaal is nie;
- (iii) „rekenbare diens” 'n tydperk van of 'n vyfde van die tydperk waarmee 'n lid se kwalifiserende diens meer is as dertien jaar, of 'n tydperk van vyf jaar, naamlik die kortste tydperk;
- (iv) „die Rekening” die Bykomstige Voordelerekening in subartikel (5) van artikel twee van die Wet genoem.

Betalings uit inkomste aan die Rekening.

22. Daar moet uit inkomste aan die Rekening die bedrag betaal word wat die Minister in oorleg met die Minister van Finansies van tyd tot tyd mag bepaal.

Voordele uit die Rekening.

23. (1) As 'n lid wat minstens dertien jaar kwalifiserende diens gehad het, ingevolge artikel agt van die Wet of weens mediese ongeskiktheid wat sonder sy eie toedoen veroorsaak is, aftree of afgedank of ontslaan word, word benewens 'n pensioen wat ingevolge regulasie 14 betaalbaar is, of enige pensioen wat aan hom toegeken is ingevolge enige regulasies wat kragtens die Wet gemaak is vir die betaling van vergoedingspensioene aan lede wat weens 'n besering of blywende mediese ongeskiktheid wat uit en in die loop van hulle diens ontstaan het, afgedank of ontslaan is, onderstaande uit die Rekening aan sodanige lid toegeken—

- (a) an annuity, which shall be based on the annual average of his pensionable emoluments for the last seven years of his pensionable service and shall be calculated at a fraction of such average for each year of reckonable service, according to the following scale:—

Age at date of retirement or discharge.	Fraction of annual average of pensionable emoluments.
Under 56 years	3/220
56 years or over but under 57 years	3/217
57 years or over but under 58 years	3/212
58 years or over but under 59 years	3/203
59 years or over but under 60 years	3/192
60 years or over	3/180

- (b) a gratuity which shall be based on the said average and shall be calculated at the same percentage of such average, in respect of each year of reckonable service, as is applicable to his case for the purposes of paragraph (b) of sub-regulation (1) of regulation 14, or would have been so applicable if that paragraph had applied.

(2) The period of reckonable service shall be calculated by the year and portion of a year and any portion of a year shall be determined according the proportion which the number of days in that portion bears to three hundred and sixty-five.

Investments.

24. (1) All amounts paid to the Account shall be lodged in the Treasury to the credit of the Fund.

(2) So much of the amounts so lodged as is not required for current purposes shall be a deposit for the purposes of the Public Debt Commissioners Act, 1911 (Act No. 18 of 1911), and shall be invested accordingly.

(3) If the interest earned by the Account on deposits referred to in sub-regulation (2) should be less than four per cent in the aggregate in any year ending on the thirty-first day of March, a sum equal to the difference between the interest so earned and interest at the rate four per cent per annum shall be paid out of the Consolidated Revenue Fund to the Account as soon as the Controller and Auditor-General has certified such sum.

Accounts.

25. (1) The Secretary shall cause full and true accounts of the Account to be kept showing particulars in connection with any matter of which it is necessary to keep an account for the purpose of this Chapter or in order that an actuarial valuation of the Account may be made at any time.

(2) The Secretary shall cause the books and accounts of the Account to be balanced up to the thirty-first day of March in every year and a balance sheet to be prepared showing the assets and liabilities of the Account as at that date.

Management.

26. The business of the Account shall be conducted by the Secretary and the cost in connection therewith and of any actuarial investigation and matters incidental thereto shall be paid out of the Consolidated Revenue Fund.

CHAPTER III.

SPECIAL BENEFITS: MEMBERS.

Special annuities.

27. (1) A member—

- (a) who is retired or discharged from the Police Force or Prisons Service on account of medical unfitness not occasioned without his own default and who has rendered not less than twenty years of satisfactory pensionable service; or

- (a) 'n jaargeld wat gebaseer word op die jaarlikse gemiddelde van sy pensioengewende verdienste oor die laaste sewe jaar van sy pensioengewende diens en bereken word teen 'n breukdeel van sodanige gemiddelde vir elke jaar rekenbare diens, ooreenkomstig onderstaande skaal:

Leeftyd op datum van uitdienstreding of ontslag.	Breukdeel van jaarlikse gemiddelde van pensioengewende verdienste.
Onder 56 jaar	3/220
56 jaar of ouer maar onder 57 jaar	3/217
57 jaar of ouer maar onder 58 jaar	3/212
58 jaar of ouer maar onder 59 jaar	3/203
59 jaar of ouer maar onder 60 jaar	3/192
60 jaar of ouer	3/180

- (b) 'n gratifikasie wat op genoemde gemiddelde gebaseer word en volgens dieselfde persentasie van sodanige gemiddelde bereken word ten opsigte van elke jaar rekenbare diens as wat vir die toepassing van paragraaf (b) van subregulasie (1) van regulasie 14 op sy geval van toepassing is, of wat op sy geval van toepassing sou gewees het as daardie paragraaf van toepassing was.

(2) Die tydperk van rekenbare diens word by die jaar en gedeelte van 'n jaar bereken en enige gedeelte van 'n jaar word bepaal volgens die verhouding waarin die aantal dae in daardie gedeelte tot driehonderd vyf-en-sestig staan.

Beleggings.

24. (1) Alle bedrae wat aan die Rekening betaal is, moet vir kredit van die Fonds by die Tesourie gestort word.

(2) Soveel van die bedrae aldus gestort as wat nie vir lopende doeleindes nodig is nie, is 'n deposito vir die toepassing van die Openbare Schuld Kommissarissen Wet, 1911 (Wet No. 18 van 1911), en moet dienooreenkomstig belê word.

(3) As die rente wat deur die Rekening op deposito's in subregulasie (2) genoem verdien word, in die totaal-bedrag minder is as vier persent in enige jaar wat op die een-en-dertigste dag van Maart eindig, moet 'n bedrag gelyk aan die verskil tussen die rente aldus verdien en rente teen die koers van vier persent per jaar uit die Gekonsolideerde Inkomstefonds aan die Rekening betaal word sodra die Kontroleur en Ouditeur-generaal sodanige bedrag gesertifiseer het.

Rekeninge.

25. (1) Die Sekretaris moet volledige en juiste rekeninge van die Rekening laat hou wat besonderhede toon in verband met enige aangeleentheid waarvan dit nodig is om 'n rekening vir die toepassing van hierdie hoofstuk te hou of sodat 'n aktuariële waardering van die Rekening te eniger tyd gemaak kan word.

(2) Die Sekretaris moet die boeke en rekeninge van die Rekening laat balanseer tot en met die een-en-dertigste dag van Maart in elke jaar en 'n balansstaat laat opstel wat die bates en laste van die Rekening soos op daardie datum toon.

Bestuur.

26. Die sake van die Rekening word deur die Sekretaris behartig en die koste daaraan verbonde en van enige aktuariële ondersoek en aangeleenthede in verband daarmee word uit die Gekonsolideerde Inkomstefonds bestry.

HOOFTUK III.

SPESIALE VOORDELE: LEDE.

Spesiale jaargelde.

27. (1) Aan 'n lid—

- (a) wat uit die Polisiemag of Gevangenisdiens afgedank of ontslaan word weens mediese ongeskiktheid wat nie sonder sy eie toedoen veroorsaak is nie, en wat minstens twintig jaar bevredigende pensioengewende diens gelewer het; of

(b) who is discharged from the said Force or Service on account of misconduct, or is called upon to resign to avoid such discharge, and who prior to the act of misconduct had rendered not less than twenty years of satisfactory pensionable service,

may, in lieu of any other benefit payable from the Fund, be granted such annuity as the Treasury, on the recommendation of the Commission, may determine.

(2) Twenty-five per cent of any annuity granted in terms of sub-regulation (1), may in the discretion of the Secretary and on such basis and on such conditions as the Secretary may determine, be converted into a gratuity, if written application for such conversion is made by the member before he has received any payment in respect of the said annuity.

(3) All annuity payments in respect of the period before the member has attained the pensionable age shall be made out of revenue, and all annuity payments thereafter shall be made from the Fund, and any gratuity payable in terms of sub-regulation (2) shall be paid partly out of revenue and partly out of the Fund in accordance with tables recommended by an actuary and approved by the Secretary.

Persons transferred to and from the service of other governments.

28. (1) (a) If a member is transferred, on the recommendation of the Commission, to pensionable employment under the government of a foreign country, the Minister may, when such member retires or is retired or discharged on pension from the service of the government to which he was so transferred, or of any other such government to whose service he may subsequently have been transferred, grant him a pension in respect of the period during which he was a contributor to the old fund or the Fund or to both funds.

(b) Subject to the provisions of sub-regulation (5), the said pension shall be assessed on the basis on which a pension payable to such member would have been computed had he retired or been retired or discharged at the date of transfer: Provided that such pension shall only be granted if he would have been entitled to a pension had he retired or been retired or discharged on the same grounds as those on which he retires or is retired or discharged from the service to which he has been so transferred: Provided further that in the case of a person who retires or is retired or discharged by reason of the age which he has attained, or for a reason mentioned in paragraph (c), (d) or (e) of sub-regulation (1) of regulation 13 the pension shall only be payable from the date on which he attains an age at which he would have had the right to retire on pension and would have been required to be so retired had he not been so transferred: Provided further that if he is retired or discharged for a reason mentioned in paragraph (c) or (d) of sub-regulation (1) of regulation 13 no period shall be added to the period of his pensionable service from the purpose of computing such pension.

(2) If a member to whom sub-regulation (1) relates, retires or is retired or discharged without any pension from the service of the government to which he was so transferred, he shall be paid an amount equal to the sum of his own contributions and excess contributions, unless the Minister directs that the provisions of sub-regulation (1) shall be applied to his case as if he had been retired or discharged for a reason mentioned in paragraph (c) or (d) of sub-regulation (1) of regulation 13.

(3) (a) If a member referred to in sub-regulation (1) is re-transferred or re-appointed to the Police Force or Prisons Service, his pensionable service prior to his transfer to pensionable service under a government referred to in that sub-regulation, shall, on such conditions as the Secretary may determine, be reckoned as continuous with his subsequent pensionable service in the Police Force or Prisons Service.

(b) A member to whom paragraph (a) applies, shall, notwithstanding anything to the contrary in these regulations contained, again contribute to the Fund as from

(b) wat weens wangedrag uit genoemde Mag of Diens ontslaan word of aangesê word om te bedank om sodanige ontslag te vermy, en wat voor die daad van wangedrag minstens twintig jaar bevredigende pensioengewende diens gelewer het,

kan in plaas van enige ander voordeel wat uit die Fonds betaalbaar is, die jaargeld toegeken word wat die Tesourie op aanbeveling van die Kommissie mag bepaal.

(2) Vyf-en-twintig persent van enige jaargeld wat kragtens subregulasie (1) toegeken word, kan na goeddunke van die Sekretaris en op die basis en die voorwaardes wat die Sekretaris mag bepaal, in 'n gratifikasie omgesit word, as die lid skriftelik om sodanige omsetting aansoek doen voordat hy enige betaling ten opsigte van genoemde jaargeld ontvang het.

(3) Alle jaargeldbetalings ten opsigte van die tydperk voordat die lid die pensioenleeftyd bereik het, word uit inkomste gedoen, en alle jaargeldbetalings daarna word uit die Fonds gedoen en enige gratifikasie betaalbaar ingevolge subregulasie (2) word gedeeltelik uit inkomste en gedeeltelik uit die Fonds betaal ooreenkomstig tabelle wat deur 'n aktuaris aanbeveel en deur die Sekretaris goedgekeur is.

Persone oorgeplaas na en uit die diens van ander regerings.

28. (1) (a) As 'n lid op aanbeveling van die Kommissie oorgeplaas word na pensioengewende diens onder die regering van 'n vreemde land, kan die Minister, wanneer sodanige lid met pensioen aftree of afgedank of ontslaan word uit die diens van die regering waarna hy aldus oorgeplaas is, of van enige ander sodanige regering na wie se diens hy later oorgeplaas mag gewees het, 'n pensioen aan hom toeken ten opsigte van die tydperk waarin hy 'n bydraer tot die ou fonds of die Fonds of tot beide fondse was.

(b) Behoudens die bepalings van subregulasie (5), word genoemde pensioen bereken op die basis waarop 'n pensioen betaalbaar aan sodanige lid bereken sou gewees het as hy op die datum van oorplasing afgetree het of afgedank of ontslaan was: Met dien verstande dat sodanige pensioen toegeken word slegs as hy tot 'n pensioen geregtig sou gewees het as hy afgetree het of afgedank of ontslaan was om dieselfde rede as dié waarom hy uit die diens waarna hy aldus oorgeplaas is, aftree of afgedank of ontslaan word: Met dien verstande voorts dat in die geval van 'n persoon wat aftree of afgedank of ontslaan word weens die leeftyd wat hy bereik het, of om 'n rede in paragraaf (c), (d) of (e) van subregulasie (1) van regulasie 13 genoem, die pensioen betaalbaar is slegs vanaf die datum waarop hy 'n leeftyd bereik waarop hy die reg sou gehad het om met pensioen af te tree en aldus afgedank sou moes gewees het as hy nie aldus oorgeplaas was nie: Met dien verstande voorts dat as hy afgedank of ontslaan word om 'n rede in paragraaf (c) of (d) van subregulasie (1) van regulasie 13 genoem, geen tydperk by die tydperk van sy pensioengewende diens bygevoeg word vir die doel van die berekening van sodanige pensioen nie.

(2) As 'n lid op wie subregulasie (1) betrekking het, sonder 'n pensioen aftree of afgedank of ontslaan word uit die diens van die regering waarna hy aldus oorgeplaas is, word 'n bedrag aan hom betaal gelyk aan die som van sy eie bydraes en meerdere bydraes, tensy die Minister gelas dat die bepalings van subregulasie (1) op sy geval toegepas moet word asof hy afgedank of ontslaan is om 'n rede in paragraaf (c) of (d) van subregulasie (1) van regulasie 13 genoem.

(3) (a) As 'n lid in subregulasie (1) genoem, weer oorgeplaas word na of weer aangestel word in die Polisiemag of Gevangenisdiens, word sy pensioengewende diens voor sy oorplasing na pensioengewende diens onder 'n regering in die toepaslike paragraaf genoem op die voorwaardes wat die Sekretaris mag bepaal, gereken aaneenlopend te wees met sy latere pensioengewende diens in die Polisiemag of Gevangenisdiens.

(b) 'n Lid op wie paragraaf (a) van toepassing is, moet ondanks andersluidende bepalings in hierdie regulasies vervat, weer tot die Fonds bydra met ingang van

the date of his re-transfer or re-appointment to the Police Force or Prisons Service: Provided that the rate of his contributions shall be determined by his age last birthday at the date of the commencement of his first period of pensionable service.

(c) The provisions of this sub-regulation shall *mutatis mutandis* apply in respect of a member—

- (i) to whom paragraph 2 of the Second Schedule to the Transkei Constitution Act, 1963 (Act No. 48 of 1963), applied;
- (ii) who made an election in terms of paragraph 3 of that Schedule; and
- (iii) who is or was re-transferred or re-appointed to the Police Force or Prisons Service.

(4) If any person, other than a member referred to in sub-regulation (3), is transferred to the Police Force or Prisons Service from the service of a government referred to in sub-regulation (1) the provisions of sub-regulation (5) shall apply to such person.

(5) Notwithstanding anything in these regulations contained, an annuity or an annuity together with a gratuity, based on his pensionable service as a contributor to the old fund or to the Fund, or to both the old fund and the Fund, may be granted to any member who has had less than ten years of service as a contributor, if the continuous period of his pensionable service as such a contributor and in the service to or from which transfer has taken place, is ten years or more.

(6) Any pension referred to in sub-regulation (1) and any amount referred to in sub-regulation (2), shall be paid out of the Fund or out of revenue or out of both the Fund and revenue as the circumstances require.

CHAPTER IV.

BENEFITS FOR CERTAIN NON-WHITE EMPLOYEES.

Interpretation of terms.

29. (1) In this Chapter—

- (i) „non-White employee” means a non-White employee who is employed whole-time by the Government for the purposes of the Police Force or Prisons Service but who is not a contributor to the Fund and includes, in relation to a non-White employee referred to in regulation 33, a non-White member of the said Force or Service who elected, under the provisions of section *forty-three* of the Pensions Act, to become a contributor to the Fund as from the first day of April, 1954, but whose service prior to the date remained subject to the provisions of section *sixty-nine* of that Act, or if he elected to contribute to the Fund in respect of that service, contained a period in respect of which he was not permitted to contribute.
- (ii) “pensionable age” means—
 - (a) in relation to a non-White employee who is a member of the Police Force or Prisons Service the pensionable age as defined in regulation 1; or
 - (b) in relation to any other non-White employee—
 - (i) not less than fifty-five years and not more than sixty-five years if he attains the age of fifty-five years on the first day of any month in a year;
 - (ii) not less than his age on the first day of the month immediately following the month in which he attains the age of fifty-five years and not more than his age on the first day of the month immediately following the month in which he attains the age of sixty-five years, if he does not attain the age of fifty-five years on the first day of any month in a year:

die datum van sy heroorplasing na of heraanstelling in die Polisiemag of Gevangenisdiens: Met dien verstande dat die skaal van sy bydraes bepaal word deur sy leeftyd op sy laaste verjaarsdag op die datum van die aanvang van sy eerste tydperk van pensioengewende diens.

(c) Die bepalings van hierdie subregulasie is *mutatis mutandis* van toepassing ten opsigte van 'n lid—

- (i) op wie paragraaf 2 van die Tweede Bylae by die Transkeise Grondwet, 1963 (Wet No. 48 van 1963), van toepassing was;
- (ii) wat 'n keuse ingevolge paragraaf 3 van daardie Skedule gemaak het; en
- (iii) wat weer oorgeplaas is of was, of aangestel is of was in die Polisiemag of die Gevangenisdiens.

(4) As enige persoon, uitgesonderd 'n lid in subregulasie (3) genoem, uit die diens van 'n regering in subregulasie (1) genoem, oorgeplaas word na die Polisiemag of Gevangenisdiens, is die bepalings van subregulasie (5) op sodanige persoon van toepassing.

(5) Ondanks enigiets in hierdie regulasies vervat, kan 'n jaargeld of 'n jaargeld tesame met 'n gratifikasie, gebaseer op sy pensioengewende diens as 'n bydraer tot die ou fonds of tot die Fonds of tot sowel die ou fonds as die Fonds, toegeken word aan enige lid wat minder as tien jaar diens as 'n bydraer gehad het, as die ononderbroke tydperk van sy pensioengewende diens as so 'n bydraer en in die diens waarna of waaruit sy oorplasing plaasgevind het, tien jaar of meer is.

(6) 'n Pension in subregulasie (1) genoem en enige bedrag in subregulasie (2) genoem, word uit die Fonds of uit inkomste of uit sowel die Fonds as inkomste, al na die omstandighede vereis, betaal.

HOOFSTUK IV.

VOORDELE VIR SEKERE NIE-BLANKE WERKNEMERS.

Woordomskrywing.

29. (1) In hierdie hoofstuk beteken—

- (i) „nie-Blanke werknemer” 'n nie-Blanke werknemer wat voltyds in die diens van die Regering vir die doeleindes van die Polisiemag of Gevangenisdiens is, maar wat nie 'n bydraer tot die Fonds is nie en omvat, met betrekking tot 'n nie-Blanke werknemer in regulasie 33 genoem, 'n nie-Blanke lid van genoemde Mag of Diens wat kragtens die bepalings van artikel *drie-en-veertig* van die Pensioenwet gekies het om met ingang van die eerste dag van April 1954 'n bydraer tot die Fonds te word, maar wie se dienste voor daardie datum onderworpe gebly het aan die bepalings van artikel *nege-en-sestig* van daardie Wet, of as hy gekies het om ten opsigte van daardie diens tot die Fonds by te dra, 'n tydperk omvat het ten opsigte waarvan hy nie toegelaat was om by te dra nie;
- (ii) „pensioenleeftyd”—
 - (a) met betrekking tot 'n nie-Blanke werknemer wat 'n lid van die Polisiemag of Gevangenisdiens is, die pensioenleeftyd soos in regulasie 1 omskryf; of
 - (b) met betrekking tot enige ander nie-Blanke werknemer—
 - (i) minstens vyf-en-vyftig jaar en hoogstens vyf-en-sestig jaar as hy die leeftyd van vyf-en-vyftig jaar op die eerste dag van enige maand in 'n jaar bereik;
 - (ii) minstens sy leeftyd op die eerste dag van die maand wat onmiddellik volg op die maand waarin hy die leeftyd van vyf-en-vyftig jaar bereik en hoogstens sy leeftyd op die eerste dag van die maand wat onmiddellik volg op die maand waarin hy die leeftyd van vyf-en-sestig jaar bereik, as hy nie die leeftyd van vyf-en-vyftig jaar bereik op die eerste dag van enige maand in 'n jaar nie:

Provided that no retirement on account of the age which the employee has reached shall take place other than on the first day of a month;

- (iii) "pensionable service as a contributor to the Fund" means pensionable service in terms of regulation 12;
- (iv) "pensionable service as a non-contributor" or "pensionable service during which a non-White employee was a non-contributor" means the period during which the said employee was not a member of a pension fund referred to in subsection (1) of section two of the Act or of any other pension or provident fund and was not a contributor to such a fund.

Pensionable Service.

30. (1) Pensionable service during which a non-White employee was a non-contributor and in respect of which any pension is to be calculated under this Chapter shall be continuous, shall not be regarded as interrupted by absence from duty without pay or any period of suspension, and shall include the time spent—

- (a) on normal duty;
- (b) absent with leave from duty with full or less than full pay;
- (c) under suspension, with full or less than full pay if the suspension is followed by return to duty, but shall not include any period of absence or suspension without pay.

(2) If a non-White employee during his pensionable service as a non-contributor was—

- (a) remunerated at a weekly, daily or hourly rate of pay, his pensionable emoluments shall be assessed on the basis of the annual equivalent of such rate calculated to the nearest rand;
- (b) on leave of absence or under suspension with less than full pay, he shall, for purposes of determining any pension payable under this Chapter, be deemed to have been paid his full pensionable emoluments during any period of such leave or suspension.

Pension benefits on retirement.

31. A non-White employee shall, on retirement or discharge at the pensionable age or for a reason mentioned in paragraph (b), (c), (d) or (e) of sub-regulation (1) of regulation 13 be entitled to a pension according to the following provisions:

- (a) If his pensionable service is five years or more, but less than fifteen years, a gratuity calculated at the rate of one-half of his pensionable emoluments during the last month of his pensionable service for each complete year of his pensionable service shall be paid to him.
- (b) If his pensionable service is fifteen years or more, but less than twenty-five years an annuity calculated at the rate of two rand for each complete year of his pensionable service, but not exceeding one-half of his average annual pensionable emoluments during the last ten years of such service shall be paid to him.
- (c) If his pensionable service is twenty-five years or more, there shall be paid to him either an annuity calculated at the rate of three rand for each complete year of his pensionable service, or an annuity of two-thirds of his average annual pensionable emoluments during the last ten years of such service, whichever is the lesser.

Met dien verstande dat geen uitdienststreding weens die leeftyd wat die werknemer bereik het, op 'n ander dag as die eerste dag van 'n maand mag plaasvind nie;

- (iii) „pensioengewende diens as 'n bydraer tot die Fonds" pensioengewende diens ingevolge regulasie 12;
- (iv) „pensioengewende diens as 'n nie-bydraer" of „pensioengewende diens waartydens 'n nie-Blanke werknemer 'n nie-bydraer was" die tydperk waarin genoemde werknemer nie 'n lid was nie van 'n pensioenfonds in subartikel (1) van artikel twee van die Wet genoem of van enige ander pensioen- of voorsorg- of ondersteuningsfonds en nie 'n bydraer tot so 'n fonds was nie.

Pensioengewende diens.

30. (1) Pensioengewende diens waartydens 'n nie-Blanke werknemer 'n nie-bydraer was, en ten opsigte waarvan 'n pensioen ingevolge hierdie hoofstuk bereker moet word, moet ononderbroke wees, word nie geag deur afwesigheid van diens sonder besoldiging of enige tydperk van skorsing onderbreek te wees nie, en omvat die tyd deurgebring—

- (a) in normale diens;
- (b) in afwesigheid van diens met verlof met volle of minder as volle besoldiging;
- (c) in skorsing met volle of minder as volle besoldiging as die skorsing gevolg word deur terugkeer tot diens, maar omvat nie enige tydperk van afwesigheid of skorsing sonder besoldiging nie.

(2) As 'n nie-Blanke werknemer gedurende sy pensioengewende diens as 'n nie-bydraer—

- (a) per week, per dag of per uur besoldig is, word sy pensioengewende verdienste bereken op die basis van die jaarlikse ekwivalent van sodanige besoldiging tot die naaste rand bereken;
- (b) met afwesigheidsverlof of in skorsing met minder as volle besoldiging was, word hy, vir doeleindes van die bepaling van enige pensioen ingevolge hierdie hoofstuk betaalbaar, geag sy volle pensioengewende verdienste betaal te gewees het gedurende enige tydperk van sodanige verlof of skorsing.

Pensioenvoordele by uitdienststreding.

31. 'n nie-Blanke werknemer is by uitdienststreding, of ontslag by die pensioenleefyd of om 'n rede genoem in paragraaf (b), (c), (d) of (e) van subregulasie (1) van regulasie 13 geregtig tot 'n pensioen ooreenkomstig onderstaande bepalings:

- (a) As sy pensioengewende diens vyf jaar of meer, maar minder as vyftien jaar is, word 'n gratifikasie, bereken volgens die skaal van die helfte van sy pensioengewende verdienste gedurende die laaste maand van sy pensioengewende diens vir elke volle jaar van sy pensioengewende diens, aan hom betaal.
- (b) As sy pensioengewende diens vyftien jaar of meer maar minder as vyf-en-twintig jaar is, word 'n jaargeld, bereken volgens die skaal van twee rand vir elke volle jaar van sy pensioengewende diens, maar hoogstens die helfte van sy gemiddelde jaarlikse pensioengewende verdienste gedurende die laaste tien jaar van sodanige diens, aan hom betaal.
- (c) As sy pensioengewende diens vyf-en-twintig jaar of meer is, word of 'n jaargeld, bereken volgens die skaal van drie rand vir elke volle jaar van sy pensioengewende diens, of 'n jaargeld van twee derdes van sy gemiddelde jaarlikse pensioengewende verdienste gedurende die laaste tien jaar van sodanige diens, naamlik die minste van die twee aan hom betaal.

Pension benefits on retirement: joint contributory and non-contributory service.

32. If a non-White employee has become or becomes a contributor to the Fund there shall, if he is granted a pension from the Fund, be granted to him, in addition to such pension, a pension in respect of his pensionable service (if any) as a non-contributor calculated as follows:

- (a) If the period of his continuous pensionable service, both as a contributor to the Fund and as a non-contributor is five years or more, but less than fifteen years, and his pensionable service as a non-contributor is not less than one year, a gratuity calculated at the rate of one-half of his pensionable emoluments during the last month of his pensionable service as a non-contributor for each complete year of such service.
- (b) If the period of his continuous pensionable service, both as a contributor to the Fund and as a non-contributor, is fifteen years or more, but less than twenty-five years, and his pensionable service as a non-contributor is not less than one year, an annuity calculated at the rate of two rand for each complete year of his pensionable service as a non-contributor but not exceeding one-half of his average annual pensionable emoluments during the last ten years of such service or during the whole period of such service whichever is the lesser period.
- (c) If the period of his continuous pensionable service, both as a contributor to the Fund and as a non-contributor, is twenty-five years or more, and his pensionable service as a non-contributor is not less than one year, an annuity calculated at the rate of three rand for each complete year of his pensionable service as a non-contributor but not exceeding two-thirds of his average annual pensionable emoluments during the last ten years of such service or during the whole period of such service, whichever is the lesser period.

Pension benefits: calculation of award from the Fund.

33. A non-White employee who becomes entitled to an annuity in terms of paragraph (b) or (c) of regulation 33 and who has had less than ten years pensionable service as a contributor to the Fund, shall, notwithstanding anything to the contrary in these regulations contained, be granted from the Fund an annuity, or an annuity together with a gratuity, in respect of and based on his pensionable service as a contributor to the Fund.

Benefits to dependants.

34. (a) If a non-White employee to whom paragraph (a), (b) or (c) of regulation 32 applies, dies after the completion of five years of pensionable service, there may, subject to the provisions of paragraph (c) of this regulation, be paid to or for the benefit of such of his dependants as the Secretary may determine—

- (i) if death occurs before his retirement or discharge, a gratuity calculated at a rate not exceeding one-half of his pensionable emoluments during the last month of his pensionable service in respect of each complete year of his pensionable service; or
- (ii) if death occurs after his retirement or discharge on an annuity, a gratuity equal to the amount by which the gratuity which could have been paid to his dependants under sub-paragraph (i), had his death occurred immediately before retirement or discharge, exceeds the amount of the pension payments which have been made to such employee up to the time of his death.

(b) If a non-White employee who has become or becomes a contributor to the Fund dies after he has completed five years continuous pensionable service both as

Pensioenvoordele by uitdienstreding: gesamentlike bydraepligtige en nie-bydraepligtige diens.

32. As 'n nie-Blanke werknemer 'n bydraer tot die Fonds geword het of word, word daar, as 'n pensioen uit die Fonds aan hom toegeken word, benewens sodanige pensioen, 'n pensioen toegeken ten opsigte van sy pensioengewende diens (as daar was) as 'n nie-bydraer, soos volg bereken:

- (a) As die tydperk van sy ononderbroke pensioengewende diens, beide as 'n bydraer tot die Fonds en as 'n nie-bydraer, vyf jaar of meer, maar minder as vyftien jaar is, en sy pensioengewende diens as 'n nie-bydraer nie minder as een jaar is nie, 'n gratifikasie bereken volgens die skaal van die helfte van sy pensioengewende verdienste gedurende die laaste maand van sy pensioengewende diens as 'n nie-bydraer vir elke volle jaar van sodanige diens.
- (b) As die tydperk van sy ononderbroke pensioengewende diens, beide as 'n bydraer tot die Fonds en as 'n nie-bydraer, vyftien jaar of meer, maar minder as vyf-en-twintig jaar is, en sy pensioengewende diens as 'n nie-bydraer nie minder as een jaar is nie, 'n jaargeld bereken volgens die skaal van twee rand vir elke volle jaar van sy pensioengewende diens as 'n nie-bydraer, maar hoogstens die helfte van sy gemiddelde jaarlikse pensioengewende verdienste gedurende die laaste tien jaar van sodanige diens of gedurende die hele tydperk van sodanige diens, naamlik die kortste tydperk.
- (c) As die tydperk van sy ononderbroke pensioengewende diens, beide as 'n bydraer tot die Fonds en as 'n nie-bydraer, vyf-en-twintig jaar of meer is, en sy pensioengewende diens as 'n nie-bydraer nie minder as een jaar is nie, 'n jaargeld bereken volgens die skaal van drie rand vir elke volle jaar van sy pensioengewende diens as 'n nie-bydraer, maar hoogstens twee derdes van sy gemiddelde jaarlikse pensioengewende verdienste gedurende die laaste tien jaar van sodanige diens of gedurende die hele tydperk van sodanige diens, naamlik die kortste tydperk.

Pensioenvoordele: berekening van toekenning uit die Fonds.

33. Aan 'n nie-Blanke werknemer wat kragtens paragraaf (b) of (c) van regulasie 33 tot 'n jaargeld geregtig word en wat minder as tien jaar pensioengewende diens as 'n bydraer tot die Fonds gehad het, word, ondanks andersluidende bepalings in hierdie regulasies vervat, 'n jaargeld of 'n jaargeld tesame met 'n gratifikasie uit die Fonds, toegeken ten opsigte van en gebaseer op sy pensioengewende diens as 'n bydraer tot die Fonds.

Voordele aan afhanklikes

34. (a) As 'n nie-Blanke werknemer op wie paragraaf (a), (b) of (c) van regulasie 32 van toepassing is, te sterwe kom na die voltooiing van vyf jaar pensioengewende diens, kan daar, behoudens die bepalings van paragraaf (c) van hierdie regulasie, aan of ten voordele van dié van sy afhanklikes wat die Sekretaris mag bepaal—

- (i) as hy voor sy uitdienstreding of ontslag te sterwe kom, 'n gratifikasie betaal word bereken volgens die skaal van hoogstens die helfte van sy pensioengewende verdienste gedurende die laaste maand van sy pensioengewende diens ten opsigte van elke volle jaar van sy pensioengewende diens; of
- (ii) as hy te sterwe kom na sy uitdienstreding of ontslag met 'n jaargeld, 'n gratifikasie betaal word gelyk aan die bedrag waarmee die gratifikasie wat kragtens subparagraaf (i) aan sy afhanklikes betaal kon gewees het as hy onmiddellik voor uitdienstreding of ontslag te sterwe gekom het, meer is as die bedrag van die pensioenbetalings wat aan sodanige werknemer gedoen is tot die tyd van sy dood.

(b) As 'n nie-Blanke werknemer wat 'n bydraer tot die Fonds geword het of word, te sterwe kom nadat hy vyf jaar ononderbroke pensioengewende diens beide as 'n

a contributor to the Fund and as a non-contributor, and his pensionable service as a non-contributor is not less than one year, the provisions of paragraph (a) of this regulation shall, in respect of his dependants, apply *mutatis mutandis* in respect of his pensionable service as a non-contributor: Provided that—

- (i) the gratuity payable in terms of sub-paragraph (i) of paragraph (a) shall be based on the pensionable emoluments of such employee during the last month of his pensionable service as a non-contributor;
 - (ii) the gratuity payable in terms of sub-paragraph (ii) of paragraph (a), shall be equal to the amount by which the gratuity which could have been paid to the dependants of such employee in terms of sub-paragraph (i) of the said paragraph, as so applied, had his death occurred immediately before retirement or discharge, exceeds the amount of the pension payments which have been made to such employee in terms of paragraph (b) or (c) of regulation 32 up to the time of his death.
- (c) The gratuities referred to in paragraphs (a) and (b) shall be allocated amongst the said dependants in such manner as the Secretary may determine and the Secretary may, in the case of dependants other than the widow of a deceased non-White employee, reduce such gratuity to an extent which, having regard to the circumstances of such dependants, appears to him to be reasonable.

Non-application of regulations 33 and 35.

35. Regulation 33 and paragraph (b) of regulation 35 shall not apply in respect of a non-White employee who became liable to contribute to the Fund from a date after the twenty-third day of June, 1955, unless—

- (a) in terms of sub-section (1) of section eight of the Pensions Act, he has contributed to the Fund in respect of the approved period of his continuous employment prior to the date on which he so became liable to contribute;
- (b) in terms of sub-regulation (1) of regulation 6 he has contributed to the Fund in respect of the approved period of his continuous employment prior to the date on which he became liable to contribute.

Conversion into a gratuity.

36. Twenty-five per cent of an annuity awarded in terms of paragraph (b) or (c) of regulation 32 or paragraph (b) or (c) of regulation 33 shall be converted into a gratuity on the basis of ten rand for each rand so converted.

Payment of pension benefits from revenue.

37. Any annuity or gratuity awarded in terms of this Chapter shall be paid out of revenue.

CHAPTER 5.

Date of commence of regulations.

38. These regulations shall come into operation on the first day of January, 1966.

bydraer tot die Fonds en as 'n nie-bydraer voltooi het, en sy pensioengewende diens as 'n nie-bydraer nie minder as een jaar is nie, is die bepalings van paragraaf (a) van hierdie regulasie ten opsigte van sy afhanklikes *mutatis mutandis* van toepassing ten opsigte van sy pensioengewende diens as 'n nie-bydraer:

Met dien verstande dat—

- (i) die gratifikasie wat ingevolge subparagraaf (i) van paragraaf (a) betaalbaar is, gebaseer moet word op die pensioengewende verdienste van sodanige werknemer gedurende die laaste maand van sy pensioengewende diens as 'n nie-bydraer;
 - (ii) die gratifikasie wat ingevolge subparagraaf (ii) van paragraaf (a) betaalbaar is, gelyk moet wees aan die bedrag waarmee die gratifikasie wat ingevolge subparagraaf (i) van genoemde paragraaf, aldus toegepas, aan die afhanklikes van sodanige werknemer betaalbaar kon gewees het as hy onmiddellik voor uitdienstreding of ontslag te sterwe gekom het, meer is as die bedrag van die pensioenbetalings wat ingevolge paragraaf (b) of (c) van regulasie 32 aan sodanige werknemer gedoen is tot die tyd van sy dood.
- (c) Die gratifikasies in paragrafe (a) en (b) genoem, word onder genoemde afhanklikes toegewys op die wyse wat die Sekretaris mag bepaal, en die Sekretaris kan, in die geval van ander afhanklikes as die weduwee van 'n oorlede nie-Blanke werknemer, sodanige gratifikasie verminder in die mate wat hy, met inagneming van die omstandighede van sodanige afhanklikes, as redelik beskou.

Nie-toepassing van regulasies 33 en 35.

35. Regulasie 33 en paragraaf (b) van regulasie 35 is nie van toepassing ten opsigte van 'n nie-Blanke werknemer wat met ingang van 'n datum na die drie-en-twintigste dag van Junie 1955 onder die verpligting gekom het om tot die Fonds by te dra nie, tensy—

- (a) hy ingevolge subartikel (1) van artikel agt van die Pensioenwet tot die Fonds bygedra het ten opsigte van die goedgekeurde tydperk van sy ononderbroke diens voor die datum waarop hy aldus onder die verpligting gekom het om by te dra;
- (b) hy ingevolge subregulasie (1) van regulasie 6 tot die Fonds bygedra het ten opsigte van die goedgekeurde tydperk van sy ononderbroke diens voor die datum waarop hy onder die verpligting gekom het om by te dra.

Omsetting in 'n gratifikasie.

36. Vyf-en-twintig persent van 'n jaargeld wat ingevolge paragraaf (b) of (c) van regulasie 32 of paragraaf (b) of (c) van regulasie 33 toegeken is, word in 'n gratifikasie omgesit op die basis van tien rand vir elke rand aldus omgesit.

Betaling van pensioenvoordele uit inkomste.

37. Enige jaargeld of gratifikasie wat kragtens hierdie hoofstuk toegeken word, word uit inkomste betaal.

HOOFSTUK 5.

Datum van inwerkingtreding van regulasies.

38. Hierdie regulasies tree in werking op die eerste dag van Januarie 1966.

