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THE PRESIDENCY

No. 1404

7 October 2003

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

No. 21 of 2003: Special Pensions Amendment Act, 2003.



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GENERAL EXPLANATORY NOTE:

- [] Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with a solid line indicate insertions in existing enactments.

(English text signed by the President.)
(Assented to 1 October 2003.)

ACT

To amend the Special Pensions Act, 1996, so as to authorise the Special Pensions Board to condone certain applications for benefits received after the closing date contemplated in that Act; to effect technical corrections; to determine the quorum for meetings of the Special Pensions Board; to provide afresh for the dissolution of the Special Pensions Board; to remove the requirement that one of the members of the Review Board must be an actuary; and to validate certain acts and decisions purportedly performed and taken in terms of the Act; to amend the Military Pensions Act, 1976, so as to change the definition of "military service"; and to provide for the retrospective effect of certain amendments; and to provide for matters connected therewith.

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

Amendment of section 6 of Act 69 of 1996, as amended by section 2 of Act 75 of 1998

1. Section 6 of the Special Pensions Act, 1996 (hereinafter referred to as "the principal Act"), is hereby amended by the addition of the following subsection: 5

"(3) Notwithstanding subsection (1)(a)(iii), the Board may condone any late application if the Board is satisfied that, for reasons beyond the control of the applicant, the application could not be submitted on or before the closing date."

Substitution of section 8 of Act 69 of 1996

2. The following section is hereby substituted for section 8 of the principal Act: 10

"Right to appeal against Board's decision

8. (1) Any *applicant* who disagrees with any decision of the *Board* may request a review of that decision by sending a written notice in the form prescribed in Schedule 2 to the *Review Board* within 60 days of the date of the decision. 15

(2) The *Review Board* has the discretion to condone [**late applications**] any request for a review received after the period of 60 days referred to in subsection (1)."

Amendment of section 14 of Act 69 of 1996

3. Section 14 of the principal Act is hereby amended by the substitution in subsection (1) for paragraph (b) of the following paragraph:

“(b) the Military [**Pension Act, 1973**] Pensions Act, 1976.”

Amendment of section 20 of Act 69 of 1996

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4. Section 20 of the principal Act is hereby amended by the addition of the following subsection:

“(4) Three members of the Board form a quorum for any meeting thereof.”

Amendment of section 27 of Act 69 of 1996, as amended by section 6 of Act 75 of 1998

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5. Section 27 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The *Minister* [**may**] must dissolve the *Board* [**at any time**] after the *Board* has completed its activities[, **but not later than four years after the commencement date**].”

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Amendment of section 28 of Act 69 of 1996, as amended by section 7 of Act 75 of 1998

6. Section 28 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) There is hereby established a Special Pensions Review Board consisting of a person with appropriate legal experience as its Chairperson and two other members[, **one of whom must be an actuary**].”

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Validation of certain acts performed in terms of principal Act and condonation of applications received after closing date

7. (1) The condonation by the Review Board of any late application for a benefit in terms of the principal Act, purporting to have been granted in terms of section 8 of that Act, and any subsequent decision on such an application, is hereby validated.

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(2) Anything done by the Board after 30 November 2000, which could have been done validly on or before that date in terms of the principal Act, is hereby validated.

(3) In this section the words “application” “benefit”, “Board” and “Review Board”, defined in section 31 of the principal Act, have the meanings ascribed to them in that section.

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Amendment of section 1 of Act 84 of 1976, as amended by section 1 of Act 26 of 1977, section 4 of Act 97 of 1980, section 17 of Act 96 of 1983, section 1 of Act 49 of 1996, and section 11 of Act 75 of 1998

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8. (1) Section 1 of the Military Pensions Act, 1976, is hereby amended by the substitution in the definition of “military service” for paragraph (b) of the following paragraph:

“(b) military service or training performed or undergone by any person in a political organisation [**by any person entitled to a pension in terms**] as defined in section 31 of the Special Pensions Act, 1996 (Act No. 69 of 1996)];”

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Date of commencement of certain sections

9. Sections 5 and 6 must be regarded as having come into operation on 1 December 1996.

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Short title

10. This Act is called the Special Pensions Amendment Act, 2003.