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THE PRESIDENCY

No. 1659

12 November 2003

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

No. 35 of 2003: Government Employees Pension Law Amendment Act, 2003.



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GENERAL EXPLANATORY NOTE:

Words underlined with a solid line indicate insertions in existing enactments.

*(English text signed by the President.)
(Assented to 7 November 2003.)*

ACT

To amend the Government Employees Pension Law, 1996, so as to provide for the recognition of service rendered in a non-statutory military force or service by a member of the Fund as pensionable service; and to provide for matters connected therewith.

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

Amendment of section 1 of Proclamation 21 of 1996

1. Section 1 of the Government Employees Pension Law, 1996, is hereby amended by the insertion, after the definition of “fixed date”, of the following definition: 5

“ ‘former member of a non-statutory force or service’ means—

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| <p>(a) any former member of Umkhonto we Sizwe or the Azanian People’s Liberation Army—</p> <p>(i) who entered into an agreement for appointment with the Department of Defence or the South African Police Service on or before 31 March 2002; and</p> <p>(ii) whose name, in the case where a person entered into an agreement for appointment with the Department of Defence, appears in the certified personnel register or personnel list contemplated in section 224(2)(c) of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993);</p> <p>(b) any former member of Umkhonto we Sizwe or the Azanian People’s Liberation Army or of the former Department of Intelligence and Security of the African National Congress or of the former Pan Africanist Security Services of the Pan Africanist Congress of Azania—</p> <p>(i) who entered into an agreement for appointment with the National Intelligence Agency or the South African Secret Service between 1 January 1995 and 31 March 2004; and</p> <p>(ii) whose name appears on the certified personnel register or personnel list contemplated in section 224(2)(c) of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), or the personnel list defined in section 1 of the Intelligence Services Act, 2002 (Act No. 65 of 2002);</p> <p>(c) any former member of Umkhonto we Sizwe or the Azanian People’s Liberation Army or of the former Department of Intelligence and Security of the African National Congress or of the former Pan Africanist Security Services of the Pan Africanist Congress of Azania who entered into an agreement for appointment with any component of the employer other than those referred to in paragraphs (a) and (b) on or before 31 March 2002;</p> | <p>5</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p> <p>30</p> <p>35</p> |
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Act No. 35, 2003

GOVERNMENT EMPLOYEES PENSION LAW
AMENDMENT ACT, 2003

- (d) notwithstanding section 5, any former member of Umkhonto we Sizwe or the Azanian People's Liberation Army or of the former Department of Intelligence and Security of the African National Congress or of the former Pan Africanist Security Services of the Pan Africanist Congress of Azania who was never admitted as a member of the Fund by virtue of the fact that that person concluded a short-term employment contract with the employer; and 5
- (e) any person contemplated in paragraph (a), (b) or (c) who has been paid the benefits owing to that person by the Fund upon cessation of his or her membership, but who would have been entitled to an additional or greater benefit had his or her service as a member of a non-statutory force or service been taken into account." 10

Insertion of section 30A in Proclamation 21 of 1996

2. The following section is hereby inserted in the Government Employees Pension Law, 1996, after section 30: 15

"Recognition of pensionable service of former members of non-statutory forces or services

30A. (1) Any former member of a non-statutory force or service may in accordance with the rules apply to the Fund to have any service as a member of a non-statutory force or service recognised as pensionable service. 20

(2) If a person contemplated in subsection (1) receives or has received any benefit in terms of the Special Pensions Act, 1996 (Act No. 69 of 1996), other than a benefit received as a dependant, the benefit payable by the Fund shall be reduced in accordance with the rules." 25

Short title and commencement

3. This Act is called the Government Employees Pension Law Amendment Act, 2003, and comes into effect on a date fixed by the President by notice in the *Gazette*.