

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.



GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

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STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 247.

17 February 1988

No. 247.

17 Februarie 1988

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

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

No. 105 of 1987: Pension Benefits for Councillors of Local Authorities Act, 1987.

No. 105 van 1987: Wet op Pensioenvoordele vir Raadslede van Plaaslike Owerhede, 1987.

Act No. 105, 1987

PENSION BENEFITS FOR COUNCILLORS OF LOCAL
AUTHORITIES ACT, 1987**ACT**

To authorize a local authority to establish a pension fund or a pension scheme for the benefit of its councillors and their dependants; and to provide for matters connected therewith.

*(English text signed by the State President.)
(Assented to 11 February 1988.)*

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

Definitions.

1. In this Act, unless the context indicates otherwise—

- (i) "councillor" means a member of a local authority;
- (ii) "local authority" means any institution or body contemplated in section 84 (1) (f) of the Provincial Government Act, 1961 (Act No. 32 of 1961), and includes—
 - (a) a committee mentioned in section 17 of the Promotion of Local Government Affairs Act, 1983 (Act No. 91 of 1983);
 - (b) a board of management or board as defined in section 1 of the Rural Areas Act (House of Representatives), 1987 (Act No. 9 of 1987);
 - (c) a local authority as defined in section 1 of the 15 Black Local Authorities Act, 1982 (Act No. 102 of 1982); or
 - (d) a local government body established by virtue of the provisions of section 30 (2) (a) of the Black Administration Act, 1927 (Act No. 38 of 1927);
- (iii) "Minister" means the Minister of Constitutional Development and Planning acting with the concurrence of—
 - (a) the Minister of Finance; and
 - (b) the Minister charged with local government affairs of the Ministers' Council of the House of Assembly, the House of Representatives or the House of Delegates, according to the population group involved; or
 - (c) the Minister of Education and Development Aid where a body contemplated in paragraph (d) of the definition of "local authority" is involved; (i)
- (iv) "pension fund" means a pension fund as defined in section 1 of the Pension Funds Act, 1956 (Act No. 24 of 1956); (ii) 35
- (v) "pension scheme" means a pension scheme for members of local authorities as contemplated in section 3. (iii)

Establishment of, and contributions to, pension funds.

2. A local authority or a group of local authorities which prefers not to establish a pension scheme in terms of section 3, may, 40 subject to the provisions of the Pension Funds Act, 1956 (Act

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No. 24 of 1956), and such conditions as the Minister may determine by notice in the *Gazette*, for the benefit of its or their councillors and the dependants of those councillors—

- (a) establish, control, administer and maintain a pension fund; and
- (b) contribute to such a pension fund at a rate which shall not exceed such rate as may be determined by the Minister by notice in the *Gazette*.

Establishment of, and appropriations for, pension schemes.

3. A local authority which prefers not to establish a pension fund in terms of section 2 by itself or with any other local authority may, subject to such conditions as the Minister may determine by notice in the *Gazette*, for the benefit of its or their councillors and the dependants of those councillors—

- (a) establish a pension scheme in terms of which a pension, gratuity or benefit may be paid to such councillors and their dependants; and
- (b) appropriate money for the purposes of such pension scheme at a rate which shall not exceed such rate as may be determined by the Minister by notice in the *Gazette*.

Powers of Minister in respect of rates and conditions.

4. (1) Different rates and conditions may be determined by the Minister under section 2 or 3 in respect of different categories or grades of local authorities.

(2) A determination under section 2 or 3 may also be applicable in respect of service which was rendered by a councillor before the date of that determination (including a date before the commencement of this Act) and which is taken into account for the calculation of the benefit concerned.

Conclusion of agreements.

5. A local authority or a group of local authorities which has established a pension fund in terms of section 2, or a local authority which has established a pension scheme in terms of section 3, may enter into an agreement with any person, body or pension fund in terms of which that person, body or pension fund will be responsible for the management and administration of the pension fund or the administration of the pension scheme, as the case may be.

Short title.

6. This Act shall be called the Pension Benefits for Councillors of Local Authorities Act, 1987.