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KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 1619.

13 Julie 1990

No. 1619.

13 July 1990

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

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

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

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

PENSION LAWS AMENDMENT ACT, 1990

Act No. 117, 1990

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

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

ACT

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

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

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

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

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

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

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

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

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

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

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of or contribute to any pension fund other than the fund, shall, subject to the provisions of the regulations, become a member of and contribute to the fund;"; and

(b) by the deletion of subsection (2).

5 Insertion of section 3A in Act 41 of 1963

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

"Payment of pension benefits to members whose services are terminated

3A. If—

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

Repeal of section 128 of Act 78 of 1973

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

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

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

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

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

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

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

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

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

“(d) ‘fixed date’ means—

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

Repeal of Ordinance 10 of 1930 (Natal)

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

(2) As from the said date—

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

Increase in certain benefits

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

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

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

Short title

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