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KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 1784. 29 Augustus 1984

No. 1784. 29 August 1984

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg 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. 123 van 1984: Wysigingswet op die Pensioenwette, 1984

No. 123 of 1984: Pension Laws Amendment Act, 1984

PENSION LAWS AMENDMENT ACT, 1984

Act No. 123, 1984

3. (1) Section 82 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

Amendment of section 82 of Act 78 of 1973, as amended by section 7 of Act 27 of 1974 and section 5 of Act 45 of 1975.

5 “(2) If the certification committee has found that a deceased White person to whom a one-sum benefit was awarded under section 79 (4) in lieu of a monthly pension, or to whom a one-sum benefit was awarded under section 80 (1), was at the time of his death suffering from a compensatable disease in the second degree, the commissioner shall award to his widow or to his dependent children, if
10 any, a one-sum benefit **[of six thousand rand]** equal to the difference between the one-sum benefit referred to in subsection (1), as increased from time to time (whether before or after the commencement of section 3 of the Pension Laws Amendment Act, 1984) by virtue of any law, and the
15 one-sum benefit referred to in subsection (3), as so increased.”.

(2) Subsection (1) shall come into operation on 1 October 1984.

4. (1) Section 87 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

Amendment of section 87 of Act 78 of 1973.

20 “(2) When the certification committee has found for the first time that a Coloured male to whom a benefit was awarded under subsection (1), is suffering from a compensatable disease in the second degree, the commissioner
25 shall award to such person an additional one-sum benefit **[of three thousand rand]** equal to the difference between the one-sum benefit referred to in subsection (1), as increased from time to time (whether before or after the commencement of section 4 of the Pension Laws Amendment Act, 1984) by virtue of any law, and the one-sum benefit referred
30 to in subsection (3), as so increased.”.

(2) Subsection (1) shall come into operation on 1 October 1984.

5. Section 4 of the Military Pensions Act, 1976, is hereby amended by the substitution for paragraph (e) of the following paragraph:

Amendment of section 4 of Act 84 of 1976, as amended by section 3 of Act 26 of 1977.

35 “(e) the children of a deceased member who immediately prior to his death was in receipt of a pension in terms of paragraph (a) or who would have been entitled to such pension if he had not died and who is not survived
40 by a widow or whose widow **[remarries or]** dies after his death, shall be entitled to an annual pension which shall be calculated in accordance with formula II;”.

6. Section 10 of the Military Pensions Act, 1976, is hereby amended by the substitution for paragraph (c) of subsection (2) of the following paragraph:

Amendment of section 10 of Act 84 of 1976, as amended by section 5 of Act 26 of 1977 and section 9 of Act 100 of 1979.

45 “(c) in the case of the dependants of a deceased member referred to in section 4 (e), prior to the first day of the month following immediately on the month in which
50 the member concerned died or prior to the first day of the month following immediately on the month in which the widow of that member **[remarried or]** died **[as the case may be];**”.

7. Section 12 of the Military Pensions Act, 1976, is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:

Amendment of section 12 of Act 84 of 1976, as amended by section 6 of Act 26 of 1977 and section 10 of Act 97 of 1980.

55 “(b) in the case of a widow of a member, up to and including the last day of the month in which she dies **[or remarries];**”.

60 8. Section 15 of the General Pensions Act, 1979, is hereby amended—

Amendment of section 15 of Act 29 of 1979, as amended by section 3 of

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

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“(1) If a member of a pension fund, before attaining the age at which he would have the right to retire on pension, is appointed, nominated or elected without a break in his service or after such break in his service as the **[Secretary] Director-General** may approve, as a member or in the service of any board, institution, establishment or body established by or under any law or of a government or legislative body of a country or area in Africa in respect of which Parliament had previously exercised legislative powers **[and the Secretary deems it expedient that his pensionable service as such member should be retained for him]**, the **[Secretary] Director-General** may—

Act 67 of 1981
and section 7 of
Act 81 of 1982.

(a) in his discretion, declare such member a dormant member of such pension fund with effect from the date on which he was so appointed, nominated or elected if he deems it expedient that his pensionable service as such member should be retained for him; or

(b) at any time before the date referred to in paragraph (a), on the written application of such member made through such board, institution, establishment or body, in his discretion, approve that such member shall for all purposes remain a member of such pension fund as if members, or persons in the service, of that board, institution, establishment or body were members of that pension fund, if the board, institution, establishment or body concerned undertakes to contribute to that pension fund in respect of that member to the same extent that an employer is in terms of the laws on that pension fund, required to contribute to that pension fund in respect of a member.”; and

(b) by the addition to subsection (2) of the following paragraph:

“(e) a member referred to in paragraph (b) of subsection (1) shall, notwithstanding anything to the contrary contained in any law, not be competent to become a member of or to contribute to a pension or provident fund or scheme in relation to which members, or persons in the service, of the board, institution, establishment or body concerned are or may be required to become members and to contribute as members.”.

9. (1) Subject to the provisions of subsection (3), a benefit as defined in section 1, and a special award referred to in section 101, of the principal Act, which are payable in terms of the principal Act and which were increased by the Occupational Diseases in Mines and Works Amendment Act, 1974 (Act No. 67 of 1974), the Occupational Diseases in Mines and Works Amendment Act, 1975 (Act No. 45 of 1975), the Occupational Diseases in Mines and Works Amendment Act, 1977 (Act No. 117 of 1977), the Occupational Diseases in Mines and Works Amendment Act, 1979 (Act No. 83 of 1979), the Occupational Diseases in Mines and Works Amendment Act, 1980 (Act No. 83 of 1980), the Occupational Diseases in Mines and Works Amendment Act, 1981 (Act No. 85 of 1981), and the Occupational Diseases in Mines and Works Amendment Act, 1983 (Act No. 106 of 1983), shall be further increased with effect from 1 October 1984—

Increase of
certain benefits
and special
awards.

(a) in the case of such a benefit, excluding a one-sum benefit referred to in sections 80 (1), (2) and (4), 82 (1) (b), 87 (1), (2) and (4), 88 (2) and 106 (c) of the principal Act, by 10 per cent; and

(b) in the case of a special award referred to in section 101 of the principal Act, by an amount which the commissioner, as defined in section 1 of the principal Act, may in his discretion determine, but not exceeding 10 per cent of any such special award payable immediately prior to 1 October 1984.

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

(3) The provisions of subsection (1) shall not apply in relation to a one-sum benefit, as defined in section 1 of the principal Act, to which a person became entitled before 1 October 1984.

10. (1) Notwithstanding the repeal of the Pension Proclamation by section 20 of the Members of Parliament and Political Office-bearers Pension Scheme Act, 1984, the provisions thereof, excluding the provisions of paragraph 2 thereof, shall continue to apply to a person who at the commencement and in terms of section 102 (11) of the Constitution ceased to be a member of the President's Council and to his widow, dependants and estate as if—

Continuation of Proclamation 63 of 1981, and payment of further gratuity and annual pension to members of President's Council.

15 (a) the said section 20 had not been passed;
 (b) the person concerned had not ceased to be such a member as aforesaid but vacates his office as a member on the date on which the period for which he had been appointed as a member expires or on the earlier date
 20 on which subsection (1) of section 13 of the Constitution Amendment Act, 1984, ceases to apply to him in terms of subsection (2) (a) or (c) of the said section 13; and
 25 (c) the President's Council were in respect of every relevant case dissolved as contemplated in section 105 of the previous Constitution on the date or earlier date referred to in paragraph (b).

(2) There shall be paid to a person who ceased as aforesaid to be a member of the President's Council in the capacity of a
 30 chairman and who on the date referred to in subsection (1) (b) has less than seven years and six months pensionable service to his credit, in addition to any pension or gratuity payable to him in terms of paragraph 5 (1) (b) of the Pension Proclamation, a gratuity and an annual pension calculated in accordance with the
 35 formula—

$$\frac{(A - B) \times C}{20}$$

in which—

A represents a period of seven years and six months;
 40 B represents the total periods during which the person concerned was at any time, including the period as from the date of commencement of section 102 (11) of the Constitution until the date or earlier date referred to in subsection (1) (b) of this section, an ordinary member or held an appropriate office;
 45 C represents the pensionable salary of an ordinary member payable on the date or earlier date referred to in subsection (1) (b).

(3) In this section "the Pension Proclamation" means the
 50 Proclamation on the Pension Scheme for Members of the President's Council, 1981 (Proclamation No. 63 of 1981), and, unless the context indicates otherwise, a word or expression to which a meaning has been assigned in the Pension Proclamation, shall have the meaning so assigned thereto, and—

55 (a) "the Constitution" means the Republic of South Africa Constitution Act, 1983 (Act No. 110 of 1983);
 (b) "member of the President's Council" means a member of the President's Council established by section 102 of the previous Constitution who is subject to the provisions of the Pension Proclamation;
 60 (c) "previous Constitution" means the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961).

11. This Act shall be called the Pension Laws Amendment Act, 1984. Short title.