



# STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

*As 'n Nuusblad by die Poskantoor Geregistreer*

*Registered at the Post Office as a Newspaper*

**Prys 20c Price**  
**Oorsee 30c Overseas**  
**POSVRY—POST FREE**

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Vol. 141]

KAAPSTAD, 23 MAART 1977

CAPE TOWN, 23 MARCH 1977

[No. 5463

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DEPARTEMENT VAN DIE EERSTE MINISTER

DEPARTMENT OF THE PRIME MINISTER

No. 444.

23 Maart 1977.

No. 444.

23 March 1977.

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. 26 van 1977: Wysigingswet op die Pensioenwette, 1977.

No. 26 of 1977: Pension Laws Amendment Act, 1977.

# ACT

To amend the Military Pensions Act, 1976, so as further to define "parent"; to provide for the payment of additional benefits to and in respect of persons suffering from a pensionable disability; to further regulate the payment of pensions; to provide for certain medical treatment at the expense of the State; and to further regulate appeals in terms of the said Act; to amend the Government Service Pension Act, 1973, so as to further regulate deductions from benefits payable under that Act; to make certain provision as to the payment of benefits in terms of pension laws; and to regulate the continuation of pension rights of persons leaving the service of the Armaments Board; and to provide for matters connected therewith.

(English text signed by the State President.)  
(Assented to 16 March 1977.)

**BE IT ENACTED** by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Amendment of  
section 1 of  
Act 84 of 1976.

1. Section 1 of the Military Pensions Act, 1976 (hereinafter referred to as the principal Act), is hereby amended by the substitution for the definition of "parent" of the following definition:

"parent", in relation to a member, means his lawful parent who, in the opinion of the Secretary was immediately prior to the member's death dependent mainly on such member for his maintenance and includes any person who in the opinion of the Secretary is or was his foster parent and was immediately prior to the member's death dependent mainly on such member for his maintenance;"

Amendment of  
section 3 of  
Act 84 of 1976.

2. Section 3 of the principal Act is hereby amended—

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

"(a) pay pensions, gratuities or allowances to members who suffer from a pensionable disability;" and

(b) by the insertion after paragraph (d) of subsection (1) of the following paragraph:

"(dA) defray funeral expenses in the case of members who die as a result of a pensionable disability or while undergoing treatment in respect of such a disability in terms of this Act;"

Amendment of  
section 4 of  
Act 84 of 1976.

3. Section 4 of the principal Act is hereby amended by the substitution for paragraphs (c) and (d), of the following paragraphs, respectively:

## Act No. 26, 1977

## PENSION LAWS AMENDMENT ACT, 1977.

- “(c) the widow of a deceased member who, immediately prior to his death, was in receipt of a pension in terms of paragraph (b), shall be entitled to such pension with effect from the first day of the month following immediately on the month in which the member died, and such pension shall with effect from the said date be supplemented—
- (i) in the case of a widow of a deceased member who has died as a result of his pensionable disability, by an amount which shall be equal to half of the amount of the annual pension to which he would have been entitled in terms of paragraph (a) if the degree of his pensionable disability had been determined at one hundred per cent; and
  - (ii) in the case of a widow of a deceased member who has died of a cause other than his pensionable disability, by an amount which shall be equal to half of the amount of the annual pension which was payable to the member in terms of paragraph (a) immediately prior to his death;
- (d) the widow of a deceased member who, on the date of his death, was not in receipt of a pension in terms of paragraph (b), shall be entitled to the pension to which the member would have been entitled in terms of that paragraph if he had not died, and the latter pension shall be supplemented—
- (i) in the case of a widow of a deceased member who has died as a result of his pensionable disability, by an amount which shall be equal to half of the amount of the annual pension to which he would have been entitled in terms of paragraph (a) if the degree of his pensionable disability had been determined at one hundred per cent; and
  - (ii) in the case of a widow of a deceased member who has died of a cause other than his pensionable disability, by an amount which shall be equal to half of the amount of the annual pension which was payable to the member in terms of paragraph (a) immediately prior to his death or to which he would have been entitled in terms of that paragraph if he had not died;”.

Amendment of  
section 8 of  
Act 84 of 1976.

4. Section 8 of the principal Act is hereby amended by the addition of the following subsection:

“(8) If any person who was in receipt of a benefit and bonus referred to in subsection (1), died prior to the fixed date leaving a widow or child who would have been entitled to a benefit and bonus in terms of any law mentioned in that subsection, had such law not been repealed by this Act, such first-mentioned benefit and bonus shall be consolidated in one amount and such consolidated amount shall be deemed to be a consolidated pension, and such person shall for the purposes of subsection (3) or (4) be deemed to have died on or after the fixed date.”.

Amendment of  
section 10 of  
Act 84 of 1976.

5. Section 10 of the principal Act is hereby amended by the substitution for paragraphs (a) and (b) of subsection (2) of the following paragraphs, respectively:

- “(a) in the case of a member referred to in section 4 (a), with effect from a date prior to the first day of the month during which the period of service of the member in which his pensionable disability manifested itself, was completed;
- (b) in the case of a widow referred to in section 4 (d), prior to the first day of the month in which the member concerned died;”.

## Act No. 26, 1977

## PENSION LAWS AMENDMENT ACT, 1977.

Amendment of  
section 12 of  
Act 84 of 1976.

6. Section 12 of the principal Act is hereby amended by the substitution for paragraph (d) of subsection (1) of the following paragraph:

“(d) in the case of a child of a member, up to and including the last day of the month in which the provisions of paragraphs (a) and (d) of the definition of ‘child’ no longer apply to him;”.

Amendment of  
section 13 of  
Act 84 of 1976.

7. Section 13 of the principal Act is hereby amended—

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

“(1) If the Secretary, after consultation with a medical pensions officer, is of the opinion that it is necessary or desirable that a member—

(a) undergo medical treatment for his pensionable disability;

(b) be admitted to a hospital or other institution in order to—

(i) undergo a medical or psychological examination for the purpose of determining the degree of his pensionable disability for the purposes of this Act;

(ii) undergo psychiatric or medical treatment for his pensionable disability;

(iii) receive any training whereby he may possibly benefit, in the opinion of the Secretary,

the Secretary may—

(aa) authorize that the member undergo at the expense of the State the medical treatment referred to in paragraph (a);

(bb) direct that the member be examined as contemplated in paragraph (b) (i) and authorize that the member be admitted at the expense of the State to a hospital or other institution for the purposes of paragraph (b) (i), (ii) or (iii).”.

(b) by the substitution in subsection (3) for the words preceding paragraph (a) of the following words:

“(3) If any member, after being directed thereto in terms of subsection (1) (b) (i), refuses to submit to an examination in terms of that subsection, the Secretary may direct that—”; and

(c) by the addition of the following subsection:

“(4) For the purposes of this section ‘member’ includes a volunteer as defined in section 1 of the War Pensions Act, 1967 (Act No. 82 of 1967).”.

Amendment of  
section 14 of  
Act 84 of 1976.

8. Section 14 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) An appeal in terms of subsection (1) shall be noted in writing, furnish the complete grounds of appeal, be accompanied by such documents as the appellant desires to submit and shall be lodged with the Secretary for submission to the medical appeal board or the appeal tribunal, as the case may be, within a period of three months after the appellant has been notified of the decision concerned: Provided that such period may on good cause shown be extended by the appeal tribunal or by the medical appeal board to which the appeal has been noted.”.

Amendment of  
section 19 of  
Act 84 of 1976.

9. Section 19 of the principal Act is hereby amended by the addition of the following subsection, the existing section becoming subsection (1) thereof:

“(2) On the death of any person in receipt of any pension or consolidated pension in terms of this Act, the Secretary may in his discretion pay the whole or part of the unpaid

## Act No. 26, 1977

## PENSION LAWS AMENDMENT ACT, 1977.

balance of any such accrued pension or consolidated pension to any person who, in the opinion of the Secretary, has incurred expenditure in respect of the maintenance, care or funeral of such deceased, and such unpaid balance or part thereof shall not form part of the estate of the deceased.”

Amendment of section 21 of Act 84 of 1976.

**10.** Section 21 of the principal Act is hereby amended by the substitution in subsection (2) for the words preceding paragraph (a) of the following words:

“(2) The provisions of this Act and any notice issued thereunder shall apply *mutatis mutandis* to or in respect of any person—”.

Amendment of section 23 of Act 84 of 1976.

**11.** Section 23 of the principal Act is hereby amended—

(a) by the insertion of the following paragraph after paragraph (e):

“(eA) the payment of subsistence, transport and other allowances to persons in respect of their attendance for the purposes of any medical or psychological examination or any treatment or training in terms of this Act, and to their attendants;” and

(b) by the addition of the following subsection, the existing section becoming subsection (1) thereof:

“(2) Different regulations may be made under subsection (1) in respect of different population groups or categories of persons.”.

Amendment of section 9 of Act 57 of 1973.

**12.** Section 9 of the Government Service Pension Act, 1973 (Act No. 57 of 1973), is hereby amended by the substitution for paragraph (a) of subsection (3) of the following paragraph:

“(a) any amount which is payable to the Government, an administration or the Fund by a person in the employ of the Government or an administration on the date of his retirement or discharge, or which the Government or an administration is liable to pay in respect of such a person;”.

Payment of benefits.

**13.** (1) Notwithstanding anything to the contrary in any law contained, a benefit payable in terms of a pension law shall be paid to the person entitled to the benefit within a period of sixty days after the due date.

(2) For the purposes of this section—

(a) “pension law” means any law relating to a pension fund administered by or under the control of the Minister of Social Welfare and Pensions, and includes any regulation made under any such law;

(b) “due date” means the date on which the Secretary for Social Welfare and Pensions receives a duly completed statement in a form which he may determine for the purposes of this section or, if he receives such a statement before the date on which a benefit is payable to the person concerned in terms of a pension law, the date on which such benefit is so payable.

(3) This section shall be deemed to have come into operation on 1 April 1974.

Continuation of pension rights and obligations of and relating to certain employees of the Armaments Board.

**14.** (1) If any person who immediately before the commencement of this section was a contributor to a pension fund, becomes in terms of section 4*Abis* (1) of the Armaments Development and Production Act, 1968 (Act No. 57 of 1968), an employee of the corporation established by section 2 of the last-mentioned Act—

(a) such person shall be deemed to remain, without a break in his service, a member of the pension fund of which he so was a member and the provisions of any law relating to such pension fund shall continue to apply in respect of him as long as he so remains a member of such pension fund;

(b) such person shall, notwithstanding anything to the contrary in any law contained, not be entitled to the

Act No. 26, 1977

## PENSION LAWS AMENDMENT ACT, 1977.

payment of any benefit from such fund or otherwise by virtue of the termination of his service in terms of the said section 4A*bis* (1);

- (c) such corporation shall, in relation to such person, with effect from the date of such commencement be subject to the provisions referred to in paragraph (a) to which the Armaments Board would have been subject if the Armaments Development and Production Amendment Act, 1977, had not been passed and such person had remained in the service of the Armaments Board.

(2) For the purposes of this section—

- (a) "Armaments Board" means the Armaments Board established by section 2 of the Armaments Act, 1964 (Act No. 87 of 1964);
- (b) "pension fund" means a pension or provident fund or scheme established by or under a pension law;
- (c) "pension law" means any law relating to a pension fund administered by or under the control of the Minister of Social Welfare and Pensions, and includes any regulation made under any such law.

(3) This section shall come into operation on the date on which the Armaments Development and Production Amendment Act, 1977, comes into operation.

Commencement  
of certain  
provisions.

15. (1) The provisions of sections 1 to 11 shall be deemed to have come into operation on 30 June 1976.

(2) Government Notice No. R.1801 of 1 October 1976 shall be deemed to have come into operation on 30 June 1976.

Short title.

16. This Act shall be called the Pension Laws Amendment Act, 1977.