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REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 746.

5 April 1979.

No. 746.

5 April 1979.

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. 29 of 1979: General Pensions Act, 1979.

No. 29 van 1979: Algemene Pensioenwet, 1979.

ACT

To consolidate certain laws relating to pensions generally; and to provide for incidental matters.

*(Afrikaans text signed by the State President.)
(Assented to 26 March 1979.)*

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

Definitions.

1. In this Act, unless the context otherwise indicates—
 - “annuity” means an amount which is payable each year and includes a pension or an allowance; 5
 - “benefit” means an amount of money;
 - “Government Employees’ Provident Fund” means the Government Employees’ Provident Fund referred to in section 2 (3) of the Government Service Pensions Act, 1965 (Act No. 62 of 1965); 10
 - “Government Non-White Employees’ Pension Fund” means the pension fund established for Government non-White employees by the regulations made under section 2 of the Government non-White Employees’ Pensions Act, 1966 (Act No. 42 of 1966); 15
 - “Government Service Pension Fund” means the Government Service Pension Fund established by section 3 of the Government Service Pension Act, 1973 (Act No. 57 of 1973); 20
 - “Minister” means the Minister of Social Welfare and Pensions;
 - “pension fund” means a pension or provident fund or scheme established by or under any pension law;
 - “pension law” means any law, including this Act, relating to a pension fund administered by or under the control of the Minister, and includes any regulation made under any such law;
 - “Secretary” means the Secretary for Social Welfare and Pensions. 30

CHAPTER 1

GENERAL PROVISIONS

Prohibition on cession and attachment of annuities and benefits.

2. (1) No annuity or benefit or right in respect of an annuity or benefit payable under a pension law shall be capable of being assigned or transferred or otherwise ceded or of being pledged or hypothecated or, save as is provided in section 11 (2) of the Maintenance Act, 1963 (Act No. 23 of 1963), be liable to be attached or subjected to any form of execution under a judgment or order of a court of law. 35
- (2) If any person attempts to assign or transfer or otherwise cede or to pledge or hypothecate any annuity or benefit to 40

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which he is entitled under any pension law or any right in respect of such annuity or benefit, payment of such annuity or benefit may be withheld, suspended or discontinued if the Minister so directs: Provided that the Minister may direct that such annuity or benefit or a part thereof be paid to one or more of the dependants of such person or to a trustee for such person or his dependants during such period as the Minister may determine. 5

(3) Notwithstanding the provisions of subsection (1) or of any other law—

- (a) any amount which is payable to the Government, a provincial administration or a pension fund by any person in the employ of the Government or a provincial administration on the date of his retirement or discharge, or which the Government or a provincial administration is liable to pay in respect of such person; 10 15
- (b) any amount which has been paid to any person in accordance with the provisions of a pension law and to which such person was not entitled;
- (c) the amount of any loss certified by the Auditor-General or a provincial auditor to have been sustained by the Government or a provincial administration through theft, fraud, negligence or any misconduct on the part of any person, 20

may be deducted from the annuity or benefit payable to such person under any pension law in a lump sum or in such instalments as the Secretary may determine. 25

(4) Where a person in the employ of the Government or a provincial administration dies before the last day of a period in respect of which any salary or allowance was paid to him prior to his death, a *pro rata* part of the amount so paid may be recovered in respect of the unexpired portion of that period by deducting it in a lump sum, or in such instalments as the Secretary may determine, from the annuity or benefit payable to the estate or to a dependant of the deceased under a pension law. 30

Annuity not asset in insolvent estate.

3. The annuity received under any pension law by any person whose estate is sequestrated, shall not form part of the assets in his insolvent estate. 35

Cessation date of annuities.

4. An annuity payable under a pension law shall, notwithstanding anything to the contrary in any law contained, be payable until the last day of the month in which the pensioner concerned dies. 40

Payment of annuities and benefits to persons other than persons entitled thereto.

5. If the Secretary is satisfied that it is undesirable for any reason to pay the whole amount of any annuity or benefit payable to any person under a pension law, directly to such person, the Secretary may order that such annuity or benefit or a portion thereof be paid to some other person on such conditions as to its administration for the benefit of such first-mentioned person or his dependants as the Secretary may determine. 45

Time limit in respect of certain actions.

6. (1) Any legal proceedings against the Government, the Minister or any other Minister, or any Administrator or any person in the employ of the Government or a provincial administration in respect of any act performed in terms of a pension law or any failure to perform any act in terms of a pension law, shall be commenced within 12 months as from the date upon which the plaintiff had knowledge or could reasonably have had knowledge of such act or failure. 50 55

(2) No legal proceedings referred to in subsection (1) shall be commenced before the expiry of one month after service on the Minister, Administrator or any person concerned, of a notice in writing of the intention to institute such proceedings, and particulars as to the alleged act or failure which constitutes the cause of action, shall be clearly and explicitly given in such notice. 60

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Application of annuities and benefits for payment of certain debts.

7. (1) If the Minister or, if authorized thereto by the Minister, the Secretary is satisfied that—

- (a) any contributions or moneys due or payable by a pensioner to any medical aid fund or medical aid society established by or in terms of or recognized by the Public Service Commission in accordance with any regulations made under section 26 (1) of the Public Service Act, 1957 (Act No. 54 of 1957), have not been paid; or
- (b) any judgment or order for the payment of money given or made before or after the commencement of this Act by a court of law against a pensioner in any judicial proceedings for the dissolution of the marriage between such pensioner and his spouse, has not been satisfied in full,

the Minister or the Secretary, as the case may be, notwithstanding anything to the contrary in any law contained, at his discretion direct that so much of any annuity or benefit payable to such pensioner under any pension law as does not exceed the amount of the contributions or moneys which have not been paid or the amount of the judgment or order which has not been satisfied, shall be paid to such fund or such spouse, as the case may be, in such instalments or otherwise and at such times, in such circumstances and on such conditions as the Minister or the Secretary, as the case may be, may from time to time determine.

(2) The payment of any annuity or benefit or of any part thereof in terms of a direction under subsection (1), shall be a complete discharge of any liability to pay such annuity, benefit or part to the pensioner concerned.

(3) For the purposes of this section "pensioner" means any person to whom any annuity or benefit is payable, but does not include a person to whom any annuity or benefit is payable as the widow or dependant of any person.

Increase of certain annuities and payment of allowances and bonuses to certain pensioners.

8. (1) Notwithstanding anything to the contrary in any law contained but subject to the provisions of this section, the Minister may from time to time with the concurrence of the Minister of Finance—

- (a) authorize the increase of any annuity payable under any pension law or from the State Revenue Fund or from moneys appropriated by Parliament for the service of the Department administered by the Minister;
- (b) authorize the payment of any allowance or bonus to any person who is in receipt of an annuity referred to in paragraph (a);

in accordance with such rates or scales and in such circumstances and on such conditions and with effect from such date, which may be a date in the past, as the Minister may determine with the concurrence of the Minister of Finance.

(2) Different rates, scales, circumstances and conditions may be determined in terms of subsection (1) in respect of different classes or categories of annuities or in respect of different classes or categories of persons.

(3) Any increase of any annuity and any allowance or bonus payable under subsection (1) shall—

- (a) if such annuity is payable from moneys appropriated by Parliament, be paid from revenue;
- (b) if such annuity is payable from a pension fund or partly from a pension fund and partly from moneys appropriated by Parliament, be paid from revenue or from such pension fund or partly from revenue and partly from such pension fund in accordance with such ratio and in such manner and at such times and on such conditions as the Minister, with the concurrence of the Minister of Finance, may from time to time determine: Provided that any part of an allowance payable under this section from revenue to or in respect of any person who has retired or has been retired or discharged from the service of the Department of Posts and Telecommunications, or to any dependant of such a person, shall, if such person or dependant is a male person of or

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over the age of 65 years, or if such person or dependant is a female person of or over the age of 60 years, be charged to the State Revenue Fund to the extent determined by the Minister.

(4) If the Minister, or an officer in the Department of Social Welfare and Pensions designated by the Minister for the purpose of this section, is satisfied that any allowance which is being paid to any person under subsection (1) (b), should be cancelled, reduced or increased, he may, with due regard to the circumstances of such person and to the rates, scales, circumstances and conditions determined in terms of subsection (1), cancel, reduce or increase such allowance with effect from such date, which may be a date in the past, as he may determine.

(5) For the purposes of this section "revenue" means the State Revenue Fund or, in respect of any person who has retired or who has been retired or discharged from service under—

- (i) the Department of Posts and Telecommunications, the Post Office Fund;
- (ii) a provincial administration, the provincial revenue fund in question.

Period regarding payment of benefits.

9. Notwithstanding anything to the contrary in any law contained, a benefit payable in terms of any pension law shall be paid to the person entitled to such benefit within a period of 60 days after the date on which the Secretary receives a duly completed statement in such form as he may determine for the purposes of this section or, if he receives such 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.

CHAPTER 2

PENSION RIGHTS OF SPECIFIED PERSONS

Regulations for payment of pension benefits to specified officers and their dependants.

10. (1) Notwithstanding anything to the contrary in any law contained, the Minister may, with the concurrence of the Minister of Finance, make regulations providing for the payment, subject to such conditions as may be prescribed in such regulations, of pension benefits—

- (a) to any specified officer who retires or is retired or discharged on pension in terms of any law relating to his retirement or discharge on pension, or who so retires or is so retired or discharged—
 - (i) on account of continued ill-health which has not been occasioned by his own default;
 - (ii) owing to the abolition of his office or post or to any reduction in or reorganization or readjustment of the department or office in which he is employed;
 - (iii) on the ground that his discharge will for reasons other than his own unfitness or incapacity, promote efficiency or economy in the department or office in which he is employed;
 - (iv) on account of unfitness for his duties or incapacity to carry them out efficiently;
- (b) to the dependants of any specified officer who dies before his retirement or discharge or within five years after the date of his retirement or discharge.

(2) Any pension benefit payable in terms of any regulation made under subsection (1) or deemed to have been made thereunder, shall be paid from the State Revenue Fund.

(3) Any regulation referred to in subsection (1) may be made with retrospective effect, and different regulations may be made in respect of different classes or categories of persons.

(4) For the purposes of this section "specified officer" means an officer as defined in section 1 of the Public Service Act, 1957

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(Act No. 54 of 1957), who is not a White person as defined in section 1 of the Population Registration Act, 1950 (Act No. 30 of 1950), and whose period of service as such an officer includes a period of service in respect of which he has not contributed to a pension fund and which is not pensionable service for the purposes of any such fund. 5

Regulations relating to payment of compensation and rendering of medical treatment.

11. (1) Notwithstanding anything to the contrary in any law contained, the Minister may, with the concurrence of the Minister of Finance, the Minister of Posts and Telecommunications and the Administrators, and after consultation with— 10

- (a) the Minister who is responsible for the Department of National Security;
- (b) the Minister of the Interior and Immigration;
- (c) the Minister of Defence;
- (d) the Minister of Police; and 15
- (e) the Minister of Prisons,

make regulations which provide for the payment of compensation to or in respect of, or to a dependant of, any officer or employee who dies or is retired or discharged as a result of injury or ill-health arising out of and in the course of his employment by the Government or by any provincial administration, and for the rendering of medical treatment (including surgical or hospital treatment, skilled nursing services and the supply and repair of any artificial part of the body or any device) to such officer or employee in respect of such injury or ill-health. 20 25

(2) Regulations referred to in subsection (1), except regulations which reduce compensation, may be made with retrospective effect, and different regulations may be made in respect of different classes or categories of officers or employees.

(3) Notwithstanding anything to the contrary in any law contained— 30

- (a) any military service as defined in section 1 of the Military Pensions Act, 1976 (Act No. 84 of 1976), and rendered by an officer or employee, shall for the purposes of this section and the regulations made thereunder, be deemed to have been service in the Government or in the provincial administration in whose service he was during the time he rendered such military service; 35
 - (b) an officer or employee who renders military service or undergoes training within the meaning of the Defence Act, 1957 (Act No. 44 of 1957), shall, for the purposes of the Workmen's Compensation Act, 1941 (Act No. 30 of 1941), be deemed to be a workman while rendering such military service or undergoing such training. 45
- (4) For the purposes of this section—

“employee” means any member of the Reserve Police Force established under section 34 (2) of the Police Act, 1958 (Act No. 7 of 1958), or any member of the Police Reserve established under section 34A (1) of the Police Act, 1958, or any member of the Government Employees' Provident Fund, but does not include any employee to whom the provisions of the Military Pensions Act, 1976, apply in relation to the injury or ill-health referred to in subsection (1) of this section; 50 55

“officer” means any member of the Government Service Pension Fund established under section 3 of the Government Service Pension Act, 1973 (Act No. 57 of 1973), and includes a specified officer as defined in section 10 (6) of this Act, but does not include any officer to whom the provisions of the War Pensions Act, 1976, apply in relation to the injury or ill-health referred to in subsection (1) of this section. 60

Employees of local authorities becoming employees of Government.

12. (1) If any undertaking or activity of a local authority or any power or function of a local authority in connection with the provision of any service or the administration of any area, is taken 65

over by the Government or ceases to be controlled, exercised or performed by a local authority by virtue of any action taken in terms of an Act of Parliament, and the Minister with the concurrence of the Minister of Finance in respect of a specified local authority agrees thereto, then, notwithstanding anything to the contrary in any law contained but subject to the provisions of subsections (2), (3) and (4)—

- (a) the period of previous pensionable service of any affected officer of such local authority who becomes or shall become a member of the Government Service Pension Fund or the Government Employees' Provident Fund with effect from the fixed date in terms of any law, shall be reckoned as pensionable service for the purposes of the fund of which he so becomes or shall so become a member;
- (b) any affected officer of such local authority who becomes with effect from the fixed date a non-White employee as defined in section 1 of the Government non-White Employees Pensions Act, 1966 (Act No. 42 of 1966), shall, with effect from the said date, become a member of the Government Non-White Employees' Pension Fund, and shall contribute to the said pension fund in accordance with regulations made under section 2 of that Act, and the period of his previous pensionable service shall be reckoned as pensionable service for the purposes of the said pension fund.

(2) If the previous pensionable service of an affected officer is reckoned as pensionable service in terms of subsection (1) for the purposes of the Government Service Pension Fund or the Government Employees' Provident Fund or the Government Non-White Employees' Pension Fund, there shall, notwithstanding anything to the contrary in any law contained or the rules or regulations governing the applicable pension fund, be paid by the last-mentioned pension fund to the Government Service Pension Fund or the Government Employees' Provident Fund or the Government Non-White Employees' Pension Fund, as the case may be, in respect of such previous pensionable service—

- (a) an amount which is equal to the amount or the transfer value which would have been payable in terms of the provisions of the laws or the rules or regulations governing the applicable pension fund if the affected officer concerned was transferred or directly appointed to the service of another local authority having a different pension fund or associated with a different pension fund or, if no amount would have been so payable, an amount which the Minister or an officer of the Department of Social Welfare and Pensions authorized thereto by the Minister, may determine after consultation with the management of the applicable pension fund concerned, with due regard to the circumstances of a specified case or category of cases;
- (b) interest calculated at 5,5% per annum on the amount referred to 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 or provident fund in question in terms of this subsection.

(3) If the total of the amounts to be paid to the Government Service Pension Fund or the Government Employees' Provident Fund or the Government Non-White Employees' Pension Fund in terms of subsection (2) (a) and (b)—

- (a) is less than the amount to be paid in terms of the regulations governing the Government Service Pension Fund or the Government Employees' Provident Fund or the Government Non-White Employees' Pension Fund, as the case may be, in respect of the previous pensionable service of the affected officer concerned in order to reckon such previous pensionable service for

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the purposes of the one or the other of the aforementioned funds, the deficiency shall be paid from revenue to the fund concerned;

- (b) exceeds the amount referred to in paragraph (a), the surplus shall be paid to the affected officer concerned by the applicable pension fund. 5

(4) If an affected officer before the fixed date in writing notifies the Secretary that he wishes his previous pensionable service not to be reckoned as pensionable service in terms of subsection (1), such previous pensionable service shall not be reckoned as pensionable service in terms of that subsection. 10

(5) If any person who was in the employ of a local authority, without a break in his service or after such break in his service as the Secretary may approve, becomes a member of a pension fund, and is seconded for service to a local authority in a country or area which immediately before 1 July 1973 was a part of the Republic, the Minister, with the concurrence of the Minister of Finance, may declare that the provisions of this section shall apply with reference to such person, and thereupon such provisions shall *mutatis mutandis* apply with reference to such person as if a take-over referred to in subsection (1) took place on the date on which he was so seconded for service and such person is an affected officer and such date is the fixed date referred to in subsection (4). 15 20

- (6) For the purposes of this section— 25

“affected officer” means any person who immediately before the fixed date was in the employ of a local authority in or in connection with any undertaking or activity or the provision of any service or the administration of any area referred to in subsection (1) and who immediately before the fixed date was a member of an applicable pension fund; 30

“applicable pension fund”, in relation to a specified affected officer, means a superannuation, pension or provident fund or scheme established by or under any law or otherwise for the benefit of the employees of the local authority in whose service such affected officer was immediately before the fixed date, or established for the benefit of the employees of such local authority and of any other local authority or local authorities, and to which such affected officer contributed immediately before the fixed date and which has been approved by the Minister for the purposes of this section; 35 40

“fixed date” means the date on which any undertaking or activity of a local authority or any power or function of a local authority in connection with the provision of any service or the administration of any area is taken over as contemplated in subsection (1) or ceases to be controlled, exercised or performed by a local authority, or the date on which a person in the service of a local authority, with a view to such take-over and with the approval of the Minister, is appointed in the service of the Government; 45 50

“Government” includes a provincial administration and any authority or body established by or under an Act of Parliament and which has been designated by the Minister for the purposes of this section; 55

“local authority” means an institution or a body contemplated in section 84 (1) (f) of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), or an institution or a body approved by the Minister with the concurrence of the Minister of Finance for the purposes of this section; 60

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- “previous pensionable service” means pensionable service in terms of the provisions of the laws or the rules or regulations governing any applicable pension fund;
- “revenue”, in relation to an affected officer who is with effect from the fixed date—
- (a) in the employ of the Government, means, subject to paragraph (b) of this definition, the State Revenue Fund;
 - (b) in the employ of a provincial administration, means the provincial revenue fund in question.

Pension benefits for officers and employees of Parliament and their widows and dependants.

13. (1) The annuity, gratuity or other benefit to which an officer of Parliament as defined in section 1 of the Powers and Privileges of Parliament Act, 1963 (Act No. 91 of 1963), or the widow or dependant of any such officer becomes entitled, as calculated in terms of the provisions of the Pension Scheme for Officers of Parliament (hereinafter in this section referred to as the Scheme), shall be paid to the beneficiary from moneys appropriated by Parliament for that purpose, and a certificate duly signed by the Speaker, as defined in section 1 of that Act, to the effect that any such officer or his widow or dependant, as the case may be, has become entitled to be paid benefits under the relevant provisions of the Scheme, and setting out particulars of such benefits and of the terms and conditions, if any, subject to which they are payable, shall constitute the requisite authority for the payment of such benefits.

(2) Any annuity, gratuity or other benefit as determined by the Speaker, payable to an employee who was full-time in the Parliamentary service, but who was not on the fixed establishment of Parliament, or to the widow or any other dependant of such person, shall be paid to the beneficiary from moneys appropriated by Parliament for the purpose, and a certificate, duly signed by the Speaker, that such employee or his widow or other dependant, as the case may be, has become entitled to be paid such benefits, and setting out particulars of such benefits and of the terms and conditions, if any, to which the payment thereof is subject, shall constitute the requisite authority for the payment of such benefits.

(3) An employee referred to in subsection (2) shall for the purpose of the application of the provisions of that subsection be deemed not to be an “officer of Parliament” within the meaning of subsection (1).

(4) The provisions of sections 2, 3, 4 and 9 shall apply *mutatis mutandis* to any annuity, gratuity or benefit referred to in this section, and any reference in those provisions to the Minister or Secretary shall be construed as a reference to the Speaker.

Payment of special pensions to members who previously held certain offices.

14. (1) If any member was, before the date on which he became a member, subject to a pensions ordinance and held an office referred to in that pensions ordinance, but no special pension is payable to him in terms of the provisions of the applicable pensions ordinance in respect of his service in such office, there shall, notwithstanding anything to the contrary in any law contained, be paid to him with effect from the day following the date of the termination of his service in such office, a special pension in terms of the applicable pensions ordinance in respect of the period of his service in such office as if he was entitled with effect from the said day to such special pension in terms of that ordinance, irrespective of whether or not that ordinance has been repealed.

(2) Unless the context otherwise indicates, any word or expression in subsection (1) to which a meaning has been assigned in the Parliamentary Service and Administrators’ Pensions Act, 1971 (Act No. 81 of 1971), bears the same meaning.

Preservation of pension rights of certain persons.

15. (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 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 has previously exercised legislative powers, and the Secretary deems it expedient that his pensionable service as such member should be retained for him, the Secretary may, 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.

(2) Notwithstanding anything to the contrary in any law contained—

- (a) no contributions in respect of a dormant member shall be payable to the pension fund of which he is a dormant member for the period during which he is a dormant member;
- (b) no pension benefit shall be payable to a dormant member before the fixed date;
- (c) a dormant member shall, with effect from the fixed date and subject to the provisions of the applicable pension law, be entitled to such pension benefits as he would have been entitled to if he had on the fixed date been a contributing member of the pension fund of which he is a dormant member;
- (d) the widow or dependant or estate of a dormant member who has died before the fixed date shall, with effect from the date of his death and subject to the provisions of the applicable pension law, be entitled to such pension benefits as such widow or dependant or estate would have been entitled to if such dormant member had on the date of his death been a contributing member of the pension fund of which he was a dormant member.

(3) If a dormant member becomes or again becomes a contributing member of a pension fund he shall, with effect from the date on which he so becomes or again becomes a contributing member, cease to be a dormant member and his pensionable service shall be deemed not to have been interrupted by the period during which he was a dormant member and the aggregate of all the periods of his pensionable service shall be taken into account for the purposes of the applicable pension law.

(4) For the purposes of this section—

- (a) "applicable pension law", in relation to—
 - (i) a dormant member or the widow, dependant or estate of a dormant member who has died, means the laws, regulations and rules relating to the pension fund of which he is or, immediately before the date of his death, was a dormant member;
 - (ii) a member who in terms of subsection (3) has ceased to be a dormant member, means the laws, regulations and rules relating to the pension fund of which such member has become or again become a contributing member as contemplated in that subsection;
- (b) "contributing member" means any member contributing to a pension fund;
- (c) "dormant member" means any person declared a dormant member under subsection (1);
- (d) "fixed date" means the date on which a dormant member attains the age at which he, immediately before the date on which he was appointed or nominated as contemplated in subsection (1), would have had the right to retire on pension;
- (e) "pension benefit" means an amount of money payable in terms of the applicable pension law.

Presumptions and definitions for the purposes of laws relating to social pensions.

16. (1) For the purposes of any law relating to social pensions in the case of a White person or a Coloured person who is a South African citizen or an Indian who immediately before 26 October 1976 complied with all the requirements of such law relating to citizenship or residence in the Republic, and who is resident in any country or area which, immediately before such date, was a part

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of the Republic and which has been designated by the Minister by notice in the *Gazette* for the purposes of this section—

- (a) such person shall be deemed to be resident in the Republic;
- (b) any application for a pension or grant by such person in terms of any such law, which has been submitted to the Secretary for Social Welfare and Pensions or the Secretary for Coloured, Rehoboth and Nama Relations or the Secretary for Indian Affairs, as the case may be, shall be deemed to have been submitted to a district pension officer;
- (c) "attesting officer" includes a person who in such country or area occupies a post which has been so designated by the Minister for the purposes of this section;
- (d) "medical officer" or "district surgeon" includes any person who practises as a medical officer or who carries on the profession of a medical practitioner in such country or area and who has been so designated by the Minister as a medical officer or a district surgeon, as the case may be, for the purposes of this section.

(2) For the purposes of this section, unless the context otherwise indicates—

- (a) "Coloured person" means a person classified as a member of the Cape Coloured, Malay or Griqua group or the Other Coloured group in terms of the Population Registration Act, 1950 (Act No. 30 of 1950);
- (b) "Indian" means a person classified as a member of the Indian group in terms of the Population Registration Act, 1950;
- (c) "law relating to social pensions" means the Aged Persons Act, 1967 (Act No. 81 of 1967), the War Veterans' Pensions Act, 1968 (Act No. 25 of 1968), the Blind Persons Act, 1968 (Act No. 26 of 1968), the Disability Grants Act, 1968 (Act No. 27 of 1968), the Social Pensions Act, 1973 (Act No. 37 of 1973), or the regulations made under any such Act;
- (d) "White person" means a White person as defined in section 1 of the Population Registration Act, 1950,

and any word to which any meaning has been assigned in the applicable law with reference to social pensions, shall have that meaning.

Pensions payable in respect of former State President.

17. There shall be paid from the State Revenue Fund—

- (a) to any person who at any time before 1 April 1968 occupied the office of State President, in lieu of any pension payable to him under any law in respect of such office so occupied, a pension at the rate of R25 000 per annum;
- (b) to the widow of such person whose marriage to him took place before the date on which he vacated the said office, a pension at the rate of R18 750 per annum.

Pension rights of certain members of the National Road Board Provident Fund.

18. (1) If a person in the public service who in accordance with section 14 (1) (a) of the Transport (Co-ordination) Act, 1948 (Act No. 44 of 1948), has retained his membership of the National Road Board Provident Fund established under the regulations made under section 16 (1) (d) of the National Roads Act, 1935 (Act No. 42 of 1935), does not retire or is not retired or discharged on attaining the age of 60 years, any insurance policy or policies taken out in respect of him in accordance with the said regulations, shall, notwithstanding anything to the contrary in such regulations or the said section 14 contained, not be ceded or delivered to him, and—

- (a) on maturity such policy or policies shall be realized and the full amount of the proceeds thereof shall be placed to his credit in the Government Employees' Provident Fund;

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(b) if for any reason thereafter he ceases to be employed in the public service, such amount, together with interest at the rate of 5% per annum, compounded annually as at 31 March and calculated from the date such amount was placed to his credit in the Government Employees' Provident Fund and until the date upon which payment is made, shall, notwithstanding anything to the contrary contained in any regulation relating to the Government Employees' Provident Fund, be paid from the last-mentioned fund to him or his legal representative or his estate, as the case may be.

(2) Notwithstanding anything to the contrary contained in any regulation relating to the Government Employees' Provident Fund, any person referred to in subsection (1) may, if he so wishes, elect to contribute to the Government Employees' Provident Fund as from the date upon which he ceased to be a member of the said National Road Board Provident Fund, and if he so elects, he shall in respect of his service from that date be deemed to be a person who is required to contribute to the Government Employees' Provident Fund in terms of any such regulation.

Pension rights of certain officers and employees formerly employed in the Pretoria Branch of the Royal Mint.

19. Any reference to the Government Service Pensions Act, 1936 (Act No. 32 of 1936), in those sections of the South African Mint Act, 1941 (Act No. 16 of 1941), which, in terms of section 25 (3) of the South African Mint and Coinage Act, 1964 (Act No. 78 of 1964), continue to apply to or in relation to any person referred to in the said section 25 (3), shall be deemed to be a reference to the Government Service Pension Act, 1973 (Act No. 57 of 1973), and any such person who elected or is deemed to have been elected to have the conditions of his service determined in terms of section 10 (1) (b) of the South African Mint Act, 1941, shall continue to pay to the Treasury from time to time in respect of his service under the Government, such sums of money as he would have been required to pay to the Government Service Pension Fund or to the Government Employees' Provident Fund, had he been liable to contribute to the said Pension Fund or Provident Fund, as the case may be.

Pension benefits of members of the staff of certain universities discharged in certain circumstances.

20. (1) If any person who is a member of the pension fund and who holds a post on the fixed establishment of any university, is in terms of a provision of any law discharged from such post by such university before attaining the age at which he would have the right to retire on pension, for the sole purpose of appointing a member of a national unit served by such university to such post, and such person, in the opinion of the Secretary, is unlikely to be appointed in any service or to assume any duty, within a period of six months after being so discharged, in terms of which he will be obliged to contribute to the pension fund or the Government Service Pension Fund, such person shall, for the purposes of the regulations, be deemed to be discharged from his service on attaining the age at which he would have the right to retire on pension, with effect from the date on which his discharge from the said post comes into force, and in calculating any annuity or gratuity to which he is entitled in terms of the regulations, there shall be added to his pensionable service in terms of the regulations a period equal to one third of his pensionable service or a period equal to the period between the date on which he is so discharged and the date on which he will attain the age at which he may retire in terms of the provisions of any law then applicable to him, whichever is the shorter period: Provided that no period which has been so added to his pensionable service shall exceed five years.

(2) If any person who is a member of the pension fund is deemed to have retired on pension in terms of subsection (1), there shall be recovered from time to time from the university in question the amount—

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- (a) of any annuity paid in terms of the regulations to or in respect of such member in respect of any period within the period between the date of such retirement and the day immediately following the date on which he attains the age at which he is entitled to retire from service or, if he dies before the last-mentioned date, the date on which he would have attained the said age if he had not died; 5
- (b) by which any benefit paid in terms of the regulations is increased by reason of any addition of his pensionable service in terms of subsection (1). 10
- (3) For the purposes of this section—
- (a) "national unit" means a national unit referred to in section 2 (1) of the Promotion of Black Self-government Act, 1959 (Act No. 46 of 1959); 15
- (b) "the pension fund" means the Associated Institutions Pension Fund established in terms of the regulations;
- (c) "the regulations" means the regulations promulgated in terms of the Associated Institutions Pension Fund Act, 1963 (Act No. 41 of 1963); 20
- (d) "university" means a university established by the University of Fort Hare Act, 1969 (Act No. 40 of 1969), the University of Zululand Act, 1969 (Act No. 43 of 1969), the University of the North Act, 1969 (Act No. 47 of 1969), or the Medical University of Southern Africa Act, 1976 (Act No. 78 of 1976). 25

CHAPTER 3

MISCELLANEOUS PROVISIONS

Payment from State Revenue Fund in terms of laws relating to pensions.

21. Any provision in any law relating to pensions, except section 15 of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), requiring or authorizing the payment of any amount from the State Revenue Fund shall be construed as a provision requiring or authorizing the payment of such amount from moneys appropriated by Parliament for that purpose. 30

Certain pensions not property for estate duty purposes.

22. Notwithstanding anything to the contrary in any law contained, any pension or any right to a pension due and payable on or as a result of or after the death of a member of a pension fund to the widow, child or other dependant of such member, in terms of the pension law in question, shall for the purposes of the Estate Duty Act, 1955 (Act No. 45 of 1955), be deemed not to be property as defined in section 3 (2) of that Act. 35 40

Repeal of laws, and savings.

23. (1) Subject to the provisions of subsections (2) and (3) the laws specified in the Schedule are hereby repealed to the extent set out in the third column thereof.

(2) Anything done or deemed to have been done in terms of a provision of any law repealed by subsection (1) shall be deemed to have been done in terms of the corresponding provision of this Act. 45

(3) If in terms of a provision of any law repealed by subsection (1) any annuity or portion thereof was payable from a pension fund or from revenue as defined in section 8 (5), that provision shall remain applicable in respect of the payment of such annuity or portion. 50

Short title.

24. This Act shall be called the General Pensions Act, 1979.

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Schedule

LAWS REPEALED

Number and year of law	Title of law	Extent of repeal
Act No. 29 of 1912 ...	Public Service and Pensions Act, 1912	The whole
Act No. 49 of 1926 ...	Republican Officials' and Other Persons' Pensions Act, 1926	The whole
Act No. 34 of 1935 ...	Reformatories Service Act, 1935	Section 3
Act No. 45 of 1941 ...	War Pensions Act, 1941	The whole
Act No. 44 of 1942 ...	War Pensions Act, 1942	The whole
Act No. 48 of 1944 ...	Pension Laws Amendment Act, 1944	The whole
Act No. 41 of 1948 ...	Pension Laws Amendment Act, 1948	The whole
Act No. 47 of 1951 ...	Pension Laws Amendment Act, 1951	The whole
Act No. 49 of 1952 ...	Pension Laws Amendment Act, 1952	The whole
Act No. 44 of 1953 ...	Pension Laws Amendment Act, 1953	The whole
Act No. 52 of 1954 ...	Pension Laws Amendment Act, 1954	The whole
Act No. 41 of 1955 ...	Pension Laws Amendment Act, 1955	The whole
Act No. 56 of 1956 ...	Pension Laws Amendment Act, 1956	Sections 8 and 36
Act No. 62 of 1957 ...	Pension Laws Amendment Act, 1957	Sections 2 and 3
Act No. 67 of 1959 ...	Pension Laws Amendment Act, 1959	Sections 9, 10, 11, 51, 56 and 58 (1), (2), (3), (5) and (6)
Act No. 61 of 1960 ...	Pension Laws Amendment Act, 1960	Section 16
Act No. 78 of 1961 ...	Pension Laws Amendment Act, 1961	The whole
Act No. 92 of 1962 ...	Pension Laws Amendment Act, 1962	Sections 3, 4, 33, 35 to 41, 50, 52, 54 and 56
Act No. 41 of 1963 ...	Associated Institutions Pension Fund Act, 1963	Sections 3 <i>bis</i> (1) and 3 <i>ter</i>
Act No. 95 of 1963 ...	Pension Laws Amendment Act, 1963	Sections 35 and 37
Act No. 84 of 1964 ...	Pension Laws Amendment Act, 1964	Sections 9 to 12, 27 and 32
Act No. 62 of 1965 ...	Government Service Pensions Act, 1965	Sections 21 and 22
Act No. 102 of 1965 ...	Pension Laws Amendment Act, 1965	The whole
Act No. 26 of 1966 ...	Pension Laws Amendment Act, 1966	The whole
Act No. 91 of 1967 ...	Pension Laws Amendment Act, 1967	The whole
Act No. 79 of 1968 ...	Pension Laws Amendment Act, 1968	The whole
Act No. 98 of 1969 ...	Pension Laws Amendment Act, 1969	Sections 1 to 6, 11 to 13 and 15 to 17
Act No. 20 of 1970 ...	Pension Laws Amendment Act, 1970	The whole
Act No. 86 of 1970 ...	Second Pension Laws Amendment Act, 1970 ..	The whole
Act No. 81 of 1971 ...	Parliamentary Service and Administrators' Pensions Act, 1971	Sections 20 (1) and (2) and 21
Act No. 93 of 1971 ...	Pension Laws Amendment Act, 1971	The whole
Act No. 97 of 1972 ...	Pension Laws Amendment Act, 1972	Sections 1 to 5, 8 and 10
Act No. 57 of 1973 ...	Government Service Pension Act, 1973	Sections 9, 10, 12, 13 and 14
Act No. 73 of 1973 ...	Pension Laws Amendment Act, 1973	Sections 1 to 4, 5 (1), (2), (3), (7) and (8) and 6

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LAWS REPEALED

Number and year of law	Title of law	Extent of repeal
Act No. 15 of 1974 ...	Pension Laws Amendment Act, 1974	Sections 1 and 2 (1), (2), (3), (5) and (6)
Act No. 77 of 1974 ...	Second Pension Laws Amendment Act, 1974 ..	Sections 1 to 5, 6 (1), 7 to 16 and 18 to 20
Act No. 50 of 1975 ...	Pension Laws Amendment Act, 1975	Sections 1, 2 (1), 3 to 8 and 10
Act No. 83 of 1976 ...	Pension Laws Amendment Act, 1976	Sections 1 to 4, 6, 8 to 10 and 11 (a) to (d)
Act No. 84 of 1976 ...	Military Pensions Act, 1976	Sections 17, 18 and 19 (1)
Act No. 26 of 1977 ...	Pension Laws Amendment Act, 1977	Sections 1 to 13 and 15
Act No. 40 of 1978 ...	Pension Laws Amendment Act, 1978	Sections 1 to 6, 8 and 9 (a) to (d)
Act No. 105 of 1978 ..	Second Pension Laws Amendment Act, 1978 ..	The whole