



# STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

---

REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

*As 'n Nuusblad by die Poskantoor Geregistreer*

*Registered at the Post Office as a Newspaper*

PRYS (AVB ingesluit) 30c PRICE (GST included)  
BUITELANDS 40c ABROAD  
POSVRY · POST FREE

---

VOL. 195]

KAAPSTAD, 18 SEPTEMBER 1981

[No. 7788

CAPE TOWN, 18 SEPTEMBER 1981

---

KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 1967. 18 September 1981.

No. 1967. 18 September 1981.

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. 67 van 1981: Wysigingswet op die Pensioenwette, 1981.

No. 67 of 1981: Pension Laws Amendment Act, 1981.

Act No. 67, 1981

PENSION LAWS AMENDMENT ACT, 1981

**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 Parliamentary Service and Administrators' Pensions Act, 1971, so as to provide for the cancellation of a pension if the beneficiary thereof assumes the office of Vice State President; to amend the General Pensions Act, 1979, to provide for the cancellation of pensions if the beneficiaries thereof become members of the pension scheme for members of the President's Council; and to make further provision for the payment of gratuities and annuities to persons, and to the widows, dependants or estates of persons, whose pension rights have been preserved for them; and to provide for incidental matters.

(Afrikaans text signed by the State President.)  
(Assented to 28 August 1981.)

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

Amendment of section 17A of Act 81 of 1971, as inserted by section 13 of Act 77 of 1974.

1. Section 17A of the Parliamentary Service and Administrators' Pensions Act, 1971, is hereby amended by the addition of the following subsection, the existing section becoming subsection (1):

“(2) The provisions of subsection (1) shall apply *mutatis mutandis* in respect of any person who assumes the office of Vice State President.”

Insertion of section 14A in Act 29 of 1979.

2. The following section is hereby inserted in the General Pensions Act, 1979, after section 14:

“Cancellation of certain pensions payable to members of President's Council.

**14A. (1)** If any member elects under paragraph 2 of the Schedule to the Pension Proclamation to be subject to the Pension Proclamation, any pension payable to him under a pension law shall be deemed to have been cancelled as from the date on which he became a member, and he shall refund any amount which was paid to him by way of such pension in respect of any period after the said date to be deposited in the fund from which it was paid.

(2) Any member to whom a pension was payable under a pension law when he became a member and who before the amendment of the Pension Proclamation by Proclamation No. 142 of 1981 elected to be subject to the Pension Proclamation, shall be deemed to have made such election under paragraph 2 of the Schedule to the Pension Proclamation, as amended by Proclamation No. 142 of 1981.

Act No. 67, 1981

## PENSION LAWS AMENDMENT ACT, 1981

(3) No benefit shall be payable under a pension law to any person to whom subsection (1) applies, or on the death of such person, to his widow, child, dependants or estate, in respect of such person's pensionable service under such law prior to his appointment as a member. 5

(4) For the purpose of this section—

'member' means a member of the President's Council;

'pension law' means the Parliamentary Service and Administrators' Pensions Act, 1971 (Act No. 81 of 1971), the Members of the Coloured Persons Representative Council Pensions Act, 1974 (Act No. 79 of 1974), the Members of the South African Indian Council Pensions Act, 1974 (Act No. 86 of 1974), or any ordinance in force under the Provincial Powers Extension Act, 1980 (Act No. 82 of 1980); 10 15

'Pension Proclamation' means the Proclamation relating to the Pension Scheme for Members of the President's Council, 1981 (Proclamation No. R.63 of 1981). 20

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

Amendment of section 15 of Act 29 of 1979.

(a) by the substitution for paragraphs (c) and (d) of subsection (2) of the following paragraphs, respectively: 25

"(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] an annuity and a gratuity which shall be calculated in accordance with the formula; 30 35

(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] an annuity and a gratuity which shall be calculated in accordance with the formula;" 40 45

(b) by the substitution for paragraph (e) of subsection (4) of the following paragraph:

"(e) 'the formula', in relation to an annuity or a gratuity to be calculated in accordance with the formula, means— 50

$$A \times 1,06^n$$

in which—

A represents—

(i) in the case of an annuity or a gratuity referred to in subsection (2) (c), the annual amount of the annuity or the amount of gratuity, as the case may be, to which the dormant member concerned would have been entitled in terms of the pension law concerned if he had on the fixed date been a contributing member of the pension fund of which he was a dormant member; 55 60

(ii) in the case of the annuity or a gratuity referred to in subsection (2) (d), the annual amount of the annuity or the 65

Act No. 67, 1981

PENSION LAWS AMENDMENT ACT, 1981

amount of the gratuity, as the case may be, to which such widow, dependant or estate would have been entitled in terms of the applicable pension law if the dormant member concerned had been a contributing member at the time of his death of the pension fund of which he was a dormant member;

n represents the number of years (including any portion of a year expressed as a fraction of a year) during which a member concerned was a dormant member."

Commencement.

4. The provisions of—

(a) sections 1 and 2 shall be deemed to have come into operation on 5 September 1980;

(b) section 3 shall be deemed to have come into operation on 1 July 1980.

Short title.

5. This Act shall be called the Pension Laws Amendment Act, 1981.