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# GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

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STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 1628.

24 July 1985

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

No. 105 of 1985: Pension and Related Matters Amendment Act, 1985.

No. 1628.

24 Julie 1985

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

No. 105 van 1985: Wysigingswet op Pensioen- en Aanverwante Aangeleenthede, 1985.

Act No. 105, 1985

PENSION AND RELATED MATTERS AMENDMENT ACT, 1985

**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 Occupational Diseases in Mines and Works Act, 1973, so as to increase the one-sum benefits payable to persons suffering from compensatable diseases in the second degree and to make other provision relating to the determination of the one-sum benefit payable to the widow or dependent children of a deceased White person who was at the time of his death suffering from a compensatable disease in the second degree; to insert a section 11A in the Members of Parliament and Political Office-bearers Pension Scheme Act, 1984, in which the pensionable service is regulated of certain office-bearers whose term of office is terminated by the State President; to amend the Pension Laws Amendment Act, 1984, so as to effect a textual correction in section 9 thereof; to empower the State President to approve a reduction in the salaries or remuneration of certain political office-bearers, and in connection therewith to provide for the retention of certain pension rights of such office-bearers, their dependants, estates or surviving spouses; and to increase certain benefits and special awards 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 10 July 1985.)*

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

Amendment of section 79 of Act 78 of 1973, as amended by section 6 of Act 27 of 1974 and section 1 of Act 67 of 1974.

1. Section 79 of the Occupational Diseases in Mines and Works Act, 1973, is hereby amended by the substitution for subsection (6) of the following subsection:

“(6) When the certification committee has found that a person to whom a one-sum benefit was awarded under subsection (4) is suffering from a compensatable disease in the second degree, the commissioner shall award to such person an additional benefit **[of six thousand rand]** equal to the difference between the one-sum benefit referred to in section 80 (1), as increased from time to time (whether before or after the commencement of section 2 of the Pension Laws Amendment Act, 1984) by virtue of any law, and the one-sum benefit referred to in section 80 (3), as so increased.”

Amendment of section 82 of Act 78 of 1973, as amended by section 7 of Act 27 of 1974, section 5 of

2. Section 82 of the Occupational Diseases in Mines and Works Act, 1973, is hereby amended by the substitution for subsection (2) of the following subsection:

“(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,

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## PENSION AND RELATED MATTERS AMENDMENT ACT, 1985

Act 45 of 1975  
and section 3 of  
Act 123 of 1984.

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 any, a one-sum benefit equal to the difference between the one-sum benefit referred to in **[subsection] section 80 (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 one-sum benefit referred to in **[subsection] section 80 (3)**, as so increased.”

Insertion of  
section 11A in  
Act 112 of 1984.

3. The following section is hereby inserted in the Members of Parliament and Political Office-bearers Pension Scheme Act, 1984, after section 11:

“Pensionable service of office-bearer whose tenure of office is terminated by State President.

**11A. An office-bearer—**

(a) who is not a member of Parliament;

(b) who has been appointed for a term of office of at least five years; and

(c) whose tenure of office is terminated by the State President before such office-bearer has acquired five years pensionable service to his credit,

shall for the purposes of this Act, if the State President so approves, be deemed to have five years pensionable service to his credit.”

Amendment of  
section 9 of  
Act 123 of 1984.

4. Section 9 of the Pension Laws Amendment Act, 1984, is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

“(a) in the case of such a benefit, excluding a one-sum benefit referred to in sections 79 (6), 80 (1), (2) and (4), 82 (1) (b) and (2), 87 (1), (2) and (4), 88 (2) and 106 (c) of the principal Act, by 10 per cent; and”

Reduction of salary or remuneration of State President and of certain serving and former political office-bearers.

5. (1) The State President may, notwithstanding the provisions of any law or of any agreement relating to conditions of service, approve the reduction of—

- (a) the salary of the State President or of a member of Parliament or of a Minister or Deputy Minister who is not a member of any House of Parliament;
- (b) the remuneration of a member of the President's Council referred to in section 70 of the Republic of South Africa Constitution Act, 1983 (Act No. 110 of 1983);
- (c) any salary or remuneration payable in terms of section 13 (1) of the Constitution Amendment Act, 1984 (Act No. 105 of 1984);
- (d) the salary of the holder of an office referred to in section 3 (1) (a) (ii) or (iii) of the Members of Parliament and Political Office-bearers Pension Scheme Act, 1984 (Act No. 112 of 1984); or
- (e) the salary of a member of a provincial council,
- by an amount or at a rate not exceeding three percent of the salary or remuneration concerned, and with effect from a date, which may be a date prior to the date of such approval, likewise approved by the State President.

(2) Any pension, gratuity or benefit to which a person whose salary or remuneration has been reduced by virtue of the provisions of subsection (1), his dependants, estate or surviving spouse is entitled under any law, and any contributions by such person to the pension scheme of which he is a member, shall be calculated as if the reduction in question had not taken place.

(3) The State President may, with effect from a date determined by him, withdraw his approval under subsection (1) of the reduction of a salary or remuneration, and such reduction shall as from that date no longer be applicable in respect of the salary or remuneration in question.

(4) For the purposes of this section “salary” and “remuneration” shall not include any allowance.

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## PENSION AND RELATED MATTERS AMENDMENT ACT, 1985

Increase of certain benefits and special awards.

6. (1) Subject to the provisions of subsection (2), a benefit as defined in section 1, and a special award referred to in section 101, of the Occupational Diseases in Mines and Works Act, 1973 (Act No. 78 of 1973), which are payable in terms of the said 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), the Occupational Diseases in Mines and Works Amendment Act, 1983 (Act No. 106 of 1983), and the Pension Laws Amendment Act, 1984 (Act No. 123 of 1984), shall be further increased with effect from 1 October 1985—

- (a) in the case of such a benefit, irrespective of whether it became or becomes payable before, on or after 1 October 1985, by the applicable percentage; and
- (b) in the case of such a special award, by an amount which the commissioner, as defined in section 1 of the Occupational Diseases in Mines and Works Act, 1973, may in his discretion determine, but not exceeding the applicable percentage of any such special award payable immediately prior to 1 October 1985:

Provided that in the calculation of any such benefit or special award, a fraction of a rand shall be calculated to the next complete rand.

(2) The provisions of subsection (1) shall not apply with reference to any one-sum benefit, as defined in section 1 of the Occupational Diseases in Mines and Works Act, 1973, to which a person became or becomes entitled before 1 October 1985.

(3) For the purposes of this section "applicable percentage" means 12,5 per cent in the case of Whites, 20 per cent in the case of Coloureds and Indians and 25 per cent in the case of Blacks.

Commencement.

7. The provisions of—

- (a) sections 1, 2 and 4 shall be deemed to have come into operation on 1 October 1984; and
- (b) section 3 shall be deemed to have come into operation on 1 June 1985.

Short title.

8. This Act shall be called the Pension and Related Matters Amendment Act, 1985.