

No. 61, 1960.]

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## ACT

To amend the Government Service Pensions Act, 1955; to give an option to certain persons to include certain periods of employment in their pensionable service; to provide for the payment of bonuses to persons in receipt of certain pensions, grants or payments and for the repeal of certain existing provisions relating to payment of bonuses to such persons; and to provide for other incidental matters.

(Afrikaans text signed by the Governor-General.)  
(Assented to 25th May, 1960.)

BE IT ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

1. Section *twenty-seven* of the Government Service Pensions Act, 1955 (hereinafter referred to as the principal Act), is hereby amended by the substitution for paragraph (b) of sub-section (2) of the following paragraph:

Amendment of section 27 of Act 58 of 1955, as amended by section 18 of Act 56 of 1956.

“(b) the sum of her own contributions and excess contributions together with a percentage of her own contributions calculated according to the following scale:

<i>Number of completed years of pensionable service.</i>	<i>Percentage of own contributions.</i>
5	6½
6	12½
7	25
8	37½
9	50
10	62½
11	75
12	87½
13 and over	100.”

2. Section *twenty-eight* of the principal Act is hereby amended by the substitution for paragraph (b) of sub-section (1) of the following paragraph:

Amendment of section 28 of Act 58 of 1955, as amended by section 19 of Act 56 of 1956.

“(b) a gratuity which shall be based on the said average and shall be calculated, in the case of a male member, at the rate of four and one-half per cent. and, in the case of a female member, at the rate of five per cent. of such average in respect of each year of pensionable service: Provided that—

(i) in the case of a female member who immediately prior to the date of commencement of this Act was a contributor to the old fund or who was appointed to a post in the public service with effect from a date prior to such commencement and who is retired in terms of sub-section (2) or (3) of section *twenty-six* or is discharged on account of ill-health occasioned without her own default, the gratuity shall be calculated at the rate of five and seven-tenths per cent. of such average in respect of each year of pensionable service;

(ii) in the case of a member who immediately prior to the date of commencement of this Act was a contributor to the old fund or who was appointed to a post in the public service with effect from a date prior to such commencement and who is retired in terms of sub-section (5) of section *twenty-six*, the gratuity shall be calculated at a percentage of such average in respect of each year of pensionable service, according to the following scale:

Males.			Females.		
Nearest age at date of retirement.	Percentage of annual average of pensionable emoluments.		Nearest age at date of retirement.	Percentage of annual average of pensionable emoluments.	
55	..	5.07	50	..	6.15
56	..	4.96	51	..	6.06
57	..	4.84	52	..	5.97
58	..	4.73	53	..	5.88
59	..	4.61	54	..	5.79
60 or over		4.50	55 or over		5.70."

3. Section *forty-eight* of the principal Act is hereby amended by the substitution for paragraph (b) of sub-section (1) of the following paragraph:

Amendment of section 48 of Act 58 of 1955, as amended by section 24 of Act 56 of 1956.

"(b) a gratuity which shall be based on the said average and which shall be calculated, in the case of a male member, at the rate of five and three-quarters per cent. and, in the case of a female member, at the rate of six and one-quarter per cent. of such average in respect of each year of pensionable service: Provided that in the case of a member who immediately prior to the date of commencement of the Pension Laws Amendment Act, 1960, was a contributor to the fund or who is appointed to a post in the police force or prisons service with effect from a date prior to such commencement, and who is retired in terms of sub-section (5) of section *forty-six*, the gratuity shall be calculated at a percentage of such average in respect of each year of pensionable service, according to the following scale:

Males.			Females.		
Nearest age at date of retirement.	Percentage of annual average of pensionable emoluments.		Nearest age at date of retirement.	Percentage of annual average of pensionable emoluments.	
50	..	6.16	50	..	6.71
51	..	6.03	51	..	6.61
52	..	5.91	52	..	6.51
53	..	5.78	53	..	6.42
54 or over		5.75	54	..	6.32
			55 or over		6.25."

4. Section *fifty-eight* of the principal Act is hereby amended by the substitution for paragraph (b) of sub-section (1) of the following paragraph:

Amendment of section 58 of Act 58 of 1955, as amended by section 27 of Act 56 of 1956 and section 31 of Act 67 of 1959.

"(b) a gratuity which shall be based on the said average and shall be calculated at the same percentage of such average, in respect of each year of reckonable service, as is applicable to his case for the purposes of paragraph (b) of sub-section (1) of section *forty-eight*, or would have been so applicable if that paragraph had applied."

5. The following section is hereby inserted in the principal Act after section *sixty-one*:

Insertion of section 61bis in Act 58 of 1955.

"Additional amounts to certain officers.

61bis. (1) If an officer who is a contributor to the Union pension fund and who—

- (a) immediately prior to the date of commencement of this Act, was a contributor to the old fund or was appointed to a post in the public service with effect from a date prior to such commencement;
- (b) in the case of a female contributor, has attained the age of fifty years but has not attained the age of fifty-five years, or, in the case of a male contributor, has attained the age of fifty-five years but has not attained the age of sixty years; and

(c) has had not less than twenty-five years' pensionable service,

is discharged from the public service on account of ill-health occasioned without his own default, there shall—

- (i) if he is entitled to a gratuity in terms of sub-paragraph (i) of paragraph (b) of sub-section (2) of section *nineteen*, be paid to him a further amount equal to the difference, if any, between such gratuity and the gratuity which would have been payable to him had the provisions of sub-paragraph (ii) of that paragraph been applicable to his case; or
- (ii) if he is entitled to a gratuity in terms of paragraph (b) of sub-section (1) of section *twenty-eight*, be paid to him a further amount equal to the difference, if any, between such gratuity and a gratuity based on the annual average of his pensionable emoluments for the last seven years of his pensionable service and calculated at a percentage of the said average in respect of each year of pensionable service, according to the following scale:

Males.		Females.	
Nearest age at date of discharge.	Percentage of annual average of pensionable emoluments.	Nearest age at date of discharge.	Percentage of annual average of pensionable emoluments.
55	.. 5.07	50	.. 6.15
56	.. 4.96	51	.. 6.06
57	.. 4.84	52	.. 5.97
58	.. 4.73	53	.. 5.88
59	.. 4.61	54	.. 5.79

(2) Any amount payable in terms of this section shall be paid out of revenue.”.

6. Section *sixty-two* of the principal Act is hereby amended by the substitution for sub-section (2) of the following sub-section: Amendment of section 62 of Act 58 of 1955.

“(2) Twenty-five per cent. of any annuity granted in terms of sub-section (1) may, at the discretion of the Treasury and on such a basis and on such conditions as the Treasury may determine, be converted into a gratuity, if written application for such conversion is made by the member concerned before he has received any payment in respect of the said annuity.”.

7. Section *sixty-five* of the principal Act is hereby amended by the substitution in sub-section (1) for the words “the discharge of his official duties” of the words “his employment”. Amendment of section 65 of Act 58 of 1955, as amended by section 33 of Act 67 of 1959.

8. Section *sixty-eight* of the principal Act is hereby amended by the substitution in sub-section (1) for the words “the discharge of his official duties” of the words “his employment”. Amendment of section 68 of Act 58 of 1955.

9. (1) Section *seventy* of the principal Act is hereby amended by the insertion in the definition of “approved fund” after the word “territory”, where it occurs for the first time, of the words “or by or under a proclamation issued by the Administrator of the territory”. Amendment of section 70 of Act 58 of 1955, as amended by section 36 of Act 67 of 1959.

(2) The provisions of sub-section (1) shall be deemed to have come into operation on the seventeenth day of July, 1959.

10. (1) Section *seventy-three* of the principal Act is hereby amended by the insertion in the Afrikaans version of paragraph (d) of sub-section (6), after the words “ingevolge hierdie Wet” of the words “of ’n ordonnansie wat sy pensioenregte beheer”. Amendment of section 73 of Act 58 of 1955, as amended by section 7 of Act 62 of 1957 and section 39 of Act 67 of 1959.

(2) The provisions of sub-section (1) shall be deemed to have come into operation on the first day of January, 1960.

11. The following section is hereby substituted for section *seventy-five* of the principal Act: Substitution of section 75 of Act 58 of 1955.

"Evidence of marriage, date of birth, etc. 75. Evidence of—

- (a) a member's marriage or re-marriage;  
 (b) the date of birth of a member's wife; and  
 (c) any other date or any other matter in respect of which evidence is required by the Commissioner,  
 shall be submitted to the Commissioner in such form and at such times as the Commissioner may determine."

12. (1) Section *eighty-six* of the principal Act is hereby amended by the addition at the end of paragraph (g) of sub-section (1) of the words "otherwise than under a contract of apprenticeship". Amendment of section 86 of Act 58 of 1955, as amended by section 8 of Act 62 of 1957.

(2) The provisions of sub-section (1) shall be deemed to have come into operation on the twenty-fourth day of June, 1955.

13. (1) Section *ninety-three* of the principal Act is hereby amended by the insertion in sub-section (1)*bis* after the words "new fund" where they occur for the first time of the words "in respect of any period of his continuous employment immediately prior to the date upon which he so becomes liable". Amendment of section 93 of Act 58 of 1955, as amended by section 45 of Act 67 of 1959.

(2) The provisions of sub-section (1) shall be deemed to have come into operation on the seventeenth day of July, 1959.

14. (1) Any person who is a contributor to a new fund and who did not— Option to certain persons to include certain periods of employment in pensionable service.

- (a) elect in terms of the last proviso to sub-section (5) of section *twenty* of the Public Service and Pensions Act, 1912 (Act No. 29 of 1912), to contribute to a fund established under section *nineteen* of that Act, in respect of any period of his past continuous employment other than a period of probationary service;
- (b) elect in terms of sub-section (2) of section *twenty-six* of the Public Service and Pensions Act, 1923 (Act No. 27 of 1923), to contribute to a fund established under section *twenty-five* of that Act, in respect of his temporary service;
- (c) elect in terms of the last proviso to sub-section (4) of section *twenty-six* of the Public Service and Pensions Act, 1923, to contribute to a fund established under section *twenty-five* of that Act, in respect of any period of his past continuous employment;
- (d) elect in terms of section *eight* of the Financial Adjustments Act, 1925 (Act No. 43 of 1925), to contribute to the Union pension fund established under section *twenty-five* of the Public Service and Pensions Act, 1923, in respect of any period of his past continuous employment;
- (e) either before or after the commencement of the Government Service Pensions Amendment Act, 1946 (Act No. 32 of 1946), elect in terms of section *thirteen* of the Government Service Pensions Act, 1936 (Act No. 32 of 1936), to contribute to the Union public service pension fund established under section *three* of the lastmentioned Act, in respect of his temporary service;
- (f) elect in terms of sub-section (1) of section *fifteen* of the Government Service Pensions Act, 1936, to contribute to the Union public service pension fund established under section *three* of that Act, in respect of any period of his past continuous employment;
- (g) either before or after the commencement of section *thirteen* of the Pension Laws Amendment Act, 1959 (Act No. 67 of 1959), elect in terms of sub-section (1) of section *eight* of the Government Service Pensions Act, 1955 (Act No. 58 of 1955), to contribute to a new fund in respect of any period of his past continuous employment,

may, notwithstanding anything to the contrary contained in any other law but subject to the approval of the Secretary, elect in writing within thirty days of the date upon which he is called upon to do so, to include in his pensionable service any period of his service or employment referred to in paragraph (a), (b), (c), (d), (e), (f) or (g), if, prior to the first day of January, 1961, such person makes written application for such approval to the head of the department in which he is employed.

(2) For the purposes of sub-section (1) any period during which the provisions of—

- (a) paragraph (a), (c), (e) or (g) of sub-section (5) of section *twenty* of the Public Service and Pensions Act, 1912;
- (b) paragraph (a), (c), (e) or (f) of sub-section (4) of section *twenty-six* of the Public Service and Pensions Act, 1923;
- (c) paragraph (a), (c), (e) or (f) of section *sixteen* of the Government Service Pensions Act, 1936; or
- (d) paragraph (a), (b), (d) or (e) of section *seven* of the Government Service Pensions Act, 1955,

applied in respect of the person concerned, shall not be included in any period of employment or service.

(3) If the said person makes an election in terms of sub-section (1) he shall, in respect of the period in respect of which he makes such election, pay to the new fund to which he is a contributor, contributions at such rate as the Secretary may determine, together with interest on such contributions at the rate of four per cent. per annum, annually compounded as at the thirty-first day of March and calculated according to the dates upon which the said contributions would have been payable had he during that period been a contributor to the said fund.

(4) If the said person is unable to liquidate, in one payment, the amount which becomes due by him in terms of sub-section (3), such amount shall be recovered from him in such manner and such instalments as the Secretary may determine and he shall pay interest at the rate of four per cent. per annum, annually compounded as at the thirty-first day of March, on the amount which remains unpaid at the end of each month.

(5) There shall be paid from revenue to the appropriate new fund an amount equal to the contributions and interest which become payable by a person in terms of sub-section (3).

(6) (a) Any period of employment or service which the said person has elected to have included in his pensionable service in terms of sub-section (1) and which, prior to the date of such election, was included in his pensionable service in terms of sub-section (3) or (4) of section *eight* of the Government Service Pensions Act, 1955, shall be deemed not to have been included in terms of the said sub-section (3) or (4).

(b) If the period of employment or service which such person has elected to have included in his pensionable service in terms of sub-section (1) is less than any period referred to in sub-paragraph (ii) of paragraph (a) or paragraph (b) of sub-section (3) or sub-section (4) of the said section *eight* which was included in his pensionable service in terms of the said sub-section (3) or (4), fresh terms and conditions shall be imposed in terms of sub-section (3) or (4) of that section in respect of the period not covered by the election made under sub-section (1) of this section.

(c) Any amounts paid by the said person in terms of any conditions previously imposed under paragraph (c) or (d) of sub-section (5) of the said section *eight*, may be refunded to him either wholly or in part or may be set off either wholly or in part against any amount which becomes due by him in terms of sub-section (3) of this section or any fresh terms and conditions referred to in paragraph (b) of this sub-section, as the Secretary may determine.

(7) If any person who makes an election in terms of sub-section (1) was immediately prior to the date of commencement of his pensionable service, a member of the Government Employees' Provident Fund referred to in sub-section (1) of section *eighty-four* of the Government Service Pensions Act, 1955, and had elected in terms of sub-section (2) of section *seventy-two* of the Government Service Pensions Act, 1936, to be dealt with in accordance with the provisions of paragraph (b) of that sub-section, or had elected in terms of sub-section (2) of section *ninety-three* of the Government Service Pensions Act, 1955, to be dealt with in accordance with the provisions of paragraph (b) of that sub-section, then, notwithstanding anything to the contrary contained in the said Acts—

(a) an amount equal to fifty per cent. of the full benefit standing to the credit of such person in the said Provident Fund shall be paid to the new fund to which he is a contributor and such amount shall be set off

against the amount which becomes due by him in terms of sub-section (3) of this section; and

- (b) the balance of the said full benefit shall be paid to revenue.

(8) For the purposes of this section "Secretary" means the Secretary for Social Welfare and Pensions, and the expressions "new fund", "pensionable service" and "revenue" shall bear the meanings assigned to them in section *one hundred and nine* of the Government Service Pensions Act, 1955.

15. (1) Every person to whom a pension has been granted under the Old Age Pensions Act, 1928 (Act No. 22 of 1928), or the Blind Persons Act, 1936 (Act No. 11 of 1936), or Part II of the War Pensions Act, 1941 (Act No. 45 of 1941), or to whom a grant has been made under the Disability Grants Act, 1946 (Act No. 36 of 1946), or to whom payment has been made in terms of sub-section (3) of section *fifteen* of the Pensions Laws Amendment Act, 1948 (Act No. 41 of 1948), or sub-section (1) of section *fifty-seven* of the Pension Laws Amendment Act, 1959 (Act No. 67 of 1959), shall, during the continuance of such pension or grant or so long as such payment is being made to him, be paid a bonus at the rate of—

Grant of bonus to persons in receipt of certain pensions, grants, etc.

- (a) twenty-four pounds per annum in the case of a white person;
- (b) six pounds per annum in the case of a coloured person or an Indian; and
- (c) one pound ten shillings per annum in the case of a native.

(2) A bonus paid in terms of this section shall not be regarded as income or means for the purposes of sub-section (1) of section *six* of the Old Age Pensions Act, 1928, or sub-section (1) of section *five* of the Blind Persons Act, 1936, or section *thirty* of the War Pensions Act, 1941, or sub-section (1) of section *nine* of the Disability Grants Act, 1946, or for the purposes of any regulation made under paragraph (k) of sub-section (1) of section *ninety-two* of the Children's Act, 1960, in respect of contributions towards the maintenance of any person mentioned in paragraph (c) of sub-section (1) of section *eighty-nine* of the said Act.

(3) The provisions of sub-sections (1) and (2) shall be deemed to have come into operation on the first day of April, 1960, and may be applied with retrospective effect in respect of any person who was alive on that date and who on or after that date was in receipt of a pension under the Old Age Pensions Act, 1928, or the Blind Persons Act, 1936, or Part II of the War Pensions Act, 1941, or a grant under the Disability Grants Act, 1946, or to whom on or after that date a payment was being made in terms of sub-section (3) of section *fifteen* of the Pension Laws Amendment Act, 1948, or sub-section (1) of section *fifty-seven* of the Pension Laws Amendment Act, 1959: Provided that any bonus paid in terms of section *six* of the Pension Laws Amendment Act, 1955 (Act No. 41 of 1955), to any such person in respect of any period subsequent to the thirty-first day of March, 1960, shall be set off against any bonus payable in terms of sub-section (1) of this section to that person in respect of the same period.

16. Section *twelve* of the Pension Laws Amendment Act, 1951, and section *six* of the Pension Laws Amendment Act, 1955, are hereby repealed.

Repeal of section 12 of Act 47 of 1951 and section 6 of Act 41 of 1955.

17. This Act shall be called the Pension Laws Amendment Act, 1960.

Short title.