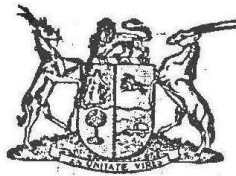


Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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KAAPSTAD, 30 JUNIE 1976

DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1103.

30 June 1976.

No. 1103.

30 Junie 1976.

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

No. 83 of 1976: Pension Laws Amendment Act, 1976.

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

No. 83 van 1976: Wysigingswet op die Pensioenwette, 1976.

PENSION LAWS AMENDMENT ACT, 1976

Act No. 83, 1976

ACT

To amend sections 5 and 7 of the Government Service Pension Act, 1973, so as to admit certain employees of the Government as members to the Government Service Pension Fund and to determine the age of retirement of such employees; to amend section 2 of the Pension Laws Amendment Act, 1974, so as to apply the provisions of that section to certain officers and employees of the Government; to amend section 16 of the Second Pension Laws Amendment Act, 1974, so as to apply the provisions thereof to certain persons in certain territories which no longer form part of the Republic, and to amend the definition of "applicable pension fund"; to provide for the consolidation and payment of pensions of certain former employees at the Simonstown Naval Base; to terminate the membership of the Government Service Pension Fund of certain members and to provide for the payment of certain moneys; to provide for the disestablishment of the University College of Fort Hare Employees Pension Fund; to create certain presumptions for the purposes of applying laws relating to social pensions in respect of persons resident in territories which no longer form part of the Republic; and to provide for incidental matters.

(English text signed by the State President.)
(Assented to 18 June 1976.)

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

1. Section 5 of the Government Service Pension Act, 1973, is hereby amended—
 - (a) by the insertion after the word "regulation" in paragraph (c) of subsection (2) of the word "or"; and
 - (b) by the addition of the following paragraph to the said subsection:

"(d) referred to in section 2 (1) of the Simonstown Naval Base Employees' Transfer Act, 1956 (Act No. 72 of 1956), and who occupies a post referred to in paragraph (a) of this subsection;"

Amendment of section 5 of Act 57 of 1973.
2. Section 7 of the Government Service Pension Act, 1973, is hereby amended by the addition of the following paragraph:

"(n) any person referred to in section 5 (2) (d)."

Amendment of section 7 of Act 57 of 1973.
3. Section 2 of the Pension Laws Amendment Act, 1974, is hereby amended by the substitution for subsection (5) of the following subsection:

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

 - (a) any increase of a pension or other benefit effected under section 5 (1) (bA) of the Government Service Pensions Act, 1965, or in terms of any regulation made under that Act on or after 1 July 1973, but

Amendment of section 2 of Act 15 of 1974.

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before the date of commencement of this section, shall be deemed to be compensation in terms of the regulations promulgated under subsection (1);

- (b) any military service as defined in section 1 of the Military Pensions Act, 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 administration of the province or of the territory of South West Africa in whose service he was during the time he rendered such military service;
- (c) 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."

4. Section 16 of the Second Pension Laws Amendment Act, 1974, is hereby amended—

Amendment of section 16 of Act 77 of 1974, as amended by section 7 of Act 50 of 1975.

- (a) by the insertion after subsection (3A) of the following subsection:

"(3B) If any person who was in the employ of a local authority, without a break in his service or after such a break in his service as the Secretary for Social Welfare and Pensions may approve, becomes a member of the Government Service Pension Fund and is seconded for service to a local authority in a country or area which, immediately prior to the commencement of this section, was a part of the Republic, the Minister, in consultation with the Minister of Finance, may declare that the provisions of this section shall apply with reference to such person, and such provisions shall thereupon *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)."; and

- (b) by the substitution in subsection (4) for the definition of "applicable pension fund" of the following definition:

"'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 prior to 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 prior to the fixed date and which has been approved by the Minister for the purposes of this section;"

5. (1) If, immediately prior to 1 July 1976, any person was entitled to a pension or other benefit in terms of the regulations made under the Simonstown Naval Base Employees' Transfer Act, 1956 (Act No. 72 of 1956), and to an allowance or bonus in terms of any other law—

Consolidation of certain benefits and payment of other benefits.

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- (a) such pension and such allowance or bonus shall, with effect from the said date, be consolidated into one amount (in this section referred to as the consolidated pension) which shall, with effect from the said date, be paid to that person as an annuity in lieu of such pension, allowance or bonus;
- (b) such other benefit shall, notwithstanding the repeal of the said Act by section 9 of this Act, be paid to that person.

(2) If any person who receives a consolidated pension dies and leaves a widow, there shall be paid to his widow, with effect from the first day of the month immediately following the date on which he died, a widows' pension which is equal to one half of such consolidated pension, including any increase thereof.

(3) Any amount payable in terms of this section shall be paid from the State Revenue Fund.

(4) Any amount which, immediately prior to 1 July 1976, was owing to the State Revenue Fund in terms of the Act referred to in subsection (1) or a regulation made thereunder, shall, notwithstanding the repeal of the said Act by section 9 of this Act, remain so owing and shall be paid to the State Revenue Fund.

6. (1) Notwithstanding anything to the contrary in any law contained, the membership of a member of the Government Service Pension Fund referred to in section 3 of the Government Service Pension Act, 1973 (Act No. 57 of 1973), who is an officer or employee in the employ of Transkei as contemplated in section 61 of the Transkei Constitution Act, 1963 (Act No. 48 of 1963), shall be terminated with effect from 26 October 1976 and there shall be paid from the said Fund to the pension fund of which the said member is obliged to become a member in terms of the provisions of a law of Transkei, an amount of money in respect of such member as is prescribed by regulation made under section 17 of the said Government Service Pension Act.

Termination of membership of certain members of the Government Service Pension Fund and payment of certain moneys.

(2) Payment of the amount of money referred to in subsection (1) shall exempt the said Government Service Pension Fund from all liability towards or in respect of such member.

7. (1) The University College of Fort Hare Employees Pension Fund referred to in section 41 (3) (d) of the University of Fort Hare Act, 1969 (Act No. 40 of 1969), (in this section referred to as the Fund), shall cease to exist with effect from 1 April 1976 and any amount standing to the credit of the Fund immediately prior to that date shall, with effect from that date, be transferred to the Government non-White Employees Pension Fund established by regulation made under section 2 of the Government non-White Employees Pensions Act, 1966 (Act No. 42 of 1966), (in this section referred to as the Government non-White Employees Pension Fund).

Disestablishment of University of Fort Hare Employees Pension Fund and regulation of certain matters relating thereto.

(2) Any amount which was due to the Fund or which accrued to the Fund immediately prior to 1 April 1976, shall, with effect from that date, be deemed to be an amount which is due to or which has accrued to the Government non-White Employees Pension Fund, and any amount with which the Fund, if it had not been disestablished in terms of subsection (1), would have been credited on or after the said date, shall be paid into the Government non-White Employees Pension Fund with effect from that date.

(3) Any annuity which, immediately prior to 1 April 1976, was payable out of the Fund in terms of the rules governing the Fund, shall, with effect from that date, be paid as an annuity out of the Government non-White Employees Pension Fund.

(4) Any person who, immediately prior to 1 April 1976, was a member of the Fund in terms of the rules governing the Fund, shall, notwithstanding the provisions of the regulations made under the Government non-White Employees Pensions Act,

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1966, become a member of the Government non-White Employees Pension Fund with effect from 1 April 1976 and shall contribute to the last-mentioned fund in terms of the said regulations.

(5) For the purposes of the regulations referred to in subsection (4), any period in respect of which a person referred to in that subsection contributed to the Fund in respect of his uninterrupted service, shall be deemed to be a period of pensionable service.

8. (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 and who is resident in a country or area which, immediately prior to the commencement of this section, was a part of the Republic and which has been designated by the Minister of Social Welfare and Pensions by notice in the *Gazette* for the purposes of this section—

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

- (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 such a law, which has been submitted to the Secretary for Social Welfare and Pensions or the Secretary for Coloured, Rehoboth and Nama Relations, as the case may be, shall be deemed to have been submitted to a district pensions officer;
- (c) "attesting officer" includes a person who in such country or area occupies a post which has been so designated by the said 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 said 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" 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) "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;
- (c) "White" 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.

9. The Simonstown Naval Base Employees' Transfer Act, 1956, is hereby repealed. Repeal of Act 72 of 1956.

10. Sections 1, 2, 3, 4, 5 and 8 shall also apply in the territory of South West Africa, including the Eastern Caprivi Zipfel. Application of certain sections in South West Africa.

11. The provisions of—

- (a) sections 1, 2, 5 and 9 shall come into operation on 1 July 1976;
- (b) section 3 shall be deemed to have come into operation on 1 July 1975;
- (c) section 4 shall be deemed to have come into operation on 1 July 1973;

Commencement of certain provisions.

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- (d) sections 6 and 8 shall come into operation on 26 October 1976;
- (e) section 7 shall be deemed to have come into operation on 1 April 1976.

12. This Act shall be called the Pension Laws Amendment Short title. Act, 1976.