

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.



# STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

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DEPARTEMENT VAN DIE EERSTE MINISTER.

DEPARTMENT OF THE PRIME MINISTER.

No. 1183. 5 Julie 1972.

No. 1183. 5th July, 1972.

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. 97 van 1972: Wysigingswet op die Pensioenwette, 1972.

No. 97 of 1972: Pension Laws Amendment Act, 1972.

## PENSION LAWS AMENDMENT ACT, 1972.

Act No. 97, 1972

**ACT**

To amend the Associated Institutions Pension Fund Act, 1963, in order to extend certain provisions thereof to the Associated Institutions Provident Fund, and to extend the powers of the Minister to make regulations thereunder; to provide for the application of certain provisions of the Government Service Pensions Act, 1965, to certain other pension funds and schemes; to amend the definitions of "home for the aged" and "Secretary" in the Aged Persons Act, 1967, and to amend section 2 of that Act in order to leave the age at which certain persons may be paid an attendant's allowance, to the discretion of the Minister; to amend the definition of "Secretary" in the War Veterans' Pensions Act, 1968, and to amend section 2 of that Act in order to leave the age at which certain persons may be paid an attendant's allowance, to the discretion of the Minister; to amend the definition of "Secretary" in the Blind Persons Act, 1968, and the Disability Grants Act, 1968; to amend the Pneumoconiosis Compensation Amendment Act, 1968, in order to exclude certain persons from the provisions of section 8 thereof; to amend section 15 of the Pension Laws Amendment Act, 1968, in order to increase the bonus payable thereunder, and to exclude certain persons from the provisions thereof; to amend the Provincial and the Territory Service Pension Act, 1969, in order to qualify the period which may be recognized as pensionable service, and to provide for the cancellation of an election made under section 6; to provide for the determination of a date on which certain persons who were transferred to the service of other governments become entitled to a pension; to provide for the protection of the pension rights of certain persons formerly employed on the establishments of the Vaal Triangle College for Advanced Technical Education, the Department of Agricultural Technical Services, the M.L. Sultan Technical College and the Armaments Board; and to provide for incidental matters.

*(English text signed by the State President.)*

*(Assented to 16th June, 1972.)*

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

1. (1) The following section is hereby inserted in the Associated Institutions Pension Fund Act, 1963, after section 1:

"Application of section 1A. Any reference in this Act to the technical colleges provident fund or the university institutions provident fund or to any regulation which at any time applied to one or the other of the said funds, shall be deemed to include a reference to the Associated Institutions Provident Fund established by section 3 of the Associated Institutions Provident

of Act No. 11 of 1971.

Insertion of section 1A in Act 41 of 1963.

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Fund Act, 1971 (Act No. 11 of 1971), or to the regulations made thereunder, as the case may be.”.

(2) Subsection (1) shall be deemed to have come into operation on the thirty-first day of December, 1971.

2. (1) Section 2 of the Associated Institutions Pension Fund Act, 1963, is hereby amended by the substitution for subsection (1) of the following subsection:

Amendment of section 2 of Act 41 of 1963, as amended by section 1 of Act 86 of 1970.

“(1) Notwithstanding anything to the contrary in any other law contained, the Minister may from time to time, in consultation with the Minister of Finance, make regulations providing—

- (a) for a pension scheme for persons in the service of associated institutions;
- (b) for the establishment of a pension fund for such a scheme;
- (c) for the management and control of such a fund;
- (d) for the investment of amounts standing to the credit of such fund;
- (e) for the periodical valuation of the assets and liabilities of such fund by an actuary who is a Fellow of an institute, faculty, society or chapter of actuaries approved by the Minister;
- (f) for any matter which may be prescribed under this Act; and
- (g) generally for the better achievement of the objects and purposes of this Act.”.

(2) Subsection (1) shall be deemed to have come into operation on the first day of August, 1963.

3. The provisions of sections 14 to 19 inclusive of the Government Service Pensions Act, 1965, shall, in so far as such provisions are appropriate and can be applied, *mutatis mutandis* apply with reference to any pension or right in respect of a pension payable under any law, other than the said Act, which is administered by the Minister of Social Welfare and Pensions.

Application of certain provisions of Act 62 of 1965 to other pension funds or pension schemes administered by the Minister of Social Welfare and Pensions.

4. Section 1 of the Aged Persons Act, 1967, is hereby amended—

Amendment of section 1 of Act 81 of 1967.

- (a) by the substitution for the definition of “home for the aged” of the following definition:

“‘home for the aged’ means any institution or other place of residence maintained mainly for the accommodation and care (including the provision of any meals or nursing services or other domestic services), of aged or debilitated persons;”;

- (b) by the substitution for the definition of “Secretary” of the following definition:

“‘Secretary’, in relation to a power conferred or a function assigned by any provision of this Act, and in relation to persons belonging to any class or population group, means the head of the department of State in question administered by the Minister to whom the administration of that provision in relation to that power or function and in relation to those persons has been assigned in terms of section 21;”.

5. (1) Section 2 of the Aged Persons Act, 1967, is hereby amended by the substitution for paragraph (c) of the following paragraph:

Amendment of section 2 of Act 81 of 1967.

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“(c) pay old age pensions and additional or supplementary allowances to aged persons, and pay an attendant’s allowance to or on behalf of a person to whom such a pension is paid and who has attained an age determined by the Minister for this purpose or is in such a physical or mental condition that he requires the regular attendance of any person.”.

(2) Subsection (1) shall be deemed to have come into operation on the first day of April, 1971.

6. Section 1 of the War Veterans’ Pensions Act, 1968, is hereby amended by the substitution for the definition of “Secretary” of the following definition: Amendment of section 1 of Act 25 of 1968.

“‘Secretary’, in relation to any power conferred or function assigned by any provision of this Act, and in relation to persons belonging to any class or population group, means the head of the department of State in question administered by the Minister to whom the administration of that provision in relation to that power or function and in relation to those persons has been assigned in terms of section 16;”.

7. (1) The following section is hereby substituted for section 2 of the War Veterans’ Pensions Act, 1968: Substitution of section 2 of Act 25 of 1968.

“Payment of veterans’ pensions and allowances. 2. The Minister may, subject to the provisions of this Act, in consultation with the Minister of Finance and out of moneys appropriated by Parliament for the purpose, pay veterans’ pensions and additional or supplementary allowances to war veterans and pay an attendant’s allowance to or on behalf of a person to whom such a pension is paid and who has attained an age determined by the Minister for this purpose or is in such a physical or mental condition that he requires the regular attendance of any person.”.

(2) Subsection (1) shall be deemed to have come into operation on the first day of April, 1971.

8. Section 1 of the Blind Persons Act, 1968, is hereby amended by the substitution for the definition of “Secretary” of the following definition: Amendment of section 1 of Act 26 of 1968.

“‘Secretary’, in relation to any power conferred or function assigned by any provision of this Act, and in relation to persons belonging to any class or population group, means the head of the department of State in question administered by the Minister to whom the administration of that provision in relation to that power or function and in relation to those persons has been assigned in terms of section 18;”.

9. Section 1 of the Disability Grants Act, 1968, is hereby amended by the substitution for the definition of “Secretary” of the following definition: Amendment of section 1 of Act 27 of 1968.

“‘Secretary’, in relation to any power conferred or function assigned by any provision of this Act, and in relation to persons belonging to any class or population group, means the head of the department of State in question administered by the Minister to whom the administration of that provision in relation to that power or function and in relation to those persons has been assigned in terms of section 16;”.

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10. (1) Section 15 of the Pension Laws Amendment Act, 1968, is hereby amended—

Amendment of section 15 of Act 79 of 1968, as amended by section 17 of Act 98 of 1969, section 11 of Act 20 of 1970 and section 6 of Act 93 of 1971.

- (a) by the substitution in subsection (1) for all the words preceding the proviso of the following words:

“(1) Any person who is in receipt of a pension, allowance or clothing grant in terms of or on the basis of the War Special Pensions Act, 1962 (Act No. 35 of 1962), or the War Pensions Act, 1967 (Act No. 82 of 1967), may be paid a bonus of twenty-five per cent of such pension, allowance or grant.”;

- (b) by the addition to subsection (3) of the following proviso:

“Provided that the provisions of this subsection shall not apply in respect of any bonus payable under subsection (1) to any person who is a white person as defined in the Population Registration Act, 1950 (Act No. 30 of 1950).”; and

- (c) by the addition of the following subsection:

“(4) If any person referred to in the proviso to subsection (3) was immediately prior to the first day of October, 1972, in receipt of a pension, allowance or clothing grant referred to in subsection (1) as well as a pension or allowance under any Act referred to in subsection (3), and the pension or allowance payable to him under such Act falls, by virtue of the provisions of the said proviso, to be cancelled or reduced in accordance with any provision of such Act or the regulations promulgated thereunder, the pension or allowance payable to him under such Act may be continued as if the said proviso did not apply with reference to him.”.

(2) Subsection (1) shall come into operation on the first day of October, 1972.

11. (1) Section 8 of the Pneumoconiosis Compensation Amendment Act, 1968, is hereby amended—

Amendment of section 8 of Act 83 of 1968.

- (a) by the addition to subsection (2) of the following proviso:

“Provided that the provisions of this subsection shall not apply in respect of any benefit or other amount payable under the principal Act to any person who is a white person as defined in the Population Registration Act, 1950 (Act No. 30 of 1950).”; and

- (b) by the addition of the following subsection:

“(3) If any person referred to in the proviso to subsection (2) was immediately prior to the first day of October, 1972, in receipt of a benefit or any other amount under the principal Act as well as a pension or allowance under any other Act, and the pension or allowance payable to him under such other Act falls, by virtue of the provisions of the said proviso, to be cancelled or reduced in accordance with any provision of such other Act or the regulations promulgated thereunder, the pension or allowance payable to him under such other Act may be continued as if the said proviso did not apply with reference to him.”;

(2) Subsection (1) shall come into operation on the first day of October, 1972.



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12. (1) Section 4 of the Provincial and the Territory Service Pension Act, 1969, is hereby amended by the substitution for paragraph (b) of subsection (3) of the following paragraph:

“(b) any period to which paragraph (a) does not apply, and in respect of which the person concerned contributed to any such provincial or the territory pension fund but in respect of which he received no monetary benefit or repayment of contributions out of such fund.”

Amendment of section 4 of Act 14 of 1969, as amended by section 12 of Act 20 of 1970 and section 7 of Act 93 of 1971.

(2) Subsection (1) shall be deemed to have come into operation on the first day of April, 1969.

13. Section 6 of the Provincial and the Territory Service Pension Act, 1969, is hereby amended by the insertion after subsection (4) of the following subsection:

Amendment of section 6 of Act 14 of 1969, as amended by section 19 of Act 98 of 1969.

“(4A) A member who is in prescribed service on the first day of July, 1972, may cancel any election made by him in terms of subsection (1) in such manner and on such conditions and within such period as may be determined by the Secretary, and if he so cancels such election he shall be deemed never to have made the election.”

14. (1) A contribution towards a pension in respect of a person with reference to whom the provisions of section 64 (1) of the Government Service Pensions Act, 1955 (Act No. 58 of 1955), applied, shall, notwithstanding the repeal of that Act and notwithstanding anything to the contrary in the said section contained, be paid—

Pension rights of certain persons transferred to the service of other governments.

(a) if such person retired or had been retired or discharged by reason of the age which he had attained, from the date on which he attains an age at which he would have had the right to retire from the public service on pension had he not been transferred; and

(b) if such person retired or had been retired or discharged for a reason mentioned in section 27 (1) (c), (d) or (e) of that Act, from the date of his retirement or discharge from the service of the government to which he was transferred.

(2) Any such contribution which prior to the commencement of subsection (1) had been paid to any person, shall be deemed to have been paid in terms of that subsection.

15. (1) Notwithstanding anything to the contrary in any law contained, but subject to the provisions of subsections (2), (3) and (4), any person who with effect from the first day of April, 1972, had in terms of section 26 (3) (b) of the Educational Services Act, 1967 (Act No. 41 of 1967), been seconded to the service of the Vaal Triangle College for Advanced Technical Education referred to in Proclamation No. 40 of 1972, and who is on or after the first day of August, 1972, without a break in service or after such a break in service as may be approved by the Secretary for Social Welfare and Pensions, appointed on a permanent basis at the said College, shall retain all the rights and privileges and remain subject to all the obligations acquired or incurred by him for pension purposes under any law applicable to him immediately prior to the first day of April, 1972 (in this section referred to as the applicable law).

Pension rights and retirement benefits of certain members of the staff of the Vaal Triangle College for Advanced Technical Education.

(2) A person who retains his rights and privileges in terms of the provisions of subsection (1), shall not be entitled to any benefit which would otherwise have accrued to him under any applicable law on account of the abolition of any post occupied by him prior to his appointment at the said Vaal Triangle College for Advanced Technical Education.

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(3) A person who retains his rights and privileges in terms of the provisions of subsection (1) shall not, while such rights and privileges remain in force, become a member of the pension fund established in terms of the Associated Institutions Pension Fund Act, 1963 (Act No.41 of 1963), unless he has in writing relinquished such rights and privileges and has in writing elected to become a member of the said pension fund.

(4) Any person who makes an election in terms of the provisions of subsection (3), shall be deemed to have been transferred to service in respect of which he is liable to contribute to the pension fund referred to in that subsection, and the law relating to the said pension fund shall *mutatis mutandis* apply in respect of him.

(5) For the purposes of subsection (1), any reference in any applicable law to any amount payable by the Government or out of revenue shall be deemed to be a reference to an amount payable by the council of the said Vaal Triangle College for Advanced Technical Education.

(6) This section shall come into operation on the first day of August, 1972.

16. (1) Notwithstanding anything to the contrary in any law contained, but subject to the provisions of subsections (2), (3) and (4), any person who on the thirty-first day of March, 1973, is in employment with the Department of Agricultural Technical Services, and who, without a break in service or after such a break in service as the Secretary for Social Welfare and Pensions may approve, assumes employment on or after the first day of April, 1973, with any university in the Republic established under any law, shall retain all the rights and privileges and remain subject to all the obligations acquired or incurred by him for pension purposes under any law applicable to him immediately prior to the first day of April, 1973 (in this section referred to as the applicable law).

Pension rights and retirement benefits of certain officers and employees of the Department of Agricultural Technical Services.

(2) A person who retains his rights and privileges in terms of the provisions of subsection (1), shall not be entitled to any benefit which would otherwise have accrued to him under any applicable law on account of the abolition of any post occupied by him prior to his assumption of employment with a university referred to in subsection (1).

(3) A person who retains his rights and privileges in terms of the provisions of subsection (1) shall not, while such rights and privileges remain in force, become a member of the pension fund established in terms of the Associated Institutions Pension Fund Act, 1963 (Act No. 41 of 1963), or of the provident fund established in terms of the Associated Institutions Provident Fund Act, 1971 (Act No. 11 of 1971), unless he has in writing relinquished such rights and privileges and has in writing elected to become a member of the said pension or provident fund, as the case may be.

(4) Any person who makes an election in terms of the provisions of subsection (3), shall be deemed to have been transferred to service in respect of which he is liable to contribute to the pension or provident fund referred to in that subsection, and the laws relating to the said pension or provident fund shall *mutatis mutandis* apply in respect of him.

(5) For the purposes of subsection (1), any reference in any applicable law to any amount payable by the Government or out of revenue shall be deemed to be a reference to an amount payable by the council of the university concerned.

17. (1) Notwithstanding anything to the contrary in any law contained, but subject to the provisions of subsections (2), (3) and (4), any person who immediately prior to the transfer of the management and control of the Pietermaritzburg branch of the M.L. Sultan Technical College to the Department of Indian Affairs in terms of section 5 (1) of the Indians Education Act, 1965 (Act No. 61 of 1965), was in the employment of the

Pension rights and retirement benefits of certain members of the staff of the M.L. Sultan Technical College.

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said branch and was with effect from the first day of April, 1972, appointed to a post on the establishment of the said Department, shall retain all the rights and privileges and remain subject to all the obligations acquired or incurred by him for pension purposes under any law applicable to him immediately prior to the first day of April, 1972 (in this section referred to as the applicable law).

(2) A person who retains his rights and privileges in terms of the provisions of subsection (1), shall not be entitled to any benefit which would otherwise have accrued to him under any applicable law on account of the abolition of any post occupied by him at the said branch of the M.L. Sultan Technical College prior to the first day of April, 1972.

(3) A person who retains his rights and privileges in terms of the provisions of subsection (1) shall not, while such rights and privileges remain in force, become a member of a fund referred to in section 2 (1) or (2) of the Government Service Pensions Act, 1965 (Act No. 62 of 1965), unless he has in writing relinquished such rights and privileges and has in writing elected to become a member of the said fund.

(4) Any person who makes an election in terms of the provisions of subsection (3), shall be deemed to have been transferred to service in respect of which he is liable to contribute to a fund referred to in that subsection, and the law relating to the said fund shall apply in respect of him as if he had been so transferred from a date determined by the Secretary for Social Welfare and Pensions for this purpose.

(5) For the purposes of subsection (1), any reference in any applicable law to any amount payable by the council of the M.L. Sultan Technical College shall be deemed to be a reference to an amount payable from moneys appropriated by Parliament for the purpose.

(6) This section shall be deemed to have come into operation on the first day of April, 1972.

18. (1) Notwithstanding anything to the contrary in any law contained, but subject to the provisions of subsection (2), any person who—

- (a) on the thirtieth day of September, 1968, was employed by the Armaments Board established in terms of section 2 of the Armaments Act, 1964 (Act No. 87 of 1964);
- (b) immediately after the date referred to in paragraph (a) assumed employment with the Corporation as defined in section 1 of the Armaments Development and Production Act, 1968 (Act No. 57 of 1968); and
- (c) prior to the first day of March, 1972, applied in writing to retain all the rights and privileges acquired by him for pension purposes under any law to which he was subject immediately prior to the first day of October, 1968,

Regulation of pension rights of certain persons formerly employed by the Armaments Board.

shall be deemed to have retained such rights and privileges and to have remained subject to all the obligations incurred by him for pension purposes under any such law (in this section referred to as the applicable law).

(2) A person who is deemed, in terms of the provisions of subsection (1), to have retained his rights and privileges, shall not be entitled to any benefit which would otherwise have accrued to him under any applicable law on account of the abolition of any post occupied by him prior to his assumption of employment with the said Corporation.

(3) For the purposes of subsection (1), any reference in any applicable law to any amount payable by the Government or out of revenue shall be deemed to be a reference to an amount payable by the said Corporation.

(4) This section shall be deemed to have come into operation on the first day of December, 1971.

19. This Act shall be called the Pension Laws Amendment Act, 1972. Short title.