

No. 33, 1943.]

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.

ACT

To amend the South Africa Defence Act, 1912 (Act No. 13 of 1912), the War Special Pensions Act, 1919 (Act No. 42 of 1919), the Old Age Pensions Act, 1928 (Act No. 22 of 1928), the Blind Persons Act, 1936 (Act No. 11 of 1936), the Government Service Pensions Act, 1936 (Act No. 32 of 1936) and the War Pensions Act, 1942 (Act No. 44 of 1942); to make provision for the increase of pensions to war veterans, to regulate the rights of certain officers in connection with pensions and to provide for further assistance to persons in receipt of certain pensions.

(Signed by the Officer Administering the Government
in English.)
(Assented to 28th April, 1943.)

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

Substitution of new section for section 118 of Act 13 of 1912, and deletion of Sixth Schedule thereto.

1. The South Africa Defence Act, 1912, is hereby amended by—

(i) the substitution, for section *one hundred and eighteen* of the following new section:

“ Provision in case of death or disablement of member of Defence Forces. 118. (1) The provisions of this section shall apply—
(a) to a member of the Defence Forces, other than a member of the Permanent Force, who is suffering from disablement which has arisen out of and in the course of the discharge of military duty, or has been aggravated by and in the course of the discharge of such duty: Provided that such disablement is not due to the member's own serious misconduct; and

(b) to a widow, child, parent or other dependant of a member of the Defence Forces, other than a member of the Permanent Force, who dies as a result of a wound, injury, or disease which arose out of and in the course of the discharge of military duty, or was aggravated by and in the course of the discharge of such duty.

(2) The provisions of the War Pensions Act, 1942 (Act No. 44 of 1942), shall *mutatis mutandis* apply to or in respect of a discharged member whose disablement arose in the circumstances described in paragraph (a) of sub-section (1).

(3) A member whose disablement arose in the circumstances described in paragraph (a) of sub-section (1), but who is not as a result of such disablement discharged from the Defence Forces, may be provided with any medical or other treatment necessary for such disablement and the Secretary for Defence may, with the approval of the Treasury (as defined in section *three* of the Exchequer and Audit Act, No. 21 of 1911), grant such member for any period during which he is undergoing treatment or for any period during which, in the opinion of the said Secretary, his service disablement renders him incapable of pursuing his normal occupation, an allowance at a rate not exceeding four hundred and fifty pounds per annum.

(4) The provisions of the said War Pensions Act, 1942, shall *mutatis mutandis* apply to or in respect of a widow, child, parent or other dependant of a member whose death occurred in the circumstances described in paragraph (b) of sub-section (1).”;

(ii) by the deletion of the Sixth Schedule to the said Act.

Amendment of section 6 of Act 42 of 1919, as amended by section 5 of Act 41 of 1920.

2. Section *six* of the War Special Pensions Act, 1919, is hereby amended by the deletion, in sub-section (1), of the first proviso and of the word "further" in the second proviso.

Amendment of section 11 of Act 42 of 1919.

3. Section *eleven* of the War Special Pensions Act, 1919, is hereby amended by the substitution in sub-section (4), for the word "week" where it occurs for the second time, of the word "day".

Amendment of section 12 of Act 42 of 1919.

4. Section *twelve* of the War Special Pensions Act, 1919, is hereby amended by the substitution, in sub-section (1), for the words "the Second Schedule to this Act may be increased by an amount not exceeding fifty per cent." of the words "section *sixty-three* of the War Pensions Act, 1942 (Act No. 44 of 1942), may be increased by an amount not exceeding fifty per cent. up to the date of commencement of the Pension Laws Amendment Act, 1943, and thereafter by an amount not exceeding seventy-five per cent."

Amendment of section 22 of Act 42 of 1919, as amended by section 13 of Act 41 of 1920.

5. Section *twenty-two* of the War Special Pensions Act, 1919, is hereby amended by—

- (i) the substitution for the words "of not less than seventy pounds a year in the case of an officer or, in the case of a soldier of sixteen shillings a week" of the words "in respect of a pensionable degree of disablement of not less than forty per cent."; and
- (ii) the substitution for the words "provided under section *sixteen*" of the words "laid down in the Third or, as the case may be, the Sixth Schedule to the War Pensions Act, 1942".

Amendment of section 25 of Act 42 of 1919.

6. Section *twenty-five* of the War Special Pensions Act, 1919, is hereby amended—

- (i) by the deletion, in sub-section (1), of the words "one hundred" and the substitution therefor of the words "one hundred and twenty";
- (ii) by the deletion, in sub-section (3), of the words "one hundred and forty-four" and the substitution therefor of the words "one hundred and eighty".

Insertion of new section 52bis in Act 42 of 1919.

7. The following new section is hereby inserted in the War Special Pensions Act, 1919, after section *fifty-two* :

"Applica- 52bis. The provisions of section *thirty-nine* of the War Pensions Act, 1942, shall *mutatis mutandis* apply in respect of any benefit payable to or on behalf of any person under this Act."

Amendment of section 6 of Act 22 of 1928, as inserted by section 3 of Act 34 of 1931 and as amended by section 2 of Act 34 of 1937.

8. Section *six* of the Old Age Pensions Act, 1928, is hereby further amended by the addition of the following proviso at the end of sub-section (1) thereof :

"Provided that an allotment of pay or a dependant's allowance payable to any pensioner or to a war veteran (as defined in section *twenty-eight* of the War Pensions Act, 1941) in respect of a 'volunteer' as defined in section *one* of the War Pensions Act, 1942 (Act No. 44 of 1942), shall not be regarded as income (or means) for the purposes of this sub-section."

Amendment of section 5 of Act 11 of 1936.

9. Section *five* of the Blind Persons Act, 1936, is hereby amended—

- (i) by the addition of the following words at the end of sub-section (2) thereof: "but shall not include any allotment of pay or a dependant's allowance payable to such person in respect of a 'volunteer' as defined in section *one* of the War Pensions Act, 1942 (Act No. 44 of 1942)";
- (ii) by the addition thereto of the following new sub-section :

"(6) If in the opinion of the commissioner the physical condition of a blind person to whom a pension has been granted under this Act necessitates the regular attendance of any person, the commissioner may on such conditions as he may determine, in addition to the said pension grant to such blind person or to any person on his behalf, an allowance not exceeding eighteen pounds a year."

Substitution of new section for section 45 of Act 32 of 1936.

10. The following section is hereby substituted for section *forty-five* of the Government Service Pensions Act, 1936 :

“ Certain benefits may not be granted or varied, except in accordance with statute.”

45. As from the commencement of this Act—

(a) the grant of a pension or other similar benefit or any increase thereof, in respect of former employment in the public service or in the public or civil service of any part of South Africa now included in the Union or in respect of former employment by the Government during any period during which the employee concerned was a member of the Government Employees' Provident Fund established under section *sixty-three*; or

(b) the alteration of any condition, or the condonation of a breach of any condition upon which any such pension or benefit is by law earned or to be earned,

shall not be lawful unless the grant, increase, alteration or condonation is specifically authorized by statute.”

Amendment of section 1 of Act 44 of 1942.

11. Section *one* of the War Pensions Act, 1942 (herein after referred to as the principal Act), is hereby amended by—

- (i) the substitution for the definition of the expression “ child ”, of the following new definition:
- “ ‘ child ’ means a child of a volunteer born before, during or within five years after the termination of the volunteer's service, and includes a child whose mother the volunteer marries during such period, a child legally adopted by the volunteer during such period and any child regularly maintained by the volunteer at the time of his discharge from service ”;
- (ii) the insertion of the words “ whole-time ” before the word “ military ” in the definition of the expression “ volunteer ”;
- (iii) the substitution for the definition of the expression “ widow ”, of the following new definition:
- “ ‘ widow ’, in relation to a volunteer, means the widow of the volunteer but does not include a woman whose marriage to such volunteer took place more than five years after the date of the volunteer's discharge from military service; and, except as is specially provided, does not include a woman who was separated, whether by order of court or otherwise, from her husband at the time of his death ”.

Amendment of section 5 of Act 44 of 1942.

12. Section *five* of the principal Act is hereby amended by—

- (i) the insertion, in sub-section (1), of the words “ in the opinion of the board ” after the word “ which ” where it occurs for the second time;
- (ii) the substitution for sub-section (2) of the following new sub-section:
- “ (2) If a volunteer who performed military service outside the Union during the war was, at the time of his departure from the Union on such service, classified in accordance with standing instructions by the responsible military authority in the A.1 or B.1 medical category, then, unless the classification of the volunteer in any such category was attributable to false information furnished by him, any disablement which arose during such service, and any subsequent increase in the degree of such disablement, and which, in the opinion of the board, is not due to his own serious misconduct shall be regarded, for the purposes of this Act as attributable to such service: Provided that the provisions of this sub-section shall not apply in respect of a volunteer who was classified as aforesaid in the B.1 medical category, unless he had served with front-line forces in a unit to which that category was appropriate ”.
- (iii) the insertion, in sub-section (3), of the words “ to whom the provisions of sub-section (2) do not apply ” after the word “ volunteer ”; the substitution for the word “ that ” of the word “ military ” and the insertion, after the word “ is ” where it occurs for the second time, of the words “ in the opinion of the board ”.

Amendment of section 6 of Act 44 of 1942.

13. Section *six* of the principal Act is hereby amended by the substitution for sub-section (2), of the following new sub-section:

"(2) If the pensionable degree of disablement is assessed at less than twenty per cent., a gratuity in accordance with the rates set forth in the Ninth Schedule to this Act shall be awarded instead of a pension and allowances."

Amendment of section 9 of Act 44 of 1942.

14. Section *nine* of the principal Act is hereby amended by—

- (i) the substitution, in sub-section (1), for the word "children" of the words "each child maintained by him"; and the substitution for the word "two", of the word "five";
- (ii) the deletion of the last sentence in sub-section (2);
- (iii) the insertion, after sub-section (2), of the following new sub-section:

"(2)*bis*. A volunteer to whom a disablement pension or an alternative pension has been awarded may be granted, at the discretion of the board, an amount not exceeding thirty pounds a year in respect of each child to meet charges or fees payable while such child is attending any school, college, technical institute or university".

Amendment of section 10 of Act 44 of 1942.

15. Section *ten* of the principal Act is hereby amended by—

- (i) the insertion, in sub-section (1), of the words "or a gratuity" before the word "shall";
- (ii) the addition thereto of the following new sub-section:

"(4) When a volunteer is, owing to his misconduct, dismissed from an institution in which he was undergoing any authorized medical or other treatment, his pension or allowances, if any, shall be subject to reduction at the discretion of the board by an amount not exceeding fifty per cent."

Amendment of section 13 of Act 44 of 1942.

16. Section *thirteen* of the principal Act is hereby amended by the substitution, in sub-section (1), for the word "fifty" of the words "seventy-five".

Amendment of section 17 of Act 44 of 1942.

17. Section *seventeen* of the principal Act is hereby amended by—

- (i) the deletion, in sub-section (1), of the words "unless the volunteer's death was caused by his own serious misconduct";
- (ii) the substitution, in sub-section (3), for the word and figure "sub-section (2)" of the words and figures "sub-sections (2) and (2)*bis*";
- (iii) the insertion, in sub-section (4), of the words "or separated" after the word "divorced";
- (iv) the insertion, in sub-section (5), of the words "or under paragraph (a) of section *nineteen*" after the word "sixteen".

Amendment of section 18 of Act 44 of 1942.

18. Section *eighteen* of the principal Act is hereby amended by the substitution, in the first proviso to paragraph (a) of sub-section (1), for the words "child which is not being maintained by his widow" of the words "child whose mother is the widow but who is not being maintained by her".

Amendment of section 19 of Act 44 of 1942.

19. Section *nineteen* of the principal Act is hereby amended by the addition thereto of the following new sub-section, the existing section being designated sub-section (1):

"(2) Where the widow of a deceased volunteer has applied for a pension in respect of the death of her husband but has remarried before such pension has actually been awarded to her, she may, if she was eligible for a pension at the date of her application, be awarded such a pension for the period up to the date of her remarriage, and may also be awarded a gratuity such as is referred to in sub-section (1)."

Insertion of new section 20*bis* in Act 44 of 1942.

20. The principal Act is hereby amended by the insertion after section *twenty* of the following new section:

"Allowance to parents of deceased unmarried volunteer. 20*bis*. If the parents of an unmarried volunteer whose death occurred in the circumstances described in section *seventeen* were not dependent on the volunteer and are not in pecuniary need, such parents may nevertheless, on application, be granted an allowance of thirteen pounds a year, and such allowance may be dealt with by them in any manner they think fit: Provided

Amendment of
section 21 of
Act 44 of 1942.

that the award of an allowance under this section shall not disqualify such parents for any award for which they may subsequently become eligible under section *twenty-three*.”

21. Section *twenty-one* of the principal Act is hereby amended by—

- (i) the substitution in paragraph (a) of sub-section (1) and in paragraph (a) of sub-section (2) for the words “eighty-four pounds a year” of the words “the rates set forth in the second column of the Third Schedule,”;
- (ii) the insertion of the words “and gratuity” after the word “allowance” and the substitution for the word “rate” of the word “rates” in paragraph (b) of sub-section (1) and in paragraph (b) of sub-section (2);
- (iii) the substitution for the word “two” of the word “five” in paragraph (ii) of the proviso to sub-section (2);
- (iv) the substitution, in sub-section (3), for the words and figure “sub-section (2)” of the words and figures “sub-sections (2) and (2)*bis*.”

Amendment of
section 22 of
Act 44 of 1942.

22. Section *twenty-two* of the principal Act is hereby amended by—

- (i) the insertion of the words “and gratuities” after the word “allowances”;
- (ii) the addition of the following provision at the end thereof:
“The provisions of sub-sections (2) and (2)*bis* of section *nine* shall *mutatis mutandis* apply in respect of a child”.

Amendment of
section 23 of
Act 44 of 1942.

23. Section *twenty-three* of the principal Act is hereby amended by—

- (i) the substitution, in sub-section (1), for the words “one hundred” of the words “one hundred and twenty” and by the deletion of the proviso to the said sub-section;
- (ii) the substitution, in sub-section (3), for the words “one hundred and forty-four”, of the words “one hundred and eighty”;
- (iii) the substitution, in sub-section (4), for the words “as may be” of the word “if”;
- (iv) the addition thereto of the following new sub-section:
“(5) In the event of the death of one of the parents, any pension awarded under this section may, as from the date of the death of such parent, in the discretion of the board be continued or transferred to the surviving parent at the same rate or at such higher or lower rate as the board may determine”.

Amendment of
section 25 of
Act 44 of 1942.

24. Section *twenty-five* of the principal Act is hereby amended by the insertion after the words “*twenty-four*”, of the words “and any allowance granted to her under section *twenty bis*.”, and the substitution, for the words “that pension”, of the words “such pension or allowance”.

Amendment of
section 26 of
Act 44 of 1942.

25. Section *twenty-six* of the principal Act is hereby amended by—

- (i) the substitution of the following paragraph for paragraph (a) of sub-section (1):
“(a) the rates of pension (other than alternative pensions) and gratuity shall be as indicated in the Fourth and Ninth Schedules respectively”;
- (ii) the addition of the following words at the end of paragraph (b) of sub-section (1): “unless such husband is, by reason of physical or mental infirmity, dependent upon her for maintenance, in which event an allowance at rates corresponding to those laid down in the ninth column of the Second Schedule may be granted in respect of him for as long as such infirmity continues”;
- (iii) the insertion in paragraph (i) (a) of sub-section (2), after the word “widow” of the words “or who had a child dependent for maintenance on her”, and the substitution, in the said paragraph, for the words “subject to the conditions laid down in sub-section (2) of section *nine*”, of the words “Provided that the provisions of sub-sections (2) and (2)*bis* of section *nine* shall apply in respect of such a child”;
- (iv) the addition of the following new sub-paragraph to paragraph (i) of sub-section (2):
“(d) to the widower, if by reason of physical or mental infirmity he was dependent upon the volunteer for maintenance at the time of her death, a

pension and a gratuity at rates corresponding to those laid down in the second and third columns of the Third Schedule, for as long as such infirmity continues"; -

- (v) the addition thereto of the following new sub-section:
 " (3) For the purposes of this section, the word 'husband' or 'widower' does not include a man whose marriage to the volunteer took place more than five years after the date of her discharge from military service".

Amendment of section 28 of Act 44 of 1942.

26. Section *twenty-eight* of the principal Act is hereby amended by—

- (i) the substitution for paragraph (a) of sub-section (1), of the following paragraph:
 " (a) disablement pensions and gratuities and allowances for wives and children shall be at the rates indicated in the Fifth and Ninth Schedules";
 (ii) the addition at the end of paragraph (c) of sub-section (1) of the following proviso:
 " Provided that a widow may, on remarriage, be granted a gratuity equal to the amount of the yearly pension laid down in the Sixth Schedule.";
 (iii) the addition thereto of the following new sub-section:
 " (3) Notwithstanding anything to the contrary in this Act contained, whenever in any particular case, the amount of any disablement pension and allowances under the Fifth Schedule, or the amount of any pension and allowance under the Sixth Schedule, is less than the amount which would have been payable had that case been governed by section *twenty-six* of the War Special Pensions Act Amendment Act, 1920 (Act No. 41 of 1920), the rates prescribed under the last-mentioned section shall apply in such case".

Amendment of section 30 of Act 44 of 1942.

27. Section *thirty* of the principal Act is hereby amended by—

- (i) the insertion in sub-section (1) after the word "which" where it occurs for the second time, of the words "in the opinion of the board"; the insertion in the proviso to the said sub-section, after the word "is" of the words "in the opinion of the board"; and the addition, at the end of the said sub-section, of the following further proviso:
 " Provided further that an allowance for a wife shall be payable in respect of only one woman";
 (ii) the substitution, in sub-section (2), for the word "two", of the word "five";
 (iii) the substitution for sub-section (3) of the following sub-section:
 " (3) If the degree of disablement is assessed at less than twenty per cent., a gratuity at the rates indicated in the Ninth Schedule may be awarded";
 (iv) the addition thereto of the following new sub-section:
 " (5) The allowances payable in respect of children shall terminate, in the case of a male child, when he reaches the age of fourteen years and, in the case of a female child, when she reaches the age of sixteen years, or contracts a union which is recognized as a marriage by the law of the Union (including native law and custom), whichever event occurs first, unless a child is incapable, through mental or physical infirmity, of earning a livelihood, provided the infirmity existed before the child reached the age of fourteen years".

Amendment of section 31 of Act 44 of 1942.

28. Section *thirty-one* of the principal Act is hereby amended by—

- (i) the substitution, for sub-section (1), of the following sub-section:
 " (1) If the death of a native volunteer occurs in the circumstances described in sub-section (1) of section *seventeen* there may be granted—
 (a) to the widow (if there is only one) a pension of twenty-five pounds per annum together with allowances at the rate of six pounds per annum for each child of the volunteer;
 (b) to each widow (if there is more than one) a pension not exceeding twenty-five pounds per

annum together with allowances at the rate of six pounds per annum for each child of the volunteer;

- (c) to parents a pension not exceeding twenty-five pounds per annum on the ground of their dependence on the volunteer or by reason of the fact that they are wholly or partly incapable of self-support from age or infirmity and are in pecuniary need;
- (d) to other dependants, a gratuity not exceeding fifty pounds.”;
- (ii) the deletion, in sub-section (3), of all the words preceding the word “unless”, and the substitution therefor of the following words: “The allowances payable in respect of children shall terminate, in the case of a male child, when he reaches the age of fourteen years and in the case of a female child, when she reaches the age of sixteen years or contracts a union which is recognized as a marriage by the law of the Union (including native law and custom), whichever event occurs first,”;
- (iii) the addition thereto of the following new sub-sections:

“(4) The provisions of sections *twenty*, *twenty-one* and *twenty-two* may be applied *mutatis mutandis* in respect of a deceased native volunteer: Provided a separated wife shall not be awarded a pension exceeding eighteen pounds per year, and a reputed wife shall not be awarded a pension exceeding fifteen pounds per year; and provided further that in the application as aforesaid of sections *twenty-one* and *twenty-two*, no gratuities shall be payable in respect of children, and the allowances payable in respect of children shall be at the rate of six pounds per annum for each child of the volunteer.

(5) Any pension granted to a woman under this section shall cease when she contracts or again contracts a union which is recognized as a marriage by the law of the Union (including native law and custom), but any allowances payable in respect of children may be continued, subject to the provisions of sub-section (3) and to such conditions as the commissioner may determine.”

Amendment of section 32 of Act 44 of 1942.

29. Section *thirty-two* of the principal Act is hereby amended by the addition thereto of the following new paragraph:

“(c) a special pensions board of not more than five members to consider such cases as are referred to in section *thirty-five*”.

Amendment of section 33 of Act 44 of 1942.

30. Section *thirty-three* of the principal Act is hereby amended by the substitution for paragraph (b) of sub-section (2), of the following paragraph:

“(b) of claims to pension of widows, motherless children, parents or dependants of a volunteer on the ground that the death of the volunteer did not occur in the circumstances described in sub-section (1) of section *seventeen*”.

Amendment of section 34 of Act 44 of 1942.

31. Section *thirty-four* of the principal Act is hereby amended by the deletion, in sub-section (1) of the words “and make a recommendation to him upon” and by the substitution, in sub-section (3), for the word “recommendation” of the word “finding”.

Substitution of new section for section 35 of Act 44 of 1942.

32. The following section is hereby substituted for section *thirty-five* of the principal Act:

“Functions of special pensions board.

35. (1) The special pensions board may consider the case of any volunteer or of any widow, child, parent or dependant of a volunteer; who is affected by the rejection of an application by the board or on appeal by the military pensions appeal board.

(2) Notwithstanding the provisions of sub-section (1), in a case where the condition of the discharged volunteer has been accepted as merely aggravated by military service and the total degree of the volunteer's disability is such as materially to affect his earning capacity in the open labour market, the special pensions board may, subject to the provisions of sub-section (3), accord him such additional relief as it may deem fit.

(3) The special pensions board shall take into consideration the general circumstances of the disabled volunteer, or of the widow, children, parents or dependants of a deceased volunteer, the extent of the volunteer's disablement and the length and nature of his military service, and in no case shall it grant a lump sum exceeding one hundred and twenty pounds to any one individual in any one year or an annuity exceeding one hundred and eighty pounds to any one individual.

(4) Notwithstanding the provisions of sub-section (1), if a disabled volunteer while following a course of training authorized by a vocational board suffers an injury or an aggravation of an injury which, in the opinion of the special pensions board, arose out of and in the course of such training and is not due to the volunteer's own serious misconduct, the said board may, if such injury or aggravation results in additional disability or death, accord him, or, in the case of death, his widow, children, parents or other dependants, such relief as it may deem fit, but subject to the provisions of sub-section (3).

(5) Notwithstanding anything to the contrary in this Act contained, an award made by the special pensions board, or by the Special Grants Board prior to the commencement of the Pension Laws Amendment Act, 1943, shall be effective or shall be deemed to have been effective, from such date as the special pensions board or the Special Grants Board may determine or may have determined, as the case may be.

(6) If a person to whom the Special Grants Board or the special pensions board has made an award is subsequently awarded a benefit in terms of some other provision of this Act, the award by the Special Grants Board or the special pensions board may, in the discretion of the commissioner, be set off against any such benefit.

(7) No appeal shall lie against a decision of the special pensions board under this section, but the said board may at any time reconsider and vary or reverse any such decision or any decision given by the Special Grants Board prior to the commencement of the Pension Laws Amendment Act, 1943."

Amendment of section 36 of Act 44 of 1942.

33. Section *thirty-six* of the principal Act is hereby amended by the substitution, in paragraph (b), for the words "special grants board" of the words "special pensions board".

Amendment of section 37 of Act 44 of 1942.

34. Section *thirty-seven* of the principal Act is hereby amended by the deletion of the proviso to sub-section (1) and the substitution therefor of the following proviso:

"Provided that—

- (a) the Minister shall not exercise any power conferred upon him by this sub-section unless he has given the person concerned a reasonable opportunity of making written representations to him against the proposed exercise of any such power; and
- (b) if the Minister exercises any such power in respect of a volunteer, he shall, in all cases where a wife, child, parent or other dependant of such volunteer is, or would be eligible for an allowance under this Act and is worthy of assistance, direct that such allowance be granted or continued; and
- (c) the Minister may, in his discretion, direct that any allowance authorized under paragraph (b) of this proviso be increased by an amount not exceeding one half of any pension which would have been payable to the volunteer concerned had such power not been exercised as aforesaid."

Amendment of section 39 of Act 44 of 1942.

35. Section *thirty-nine* of the principal Act is hereby amended—

(i) by the substitution in sub-section (1) for the word "person" where it occurs for the first time, of the word "volunteer";

(ii) by the addition thereto of the following new sub-section:

"(3) The provisions of sub-sections (1) and (2) may be applied, *mutatis mutandis*, in connection with any benefit payable to a widow, parent or other dependant of a deceased volunteer."

Amendment of section 41 of Act 44 of 1942.

36. Section *forty-one* of the principal Act is here amended by the substitution in the English version of sub-section (1), for the word "to" of the word "or".

Amendment of section 42 of Act 44 of 1942.

37. Section *forty-two* of the principal Act is hereby amended by the addition thereto of the following new sub-section, the existing section being designated sub-section (1):

"(2) The Minister may, subject to such conditions as he may determine, authorize any person to exercise on his behalf any of the powers conferred upon him by or under this Act, and the commissioner may, with the approval of the Minister, similarly delegate his powers under this Act."

Insertion of new section 45*bis* in Act 44 of 1942.

38. The principal Act is hereby amended by the insertion after section *forty-five* of the following new section:

"Members of other forces serving with Union forces. 45. *bis*. When a member of the forces of any other Government is required to serve with the Union forces, any compensation payable by such Government in respect of the death or disablement of such member as a result of service during the war and during the period of service with the Union forces, may be borne by the Union Government: Provided that any benefits payable by the Union Government in such circumstances shall be limited to the amount which would have been payable had the said benefits been assessable under this Act."

Amendment of section 46 of Act 44 of 1942.

39. Section *forty-six* of the principal Act is hereby amended by the substitution in sub-section (1) of the word "benefit" for the word "pension" in both places where it occurs.

Amendment of section 47 of Act 44 of 1942.

40. Section *forty-seven* of the principal Act is hereby amended by the insertion in paragraphs (b) and (c) of sub-section (1), of the words "notification to the applicant of the" before the words "volunteer's death" where those words occur for the second time.

Substitution of new section for section 48 of Act 44 of 1942.

41. The following section is hereby substituted for section *forty-eight* of the principal Act:

"Provision with regard to allowances to children. 48. Notwithstanding anything to the contrary in this Act contained, the benefits provided in this Act for a child of a disabled or deceased volunteer may, provided such child is not self-supporting, be granted to or in respect of such child irrespective of whether the disabled volunteer (or, in the case of a deceased volunteer, the child's mother) is eligible for a benefit under this Act."

Amendment of section 51 of Act 44 of 1942.

42. Section *fifty-one* of the principal Act is hereby amended—

(i) by the insertion, in sub-section (1), after the word "members", where it occurs for the first time, of the words "and to the widows, children, parents";

(ii) by the addition at the end of paragraph (a) of sub-section (1), of the words "provided such disablement is, in the opinion of the board, not due to the member's own serious misconduct";

(iii) by the deletion of the proviso to sub-section (1);

(iv) by the substitution, in sub-section (2), for the words "Such treatment", of the words "and not being less than the rates of pension (excluding allowances) for men and women volunteers respectively, laid down in the Schedules to this Act, in respect of one hundred per cent. disability. In the case of a person who is not a member of the Essential Services Protection Corps, such treatment".

Substitution of new section for section 63 of Act 44 of 1942.

43. The following section is hereby substituted for section *sixty-three* of the principal Act:

"Assessment or re-assessment of benefits payable in terms of other laws.

63. Any pension, allowances or gratuity payable under the provisions of the War Special Pensions Act, 1919 (Act No. 42 of 1919), to any person (including any person to whom any such benefit as aforesaid is by any other law made payable on the basis or in terms of the said Act), shall be assessed or reassessed in accordance with the degree of disablement laid down in Schedule One and the rates laid down in Schedules Two to Seven inclusive, and Nine, with effect from the first day of April, 1942, if such assessment or reassessment is of advantage to the person concerned: Provided that—

- (i) no gratuity referred to in sub-section (5) of section *seventeen* shall be granted unless the death of the volunteer occurred on or after the first day of April, 1942;
- (ii) no gratuity awarded with effect from a date prior to the first day of April, 1942, in respect of disablement assessed at less than twenty per cent. shall be reassessed."

Insertion of Ninth Schedule in Act 44 of 1942.

44. The Schedule to this Act is hereby inserted in the principal Act as the Ninth Schedule.

Increase of war veterans' pensions.

45. (1) For such period commencing on the first day of April, 1943, as the Minister of Finance (or any other Minister of State acting in his stead), may determine, all veterans' pensions awarded or to be awarded under the provisions of Part II of the War Pensions Act, 1941 (Act No. 45 of 1941), shall be increased by an amount equal to one-third of such pensions or equal to one-third of the amount which would have been awarded had this section not been enacted.

(2) If a war veteran who is in receipt of a pension under the provisions of the Old Age Pensions Act, 1928 (Act No. 22 of 1928), applies for a veteran's pension under Part II of the said War Pensions Act, 1941, before the first day of October, 1943, and his application is granted, such pension, increased in accordance with the provisions of sub-section (1), shall take effect from the first day of April, 1943, if he was on that date qualified for such a pension.

(3) The amount by which a veteran's pension is increased in accordance with sub-section (1), 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 of sub-section (1) of section *five* of the Blind Persons Act, 1936.

Regulation of rights of certain officers in connection with pensions.

46. (1) Notwithstanding anything in any other law contained, if a person who is a member of the pension and provident scheme established under section *twelve* of the Higher Education Additional Provision Act, 1917 (Act No. 20 of 1917), or of the provident fund established under section *nineteen* of the Higher Education Act, 1923 (Act No. 30 of 1923), is transferred to a post in the public service or is appointed directly to such a post without any break in his service, he may, in lieu of making an election in terms of sub-section (2) or (3) of section *twenty-six* of the Government Service Pensions Act, 1936 (Act No. 32 of 1936), elect to continue to be a member of the said scheme or fund (as the case may be), in which case the contributions payable by the Government and the council concerned in terms of the regulations governing the said scheme or fund shall be paid from revenue. The further election for which provision is made in this section, may be made within a period of one month after such person has been called upon by the head of his department to do so, and shall be subject to the approval of the Treasury. If such person fails to make an election in terms of this section or of sub-section (2) or (3) of section *twenty-six* of the said Government Service Pensions Act, 1936, he shall be deemed to have elected the benefits under paragraph (a) of the said sub-section (3).

(2) The provisions of section *nineteen* of the said Government Service Pensions Act, 1936, shall apply to any person so transferred or appointed as if he were a new member as defined in that Act, and in the application of the said provisions to any

such person, his pensionable age shall be determined in accordance with the definition of "pensionable age" in section *eighty-three* of that Act.

(3) In this section the expressions "public service", "revenue" and "Treasury" shall bear the meanings respectively assigned to them in section *eighty-three* of the said Government Service Pensions Act, 1936.

(4) This section shall be deemed to have come into operation on the thirtieth day of June, 1942.

Further assistance to persons in receipt of certain pensions.

47. (1) The Minister of Finance may appoint a committee of persons under the chairmanship of an officer in his department, to consider any application for relief by any person who—

(a) is in receipt of a civil pension in respect of the former service of such person or of any other person, in the employ of the Government or of the Government of any part of South Africa now included in the Union, under any law administered by the office or department of the said Minister; and

(b) is in necessitous circumstances as a result of conditions arising from the present war.

(2) The said committee shall have power, notwithstanding anything in any other law contained, to supplement the pension of any such person by the award of a bonus in accordance with such rates as the said Minister may from time to time prescribe in respect of any class of such persons and with effect from a date not earlier than the first day of April, 1943.

(3) Any such bonus may be paid during the period of the present war and thereafter until the date referred to in subsection (4), at the same or at such reduced rate as the said Minister may prescribe.

(4) The provisions of this section shall cease to be in operation on a date to be fixed by the Governor-General by Proclamation in the *Gazette*.

Commencement.

48. Sections *two*, *four*, *thirteen*, paragraphs (iii) and (iv) of section *seventeen*, sections *eighteen*, *nineteen*, paragraph (i) of section *twenty-one*, paragraph (i) of section *twenty-two*, paragraph (iv) of section *twenty-three*, paragraph (i) of section *twenty-five*, section *twenty-six*, paragraph (iii) of section *twenty-seven*, sections *thirty-seven*, *thirty-eight*, *thirty-nine*, *forty*, *forty-one*, paragraphs (i) and (iv) of section *forty-two* and section *forty-four* shall be deemed to have come into operation on the first day of April, 1942, section *eight* and paragraph (i) of section *nine* on the first day of November, 1942, and paragraph (ii) of section *nine* on the first day of April, 1943.

Short title.

49. This Act shall be called the Pension Laws Amendment Act, 1943.

Schedule.
(NINTH SCHEDULE TO ACT NO. 44 OF 1942).

GRATUITIES PAYABLE WHERE THE DEGREE OF PENSIONABLE DISABLEMENT IS ASSESSED AT LESS THAN 20 PER CENT.

RANK.	DEGREE OF DISABLEMENT AND DURATION.															
	1 to 5 per cent.				6 to 10 per cent.				11 to 15 per cent.				16 to 19 per cent.			
	6 months.	12 months.	24 months.	Permt.	6 months.	12 months.	24 months.	Permt.	6 months.	12 months.	24 months.	Permt.	6 months.	12 months.	24 months.	Permt.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
	<i>European Male Volunteers and Women Doctors.</i>															
Lieut.-General	8 15 0	17 10 0	35 0 0	87 10 0	17 10 0	35 0 0	70 0 0	175 0 0	28 5 0	52 10 0	105 0 0	262 10 0	35 0 0	70 0 0	140 0 0	350 0 0
Major-General	3 2 6	16 5 0	32 10 0	81 5 0	18 5 0	32 10 0	65 0 0	162 10 0	24 7 6	48 15 0	97 10 0	243 15 0	32 10 0	65 0 0	130 0 0	325 0 0
Brigadier-General	7 10 0	15 0 0	30 0 0	75 0 0	15 0 0	30 0 0	60 0 0	150 0 0	22 10 0	45 0 0	90 0 0	225 0 0	30 0 0	60 0 0	120 0 0	300 0 0
Brigadier	6 17 6	13 15 0	27 10 0	68 15 0	13 15 0	27 10 0	55 0 0	137 10 0	20 12 6	41 5 0	82 10 0	206 5 0	27 10 0	55 0 0	110 0 0	275 0 0
Colonel	6 5 0	12 10 0	25 0 0	62 10 0	12 10 0	25 0 0	50 0 0	125 0 0	18 15 0	37 10 0	75 0 0	187 10 0	25 0 0	50 0 0	100 0 0	250 0 0
Lieut.-Colonel	5 12 6	11 5 0	22 10 0	56 5 0	11 5 0	22 10 0	45 0 0	112 10 0	16 17 6	33 15 0	67 10 0	168 15 0	22 10 0	45 0 0	90 0 0	225 0 0
All ranks up to and including Major	5 0 0	10 0 0	20 0 0	50 0 0	10 0 0	20 0 0	40 0 0	100 0 0	15 0 0	30 0 0	60 0 0	150 0 0	20 0 0	40 0 0	80 0 0	200 0 0
All ranks } Wife	15 0	1 10 0	3 0 0	7 10 0	1 10 0	3 0 0	6 0 0	15 0 0	2 5 0	4 10 0	9 0 0	22 10 0	3 0 0	6 0 0	12 0 0	30 0 0
Each child	7 6	15 0	1 10 0	3 15 0	1 10 0	3 0 0	3 0 0	7 10 0	1 2 6	2 5 0	4 10 0	11 5 0	1 10 0	3 0 0	6 0 0	15 0 0
	<i>Nurses and Women Volunteers.</i>															
Matron-in-Chief or Colonel	5 12 6	11 5 0	22 10 0	56 5 0	11 5 0	22 10 0	45 0 0	112 10 0	16 17 6	33 15 0	67 10 0	168 15 0	22 10 0	45 0 0	90 0 0	225 0 0
Asst. Matron-in-Chief, Prin. Matron or Lieut.-Colonel	5 5 0	10 10 0	21 0 0	52 10 0	10 10 0	21 0 0	42 0 0	105 0 0	15 15 0	31 10 0	63 0 0	157 10 0	21 0 0	42 0 0	84 0 0	210 0 0
Sen. Matron, Junior Matron or Major	4 17 6	9 15 0	19 10 0	48 15 0	9 15 0	19 10 0	39 0 0	97 10 0	14 12 6	29 5 0	58 10 0	146 5 0	19 10 0	39 0 0	78 0 0	195 0 0
Nursing Sister, Staff Nurse or Capt. and Lieut. .. .	4 10 0	9 0 0	18 0 0	45 0 0	9 0 0	18 0 0	36 0 0	90 0 0	13 10 0	27 0 0	54 0 0	135 0 0	18 0 0	36 0 0	72 0 0	180 0 0
Sen. and Jun. Probationer Nurses or 2nd/Lieut. .. .	4 2 6	8 5 0	16 10 0	41 5 0	8 5 0	16 10 0	33 0 0	82 10 0	12 7 6	24 15 0	49 10 0	123 15 0	16 10 0	33 0 0	66 0 0	165 0 0
All ranks up to and including W.O. I	3 15 0	7 10 0	15 0 0	37 10 0	7 10 0	15 0 0	30 0 0	75 0 0	11 5 0	22 10 0	45 0 0	112 10 0	15 0 0	30 0 0	60 0 0	150 0 0
Each child maintained by volunteer	7 6	15 0	1 10 0	3 15 0	15 0	1 10 0	3 0 0	7 10 0	1 2 6	2 5 0	4 10 0	11 5 0	1 10 0	3 0 0	6 0 0	15 0 0
	<i>Non-European Volunteers (other than Natives).</i>															
All ranks	1 17 6	3 15 0	7 10 0	18 15 0	3 15 0	7 10 0	15 0 0	37 10 0	5 12 6	11 5 0	22 10 0	56 5 0	7 10 0	15 0 0	30 0 0	75 0 0
Wife	8 0	12 0	1 4 0	3 0 0	12 0	1 4 0	2 8 0	6 0 0	18 0	1 16 0	3 12 0	9 0 0	1 4 0	2 8 0	4 16 0	12 0 0
Each child	2 6	5 0	10 0	1 5 0	5 0	10 0	1 0 0	2 10 0	7 6	15 0	1 10 0	3 15 0	10 0	1 0 0	2 0 0	5 0 0
	<i>Native Volunteers.</i>															
All ranks	1 5 0	2 10 0	5 0 0	12 10 0	2 10 0	5 0 0	10 0 0	25 0 0	3 15 0	7 10 0	15 0 0	37 10 0	5 0 0	10 0 0	20 0 0	50 0 0
Wife	4 6	9 0	18 0	2 5 0	9 0	18 0	1 16 0	4 10 0	13 6	1 7 0	2 14 0	6 15 0	18 0	1 16 0	3 12 0	9 0 0
Each child	1 6	3 0	6 0	1 5 0	3 0	6 0	1 10 0	1 10 0	4 6	9 0	18 0	2 5 0	6 0	1 12 0	1 4 0	3 0 0