



REPUBLIC OF SOUTH AFRICA

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# GOVERNMENT GAZETTE

# STAATSKOERANT

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DEPARTMENT OF THE PRIME MINISTER.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 729.

2nd May, 1969.

No. 729.

2 Mei 1969.

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

No. 41 of 1969: Second Railways and Harbours Acts Amendment Act, 1969.

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

No. 41 van 1969: Tweede Wysigingswet op Spoorweg- en Hawewette, 1969.

Act No. 41, 1969

SECOND RAILWAYS AND HARBOURS ACTS  
AMENDMENT ACT, 1969.**ACT**

To amend section 49 of the Railways and Harbours Service Act, 1912, section 13 of the Railways and Harbours Service Act, 1960, and sections 17, 18, 19, 30, 31 and 51 of the Railways and Harbours Superannuation Fund Act, 1960, so as to provide for a modified method of calculating pensions; to amend section 16 of the Railways and Harbours Service Act, 1960, so as to modify the procedure governing the retirement of servants from the Service; to amend section 32 of the Railways and Harbours Superannuation Fund Act, 1960, so as to modify the rights of adopted children to receive benefits; to amend section 41 of the said Act so as to provide for a modified method of dealing with transfers to and from other services; and to provide for other incidental matters.

*(Afrikaans text signed by the State President.)*  
*(Assented to 25th April, 1969.)*

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

Amendment of section 49 of Act 28 of 1912, as substituted by section 3 of Act 15 of 1956 and amended by section 4 of Act 44 of 1959.

1. Section 49 of the Railways and Harbours Service Act, 1912, is hereby amended—

- (a) by the substitution, in subsection (2), for the expression “subsection (3)” of the expression “subsections (3) or (3A)”; and
- (b) by the insertion, after subsection (3), of the following subsection:

“(3A) An annuity payable in terms of this section shall be increased by—

- (i) ten per cent, plus
- (ii) two per cent, compounded annually, for each completed year in respect of which such annuity has been or is paid: Provided that no period in excess of twenty years shall be taken into account for this purpose.”.

Amendment of section 13 of Act 22 of 1960, as amended by section 13 of Act 62 of 1961, sections 49 and 60 of Act 6 of 1965 and section 4 of Act 60 of 1968.

2. Section 13 of the Railways and Harbours Service Act, 1960, is hereby amended—

- (a) by the substitution for subparagraph (i) of paragraph (c) of subsection (4) of the following subparagraph:

“(i) an amount arrived at by adding to the annual average of the deceased person’s pensionable emoluments for the three years immediately preceding the date of his dismissal or resignation, as the case may be, an amount equal to five per cent of such annual average in respect of each complete year in respect of which he contributed: Provided that for the purpose of ascer-

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taining such annual average, the pensionable emoluments on which the deceased person contributed in respect of his service up to and including the fixed date shall be deemed to be increased by ten per cent, and that his pensionable emoluments in respect of his service after the fixed date shall be deemed to be not less than the amount obtained by increasing, by ten per cent, the pensionable emoluments on which he was contributing on the fixed date; or”;

- (b) by the insertion, after paragraph (d) of subsection (4), of the following paragraph:

“(dA) An annuity payable in terms of this subsection shall be increased by—

- (i) five per cent, plus
- (ii) two per cent, compounded annually, for each completed year in respect of which such annuity has been or is paid: Provided that no period in excess of twenty years shall be taken into account for this purpose.”;

- (c) by the insertion, after paragraph (aA) of subsection (6), of the following paragraph:

“(aB) Subsection (4) as amended by section 4 (a) of the Second Railways and Harbours Acts Amendment Act, 1968 (Act No. 60 of 1968), shall apply in relation to the death of every person to whom an annuity was granted under subsection (1) of this section, whose dismissal or resignation became effective on or after the first day of April, 1968, but on or before the thirty-first day of March, 1969, and whose death occurred or occurs on or after the thirty-first day of March, 1969.”; and

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

“(7) (a) If a widow is granted an annuity in terms of any of the provisions of subsection (6), such annuity shall be increased by—

- (i) ten per cent thereof if the deceased annuitant ceased to be a member of the New Fund before the first day of April, 1968;
- (ii) five per cent thereof if the deceased annuitant ceased to be a member of the New Fund on or after the first day of April, 1968.

- (b) Any annuity granted to a widow in terms of subsection (6), increased by ten per cent or five per cent, as the case may be, shall be increased by two per cent, compounded annually, for each completed year in respect of which such annuity has been or is paid: Provided that no period in excess of twenty years shall be taken into account for this purpose.”.

Amendment of section 16 of Act 22 of 1960, as amended by section 3 of Act 54 of 1964, section 50 of Act 6 of 1965, section 3 of Act 18 of 1966 and section 2 of Act 23 of 1967.

3. Section 16 of the Railways and Harbours Service Act, 1960, is hereby amended—

- (a) by the substitution for subsection (1) of the following subsection:

“(1) Subject to the provisions of subsections (5) and (7) of this section and of section 2 of the Railways and Harbours Service and Superannuation Amendment Act, 1955 (Act No. 50 of 1955), a servant shall be retired from the Service on attaining the age of—

- (a) sixty-three years; or

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- (b) sixty years, if immediately prior to the attainment of that age he held the position of a policeman (which expression shall for the purposes of this paragraph mean a member of the Railway Police Force as defined in section 57 of the Railways and Harbours Control and Management (Consolidation) Act, 1957 (Act No. 70 of 1957); or
- (c) fifty-eight years, if immediately prior to the attainment of that age he held the position of—
- (i) a telegraphist; or
  - (ii) a driver, senior fireman, senior driver's assistant, fireman or driver's assistant of a locomotive; or
- (d) fifty-five years, if immediately prior to the attainment of that age he held the position of fleet captain, senior captain, captain, chief training captain, senior training captain, training captain, senior first officer, first officer, senior navigation officer or navigation officer in the airways department of the Service, or any other position in the said department, the incumbent whereof is or may be required to perform duties on board an aircraft in flight, to which the Minister has by notice in the *Gazette* declared the said age of retirement to apply. Any position mentioned in any such notice shall be deemed to have been specifically mentioned in this paragraph; or
- (e) fifty-five years, if immediately prior to the attainment of that age he held the position of senior flight engineer officer, flight engineer officer instructor, flight engineer officer, class I, or flight engineer officer, class II, in the airways department of the Service, or any other position in the said department, the incumbent whereof is or may be required to perform duties on board an aircraft in flight, to which the Minister has by notice in the *Gazette* declared the said age of retirement to apply. Any position mentioned in any such notice shall be deemed to have been specifically mentioned in this paragraph:

Provided that—

- (i) if a servant attains the particular age of retirement applicable to him on any day other than the first day of a month, his retirement from the Service shall become effective as from the first day of the following month;
  - (ii) in the case of a servant who is due to retire within a period of six months after the first day of April, 1969, his retirement shall become effective on the day he attains the particular age applicable in his case.”; and
- (b) by the substitution for subsection (7) of the following subsection:

“(7) (a) A servant, other than a member of the Fund, who has been in continuous employment in a temporary or a permanent capacity from a date prior to the twenty-ninth day of June, 1955, and a transferred servant, shall, whether or not he has exercised the election provided for in paragraph (c) of this subsection as it existed immediately prior to the date of commencement

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of section 3 of the Railways and Harbours Acts Amendment Act, 1964 (Act No. 54 of 1964), have the right at any time before or after attaining the age of —

- (i) sixty years if, but for the provisions of this subsection, the age of retirement specified in paragraph (a) of subsection (1) would have applied in his case; or
- (ii) fifty-five years if, but for the provisions of this subsection, the age of retirement specified in paragraph (c) of subsection (1) would have applied in his case,

to give written notification to the head of his department of his wish to be retired on pension from the Service.

(b) A servant to whom the provisions of paragraph (a) of subsection (1) apply shall, whether or not he has exercised the election provided for in paragraph (c) of this subsection as it existed immediately prior to the date of commencement of section 3 of the Railways and Harbours Acts Amendment Act, 1964, have the right at any time before or after attaining the age of fifty years, to give written notification to the head of his department of his wish to be retired on pension from the Service.

(c) If a servant referred to in paragraph (a) or (b) of this subsection gives such notification as aforesaid he shall, subject to the provisions of paragraph (a)—

- (i) if such notification is given at least six months prior to the date on which he attains the age which, in accordance with either of the said paragraphs, is applicable in his case, regard being had to the position held by him immediately prior to that date (hereinafter referred to as "his normal age of retirement"), be retired on pension from the Service on attaining that age: Provided that—

(aa) if such servant attains his normal age of retirement on any day other than the first day of a month, his retirement shall become effective as from the first day of the following month;

(bb) in the case of a servant who is due to retire within a period of six months after the first day of April, 1969, he shall be retired on the day he attains the particular age applicable in his case; or

- (ii) if such notification is not given at least six months prior to the date on which he attains his normal age of retirement, be retired on pension from the Service on the first day of the seventh month following the month in which such notification is received.

(d) If a servant referred to in paragraph (a) or (b) of this subsection, who will attain his normal age of retirement within six months from the date of commencement of section 3 of the Railways and Harbours Acts Amendment Act, 1964, has notified the head of his department in writing, at least one month before he attains that age, of his wish to be retired on pension from the Service, he shall be retired on pension from the Service on

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attaining that age, and such notification shall not be deemed to be invalid merely because it was given prior to the said date of commencement.

- (e) The Administration may, at any time before or after a servant referred to in paragraph (a) or (b) of this subsection has attained his normal age of retirement, give written notification to such servant of its wish that he retire on pension from the Service, and in that event the servant shall—
- (i) if such notification is given at least six months prior to the date on which he attains his normal age of retirement, be retired on pension from the Service on attaining that age: Provided that—
    - (aa) if such servant attains his normal age of retirement on any day other than the first day of a month, his retirement shall become effective as from the first day of the following month;
    - (bb) in the case of a servant who is due to retire within a period of six months after the first day of April, 1969, he shall be retired on the day he attains the particular age applicable in his case; or
  - (ii) if such notification is not given at least six months prior to the date on which he attains his normal age of retirement, be retired on pension on the first day of the seventh month following the month in which such notification is given;
- (f) (i) The Administration may delegate to the General Manager and to any other officer or officers of the Administration, subject to such conditions and limitations as may be specified, authority to give on its behalf any such notification as is referred to in paragraph (e) of this subsection.
- (ii) A notification given by a servant in terms of paragraph (a) or (b) of this subsection may not be withdrawn except with the consent of the Administration or of an officer referred to in subparagraph (i).
- (g) For the purposes of this subsection, the expression "transferred servant" means a servant who immediately prior to the twenty-ninth day of June, 1955, was a member of any pension or provident fund referred to in subsection (2) of section 41 of the Railways and Harbours Superannuation Fund Act, 1960 (Act No. 39 of 1960), and who was thereafter, without having ceased to be such a member, transferred to the service of the Administration under circumstances which entitled him, in terms of the said subsection, for pension purposes to reckon the whole period of his pensionable employment in the Service from which he was transferred, as continuous with that of his pensionable employment under the Administration."

Amendment of section 17 of Act 39 of 1960, as amended by section 17 of Act 62 of 1961, section 8 of Act 18

4. Section 17 of the Railways and Harbours Superannuation Fund Act, 1960 (hereinafter referred to as "the Superannuation Fund Act"), is hereby amended—

- (a) by the substitution for subsection (1) of the following subsection:

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of 1966, section 5 of Act 23 of 1967 and section 5 of Act 60 of 1968.

“(1) An annuity shall be calculated at the rate of—

(a) one-fiftieth in the case of a member to whom the provisions of section 16 (1) (d) of the Railways and Harbours Service Act, 1960, apply, whatever the age of retirement applicable to him may be; or

(b) one-fifty-fifth in the case of a member holding a position mentioned in section 16 (1) (c) or (e) of the Railways and Harbours Service Act, 1960, whatever the age of retirement applicable to him may be; or

(c) one-sixtieth in the case of all other members, for each year of the period of membership of the New Fund, based on the annual average of the pensionable emoluments for the period of three years immediately preceding retirement, or the annual average of the pensionable emoluments for the whole period of membership of the New Fund, whichever is the greater: Provided that—

(i) such annuity, excluding the one-fourth thereof commuted by a single cash payment in terms of the provisions of section 18 of this Act, shall be increased by five per cent;

(ii) no annuity shall be granted to any person unless contributions have been made by him, or on his behalf, in respect of a period of ten years or more; and

(iii) the member is in other respects qualified for such an annuity.”; and

(b) by the insertion, after subsection (1) *ter*, of the following subsection:

“(1) *quat* An annuity payable in terms of this section, excluding the one-fourth thereof commuted by a single cash payment in terms of the provisions of section 18 of this Act, shall be increased by two per cent, compounded annually, for each completed year in respect of which such annuity has been or is paid: Provided that no period in excess of twenty years shall be taken into account for this purpose.”.

Amendment of section 18 of Act 39 of 1960, as amended by section 21 of Act 7 of 1963, section 64 of Act 6 of 1965, section 9 of Act 18 of 1966, section 6 of Act 23 of 1967 and section 8 of Act 8 of 1968.

5. Section 18 of the Superannuation Fund Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) Subject to the provisions of subsection (5), an annuity granted to a servant who immediately prior to his retirement was a member of the New Fund and who has retired or has been retired otherwise than on any ground mentioned in section 15 (3) shall, before the first payment thereof has been made, be commuted, as to one-fourth thereof, by a single cash payment in accordance with the following Table:

Nearest age at date of retirement.	Number of rands for each rand of annuity commuted.	
	Male member.	Female member.
	R	R
Up to—		
30 years .. ..	18.19	18.43
31 ” .. ..	18.06	18.32
32 ” .. ..	17.93	18.21
33 ” .. ..	17.79	18.09

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Nearest age at date of retirement.	Number of rands for each rand of annuity commuted.	
	Male member.	Female member.
	R	R
34 years .. ..	17.65	17.97
35 " .. ..	17.50	17.85
36 " .. ..	17.35	17.72
37 " .. ..	17.19	17.59
38 " .. ..	17.03	17.46
39 " .. ..	16.86	17.32
40 " .. ..	16.68	17.18
41 " .. ..	16.50	17.03
42 " .. ..	16.31	16.88
43 " .. ..	16.11	16.72
44 " .. ..	15.90	16.56
45 " .. ..	15.69	16.39
46 " .. ..	15.47	16.22
47 " .. ..	15.24	16.04
48 " .. ..	15.00	15.86
49 " .. ..	14.75	15.68
50 " .. ..	14.50	15.50
51 " .. ..	14.50	15.23
52 " .. ..	14.25	15.05
53 " .. ..	14.00	14.87
54 " .. ..	13.75	14.69
55 " .. ..	13.50	14.50
56 " .. ..	13.00	14.19
57 " .. ..	12.75	13.90
58 " .. ..	12.50	13.60
59 " .. ..	12.25	13.30
60 or over .. ..	12.00	13.00

Provided that in the case of a member to whom the provisions of paragraph (c) of subsection (1) of section 16 of the Railways and Harbours Service Act, 1960, apply, the factor applicable to the age of fifty-five years shall also apply to any higher age, and that in the case of a member to whom the provisions of paragraph (d) of the said subsection apply, the factor applicable to the age of fifty years shall also apply to any higher age."; and

(b) by the substitution for subsection (3) of the following subsection:

"(3) Subject to the provisions of subsection (5), an annuity granted to a servant who immediately prior to his retirement was a member of the New Fund and who has been compelled to retire on any ground mentioned in section 15 (3) shall before the first payment thereof has been made, be commuted, as to one-fourth thereof, by a single cash payment, in accordance with the following Table:

Nearest age at date of retirement.	Number of rands for each rand of annuity commuted.
	R
Male Member:	
Any age .. ..	12.00
Female Member:	
Up to 55 years .. ..	14.50
" 56 " .. ..	14.19
" 57 " .. ..	13.90
" 58 " .. ..	13.60
" 59 " .. ..	13.30
60 or over .. ..	13.00



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Provided that in the case of a member to whom the provisions of paragraph (c) or (e) of subsection (1) of section 16 of the Railways and Harbours Service Act, 1960, apply, the factor which in terms of subsection (1) of this section is applicable to the age of fifty-five years shall be used for the purpose of calculating such cash payment, and that in the case of a member to whom the provisions of paragraph (d) of the first-mentioned subsection apply, the factor which in terms of subsection (1) of this section is applicable to the age of fifty years shall be used for that purpose irrespective, in either case, of the age of the member concerned."

Substitution of section 19 of Act 39 of 1960, as amended by section 6 of Act 60 of 1968.

6. The following section is hereby substituted for section 19 of the Superannuation Fund Act:

"Provision in case pensioned member of the New Fund is re-employed.

19. If a member of the New Fund has been granted an annuity under this Act or under the Railways and Harbours Superannuation Fund Act, 1925 (Act No. 24 of 1925), and is thereafter re-employed in the Service in other than a casual capacity he shall, subject to the provisions of section 2 of the Railway Pensioners Act, 1936 (Act No. 27 of 1936), be entitled to contribute to the New Fund on the pensionable emoluments (including for that purpose any annuity or reduced annuity received by him from the New Fund) drawn by him during the period of his re-employment, and in the event of his retirement on the ground of superannuation or reduction in or re-organization of staff, or of such severe bodily injury, permanent ill-health or physical disability as is referred to in section 15 (3), he shall be entitled to an additional annuity in respect of such period of re-employment, calculated on the basis set forth in section 17: Provided that contributions to the New Fund during such period of re-employment shall be made in accordance with the provisions of section 8 at the rate applicable to his age at the date from which contributions become payable by him: Provided further that if the period of re-employment is less than three years, the annuity shall be based on the average pensionable emoluments for the full period of re-employment."

Amendment of section 30 of Act 39 of 1960, as amended by section 20 of Act 62 of 1961, section 8 of Act 54 of 1964, section 65 of Act 6 of 1965 and section 7 of Act 60 of 1968.

7. Section 30 of the Superannuation Fund Act is hereby amended—

- (a) by the substitution, in subsection (2), for the expression "subsections (5) and (5)bis" of the expression "subsections (5), (5)bis, (5)ter and (5)quat";
- (b) by the substitution for subparagraph (i) of subsection (3) (a) of the following subparagraph:

"(i) in the case of a deceased member who had contributed to the New Fund in respect of a period of one year or longer: an amount arrived at by adding to twice the annual average of such member's pensionable emoluments for the last three years of his service, or for the actual period in respect of which he contributed if that period was less than three years, an amount equal to ten per cent of such annual average in respect of each complete year in respect of which he contributed; or";

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AMENDMENT ACT, 1969.(c) by the substitution for paragraph (a) of subsection (5) *bis* of the following paragraph:

“(a) If the deceased member was a person—

(i) to whom the provisions of subsection (7) of section 16 of the Railways and Harbours Service Act, 1960 (Act No. 22 of 1960), applied, and he died after attaining his normal age of retirement,

(ii) to whom the provisions of the said subsection (7) applied and who had given notice of his wish to retire on attaining his normal age of retirement, or was a person to be retired on attaining the particular age of retirement prescribed in subsection (1) of section 16 of the said Act, and he died after the anniversary of the date of his birth but before the first day of the following month, on which day his retirement would have become effective in terms of the said subsections,

there shall be paid to his widow, if it would in the opinion of the General Manager be to her advantage to do so, in lieu of the benefit calculated as provided in subsections (3) and (4) of this section, a benefit in the form of an annuity plus a lump sum, calculated as provided in paragraph (b) of this subsection.”; and

(d) by the insertion, after subsection (5)*bis*, of the following subsections:“(5)*ter* If the deceased member was a person to whom the provisions of section 16 (1) (c) (ii) of the Railways and Harbours Service Act, 1960, applied and who was promoted to a salaried position governed by the provisions of section 16 (1) (a) of that Act, the benefit to which the widow is entitled in terms of subsection (2) of this section, shall not be less than the benefit she would have received had the deceased member not been so promoted.(5)*quat* An annuity payable in terms of this section shall be increased by—

(i) five per cent, plus

(ii) two per cent, compounded annually for each completed year in respect of which such annuity has been or is paid: Provided that no period in excess of twenty years shall be taken into account for this purpose.”.

Amendment of section 31 of Act 39 of 1960, as amended by section 66 of Act 6 of 1965 and section 8 of Act 60 of 1968.

8. Section 31 of the Superannuation Fund Act is hereby amended—

(a) by the substitution, in subsection (2), for the expression “subsection (3)” of the expression “subsections (3) and (3A)”;

(b) by the insertion, after subsection (3), of the following subsection:

“(3A) An annuity payable in terms of this section shall be increased by—

(i) five per cent, plus

(ii) two per cent, compounded annually, for each completed year in respect of which such annuity has been or is paid: Provided that no period in excess of twenty years shall be taken into account for this purpose.”;

(c) by the substitution for subsection (6) of the following subsection:

“(6) The preceding provisions of this section shall apply in relation to the death of every such annuitant as is referred to in subsection (1) who ceased to be a

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member of the New Fund on or after the thirty-first day of March, 1969, and whose death occurred or occurs on or after that date.”;

(d) by the addition to subsection (7) of the following paragraph:

“(d) who ceased to be a member of the New Fund on or after the first day of April, 1968, but before the first day of April, 1969, this section, as it existed immediately prior to the first day of April, 1969, shall continue to apply.”; and

(e) by the insertion, after subsection (7), of the following subsection:

“(7A) (a) If a widow is granted an annuity in terms of any of the provisions of subsection (7), such annuity shall be increased by—

(i) ten per cent thereof if the deceased annuitant ceased to be a member of the New Fund before the first day of April, 1968;

(ii) five per cent thereof if the deceased annuitant ceased to be a member of the New Fund on or after the first day of April, 1968.

(b) Any annuity granted to a widow in terms of subsection (7), increased by ten per cent or five per cent, as the case may be, shall be increased by two per cent, compounded annually, for each completed year in respect of which such annuity has been or is paid: Provided that no period in excess of twenty years shall be taken into account for this purpose.”.

Amendment of section 32 of Act 39 of 1960, as amended by section 24 of Act 7 of 1963.

9. Section 32 of the Superannuation Fund Act is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) A child whom a member or annuitant has adopted under the provisions of any Act relating to the adoption of children shall, for the purpose of this section, be treated as a legitimate child of the member or annuitant, unless the member or annuitant by written notice in his lifetime to the Administration in manner prescribed, has directed that such child shall not be accepted as a legitimate child for the purposes of this section.”.

Amendment of section 41 of Act 39 of 1960.

10. Section 41 of the Superannuation Fund Act is hereby amended by the substitution for subsections (1) and (2) of the following subsections:

“(1) If a person who is a member of the New Fund is transferred without a break in his service to any other Service for the benefit of the members whereof a pension or provident fund exists under any law relating to pensions administered by the Pensions Authority or by a Provincial Administration or the Administration of the Territory of South-West Africa, and he becomes a member of any such fund as from the date of his transfer and is permitted to contribute thereto in respect of his past pensionable employment under the Administration, he shall be entitled for pension purposes to reckon the whole period of his pensionable employment under the Administration as continuous with that of his pensionable employment in the Service to which he is transferred: Provided that there shall be paid from the New Fund to the Pensions Authority or to the administration concerned, as the case may be, such amount as is required by the pension or provident fund of which such person becomes a member, and such person shall thereafter have no further claim on the New Fund.

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(2) If a person who is a member of a pension or provident fund established under any law relating to pensions administered by the Pensions Authority or by a Provincial Administration or the Administration of the Territory of South-West Africa, is transferred without a break in his service to the service of the Administration and becomes a member of the New Fund (as a condition of admission whereunto a medical examination shall not be required), he shall be entitled for pension purposes to reckon the whole period of his pensionable employment in the Service from which he was transferred, as continuous with that of his pensionable employment under the Administration: Provided that there shall be paid from the pension or provident fund of which such person was a member, to the Administration for the benefit of the New Fund, such amount as is required by the New Fund, and thereafter such person shall have no further claim upon the pension or provident fund of which he was a member."

Amendment of section 51 of Act 39 of 1960, as amended by section 67 of Act 6 of 1965.

11. Section 51 of the Superannuation Fund Act is hereby amended by the insertion, after subsection (4), of the following subsection:

"(4A) An annuity payable in terms of this section shall be increased by—

- (i) ten per cent, plus
- (ii) two per cent, compounded annually, for each completed year in respect of which such annuity has been or is paid: Provided that no period in excess of twenty years shall be taken into account for this purpose."

Improved benefits to present annuitants and widow annuitants.

12. (1) The annuities payable to—
- (a) all annuitants and widow annuitants in respect of contributions to the 1912 pension fund, the Fund or the New Fund;
  - (b) all annuitants in receipt of annuities payable from revenue, or partly from a fund or partly from revenue, except annuities granted under the Railways and Harbours Pensions Amendment Act, 1941 (Act No. 26 of 1941), or under any law relating to workmen's compensation,

shall be increased as from the first day of April, 1969, by the addition of the following—

- (i) in the case of those annuitants who retired before the first day of April, 1968, and widow annuitants of such annuitants or of servants who died before the thirty-first day of March, 1968, ten per cent of the annuity;
- (ii) in the case of those annuitants who retired on or after the first day of April, 1968, and widow annuitants of such annuitants or of servants who died on or after the thirty-first day of March, 1968, five per cent of the annuity.

(2) The annuity received by an annuitant or widow annuitant, including the ten per cent or five per cent referred to in subsection (1), as the case may be, shall be further increased by two per cent, compounded annually, for each completed year in respect of which the annuity has been or is received: Provided that no period in excess of twenty years shall be taken into account for this purpose.

(3) Where such annuity is payable partly from a fund and partly from revenue the additional percentages referred to in subsection (1) shall be paid proportionately from the fund concerned and from revenue.

(4) Where, in terms of the applicable pension law, an annuity which on the first day of April, 1969, is being paid from revenue, is to become payable from a fund as from a subsequent date, liability for the payment of the additional percentages referred to in subsections (1) and (2) shall as from that date pass from revenue to the fund in question.

**Act No. 41, 1969**

**SECOND RAILWAYS AND HARBOURS ACTS  
AMENDMENT ACT, 1969.**

**Application of Act  
to South-West  
Africa.**

**13. This Act and any amendment thereof shall apply also to the territory of South-West Africa.**

**Date of com-  
mencement.**

**14. The provisions of this Act shall be deemed to have come into operation on the first day of April, 1969.**

**Short title.**

**15. This Act shall be called the Second Railways and Harbours Acts Amendment Act, 1969.**