

No. 62, 1957.]

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## ACT

To amend the Old Age Pensions Act, 1928, the Pension Laws Amendment Act, 1943, the Disability Grants Act, 1946, and the Government Service Pensions Act, 1955, and to provide for the inclusion of certain periods in the pensionable service of certain persons and for other incidental matters.

(Afrikaans text signed by the Officer Administering the Government.)

(Assented to 21st June, 1957.)

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

Amendment of section 12 of Act 22 of 1928.

1. Section *twelve* of the Old Age Pensions Act, 1928, is hereby amended by the addition at the end thereof of the following sub-section:

“(3) If the estate of any pensioner is sequestrated, any sum of money payable to him under any law by virtue of the fact that he is a pensioner shall not form part of the assets in his insolvent estate.”.

Amendment of section 47 of Act 33 of 1943, as amended by section 13 of Act 41 of 1948.

2. Section *forty-seven* of the Pension Laws Amendment Act, 1943, is hereby amended by the insertion in paragraphs (b) and (c) of sub-section (1) after the words “public service” of the words “or any other person in the employ of the Government”.

Validation of certain awards by committee appointed under section 47 of Act 33 of 1943.

3. Any bonus awarded by the committee appointed by the Minister of Finance under sub-section (1) of section *forty-seven* of the Pension Laws Amendment Act, 1943, to or in respect of any person referred to in paragraphs (b) and (c) of the said sub-section, as amended by section *two*, in respect of any period prior to the commencement of this Act, is hereby validated.

Amendment of section 16 of Act 36 of 1946, as amended by section 1 of Act 49 of 1954.

4. Section *sixteen* of the Disability Grants Act, 1946, is hereby amended by the addition at the end thereof of the following sub-section, the existing section becoming sub-section (1):

“(2) If the estate of any grantee is sequestrated, any sum of money payable to him under any law by virtue of the fact that he is a grantee shall not form part of the assets in his insolvent estate.”.

Amendment of section 8 of Act 58 of 1955, as amended by section 10 of Act 56 of 1956.

5. Section *eight* of the Government Service Pensions Act, 1955 (hereinafter referred to as the principal Act), is hereby amended by the insertion after sub-section (3) of the following sub-section:

“(3)*bis* Any period which under the provisions of sub-section (2) of section *two* or sub-section (5) of section *four* of the Public Servants (Military Service) Act, 1944 (Act No. 27 of 1944), has been included in the pensionable service of a member to whom sub-section (3) of this section applies, shall, for the purposes of the said sub-section (3) be deemed to form part of his previous period or periods of employment.”.

Amendment of section 11 of Act 58 of 1955, as amended by section 11 of Act 56 of 1956.

6. Section *eleven* of the principal Act is hereby amended by the deletion of sub-section (2).

Amendment of section 73 of Act 58 of 1955.

7. (1) Section *seventy-three* of the principal Act is hereby amended by the substitution for paragraphs (a) and (b) of sub-section (4) of the following paragraphs:

“(a) if he retires or is retired or discharged prior to the first day of October, 1957, on an anniversary of his birthday, cease to contribute to the fund as from the date of his retirement or discharge;

- (b) if he retires or is retired or discharged prior to the first day of October, 1957, on a date other than an anniversary of his birthday, continue to contribute to the fund at the said rate on his pensionable emoluments immediately prior to his retirement or discharge up to and including the day immediately preceding the next succeeding anniversary of his birthday or the thirtieth day of September, 1957, whichever is the earlier date, when he shall cease to contribute to the fund; or
- (c) if he retires or is retired or discharged after the thirtieth day of September, 1957, cease to contribute to the fund as from the date of his retirement or discharge."

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

Amendment of section 86 of Act 58 of 1955.

8. (1) Section *eighty-six* of the principal Act is hereby amended—

- (a) by the addition at the end of paragraph (g) of the word "or";
- (b) by the deletion at the end of paragraph (h) of the word "or";
- (c) by the deletion of paragraph (i); and
- (d) by the addition of the following sub-section at the end thereof, the existing section becoming sub-section (1):

"(2) Any member who prior to the fixed date ceased to be a contributor in accordance with the provisions of section *sixty-four* of the Pensions Act or who has ceased or ceases to contribute in accordance with an election made in terms of section *seventy bis* of that Act, shall not be allowed to contribute to the fund: Provided that if a member who prior to the fixed date ceased to be a contributor in accordance with the provisions of section *sixty-four* of the said Act, ceases to be a member after the said date and is thereafter re-employed by the Government before he has attained the age of sixty-five years, he may, with the approval of the Treasury but subject to the provisions of sub-section (1), be allowed to contribute to the fund as from the date on which he is so re-employed."

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

Certain periods may, subject to conditions, be included in pensionable service.

9. (1) Notwithstanding anything to the contrary in any other law contained, a person who is a contributor to a fund established under section *two* of the principal Act, may, with the approval of the Treasury granted in accordance with the recommendation of the Commission, and on such terms and conditions as may be specified in such approval, be permitted to include in his pensionable service so much of any one or more of the following periods as the Treasury on the recommendation of the Commission may determine, if application for such approval is made by the said person to the head of the department in which he is employed and any election by him in pursuance of such approval is made within sixty days from the date on which he is called upon by the Commissioner to elect, namely—

- (a) any period which intervenes between any two consecutive periods of his pensionable service and which in terms of any law is deemed to have been a period of special leave of absence without pay not counting as service;
- (b) in the case of a person who has elected in terms of sub-section (5) of section *four* of the Public Servants (Military Service) Act, 1944 (Act No. 27 of 1944), to have the period or periods of his military service included in his pensionable service, any period which falls between the date of his final discharge from military service and the date of his subsequent appointment under the Government or which falls between any two consecutive periods of his military service.

(2) The terms and conditions referred to in sub-section

(1) shall provide, *inter alia*—

- (a) for the payment by such person, in respect of any period included in his pensionable service in terms of that sub-section, of an amount determined by the Treasury after consultation with the Commission and an actuary;

- (b) for the conditions to be imposed in regard to the payment of any amount referred to in paragraph (a);
- (c) for the payment of interest by the said person on any amount due by him at the end of each month if he is unable to liquidate his liability in one payment.
- (3) For the purposes of this section the expressions "actuary", "Commission", "Commissioner", "pensionable service" and "Treasury" shall bear the meanings assigned thereto in section *one hundred and nine* of the principal Act.

Short title.

**10.** This Act shall be called the Pension Laws Amendment Act, 1957.