

No. 67, 1959.]

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 Old Age Pensions Act, 1928, the War Special Pensions Act, 1919, the War Pensions Act, 1942, the Pension Laws Amendment Act, 1943, the Pension Laws Amendment Act, 1951, the Pension Laws Amendment Act, 1955, the Government Service Pensions Act, 1955, the Universities Act, 1955, and to make further provision in connection with the retirement or pension benefits of certain teachers at Government Bantu Schools, to extend the power to perform certain functions assigned to the Treasury in certain laws, to officers in the Department of Social Welfare and Pensions, to assign certain powers, duties and functions to the head of the Department of Social Welfare and Pensions, to relieve certain persons of certain requirements prescribed by certain Acts, to provide for the making of regulations under paragraph (k) of section *eighty-six* of the Children's Act, 1937, with retrospective effect, to provide for the continuation, in certain circumstances, of the payment of the whole or part of any amount by which a pension or grant has been increased in terms of section *seventeen* of the Pension Laws Amendment Act, 1954, and to provide for other incidental matters.

(English text signed by the Governor-General.)
(Assented to 2nd July, 1959.)

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 1 of Act 22 of 1928, as amended by section 1 of Act 34 of 1931, section 1 of Act 34 of 1937, section 2 of Act 48 of 1944, section 4 of Act 35 of 1949, and section 1 of Act 41 of 1955.

1. Section *one* of the Old Age Pensions Act, 1928, is hereby amended by the substitution in paragraph (iv) of the proviso thereto for the word "Minister", wherever it occurs, of the word "commissioner".

Amendment of section 9 of Act 22 of 1928, as substituted by section 5 of Act 34 of 1931 and amended by section 2 of Act 47 of 1951.

2. Section *nine* of the Old Age Pensions Act, 1928, is hereby amended by the substitution in the proviso thereto for the word "Minister", wherever it occurs, of the word "commissioner".

Amendment of section 10 of Act 22 of 1928.

3. Section *ten* of the Old Age Pensions Act, 1928, is hereby amended by the substitution in sub-section (2) for the word "Minister", wherever it occurs, of the word "commissioner".

Amendment of section 17 of Act 22 of 1928.

4. Section *seventeen* of the Old Age Pensions Act, 1928, is hereby amended by the deletion of paragraph (a).

Amendment of section 12*bis* of Act 42 of 1919, as inserted by section 3 of Act 17 of 1947, and substituted by section 1 of Act 41 of 1948.

5. Section *twelve bis* of the War Special Pensions Act, 1919, is hereby amended by the substitution for the table of rates thereunder of the following table:

	<i>"One artificial limb, crutch or crutches, or other appliance."</i>	<i>More than one artificial limb, or one artificial limb with crutch or crutches or with other appliance.</i>
Europeans ..	£20 per annum	£30 per annum
Non-Europeans ..	£15 per annum	£22½ per annum".

Amendment of section 8 of Act 44 of 1942, as inserted by section 10 of Act 58 of 1946.

6. Section *eight* of the War Pensions Act, 1942, is hereby amended by the substitution in paragraph (b) of the proviso to sub-section (3) for the words "secondary school" of the words "primary or secondary school".

Amendment of section 13bis of Act 44 of 1942, as inserted by section 11 of Act 17 of 1947 and substituted by section 9 of Act 41 of 1948.

7. Section *thirteen bis* of the War Pensions Act, 1942, is hereby amended by the substitution for the table of rates thereunder of the following table:

		<i>One artificial limb, crutch or crutches, or other appliance.</i>	<i>More than one artificial limb, or one artificial limb with crutch or crutches or with other appliance.</i>
Europeans ..	£20 per annum		£30 per annum
Non-Europeans (other than Natives) ..	£15 per annum		£22½ per annum
Natives ..	£10 per annum		£15 per annum”.

Amendment of section 27 of Act 44 of 1942, as amended by section 27 of Act 58 of 1946.

8. Section *twenty-seven* of the War Pensions Act, 1942, is hereby amended—

- (a) by the substitution in sub-section (2) for the words “twice the service volunteer’s contributions to such fund” of the words “such proportion of the contributions paid by and in respect of the service volunteer to such pension or superannuation fund as the Treasury may determine”;
- (b) by the substitution in sub-section (4) for all the words after the words “any benefit payable to him” of the words “from a new fund in terms of sections *twenty-eight, thirty-seven* or *forty-eight* of the Government Service Pensions Act, 1955 (Act No. 58 of 1955), may, with the approval of the Treasury, be charged against the Consolidated Revenue Fund: Provided that if such benefit is so charged, an amount equal to twice such person’s contributions to the new fund of which he was a member, shall be paid out of the last-mentioned fund to the Consolidated Revenue Fund.”; and
- (c) by the addition at the end thereof of the following sub-section:

“(5) For the purposes of this section the expression ‘new fund’ shall bear the meaning assigned to it in section *one hundred and nine* of the Government Service Pensions Act, 1955.”.

Amendment of section 47 of Act 33 of 1943, as amended by section 13 of Act 41 of 1948 and section 2 of Act 62 of 1957.

9. Section *forty-seven* of the Pension Laws Amendment Act, 1943, is hereby amended—

- (a) by the substitution in sub-section (1) for the word “Finance” of the words “Social Welfare and Pensions”;
- (b) by the substitution in sub-section (2) for the words “a bonus” of the words “an allowance”; and by the insertion in the said sub-section after the words “the said Minister” of the words “in consultation with the Minister of Finance”;
- (c) by the substitution for sub-section (3) of the following sub-section:

“(3) Notwithstanding anything to the contrary contained in the preceding sub-sections of this section but subject to such conditions as the Minister of Social Welfare and Pensions in consultation with the Minister of Finance may from time to time determine, every such person may be paid a bonus not exceeding ten per cent. of such pension or one hundred pounds per annum whichever is the lesser amount.”; and
- (d) by the addition at the end thereof of the following sub-section:

“(5) The provisions of sub-section (3) shall be deemed to have come into operation on the first day of April, 1959, and may be applied with retrospective effect in respect of any person who was alive on that date and who on or after that date was in receipt of a pension referred to in sub-section (1).”.

Amendment of section 13 of Act 47 of 1951, as amended by section 4 of Act 41 of 1955.

10. Section *thirteen* of the Pension Laws Amendment Act, 1951, is hereby amended by the substitution in sub-section (1)—

- (a) for the expression “July, 1955” of the expression “April, 1959”; and
- (b) for the words “thirty-seven and one-half” wherever they occur of the word “forty-five”.

Amendment of section 6 of Act 41 of 1955, as amended by section 8 of Act 56 of 1956.

11. Section *six* of the Pension Laws Amendment Act, 1955, is hereby amended by the addition at the end thereof of the following sub-sections:

“(4) Any bonus payable in terms of sub-section (1) to any white person, coloured person or Indian shall be increased subject to such conditions and in accordance with such rates not exceeding—

(a) six pounds per annum in the case of a white person; and

(b) one pound ten shillings per annum in the case of a coloured person or an Indian,

as the Minister of Social Welfare and Pensions may determine from time to time in consultation with the Minister of Finance.

(5) The provisions of sub-section (4) shall be deemed to have come into operation on the first day of April, 1959, and may be applied with retrospective effect in respect of any person who was alive on that date and who on or after that date was in receipt of a pension under the Old Age Pensions Act, 1928 (Act No. 22 of 1928), or the Blind Persons Act, 1936 (Act No. 11 of 1936), or Part II of the War Pensions Act, 1941 (Act No. 45 of 1941), or a grant under the Disability Grants Act, 1946 (Act No. 36 of 1946), or to whom on or after that date a payment was being made in terms of sub-section (3) of section *fifteen* of the Pension Laws Amendment Act, 1948 (Act No. 41 of 1948).”.

Amendment of section 1 of Act 58 of 1955, as amended by section 9 of Act 56 of 1956.

12. Section *one* of the Government Service Pensions Act, 1955 (hereinafter referred to as the principal Act), is hereby amended by the substitution in sub-section (1) for the definition of “arrear contributions” of the following definition:

“‘arrear contributions’ means—

(a) any contributions payable by a contributor in respect of any period of employment referred to in sub-section (1) of section *eight* or in pursuance of an election made by him in terms of sub-section (2) of section *twenty-two* or section *forty-two*; or

(b) any amount payable by a contributor in respect of any period of past pensionable service referred to in section *twelve*, *thirteen* or *fifteen*.”.

Amendment of section 8 of Act 58 of 1955, as amended by section 10 of Act 56 of 1956 and section 5 of Act 62 of 1957.

13. (1) Section *eight* of the principal Act is hereby amended by the substitution for sub-section (1) of the following sub-section:

“(1) Subject to the provisions of sub-section (2) of this section, paragraph (a) of sub-section (2) of section *thirty-three* and paragraph (a) of sub-section (2) of section *forty-four*, any person who on the removal of a disability referred to in section *seven* becomes a member, shall contribute in respect of the period of his past continuous employment approved by the Commissioner: Provided that such person may within ninety days of the removal of such a disability or within such further period as the Commissioner may in special circumstances allow, elect in writing not so to contribute.”.

(2) Sub-section (1) of section *eight* of the principal Act as that sub-section existed prior to its replacement by sub-section (1) of this section shall continue to apply in respect of any person who prior to the commencement of this section and on removal of a disability referred to in section *seven* of that Act, became a member as defined in section *six* of the said Act.

Amendment of section 15 of Act 58 of 1955, as amended by section 13 of Act 56 of 1956.

14. Section *fifteen* of the principal Act is hereby amended by the addition at the end of sub-section (3) of the following proviso:

“Provided that in the case of a person in respect of whom sub-section (2) applies, the deficiency may be reduced by such portion of any amount paid to the New Railways and Harbours Superannuation Fund in terms of sub-section (1) of section *seventy-eight bis*, as the Commissioner may determine.”.

Amendment of section 21 of Act 58 of 1955.

15. Section *twenty-one* of the principal Act is hereby amended by the deletion in the definition of “new member” of the words “but does not include a person contributing provisionally in terms of section *twenty-three*”.

Repeal of section 23 of Act 58 of 1955.

16. Section *twenty-three* of the principal Act is hereby repealed.

Amendment of section 26 of Act 58 of 1955, as amended by section 17 of Act 56 of 1956.

17. Section *twenty-six* of the principal Act is hereby amended by the addition of the following sub-section at the end thereof:

“(7) Notwithstanding anything to the contrary contained in sub-section (1) or in any other law, the provisions of sub-sections (2) and (3) shall *mutatis mutandis* apply in respect of the following persons as if such persons were contributors to the old fund immediately prior to the commencement of this Act, namely—

- (a) any person who immediately prior to such commencement was a teacher to whom sub-section (5) of section *ten* of the Bantu Education Act, 1953 (Act No. 47 of 1953), applied and who elected or elects in terms of sub-regulation (2) of regulation 56 of the regulations made under the said Bantu Education Act, 1953, and published in Government Notice No. 2583 of the 30th December, 1955, or in terms of sub-section (1) of section *fifty-two* of the Pension Laws Amendment Act, 1959, to become a member of the fund;
- (b) any person—
 - (i) who in terms of sub-regulation (3) of regulation 3 of the said regulations is deemed to have been appointed under such regulations;
 - (ii) who immediately prior to the commencement of this Act was a contributor to a pension fund established by a provincial ordinance for the benefit of teachers; and
 - (iii) who prior to the commencement of the Pension Laws Amendment Act, 1959, was admitted to membership of the fund in pursuance of the provisions of sub-regulation (1) of regulation 56 of the said regulations;
- (c) any person—
 - (i) to whom sub-section (2) of section *fifty-two* of the Pension Laws Amendment Act, 1959, applies;
 - (ii) who elects in terms of the proviso to that sub-section to become a member of the fund; and
 - (iii) who immediately prior to the commencement of this Act, was a contributor to a pension fund established by a provincial ordinance for the benefit of teachers.”.

Amendment of section 29 of Act 58 of 1955, as amended by section 20 of Act 56 of 1956.

18. Section *twenty-nine* of the principal Act is hereby amended by the substitution for sub-section (2) of the following sub-section:

- “(2) (a) If a new member referred to in paragraph (c) of sub-section (1) of section *twenty-two* was appointed to a post in the public service on probation and becomes entitled to a benefit under this section or dies without leaving a dependant, before his appointment is confirmed or before being permanently appointed, any amount paid to the fund from revenue in respect of such member shall be repaid to revenue.
- (b) The provisions of paragraph (a) shall not apply in respect of the said member if he was transferred from pensionable employment under any government referred to in section *sixty-four* or under any administration or from such employment in respect of which he was a contributor to another fund administered by the Treasury, or if immediately prior to his appointment to a post in the public service he had had not less than one year's pensionable service as a non-contributor to a new fund within the meaning of sub-section (12) of section *sixty-nine* and elected in terms of sub-section (3) of the said section *sixty-nine* to be subject to the provisions of this Chapter.”.

Amendment of section 31 of Act 58 of 1955.

19. Section *thirty-one* of the principal Act is hereby amended by the deletion in the definition of “member” of the words “but does not include a person contributing provisionally in terms of section *thirty-four*”.

Amendment of section 33 of Act 58 of 1955.

20. Section *thirty-three* of the principal Act is hereby amended by the substitution in paragraph (a) of sub-section (2) for the words “elects to contribute in respect of such employment” of the words “contributes in respect of such employment”.

Repeal of section 34 of Act 58 of 1955.

21. Section *thirty-four* of the principal Act is hereby repealed.

Amendment of section 38 of Act 58 of 1955.

22. Section *thirty-eight* of the principal Act is hereby amended by the substitution for sub-section (2) of the following sub-section:

- “(2) (a) If a member to whom sub-section (1) of section *thirty-three* refers, becomes entitled to a benefit under this section or dies without leaving a dependant, before—
- (i) in the case of a member who was appointed to commissioned rank, his probationary service with the permanent force has terminated;
 - (ii) in the case of a member who was not appointed to commissioned rank, he has completed three years' employment in the said force; or
 - (iii) in the case of a member who was not appointed to commissioned rank but who during the first three years of his employment in the said force was appointed to such rank, his probationary service with that force has terminated,
- any amount paid to the fund from revenue in respect of such member shall be repaid to revenue.
- (b) The provisions of paragraph (a) shall not apply in respect of the said member—
- (i) if he was transferred from pensionable employment under any government referred to in section *sixty-four*, or under any administration or from such employment in respect of which he was a contributor to another fund (other than the Government Employees' Provident Fund referred to in section *eighty-four*) administered by the Treasury; or
 - (ii) if he was appointed to commissioned rank and immediately prior to such appointment was a member of the said Provident Fund.
- (c) If the said member (other than a member referred to in sub-paragraph (ii) of paragraph (b)) was immediately prior to his appointment a member of the said Provident Fund, his continuous service prior to such appointment shall, for the purposes of sub-paragraph (ii) or (iii) of paragraph (a), be deemed to be employment in the said permanent force.”.

Amendment of section 40 of Act 58 of 1955, as amended by section 21 of Act 56 of 1956.

23. Section *forty* of the principal Act is hereby amended by the deletion in the definition of “member” of the words “but does not include a person contributing provisionally in terms of section *forty-five*”.

Amendment of section 44 of Act 58 of 1955.

24. Section *forty-four* of the principal Act is hereby amended by the substitution in paragraph (a) of sub-section (2) for the words “elects to contribute in respect of such employment” of the words “contributes in respect of such employment”.

Repeal of section 45 of Act 58 of 1955, as amended by section 22 of Act 56 of 1956.

25. Section *forty-five* of the principal Act is hereby repealed.

Amendment of section 49 of Act 58 of 1955, as amended by section 25 of Act 56 of 1956.

26. Section *forty-nine* of the principal Act is hereby amended by the substitution for sub-section (2) of the following sub-section:

- “(2) (a) If a member to whom sub-section (1) of section *forty-four* refers becomes entitled to a benefit under this section or dies without leaving a dependant, before he has completed three years' employment in the police force or prisons service, any amount paid from revenue in respect of such member shall be repaid to revenue.
- (b) The provisions of paragraph (a) shall not apply in respect of the said member if he was transferred from pensionable employment under any government referred to in section *sixty-four* or under any administration or from such employment in respect of which he was a contributor to another fund (other than the Government Employees' Provident Fund referred to in section *eighty-four*) administered by the Treasury.
- (c) If a member in respect of whom paragraph (a) applies was immediately prior to his appointment to a post in the police force or prisons service a member of the said Provident Fund, his continuous service prior

to such appointment shall for the purposes of the said paragraph be deemed to be employment in the said force or service.”.

Amendment of section 53 of Act 58 of 1955.

27. Section *fifty-three* of the principal Act is hereby amended by the substitution for sub-section (1) of the following sub-section:

“(1) The Treasury shall cause full and true accounts of each new fund to be kept showing particulars in connection with any matter of which it is necessary to keep an account for the purposes of this Act or in order that an actuarial valuation of such fund may be made at any time.”.

Amendment of section 54 of Act 58 of 1955.

28. Section *fifty-four* of the principal Act is hereby amended—
(a) by the substitution for sub-section (1) of the following sub-section:

“(1) An actuary shall separately value the assets and liabilities of each new fund as at the thirty-first day of March, 1963, and every five years thereafter, and shall declare any surplus or deficiency which his investigation discloses and shall report thereon to the Minister.”;

(b) by the deletion in sub-section (2) of the words “of Finance”;

(c) by the substitution in sub-section (3) for the words “of Finance” of the words “in consultation with the Minister of Finance and”; and

(d) by the deletion in sub-section (4) of the words “of Finance”.

Insertion of section *54bis* in Act 58 of 1955.

29. The following section is hereby inserted in the principal Act after section *fifty-four*:

“Financial year for purposes of sections 53 and 54. *54bis*. For the purposes of sections *fifty-three* and *fifty-four* any amount due to a member of a new fund (other than a member to whom an annuity is payable) shall be deemed to have become a liability of the relevant new fund within the financial year in which payment of the said amount is made.”.

Amendment of section 57 of Act 58 of 1955.

30. (1) Section *fifty-seven* of the principal Act is hereby amended by the substitution for sub-section (2) of the following sub-section:

“(2) There shall be paid from revenue to the account such amounts as the Minister in consultation with the Minister of Finance may from time to time determine.”.

(2) Any amount which, on the date of commencement of this section, is due to the Additional Benefits Account in terms of sub-section (2) of section *fifty-seven* of the principal Act as that sub-section existed prior to its replacement by sub-section (1) of this section, but which is unpaid on that date, shall cease to be payable.

Amendment of section 58 of Act 58 of 1955, as amended by section 27 of Act 56 of 1956.

31. Section *fifty-eight* of the principal Act is hereby amended by the insertion in sub-section (1) after the words “*forty-eight*” where they appear for the first time, of the words “or *sixty-five*”.

Repeal of section 60 of Act 58 of 1955.

32. Section *sixty* of the principal Act is hereby repealed.

Amendment of section 65 of Act 58 of 1955.

33. Section *sixty-five* of the principal Act is hereby amended—

(a) by the insertion in sub-section (1) after the words “under this Act” of the words “other than Chapter II”; and

(b) by the deletion in paragraph (iii) of the proviso to that sub-section of the words “(other than provisional contributions under section *twenty-three*, *thirty-four* or *forty-five*)”.

Amendment of section 66 of Act 58 of 1955.

34. Section *sixty-six* of the principal Act is hereby amended by the deletion in sub-section (1) of the words “(other than provisional contributions under section *twenty-three*, *thirty-four* or *forty-five*)”.

Amendment of section 69 of Act 58 of 1955.

35. Section *sixty-nine* of the principal Act is hereby amended by the substitution for paragraph (b) of sub-section (7) of the following paragraph:

“(b) in terms of sub-section (1) of section *eight* of this Act, he contributes to the Union pension fund in respect of the approved period of his continuous employment prior to the date on which he became subject to the provisions of Part C of Chapter I.”

Amendment of section 70 of Act 58 of 1955.

36. Section *seventy* of the principal Act is hereby amended—

(a) by the insertion after the definition of “additional contributions” of the following definition:

“‘approved fund’ means a pension fund which has been established by or under an ordinance of any province or the territory, which is administered by a provincial administration or the administration of the territory and which the Minister, in consultation with the Minister of Finance, may approve for the purpose of the fund;” and

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

“‘the tables’ means the tables and rules referred to in sub-section (1) of section *seventy-six*.”

Amendment of section 72 of Act 58 of 1955.

37. Section *seventy-two* of the principal Act is hereby amended—

(a) by the substitution for sub-section (3) of the following sub-section:

“(3) A male contributor to a new fund or an approved fund whose pensionable emoluments are less than one hundred and twenty pounds per annum shall not become a member of the fund until such time as he is in receipt of pensionable emoluments of not less than one hundred and twenty pounds per annum.”; and

(b) by the insertion after sub-section (3) of the following sub-section:

“(3)*bis* A male person who, by reason of the fact that he was contributing provisionally to a new fund, was not permitted in terms of the provisions of sub-section (3) as that sub-section existed prior to its replacement by section *thirty-seven* of the Pension Laws Amendment Act, 1959, to become a member of the fund, shall as from the commencement of the said section *thirty-seven* become such a member.”

Insertion of section 72*bis* in Act 58 of 1955.

38. The following section is hereby inserted in the principal Act after section *seventy-two*:

72*bis*. (1) Male contributors to an approved fund may be permitted to become members of the fund subject to such conditions as may be prescribed.

(2) A provincial council and the legislative assembly of the territory shall be competent to make ordinances requiring male contributors to an approved fund to become members of the fund subject to the prescribed conditions referred to in sub-section (1).”

Amendment of section 73 of Act 58 of 1955, as amended by section 7 of Act 62 of 1957.

39. Section *seventy-three* of the principal Act is hereby amended—

(a) by the insertion after the words “under this Act” wherever they occur of the words “or any ordinance governing his pension rights”; and

(b) by the insertion in sub-section (3) after the words “public service” of the words “or while he is a contributor to an approved fund”.

Amendment of section 76 of Act 58 of 1955.

40. Section *seventy-six* of the principal Act is hereby amended by the substitution in sub-section (1) for all the words after the words “in accordance with” of the words “such tables and rules as the Minister in consultation with the Minister of Finance may approve on the advice of an actuary”.

Amendment of section 78 of Act 58 of 1955.

41. Section *seventy-eight* of the principal Act is hereby amended—

(a) by the insertion after the word “section” where it occurs for the first time, of the words “*seventy-eight bis* and”; and

(b) by the substitution for paragraphs (a), (b), (c) and (d), of the following paragraphs:

“(a) he retires or is retired or discharged, otherwise than on an annuity, from employment in respect of which he is liable to contribute to the fund;

- (b) he is transferred or is appointed directly without a break in his service to employment in respect of which he is not liable to contribute to the fund; or
- (c) he terminates his membership in terms of sub-section (4) of section *seventy-two*."

Insertion of section 78bis in Act 58 of 1955.

42. The following section is hereby inserted in the principal Act after section *seventy-eight*:

"Members becoming members of pension funds other than approved funds.

78bis. (1) If a member is transferred to employment under the railway administration and as from the date of such transfer becomes a member of the New Railways and Harbours Superannuation Fund referred to in section *three* of the Railways and Harbours Superannuation Fund Act, 1925 (Act No. 24 of 1925), and if the period in respect of which the member has contributed to the fund, or any part of such period, is recognized as pensionable service for the purpose of that superannuation fund, such an amount as may be prescribed may, subject to the provisions of sub-section (3) and in accordance with such terms and conditions as may be prescribed, be paid from the fund to the member or to the said superannuation fund or partly to the member and partly to that superannuation fund.

(2) If a member is transferred or appointed directly without a break in his service to employment in respect of which he becomes subject to a pension law administered by a provincial administration or the administration of the territory or a department of education (whether in the Union or the territory) or any pension law (other than this Act) administered by the Treasury and as from the date of such transfer or appointment becomes a contributor to a pension fund which is not an approved fund, and if such a law makes provision for the payment from such a pension fund of annuities to the widows of the members thereof and if the period in respect of which the member has contributed to the fund, or any part of such period, is recognized as pensionable service for the purpose of such a pension fund, such an amount as may be prescribed may, subject to the provisions of sub-section (3) and in accordance with such terms and conditions as may be prescribed, be paid from the fund to the member or to such a pension fund or partly to the member and partly to such a pension fund.

(3) The Commissioner shall determine whether any payment is to be made from the fund in terms of sub-section (1) or (2) and if the Commissioner determines that payment is not so to be made, the member shall be entitled to the surrender value of both the contributions paid by and in respect of him and any additional contributions, calculated according to the tables."

Amendment of section 79 of Act 58 of 1955.

43. Section *seventy-nine* of the principal Act is hereby amended—

- (a) by the deletion of the words "from the public service"; and
- (b) by the addition at the end thereof of the following proviso:

"Provided that in the case of a member who is a member of a new fund and in respect of whom paragraph (a) of sub-section (2) of section *twenty-nine*, paragraph (a) of sub-section (2) of section *thirty-eight* or paragraph (a) of sub-section (2) of section *forty-nine* applies, an amount equal to such surrender value shall be paid from the fund to revenue."

Amendment of section 81 of Act 58 of 1955.

44. Section *eighty-one* of the principal Act is hereby amended—

- (a) by the deletion in sub-sections (1), (2) and (4) of the words "of Finance"; and
- (b) by the substitution in sub-section (3) for the words "of Finance" of the words "in consultation with the Minister of Finance".

- Amendment of section 93 of Act 58 of 1955.
45. Section *ninety-three* of the principal Act is hereby amended—
- (a) by the deletion in paragraph (a) of sub-section (1) of the words “a new fund or”;
 - (b) by the insertion after sub-section (1) of the following sub-section:
“(1)*bis* If a member without a break in his service becomes liable to contribute and contributes to a new fund, there shall be paid out of the fund—
 - (a) to the relevant new fund, as an instalment referred to in sub-section (2) of section *ten*, an amount equal to the member’s contributions to the fund; and
 - (b) to revenue an amount equal to the difference between the full benefit and the amount payable in terms of paragraph (a).”; and - (c) by the insertion after sub-section (2) of the following sub-section:
“(2)*bis* If a member fails to make an election in terms of sub-section (2), he shall be deemed to have elected the benefits under paragraph (a) of that sub-section.”.
- Amendment of section 98 of Act 58 of 1955.
46. Section *ninety-eight* of the principal Act is hereby amended—
- (a) by the deletion in sub-sections (1), (2) and (4) of the words “of Finance”; and
 - (b) by the substitution in sub-section (3) for the words “of Finance” of the words “in consultation with the Minister of Finance and”.
- Amendment of section 101 of Act 58 of 1955.
47. Section *one hundred and one* of the principal Act is hereby amended by the deletion in sub-section (2) of the words “of Finance” wherever they occur.
- Amendment of section 102 of Act 58 of 1955.
48. Section *one hundred and two* of the principal Act is hereby amended by the deletion of the words “of Finance”.
- Amendment of section 109 of Act 58 of 1955.
49. Section *one hundred and nine* of the principal Act is hereby amended—
- (a) by the insertion after the definition of “Government” of the following definition:
“‘Minister’ means the Minister of State to whom the Governor-General has assigned the administration of this Act;”; and
 - (b) by the substitution for the definition of “Treasury” of the following definition:
“‘Treasury’ means—
 - (a) the Minister; or
 - (b) any officer in the Department of Social Welfare and Pensions whom the Minister has authorized to perform any of the functions assigned to the Treasury in this Act; or
 - (c) any officer in the Department of Finance whom the Minister, in consultation with the Minister of Finance, has authorized to perform any of the said functions.”.
- Amendment of section 111 of Act 58 of 1955.
50. Section *one hundred and eleven* of the principal Act is hereby amended by the substitution for the expression “(3)” of the expression “(1)”.
- Amendment of section 19 of Act 61 of 1955.
51. Section *nineteen* of the Universities Act, 1955, is hereby amended by the substitution for the words “Finance may, in consultation with the Minister” of the words “Social Welfare and Pensions may, in consultation with the Minister and the Minister of Finance”.
- Further provisions relating to retirement or pension benefits of certain teachers at Government Bantu Schools.
52. (1) Notwithstanding anything to the contrary contained in sub-regulation (2) of regulation 56 of the regulations made under the Bantu Education Act, 1953 (Act No. 47 of 1953), and published in Government Notice No. 2583 of the 30th December, 1955, or in any other law, any teacher to whom the said sub-regulation refers and who, after having been called upon to do so, did not make an election in terms of that sub-regulation, may elect in writing within ninety days after the date upon which he is called upon by the Commissioner to do so, to relinquish all rights accruing to him and to be freed from all obligations imposed upon him in terms of sub-section (5) of section *ten* of the said Act, and to become a member of the

Union pension fund as from the first day of the month immediately following the month in which his election is made, and if he so elects the provisions of sub-sections (2) and (3) of section *thirteen* of the Government Service Pensions Act, 1955 (Act No. 58 of 1955), shall *mutatis mutandis* apply to and in respect of him as if he were a person who had become liable in terms of sub-section (1) of the said section *thirteen* to contribute to such fund as from the said day.

(2) Notwithstanding anything to the contrary contained in sub-regulation (1) of regulation 56 of the said regulations, any person—

- (a) to whom the said sub-regulation (1) refers;
- (b) who in terms of sub-regulation (3) of regulation 3 of such regulations is deemed to have been appointed under those regulations;
- (c) who immediately prior to such appointment was a contributor to a pension fund established under a provincial ordinance for the benefit of teachers; and
- (d) who at the commencement of this Act is not contributing to the Union pension fund,

shall retain the retirement or pension benefits applicable to him immediately prior to such appointment: Provided that any such person may elect in writing within ninety days after the date upon which he is called upon by the Commissioner to do so, to relinquish all rights and to be freed from all obligations attaching to the said benefits, and to become a member of the Union pension fund as from the first day of the month immediately following the month in which his election is made, and if he so elects the provisions of sub-sections (2) and (3) of section *thirteen* of the Government Service Pensions Act, 1955, shall *mutatis mutandis* apply to and in respect of him as if he were a person who had become liable in terms of sub-section (1) of the said section *thirteen* to contribute to such fund as from the said day.

(3) For the purposes of this section the expressions "Commissioner" and "Union pension fund" shall bear the meanings assigned to them in section *one hundred and nine* of the Government Service Pensions Act, 1955.

Reference to officer in Department of Pensions in certain laws to be deemed to be reference to officer in Department of Social Welfare and Pensions.

53. Any reference in any law relating to pensions to an officer in the Department of Pensions shall be deemed to be a reference to an officer in the Department of Social Welfare and Pensions.

Assignment of certain powers, duties and functions to head of Department of Social Welfare and Pensions.

54. Wherever any provision in any law confers a power or imposes a duty or entrusts a function to the Commissioner of Pensions or to the Secretary for Social Welfare, that power may be exercised and that duty shall and that function may be performed by the person who, in terms of the Public Service Act, 1957 (Act No. 54 of 1957), is for the time being the head of the Department of Social Welfare and Pensions or by any person lawfully acting in the stead of the head of that Department.

Certain persons deemed to satisfy requirements of certain provisions of certain laws.

55. (1) Any white person who satisfies the commissioner that he has been repatriated to the Union from Angola and that he is the descendant of a person born in any part of South Africa now included in the Union shall be deemed to satisfy the requirements of paragraph (d) of section *one* of the Old Age Pensions Act, 1928 (Act No. 22 of 1928), paragraph (d) of section *four* of the Blind Persons Act, 1936 (Act No. 11 of 1936), paragraph (c) of sub-section (1) of section *thirty* of the War Pensions Act, 1941 (Act No. 45 of 1941), or paragraph (d) of section *three* of the Disability Grants Act, 1946 (Act No. 36 of 1946), as the case may be.

(2) For the purposes of this section, the expression "commissioner" shall bear the meaning assigned to it in section *twenty* of the Old Age Pensions Act, 1928.

(3) The provisions of this section shall be deemed to have come into operation on the first day of October, 1958, and shall cease to be in operation on a date to be fixed by the Governor-General by proclamation in the *Gazette*.

Regulations made under paragraph (k) of section 86 of

56. Any regulation which is made after the commencement of this Act under paragraph (k) of section *eighty-six* of the Children's Act, 1937 (Act No. 31 of 1937), and which amends

Act 31 of 1937 may be made with retrospective effect.

Continuation of payment, in whole or in part, of amount payable under section 17 of Act 52 of 1954.

or replaces any regulation in force at such commencement, may be made with retrospective effect from a date not earlier than the first day of April, 1959.

57. (1) If—

- (a) a pension granted to any person under the Old Age Pensions Act, 1928 (Act No. 22 of 1928), is discontinued under the provisions of section *eight* of that Act; or
- (b) a pension granted to any person under the Blind Persons Act, 1936 (Act No. 11 of 1936), is discontinued under the provisions of section *eight* of the Old Age Pensions Act, 1928 (as applied by section *six* of the said Blind Persons Act, 1936); or
- (c) a veteran's pension granted to any person under Part II of the War Pensions Act, 1941 (Act No. 45 of 1941), is discontinued under the provisions of section *eight* of the Old Age Pensions Act, 1928 (as applied by section *thirty-one* of the said War Pensions Act, 1941); or
- (d) a grant made to any person under the Disability Grants Act, 1946 (Act No. 36 of 1946), is discontinued under the provisions of section *eleven* of that Act,

by reason of the fact that the annuity which such person receives as an annuitant or widow annuitant, has been increased with effect from the first day of April, 1959 in terms of section *forty-five* of the Railways and Harbours Acts Amendment Act, 1959, payment of the whole or part of the amount by which such pension or grant was increased in terms of sub-section (1) of section *seventeen* of the Pension Laws Amendment Act, 1954 (Act No. 52 of 1954), may nevertheless be continued at such rate and subject to such conditions as the commissioner may from time to time determine.

(2) The provisions of this section shall apply only in respect of a person who on the first day of April, 1959—

- (a) was an annuitant or widow annuitant; and
- (b) was in receipt of a pension or grant awarded to him under one or other of the Acts referred to in paragraph (a), (b), (c) or (d) of sub-section (1).

(3) For the purposes of this section the expression "commissioner" shall bear the meaning assigned to it in section *twenty* of the Old Age Pensions Act, 1928, and the expressions "annuitant" and "widow annuitant" shall bear the meanings assigned to them in section *one* of the Railways and Harbours Acts Amendment Act, 1959.

Commencement of certain provisions.

58. (1) Sections *five*, *six*, *seven* and *ten* shall be deemed to have come into operation on the first day of April, 1959.

(2) Paragraph (a) of section *eight* shall be deemed to have come into operation on the twenty-sixth day of July, 1951.

(3) Paragraphs (b) and (c) of section *eight*, section *thirty-one*, paragraph (a) of section *thirty-three* and section *fifty* shall be deemed to have come into operation on the twenty-fourth day of June, 1955.

(4) Sections *fifty-three* and *fifty-four* shall be deemed to have come into operation on the twenty-third day of October, 1958.

(5) The provisions of sections *twelve* to *sixteen*, inclusive, sections *eighteen* to *twenty-six*, inclusive, paragraph (b) of section *thirty-three*, sections *thirty-four*, *thirty-five*, *thirty-seven*, *thirty-eight*, *thirty-nine*, *forty-one*, *forty-two* and *forty-three* shall come into operation on such dates as may be fixed by the Governor-General by proclamation in the *Gazette* and different dates may be so fixed in respect of different provisions.

(6) Section *thirty* shall come into operation on the first day of August, 1959.

Short title.

59. This Act shall be called the Pension Laws Amendment Act, 1959.