

No. 84, 1964.]

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ACT

To amend the War Pensions Act, 1942, the Parliamentary Service and Administrators' Pensions Act, 1951, the Government Service Pensions Act, 1955, the Pension Laws Amendment Act, 1956, the War Special Pensions Act, 1962, the Old Age Pensions Act, 1962, the Blind Persons Act, 1962, the War Veterans' Pensions Act, 1962, the Disability Grants Act, 1962, the Associated Institutions Pension Fund Act, 1963, and the Parliamentary Service Pensions Amendment Act, 1963; to prescribe the date on which any person shall be deemed to attain the prescribed age for retirement in certain circumstances; and to provide for other incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 24th June, 1964.)

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

1. The following section is hereby substituted for section *fifteen* of the War Pensions Act, 1942:

"Substitution of benefits payable under this Act for benefits payable under certain other laws.

15. If at the time of his enlistment for military service a volunteer was in receipt of a pension or a pension and allowances under the provisions or on the basis of the War Special Pensions Act, 1919 (Act No. 42 of 1919), or under the provisions of section *one hundred and eighteen* of the South Africa Defence Act, 1912 (Act No. 13 of 1912), or if at any time after his enlistment for military service a volunteer becomes entitled to a pension in respect of disablement under any of the said provisions or on the said basis or under or on the basis of any law which repeals and re-enacts such provisions, whether with or without modification, and—

Substitution of section 15 of Act 44 of 1942, as substituted by section 12 of Act 17 of 1947.

(a) the disability in respect of which such pension was or is awarded has been aggravated by military service in the war; or

(b) such volunteer is found, after the termination of his military service, to be suffering from an additional pensionable disability,

then the benefits payable under this Act shall be in lieu of those payable prior to the volunteer's enlistment or under or on the basis of such other law, as the case may be, and shall be based on the total degree of his pensionable disablement, as if all such disabilities were caused or aggravated by military service in the war: Provided that—

(i) the benefits payable under this Act shall in no case be less than those payable to the volunteer prior to his enlistment or under or on the basis of such other law, as the case may be;

(ii) in calculating such pensionable disablement the degree of the pre-enlistment pensionable disablement of a volunteer as previously assessed in terms of the relevant law shall be accepted as correct in all cases falling to be considered under paragraph (b)."

2. The following section is hereby inserted in the War Pensions Act, 1942, after section *forty-seven*:

Insertion of section 47bis in Act 44 of 1942.

"Grant of bonus to persons in receipt of supplementary pensions.

47bis. Any person who is in receipt of a supplementary pension under the provisions of section *nine*, sub-section (3) of section *twelve* or section *eighteen* may, with effect from the first day of April, 1964, be paid a bonus not exceeding—

(a) in the case of a European volunteer or the widow of a European volunteer, forty-five per cent of such pension;

- (b) in the case of a non-European volunteer (other than a Bantu volunteer) or the widow of such a non-European volunteer, twenty-two and one-half per cent of such pension;
- (c) in the case of a Bantu volunteer or the widow of a Bantu volunteer, eleven and one-quarter per cent of such pension."

3. Section *forty-eight* of the War Pensions Act, 1942, is hereby amended—

- (a) by the substitution for sub-section (2) of the following sub-section: Amendment of section 48 of Act 44 of 1942, as substituted by section 41 of Act 58 of 1946 and amended by section 15 of Act 17 of 1947.

"(2) (a) If any person suffered disablement or death, as the result of enemy action during the war, while a Union national and while serving as a master or a member of the crew of a merchant ship registered in a port of or chartered by any government which was an ally of the Government of the Union during the war, and a pension or allowance has been awarded by such allied government in respect of such disablement or death, which is less than the pension or allowance that would have been payable in terms of this Act if such person had been a volunteer, then, if the said person was normally resident in the Union at the date of commencement of the war, the pension or allowance so awarded shall be supplemented so as to make good the deficiency.

- (b) If a person referred to in paragraph (a) would, had he been a volunteer, have been entitled to a supplementary pension in terms of section *nine*, sub-section (3) of section *twelve* or section *eighteen*, and if the amount of the supplementary pension to which he would in that event have been so entitled has been taken into account for the purpose of determining the amount by which the pension or allowance awarded by the allied government concerned is to be supplemented in terms of paragraph (a), then a bonus determined *mutatis mutandis* in accordance with the provisions of section *forty-seven bis* may, with effect from the first day of April, 1964, be paid in respect of the full amount of the supplementary pension to which he would have been so entitled.

- (c) No benefit shall at any time be payable under this sub-section to or in respect of any person who is not normally resident in the Union.";

- (b) by the substitution for sub-section (4) of the following sub-section:

"(4) Notwithstanding anything contained in section *forty-seven*, the date of effectiveness of any benefit awarded under this section (other than a bonus payable in terms of paragraph (b) of sub-section (2)) shall be such date as the board may decide: Provided that such date shall in no case be earlier than the date of the death or disablement of the master or member of the crew concerned as determined by the board or, for the purposes of sub-section (2), than the first day of April, 1946."

4. The following section is hereby substituted for section *forty-nine* of the War Pensions Act, 1942: Substitution of section 49 of Act 44 of 1942, as substituted by section 42 of Act 58 of 1946.

"South Africans who served with allied forces.

49. (1) If any person while a Union national suffered disablement or death as a result of service with the military, naval or air forces of any government allied to the Government of the Union in the war, and a pension or allowance has been awarded by such allied government in respect of such disablement or death, which is less than the pension or allowance that would have been payable in terms of this Act if such person had been a volunteer, then, if such person was normally resident in the Union at the date of commencement of the war, the pension or allowance so awarded shall be supplemented so as to make good the deficiency.

(2) If a person referred to in sub-section (1) would, had he been a volunteer, have been entitled to a supplementary pension in terms of section *nine*, sub-section (3) of section *twelve* or section *eighteen*, and if the amount of the supplementary pension to which he would have been so entitled has been taken into account for the purpose of determining the amount by which the pension or allowance awarded by the allied government concerned is to be supplemented in terms of sub-section (1), then a bonus determined *mutatis mutandis* in accordance with the provisions of section *forty-seven bis* may, with effect from the first day of April, 1964, be paid in respect of the full amount of the supplementary pension to which he would have been so entitled.

(3) No benefit shall at any time be payable under this section to or in respect of any person who is not normally resident in the Union.

(4) Notwithstanding anything contained in section *forty-seven*, the date of effectiveness of any benefit awarded under this section (other than a bonus payable in terms of sub-section (2)) shall be such date as the board may determine: Provided that such date shall in no case be earlier than the first day of April, 1946."

5. The Fourth Schedule to the War Pensions Act, 1942, is hereby amended by the substitution for the figures "200", "100" and "50" in the first, second and third columns thereof, of the figures "240", "120" and "60" respectively.

Amendment of Fourth Schedule to Act 44 of 1942, as substituted by section 2 of Act 92 of 1962. ✓

6. The following section is hereby substituted for section *twelve* of the Parliamentary Service and Administrators' Pensions Act, 1951:

Substitution of section 12 of Act 70 of 1951, as amended by section 10 of Act 68 of 1956, section 2 of Act 66 of 1957, section 8 of Act 46 of 1958 and section 6 of Act 48 of 1960. ✓

"Pensions and other benefits to widows.

12. (1) There shall be payable to the widow of a member (other than a member to whom section *ten* applies) who dies while he is still a member, and who at the date of his death has or is deemed to have had not less than ten years pensionable service, a pension equal to two-thirds of the pension to which such member would, if he had not died, have been entitled under section *six* had he ceased to be a member at the date of his death.

(2) If any person (other than a person to whom section *ten* applies), who is entitled to or in receipt of a pension under section *six*, dies after he has ceased to be a member there shall, if he has not made an election in terms of section *seven*, be paid to his widow a pension equal to two-thirds of such pension.

(3) If a member to whom section *eleven* applies, dies while he is still a member, there shall be paid to his widow a pension equal to two-thirds of the pension to which he would, if he had not died, have been entitled under that section had he ceased to be a member on the day of his death.

(4) If any person who is entitled to a pension under section *eleven* dies after he has ceased to be a member, there shall be paid to his widow a pension equal to two-thirds of such pension.

(5) Whenever a pension becomes payable to the widow of a member in terms of sub-section (1), (2), (3) or (4)—

(a) the unpaid balance of any amount due by such member under any provision of this Act; and

(b) in the case of a member referred to in sub-section (2) of section *six*, any contributions for which that member would under sub-section (3) of that section have been liable if he had not died but had ceased to be a member at the date of his death,

shall be set off against the pension payable to her.

(6) There shall be payable to the widow of any member to whom section *ten* applies, a pension equal to two-thirds of the pension which was paid to him prior to his death or which would have been payable to him had he become entitled to a pension on the date of his death.

(7) If a member (other than a member to whom sub-section (2) of section *six* or section *ten* applies) has had less than ten years pensionable service and dies while he is still a member, there shall be paid to his widow an amount equal to the aggregate of the amounts which have been paid by him or which have been deducted from his allowance or salary under this Act, and any amounts which are still due in terms of any provision of this Act but which are unpaid at the date of his death shall cease to be payable.

(8) Any pension under this section shall be payable with effect from the day following the day of the death of the member or person concerned, irrespective of his age at the date of his death.

(9) For the purpose of this section, "widow" shall not include the widow of a person who at any time was a member, to whom she was married after he ceased to be a member."

7. The following section is hereby substituted for section *thirteen* of the Government Service Pensions Act, 1955 (hereinafter referred to as the principal Act):

"Persons transferred from provincial and other services.

13. (1) Any person who is subject to a pension law administered by a provincial administration or the administration of the territory or a department of education (whether in the Republic or in the territory) or any pension law (other than this Act) administered by the Treasury, and who—

- (a) is transferred to employment in respect of which he is liable to contribute to a new fund; or
- (b) is appointed directly without a break in his service to such employment; or
- (c) is appointed to such employment after such a break in his service as the Commissioner deems necessary and reasonable in the circumstances; or
- (d) without a break in his service becomes liable to contribute to a new fund,

shall, subject, in the case of a person appointed to the police force or prisons service, to the provisions of sub-section (2) of section *forty-four*, contribute to the appropriate new fund as from the date of such transfer or appointment or the date on which he so becomes liable.

(2) Any person who is so transferred or appointed or who so becomes liable may, subject, in the case of any person referred to in paragraph (c) of sub-section (1), to the provisions of any other applicable law, elect in writing within thirty days from the date upon which he is called upon by the Commissioner to do so, to reckon his past pensionable service, on such conditions as the Treasury may determine, as pensionable service under this Act, and if he elects so to reckon his past pensionable service, there shall be paid to the new fund to which he has become a contributor, by the administration or department concerned or the Treasury, as the case may be, from the appropriate fund or from its revenue or from such fund and from such revenue, and by such person, in such proportions as the Treasury may determine—

- (a) an amount equal to twice the contributions which would have been payable by such person to the said new fund during the period of his past pensionable service if during that period he had been a member of such fund and had contributed in accordance with the appropriate scale of contributions in force at the date of such transfer or appointment or at the date on which he so becomes liable; and
- (b) in respect of each completed year of the whole period of such person's past pensionable service, an amount equal to two and one-half per cent of the amount payable in terms of paragraph (a), and in respect of any remaining

Substitution of section 13 of Act 58 of 1955, as amended by section 12 of Act 56 of 1956, section 10 of Act 92 of 1962 and section 3 of Act 95 of 1963.

portion of such service, an amount equal to a percentage of the amount so payable which bears to two and one-half per cent the same ratio as the number of days in that portion bears to three hundred and sixty-five, and any amount payable in terms of this paragraph shall for the purposes of this Act be deemed to be interest.

(3) If a person to whom paragraph (c) of sub-section (1) refers, elects in terms of sub-section (2) to reckon his past pensionable service as pensionable service under this Act, the period of the break in his service shall be deemed not to interrupt the period of such person's service for the purposes of section *nine*.

(4) If any person to whom sub-section (2) refers does not elect in terms of that sub-section to reckon his past pensionable service as pensionable service under this Act, he shall be granted out of the fund or scheme of which he was previously a member any pension to which he may be entitled in accordance with the pension law or regulations governing that fund or scheme.

(5) If a person who elects in terms of sub-section (2) to reckon his past pensionable service as pensionable service under this Act, was, prior to the date on which he became subject to a pension law referred to in sub-section (1), a contributor to a new fund or the old fund and elected to be dealt with in accordance with the provisions of paragraph (b) of sub-section (2) of section *fourteen* of this Act or of paragraph (b) of sub-section (2) of section *twenty-seven* of the Pensions Act, then his pensionable service under this Act or the Pensions Act prior to such date shall, on such conditions as the Treasury may determine, be reckoned as continuous with his subsequent pensionable service under this Act: Provided that the rate of his contributions to the new fund to which he contributes shall be determined by his age last birthday at the date of commencement of his first period of pensionable service under this Act or the Pensions Act."

8. The following section is hereby substituted for section *twenty-six* of the principal Act:

"Ages for retirement.

26. (1) Subject to the provisions of sub-sections (4) and (5), a new member appointed to a post in the public service with effect from a date after the day immediately preceding the date of commencement of this Act shall have the right to retire on pension on attaining the age of sixty-five years and shall be so retired on attaining the said age.

Substitution of section 26 of Act 58 of 1955, as amended by section 17 of Act 56 of 1956, section 17 of Act 67 of 1959, section 13 of Act 92 of 1962 and section 5 of Act 95 of 1963.

(2) Subject to the succeeding sub-sections of this section, a new member (other than a member to whom sub-section (1) applies) who is or was appointed to a post in the public service with effect from a date prior to the date of commencement of this Act, shall have the right to retire on pension and shall be retired on pension—

(a) on attaining the age of sixty-three years if he was born on or after the first day of January, 1900, but before the first day of January, 1903;

(b) on attaining the age of sixty-five years if he was born on or after the first day of January, 1903.

(3) A new member to whom sub-section (2) applies shall have the right at any time before or after attaining, in the case of a male member, the age of sixty years or, in the case of a female member, the age of fifty-five years, to give written notification to the head of his department of his wish to be retired on pension, and if he gives such notification he shall—

- (a) if such notification is given at least three months prior to the date on which he attains the said age, be retired on pension on attaining that age; or
- (b) if such notification is not given at least three months prior to the date on which he attains the said age, be retired on pension on the first day of the fourth month following the month in which such notification is received.

(4) A new member may, if the Commission recommends that it is in the public interest to retain him in his office or post beyond the age at which in accordance with sub-section (1) or (2), he shall be retired on pension, be so retained from time to time for further periods which shall not, except with the approval, by resolution, of both Houses of Parliament, exceed in the aggregate two years.

(5) A new member who has reached the age of sixty years may, subject in every case to the recommendation of the Commission, be retired on pension: Provided that in the case of a member to whom sub-section (2) refers, the age at or after which such member may be so retired shall in the case of a male member be fifty-five years and in the case of a female member be fifty years.

(6) 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 any person who immediately prior to the commencement of this Act was a member of the provident fund established under section *nineteen* of the Higher Education Act, 1923 (Act No. 30 of 1923), and who has elected in terms of sub-section (2) of section *twenty-five* of the Vocational Education Act, 1955 (Act No. 70 of 1955), to become a member of the fund, as if such person had been appointed to a post in the public service with effect from a date prior to such commencement.

(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 had been appointed to posts in the public service with effect from a date 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 has elected 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 was 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 has elected 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.

(8) 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 any person—

- (a) to whom sub-section (1) of section *thirteen* of the Coloured Persons Education Act, 1963 (Act No. 47 of 1963), applies; and

- (b) whose pensionable service under a pension law referred to in paragraph (b) of sub-section (1) of the said section *thirteen* commenced prior to the commencement of this Act,

as if such person had been appointed to a post in the public service with effect from a date prior to the commencement of this Act.

(9) Notwithstanding anything to the contrary contained in sub-section (1) or in any other law, the provisions of sub-section (3) shall *mutatis mutandis* apply in respect of the following new members (other than new members to whom sub-section (6), (7) or (8) applies) as if sub-section (2) applied in respect of such members, namely—

- (a) a new member to whom section *twelve* applies, if—

- (i) immediately prior to the commencement of this Act he was a contributor to the old fund;

- (ii) his pensionable service under this Act commenced from a date prior to such commencement; and

- (iii) the period of such service is in fact continuous;

- (b) a new member to whom sub-section (1) of section *thirteen* applies, if—

- (i) immediately prior to the date as from which he has contributed to the fund in terms of that sub-section or immediately prior to any break in his service referred to in paragraph (c) of that sub-section, as the case may be, he was a member of a pension fund administered under a pension law referred to in that sub-section; and

- (ii) his past pensionable service under such pension law commenced from a date prior to the commencement of this Act and he has elected in terms of sub-section (2) of the said section *thirteen* to reckon such service as pensionable service under this Act; and

- (iii) on the date on which he became subject to such pension law, or (if he became subject to such pension law more than once) on the date on which he last became subject to such law, he would have become a contributor to the old fund had he been appointed to a post in the public service on that date; or

- (iv) such past pensionable service includes a period of continuous pensionable service in the public service during which he was a contributor to the old fund;

- (c) a new member to whom sub-section (5) of section *thirteen* or sub-section (7) of section *fifteen* applies, if—

- (i) he was a contributor to the old fund;

- (ii) his first period of pensionable service under this Act or the Pensions Act commenced prior to the commencement of this Act; and

- (iii) the period of such service was in fact continuous;

- (d) a new member to whom sub-section (1) of section *fifteen* applies, if—
- (i) he had continuous pensionable employment under the railway administration from a date prior to the commencement of this Act; and
 - (ii) immediately prior to such commencement he was a member of the New Railways and Harbours Superannuation Fund referred to in section *three* of the Railways and Harbours Superannuation Fund Act, 1960 (Act No. 39 of 1960); or
 - (iii) such pensionable employment includes a period of continuous pensionable service in the public service during which he was a contributor to the old fund.”.

9. Section *thirty-four* of the Pension Laws Amendment Act, 1956, is hereby amended—

Amendment of section 34 of Act 56 of 1956.

- (a) by the insertion in paragraph (a) of sub-section (1) after the word “allowance” of the words “and any bonus”;
- (b) by the addition at the end of sub-section (1) of the words “or in terms of sub-section (2) of section *forty-nine* of the War Pensions Act, 1942 (Act No. 44 of 1942), or sub-section (2) of section *thirty-nine* of the War Special Pensions Act, 1962 (Act No. 35 of 1962)”;
- (c) by the substitution in sub-section (3) for the expression “the War Special Pensions Act, 1919 (Act No. 42 of 1919)” of the expression “the War Special Pensions Act, 1962”.

10. Section *thirteen* of the War Special Pensions Act, 1962, is hereby amended by the substitution in sub-section (2) for the words “two hundred” of the words “two hundred and forty”.

Amendment of section 13 of Act 35 of 1962.

11. The following section is hereby inserted in the War Special Pensions Act, 1962, after section *thirty-eight*:

Insertion of section 38bis in Act 35 of 1962.

“Grant of bonus to persons in receipt of alternative pensions or allowances.

38bis. Any person who is in receipt of an alternative pension or allowance under the provisions or on the basis of section *six*, paragraph (b) of sub-section (1) of section *twelve* or section *seventeen*, may, with effect from the first day of April, 1964, be paid a bonus not exceeding—

- (a) in the case of a European volunteer, forty-five per cent, or, in the case of a non-European volunteer, twenty-two and one-half per cent of the amount by which such alternative pension or allowance exceeds the aggregate of the disablement pension and allowances (excluding educational grants) which would have been payable to the volunteer in terms of sections *seven* and *eight* or paragraph (a) of sub-section (1) of section *twelve* if he had not been awarded the alternative pension or allowance;
- (b) in the case of the widow of a European volunteer forty-five per cent, or, in the case of the widow of a non-European volunteer, twenty-two and one-half per cent of the amount by which such allowance exceeds the aggregate of the pension and allowances (excluding educational grants) which would have been payable to the widow in terms of section *sixteen* if she had not been awarded the allowance.”.

12. Section *thirty-nine* of the War Special Pensions Act, 1962, is hereby amended by the addition of the following sub-section, the existing section becoming sub-section (1):

Amendment of section 39 of Act 35 of 1962.

“(2) If in respect of a person referred to in sub-section (1) an alternative pension or allowance would have been payable in terms of section *six*, paragraph (b) of sub-section (1) of section *twelve* or section *seventeen*, had such person been a volunteer, and if the amount of the alternative pension or allowance which would in that event have been so payable has been taken into account for the purpose of

determining the amount by which the pension or allowance awarded by the allied government is to be supplemented in terms of sub-section (1), then a bonus determined *mutatis mutandis* in accordance with the provisions of section *thirty-eight bis* may, with effect from the first day of April, 1964, be paid in respect of the amount by which the alternative pension or allowance which would have been so payable exceeds—

- (a) in the case of the said person, the aggregate of the disablement pension and allowances (excluding educational grants) which would have been payable to him in terms of sections *seven* and *eight* or paragraph (a) of sub-section (1) of section *twelve*; or
- (b) in the case of the widow of such person, the aggregate of the pension and allowances (excluding educational grants) which would have been payable to her in terms of section *sixteen*."

13. Section *one* of the Old Age Pensions Act, 1962, is hereby amended by the deletion in the definition of "pension" of the words "but does not include an additional pension provided for in sub-section (2) of section *eight*".

Amendment of section 1 of Act 38 of 1962.

14. Section *eight* of the Old Age Pensions Act, 1962, is hereby amended by the substitution for sub-sections (1), (2), (3) and (4) of the following sub-sections:

Amendment of section 8 of Act 38 of 1962, as amended by section 43 of Act 92 of 1962 and section 24 of Act 95 of 1963.

"(1) The pension granted to any pensioner shall, subject to the provisions of this section, be of such an amount as, having regard to the circumstances of such pensioner, the commissioner deems reasonable and sufficient, but shall not exceed an amount calculated—

- (a) in the case of a white person, at the rate of one hundred and forty-four rand per annum;
- (b) in the case of a coloured person, at the rate of seventy-two rand per annum;
- (c) in the case of an Indian, at the rate of sixty rand per annum up to and including the thirty-first day of March, 1965, and at the rate of seventy-two rand per annum with effect from the first day of April, 1965;
- (d) in the case of a Bantu person who in the opinion of the commissioner is resident in a city, at the rate of twenty-four rand per annum;
- (e) in the case of a Bantu person who in the opinion of the commissioner is resident in a town, at the rate of eighteen rand per annum; and
- (f) in the case of a Bantu person who in the opinion of the commissioner is resident in a rural area, at the rate of twelve rand per annum.

(2) In addition to the pension provided for in sub-section (1) there shall be paid to any person to whom a pension is granted under that sub-section—

- (a) in the case of a person referred to in paragraph (a) of that sub-section, an allowance of one hundred and eighty rand per annum;
- (b) in the case of a person referred to in paragraph (b) of that sub-section, an allowance of ninety rand per annum;
- (c) in the case of a person referred to in paragraph (c) of that sub-section, an allowance of seventy-five rand per annum up to and including the thirty-first day of March, 1965, and ninety rand per annum with effect from the first day of April, 1965; and
- (d) in the case of a person referred to in paragraph (d), (e) or (f) of that sub-section, an allowance of twenty-three rand and forty cents per annum.

(3) No pension granted under sub-section (1) shall be at such a rate as will make the pensioner's income or means together with the pension exceed—

- (a) in the case of a white person, three hundred and twenty-four rand per annum, plus twenty-four rand per annum in respect of each child maintained by him who is under the age of sixteen years or who is over the age of sixteen but under the age of eighteen years and is a full-time student at an educational institution;
- (b) in the case of a coloured person, one hundred and sixty-two rand per annum;
- (c) in the case of an Indian, one hundred and thirty-two rand per annum up to and including the thirty-first day of March, 1965, and one hundred and sixty-two rand per annum with effect from the first day of April, 1965.

- (d) in the case of a Bantu person who in the opinion of the commissioner is resident in a city, forty-eight rand per annum;
- (e) in the case of a Bantu person who in the opinion of the commissioner is resident in a town, thirty-six rand per annum; and
- (f) in the case of a Bantu person who in the opinion of the commissioner is resident in a rural area, twenty-four rand per annum.

(4) For the purposes of sub-section (3) income or means shall not be deemed to include—

- (a) any allotment of pay or any dependant's allowance payable to any pensioner or to a war veteran as defined in section *one* of the War Veterans' Pensions Act, 1962, in respect of a volunteer as defined in section *one* of the War Pensions Act, 1942 (Act No. 44 of 1942), or in respect of a member of any force other than a force which formed part of the Union Forces;
- (b) the remuneration received by any person from any employer for whom he works, if such person satisfies the commissioner that he has attained the age of seventy years;
- (c) any allowance paid to any person under sub-section (2) of this section or under that sub-section as applied by section *four* of the War Veterans' Pensions Act, 1962, or under sub-section (2) of section *six* of the Blind Persons Act, 1962, or any additional grant paid to any person under sub-section (2) of section *eleven* of the Disability Grants Act, 1962;
- (d) the amount by which the pension payable to a war veteran in accordance with sub-section (2) or (3) of section *five* of the Old Age and Veteran's Pensions Amendment Act, 1946 (Act No. 43 of 1946), exceeds the pension which but for the provisions of the said sub-sections would have been payable to such war veteran;
- (e) the amount by which a war veteran's pension is increased in accordance with sub-section (3) of section *three* of the War Veterans' Pensions Act, 1962; or
- (f) any additional amount paid in respect of a grant made in terms of any regulation framed under paragraph (k) of sub-section (1) of section *ninety-two* of the Children's Act, 1960 (Act No. 33 of 1960), towards the maintenance of any person mentioned in paragraph (c) of sub-section (1) of section *eighty-nine* of that Act."

15. Section *eight bis* of the Old Age Pensions Act, 1962, is hereby repealed. Repeal of section *8bis* of Act 38 of 1962 as inserted by section 25 of Act 95 of 1963.

16. Section *eleven* of the Old Age Pensions Act, 1962, is hereby amended— Amendment of section 11 of Act 38 of 1962, as amended by section 26 of Act 95 of 1963.

- (a) by the substitution in sub-section (4) for the words "additional pension and any bonus" of the word "allowance";
- (b) by the substitution in that sub-section for the words "additional pension or bonus" of the words "or allowance"; and
- (c) by the substitution in sub-section (5) for the words "additional pension" of the word "allowance".

17. Section *one* of the Blind Persons Act, 1962, is hereby amended by the deletion in the definition of "pension" of the words "but does not include an additional pension provided for in sub-section (2) of section *six*". Amendment of section 1 of Act 39 of 1962.

18. Section *six* of the Blind Persons Act, 1962, is hereby amended by the substitution for sub-sections (1), (2), (3) and (4) of the following sub-sections: Amendment of section 6 of Act 39 of 1962, as amended by section 45 of Act 92 of 1962 and section 27 of Act 95 of 1963.

"(1) The pension granted to any pensioner shall, subject to the provisions of this section, be of such amount as having regard to the circumstances of such pensioner, the commissioner deems reasonable and sufficient, but shall not exceed an amount calculated—

- (a) in the case of a white person, at the rate of one hundred and forty-four rand per annum;
- (b) in the case of a coloured person, at the rate of seventy-two rand per annum;

- (c) in the case of an Indian, at the rate of sixty rand per annum up to and including the thirty-first day of March, 1965, and at the rate of seventy-two rand per annum with effect from the first day of April, 1965;
- (d) in the case of a Bantu person who in the opinion of the commissioner is resident in a city, at the rate of twenty-four rand per annum;
- (e) in the case of a Bantu person who in the opinion of the commissioner is resident in a town, at the rate of eighteen rand per annum; and
- (f) in the case of a Bantu person who in the opinion of the commissioner is resident in a rural area, at the rate of twelve rand per annum.

(2) In addition to the pension provided for in sub-section (1), there shall be payable to any person to whom a pension is granted under that sub-section—

- (a) in the case of a person referred to in paragraph (a) of that sub-section, an allowance of one hundred and eighty rand per annum;
- (b) in the case of a person referred to in paragraph (b) of that sub-section, an allowance of ninety rand per annum;
- (c) in the case of a person referred to in paragraph (c) of that sub-section, an allowance of seventy-five rand per annum up to and including the thirty-first day of March, 1965, and ninety rand per annum with effect from the first day of April, 1965; and
- (d) in the case of a person referred to in paragraph (d), (e) or (f) of that sub-section, an allowance of twenty-three rand and forty cents per annum.

(3) No pension granted under sub-section (1) shall be at such rate as will make the pensioner's income or means together with the said pension exceed—

- (a) in the case of a white person, three hundred and twenty-four rand per annum;
- (b) in the case of a coloured person, one hundred and sixty-two rand per annum;
- (c) in the case of an Indian, one hundred and thirty-two rand per annum up to and including the thirty-first day of March, 1965, and one hundred and sixty-two rand per annum with effect from the first day of April, 1965;
- (d) in the case of a Bantu person who in the opinion of the commissioner is resident in a city, forty-eight rand per annum;
- (e) in the case of a Bantu person who in the opinion of the commissioner is resident in a town, thirty-six rand per annum; and
- (f) in the case of a Bantu person who in the opinion of the commissioner is resident in a rural area, twenty-four rand per annum.

(4) For the purposes of sub-section (3) income or means includes any grant made in terms of section *eleven* towards the augmentation of any amount earned by the pensioner concerned, but shall not be deemed to include—

- (a) any allotment of pay or any dependant's allowance payable to any pensioner in respect of a volunteer as defined in section *one* of the War Pensions Act, 1942 (Act No. 44 of 1942), or in respect of a member of any force other than a force which formed part of the Union Forces;
- (b) more than one-half of the earnings of any person, or any remuneration received by any person from any employer for whom he works, if such person satisfies the commissioner that he has attained the age of seventy years;
- (c) any allowance paid to any person under sub-section (2) of this section or sub-section (2) of section *eight* of the Old Age Pensions Act, 1962, or under the last-mentioned sub-section as applied by section *four* of the War Veterans' Pensions Act, 1962, or any additional grant paid to any person under sub-section (2) of section *eleven* of the Disability Grants Act, 1962;
- (d) the amount by which the pension payable to a war veteran in accordance with sub-section (2) of section *three* of the War Veterans' Pensions Act, 1962, exceeds the pension which but for the provisions of the said sub-section would have been payable to such war veteran;

- (e) the amount by which a war veteran's pension is increased in accordance with sub-section (3) of section *three* of the War Veterans' Pensions Act, 1962;
- (f) any amount contemplated in sub-section (5) of section *eleven* of the Old Age Pensions Act, 1962, as applied with reference to blind persons' pensions by section *eight* of this Act; or
- (g) any additional amount paid in respect of a grant made in terms of any regulation framed under paragraph (k) of sub-section (1) of section *ninety-two* of the Children's Act, 1960 (Act No. 33 of 1960), towards the maintenance of any person mentioned in paragraph (c) of sub-section (1) of section *eighty-nine* of that Act."

19. Section *six bis* of the Blind Persons Act, 1962, is hereby repealed.

Repeal of section *6bis* of Act 39 of 1962, as inserted by section 28 of Act 95 of 1963.

20. Section *one* of the War Veterans' Pensions Act, 1962, is hereby amended by the deletion in the definition of "veteran's pension" of the words "an additional pension provided for in sub-section (2) of section *eight* of the Old Age Pensions Act, 1962, as applied by section *four* of this Act, or".

Amendment of section 1 of Act 40 of 1962.

21. Section *three* of the War Veterans' Pensions Act, 1962, is hereby amended—

Amendment of section 3 of Act 40 of 1962, as amended by section 29 of Act 95 of 1963.

- (a) by the substitution in sub-section (1) for the words "additional pension and bonus" of the words "and an allowance";
- (b) by the substitution in sub-section (4) for the words "additional pension and the bonus" of the word "allowance"; and
- (c) by the substitution for sub-section (5) of the following sub-section:
 "(5) The amount by which a war veteran's pension is increased in accordance with sub-section (3), shall not be regarded as means or income for the purposes of sub-section (3) of section *eight* of the Old Age Pensions Act, 1962, sub-section (3) of section *six* of the Blind Persons Act, 1962, or sub-section (3) of section *eleven* of the Disability Grants Act, 1962, or for the purposes of any regulation made under paragraph (k) of sub-section (1) of section *ninety-two* of the Children's Act, 1960 (Act No. 33 of 1960), in respect of a grant made or to be made towards the maintenance of any person mentioned in paragraph (c) of sub-section (1) of section *eighty-nine* of that Act."

22. Section *three bis* of the War Veterans' Pensions Act, 1962, is hereby repealed.

Repeal of section *3bis* of Act 40 of 1962, as inserted by section 30 of Act 95 of 1963.

23. Section *eleven* of the Disability Grants Act, 1962, is hereby amended by the substitution for sub-sections (1), (2), (3) and (4) of the following sub-sections:

Amendment of section 11 of Act 41 of 1962, as amended by section 47 of Act 92 of 1962 and section 31 of Act 95 of 1963.

- "(1) The amount of any grant shall, subject to the provisions of this section, be such as the commissioner with due regard to the circumstances of the grantee deems reasonable and sufficient, but shall not exceed an amount calculated—
- (a) in the case of a white person, at the rate of one hundred and forty-four rand per annum;
 - (b) in the case of a coloured person, at the rate of seventy-two rand per annum;
 - (c) in the case of an Indian, at the rate of sixty rand per annum up to and including the thirty-first day of March, 1965, and at the rate of seventy-two rand per annum with effect from the first day of April, 1965; and
 - (d) in the case of a Bantu person, at the rate of twenty-four rand per annum.

(2) In addition to the grant provided for in sub-section (1) there shall be payable to any person to whom a grant has been made under that sub-section—

- (a) in the case of a person referred to in paragraph (a) of that sub-section, an additional grant of one hundred and eighty rand per annum;
- (b) in the case of a person referred to in paragraph (b) of that sub-section, an additional grant of ninety rand per annum;
- (c) in the case of a person referred to in paragraph (c) of that sub-section an additional grant of seventy-five rand per annum up to and including the thirty-first day of March, 1965, and ninety rand per annum with effect from the first day of April, 1965; and
- (d) in the case of a person referred to in paragraph (d) of that sub-section, an additional grant of twenty-three rand and forty cents per annum.

(3) No grant made under sub-section (1) shall be at such a rate as will make the grantee's income or means together with the grant exceed—

- (a) in the case of a white person, three hundred and twenty-four rand per annum, plus twenty-four rand per annum in respect of each child maintained by him who is under the age of sixteen years or who is over the age of sixteen years but under the age of eighteen years and is a full-time student at an educational institution;
- (b) in the case of a coloured person, one hundred and sixty-two rand per annum;
- (c) in the case of an Indian one hundred and thirty-two rand per annum up to and including the thirty-first day of March, 1965, and one hundred and sixty-two rand per annum with effect from the first day of April, 1965;
- (d) in the case of a Bantu person forty-eight rand per annum.

(4) For the purposes of sub-section (3) income or means shall not be deemed to include—

- (a) any allotment of pay or any dependant's allowance payable to any grantee in respect of a volunteer as defined in section *one* of the War Pensions Act, 1942 (Act No. 44 of 1942), or in respect of a member of any force other than a force which formed part of the Union Forces;
- (b) any additional grant paid to any person under sub-section (2) of this section or any allowance paid to any person under sub-section (2) of section *eight* of the Old Age Pensions Act, 1962, or under the last-mentioned sub-section as applied by section *four* of the War Veterans' Pensions Act, 1962, or under sub-section (2) of section *six* of the Blind Persons Act, 1962.
- (c) the amount by which a war veteran's pension is increased in accordance with sub-section (3) of section *three* of the War Veterans' Pensions Act, 1962; or
- (d) any additional amount paid in respect of a grant made in terms of any regulation framed under paragraph (k) of sub-section (1) of section *ninety-two* of the Children's Act, 1960 (Act No. 33 of 1960), towards the maintenance of any person mentioned in paragraph (c) of sub-section (1) of section *eighty-nine* of that Act."

24. Section *eleven bis* of the Disability Grants Act, 1962, is hereby repealed.

Repeal of section 11*bis* of Act 41 of 1962, as inserted by section 32 of Act 95 of 1963.

25. Section *fourteen* of the Disability Grants Act, 1962, is hereby amended—

- (a) by the deletion in sub-section (4) of the words "and any bonus"; and
- (b) by the substitution in that sub-section for the words "additional grant or bonus" of the words "or additional grant".

Amendment of section 14 of Act 41 of 1962, as amended by section 33 of Act 95 of 1963.

26. Section *twenty-four* of the Disability Grants Act, 1962, is hereby amended by the insertion after the words "section *two*" of the words "or to any other officer in the department concerned occupying a post classified in the administrative division of the public service".

Amendment of section 24 of Act 41 of 1962.

27. The following sections are hereby inserted in the Associated Institutions Pension Fund Act, 1963, after section *three*: Insertion of sections 3bis and 3ter in Act 41 of 1963.
- “Benefits or rights in respect of benefits not cedable or subject to execution.**
- 3bis.** (1) No benefit or right in respect of a benefit payable from the fund under any regulation shall be capable of being assigned or transferred or otherwise ceded or of being pledged or hypothecated or, save as provided in sub-section (2) of section *eleven* of the Maintenance Act, 1963 (Act No. 23 of 1963), be liable to be attached or subjected to any form of execution under a judgment or order of a court of law.
- (2) Notwithstanding anything contained in sub-section (1) or in any other law—
- (a) any amount which is payable by a member of the fund, at the date of his retirement or discharge—
- (i) to the Government; or
- (ii) to the council in whose service he is at that date; or
- (b) any amount which the Government or such council is liable to pay in respect of such member at that date, may be deducted from any benefit payable from the fund to the said member in a lump sum or in such instalments as the Secretary may determine.
- 3ter.** If the estate of any person to or in respect of whom an annuity or any other annual benefit is payable in terms of any regulation, is sequestrated, such annuity or other benefit shall not form part of the assets in the insolvent estate of such person.”.
- Annual benefits on sequestration.

28. Section *ten* of the Parliamentary Service Pensions Amendment Act, 1963, is hereby amended by the substitution in sub-section (1) and in sub-section (2) for the words “the termination of his pensionable service under the Pensions Act” of the words “he has ceased to be a Parliamentary member”. Amendment of section 10 of Act 96 of 1963.

29. Section *thirteen* of the Parliamentary Service Pensions Amendment Act, 1963, is hereby amended by the addition at the end thereof of the following sub-section: Amendment of section 13 of Act 96 of 1963.

- “(7) (a) If any person to whom sub-section (2) applies, was in terms of the applicable pensions ordinance and by reason of the fact that he ceased to be a member of a provincial council, the Legislative Assembly of South-West Africa or an executive committee, paid an amount equal to the aggregate of the amounts which had been paid by him or deducted from his salary or allowance under that ordinance, he shall repay the said amount to the revenue fund from which it was paid.
- (b) Any contributions or other amounts which were due by any such person under any provision of the applicable pensions ordinance on the date of termination of his pensionable service under such ordinance, but which were unpaid on that date, shall, notwithstanding anything to the contrary contained in the said ordinance, be paid by him to the revenue fund to which they were due in terms of that ordinance.
- (c) (i) Any amount which is due by any person in terms of paragraph (a) or (b) may, if he so desires, be deducted from his salary or allowance by the responsible accounting officer in monthly instalments at the rate of not less than six rand per mensem, and shall be paid to the revenue fund to which it is due.
- (ii) Such amount shall for the purposes of sub-section (5) of section *four*, paragraph (b) of section *six*, sub-section (2) of section *seven* and sub-section (4) of section *ten*, be deemed to be an amount due in terms of sub-section (4) of section *two*.”.

30. The following section is hereby inserted in the Parliamentary Service Pensions Amendment Act, 1963, after section *thirteen*: Insertion of section 13bis in Act 96 of 1963.
- “Option to become subject to Chapter II.**
- 13bis.** (1) Any person who is a member of the Senate or the House of Assembly on the date of commencement of the Pension Laws Amendment Act, 1964, and who is in receipt of or entitled to any pension under the Legislative Assembly and

Executive Committee Members' Pensions Ordinance, 1961 (Ordinance No. 29 of 1961), of South-West Africa, by virtue of the fact that he is an 'ex-member' as defined in section *one* of that Ordinance, may elect in writing within ninety days of the said date of commencement to be subject to the provisions of Chapter II.

(2) If such person makes an election in terms of sub-section (1) the said pension shall cease to be payable to him and he shall repay to the revenue fund concerned any amount which may have been paid to him by way of that pension in respect of any period as from the date of commencement of the Pension Laws Amendment Act, 1964.

(3) If such person does not make an election in terms of sub-section (1)—

- (a) contributions shall cease to be deducted from his allowance or salary under the Pensions Act and any contributions which have been so deducted shall be repaid to him; and
- (b) unless he makes an election in terms of sub-section (4), neither he nor his widow shall be entitled to a pension or any other benefit under the Pensions Act.

(4) (a) If any person to whom sub-section (3) applies and who is not the holder of a specified office on the date of commencement of the Pension Laws Amendment Act, 1964, thereafter becomes the holder of such an office, he may elect in writing within ninety days of the date on which he becomes the holder of such an office, to be subject to the provisions of Chapter II as from the last-mentioned date.

(b) If any person to whom sub-section (3) applies and who is the holder of a specified office on the date of commencement of the Pension Laws Amendment Act, 1964, becomes the holder of any other specified office after the said date of commencement, he may elect in writing within ninety days of the date on which he becomes the holder of the other specified office, to be subject to the provisions of Chapter II as from the last-mentioned date.

(c) If any such person makes an election in terms of paragraph (a) or (b)—

- (i) any pension to which he is entitled under a pension ordinance shall cease to be payable to him and he shall repay to the revenue fund concerned any amount which may have been paid to him by way of such pension in respect of any period as from the date on which he became the holder of the specified office or the other specified office, as the case may be; and
- (ii) contributions shall be deducted from his salary or allowance under the Pensions Act, as from the date on which he became the holder of the specified office or the other specified office, as the case may be.

(5) If any person to whom sub-section (1) applies makes an election in terms of that sub-section or sub-section (4)—

- (a) he shall pay to the Consolidated Revenue Fund an amount calculated at the rate of six rand for each month of the period of his service as a member of the Legislative Assembly of the territory of South-West Africa;
- (b) such service shall for the purposes of this Act be deemed to be 'pensionable service under the applicable pensions ordinance' as defined in section *one*; and
- (c) notwithstanding anything to the contrary contained in sub-section (1) of section *eleven*, any pension or other benefit which in terms of Chapter II becomes payable in respect of such service, shall be paid out of moneys appropriated by Parliament for the purpose.

(6) (a) Any amount which becomes due by any person in terms of paragraph (a) of sub-section (5) may, if he so desires, be deducted from his allowance or salary by the responsible accounting officer in monthly instalments at the rate of not less than six rand per mensem and shall be paid to the Consolidated Revenue Fund.

(b) Such amount shall, for the purposes of sub-section (5) of section *four*, paragraph (b) of section *six*, sub-section (2) of section *seven* and sub-section (4) of section *ten*, be deemed to be an amount due in terms of sub-section (4) of section *two*."

31. (1) If any person who is entitled to retire or is required to be retired on attaining an age prescribed—

Determination of dates for retirement of certain persons.

(a) in sub-section (1), (2) or (3) of section *twenty-six* or sub-section (1), (2) or (3) of section *thirty-five* or sub-section (1) or (2) of section *forty-six* of the Government Service Pensions Act, 1955 (Act No. 58 of 1955); or

(b) in sub-section (1), (2) or (3) of section *fourteen* of the Public Service Act, 1957 (Act No. 54 of 1957); or

(c) in section *three* of the Simonstown Naval Base Employees' Transfer Act, 1956 (Act No. 72 of 1956); or

(d) in sub-section (1) of section *twelve* of the Prisons Act 1959 (Act No. 8 of 1959); or

(e) in sub-section (4) or (5) of section *thirty* of the University College of Fort Hare Transfer Act, 1959 (Act No. 64 of 1959),

attains the said age after the first day of any month in the year, he shall for the purposes of the relevant Act be deemed to have attained that age on the first day of the next succeeding month.

(2) If any person to whom sub-section (1) applies, attains the appropriate age referred to in that sub-section on any other day of the month of September, 1965, than the first day of that month, and is by reason of the provisions of that sub-section retired on the first day of October, 1965, any pension to which he may become entitled in consequence of such retirement shall, for the purposes of sub-section (3) or (4) of section *forty-seven* of the Pension Laws Amendment Act, 1943 (Act No. 33 of 1943), be deemed to become payable with effect from the date on which he attained the said age.

(3) If any person to whom sub-section (1) applies is a contributor to the permanent force pension fund, has had not less than ten years' pensionable service, and dies before his retirement from the permanent force but on or after the date on which he would, but for the provisions of that sub-section, have had the right to retire on pension and would have had to be retired on pension in terms of sub-section (1) or (2) of section *thirty-five* of the Government Service Pensions Act, 1955, any gratuity to which his dependants may become entitled in terms of sub-section (1) of section *thirty-nine* of that Act, shall be calculated in accordance with the provisions of paragraph (c) of the last-mentioned sub-section.

(4) For the purposes of this section the expressions "permanent force" and "permanent force pension fund" bear the meanings assigned thereto in section *one hundred and nine* of the Government Service Pensions Act, 1955.

32. (1) Section *one* shall be deemed to have come into operation on the sixth day of September, 1939.

Commencement of certain provisions.

(2) Sections *two*, *three*, *four*, *five*, *ten*, *eleven* and *twelve* shall apply in respect of every person who was alive on the first day of April, 1964, and to whom on or after that date a pension or allowance was payable under the War Pensions Act, 1942, or the War Special Pensions Act, 1962, and shall for that purpose be deemed to have come into operation on that date.

(3) Sub-sections (2), (4), (7) and (9) of section *twelve* of the Parliamentary Service and Administrators' Pensions Act, 1951, as substituted by section *six* of this Act, shall be deemed to have come into operation on the first day of July, 1956.

(4) Section *seven* shall be deemed to have come into operation on the first day of January, 1964.

(5) Section *nine* shall apply in respect of every person who was alive on the first day of April, 1964, and to whom on or after that date a bonus was payable in terms of section *thirty-four* of the Pension Laws Amendment Act, 1956, and shall for that purpose be deemed to have come into operation on that date.

(6) Sections *thirteen* to *twenty-five*, inclusive, shall apply in respect of every person who was alive on the first day of April, 1964, and to whom on or after that date a pension or grant was payable in terms of the Old Age Pensions Act, 1962, the Blind Persons Act, 1962, the War Veterans' Pensions Act, 1962 or the Disability Grants Act, 1962 and shall for that purpose be deemed to have come into operation on that date: Provided that any special allowance paid to any such person in terms of section *eight bis* of the Old Age Pensions Act, 1962, section *six bis* of the Blind Persons Act, 1962, section *three bis* of the War Veterans' Pensions Act, 1962, or section *eleven bis* of the Disability Grants Act, 1962, as the said sections existed prior to their repeal by this Act, in respect of any period subsequent to the thirty-first day of March, 1964, shall be set off against any benefit payable to that person in terms of any of the said Acts, as amended by this Act, in respect of the same period.

(7) Section *twenty-eight* shall be deemed to have come into operation on the twelfth day of July, 1963.

(8) Section *thirty-one* shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

33. This Act shall be called the Pension Laws Amendment Short title. Act, 1964.