



REPUBLIC OF SOUTH AFRICA

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# GOVERNMENT GAZETTE

## STAATSKOERANT

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[No. 2459.]

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DEPARTMENT OF THE PRIME MINISTER.

No. 1093. 27th June, 1969.

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

No. 94 of 1969: Members of Statutory Bodies Pension Act, 1969.

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DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 1093. 27 Junie 1969.

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

No. 94 van 1969: Pensioenwet vir Lede van Statutêre Liggame, 1969.

# ACT

To provide for the establishment, control and administration of a pension scheme for, and the payment of pensions and other financial benefits to, certain persons serving in a full-time, paid capacity as members of certain bodies established by law, or performing full-time, paid Government service in any other capacity prescribed by law, and to their widows; and to provide for other incidental matters.

*(Afrikaans text signed by the State President.)*

*(Assented to 19th June, 1969.)*

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

## Definitions.

### 1. In this Act, unless the context otherwise indicates—

- (i) "annuity" means an amount which is payable each year; (vi)
- (ii) "Consolidated Revenue Fund", in relation to any payment to be made out of that Fund, means moneys appropriated by Parliament for the purpose of such payment; (v)
- (iii) "final salary" means the amount of the annual salary payable to a member on the date of his retirement or death together with the amount of any allowance regularly paid to him annually in respect of special services rendered by him to the statutory body concerned, but does not include any allowance paid to him in respect of subsistence and transport expenses or entertainment expenses; (iv)
- (iv) "member" means any person—
  - (a) serving on a statutory body in a full-time, paid capacity, whose contract of service does not provide for the payment of a pension to or in respect of himself, other than such a gratuity as is referred to in section 3 (3), but does not include such person who is also, or any other person who is, a paid executive officer, officer or employee in the service of such body; or
  - (b) serving as a commissioner-general referred to in section 2 (2) of the Promotion of Bantu Self-government Act, 1959 (Act No. 46 of 1959), to whom the Parliamentary Service and Administrators' Pensions Act, 1965 (Act No. 85 of 1965), does not apply, or who, in the opinion of the Minister, is rendering full-time paid service to the Government in a similar capacity, and who is not a contributing member of any pension or provident fund, from which he may personally receive any benefit, and which is administered by the Minister or is registered or exempt from registration under the Pension Funds Act, 1956 (Act No. 24 of 1956); (vii)
- (v) "Minister" means the Minister of Social Welfare and Pensions; (viii)

## Act No. 94, 1969

## MEMBERS OF STATUTORY BODIES PENSION ACT, 1969.

- (vi) "pension" means an annuity or gratuity; (ix)
- (vii) "Railway and Harbour Fund", in relation to any payment to be made out of that Fund by virtue of the provisions of section 2 (3) (c), means moneys appropriated by Parliament for the purpose of such payment; (xi)
- (viii) "retirement" means the termination for any reason of a member's service; and "retire" has a corresponding meaning; (i)
- (ix) "scheme" means the Members of Statutory Bodies Pension Scheme referred to in section 2; (x)
- (x) "service" means continuous service as a member, including similar service in relation to a statutory body rendered immediately prior to the commencement of this Act; (iii)
- (xi) "statutory body" means any board, council or other body established by or under any Act of Parliament or any ordinance of a provincial council or of the Legislative Assembly of the territory to perform any function prescribed by or under any law, and—
  - (a) in respect of which all expenditure on the remuneration of its full-time members is defrayed from moneys appropriated for the purpose by Parliament or by a provincial council or by the Legislative Assembly of the territory, as the case may be; or
  - (b) which has, at its request, been designated by the Minister, in consultation with the Minister of Finance, as a statutory body for the purposes of this Act; (xii)
- (xii) "the territory" means the territory of South-West Africa, including that part of the said territory known as the Eastern Caprivi Zipfel and referred to in section 38 (5) of the South-West Africa Constitution Act, 1968 (Act No. 39 of 1968). (ii)

Establishment of  
scheme and  
payment of  
pensions.

2. (1) There is hereby established a pension scheme to be known as the Members of Statutory Bodies Pension Scheme.

(2) A pension payable in terms of this Act shall, subject to the provisions of subsection (3), be paid from the Consolidated Revenue Fund.

(3) The amount of a pension payable in terms of subsection (2) shall, on such conditions (which may include conditions as to the payment in advance of any amount by any fund or body referred to in paragraph (a) or (b), respectively), in such manner and at such time as the Minister shall, in consultation with the Minister of Finance, determine—

- (a) in the case of any person who was a member in relation to a statutory body referred to in paragraph (a) of the definition of "statutory body" in section 1, which has been established by or under an ordinance referred to in that paragraph, or in the case of the widow of such a person, be recoverable from the provincial revenue fund of the province concerned, or from the Territory Revenue Fund, as the case may be;
- (b) in the case of any person who was a member in relation to a statutory body referred to in paragraph (b) of the said definition, or in the case of the widow of such a person, be recoverable from such statutory body; and
- (c) in the case of any person who was a member in relation to the statutory body referred to in section 102 of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), or in the case of the widow of such a person, be recoverable from the Railway and Harbour Fund.

## Act No. 94, 1969 MEMBERS OF STATUTORY BODIES PENSION ACT, 1969.

## Benefits on retirement.

3. (1) Any member who has completed not less than nine years' service may, subject to the provisions of subsections (3) and (4), elect to receive on his retirement one of the following benefits, namely—

- (a) a gratuity calculated at the rate of one-ninth of his final salary for each completed year of his service;
- (b) a gratuity coupled with an annuity where—
  - (i) such gratuity shall be calculated at the rate of one-eighteenth of his final salary for each completed year of his service; and
  - (ii) such annuity shall be calculated at the rate of 2·8 per cent of his final salary for each completed year of his service but not exceeding twenty years;
- (c) an annuity calculated at the rate of three and one-third per cent of his final salary for each completed year of his service but not exceeding twenty years.

(2) Any retiring member who has completed not less than three but less than nine years' service shall receive the benefit referred to in subsection (1) (a).

(3) Any member who was immediately prior to the commencement of this Act entitled, on account of his membership of any statutory body referred to in paragraph (a) of the definition of "statutory body" in section 1, to receive, on his retirement after not less than three years' service, a gratuity, calculated at the rate of six per cent of his final salary for each completed year of his service together with interest at the rate of four and one-half per cent per annum, compounded annually on the thirty-first day of March, and calculated as though the said six per cent were a contribution paid on the last day of every year of such member's service, may elect to receive such gratuity in lieu of any benefit to which he may be entitled in terms of subsection (1) or (2).

(4) If any person who after his retirement is in receipt of an annuity in terms of subsection (1) (b) or (c), again becomes a member, he shall forfeit all further claim to such annuity and such annuity shall lapse with effect from the date on which he again becomes a member, and on his subsequent retirement from service, a benefit shall be determined for him in accordance with the election exercised by him under subsection (1) at the time of his first-mentioned retirement and on the basis of the aggregate of the periods of his service preceding his first-mentioned and his last-mentioned retirement: Provided that if the benefit so determined is calculated in terms of subsection (1) (b), the amount of the gratuity calculated in terms of subsection (1) (b) (i) shall be reduced by the amount of the gratuity paid to him at the time of his first-mentioned retirement.

(5) If such person again becomes a member after his last-mentioned retirement, the provisions of subsection (4) shall *mutatis mutandis* apply to him.

## Benefits for widows.

4. (1) The widow of a member who dies in service may elect to receive a benefit equivalent to two-thirds of any benefit to which such member would have been entitled under section 3, had he retired on the date of his death.

(2) The widow of a person who was in receipt of an annuity in terms of section 3, shall, provided the person concerned was married to such widow before the date of his retirement, become entitled to an annuity in an amount equal to two-thirds of the annuity such person so received.

(3) An annuity paid to any widow in terms of this section shall, notwithstanding her remarriage, continue to be payable to her.

## Pensions not to be augmented.

5. No pension payable in terms of section 3 or 4 shall be augmented by means of a bonus or any other allowance.

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**Administration.** 6. (1) The scheme shall be controlled and administered by the Minister.

(2) The Minister may delegate any of the powers conferred on him by this Act to the Secretary for Social Welfare and Pensions or to any other officer of the Department of Social Welfare and Pensions, and may authorize the said Secretary or officer to perform or carry out any of the functions or duties entrusted to or imposed on the Minister by this Act.

**Application of Act to South-West Africa.** 7. This Act and any amendment thereof shall, so far as is necessary for the effective application thereof, apply also in the territory.

**Short title.** 8. This Act shall be called the Members of Statutory Bodies Pension Act, 1969.