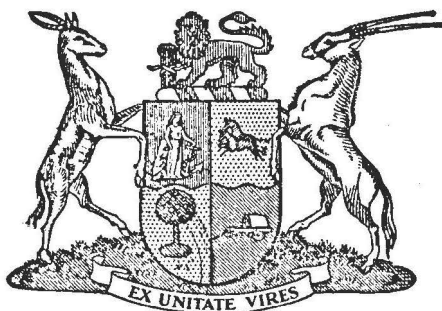


Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.

**BUITENGEWONE**



**EXTRAORDINARY**

# Staatskoerant

**VAN DIE REPUBLIEK VAN SUID AFRIKA**

**THE REPUBLIC OF SOUTH AFRICA**

# Government Gazette

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 CAPE TOWN, 12TH JULY, 1963.

DEPARTEMENT VAN DIE EERSTE MINISTER.

DEPARTMENT OF THE PRIME MINISTER.

No. 1045.]      [12 Julie 1963.

No. 1045.]      [12th July, 1963.

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

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

	BLADSY
No. 87 van 1963: Wet op Territoriale Waters, 1963 ..	3
No. 88 van 1963: Drankwysigingswet, 1963 .. ..	7
No. 90 van 1963: Radiowysigingswet, 1963 .. ..	73
No. 91 van 1963: Wet op die Bevoegdhede en Voorregte van die Parlement, 1963 .. ..	75
No. 92 van 1963: Strafwysigingswet, 1963 .. ..	89
No. 93 van 1963: Verdere Algemene Regswysigingswet, 1963 .. ..	101
No. 94 van 1963: Wet tot Aanvulling van Pensioene, 1963 .. ..	109
No. 95 van 1963: Wysigingswet op die Pensioenwette, 1963 .. ..	115
No. 96 van 1963: Wysigingswet op Pensioene vir Parlementsdiens, 1963 .. ..	139

	PAGE
No. 87 of 1963: Territorial Waters Act, 1963 ..	2
No. 88 of 1963: Liquor Amendment Act, 1963 ..	6
No. 90 of 1963: Radio Amendment Act, 1963 ..	72
No. 91 of 1963: Powers and Privileges of Parliament Act, 1963 .. ..	74
No. 92 of 1963: Criminal Procedure Amendment Act, 1963 .. ..	88
No. 93 of 1963: General Law Further Amendment Act, 1963 .. ..	100
No. 94 of 1963: Pensions (Supplementary) Act, 1963	108
No. 95 of 1963: Pension Laws Amendment Act, 1963 .. ..	114
No. 96 of 1963: Parliamentary Service Pensions Amendment Act, 1963 .. ..	138

No. 95, 1963.]

# ACT

To amend the Government Service Pensions Act, 1955, the Old Age Pensions Act, 1962, the Blind Persons Act, 1962, the War Veterans' Pensions Act, 1962, and the Disability Grants Act, 1962; to provide for the readmission of certain persons to membership of the Government Employees' Provident Fund; to provide for the continuation in certain circumstances of the payment in whole or in part of certain pensions, grants, additional pensions or grants and bonuses; to apply the provisions of the War Pensions Act, 1942, to certain members of the Permanent Force or the South African Police; and to provide for other incidental matters.

(Afrikaans text signed by the State President.)  
(Assented to 4th July, 1963.)

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

Amendment of section 8 of Act 58 of 1955, as amended by section 10 of Act 56 of 1956, section 5 of Act 62 of 1957, section 13 of Act 67 of 1959 and section 8 of Act 92 of 1962.

1. Section *eight* of the Government Service Pensions Act, 1955 (hereinafter referred to as the principal Act), is hereby amended by the deletion in sub-section (1) of the words "paragraph (a) of sub-section (2) of section *thirty-three*".

Amendment of section 9 of Act 58 of 1955.

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

"(2) Save as is otherwise provided the period of pensionable service shall be calculated by the year and portion of a year and any portion of a year shall be determined according to the proportion which the number of days in that portion bears to three hundred and sixty-five."

Amendment of section 13 of Act 58 of 1955, as amended by section 12 of Act 56 of 1956 and section 10 of Act 92 of 1962.

3. Section *thirteen* of the principal Act is hereby amended by the deletion in sub-section (1) of the words "in the case of a person appointed to a post in the permanent force, to the provisions of sub-section (2) of section *thirty-three*, or".

Amendment of section 20 of Act 58 of 1955.

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

"Provided that in lieu of the gratuity referred to in paragraph (b) of sub-section (1) of section *thirty*, there shall be paid in respect of an old member—

(a) if such member dies before he has attained the pensionable age, a gratuity equal to the aggregate amount of the pension which would have been paid from the fund to the member and to or for the benefit of his dependants if the member had been discharged on account of ill-health (occasioned without his own default) with effect from the day immediately succeeding the last day of his pensionable service and had died on the first-mentioned day;

(b) if such member has, under the provisions of this Act, been retained in his office or post beyond the pensionable age, a gratuity equal to the aggregate amount of the pension which would have been paid to the member and to or for the benefit of the said dependants if the member had retired or been retired on pension by reason of his age with effect from the day immediately succeeding the last day of his pensionable service and had died on the first-mentioned day."

Amendment 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 and section 13 of Act 92 of 1962.

5. Section *twenty-six* of the principal Act is hereby amended by the addition of the following sub-section:

“(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.”.

Amendment of section 27 of Act 58 of 1955, as amended by section 18 of Act 56 of 1956 and section 1 of Act 61 of 1960.

6. Section *twenty-seven* of the principal Act is hereby amended by the substitution for sub-section (3) of the following sub-section:

“(3) If a new member, other than a new member to whom an annuity is granted in terms of section *sixty-two*, is discharged from the public service on account of ill-health not occasioned without his own default, he shall receive from the fund an amount equal to his own contributions together with four per cent of the said amount in respect of each completed year of his pensionable service in excess of ten years, and shall further be paid an amount equal to his excess contributions: Provided that the amount payable to a new member to whom sub-section (2) of section *twenty-six* applies and who has had not less than fourteen years of pensionable service, shall not be less than an amount equal to—

(a) his own contributions together with ten per cent of those contributions in respect of each completed year of pensionable service in excess of thirteen years; and

(b) his excess contributions.”.

Amendment of section 30 of Act 58 of 1955, as amended by section 41 of Act 78 of 1961.

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

“(a) if such member has had less than ten years' pensionable service, a gratuity equal to the sum of—

(i) his own contributions;

(ii) an amount equal to six per cent of his pensionable emoluments during the period of his pensionable service; and

(iii) his excess contributions;

(b) if such member has had not less than ten years' pensionable service, a gratuity which shall be based on the annual average of his pensionable emoluments for the last seven years of his pensionable service and which shall be calculated—

(i) in the case of a male member, at the rate of 10.75 per cent of the said average in respect of each year of pensionable service;

(ii) in the case of a female member to whom sub-section (1) of section *twenty-six* applies, at the rate of 11.25 per cent of the said average in respect of each year of pensionable service;

(iii) in the case of a female member to whom sub-section (2) of that section applies, at the rate of 11.95 per cent of the said average in respect of each year of pensionable service.”.

Amendment of section 31 of Act 58 of 1955, as amended by section 19 of Act 67 of 1959.

8. Section *thirty-one* of the principal Act is hereby amended by the insertion in the definition of “pensionable age” after the expression “(1)” of the expression “or (2)”.

Amendment of section 33 of Act 58 of 1955, as amended by section 20 of Act 67 of 1959.

9. Section *thirty-three* of the principal Act is hereby amended—

(a) by the deletion in sub-section (1) of the words “and sub-section (2) of this section”;

(b) by the deletion of sub-section (2).

Substitution of  
section 35 of Act  
58 of 1955.

10. (1) The following section is hereby substituted for section *thirty-five* of the principal Act:

"Ages for  
retirement.

35. (1) Subject to the provisions of sub-sections (4) and (5), a person who becomes a member on or after the date of commencement of section *ten* of the Pension Laws Amendment Act, 1963, shall have the right to retire on pension on attaining the age prescribed under the Defence Act, 1957 (Act No. 44 of 1957), as the age for his retirement on pension, and shall be retired on pension on attaining that age: Provided that no age under forty-five years or over sixty years shall be so prescribed.

(2) Subject to the succeeding sub-sections of this section a member who has been a member continuously with effect from a date prior to the date of commencement aforesaid, shall have the right to retire on pension and shall be retired on pension—

(a) in the case of a member who is an officer of the general duties branch of the permanent force, on attaining the age of—

- (i) forty-seven years if he is a field-cornet and was born on or after the first day of January, 1918, but before the first day of January, 1920;
- (ii) forty-nine years if he is a field-cornet and was born on or after the first day of January, 1920, but before the first day of January, 1922;
- (iii) fifty-one years if he is a field-cornet and was born on or after the first day of January, 1922;
- (iv) forty-eight years if he is a captain and was born on or after the first day of January, 1917, but before the first day of January, 1919;
- (v) fifty years if he is a captain and was born on or after the first day of January, 1919, but before the first day of January, 1921;
- (vi) fifty-one years if he is a captain and was born on or after the first day of January, 1921;
- (vii) fifty-two years if he is a major and was born on or after the first day of January, 1913, but before the first day of January, 1915;
- (viii) fifty-four years if he is a major and was born on or after the first day of January, 1915, but before the first day of January, 1917;
- (ix) fifty-five years if he is a major and was born on or after the first day of January, 1917;
- (x) fifty-six years if he is a commandant and was born on or after the first day of January, 1909, but before the first day of January, 1911;
- (xi) fifty-eight years if he is a commandant and was born on or after the first day of January, 1911, but before the first day of January, 1913;
- (xii) sixty years if he is a commandant and was born on or after the first day of January, 1913;

(b) in the case of a member who is a private or lance corporal in the permanent force but who is not an artisan or artificer, on attaining the age of—

- (i) fifty-two years if he was born on or after the first day of January, 1913, but before the first day of January, 1915;
- (ii) fifty-four years if he was born on or after the first day of January, 1915, but before the first day of January, 1917;
- (iii) fifty-five years if he was born on or after the first day of January, 1917;

(c) in the case of a member to whom paragraph (a) or (b) does not apply, on attaining the age of—

- (i) fifty-seven years if he was born on or after the first day of January, 1908, but before the first day of January, 1910;
- (ii) fifty-nine years if he was born on or after the first day of January, 1910, but before the first day of January, 1912;
- (iii) sixty years if he was born on or after the first day of January, 1912:

Provided that the State President may from time to time by proclamation in the *Gazette* substitute for any age referred to in this sub-section a higher age not exceeding sixty years.

(3) A member to whom sub-section (2) applies shall have the right to give notification as prescribed under the Defence Act, 1957 (Act No. 44 of 1957), of his wish to be retired on pension on the date of or a specified date after attaining the age at which, but for the substitution of this section by section *ten* of the Pension Laws Amendment Act, 1963, he would have had the right to retire on pension and would have had to be retired on pension, and if he gives such notification he shall be retired on the said date, provided such date is earlier than the date on which he shall have the right to retire on pension and shall be retired on pension in terms of sub-section (2): Provided that a member who attains the said age on or within three months after the commencement of the said section *ten*, may at any time in lieu of the notification aforesaid give notification in writing to his commanding officer of his wish to be retired on pension on attaining the said age.

(4) If the Minister of Defence considers it to be in the interest of the permanent force to retain a member in the permanent force beyond the age at which in accordance with sub-section (1) or (2), he shall be retired on pension, such member may with his consent be so retained from time to time for further periods which shall not exceed in the aggregate five years.

(5) Notwithstanding anything contained in this section or the Defence Act, 1957 (Act No. 44 of 1957), a member who has attained the age of forty-five years may be retired on pension."

(2) The amendments effected by sub-section (1) shall not apply in relation to any person who, prior to the first day of January, 1963, was retained in his office or post beyond the age at which he had the right to retire on pension and had to be retired on pension under the laws in force when he was so retained.

Amendment of section 36 of Act 58 of 1955.

11. Section *thirty-six* of the principal Act is hereby amended—

(a) by the substitution in the proviso to sub-section (1) for the words "the age limit for retirement prescribed under paragraph (e) of sub-section (1) of section *one hundred and sixteen* of the South Africa Defence Act, 1912 (Act No. 13 of 1912)," of the words "his pensionable age";

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

"(3) If a member, other than a member to whom an annuity is granted in terms of section *sixty-two*, is discharged from the permanent force on account of medical unfitness not occasioned without his own default, he shall receive from the fund an amount equal to his own contributions together with four per cent of the said amount in respect of each completed year of pensionable service in excess of ten years, and shall further be paid an amount equal to his excess contributions."

Amendment of section 37 of Act 58 of 1955.

12. Section *thirty-seven* of the principal Act is hereby amended by the substitution in sub-section (2) for the words "the age limit for retirement prescribed under paragraph (e) of sub-section (1) of section *one hundred and sixteen* of the South Africa Defence Act, 1912 (Act No. 13 of 1912)," of the words "his pensionable age".

Amendment of section 38 of Act 58 of 1955, as amended by section 22 of Act 67 of 1959

13. Section *thirty-eight* of the principal Act is hereby amended by the insertion in sub-section (1) after the words "pensionable age" of the words "otherwise than under the provisions of sub-section (3) of section *thirty-five*,".

Amendment of section 39 of Act 58 of 1955.

14. Section *thirty-nine* of the principal Act is hereby amended by the deletion in paragraph (c) of sub-section (1) of the expression "of sub-section (1)".

Amendment of section 47 of Act 58 of 1955.

15. Section *forty-seven* of the principal Act is hereby amended by the substitution for sub-section (3) of the following sub-section:

"(3) If a member, other than a member to whom an annuity is granted in terms of section *sixty-two*, is discharged from the police force or prisons service on account of medical unfitness not occasioned without his own default, he shall receive from the fund an amount equal to his own contributions together with four per cent of the said amount in respect of each completed year of pensionable service in excess of ten years, and he shall further be paid an amount equal to his excess contributions: Provided that the amount payable to a member to whom sub-section (2) of section *forty-six* applies and who has had not less than fourteen years of pensionable service, shall not be less than an amount equal to—

- (a) his own contributions together with ten per cent thereof in respect of each completed year of pensionable service in excess of thirteen years; and
- (b) his excess contributions."

Amendment of section 50 of Act 58 of 1955.

16. Section *fifty* of the principal Act is hereby amended by the substitution for paragraphs (b) and (c) of sub-section (1) of the following paragraph:

"(b) if such member has had not less than ten years pensionable service, a gratuity which shall be based on the annual average of his pensionable emoluments for the last seven years of his pensionable service and which shall be calculated, in the case of a male member, at the rate of 12.57 per cent and, in the case of a female member, at the rate of 13.07 per cent of the said average in respect of each year of pensionable service."

Amendment of section 58 of Act 58 of 1955, as amended by section 27 of Act 56 of 1956, section 31 of Act 67 of 1959 and section 4 of Act 61 of 1960.

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

"(2) The period of reckonable service shall be calculated by the year and portion of a year and any portion of a year shall be determined according to the proportion which the number of days in that portion bears to three hundred and sixty-five."

Amendment of section 61 of Act 58 of 1955, as amended by section 4 of Act 38 of 1961 and section 17 of Act 92 of 1962.

18. Section *sixty-one* of the principal Act is hereby amended by the deletion of paragraph (b) of sub-section (5).

Amendment of section 64 of Act 58 of 1955.

19. (1) Section *sixty-four* of the principal Act is hereby amended—

- (a) by the substitution in paragraph (a) of sub-section (1) for the words "transferred to pensionable employment under the government of a Commonwealth country or of any British colony, possession or protectorate" of the words "on the recommendation of the Commission, transferred to pensionable employment under any other government"; and
- (b) by the deletion in that paragraph of the word "such" where it occurs for the second time.

(2) Notwithstanding the amendment by this section of sub-section (1) of section *sixty-four* of the principal Act, the provisions of that sub-section shall continue to apply in respect of a person who prior to the date of commencement of such amendment was transferred from the public service to pensionable employment under another government, as if the said amendment had not been effected.

Insertion of section 65bis in Act 58 of 1955.

20. The following section is hereby inserted in the principal Act after section *sixty-five*:

"Application of section 65 to members seconded to other services. 65bis. (1) The provisions of section *sixty-five* shall *mutatis mutandis* apply in respect of a member of a new fund who by reason of bodily injury or permanent ill-health arising out of and in the course of his employment while seconded to the service of any government, bank, board, institution, body or employer referred to in section *eleven*, is retired or discharged from the public service.

(2) For the purposes of section *twenty-nine* of the Workmen's Compensation Act, 1941 (Act No. 30 of 1941), any such member shall be deemed to be a workman in the employ of the Government.

(3) If such member becomes entitled to compensation under the law of any foreign country in respect of such injury or ill-health, the benefits payable to him in terms of this section may be abated to such extent as the Treasury may determine."

Insertion of section 66bis in Act 58 of 1955.

21. The following section is hereby inserted in the principal Act after section *sixty-six*:

"Application of section 66 to dependants of members seconded to other services. 66bis. (1) The provisions of section *sixty-six* shall *mutatis mutandis* apply in respect of the dependants of a member of a new fund who dies as a result of bodily injury or ill-health arising out of and in the course of his employment while seconded to the service of any government, bank, board, institution, body or employer referred to in section *eleven*.

(2) For the purposes of section *twenty-nine* of the Workmen's Compensation Act, 1941 (Act No. 30 of 1941), any such member shall be deemed to be a workman in the employ of the Government.

(3) If in respect of the death of such a member his dependants become entitled to compensation under the law of any foreign country, the benefits payable to them in terms of this section may be abated to such extent as the Treasury may determine."

Amendment of section 67 of Act 58 of 1955, as amended by section 19 of Act 92 of 1962.

22. Section *sixty-seven* of the principal Act is hereby amended by the substitution for the words "and *sixty-six*" of the words "*sixty-five bis, sixty-six and sixty-six bis*".

Amendment of section 109 of Act 58 of 1955, as amended by section 49 of Act 67 of 1959 and section 32 of Act 92 of 1962.

23. Section *one hundred and nine* of the principal Act is hereby amended by the substitution for the definition of "permanent force" of the following definition:

"'permanent force' means the Permanent Force as constituted under the Defence Act, 1957 (Act No. 44 of 1957);".

Amendment of section 8 of Act 38 of 1962, as amended by section 43 of Act 92 of 1962.

24. Section *eight* of the Old Age Pensions Act, 1962, is hereby amended—

(a) by the deletion at the end of paragraph (d) of sub-section (4) of the word "or";

(b) by the addition to paragraph (e) of the said sub-section of the word "or";

(c) by the addition to the said sub-section of the following paragraph:

"(f) any special allowance granted to any person under section *eight bis* of this Act, 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."

Insertion of section 8bis in Act 38 of 1962.

25. The following section is hereby inserted in the Old Age Pensions Act, 1962, after section *eight*:

"Special allowance. 8bis. (1) If the commissioner considers it to be justified owing to the circumstances of any pensioner, there may be granted to such pensioner a special allowance calculated—

(a) at the rate of thirty rand per annum in the case of a white person whose income or means, in the opinion of the commissioner, does not exceed an amount calculated at the rate of sixty rand per annum;

- (b) at the rate of fifteen rand per annum in the case of a coloured person whose income or means, in the opinion of the commissioner, does not exceed an amount calculated at the rate of thirty rand per annum;
- (c) at the rate of twelve rand and sixty cents per annum in the case of an Indian whose income or means, in the opinion of the commissioner, does not exceed an amount calculated at the rate of twenty-five rand per annum; and
- (d) at the rate of five rand and ten cents per annum in the case of a Bantu person whose income or means, in the opinion of the commissioner, does not exceed an amount calculated at the rate of ten rand per annum.

(2) For the purposes of sub-section (1) income or means shall not be deemed to include—

- (a) any pension;
- (b) any additional pension, grant, bonus or amount referred to in paragraph (c), (d) or (e) of sub-section (4) of section *eight*;
- (c) any income or means of such a nature as the commissioner may determine.

(3) An allowance in terms of sub-section (1) shall accrue as from the first day of the month in which, in the opinion of the commissioner, the pensioner concerned became qualified to receive such allowance.

(4) The commissioner may at any time review an allowance granted in terms of sub-section (1) and if he is satisfied—

- (a) that the allowance should be cancelled, he may, with due regard to the circumstances of the case, cancel the allowance with effect from such date, including any past date, as he may determine;
- (b) that any such allowance which has been cancelled should be restored, he may restore the allowance with effect from the first day of the month in which the allowance should, in his opinion, be so restored or have been so restored.

(5) When a pensioner dies, any allowance granted to him in terms of sub-section (1) may, notwithstanding anything to the contrary contained in this Act or any other law, be paid to the last day of the month in which he dies.”.

Amendment of section 11 of Act 38 of 1962.

26. Section *eleven* of the Old Age Pensions Act, 1962, is hereby amended by the substitution for paragraphs (a) and (b) of sub-section (1) of the following paragraph:

“(a) that a pension should be cancelled, reduced or increased he may, with due regard to the circumstances of each case—

- (i) cancel the pension; or
- (ii) reduce or increase the pension in conformity with the provisions of section *eight*,

with effect from such date, including any past date, as he may determine;”.

Amendment of section 6 of Act 39 of 1962, as amended by section 45 of Act 92 of 1962.

27. Section *six* of the Blind Persons Act, 1962, is hereby amended—

- (a) by the deletion at the end of paragraph (e) of sub-section (4) of the word “or”;
- (b) by the addition to paragraph (f) of the said sub-section of the word “or”;
- (c) by the addition to the said sub-section of the following paragraph:

“(g) any special allowance granted to any person under section *six bis* of this Act, section *eight bis* of the Old Age Pensions Act, 1962, section *three bis* of the War Veterans’ Pensions Act, 1962, or section *eleven bis* of the Disability Grants Act, 1962.”.

Insertion of section *6bis* in Act 39 of 1962.

28. The following section is hereby inserted in the Blind Persons Act, 1962, after section *six*:

“Special allowance. *6bis.* (1) If the commissioner considers it to be justified owing to the circumstances of any pensioner, there may be granted to such pensioner a special allowance calculated—



- (a) at the rate of thirty rand per annum in the case of a white person whose income or means, in the opinion of the commissioner, does not exceed an amount calculated at the rate of sixty rand per annum;
- (b) at the rate of fifteen rand per annum in the case of a coloured person whose income or means, in the opinion of the commissioner, does not exceed an amount calculated at the rate of thirty rand per annum;
- (c) at the rate of twelve rand and sixty cents per annum in the case of an Indian whose income or means, in the opinion of the commissioner, does not exceed an amount calculated at the rate of twenty-five rand per annum; and
- (d) at the rate of five rand and ten cents per annum in the case of a Bantu person whose income or means, in the opinion of the commissioner, does not exceed an amount calculated at the rate of ten rand per annum.

(2) For the purposes of sub-section (1) income or means shall not be deemed to include—

- (a) any pension;
- (b) any additional pension, grant, bonus or amount referred to in paragraph (c), (d) or (e) of sub-section (4) of section six;
- (c) any income or means of such a nature as the commissioner may determine.

(3) An allowance in terms of sub-section (1) shall accrue as from the first day of the month in which, in the opinion of the commissioner, the pensioner concerned became qualified to receive such allowance.

(4) The commissioner may at any time review an allowance granted in terms of sub-section (1) and if he is satisfied—

- (a) that the allowance should be cancelled, he may, with due regard to the circumstances of the case, cancel the allowance with effect from such date, including any past date, as he may determine;
- (b) that any such allowance which has been cancelled should be restored, he may restore the allowance with effect from the first day of the month in which the allowance should, in his opinion, be so restored or have been so restored.

(5) When a pensioner dies, any allowance granted to him in terms of sub-section (1) may, notwithstanding anything to the contrary contained in this Act or any other law, be paid to the last day of the month in which he dies.”

Amendment of section 3 of Act 40 of 1962.

29. Section *three* of the War Veterans' Pensions Act, 1962, is hereby amended by the insertion in sub-section (5) after the expression “sub-section (3)” where it occurs for the first time of the words “or any special allowance granted under section *three bis*”.

Insertion of section 3bis in Act 40 of 1962.

30. The following section is hereby inserted in the War Veterans' Pensions Act, 1962, after section *three*:

“Special allowance.

3bis. (1) If the commissioner considers it to be justified owing to the circumstances of any war veteran to whom a veteran's pension has been granted, there may be granted to such war veteran a special allowance calculated—

- (a) at the rate of thirty rand per annum in the case of a European whose income or means, in the opinion of the commissioner, does not exceed an amount calculated at the rate of sixty rand per annum;
- (b) at the rate of fifteen rand per annum in the case of a coloured person whose income or means, in the opinion of the commissioner, does not exceed an amount calculated at the rate of thirty rand per annum; and
- (c) at the rate of twelve rand and sixty cents per annum in the case of an Indian whose income or means, in the opinion of the commissioner, does not exceed an amount calculated at the rate of twenty-five rand per annum.

(2) For the purposes of sub-section (1) income or means shall not be deemed to include—

- (a) any veteran's pension;
- (b) any additional pension, grant, bonus or amount referred to in paragraph (c), (d) or (e) of sub-section (4) of section *eight* of the Old Age Pensions Act, 1962 (Act No. 38 of 1962), as applied by section *four* of this Act;
- (c) any income or means of such a nature as the commissioner may determine.

(3) An allowance in terms of sub-section (1) shall accrue as from the first day of the month in which, in the opinion of the commissioner, the war veteran concerned became qualified to receive such allowance.

(4) The commissioner may at any time review an allowance granted in terms of sub-section (1) and if he is satisfied—

- (a) that the allowance should be cancelled he may, with due regard to the circumstances of the case, cancel the allowance with effect from such date, including any past date, as he may determine;
- (b) that any such allowance which has been cancelled should be restored, he may restore the allowance with effect from the first day of the month in which the allowance should, in his opinion, be so restored or have been so restored.

(5) When a war veteran dies, any allowance granted to him in terms of sub-section (1) may, notwithstanding anything to the contrary contained in this Act or any other law, be paid to the last day of the month in which he dies.”

Amendment of section 11 of Act 41 of 1962, as amended by section 47 of Act 92 of 1962.

31. Section *eleven* of the Disability Grants Act, 1962, is hereby amended—

- (a) by the deletion at the end of paragraph (b) of sub-section (4) of the word “or”;
- (b) by the addition to paragraph (c) of the said sub-section of the word “or”;
- (c) by the addition to the said sub-section of the following paragraph:

“(d) any special allowance granted to any person in terms of section *eleven bis* of this Act, section *eight bis* of the Old Age Pensions Act, 1962, section *six bis* of the Blind Persons Act, 1962, or section *three bis* of the War Veterans' Pensions Act, 1962.”

Insertion of section 11*bis* in Act 41 of 1962.

32. The following section is hereby inserted in the Disability Grants Act, 1962, after section *eleven*:

“Special allowance.

11*bis*. (1) If the commissioner considers it to be justified owing to the circumstances of any grantee, there may be paid to such grantee a special allowance calculated—

- (a) at the rate of thirty rand per annum in the case of a white person whose income or means, in the opinion of the commissioner, does not exceed an amount calculated at the rate of sixty rand per annum;
- (b) at the rate of fifteen rand per annum in the case of a coloured person whose income or means, in the opinion of the commissioner, does not exceed an amount calculated at the rate of thirty rand per annum;
- (c) at the rate of twelve rand and sixty cents per annum in the case of an Indian whose income or means, in the opinion of the commissioner, does not exceed an amount calculated at the rate of twenty-five rand per annum; and
- (d) at the rate of five rand and ten cents per annum in the case of a Bantu person whose income or means, in the opinion of the commissioner, does not exceed an amount calculated at the rate of ten rand per annum.

(2) For the purposes of sub-section (1) income or means shall not be deemed to include—

- (a) any grant under this Act;
- (b) any additional grant, pension, bonus or amount referred to in paragraph (b) or (c) of sub-section (4) of section *eleven*;

(c) any income or means of such a nature as the commissioner may determine.

(3) An allowance in terms of sub-section (1) shall accrue as from the first day of the month in which, in the opinion of the commissioner, the grantee concerned became qualified to receive such an allowance.

(4) The commissioner may at any time review an allowance paid in terms of sub-section (1) and if he is satisfied—

(a) that the allowance should be cancelled he may, with due regard to the circumstances of the case, cancel the allowance with effect from such date, including any past date, as he may determine;

(b) that any such allowance which has been cancelled should be restored he may restore the allowance with effect from the first day of the month in which the allowance should in his opinion, be so restored or have been so restored.

(5) When a grantee dies, any allowance awarded to him in terms of sub-section (1) may, notwithstanding anything to the contrary contained in this Act or any other law, be paid to the last day of the month in which he dies.”

Amendment of section 14 of Act 41 of 1962.

33. Section *fourteen* of the Disability Grants Act, 1962, is hereby amended by the substitution for paragraphs (a) and (b) of sub-section (1) of the following paragraph:

“(a) that a grant should be cancelled, reduced or increased he may, with due regard to the circumstances of each case—

(i) cancel the grant; or

(ii) reduce or increase the grant in conformity with the provisions of section *eleven*,

with effect from such date, including any past date, as he may determine;”.

Readmission of certain persons to membership of Government Employees' Provident Fund.

34. (1) Any person who was a contributor to the Government Employees' Provident Fund referred to in section *eighty-four* of the Government Service Pensions Act, 1955 (Act No. 58 of 1955), and whose contributions to that fund were discontinued on the grounds that he had become a subsidized employee, may, subject to the provisions of sub-section (2) of section *eighty-five* and sub-section (1) of section *eighty-six* of that Act, and to such conditions as the Secretary for Social Welfare and Pensions may determine, be permitted to again contribute to the said fund as from the date with effect from which his contributions were so discontinued or from such later date as the said Secretary may determine, in respect of his continuous employment under the Government on and after the date in question.

(2) For the purposes of sub-section (1) “subsidized employee” means an employee of the Government in respect of whose employment a subsidy has been paid by the Department of Labour out of moneys appropriated by Parliament for the purpose.

(3) The provisions of this section shall be deemed to have come into operation on the first day of January, 1962, and contributions in terms of sub-section (1) may be permitted in respect of any deceased contributor as if such contributor had applied to make such contributions.

Continuation of payment in whole or in part of certain pensions, grants and bonuses.

35. (1) If any pension or grant payable to any person falls to be cancelled or reduced under paragraph (a) of sub-section (1) of section *eleven* of the Old Age Pensions Act, 1962, or under that paragraph as applied by section *eight* of the Blind Persons Act, 1962, or by section *four* of the War Veterans' Pensions Act, 1962, or under paragraph (a) of sub-section (1) of section *fourteen* of the Disability Grants Act, 1962, by reason of the fact—

(a) that the rate at which any allowance which is referred to in sub-section (2) of section *forty-seven* of the Pension Laws Amendment Act, 1943 (Act No. 33 of 1943), and which such person or his spouse receives, has, in terms of the provisions of the said sub-section (2), been increased with effect from the first day of April, 1963; or

(b) that the rate at which any similar allowance which is payable by the Railway Administration or any

provincial administration and which such person or his spouse receives, has been increased with effect from the first day of April, 1963,

payment of the whole or any part of such pension or grant and the additional pension or grant and bonus payable to such person in terms of sub-section (2) of section *eight* of the Old Age Pensions Act, 1962, sub-section (2) of section *six* of the Blind Persons Act, 1962, sub-section (2) of section *eight* of the Old Age Pensions Act, 1962, as applied by section *four* of the War Veterans' Pensions Act, 1962, or sub-section (2) of section *eleven* of the Disability Grants Act, 1962, may nevertheless be continued at such rates and subject to such conditions as the Secretary may from time to time determine.

(2) For the purposes of sub-section (1) "Secretary" means, in so far as that sub-section applies in relation to—

- (a) a white person, the Secretary for Social Welfare and Pensions;
- (b) a coloured person, the Secretary for Coloured Affairs;
- (c) an Indian, the Secretary for Indian Affairs;
- (d) a Bantu person, the Secretary for Bantu Administration and Development.

Application of the provisions of the War Pensions Act, 1942, to and in respect of certain members of the Permanent Force or the South African Police.

36. (1) Subject to the provisions of sub-section (2) the provisions of the War Pensions Act, 1942 (Act No. 44 of 1942), shall *mutatis mutandis* apply to and in respect of—

- (a) a member of the Permanent Force who is suffering from disablement which, in the opinion of the military pensions board to which the matter is referred in terms of the said Act, was caused or aggravated by service in defence of the Republic;
- (b) a member of the South African Police who is suffering from disablement which, in the opinion of the said military pensions board, was caused or aggravated by service in defence of the Republic while employed in terms of section *seven* of the Police Act, 1958 (Act No. 7 of 1958);
- (c) a widow, child, parent or other dependant of a member of the Permanent Force or the South African Police who dies as a result of a wound, injury or disease which, in the opinion of the said military pensions board, was caused or aggravated by such service.

(2) For the purpose of the application of the War Pensions Act, 1942, to and in respect of a member aforesaid "termination of military service" shall mean—

- (a) in the case of a person referred to in paragraph (a) of sub-section (1)—
  - (i) the date on which he ceases to perform service in defence of the Republic; or
  - (ii) if he is discharged or released from the Permanent Force while performing such service, the date of such discharge or release;
- (b) in the case of a person referred to in paragraph (b) of sub-section (1)—
  - (i) the date on which he ceases to be employed in terms of section *seven* of the Police Act, 1958, on service in defence of the Republic; or
  - (ii) if he is discharged or released from the South African Police while so employed, the date of such discharge or release;
- (c) in the case of any such person who dies while performing or employed on service in the defence of the Republic, the date of his death.

(3) (a) Notwithstanding anything to the contrary contained in the definition of "service volunteer" in section *one* of the said War Pensions Act, 1942, any member referred to in paragraph (a) or (b) of sub-section (1) of this section, shall be deemed to be a service volunteer for the purposes of section *twenty-seven* of that Act.

(b) The provisions of sections *sixty-five*, *sixty-six* and *sixty-seven* of the Government Service Pensions Act, 1955 (Act No. 58 of 1955), shall not apply to or in respect of such a member or his dependants.

(4) For the purposes of this section any question arising out of the determination—

- (a) whether any member of the Permanent Force was at any particular time performing service in defence of the Republic, or of the date from which he performed such service or on which he ceased to perform such service, shall be referred to the Minister of Defence whose decision shall be final;

(b) whether any member of the South African Police was at any particular time employed in terms of section *seven* of the Police Act, 1958, on service in defence of the Republic, or of the date from which he was so employed or on which he ceased to be so employed, shall be referred to the Minister of Justice whose decision shall be final.

(5) For the purposes of this section the expression "service in defence of the Republic", shall have the meaning assigned thereto in section *one* of the Defence Act, 1957.

Commencement  
of certain pro-  
visions.

37. (1) The provisions of sections *one, three, eight, nine, and ten*, paragraph (a) of section *eleven* and sections *twelve, thirteen* and *fourteen* shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

(2) The provisions of sections *twenty-four* to *thirty-three*, inclusive, shall be deemed to have come into operation on the first day of April, 1963, in respect of any person who was alive on that date and to whom on or after that date a pension or grant was payable under the Old Age Pensions Act, 1962, the Blind Persons Act, 1962, the War Veterans' Pensions Act, 1962, or the Disability Grants Act, 1962.

Short title.

38. This Act shall be called the Pension Laws Amendment Act, 1963.