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[No. 2463.]

DEPARTMENT OF THE PRIME MINISTER.

No. 1102. 30th June, 1969.

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

No. 98 of 1969: Pension Laws Amendment Act, 1969.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 1102. 30 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. 98 van 1969: Wysigingswet op die Pensioenwette, 1969.

ACT

To repeal section 29 of the Workmen's Compensation Act, 1941, and section 47 of the Pension Laws Amendment Act, 1943; to amend the provisions of the Associated Institutions Pension Fund Act, 1963, relating to membership of and contributions to the fund established under that Act, and to the power to make regulations with retrospective effect; to amend the Government Service Pensions Act, 1965, so as to provide for the pension rights of persons employed in the Bureau for State Security; to amend the provisions of the last-mentioned Act relating to the ages for retirement of certain members of the Public Service Pension Fund, and so as to provide for the date of cessation of certain annuities in the case of death, for the increase of the rate of interest payable on certain moneys in the Government Employees' Provident Fund and for the pension rights of persons who were previously employed by any local authority and who become employees of the Government in certain circumstances; to amend the Parliamentary Service and Administrators' Pensions Act, 1965, so as to provide for the payment of an allowance to certain pensioners; to amend the definition of "revenue" in the Government non-White Employees Pensions Act, 1966; to amend the provisions of the Aged Persons Act, 1967, relating to the delegation of powers; to amend the provisions of the Pension Laws Amendment Act, 1968, relating to the bonus payable to persons in receipt of a military pension; to amend the provisions of the Provincial and the Territory Service Pension Act, 1969, relating to the ages for retirement of certain persons, and to make further provision in regard to the source from which certain benefits under that Act shall be payable; to increase the pensions payable in accordance with section 15 (3) of the Republic of South Africa Constitution Act, 1961; to provide for the pension rights of certain persons appointed under the Educational Services Act, 1967; to provide for assistance to persons in receipt of certain pensions; and to provide for 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:—

Repeal of
section 29 of
Act 30 of 1941.

1. (1) Subject to the provisions of subsection (2), section 29 of the Workmen's Compensation Act, 1941, is hereby repealed.
- (2) Notwithstanding the repeal of the said section 29 by subsection (1), the provisions of that section shall continue to apply in relation to any workman who was in the employ of the Government (as defined in section 1 of the Government Service Pensions Act, 1965 (Act No. 62 of 1965)), and who—

- (a) was retired or discharged from such employ with effect from any date prior to the first day of April,

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- 1969, in circumstances entitling him to compensation under the said Workmen's Compensation Act, 1941; or
- (b) died, prior to the said day and prior to his retirement or discharge from such employ, in circumstances entitling his dependants to compensation under the last-mentioned Act.

(3) Subsection (1) shall be deemed to have come into operation on the first day of April, 1969.

Substitution of section 30 of Act 30 of 1941.

2. (1) The following section is hereby substituted for section 30 of the Workmen's Compensation Act, 1941:

"Compensation of workman entitled to pension to which employer contributes.

30. If a workman (other than a workman in the employ of the Government as defined in section 1 of the Government Service Pensions Act, 1965 (Act No. 62 of 1965)), who is entitled to compensation under this Act in respect of an accident, has received or will receive as compensation in respect of the same accident any pension or gratuity payable by the employer, or from a pension, superannuation or provident fund to which the employer has contributed, the commissioner may in his discretion, in determining the amount of the compensation to be awarded, have regard to any amount paid by the employer by way of such pension or gratuity or towards such fund in respect of such workman, and where the compensation is payable out of the accident fund the commissioner may reduce the assessment payable by the employer."

(2) Subsection (1) shall be deemed to have come into operation on the first day of April, 1969.

Amendment of section 31 of Act 30 of 1941, as amended by section 13 of Act 27 of 1945 and section 10 of Act 36 of 1949.

3. (1) Section 31 of the Workmen's Compensation Act, 1941, is hereby amended by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

"(1) Save as is provided in section 30, the commissioner may in his discretion, in awarding or revising the award of compensation in respect of permanent disablement or death—".

(2) Subsection (1) shall be deemed to have come into operation on the first day of April, 1969.

Repeal of section 47 of Act 33 of 1943.

4. (1) Section 47 of the Pension Laws Amendment Act, 1943, is hereby repealed.

(2) Subsection (1) shall be deemed to have come into operation on the first day of April, 1969.

Substitution of section 3 of Act 41 of 1963, as amended by section 14 of Act 26 of 1966.

5. The following section is hereby substituted for section 3 of the Associated Institutions Pension Fund Act, 1963:

"Membership of and contributions to the fund.

3. (1) Notwithstanding anything to the contrary contained in any law—

(a) every person appointed to the service of an associated institution in a permanent capacity on or after the specified date, shall, subject to the provisions of the regulations, become a member of and contribute to the fund;

(b) any person appointed to the service of an associated institution on or after the specified date in a temporary capacity or on contract for a fixed period, may at the request of the council concerned and with the approval of the Secretary be permitted to become a member of and

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to contribute to the university institutions provident fund;

(c) no person appointed to the service of an associated institution on or after the specified date shall become a member of or contribute to the technical colleges provident fund.

(2) No person referred to in subsection (1) (a) or (b) shall become a member of or contribute to any pension or provident fund or scheme which has been established by the associated institution concerned and to which such institution is contributing.

(3) Nothing in subsection (2) contained shall be construed as—

(a) precluding any person referred to therein from becoming, on a voluntary basis, a member of and paying premiums to a group insurance scheme approved by the Minister for members of the associated institution concerned;

(b) precluding the council concerned from contributing to such scheme in respect of any person who has so become a member thereof: Provided that the amount so contributed in respect of any such person during any period shall not exceed the premium paid to such scheme for the period in question by the person concerned, and that moneys paid to the associated institution or council concerned out of moneys appropriated by Parliament, shall not be utilized for the payment of any such contribution.”.

Substitution
of section 6 of
Act 41 of 1963.

6. (1) The following section is hereby substituted for section 6 of the Associated Institutions Pension Fund Act, 1963:

“Certain regulations may be made with retrospective effect. 6. Any regulation or any amendment to a regulation, other than an amendment which increases the rate at which contributions shall be made to the fund or which decreases the amount of any benefits payable may be made with retrospective effect from a date not earlier than the date of commencement of this Act.”.

(2) Subsection (1) shall be deemed to have come into operation on the first day of April, 1968.

Amendment of
section 1 of
Act 62 of 1965,
as amended by
section 17 of Act
91 of 1967 and
section 38 of
Act 67 of 1968.

7. Section 1 of the Government Service Pensions Act, 1965, is hereby amended by the substitution for the definition of “police force” of the following definition:

“‘police force’ means the Force referred to in section 2 of the Police Act, 1958 (Act No. 7 of 1958), with the exception of members of the Police Reserve of Officers or the Reserve Police Force and special constables, and includes persons employed in the Bureau for State Security referred to in the Public Service Act, 1957;”.

Amendment of
section 5 of
Act 62 of 1965,
as amended by
section 18 of Act
91 of 1967 and
section 7 of Act
79 of 1968.

8. Section 5 of the Government Service Pensions Act, 1965, is hereby amended by the substitution for paragraph (c) of subsection (4) of the following paragraph:

“(c) the South African Police and Prisons Service Pension Fund or the Additional Benefits Account, shall be made in consultation with the minister responsible for the Bureau for State Security, with the Minister of Finance, with the Minister of Police and with the Minister of Prisons and on the recommendation of the Commission;”.

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Amendment of
section 6 of
Act 62 of 1965.

9. Section 6 of the Government Service Pensions Act, 1965, is hereby amended—

(a) by the substitution for paragraph (c) of subsection (13) of the following paragraph:

“(c) a member who in the circumstances described in section 13 of the Pensions Act and in terms of any regulation which prior to the first day of April, 1969, corresponded to that section, became liable, prior to the said day, to contribute to the Public Service Pension Fund and who would, but for the repeal of the Pensions Act by this Act, have complied with the requirements of subparagraphs (i) and (ii) and subparagraph (iii) or (iv) of section 26 (9) (b) of the Pensions Act: Provided that for the purpose of this paragraph any election made in terms of such regulation shall be deemed to have been made in terms of section 13 of the Pensions Act;”; and

(b) by the addition to subsection (13) of the following paragraph:

“(f) a member who in the circumstances described in subsection (1) of section 13 of the Pensions Act and in terms of any regulation which corresponds to that subsection, became or becomes liable on or after the first day of April, 1969, to contribute to the Public Service Pension Fund, if—

(i) prior to the date on which he so became or becomes liable he was a member of a pension or provident fund administered under a pension law referred to in that subsection; and

(ii) his past pensionable service under such pension law commenced from a date prior to the twenty-fourth day of June, 1955, and is, in terms of any regulation relating to the Public Service Pension Fund, reckoned as pensionable service for the purposes of that fund; and

(iii) on the date on which he became liable to contribute to such pension or provident fund under such pension law or, if he is a person to whom section 4 (1) (a) (i) of the Provincial and the Territory Service Pension Act, 1969 (Act No. 14 of 1969), applies, on the date on which he became liable to contribute to a fund referred to in the definition of “provincial or the territory pension fund” in section 1 of that Act, or (if he so became liable more than once) on the date on which he last so became liable, 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.”.

Amendment of
section 8 of
Act 62 of 1965.

10. Section 8 of the Government Service Pensions Act, 1965, is hereby amended by the insertion after subsection (3) of the following subsection:

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“(3A) The provisions of subsection (3) shall, notwithstanding anything to the contrary contained in any law, *mutatis mutandis* apply in respect of a member who is employed in the Bureau for State Security and—

- (a) who, immediately prior to the date on which he was or is transferred to the said Bureau, was a member of the Public Service Pension Fund, the Permanent Force Pension Fund or the New Railways and Harbours Superannuation Fund referred to in section 3 of the Railways and Harbours Superannuation Fund Act, 1960 (Act No. 39 of 1960), or of any other pension or provident fund under any pension law (other than this Act) administered by the Minister; and
 - (b) who was appointed with effect from any date prior to the fixed date to employment in respect of which he became liable to contribute to the fund in question; and
 - (c) whose period of pensionable service as a member of the fund in question from the date of such appointment to the date of such transfer was in fact continuous,
- as if the said member had been appointed to the police force with effect from the date of his appointment to the employment referred to in paragraph (b).”.

Insertion of
section 17A in
Act 62 of 1965.

11. The following section is hereby inserted in the Government Service Pensions Act, 1965, after section 17:

“Cessation
date of
annuities.

17A. Any annuity under this Act or any other law relating to a pension fund or scheme administered by the Minister shall, notwithstanding anything to the contrary contained in any law, be payable up to and including the last day of the month in which the annuitant concerned dies.”.

Amendment of
section 21 of
Act 62 of 1965.

12. Section 21 of the Government Service Pensions Act, 1965, is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:

“(b) if for any reason thereafter he ceases to be employed in the public service, the said amount, together with interest at the rate of five per cent per annum, compounded annually as at the thirty-first day of March and calculated from the date such amount was placed to his credit in the said Government Employees' Provident Fund and up to the date upon which payment is made, shall, notwithstanding anything to the contrary contained in any regulation relating to the said Government Employees' Provident Fund, be paid from the last-mentioned fund to him or his legal representative or his estate, as the case may be.”.

Insertion of
section 22A in
Act 62 of 1965.

13. The following section is hereby inserted in the Government Service Pensions Act, 1965, after section 22:

“Employee
of a local
authority
becoming
employee of
the Govern-
ment.

22A. (1) Whenever—

- (a) any undertaking or activity of a local authority, or any power or function of a local authority in connection with the provision of any service or the administration of any area, is taken over by the Government or an authority or body established by or under an Act of Parliament; or
- (b) any such undertaking, activity, power or function ceases to be controlled, exercised or performed by such local authority by reason of any action taken in terms of an Act of Parliament; and

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- (c) any person who, immediately before the date on which such undertaking, activity, power or function is so taken over or ceases to be so controlled, exercised or performed, was in the employ of such local authority in or in connection with the undertaking or activity in question or the provision of the service or administration of the area in question and was a member of a municipal pension fund, is or is deemed to have been appointed to a post in the public service and becomes a member of the Public Service Pension Fund as from that date,

the period of such person's service recognized as pensionable under the rules or ordinance governing such municipal pension fund shall, notwithstanding anything to the contrary contained in any law, be reckoned as pensionable service for the purposes of the Public Service Pension Fund.

- (2) If such person is appointed as from the said date to full-time employment under the Government in respect of which he is not liable to contribute to the Public Service Pension Fund or any other fund referred to in section 2 (1), he shall—

- (a) if he is a White person, become a member of and contribute to the Government Employees' Provident Fund as from that date; or
- (b) if he is a non-White person, become a member of and contribute to the Government Non-White Employees' Pension Fund as from that date,

and the period of his service recognized as pensionable under the rules or ordinance governing the municipal pension fund of which he was a member shall, notwithstanding anything to the contrary contained in any law, be reckoned as pensionable service for the purposes of the fund of which he becomes a member in terms of paragraph (a) or (b).

- (3) Notwithstanding anything to the contrary in the said rules or ordinance, there shall be paid from the municipal pension fund concerned to the Public Service Pension Fund, the Government Employees' Provident Fund or the Government Non-White Employees' Pension Fund, as the case may be, an amount equal to the transfer value which would have been payable in terms of such rules or ordinance if the person concerned had been transferred or directly appointed to the service of another local authority having a different municipal pension fund or associated with a different municipal pension fund.

- (4) If, in the case of a person to whom subsection (1) applies, the transfer value payable in terms of subsection (3) is more than the amount which, in terms of the regulations governing the Public Service Pension Fund, would have been payable to that fund if—

- (a) on the said date such person had been transferred to the public service from employment in respect of which he was subject to the Provincial and the Territory Service Pension Act, 1969 (Act No. 14 of 1969);
- (b) the said municipal pension fund were the fund established by the said Act; and

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(c) his service recognized as pensionable under the said rules or ordinance were pensionable service for the purposes of the fund so established, an amount equal to the excess shall be paid from the Public Service Pension Fund—

- (i) if such person is a male person and the said rules or ordinance makes provision for the payment of annuities out of the municipal pension fund concerned to the widows of members thereof, to the Government Service Widows' Pension Fund; or
- (ii) in circumstances other than those contemplated in paragraph (i), to the person concerned; and if, in such a case, the amount of such transfer value is less than the amount which would have been so payable, an amount equal to the deficiency shall be paid from revenue to the Public Service Pension Fund.

(5) If, in the case of a person to whom subsection (2) applies, the transfer value payable in terms of subsection (3) is more than an amount which, in terms of the regulations governing the Government Employees' Provident Fund or the Government Non-White Employees' Pension Fund, would have been payable to either of those funds if—

- (a) on the said date such person had been transferred from employment in respect of which he was subject to the Provincial and the Territory Service Pension Act, 1969, to employment under the Government in respect of which he was liable to contribute to the fund in question; and
- (b) the said municipal pension fund were the fund established by the said Act; and
- (c) such person's service recognized as pensionable under the said rules or ordinance were pensionable service for the purposes of the fund so established,

an amount equal to the excess shall be paid to such person.

(6) There shall be added to any amount payable in terms of subsection (3), (4) or (5) interest at the rate of four and one-half per cent per annum, compounded annually as at the thirty-first day of March and calculated from the date on which the person concerned became a member of the Public Service Pension Fund, the Government Employees' Provident Fund or the Government Non-White Employees' Pension Fund in terms of subsection (1) or (2), up to the date of payment.

(7) If any person in respect of whom an amount has been paid from revenue to the Public Service Pension Fund in terms of subsection (4), dies before his retirement from the public service without leaving a dependant to or in respect of whom a benefit is payable in terms of the regulations governing that fund, or resigns voluntarily from the public service or is discharged from the public service on account of misconduct or resigns or is called upon to resign from such service in order to avoid such discharge, there shall be deducted from any amount payable to his estate or to him in terms of the said regulations, and repaid to revenue, an amount equal to the amount so paid to that fund.

(8) Any person in respect of whom an amount has been paid to the Government Service Widows' Pension Fund in terms of subsection (4) (i) shall, for

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the purpose of calculating any annuity which may become payable to his widow from that fund, be deemed to have commenced to contribute to the said fund on the date of commencement of his pensionable service recognized as pensionable under the rules or ordinance governing the municipal pension fund of which he was a member.

(9) If any person contemplated in subsection (8) ceases to be a member of the Government Service Widows' Pension Fund prior to his death, there shall be paid to him out of that fund, in addition to any other benefit to which he may be entitled in terms of the regulations governing the said fund, an amount equal to the amount which in terms of subsection (4) (i) was paid to that fund in respect of him.

(10) If any person contemplated in subsection (8) dies without leaving a widow and while he is a member of the Government Service Widows' Pension Fund, there shall be added to any benefit which, in terms of the regulations governing that fund, may be payable to his children, step-children or legally adopted children, an amount equal to the amount which in terms of subsection (4) (i) was paid to that fund in respect of him.

(11) For the purposes of this section—

- (i) "Government Employees' Provident Fund" means the Government Employees' Provident Fund referred to in section 2 (3);
- (ii) "Government Non-White Employees' Pension Fund", means the Government Non-White Employees' Pension Fund established under section 2 of the Government non-White Employees' Pensions Act, 1966 (Act No. 42 of 1966);
- (iii) "Government Service Widows' Pension Fund" means the Government Service Widows' Pension Fund referred to in section 2 (2);
- (iv) "local authority" means any municipal, city, town, village or divisional council or any village management or local board or any similar board or body recognized by the Minister as a local authority for the purposes of this section;
- (v) "municipal pension fund" means any superannuation, pension or provident fund or scheme (other than an insurance scheme) established by a local authority, or by or under any ordinance, for the benefit of the employees of one or more local authorities;
- (vi) "ordinance" means any ordinance of any province or the territory, and includes any proclamation issued by the Administrator of the territory."

Insertion of
section 29A in
Act 85 of 1965.

14. (1) The following section is hereby inserted in the Parliamentary Service and Administrators' Pensions Act, 1965, after section 29:

"Allowance payable to certain pensioners.

29A. (1) Every person who was formerly a member and who is in respect of his pensionable service as such a member in receipt of a pension under a law repealed by this Act, shall be paid an allowance which shall be calculated—

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- (a) if such person last ceased to be a member prior to the first day of July, 1956, at the rate of twenty-five rand for each complete year of his pensionable service not exceeding twenty years;
- (b) if such person last ceased to be a member on or after the first day of July, 1956, but prior to the first day of June, 1965, at the rate of thirty-seven rand and fifty cents for each complete year of his pensionable service not exceeding twenty years:

Provided that if the allowance so calculated together with such pension amounts to less than twelve hundred rand per annum, the allowance payable shall be increased to make up the shortfall.

(2) Every female person (other than a female person to whom subsection (3) applies) who is in receipt of or becomes entitled to a pension under any such law by virtue of the fact that she is or was the widow of a person who ceased to be a member prior to the first day of June, 1965, shall be paid an allowance which shall be calculated—

- (a) if the last-mentioned person last ceased to be a member prior to the first day of July, 1956, at the rate of sixteen rand and seventy cents for each complete year of that person's pensionable service not exceeding twenty years;
- (b) if that person last ceased to be a member on or after the first day of July, 1956, but prior to the first day of June, 1965, at the rate of twenty-five rand for each complete year of that person's pensionable service not exceeding twenty years:

Provided that if the allowance so calculated together with such pension amounts to less than eight hundred rand per annum, the allowance payable shall be increased to make up the shortfall.

(3) Every female person who is in receipt of a pension under any such law by virtue of the fact that she is or was the widow of a person who held the office of Prime Minister and who ceased to be a member prior to the first day of June, 1965, shall be paid an allowance at the rate of twelve hundred rand per annum.

(4) If any person who is in receipt of an allowance in terms of subsection (1) again becomes a member, such allowance shall cease to be payable with effect from the date on which he so again becomes a member.

(5) If any person who is in receipt of an allowance in terms of subsection (2) or (3) becomes a member, the said allowance shall cease to be paid or payable to her during the period of her service as a member.”.

(2) Subsection (1) shall be deemed to have come into operation on the first day of April, 1969.

Amendment of section 1 of Act 42 of 1966, as amended by section 39 of Act 67 of 1968.

15. Section 1 of the Government non-White Employees Pensions Act, 1966, is hereby amended by the addition to the definition of “revenue” of the word “or” and thereafter the following paragraph:

“(e) in respect of non-White persons who have in terms of paragraph (b) of the definition of “non-White employee” been declared to be non-White employees of the Government and who are serving under, or have

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been retired or discharged from service under any body or organization and, whilst so serving, are or have been remunerated by such body or organization out of its moneys or revenues, such moneys or revenues;”.

Amendment of section 18 of Act 81 of 1967.

16. (1) Section 18 of the Aged Persons Act, 1967, is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) The Secretary may, with the approval of the Minister, authorize any officer in the department of State of which the Secretary is the head, and with the approval of the Minister concerned, any officer in any other department of State, to exercise on behalf of the Secretary any power conferred upon him by this Act.”.

(2) Subsection (1) shall be deemed to have come into operation on the first day of October, 1968.

Amendment of section 15 of Act 79 of 1968.

17. (1) Section 15 of the Pension Laws Amendment Act, 1968, is hereby amended by the addition of the following subsection:

“(3) If any person was immediately before the date of commencement of this section in receipt of a pension, allowance or clothing grant referred to in subsection (1) as well as a pension or allowance under the Old Age Pensions Act, 1962 (Act No. 38 of 1962), the Blind Persons Act, 1962 (Act No. 39 of 1962), the War Veterans’ Pensions Act, 1962 (Act No. 40 of 1962), the Disability Grants Act, 1962 (Act No. 41 of 1962), or the Children’s Act, 1960 (Act No. 33 of 1960), the payment to him of a bonus in terms of subsection (1) shall not affect his right to the last-mentioned pension or allowance, and for the purpose of determining whether such person continues to be entitled, after the said date, to that pension or allowance or to a pension or allowance under the Aged Persons Act, 1967 (Act No. 81 of 1967), the War Veterans’ Pensions Act, 1968 (Act No. 25 of 1968), the Blind Persons Act, 1968 (Act No. 26 of 1968), the Disability Grants Act, 1968 (Act No. 27 of 1968), or the Children’s Act, 1960 (Act No. 33 of 1960), the said bonus shall be deemed not to be means or income.”.

(2) Subsection (1) shall be deemed to have come into operation on the first day of October, 1968.

Amendment of section 5 of Act 14 of 1969.

18. (1) Section 5 of the Provincial and the Territory Service Pension Act, 1969, is hereby amended—

(a) by the substitution for the proviso to subsection (1) of the following proviso:

“Provided that—

(a) subject to the provisions of paragraph (c), no age under fifty-five years may be so prescribed;

(b) different ages may be so prescribed for different classes or categories of persons;

(c) the age so prescribed in respect of a member who has made the election referred to in section 6 (1), shall not exceed the minimum age at which he had the right to retire on pension in terms of any law applicable to him immediately before the fixed date.”;

(b) by the substitution in subsection (4) for the words preceding paragraph (a) of the following words:

“(4) If a member, other than a member who has made the election referred to in section 6 (1), retires

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or is retired for any reason other than his ill-health before he has attained the pensionable age referred to in subsection (3) of this section—”;

- (c) by the substitution for subsection (5) of the following subsection:

“(5) If the pension of a member, other than a member retired in terms of subsection (2) of this section or a member who has made the election referred to in section 6 (1), has in terms of the regulations been increased, owing to his retirement, before he has attained such pensionable age, for any prescribed reason other than his own unfitness or incapacity, such increase shall be paid out of revenue.”; and

- (d) by the substitution for the proviso to subsection (6) of the following proviso:

“Provided that in the application of subsection (2) to a member of the Fund employed as a teacher, the Administrator of the province concerned or of the territory, as the case may be, may in exceptional circumstances, if such member has attained the age of fifty-five years on any day of any month, direct that he be retired on pension on the first day of any ensuing month.”.

- (2) Subsection (1) shall be deemed to have come into operation on the first day of April, 1969.

Amendment of section 6 of Act 14 of 1969.

19. (1) Section 6 of the Provincial and the Territory Service Pension Act, 1969, is hereby amended by the addition to subsection (4) of the following proviso:

“Provided that where a member who has made the election referred to in subsection (1), retires or is retired or discharged for any reason other than his ill-health before he has attained the age of fifty-five years—

- (a) any annuity payable to him shall be paid out of revenue up to and including the last day of the month in which he attains the age of fifty-five years, and shall thereafter be payable from the Fund;
- (b) any gratuity payable to him shall be paid partly from the Fund and partly out of revenue in accordance with tables recommended by an actuary and approved by the Secretary.”.

- (2) Subsection (1) shall be deemed to have come into operation on the first day of April, 1969.

Increase of certain pensions.

20. (1) The pension payable to any person in accordance with section 15 (3) of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), is hereby increased by twelve hundred rand per annum.

- (2) Subsection (1) shall be deemed to have come into operation on the first day of April, 1969.

Pension rights of certain persons appointed to schools or subsidized schools under Act 41 of 1967.

21. (1) Notwithstanding anything to the contrary contained in any law but subject to the provisions of subsections (2), (3), (4) and (5), any person—

- (a) who immediately prior to the first day of April, 1969, was employed at the Open Air Government School, Durban, the Uplands Government School, Pietermaritzburg, the Meerhof Special School, Transvaal, the Meerhof Hospital, Transvaal, or the Hope Homes School, Johannesburg; and

- (b) who, with effect from that day—

- (i) has in terms of section 16 of the Educational Services Act, 1967 (Act No. 41 of 1967), been appointed for service at a school as defined in section 1 of that Act; or

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(ii) has in terms of section 18 of the said Act, been appointed for service at a subsidized school as defined in the said section 1, shall retain all the rights and privileges and remain subject to all the obligations acquired or incurred by him for retirement and pension purposes under any pension law which applied in respect of him immediately prior to the said day, and such pension law shall for such purposes continue to apply in respect of him.

(2) As from the first day of April, 1969—

- (i) any contributions, interest or other amount which in terms of such pension law would have been payable by such person to any pension or provident fund, shall be paid to the Provincial and the Territory Service Pension Fund referred to in section 2 (1) of the Provincial and the Territory Service Pension Act, 1969 (Act No. 14 of 1969);
- (ii) any contributions, interest or other amount which in terms of such pension law would have been payable from a provincial revenue fund to any such pension or provident fund in respect of such person, shall be paid to the said Provincial and the Territory Service Pension Fund out of moneys appropriated by Parliament for the purpose;
- (iii) any benefit which in terms of such pension law would have been payable from such pension or provident fund to or in respect of such person, shall be paid out of the said Provincial and the Territory Service Pension Fund;
- (iv) any benefit which in terms of such pension law would have been payable from a provincial revenue fund to or in respect of such person, shall be paid out of moneys appropriated by Parliament for the purpose.

(3) Any person to whom subsection (1) of this section applies may elect in writing, within ninety days after the date on which he is called upon by the Secretary for Social Welfare and Pensions to do so or within such further period as the said Secretary may in special circumstances allow, to be released from all the obligations and to relinquish all the rights and privileges referred to in that subsection and to become a member of the Public Service Pension Fund referred to in section 2 (1) of the Government Service Pensions Act, 1965 (Act No. 62 of 1965).

(4) Any person who has so elected—

- (a) shall become a member of the said Public Service Pension Fund with effect from the first day of the month immediately following the month in which the election was made; and
- (b) shall, for the purposes of the law governing the said fund and any other applicable pension law, be deemed to have been transferred with effect from that day from pensionable employment at a provincial school to employment in respect of which he is required to contribute to that fund.

(5) If any person—

- (a) who, immediately prior to the first day of April, 1969, was employed at the Hope Training Home, Johannesburg, or the Uplands Orthopaedic Home, Pietermaritzburg, and was a member of the Cripples Care Association of the Transvaal Pension Fund; and
- (b) who, with effect from that day, has in terms of section 18 of the Educational Services Act, 1967, been appointed for service at a subsidized school as defined in section 1 of that Act,

became a member of and contributes to the said Public Service Pension Fund as from that day, the period of his service recognized as pensionable under the rules of the said Cripples Care Association of the Transvaal Pension Fund shall be reckoned as pensionable service for the purposes of the said Public Service Pension Fund, and there shall be paid to the said Public Service Pension Fund from the said Cripples Care

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Association of the Transvaal Pension Fund and from the Consolidated Revenue Fund in such proportions as the Secretary for Social Welfare and Pensions may determine—

- (i) an amount equal to 3·29 times the contributions which would have been payable by such person to the said Public Service Pension Fund during the said period if during that period he had been a member of such fund and had contributed at the rate of contributions in force on the said day; and
 - (ii) in respect of each completed year of the said period, an amount equal to two and one-half per cent of the amount payable in terms of paragraph (i), and in respect of any remaining part of that period, 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 such remaining part bears to three hundred and sixty-five.
- (6) The provisions of this section shall be deemed to have come into operation on the first day of April, 1969.

Assistance to
persons in receipt
of certain pensions.

22. (1) (a) Any person who—
- (i) under any law administered by the Minister of Social Welfare and Pensions is in receipt of a civil pension in respect of the former service of such person or any other person in the employ of the Government or of the Government of any part of South Africa now included in the Republic; or
 - (ii) was an officer in the public service or other person in the employ of the Government and was, on his retirement, granted a pension under such law or any other law approved by the said Minister for the purposes of this subparagraph in respect of bodily injury or ill-health arising out of and in the course of his employment; or
 - (iii) is in receipt of a pension granted to him, under a law referred to in subparagraph (ii), as the dependant of a person who was an officer in the public service or other person in the employ of the Government who died as a result of any bodily injury sustained or an illness contracted in the circumstances described in that subparagraph; or
 - (iv) is a former official of the Senate, the House of Assembly or the Joint Parliamentary Establishment and is in receipt of a pension in respect of his service as such official; or
 - (v) is the widow of an official referred to in subparagraph (iv) and is in receipt of a pension in respect of the service of such official,
- may be paid an allowance in accordance with such rates and subject to such conditions as the said Minister in consultation with the Minister of Finance may from time to time determine.
- (b) Different rates or conditions may be so determined in respect of persons belonging to different races, classes or categories.
- (2) (a) Subject to the provisions of paragraph (b) of this subsection, every pension referred to in subsection (1) (a) shall be increased by an amount equal to five per cent of that pension and any reference in any pension law to such a pension shall be deemed to be a reference to that pension as so increased.
- (b) The provisions of paragraph (a) shall not apply in respect of any pension which became or becomes payable with effect from any date after the thirty-first day of March, 1969, under—

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- (i) any regulation made in terms of section 9 of the Simonstown Naval Base Employees' Transfer Act, 1956 (Act No. 72 of 1956);
 - (ii) any regulation made under section 5 of the Government Service Pensions Act, 1965 (Act No. 62 of 1965);
 - (iii) any regulation made under section 2 of the Government non-White Employees' Pensions Act, 1966 (Act No. 42 of 1966); or
 - (iv) any other pension law designated by the Minister of Social Welfare and Pensions for the purposes of this paragraph.
- (3) Where a pension or portion of a pension which is increased in terms of subsection (2) (a)—
- (a) is payable from a pension fund, the amount by which such pension or portion of a pension is so increased, shall be charged to the pension fund in question;
 - (b) is payable from revenue, the amount by which such pension or portion of a pension is so increased, shall be charged to revenue;
 - (c) is payable from more than one revenue fund, there shall be charged to each such revenue fund so much of the amount by which such pension or portion of a pension is so increased as the Secretary for Social Welfare and Pensions may determine.
- (4) (a) Any person who is in receipt of a pension referred to in subsection (1) (a) may, during the continuance of that pension, be paid a bonus equal to such percentage of that pension as the Minister of Social Welfare and Pensions in consultation with the Minister of Finance may from time to time determine.
- (b) Different percentages may be so determined in respect of persons belonging to different classes or categories.
 - (c) Any bonus payable to any person in terms of this subsection shall be charged to revenue: Provided that if the pension or any portion of the pension of such person is payable from a pension fund, such portion of the bonus as the Minister of Social Welfare and Pensions in consultation with the Minister of Finance may from time to time determine, shall be charged to the pension fund in question and the balance of that bonus shall be charged to revenue.
- (5) For the purpose of subsections (3) and (4)—
- (a) "revenue" means—
 - (i) save as provided in subparagraph (ii), revenue as defined in section 1 of the Government Service Pensions Act, 1965;
 - (ii) in relation to any person who has retired or has been retired or discharged from employment at or in connection with any native school or Bantu school as defined in section 1 of the Bantu Education Act, 1953 (Act No. 47 of 1953), the Bantu Education Account referred to in section 20 of the Exchequer and Audit Act, 1956 (Act No. 23 of 1956);
 - (b) "revenue fund" means—
 - (i) save as provided in subparagraph (ii), a revenue fund referred to in the definition of "revenue" in section 1 of the Government Service Pensions Act, 1965;
 - (ii) in relation to a person referred to in paragraph (a) (ii), the said Bantu Education Account;
 - (c) "pension fund" means—
 - (i) a fund referred to in section 2 (1) or (2) of the Government Service Pensions Act, 1965;

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- (ii) the Additional Benefits Account referred to in section 2 (5) of that Act;
 - (iii) the joint pre-Union fund referred to in section 9 of that Act;
 - (iv) the Cape Widows' Pension Fund (Public Service) referred to in section 4 (1) of the Cape Pension Laws Revision Act, 1968 (Act No. 15 of 1968); or
 - (v) any other pension fund which has been established by or under any other pension law administered by the Minister of Social Welfare and Pensions and which the said Minister has, after consultation with the Minister of Finance, declared by notice in the *Gazette* to be a pension fund for the purposes of subsection (3);
- (d) "Government" means the Government as defined in section 1 of the Government Service Pensions Act, 1965.
- (6) The provisions of this section shall be deemed to have come into operation on the first day of April, 1969.

Short title.

23. This Act shall be called the Pension Laws Amendment Act, 1969.