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STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1441. 4 Julie 1979.

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

No. 100 van 1979: Wysigingswet op die Pensioenwette, 1979.

DEPARTMENT OF THE PRIME MINISTER

No. 1441. 4 July 1979.

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

No. 100 of 1979: Pension Laws Amendment Act, 1979.

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GENERAL EXPLANATORY NOTE:

[ ] Words in bold type in square brackets indicate omissions from existing enactments.

______ Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Republic of South Africa Constitution Act, 1961, so as to make further provision relating to the payment of pensions to the widows of certain persons who occupied the office of State President; to amend the Members of Statutory Bodies Pension Act, 1969, so as to substitute the definition of "final salary"; to make further provision relating to the payment of annuities to the widows of persons who were in receipt of certain annuities; and to create a certain presumption relating to the nature of the service of a person who served simultaneously on two or more statutory bodies in a paid capacity; to amend the Associated Institutions Provident Fund Act, 1971, so as to substitute the definitions of "associated institution" and "department"; and to provide for the retention of membership of the Associated Institutions Provident Fund by a member who is transferred and appointed to a post in respect of which he would otherwise be liable to become a member of the Government Service Pension Fund; to amend the Parliamentary Service and Administrators' Pensions Act, 1971, so as to substitute the definition of "pensionable service under the applicable pensions ordinance"; and to provide for the payment of gratuities in the case of members who die and are not survived by a widow or children; to amend the Military Pensions Act, 1976, so as to further regulate the date with effect from which pensions may be paid; to amend the General Pensions Act, 1979, so as to extend the provisions relating to the protection of pensions on insolvency to other pension benefits; and to provide for the pension rights of persons in the employment of local authorities who become employees of a water board; and to provide for incidental matters.

(English text signed by the State President.)
(Assented to 21 June 1979.)

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 15 of Act 32 of 1961, as amended by section 18 of Act 102 of 1965, section 2 of Act 79 of 1968, section 1 of Act 93 of 1971, section 2 of Act 48 of 1974 and section 1 of Act 77 of 1974.

1. Section 15 of the Republic of South Africa Constitution Act, 1961, is hereby amended by the substitution for paragraph *(b)* of subsection (1) of the following paragraph:

"*(b)* to the widow of any such person **[, unless her marriage to him took place after the date on which he vacated office,]** a pension at the rate of three-quarters of the rate of the pension payable to such person.".

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ALGEMENE VERDUIDELIKENDE NOTA:

[ ] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.

_____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Grondwet van die Republiek van Suid-Afrika, 1961, ten einde verdere voorsiening te maak betreffende die betaling van pensioene aan die weduwees van sekere persone wat die amp van Staatspresident beklee het; tot wysiging van die Pensioenwet vir Lede van Statutêre Liggame, 1969, ten einde die omskrywing van „finale salaris" te vervang; verdere voorsiening te maak betreffende die betaling van jaargelde aan die weduwees van persone wat sekere jaargelde ontvang het; en 'n sekere vermoede te skep betreffende die aard van die diens van 'n persoon wat gelyktydig in twee of meer statutêre liggame in 'n betaalde hoedanigheid gedien het; tot wysiging van die Wet op die Voorsorgfonds vir Geassosieerde Inrigtings, 1971, ten einde die omskrywings van „departement" en „geassosieerde inrigting" te vervang; en voorsiening te maak vir die behoud van lidmaatskap van die Voorsorgfonds vir Geassosieerde Inrigtings deur 'n lid wat oorgeplaas word na en aangestel word in 'n pos ten opsigte waarvan hy andersins verplig sou wees om 'n lid van die Regeringsdienspensioenfonds te word; tot wysiging van die Wet op Pensioene vir Parlementsdiens en Administrateurs, 1971, ten einde die omskrywing van „pensioengewende diens ingevolge die toepaslike pensioenordonnansie" te vervang; en voorsiening te maak vir die betaling van gratifikasies in die geval van lede wat te sterwe kom en wat nie deur 'n weduwee of kinders oorleef word nie; tot wysiging van die Wet op Militêre Pensioene, 1976, ten einde die datum met ingang waarvan pensioene betaal kan word, verder te reël; tot wysiging van die Algemene Pensioenwet, 1979, ten einde die bepalings betreffende die beskerming van pensioene by insolvensie uit te brei tot ander pensioenvoordele; en voorsiening te maak vir die pensioenregte van persone in die diens van plaaslike besture wat werknemers van 'n waterraad word; en om vir bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 21 Junie 1979.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 15 van Wet 32 van 1961, soos gewysig deur artikel 18 van Wet 102 van 1965, artikel 2 van Wet 79 van 1968, artikel 1 van Wet 93 van 1971, artikel 2 van Wet 48 van 1974 en artikel 1 van Wet 77 van 1974.

1. Artikel 15 van die Grondwet van die Republiek van Suid-Afrika, 1961, word hierby gewysig deur paragraaf *(b)* van subartikel (1) deur die volgende paragraaf te vervang:

„*(b)* aan die weduwee van so iemand **[, tensy haar huwelik met hom plaasgevind het nadat hy sy amp ontruim het,]** 'n pensioen betaal teen die skaal van drie-kwart van die skaal van die pensioen wat aan so iemand betaalbaar is.".

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Amendment of section 1 of Act 94 of 1969.

2. Section 1 of the Members of Statutory Bodies Pension Act, 1969 (hereinafter referred to as the principal Act), is hereby amended by the substitution for the definition of "final salary" of the following definition:

"'final salary' means the amount of the annual salary or the aggregate amount of the annual salaries payable to a member on the date of his retirement or death in respect of his service on one or more statutory bodies **[together with the amount]** and includes the total amount of any **[allowance]** allowances regularly paid to him annually in respect of special services rendered by him to the statutory body or bodies concerned, but does not include any allowance paid to him in respect of subsistence and transport expenses or entertainment expenses;".

Amendment of section 4 of Act 94 of 1969.

3. Section 4 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) There shall be paid to the widow of any 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]**, with effect from the first day of the month which immediately follows the month in which he dies an annuity in an amount equal to two-thirds of the annuity which such person so received.".

Insertion of section 4A of Act 94 of 1969.

4. The following section is hereby inserted in the principal Act after section 4:

"Presumption. **4A.** If the Minister, after such enquiry as he may deem fit, certifies in writing that he is satisfied that any person who has, during the period stated in such certificate, simultaneously served on two or more statutory bodies in a paid capacity, was during ordinary office hours usually engaged in the affairs of any of such statutory bodies, such person shall for the purposes of this Act be deemed to have served during the period so stated in a full-time paid capacity on one statutory body.".

Amendment of section 1 of Act 11 of 1971.

5. Section 1 of the Associated Institutions Provident Fund Act, 1971, is hereby amended—

(a) by the substitution for paragraph *(b)* of the definition of "associated institution" of the following paragraph:

"*(b)* in relation to any person who, notwithstanding his transfer to or employment under any department, in terms of any law **[other than this Act]** elected or was required to remain a member of and to contribute to the Fund or to an old provident fund, as the case may be, and who while in the service of such department so contributes, shall include such department to the extent required for the purposes of this Act;"; and

(b) by the substitution for the definition of "department" of the following definition:

"'department' means a department as defined in section 1 of the Public Service Act, 1957 (Act No. 54 of 1957), and includes the Department of Posts and Telecommunications referred to in section 1 of the Post Office Service Act, 1974 (Act No. 66 of 1974);".

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Wysiging van artikel 1 van Wet 94 van 1969.

2. Artikel 1 van die Pensioenwet vir Lede van Statutêre Liggame, 1969 (hieronder die Hoofwet genoem), word hierby gewysig deur die omskrywing van „finale salaris" deur die volgende omskrywing te vervang:

„,finale salaris' die bedrag van die jaarlikse salaris of die totale bedrag van die jaarlikse salarisse wat op die datum van sy aftrede of dood aan 'n lid betaalbaar was ten opsigte van sy diens in een of meer statutêre liggame, **[tesame met die bedrag]** asook die totale bedrag van **['n toelae]** enige toelaes wat gereeld jaarliks aan hom betaalbaar was ten opsigte van spesiale dienste wat hy aan die betrokke statutêre liggaam of liggame gelewer het, maar nie ook 'n toelae wat ten opsigte van reis- en verblyfkoste of onthaalkoste aan hom betaal is nie;".

Wysiging van artikel 4 van Wet 94 van 1969.

3. Artikel 4 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Daar word aan die weduwee van 'n persoon wat ingevolge artikel 3 'n jaargeld ontvang het **[word, mits die betrokke persoon voor die datum van sy aftrede met sodanige weduwee getroud was, geregtig op]**, met ingang van die eerste dag van die maand wat onmiddellik volg op die maand waarin hy te sterwe kom 'n jaargeld betaal van 'n bedrag gelyk aan twee-derdes van die jaargeld wat sodanige persoon aldus ontvang het.".

Invoeging van artikel 4A in Wet 94 van 1969.

4. Die volgende artikel word hierby in die Hoofwet na artikel 4 ingevoeg:

„Vermoede. **4A.** Indien die Minister, na die ondersoek wat hy goedvind, skriftelik sertifiseer dat hy oortuig is dat iemand wat, gedurende die tydperk in sodanige sertifikaat vermeld, gelyktydig in twee of meer statutêre liggame in 'n betaalde hoedanigheid gedien het, gedurende die gewone kantoorure gewoonlik met die sake van die een of ander van sodanige statutêre liggame besig was, word sodanige persoon by die toepassing van hierdie Wet geag gedurende die tydperk aldus vermeld in 'n voltydse betaalde hoedanigheid in een statutêre liggaam te gedien het.".

Wysiging van artikel 1 van Wet 11 van 1971.

5. Artikel 1 van die Wet op die Voorsorgfonds vir Geassosieerde Inrigtings, 1971, word hierby gewysig—

(a) deur die omskrywing van „departement" deur die volgende omskrywing te vervang:

„,departement' 'n departement soos in artikel 1 van die Staatsdienswet, 1957 (Wet No. 54 van 1957), omskryf en ook die Departement van Pos- en Telekommunikasiewese in artikel 1 van die Poskantoordienswet, 1974 (Wet No. 66 van 1974), vermeld;"; en

(b) deur paragraaf *(b)* van die omskrywing van „geassosieerde inrigting" deur die volgende paragraaf te vervang:

„*(b)* met betrekking tot iemand wat, ondanks sy oorplasing na of diens by 'n departement kragtens 'n **[ander]** wetsbepaling **[as hierdie Wet]** gekies het of verplig is om 'n lid te bly van en by te dra tot die Fonds of tot 'n ou voorsorgfonds, na gelang van die geval, en wat terwyl hy in die diens is van sodanige departement aldus bydra, ook, vir sover dit vir die toepassing van hierdie Wet nodig is, sodanige departement;".

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Insertion of section 6A in Act 11 of 1971.

6. The following section is hereby inserted in the Associated Institutions Provident Fund Act, 1971, after section 6:

"Retention of membership of Fund instead of becoming member of the Government Service Pension Fund.

6A. (1) Notwithstanding anything to the contrary in any law contained, any member of the Fund who is transferred, and is appointed without a break in his service, to a post in respect of which he becomes liable to contribute to the Government Service Pension Fund established by section 3 of the Government Service Pension Act, 1973 (Act No. 57 of 1973), may, within ninety days after being called upon to do so by the Secretary, elect to remain a member of the Fund and, if he so elects, he shall—

(a) remain a member of the Fund and shall, in relation to the Fund, continue to be subject to all the obligations and be entitled to all the rights and privileges of a member as if he had not been so transferred and appointed;

(b) not be subject to the provisions of any law in accordance with which he is required to become a member of the said Government Service Pension Fund as a result of such transfer or appointment.

(2) Any employer's contributions payable in respect of a member who so remains a member shall be paid from revenue, as defined in section 1 of the Government Service Pension Act, 1973.".

Amendment of section 1 of Act 81 of 1971, as amended by section 4 of Act 77 of 1974, and section 3 of Act 50 of 1975.

7. Section 1 of the Parliamentary Service and Administrators' Pensions Act, 1971, is hereby amended by the substitution for the definition of "pensionable service under the applicable pensions ordinance" of the following definition:

"'pensionable service under the applicable pensions ordinance' means **[pensionable service as defined in the applicable pensions ordinance, and includes any period which in terms of such ordinance is deemed to be a period of pensionable service as so defined]** service as a member of a provincial council or of the Legislative Assembly of the territory or of an executive committee, but does not include any such service before 1 October 1960, unless such last-mentioned service is pensionable service as defined in the relative pensions ordinance.".

Insertion of section 12A in Act 81 of 1971.

8. The following section is hereby inserted in the Parliamentary Service and Administrators' Pensions Act, 1971, after section 12:

"Payment of gratuities in case of members who die and are not survived by a widow or children.

12A. If a member dies who would have been entitled to a gratuity under section 6, 8 or 9 if he had not died but had ceased to be a member on the date of his death and is not survived by a widow or a child to whom a gratuity is payable under section 11 or 12 or if such member is a female, the gratuity to which such member would have been so entitled, shall be paid to such member's estate.".

Amendment of section 10 of Act 84 of 1976, as amended by section 5 of Act 26 of 1977.

9. Section 10 of the Military Pensions Act, 1976, is hereby amended by the addition to subsection (1) of the following proviso:

"Provided that the Secretary may, if there are good reasons for doing so, direct that the pension shall be payable with effect from a date not more than twelve months prior to the date on which such application is so received.".

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Invoeging van artikel 6A in Wet 11 van 1971.

6. Die volgende artikel word hierby in die Wet op die Voorsorgfonds vir Geassosieerde Inrigtings, 1971, na artikel 6 ingevoeg:

„Behoud van lidmaatskap van Fonds in plaas daarvan om lid van die Regeringsdienspensioenfonds te word.

6A. (1) Ondanks andersluidende wetsbepalings mag 'n lid van die Fonds wat sonder onderbreking in sy diens oorgeplaas na en aangestel word in 'n betrekking ten opsigte waarvan hy onder verpligting kom om tot die Regeringsdienspensioenfonds ingestel by artikel 3 van die Regeringsdienspensioenwet, 1973 (Wet No. 57 van 1973), by te dra, binne negentig dae nadat hy deur die Sekretaris aangesê is om dit te doen, kies om 'n lid van die Fonds te bly, en indien hy aldus kies—

(a) bly hy 'n lid van die Fonds en bly hy, ten opsigte van die Fonds, onderhewig aan al die verpligtings en is hy geregtig op alle regte en voorregte van 'n lid asof hy nie aldus oorgeplaas en aangestel is nie;

(b) is hy nie onderhewig aan die bepalings van 'n wet ingevolge waarvan daar van hom vereis word om as gevolg van sodanige oorplasing of aanstelling 'n lid van bedoelde Regeringsdienspensioenfonds te word nie.

(2) Enige werkgewersbydraes betaalbaar ten opsigte van 'n lid wat aldus 'n lid bly, word uit inkomste, soos in artikel 1 van die Regeringsdienspensioenwet, 1973, omskryf, betaal.".

Wysiging van artikel 1 van Wet 81 van 1971, soos gewysig deur artikel 4 van Wet 77 van 1974, en artikel 3 van Wet 50 van 1975.

7. Artikel 1 van die Wet op Pensioene vir Parlementsdiens en Administrateurs, 1971, word hierby gewysig deur die omskrywing van „pensioengewende diens ingevolge die toepaslike pensioenordonnansie" deur die volgende omskrywing te vervang:

„ 'pensioengewende diens ingevolge die toepaslike pensioenordonnansie' **[pensioengewende diens soos omskryf in die toepaslike pensioenordonnansie, en ook 'n tydperk wat ingevolge die ordonnansie geag word 'n tydperk van aldus omskrewe pensioengewende diens te wees]** diens as 'n lid van 'n provinsiale raad of van die Wetgewende Vergadering van die gebied of van 'n uitvoerende komitee, maar nie ook enige sodanige diens voor 1 Oktober 1960 nie, tensy sodanige laasgenoemde diens pensioengewende diens is soos in die betrokke pensioenordonnansie omskryf.".

Invoeging van artikel 12A in Wet 81 van 1971.

8. Die volgende artikel word hierby in die Wet op Pensioene vir Parlementsdiens en Administrateurs, 1971, na artikel 12 ingevoeg:

„Betaling van gratifikasies in geval van lede wat te sterwe kom en nie deur 'n weduwee of kinders oorleef word nie.

12A. Indien 'n lid te sterwe kom wat op 'n gratifikasie ingevolge artikel 6, 8 of 9 geregtig sou gewees het indien hy nie gesterf het nie maar op die datum van sy afsterwe opgehou het om 'n lid te wees, en hy nie 'n weduwee of kind nalaat aan wie 'n gratifikasie ingevolge artikel 11 of 12 betaalbaar is nie of indien so 'n lid 'n vrou is, word die gratifikasie waarop daardie lid aldus geregtig sou gewees het, aan sodanige lid se boedel betaal.".

Wysiging van artikel 10 van Wet 84 van 1976, soos gewysig deur artikel 5 van Wet 26 van 1977.

9. Artikel 10 van die Wet op Militêre Pensioene, 1976, word hierby gewysig deur die volgende voorbehoudsbepaling by subartikel (1) te voeg:

„Met dien verstande dat die Sekretaris, indien daar gegronde redes daarvoor bestaan, kan gelas dat die pensioen betaal word vanaf 'n datum nie meer as twaalf maande voor die datum waarop sodanige aansoek aldus ontvang word nie.".

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Substitution of section 3 of Act 29 of 1979.

10. The following section is hereby substituted for section 3 of the General Pensions Act, 1979:

"Benefit not asset in insolvent estate.

3. [The annuity] Any benefit received under any pension law by any person whose estate is sequestrated shall not form part of the assets in his insolvent estate.".

Insertion of section 20A in Act 29 of 1979.

11. The following section is hereby inserted in the General Pensions Act, 1979, after section 20:

"Employees of local authorities becoming employees of water board.

20A. (1) If any scheme referred to in section 110 (1) *(a)* of the Water Act, 1956 (Act No. 54 of 1956), is acquired by a water board and the Minister with the concurrence of the Minister of Finance in respect of a specified local authority agrees thereto, then, notwithstanding anything to the contrary in any law contained, but subject to the provisions of subsections (2), (3) and (4), the period of previous pensionable service of any affected officer of such local authority who becomes or is obliged to become a member of the Pension Fund with effect from the fixed date in terms of any law, shall be reckoned as pensionable service for the purpose of the Pension Fund.

(2) If the previous pensionable service of an affected officer is reckoned as pensionable service in terms of subsection (1) for the purposes of the Pension Fund, there shall, notwithstanding anything to the contrary in any law contained or the rules or regulations governing the applicable pension fund, be paid by the last-mentioned pension fund to the Pension Fund in respect of such previous pensionable service—

(a) an amount which is equal to the amount of the transfer value which would have been payable in terms of the provisions of the laws or the rules or regulations relating to the applicable pension fund, if the affected officer concerned was transferred, and directly appointed, to the service of another local authority having a different pension fund or associated with a different pension fund or, if no amount would have been so payable, an amount which the Minister or an officer of the Department of Social Welfare and Pensions authorized thereto by the Minister determines after consultation with the management of the applicable pension fund concerned, with due regard to the circumstances of a specified case or category of cases;

(b) interest calculated at 5,5% a year on the amount referred to in paragraph *(a)*, compounded annually as at 31 March, and calculated from the fixed date to the date on which the said amount is paid to the Pension Fund in terms of this subsection.

(3) If the total of the amounts to be paid to the Pension Fund in terms of paragraphs *(a)* and *(b)* of subsection (2)—

(a) is less than the amount to be paid in terms of the regulations governing the Pension Fund in respect of the previous pensionable service of the affected officer concerned in order to reckon such previous pensionable service for the purposes of the Pension Fund, the deficiency shall be paid by the water board concerned to the Pension Fund;

(b) exceeds the amount referred to in paragraph *(a)*, the surplus shall be paid to the affected officer concerned by the applicable pension fund.

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Vervanging van artikel 3 van Wet 29 van 1979.

10. Artikel 3 van die Algemene Pensioenwet, 1979, word hierby deur die volgende artikel vervang:

„Voordeel nie bate in insolvente boedel nie.

3. [Die jaargeld] 'n Voordeel wat kragtens 'n pensioenwet ontvang word deur iemand wie se boedel gesekwestreer word, maak nie deel van die bates in sy insolvente boedel uit nie.".

Invoeging van artikel 20A in Wet 29 van 1979.

11. Die volgende artikel word hierby in die Algemene Pensioenwet, 1979, na artikel 20 ingevoeg:

„Werknemers van plaaslike bestuur wat werknemers van waterraad word.

20A. (1) Indien 'n skema bedoel in artikel 110 (1) *(a)* van die Waterwet, 1956 (Wet No. 54 van 1956), deur 'n waterraad verkry word en die Minister met die instemming van die Minister van Finansies ten opsigte van 'n bepaalde plaaslike bestuur daartoe instem, word, ondanks andersluidende wetsbepalings maar behoudens die bepalings van subartikels (2), (3) en (4), die tydperk van vorige pensioengewende diens van 'n geaffekteerde beampte van sodanige plaaslike bestuur wat ingevolge die een of ander wet met ingang van die vasgestelde datum 'n lid van die Pensioenfonds word of moet word, as pensioengewende diens vir die doeleindes van die Pensioenfonds gereken.

(2) Indien die vorige pensioengewende diens van 'n geaffekteerde beampte ingevolge subartikel (1) as pensioengewende diens vir die doeleindes van die Pensioenfonds gereken word, word daar, ondanks andersluidende bepalings van die een of ander wet of die reëls of regulasies betreffende die toepaslike pensioenfonds, deur laasgenoemde pensioenfonds aan die Pensioenfonds ten opsigte van sodanige vorige pensioengewende diens betaal—

(a) 'n bedrag wat gelykstaan met die bedrag van die oordragwaarde wat ingevolge die wette of die reëls of regulasies betreffende die toepaslike pensioenfonds betaalbaar sou gewees het indien die betrokke geaffekteerde beampte oorgeplaas was na, en regstreeks aangestel was in, die diens van 'n ander plaaslike bestuur wat 'n ander pensioenfonds het of met 'n ander pensioenfonds geassosieer is, of, indien geen bedrag aldus betaalbaar sou gewees het nie, 'n bedrag wat die Minister of 'n beampte van die Departement van Volkswelsyn en Pensioene deur die Minister daartoe gemagtig, na oorleg met die bestuur van die betrokke toepaslike pensioenfonds, met inagneming van die omstandighede van 'n bepaalde geval of kategorie gevalle, bepaal;

(b) rente bereken teen 5,5% per jaar op die bedrag bedoel in paragraaf *(a)*, jaarliks saamgestel soos op 31 Maart en bereken vanaf die vasgestelde datum tot die datum waarop bedoelde bedrag aan die Pensioenfonds ingevolge hierdie subartikel betaal word.

(3) Indien die totaal van die bedrag wat ingevolge paragrawe *(a)* en *(b)* van subartikel (2) aan die Pensioenfonds betaal moet word—

(a) minder is as die bedrag wat ingevolge die regulasies betreffende die Pensioenfonds ten opsigte van die vorige pensioengewende diens van die betrokke geaffekteerde beampte betaal moet word ten einde sodanige vorige pensioengewende diens vir die doeleindes van die Pensioenfonds te reken, word die tekort deur die betrokke waterraad aan die Pensioenfonds betaal;

(b) meer is as die bedrag in paragraaf *(a)* bedoel, word die oorskot deur die toepaslike pensioenfonds aan die betrokke geaffekteerde beampte betaal.

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(4) If an affected officer prior to the fixed date notifies the Secretary for Social Welfare and Pensions in writing that he desires that his previous pensionable service should not be reckoned as pensionable service in terms of subsection (1), such previous pensionable service shall not be reckoned as pensionable service in terms of that subsection.

(5) For the purpose of this section—

'affected officer' means any person who immediately prior to the fixed date was in the employment of a local authority in or in connection with a scheme referred to in subsection (1) and who immediately prior to the fixed date was a member of an applicable pension fund;

'Minister' means the Minister of Social Welfare and Pensions;

'Pension Fund' means the Associated Institutions Pension Fund established under section 2 of the Associated Institutions Pension Fund Act, 1963 (Act No. 41 of 1963);

'local authority' means an institution or a body contemplated in section 84 (1) *(f)* of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961);

'applicable pension fund', in relation to a particular affected officer, means a superannuation, pension or provident fund or scheme established by or under any law or otherwise for the benefit of the employees of the local authority in whose service such affected officer was immediately prior to the fixed date, or for the benefit of the employees of such local authority and of any other local authority or local authorities and to which such affected officer contributed immediately prior to the fixed date and which has been approved by the Minister for the purposes of this section;

'fixed date' means the date on which any scheme referred to in section 110 (1) *(a)* of the Water Act, 1956 (Act No. 54 of 1956), is acquired by a water board or the date on which any person in the service of a local authority is, with a view to such acquisition and with the approval of the Minister, appointed in the service of a water board;

'previous pensionable service' means pensionable service in terms of the provisions of the laws or the rules or regulations governing any applicable pension fund;

'water board' means a board established under section 108 (2) of the Water Act, 1956.".

Substitution of long title of Act 29 of 1979.

12. The following long title is hereby substituted for the long title of the General Pensions Act, 1979:

"ACT

To consolidate certain laws relating to pensions generally; to further regulate pension matters generally; and to provide for incidental matters.".

Commencement of certain provisions.

13. The provisions of—

(a) sections 2 and 4 shall be deemed to have come into operation on 1 June 1979;

(b) sections 5 and 6 shall come into operation on the date of commencement of section 1 of the Second Pension Laws Amendment Act, 1978 (Act No. 105 of 1978);

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(4) Indien 'n geaffekteerde beampte voor die vasgestelde datum die Sekretaris van Volkswelsyn en Pensioene skriftelik in kennis stel dat hy verlang dat sy vorige pensioengewende diens nie ingevolge subartikel (1) as pensioengewende diens gereken moet word nie, word sodanige vorige pensioengewende diens nie ingevolge daardie subartikel as pensioengewende diens gereken nie.

(5) By die toepassing van hierdie artikel beteken—

,geaffekteerde beampte' iemand wat onmiddellik voor die vasgestelde datum in diens van 'n plaaslike bestuur in of in verband met 'n skema in subartikel (1) bedoel, was en wat onmiddellik voor die vasgestelde datum 'n lid van 'n toepaslike pensioenfonds was;

,Minister' die Minister van Volkswelsyn en Pensioene;

,Pensioenfonds' die Pensioenfonds vir Geassosieerde Inrigtings kragtens artikel 2 van die Wet op die Pensioenfonds vir Geassosieerde Inrigtings, 1963 (Wet No. 41 van 1963), ingestel;

,plaaslike bestuur' 'n instelling of liggaam beoog in artikel 84 (1) *(f)* van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961);

,toepaslike pensioenfonds', met betrekking tot 'n bepaalde geaffekteerde beampte, 'n superannuasie-, pensioen-, ondersteunings- of voorsorgfonds of -skema by of kragtens die een of ander wet of andersins ingestel ten bate van die werknemers van die plaaslike bestuur in wie se diens sodanige geaffekteerde beampte onmiddellik voor die vasgestelde datum was, of ten bate van die werknemers van sodanige plaaslike bestuur en van enige ander plaaslike bestuur of plaaslike besture, en waartoe sodanige geaffekteerde beampte onmiddellik voor die vasgestelde datum bygedra het en wat deur die Minister vir die doeleindes van hierdie artikel goedgekeur is;

,vasgestelde datum' die datum waarop 'n skema bedoel in artikel 110 (1) *(a)* van die Waterwet, 1956 (Wet No. 54 van 1956), deur 'n waterraad verkry word of die datum waarop iemand in diens van 'n plaaslike bestuur met die oog op sodanige verkryging en met die goedkeuring van die Minister, in die diens van 'n waterraad aangestel word;

,vorige pensioengewende diens' pensioengewende diens ingevolge die wette of die reëls of regulasies betreffende 'n toepaslike pensioenfonds;

,waterraad' 'n raad ingevolge artikel 108 (2) van die Waterwet, 1956, ingestel.".

12. Die lang titel van die Algemene Pensioenwet, 1979, word hierby deur die volgende lang titel vervang:

Vervanging van lang titel van Wet 29 van 1979.

„WET

Tot samevatting van sekere wetsbepalings betreffende pensioene in die algemeen; om pensioenaangeleenthede in die algemeen verder te reël; en om vir bykomstige aangeleenthede voorsiening te maak.".

13. Die bepalings van—

Inwerkingtreding van sekere bepalings.

(a) artikels 2 en 4 word geag op 1 Junie 1979 in werking te getree het;

(b) artikels 5 en 6 tree in werking op die datum van inwerkingtreding van artikel 1 van die Tweede Wysigingswet op die Pensioenwette, 1978 (Wet No. 105 van 1978);

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(c) sections 7 and 8 shall be deemed to have come into operation on 1 January 1979; and

(d) sections 10 and 11 shall be deemed to have come into operation on the date of commencement of the Water Amendment Act, 1979 (Act No. 51 of 1979).

Short title.

14. This Act shall be called the Pension Laws Amendment Act, 1979.

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(*c*) artikels 7 en 8 word geag op 1 Januarie 1979 in werking te getree het; en

(*d*) artikels 10 en 11 word geag in werking te getree het op die datum van inwerkingtreding van die Waterwysigingswet, 1979 (Wet No. 51 van 1979).

Kort titel.

14. Hierdie Wet heet die Wysigingswet op die Pensioenwette, 1979.