

No. 56, 1956.] 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 uneven numbered pages as the other language is printed on even numbered pages.

ACT

To amend the Civil Service and Pensions Funds Act, 1895 (Cape), the Old Age Pensions Act, 1928, the War Pensions Act, 1941, the War Pensions Act, 1942, the Disability Grants Act, 1946, the Pension Laws Amendment Act, 1955, the Government Service Pensions Act, 1955, and the Vocational Education Act, 1955, and to provide for the payment of bonuses to persons in receipt of certain pensions and allowances, to give a further option to certain persons to contribute in respect of certain periods of service to pension funds and to provide for other incidental matters.

(English text signed by the Governor-General.)
(Assented to 12th June, 1956.)

BE IT ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

1. Section *sixty* of the Civil Service and Pensions Funds Act, 1895, of the Cape of Good Hope, is hereby repealed. Repeal of section 60 of Act 32 of 1895 (Cape).
2. Section *sixty-three* of the Civil Service and Pensions Funds Act, 1895, of the Cape of Good Hope, is hereby amended by the deletion of the words "on the actual contributions of such contributor to such fund", the words "calculated on a like basis and" and the proviso thereto. Amendment of section 63 of Act 32 of 1895 (Cape), as amended by section 1 of Act 49 of 1952.
3. Section *six* of the Old Age Pensions Act, 1928, is hereby amended by the addition at the end of paragraph (i) of sub-section (1) of the words "and in respect of each child over the age of sixteen years but under the age of eighteen years, who is a full-time student at an educational institution and is maintained by him". Amendment of section 6 of Act 22 of 1928, as substituted by section 3 of Act 34 of 1931 and amended by section 2 of Act 34 of 1937, section 8 of Act 33 of 1943, section 3 of Act 48 of 1944, section 1 of Act 43 of 1946, section 2 of Act 41 of 1948, section 1 of Act 47 of 1951, section 2 of Act 49 of 1952 and section 2 of Act 44 of 1953.
4. Section *twenty-eight* of the War Pensions Act, 1941, is hereby amended by the insertion in the definition of "war veteran" after the words "naval service", where they occur for the first time, of the words "in South Africa". Amendment of section 28 of Act 45 of 1941, as amended by section 57 of Act 44 of 1942 and section 2 of Act 41 of 1955.
5. (1) Section *thirty* of the War Pensions Act, 1941, is hereby amended by the substitution in the last proviso to sub-section (1) for the words "military or naval service" of the words "full-time military or naval service in South Africa". Amendment of section 30 of Act 45 of 1941, as amended by section 58 of Act 44 of 1942, section 10 of Act 48 of 1944, section 2 of Act 43 of 1946, section 5 of Act 41 of 1948, section 9 of Act 35 of 1949, section 15 of Act 52 of 1954 and section 3 of Act 41 of 1955.
(2) The provisions of sub-section (1) shall be deemed to have come into operation on the first day of April, 1955: Provided that if prior to the commencement of this Act, a veteran's pension was awarded to any person who would not have been entitled to such a pension, had the provisions of sub-section (1) in fact come into operation on the first day of April, 1955, such person shall be deemed to have been entitled to the said pension up to and including the thirtieth day of April, 1956.
6. Section *twenty* of the War Pensions Act, 1942, is hereby amended by the addition at the end thereof of the following paragraph: Amendment of section 20 of Act 44 of 1942, as substituted by section 19 of Act 58 of 1946.
“(c) There shall be paid in respect of a child in respect of whom an allowance is being paid in terms of para-

graph (b), an educational grant at a rate not exceeding the rate specified in the Third Schedule, which corresponds to the volunteer's degree of pensionable disablement at the time of his death, to meet any tuition fees payable in respect of such child while attending any school, college, technical institute or university."

7. Section *nine* of the Disability Grants Act, 1946, is hereby amended by the addition at the end of paragraph (i) of sub-section (1) of the words "and in respect of each child over the age of sixteen years but under the age of eighteen years, who is a full-time student at an educational institution and is maintained by him".

Amendment of section 9 of Act 36 of 1946, as amended by section 10 of Act 49 of 1948, section 8 of Act 47 of 1951 and section 1 of Act 49 of 1954.

8. (1) Section *six* of the Pension Laws Amendment Act, 1955, is hereby amended by the deletion in sub-section (1) of the expression "or in terms of paragraph (c) of sub-section (1) of section *eighty-four* of the Children's Act, 1937 (Act No. 31 of 1937)", and of the expression "but not beyond the thirty-first day of March, 1956,".

Amendment of section 6 of Act 41 of 1955.

9. Section *one* of the Government Service Pensions Act, 1955, hereinafter referred to as the principal Act, is hereby amended by the substitution for sub-section (2) of the following sub-section:

Amendment of section 1 of Act 58 of 1955.

"(2) Of the amount, if any, payable by any contributor in pursuance of a determination under paragraph (b) of sub-section (5) of section *eight*, only such portions as may be prescribed shall be deemed to be included in his own contributions, or to be excess contributions respectively."

10. Section *eight* of the principal Act is hereby amended—
(a) by the substitution for paragraph (b) of sub-section (5) of the following paragraph:

Amendment of section 8 of Act 58 of 1955.

"(b) for the payment by such member, in respect of any period included in his pensionable service in terms of sub-paragraph (ii) of paragraph (a) or paragraph (b) of sub-section (3), or sub-section (4), of an amount determined by the Treasury after consultation with the Commission and an actuary;" and

(b) by the deletion in sub-paragraph (iii) of paragraph (d) of that sub-section of the expression "or paragraph (b)".

11. Section *eleven* of the principal Act is hereby amended by the addition at the end thereof of the following sub-section:

Amendment of section 11 of Act 58 of 1955.

"(3) A member of a new fund who is seconded to employment in respect of which he would have become liable to contribute to another new fund in terms of sub-section (1) of section *twelve* if he had been transferred to such employment shall, on such conditions as the Treasury, on the recommendation of the Commission, may determine, continue while so seconded, to make contributions to the new fund of which he is a member: Provided that the contributions so continued to be made shall be based upon such an amount, not being less than the pensionable emoluments which such member would have drawn if he had not been seconded, as may be determined by the Treasury from time to time on the recommendation of the Commission, and any amount so determined shall for the purposes of this Chapter be deemed to be the pensionable emoluments of the member during the period concerned."

12. Section *thirteen* of the principal Act is hereby amended by the addition at the end thereof of the following sub-section:

Amendment of section 13 of Act 58 of 1955.

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

of his contributions to the new fund to which he contributes shall be determined by his age last birthday at the date of commencement of his first period of pensionable service under this Act or the Pensions Act."

13. Section *fifteen* of the principal Act is hereby amended by the addition at the end thereof of the following sub-section: Amendment of section 15 of Act 58 of 1955.

"(7) If a person referred to in sub-section (1) was, prior to the date on which his pensionable service under the railway administration commenced, a contributor to a new fund or the old fund and elected to be dealt with in accordance with the provisions of paragraph (b) of sub-section (4) of this section or sub-paragraph (ii) of paragraph (b) of sub-section (2) of section *twenty-eight* of the Pensions Act, then his pensionable service in the public service prior to such date shall, on such conditions as the Treasury may determine, be reckoned as continuous with his subsequent pensionable service under this Act: Provided that the rate of his contributions to the new fund to which he contributes shall be determined by his age last birthday at the date of commencement of his first period of pensionable service under this Act or the Pensions Act."

14. Section *sixteen* of the principal Act is hereby amended by the insertion in the definition of "pensionable age" after the expression "sub-section (1)" of the expression "sub-section (1)*bis*". Amendment of section 16 of Act 58 of 1955.

15. (1) Section *eighteen* of the principal Act is hereby amended— Amendment of section 18 of Act 58 of 1955.

(a) by the insertion after sub-section (1) of the following sub-section:

"(1)*bis* Subject to the provisions of sub-sections (4) and (5), the provisions of sub-section (1) of section *thirty-five* shall *mutatis mutandis* apply in respect of old members who are members of the permanent force."; and

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

"(3) Subject to the provisions of sub-sections (4) and (5), the provisions of sub-sections (1), (2), (3) and (4) of section *forty-six* shall *mutatis mutandis* apply in respect of old members who are members of the police force or prisons service."

16. Section *nineteen* of the principal Act is hereby amended by the insertion in sub-section (1) after the word "ill-health" of the words "or in accordance with the provisions of sub-section (3) of section *twenty-six* or sub-section (2) of section *forty-six*". Amendment of section 19 of Act 58 of 1955.

17. Section *twenty-six* of the principal Act is hereby amended by the addition at the end thereof of the following sub-section: Amendment of section 26 of Act 58 of 1955.

"(6) Notwithstanding anything to the contrary contained in sub-section (1) or in any other law the provisions of sub-sections (2) and (3) shall *mutatis mutandis* apply in respect of any person who immediately prior to the commencement of this Act was a member of the provident fund established under section *nineteen* of the Higher Education Act, 1923 (Act No. 30 of 1923), and who elects in terms of sub-section (2) of section *twenty-five* of the Vocational Education Act, 1955 (Act No. 70 of 1955), to become a member of the fund, as if such person were a contributor to the old fund immediately prior to such commencement."

18. Section *twenty-seven* of the principal Act is hereby amended by the substitution for sub-section (2) of the following sub-section: Amendment of section 27 of Act 58 of 1955.

"(2) A new member who is a female, who has not less than five years pensionable service and who is discharged on account of her marriage, or retires voluntarily in contemplation of marriage after having notified the head of her department in writing to that effect, and marries within three months after such retirement, shall receive, according to whichever is the greater, a gratuity equal to either—

(a) an amount calculated in accordance with the provisions of sub-section (1) of section *twenty-nine*; or

(b) a percentage of the amount of the monthly average of her pensionable emoluments for the last seven years

of her pensionable service or for the whole period of such service, whichever is the lesser period, in respect of each completed year of her pensionable service, calculated according to the following scale:

Number of completed years of pensionable service:	Percentage of monthly average of pensionable emoluments:
Up to 5	68½
6	75
7	81½
8	87½
9	93½
10 and over	100."

19. Section *twenty-eight* of the principal Act is hereby amended by the insertion in sub-section (3) after the word "ill-health" of the words "or otherwise than under the provisions of sub-section (3) of section *twenty-six*,". Amendment of section 28 of Act 58 of 1955.

20. Section *twenty-nine* of the principal Act is hereby amended— Amendment of section 29 of Act 58 of 1955.

(a) by the insertion in sub-section (1) after the words "section *twenty-six*" of the words "and a new member who is a female having less than five years pensionable service and who is discharged on account of her marriage"; and

(b) by the substitution in sub-section (1) for the word "his" wherever it occurs of the words "the member's".

21. Section *forty* of the principal Act is hereby amended by the deletion in the definition of "pensionable age" of the expression "(2)". Amendment of section 40 of Act 58 of 1955.

22. Section *forty-five* of the principal Act is hereby amended by the addition at the end thereof of the following sub-section: Amendment of section 45 of Act 58 of 1955.

"(3) A non-European member of the police force or prisons service who—

(a) was appointed to a post in such force or service prior to the fixed date and who on that date had not completed three years employment in that force or service; or

(b) was appointed to a post in such force or service on or after the fixed date but before the commencement of this Act; and

(c) elects in terms of section *forty-three* to become a contributor to the fund,

shall contribute provisionally to the fund during the first three years of his employment in the police force or prisons service."

23. Section *forty-six* of the principal Act is hereby amended by the substitution for sub-sections (1), (2) and (3) of the following sub-sections: Amendment of section 46 of Act 58 of 1955.

"(1) Subject to the provisions of sub-sections (2) and (3), a member shall have the right to retire on pension on attaining the age of fifty-eight years, and shall, subject to the provisions of sub-section (4), be retired on pension on reaching that age.

(2) A member who was appointed to a post in the police force or prisons service prior to the commencement of this Act shall have the right at any time to give written notification to the head of his department of his wish to be retired on pension, and if he gives such notification he shall—

(a) if such notification is given at least three months prior to the date on which he attains the age of fifty-five years, be retired on pension on attaining that age; or

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

(3) If a member who—

(a) was appointed to a post in the police force or prisons service prior to the commencement of this Act; and

(b) attains the age of fifty-five years on or within six months after the commencement of the Pension Laws Amendment Act, 1956,

had the right, immediately prior to the commencement referred to in paragraph (b), to retire on pension on attaining the age of fifty-five years, then, notwithstanding anything to the contrary contained in sub-sections (1) and (2), such member shall retain the right to retire on pension on attaining the age of fifty-five years, and shall, subject to the provisions of sub-section (4), be retired on pension on reaching that age: Provided that such a member may at any time prior to the date on which he attains that age, elect in writing to be subject to the provisions of sub-sections (1) and (2) and if he so elects, the provisions of this sub-section shall cease to apply to him."

24. Section *forty-eight* of the principal Act is hereby amended by the insertion in sub-section (3) after the word "unfitness" of the words "or otherwise than under the provisions of sub-section (2) of section *forty-six*,". Amendment of section 48 of Act 58 of 1955.

25. Section *forty-nine* of the principal Act is hereby amended— Amendment of section 49 of Act 58 of 1955.

(a) by the insertion in sub-section (1) after the words "pensionable age" of the words "otherwise than under the provisions of sub-section (2) of section *forty-six*"; and

(b) by the deletion in the proviso to sub-section (1) of the words "and who has not made an election in terms of sub-section (3) of section *forty-six*,".

26. Section *fifty-six* of the principal Act is hereby amended— Amendment of section 56 of Act 58 of 1955.

(a) by the insertion after the definition of "member" of the following definition:

"'qualifying service' means service rendered by a member—

(a) in a post in the police force;

(b) as a subordinate officer in terms of the definition of 'subordinate officer' as it was defined in section *two* of the Prisons and Reformatories Act, 1911 (Act No. 13 of 1911), prior to the commencement of the Prisons and Reformatories Amendment Act, 1955 (Act No. 11 of 1955);

(c) as an officer as defined in section *two* of the Prisons and Reformatories Act, 1911;

(d) as a subordinate officer (as defined in the Prisons and Reformatories Act, 1911, as applied to the territory by Administrator's Proclamation No. 6 of 1916, as amended by Proclamations No. 20 of 1922 and No. 4 of 1923) in the prisons department of the territory;

(e) in a post referred to in sub-section (1) of section *four* or sub-section (1) of section *five* of the Prisons and Reformatories Act, 1911, prior to the date upon which, in accordance with the definition of 'officer' in section *two* of that Act, he became a member of the prisons service,

but shall not include any period of service which is not pensionable service;"

and

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

"'reckonable service' means a period of either one-fifth of the period by which a member's qualifying service exceeds thirteen years, or a period of five years, whichever is the lesser period;"

27. Section *fifty-eight* of the principal Act is hereby amended by the substitution in sub-section (1) for the word "pensionable" where it occurs for the first time, of the word "qualifying". Amendment of section 58 of Act 58 of 1955.

28. Section *ninety* of the principal Act is hereby amended by the insertion in sub-section (4) after the word "on" of the words "account of". Amendment of section 90 of Act 58 of 1955.

29. Section *one* of the Vocational Education Act, 1955, is hereby amended—

(a) by the substitution for the definition of "Pension Fund" of the following definition:

"'Pension Fund' means the Union pension fund established under section *two* of the Pensions Act:";

(b) by the substitution for paragraph (a) of the definition of "pensionable age" of the following paragraph:

"(a) in the case of a member of the Pension Fund, the pensionable age as defined in section *twenty-one* of the Pensions Act:";

(c) by the substitution for the definition of "pensionable emoluments" of the following definition:

"'pensionable emoluments' means pensionable emoluments as defined in section *one hundred and nine* of the Pensions Act:"; and

(d) by the insertion after the definition of "pensionable emoluments" of the following definition:

"'Pensions Act' means the Government Service Pensions Act, 1955 (Act No. 58 of 1955);".

Amendment of section 1 of Act 70 of 1955.

30. Section *twenty-two* of the Vocational Education Act, 1955, is hereby amended by the substitution in the proviso to sub-section (3) for the words "Government Service Pensions Act, 1936" of the words "Pensions Act".

Amendment of section 22 of Act 70 of 1955.

31. Section *twenty-three* of the Vocational Education Act, 1955, is hereby amended by the substitution for sub-section (2) of the following sub-section:

Amendment of section 23 of Act 70 of 1955.

"(2) Notwithstanding anything to the contrary contained in the Pensions Act, but subject to the provisions of section *eighty-six* of that Act, any European person employed at a State-aided vocational school or continuation class on a whole-time basis and in a temporary capacity, whose salary is paid in full by the Department, shall for the purposes of Chapter V of the said Act be deemed to be an employee of the Government."

32. Section *twenty-four* of the Vocational Education Act, 1955, is hereby amended by the substitution for sub-section (2) of the following sub-section:

Amendment of section 24 of Act 70 of 1955.

"(2) Notwithstanding anything to the contrary contained in the Pensions Act, the amount computed in terms of section *thirteen* of the said Act in respect of any period of the past pensionable service of a person who had made an election in terms of sub-section (2) of section *twenty-five* shall for purposes of the Pension Fund or the Government Employees' Provident Fund referred to in section *eighty-four* of the said Act, as the case may be, be based on such emoluments as the Treasury, on the recommendation of the Commission may determine, and such emoluments shall for the purposes of the said Act be deemed to have been or to be, as the case may be, the pensionable emoluments of that person."

33. Section *twenty-five* of the Vocational Education Act, 1955, is hereby amended by the substitution in sub-section (2) for the words "*twenty-six* of the Government Service Pensions Act, 1936", wherever they occur, of the words "*thirteen* of the Pensions Act".

Amendment of section 25 of Act 70 of 1955.

34. (1) If any South African citizen suffered disablement or death as a result of service with the military, naval or air forces of any government allied to the Government of the Union in the war, and a pension or allowance has been awarded by such allied government in respect of such disablement or death which is less than the aggregate of—

Grant of bonus to persons in receipt of military pensions.

(a) the pension or allowance that would have been payable in terms of the War Pensions Act, if such citizen had been a volunteer; and

(b) the bonus which would have been payable if the provisions of section *thirteen* of the Pension Laws Amendment Act, 1951 (Act No. 47 of 1951), had been applicable in respect of the last-mentioned pension or allowance,

then there may from time to time be paid to or in respect of the said citizen a bonus of not more than the amount whereby the said aggregate exceeds the pension or allowance so awarded, if the said South African citizen was normally resident in the

Union at the date of commencement of the war: Provided that no bonus shall be payable under this section to or in respect of any person who is not normally resident in the Union or to whom a bonus is payable in terms of section *thirteen* of the Pension Laws Amendment Act, 1951.

(2) For the purposes of sections *thirty-nine* and *forty-one* of the War Pensions Act, 1942 (Act No. 44 of 1942), any bonus payable in terms of sub-section (i) shall be regarded as a benefit payable under that Act.

(3) For the purposes of sub-section (1), in the case of a South African citizen who suffered disablement or death during the war which commenced on the fourth day of August, 1914, the expression "the War Pensions Act" means the War Special Pensions Act, 1919 (Act No. 42 of 1919), and the expressions "the war" and "volunteer" shall bear the meanings assigned to them in section *one* of that Act, and in the case of a South African citizen who suffered disablement or death during the war which commenced on the sixth day of September, 1939, the expression "the War Pensions Act" means the War Pensions Act, 1942 (Act No. 44 of 1942), and the expressions "the war" and "volunteer" shall bear the meanings assigned to them in section *one* of the last-mentioned Act.

35. (1) A person who is a contributor to a fund established under section *two* of the Government Service Pensions Act, 1955 (Act No. 58 of 1955), and who did not—

Further election by certain persons to contribute to funds established under section 2 of Act 58 of 1955, in respect of certain periods of service.

(a) elect in terms of the last proviso to sub-section (5) of section *twenty* of the Public Service and Pensions Act, 1912 (Act No. 29 of 1912), or paragraph (a) of the proviso to sub-section (2) of section *thirty-nine* of that Act, to contribute to a fund established under section *nineteen* of the said Act, in respect of his probationary service or his first five years' service, as the case may be;

(b) elect in terms of sub-section (2) of section *twenty-six* of the Public Service and Pensions Act, 1923 (Act No. 27 of 1923), or paragraph (i) of the proviso to paragraph (d) of sub-section (1) of section *forty-six* of that Act, to contribute to a fund established under section *twenty-five* of the said Act, in respect of his probationary service or his first three years' service, as the case may be;

(c) either before or after the commencement of the Government Service Pensions Amendment Act, 1946 (Act No. 32 of 1946), elect in terms of section *thirteen* of the Government Service Pensions Act, 1936 (Act No. 32 of 1936), to contribute to the Union public service pension fund established under section *three* of the last-mentioned Act, in respect of his probationary service;

(d) either before or after the commencement of the Government Service Pensions Amendment Act, 1946, elect in terms of section *fourteen* of the Government Service Pensions Act, 1936, to contribute to the Union public service pension fund established under section *three* of the last-mentioned Act, in respect of the first three years of his employment in the services,

may, notwithstanding anything to the contrary contained in any other law, elect in writing within thirty days after the date upon which he is called upon to do so, to contribute in respect of any period of such service or employment approved by the Commissioner, and if he so elects to contribute, he shall, in respect of such period, pay to the fund established under section *two* of the Government Service Pensions Act, 1955, to which he is a contributor, contributions at such rate as the Treasury may determine, together with interest on such contributions at the rate of four per cent. per annum, annually compounded as at the thirty-first day of March and calculated according to the dates upon which the said contributions would have been payable had he during that period been a contributor to the said fund.

(2) For the purposes of sub-section (1) any period during which the provisions of—

(i) paragraph (a), (c), (e) or (g) of sub-section (5) of section *twenty* of the Public Service and Pensions Act, 1912;

(ii) paragraph (a), (c), (e) or (f) of sub-section (4) of section *twenty-six* of the Public Service and Pensions Act, 1923; or

(iii) paragraph (a), (c), (e) or (f) of section *sixteen* of the Government Service Pensions Act, 1936, applied in respect of the person concerned, shall not be included in any period of service or employment.

(3) If the said person is unable to liquidate, in one payment, the amount which becomes due by him by virtue of an election made by him in terms of sub-section (1), such amount shall be recovered from him in such manner and in such instalments as the Commissioner may determine and he shall pay interest at the rate of four per cent. per annum, annually compounded as at the thirty-first day of March, on the amount which remains unpaid at the end of each month.

(4) There shall be paid from revenue to the appropriate fund established under section *two* of the Government Service Pensions Act, 1955, an amount equal to the contributions and interest which become payable by a person in terms of sub-section (1).

(5) For the purposes of this section the expressions "Commissioner", "revenue", "the services", and "Treasury" shall bear the meanings assigned to them in section *one hundred and nine* of the Government Service Pensions Act, 1955.

36. (1) Sections *one* and *two* shall come into operation on the first day of July, 1956. Commencement
of certain
provisions.

(2) Section *four* shall be deemed to have come into operation on the first day of April, 1955.

(3) Section *eight* shall be deemed to have come into operation on the first day of April, 1956.

(4) Sections *nine* to *thirteen*, inclusive, and sections *eighteen*, *nineteen*, *twenty*, *twenty-two*, *twenty-six*, *twenty-seven* and *twenty-eight* shall be deemed to have come into operation on the twenty-fourth day of June, 1955.

(5) Section *seventeen* and sections *twenty-nine* to *thirty-three*, inclusive, shall be deemed to have come into operation on the thirtieth day of September, 1955.

37. This Act shall be called the Pension Laws Amendment Short title Act, 1956.