

No. 34, 1935.]

ACT

To make better provision for the pension and retirement benefits and conditions of service of persons employed at juvenile reformatories and juvenile adult reformatories.

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

Pension rights and conditions of service of persons employed at juvenile reformatories or juvenile adult reformatories.

1. For the purpose of determining the pension and retirement benefits and the conditions of service of persons employed at juvenile reformatories or juvenile adult reformatories, including the provisions relating to appointment, promotion, transfer, discharge, control, emoluments and leave privileges, those persons shall, notwithstanding anything contained in the Prisons and Reformatories Act, 1911 (Act No. 13 of 1911), the Public Service and Pensions Act, 1923 (Act No. 27 of 1923), the Vocational Education and Special Schools Act, 1928 (Act No. 29 of 1928), or in any other law, and subject to the provisions of section *two* of this Act, be deemed to be persons employed at schools established under the last-named act.

Application of Act to existing staff.

2. (1) Every person who was employed at a juvenile reformatory or juvenile adult reformatory at the commencement of the Reformatories Amendment Act, 1934 (Act No. 27 of 1934), and who continued to be so employed until the commencement of this Act, shall, in respect of the period between the commencement of the first-mentioned Act and the commencement of this Act, be deemed to have been seconded from the Prisons Department for employment at a juvenile reformatory or juvenile adult reformatory, as the case may be.

(2) Subject to the provisions of sub-section (3), the provisions of section *one* shall apply, as from the commencement of this Act, to every person (other than a subordinate officer, as defined in section *two* of the Prisons and Reformatories Act, 1911) who at the commencement of this Act is employed at a juvenile reformatory or juvenile adult reformatory.

(3) Every such person may, within three months after he has been required by written notice signed by an officer of the Education Department to exercise the option given him by this section, notify the Minister of Education in writing that he wishes to retain his pension and retirement benefits, as they existed immediately prior to the commencement of this Act. Such pension and retirement benefits shall, in respect of every such person who, within the said period of three months, gives such notification, continue as if this Act had not been passed.

(4) The Minister of Education shall, within one year after the commencement of this Act, cause to be framed a list of the subordinate officers, as so defined, who at such commencement were employed at juvenile reformatories or juvenile adult reformatories, and whose services he desires to retain permanently at juvenile reformatories or juvenile adult reformatories.

(5) Every subordinate officer as so defined, whose name is included in that list may, within three months after he has been required by written notice signed by an officer of the Education Department to exercise the option given him by this section, notify the Minister of Education in writing that he does not wish to serve permanently at juvenile reformatories or juvenile adult reformatories.

(6) The provisions of section *one* shall not apply to any subordinate officer, as so defined—

- (a) whose name is included in that list and who, within the said period of three months, gives the notification referred to in sub-section (5); or
- (b) whose name is not included in that list;

and every such officer shall be deemed to be seconded, as from the commencement of this Act, from the Prisons Department for employment at a juvenile reformatory or juvenile adult reformatory, as the case may be.

(7) As from the commencement of this Act, the provisions of section *one* shall apply to every subordinate officer, as so defined, whose name is included in that list, and who does not give the notification referred to in sub-section (5) within the said period of three months; and every such officer shall be deemed to have ceased, as from such commencement, to be a subordinate officer, as so defined, and to be a member of the services, as defined in section *one hundred and one* of the Public Service and Pensions Act, 1923.

Salaries and
Salary Scales of
existing Staffs
safeguarded.

3. The salary received at the commencement of this Act by any person to whom, in terms of section *two*, the provisions of section *one* apply, and the salary scale which at such commencement applies to any such persons, shall not be reduced: Provided that nothing in this section shall affect the operation in respect of any such person of the provisions of section *nine* or sub-section (5) of section *twelve* of the Vocational Education and Special Schools Act, 1928.

Short title.

4. This Act shall be known as the Reformatories Service Act, 1935.
