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REGULATIONS GOVERNING THE TRANSVAAL JOINT MUNICIPAL ANNUITY AND GRATUITY FUND (NON-EUROPEAN), ESTABLISHED BY THE ADMINISTRATOR IN TERMS OF SECTION 79 OF THE LOCAL GOVERNMENT ORDINANCE, 1939. (ORDINANCE 17 OF 1939).

The Administrator hereby, in terms of section 79ter of the Local Government Ordinance, 1939, makes the following regulations with effect from 1st July, 1970.

CHAPTER 1.

PRELIMINARY.

*Definitions.*

1. In these regulations, unless the context otherwise indicates —

“Act” means the Pension Funds Act, 1956 (Act 24 of 1956), and any regulations framed thereunder;

“actuary” means an actuary approved by and acting during the pleasure of the Administrator and who is a Fellow of an institute, faculty, society or chapter of actuaries likewise approved by the Administrator;

“advisory board” means the advisory board referred to in regulation 6;

“annuity” means the annual sum payable to a pensioner;

“calendar month” means a period from the first to the last day of any month, both such days inclusive;

“child” means the child of a member and includes a posthumous child, a stepchild, an illegitimate child and an adopted child, including a child who is the offspring of a customary union recognised as valid by Bantu law and custom and who is wholly dependent upon a member for support and maintenance, subject to proof of the facts in each case to the satisfaction of the committee;

“committee” means the committee of management referred to in regulation 4;

“continuous service” of a member means the last unbroken period of service of the member with any local authority or local authorities after the attainment of the age of seventeen years and after the effective entry date of the member; Provided that —

(a) two periods of service shall be considered as continuous if separated only by —

(i) authorised leave of absence;

(ii) a break in service regarded as leave without pay or otherwise condoned by the committee on the recommendation of the local authority concerned;

(iii) a period of suspension followed by re-instatement in the same or another office or post;

Administrateurskennisgewing 550

25 Mei 1970

REGULASIES INSAKE DIE TRANSVAALSE GE-MEENSKAPLIKE MUNISIPALE JAARGELD- EN GRATIFIKASIEFONDS (NIE-BLANK) DEUR DIE ADMINISTRATEUR INGESTEL INGEVOLGE ARTIKEL 79ter VAN DIE ORDONNANSIE OP PLAAS-LIKE BESTUUR, 1939 (ORDONNANSIE 17 VAN 1939).

Hierby maak die Administrateur, ingevolge artikel 79ter van die Ordonnansie op Plaaslike Bestuur, 1939, die volgende regulasies met ingang vanaf 1 Julie 1970.

HOOFSTUK 1

INLEIDING

*Woordomskrywings.*

1. In hierdie regulasies, tensy die samehang anders aandui, beteken —

„afhanklike” met betrekking tot 'n lid —

(a) 'n eggenote (met inbegrip van 'n vrou wat 'n gewoon-teverbintenis ooreenkomstig Bantoereg en -gebruik aangegaan het), eggenoot, weduwee (met inbegrip van 'n vrou wat die langlewende is van 'n gewoon-teverbintenis wat ooreenkomstig Bantoereg en -gebruik aangegaan is), wewenaar of minderjarige kind van sodanige lid;

(b) 'n vader, moeder, broer, suster of mondige kind wat algeheel of gedeeltelik van sodanige lid afhanklik is vir steun en onderhoud en wat die komitee tevrede stel dat hy aldus afhanklik is;

(c) enige ander persoon wat geheel en al van sodanige lid vir steun en onderhoud afhanklik is en wat die komitee tevrede stel dat hy aldus afhanklik is;

„aktuaris” 'n aktuaris deur die Administrateur goedgekeur, wat optree solank dit die Administrateur behaag en wat 'n „fellow” van 'n instituut, fakulteit, vereniging of kapittel van aktuarisse is insgelyks deur die Administrateur goedgekeur;

„algemene raad” die algemene raad waarna daar in regulasie 7 verwys word;

„boekjaar” enige jaar eindigende op 31 Desember;

„bydraes” met betrekking tot enige terugbetaling van bydraes, sluit nie rente in nie;

„deurlopende diens” van 'n lid, die laaste deurlopende dienstyd van die lid by enige plaaslike bestuur of plaaslike bestuure na bereiking van die ouderdom van sewentien jaar en na die effektiewe inskrywingsdatum van die lid: Met dien verstande dat —

(a) twee dienstydperke as deurlopend beskou word as hulle slegs geskei word deur —

(i) goedgekeurde afwesighedsverlof;

(ii) 'n onderbreking in diens wat beskou word as verlof sonder betaling of wat andersins deur die komitee gekondoneer is op aanbeveling van die betrokke plaaslike bestuur;

- (iv) a break in service whilst transferring from one local authority to another, if condoned by the committee;
- (v) a period of absence, not exceeding 30 days at a time, caused as a result of the operation of the regulations published in terms of the Bantu Labour Act, 1964 (Act 67 of 1964) in respect of Labour Bureaux at Bantu Authorities;
- (b) the continuous service of a member shall include any period in respect of which the member contributes to the Fund in terms of these regulations;
- (c) on or after the fixed date, any period in respect of which a member has not paid contributions shall not be taken into account in calculating the period of his continuous service;
- (d) the continuous service of a member who is an employee of a local authority on the date upon which such local authority becomes associated with the Fund in terms of a scheme approved under regulation 22, shall include the period determined to be so included in terms of the said regulation;
- (e) no member shall be entitled to benefits under more than one regulation in respect of the same period of service;
- (f) the period of continuous service shall be calculated by the year and the month and a fraction of a month shall be disregarded;

"contributions", in relation to any refund of contributions, shall not include interest;

"dependant" in relation to a member means —

- (a) a wife (including a woman who has entered into a customary union in accordance with Bantu law and custom), husband, widow (including a woman who is the survivor of a customary union entered into in accordance with Bantu law and custom), widower or minor child of such member;
- (b) a father, mother, brother, sister or a major child wholly or in part dependent upon such member for support and maintenance and who satisfies the committee that he is so dependent;
- (c) any other person wholly dependent upon such member for support and maintenance who satisfies the committee that he is so dependent;

"effective entry date" in respect of any member means the date upon which the member becomes a member of the Fund, or, if the member's service since he first became a member of the Fund does not constitute continuous service in terms of these regulations, the "effective entry date" in respect of the member means the date of commencement of the last period of continuous service: Provided that in respect of a member who is an employee of a local authority on the date upon which such local authority becomes associated with the Fund in terms of a scheme approved under regulation 22, the "effective entry date" for such member shall be a date determined in accordance with such scheme;

"employee" means any person other than a white person as defined in section 1 of the Population Registration Act, 1950 (Act 30 of 1950), who is employed by a local authority in a salaried or graded post on the fixed establishment in a permanent and fulltime capacity and who has attained the age of seventeen years but has not attained the pension age;

"financial year" means any year ending on the 31st December;

"fixed date" in respect of any local authority means the date on which the local authority becomes associated with the Fund;

- (iii) 'n tydperk van skorsing gevolg deur herstelling in dieselfde of in 'n ander pos of amp;
- (iv) 'n diensonderbreking tydens oorplasing van een plaaslike bestuur na 'n ander, as dit deur die komitee gekondoneer word;
- (v) 'n tydperk van afwesigheid wat nie 30 dae op 'n slag oorskry nie, wat veroorsaak is as gevolg van die werking van die regulasies wat ingevolge die Wet op Bantoearbeid, 1964 (Wet 67 van 1964) ten opsigte van Arbeidsburo's by Bantoeowerhede gepubliseer is;
- (b) die deurlopende diens van 'n lid enige tydperk insluit ten opsigte waarvan die lid ingevolge hierdie regulasies tot die Fonds bydra;
- (c) op of na die vasgestelde datum geen tydperk, ten opsigte waarvan 'n lid nie bydraes betaal het nie, in aggeneem word by die berekening van die tydperk van sy onderbroke diens nie;
- (d) die deurlopende diens van 'n lid wat 'n werknemer van 'n plaaslike bestuur is op die datum waarop sodanige plaaslike bestuur met die Fonds geassosieer word ingevolge 'n skema wat kragtens regulasie 22 goedgekeur is, die tydperk insluit wat ingevolge genoemde regulasie bepaal word om aldus ingesluit te word;
- (e) geen lid geregtig is op voordele kragtens meer as een regulasie ten opsigte van dieselfde dienstydperk nie;
- (f) die tydperk van deurlopende diens volgens die jaar en die maand bereken word en dat 'n gedeelte van 'n maand veronagsaam word;

„diens” diens as 'n werknemer ingevolge hierdie regulasies;

„effektiewe inskrywingsdatum” ten opsigte van enige lid, die datum waarop die lid 'n lid van die Fonds word, of, indien die lid se diens vandat hy vir die eerste keer lid van die Fonds geword het nie deurlopende diens ingevolge hierdie regulasies is nie, beteken die „effektiewe inskrywingsdatum” ten opsigte van die lid die aanvangsdatum van die laaste tydperk van deurlopende diens: Met dien verstande dat ten opsigte van 'n lid wat 'n werknemer van 'n plaaslike bestuur is op die datum waarop sodanige plaaslike bestuur met die Fonds geassosieer word ingevolge 'n skema wat kragtens regulasie 22 goedgekeur is, die „effektiewe inskrywingsdatum” vir sodanige lid 'n datum is wat ooreenkomstig sodanige skema bepaal is; „Fonds” die Transvaalse Gemeenskaplike Munisipale Jaargeld- en Gratifikasiefonds (nie-blank) ingevolge regulasie 2 ingestel;

„jaargeld” die jaarlikse bedrag wat aan 'n pensioentrekker betaalbaar is;

„kalendermaand” 'n tydperk van die eerste dag tot die laaste dag van enige maand, met inbegrip van beide sodanige dae;

„kind” die kind van 'n lid en omvat 'n nakind, 'n stiefkind, 'n onegte kind en 'n aangenome kind met inbegrip van 'n kind wat die nasaat is van 'n gewoonteverbintenis wat as geldig deur Bantoeereg en -gebruik erken word en wat geheel en al afhanklik is van 'n lid vir ondersteuning en onderhoud, onderworpe aan bewyse van die feite in elke geval tot voldoening van die komitee;

„komitee” die komitee van bestuur in regulasie 4 genoem;

„lid” 'n werknemer wat tot die Fonds ingevolge hierdie regulasies bydra;

„pensioendraende emolumente” ook —

(a) salaris of loon;

(b) lewenskostetoelae;

(c) een sesde van die bedrae waarna in (a) en (b) verwys word wanneer —

“Fund” means the Transvaal Joint Municipal Annuity and Gratuity Fund (non-European) established in terms of regulation 2;

“general board” means the general board referred to in regulation 7;

“local authority” means a town council and a village council as defined in section 2 of the Local Government Ordinance, 1939;

“member” means an employee who is a contributor to the Fund in terms of these regulations;

“pensionable emoluments” means and includes —

- (a) salary or wages;
- (b) cost of living allowance;
- (c) one-sixth of the amounts referred to in (a) and (b) whenever —
  - (i) occupation of quarters, whether belonging to the local authority or not, is allowed free of rent as a portion of the member's emoluments; or
  - (ii) any allowance is granted in lieu of the provision of free quarters or any allowance is paid towards the provision of quarters;

(d) any ration allowance or the value of free rations as determined by the committee;

but does not include —

- (aa) any special remuneration which may be received for performing special duties or while acting in an office whether permanently or temporarily vacant, or for piecework;
- (bb) any transport or subsistence allowance;
- (cc) any fees, honoraria or bonuses of any kind;
- (dd) any overtime payment;
- (ee) any other allowance not herein specified;

“pension age” in respect of any member means the age of 60 years;

“pensioner” means a retired member in receipt of an annuity from the Fund;

“Registrar” means the Registrar of Pension Funds appointed under the Act;

“secretary” means the person appointed as such by the committee in terms of regulation 5(1)(1), who shall also be the principal officer of the Fund as defined in section 1 of the Act;

“service” means service as an employee in terms of these regulations;

“superannuation fund” means a superannuation or pension fund established by a local authority for its employees and includes a fund or scheme of a local authority ensuring benefits to such employees on retirement;

“town clerk” means the chief executive officer of a local authority;

and any other word or expression shall have the meaning assigned thereto in the Act or in the Local Government Ordinance, 1939.

## CHAPTER II.

### ESTABLISHMENT OF THE TRANSVAAL JOINT MUNICIPAL ANNUITY AND GRATUITY FUND (NON-EUROPEAN) AND MANAGEMENT THEREOF.

#### *Establishment of the Fund.*

2. (1) A fund is hereby established which shall come into operation on the first day of July, 1970, and which shall be known as the Transvaal Joint Municipal Annuity and Gratuity Fund (non-European).

- (i) bewoning van woongeriewe, of dit aan die plaaslike bestuur behoort of nie, kosteloos toegelaat word as deel van die lid se emolumente, of
- (ii) enige toelae toegestaan word in plaas van die verskaffing van kostelose woongeriewe of enige toelae ter bestryding van die koste van die verskaffing van woongeriewe betaal word;

(d) enige rantsoentoeleae of die waarde van vry rantsoene soos bepaal deur die komitee, maar omvat nie —

- (aa) enige spesiale vergoeding wat ontvang word vir die verrigting van spesiale pligte of terwyl daar in 'n amp waargeneem word, of dit permanent of tydelik vakant is, of vir stukwerk nie;
- (bb) enige vervoer- of verblyftoeleae;
- (cc) enige gelde, honoraria of bonusse van enige aard;
- (dd) enige oortydbetaling;
- (ee) enige ander toelae wat nie hierin gespesifiseer word nie;

„pensioenfonds” ’n pensioenfonds wat deur ’n plaaslike bestuur vir sy werknemers ingestel is en sluit in ’n fonds of skema van ’n plaaslike bestuur wat voordele aan sodanige werknemers by aftrede verseker;

„pensioenleef tyd” ten opsigte van enige lid, die ouderdom van 60 jaar;

„pensioentrekker” ’n afgetrede lid wat ’n jaargeld van die Fonds ontvang;

„plaaslike bestuur” ’n stadsraad en ’n dorpsraad soos omskryf in artikel 2 van die Ordonnansie op Plaaslike Bestuur, 1939;

„raad van advies” die raad van advies waarna daar in regulasie 6 verwys word;

„Registrateur” die Registrateur van Pensioenfondse wat ingevolge die Wet aangestel is;

„sekretaris” die persoon wat as sodanig deur die komitee ingevolge regulasie 5(1)(1) aangestel is, wat ook die hoof-beampte van die Fonds is soos in artikel 1 van die Wet omskryf;

„stadsklerk” die hoof uitvoerende beampte van ’n plaaslike bestuur;

„vasgestelde datum” ten opsigte van enige plaaslike bestuur, die datum waarop die plaaslike bestuur met die Fonds geassosieer word;

„werknemer” enige ander persoon as ’n blanke soos omskryf in artikel 1 van die Bevolkingsregistrasiewet, 1950 (Wet 30 van 1950), wat in diens van ’n plaaslike bestuur is in ’n besoldigde of gegradeerde pos op die vaste diensstaat in ’n permanente en voltydse hoedanigheid en wat die ouderdom van sewentien jaar maar nie die pensioenouderdom bereik het nie;

„Wet” die Wet op Pensioenfondse, 1956 (Wet 24 van 1956) en enige regulasies ingevolge daarvan opgestel; en het enige ander woord of uitdrukking die betekenis wat in die Wet of die Ordonnansie op Plaaslike Bestuur, 1939, daaraan geheg word.

## HOOFSUK II.

### INSTELLING VAN DIE TRANSVAALSE GEMEENSAPLIKE MUNISIPALE JAARGELD- EN GRATIFIKASIEFONDS (NIE-BLANK) EN DIE BESTUUR DAARVAN.

#### *Instelling van die Fonds.*

2. (1) ’n Fonds word hierby ingestel wat op die eerste dag van Julie, 1970 in werking tree en wat bekend staan as die Transvaalse Gemeenskaplike Munisipale Jaargeld- en Gratifikasiefonds (nie-blank).

(2) The object of the Fund shall be to provide benefits for non-European employees and retired employees of local authorities and the dependants of such employees and retired employees.

(3) The Fund shall be a body corporate and shall be capable of suing and being sued in its own name and of doing all such things as may be necessary for or incidental to the exercise of its powers or the performance of its functions in terms of these regulations.

(4) Every local authority existing on the date upon which the Fund comes into operation, with the exception of those local authorities exempted by the Administrator in terms of section 79ter(4) of the Local Government Ordinance, 1939, shall become associated with the Fund on the coming into operation of the Fund: Provided that the Administrator may, in respect of a local authority exempted in terms of section 79(ter)(4) of the Local Government Ordinance, 1939, fix a date on which such local authority shall become associated with the Fund.

(5) Every local authority established after the date upon which the Fund comes into operation, shall become associated with the Fund on the date upon which such local authority is established.

(6) The registered office of the Fund shall be situated at 73, Elston Avenue, Benoni or at such other address as the committee may determine from time to time.

#### *Sources of the Fund.*

3. The Fund shall consist of —

- (a) contributions and interest paid into the Fund in accordance with these regulations;
- (b) income derived from the investment of moneys of the Fund; and
- (c) any other sums or assets to which the Fund may become entitled.

#### *Management of the Fund.*

4. (1) The management and direction of the Fund shall be vested in a committee of management of ten persons appointed by the Administrator and such committee of management may appoint an executive committee and such other subcommittees from its members as it may deem necessary and may delegate any of its powers to such executive committee and to such subcommittee.

A member of the committee appointed in terms of this sub-regulation shall hold office during the pleasure of the Administrator.

(2) The committee shall annually at its first meeting during any financial year elect a chairman who shall preside at meetings of the committee during the year and who shall have a casting vote in addition to his deliberative vote. If the chairman is absent at any meeting of the committee, the committee shall from its members elect a chairman for such meeting, who shall similarly have a casting and a deliberative vote at such meeting.

(3) The committee shall meet as often as is necessary, but not less than once every three months, for the dispatch of business.

(4) A member of the committee shall be entitled to receive a transport allowance of ten cents per mile for attending a meeting of the committee or of any subcommittee thereof of which he is a member and, if he resides more than one hundred miles from the registered office of the Fund, he shall in addition be entitled to a subsistence allowance of R6.30 for each day or part

(2) Die doelstelling van die Fonds is om voordele vir nie-blanke werknemers en afgetrede werknemers van plaaslike besture en die afhanklikes van sodanige werknemers en afgetrede werknemers te voorsien.

(3) Die Fonds is 'n regspersoon en bevoegd om eisend en verwerend in sy eie naam op te tree en om alle sodanige dinge te verrig wat nodig is vir of in verband staan met die uitoefening van sy bevoegdhede of die uitvoering van sy funksies ingevolge hierdie regulasies.

(4) Elke plaaslike bestuur wat op die datum bestaan waarop die Fonds in werking tree, met uitsondering van dié plaaslike besture wat deur die Administrateur ingevolge artikel 79ter (4) van die Ordonnansie op Plaaslike Bestuur, 1939 onthef is, word met die Fonds geassosieer wanneer die Fonds in werking tree: Met dien verstande dat die Administrateur ten opsigte van 'n plaaslike bestuur wat ingevolge artikel 79ter (4) van die Ordonnansie op Plaaslike Bestuur, 1939, onthef is, 'n datum kan vasstel waarop sodanige plaaslike bestuur met die Fonds geassosieer moet word.

(5) Elke plaaslike bestuur wat na die datum waarop die Fonds in werking tree, ingestel word, word met die Fonds geassosieer op die datum waarop sodanige plaaslike bestuur ingestel is.

(6) Die geregistreerde kantoor van die Fonds is geleë te Elstonlaan 73, Benoni, of by sodanige ander adres as wat die komitee van tyd tot tyd bepaal.

#### *Bronne van die Fonds.*

3. Die Fonds bestaan uit —

- (a) bydraes en rente wat aan die Fonds ooreenkomstig hierdie regulasies betaal word;
- (b) inkomste wat verkry word uit die belegging van gelde van die Fonds; en
- (c) enige ander bedrae geld of bates waarop die Fonds geregtig mag word.

#### *Beheer van die Fonds.*

4. (1) Die beheer en bestuur van die Fonds berus by 'n komitee van beheer van tien persone wat deur die Administrateur benoem is en sodanige komitee van beheer kan 'n uitvoerende komitee en sodanige ander onderkomitees uit sy lede aanstel as wat dit nodig ag en kan enige van sy bevoegdhede aan sodanige uitvoerende komitee en aan sodanige onderkomitee deleger. 'n Lid van die komitee wat ingevolge hierdie subregulasie benoem is, beklee sy amp solank dit die Administrateur behaag.

(2) Die komitee moet jaarliks by sy eerste vergadering tydens enige boekjaar 'n voorsitter kies wat oor vergaderings van die komitee gedurende die jaar moet presideer, en wat 'n beslissende stem benewens sy beraadslagende stem het. As die voorsitter afwesig is van enige komiteevergadering, moet die komitee uit sy lede 'n voorsitter vir sodanige vergadering kies, wat 'n soortgelyke beslissende sowel as 'n beraadslagende stem by sodanige vergadering moet hê.

(3) Die komitee moet so dikwels as wat nodig is, maar minstens een keer elke drie maande, vergader vir die rigting van sake.

(4) 'n Lid van die komitee is geregtig om 'n vervoer-toelae van tien sent per myl te ontvang vir die bywoning van 'n vergadering of van 'n komitee of enige onderkomitee daarvan waarvan hy lid is en, as hy meer as een honderd myl van die geregistreerde kantoor van die Fonds woonagtig is, is hy daarbenewens ook op 'n verblyftoelaag van R6.30 vir elke dag of deel daarvan van sodanige bywoning geregtig: Met dien verstande dat as die lid

thereof of such attendance: Provided that if the member is also a member of the committee of management of the Joint Municipal Pension Fund (Transvaal) established in terms of the Local Government Superannuation Ordinance, 1958 (Ordinance 16 of 1958), and is entitled to a transport and subsistence allowance from the latter fund in respect of the same day on which he attended a meeting of the committee of management of the Fund, he shall not be entitled to receive any transport and subsistence allowance from the Fund in respect of that day.

*Powers of the Committee.*

5. (1) Subject to the provisions of these regulations the committee shall have the following powers:—

- (a) To decide whether any person is qualified to be a member of the Fund;
- (b) to determine the method whereby the annual pensionable emoluments of hourly paid, daily paid and other workers shall be calculated and to give such directions in connection therewith as it may deem fit;
- (c) to settle all questions not otherwise herein provided for in respect of contributions, benefits, management, etc.;
- (d) to decide upon the periods of service in respect of which contributions may be made, or which may be included for pension purposes;
- (e) to adjust and decide upon all claims made upon the Fund;
- (f) to authorise the payment of claims made upon the Fund;
- (g) to authorise the payment of an annuity, a gratuity or other benefits payable;
- (h) to open banking accounts in the name of the Fund and to operate thereon in the customary manner;
- (i) to institute and defend legal proceedings of every kind in any court of law;
- (j) to perform any act of registration in any deeds office;
- (k) to buy in any property mortgaged to the Fund and to lease, maintain, control, sell, dispose of or otherwise turn to account the said property;
- (l) to appoint a secretary and such staff as may be necessary to administer the Fund, and to prescribe the terms and conditions of service of such employees and to engage professional and other assistance for the Fund;
- (m) with the prior written approval of the Registrar to invest in immovable property for the Fund's own use: Provided that surplus capacity may be let;
- (n) to accept any property on behalf of the Fund by way of donation or bequest;
- (o) to subscribe to any association of municipal or other pension funds having for its object the improvement and promotion of matters of common or mutual interest to such funds and their members;
- (p) to do all such things as are incidental or conducive to the attainment of the objects of these regulations.

(2) The committee is empowered to authorise such of its members as it may approve from time to time and upon such terms and conditions as may be approved by it, to sign any contract or other document binding the Fund or any document authorising the performance of any act on behalf of the Fund: Provided that documents

ook lid van die komitee van beheer van die Gemeenskaplike Munisipale Pensioenfonds (Transvaal) is wat ingevolge die Ordonnansie op die Pensioene van Plaaslike Besture, 1958 (Ordonnansie 16 van 1958) gestig is, en op 'n vervoer- en verblyfstoelae van laasgenoemde fonds geregtig is ten opsigte van dieselfde dag waarop hy 'n vergadering van die komitee van beheer van die Fonds bygewoon het, is hy nie daarop geregtig om enige vervoer- en verblyfstoelae van die Fonds ten opsigte van daardie dag te ontvang nie.

*Bevoegdhede van die Komitee.*

5. (1) Behoudens die bepalings van hierdie regulasies het die komitee die volgende bevoegdhede: —

- (a) om te besluit of 'n persoon bevoeg is om 'n lid van die Fonds te wees;
- (b) om die metode te bepaal waarvolgens die jaarlikse pensioendraende emolumente van werkers wat by die uur, by die dag of andersins betaal word, bereken moet word en om sodanige voorskrifte in verband daarmee te gee as wat hy goed dink;
- (c) om alle vraagstukke ten opsigte van bydraes, voordele, beheer, ensovoorts waarvoor daar nie andersins hierin voorsiening gemaak word nie, te besleg;
- (d) om te besluit oor die dienstermyne ten opsigte waarvan bydraes gedoen mag word, of wat vir pensioendoeleindes ingesluit mag word;
- (e) om alle eise teen die Fonds reg te stel en daaroor te besluit;
- (f) om magtiging te verleen tot die betaling van eise teen die Fonds;
- (g) om magtiging te verleen tot die betaling van 'n jaargeld, 'n gratifikasie of ander betaalbare voordele;
- (h) om bankrekeninge in die naam van die Fonds te begin en op die gebruikelike wyse daarop te trek;
- (i) om regsdinge van alle soorte in enige geregshof in te stel en te verdedig;
- (j) om enige registrasie in enige akteskantoor uit te voer;
- (k) om enige aan die Fonds verhipotekeerde eiendom te koop en om genoemde eiendom te verhuur, beheer, verkoop, van die hand sit of anders goeie gebruik daarvan te maak;
- (l) om 'n sekretaris en sodanige personeel aan te stel as wat nodig mag wees om die Fonds te administreer en om die dienstermyne en -voorwaardes van sodanige werknemers voor te skryf en om professionele en ander hulp vir die Fonds in diens te neem;
- (m) om met die voorafverkreë goedkeuring van die Registrateur in vaste eiendom vir eie gebruik van die Fonds te belê: Met dien verstande dat oortollige ruimte verhuur kan word;
- (n) om enige eiendom namens die Fonds as geskenk of bemaking te aanvaar;
- (o) om tot enige vereniging van munisipale of ander pensioen fondse by te dra waarvan die doel die verbetering en bevordering van sake van gemeenskaplike of wedersydse belang vir sodanige fondse en hulle lede is;
- (p) om alles te doen wat in verband staan met die bereiking van die doelstelling van hierdie regulasies of wat dit sal bevorder.

(2) Die komitee is bevoeg om sodanige van sy lede soos wat hy van tyd tot tyd aanwys en onderworpe aan sodanige voorwaardes soos hy bepaal, te magtig om enige kontrak of ander dokument waarby die Fonds onder 'n verpligting geplaas word of enige dokument waarby die verrigting van enige handeling ten behoeve van die Fonds

to be deposited with the Registrar shall be signed in the manner prescribed by the Act.

(3) Subject to the provisions of regulation 44 any dispute which may arise in regard to claims or interpretations under these regulations shall be decided by the committee: Provided that, if any party to such dispute is dissatisfied with the decision, the committee or party concerned may refer the dispute to the Administrator and his decision shall be binding upon the committee and the party concerned.

#### *Advisory Board.*

6. (1) For the purpose of advising the committee and generally to promote the interests of the Fund, there shall be an advisory board which shall be constituted as follows:—

- (a) A chairman, not being a member of the Fund, who shall be appointed by the Administrator on the recommendation of the committee and who shall hold office for such period as the Administrator may determine: Provided that if the chairman is unable to attend a meeting of the advisory board, the committee may appoint a person, not being member of the Fund, to preside at such meeting in his stead, and
- (b) six other persons, who shall be members of the Fund and who shall be elected, together with the same number of alternate members, by the general board as provided for in regulations 9 and 10.

(2) At least five of the members referred to in paragraph (b) of subregulation (1) and their alternates shall be resident within a radius of one hundred miles from the registered office of the Fund.

(3) The term of office of a member of the advisory board referred to in paragraph (b) of subregulation (1), and of an alternate member, shall commence immediately after the meeting of the general board at which he is elected and shall expire immediately after the next succeeding annual meeting of the general board, unless he is re-elected.

(4) Any member of the advisory board, and any alternate, shall cease to be a member or alternate, as the case may be, if he ceases to be a member of the Fund.

- (5) (a) Any vacancy on the advisory board caused by the death, resignation, or retirement of a member, or from any other cause, shall be filled by the remaining board members from the alternate board members at the next succeeding meeting of the advisory board.
- (b) Should a vacancy occur in the number of alternate members of the advisory board, the board shall at its next meeting, appoint a member of the general board to fill such vacancy.
- (c) A member and an alternate member of the advisory board appointed in terms of the preceding paragraphs shall hold office for the unexpired period of office of the member or alternate member of the board in whose place they were appointed.

(6) Any member of the advisory board who, without first having obtained leave of absence from the board, fails to attend three consecutive meetings of the board, shall become disqualified from continuing as a member of the board and his seat shall be declared vacant by the chairman, whereupon the vacancy shall be filled in accordance with the provisions of subregulation (5).

gemagtig word, te teken: Met dien verstande dat dokumente wat aan die Registrateur verstrekk moet word op die wyse soos in die Wet voorgeskryf, onderteken moet word.

(3) Behoudens die bepalings van regulasie 44 word enige geskil wat mag ontstaan ten opsigte van eise of interpretasies kragtens hierdie regulasies deur die komitee beslis: Met dien verstande dat, indien enige party wat by sodanige geskil betrokke is, ontevrede is met die beslissing, die komitee of betrokke party die geskil na die Administrateur kan verwys en sy beslissing is bindend vir die komitee en die betrokke party.

#### *Raad van Advies.*

6 (1) Daar moet, met die doel om die komitee te adviseer en die belange van die Fonds oor die algemeen te bevorder, 'n raad van advies wees wat soos volg saamgestel is:—

- (a) 'n Voorsitter wat nie 'n lid van die Fonds is nie, wat deur die Administrateur op aanbeveling van die komitee benoem word, en wat aanbly vir sodanige tydperk soos deur die Administrateur bepaal: Met dien verstande dat indien die voorsitter nie 'n vergadering van die raad van advies kan bywoon nie, die komitee 'n persoon kan aanstel wat nie lid van die Fonds is nie om in sy plek by sodanige vergadering die voorsitterstoel in te neem, en
- (b) ses ander persone wat lede van die Fonds moet wees en wat tesame met dieselfde aantal sekundi deur die algemene raad gekies moet word, soos bepaal in regulasies 9 en 10.

(2) Minstens vyf van die lede waarna in paragraaf (b) van subregulasie (1) verwys word en hulle sekundi moet binne 'n omtrek van een honderd myl van die geregistreerde kantoor van die Fonds woonagtig wees.

(3) Die ampstermyn van 'n lid van die raad van advies genoem in paragraaf (b) van subregulasie (1) en van 'n sekundus, neem 'n aanvang onmiddellik na die vergadering van die algemene raad waar hy gekies is en verval onmiddellik na die daaropvolgende jaarvergadering van die algemene raad, tensy hy herkies word.

(4) Enige lid van die raad van advies en enige sekunduslid, hou op om 'n lid of sekundus te wees, al na die geval, as hy ophou om 'n lid van die Fonds te wees.

(5)(a) Enige vakature in die raad van advies wat deur die oorlyde, bedanking, of aftrede van 'n lid veroorsaak word, of weens enige ander oorsaak, moet deur die oorblywende raadslede uit die raadsekundi by die eersvolgende vergadering van die raad van advies gevul word.

(b) Indien 'n vakature ontstaan in die aantal sekundi van die raad van advies, moet die raad by sy eersvolgende vergadering 'n lid uit die algemene raad, benoem om sodanige vakature te vul.

(c) 'n Lid en 'n sekundus van die raad van advies wat ingevolge die voorafgaande paragrawe benoem is, moet aanbly vir die onverstreke dienstermyn van die lid of sekundus van die raad, in wie se plek hulle benoem is.

(6) Enige lid van die raad van advies wat sonder dat hy vooraf van die raad verlof tot afwesigheid verkry het, afwesig is van drie agtereenvolgende gewone vergaderings van die raad word onbevoeg om as raadslid aan te bly en sy setel word deur die voorsitter vakant verklaar, waarop die vakature ooreenkomstig die bepalings van subregulasie (5) gevul word.

- (7) (a) The advisory board shall hold an ordinary meeting for the dispatch of business as often as may be necessary, but shall hold not less than one meeting during the quarter commencing on the first day of January of each year.
- (b) The chairman may at any time, and shall at the written request of not less than three members of the advisory board, call a special meeting of the board.
- (c) A notice in writing setting out the business to be dealt with at a meeting shall be sent by the secretary to each member of the advisory board not less than seven days prior to the date of the meeting.

(8) The quorum necessary for the transaction of business at any meeting of the advisory board shall be four members of the board in addition to the chairman or his alternate who shall have no vote, except in the case of an equality of votes when the chairman or his alternate shall have a casting vote.

(9) A member of the advisory board shall, at the discretion of the committee, be entitled to receive a transport and subsistence allowance for attending a meeting thereof.

(10) Any decision of the advisory board shall be conveyed by the chairman to the committee without delay which shall consider such decision and may act thereon as it deems fit.

(11) The secretary or his nominee shall act as secretary of the advisory board.

#### General Board.

7. (1) A general board is to be constituted for the Fund in accordance with subregulations (2) and (3) hereof and shall consist of the following members —

- (a) The chairman of the committee as chairman: Provided that if he is unable to attend a meeting of the general board, the committee may appoint a person, not being a member of the Fund, to preside at such meeting.
- (b) One representative for each local authority which, on the first day of January of the year in which the meeting of the general board is to be held, had less than fifty members in its service, and
- (c) two representatives for each local authority which, on the date referred to in paragraph (b), had fifty or more members in its service.

(2) For the purpose of electing one or two representatives, as the case may be, to represent the members of a local authority on the general board, the town clerk of such local authority shall convene a meeting of the members of the Fund employed by such local authority within forty five days after the coming into operation of these regulations and thereafter on or before the fifteenth day of March in each year by giving notice to such members in writing at least seven days before such meeting, at which meeting he or his nominee shall preside as chairman.

(3) The election referred to in subregulation (2) shall be conducted in accordance with the following rules:—

- (a) The town clerk shall not accept a nomination in respect of a candidate who is not a member of the Fund, or is not employed by such local authority.

(7) (a) Die raad van advies hou 'n gewone vergadering vir die verrigting van sake so dikwels as wat nodig is, maar mag nie minder as een vergadering gedurende die kwartaal wat 'n aanvang neem op die eerste dag van Januarie van elke jaar, hou nie.

(b) Die voorsitter kan te eniger tyd, en moet op skriftelike versoek van minstens drie lede van van die raad van advies, 'n spesiale vergadering van die raad belê.

(c) 'n Skriftelike kennisgewing wat die sake uiteensit wat by 'n vergadering behandel moet word, word deur die sekretaris aan elke lid van die raad van advies gestuur minstens sewe dae voor die datum van die vergadering.

(8) Die kworum wat vir die verrigting van werksaamhede by enige vergadering van die raad van advies nodig is, is vier lede van die raad, benewens die voorsitter of sy sekundus wat geen stem het nie, behalwe by 'n staking van stemme wanneer die voorsitter of sy sekundus 'n beslissende stem het.

(9) 'n Lid van die raad van advies is, volgens die goeddunke van die komitee, geregtig om 'n vervoer- en verblyfstoelae te ontvang vir die bywoning van 'n vergadering daarvan.

(10) Enige besluit van die raad van advies moet deur die voorsitter aan die komitee sonder versuim oorgedra word wat sodanige besluit oorweeg en na goeddunke daarvolgens kan handel.

(11) Die sekretaris of sy genomineerde moet as sekretaris van die raad van advies optree.

#### Algemene Raad.

7. (1) 'n Algemene raad moet saamgestel word vir die Fonds ooreenkomstig subregulasies (2) en (3) hiervan en moet uit die volgende lede bestaan —

- (a) die voorsitter van die komitee as voorsitter: Met dien verstande dat as hy nie in staat is om 'n vergadering van die algemene raad by te woon nie, die komitee 'n persoon, wat nie lid van die fonds is nie, kan benoem om by so 'n vergadering voor te sit;
- (b) een verteenwoordiger vir elke plaaslike bestuur wat op die eerste dag van Januarie van die jaar waarop die vergadering van die algemene raad gehou staan te word, minder as vyftig lede in sy diens gehad het, en
- (c) twee verteenwoordigers vir elke plaaslike bestuur wat, op die datum genoem in paragraaf (b), vyftig of meer lede in sy diens gehad het.

(2) Met die doel om een of twee verteenwoordigers te kies, al na die geval, om die lede van 'n plaaslike bestuur in die algemene raad te verteenwoordig, moet die stadsklerk van sodanige plaaslike bestuur 'n vergadering van die lede van die Fonds wat in diens van sodanige plaaslike bestuur is, belê binne vyf-en-veertig dae na die inwerkingtreeding van hierdie regulasies en daarna voor of op die vyftiende dag van Maart in elke jaar deur sodanige lede minstens sewe dae voor sodanige vergadering skriftelik in kennis te stel, by welke vergadering hy of sy genomineerde die voorsitterstoel moet inneem.

(3) Die verkiesing genoem in subregulasie (2) moet ooreenkomstig die volgende reëls geskied:—

- (a) Die stadsklerk mag nie 'n nominasie ten opsigte van 'n kandidaat aanvaar wat nie lid van die Fonds is nie, of wat nie in diens van sodanige plaaslike bestuur is nie.

- (b) If the number of nominations received is equal to or less than the number of representatives to which the local authority is entitled in terms of subregulation (1), the member or the members nominated shall be declared elected.
- (c) If more nominations are received than the number of candidates to be elected, the town clerk shall forthwith conduct a secret ballot in the manner hereinafter provided for, for the purpose of electing one or, as the case may be, two representatives from the number of candidates nominated.
- (d) A member shall not be entitled to vote for more than the number of candidates to which the local authority is entitled in terms of subregulation (1).
- (e) The town clerk shall supply a ballot box which he shall seal before polling commences, in the presence of the attending members, after demonstrating to them that it is empty.
- (f) Each member shall complete the ballot paper handed to him and shall place it in the ballot box before he leaves the polling station.
- (g) Immediately after the close of the poll, the town clerk shall appoint two members as scrutineers to examine and to count the ballot papers in the presence of the candidates.
- (h) If the validity of a ballot paper is in question, or if there is a dispute between the scrutineers, the matter shall be referred to the town clerk, whose decision shall be final.
- (i) After the ballot papers have been counted, the town clerk and the scrutineers shall draw up a report in which the result of the election is indicated.
- (j) The town clerk and the scrutineers shall sign the report, and the candidate, or in the case where two candidates, are to be elected, the two candidates, who obtained the highest number of votes, shall be declared by the town clerk as duly elected.
- (k) In the event of two or more candidates receiving the same number of votes, the result of the election as far as such candidates are concerned, shall be determined by the drawing of lots between them.
- (l) The town clerk shall within seven days of the election submit the report to the Fund.

(4) The term of office of a member of the general board elected as aforesaid, shall commence on the first day of April in the year of his election and shall expire on the thirty-first day of March of the next succeeding year, unless he is re-elected: Provided that the term of office of a member of the first general board to be elected after the coming into operation of these regulations shall commence with effect from the date of his election.

(5) Any vacancy on the general board caused by the death, resignation or retirement from any cause of a member, shall not be filled before the next election held in terms of this regulation.

8. (1) The first meeting of the general board shall be held within seventy-five days after the coming into operation of these regulations and thereafter an annual meeting of the general board shall be held as soon as may be after the thirty-first day of March but not later than the thirtieth day of June in each and every year at a time and place to be determined by the committee.

(2) The secretary shall, at least fourteen days prior to the date of the meeting of the general board, notify each member of the general board and each local authority associated with the Fund in writing of the date, time and place of such meeting and the business to be dealt with

- (b) As die aantal nominasies wat ontvang is gelyk is aan of minder is as die aantal verteenwoordigers waarop die plaaslike bestuur ingevolge subregulasie (1) geregtig is, word die lid of lede wat genomineer is, verkose verklaar.
- (c) As meer nominasies ontvang word as die aantal kandidate wat gekies moet word, moet die stadsklerk daarop 'n geheime stemming instel op die wyse hierna bepaal, met die doel om een of twee verteenwoordigers, al na die geval, te kies uit die aantal kandidate wat genomineer is.
- (d) 'n Lid is nie geregtig om vir meer as die aantal kandidate te stem waarop die plaaslike bestuur ingevolge subregulasie (1) geregtig is nie.
- (e) Die stadsklerk moet 'n stembus verskaf wat hy moet verseël voordat stemmery begin, in die teenwoordigheid van die bywonende lede nadat hy aan hulle gedemonstreer het dat dit leeg is.
- (f) Elke lid moet die stembriefie voltooi wat aan hom oorhandig is en dit in die stembus plaas voordat hy die stemkantoor verlaat.
- (g) Onmiddellik nadat die stembus gesluit is, moet die stadsklerk twee lede as stemopnemers aanstel om die stembriefies te ondersoek en te tel in die teenwoordigheid van die kandidate.
- (h) As die geldigheid van 'n stembriefie betwyfel word, of as daar 'n geskil onder die stemopnemers is, moet die saak na die stadsklerk verwys word, by wie die eindbeslissing berus.
- (i) Nadat die stembriefies getel is, moet die stadsklerk en die stemopnemers 'n verslag opstel waarin die resultaat van die verkiesing aangedui word.
- (j) Die stadsklerk en die stemopnemers moet die verslag onderteken en die kandidaat, of in die geval waar twee kandidate verkies moet word, die twee kandidate wat die hoogste aantal stemme verkry het, word deur die stadsklerk behoorlik verkies verklaar.
- (k) Ingeval twee of meer kandidate dieselfde aantal stemme kry, moet die uitslag van die verkiesing vir sover dit sulke kandidate betref, deur lootjies trek tussen hulle, bepaal word.
- (l) Die stadsklerk moet binne sewe dae van die verkiesing, die verslag aan die Fonds voorlê.

(4) Die dienstermyn van 'n lid van die algemene raad wat verkies word soos hierbo gemeld, begin op die eerste dag van April in die jaar van sy verkiesing en eindig op die een-en-dertigste dag van Maart van die daaropvolgende jaar tensy hy herkies word: Met dien verstande dat die dienstermyn van 'n lid van die eerste algemene raad wat na die inwerkingtreding van hierdie regulasies verkies moet word op die datum van sy verkiesing begin.

(5) Enige vakature in die algemene raad wat deur die oorlyde, bedanking of aftrede weens enige oorsaak van 'n lid ontstaan, mag nie voor die volgende verkiesing gevul word wat ingevolge hierdie regulasie gehou word nie.

8. (1) Die eerste vergadering van die algemene raad word binne vyf-en-sewentig dae na die inwerkingtreding van hierdie regulasies gehou en daarna word 'n jaarlikse vergadering van die algemene raad so gou as moontlik na die een-en-dertigste dag van Maart gehou maar nie later nie as die dertigste dag van Junie van elke jaar op 'n tyd en plek wat deur die komitee bepaal word.

(2) Die Sekretaris moet elke lid van die algemene raad en elke plaaslike bestuur wat met die Fonds geassosieer is, ten minste veertien dae voor die datum van die vergadering van die algemene raad skriftelik kennis gee van die tyd, plek en datum van sodanige vergadering en die sake wat daartydens behandel sal word en, behalwe



thereat and, except in the case of the first meeting, shall include a copy of the balance sheet and accounts of the Fund for the preceding financial year with the notice.

(3) The secretary or his nominee shall act as secretary of the general board.

9. The business of the general board at its annual meeting shall be —

- (a) to consider the balance sheet and accounts of the Fund;
- (b) to elect the members and the alternate members of the advisory board as contemplated in regulation 6, for the ensuing year; and
- (c) to make such recommendations to the advisory board as it may deem fit.

10. (1) If less than one-fifth of the elected members of the general board are present at the time and date mentioned in the notice referred to in regulation 8, the chairman may adjourn the meeting to a date determined by him, which date shall not be later than one month from the date fixed for the original meeting and not be later than the thirtieth day of June of that year.

(2) Every member of the general board present at the meeting of the general board, except the chairman, shall be entitled to vote: Provided that in the case of an equality of votes, the chairman shall have a casting vote.

11. (1) A special meeting of the general board —

- (a) may be convened by the committee at any time, and
- (b) shall be convened by the committee within thirty days after the receipt of a written petition signed by at least ten per cent of the members of the general board.

(2) A notice stating the date, time and place of the special meeting with the agenda attached thereto, shall be sent to each local authority for its information and to each member of the general board not less than fourteen days prior to the date of the meeting.

(3) The business of the general board at a special meeting shall be —

- (a) to remove a member or an alternate member of the advisory board from the board: Provided that not less than three quarters of the members present agree;
- (b) to fill any vacancy caused by a removal in terms of paragraph (a); and
- (c) to make such recommendation to the advisory board as it may think fit.

(4) At a special meeting referred to in subregulation (1) only such matters as are referred to in the agenda shall be dealt with.

(5) The provisions of regulation 10 shall apply *mutatis mutandis* to a special meeting of the general board.

#### *Investment of Funds.*

12. (1) Subject to the provisions of section 19 (1) of the Act, the committee may in its discretion invest any moneys not required to meet the current charges upon the Fund in any of the following ways:—

- (a) In the Post Office Savings Bank or in the savings bank of any bank or institution registered under the Banking Act, 1965 (Act 23 of 1965), or on fixed deposit or at call with any such bank or institution, or with any local authority in the Republic;

in die geval van die eerste vergadering, 'n afskrif van die balansstaat en rekeninge van die Fonds vir die voorafgaande boekjaar by die kennisgewing insluit.

(3) Die sekretaris of sy genomineerde moet as sekretaris van die algemene raad optree.

9. Die besigheid van die algemene raad by sy jaarvergadering is —

- (a) om die balansstaat en rekeninge van die Fonds te oorweeg;
- (b) om die lede en sekundi van die raad van advies vir die daaropvolgende jaar te verkies soos in regulasie 6 beoog; en
- (c) om sodanige aanbevelings aan die raad van advies te doen as wat hy goed ag.

10. (1) As minder as een vyfde van die verkose lede van die algemene raad teenwoordig is op die tyd en datum wat in die kennisgewing genoem in regulasie 8 vermeld word, kan die voorsitter die vergadering tot 'n datum verdaag wat deur hom bepaal word, welke datum nie later as een maand van die datum wat vir die oorspronklike vergadering vasgestel is en nie later as die dertigste dag van Junie van daardie jaar mag wees nie.

(2) Elke lid van die algemene raad wat by die vergadering van die algemene raad teenwoordig is, uitgesonderd die voorsitter, is geregtig om te stem: Met dien verstande dat by 'n staking van stemme die voorsitter 'n beslissende stem het.

11. (1) 'n Spesiale vergadering van die algemene raad —

- (a) kan te eniger tyd deur die komitee belê word, en
- (b) moet deur die komitee binne dertig dae na die ontvangs van 'n skriftelike petisie wat deur minstens tien persent van die lede van die algemene raad onderteken is, belê word.

(2) 'n Kennisgewing wat die datum, tyd en plek van die spesiale vergadering vermeld met die agenda daaraan gheg, moet aan elke plaaslike bestuur vir sy inligting en aan elke lid van die algemene raad minstens veertien dae voor die datum van die vergadering gestuur word.

(3) Die besigheid van die algemene raad by 'n spesiale vergadering is —

- (a) om 'n lid of sekundus van die raad van advies van die raad te verwyder: Met dien verstande dat minstens driekwart van die teenwoordige lede saamstem;
- (b) om enige vakature wat deur 'n verwydering veroorsaak word ingevolge paragraaf (a) te vul; en
- (c) om sodanige aanbeveling aan die raad van advies te doen as wat hy goed ag.

(4) Op 'n spesiale vergadering genoem in subregulasie (1) moet slegs sodanige sake genoem in die agenda, behandel word.

(5) Die bepalinge van regulasie 10 is *mutatis mutandis* op 'n spesiale vergadering van die algemene raad van toepassing.

#### *Belegging van Fondse.*

12. (1) Behoudens die bepalinge van artikel 19(1) van die Wet, kan die komitee na goeddunke enige gelde wat nie nodig is om die lopende eise teen die Fonds te bestry nie, op enige van die volgende maniere belê: —

- (a) In die Posspaarbank of in die spaarrekening van enige bank of ander instelling wat kragtens die Bankwet 1965 (Wet 23 van 1965), geregistreer is of op vaste deposito of onmiddellik opvraagbaar by enige sodanige bank of ander instelling, of by enige plaaslike bestuur in die Republiek;

- (b) in deposits with or in the shares of registered building societies approved by the Administrator;
- (c) in treasury bills, bonds or other securities issued by the Government or in stocks, securities or bonds guaranteed by the Government;
- (d) in stocks, funds, debentures or shares of or in loans to any provincial administration, local authority or public body in the Republic authorised by law to borrow money;
- (e) on first mortgage upon first class immovable property in the Republic, the amount of the mortgage in each case not to exceed 75 per cent of the value of such immovable property as assessed to the satisfaction of the committee;
- (f) in the purchase of immovable property including the purchase of land and the erection of buildings thereon for the purpose of paragraph (m) of regulation 5 (1);
- (g) in participation mortgage bonds under any registered participation mortgage bond scheme as provided for in the Participation Bonds Act, 1964 (Act 48 of 1964);
- (h) in debentures, preference shares, unsecured notes or ordinary shares or similar forms of investment where such investment has first been approved by the Administrator either individually or as a class;
- (i) in such other security or securities as may be approved by the Administrator either individually or as a class.

(2) Subject to the approval of the Administrator, the committee may obtain bank overdraft facilities or borrow by way of short term loans from any local authority associated with the Fund to the extent, in total, of the previous financial year's income of the Fund.

#### *Indemnification of Committee and Officials of the Fund.*

13. The committee and all officials of the Fund shall be indemnified by the Fund against all proceedings, costs, and expenses incurred by reason of any claim in connection with the Fund not arising from their negligence, dishonesty or fraud.

#### *Fidelity Guarantee.*

14. The committee shall either —
- (a) insure the Fund against loss resulting from the negligence or dishonesty of any of its officers (including members of the committee) having the receipt or charge of moneys belonging to the Fund, or
  - (b) require and receive such security as it may deem sufficient from such officers for the rendering of a just and true account of all moneys received and paid by them on account of the Fund.

#### *Payment of Moneys.*

15. All payments due to or in respect of members shall be made at the registered office of the Fund in the currency of the Republic: Provided that the committee may make or accept payments elsewhere on such terms as it may determine.

#### *Guarantee of Interest.*

16. (1)(a) If the rate of interest earned on the total moneys (including any uninvested moneys) of the Fund during any financial year should be lower than five per cent, the local authorities associated with the Fund shall, sub-

- (b) in deposito's by of in die aandele van geregistreerde bougenootskappe deur die Administrateur goedgekeur;
- (c) in skatkiswissels, skuldbriewe of ander sekuriteite deur die Regering uitgereik of in effekte, sekuriteite of skuldbriewe deur die Regering gewaarborg;
- (d) in effekte, fondse, obligasies of aandele van of in lenings aan enige provinsiale administrasie, plaaslike bestuur of openbare liggaam in die Republiek wat by wet gemagtig is om geld te leen;
- (e) op eerste verband op eersteklas onroerende eiendom in die Republiek, die bedrag van die verband mag in elke geval nie 75 persent van die waarde van sodanige onroerende eiendom oorskry nie, soos getakseer tot bevrediging van die komitee;
- (f) in die aankoop van onroerende eiendom, met inbegrip van die aankoop van grond en die oprig van geboue daarop vir die doeleindes van paragraaf (m) van regulasie 5(1);
- (g) in deelnemingsverbande kragtens enige geregistreerde deelnemingsverbandeskema soos bepaal in die Wet op Deelnemingsverbande 1964 (Wet 48 van 1964);
- (h) in obligasies, preferente aandele, ongedekte nootuitgifte of gewone aandele of dergelyke soorte belegging waar sodanige belegging eers deur die Administrateur, afsonderlik of as 'n klas goedgekeur is; en

(i) in sodanige ander sekuriteit of sekuriteite as wat die Administrateur, afsonderlik of as 'n klas, goedgekeur. (2) Onderworpe aan die goedkeuring van die Administrateur, kan die komitee bankoortrekkingsfasiliteite verkry of leen deur middel van korttermynlenings van enige plaaslike bestuur wat met die Fonds geassosieerd is tot 'n bedrag, in totaal, van die vorige boekjaar se inkomste van die Fonds.

#### *Skadeloosstelling van Komitee en Beampes van die Fonds.*

13. Die komitee en alle beampes van die Fonds moet deur die Fonds skadeloos gestel word teen alle verrigtinge, onkoste en uitgawes wat aangegaan is omrede enige eis in verband met die Fonds wat nie deur hulle nalatigheid, oneerlikheid of bedrog veroorsaak is nie.

#### *Getrouheidswaarborg.*

14. Die komitee moet of —
- (a) die Fonds teen verlies verseker wat veroorsaak word deur die nalatigheid of oneerlikheid van enige van sy beampes (met inbegrip van lede van die komitee) wat gelde wat aan die Fonds behoort, ontvang of toesig daarop hou; of
  - (b) sodanige sekuriteit vereis en ontvang wat dit toereikend beskou, van sodanige beampes vir die verantwoording van alle gelde wat deur hulle namens die Fonds ontvang en betaal is.

#### *Betaling van Gelde.*

15. Alle betalings verskuldig aan of ten opsigte van lede moet by die geregistreerde kantoor van die Fonds in die geldstelsel van die Republiek geskied: Met dien verstande dat die komitee elders betalings kan maak of ontvang op sodanige terme as wat hy bepaal.

#### *Waarborg van Rente.*

16. (1)(a) As die rentekoers wat op die totale gelde (met inbegrip van enige gelde wat nie belê is nie) van die Fonds gedurende enige boekjaar verdien is, laer as vyf persent is, moet die plaaslike owerhede wat met die Fonds

ject to the provisions of subregulation (2), contribute to the Fund such sum as, on being added to the interest earned, would increase the rate to five per cent during such financial year.

- (b) For the purpose of paragraph (a) the rate of interest during a financial year shall be calculated by dividing the interest earned during such year by an amount which shall be equal to the mean of the Fund at the beginning and at the end of such year less one-half of such interest.

(2) Any sum to be contributed under the provisions of subregulation (1) shall be contributed by the local authorities associated with the Fund in proportion to the respective contributions paid by such local authorities in respect of the current service of members during the financial year in respect of which the contributions are payable.

*Expenses of the Fund.*

17. (1) The whole of the expenses in connection with the establishment of the Fund shall be borne by the local authorities associated with the Fund on the date of its coming into operation, the liability of each local authority to be limited to an amount which bears the same ratio to the total expenditure as the number of members in the service of the local authority on that date bears to the total number of members of the Fund.

(2) After the date of coming into operation of the Fund, the whole of the expenses in connection with or incidental to the management or administration of the Fund, including the cost of audit and the actuarial investigations, shall be borne by the Fund: Provided that all travelling expenses by each representative to the annual meeting or a special meeting of the general board shall be borne by the local authority employing such representative: Provided further that the cost of obtaining the actuary's approval of any scheme in terms of regulation 22 shall be borne by the local authority concerned.

*Keeping of Records.*

18. The committee shall cause to be kept a complete record of all necessary particulars of the members of the Fund, and of all persons entitled to benefits, and of all deaths, withdrawals and other matters essential to the working of the Fund.

*Annual Audit.*

19. The committee shall, within six months after the expiration of each financial year, furnish to the Administrator a revenue account showing the revenue and expenditure of the Fund for that year and the balance sheet showing the financial position of the Fund at the close of that year, duly certified in each case by one or more auditors appointed by the Administrator, and such auditor or auditors may be members of the Public Service of the Republic.

*Actuarial Valuation.*

20. (1) The Fund shall be valued by the actuary as at 31st December, 1971, and thereafter at intervals not exceeding five years, for the purpose of determining whether it continues to be capable of meeting the charges provided for in these regulations, and the actuary shall submit a report directly to the committee.

geassosieer is, onderworpe aan die bepalings van subregulasie (2) sodanige bedrag tot die Fondse bydra wat, as dit by die rente wat verdien is, getel word die koers tot vyf persent gedurende sodanige boekjaar sal verhoog.

- (b) Vir die toepassing van paragraaf (a) moet die rentekoers gedurende 'n boekjaar bereken word deur die rente wat tydens sodanige jaar verdien is, te deel deur die bedrag wat gelyk is aan die gemiddelde van die Fonds aan die begin en aan die einde van sodanige jaar min die helfte van sodanige rente.

(12) Enige bedrag wat kragtens die bepalings van subregulasie (1) bygedra moet word, moet deur die plaaslike owerhede wat met die Fonds geassosieer is, bygedra word in verhouding tot die onderskeie bydraes deur sodanige plaaslike besture bygedra ten opsigte van die lopende diens van lede gedurende die boekjaar ten opsigte waarvan die bydraes betaalbaar is.

*Uitgawes van die Fonds.*

17. (1) Die totale uitgawes in verband met die instelling van die Fonds moet deur die plaaslike besture gedra word wat met die Fonds geassosieer is op die datum van die inwerkingtreding daarvan, en die verpligting van elke plaaslike bestuur moet beperk word tot 'n bedrag wat in dieselfde verhouding staan tot die totale uitgawes as die aantal lede in diens van die plaaslike bestuur tot die totale aantal lede van die Fonds.

(2) Na die datum van inwerkingtreding van die Fonds moet al die uitgawes in verband met of wat met die bestuur of administrasie van die Fonds in verband staan, met inbegrip van die ouditeringskoste en die aktuariële ondersoek, deur die Fonds gedra word: Met dien verstande dat alle reisonkoste deur elke verteenwoordiger na die jaarvergadering of 'n spesiale vergadering van die algemene raad deur die plaaslike bestuur wat sodanige verteenwoordiger in diens het, gedra moet word: Voorts met dien verstande dat die koste om die aktuaris se goedkeuring van enige skema ingevolge regulasie 22 te verkry deur die betrokke plaaslike bestuur gedra moet word.

*Hou van Rekords.*

18: Die komitee moet 'n volledige rekord van alle nodige besonderhede van die lede van die Fonds laat hou en van alle persone wat op voordele geregtig is en van alle sterfgevälle, onttrekkings en ander sake wat essensieel is vir die werking van die Fonds.

*Jaarlikse Ouditering.*

19. Die komitee moet binne ses maande na die verstryking van elke boekjaar 'n inkomsteverslag aan die Administrateur verstrek wat die inkomste en uitgawe van die Fonds vir daardie jaar aantoon en die balansstaat wat die finansiële toestand van die Fonds aan die einde van daardie jaar aantoon, wat in elke geval behoorlik deur een of meer ouditeurs wat deur die Administrateur aangestel is, gesertifiseer word en sodanige ouditeur of ouditeurs kan lede van die Staatsdiens van die Republiek wees.

*Aktuariële waardering.*

20: (1) Die Fonds moet deur die aktuaris op 31 Desember 1971 gewaardeer word, en daarna met tussenposes van hoogstens vyf jaar met die doel om te bepaal of dit nog steeds die eise kan dra wat in hierdie regulasies bepaal word en die aktuaris moet 'n verslag direk aan die komitee voorle.

(2) The valuation, referred to in subregulation (1), shall be made in respect of the position as at the expiration of a financial year and the report on such valuation shall be lodged with the Administrator within twelve months from the close of that year or within such further period as the Administrator may allow.

(3) If the actuary in such report certifies that there is a disposable surplus or a substantial deficiency, the committee shall submit to the Administrator a scheme, which shall be approved by the actuary, for the disposal of the surplus or the making good of the deficiency: Provided that in the event of a surplus no part thereof shall be applied in making refunds to the local authorities or members.

(4)(a) Notwithstanding the provisions of subregulation (1), the Administrator may, after not less than one month's notice in writing to the committee, require that the committee cause an actuarial valuation to be made of the Fund as at the expiration of any financial year if the Administrator is of the opinion that such valuation would show that the Fund is not in a sound financial position.

(b) Upon receipt of the actuarial valuation as contemplated in paragraph (a), the committee shall furnish such report to the Administrator and if the actuary in such report has certified that there is a substantial deficiency, the committee shall submit to the Administrator a scheme which shall be approved by the actuary for the making good of the deficiency.

(5) If, in the opinion of the Administrator, any proposed amendment to these regulations is likely to affect the financial position of the Fund or is likely to be to the general disadvantage of members and persons entitled to benefits, he may require the committee to submit a report from the actuary as to the effect of such amendment.

### CHAPTER III.

#### ADMISSION OF MEMBERS TO THE FUND AND CONTRIBUTIONS TO THE FUND.

##### *Membership of Fund.*

21. (1) Every employee in the service of a local authority on the fixed date shall become a member as from the fixed date.

(2) A person who becomes an employee after the fixed date shall forthwith become a member.

(3) A member may not withdraw from membership while he remains in the service of a local authority associated with the Fund.

(4) A member who leaves the service of a local authority shall, subject to the provisions of these regulations, forthwith cease to be a member.

##### *Scheme for Recognition of Prior Service.*

22. (1) Upon application by a local authority, the committee may agree to recognition being granted in respect of service by employees of such local authority prior to the fixed date.

(2) When application is made by a local authority under subregulation (1), the local authority shall submit a scheme which shall be approved by the Actuary, which shall provide, *inter alia* —

(a) for the determination of an effective entry date in respect of each member in the service of such local authority;

(2) Die waardering genoem in subregulasie (1) moet ten opsigte van die toestand by verstryking van 'n boekjaar gemaak word en die verslag oor sodanige waardering moet binne twaalf maande vanaf die afsluiting van daardie jaar ingedien word of binne sodanige verdere tydperk as wat die Administrateur bepaal.

(3) As die aktuaris in sodanige verslag sertifiseer dat daar 'n beskikbare surplus of 'n aansienlike tekort is, moet die komitee 'n skema aan die Administrateur voorlê, wat deur die aktuaris goedgekeur moet word, vir die beskikking oor die surplus of aanvulling van die tekort: Met dien verstande dat in die geval van 'n surplus geen deel daarvan aangewend mag word om terugbetalings aan die plaaslike bestuure of lede te maak nie.

(4)(a) Ondanks die bepalinge van subregulasie (1), kan die Administrateur, na minstens een maand skriftelike kennisgewing aan die komitee, vereis dat die komitee 'n aktuariële waardering van die Fonds moet laat doen by die verstryking van enige boekjaar, as die Administrateur van mening is dat sodanige waardering sou kan aantoon dat die Fonds nie in 'n gesonde finansiële toestand verkeer nie.

(b) By ontvangs van die aktuariële waardering soos beoog in paragraaf (a), moet die komitee sodanige verslag aan die Administrateur verstrek en as die aktuaris in sodanige verslag gesertifiseer het dat daar 'n aansienlike tekort is, moet die komitee 'n skema aan die Administrateur voorlê wat deur die aktuaris goedgekeur moet word, om die tekort aan te vul.

(5) As enige voorgestelde wysiging van hierdie regulasies na die mening van die Administrateur moontlik die finansiële posisie van die Fonds kan raak of moontlik tot algemene nadeel kan strek van lede en persone geregtig op voordele, kan hy die komitee gelas om 'n verslag van die aktuaris voor te lê oor die uitwerking van sodanige verwysing.

### HOOFSTUK III.

#### TOELATING VAN LEDE TOT DIE FONDS EN BYDRAES TOT DIE FONDS.

##### *Lidmaatskap van die Fonds.*

21. (1) Elke werknemer in diens van 'n plaaslike bestuur op die vasgestelde datum word lid vanaf die vasgestelde datum.

(2) 'n Persoon wat na die vasgestelde datum 'n werknemer word, word onmiddellik lid.

(3) 'n Lid mag nie ophou om lid te wees solank as wat hy in diens van 'n plaaslike bestuur wat met die Fonds geassosieer is bly nie.

(4) 'n Lid wat die diens van 'n plaaslike bestuur verlaat, hou, behoudens die bepalinge van hierdie regulasies, onmiddellik op om lid te wees.

##### *Skema vir die Erkenning van Vorige Diens.*

22. (1) Op versoek van 'n plaaslike bestuur, kan die komitee toestem dat erkenning verleen word ten opsigte van diens deur werknemers van sodanige plaaslike bestuur voor die vasgestelde datum.

(2) Wanneer aansoek deur 'n plaaslike bestuur gedoen word, kragtens subregulasie (1), moet die plaaslike bestuur 'n skema wat deur die aktuaris goedgekeur is, voorlê wat, onder andere, voorsiening maak;

(a) vir die bepaling van 'n effektiewe inskrywingsdatum ten opsigte van elke lid in diens van sodanige plaaslike bestuur;

- (b) for the determination, in respect of each member in the service of such local authority, of a period to be included in the member's continuous service in respect of service prior to the fixed date;
- (c) for a basis upon which contributions, if any, are to be made by such employees in return for such recognition of prior service;
- (d) for contributions, if any, to be made by such local authority in respect of such recognition of prior service, whether in instalments or as a lump sum, or as a lump sum plus instalments.

(3) Upon approval of such a scheme by the committee the terms of such scheme shall be binding upon the Fund, the local authority and the members concerned, and shall be deemed to form part of these regulations.

23. (1) If the employees of a local authority who become members of the Fund on the fixed date are at such time members of a superannuation fund by virtue of their service with such local authority, the scheme referred to in regulation 22 shall also provide —

- (a) that the rights of existing members of such fund shall be safeguarded;
- (b) that the investments and other moneys of such superannuation fund, or part thereof as may be required, shall be transferred to the Fund, and that such further payments by or refunds to the local authority and employees shall be made as may be described in the scheme;
- (c) for benefits in respect of contributions made by such members to such fund before the fixed date in the event of the withdrawal, for any reason, or the death, of the member before his retirement with an annuity.

(2) Under the circumstances referred to in subregulation (1), the scheme referred to in regulation 22 shall not be approved by the committee until such scheme has been approved by —

- (a) the committee of management (if any) of the superannuation fund;
- (b) a majority of members contributing to such superannuation fund obtained in writing in such manner as the committee of management of the superannuation fund or, failing a committee of management, the local authority, may determine; and
- (c) the local authority.

*Evidence of Health, Age, etc.*

24. (1) Every employee shall produce to the committee within three months of becoming a member, such evidence of health as it may require, and upon its being satisfied that he is —

- (a) in a good state of health, he shall be eligible for the benefits granted under these regulations; or
- (b) not in a good state of health, he shall be eligible for the benefits granted under these regulations with the exception that in the event of his death while still in the service of a local authority, his dependants shall not be entitled to the benefit granted under regulation 41, but shall instead receive a benefit equal to the amount that the deceased member would have received if he had retired in terms of regulation 39 immediately prior to the date of his death.

(2) An employee who fails to produce such evidence

(b) vir die bepaling, ten opsigte van elke lid in diens van sodanige plaaslike bestuur, van 'n tydperk wat ingesluit moet word by die deurlopende diens van die lid ten opsigte van diens wat die vasgestelde datum voorafgaan;

(c) vir 'n basis waarvolgens bydraes, as daar is, gemaak moet word deur sodanige werknemers in ruil vir sodanige erkenning van vorige diens;

(d) vir bydraes, as daar is, wat gedoen moet word deur sodanige plaaslike bestuur ten opsigte van sodanige erkenning van vorige diens, hetsy in paaieimente of in 'n ronde som, of in 'n ronde som plus paaieimente.

(3) By goedkeuring van so 'n skema deur die komitee, is die voorwaardes van sodanige skema bindend vir die Fonds, die plaaslike bestuur en die betrokke lede, en word dit geag deel van hierdie regulasies uit te maak.

23. (1) As die werknemers van 'n plaaslike bestuur wat op die vasgestelde datum lede van die Fonds word op sodanige tyd lede is van 'n pensioenfonds op grond van hulle diens by sodanige plaaslike bestuur, moet die skema gemeld in regulasie 22 ook voorsiening maak:

- (a) vir die beskerming van die regte van die bestaande lede van sodanige pensioenfonds;
- (b) dat die beleggings en ander gelde van sodanige pensioenfonds, of 'n deel daarvan wat vereis word, na die Fonds oorgedra word en dat sodanige verdere betalings deur of terugbetalings aan die plaaslike bestuur en werknemers gemaak word soos in die skema beskryf mag word;
- (c) vir voordele ten opsigte van bydraes gedoen deur sodanige lede aan sodanige fonds voor die vasgestelde datum in die geval van die onttrekking, om enige rede, of oorlyde van die lid voor sy aftrede met pensioen.

(2) Onder die omstandighede gemeld in subregulasie (1), mag die skema gemeld in regulasie 22 nie deur die komitee goedgekeur word nie voor die goedkeuring van sodanige skema deur:

- (a) die komitee van beheer (as daar is) van die pensioenfonds;
- (b) 'n meerderheid van lede wat bydra tot sodanige pensioenfonds, skriftelik verkry op sodanige wyse as wat die komitee van beheer van die pensioenfonds of, indien daar geen komitee van beheer is nie, die plaaslike bestuur, bepaal; en
- (c) die plaaslike bestuur.

*Bewys van Gesondheid, Ouderdom, ens.*

24. (1) Elke werknemer moet binne drie maande nadat hy lid geword het sodanige bewys van gesondheid lewer as wat die komitee vereis en as die komitee daarvan oortuig is dat hy —

- (a) in 'n goeie gesondheidstoestand verkeer, kom hy in aanmerking vir die voordele ingevolge hierdie regulasies toegestaan; of
- (b) nie in 'n goeie gesondheidstoestand verkeer nie, kom hy in aanmerking vir die voordele ingevolge hierdie regulasies toegestaan, behalwe dat ingeval hy te sterwe kom terwyl hy nog in diens van 'n plaaslike bestuur is, sy afhanklikes nie geregtig is op die voordeel toegestaan kragtens regulasie 41 nie, maar ontvang hulle in plaas daarvan 'n voordeel gelyk aan die bedrag wat die oorlede lid sou ontvang het as hy, ingevolge regulasie 39, onmiddellik voor die datum van sy oorlyde afgetree het.

(2) 'n Werknemer wat in gebreke bly om sodanige bewys van gesondheid te lewer soos vereis in subregu-

of health as is required in subregulation (1) shall be deemed not to be in a good state of health for the purposes of that subregulation unless the committee shall otherwise decide.

(3) The committee may waive production of evidence of health in respect of employees who were members of a superannuation fund immediately before the fixed date.

(4) Every member shall produce a birth certificate or such other evidence of age considered satisfactory by the committee and shall furnish the committee with such other information as it may require for the purpose of the Fund.

(5) If the committee finds that satisfactory evidence of age cannot be produced by any member, it shall determine the date of birth of the member for the purposes of these regulations in the light of the information available to it.

*Payments of Benefits may be suspended.*

25. If any member fails to comply with the provisions of regulation 24 the committee may suspend payment of any benefits due to or on his behalf until he shall have complied therewith.

*Copy of Regulations to be supplied to Each Member.*

26. The Fund shall provide free of charge a copy of these regulations and of any amendments thereof to each member who shall acknowledge receipt thereof in writing.

*Members to receive a Copy of Revenue Account and Balance Sheet on Request.*

27. Every member shall be entitled to receive free on demand a copy of the latest revenue account and balance sheet of the Fund and to inspect any of the documents mentioned in section 35(2) of the Act at the registered office of the Fund.

*Contributions by Members.*

28. (1) Every employee of a local authority associated with the Fund shall contribute to the Fund as from the fixed date in accordance with the following scale:

<i>Age last birthday at the effective entry date.</i>	<i>Percentage of pensionable emoluments.</i>
Up to 24 years	5
25 to 28 years	5½
29 to 32 years	6
33 to 37 years	6½
38 to 42 years	7
43 to 47 years	7½
48 years and over	8

A member who leaves the service of a local authority shall, subject to the provisions of these regulations, forthwith cease to contribute to the Fund.

(2) Every member in the service of a local authority on the fixed date shall, in addition to the contribution referred to in subregulation (1), make such contributions as may be required in terms of a scheme approved under regulation 22.

(3) An employee who becomes a member on or after the fixed date and who shall have had a prior period of service with a local authority in the Republic or in the territory of South West Africa, whether associated with the Fund or not, before becoming a member, shall have the right, subject to the approval of the committee, and to such conditions as the committee may impose, to elect to obtain recognition of such prior service, or part thereof, as continuous service, and shall in that event pay addi-

lasie (1) word vir die toepassing van genoemde subregulasie geag nie in 'n goeie gesondheidstoestand te wees nie, tensy die komitee anders besluit.

(3) Die komitee kan afsien van die lewering van bewys van gesondheid ten opsigte van werknemers wat lede van 'n pensioenfonds was onmiddellik voor die vasgestelde datum.

(4) Elke lid moet 'n geboortesertifikaat of sodanige ander bewys van ouderdom wat deur die komitee as bevredigend-beskou word, lewer, en moet die komitee van sodanige ander inligting wat hy vereis vir die doeleindes van die Fonds voorsien.

(5) As die komitee bevind dat 'n bevredigende bewys van ouderdom nie deur 'n lid gelewer kan word nie, bepaal hy die geboortedatum van die lid vir die toepassing van hierdie regulasies uit inligting wat hy tot sy beskikking het.

*Betalings van Voordele kan opgeskort word.*

25. As 'n lid versuim om die betalings van regulasie 24 na te kom, kan die komitee betaling van voordele aan hom verskuldig, of ten behoeve van hom, opskort totdat hy daaraan voldoen het.

*Elke Lid moet van 'n Afskrif van Regulasies voorsien word.*

26. Die Fonds verskaf 'n afskrif van hierdie regulasies en enige wysigings daarvan kosteloos aan elke lid wat skriftelik ontvangs daarvan moet erken.

*Lede moet, op aanvraag 'n Afskrif van Inkomsterekening en Balansstaat ontvang.*

27. Elke lid is geregtig om gratis op aanvraag 'n afskrif van die jongste inkomsterekening en balansstaat van die Fonds te ontvang en om by die geregistreerde kantoor van die Fonds insae te hê in enige van die dokumente in artikel 35(2) van die Wet genoem.

*Bydrae van Lede.*

28. (1) Elke werknemer van 'n plaaslike bestuur geassosieer met die Fonds moet bydra tot die Fonds vanaf die vasgestelde datum volgens die onderstaande skaal:

<i>Ouderdom laaste verjaardag by die effektiewe inskrywingsdatum.</i>	<i>Persentasie pensioen-draende emolumente.</i>
Tot 24 jaar	5
25 tot 28 jaar	5½
29 tot 32 jaar	6
33 tot 37 jaar	6½
38 tot 42 jaar	7
43 tot 47 jaar	7½
48 jaar en ouer	8

'n Lid wat die diens van 'n plaaslike bestuur verlaat moet, behoudens die bepalings van hierdie regulasies, onverwyld ophou om tot die Fonds by te dra.

(2) Elke lid in diens van 'n plaaslike bestuur op die vasgestelde datum moet benewens die bydrae genoem in subregulasie (1), sodanige bydraes maak as wat vereis word kragtens 'n skema ingevolge regulasie 22 goedgekeur.

(3) 'n Werknemer wat op of na die vasgestelde datum lid word en wat voordat hy lid geword het, vir 'n tydperk in diens van 'n plaaslike bestuur in die Republiek of die gebied van Suidwes-Afrika was, of so 'n plaaslike bestuur met die Fonds geassosieer is of nie, het die reg om, onderworpe aan die goedkeuring van die komitee en sodanige voorwaardes wat die komitee ople, te kies om erkenning te verkry van sodanige vorige diens, of 'n deel daarvan, as deurlopende diens, en in so 'n geval be-

tional contributions for such recognition in accordance with tables supplied by the actuary: Provided —

(a) that the right is exercised within one month after the date on which the member's first contribution is paid to the Fund;

(b) that any amount due to the Fund by a member under this subregulation and not paid in full on the date of such election shall, together with interest at the rate of five per cent per annum, compounded yearly, from the date of such election to the date of payment, be deducted from his emoluments at a rate which will enable such amount, together with interest as aforesaid, to be paid within a period determined by the committee but not later than the date on which the member shall attain his pension age: Provided further that the member may at any time pay the whole or part of the balance due.

(4) Subregulation (3) shall apply, *mutatis mutandis*, in respect of any prior period of service of a member in the service of a local authority at the fixed date, to the extent that such prior service is not fully recognised in terms of a scheme approved under regulation 22.

(5) A local authority may pay to the Fund a portion, not exceeding one-half, of the amount payable in terms of subregulation (3) or (4). In this event contributions payable by the member in terms of subregulation (3) shall be reduced by the amount of such payment by such local authority.

(6) If an employee of a local authority becomes a member of the Fund due to his appointment in a permanent and full-time capacity after having served such local authority in a salaried or graded post in a part-time capacity immediately prior to such appointment, subregulation (3) shall apply to such prior service, *mutatis mutandis*, provided, however, that in this event the employee shall contribute one-half of the contributions required in terms of subregulation (3), and the local authority shall contribute an equivalent amount.

(7) Where payment of arrear contributions is being made by instalments, and the member dies or ceases to contribute to the Fund before he has completed such arrear payments, then any benefit from the Fund to which he, his estate or his dependants are entitled shall be calculated as if he had completed payment of his arrear contributions and in the case where a gratuity is payable, the balance of the arrear contributions outstanding, including interest, shall be deducted from the gratuity and in the case where an annuity is payable, from the annuity payments, and if death occurs before these deductions are completed, the balance outstanding shall be deducted from any payments from the Fund to which his estate or his dependants are entitled.

*Contributions a First Charge upon Salaries or Wages.*

29. (1) The contributions to be paid by a member in terms of regulation 28 shall be a first charge upon the salary or wages payable to such member and shall be deducted monthly or at shorter intervals by the local authority concerned and paid to the Fund.

(2) The local authority shall not later than the seventh day of each month certify to the secretary in writing the amount of the contributions and interest paid by the members to the Fund in the preceding month and shall further supply to the secretary such information as the committee may require for the purpose of these regulations.

taal hy addisionele bydraes vir sodanige erkenning volgens tabelle deur die aktuaris verskaf: Met dien verstande:

(a) dat die reg binne een maand na die datum waarop die lid se eerste bydrae aan die Fonds betaal is, uitgeoefen word;

(b) dat enige bedrag wat 'n lid ingevolge hierdie subregulasie aan die Fonds verskuldig is en wat op die datum van sodanige keuse nie ten volle betaal is nie, tesame met saamgestelde rente van vyf persent per jaar, van die datum van sodanige keuse tot die betalingsdatum, van sy emolumente afgetrek word teen 'n tarief wat dit moonlik sal maak om sodanige bedrag, tesame met voormelde rente, binne 'n tydperk deur die komitee vasgestel, maar nie later nie as die datum waarop die lid sy pensioenleef tyd bereik, af te betaal: Voorts met dien verstande dat die lid te eniger tyd die hele of 'n deel van die verskuldigde bedrag kan betaal.

(4) Subregulasie (3) geld, *mutatis mutandis* ten opsigte van enige vorige dienststermyn van 'n lid in diens van 'n plaaslike bestuur op die vasgestelde datum, in dié mate dat sodanige vorige diens nie ten volle erken word deur middel van 'n skema goedgekeur ingevolge regulasie 22 nie.

(5) 'n Plaaslike bestuur kan aan die Fonds 'n deel, maar hoogstens die helfte, van die bedrag betaal wat ingevolge subregulasie (3) of (4) betaalbaar is. In hierdie geval word bydraes wat deur die lid ingevolge subregulasie (3) betaalbaar is, verminder met die bedrag van sodanige betaling deur sodanige plaaslike bestuur.

(6) As 'n werknemer van 'n plaaslike bestuur lid van die Fonds word as gevolg van sy aanstelling in 'n permanente en voltijdse hoedanigheid, nadat hy sodanige plaaslike bestuur in 'n gesalarieerde of gegradeerde pos in 'n deeltijdse hoedanigheid, onmiddellik voor, sodanige aanstelling, gediens het, is subregulasie (3) op sodanige vorige diens, *mutatis mutandis* van toepassing, met dien verstande egter dat die werknemer in hierdie geval die helfte van die vereiste bydraes ingevolge subregulasie (3) bydra, en dat die plaaslike bestuur 'n gelyke bedrag bydra.

(7) Waar die betaling van agterstallige bydraes paaientsewys geskied, en die lid te sterwe kom of ophou om tot die Fonds by te dra voordat hy sodanige agterstallige betalings voltooi het, dan word enige voordeel vanaf die Fonds waarop hy, sy boedel of sy afhanklikes geregtig is, bereken asof hy die betaling van sy agterstallige bydraes voltooi het, en in die geval waar 'n gratifikasie betaalbaar is, word die balans van die uitstaande agterstallige bydraes, insluitende rente, van die gratifikasie afgetrek, en in die geval waar 'n jaargeld betaalbaar is, van die jaargeldbetalings, en as die dood intree voordat hierdie aftrekkings voltooi is, word die uitstaande balans afgetrek van enige betalings deur die Fonds waarop sy boedel of afhanklikes geregtig is.

*Bydraes 'n Preferente las op Salarisse of Lone.*

29. (1) Die bydraes wat ingevolge regulasie 28 deur 'n lid betaal moet word, is 'n preferente las teen die salaris of salarisse of lone wat aan sodanige lid betaalbaar is, en word maandeliks of met korter tussenposes deur die betrokke plaaslike bestuur afgetrek en aan die Fonds betaal.

(2) Die plaaslike bestuur moet voor of op die sewende dag van elke maand skriftelik aan die sekretaris sertifiseer wat die bedrag is van die bydraes en rente wat die lede gedurende die vorige maand aan die Fonds betaal het, en hy moet voorts sodanige inligting aan die sekretaris verstrek as wat die komitee vir die toepassing van hierdie regulasie vereis.

*Contributions by Local Authority.*

30. A local authority shall pay the following to the Fund, not later than the seventh day of each month —

- (a) the contributions and interest paid by the members in the preceding month;
- (b) an amount equal to the contributions paid by the members in terms of regulation 28 (1);
- (c) such contributions as may be required in terms of a scheme approved under regulation 22;
- (d) contributions agreed to in terms of regulation 28 (5);
- (e) contributions due in terms of regulation 28 (6);
- (f) an amount equal to the contributions and interest paid by the members in terms of regulation 31 (2):  
Provided that the local authority may make a lump sum payment to the Fund in lieu of instalments and interest, even if the member is contributing in instalments.

(2)(a) In the event of the payment in terms of sub-regulation (1) being received by the Fund after the seventh day of any month, the committee may charge interest at such rate as the committee may decide, but not exceeding seven and one-half per cent per annum.

(b) Such interest shall be calculated from the first day of the month in which the payment is due up to the date on which the payment is received.

*Contributions whilst on Leave.*

31. (1) When a member is on leave with full pay or with pay less than full pay, he shall continue to contribute on the basis of his full pensionable emoluments.

(2) When a member is on leave without pay he may, on application to the committee, be permitted to contribute on the basis of his full pensionable emoluments applicable immediately preceding the commencement of his leave without pay, but such application shall be made, and the amount due in respect thereof shall be paid, by the member within one month of his return to duty: Provided that the member may be permitted by the committee to pay such amount in six or less monthly instalments which, together with interest at the rate of five per cent per annum, may be deducted from the emoluments payable to him.

(3) Except as provided for in this regulation, no contributions shall be collected or be payable in respect of any period of leave without pay.

*Reduction in Pensionable Emoluments or Hours of Duty.*

32. (1) If the pensionable emoluments of a member are reduced for any reason other than misconduct, he may elect to contribute to the Fund on the basis of his pensionable emoluments as they were immediately before such reduction took place, in which event his pensionable emoluments, for so long as they are less than they were before such reduction, shall, for all purposes of these regulations, be his pensionable emoluments as they were immediately before such reduction.

(2) If a member leaves the service of a local authority and enters the service of another local authority, and his pensionable emoluments in the latter local authority are lower than his pensionable emoluments in the former local authority, the provisions of subregulation (1) shall *mutatis mutandis* apply: Provided that —

*Bydraes deur Plaaslike Bestuur.*

30. (1) 'n Plaaslike bestuur moet voor of op die sewende dag van elke maand aan die Fonds die volgende betaal: —

- (a) Die bydraes en rente deur die lede gedurende die vorige maand betaal;
  - (b) 'n bedrag wat gelyk is aan die bydraes wat ingevolge regulasie 28(1) deur die lede betaal is;
  - (c) sodanige bydraes as wat ingevolge 'n skema goedgekeur kragtens regulasie 22, vereis word;
  - (d) ooreengekome bydraes ingevolge regulasie 28(5);
  - (e) bydraes verskuldig ingevolge regulasie 28(6);
  - (f) 'n bedrag wat gelyk is aan die bydraes en rente wat ingevolge regulasie 31(2) deur die lede betaal is: Met dien verstande dat die plaaslike bestuur 'n ronde som aan die Fonds kan betaal in plaas van paaiemente en rente, selfs as die lid paaiementsgewys bydra.
- (2)(a) Indien die betaling kragtens subregulasie (1) na die sewende dag van 'n maand deur die Fonds ontvang word, kan die komitee rente hef teen sodanige tarief as waartoe die komitee mag besluit, maar nie sewe-en-'n-half persent per jaar te bowegaande nie.
- (b) Sodanige rente word bereken vanaf die eerste dag van die maand ten opsigte waarvan betaling verskuldig is tot op die datum waarop betaling ontvang word.

*Bydraes terwyl met Verlof.*

31. (1) Wanneer 'n lid met verlof is met volle besoldiging of met besoldiging wat minder is as volle besoldiging, hou hy aan om by te dra op die basis van sy volle pensioendraende emolumente.

(2) Wanneer 'n lid met verlof is sonder besoldiging kan hy, na aansoek by die komitee, toegelaat word om by te dra op die basis van sy volle pensioendraende emolumente van toepassing onmiddellik voor die aanvang van verlof sonder besoldiging, maar sodanige aansoek moet gedoen word, en die bedrag wat ten opsigte daarvan verskuldig is, moet binne een maand nadat hy diens hervat het, deur die lid betaal word: Met dien verstande dat die komitee die lid kan toelaat om sodanige bedrag in ses of minder maandelikse paaiemente te betaal, wat, tesame met vyf persent rente per jaar, afgetrek kan word van die emolumente wat aan hom betaalbaar is.

(3) Behalwe soos in hierdie regulasie bepaal, mag geen bydraes ingevorder word of betaalbaar wees nie ten opsigte van enige tydperk van verlof sonder besoldiging.

*Vermindering in Pensioendraende Emolumente of Diensure.*

32. (1) As die pensioendraende emolumente van 'n lid verminder word om enige ander rede as wangedrag, kan hy kies om tot die Fonds by te dra op die basis van sy pensioendraende emolumente soos wat dit was onmiddellik voordat sodanige vermindering plaasgevind het en, in so 'n geval is sy pensioendraende emolumente, vir so lank as wat hulle minder is as wat hulle voor sodanige vermindering was, vir alle doeleindes van hierdie regulasies, sy pensioendraende emolumente soos wat hulle onmiddellik voor sodanige vermindering was.

(2) Indien 'n lid die diens van 'n plaaslike bestuur verlaat en tot die diens van 'n ander plaaslike bestuur toetree, en sy pensioendraende emolumente by laasgenoemde plaaslike bestuur laer is as sy pensioendraende emolumente by eersgenoemde plaaslike bestuur, is die betalings van subregulasie (1) *mutatis mutandis* van toepassing: Met dien verstande dat —



- (a) he did not leave the service of the former local authority on account of misconduct;
- (b) he entered the service of the latter local authority within twelve months after leaving the service of the former; and
- (c) the consent of the latter local authority is first obtained.

(3) When the ordinary working hours of duty of a section of members have been reduced as a measure of economy, such members shall contribute on the basis of the pensionable emoluments on which they were contributing immediately before the reduction, and for all purposes of these regulations their pensionable emoluments, for so long as they are less than they were before such reduction, shall be the pensionable emoluments as they were immediately before such reduction.

#### CHAPTER IV.

#### BENEFITS.

##### *Pensions.*

33. Subject to the provisions of these regulations, the retiring benefit payable to a member shall be an annuity which shall be based on the average of his annual pensionable emoluments over the last ten years of his continuous service or on the whole period of his continuous service, if shorter, and shall be calculated at the rate of one-sixtieth of such average for each year of continuous service.

##### *Retirement.*

34. (1) When a member attains the pension age, he shall retire from the service of the local authority, provided that he may, by mutual agreement between himself and the local authority, be retained in the service on a yearly basis up to the age of sixty-five years.

(2) If a member retires or is retired from the service on attaining the pension age, he shall, as from the date of his retirement, be granted an annuity calculated in terms of regulation 33.

##### *Late Retirement.*

35. (1) If a member retires or is retired after attaining the pension age, he shall, as from the date of his retirement, be granted an annuity equal to the annuity calculated in terms of regulation 33 in respect of his continuous service up to the date of his retirement, increased by two-fifths of one per cent for each completed month by which his age at the date of his retirement exceeds the pension age.

(2) A member whose services are retained as provided for in regulation 34 (1) and who voluntarily resigns, shall for the purpose of these regulations, be deemed to have retired on pension in terms of these regulations on the date of his resignation and shall be granted an annuity calculated in terms of subregulation (1).

##### *Early Retirement.*

36. Notwithstanding the provisions of regulation 34, a member who has had at least ten years' continuous service and who has attained an age five years younger than the pension age, shall have the right to retire on an annuity calculated in terms of regulation 33 in respect of his continuous service up to the date of his retirement, reduced by two-fifths of one per cent in respect of each month or part thereof by which the pension age exceeds the age of the member at the date of his retirement.

- (a) hy nie weens wangedrag die diens van eersgenoemde plaaslike bestuur verlaat het nie;
- (b) hy tot die diens van laasgenoemde plaaslike bestuur toetree het binne twaalf maande nadat hy die diens van eersgenoemde verlaat het; en
- (c) die toestemming van die laasgenoemde plaaslike bestuur eers verkry word.

(3) Wanneer die gewone werkure van diens van 'n seksie van die lede as 'n besuinigingsmaatreël verminder is, dra sodanige lede by op die basis van die pensioendraende emolumente waarop hulle onmiddellik voor die vermindering bygedra het, en vir alle doeleindes van hierdie regulasies is hulle pensioendraende emolumente, so lank as wat hulle minder is as wat hulle was vòór sodanige vermindering, die pensioendraende emolumente soos wat dit was onmiddellik vòór sodanige vermindering.

#### HOOFSTUK IV

#### VOORDELE

##### *Pensioene.*

33. Behoudens die bepalings van hierdie regulasies, is die uitdienstredingsvoordeel wat aan 'n lid betaalbaar is, 'n jaargeld wat gebaseer word op die gemiddelde van sy jaarlikse pensioendraende emolumente oor die laaste tien jaar van sy deurlopende diens of oor die hele tydperk van sy deurlopende diens, indien korter, en word bereken teen 'n tarief van een sestigste van sodanige gemiddelde vir elke jaar van deurlopende diens.

##### *Aftreding.*

34. (1) Wanneer 'n lid die pensioenleeftyd bereik tree hy af uit die diens van die plaaslike bestuur: Mien verstande dat hy, met wedersydse ooreenkoms tussen homself en die plaaslike bestuur, in die diens behou kan word op 'n jaarlikse basis tot op vyf-en-sestigjarige leeftyd.

(2) As 'n lid aftree of uit die diens afgedank word wanneer hy die pensioenleeftyd bereik, word aan hom van die datum van sy aftrede 'n jaargeld toegeken bereken word ingevolge regulasie 33.

##### *Laat Aftrede.*

35. (1) As 'n lid aftree of afgedank word nadat die pensioenleeftyd bereik het, word aan hom vanaf die datum van aftrede 'n jaargeld toegeken wat gelyk is die jaargeld bereken ingevolge regulasie 33 ten opsigte van sy deurlopende diens tot die datum van sy aftrede vermeerder met twee vyfdes van een persent vir voltooide maand waarmee sy ouderdom op die datum van sy aftrede meer is as die pensioenleeftyd.

(2) 'n Lid wie se dienste behou word soos in regulasie 34(1) bepaal en wat vrywillig bedank, word vir toepassing van hierdie regulasies beskou as met pensioen af te getree het ingevolge hierdie regulasies op die datum van sy bedanking en aan hom word 'n jaargeld toegeken wat bereken word ingevolge subregulasies (1).

##### *Vroeë Aftrede*

36. Ondanks die bepalings van regulasie 34, 'n lid wat minstens tien jaar deurlopende diens het en 'n ouderdom bereik het wat vyf jaar jonger is as die pensioenleeftyd, die reg om af te tree met 'n jaargeld wat bereken word ingevolge regulasie 33 ten opsigte van sy deurlopende diens tot die datum van sy aftrede, vermeerder met twee vyfdes van een persent ten opsigte van elke maand, of gedeelte daarvan, waarmee die pensioenleeftyd ouderdom van die lid op die datum van sy aftrede oorskry.

*Ill-health Retirement.*

37. (1) If a member is found by the committee, acting upon the advice of a medical board, to be permanently incapable of efficiently discharging his duties by reason of infirmity of mind or body caused without his own default, he shall be retired, and if he has had at least ten years' continuous service he shall be entitled to receive an annuity calculated as provided in regulation 33.

(2) If a member is so retired, but it is found by the committee that the infirmity was caused by his own default, he shall be entitled to the benefits specified in regulation 43 as if he had retired voluntarily.

(3) For the purposes of this regulation a medical board shall consist of the member's own medical practitioner and a medical practitioner nominated by the committee: Provided that, if the members of such board cannot agree in regard to any case, they may appoint a medical practitioner to act with them as a third member of the medical board, or, failing agreement on such third member within a reasonable period, the chairman of the committee may appoint a medical practitioner to act as such third member: Provided further that the report of the medical board shall be the report of the majority.

*Retirement owing to Reorganization etc.*

38. If a member who has had at least ten years' continuous service is retired owing to a reduction in or reorganization of staff, or to the abolition of his office or post, or in order to facilitate improvements in efficiency or organization, or owing to retrenchment generally, he shall be entitled to receive an annuity calculated as provided in regulation 33: Provided that all payments of annuity made before such member has reached the pension age, shall be paid by such local authority out of its own revenue.

*Retirement with Less than Ten Years' Service.*

39. A member who is retired by a local authority under circumstances provided for in regulation 37 (1) or 38, but who had less than ten years' continuous service shall, on being retired, be entitled to receive a gratuity equal to ten per cent of his average annual pensionable emoluments calculated over the whole period of his continuous service in respect of each year of continuous service: Provided that the amount of such gratuity shall not be less than that which would have been payable if such member had retired voluntarily.

*Commutation of Pensions.*

40. (1) The committee, in its absolute discretion, may commute into a lump sum —

- (a) the whole of an annuity that does not exceed R60 a year; and
- (b) at the request of a retiring member whose annuity exceeds R60 a year, not more than one-third of his annuity.

(2) The amount of the lump sum payable in terms of subregulation (1) shall be in accordance with tables supplied by the actuary and for this purpose the committee may, if the member retires before the pension age, require him to be medically examined by a medical practitioner approved by the committee.

(3) The cost of a medical examination referred to in subregulation (2) shall be borne by the member if the annuity exceeds R60 a year.

*Aftrede as gevolg van Swak Gesondheid.*

37. (1) Indien die komitee, op advies van 'n mediese raad, bevind dat 'n lid permanent onbekwaam is om sy pligte doeltreffend te vervul as gevolg van verstandelike of liggaamlike swakheid veroorsaak sonder sy eie toedoen, word hy afgedank, en as hy minstens tien jaar deurlopende diens gehad het, is hy geregtig om 'n jaargeld te ontvang wat bereken word soos bepaal in regulasie 33.

(2) Indien 'n lid aldus afgedank is maar die komitee bevind dat die swakheid deur sy eie toedoen veroorsaak is, is hy geregtig op die voordele beskryf in regulasie 43, asof hy vrywillig afgetree het.

(3) Vir die toepassing van hierdie regulasie bestaan 'n mediese raad uit die lid se eie geneesheer en 'n geneesheer deur die komitee genomineer: Met dien verstande dat, as die lede van so 'n raad nie oor 'n geval kan ooreenkom nie, hulle 'n geneesheer kan benoem om saam met hulle as 'n derde lid van die mediese raad op te tree of, as hulle binne 'n redelike tyd nie oor so 'n derde lid kan ooreenkom nie, kan die voorsitter van die komitee 'n geneesheer benoem om as so 'n derde lid op te tree: Voorts met dien verstande dat die verslag van die mediese raad die verslag van die meerderheid is.

*Afdanking wens Reorganisasie ens.*

38. Indien 'n lid met minstens tien jaar se deurlopende diens, afgedank word weens 'n vermindering in of reorganisasie van personeel of weens die afskaffing van sy pos of ten einde verbeterings in doeltreffendheid of organisasie aan te bring of weens afdankings in die algemeen, is hy geregtig om 'n jaargeld te ontvang wat bereken word soos bepaal in regulasie 33: Met dien verstande dat alle betalings van jaargeld wat gedoen word voordat sodanige lid die pensioenleeftyd bereik het, deur so 'n plaaslike bestuur uit sy eie inkomste betaal word.

*Afdanking met Minder as Tien Jaar Diens.*

39. 'n Lid wat deur 'n plaaslike bestuur afgedank word onder omstandighede bepaal in regulasie 37(1) of 38, maar wat minder as tien jaar deurlopende diens gehad het, is by afdanking geregtig om 'n gratifikasie te ontvang wat gelyk is aan tien persent van sy gemiddelde jaarlikse pensioendraende emolumente, bereken oor die hele tydperk van sy deurlopende diens ten opsigte van elke jaar se deurlopende diens: Met dien verstande dat die bedrag van sodanige gratifikasie nie minder is nie as wat betaalbaar sou gewees het indien so 'n lid vrywillig afgetree het.

*Omsetting van Pensioene.*

40. (1) Die komitee kan na algehele goeddunke die volgende in 'n ronde som omsit: —

- (a) 'n Hele jaargeld wat nie R60 per jaar oorskry nie; en
- (b) op aanvraag van 'n aftredende lid wie se jaargeld R60 per jaar oorskry, hoogstens een derde van sy jaargeld.

(2) Die bedrag van die ronde som wat ingevolge subregulasie (1) betaalbaar is, moet ooreenkom met tabelle verskaf deur die aktuaris en vir hierdie doel kan die komitee, as die lid voor die pensioenleeftyd aftree, eis dat hy medies ondersoek word deur 'n geneesheer wat deur die komitee goedgekeur is.

(3) Die koste van 'n mediese ondersoek gemeld in subregulasie (2) word deur die lid gedra as die jaargeld R60 per jaar oorskry.

*Death Benefit.*

41. (1) If a member dies before the pension age while in the service of a local authority, his dependants shall, subject to the provisions of regulation 24 (1) (b), receive a gratuity equal to ten per cent of his average annual pensionable emoluments calculated over the ten years of his continuous service preceding death (or over the whole period of his continuous service, if shorter) in respect of each year of his continuous service, and five per cent of such emoluments in respect of each complete year by which the pension age exceeds the age at death: Provided that the amount of such gratuity shall not be less than that which would have been payable if such deceased member had retired voluntarily at the date of his death.

(2) A member who dies after the pension age while still in the service of a local authority shall, for the purpose of this regulation, be deemed to have retired on pension in terms of these regulations on the day before his death.

(3) If a pensioner who is in receipt of an annuity dies within five years after the date of his retirement, his dependants shall be paid a gratuity equal to the sum of the annuity payments during the unexpired portion of the period of five years as aforesaid.

(4) When a benefit becomes payable to dependants, the committee shall determine the person or persons who shall be regarded as dependent for the purpose of these regulations, and if the committee should determine that there is more than one dependant, the committee shall further determine whether the whole amount of the benefit shall be paid to one dependant, or shall determine the proportions in which the benefit shall be paid to all or any of such dependants.

(5) If no claim is made by a dependant within a period of six months after the death of a member, it shall be assumed that no dependant exists, and a gratuity equal to the amount of the deceased member's contributions, less the amount, if any, which he may have received in respect of retiring benefit, shall be paid to his estate, and there shall thereafter be no claim on the Fund in respect of him.

*Dismissal.*

42. (1) If a member is dismissed from the service of a local authority as a result of misconduct, dishonesty, fraud or negligence, or if he is allowed to retire or resign in order to avoid dismissal, he shall receive a gratuity equal to the amount of his contributions: Provided that if such misconduct, dishonesty, fraud or negligence has involved the local authority in financial loss, the amount of such loss shall be deducted from his gratuity and shall be paid to the local authority.

(2) Any resignation tendered in expectation of or during an enquiry into the conduct of a member, before the result of such enquiry is announced, may be deemed to be a resignation in order to avoid dismissal, at the sole discretion of the local authority concerned.

*Resignation.*

43. (1) If a member retires voluntarily from the service of a local authority in circumstances not elsewhere referred to in these regulations, he shall be entitled to receive a gratuity equal to the amount of his contributions plus two per cent of such amount in respect of each complete year by which his continuous service exceeds seven years, subject to the provisions of subregulation (4).

*Voordele by Afsterwe.*

41. (1) As 'n lid voor die pensioenleef tyd te sterwe kom terwyl hy in diens van 'n plaaslike bestuur is, ontvang sy afhanklikes, onderworpe aan die bepalings van regulasie 24(1)(b), 'n gratifikasie gelyk aan tien persent van sy gemiddelde jaarlikse pensioendraende emolumente bereken oor die tien jaar van sy deurlopende diens voor sy afsterwe (of oor die hele tydperk van sy deurlopende diens, indien korter) ten opsigte van elke jaar van sy deurlopende diens, en vyf persent van sodanige emolumente ten opsigte van elke voltooid jaar waarby pensioenleef tyd die ouderdom by die afsterwe oorskry: Met dien verstande dat die bedrag van sodanige gratifikasie nie minder is as dié wat betaalbaar sou gewees het indien sodanige lid vrywillig op die datum van sy afsterwe bedank het nie.

(2) 'n Lid wat na die pensioenleef tyd te sterwe kom terwyl hy nog in diens van 'n plaaslike bestuur is, word vir die toepassing van hierdie regulasie beskou as met pensioen af te getree het ingevolge hierdie regulasies op die dag voor sy afsterwe.

(3) As 'n pensioentrekker wat 'n jaargeld ontvang binne vyf jaar na die datum van afrede te sterwe kom, word aan sy afhanklikes 'n gratifikasie betaal wat gelyk is aan die som van die jaargeld betalings gedurende die onverstreke gedeelte van die vermelde tydperk van vyf jaar.

(4) Wanneer 'n voordeel betaalbaar word aan afhanklikes, stel die komitee vas watter persoon of persone as afhanklikes beskou moet word vir die toepassing van hierdie regulasies, en indien die komitee sou vas stel dat daar meer as een afhanklike is, besluit hy voort of die hele bedrag van die voordeel aan een afhanklik betaal moet word, of bepaal hy die verhoudings waarin die voordeel aan almal of enigeen van sodanige afhanklikes betaal moet word.

(5) Indien geen afhanklike binne 'n tydperk van ses maande na die afsterwe van 'n lid 'n eis instel nie, word daar aangeneem dat daar geen afhanklike is nie, en gratifikasie wat gelyk is aan die bedrag van die afgeste we lid se bydraes min die bedrag (as daar is) wat hy ten opsigte van 'n uitdienstredingsvoordeel ontvang het, word in sy boedel gestort en daarna is daar geen eis teen Fonds ten opsigte van hom nie.

*Ontslag.*

42. (1) Indien 'n lid uit die diens van 'n plaaslike bestuur ontslaan word as gevolg van wangedrag, oneerheid, bedrog of nalatigheid, of as hy toegelaat word uit te tree of te bedank ten einde ontslag te voorkom, ontvang hy 'n gratifikasie gelyk aan die bedrag van bydraes: Met dien verstande dat as sodanige wangedrag, oneerlikheid, bedrog of nalatigheid die plaaslike bes geldelike verlies besorg het, die bedrag van sodanige verlies van sy gratifikasie afgetrek en aan die plaaslike bestuur betaal moet word.

(2) Enige bedanking ingedien in die verwagting of gedurende 'n ondersoek na die gedrag van 'n lid, word dat die uitslag van sodanige ondersoek aangekondig kan beskou word as 'n bedanking ten einde ontslag ontwyk na algehele goeë dunnke van die betrokke plaaslike bestuur.

*Bedanking.*

43. (1) Indien 'n lid vrywillig uit die diens van plaaslike bestuur tree onder omstandighede wat nie in hierdie regulasies gemeld word nie, is hy geregtig 'n gratifikasie te ontvang wat gelyk is aan die bedrag sy bydraes plus twee persent van sodanige bedrag ten opsigte van elke volledige jaar waarmee sy deurlopende diens sewe jaar oorskry, behoudens die bepalings van subregulasie (4).

(2) A member to whom the provisions of subregulation (1) apply, and who has completed at least fifteen years of continuous service may instead of the benefit provided for therein, elect to receive, as from the date of attainment of the pension age, an annuity calculated in terms of regulation 33 as at the date he left the service: Provided that in the event of his death before his pension age, the benefit payable shall be decided by the committee acting on the advice of the actuary, but shall not be less than the amount calculated in terms of subregulation (1) as at the date of death.

(3) If a member leaves the service of a local authority and is entitled to a benefit in terms of subregulation (1) and if he is thereafter employed by the same local authority or by another local authority associated with the Fund before such benefit has been paid to him, then the benefit shall be cancelled and the break in service of the member shall be condoned and he shall contribute to the Fund as from the date of re-employment.

(4) If a member who has had at least ten years' continuous service and who has attained an age five years younger than the pension age voluntarily leaves the service of a local authority and does not enter the service of another local authority associated with the Fund, it shall be deemed that such member has elected to retire on an annuity in terms of regulation 36, and such member shall not be entitled to a gratuity in terms of this regulation.

#### *Decision of Local Authority to be Final and Binding.*

44. If any doubt arises in any particular case which of regulations 39, 42 or 43 shall apply, the decision of the local authority shall be final and binding upon the member and the Fund.

#### *Re-employment.*

45. If a member leaves the service of a local authority for any reason other than retirement on an annuity as contemplated in regulation 33 or dismissal in terms of regulation 42, and receives a benefit from the Fund in terms of regulation 39 or regulation 43 (1), and if he is employed by the same local authority or by another local authority associated with the Fund, then, if the date of his re-employment is within twelve months from the date of his having left such service, he shall refund any benefit received from the Fund in one sum or by instalments approved by the committee, together with interest at the rate of seven and one-half per cent per annum compounded yearly from the date he received such benefit to the date or dates of repayment, the break in service shall be condoned and he shall again contribute to the Fund as from the date of re-employment: Provided that if the date of re-employment is more than twelve months and less than twenty four months from the date of his having left such service, he may elect with the consent of the committee, to refund any benefit received from the Fund with interest as aforesaid, and the provisions of this regulation shall apply.

#### *General Provisions.*

46. (1) Nothing in these regulations shall in any way restrict the right of a local authority to terminate the employment of a member for any reason other than that of ill-health.

(2) No person shall have any claim concerning the Fund either upon the Fund or against the committee or a local authority except in accordance with these regulations.

(2) 'n Lid op wie die bepalings van subregulasie (1) van toepassing is, en wat minstens vyftien jaar deurlopende diens voltooi het, kan in plaas van die voordeel daarin bepaal, kies om vanaf die datum van bereiking van die pensioenleef tyd, 'n jaargeld te ontvang, bereken ingevolge regulasie 33 soos op die datum waarop hy die diens verlaat het: Met dien verstande dat ingeval hy voor sy pensioenleef tyd te sterwe kom, die komitee op advies van die aktuaris, die betaalbare voordeel bepaal wat egter nie minder mag wees as die bedrag bereken ingevolge subregulasie (1) soos op die datum van afsterwe nie.

(3) Indien 'n lid die diens van 'n plaaslike bestuur verlaat en geregtig is op 'n voordeel ingevolge subregulasie (1) en indien hy daarna deur dieselfde plaaslike bestuur in diens geneem word, of deur 'n ander plaaslike bestuur wat met die Fonds geassosieer is, voordat sodanige voordeel aan hom betaal is, word die voordeel gekanselleer, die diensonderbreking van die lid gekondoneer en hy dra weer tot die Fonds by met ingang van die datum van herindiensneming.

(4) Indien 'n lid wat minstens tien jaar deurlopende diens gehad het en 'n ouderdom vyf jaar jonger as die pensioenleef tyd bereik het, die diens van 'n plaaslike bestuur vrywillig verlaat, en nie tot die diens van 'n ander plaaslike bestuur wat met die Fonds geassosieer is toetree nie, word daar aangeneem dat sodanige lid verkies het om met jaargeld af te tree ingevolge regulasie 36, en sodanige lid is nie geregtig op 'n gratifikasie ingevolge hierdie regulasie nie.

#### *Bestissing van Plaaslike Bestuur is Finaal en Bindend.*

44. Indien enige twyfel in 'n besondere geval ontstaan welke van regulasies 39, 42 of 43 van toepassing is, is die beslissing van die plaaslike bestuur finaal en bindend vir die lid sowel as vir die Fonds.

#### *Herindiensneming.*

45. Indien 'n lid die diens van 'n plaaslike bestuur verlaat om 'n ander rede as aftreding met 'n jaargeld soos beoog in regulasie 33 of ontslag ingevolge regulasie 42, en hy ontvang 'n voordeel van die Fonds ingevolge regulasie 39 of regulasie 43(1), en indien hy in diens geneem word deur dieselfde plaaslike bestuur of deur 'n ander plaaslike bestuur wat met die Fonds geassosieer is, dan betaal hy, as die datum van sy herindiensneming binne twaalf maande na die datum is waarop hy sodanige diens verlaat het, enige voordeel wat hy van die Fonds ontvang het in een bedrag terug of in paaiemente deur die komitee goedgekeur, tesame met samegestelde rente van sewe-en-n half persent jaarliks bereken van die datum waarop hy sodanige voordeel ontvang het, tot op die datum of datums van terugbetaling, word die diensonderbreking gekondoneer en dra hy weer tot die Fonds by met ingang van die datum van herindiensneming: Met dien verstande dat, indien die datum van sy herindiensneming meer as twaalf maande en minder as vier-en-twintig maande na die datum is waarop hy sodanige diens verlaat het, hy met toestemming van die komitee kan kies om enige voordeel wat hy van die Fonds ontvang het soos voormeld, terug te betaal en die bepalings van hierdie regulasie is van toepassing.

#### *Algemene Bepalings.*

46. (1) Geen bepaling in hierdie regulasies beperk enigens die reg van 'n plaaslike bestuur om die diens van 'n lid om enige rede behalwe swak gesondheid te beëindig nie.

(2) Niemand het enige aanspraak aangaande die Fonds of op die Fonds of teenoor die komitee of 'n plaaslike bestuur nie, behalwe ooreenkomstig hierdie regulasies.

(3) No benefit, right or interest to which a member may claim to be entitled in terms of these regulations shall be used as a ground for damages in any action brought by him against the local authority employing him or the Fund.

47. (1) Every person entitled to an annuity shall give notice in writing to the committee of his address and of any change of address.

(2) The monthly amount of each annuity shall be determined to the nearest cent.

(3) Payments of annuity shall be made to the beneficiary monthly, on the last day of each month, with a proportionate payment in the month of retirement and the month of death, unless otherwise agreed, upon such evidence of continued eligibility as the committee may require: Provided that if such evidence is not produced, the committee may, in its absolute discretion, defer payment of the annuity until the evidence required is produced.

(4) An annuity granted in terms of these regulations shall cease on the death of the annuitant.

48. Notwithstanding anything to the contrary contained in these regulations or in any other law, any money due by a member to a local authority, whether associated with the Fund or not, at the date of his retirement, resignation, discharge, or death, may be deducted from any benefit to be paid to such member or in respect of such member, either in a lump sum or in instalments as the committee may determine and such amounts as are deducted shall be paid by the Fund to such local authority.

49. (1) If the committee is of the opinion that it is not desirable to make payment of a benefit, other than an annuity, in the manner elsewhere provided for in these regulations, it may, in its absolute discretion, pay the benefit —

- (a) to the beneficiary in instalments; and/or
- (b) wholly or partly to his dependants; and/or
- (c) to some other person either for the benefit of the beneficiary or of his dependants or both.

(2) If the committee makes payment of a lump sum benefit by instalments, it shall add to the part retained by it, interest at such rate as it may from time to time determine.

(3) If the beneficiary is a minor, the committee may pay the benefit to any person it deems fit on behalf of such minor.

(4) Any decision of the committee in terms of this regulation may be varied by it from time to time.

50. No annuity or gratuity or right to an annuity or gratuity shall be capable of being assigned or transferred or otherwise ceded, or of being pledged or hypothecated nor shall the same or any contributions made by a member or on his behalf be liable to be attached or subjected to any form of execution under a judgement or order of a court of law, and in the event of the beneficiary purporting or attempting to assign, transfer or otherwise cede or to pledge or hypothecate an annuity or gratuity or right to an annuity or gratuity, payment thereof may be withheld, suspended or entirely discontinued if the committee so determine: Provided that the committee may direct the payment of such annuity or gratuity or part thereof to any one or more dependants of the beneficiary or to a trustee for such dependant or dependents during such period as it may think fit.

51. (1) If the estate of a person who is in receipt of an annuity is sequestrated or surrendered or assigned for the benefit of his creditors, the annuity shall forthwith determine: Provided, however, that, in such event, the whole

(3) Geen voordeel, reg of rente waarop 'n lid aanspraak kan maak ingevolge hierdie regulasies, mag gebruik word as grond vir skadevergoeding in enige aksie deur hom ingestel teen die plaaslike bestuur in wie se diens hy is of die Fonds nie.

47. (1) Elke persoon geregtig op 'n jaargeld moet die komitee skriftelik in kennis stel van sy adres of enige verandering van adres.

(2) Die maandelikse bedrag van elke jaargeld moet tot die naaste sent bereken word.

(3) Betalings van jaargeld moet maandeliks aan die begunstigde gedoen word, op die laaste dag van elke maand, met 'n betaling na verhouding in die maand waarin hy aftree en die maand van afsterwe, tensy anders besluit, op sodanige bewys van voortdurende jaargeldgeregtigheid as wat die komitee mag vereis: Met dien verstande dat indien sodanige bewys nie gelewer word nie, die komitee na algehele goëddunke betaling van die jaargeld kan uitstel totdat die vereiste bewyse wel gelewer word.

(4) 'n Jaargeld toegestaan ingevolge hierdie regulasies hou op by die afsterwe van die jaargeldtrekker.

48. Ondanks andersluidende bepalinge in hierdie regulasies of enige ander wet vervat, kan enige geld verksuldig deur 'n lid aan 'n plaaslike bestuur, of hy geassosieer is met die Fonds al dan nie, op die datum van sy aftrede, bedanking, afdanking of afsterwe, afgetrek word van enige voordeel aan of ten opsigte van sodanige lid betaalbaar, of in 'n ronde som of in paaieimente al na gelang die komitee besluit, en sodanige bedrae wat afgetrek word, moet deur die Fonds aan sodanige plaaslike bestuur betaal word.

49. (1) As die komitee van mening is dat dit onwenslik is om 'n voordeel, uitgesonderd 'n jaargeld, op die wyse te betaal soos elders in hierdie regulasies bepaal, kan hy na algehele goëddunke, die voordeel betaal:

- (a) aan die begunstigde in paaieimente; en/of
- (b) in geheel of gedeeltelik aan sy afhanklikes; en/of
- (c) aan 'n ander persoon of tot voordeel van die begunstigde of van sy afhanklikes of albei.

(2) Indien die komitee 'n voordeel in 'n ronde som paaieimentsgewyse betaal, moet hy rente voeg by die gedeelte wat deur hom teruggehou word, teen sodanige koers as wat hy van tyd tot tyd vasstel.

(3) Indien die begunstigde 'n minderjarige is, kan die komitee die voordeel aan enige persoon wat hy as geskik beskou, betaal ten bate van sodanige minderjarige.

(4) Enige besluit van die komitee ingevolge hierdie regulasie kan van tyd tot tyd deur hom gewysig word.

50. Geen jaargeld of gratifikasie of reg op 'n jaargeld of gratifikasie mag afgestaan, oorgedra of op 'n ander wyse gesedeer of verpand of verhipotekeer word nie en ewemin mag daarop of op enige bydraes wat deur of namens 'n lid gedoen is, beslag gelê word of onderworpe gemaak word aan enige vorm van eksekusie kragtens 'n uitspraak of bevel van 'n geregshof en, ingeval die begunstigde voorgee of poog om 'n jaargeld of gratifikasie of reg op 'n jaargeld of gratifikasie af te staan, oor te dra of op 'n ander wyse te sedeer of om dit te verpand of te verhipotekeer, kan die betaling daarvan teruggehou, opgeskort of geheel en al gestaak word indien die komitee aldus besluit: Met dien verstande dat die komitee die betaling van sodanige jaargeld of gratifikasie of gedeelte daarvan aan een of meer afhanklikes van die begunstigde kan gelas, of aan 'n trustee vir sodanige afhanklike of afhanklikes gedurende sodanige tydperk as wat hy goed ag.

51. (1) Indien die boedel van 'n persoon wat 'n jaar geld ontvang gesekwestreer of oorgegee of afgestaan wor vir die voordeel van sy krediteure, eindig die jaargeldadelik: Met dien verstande egter dat die hele of eni

or any part of the annuity may be paid to or for the benefit of such member or all or any of his dependants.

(2) If the payment be made to the insolvent, it shall be for his own personal use and shall not in any way be attached or appropriated by the trustee in the insolvency or by his creditors or form part of his insolvent estate.

(3) Whenever an annuity has determined under this regulation it may, in the discretion of the committee, be revived on rehabilitation of the annuitant or on the setting aside of the sequestration of his estate or on claims of his creditors being satisfied, in which event he shall receive an annuity at the same rate and under the same conditions as before sequestration, surrender or assignment, together with any instalments not paid in terms of this regulation.

52. (1) If a person in receipt of an annuity is convicted before any court of any offence and is sentenced therefor to death or to any term of imprisonment exceeding twelve months without the option of a fine, the annuity shall cease to be paid to such person, and in the place thereof the annuity shall, during such person's imprisonment, be paid to his dependants, if any.

(2) Whenever the payment of any annuity has ceased under subregulation (1), it shall be revived on the discharge of the annuitant from prison, and he shall receive the annuity at the same rate and under the same conditions as before his imprisonment, together with any arrears that may have accrued.

53. If an amount due to or in respect of a former member is not paid within two years of his leaving the service of a local authority, the amount shall cease to be due and shall be forfeited to the Fund: Provided that the committee may, in its absolute discretion, pay such amount at a later date.

54. Should circumstances arise which, in the opinion of the Administrator, necessitate the termination or dissolution of the Fund, he may in consultation with the Registrar take the necessary steps for such termination or dissolution.

gedeelte van die jaargeld in so 'n geval aan of tot voordeel van sodanige lid of van almal of enigeeen van sy afhanklikes betaal kan word.

(2) Indien die betaling aan die insolvente persoon gedoen word, is dit vir sy eie persoonlike gebruik en mag op geen wyse beslag op gelê of toegeëien word nie deur die trustee van die insolvente boedel of deur sy krediteure of deel uitmaak van sy insolvente boedel nie.

(3) Wanneer 'n jaargeld ingevolge hierdie regulasie eindig, kan dit, na goeëdunke van die komitee, hervat word na die rehabilitasie van die jaargeldtrekker of by nietigverklaring van die sekwestrasie van sy boedel of wanneer daar aan die eise van sy krediteure voldoen is, en in so 'n geval ontvang hy 'n jaargeld teen dieselfde tarief en op dieselfde voorwaardes as voor sekwestrasie, oorgawe of afstand tesame met enige paaieimente wat nie betaal is ingevolge hierdie regulasie nie.

52. (1) Indien 'n persoon wat 'n jaargeld trek, in enige hof skuldig bevind word aan enige misdryf en daarvoor gevonniss word tot die dood of tot 'n tydperk van meer as twaalf maande gevangenisstraf sonder die keuse van 'n boete, word die uitbetaling van die jaargeld aan sodanige persoon gestaak en in die plek daarvan word die jaargeld, gedurende sodanige persoon se tydperk van gevangenisstraf aan sy afhanklikes, as daar is, betaal.

(2) Wanneer die uitbetaling van 'n jaargeld ingevolge subregulasie (1) opgehou het, word dit hervat by die ontslag van die jaargeldtrekker uit die gevangenis en hy ontvang die jaargeld teen dieselfde tarief en op dieselfde voorwaardes soos voor sy gevangenisstraf tesame met enige agterstalliges wat mag opgehoop het.

53. As 'n bedrag verskuldig aan of ten opsigte van 'n vorige lid nie binne twee jaar nadat hy die diens van 'n plaaslike bestuur verlaat het, betaal word nie, is die bedrag nie langer verskuldig nie en word dit aan die Fonds verbeur: Met dien verstande dat die komitee na algehele goeëdunke, sodanige bedrag op 'n later datum kan betaal.

54. Indien omstandighede ontstaan wat, na die mening van die Administrateur, die beëindiging of ontbinding van die Fonds nodig maak, kan hy in oorlegpleging met die Registrateur die nodige stappe doen vir sodanige beëindiging of ontbinding.

