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GENERAL NOTICE

NOTICE 454 OF 2006

AMENDMENT OF THE RULES OF THE GOVERNMENT EMPLOYEES PENSION FUND

In terms of section 29 of the Government Employees Pension Law, 1996 (Proclamation No.21 of 1996), the Board of Trustees hereby amends the rules of the Government Employees Pension Law, as set out in the schedule.

M KUSCUS

Chairperson of the Board of Trustees
On behalf of the Board of Trustees

SCHEDULE

Amendment of the Rules made in terms of the Government Employees Pension Law, 1996

1. Amendment of rule 1

Rule 1 is hereby amended by the insertion of the following definition of "disabled" after the definition of "eligible child":

"Disabled", in relation to the definition of eligible child means any permanent physical or permanent mental impairment that in the opinion of the Board renders a person unable or unfit to provide for his or her maintenance.

Rule 1 is further hereby amended by the insertion of the following definition of "stillborn" after the definition of "spouse":

"Stillborn", in relation to funeral benefits means a stillborn as defined in the Births and Deaths Registration Act 51 of 1992.

2. Amendment of rule 4.5

Rule 4.5 is hereby substituted with the following rule:

4.5.1 Personal liability

The trustees and all employees 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 his or her own dishonesty, fraud or gross negligence.

3. Amendment of rule 14.5.3

Rule 14.5.3 is hereby amended by the deletion of:

In the event of spouses and orphans being eligible for benefits, the deceased parent of the orphans will also be treated as a spouse for the purpose of apportioning the spouse's pension.

4. Amendment of rule 14.5.4

4.1 Rule 14.5.4 is hereby substituted by the following rule:

14.5.4 An orphan's pension, calculated as ten percent of the member's annuity will be payable to any eligible child, as defined, orphaned by the death of the member, his or her spouse or the other parent, natural or adopted, subject to a minimum orphan's pension as determined by the Board of Trustees, which minimum orphan's pension may not be less than R200.00 per month.

5. Amendment of rule 14.6.3

4.2 Rule 14.6.3 is hereby substituted by the following rule:

14.6.3 If a pensioner, whose pension commenced on or after 1 December 2002 dies and there is no surviving spouse or where a spouse who receives benefits in terms of rule 14.6.2 subsequently dies, an orphan's pension will be payable, calculated as ten percent of the pensioner's annuity on the date of his or her death, for each eligible child, as defined, orphaned by the death of the pensioner, his or her spouse or other parent, natural or adopted, subject to a minimum orphan's pension as determined by the Board of Trustees, which minimum orphan's pension may not be less than R200.00 per month.

Provided that where an orphan's pension only commences after the subsequent death of the spouse who receives benefits in terms of rule 14.6.2, the orphan's pensions will be based upon the annuity which the pensioner received on the date of his or her death, increased by the ratio of the spouse's pension at the date of his or her death to the initial spouse's pension.

6. Amendment of rule 14.9.1

6.1 Rule 14.9.1 is hereby substituted by the following rule:

14.9 *Funeral benefits*

14.9.1 In the case of a member or a pensioner who became entitled to a gratuity and annuity on or after 1 December 2002, the funeral benefits payable upon the death of such member or pensioner and/or his or her spouse and/or eligible children and/or stillborn, as defined, are as follows:

- (a) in the case of the member or pensioner, a payment of R7 500;
- (b) in the case of a spouse, a payment of R7 500;
- (c) in the case of an eligible child, a payment of R3 000 per child.
- (d) in the case of a stillborn, a payment of R 3000.00 per stillborn.

Provided that any termination of pregnancy as determined in the Choice on Termination of Pregnancy Act, 92 of 1996, as amended, or any termination of pregnancy that is self-inflicted is specifically excluded.

7. **Commencement date**

The amendments to the following rules shall come into operation as set out hereunder:

- 6.1 Amendment of rules 1, 4.5, 14.5.3, 14.5.4 and 14.6.3: date of publication;
 - 6.2 Amendment of rule 14.9.1: retrospectively as of 1 December 2002.
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