

**REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA**

Vol. 522

Cape Town, 3 December 2008
Kaapstad, 3 Desember 2008

No. 31669

THE PRESIDENCY

No. 1311

3 December 2008

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

No. 43 of 2008: Government Employees Pension Fund (Condonation of Interrupted Service) Act, 2008.

DIE PRESIDENSIE

No. 1311

3 Desember 2008

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

No. 43 van 2008: Wet op Staatsdiens Werknemerspensioenfonds (Kondonerings van Diensonderbreking), 2008.

*(English text signed by the President.)
(Assented to 28 November 2008.)*

ACT

To give effect to a petition granted by the National Assembly condoning the interrupted service of a certain individual for the calculation of pension benefits payable to his spouse under the Government Employees Pension Fund Law, 1996 (Proclamation No. 21 of 1996); and to provide for matters connected therewith.

B E IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Interpretation

1. In this Act, unless the context indicates otherwise, a word or expression to which a meaning has been assigned in the Government Employees Pension Fund Law, 1996 (Proclamation No. 21 of 1996), has the meaning assigned to it in that Act. 5

Condonation of interrupted service

2. (1) Despite anything to the contrary in any other law, the service of Advocate Abraham Gerhardus Kellermann, as rendered to the former Department of Justice for the period 1 January 1980 until 31 January 1991 and for the period 1 September 1991 until 6 September 2000, must be regarded as continuous service of 20 years for the purposes of calculating the pension benefits due to his surviving spouse, Chloe Jemima Kellermann, under the Government Employees Pension Fund Law, 1996 (Proclamation No. 21 of 1996), and the Rules issued under that Law. 10

(2) The benefits to which his spouse is entitled to in terms of subsection (1) is payable from the date of his death on 6 September 2000, and is payable by the Government Employees Pension Fund. 15

(3) The benefits payable under subsection (2) must be paid to his spouse within 60 days of the commencement of this Act.

Compensation of Fund

3. (1) (a) The employer must pay a single one-off amount calculated by an actuary appointed by the Fund as compensation in full for the liability incurred by the Fund in terms of section 2. 20

(b) In calculating the liability contemplated in subsection (1), the actuary must take into account— 25

- (i) any contributions paid to the Fund or a previous fund, by the employer or Advocate Abraham Gerhardus Kellermann, not paid to Advocate Abraham Gerhardus Kellermann on termination of his services on 31 January 1991; and
- (ii) interest on the contributions contemplated in subparagraph (i).

(Engelse teks deur die President geteken.)
(Goedgekeur op 28 November 2008.)

WET

Tot voldoening aan 'n versoek wat deur die Nasionale Vergadering toegestaan is om onderbroke diens van 'n betrokke individu te kondoneer ten opsigte van die berekening van pensioenvoordele betaalbaar aan sy lewensmaat kragtens die "Government Employees Pension Fund Law, 1996" (Proklamasie No. 21 van 1996); en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

Woordbepaling

1. In hierdie Wet, tensy uit die samehang anders blyk, het 'n woord of uitdrukking waarvoor 'n betekenis in die "Government Employees Pension Fund Law, 1996" (Proklamasie No. 21 van 1996), toegewys is, die betekenis soos in daardie Wet bedoel. 5

Kondonasie van diensonderbreking

2. (1) Ondanks enigiets tot die teendeel in enige ander wet, word die diens wat deur Advokaat Abraham Gerhardus Kellermann in die voormalige Departement van Justisie oor die tydperk 1 Januarie 1980 tot 31 Januarie 1991, en oor die tydperk 1 September 1991 tot 6 September 2000, gelewer is, geag aaneenlopende diens van 20 jaar te wees vir die doeleindes van berekening van die pensioenvoordele wat aan sy oorlewende gade, Chloe Jemima Kellermann, verskuldig is kragtens die "Government Employees Pension Fund Law, 1996" (Proklamasie No. 21 van 1996) en die Reëls kragtens daardie Wet uitgevaardig. 10 15

(2) Die voordele wat sy gade ingevolge subartikel (1) toekom, is vanaf die datum van sy dood op 6 September 2000, betaalbaar, en is deur die Staatsdiens Werknemerspensioenfonds betaalbaar.

(3) Die voordele wat kragtens subartikel (2) betaalbaar is, moet binne 60 dae na inwerkingtrekking van hierdie Wet aan sy gade betaal word. 20

Vergoeding van Fonds

3. (1) (a) Die werkgewer moet 'n eenmalige enkelbedrag wat deur 'n aktuaris wat deur die Fonds aangestel is, bereken is, as volle vergoeding betaal vir die verpligting wat die Fonds ingevolge artikel 2 opgelê word.

(b) Vir die berekening van die verpligting in subartikel (1) beoog, moet die aktuaris— 25

(i) alle bydraes wat aan die Fonds, of 'n vorige fonds, deur die werkgewer of Advokaat Abraham Gerhardus Kellerman betaal is, en wat nie aan Advokaat Abraham Gerhardus Kellerman by beëindiging van diens op 31 Januarie 1991, betaal is nie; en

(ii) die rente op die bydraes beoog in subparagraaf (i), 30
in ag neem.

Act No. 43, 2008 GOVERNMENT EMPLOYEES PENSION FUND
(CONDONATION OF INTERRUPTED SERVICE) ACT, 2008

(2) The compensation contemplated in subsection (1) is a direct charge against the National Revenue Fund.

Short title

4. This Act is called the Government Employees Pension Fund (Condonation of Interrupted Service) Act, 2008.

WET OP STAATSDIENS WERKNEMERSPENSIOENFONDS Wet No. 43, 2008
(KONDONERING VAN DIENSONDERBREKING), 2008

(2) Die vergoeding beoog in subartikel (1) is 'n direkte las teen die Nasionale Inkomstefonds.

Kort titel

4. Hierdie Wet heet die Wet op Staatsdiens Werknemerspensioenfonds (Kondonasie Van Diensonderbreking), 2008.