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## GENERAL NOTICE

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### NOTICE 441 OF 2011

#### 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, 1996, as set out in the Schedule.

K A Moloto

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. **By the substitution of rule 10.6 by the following rule**

*10.6 a period of NSF Service, provided that a period of NSF Service may only be recognised on the following conditions:*

*(a) the former member of a non-statutory force or service, or beneficiary of a former member of a non-statutory force or service where the former member of a non-statutory force or service is deceased, who has not applied for the recognition of NSF service before the commencement of this rule, or who applied before the commencement of this rule and is requested by the Board to complete a new application after the commencement of this rule, completes an application form as prescribed by the Fund;*

*(b) returns the completed form to the Fund within a period of eighteen months after the date of commencement of this rule: Provided that the Board may, on good cause shown,*

*consider an application submitted after the eighteen months period referred to in this paragraph: Provided further that when the application form, submitted by a beneficiary of a former member of a non-statutory force or service, is considered by the Board, the Board may in the case of a dispute between beneficiaries regarding the application decide in its sole discretion whether to and to what extent to recognise the NSF service applied for;*

*(c) for purposes of computation of benefits under rule 14, 100% of NSF Service will be recognised as pensionable service;*

*(d) NSF service of the former member of a non-statutory force or service that is recognised as pensionable service in terms of this rule will be recognised as such as from the date stipulated by the Board in a notification to the former member of a non- statutory force or service or to his or her beneficiary.*

**2 By the substitution of rule 11.9 by the following rule**

**11.9 In respect of NSF service recognised as pensionable service in terms of rule 10.6-**

**11.9.1 The employer shall pay the total contribution for the recognition of pensionable service**

under rule 10.6 and as per section 17(4) of the Law.

11.9.2 The total contribution payable, together with interest, shall be determined by the Board after consultation with the actuary.

11.9.3 The Fund may, in respect of the amount payable by the employer in terms of rule 11.9.2, enter into a funding plan with the employer on such terms and conditions as determined by the Board from time to time after consultation with the actuary.

**3. By the insertion of rule 11A**

**11A Refund of contributions, Special Pension and Demobilisation benefits paid to the Fund for recognition of NSF service**

*11A 1.1 Any payment of contributions, Special Pension and Demobilisation Benefits required for the recognition of NSF service prior to the commencement of this rule, and that have been paid to the Fund by such former member of a non-statutory force or service, or the beneficiary of such member, shall be refunded by the Fund to such former member of a non-statutory force or service or the beneficiary of such member on or after 31 March 2011, on such conditions as determined by*

*the Board after consultation with the actuary, notwithstanding that such member's membership has terminated for whatsoever reason prior to the commencement of this rule.*

*11A 1.2 The contribution, Special Pension and Demobilisation Benefit refunded in terms of rule 11A 1.1 to the former member of a non-statutory force or service, or the beneficiary of such member, shall carry interest on the amount so refunded as determined by the Board from time to time after consultation with the actuary.*

*11A 1.3 A refund made by the Fund in terms of rule 11A 1.1 shall only accrue to such former member of a non-statutory force or service, or the beneficiary of such member, after the Fund has calculated the pensionable service and benefit in terms of rule 11B 1.1 and 11B 1.2, and is satisfied that such refund is due, owing and payable to such former member of a non-statutory force or service or the beneficiary of such member in terms of these rules and any other applicable law.*

*11A 1.4 In the determination of the amount payable in terms of this rule the Board may determine the mode of payment in respect of former members or beneficiaries of former members, whether payment or recompense be made as a benefit. Such payment shall be subject to such terms and conditions as*

*determined by the Board from time to time after consultation with the actuary.*

**4. By the insertion of rule 11B**

**11B Calculation of revised pensionable service and an additional gratuity or annuity in respect of the former member of a non-statutory force or service or the beneficiary of such member as at 31 March 2011**

*11B 1.1 The pensionable service of the former member of a non-statutory force or service whose NSF service was recognised before the commencement of this rule, and who is a member of the Fund on date of commencement of this rule, shall be recalculated.*

*11B 1.2 The former member of a non-statutory force or service, or the beneficiary of such member, whose service terminated prior to the commencement of this rule, shall be paid an additional benefit, in the form of a gratuity, on such terms and conditions as determined by the Board from time to time after consultation with the actuary, calculated in respect of any difference in benefit arising in respect of the period from date of exit until 31 March 2011, as if rules 10.6(c) and 11.9.1 were in force on date of termination of service by the former member of a non-statutory force*



or service and as if interest were payable on the additional benefits resulting therefrom.

11B 1.3 The pensionable service of a former member of a non-statutory force or service whose service terminated prior to the commencement of this rule, shall be recalculated as if rules 10.6(c) and 11.9.1 were in force on date of termination of service of the former member of a non-statutory force or service and the annuity of the member or beneficiary will be adjusted or, where applicable, instituted, from 1 April 2011, according the pensionable service so calculated.

11B 1.4 The gratuity payable by the Fund in terms of rule 11B 1.2 shall only accrue to such former member of a non-statutory force or service or the beneficiary of such member after the Fund has calculated such benefit and is satisfied that such benefit is due, owing and payable to such former member of a non-statutory force or service or the beneficiary of such member.

11B 1.5 Any amounts owing to the Fund by the former member of a non-statutory force or service or beneficiary of such member following the calculation of the benefit of such member in terms of rule 11B 1.2 shall be paid by such member or beneficiary of such member to the Fund

*with interest, subject to the conditions as determined by the Board from time to time after consultation with the actuary. The Board may, on the request of the former member of a non-statutory force or service, or the beneficiary of such member, in lieu of such payment by the member or beneficiary, reduce the member's benefits such that the present value of benefits foregone, as determined by the actuary, equals the amount owed by the member or beneficiaries.*

**5. Commencement date**

*The rules shall come into operation on date of publication.*

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