

REPUBLIC OF SOUTH AFRICA
REPUBLIKHANGENINGIZIMU AFRIKA

Vol. 558 Cape Town, 14 December 2011 **No. 34864**
Kaapstad,

THE PRESIDENCY

No. 1060 14 December 2011

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

No. 19 of 2011: Government Employees Pension Law Amendment Act, 2011

LIHHOVISI LEMENGAMELI

No. 1060 14 December 2011

Ngaloku kwentiwa satiso sekutsi uMengameli uwuvumile lomTsetfo lolandzelako, lekungumTsetfo lokhishwako lapha kutsi watiwe ngumphakatsi wonkhe:—

No. 19 wa 2011: UmTsetfo wetiFiknamtfwalo, 2011

GENERAL EXPLANATORY NOTE:

- [] Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with a solid line indicate insertions in existing enactments.

(English text signed by the President)
(Assented to 12 December 2011)

ACT

To amend the Government Employees Pension Law, 1996, so as to amend a definition and insert a definition; to provide for the payment of a pension interest to a former spouse of a member on divorce or the dissolution of a customary marriage; to amend the powers of the Board to make rules; to amend the provisions providing for the recognition of pensionable service of former members of non-statutory forces or services; and to provide for matters connected therewith.

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

Amendment of section 1 of Proclamation 21 of 1996, as amended by section 1 of Act 35 of 2003 and section 1 of Act 21 of 2004

1. Section 1 of the Government Employees Pension Law, 1996 (hereinafter referred to as the Proclamation), is hereby amended—

(a) by the substitution for the definition of “employer” of the following definition:

“ ‘employer’ means—

- (a) for purposes of the collection and payment to the Fund of the contributions referred to in section 17(1) and other amounts owing by members to the Fund, the payment to the Fund of the contributions referred to in section 17(2), the administration of membership matters and the payment of benefits to members and their beneficiaries[:]=
- (i) a department or administration referred to in Schedule 1 or 2 of the Public Service Act, 1994 (Proclamation No. 103 of 1994), or [an organisational] a government component referred to in Schedule [2] 3 of that Act, or any other body or institution which employs persons referred to in section 8 of that Act;
- (ii) the Public Service Commission established by section [209 of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993)] 196 of the Constitution of the Republic of South Africa, 1996;
- (iii) a Provincial Service Commission established by a provincial legislature in terms of section 213 of the Constitution of the Republic of South Africa, 1993[,] (Act No. 200 of 1993),

INCHAZELO LEJWAYELEKILE:

[] Emagama labhalwe ngalomnyama lakubakaki labasikwele abonisa lokususiwe kuloMtsetfo lomisiwe.

Emagama ladvwetjelwe ngemugca logcwele abonisa lokufakiwe kuloMtsetfo lomisiwe.

(English text signed by the President)
(Assented to 12 December 2011)

UMTSETFO

Kuchibiyela Umtsetfosivivinyo Wekuchibiyela Umtsetfo Wempesheni Yetisebenti Tahulumende, 1996, kute kutsi kufakwe inchazelo kubuye kuchitjiyelwe inchazelo; kwentelwe kukhokhelwa kwentalo yempesheni kumlingani wangaphambilini welilunga lehlukanisako noma kucedvwa kwemshado wesintfu; kuchibiyela lemibandzela leniketa kunakwa kwemisebenti lekufanele iniketwe impesheni kwemalunga langekho langasebenteli umbuso; kanye nekuniketela kutindzaba letihambisana naleto.

NGAKO-KE KUTAWUMISWA yiPhalamende yeRiphabhulikhi yaseNingizimu Afrika, ngalendlela lelandzelako:—

Kuchitjiyelwa kwesigaba 1 seSimemetelo 21 of 1996, njengoba kuchitjiyelwe sigaba 1 seMtsetfo 35 wanga 2003 nesigaba 1 seMtsetfo 21 wanga 2004

1. Sigaba 1 seMtsetfo Wempesheni Yetisebenti Tahulumende, 1996 (lapho njengoba 5 kuvetwe njengeSimemetelo), uyachitjiyelwa—

(a) ngekukhipha lenchazelo “umcashi” yalenchazelo lelandzelako:

“ ‘umcashi kushiwo—

(a) kwentela tinjongo tekucokelela nkekukhokhela leSikhwama kwalokukhokhiwe lokubaliwe kusigaba 17(1) naletinye timali 10 letikweletwa ngemalunga kuleSikhwama, lokukhokhelwa kule-Sikhwama lokubalwe kusigaba 17(2), kulawulwa kwetindzaba temalunga kanye nekukhokhelwa kwalokuhlonyulwako kanye nalaba labamukelako[:]=

(i) litiko noma kulawula lokubalwe kuShejuli 1 noma 2 ye-*Public Service Act*, 1994 (Simemetelo Nom. 103 sanga 1994), noma [sikhungo] ligatja lahulumende lelibalwe kuShejuli [2] 3 saloMtsetfo, noma ngabe ngumuphi umtimba noma sikhungo lesicasha umuntu lobalwe kusigaba 8 saloMtsetfo;

(ii) Ikhomishini yeMsebenti waHulumende lesungulwe ngc- 20 kwesigaba [209 ngekweMtsetfosisekelo waseRiphabhulikhi yeNingizimu Afrika, 1993 (Umtsetfo nom. 200 wanga 1993)] 196 weMtsetfosivivinyo weRiphabhulikhi yaseNingizimu Afrika, 1996;

(iii) Ikhomishini yeMsebenti waseSifundzeni lesungulwe sishaya- 25 mtsetfo sasesifundzeni ngekwesigaba 213 seMtsetfosisekelo waseNingizimu Afrika, 1993[,] (Umtsetfo Nom. 200 wanga

- except where the legislation establishing such a commission specifically excludes its members from membership of the Fund;
- (iv) the Auditor-General referred to in **[section 191]** sections 181 and 188 of the Constitution of the Republic of South Africa, **[1993 (Act No. 200 of 1993)]** 1996;
 - (v) the Office of the Auditor-General **[established in terms of the Audit Arrangements Act, 1992 (Act No. 122 of 1992)]** contemplated in the Public Audit Act, 2004 (Act No. 25 of 2004); or
 - (vi) any other institution or body, determined by the Board as an employer for the purposes of this Law; and
- (b) for all other purposes of this Law in relation to members in the service of the departments, administrations, **[organisational]** government components, bodies and institutions referred to in paragraph (a), the Government;"; and
- (b) by the insertion after the definition of "negotiations" of the following definition:
- " 'pension interest'**, in relation to a member of the Fund who is a party to an action for divorce or for the dissolution of a customary marriage, means the benefits to which that member would have been entitled in terms of the rules of the Fund if the member's membership of the Fund were to be terminated on the date of the divorce or the dissolution of a customary marriage on account of the member's resignation from the service of the employer;".

Amendment of section 21 of Proclamation 21 of 1996, as amended by section 45 of Act 99 of 1998 and section 2 of Act 21 of 2004

2. Section 21 of the Proclamation is hereby amended by the substitution for subsection (1) of the following subsection:

- "(1) Subject to section 24A, **[No]** no benefit or right in respect of a benefit payable under this Act shall be capable of being assigned or transferred or otherwise ceded or of being pledged or hypothecated or, save as is provided in section 26 or 40 of the Maintenance Act, 1998 and section 7(8) of the Divorce Act, 1979 (Act No. 70 of 1979), be liable to be attached or subjected to any form of execution under a judgment or order of a court of law."

Insertion of section 24A in Proclamation 21 of 1996

3. The following section is hereby inserted in the Proclamation after section 24:

"Payment of pension interest upon divorce or dissolution of customary marriage

24A. (1) The Board shall direct the Fund to reduce a member's pension interest by any amount assigned from the member's pension interest to the member's former spouse in terms of a decree of divorce granted under section 7(8)(a) of the Divorce Act, 1979 (Act No. 70 of 1979), or a decree for the dissolution of a customary marriage.

(2) (a) Subject to paragraph (j), for purposes of section 7(8)(a) of the Divorce Act, 1979 (Act No. 70 of 1979), the portion of a member's pension interest assigned to the member's former spouse in terms of a decree of divorce or a decree for the dissolution of a customary marriage is deemed to accrue to the member on the date on which the decree of divorce or the decree for the dissolution of a customary marriage is granted.

(b) The amount of the member's pension interest in the Fund shall be determined and the amount of the member's pension interest that is assigned to the former spouse shall be calculated by the Fund in accordance

- 1993), ngaphandle kwekutsi lowo mtsetfo loshayiwe kusungula lekhomishini ukhipha ngalokucacile emalunga ayo kutsi abe malunga aleSikhwama;
- (iv) Umhloli Mabhuku-Jikelele lobalwe [**kulesigaba 191**] **tigaba 181 no 188 teMtsetfosisekelo weRiphabhulikhi yaseNingizimu Afrika, [1993 (Umtsetfo Nom. 200 wanga 1993)] 1996;** 5
- (v) lihhovisi leMhloli Mabhuku-Jikelele [**lelisungulwe ngekw-Audit Arrangements Act, 1992 (Umtsetfo Nom. 122 wanga 1992)**] lovetwe ku-Public Audit Act, 2004 (Umtsetfo Nom. 25 wanga 2004); noma 10
- (vi) noma ngabe ngusiphi sikhungo noma umtimba, loncunye yiBhodi njengemcashu ngekweinhloso taloMtsetfo; kanye
- (b) nekwentela letinye tinjongo taloMtsetfo ngekuhambisana nermalunga lasebentela lamatiko, kulawulwa, [**ngekwesikhungo**] imikhakha yahulumende, imitimba netikhungo letibalwe kundzima 15
- (a), Hulumende;"; kanye
- (b) nekufakwa ngekufaka kwenzazelo "kucocisana" kwalenzazelo lelandzelako:
- "intalo yempesheni"** ngalokucondziswe kulilunga leSikhwama loyincenye kulokuchubekako lokusihlukaniso noma kucedvwa kwemshado wesintfu, kushiwo kuhlomula lelo lungu lekutawufanele kutsi akutfole ngekweMtsetfo waleSikhwama uma ngabe lobulunga balelilunga kuleSikhwama besebujutjiwe ngalolusuku lwesincumo sekuhlukanisa noma kucedvwa kwemshado wesintfu uma ngabe lelilunga liyekela umsebenzi kulomsebenzi lapho bekacashwe khona;". 25

Kuchitjiyelwa kwesigaba 21 seSimemetelo 21 wanga 1996, njengoba kuchitjiyelwe sigaba 45 seMtsetfo 99 wanga 1998 neSigaba 2 seMtsetfo 21 wanga 2004

2. Sigaba 21 saleSimemetelo siyachitjiyelwa ngekukhishwa kufakwe sigatjana (1) salesigatjana lesilandzelako:

- "(1) **Ngekuya ngesigaba 24A, [Akukho] akukho** kuhlomula noma lilungelo ngekuya ngekuhlomula lokukhokhwe ngaphansi kwaloMtsetfo utawusetjentiselwa noma udluliselwe noma ngalinye indlela indlulwe noma ifungelwe noma icagelwe noma, ngaphandle kwekutsi iniketelwe kusigaba 26 noma 40 *se-Maintenance Act, 1998 nesigaba 7(8) se-Divorce Act 1979* (Umtsetfo Nom. 70 wanga 1979), kufanele ufakwe noma uye ngekusetjentiswa nganoma nguyiphi indlela ngaphansi kwesincumo noma umbandzela wenkhangtolo yemTsetfo." 35

Kufakwa kwesigaba 24A kuSimemetelo 21 wanga 1996

3. Lesigaba lesilandzelako siyafakwa kuleSimemetelo ngemuva kwesigaba 24:

"Kukhokhwa kwentalo yempesheni uma kuhlukaniswa noma kucedvwa umshado wesintfu 40

24A. (1) Ibhodi kufanele ihole leSikhwama kwentela kwehliswa intalo yempesheni yelilunga nganoma nguliphi linani leliniketwe lilunga lentalo yempesheni kulomlingani wekucala welilunga ngekwesincumo sesahlukaniso lesiniketwe ngaphansi kwesigaba 7(8)(a) *se-Divorce Act, 1979* (Umtsetfo Nom. 70 wanga 1979), noma sincumo sekucedvwa kwemshado wesintfu. 45

(2) (a) Ngekuya ngekwendzima (j), kwentela tinjongo tesigatjana 7(8)(a) *se-Divorce Act, 1979* (Umtsetfo Nom. 70 wanga 1979), incenye yentalo yempesheni yelilunga leniketwe umlingani welilunga wangaphambilini ngekwesincumo sesihlukaniso noma sincumo sekucedvwa kwemshado wesintfu sitsenjwa kutsi sitawukhulela lelilunga ngalolosuku kulolusuku lapho khona lesincumo sekuhlukanisa noma sincumo sekucedvwa kwemshado wesintfu seyiniketive. 50

(b) Lesamba lesiyintalo yalelilunga lempesheni kuleSikhwama litawuncunye kantsi lesamba salentalo yelililunga lempesheni lebelibekelwe lomlingani wekucala kutawufanele libalwe nguleSikhwama ngeku- 55

with the rules as at the date of the decree of divorce or the decree for the dissolution of a customary marriage.

(c) Prior to determining the amount of the member's pension interest that is assigned to the former spouse, the amount of the member's pension interest referred to in paragraph (b) shall first be reduced in accordance with the rules by any amount of the member's pension interest which, in a previous divorce or a previous dissolution of a customary marriage, was paid over or awarded to another party.

(d) The amount of any pension benefit that is subsequently payable to the member in terms of the rules will be reduced by the equivalent of the amount of the share of the pension interest of the member which—

(i) was deemed to accrue to the member as a benefit in advance of the benefit ordinarily payable in terms of the rules; and

(ii) was assigned to the member's former spouse, less the amount of any additional voluntary contributions, if any, paid by the member to the Fund from time to time, and accumulated over the period from the date on which payment to the former spouse or transfer to the approved fund as referred to in paragraph (e) took place to the date on which the member first became entitled to a part or the whole of the balance of the benefit, with interest as the Board from time to time deems appropriate.

(e) The Fund shall, within 45 days of the submission of the court order by the former spouse of a member, request the former spouse to elect whether the amount to be deducted must be—

(i) paid directly to the former spouse; or
(ii) transferred to an approved retirement fund on behalf of the former spouse.

(f) The former spouse shall, within 120 days of being requested to make a choice—

(i) inform the Fund of the manner in which the amount referred to in paragraph (e) must be dealt with; and

(ii) if the former spouse chooses that the amount must be paid to the former spouse directly, provide the Fund with the details that are necessary to effect the payment; or

(iii) if the former spouse chooses that the amount must be transferred to an approved pension fund on his or her behalf, provide the Fund with the details of that approved retirement fund.

(g) The Fund shall pay or transfer the amount within 60 days of being informed of the manner in which the amount shall be dealt with in accordance with the former spouse's choice.

(h) In the event that the former spouse fails to make a choice or identify the approved retirement fund to which the amount should be transferred within the period referred to in paragraph (f), the Fund shall pay the amount directly to the former spouse within 30 days of the expiry of that period.

(i) Despite paragraph (h), in the event that the Fund cannot reasonably ascertain the manner in which the payment to the former spouse shall be effected, the Fund shall retain the amount plus interest as determined by the Board in the Fund, until such time as details of the manner in which that payment shall be effected is made available to the Fund by the member, the former spouse or any other person whom the Fund is satisfied has the necessary authority and capacity to instruct the Fund in that respect.

hambisana nemitsetfo njengalolusuku lwesincumo sekuhlukanisanoma sincumo sekucedvwa kwemshado wesintfu.

(c) Ngembi kwekuncuma ngelinani lesamba lalentalo yempesheni yelilunga leniketwe lomlingani wangaphambilini, lesamba salentalo yelilunga lempesheni lelibalwe kundzima (b) kufanele kucala sincishiswe ngekuhambisana nalentalo yempesheni ye, le kusehlukaniso lesidlulile noma kucedvwa kwemshado wesintfu lesekuhlulile bekungetulu noma kwaniketwa lomunye.

(d) Lesamba sanoma ngabe ngukuphi kuhlomula kumpesheni lebeseyakhokhelwa ngemuva kwaloko kulelilunga ngekwemitsetfo itawuncishiswa ngalokulingana nalesamba kwalokuyincenye yalentalo yalempesheni kwalelilunga leli—

(i) nelilungelo lekutfoala intalo kulelilunga njengalokuhlomulako ngekutfoala lolokuhlonyulwako lokutawukhokhelwa ngekwemitsetfo; kanye

(ii) nalebekuniketwe kulobekangumlingani walelilunga, Samba lesingaphansi kwanoma ngukuphi lebekakukhokha ngekutitsandzela lokungetiwe, uma kukhona, lekhokhwe ngulamalunga kuleSikhwama kusukela ngaleso naleso sikhatsi, kanye nalecokelwe kulesikhatsi kusukela ngalolusuku lapho kutawukhokhwa khona kulomlingani wangaphambilini noma idluliselwe kulesikhwama njengoba kubaliwe kundzima (e) kutsatsindzawo kulolusuku lapho khona lilunga licala liba nelilungelo kuncenye noma lokuphelele kulemali lesele yalokuhlonyulwako, lenentalo lengancunywaniBhodi ngaleso naleso sikhatsi nalebonakala ifanele.

(e) LeSikhwama sitawucela lomlingani wangaphambilini walelilunga, kungakapheli emalanga langema-45 ekwetfulwa kwembandzela wenkhantolo ngulomlingani wekucala walelilunga, kutsi akhetse kutsi lesamba lekufanele sikhishwe kufanele—

(i) sikhokhelwe ngco kulomlingani wangaphambilini; noma
(ii) sidluliselwe kusikhwama semhlalaphansi lesisemtsetfweni ngevumelana nalomlingani wangaphambilini.

(f) Lomlingani wangaphambilini utawucelwa kutsi akhetse kungakapheli emalanga lali-120 kutsi—

(i) atise leSikhwama ngendlela lesamba lesibalwe kundzima (e) kutsi kufanele sentiwe njani; kanye

(ii) Nekutsi uma ngabe lomlingani wangaphambilini akhetse kutsi lesamba kufanele sikhokhelwe kulomlingani wangaphambili ngco, anikete leSikhwama ngemininingwane lefanele kute kukhokhwe; noma

(iii) uma lomlingani wangaphambilini akhetse kutsi lemali kufanele idluliselwe kulesinye sikhwama semhlalaphansi lesisemtsetfweni ngekumelela yena, anikete lesikhwama semhlalaphansi imininingwane yaleso sikhwama lesisemtsetfweni.

(g) LeSikhwama sitawudlulisa noma sikhokhe lesamba kungakapheli emalanga langema-60 uma ngabe sesatsiwe ngalenzaba lapho khona lesamba kufanele siyiswe khona ngekulandzela timsuno talomlingani wangaphambilini.

(h) Uma ngabe lomlingani wangaphambilini ahluleka kukhetse noma akhombela lesikhwama semhlalaphansi lesisemtsetfweni lapho khona lesamba kufanele sidluliselwe khona ngalesikhatsi lesibalwe kundzima (f), leSikhwama sitawukhokhela lesamba lesamba ngco kulomlingani wangaphambilini kungakadluli emalanga langema-30 ngembi kwekutsi kudlule leso sikhatsi.

(i) Ngetulu kwalokushiwo kundzima (h), uma ngabe kwentekile sikhwama ingakhoni kucinisekisa indlela kutsi lemali ingakhokhelwa njani kulomlingani wangaphambilini, leSikhwama singabamba lemali kantsi noma ngabe ngusiphi samba kanye nentalo lengancunywaniBhodi lesibanjiwe kuleSikhwama, kuzo kufike sikhatsi lapho lemininingwane yaloko kukhokhelwa kufanele kwentiwe kube khona kuleSikhwama ngulelilunga, umlingani wangaphambilini noma ngabe muphi umuntfu lapho lesikhwama lencunywani khona sibe neligunya lelifanele nemtsamo kutjela leSikhwama ngaloko.

(j) Any portion of a member's pension interest assigned to a former spouse in terms of a decree of divorce or a decree for the dissolution of a customary marriage granted prior to the enactment of this subsection shall, for purposes of any law other than the Income Tax Act, 1962 (Act No. 58 of 1962), including, but not limited to, section 7(8)(a) of the Divorce Act, 1979 (Act No. 70 of 1979), be deemed to have accrued to the member on the date of enactment of this subsection, and must be paid or transferred in accordance with paragraphs (a) to (i).” 5

Amendment of section 29 of Proclamation 21 of 1996

4. Section 29 of the Proclamation is hereby amended by the substitution in subsection (2) for paragraph (g) of the following paragraph: 10

“(g) from time to time prescribe the benefits or other amounts payable from the Fund to members, their former spouses or their beneficiaries determined in the rules, **in respect of the pensionable service of members**] in cases or classes or categories of cases specified by the rules, and the manner in which such benefits or other amounts shall be calculated and the times at which and the manner in which such benefits or other amounts shall be paid;” 15

Amendment of section 30A of Proclamation 21 of 1996, as inserted by section 2 of Act 35 of 2003 and amended by section 8 of Act 21 of 2004

5. Section 30A of the Proclamation is hereby amended by the substitution for subsection (2) of the following subsection: 20

“(2) If a person contemplated in subsection (1) receives or has received any benefit in terms of the Special Pensions Act, 1996 (Act No. 69 of 1996), or the Demobilisation Act, 1996 (Act No. 99 of 1996), other than a benefit received as a dependant[,]— 25

- (a) the benefit payable by the Fund shall not be reduced [**in accordance with the rules**] by the amount of any benefit that has been received in terms of the Special Pensions Act, 1996 (Act No. 69 of 1996), or the Demobilisation Act, 1996 (Act No. 99 of 1996); and
- (b) that person's eligibility to receive any benefit in terms of the Special Pensions Act, 1996 (Act No. 69 of 1996) shall cease on exit from the Fund.” 30

Insertion of section 33A in Proclamation 21 of 1996

6. The following section is hereby inserted in the Proclamation after section 33:

“Transitional provision” 35

33A. (1) Any claims, applications, or other matters to be dealt with, and any actions or decisions to be taken in terms of this Law, that were not finalised prior to the commencement of an amendment to this Law, shall be finalised in terms of this Law, as amended. 40

(2) Any claims or applications that may have been previously rejected and finalised in terms of this Law prior to the commencement of an amendment of this Law, may be resubmitted for consideration in terms of this Law, as amended.”

(j) noma nguyiphi incenye yempesheni yelilunga leniketwe umlingani wangaphambilini ngekuya ngesincumo sesahlukaniso noma sincumo sekucedvwa kwemshado wesintfu lesiniketwe ngembi kwalokucala kusebenta kwalesigatjina kutawufanele kwentelwe nanoma ngutiphi tinjongo tanoma nguwuphi umtsetfo ngaphandle kwe-*Income Tax Act*, 1962 (Umtsetfo Nom. 58 wanga 1962), kufaka ekhatsi, kodvwa kungavinjelwa kuphela, sigaba 7(8)(a) se-*Divorce Act*, 1979 Umtsetfo Nom. 70 wanga 1979), letawuba nelilungelo lcutfolo intalo kulelilunga kulolusuku lwekucala kusebenta kwalesigatjana, kantsi kufanele kukhokhelwe noma kudluliselwe ngekuhambisana netindzima (a) kuya ku (i).”

Kuchitjiyelwa kwesigaba 29(2) seSimemetelo 21 sanga 1996

4. Sigaba 29(2) saleSimemetelo siyachitjiyelwa ngekukhishwa kufakwe indzima (g) yalenzima lelandzelako:

“(g) ngaleso naleso sikhatsi kubalwe lokuhlomula noma letinye tamba letikhokhwe kuleSikhwama tiya kumalunga, balingani babo baphambilini noma labo labahlomulako labancunye ngekweMtsetfo [kungayi ngekuba ngemalunga empesheni kwalawo malunga] ngetikhatsi noma emazinga noma tigaba kwetintfo letibalwe mitsetfo, nangalendlela lapho khona lokuhlomula noma letinye tamba kufanele tibalwe kanye naletikhatsi lapho khona loko kuhlomula noma letinye tamba kufanele kukhokhelwe.”

Kuchitjiyelwa kwesigaba 30A seSimemetelo Nom. 21 sanga 1996, njengoba kufakwe sigaba 2 seMtsetfo nom. 35 wanga 2003 sabuye sachitjiyelwa sigaba 8(1) seMtsetfo Nom. 21 wanga 2004

5. Sigaba 30A seSimemetelo siyachitjiyelwa ngekukhipha sigatjana (2) kwalesigatjana lesilandzelako:

“(2) Uma ngabe umuntfu agunyatwe kusigatjana (1) atfolo noma atfole noma yini layihlomulako ngekwe-*Special Pensions Act*, 1996 (Umtsetfo Nom. 69 wanga 1996), noma i-*Demobilisation Act*, 1996 (Umtsetfo Nom. 99 wanga 1996), ngaphandle kwekuhlomula lokutfolakele njengalowondliwako[.]—
 (a) lokuhlomula lokukhokhwa nguleSikhwama angeke kuphungulwe [ngekuhambisana nemtsetfo] ngesamba sanoma ngabe ngukuphi kuhlomula lokutfolakele ngekwe-*Special Pensions Act*, 1996 (Umtsetfo Nom. 69 wanga 1996) noma i-*Demobilisation Act*, 1996 (Umtsetfo Nom. 99 wanga 1996); nekutsi
 (b) likhono lalowo muntfu lcutfolo lokuhlomula noma ngukuphi ngekwe-*Special Pensions Act*, 1996 (Umtsetfo Nom. 69 wanga 1996) kutawuphela uma aphuma kulesikhwama.”

Kufakwa kwesigaba 33A kuSimemetelo 21 wanga 1996

6. Lesigaba lesilandzelako sitawufakwa kuleSimemetelo ngemuva kwesigaba 33: 40

“Umbandzela losemkhatsini

33A. (1) Noma ngabe ngusiphi sicelo semali, ticelo, noma ngabe ngutiphi tindzaba lekufanele tentiwe, noma ngabe ngutiphi tento noma tincumo letitawutsatfwa ngekwaloMtsetfo, lebetingakacedzelwa ngembi kwekucala kwalokuchitjiyelwa kwaloMtsetfo, titawucedzelel wa ngekwaloMtsetfo, njengoba uchitjiyelwe 45

(2) Noma ngabe ngutiphi ticelo lebetingakatsatfwa ngaphambilini tabuye tacedzelwa ngekweMtsetfo ngembi kwekucala kwekuchitjiyelwa kwaloMtsetfo, kungabuye kufakwe sicelo sekubuyeketa ngekweMtsetfo, ngengoba kuchitjiyelwe. 50

Amendment of laws

7. The laws specified in the Schedule to this Act are hereby amended to the extent set out in the third column of that Schedule.

Short title and commencement

8. (1) This Act is the Government Employees Pension Law Amendment Act, 2011, 5
and, subject to subsection (2), comes into operation on publication in the *Gazette*.

(2) Sections 5 and 7 of this Act and the amendment of the laws listed in the Schedule to this Act are deemed to have come into operation with effect from 1 April 2011.

Kuchitjijyelwa kwemitsetfo

7. Lemitsetfo lebalwe kuleShejuli yaloMtsetfo iyachitjijyelwa kulelizinga lelibekwe kulekholamu yesitsatfu yaleShejuli.

Sihloko lesifushane nekucala kusebenta

8. (1) LoMtsetfo Wekuchibiyela Umtsetfo Wempesheni Yetisebenti Tahulumende, 2011, kanye, ngekuya ngekwesigatjana (2), utawucala kusebenta uma ushicilelwe *kuGazethi*. 5

(2) Sigaba 5 na 7 saloMtsetfo kanye nekuchitjijyelwa kwalemitsetfo lebalwe kuleShejuli yaloMtsetfo kutsetfwe njengalokulicala kusebenta kusukela ngamhlaka 1 Inkhwekhweti 2011. 10

SCHEDULE

LAWS AMENDED

No. and year of Act	Short title	Extent of amendment
Act No. 69 of 1996	Special Pensions Act, 1996	<p>Section 14(4) is hereby amended by the substitution for paragraph (a), of the following paragraph:</p> <p>(a) Subject to paragraph (b), any person's right to a pension in terms of <i>this Act</i> ceases on the day on which [that person's right to a pension]—</p> <p>(i) in terms of the Government Employees Pension Law, 1996 (Proclamation No. 21 of 1996), [is recognised as contemplated in section 30A of that Law] <u>that person exits the Government Employees Pension Fund</u>; or</p> <p>(ii) <u>that person's right to a pension</u> is recognised in terms of the rules of any other employee pension or provident fund or scheme established by or under any pension law.”.</p>

ISHEJULI

IMITSETFO LECHITJIYELWE

Nom. Nemyaka weMtsetfo	Sihloko lesifushane	Lizinga lekuchitjiyelwa	
Wet No. 69 van 1996	<i>Wet op Speciale Pensioene, 1996</i>	<p>Artikel 14(4) word hierby gewysig deur paragraaf (a) deur die volgende paragraaf te vervang:</p> <p>(a) Behoudens paragraaf (b) verval 'n persoon se reg op 'n pensioen ingevolge hierdie Wet op die dag waarop [daardie persoon se reg op 'n pensioen]—</p> <p>(i) ingevolge die "Government Employees Pension Law, 1996" (Proklamasie No. 21 van 1996), [erken word soos beoog in artikel 30A van daardie Wet] daardie persoon die Staatsdiens Werknemerspensioenfonds verlaat; of</p> <p>(ii) daardie persoon se reg op 'n pensioen erken word ingevolge die reëls van enige ander werknemers- pensioen- of voorsorgfonds of -skema wat ingestel is deur of ingevolge enige pensioenwet."</p>	5 10 15 20