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GENERAL NOTICES • ALGEMENE KENNISGEWINGS

DEPARTMENT OF FINANCE

NOTICE 314 OF 2018

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.

Dr Renosi Mokate
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 “**eligible child pensioner**” after the definition of “eligible child”:

“**eligible child pensioner**” means the natural child, or adopted child (as ascribed to the term “adopted child” in the Children’s Act, 38 of 2005 as amended) of a deceased member or deceased pensioner who is alive as at the date of death of the member or pensioner, and who:

- is under the age of 22; or
- is a child over the age of 22 and who, in the opinion of the Board, is disabled and was factually or legally dependent on the member or pensioner immediately before the death of such member or pensioner.

Rule 1 is further hereby amended by the insertion of the following definition of “**child’s pension**” after the definition of certified personnel register”:

“**child’s pension**” means a pension payable to an eligible child pensioner on the death of a member in terms of rule 14.5 or on the death of a pensioner, who was a member of the Fund, in terms of rule 14.6.1 and which pension is only payable whilst the child remains an eligible child pensioner.

2. **Amendment of rule 14.5**

Rule 14.5 is hereby substituted with the following rule:

14.5 *Benefits on the death of a member*

- 14.5.1 If a member with less than 10 years pensionable service dies, a gratuity shall be paid to his or her beneficiaries or to his or her estate if there is no beneficiary equal to the greater of the member's actuarial interest and his or her final salary.
- 14.5.2 If a member with at least 10 years pensionable service dies, a gratuity shall be paid to his or her beneficiaries or to his or her estate if there is no beneficiary which is equal to the sum of the gratuity and five times the annuity which would have been payable to him or her in terms of rules 14.2.1 (a) and (b) respectively, if he or she had retired for a reason referred to in rule 14.1.1 (a) on the day of his or her death.
- 14.5.3 If a member dies and the total of such a member's period of pensionable service and his or her unexpired period of service is at least ten years, there shall be paid to the surviving spouse, if any, a spouse's pension which is equal to half of the annuity and the supplementary amount which the member would have received in terms of the provisions of rule 14.2.1 if he or she had retired on the date of his or her death in terms of a reason mentioned in rule 14.3.1(a): Provided that "pensionable service" for this purpose also includes the member's unexpired period of service: Provided further that where there is more than one spouse, the spouse's pension will be divided equally among the spouses.
- 14.5.4 With effect from 1 June 2018, if a member dies and leaves an eligible child pensioner, a child's pension shall become payable to such an eligible child pensioner equal to the percentage of the annuity and the supplementary amount which the member would have received in

terms of the provisions of rule 14.2.1 if he or she had retired on the date of his or her death in terms of a reason mentioned in rule 14.3.1(a): Provided that "pensionable service" for this purpose also includes the member's unexpired period of service. The percentage shall be as indicated in the table below, subject to a minimum child's pension as determined by the Board of Trustees, which minimum child's pension may not be less than R200,00 per month:

If a spouse receives a benefit in terms of rule 14.5.3 on the death of the member		If no spouse receives a benefit in terms of rule 14.5.3 on the death of the member	
No. of eligible children	Benefit per eligible child	No. of eligible children	Benefit per eligible child
1	25.00%	1	25.00%
2	25.00%	2	25.00%
3	16.67%	3	25.00%
4	12.50%	4	25.00%
5 or more	10.00%	5	20.00%
		6	16.67%
		7	14.29%
		8	12.50%
		9	11.11%
		10 or more	10.00%

- 14.5.5 A child's pension payable in terms of rule 14.5.4 ceases when the child ceases to be an eligible child pensioner as defined in rule 1.
- 14.5.6 A spouse's pension which is payable to a spouse in terms of rule 14.5.3, shall not be affected in the case of a remarriage.
- 14.5.7 The spouse's and child's pensions payable in terms of these Rules shall be payable with effect from the first day of the month immediately following the date on which the member or pensioner concerned dies

and are payable in equal monthly instalments on or before the last day of each month: Provided that the payment in the first month may be within a period of 60 days following the date on which the member or pensioner concerned dies.

14.5.8 Annuities are payable in equal monthly instalments on or before the last day of each month.

14.5.9 If a gratuity referred to in rules 14.5.1 and 14.5.2 is payable to two or more beneficiaries, such gratuity shall be paid to any such beneficiaries and in such proportions as the Board may determine.

14.5.10 If any eligible child pensioner proves an entitlement to receive a child's pension after the commencement of a child's pension to another eligible child pensioner whose entitlement derives from the death of the same member:

(a) he or she will be entitled to the child's pension calculated in accordance with rule 14.5.4 from the first day of the month following the month in which he or she lodged the claim to receive a child's pension, increased with the pension increases granted by the Fund for the period from the date of death of the member to the date the child's pension commences;

(b) the child's pension being paid to any other eligible child pensioner at the time that an additional eligible child pensioner becomes entitled to a child's pension, will be recalculated and adjusted with effect from the date referred to in rule 14.5.10 (a) to take account of the additional eligible child pensioner; and any resulting adjustment to the child's pension being paid to an eligible child pensioner will not constitute a reduction of the benefit payable prior to any re-calculated child's pension as contemplated in the Law; provided that this sub-rule 14.5.10 will apply regardless of

the number of additional eligible child pensioners whose entitlements derive from the death of the same member.

14.5.11 Any orphan of a deceased member in receipt of an orphan's pension immediately before 1 June 2018 will cease to be entitled to an orphan's pension and will become entitled to a child's pension calculated in terms of rule 14.5.4 with effect from 1 June 2018, increased with the pension increases granted by the Fund for the period from the date of death of the member to 1 June 2018.

3. **Amendment of Rule 14.6**

Rule 14.6 is hereby substituted with the following rule:

14.6 Benefits on the death of a pensioner

14.6.1 If a pensioner dies within a period of five years after he or she had retired or was retired or discharged, a benefit shall be paid to his or her beneficiaries or to his or her estate if there is no beneficiary equal to the sum of the annuity which would have been payable to him or her during the period as from the first day of the month immediately following the date on which he or she dies up to and including the last day of the month in which the said period of five years would have expired had he or she not died, based on the amount of his or her annuity at his or her death. For the purpose of calculation of the benefit the additional amount payable in terms of rule 14.2.1 (c) is not taken into account. If a benefit referred to in this rule is payable to two or more beneficiaries, such gratuity shall be paid to any such beneficiaries and in such proportions as the Board may determine.

14.6.2 If a pensioner dies and he or she is survived by a spouse, there shall be paid to such spouse a spouse's pension which is equal to one half of the annuity which the pensioner received on the date of his or her death, provided that—

- (a) each pensioner of the fund as at 1 April 2012 may elect, at any time within the period commencing on 1 April 2012 and ending on 31 December 2012, or such other date as the Board may determine, that the pension payable to his spouse on his death shall be increased to three quarters of the annuity which the pensioner receives on the date of his or her death and that his or annuity be reduced accordingly;

- (b) for members who opted for a reduced annuity or gratuity in terms of rule 14.2.2, the spouse's pension will be increased to three quarters of the annuity which the pensioner received on the date of his or her death;

Provided further that—

- (i) where there is more than one spouse, the spouse's pension will be divided equally among the spouses;
- (ii) the reduction applicable to the annuity of a pensioner who makes an election in terms of (a) above shall be calculated by the actuary taking into account all relevant factors.

- 14.6.3 If a pensioner dies on or after 1 June 2018, and if the pensioner leaves an eligible child pensioner, a child's pensions shall become payable to the eligible child pensioner equal to the percentage of the pensioner's unreduced annuity on the date of his or her death as indicated in the table below, subject to a minimum child's pension as determined by the Board of Trustees, which minimum child's pension may not be less than R200.00 per month:

If a spouse receives a benefit in terms of rule 14.6.2 on the death of the pensioner		If no spouse receives a benefit in terms of rule 14.6.2 on the death of the pensioner	
No. of eligible children	Benefit per eligible child	No. of eligible children	Benefit per eligible child
1	25.00%	1	25.00%
2	25.00%	2	25.00%
3	16.67%	3	25.00%
4	12.50%	4	25.00%
5 or more	10.00%	5	20.00%
		6	16.67%
		7	14.29%
		8	12.50%
		9	11.11%
		10 or more	10.00%

- 14.6.4 A child's pension payable in terms of rule 14.6.3 ceases when the child ceases to be an eligible child pensioner in terms of rule 1.
- 14.6.5 The provisions of rules 14.5.5, 14.5.6, 14.5.7, 14.5.8 and 14.5.10 shall apply *mutatis mutandis* to the benefit in terms of rule 14.6.3.
- 14.6.7 Any orphan of a deceased pensioner in receipt of an orphan's pension immediately before 1 June 2018 will cease to be entitled to an orphan's pension and will become entitled to a child's pension calculated in

terms of rule 14.6.3 with effect from 1 June 2018, increased with the pension increases granted by the Fund for the period from the date of death of the member to 1 June 2018.

4. **Commencement Date**

The amendment to the Rules shall come into operation as from 1 June 2018.