

No. 41, 1963.]

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.

ACT

To provide for pensions for the employees of certain institutions and for other incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 3rd May, 1963.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Definitions.

1. In this Act, unless the context otherwise indicates—

- (i) "associated institution" means—
- (a) the Council for Scientific and Industrial Research referred to in section *two* of the Scientific Research Council Act, 1962 (Act No. 32 of 1962);
 - (b) the Council of the South African Bureau of Standards established by section *four* of the Standards Act, 1962 (Act No. 33 of 1962);
 - (c) the Atomic Energy Board established by section *eleven* of the Atomic Energy Act, 1948 (Act No. 35 of 1948);
 - (d) the Board of Control of the "Afrikaanse Woordeboek" referred to in section *fifteen* of the Finance Act, 1946 (Act No. 57 of 1946);
 - (e) the Africa Institute referred to in section *forty-eight* of the Pension Laws Amendment Act, 1962 (Act No. 92 of 1962);
 - (f) a research institute, that is to say, any association of persons—
 - (i) formed for the purpose of undertaking scientific industrial research and registered under the provisions of section *twenty-one* of the Companies Act, 1926 (Act No. 46 of 1926);
 - (ii) of which at least one member has been nominated by the Council for Scientific and Industrial Research referred to in section *two* of the Scientific Research Council Act, 1962;
 - (iii) which is in receipt of a grant from the said Council in terms of paragraph (i) of sub-section (1) of section *four* of the last-mentioned Act; and
 - (iv) which has been recognized by the Minister as an associated institution for the purposes of this Act;
 - (g) any institution which in terms of section *one* of the State-aided Institutions Act, 1931 (Act No. 23 of 1931), has been declared to be subject to the provisions of that Act;
 - (h) any other institution, organization or body established by or under any law which, in terms of section *four*, is declared by the Minister to be an associated institution for the purposes of this Act; (v)
- (ii) "council" means—
- (a) the board or other body responsible for the control of an associated institution; or
 - (b) where there is no such board or body, the person recognized by the Minister as being responsible for the control of the associated institution in question; (viii)
- (iii) "Minister" means the Minister of Social Welfare and Pensions; (vii)
- (iv) "regulation" means any regulation made and in force under this Act; (ix)
- (v) "Secretary" means the Secretary for Social Welfare and Pensions; (x)
- (vi) "specified date" means, subject to the provisions of section *five*, the date specified in the regulations as the date of the establishment of the fund; (i)
- (vii) "the fund" means the pension fund referred to in paragraph (b) of sub-section (1) of section *two*; (ii)

Pension scheme
and pension
fund.

- (viii) "the technical colleges provident fund" means the Technical Colleges Provident Fund established under the regulations made in terms of paragraph (g) of sub-section (1) of section *nineteen* of the Higher Education Act, 1923 (Act No. 30 of 1923); (iii)
- (ix) "the university institutions provident fund" means the University Institutions Provident Fund established under the regulations made in terms of paragraph (g) of sub-section (1) of section *twelve* of the Higher Education Additional Provision Act, 1917 (Act No. 20 of 1917); (iv)
- (x) "this Act" includes any regulation. (vi)

2. (1) (a) Notwithstanding anything in any other law contained, the Minister may, in consultation with the Minister of Finance, make regulations providing for a pension scheme for persons in the service of associated institutions.
- (b) Any such scheme shall make provision for the establishment of a pension fund.
- (2) Without prejudice to the generality of the provisions of sub-section (1) such regulations may—
- (a) make provision for persons who immediately prior to the specified date were in the service of an associated institution and who—
 - (i) are contributors to the technical colleges provident fund or the university institutions provident fund; or
 - (ii) are members of any pension or provident fund or other scheme (other than a provident fund referred to in sub-paragraph (i)) established for their benefit by any associated institution referred to in paragraph (f), (g) or (h) of the definition of "associated institution" in section *one*, to be released from all obligations towards and to relinquish all rights and privileges in respect of any such fund or scheme and to become members of and contribute to the fund, if they so elect;
 - (b) prescribe the conditions subject to which persons—
 - (i) referred to in sub-paragraph (i) or (ii) of paragraph (a) who elect in terms of the regulations to become members of and contribute to the fund;
 - (ii) who are in the service of an associated institution on the specified date but who are not members of any fund or scheme referred to in paragraph (a) on that date;
 - (iii) who are appointed to the service of an associated institution on or after the specified date, may become members of and shall contribute to the fund;
 - (c) prescribe the rate at which contributions shall be paid to the fund by persons who become contributors thereto;
 - (d) prescribe the basis on which and the manner in which contributions and any other amounts shall be paid to the fund by a council or from moneys appropriated by Parliament for the purpose;
 - (e) prescribe the benefits payable from the fund;
 - (f) prescribe the amount which shall be transferred to the fund from the technical colleges provident fund or the university institutions provident fund in respect of a member of such a fund who elects in terms of the regulations to become a member of and contribute to the fund; and
 - (g) provide for the cession to the Secretary on behalf of the fund of any policy of assurance which formed part of the provision made for a member of the technical colleges provident fund or the university institutions provident fund in terms of the regulations governing such fund, if such member elects in terms of the regulations to become a member of and contribute to the fund, and prescribe the conditions subject to which such cession shall take place.

Certain persons
compelled to
contribute
to fund.

3. Notwithstanding anything to the contrary contained in any law—
- (a) every person appointed to the service of an associated institution on or after the specified date shall, subject to the provisions of the regulations, become a member of and contribute to the fund; and
 - (b) no person appointed to the service of an associated institution on or after the specified date shall become a member of or contribute to the technical colleges

provident fund or the university institutions provident fund or become a member of any pension or provident fund or other scheme established by the associated institution in question.

Certain institutions, organizations or bodies may be declared to be associated institutions.

4. The Minister may, after consultation with the Minister of Finance, by notice in the *Gazette* declare any institution, organization or body established by or under any law, which is not an associated institution, to be such an institution as from a date specified in such notice.

Date deemed to be specified date in relation to certain institutions, etc.

5. Whenever any institution, organization or body becomes an associated institution on a date after the date specified in the regulations as the date of the establishment of the fund such first-mentioned date shall in relation to such institution, organization or body and any person in the service thereof, be deemed to be the specified date for the purposes of this Act.

Certain regulations may be made with retrospective effect.

6. Any regulation or any amendment to a regulation, other than an amendment relating to the rate at which contributions shall be made to the fund or the amount and nature of the benefits payable, may be made with retrospective effect from a date not earlier than the date of commencement of this Act.

Short title.

7. This Act shall be called the Associated Institutions Pension Fund Act, 1963.