

CHAPTER 16:02

PENSIONS (INCREASES AND ADJUSTMENTS) ACT

Acts 38/1968, 52/1969, 22/1971 (s. 45), 31/1971, 3/1972, 21/1972, 4/1974 (ss. 25-27), 24/1975 (s. 10).

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title.

PART II

INCREASE OF PENSIONS FROM 1ST JULY, 1968

2. Pensions to be increased.

PART III

INCREASE OF PENSIONS FROM 1ST JULY, 1969

3. Pensions to be increased.
4. Increase of certain widows' pensions.

PART IV

INCREASE OF PENSIONS FROM 1ST JULY, 1971

5. Interpretation of term in Part IV.
6. Pensions to be increased.
7. Increase of widows' pensions.
8. Children's pensions to be payable until child is 19 years.

PART V

INCREASE OF PENSIONS AND ADDITIONAL BENEFITS FROM 1ST JULY, 1972

9. Additional benefits for dependants of pensioner.
10. Increase in pensions payable to certain former judges and their widows.
11. Widow's pension not to cease on re-marriage of widow.
12. Increase of pensions.

FIRST SCHEDULE: Legislation in Respect of Which Pension Payable as at 1st July, 1968.

SECOND SCHEDULE: Legislation in Respect of Which Pension Payable as at 1st July, 1969.

THIRD SCHEDULE: Legislation in Respect of Which Pension Payable as at 1st July, 1971.

AN ACT to provide for an increase in certain pensions and allowances payable by the State; to provide that certain children's pensions or allowances shall be payable until the children attain the age of nineteen years or marry, whichever is the earlier; to provide for the payment of an additional benefit to the widows or children of deceased pensioners; to provide for an increase in the pensions payable to former judges of the High Court or Water Court or the widows of such former judges; and to provide for matters connected with or incidental to the foregoing.

[Date of commencement: 11th October, 1968.]

PART I

PRELIMINARY

1 Short title

This Act may be cited as the Pensions (Increases and Adjustments) Act [*Chapter 16:02*].

PART II

INCREASE OF PENSIONS FROM 1ST JULY, 1968

2 Pensions to be increased

(1) Subject to this section, any pension, including a widow's or children's pension or allowance, which was payable by the State immediately before the 1st July, 1968, in terms of any legislation specified in the First Schedule or any legislation repealed by such legislation shall, notwithstanding anything to the contrary contained in that legislation, be increased with effect from the 1st July, 1968, by five *per centum*.

(2) Where a pension referred to in subsection (1) is payable in respect of an illness or injury which—

- (a) arose out of or in the course of the employment of the person concerned by the State; and
- (b) had not in terms of the appropriate legislation referred to in subsection (1) reached a final and stationary condition before the 1st July, 1968;

the increase in terms of subsection (1) shall be calculated in relation to the rate of pension payable from time to time depending on the degree of disablement of the person concerned:

Provided that no pension shall be increased by virtue of this subsection unless it is being paid on the 1st April, 1974.

(3) Where a pension referred to in subsection (1), which is increased in terms of this section by five *per centum*, ceases to be payable to or in respect of the person concerned, any widow's or children's pension which thereafter becomes payable shall be calculated as though the legislation in terms of which that pension becomes payable had provided for the five *per centum* increase.

(4) Where a pension referred to in subsection (1) has been temporarily commuted for a period expiring not later than five years after the date the pension first became payable and the pension is restored to its full amount on or after the 1st July, 1968, the increase in terms of subsection (1) shall apply to the full amount of the pension with effect from the expiration of the period for which it was temporarily commuted.

(5) Subsection (1) shall not apply in relation to—

- (a) any pension payable under the Public Services Act [90 of 1963] to a person who—
 - (i) was an officer as defined in the Public Services Act [90 of 1963] and had been transferred from the former Federal Public Service to the Public Service of Rhodesia on provisional transfer, and
 - (ii) had retired from the Public Service on termination of his provisional transfer in terms of the Public Services (Federal Public Service Transfers on Dissolution) Regulations, 1964;
- (b) any amount payable by the State to the Central African Pension Fund in terms of paragraph 36 (2) of Schedule II to the Federation of Rhodesia and Nyasaland (Dissolution) Order in Council, 1963, of the United Kingdom.

PART III

INCREASE OF PENSIONS FROM 1ST JULY, 1969

3 Pensions to be increased

(1) Subject to this section, any pension, including a widow's or children's pension or allowance, referred to in subsection (1) of section *two* which was—

- (a) increased with effect from the 1st July, 1968, by five *per centum* in terms of section *two*; and
- (b) payable by the State immediately before the 1st July, 1969;

shall be increased with effect from the 1st July, 1969, by an amount equal to that by which it was increased in terms of section *two*:

Provided that—

- (i) this subsection shall not apply in relation to a pension referred to in this subsection which is payable to or in respect of a person—
 - (a) who was employed otherwise than in the Defence Forces of Rhodesia or the British South Africa Police; and
 - (b) whose services with the State were terminated on or after the 1st January, 1968, and before the 1st July, 1968;
- (ii) if the recipient of a pension referred to in this subsection has commuted, with effect from a date on or after the 1st July, 1968, and before the 1st July, 1969, any portion of the pension which was payable to him, the amount by which his pension shall be increased in terms of this subsection shall be five *per centum* of his pension after such commutation and without including any increase in terms of section *two*.

(2) Subject to this section, any pension, including a widow's or children's pension or allowance, which was payable by the State immediately before the 1st July, 1969, in terms of any legislation specified in the Second Schedule to or in respect of a person whose services with the State terminated on or after the 1st July, 1968, and

before the 1st January, 1969, shall, notwithstanding anything to the contrary contained in that legislation, be increased with effect from the 1st July, 1969, by five *per centum*:

Provided that this subsection shall not apply in relation to a pension payable under the Public Services Act [90 of 1963] to a person who—

- (a) was an officer as defined in the Public Services Act [90 of 1963] and had been transferred from the former Federal Public Service to the Public Service of Rhodesia on provisional transfer; and
 - (b) had retired from the Public Service on termination of his provisional transfer in terms of the Public Services (Federal Public Service Transfers on Dissolution) Regulations, 1964.
- (3) Where a pension referred to in subsection (1) or (2), as the case may be, is payable in respect of an illness or injury which—
- (a) arose out of or in the course of the employment of the person concerned by the State; and
 - (b) had not in terms of the appropriate legislation referred to in subsection (1) or (2) reached a final and stationary condition before the 1st July, 1969;

the increase in terms of subsection (1) or (2), as the case may be, shall be calculated in relation to the rate of pension payable from time to time depending on the degree of disablement of the person concerned:

Provided that no pension shall be increased by virtue of the provisions of this subsection unless it is being paid on the 1st April, 1974.

(4) Where a pension referred to in subsection (1) or (2) or the proviso to subsection (3) which is increased in terms of this section ceases to be payable to or in respect of the person concerned, any widow's or children's pension which thereafter becomes payable shall be calculated as though the legislation in terms of which that pension becomes payable had provided for such increase.

(5) Where—

- (a) the recipient of a pension referred to in paragraph (a) of subsection (1) has died before the 1st July, 1969; and
 - (b) a widow's or children's pension became payable in respect of any dependant of his and that pension was payable immediately before the 1st July, 1969;
- that pension shall be increased with effect from the 1st July, 1969, by five *per centum*.

(6) Where a pension referred to in subsection (1) or (2) has been temporarily commuted for a period expiring not later than five years after the date the pension first became payable and the pension is restored to its full amount on or after the 1st July, 1968, or the 1st July, 1969, as the case may be, the increase in terms of subsection (1) or (2), as the case may be, shall apply to the full amount of the pension with effect from the expiration of the period for which it was temporarily commuted.

4 Increase of certain widows' pensions

(1) Subject to of this section, if, in the case of the widow of a deceased employee, the pension payable to that widow on the 1st July, 1969, or which becomes payable after that date in respect of the death of the deceased employee is less than nine hundred and sixty dollars per annum, the pension payable to her shall be reassessed as follows—

- (a) the pension shall be calculated at the rate of forty *per centum* of the final emoluments of the deceased employee; and
 - (b) the pension so calculated shall be increased in accordance with legislation enacted after the date on which the pension first became payable which was applicable to such pension.
- (2) If a pension reassessed in terms of subsection (1) exceeds nine hundred and sixty dollars per annum, it shall be reduced by the amount of the excess.

(3) A pension reassessed in terms of subsection (1) shall be payable with effect from the 1st July, 1969, or, in the case of a pension which becomes payable after that date, with effect from the date that pension becomes payable.

(4) Subsection (1) shall apply only in relation to the pension payable as compensation in respect of the death of the deceased employee.

(5) Any pension payable in respect of a child of a deceased employee which is calculated in relation to a pension that is reassessed in terms of subsection (1) shall also be reassessed accordingly and be payable in accordance with subsection (3).

(6) Subsection (1) shall not apply in relation to a pension which is payable—

- (a) in terms of the War Pensions Act [Chapter 11:14]; or
- (b) to the widow of a deceased employee who at the time he received the illness or injury which caused his death was a member of—
 - (i) the Territorial Force of the Army, the Territorial Force of the Air Force or any reserve of the Army or of the Air Force; or
 - (ii) the Reserve Force of the British South Africa Police;

or

(c) in terms of the State Service (Disability Benefits) Act [*Chapter 16:05*].

(7) In this section—

“deceased employee” means a person who—

- (a) was in the full-time employment of the State; and
- (b) died as a result of illness or injury which arose out of or in the course of his employment by the State;

“final emoluments”, in relation to a deceased employee, means—

- (a) the pensionable emoluments as defined in the legislation in terms of which the pension referred to in subsection (1) is payable; or
- (b) if the employee was not employed on pensionable conditions of service, the emoluments; received by that employee on his last day of duty.

PART IV

INCREASE OF PENSIONS FROM 1ST JULY, 1971

5 Interpretation of term in Part IV

In this Part—

“pensions law” means any legislation specified in the Third Schedule or any legislation providing for the payment of pensions which was repealed or replaced by any legislation specified in the Third Schedule.

6 Pensions to be increased

(1) Subject to this section, any pension, including a widow’s or children’s pension or allowance, which was payable by the State immediately before, or which first becomes payable on, the 1st July, 1971, in terms of a pensions law shall be increased with effect from the 1st July, 1971, by ten *per centum*:

Provided that this subsection shall not apply in relation to a pension payable under the Public Services Act [*90 of 1963*] to—

(a) a person who—

- (i) was an officer as defined in the Public Services Act [*90 of 1963*] and had been transferred from the former Federal Public Service to the Public Service of Rhodesia on provisional transfer; and
- (ii) had retired from the Public Service on the termination of his provisional transfer in terms of the Public Services (Federal Public Service Transfers on Dissolution) Regulations, 1964;

or

(b) a person who—

- (i) was an officer or employee as defined in the Public Services Act [*90 of 1963*] and had been seconded or transferred to the service of the Posts and Telecommunications Corporation; and
- (ii) had received increased emoluments as a result of the new salary scales which were introduced by that Corporation during 1971.

(2) Where a pension referred to in subsection (1) is payable in respect of an illness or injury which—

- (a) arose out of or in the course of the employment of the person concerned by the State; and
- (b) had not in terms of the appropriate pensions law reached a final and stationary condition before the 1st July, 1971;

the increase in terms of subsection (1) shall be calculated in relation to the rate of pension payable from time to time depending on the degree of disablement of the person concerned:

Provided that no pension shall be increased by virtue of the provisions of this subsection unless it is being paid on the 1st April, 1974.

(3) Where a pension referred to in subsection (1) which is increased in terms of this section ceases to be payable to or in respect of the person concerned, any widow’s or children’s pension or allowance which thereafter becomes payable shall be calculated as though the appropriate pensions law had provided for such increase.

(4) Where a pension referred to in subsection (1) has been temporarily commuted for a period expiring not later than five years after the date the pension first became payable and the pension is restored to its full amount on or after the 1st July, 1971, the increase in terms of subsection (1) shall apply to the full amount of the pension with effect from the expiration of the period for which it was temporarily commuted.

7 Increase of widows’ pensions

(1) Subject to subsection (3), any widow’s pension which was payable by the State immediately before, or which first becomes payable on or after, the 1st July, 1971, in terms of a pensions law shall be increased with effect from that date or the date on which it first becomes payable, whichever is the later, by such amount as the Minister of Finance may in each case determine in order to increase such pension to the amount that would have been payable had the pension been calculated at the rate of fifty-five *per centum* of the pension, including any additional pension, which was payable to the former husband at the date of his death or, if he died whilst in the

employment of the State, of the pension, including any additional pension, which would have been payable to him had he been discharged immediately before the date of his death on the grounds of ill-health.

(2) Subject to subsection (3), any children's pension or allowance which was payable by the State immediately before, or which first becomes payable on or after, the 1st July, 1971, in terms of a pensions law shall, with effect from that date or the date on which it first becomes payable, whichever is the later, be calculated—

- (a) if a pension is being paid to the mother of that child and such pension is increased in terms of subsection (1), in relation to the pension as increased in terms of subsection (1);
- (b) if no pension referred to in paragraph (a) is being paid, as though such a pension were being paid and had been increased in terms of subsection (1).

(3) Subsections (1) and (2) shall not apply in relation to a pension or allowance which is payable—

- (a) in terms of the War Pensions Act [*Chapter 11:14*]; or
- (b) because of the death of, or injury to, a person in the employment of the State which arose out of and in the course of such employment.

8 Children's pensions to be payable until child is 19 years

Any children's pension or allowance which was payable by the State immediately before, or which first becomes payable on or after, the 1st July, 1971, in terms of a pensions law shall, notwithstanding anything to the contrary contained in that pensions law, be payable to or in respect of that child until he attains the age of nineteen years or marries, whichever is the earlier.

PART V

INCREASE OF PENSIONS AND ADDITIONAL BENEFITS FROM 1ST JULY, 1972

9 Additional benefits for dependants of pensioner

(1) If a pensioner dies on or after the 1st July, 1972, and leaves a widow to whom a pension is payable there shall be paid to that widow each month for a period of twelve months after the death of that pensioner an amount equal to the difference between the monthly rate of the pension received by that pensioner immediately before his death and the monthly rate of the aggregate of any pension payable to that widow and of any pensions or allowances payable to or in respect of any child or dependants of that pensioner.

(2) If a pensioner dies on or after the 1st July, 1972, and does not leave a widow, but leaves one or more dependants to or in respect of whom a pension is payable, there shall be paid to that dependant or apportioned between those dependants, as the Minister of Finance may determine, each month for a period of twelve months after the death of that pensioner an amount equal to the difference between the monthly rate of the pension payable to that pensioner immediately before his death and the monthly rate of the aggregate of any pensions or allowances payable to or in respect of any such dependant.

(3) Any benefit payable in terms of subsection (1) or (2) shall be paid from the Consolidated Revenue Fund which is hereby appropriated to the purpose.

(4) In this section—

“disability pension” means a pension payable in terms of the State Service (Disability Benefits) Act [*Chapter 16:05*] or referred to in section 46 of that Act;

“pension” means a pension payable by the State from the Consolidated Revenue Fund which is not a disability pension;

“pensioner” means a person who, immediately before the 1st July, 1971, was in receipt of a pension which was payable—

- (a) in terms of a pensions law as defined in section *five* in respect of his service with the State; or
- (b) in respect of his service with the State or on the staff of the Parliament of Rhodesia or any previous legislative assembly of Rhodesia or Southern Rhodesia, for which contributions were paid to the Consolidated Revenue Fund in terms of the conditions of service of that person.

10 Increase in pensions payable to certain former judges and their widows

(1) A judge's pension or widow's pension which was payable by the State immediately before the 1st July, 1972, shall be increased with effect from that date by such amount as the Minister of Finance may in each case determine in order to increase such pension to the amount that would have been payable had the increase in the rates of pensions payable to former members of the Public Service or their widows which took effect after the date of the death whilst in office or of the retirement, as the case may be, of the former judge in respect of whose service the pension is payable been applicable to persons who were judges and to the widows of such persons.

(2) Subsection (1) of section *seven* shall apply, *mutatis mutandis*, in relation to—

- (a) any widow's pension with effect from the 1st July, 1972; and
- (b) any pension which becomes payable on or after the 1st July, 1972, to the widow of a person who, immediately before that date, was receiving a judge's pension, with effect from the date such pension becomes payable to that widow;

as though the pension were payable or becomes payable, as the case may be, in terms of a pensions law as defined in section *five*.

(3) A judge's pension or a widow's pension, together with the increase payable in terms of this section, shall be paid from the Consolidated Revenue Fund which is appropriated to the purpose and shall not—

- (a) be capable of being assigned, ceded or otherwise transferred or of being pledged or hypothecated; or
- (b) be liable to be attached or subjected to any form of execution under a judgment or order of a court; or
- (c) form part of the insolvent estate of the beneficiary should he be declared insolvent.

(4) In this section—

“judge” means a judge of the High Court or the Water Court of Rhodesia or the High Court or the Water Court of Southern Rhodesia, as the case may be;

“judge's pension” means a pension which was payable immediately before the 1st July, 1972, to a person who was a judge;

“widow's pension” means a pension which was payable immediately before the 1st July, 1972, to the widow of a person who was a judge.

11 Widow's pension not to cease on re-marriage of widow

(1) Notwithstanding anything to the contrary contained in any law in terms of which a widow's pension is payable—

- (a) a widow's pension shall not cease to be payable by reason of the remarriage of the person to whom that pension is payable; and
- (b) if any person in receipt of a widow's pension was also, immediately before her remarriage, in receipt of a pension which was payable from the Central African Pension Fund or in respect of service with the Government of Northern Rhodesia or Nyasaland prior to service with the Government of the former Federation and such pension ceases to be payable on her remarriage, the widow's pension shall be increased by such amount as the Minister may from time to time determine is necessary to ensure that the aggregate amount of pensions received by her is not diminished and, in making such determination, the Minister shall take into consideration any amount by which any children's pension is increased on the remarriage.

(2) Where a female who was in receipt of a widow's pension remarried before the 1st October, 1974, and the widow's pension ceased to be payable to her on her remarriage, the Minister shall, on the application of that female, restore, with effect from the 1st October, 1974, the widow's pension, as increased, where appropriate, in accordance with the provisions of paragraph (b) of subsection (1), at the rate at which it would have been payable had it not ceased.

(3) The provisions of subsections (1) and (2) shall apply, *mutatis mutandis*, in relation to a female who is or was in receipt of an *ex gratia* pension in terms of the Pensions Review (No. 2) Notice, 1974 (Rhodesia Government Notice No. 446 of 1974) or who would have received such a pension had she not remarried prior to the 1st April, 1974, as though such *ex gratia* pension were a widow's pension:

Provided that a pension payable in terms of this subsection shall be regarded as an *ex gratia* pension and may be withdrawn by the Minister at any time.

(4) In this section—

“Minister” means the Minister responsible for finance;

“widow's pension” means a pension payable by the State from the Consolidated Revenue Fund to a female in terms of the provisions of any law or other conditions of service that were applicable to the former husband of that female in respect of his service with the State or on the staff of the Parliament of Rhodesia or any previous Legislative Assembly of Rhodesia or Southern Rhodesia or any statutory corporation.

12 Increase of pensions

(1) Pensions awarded in terms of a Pensions Supplementary Act which were payable immediately before the 1st July, 1972, shall be increased with effect from that date by such amount, if any, as the Minister of Finance may in each case determine in order to increase those pensions to the amounts that would have been payable had the increase in the rates of pensions payable to former members of the Public Service or their widows been applicable to persons in receipt of pensions awarded under a Pensions Supplementary Act.

(2) In subsection (1)—

“Pensions Supplementary Act” means an Act providing for the payment of a pension to a person who is specifically named in that Act or to the widow of such a person.

FIRST SCHEDULE (Section 2)

LEGISLATION IN RESPECT OF WHICH PENSION PAYABLE AS AT 1ST JULY, 1968

ACTS

Public Services Act [90 of 1963].
Uniformed Forces Pensions Act [Chapter 139 of 1963].
War Pensions Act [Chapter 11:14].
Government and Other Employees' Compensation Act, 1963 (No. 75 of 1963).

REGULATIONS

<i>Title</i>	<i>Federal Government Notice No.</i>
Defence(Territorial Force) Regulations, 1960	291 of 1960
Defence (Regular Force) (African Members) Regulations, 1962	374 of 1962
	<i>Rhodesia Government Notice No.</i>
Coloured Teachers Pension Regulations, 1941.....	299 of 1941
Coloured and Native Government Employees Regulations, 1949.....	864 of 1949
Public Services Compensation for Injury Regulations, 1956.....	359 of 1956
High Commissioner's (Rhodesia House Permanent Employees) (Pensions) Regulations, 1964.....	383 of 1964
Government and Other Employees' Compensation Regulations, 1964.....	455 of 1964
Police Reserve (Medical Benefits and Pensions) Regulations, 1965.....	975 of 1965
Public Services (Employees) (Terminal Benefits) Regulations, 1965.....	138 of 1965
Defence (Regular Force) (Officers) Regulations, 1966.....	885 of 1966
Defence (Regular Force) (European Members) Regulations, 1966.....	886 of 1966
Police (Compensation for Disability) Regulations, 1967.....	773 of 1967
Police (Pensions) Regulations, 1967.....	774 of 1967
Prisons (Staff) (Pensions) Regulations, 1968.....	411 of 1968

SECOND SCHEDULE (Section 3 (2))

LEGISLATION IN RESPECT OF WHICH PENSION PAYABLE AS AT 1ST JULY, 1969

ACTS

Public Services Act [90 of 1963].
Government and Other Employees' Compensation Act, 1963 (No. 75 of 1963).

REGULATIONS

<i>Title</i>	<i>Federal Government Notice No.</i>
Defence(Territorial Force) Regulations, 1960	291 of 1960
Defence (Regular Force) (African Members) Regulations, 1962	374 of 1962
	<i>Rhodesia Government Notice No.</i>
Coloured Teachers Pension Regulations, 1941.....	299 of 1941
Public Services Compensation for Injury Regulations, 1956.....	359 of 1956
High Commissioner's (Rhodesia House Permanent Employees) (Pensions) Regulations, 1964.....	383 of 1964
Government and Other Employees' Compensation Regulations, 1964.....	455 of 1964
Police Reserve (Medical Benefits and Pensions) Regulations, 1965.....	97J of 1965
Public Services (Employees) (Terminal Benefits) Regulations, 1965.....	138 of 1965
Defence (Regular Force) (Officers) Regulations, 1966.....	885 of 1966
Defence (Regular Force) (European Members) Regulations, 1966.....	886 of 1966
Police (Compensation for Disability) Regulations, 1967.....	773 of 1967
Police (Pensions) Regulations, 1967.....	774 of 1967
Prisons (Staff) (Pensions) Regulations, 1968.....	411 of 1968

THIRD SCHEDULE (Section 5)

LEGISLATION IN RESPECT OF WHICH PENSION PAYABLE AS AT 1ST JULY, 1971

ACTS

Public Services Act [*90 of 1963*].
Uniformed Forces Revisions Act [*Chapter 139 of 1963*].
War Pensions Act [*Chapter 11:14*].
Government and Other Employees' Compensation Act, 1963 (*75 of 1963*).

REGULATIONS

<i>Title</i>	<i>Rhodesia Government Notice No.</i>
Coloured Teachers Pension Regulations, 1941	299 of 1941
Coloured and Native Government Employees Regulations, 1949	864 of 1949
Public Services Compensation for Injury Regulations, 1956	359 of 1956
High Commissioner's (Rhodesia House Permanent Employees) (Pensions) Regulations, 1964	383 of 1964
Government and Other Employees' Compensation Regulations, 1964	455 of 1964
Police Reserve (Medical Benefits and Pensions) Regulations, 1965	97J of 1965
Public Services (Employees) (Benefits) Regulations, 1965	138 of 1965
Police (Compensation for Disability) Regulations, 1967	773 of 1967
Police (Pensions) Regulations, 1967	774 of 1967
Prisons (Staff) (Pensions) Regulations, 1968	411 of 1968
Defence (Regular Force) (Disablement Benefits) Regulations, 1969	339 of 1969
Defence (Regular Force) (Pensions) Regulations, 1969	340 of 1969
Defence (Territorial Force) Regulations, 1970	560 of 1970
Police (Auxiliary Members) Regulations, 1970	1204 of 1970

downloaded from Law.co.za