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THE PRESIDENCY

No. 1311

3 December 2008

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

No. 43 of 2008: Government Employees Pension Fund (Condonation of Interrupted Service) Act, 2008.



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*(English text signed by the President.)
(Assented to 28 November 2008.)*

ACT

To give effect to a petition granted by the National Assembly condoning the interrupted service of a certain individual for the calculation of pension benefits payable to his spouse under the Government Employees Pension Fund Law, 1996 (Proclamation No. 21 of 1996); and to provide for matters connected therewith.

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

Interpretation

1. In this Act, unless the context indicates otherwise, a word or expression to which a meaning has been assigned in the Government Employees Pension Fund Law, 1996 (Proclamation No. 21 of 1996), has the meaning assigned to it in that Act. 5

Condonation of interrupted service

2. (1) Despite anything to the contrary in any other law, the service of Advocate Abraham Gerhardus Kellermann, as rendered to the former Department of Justice for the period 1 January 1980 until 31 January 1991 and for the period 1 September 1991 until 6 September 2000, must be regarded as continuous service of 20 years for the purposes of calculating the pension benefits due to his surviving spouse, Chloë Jemima Kellermann, under the Government Employees Pension Fund Law, 1996 (Proclamation No. 21 of 1996), and the Rules issued under that Law. 10

(2) The benefits to which his spouse is entitled to in terms of subsection (1) is payable from the date of his death on 6 September 2000, and is payable by the Government Employees Pension Fund. 15

(3) The benefits payable under subsection (2) must be paid to his spouse within 60 days of the commencement of this Act.

Compensation of Fund

3. (1) (a) The employer must pay a single one-off amount calculated by an actuary appointed by the Fund as compensation in full for the liability incurred by the Fund in terms of section 2. 20

(b) In calculating the liability contemplated in subsection (1), the actuary must take into account— 25

- (i) any contributions paid to the Fund or a previous fund, by the employer or Advocate Abraham Gerhardus Kellermann, not paid to Advocate Abraham Gerhardus Kellermann on termination of his services on 31 January 1991; and
- (ii) interest on the contributions contemplated in subparagraph (i).

Act No. 43, 2008

**GOVERNMENT EMPLOYEES PENSION FUND
(CONDONATION OF INTERRUPTED SERVICE) ACT, 2008**

(2) The compensation contemplated in subsection (1) is a direct charge against the National Revenue Fund.

Short title

4. This Act is called the Government Employees Pension Fund (Condonation of Interrupted Service) Act, 2008.