
GENERAL NOTICE

NOTICE 3456 OF 2002**NATIONAL TREASURY****PUBLICATION OF THE SPECIAL PENSIONS AMENDMENT BILL, 2003**

The Minister of Finance intends tabling the Special Pensions Amendment Bill, 2003 in Parliament during the first Parliamentary term. The Bill is published in accordance with Rule 241(1)(c) of the Rules of the National Assembly.

Interested persons and institutions are invited to submit written representation on the Bill to the Secretary to Parliament by no later than 20 January 2003.

All submissions must be addressed to:

The Secretary to Parliament
c/c Messrs A Hermans/J Michaels/J Russouw
Committee Section
Parliament of the RSA
P.O. Box 15
CAPE TOWN
8000

You can contact Messrs A Hermans/J Michaels or J Russouw at:

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M E M O R A N D U M O N T H E O B J E C T S O F T H E S P E C I A L P E N S I O N S
A M E N D M E N T B I L L , 2 0 0 3

The purpose of the Special Pensions Amendment Bill is to amend the Special Pensions Act, 1996 (Act No. 69 of 1996). The amendment provides for the exclusion from the right to a pension by any persons who are members or pensioners of the Government Employees Pension Fund (GEPF) and whose service in Non-Statutory Forces (prior to the integration or normal attestation into an employer, as defined in section 1 of the Government Employees Pension Law of 1996) is recognized as pensionable service for the purpose of computing benefits payable by the GEPF to such persons.

It does not exclude the right to a pension by persons who receive benefits from the GEPF by virtue of their relationship with such members or pensioners.

FINANCIAL IMPLICATIONS

It should have the effect of reducing the benefits payable in terms of the Act since those entitled to benefits (other than dependant's benefits) under the GEPF will no longer be entitled to benefits under the Special Pensions Act. Members who have already received benefits under the Special Pensions Act will repay such benefits or have their pensionable service granted reduced.

COMMUNICATION IMPLICATIONS

The Department of Defence and other affected government departments will communicate the contents of the changes brought about by the Bill, to the relevant persons.

CONSTITUTIONAL IMPLICATIONS

The Bill gives effect to section 224(2) of the interim Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993). This section provides for the integration of seven former forces constituting the SANDF. In terms of item 24(1) of Schedule 6 to the new Constitution, 1996 (Act No. 108 of 1996), the said section 224 continues in force as if the Interim Constitution had not been repealed.

OTHER DEPARTMENTS/BODIES/PARTIES CONSULTED

DPSA
Department of Defence
The South African Police Service
The National Intelligence Agency

PARLIAM ENTARY PROCEDURE

The State Law Advisers and the Department of Finance are of the opinion that the Bill must be dealt in accordance with the procedure established by section 75 of the Constitution since it does not contain any provision to which the procedure set out in section 74 or 76 of the Constitution applies.