



THE FINANCIAL SERVICES TRIBUNAL

CASE NO: PFA5/2025

In a matter between:

ANDREW WILLIAM PETERS

APPLICANT

and

CUT-N-WELD SUPPLIERS (PTY) LTD

FIRST RESPONDENT

SANLAM UMBRELLA PROVIDENT FUND

SECOND RESPONDENT

THE PENSION FUNDS ADJUDICATOR

THIRD RESPONDENT

TRIBUNAL PANEL: Adv G Goedhart SC, Adv SM Maritz & Adv KD Magano

Appearance for Applicant: In Person

Appearance for First Respondent: Adv S Schulenburg

Date of hearing: 22 September 2025

Date of Decision: 15 October 2025

Summary: Application for Reconsideration in terms of Section 230 (1) of the Financial Sector Regulation Act 9 of 2017 ("the FSR Act") of decision of Third Respondent not to investigate the complaint due to lack of jurisdiction.

DECISION

Introduction & Background

1. The Applicant seeks reconsideration in terms of section 230 of the Financial Sector Regulation Act 9 of 2017 of a decision of the Third Respondent dated 16 January 2025 not to investigate his complaint based on lack of jurisdiction.
2. The First Respondent is Cut-N-Weld (Pty) Ltd (“CNW”).
3. The Second Respondent is Sanlam Umbrella Provident Fund (“the Fund”).
4. The Third Respondent is the Pension Funds Adjudicator (“the PFA”).
5. The Applicant commenced employment with CNW on 16 August 2018 and became a member of the Fund on 1 August 2018.
6. On or about 25 August 2024, the Applicant lodged a complaint with the PFA, alleging that CNW had understated his annual salary for purposes of calculating risk premiums.
7. The complaint related to a reduced disability benefit which, according to the Applicant, resulted from CNW’s submission of understated salary information to the Fund. This allegedly caused underpayment of contributions to the disability benefit underwritten by Sanlam Life Insurance (“the insurer”), and consequently a reduced payout by the Fund.
8. On or about 25 August 2025, the PFA advised the Applicant that, in terms of section 30A of the Pension Fund Act 24 of 1956 (“the Act”), the complaint had first to be

lodged with CNW and the Fund's board. The PFA accordingly referred the complaint to the Fund and CNW on the Applicant's behalf.

9. On or about 21 October 2024, the Fund confirmed that CNW had paid the arrear contributions from the period September 2023 to January 2024, following the Applicant's salary increase. These amounts were duly allocated to the Applicant's membership record and paid over to Sanlam Group Risk after the deduction of applicable premiums.
10. The matter remained unresolved, and the Applicant thereafter lodged a complaint with the PFA in terms of section 30A of the Act.
11. In December 2024, the Fund advised that it was paying the correct benefit based on the information and contributions provided by CNW. It further stated that CNW's underpayment of unapproved disability benefit contributions constituted a labour dispute between CNW and the Applicant.
12. On 16 January 2025, the PFA determined that the complaint concerned an unapproved risk-benefit issued by CNW for the benefit of its employees and did not relate to the administration or rules of a pension fund as envisaged in the Act. The PFA accordingly held that it lacked jurisdiction to investigate the matter.
13. Dissatisfied with this decision, the Applicant lodged an application for reconsideration on or about 7 February 2025 in terms of section 230 of the FSR Act.
14. The Tribunal will consider the Applicant's grounds for reconsideration in its analysis.
15. The First Respondent opposes the reconsideration application on two points *in limine*: (i) that the PFA lacked jurisdiction to determine the complaint; and (ii) that the Financial Services Tribunal ("the FST") lacks jurisdiction to reconsider a

determination not contemplated under the FSR Act. The First Respondent seeks that the reconsideration application be dismissed with costs.

16. Should the First Respondent's preliminary points be dispositive, the application will be dismissed without further consideration of the merits.

Tribunal's analysis

17. The PFA is a statutory body whose authority and powers are derived solely from the Act. Accordingly, it may adjudicate only those complaints that fall within the scope of the Act and its jurisdiction.

18. Section 1 of the Act defines 'a complaint' as follows:

"A complaint means a complaint of a complainant relating to the administration of a fund, the investments of its funds or the interpretation and application of its rules, and alleging-

- (a) that a decision of the fund or any person purportedly taken in terms of the rules was in excess of the powers of that fund or person, or an improper exercise of its powers;*
- (b) that the complaint has sustained or may sustain prejudice in consequence of the maladministration of the fund by the fund or any person, whether by act or omission;*
- (c) that a dispute of fact or law has arisen in relation to a fund between the fund or any person and the complainant; or*
- (d) that an employer who participate in a fund has not fulfilled its duties in terms of the rules of the fund."*

19. The Applicant's disability benefits arise from CNW's participation in Policy No: 19176933X0 of the Sanlam Umbrella Provident Fund, covering unapproved insured benefits, as confirmed by CNW's certification of participation.

20. In his complaint to the PFA, the Applicant alleged that CNW incorrectly declared his annual salary for purposes of calculating his disability benefit as R204 000,00 instead of R333 168,00, resulting in a reduced benefit amount.
21. The Fund's rules distinguish between two types of disability benefits: an unapproved disability benefit provided under an employer-held policy issued by an insurer, with premiums paid by the employer, and an approved disability benefit effected and administered by the Fund on behalf of members.
22. The PFA has jurisdiction only over disputes administered by the Fund on behalf of members.
23. The Applicant's unapproved disability benefits (Policy No: 19176933X0) are held and funded by CNW, and not administered by the Fund.
24. In considering disability disputes, the PFA determines whether the benefit is administered by the Fund; only such benefits fall within the definition of a "compliant" under section 1 of the Act. Benefits provided solely through an employer or insurer are therefore unapproved and outside the PFA's jurisdiction (See: *Seth Imraan Bouah v Sanlam Umbrella Provident Fund and Others: Case No: PFA29/2024*).
25. The Applicant was advised by the PFA that it does not have jurisdiction to investigate his complaint as it falls under the Long-Term Insurance Act 66 of 1995 and should be dealt with by the National Financial Ombud Scheme ("NFOSA").
26. At the hearing, the Applicant confirmed that his complaint had been incorrectly lodged with the PFA and that he has since followed its advice by submitting a complaint to the NFOSA. This accords with his augmented grounds, where he states: "*I subsequently determined that the dispute with regards to the Disability Benefits Dispute, relating to the R17 000,00 vs R29 000,00 incorrectly declared*

falls under the National Financial Ombud Scheme South Africa where I have applied for assistance, reference, 0051220.” It follows, therefore, that the Applicant accepts that the PFA lacks jurisdiction to adjudicate his unapproved disability benefits complaint.

27. The Tribunal accordingly finds that the PFA correctly determined that it lacks jurisdiction to entertain the Applicant’s unapproved disability dispute.

28. The Applicant’s initial complaint lodged with the PFA related solely to the reduced quantum of his disability benefit and did not include any allegation of underpayment of provident fund contributions by CNW. In his reconsideration application, he sought to introduce a new complaint concerning the alleged underpayment of contributions, stating that this matter “*is related to the Provident Fund Contributions, not the Disability Benefits*” and that he intended to re-submit an application with the PFA regarding the monthly contributions not correctly deducted and allocated. In his heads of argument, the Applicant confirmed that he only became aware of these discrepancies after his initial complaint and that he had subsequently lodged a new complaint with the PFA (GP/00124939/2025) on 12 March 2025. That matter is not before this Tribunal and did not form part of the PFA’s determination dated 16 January 2025. The Tribunal may not adjudicate issues that were neither presented to nor considered by the PFA, and which were not included in the original complaint. Accordingly, any ground of reconsideration based on a new issue or subsequent determination – such as the alleged underpayment of provident fund contributions – falls outside the Tribunal’s jurisdiction. Only once the Applicant has lodged a complaint with the PFA regarding the alleged underpayment of contributions by CNW, and the PFA has issued a determination in that regard with which the Applicant is dissatisfied, may he then approach the Tribunal for the reconsideration of that determination.

29. The Tribunal finds no exceptional circumstances, as contemplated in 234(2) of the FSR Act, that would justify a costs order against the Applicant.

30. The Tribunal finds no basis to deviate from the PFA's determination and, accordingly, the Applicant's reconsideration application is dismissed.

WHEREFORE the following order is made:

1. The Applicant's reconsideration application is dismissed.

SIGNED on behalf of the Tribunal on this 15th day of **OCTOBER 2025**.

___Sgd Adv SM Maritz___

ADV SM MARITZ

Assisted by:

Adv G Goedhart SC (Chair)

Adv KD Magano