



**Financial Services
Tribunal**

THE FINANCIAL SERVICES TRIBUNAL

Case No. PFA24/2026

In the matter between:

KAVESHEN MOODLEY

Applicant

and

TRANSPORT SECTOR RETIREMENT FUND

First Respondent

SETLOBOX (PTY) LTD

Second Respondent

THE PENSIONS FUND ADJUDICATOR

Third Respondent

TRIBUNAL PANEL: PJ Veldhuizen and LTC Harms

Appearance for Applicant: n/a

Appearance for Respondent: n/a

Date of hearing: n/a

Date of Decision: 23 June 2026

Summary: Reconsideration of a decision of the Pension Funds Adjudicator (30M) in terms of Section 230 of the Financial Sector Regulation Act 9 of 2017. Application of Section 13(8)(a) of the Pensions Fund Act 24 of 1956.

DECISION

A: INTRODUCTION

1. The Applicant is Kaveshen Moodley ("the Applicant").
2. The First Respondent is the Transport Sector Retirement Fund ("the Fund").
3. The Second Respondent is Setlobox (Pty) Ltd.
4. The Third Respondent is the Pension Funds Adjudicator ("the Adjudicator").
5. This is an Application in terms of Section 230 of the Financial Sector Regulation Act 9 of 2017 against the decision taken by the Adjudicator, pursuant to a complaint laid in terms of Section 30M of the Pensions Fund Act 24 of 1956 ("the PFA").
6. Section 230 of the Financial Sector Regulation Act 9 of 2017 ("the FSR Act") provides the basis for the Applicant to lodge this Application for reconsideration and seek appropriate relief.

B: THE FACTS AND THE COMPLAINT

7. This matter concerns the reconsideration of a determination by the Adjudicator holding the Applicant jointly and severally liable with the Second Respondent for its obligations to remit provident fund contributions on behalf of its employees, and for the non-payment of late-payment interest due to the First Respondent.
8. The Applicant was not a director of the Second Respondent.

9. The Adjudicator in her Further Reasons filed in terms of Rule 13 on the 29th of April 2026, conceded as follows:

5. It appears that the employer failed to respond properly to the fund's request in terms of section 13A(9)(a) by providing the name of the Applicant who is not its director. Accordingly, section 13A(9)(b) should apply in that all directors shall be personally liable. Therefore, the Applicant should not have been held personally liable, as he was not a director as contemplated in section 13A(8)(a).

6. Accordingly, the Adjudicator consents to the matter being remitted for reconsideration.

C: THE LEGISLATION

10. Section 13(8) of the PFA provides:

(8) For the purposes of this section, the following persons shall be personally liable for compliance with this section and for the payment of any contributions referred to in [subsection \(1\)](#):

(a) If an employer is a company, every director who is regularly involved in the management of the company's overall financial affairs;

(b) if an employer is a close corporation registered under the Close Corporations Act, 1984 ([Act No. 69 of 1984](#)), every member who controls or is regularly involved in the management of the close corporation's overall financial affairs; and

(c) In respect of any other employer of any legal status or description that has not already been referred to in [paragraphs \(a\)](#) and [\(b\)](#), every person in accordance with whose directions or instructions the governing body or structure of the employer acts or who controls or who is regularly involved in the management of the employer's overall financial affairs.

D: DISCUSSION

11. The Applicant was not in the category of persons who could be held personally liable for the non-compliance by the Second Respondent with its obligations. This was, in retrospect, conceded by the Adjudicator.

E: CONCLUSION

21. In the circumstances, the Application for a reconsideration of the Adjudicator's decision should succeed.

ORDER

(a) The Application for Reconsideration is granted, and the matter is remitted to the Adjudicator for reconsideration.

Signed on behalf of the Tribunal on 23 June 2026.

 Sgd PJ Veldhuizen

PJ VELDHUIZEN & LTC HARMS