



RF TALKS

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Foreword



The retirement funds industry continues to navigate a dynamic regulatory landscape, requiring stakeholders to remain informed and responsive. In this edition of RF Talks, we provide key updates on regulatory developments, industry trends and legal matters.

We begin with the results of the latest Service Level Commitment (SLC) survey, which reflect notable improvements and identify areas for further enhancement. This is followed by insights from a compliance survey on Regulation 28, reinforcing the importance of aligning procurement practices with B-BBEE principles.

We also share progress on the Trustee Training Toolkit (TTK), including updated completion rates and the FSCA's next steps regarding non-compliant trustees.

Highlights from the IRFA Conference and a preview of the 6th APSA Annual Conference are included, offering broader perspectives on regional developments. We also honour the late Professor Enos Ngutshane and Mr Imran Vanker, whose contributions left a lasting impact on the sector.

Finally, this edition concludes with a summary of recent legal decisions with significant implications for retirement funds.

We trust you will find this edition informative. For comments or queries, please contact Ms Sanchia Petrie at Sanchia.Petrie@fsca.co.za.

Sincerely,

Astrid Ludin

Deputy Commissioner

Supervisory Activities

FSCA's Service Level Commitment

By: Lebogang Tlhapane, *Office of the Deputy Commissioner*

The Financial Sector Conduct Authority (FSCA) is dedicated to delivering better service and place stakeholders at the centre of everything we do. To reinforce transparency and accountability, the Retirement Funds Supervision Division (RFSD) implemented a revised service level commitment (SLC) on 1 October 2023.

RFSD oversees 26 key processes and as part its commitment, the division aimed to improve 40% of its published SLCs by at least 2%. To measure progress, we surveyed 1 080 stakeholders, including retirement funds and administrators, on 13 March 2024. While we received 36 responses, the feedback was invaluable in assessing improvements and areas for further development.

Key Wins from Stakeholders:

- 1. Responsiveness and Communication:** Stakeholders praised FSCA's responsiveness, particularly regarding the two-pot system and rule amendments. Significant improvements were noted in turnaround times for section 14 transfer approvals, rule amendments (including special rules), and general communication.
- 2. Quality of Service:** FSCA's commitment to high service standards was recognised, with particular acknowledgment of the team handling section 26 board appointments and liquidation exemption approvals. The timely processing of these services contributed to improved stakeholder satisfaction.
- 3. Support and Problem Resolution:** Stakeholders appreciated FSCA's proactive approach in resolving issues. Special rule registrations revised special rules and senior leadership's engagement with administrators were highlighted as key strengths.

Enhancements Driving Improvement

To achieve these improvements, the RFSD implemented several strategic actions:

- **Process Optimisation:** Streamlined internal workflows to reduce inefficiencies, particularly for rule amendments, exemptions and valuations.
- **Technology Integration:** Increased automation and digitisation, expediting approvals and reducing delays.
- **Enhanced Stakeholder Engagement:** More proactive communication through direct engagements and consultations.
- **Capacity Building:** Additional actuarial contractors were appointed to accelerate valuation report reviews and expedite the closures of terminating fund.
- **Improved Monitoring and Oversight:** Strengthened supervision of 42 high-risk funds to ensure compliance and stability.

SLC Performance: 2023 vs. 2024 Year-on-Year Comparison

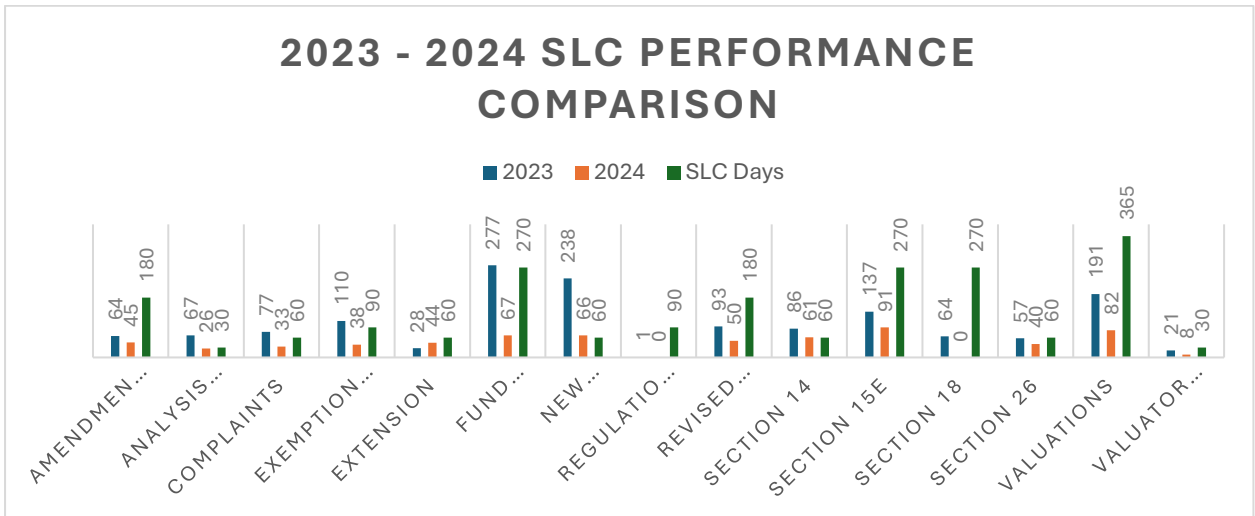
A comparison between 2023 and 2024 demonstrates the real impact of FSCA's service improvements. The table below highlights the reduction in turnaround times across key processes, showing a shift towards efficiency and stakeholder satisfaction:

Service Offering	SLC Days (Calendar)	2023 SLC (Days)	2024 SLC (Days)	Improvement (%)
Amendments	180	64	45	30% Faster
Analysis of AFS	30	67	26	61% Faster
Complaints	60	77	33	57% Faster
Exemption Approval	90	110	38	65% Faster
Extension	60	28	44	-36% (more extensions processed)
Fund Cancellation	270	277	67	76% Faster
New Liquidation	60	238	66	72% Faster
Revised Rules	180	93	50	46% Faster
Section 14	60	86	61	29% Faster
Section 15E	270	137	91	34% Faster
Section 26	60	57	40	30% Faster
Valuations	365	191	82	57% Faster

Valuator Approval	30	21	8	62% Faster
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Visualising the Impact

Below is a chart that visually represents the significant improvements made between 2023 and 2024. The reductions in processing times illustrate FSCA's commitment to efficiency and service excellence.



The Way Forward

FSCA remains committed to continuous improvement. While stakeholders value our responsiveness, communication and problem-solving efforts, we recognise that more can be done.

Looking ahead, we will:

- Expand digital platforms for seamless interactions.
- Strengthen our oversight and enforcement mechanisms.
- Further refine SLC processes to align with evolving stakeholder needs.

At FSCA, we believe that consistent engagement and innovation will drive an efficient, stakeholder-friendly regulatory environment. With your continued input, we are shaping a future that prioritises your needs and expectations.

Are Retirement Funds Embracing Regulation 28 Principles?

By: Mpho Moahlodi, *Retirement Funds Conduct Supervision*

Did you know that retirement funds have a responsibility not to just manage assets responsibly, but also to promote inclusivity and empowerment? That's right! Regulation 28 requires funds to act in their members' best interests while also considering principles like Broad-Based Black Economic Empowerment (B-BBEE) when contracting services.

To see how well funds are living up to this, the Financial Sector Conduct Authority ran a survey between December 2023 and June 2024. Here's what we discovered...

Survey at a Glance

We reached out to 863 active retirement funds, asking them to complete a self-assessment questionnaire on how they apply Regulation 28 principles, especially BBB-EE. The results were as follows:

- 56% completed the survey properly.
- 5% submitted incomplete responses.
- 39% didn't respond at all.

This exercise wasn't just about ticking boxes—it was about understanding how retirement funds approach service contracting and ensuring that they're walking the talk when it comes to B-BBEE.

1. Do Funds Have Procurement Policies?

The survey sought to establish whether funds have procurement policies in place:

- 40% indicated that they do; however, only 29% provided copies, while 11% opted not to share details.
- 60% reported having no procurement policy at all.

The absence of a formal procurement policy raises concerns regarding the consistency, fairness, and transparency of procurement practices.

2. Are B-BBEE Principles Considered in Contracts?

Encouragingly, 88% of funds confirmed that B-BBEE considerations are applied during the contracting of services. However, 12% do not incorporate B-BBEE principles, indicating that greater emphasis is required to embed inclusivity into standard procurement practices.

3. Are B-BBEE Certifications Requested?

While many funds assert support for B-BBEE, this support does not always translate into practice:

- 81% request B-BBEE certification from service providers.
- Only 51% shared these certifications.
- 19% do not request B-BBEE certification at all.

This highlights a disconnect between stated policy and practical application.

4. Are Service Providers Reviewed for B-BBEE Compliance?

Ongoing compliance monitoring is crucial to ensure that service providers remain aligned with B-BBEE objectives:

- 75% of funds conduct such reviews.
- 25% do not, which increases the risk of undetected non-compliance.

5. What Happens If Service Providers Do Not Comply?

The existence of enforcement mechanisms is critical.

- 52% of funds have defined measures to address non-compliance.
- 48% lack such measures, suggesting significant room for improvement in enforcement readiness.

6. Is B-BBEE Considered in Trustee Appointments?

Given the governance role of trustees, the survey also examined whether B-BBEE is considered in the appointment of independent trustees:

- 62% confirmed it is a consideration.

- 38% indicated it is not, which suggests further opportunity for inclusive governance practices.

What's Next?

The findings reflect a combination of progress and persisting challenges. To support continued advancement, the following recommendations are proposed:

- **Institutionalise Procurement Policies:** All funds should adopt formal procurement policies that explicitly prioritise BBB-EE considerations.
- **Mandate Certification and Record-Keeping:** Funds must require B-BBEE certification from all service providers and ensure proper documentation is maintained.
- **Implement Regular Compliance Reviews:** Periodic assessments of service providers are essential to verify ongoing compliance with B-BBEE requirements.
- **Establish Clear Non-Compliance Protocols:** Funds should develop and implement clear mechanisms to address instances of non-compliance by service providers.
- **Extend BBB-EE Considerations to Trustees:** B-BBEE principles should also guide the appointment of independent trustees to ensure inclusive and representative governance.

FSCA Support and Oversight

The FSCA will continue to play an active role in supporting and overseeing progress.

In the coming months, we will:

- Implement regular monitoring mechanisms to assess industry progress.
- Provide detailed feedback and reporting to identify areas requiring improvement.

In addition, the FSCA encourages all funds—particularly those currently relying on sponsor-led procurement frameworks—to establish their own procurement policies. This will strengthen accountability and enhance their ability to demonstrate compliance.

The Importance of Compliance

B-BBEE principles are not merely regulatory requirements; they are central to promoting fairness, inclusivity, and responsible governance within the retirement fund sector. These efforts ultimately serve the best interests of fund members.

Through collective commitment, the retirement fund sector can continue to advance transformation and contribute meaningfully to a more inclusive economy.

Strengthening Governance Through Trustee Training

By: Sanchia Petrie, *Fund Governance and Trustee Conduct*

The Financial Sector Conduct Authority (FSCA) achieved a significant milestone with the successful completion of the Trustee Training Toolkit (TTK) Development Project. This comprehensive initiative, which started on 28 March 2024, introduced 22 revised modules aimed at enhancing the competency of retirement fund trustees in fulfilling their fiduciary duties.

Statistical Information

The TTK was launched in two phases, with the first set of 11 modules introduced on 26 September 2023 and the final set released on 28 March 2024. As at 25 March 2025, an impressive number of trustees have already engaged with the TTK:

- 6 964 trustees registered for the first set of 11 modules, with an 82% completion rate (5 714 completions).
- 5 559 trustees registered for the second set of 11 modules, achieving an 90% completion rate (4 990 completions).

These figures underscore the retirement industry's commitment to upholding high standards of governance.

Addressing Non-Compliance

Recognising the need for accurate and updated trustee information, the FSCA published Information Request 3 of 2024 (RF) on 9 October 2024. Principal Officers and administrators were requested to submit relevant trustee details by 6 November 2024.

The collected data is integral to identifying trustees who have not completed the required TTK modules and ensuring accountability. As of the deadline, approximately 925 submissions were received, with additional data continuing to arrive. Efforts are underway to process this information, identify non-compliant trustees with a view to imposing appropriate regulatory measures.

Extension Requests and Continued Engagement

Approximately 245 extension requests were received, with valid applications granted extensions until the end of January 2025. Proactive engagement with trustees and Principal Officers played a pivotal role in encouraging compliance. Feedback from stakeholders has been overwhelmingly positive, reflecting a shared commitment to maintaining high governance standards.

Enforcement and Communication

During the first half of 2025, the FSCA will issue formal notices to non-compliant trustees. Priority will be given to active funds, with regulatory actions extending to trustees of funds undergoing cancellation. This initiative underscores the FSCA's dedication to fostering a culture of accountability and compliance within the retirement fund industry.

Conclusion

The TTK Development Project has laid a robust foundation for improving governance in South Africa's retirement fund sector. The completion rates and active engagement demonstrate the industry's readiness to embrace best practices and enhance trustee capabilities. As the FSCA transitions to enforcement, the focus remains on ensuring that every trustee is equipped to meet their fiduciary responsibilities effectively.

International & Local Developments

IRFA Conference

By: Duduzile Nhlapo, *Fund Governance and Trustee Conduct*



The Institute of Retirement Funds Africa (IRFA) held its conference on 6-8 October 2024 at the Cape Town International Convention Centre. The conference was aimed at forging a united front in the retirement sector in Africa, with the particular intention of uniting the private sector, service providers, retirement funds, regulators, educators and governments. The focus was on the creation of synergistic and cohesive strategies which will enhance retirement outcomes and thus contribute to the economic and social well-being of the continent.

The theme of the conference was Better Together: Building a Socially Secure Future, Better Together encapsulated the spirit of collaboration and collective intelligence which can aid in finding innovative solutions for complex challenges in the retirement sector. The conference provided a platform for insightful discussions and knowledge sharing on, among others, infrastructure investments and the positive outcomes it has on the economy, the Two-Pot savings withdrawal experience and retirement benefits counselling.

Keynote address

The speaker highlighted the importance of diversity, equity, and inclusion. On the principle of inclusion, emphasis was put on the actions and policies that are in place to help every individual feel that they belong. It was emphasised that when employees feel like they belong, they feel seen, heard, valued, respected, included and accepted in their respective work environments. The importance of transformation, especially in the financial sector was mentioned. For financial institutions to create suitable products and provide solutions for their clients, there is a need for employment of a diverse group of individuals who represent different economic classes in order for them to be able to relate with clients and their needs.

Overcoming the default Paradox and insights from the Two-Pot savings withdrawal experience

The conference delved into various aspects of the Two-Pot Retirement System, examining its regulatory, investment and operational implications. The effective management of pension funds into the new paradigm was discussed, taking into consideration the ability of members to access retirement savings without resigning from employment, while preserving funds for retirement.

Retirement benefits counselling

Benefit consulting was another topic of discussion, with attendees examining its purpose, potential improvements, and the need to shift its focus from compliance to a more proactive member journey. One speaker emphasised the importance of regulatory compliance, education and training, and the liquidity in asset allocation for retirement funds. The financial literacy challenges by many South Africans were highlighted and that in order to address this, all industry players, including regulators, lawmakers, service providers and funds themselves must work together to improve internal efforts within funds, external initiatives such as job creation through infrastructure investment, and social advocacy through ESG efforts and education.

Conclusion

A key takeaway from the conference was the need for South African asset managers to adopt a global perspective to meet clients' long term investment goals. Additionally, the operational challenges and successes of pension fund administrators in processing savings withdrawals were explored. The collaborative efforts between fund administrators, SARS and other stakeholders were said to have been commendable in ensuring timely and accurate payments.

A Tribute to Professor Enos Ngutshane

By: Zareena Camroodien & Sanchia Petrie, *Fund Governance and Trustee Conduct*



The Financial Sector Conduct Authority (FSCA) joins the Retirement Funds Industry in mourning the loss of a remarkable leader, Prof. Enos Ngutshane, who passed away on 24 November 2024. His dedication to governance, innovation and member-focused service transformed the sector and left an enduring legacy.

As the former President of the Institute of Retirement Funds Africa (IRFA), Prof. Ngutshane was passionate about improving the retirement funds sector by promoting transparency, transformation innovation and development across Africa's retirement landscape.

He was a strong advocate for trustee empowerment and better governance practices, ensuring that retirement funds serve the best interests of their members. His tenure at IRFA was defined by a commitment to transforming the retirement industry, ensuring that it met the needs of its members while advancing the broader socio-economic development of Africa.

Champion of Governance and Transformation

Prof. Ngutshane's influence extended beyond the retirement industry. He was the Chairperson of the Commission for Conciliation, Mediation and Arbitration (CCMA) Governing Body from 2020 until his passing. During this time, the CCMA achieved three consecutive clean audits, a testament to his commitment to excellence. He also served as Deputy Director General for Housing and Local Government in Gauteng and as the CEO of the South African Foundation for Public Management (SAFPUM), where he contributed to building South Africa's democratic public service.

A Life of Courage and Leadership

Prof. Ngutshane was born on 31 May 1956.

His contribution to South Africa began long before his career in governance. As a young activist, he played a role in the historic 16 June 1976 Soweto Uprising, demonstrating his courage and commitment to justice and equality.

In April 1976, as a matric student at Naledi High School in Soweto, Prof. Ngutshane wrote a letter to the apartheid-era Minister of Bantu Administration and Development, Michiel Botha. The letter protested against the enforcement of Afrikaans as the medium of instruction in black schools. This letter played a pivotal role in student activism.

On 8 June 1976, police arrived at Naledi High School to arrest Prof. Ngutshane for his activism. Fellow students resisted, attacking the officers and setting their vehicle alight. This incident is regarded as a precursor to the Soweto Uprising.

On 16 June 1976, the Soweto Uprising began, a series of protests led by black school children against apartheid education policies. Although Prof. Ngutshane was detained at the time, his earlier leadership had a significant influence on the movement.

This spirit of leadership and resilience defined his life and career.

Following his release from detention, Prof. Ngutshane went into exile in the late 1970s and pursued his studies at the University of Liverpool in the United Kingdom. After liberation, post-1994, Prof. Ngutshane returned to South Africa to serve in various leadership roles.

In the retirement sphere, Prof. Ngutshane joined the board of the Institute of Retirement Funds Africa (IRFA) in 2013 as a director contributing to the governance and advocacy of retirement funds in South Africa until his passing. He had also served as Chairperson of the IRFA Board from 2019 to 2020.

In addition to his professional achievements, Prof. Ngutshane was a mentor and visionary. He believed in empowering young professionals and leaders, encouraging them to embrace education, uphold high standards and lead with integrity. His vision for sustainable investments and ethical governance inspired many in the retirement funds sector and beyond.

Remembering a Trailblazer

Professor Ngutshane's passing is a profound loss to the retirement funds industry and the broader public sector. However, his legacy will continue to guide the sector in building a transparent, transformative and equitable future for all South Africans.

He was a true gentleman, one of the humblest, nicest people we have had the privilege of interacting with.

The Financial Sector Conduct Authority (FSCA) expresses its deepest condolences to his family, friends and colleagues. His life's work has set a standard of excellence and service that will not be forgotten. Hamba Kahle Prof. Ngutshane!

A Tribute to Mr Imran Vanker

By: Wilma Mokupo, *Retirement Fund Prudential Supervision*



Imran was known to me as Director responsible for Standards in charge of the Committee for Auditing Standards (CFAS) where I represent the Financial Sector Conduct Authority (FSCA) as member appointed by the Commissioner and previously the Financial Services Board (FSB) as technical advisor.

His passing came as a shock just a few days after our final CFAS meeting for 2024. Imran always made a special effort to greet everyone individually and enquire about their wellbeing. His collaborative and professional nature was a hallmark to everyone he met. He was a *de facto* mentor especially to new members joining CFAS and this continued as he transformed the professional lives of many aspiring professionals on the committee. Imran always used to refer to the fact that my track record at CFAS has been a longstanding one having represented the regulator for several years especially when reflecting on past decisions of CFAS.

This tribute is in honour of his memory and the remarkable legacy he left behind at the IRBA and the auditing and accounting profession both locally and internationally. His commitment, dedication and drive were invaluable, and his presence will be deeply missed.

His ability to support, encourage and transform others and the industry will always be remembered. To his family: we thank you for sharing him with us as a true professional living by his faith in bettering humanity one individual at a time with honesty, integrity, professionalism and a great sense of camaraderie.

May Allah, in His infinite mercy and grace, grant Imran and Sara the highest rank in Jannah (heaven) and surround them with eternal peace and blessings, Ameen.



SAVE THE DATE

The 6TH APSA ANNUAL CONFERENCE

MARRAKECH, MORROCO



9TH - 11TH
JULY 2025

HOST



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Legal Interpretation

Municipal Workers Retirement Fund v Mafube Local Municipality and Others

By: Tando Mbono, *Fund Governance and Trustee Conduct*

The litigation between the Municipal Workers Retirement Fund (“Fund”) and Mafube Local Municipality (“Municipality”) for arrear contributions owed by the latter to the Fund had a long history dating back to 2011.

Over the years the Fund has successfully instituted proceedings for payment of arrear contributions against the municipality in terms of section 13A of the Pension Funds Act, 1956 (“Act”). Despite court orders issued in favour of the Fund, the Municipality has over the years simply refused to pay, resorting to delaying tactics such as moving its funds from one bank account to another or instituting last-minute applications to delay the execution of attachment orders against its bank account.

Matters came to a head in March 2024 when the Fund successfully motioned the Free State Division of the High Court for an order holding the Governing Body of the Municipality personally liable for arrear contributions in the amount of R14.7million, including interest.

The Fund’s application was brought in terms of section 13A(8) and 13(9) of the Act against the Municipal Manager, Chief Financial Officer, Executive Mayor and the Administrator of the Municipality (“Governing Body”).

The Fund sought an order holding the Governing Body jointly and severally liable with the Municipality for contributions outstanding for the period May 2021 to January 2024. Unlike the Governing Body, the Municipality did not oppose the application.

Barring technical argument on non-joinder and citation of the respondents, the Governing Body offered very little in the way of a valid defence. Among others, the Governing Body nonetheless argued that section 13A(1)(a) imposed a prospective as opposed to a retrospective obligation to deduct contributions. Therefore, the Governing Body could not be held liable for arrear contributions which accrued in the years during which they were not in office, they argued.

It was further argued on behalf of the Governing Body that where it has done all it could, and the Governing Body’s efforts were unsuccessful due to the Municipality’s financial constraints, no personal liability should attach to the Governing Body.

The Court handed down judgment in January 2025 dismissing all the Governing Body’s arguments finding that:

- Section 27(1) of the Constitution of South Africa, which enshrines basic rights to the social security of fund members lends constitutional gravitas to section 13A of the Act and a claim in terms of this section must be adjudicated in that context.
- Where the Governing Body failed to comply with the Fund's request in terms of section 13A(9)(a) for the names of personally liable individuals for the relevant period, the Fund was entitled to proceed in terms of section 13A(9)(b) against the Governing Body incumbent at the time of filing the application.
- The doctrine of impossibility is not a valid defence against a claim for arrear contributions. Therefore, the financial constraints of the Municipality were not relevant to its liability and that of the Governing Body.
- The Governing Body's liability is not accessory but primary in that where the Municipality is unable to pay, the Governing Body steps in its shoes. Stated differently, the Fund was not constrained to seek payment from the Municipality first before proceeding to hold the Governing Body personally liable.
- Section 13A(8) imposed strict liability on the Governing Body in that no fault had to be proven against the Governing Body before it could be held personally liable.
- The admission by the Governing Body that pension fund contributions were deducted from members' salaries but not remitted to the Fund was a confession to a criminal offence and an admission of civil liability in terms of sections 37 and 13A(8) of the Act, respectively.
- That any individual member of the Governing Body was not in the employ of the Municipality at any given time, was not a defence as long as such individual occupied the relevant position when the proceedings were instituted.
- Resignation from the Municipality subsequent to the accrual of arrear contributions does not absolve former members of the Governing Body from personal liability.
- That any member of the Governing Body occupied his or her office in an acting capacity was irrelevant. Otherwise, the scope for impunity would be widened by municipalities employing staff in a perpetual acting capacity.
- Non-payment of contributions is an on-going, single and continuous act and offence.
- The Fund could not enter into a compromise with the Municipality if the rules of the Fund did not make provision for such a compromise.

The Court found the Governing Body jointly and severally liable and ordered them to pay the Fund an amount of R14,7 million, including interest thereon and the costs of the suit.

The Registrar of the Court was ordered to refer the matter to the Director of Public Prosecutions for an investigation, who was in turn ordered to provide the court with a written progress report on the investigation, within 60 days of the judgment.

Engineering Industries Pension Fund and Another vs Installair (Pty) Ltd (in liquidation) and Others

In this case, the Western Cape High Court heard an application against Installair (Pty) Ltd (“employer”) after it failed to pay-over pension contributions to the Engineering Industries Pension Fund (“Fund”) for the period of May to July 2020. The directors of the employer admitted to using pension deductions to subsidise employee salaries due to the financial distress of the employer. The Fund and Metal industries Provident Fund (First and Second Applicant, respectively) instituted proceedings for personal liability against the directors of the employer.

The Financial Services Laws General Amendment Act, No. 45 of 2013, which took effect on 28 February 2014, *inter alia*, amended section 37 of the Pension Funds Act, No. 24 of 1956 (PFA) by re-introducing criminal sanctions on the contravention of certain provisions of the PFA, including section 13A. Furthermore, the provisions of section 13A (8) and (9) were enacted in the PFA to enable a fund to identify and hold personally liable persons who are in control or regularly involved in the management of the employer's overall financial affairs, for any non-compliance with section 13A.

As a result of the employer being wound up, the Applicants sought relief against the Second and Third Respondents (Paolo Rinalda Orso and Sandra Martha Orso, respectively) in their personal capacities as former directors of the employer as provided for in section 13A (8) and (9) of the PFA.

The Respondents argued that, although listed as a director, the provisions of section 13A(8) of the PFA did not apply to the Third Respondent as she was not involved in the financial affairs of the employer and an order should therefore not be granted against her. The respondents further argued that in instances where the employer and the directors were unable to comply with their statutory obligations due to reasons beyond their control and have neither been reckless nor negligent, the applicability of section 13A(8) of the PFA is dependent on two considerations, namely, the circumstances which lead to the breach of the statutory provisions by the employer and its individual directors and the extent to which the directors were responsible for those circumstances.

The court found that the assertion that the Third Respondent should not have an order granted against her for the aforesaid reasons, could not stand as the Third Respondent was a director of the employer and had accepted the responsibilities that came with such directorship. The court found that the directors were personally liable for unpaid pension fund contributions. The court emphasised that statutory obligations cannot be ignored regardless of business pressures experienced by the employer. Therefore, the Respondents' defence claiming financial constraints on the part of the employer was rejected.

The court found the Second and Third Respondents jointly and severally liable and ordered them to pay over monies owed to the Applicants based on contribution schedules already submitted by the respondents, which amount had accrued to R93 715.53, together with legal costs on an attorney and own client scale.



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