

ANNEXURE A

Date: _____

The Managing Director

....
....
....
....

Dear Sir/Madam

Fund ('the Fund')

1. (*Name of employer*) is a participating employer of the above mentioned Fund.
2. Section 13A of the Pension Funds Act, 1956 (Act No. 24 of 1956) (the Act) and Conduct Standard [-] of 2020 - Requirements related to the payment of pension fund contributions, 2020 (the Conduct Standard), places various duties, obligations and liabilities on participating employers, funds and principal officer's of funds related to the payment of pension fund contributions.
3. (*Name of employer*) is:
 - (a) in terms of section 13A(1) of the Act, obliged to pay to the fund in full any contributions deducted from the members' remuneration and the employers' contributions on behalf of members;
 - (b) in terms of section 13A(3) of the Act, obliged to pay such contributions into the funds' bank account not later than 7 (seven) days after the end of the month for which the contribution is payable; and
 - (c) in terms of section 13A(2)(b) of the Act, obliged to submit to the fund the minimum information as prescribed in paragraph 3 of the Conduct Standard no later than 15 (fifteen) days after the end of the month in respect of which the payment was made.
4. Kindly take notice that the event that..... (*Name of employer*) fails to comply with any of the requirements in paragraph 3(a) to (c) above, the principal officer of the fund must:
 - (a) in accordance with paragraph 4(1) of the Conduct Standard, report the non-compliance to the board of the fund within 7 (seven) days of such failure; and
 - (b) in accordance with paragraph 4(2) and (3) of the Conduct Standard, inform the members of the fund in respect of whom the contributions are payable, the Financial Sector Conduct Authority and the South African Police Service of such failure to pay the contributions.
5. As an employer you should note that in terms of section 13A(8) of the Act, certain persons who are in control of or regularly involved in the management of the employer's overall financial affairs are personally liable for any non-compliance with section 13A of the Act.
6. Further take note that in terms of section 37(1) of the Act, any person who contravenes or fails to comply with the provisions of section 13A is guilty of an offence and may be liable on conviction to a fine not exceeding R10 million or to imprisonment for a period not exceeding 10 years, or to both such fine and imprisonment.

7. (*Name of employer*) is therefore requested to provide the fund with identity and particulars of the person(s) that will be personally liable for compliance with the requirements mentioned above within [] () days of this notice.

Please feel free to contact me should you require any additional information regarding this matter.

Kind Regards