TIME-BARRING AND PRESCRIPTION OF PENSION FUNDS COMPLAINTS: A
LEGAL PERSPECTIVE

Masters of Laws (LLM) in Labour Law

N.S Matloga

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TIME-BARRING AND PRESCRIPTION OF PENSION FUNDS COMPLAINTS: A LEGAL PERSPECTIVE

by

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ABSTRACT

The amendment of section 30I (3) of the Pension Funds Act No.24 of 1956 by the provisions of section 30I of the Pension Funds Amendment Act No.11 of 2007 poses a serious threat to the constitutional right to social security (Section 27 (1) (c) of the Constitution). The amendment places this challenge on this right because it places some form of time-barring on the member of the fund or the complainant (his or her dependent) when lodging a pension funds complaint after a prescribed time has elapsed (three years) and the Adjudicator will no longer have no powers to condone such a late referral despite good cause shown and prospects of success on the part of the complainant. The said amendment has placed the poor more especially those in the rural areas in a disadvantageous position, because most of them are illiterate and not aware of their pension law rights. This means that even though they are entitled to the pension funds benefits, they cannot access it if they lodged their complaint outside the three-year period.
I, Adv. Lufuno Tokyo Nevondwe, hereby declare that this mini-dissertation by Nicholas Sylva Matloga for the degree of Master of Laws (LLM) in Labour Law be accepted for examination.

Signed-----------------------------------

Date--------------------------------------

Adv. Lufuno Tokyo Nevondwe
DECLARATION BY STUDENT

I, Nicholas Sylva Matloga declare that this mini-dissertation submitted to the University of Limpopo (Turfloop Campus) for the degree of Masters of Laws (LLM) in Labour Law has not been previously submitted by me for a degree at this university or any other university, that it is my own work and in design and execution all material contain herein has been dully acknowledged.

Signed-----------------------------------

Date--------------------------------------

Nicholas Sylva Matloga
DEDICATION

To my father Jerry Mogale Matloga and my mother Merriam Mokgadi Matloga for being such wonderful parents to me and for supporting me since childhood, with love and gratitude, I would like to thank you.
ACKNOWLEDGEMENTS

First of all, I am grateful to God, the Almighty, for giving me life, protecting me and blessing me so far. I will like to thank him for his grace and wonderful love he gave to me in order to complete my Master’s Degree and this mini-dissertation.

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My parents to whom this work is dedicated sacrificed so much and I fully enjoyed the support of the whole family. Accordingly, I am also indebted to my sisters Ms Mpho Brendah Mabidi, Glendah Naletjane Matloga, my brothers Lebogang, Tshepang and Ntshepeng Matloga, my nephews Mashudu, Aluwani and Alusani Mabidi and Dimpho Matloga, my cousins, especially Mr Edwin Fhedzisani Nchinyane, my uncles, aunts, grand parents and friends for their uncompromising support, encouragement and love.

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<tr>
<td>CCMA</td>
<td>Commission for Conciliation, Mediation and Arbitration.</td>
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<td>GEPF</td>
<td>Government Employees Pension Fund.</td>
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<td>PHC</td>
<td>Primary Health Care.</td>
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34. NEHAWU v Nyembezi (1999) 8 LAC 1.18.5.BLLR.
39. Salojee & Another v Minister of Community Development 1965 (2) SA 139 (A).
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