

**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.

## DECLARATION BY SUPERVISOR

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.

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## TABLE OF CONTENTS

<b>CHAPTER ONE: INRODUCTION</b>	<b>1</b>
1.1. Historical Background to the Study	1
1.2. The Problem Stated	8
1.3. Literature Review	9
1.4. Aims and Objectives of the Study	12
1.5. Research Methodology	12
1.6. Scope and the Limitation of the Study	13
<b>CHAPTER TWO: THE ESTABLISHMENT AND OPERATION OF THE OFFICE OF THE PENSION FUNDS ADJUDICATOR</b>	<b>14</b>
2.1. Introduction	14
2.2. The Establishment of the Office	14
2.3. Parties and Definition of Complainant	16
2.4. Complaints Typically Received	17
2.5. Jurisdictional Conundrums	18
2.6. The Operation of the Office	19
2.7. The procedure for lodging a complaint	20
2.8. Conclusion	21
<b>CHAPTER THREE: TIME-BARRING AND PRESCRIPTION OF PENSION FUNDS COMPLAINTS</b>	<b>23</b>
3.1. Introduction	23
3.2. The previous position	23
3.2.1. Requirements for Condonation to be Granted	24
3.2.2. Good cause shown	25
3.2.3. Explanation for the degree of lateness	25
3.2.4. Prospects of success	28
3.2.5. The importance of the case	30
3.3. The reasons for the time limit	30



3.4.	Prejudice to either party	31
3.5.	The application for condonation should be made as soon as possible	31
3.6.	The current section 30I of the Act	34
3.7.	Conclusion	38
<b>CHAPTER FOUR: SOCIAL SECURITY AND RETIREMENT REFORM</b>		41
4.1.	Introduction	41
4.2.	The Proposed Retirement Reform	42
4.2.1.	Reform of the Governance and Regulation of the Retirement Funding Industry	44
4.3.	Conclusion	47
<b>CHAPTER FIVE: CONCLUSION AND RECOMMATIONS</b>		49
<b>BIBLIOGRAPHY</b>		54

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## **LIST OF ABBREVIATIONS**

CCMA	Commission for Conciliation, Mediation and Arbitration.
GEPF	Government Employees Pension Fund.
LRA	Labour Relations Act, 66 of 1995.
PEPUDA	Promotion of Equality and the Prevention of Unfair Discrimination Act.
PHC	Primary Health Care.

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