

In the matter between:

CHEMICAL INDUSTRIES NATIONAL

PROVIDENT FUND

Applicant

and

SASOL LIMITED

First Respondent

SASOL PENSION FUND

Second Respondent

SACWU NATIONAL PROVIDENT

Third Respondent

SASOL NEGOTIATED PENSION FUND

Fourth Respondent

5TH to 2448th Respondents Cited in Annexure “A” to Applicant’s Founding Affidavit

LEGAL SUMMARY

MAYAT J

Application – Pension Law – Pension Funds Act 24 of 1956 – cessation of membership in one pension fund and commencement of membership in another fund

Held that cessation of membership of pension fund is governed the rules of the fund - rules of any pension fund are binding on the fund, the members, officers thereof as well as any employer who participates in the fund - rules regulating transfer of members of the applicant are peremptory. As such, any act, which is implemented outside the ambit of the rules, is *ultra vires* and void.

Held that the process of transferring members from one fund to another and the process relating to transfer of assets and liabilities from one fund to another are two discrete processes which are autonomous from each other.

Held that the rules of the applicant were not complied with in the present case - there could be no transfer of affected members from the applicant to another fund in the absence of compliance with the procedure and conditions provided in the rules of the applicant. In the absence of compliance with the rules of the applicant, the first respondent could not unilaterally discontinue contributions on behalf of the affected members to the applicant.