



SUPREME COURT OF APPEAL OF SOUTH AFRICA

MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

FROM The Registrar, Supreme Court of Appeal

DATE 26 November 2015

STATUS Immediate

South African Local Authorities Pension Fund v Msunduzi Municipality
[2015] ZASCA 172

Please note that the media summary is intended for the benefit of the media and does not form part of the judgment of the Supreme Court of Appeal.

The Pension Fund sued the municipality in the KwaZulu-Natal High Court, Pietermaritzburg, for payment of arrear contributions that it alleged were owing in respect of members' benefits in terms of an alleged amendment to the Fund's rules. The high court found that the Fund had not shown that the rule amendment was valid, and granted absolution from the instance.

The Supreme Court of Appeal today upheld the decision of the high court. It found that in its pleadings, the Fund had made inconsistent allegations, and had not shown that the amendment had been validly made and validly registered by the Registrar of Pension Funds in terms of s 12 of the Pension Funds Act 24 of 1956. Moreover, it held, the evidence led by the Fund was inconsistent with the claim it sought to make in its particulars of claim.