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OUR REF: 12/8/30965  
DATE: 06 October 2021

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THE PRINCIPAL OFFICER  
**STELLENBOSCH UNIVERSITY RETIREMENT FUND**  
c/o SANLAM LIFE INSURANCE LTD  
PO BOX 1  
SANLAMHOF

7532P

**CASE NUMBER: 539995**

Dear Sir/Madam

**PENSION FUNDS ACT, 24 OF 1956 & INCOME TAX ACT, 58 OF 1962: AMENDMENT 1  
(Effective 01 March 2021) - STELLENBOSCH UNIVERSITY RETIREMENT FUND**

Your application of 13 September 2021 refers. I have enclosed a copy of the Amendment duly approved and registered in terms of section 12(4) of the Pension Funds Act.

The fund continues to be recognized as a Provident Fund in terms of the Income Tax Act.

Yours faithfully

**FOR THE FINANCIAL SECTOR CONDUCT AUTHORITY**

Enclosure

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**Transitional Management Committee:**

U Kamlana (Commissioner) A Ludin (Deputy Commissioner) DP Tshidi LP Kekana OB Makhubela K Gibson

**AMENDMENT DOCUMENT NO. 1**

**STELLENBOSCH UNIVERSITY RETIREMENT FUND**

(called the FUND in this document)

Resolution

**Stellenbosch**

**27 August 2021**

The BOARD of the FUND resolved at ..... on .....  
to adopt the following amendments to the RULES of the FUND with effect from 1 March 2021:

1. The definition of “UNCLAIMED BENEFITS FUND” in Part 2 is replaced by the following:

**“UNCLAIMED BENEFITS FUND** means a fund that is established for the receipt of unclaimed benefits contemplated in the definitions of ‘pension preservation fund’ and ‘provident preservation fund’ in Section 1 of the INCOME TAX ACT.”

2. The following definition is inserted in Part 2:

**“VESTED RIGHT** means –

- (a) in the case of a MEMBER who was under the age of 55 years and was already a MEMBER of the FUND on 1 March 2021, his/her FUND CREDIT in the FUND as on 1 March 2021, plus FUND INTEREST;
- (b) in the case of a MEMBER who was 55 years of age or older and was already a MEMBER of the FUND on 1 March 2021, his/her FUND CREDIT, less any amount transferred to the FUND from another retirement fund on or after 1 March 2021 (plus FUND INTEREST earned thereon after the date of transfer) to the extent that such a transfer amount is not a VESTED RIGHT as defined in the INCOME TAX ACT;
- (c) in the case of a MEMBER who was under the age of 55 years and was a member of another fund recognised as a ‘provident fund’ or a ‘provident preservation fund’ in terms of the INCOME TAX ACT on 1 March 2021, and who transferred from that fund to the FUND or another fund on or after 1 March 2021, that part of his/her FUND CREDIT equal to the value of his/her benefit in that fund as at 1 March 2021, together with any fund return earned thereon in that fund, or any subsequent fund, until the MEMBER transferred to the FUND, plus FUND INTEREST after the date of transfer to the FUND;

- (d) in the case of a MEMBER who was 55 years of age or older and was a member of another fund recognised as a ‘provident fund’ or a ‘provident preservation fund’ in terms of the INCOME TAX ACT on 1 March 2021, and who transferred from that fund to the FUND or another fund on or after 1 March 2021, that part of his/her FUND CREDIT equal to the value of his/her benefit in that fund as at the date of transfer, together with any fund return earned thereon in that fund, or any subsequent fund, until the MEMBER transferred to the FUND, plus FUND INTEREST after the date of transfer to the FUND,

reduced proportionally by any amounts permitted in terms of section 37D of the ACT on or after 1 March 2021.”

3. RULE 5.3(1) is replaced by the following:

**“5.3 Benefit payable**

5.3(1) A MEMBER’S retirement benefit consists of his/her FUND CREDIT which is applied by the FUND, at the MEMBER’S request, to

- (a) purchase an annuity policy for him/her in terms of RULE 5.4; or
- (b) pay a LIVING ANNUITY to him/her from the FUND in terms of RULE 5.5; subject to RULE 5.3(2) and 5.3(3),

provided that more than one annuity or a combination of annuities may be purchased in respect of a MEMBER, whether purchased outside the FUND from an INSURER or paid from the FUND, subject to the terms and conditions prescribed by the REVENUE AUTHORITIES in this regard.”

4. RULE 5.3(3) is replaced by the following:

“5.3(3) At the request of a retiring MEMBER, and subject to the provisions of the INCOME TAX ACT, the BOARD must allow the MEMBER to commute for a lump sum cash payment, the following:

- (a) a part or the whole of his/her VESTED RIGHT, if any; plus
- (b) up to one-third of his/her FUND CREDIT (if any), less his/her VESTED RIGHT (if any),

as at the date referred to in RULE 5.3(2), provided that if the FUND CREDIT less the VESTED RIGHT (if any), does not exceed the de minimis amount as prescribed in the INCOME TAX ACT, the full FUND CREDIT may be commuted into a cash lump sum.”

5. RULE 5.5(1)(a) is replaced by the following:

“(a) The FUND must establish a LIVING ANNUITY ACCOUNT for each LIVING ANNUITANT to which his/her FUND CREDIT, or a part thereof, must be transferred prior to the EFFECTIVE DATE.”

6. RULE 11.1(2)(b) is replaced by the following:

“(b) the transfer of the FUND CREDIT, or part thereof, to the LIVING ANNUITY ACCOUNT, if applicable;”

7. The 1<sup>st</sup> paragraph of RULE 15.1(4) is replaced by the following:

“15.1(4) The liquidator must, after taking into account the costs of the liquidation, firstly apply the assets of the FUND by purchasing, from an INSURER, regular income benefits for the MEMBERS, other than LIVING ANNUITANTS, who, on the date of liquidation, have already reached the NORMAL RETIREMENT DATE. The benefits purchased for them in terms of this sub-RULE must, in so far as the assets are sufficient, be equal in value to the benefits to which they are entitled in terms of the RULES. But the liquidator may, at the request of a MEMBER, convert as much of the MEMBER’s benefit entitlement in terms of this sub-RULE into a lump sum payment as referred to in RULE 5.3(3).”

#### Reasons for amendments

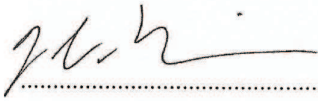
- Paragraph 1: To provide for the transfer of unclaimed benefits of provident fund members to pension preservation funds and provident preservation funds, in line with income tax legislation.
- Paragraphs 2, 4, 7: To provide for the annuitisation of provident fund retirement benefits with effect from 1 March 2021, as prescribed in terms of T-Day legislation.
- Paragraphs 3,5-6: To provide that a combination of an annuity provided by the Fund and an annuity purchased from an Insurer may be chosen following the withdrawal of SARS GN18.

#### Certification

Certified that the above resolution has been adopted in accordance with the provisions of the RULES of the FUND.

  
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Chairman of the BOARD

  
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Member of the BOARD

  
.....

Principal Officer

J00002341/pd