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GENERAL NOTICE

NOTICE 725 OF 2003

PUBLICATION OF THE BOPHUTHATSWANA NATIONAL PROVIDENT FUND ACT REPEAL BILL, 2003

The Minister of Finance intends tabling the Bophuthatswana National Provident Fund Act Repeal Bill, 2003 in Parliament during the first Parliamentary term. The Bill is published in accordance with Rule 241(1)(c) of the Rules of the National Assembly.

Interested persons and institutions are invited to submit written representation on the Bill to the Secretary to Parliament by no later than 24 March 2003.

All submissions must be addressed to:

**The Secretary to Parliament
c/o Messrs A Hermans or J Michaels
Committee Section
Parliament of the RSA
P.O. Box 15
CAPE TOWN
8000**

You can contact Messrs A Hermans or J Michaels at:

Fax: (021) 462 2141

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BILL

To provide for the disestablishment of the Bophuthatswana National Provident Fund and for the transfer of its assets and liabilities; to repeal the Bophuthatswana National Provident Fund Act, 1979, of the former Republic of Bophuthatswana; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Disestablishment of Bophuthatswana National Provident Fund

1. The Bophuthatswana National Provident Fund established by section 3 of the Bophuthatswana National Provident Fund Act, 1979 (Act No. 19 of 1979), of the former Republic of Bophuthatswana, is hereby disestablished. 5

Transfer of assets and liabilities

2. As from the date of commencement of this Act, all assets and liabilities of the Bophuthatswana National Provident Fund shall vest in the Bosele National Provident Fund, a fund registered with the Registrar of Pension Funds in terms of section 4 of the Pension Funds Act, 1956 (Act No. 24 of 1956). 10

Repeal of Act 19 of 1979

3. The Bophuthatswana National Provident Fund Act, 1979 (Act No. 19 of 1979), of the former Republic of Bophuthatswana, is hereby repealed.

Short title and commencement

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4. This Act is called the Bophuthatswana National Provident Fund Repeal Act, 2003, and takes effect on a date to be determined by the President by proclamation in the *Gazette*.

MEMORANDUM ON THE OBJECTS OF THE BOPHUTHATSWANA NATIONAL PROVIDENT FUND ACT REPEAL BILL, 2003

1. BACKGROUND

Actuaries were appointed to take over the administration of the Bophuthatswana National Provident Fund (hereinafter referred to as the "BNPF") to establish financial and administrative control.

The BNPF was converted into a privately administered provident fund (the Bosele National Provident Fund). The new Fund was registered with the Registrar of Pension Funds in terms of section 4 of the Pension Funds Act, 1956 (Act No. 24 of 1956), and the Income Tax Act, 1962 (Act No. 58 of 1962).

In terms of the rules of the new Bosele National Provident Fund, the current members of the Interim Management Committee are to ensure that the transition from the BNPF to the Bosele Fund is effected and that a Board of Trustees is elected in terms of the Pension Funds Act, 1956 (Act No. 24 of 1956). The BNPF has no staff members and the Bosele Fund has been registered. It is now necessary to disestablish BNPF, transfer its assets and liabilities to the Bosele Fund and to repeal the Bophuthatswana National Provident Fund Act, 1979 (Act No. 19 of 1979).

2. OBJECTS

Therefore this Bill seeks to:

- Disestablish the BNPF,
- Transfer the assets and liabilities of the BNPF to the Bosele National Provident Fund, and
- Repeal the Bophuthatswana National Provident Fund Act, 1979 (Act No. 19 of 1979).

3. CONSULTATION

The Department has consulted with the following organisations:

- Transitional Management Committee (TMC) of the BNPF,
- Interim Management Committee (IMC),
- Unemployment Insurance Fund,
- Workmen's Compensation Fund,
- NBC Employee Benefits, and
- Sefalana Employee Benefits Organisation.

4. FINANCIAL IMPLICATIONS FOR STATE

None.

5. PARLIAMENTARY PROCEDURE

The State Law Advisers and the National Treasury are of the opinion that the Bill must be dealt with in accordance with parliamentary procedure established by section 75 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996) since it contains no provision to which the procedure set out in section 74 or 76 of the Constitution applies.

GENERAL NOTICE

NOTICE 726 OF 2003**PUBLICATION OF THE SEFALANA EMPLOYEE BENEFITS ORGANISATION ACT REPEAL BILL, 2003**

The Minister of Finance intends tabling the Sefalana Employee Benefits Organisation Act Repeal Bill, 2003 in Parliament during the first Parliamentary term. The Bill is published in accordance with Rule 241(1)(c) of the Rules of the National Assembly.

Interested persons and institutions are invited to submit written representation on the Bill to the Secretary to Parliament by no later than 24 March 2003.

All submissions must be addressed to:

**The Secretary to Parliament
c/o Messrs A Hermans or J Michaels
Committee Section
Parliament of the RSA
P.O. Box 15
CAPE TOWN
8000**

You can contact Messrs A Hermans or J Michaels at:

Fax: (021) 462 2141

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BILL

To repeal the Sefalana Employee Benefits Organisation Act, 1989 (Bophuthatswana); and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Disestablishment of Sefalana Employee Benefits Organisation

1. The Sefalana Employee Benefits Organisation established by section 2 of the Sefalana Employee Benefits Organisation Act, 1989 (Act No. 37 of 1989) (Bophuthatswana), is hereby disestablished. 5

Repeal of law

2. The Sefalana Employee Benefits Organisation Act, 1989 (Act No. 37 of 1989) (Bophuthatswana), is hereby repealed.

Short title and commencement

10

3. This Act is called the Sefalana Employee Benefits Organisation Act Repeal Act, 2003, and takes effect on a date fixed by the President by proclamation in the *Gazette*.

**MEMORANDUM ON THE OBJECTS OF THE SEFALANA
EMPLOYEE BENEFITS ORGANISATION ACT REPEAL BILL, 2003**

1. The Sefalana Employee Benefits Organisation (SEBO) was established by section 2 of the Sefalana Employee Benefits Organisation Act, 1989 (Act No. 37 of 1988) (Bophuthatswana). The functions and objects of SEBO were to operate and control each of the following funds:
 - (a) Bophuthatswana Government Service Pension Fund (BGSPF).
 - (b) Bophuthatswana Superannuation Fund (BSF).
 - (c) Bophuthatswana Unemployment Insurance Fund (BUIF).
 - (d) Bophuthatswana Accident Fund (Workmen's Compensation Fund (BWCF)).
 - (e) Bophuthatswana National Provident Fund (BNPF).
2. In terms of section 235 of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), the function to manage, control and administer the abovementioned funds became the responsibility of the Minister of Finance and the Minister of Labour.
3. The BGSPF and BSF were amalgamated into the Government Employees Pension Fund in terms of the provisions of the Government Employees Pension Law, 1996 (Proclamation No. 21 of 1996), with effect from 1 May 1996. The National Treasury, following the amalgamation, absorbed 39 former SEBO employees into the Department.
4. The administration of the BUIF and BWCF were transferred to the Department of Labour and the Compensation Commissioner, respectively. The relevant Bophuthatswana legislation were repealed and SEBO employees who so chose were absorbed into the Department.
5. The BNPF was a mandatory national provident fund for all private sector employers in the former Bophuthatswana. After the establishment of the new constitutional dispensation membership to the BNPF was abolished as the concept of a national provident fund does not form part of the South African social security framework. The National Treasury, under the auspices of the Minister of Finance, established administrative and financial control over the BNPF through the appointment of an Interim Management Committee in July 1997. Actuaries were appointed to take over the administration of BNPF. The BNPF was converted into a privately administered provident fund registered with the Registrar of Pension Funds in terms of section 4 of the Pension Fund Act (Act No. 24 of 1956). A Bill seeking to repeal the Bophuthatswana National Provident Funds Act, 1979 (Act No. 19 of 1979), and to transfer the assets and liabilities of the BNPF to the Bolesele National Provident Fund is currently before Parliament.
6. The effect of the above is that there is nothing left for SEBO to operate and control in terms of the Sefalana Employee Benefits Organisation Act, 1989. The Act is still in force (Item 2 of Schedule 6 to the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996)) and will have to be repealed in order to finalise the rationalisation of the administration of the abovementioned funds. The Bill thus seeks to disestablish SEBO and to repeal the said Act.
7. **FINANCIAL IMPLICATIONS FOR STATE**

None.
8. **CONSULTATION**
 - Bophuthatswana National Provident Fund
 - Unemployment Insurance Fund
 - Workmen's Compensation Fund
 - Government Employees Pension Fund

- Interim Management Committee
- Employees of SEBO

9. PARLIAMENTARY PROCEDURE

The State Law Advisers and the National Treasury are of the opinion that this Bill must be dealt with in accordance with the procedure established by section 75 of the Constitution since it contains no provision to which the procedure set out in section 74 or 76 of the Constitution applies.

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