

PRIVATE SECURITY SECTOR PROVIDENT FUND

Rule Amendment No. 9

12/8/37197

EXTRACT FROM THE MINUTES OF A MEETING OF THE TRUSTEES HELD VIA ZOOM MEETINGS ON 09 FEBRUARY 2021

RESOLVED THAT with effect from 1 June 2021 the Rules of the Fund shall be amended as follows:

1. By deleting the definition of "Fund Salary" in Rule 2 and replacing it with the following definition of "Fund Salary":

"FUND SALARY shall mean an amount calculated as follows:

$A \times B \times 4.333$

Where

A = the MEMBER'S ordinary hourly rate of pay applicable to Grades A, B, C or D and other such categories as may exist, as per the COLLECTIVE AGREEMENT, and any subsequent amendments thereto,

B = the maximum number of hours a MEMBER, as categorised by Grades A, B, C or D and other such categories as may exist, is permitted to work at the ordinary rate of pay as per the SECTORAL DETERMINATION and any subsequent amendments thereto, or such lesser number of hours as may be agreed in writing between the EMPLOYER and the MEMBER or any reduced maximum ordinary hours an employee may work that may be legislated in terms of the SECTORAL DETERMINATION or the Basic Conditions of Employment Act, 1997, whichever is applicable, however subject to the contribution schedule submitted by the EMPLOYER in terms of section 13A of the ACT.

FUND SALARY shall be determined on the first day of each month of membership of the FUND."

2. By deleting the definition of "Risk Salary" in Rule 2 and replacing it with the following definition of "Risk Salary":

"RISK SALARY shall mean in respect of a MEMBER, his monthly FUND SALARY."

The reasons for the amendment are:

1. To remove the capping (to a maximum of the Grade A remuneration rate) in respect of death and disability benefits payable in terms of the Rules of the Fund. Members who are above the free cover limit upon joining the Fund or when they subsequently receive salary increases, will be subject to the standard underwriting rules.



3. By deleting the definition of "Sectoral Determination" in Rule 2 and replacing all references to "Sectoral Determination" and replacing it with the following definition of "Collective Agreement":

"COLLECTIVE AGREEMENT shall mean the collective agreement in respect of the National Bargaining Council for the Private Security Sector, published by notice in the Government Gazette No. 43036 on 20 February 2020, as amended or replaced from time to time".

- 3.1 By replacing all references to "Sectoral Determination" with "Collective Agreement" wherever they appear in the RULES.
4. By deleting Rule 12.3.2 and replacing it with the following new Rule 12.3.2:

"12.3.2 For the time being, and until such time that the remaining Statutory Manager has been discharged by a High Court Order and the Rules have been amended to provide otherwise, the six (6) MEMBER TRUSTEES shall comprise of five (5) MEMBER TRUSTEES plus one (1) MEMBER TRUSTEE appointed by NASUWU as approved by the Financial Services Conduct Authority (FSCA)."

5. By deleting Rule 12.4.2 and replacing it with the following new Rule 12.4.2:

"12.4.2 For the time being, and until such time that the remaining Statutory Manager has been discharged by a High Court Order and the Rules have been amended by agreement with the FSCA, the two (2) EMPLOYER TRUSTEES referred to in Rule 12.4.1, one (1) of which shall be the EMPLOYER TRUSTEE as approved by the Financial Services Conduct Authority (FSCA), shall come from the ranks of SASA and SANSEA, respectively. In addition, SASA and SANSEA may appoint alternates to serve as TRUSTEES only when each organisation's appointed EMPLOYER TRUSTEE is not available to attend a TRUSTEE meeting for whatever reason."

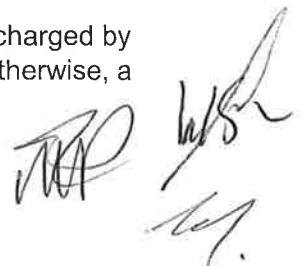
6. By deleting Rule 12.10.1 and replacing it with the following new Rule 12.10.1:

"12.10.1(a) For the time being, and until such time that the remaining Statutory Manager has been discharged by a High Court Order, he shall be the Chairperson of the TRUSTEES."

- (b) Once the remaining Statutory Manager has been discharged in terms of the High Court Order and the RULES have been amended to provide for that, the TRUSTEES will elect one of their number as chairperson of the TRUSTEES." The chairperson so elected shall hold office for two and half (2½) years, provided that the chairperson shall be elected alternately from the ranks of the EMPLOYER TRUSTEES and EMPLOYEE TRUSTEES. If the chairperson is absent from any meeting, the TRUSTEES shall elect a chairperson from their number."

7. By amending the existing Rule 12.10.3(a) and replacing it with the following new Rule 12.10.3(a) and inserting Rule (12.10.3(b):

"12.10.3 (a) Until such time that the remaining Statutory Manager has been discharged by a High Court Order and the Rules have been amended to provide otherwise, a



quorum shall consist of the remaining Statutory Manager, at least one (1) EMPLOYER TRUSTEE and at least three (3) MEMBER TRUSTEES.

- 12.10.3(b) "It is not a requirement for a valid meeting that all Trustees must be present at the same place or same boardroom and as such, a telephonic, conference call, video link and any audio-visual means used by Trustees to conduct the meeting will constitute such presence of the Trustees and a duly constituted meeting provided the quorum is formed by those Trustees in attendance".

The reasons for the amendment are to:

Ensure that, the Fund conducts its business effectively and efficiently even if the Trustees are not converged in the same place.

8. By deleting Rule 12.10.9.1 (a) & (b) and replacing it with the following new Rule 12.10.9.1 (a) & (b):

"12.10.9.1(a) Until such time that the remaining Statutory Manager has been discharged by a High Court Order and the Rules have been amended to provide otherwise, decisions of the TRUSTEES (including round robin decisions) must be taken with the agreement of the remaining Statutory Manager. In the absence of an agreement, the remaining Statutory Manager shall have a veto power over all decisions taken by the TRUSTEES.

"12.10.9.1(b) Once the remaining Statutory Manager has been discharged by the High Court, a decision of the TRUSTEES shall be valid, if taken at a lawfully constituted TRUSTEES meeting, if the TRUSTEES whose votes together represent at least 50+1% of the votes (a simple majority), have voted in favour of that decision.

The reasons for the amendment are to align the Rules currently because one Statutory Manager was discharged by a High Court Order on 10 December 2020.

Certified that the above resolution has been adopted in accordance with the provisions of the Rules of the Fund.



Chairperson



Principal Officer

S. KHUMALO

Full Name

P M ZIBI

Full Name

09/06/2021

Date

09/06/2021


Date


Trustee

W.S. CONRAD
Full Name

09/06/2021.
Date

Certified that Rule Amendment No.9 is financially sound:


PETER JOHN THEUNISSEN, FASSA
Valuator of the Fund

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