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GOEWERMENTSKENNISGEWING

DEPARTEMENT VAN MANNEKRAG- BENUTTING

No. R. 1495

25 Julie 1980

WET OP NYWERHEIDSVERSOENING, 1956 MOTORNYWERHEID.—MISA-PENSIOEN- FONDSOOREENKOMS

Ek, Stephanus Petrus Botha, Minister van Mannekragbenutting, verklaar hierby, kragtens artikel 48 (1) (a) van die Wet op Nywerheidsversoening, 1956, dat die bepalings van die Ooreenkoms wat in die Bylae hiervan verskyn en op die Motornywerheid betrekking het, met ingang van 28 Julie 1980 en vir die tydperk wat op 31 Julie 1985 eindig, bindend is vir die werkgewersorganisasies en die vakvereniging wat genoemde Ooreenkoms aangegaan het en vir die werkgewers en werknemers wat lede van genoemde organisasies of vereniging is.

S. P. BOTHA, Minister van Mannekragbenutting.

BYLAE

DIE NASIONALE NYWERHEIDSRaad VIR DIE MOTORNYWERHEID

MISA-PENSIOENFONDSOOREENKOMS

OOREENKOMS

ingevolge die Wet op Nywerheidsversoening, 1956, gesluit deur en aangegaan tussen die

South African Motor Industry Employers' Association
en die

South African Vehicle Builders' and Repairers' Association
(hierna die "werkgewers" of die "werkgewersorganisasies" genoem), aan die een kant, en die

Motor Industry Staff Association

(hierna die "werknemers" of die "vakvereniging" genoem), aan die ander kant,

wat die partye is by die Nasionale Nywerheidsraad vir die Motornywerheid.

KLOUSULE 1.—GELDIGHEIDSDUUR VAN OOREENKOMS

Hierdie Ooreenkoms tree in werking op dié datum wat die Minister van Mannekragbenutting kragtens artikel 48 (1) van die Wet vasstel, en bly van krag vir die tydperk eindigende 31 Julie 1985 of vir dié tydperk wat die Minister bepaal.

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GOVERNMENT NOTICE

DEPARTMENT OF MANPOWER UTILISATION

No. R. 1495

25 July 1980

INDUSTRIAL CONCILIATION ACT, 1956 MOTOR INDUSTRY.—MISA PENSION FUND AGREEMENT

I, Stephanus Petrus Botha, Minister of Manpower Utilisation, hereby, in terms of section 48 (1) (a) of the Industrial Conciliation Act, 1956, declare that the provisions of the Agreement which appears in the Schedule hereto and which relates to the Motor Industry, shall be binding, with effect from 28 July 1980 and for the period ending 31 July 1985, upon the employers' organisations and the trade union which entered into the said Agreement and upon the employers and employees who are members of the said organisations or union.

S. P. BOTHA, Minister of Manpower Utilisation.

SCHEDULE

THE NATIONAL INDUSTRIAL COUNCIL FOR THE MOTOR INDUSTRY

MISA PENSION FUND AGREEMENT AGREEMENT

in accordance with the provisions of the Industrial Conciliation Act, 1956, made and entered into by and between the

South African Motor Industry Employers' Association

and the

South African Vehicle Builders' and Repairers' Association
(hereinafter referred to as "the employers" or "employers' organisations"), of the one part and the

Motor Industry Staff Association

(hereinafter referred to as the "employees" or the "trade union"), of the other part,

being parties to the National Industrial Council for the Motor Industry.

CLAUSE 1.—PERIOD OF OPERATION OF AGREEMENT

This Agreement shall come into operation on such date as may be fixed by the Minister of Manpower Utilisation in terms of section 48 (1) of the Act, and shall remain in force for the period ending 31 July 1985 or for such period as may be determined by the Minister.

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KLOUSULE 2.—TOEPASSINGSBESTEK VAN OOREENKOMS

(1) Behoudens die uitsonderings in subklausule (2) van hierdie klousule en in klousule 5 vermeld, is die bepaling van hierdie Ooreenkoms in die streke hierin omskryf, bindend vir alle werkgewers in die Motornywerheid wat lede van die werkgewersorganisasies is, uitgesonderd daardie werkgewers wat—

(a) ingevolge Hoofstuk II van die Hofooreenkoms vir die Motornywerheid, gepubliseer by Goewermentskennisgewing R. 1495 van 25 Julie 1980, as voertuigbakbouers geregistreer is; en/of

(b) ingevolge Hoofstuk III van genoemde Hofooreenkoms as vervaardigers geregistreer is;

en vir alle manlike klerke onder die ouderdom van 65 jaar en vroulike klerke onder die ouderdom van 60 jaar wat lede van die vakvereniging is en nie in diens is nie by die werkgewers wat in paragrafe (a) en (b) van hierdie subklausule bedoel word.

(2) 'n Werkgewer wat op 1 September 1965 'n pensioenskema wat sy klerke dek, in werking gehad het en voortgaan om die pensioenskema in werking te hou en daarin deel te neem, is nie, behoudens die uitsonderings in subklausule (3) van hierdie klousule vermeld, aan hierdie Ooreenkoms onderworpe wat betref sy werknemers wat aan so 'n pensioenskema deelneem nie.

(3) Die uitsondering in subklausule (2) van hierdie klousule vervat, is nie van toepassing nie—

(a) as 'n werkgewer se pensioenskema gewysig word op 'n wyse wat, of vervang word deur 'n ander pensioenskema wat minder gunstige pensioenvoordele vir sy klerke meebring as dié verskaf deur die skema wat op 1 September 1965 bestaan het;

(b) op werknemers wat 'n proeftydperk moet voltooi voordat hulle vir lidmaatskap van die werkgewer se skema in aanmerking kom—

(i) in alle gevalle, ten opsigte van enige tydperk wat die proeftydperk langer as 12 maande is;

(ii) in die geval van werknemers wat lede is van die Misa-pensioenfonds wat gestig is ingevolge die Ooreenkoms gepubliseer by Goewermentskennisgewing R. 1253 van 27 Augustus 1965, van die tyd wat hulle by die werkgewer in diens tree totdat die proeftydperk voltooi is.

KLOUSULE 3.—WOORDOMSKRYWING

"Wet" beteken die Wet op Nywerheidsversoening, 1956.

"Klerk" beteken 'n persoon wat in die Motornywerheid in diens is en 'n geldige lidmaatskapkaart besit wat deur die Motor Industry Staff Association uitgereik is.

"Die Maatskappy" beteken die Motor Industry Fund Administrators (Pty) Ltd of die Direksie van daardie Maatskappy wat tydelik namens die Maatskappy optree.

"Raad" beteken die Nasionale Nywerheidsraad vir die Motornywerheid, geregistreer ingevolge artikel 19 van die Wet.

"Bedryfsinrigting" beteken 'n perseel of gedeelte daarvan waarin of waarvandaan die Nywerheid of 'n gedeelte daarvan beoefen word.

"Fonds" beteken die Misa-pensioenfonds.

"Motornywerheid" of "die Nywerheid" beteken die Motornywerheid soos omskryf in klousule 3 van die Ooreenkoms gepubliseer by Goewermentskennisgewing R. 1495 van 25 Julie 1980.

"Proeftydperk" beteken die dienstydpk wat 'n werknemer moet voltooi voordat hy vir lidmaatskap van 'n pensioenskema in aanmerking kom.

"Streek BR" beteken die landdrosdistrikte Albert, Aliwal-Noord, Barkly-Oos, Cathcart, Elliot, Fort Beaufort, Indwe, King William's Town, Komga, Lady Grey, Molteno, Oos-Londen, Queenstown, Sterkstroom, Stockenström, Stutterheim, Tarka en Wodehouse.

"Streek EP" beteken die landdrosdistrikte Aberdeen, Adelaide, Albany, Alexandria, Bathurst, Bedford, Calitzdorp, Cradock, Colesberg, George, Graaff-Reinet, Hankey, Hanover, Hofmeyr, Humansdorp, Jansenville, Joubertina, Kirkwood, Knysna, Maraisburg, Middelburg (K.P.), Mosselbaai, Murraysburg, Noupoot, Oudtshoorn, Pearston, Port Elizabeth, Richmond (K.P.), Steynsburg, Steytlerville, Somerset-Oos, Uitenhage, Uniondale, Venterstad en Willowmore.

"Streek NC" beteken die landdrosdistrikte Barkly-Wes, Britstown, De Aar, Gordonia, Hartswater, Hay, Herbert, Hopetown, Kenhardt, Kimberley, Kuruman, Mafeking, Philipstown, Postmasburg, Prieska, Vryburg en Warrenton.

"Streek NL" beteken die provinsie Natal en die landdrosdistrik Mount Currie.

CLAUSE 2.—SCOPE OF APPLICATION OF AGREEMENT

(1) Subject to the exclusions referred to in subclause (2) of this clause and in clause 5, the terms of this Agreement shall be binding in the regions defined herein upon all employers in the Motor Industry who are members of the employers' organisations other than those employers who—

(a) are registered as vehicle body builders in terms of the provisions of Chapter II of the Main Agreement for the Motor Industry published under Government Notice R. 1495 of 25 July 1980; and/or

(b) are registered as manufacturers in terms of the provisions of Chapter III of the said Main Agreement;

and upon all male clerical employees under 65 years of age and female clerical employees under 60 years of age who are members of the trade union and who are not employed by the employers referred to in paragraph (a) and (b) of this subclause.

(2) An employer who had in operation on 1 September 1965 and continues to operate and participate in a pension scheme which covers his clerical employees shall not, in respect of those of his employees who are participants in such pension scheme and, subject to the exceptions detailed in subclause (3) of this clause, be subject to the provisions of this Agreement.

(3) The exclusion contained in subclause (2) of this clause shall not apply—

(a) if an employer's pension scheme is amended in a manner which, or is substituted by another pension scheme which results in less favourable pension benefits to his clerical employees than those provided by the scheme which was in existence on 1 September, 1965;

(b) in respect of employees who must complete a period of probation before they become eligible for membership of the employer's scheme—

(i) in all cases, in respect of any period by which the probationary period exceeds 12 months; and

(ii) in the case of employees who are members of the Misa Pension Fund established in terms of the Agreement published under Government Notice R. 1253 of 27 August 1965 at the time they join the employer's service, until the period of probation has been completed.

CLAUSE 3.—DEFINITIONS

"Act" means the Industrial Conciliation Act, 1956.

"Clerical employee" means a person employed in the Motor Industry and validly possessing a membership card issued by The Motor Industry Staff Association.

"The Company" means the Motor Industry Fund Administrators (Pty) Ltd, or the Board of Directors of that Company for the time being acting on behalf of the Company.

"Council" means the National Industrial Council for the Motor Industry registered in terms of section 19 of the Act.

"Establishment" means any premises or part thereof, wherein or wherefrom the Industry or any part thereof, is carried on.

"Fund" means the Misa Pension Fund.

"Motor Industry" or "the Industry" means the Motor Industry as defined in clause 3 of the Agreement published under Government Notice R. 1495 of 25 July 1980.

"Probation" means the period of service which an employee must complete before becoming eligible for membership of a pension scheme.

"Region BR" means the Magisterial Districts of Albert, Aliwal North, Barkly East, Cathcart, East London, Elliot, Fort Beaufort, Indwe, King William's Town, Komga, Lady Grey, Molteno, Queenstown, Sterkstroom, Stockenström, Stutterheim, Tarka and Wodehouse.

"Region EP" means the Magisterial Districts of Aberdeen, Adelaide, Albany, Alexandria, Bathurst, Bedford, Calitzdorp, Cradock, Colesberg, George, Graaff-Reinet, Hankey, Hanover, Hofmeyr, Humansdorp, Jansenville, Joubertina, Kirkwood, Knysna, Maraisburg, Middelburg (C.P.), Mossel Bay, Murraysburg, Noupoot, Oudtshoorn, Pearston, Port Elizabeth, Richmond (C.P.), Steynsburg, Steytlerville, Somerset East, Uitenhage, Uniondale, Venterstad and Willowmore.

"Region NC" means the Magisterial Districts of Barkly West, Britstown, De Aar, Gordonia, Hartswater, Hay, Herbert, Hopetown, Kenhardt, Kimberley, Kuruman, Mafeking, Philipstown, Postmasburg, Prieska, Vryburg and Warrenton.

"Region NL" means the Province of Natal and the Magisterial District of Mount Currie.

"Streek OVS" beteken die provinsie die Oranje-Vrystaat.

"Streek TVL" beteken die provinsie Transvaal.

"Streek WP" beteken die landdrosdistrikte Beaufort-Wes, Bellville, Bredasdorp, Caledon, Calvinia, Carnarvon, Ceres, Clanwilliam, Die Kaap, Fraserburg, Goodwood, Heidelberg (K.P.), Hermanus, Hopefield, Kuilsrivier, Ladismith, Laingsburg, Malmesbury, Montagu, Namakwaland, Paarl, Piketberg, Prins Albert, Riversdal, Robertson, Simonstad, Somerset-Wes (uitgesonderd die gebied wat deur die Cape Explosives Works Ltd, Somerset-Wes, beslaan word), Stellenbosch, Strand, Sutherland, Swellendam, Tulbagh, Vanrhynsdorp, Victoria-Wes, Vredenburg, Vredendal, Wellington, Williston, Worcester en Wynberg.

"Streekraad" beteken 'n komitee wat as sodanig deur die Raad ingevolge die bepalings van sy konstitusie vir 'n streek soos hierin omskryf, aangestel is.

"Week" beteken 'n tydperk van sewe agtereenvolgende dae wat om middernag op 'n Sondag begin.

KLOUSULE 4.—VOORTSETTING EN DOEL VAN DIE FONDS

(1) Die Misa-pensioenfonds (hierna die "Fonds" genoem), gestig ingevolge die Ooreenkoms gepubliseer by Goewermementskennisgewing R. 1253 van 27 Augustus 1965, word hierby voortgesit.

KLOUSULE 5.—LIDMAATSKAP

(1) Behoudens klousule 2 en subklousule (4) van hierdie klousule, is lidmaatskap van die Fonds verpligtend vir die volgende klerke:

(a) Elke man onder die ouderdom van 65 jaar: Met dien verstande dat 'n man wat 55 jaar oud of ouer is wanneer hy 'n klerk ooreenkomstig hierdie Ooreenkoms word, vrystelling kan eis deur skriftelik by die betrokke streekraad daarom aansoek te doen;

(b) elke vrou onder die ouderdom van 60 jaar namens wie en met wie se goedkeuring haar werkgever by die Fonds om lidmaatskap aansoek doen.

(2) Elke klerk vir wie lidmaatskap van die Fonds ingevolge hierdie klousule verpligtend is, moet, as hy dit nie reeds ingevolge 'n vorige Ooreenkoms gedoen het nie, Deel I van die vorm voorgeskryf in Aanhangsel A van hierdie Ooreenkoms invul en binne een maand na die datum van inwerkingtreding van hierdie Ooreenkoms of na die datum waarop die werknemer in die Motornywerheid in diens tree, sodanige ingevulde vorm indien by die Sekretaris van die Streekraad vir die streek waarin so 'n klerk in diens is: Met dien verstande dat Deel II van die vorm vir alle vroulike klerke deur die werkgever ingevul moet word.

(3) Elke klerk in subklousule (1) van hierdie klousule bedoel, moet, as die Raad, Fonds of Sekretaris van die Streekraad dit vereis, die bewyse en inligting (dokumentêr of andersins) voorlê wat nodig is vir doeleindes van die werknemer se lidmaatskap van die Fonds of vir betaling of vasstelling van bystand op grond van sodanige lidmaatskap.

(4) 'n Lid van die Fonds wat in 'n bedryfsinrigting in diens tree waar 'n pensioenskema in werking is soos in klousule 2 (2) bedoel, kan vanaf die tyd wanneer daar van hom vereis word om tot so 'n skema by te trede, kies om—

(a) 'n uitgestelde pensioen te ontvang wat gebaseer is op die getal bydraes wat namens hom aan die Fonds betaal is; of

(b) as lid van die Fonds bedank; of

(c) voortgaan om tot die Fonds by te trede, en dan is hy persoonlik verantwoordelik vir die gesamentlike bydraes van werkgever en werknemer soos in klousule 5 voorgeskryf.

As die werkgever egter in bogenoemde omstandighede kies om namens so 'n lid tot die Fonds by te trede, is al die bepalings van hierdie Ooreenkoms bindend vir sowel die werkgever as die werknemer ten opsigte van sy lidmaatskap.

(5) Lidmaatskap van die Fonds word beëindig indien en wanneer 'n bydraer—

(a) die Motornywerheid verlaat; of

(b) ophou om 'n klerk te wees soos in hierdie Ooreenkoms omskryf; of

(c) kragtens klousule 5 (4) (b) van hierdie Ooreenkoms bedank; of

(d) pensioenbystand deur die Fonds verleen word.

"Region OFS" means the Province of the Orange Free State.

"Region TVL" means the Province of the Transvaal.

"Region WP" means the Magisterial Districts of Beaufort West, Bellville, Bredasdorp, Caledon, Calvinia, Carnarvon, Ceres, Clanwilliam, Fraserburg, Goodwood, Heidelberg (C.P.), Hermanus, Hopefield, Kuils River, Ladismith, Laingsburg, Malmesbury, Montagu, Namaqualand, Paarl, Piketberg, Prince Albert, Riversdale, Robertson, Simonstown, Somerset West (excluding the area occupied by the Cape Explosives Works Limited, Somerset West), Stellenbosch, Strand, Sutherland, Swellendam, The Cape, Tulbagh, Vanrhynsdorp, Victoria West, Vredenburg, Vredendal, Wellington, Williston, Worcester and Wynberg.

"Regional Council" means a committee appointed as such by the Council in terms of its Constitution for any Region herein defined.

"Week" means a period of seven consecutive days commencing at midnight on a Sunday.

CLAUSE 4.—CONTINUATION AND OBJECT OF THE FUND

(1) The Misa Pension Fund (hereinafter referred to as the "Fund"), established in terms of the Agreement published under Government Notice R. 1253 of 27 August 1965, is hereby continued.

CLAUSE 5.—MEMBERSHIP

(1) Subject to the provisions of clause 2 and of subclause (4) of this clause, membership of the Fund shall be compulsory for the following clerical employees:

(a) Every male who is under the age of 65 years: Provided that a male who is 55 years of age or over at the time he becomes a clerical employee in terms of this Agreement may claim exemption by applying in writing to the regional council concerned;

(b) every female who is under the age of 60 years on whose behalf and with whose approval her employer applies to the Fund for membership.

(2) Every clerical employee for whom membership of the Fund is compulsory in terms of this clause shall, if he has not already done so in terms of a previous Agreement, complete Part I of the form prescribed in Annexure A to this Agreement and within one month after the date on which this Agreement comes into operation, or after such employee becomes employed in the Motor Industry, must lodge such completed form with the Secretary of the Regional Council for the Region in which such clerical employee is employed: Provided that, in the case of all female clerical employees, Part II of the form must be completed by the employer.

(3) Every clerical employee referred to in subclause (1) of this clause shall, when so required by the Council, by the Fund or by the Secretary of the Regional Council, furnish such evidence and information, documentary or otherwise, as may be necessary for purposes of the employee's membership of the Fund or for payment or determination of any benefit arising out of such membership.

(4) A member of the Fund who joins the staff of an establishment in which a pension scheme is operating as is referred to in clause 2 (2), may, as from the time he is required to contribute to such scheme, elect to—

(a) receive a deferred pension based upon the number of contributions which has been paid to the Fund on his behalf; or

(b) resign from membership of the Fund; or

(c) continue to contribute to the Fund, in which case he shall be personally liable for the combined contributions of employer and employee as prescribed in clause 6.

If under the above circumstances, however, the employer chooses to contribute to the Fund on behalf of such member then all the provisions of this Agreement shall be binding on both such employer and member in respect of his membership.

(5) Membership of the Fund shall terminate if and when a contributor—

(a) leaves the Motor Industry; or

(b) ceases to be a clerical employee as defined in this Agreement; or

(c) resigns in terms of clause 5 (4) (b) of this Agreement; or

(d) is granted a pension benefit by the Fund.

(6) 'n Lid van die Fonds wat van werkplek in die Motor-nywerheid verander uit een van die streke in hierdie Ooreenkoms omskryf na 'n ander, moet die vorm voorgeskryf in Aanhangsel B van hierdie Ooreenkoms invul en indien by die Sekretaris van die Streekraad vir die streek waarheen hy getrek het.

KLOUSULE 6.—BYDRAES

(1) Elke klerk vir wie lidmaatskap van die Fonds ingevolge klousule 5 (1) verpligtend is, moet 'n bedrag van R5 vir elke week diens in die Motor-nywerheid tot die Fonds bydra: Met dien verstande dat as 'n klerk 'n loon vir minder as 23 uur in 'n enkele week ontvang of geregtig is om dit te ontvang, geen bydraes vir daardie week deur hom betaalbaar is nie.

(2) Die werkgever moet die bydraes in subklousule (1) verskuldig op elke betaaldag van die klerk se loon af trek.

(3) Elke werkgever moet 'n gelyke bedrag voeg by die bydraes wat ingevolge subklousule (2) afgetrek is.

(4) Die totale bedrag van die bydraes wat ingevolge subklousules (1) en (3) van hierdie klousule van die verdienste van die werknemers afgetrek en deur die werkgever bygedra is, moet elke maand deur die werkgever gestuur word aan die Sekretaris van die Streekraad vir die streek binne die regstreek waarvan die werkgever se bedryfsinrigting geleë is en dit moet vergesel gaan van 'n skriftelike verklaring met die volgende besonderhede:

(a) Die naam en voorletters van elke klerk en sy lidmaatskapnummer van die Motor Industry Staff Association;

(b) die bedrag van die bydraes ten opsigte van elke werknemer gestuur;

(c) die datum van diensaanvaarding of diensbeëindiging in die geval van werknemers wie se diens begin of geëindig het nadat die vorige besonderhede voorgelê is.

(5) Elke werkgever moet die totale bedrag van die bydraes wat hy en sy werknemers moet betaal en die skriftelike verklaring van besonderhede wat elke maand ingevolge subklousule (4) vereis word voor of op die 10de dag van die maand wat onmiddellik volg op dié waarop die bydraes en besonderhede betrekking het, aan die Sekretaris van die betrokke Streekraad stuur.

Opmerking.—(a) Die huidige posadres van die Sekretaris van die verskillende Streekrade is soos volg:

Vir Streek BR: Posbus 714, Oos-Londen, 5200;
vir Streek OP: Posbus 3164, Port Elizabeth, 6000;
vir Streek NK: Posbus 446, Kimberley, 8300;
vir Streek NL: Posbus 2838, Durban, 4000;
vir Streek OVS: Posbus 910, Bloemfontein, 9300;
vir Streek TVL: Posbus 8477, Johannesburg, 2000;
vir Streek WP: Posbus 1946, Kaapstad, 8000.

(b) Vorms wat spesiaal opgestel is vir die insluiting van die besonderhede wat ingevolge hierdie klousule vereis word, kan op aanvraag verkry word van die Sekretaris van die Streekraad in die betrokke streek.

(6) Die bydraes wat deur werkgewers ten behoeve van hul klerke betaalbaar is, soos voorgeskryf in subklousule (3), is nie terugbetaalbaar nie.

(7) Die bydraes ingevolge hierdie klousule deur Streekrade ingevorder, moet aan die Motor Industry Fund Administrators (Pty) Ltd betaal word vir die Fonds se rekening: Met dien verstande dat die Streekrade 'n persentasie van die bydraes soos van tyd tot tyd onderling deur die Raad en daardie Maatskappy vasgestel, vir administrasiekoste kan terughou. Die bedrag wat aldus teruggehou word, moet in die algemene fondse van die Raad gestort word.

(8) Indien 'n bedrag wat ooreenkomstig hierdie klousule verskuldig is nie teen die 15de dag van die maand wat volg op die maand ten opsigte waarvan dit betaalbaar is deur die Raad ontvang word nie, moet die werkgever rente betaal op sodanige bedrag of op sodanige kleiner bedrag wat nie betaal is nie, bereken teen die koers van een en 'n half persent per maand of gedeelte daarvan vanaf sodanige 15de dag tot op die dag waarop betaling in kontant werklik deur die betrokke Streekraad ontvang word: Met dien verstande dat 'n Streekraad daartoe geregtig is om na goedgekeurde betaling van sodanige rente of gedeelte daarvan kwyt te skeld.

KLOUSULE 7.—ADMINISTRASIE VAN DIE FONDS

Die Fonds moet geadminestreer word deur Die Maatskappy ooreenkomstig die reëls wat van tyd tot tyd van krag is en deur die Raad goedgekeur is. Sodanige reëls mag nie met hierdie Ooreenkoms, die Wet en/of die Wet op Pensioenfondse, 1956 (Wet 24 van 1956), onbestaanbaar wees nie, en 'n kopie van die reëls en alle wysigings daarvan moet by die Direkteur-generaal van Mannekragbenutting en die Kommissaris van Binnelandse Inkomste ingedien word.

(6) Any member of the Fund who changes his place of employment in the Motor Industry from one of the Regions defined in this Agreement to another shall complete and submit to the Secretary of the Regional Council for the Region to which he has moved, the form prescribed in Annexure B to this Agreement

CLAUSE 6.—CONTRIBUTIONS

(1) Every clerical employee for whom membership of the Fund is compulsory in terms of clause 5 (1) shall contribute an amount of R5 to the Fund in respect of each week of his employment in the Motor Industry: Provided that where a clerical employee receives or is entitled to receive wages for less than 23 hours in any week, no contributions shall be payable by him in respect of such week.

(2) The contributions specified in subclause (1) shall be deducted by the employer from the clerical employee's wages on every pay-day.

(3) Every employer shall contribute and add to the contributions deducted in terms of subclause (2) contributions of an equal amount.

(4) The total amount of contributions deducted from the earnings of employees and contributed by employers in terms of subclauses (1) and (3) of this clause shall be paid each month to the Secretary of the Regional Council for the region within the area of jurisdiction within which the employer's establishment is situated and each such statement shall be accompanied by a written statement containing the following details:

(a) Name and initials and Motor Industry Staff Association membership number of each clerical employee;

(b) amount of contributions remitted in respect of each employee;

(c) the date on which service began or service ended, in the case of employees whose employment began or ended since the details were last submitted.

(5) Every employer shall pay the total amount of the contributions payable and render the statement of details required each month in terms of subclause (4) to the Secretary of the Regional Council concerned by not later than the 10th day of the month immediately following the month to which the contributions and details relate.

Note.—(a) The present postal addresses of the Secretaries of the various Regional Councils are as follows:

Region BR: P.O. Box 714, East London, 5200;
Region EP: P.O. Box 3164, Port Elizabeth, 6000;
Region NC: P.O. Box 446, Kimberley, 8300;
Region NL: P.O. Box 2838, Durban, 4000;
Region OFS: P.O. Box 910, Bloemfontein, 9300;
Region TVL: P.O. Box 8477, Johannesburg, 2000;
Region WP: P.O. Box 1946, Cape Town, 8000.

(b) Forms prepared specifically for the inclusion of the details required by this clause are obtainable on application from the Regional Secretary in the region concerned.

(6) The contributions payable by employers on behalf of their clerical employees as prescribed in subclause (3) shall not be refundable.

(7) The contributions collected by Regional Councils in terms of this clause shall be paid to the Motor Industry Fund Administrators (Pty) Ltd for the Fund's account: Provided that the Regional Councils may retain as an administrative expense such percentage of contributions as may from time to time be mutually determined by the Council and the Company. The amount so retained shall be paid into the general funds of the Council.

(8) Should any amount due in terms of this clause not be received by the Council by the 15th of the month following the month in respect of which it is payable, the employer shall pay interest at the rate of one and a half per cent per month or part thereof from such 15th day until the day upon which payment in cash is actually received by the Regional Council concerned: Provided that a Regional Council shall be entitled in its absolute discretion to waive the payment of such interest or part thereof.

CLAUSE 7.—ADMINISTRATION OF THE FUND

The Fund shall be administered by The Company in accordance with the rules in force from time to time and approved by the Council. Such rules shall not be inconsistent with the provisions of this Agreement, the Act and/or the Pension Funds Act, 1956 (Act 24 of 1956), and a copy of the rules and of any amendments thereto shall be lodged with the Director-General of Manpower Utilisation and the Commissioner for Inland Revenue.

KLOUSULE 8.—LIKWIDASIE OF ONTBINDING

Ingeval die Raad gedurende die geldigheidsduur van hierdie Ooreenkoms ontbind word of ophou om te funksioneer, kan die Nywerheidsregistrator die Motor Industry Fund Administrators (Pty) Ltd aanstel om die funksies van die Raad ten opsigte van hierdie Ooreenkoms uit te voer. Ingeval daardie Maatskappy nie in staat is nie of onwillig is om sodanige pligte uit te voer, kan die Nywerheidsregistrator 'n trustee of trustees aanstel om die funksies van die Raad uit te voer. Die Maatskappy of die trustees wat aldus aangestel word, het al die bevoegdhede wat vir die toepassing van hierdie Ooreenkoms aan die Raad verleen word.

KLOUSULE 9.—AGENTE

Die Raad of enige streekraad kan een of meer aangewese persone as agente aanstel om te help met die uitvoering van die bepalings van hierdie Ooreenkoms, en dit is die plig van elke werkgewer en werknemer om sodanige persone toe te laat om die persele binne te gaan, dié navrae te doen en te voltooi en dié dokument, boeke, loonstate, tydstate en betaal-karte te ondersoek, en dié individue te ondervra en alles te doen wat nodig is ten einde vas te stel of die bepalings van hierdie Ooreenkoms nagekom word, en niemand mag 'n vals verklaring aan so 'n agent in verband met sy ondersoek doen nie.

KLOUSULE 10.—VRYSTELLINGS

(1) Die Raad of enige streekraad kan vrystelling van enigeen van die bepalings van hierdie Ooreenkoms verleen.

(2) Aansoek om vrystelling moet gedoen word by die Sekretaris van die Streekraad in wie se streek die aansoeker sake doen of in diens is.

(3) Die Raad of Streekraad, na gelang van die geval, moet die voorwaardes vasstel waarop sodanige vrystelling van krag is, en kan, as hy dit goeddink, nadat een week skriftelike kennis aan die betrokke persoon gegee is, enige vrystelling-sertifikaat intrek, afgesien daarvan of die tydperk waarvoor die vrystelling verleen is, verstryk het of nie.

KLOUSULE 11.—VERTONING VAN OOREENKOMS

Elke werkgewer moet 'n eksemplaar van hierdie Ooreenkoms in die vorm voorgeskryf by die regulasies ingevolge die Wet in leesbare letters en in albei amptelike landstale van die Republiek van Suid-Afrika in 'n opvallende plek op sy perseel opplak en opgeplak hou.

Namens die partye op hede die 13de dag van November 1979 te Johannesburg onderteken.

F. J. HACKNEY, President van die Raad.

T. ANDERSON, Gemagtigde Werknemersvertegenwoordiger in die Raad.

H. C. L. LOOCK, Sekretaris van die Raad.

AANHANGSEL A VAN MISA-PENSIOENFONDSOOREENKOMS**AANSOEK OM REGISTRASIE AS LID
DEEL I**

Ek (volle naam in blokletters).....
gebore op (geboortedatum).....(dag).....(maand)
.....(jaar), geslag (meld man of vrou)....., 'n
lid van die Motor Industry Staff Association, Lidmaatskapno.....,
by (werkgewer se naam en adres).....
.....in diens as 'n (meld
klerk, tikster, pakhuisman, rekenmeester, sekretaris, ens.), wat
te (aansoeker se private adres).....woon, doen
hierby aansoek om as lid van die MISA-pensioenfonds geregistreer
te word, en stem in om my by die bepalings van die reëls van die
Fonds wat van tyd tot tyd van krag is, te hou. My persoonsno.
is.....

Ek benoem die volgende persoon tot my begunstigde ingeval ek te sterwe kom:

(Volle naam) Mnr./Mev./Mej.....

Verwantskap.....

Adres.....

Persoonsno. (waar van toepassing).....

Datum..... Handtekening.....

[Wanneer ingevul, moet hierdie vorm gestuur word aan:

Die Streeksekretaris

Die Nasionale Nywerheidsraad vir die Motornywerheid

(.....Streek)

Posbus.....

.....]

CLAUSE 8.—LIQUIDATION OR DISSOLUTION

In the event of the dissolution of the Council, or in the event of its ceasing to function during the currency of this Agreement, the Industrial Registrar may appoint the Motor Industry Fund Administrators (Pty) Ltd, to perform the functions of the Council in respect of this Agreement. If that Company is unable or unwilling to discharge such duties the Industrial Registrar may appoint a trustee or trustees to perform the Council's functions. The Company or the trustees so appointed shall have all the powers vested in the Council for the purposes of this Agreement.

CLAUSE 9.—AGENTS

The Council or any regional council may appoint one or more specified persons as agents to assist in giving effect to the terms of this Agreement, and it shall be the duty of every employer and every employee to permit such persons to enter such premises, institute and complete such enquiries and to examine such documents, books, wage sheets, time sheets and pay tickets, and to interrogate such individuals and to do all such acts as may be necessary for the purpose of ascertaining whether the provisions of this Agreement are being observed, and no person shall make a false statement to such agent in connection with his investigations.

CLAUSE 10.—EXEMPTIONS

(1) The Council or any regional council may grant exemption from any of the provisions of this Agreement.

(2) Application for exemption shall be made to the Secretary of the Regional Council within whose region the applicant operates or is employed.

(3) The Council or Regional Council, as the case may be, shall fix the conditions subject to which such exemption shall be valid, and may, if it deems fit, after one week's notice in writing has been given to the person concerned, withdraw any licence of exemption whether or not the period for which exemption was granted has expired.

CLAUSE 11.—EXHIBITION OF AGREEMENT

Every employer shall affix and keep affixed in some conspicuous place upon his premises a copy of this Agreement in the form prescribed by the regulations under the Act, in legible characters, in both official languages of the Republic of South Africa.

Signed at Johannesburg on behalf of the parties this 13th day of November 1979.

F. J. HACKNEY, President of the Council.

T. ANDERSON, Authorised Employee Representative of the Council.

H. C. L. LOOCK, Secretary of the Council.

ANNEXURE A TO MISA PENSION FUND AGREEMENT**APPLICATION FOR REGISTRATION AS A MEMBER
PART I**

I (full name in block letters).....
born (date of birth).....(day).....(month)
.....(year), sex (state male or female)....., a
member of the Motor Industry Staff Association, Membership
No....., employed by (employer's name and address)
.....
as a (state clerk, typist, storekeeper, accountant, secretary, etc.)
....., residing at (applicant's private address).....

hereby apply to be registered as a member of the MISA Pension Fund, and agree to abide by the provisions of the Fund's rules in force from time to time. My Identity No. is.....

I nominate as my beneficiary in the event of my death:

(Full name) Mr/Mrs/Miss.....

Relationship.....

Address.....

Identity No. (where applicable).....

Date..... Signature.....

[When completed, this form must be sent to:

The Regional Secretary

The National Industrial Council for the Motor Industry

(.....Region)

P.O. Box.....

.....]

DEEL II

(Moet deur werkgewer ingevul word)

Ek/Ons doen hierby aansoek om lidmaatskap van die MISA-pensioenfonds namens en met die toestemming van Mev./Mej. en stem in om elke maand die betrokke bydraes deur middel van my/ons maandelikse opgawes aan die Raad te stuur.

Datum..... (Handtekening van werkgewer of gemagtigde verteenwoordiger)

SLEGS VIR KANTOORGEbruik

Datum ontvang..... Datum geregistreer.....

Registrasienommer.....

AANHANGSEL B VAN MISA-PENSIOENFONDSOOREENKOMS

KENNISGEWING VAN OORPLASING

Ek (volle naam in blokletters)..... gebore op..... (dag)..... (maand)..... (jaar) Geslag: M of V*. Identiteitsno....., wat te (volledige adres)..... woon en wat lid is van die Motor Industry Staff Association, Lidmaatskapno....., vestig u aandag daarop dat ek nou by (werkgewer se naam en adres)..... in diens is. Ek was voorheen by (werkgewer se naam en adres)..... in diens.

Ek benoem die volgende persoon tot my bevoordeelde ingeval ek te sterwe kom:

(Volle naam) Mnr./Mev./Mej..... Identiteitsno..... my (meld verwantskap)..... van (adres).....

Hierdie benoeming kanselleer alle vorige benoemings deur my gemaak.

Datum..... Handtekening

(Hierdie vorm moet, wanneer dit ingevul is, aan die Streeksekretaris, Die Nasionale Nywerheidsraad vir die Motornywerheid in die streek waar die aansoeker in diens is, gestuur word.)

* Skrap wat nie van toepassing is nie.

PART II

(For completion by employer)

I/We hereby apply for membership of the MISA Pension Fund on behalf and with the approval of Mrs/Miss..... and agree to forward the relevant contributions to the Council each month through the medium of my/our monthly returns.

Date..... (Signature of employer or authorised representative)

FOR OFFICE USE ONLY

Date received..... Date registered.....

Reg. No.....

ANNEXURE B TO MISA PENSION FUND AGREEMENT

NOTIFICATION OF TRANSFER

I (full name in block letters)..... born on..... (day)..... (month)..... (year) Sex: M or F*. Identity No..... Residing at (full address)..... being a member of the Motor Industry Staff Association, Membership No....., wish you to note that I am now employed by (employer's name and address)..... I was previously employed by (employer's name and address).....

I nominate as my beneficiary in the event of my death:

(Full name) Mr/Mrs/Miss..... Identity No..... my (state relationship)..... of (address).....

This cancels any previous nomination made by me.

Date..... Signature

(When completed, this form must be sent to the Regional Secretary, The National Industrial Council for the Motor Industry in the region where the applicant is employed.)

* Delete whichever does not apply.

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