



**DATED:** 16 MARCH 2026

**CIRCULAR NO:** 2026/000018

**TO:** EMPLOYERS IN THE MOTOR INDUSTRY

**FROM:** ADAM ESAT (PRINCIPAL OFFICER MIRF)  
ADVOCATE MICHAEL MANOLIOS

**NOTICE:** REQUEST IN TERM OF SECTION 13A PENSION FUNDS ACT,  
1956 FOR NOMINATED LIABLE PERSON

Dear Employer,

**Subject: Clarification regarding nomination of liable persons in terms of Section 13A (8) of the Pension Funds Act, 1956 (“the Act”)**

Further to circular number 2025/00034 dated 29 January 2026 requesting employers to nominate the person(s) liable in terms of Section 13A of the Act, the Council has noted that certain employers are nominating individuals who do not fall within the categories of persons contemplated in the Act.

Employers are hereby advised that **only those persons specifically contemplated in Section 13A(8) of the Act may be nominated as the liable person. The nomination must therefore relate to a person who is legally responsible for ensuring that contributions are paid to the Funds in accordance with the Act which are directors for a company, members for a close corporation and for any other employer which is not a company or close corporation every person who directs, controls, or is regularly involved in managing the employer’s overall financial affairs.**

The Funds will **not accept nominations of persons who do not fall within the categories prescribed by the Act**, including but not limited to payroll administrators, administrators, consultants, accountants, secretaries, external service providers, financial managers or any other administrative personnel or employee who does not meet the statutory requirements.

Where an employer submits a nomination that **does not comply with the requirements of Section 13A of the Act as stated above**, such nomination will be **rejected**.

Employers are further advised that **where no valid nomination has been made in accordance with the Act or the incorrect person has been nominated**, the Funds will proceed on the basis that the employer has **failed to nominate a liable person**. In such circumstances, **all directors, members or persons regularly involved in the management of the entity, or all persons comprising the governing body of the employer will be cited and held jointly and severally liable**, as contemplated in Section 13A(8) of the Act.

Please note a new form has been sent out with this circular that replaces the old form sent out with the first circular indicating clearly who is a liable person. The old form must no longer be used.



Employers are therefore urged to review their nominations and if you have filled out the form incorrectly, please resubmit a new form as attached with the correct details and ensure that the person/s nominated **falls within the statutory categories prescribed by the Act as stated above.**

**Employers who have filled out the old form and nominated the correct persons do not need to resubmit under the new form.**

**Employers who have not submitted a form at all must submit using the new form as attached to this circular same would apply to all new submissions in the future.**

Your cooperation in ensuring compliance with the Act is appreciated.

**Yours faithfully,**

**Advocate Michael Manolios**  
**MIBCO Chief Legal Counsel**

**Mr. Adam Esat**  
**Principal Officer MIRF**

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