

THE SWAZILAND NATIONAL PROVIDENT FUND (GENERAL)
REGULATIONS, 1986

(Under section 44)

Date of commencement: 1st April, 1990.

Citation and commencement.

1. These Regulations may be cited as the Swaziland National Provident Fund (General) Regulations, 1990, and shall come into force on 1st April, 1990.

Interpretation.

2. In these Regulations unless the context otherwise require —

“financial year” means the period commencing on the 1st July in one year and ending on the 30th June in the following year.

Forms.

3. (1) The forms in the Schedules to these Regulations where applicable and, where unapplicable similar forms with such variations as circumstances may require, shall be used for the purposes of the Order and of these Regulations.

(2) Any form prescribed in these Regulations may be obtained free of charge from the Chief Executive Officer.

(3) The delay in the receipt of any prescribed form from the Chief Executive Officer shall not absolve an employer from his responsibility for making any payment to the Fund on due dates, and any failure to make such payments shall be a contravention of the Order or of these Regulations.

Incomplete or inaccurate statements.

4. If in the opinion of the Chief Executive Officer any document required to be completed under these Regulations is incomplete or inaccurate or is insufficiently clear, the sender shall comply with all lawful directions given to him by the Chief Executive Officer and shall complete and deliver a fresh document in place thereof or return the original document duly corrected as the case may require within 14 days of the receipt by him of the document.

Signing of documents.

5. Any document used in connection with the Fund which requires a signature of a member of the Fund may be signed with his written signature or, if he is unable to write, with his mark and shall, if the form requires it, be witnessed or authenticated by a literate witness.

Duties of employees eligible for membership of the Fund.

6. An eligible employee for membership of the Fund shall furnish to his employer any relevant information and produce any document necessary for the completion of the forms or returns prescribed under these Regulations.

Registration of contributing employers.

7. (1) An employer who is of a class or description specified under the Schedule to the Registration of Contributing Employers Regulations, 1975, shall register with the Fund by completing and forwarding to the Chief Executive Officer the form prescribed in Schedule I.

(2) An establishment which consists of several branches, depots, sections or other separately identified units, whether situated in the same place or in different places, shall for the purposes of the Registration of Contributing Employers Regulations, 1975, be deemed to be one and the same establishment, and the Regulations shall apply to all the workers therein eligible for membership of the Fund.

Voluntary registration.

8. An employer who is not required to register in accordance with the Registration of Contributing Employers Regulations, 1975, or, having registered, is not immediately required to become a contributing employer, may apply to the Chief Executive Officer for registration as a contributing employer by completing and forwarding the form prescribed in Schedule II.

Registration of religious organisation.

9. A religious organisation desiring to make contributions to the Fund in respect of any minister of religion may apply to the Chief Executive Officer for registration as a contributing employer by completing and forwarding the form prescribed in Schedule III.

Certificate of registration and account number.

10. The Chief Executive Officer shall allot an account number to every contributing employer, and issue a certificate of registration to each such employer.

Change of employer's name and address.

11. A contributing employer shall notify the Chief Executive Officer of any change of name or registered address within 21 days of such change.

Cancellation of employer's registration.

12. The registration of a contributing employer who ceases to be an employer of an eligible employee shall be cancelled upon his completing and forwarding the form prescribed in Schedule IV.

Registration of employees.

13. Every contributing employer shall, not later than fourteen days from the date when he first becomes a contributing employer, complete and forward to the Chief Executive Officer in such form as he may require a return of persons currently employed by him who are eligible for membership of the Fund, and thereafter such employer shall, in accordance with paragraph 20(2) of these Regulations, notify the Chief Executive Officer on the form prescribed in Schedule V when any eligible employee first enters, or ceases to be, in his employ.

Member's identity number.

14. An employee eligible for membership of the Fund shall be registered as a member of the Fund under the names and identity number recorded on his graded tax documents, and any account in the Fund for such employee shall be maintained by the Chief Executive Officer under that employee's graded tax number.

Production of graded tax card or certificate to employer.

15. Every person who becomes an employee of a contributing employer, and in such employment will be eligible for membership of the Fund, shall on commencing work produce his current year graded tax card or his tax clearance certificate for a previous year or his certificate of exemption from payment of graded tax to such employer for inspection.

Determination of employee's year of birth.

16. Every person who is, or will become an employee eligible for membership of the Fund shall, if required by his employer, answer such questions and produce such documents as will enable the employer to determine such person's year of birth for the purposes of the Fund.

Employer's liability to pay statutory contributions.

17. A contributing employer registered under the Order shall be liable to pay for each eligible employee in his service a statutory contribution prescribed under the Swaziland National Provident Fund (Statutory Contributions) Regulations, 1975.

Employer obligated under Order and Regulations.

18. (1) A contributing employer shall be bound by his obligations under the Order and these Regulations, in respect of any period prior to the date when he ceases to be a contributing Employer.

(2) Any contributing employer who disposes of any establishment registered by him with the Fund in terms of regulation 7, shall either himself or through an agent submit any contribution record required under these Regulations and make payment of any contribution or other money due to the Fund in respect of any period falling before the date when he ceased to be a contributing employer.

Effective date for first payment of statutory contributions.

19. A contributing employer shall pay statutory contributions for his eligible employees from the first day of the month next following the month in which he is required to register as a contributing employer unless the Minister has by Order prescribed a different date for such employer or a class of employers to which he belongs.

Records to be kept by contributing employers.

20. (1) A contributing employer shall maintain records showing —
(a) in respect of each eligible employee whom he has engaged —
(i) the full names, sex, graded tax identity number and year of birth of the employee;

- (ii) the dates on which the employment commenced and terminated;
 - (iii) the date and amount of each payment of wages to the employee;
 - (iv) the amount of each statutory contribution due in respect of the employee; and
 - (v) the amount deducted from any payment of wages by way of an employee's share of a statutory contribution.
- (b) in respect of each casual employee whom he has engaged —
- (i) the days during which the employee is employed;
 - (ii) the date and amount of each payment of wages to the employee; and
 - (iii) the date and amount of each payment he makes to the Fund by way of special contributions under any Order of the Minister made under section 16 of the Order; and
- (c) the date and amount of each payment he makes to the Fund by way of contributions under the Order.

(2) On or before the twenty-first day of every month a contributing employer shall complete and forward to the Chief Executive Officer a return in the form prescribed in Schedule V listing —

- (a) all new employees in his service who have become eligible employees during the prior calendar month; and
- (b) all eligible employees whose services have been terminated during the prior calendar month.

(3) As soon as practicable after the end of every calendar month a contributing employer shall make a record of wages paid to an eligible employee and the amount of the contributions payable in respect of those wages for that month on a contribution record form supplied by the Chief Executive Officer for the purpose.

(4) A contributing employer shall complete a contribution record card in respect of any employee leaving his services, showing the total statutory and supplementary contributions paid by such employer in respect of such employee during the current years, and the employer shall hand the original copy of such card to the employee and retain a duplicate copy for himself for a minimum period of two years after the date of handing the original to the employee.

(5) Notwithstanding subregulation (3) and (4), the Chief Executive Officer may approve in writing other arrangements being made by a contributing employer for the maintenance of contribution records and the transmission to him of the required information.

Payment and reporting of statutory contribution.

21. (1) On or before the twenty-first day of each month a contributing employer shall forward to the Chief Executive Officer all statutory contributions and other contributions payable by him in respect of wages paid to his eligible employees during the prior calendar month, and shall certify on an appropriate form provided by the Chief Executive Officer the correctness of the contributions so paid.

(2) A contributing employer may make one consolidated payment for all or several of his establishments registered with the Fund under regulation 7 provided that the amounts of contributions payable in respect of each establishment are distinctly indicated.

- (3) A contributing employer shall pay all contributions to the Fund —
- (a) in cash at the head office of the Fund;
 - (b) by postal order, money order or cheque drawn on a bank in Swaziland, sent or delivered by post to the head office of the Fund; or
 - (c) in such manner as the Chief Executive Officer may authorise in any particular case or class of case.

(4) Notwithstanding subregulation (1), the Chief Executive Officer may approve in writing other arrangements being made by a contributing employer for the transmission to him of the required information.

Successive or concurrent employment.

22. If a member of the Fund is successively employed by two or more contributing employers in the same contribution period, or is concurrently employed by two or more contributing employers in the same contribution period, the Chief Executive Officer may, on application by the contributing employers or the member of the Fund —

- (a) refund such part of the contribution paid to the Fund as may exceed the contribution that would have been paid for such period if the member of the Fund had been employed by only one contributing employer; or
- (b) direct that the contributions payable in respect of the member of the Fund be reduced so that their aggregate do not exceed the amount that would have been payable had the member been employed by only one contributing employer.

Refund of contributions made in error.

23. If the Chief Executive Officer is satisfied that any amount has been paid to the Fund in error, in excess of the amount that was due to be paid, he may refund the amount paid to the person by whom it was made:

Provided that —

- (a) if the refund of such excess payment is not claimed within two years of the date of which it was made, or if the member of the Fund in respect of whom it was made has withdrawn it as a benefit, such excess payment shall not be refunded but shall be deemed to have been properly made and shall, unless already credited, be credited to the account of the member or members in respect of whom it was made; and
- (b) if any amount is due to the Fund from the person to whom refund of the amount paid in excess would otherwise be made, the Chief Executive Officer may retain the whole or any part of such excess payment and set it off against such amount as is due.

Member wishing to contribute on his own behalf.

24. A member of the Fund wishing to make payments on his own behalf in accordance with the provisions of section 20 of the Order, shall make application to the Chief Executive Officer in the form prescribed in Schedule VII.

Employers record of contributions.

25. The Chief Executive Officer shall maintain a record showing contributions and other moneys paid by each contributing employer.

Official receipts.

26. Only the Fund's official numbered and date stamped receipt shall be sufficient evidence of the discharge of payments in respect of contributions and other moneys due to the Fund.

Members contribution records.

27. The Chief Executive Officer shall maintain a record showing all contributions paid by employers on behalf of a member for credit to his main account or savings account in the Fund, interest credits authorised by the Board, and any benefits paid or refunds made to him in accordance with the Order.

Members annual statement of account.

28. (1) As soon as possible after the end of every financial year, the Chief Executive Officer shall furnish to the employer of each member of the Fund a statement showing the member's accumulations in the Fund at the end of such financial year, and the employer shall transmit the statement to the member.

(2) In January of each year, by notice in a newspaper circulating in Swaziland the Chief Executive Officer shall invite all members of the Fund who have not received a statement in accordance with subregulation (1) hereof to apply to him for such statement.

Application for benefit.

29. Members of the Fund eligible for benefit shall apply to the Chief Executive Officer on the appropriate form prescribed in the Swaziland National Provident Fund (Benefit) Regulations, 1975.

Competency to nominate persons for survivor's benefit.

30. (1) An eligible employee who has attained the age of eighteen years shall be competent to nominate on the form prescribed in Schedule VIII to these Regulations, beneficiaries to whom the accumulations standing to his credit should be paid in the event of his death.

(2) Any member who wishes to make any change among the persons previously nominated by him to receive a benefit in the event of his death, or any change in the extent of their shares of such benefit, must complete and forward to the Chief Executive Officer a new nomination form for the purpose.

Obligation of employers to assist members.

31. A contributing employer shall assist a member of the Fund in his employ with the completion of any forms prescribed for the purpose of obtaining benefit from the Fund.

Revocation of Legal Notice No. 20 of 1986.

32. The Swaziland National Provident Fund (General) Regulations, 1986 are hereby revoked.

SCHEDULE I

Form NPF 1

To: Chief Executive Officer,
Swaziland National Provident Fund,
P.O. Box 1857,
MANZINI.

Please register me as a contributing employer in accordance with the provisions of paragraph two of the Registration of Contributing Employers Order, 1975.

.....
(Signature)

.....
(Your full name)

.....
(Designation or Official Status)

Date:

-
1. Full business name:.....
 2. Name(s) of Business Directors:.....
.....
 3. Postal address:.....
 4. Telephone Number:
 5. Date business commenced:.....
 6. Nature of business:
 7. Graded Tax Number:
 8. Full address where business is carried on (street address and Town or District):.....
.....
 9. Total number of employees at date of registration:

NOTE:

Separate applications for registration may be sent to the Fund's Office where the employer has separate branches, depots or sections of his organisation which he requires to identify separately for accounting purposes, e.g. paypoints, farms, projects or staff of different categories:

SCHEDULE II

Form NPF 6

SWAZILAND NATIONAL PROVIDENT FUND

VOLUNTARY REGISTRATION OF EMPLOYER

To: Chief Executive Officer,
Swaziland National Provident Fund,
P.O. Box 1857,
MANZINI.

Dear Sir,

I apply for registration as a contributing employer in terms of section 10 of the Swaziland National Provident Fund Order, 1974, and for my present and future employees eligible for membership to become members of the Fund.

I confirm that my employees have been informed of this application, and have expressed their agreement to pay the "employee's share" of the appropriate statutory contributions from their wages.

I set out below the details you require to effect my registration, and list overleaf particulars of my employees currently eligible for membership.

Yours faithfully,

.....
(Signature)

.....
(Designation or Official Status)

Date:

.....
Full business name.....
Postal address.....
Telephone number
Nature of business.....

SCHEDULE III

Form NPF 7

SWAZILAND NATIONAL PROVIDENT FUND
REGISTRATION OF A RELIGIOUS ORGANISATION

To: Chief Executive Officer,
Swaziland National Provident Fund,
P.O. Box 1857,
MANZINI.

Date:

Dear Sir,

We, the undersigned, being duly authorised officers of the religious organisation named below, hereby apply in terms of section II of the Swaziland National Provident Fund Order, 1974, for the organisation to be registered as a contributing employer.

We desire to pay statutory contributions into the Fund in respect of the persons named overleaf who are ministers of religion, and in receipt of stipends from this organisation.

Yours faithfully,

Designation:..... Signature.....

Designation:..... Signature.....

Full name of religious organisation:

.....
.....

Full name and address of Treasurer or other financial officer who will be responsible for the payment of contributions:

.....
.....

Is the organisation already registered in respect of its employees eligible for membership of the Fund? If so, please quote account number

.....

LIST OF MINISTERS OF RELIGION
TO BECOME MEMBERS OF
THE SWAZILAND NATIONAL PROVIDENT FUND

Surname	Other Names	Graded Tax Number	Sex	Year of birth
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SCHEDULE VI
(Repealed L.N.130/1990.)

SCHEDULE VII

Form NPF 8

SWAZILAND NATIONAL PROVIDENT FUND

APPLICATION BY MEMBER TO CONTRIBUTE TO THE FUND
ON HIS OWN BEHALF

To: Chief Executive Officer,
Swaziland National Provident Fund,
P.O. Box 1857,
MANZINI.

Date

Dear Sir,

As I am not currently employed by a contributing employer, I hereby apply in terms of section 20 of the Swaziland National Provident Fund Order, 1974, to make contributions to the Fund on my own behalf.

My last employer was.....
.....
of.....
and the employee's share of the last statutory contributions paid to the Fund on my behalf was E.....in respect of my wages for the month of19

With effect from the 1st 19.....

I wish to contribute the sum of E per month for credit to my main account in the Fund, and I shall be glad to have details of the arrangements you require for payment.

I undertake to inform you when I am next employed by a contributing employer as I fully understand that my right to make voluntary payments to the Fund will then cease as contributions will be made in the normal way by my employer.

Yours faithfully,

.....
Signature

SCHEDULE VIII

Form NPF. 35A (E)

LIDLELANTFONGENI
SWAZILAND NATIONAL PROVIDENT FUND

NOMINATION FOR SURVIVOR'S BENEFIT

To: Chief Executive Officer,
Swaziland National Provident Fund,
P.O. Box 1857,
MANZINI.

Particulars of Members in BLOCK CAPITALS:

Surname	First Name(s)	Year of Birth	Graded Tax Number	
	Marital Status	Date of Marriage	Number of Spouses	Type of Marriage
				(a) Civil Rights: Y
				(b) Swazi Law and Custom: Y

Employer's Name and Postal Address	Employer's Account Number
	A

I hereby nominate the person(s) named below as the only person(s) to receive the amounts standing to the credit of my account in the event of my death and direct that the said amount shall be distributed in the proportions indicated below:

Particulars of person(s) nominated in BLOCK CAPITALS:

Name and Residential area of Nominee	Name and Residential area of Nominee's Mother/Father etc.	Relationship to Member/ Worker	Nominees Chief, Indvuna or Umgijimi	Nominees G.T. No. (if any)	Year of Birth	Proportion or % of Benefit
(a) NAME:			(a) CHIEF:			
1.			1.			
2.			2.			
3.			3.			
4.			4.			
(b) REGION			(b) INDVUNA			
1.			1.			
2.			2.			
3.			3.			
4.			4.			
(c) AREA			(c) UMGJINMI			
1.			1.			
2.			2.			
3.			3.			
4.			4.			

* The Year of Birth to be entered in this column is the year of birth or approximate year of birth of the Nominee at the date of completion of this form.

Member's signature (or Mark)

.....

Name of Witness (in Block Capitals)

.....

Postal Address:

.....

Date:

Signature of Witness:

Graded Tax Number:

UMGAGCWALISI NGESISWATI BUKA
NGEMUVA

To: Chief Executive Officer,
Swaziland National Provident Fund,
P.O. Box 1857,
MANZINI.

SIKHWAMA SESIVELIDLELANTFONGENI

KUKHETSA LOYO LOYAKUTSATSA IMALI YEMUFI

Ligama lelilunga nalokuqondzene nalo, akubhalwe NGEMAGAMA LAMAKHULU:

Sibongo	Ligama Lekucala	Umyaka wekutsalwa	Inombolo Yemchashwa Yekutsela	
	Sewateka/ Watekwa na?	Lusuku Lwemshado	Inombolo Yebafati bakho	Washada ngamuphi Umshado
				(a) Wesilumbi: Y
				(b) Wesintfu: Y
LIGAMA LEMCHASHI NELIKHELI LAKHE			INOMBOLO YEMCHASHI	
			A	

Ngiyakhetsa, ngikhetsa lomuntfu/labantfu labashiwo langekhatsi kutsi kube nguye kuphela/ngabo kuphela loyakutsi atsatse imali lesegameni lami uma kweneka ngife, nekutsike ngiyasho ngitsi lemali iyakwehkukaniswa ngemanani lengiwabekile langentasi:

Ligama noma emagama aloyo/alabo lengimkhetsile/lengibakhetsile libhalwe/abhalwe
NGAMAGAMA LAMAKHULU:

Ligama nendzawo yekuhlala yalokhetsiwe	Ligama nendzawo yekuhla yaMake/Babe walokhetsiwe	Bahlobane njani nalokhetsiwe	Sikhulu Indvuna/ Umgijimi walokhetsiwe	Inombolo yemtselo yalokhetsiwe (uma ikhona)	Umyaka wekutsalwa	Incenye yelemali leya kulona lokhetsiwe

(a) LIGAMA:			:			
1.	.....	.....	.....	.....	.....	.....
2.	.....	.....	.....	.....	.....	.....
3.	.....	.....	.....	.....	.....	.....
4.	.....	.....	.....	.....	.....	.....
(b) SIGODZI						
1.	.....	.....	.....	.....	.....	.....
2.	.....	.....	.....	.....	.....	.....
3.	.....	.....	.....	.....	.....	.....
4.	.....	.....	.....	.....	.....	.....
(c) INDZAWO						
1.	.....	.....	.....	.....	.....	.....
2.	.....	.....	.....	.....	.....	.....
3.	.....	.....	.....	.....	.....	.....
4.	.....	.....	.....	.....	.....	.....

* Umnyaka wekutsalwa lekufanele ufakwe kulesikhala, ngumnyaka noma umnyaka losondzele emnyakeni wekutsalwa kwalowo lokhetsiwe mhlakugcwalisiwa leliphepha.

Kusayina Lilunga (Nome licindzetele sitfupha salo)	Ligama Lafakazi (NGEMAGAMA LAMAKHULU)
.....
	Likheli:

Lilanga:	Kusayina Kwafakazi:
(mhlakugcwalisiwa leliphepha)	Imonbolo yakhe yekutsela:

P.T.O. FOR ENGLISH