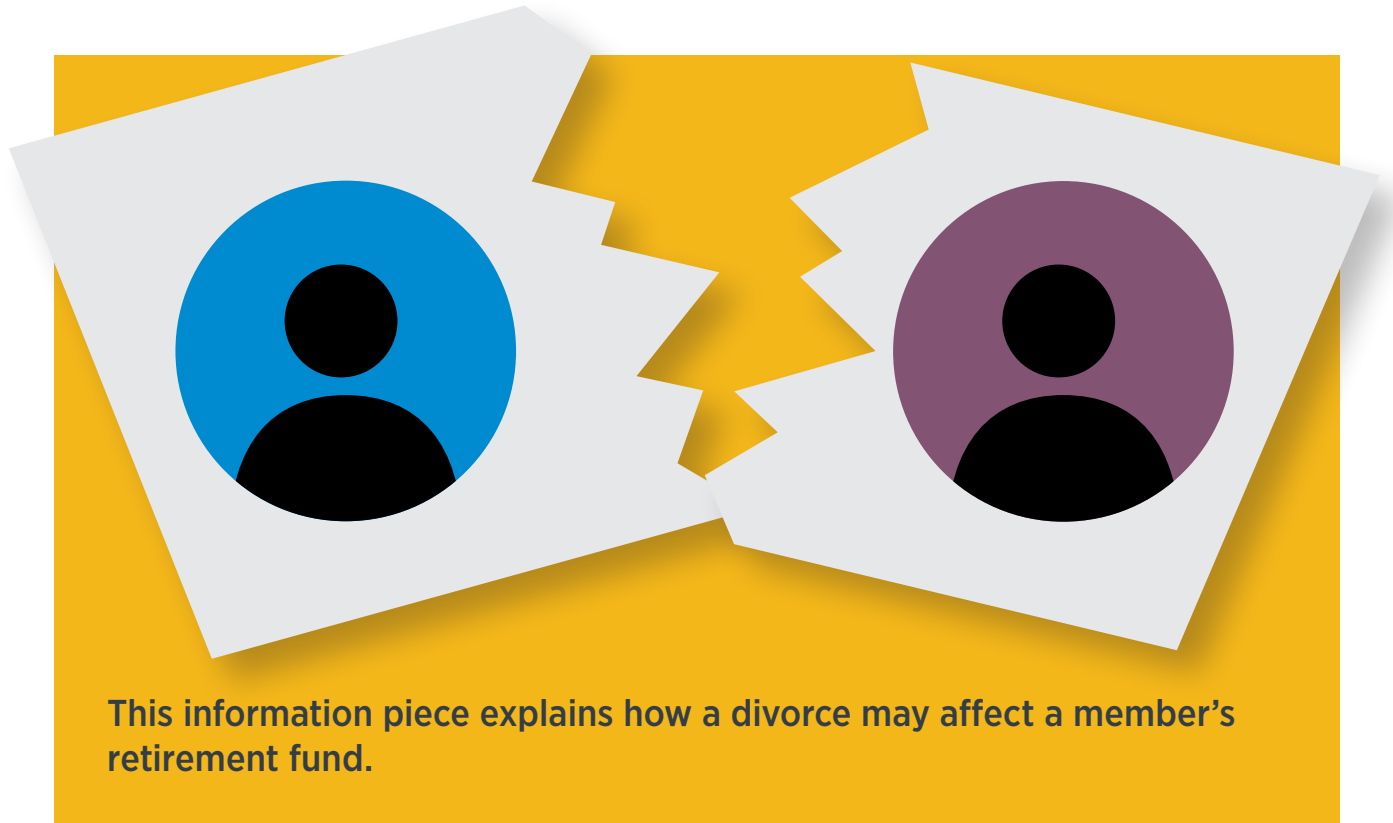


Are you in the process of going through a divorce?

divorce?



How will a divorce affect a member's retirement fund?

According to the Divorce Act, a member's **pension interest** in a retirement fund (pension fund, provident fund, retirement annuity fund or preservation fund) is regarded as part of the member's assets. This means that it may be taken into account when determining how the parties' assets are divided upon divorce.

In granting a divorce order, a court may include an order for a portion of a member's **pension interest** to be awarded and paid to the ex-spouse by the relevant retirement fund. This is done in terms of section 7(8) of the Divorce Act (a so-called "section 7(8) order").



What is “pension interest”?

An amount equal to the member’s cash withdrawal benefit which would have become payable, according to the rules of the Fund, had the member resigned on the date of the divorce.

Note: This definition is only applicable if the relevant retirement fund is a pension or provident fund. “Pension interest” has a different definition if the relevant fund is a preservation fund or a retirement annuity.



A divorce order must meet specific requirements before a fund can make a payment to an ex-spouse – what are these requirements?

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The wording for a section 7(8) order is very important – see an example of the correct wording.

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There are instances in which a fund cannot make payment to an ex-spouse – what are these?

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What documentation must be submitted by an ex-spouse when claiming payment from a fund?

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What is the process that needs to be followed in order for a claim by an ex-spouse to be considered by a fund?

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