



A section 7(8) order must meet the following requirements:

- The pension, provident and/or retirement annuity fund(s), to which a member belonged on the date of divorce, must be named in or identifiable from the divorce order;
- It must be clear that 'pension interest' is being awarded ('pension interest' is a term defined in the Divorce Act);
- The portion of the pension interest awarded to the ex-spouse must be clear (expressed as a percentage or Rand value not exceeding 100% of pension interest);
- The relevant fund(s) must be ordered to pay over the allocated portion of pension interest to the ex-spouse or a retirement fund of his/her choice and endorse (update) its records.



Here is an example of wording that meets the requirements of section 7(8) of the Divorce Act (if incorporated into a divorce order)

1. Defendant (Note: Change all references to Defendant to “Plaintiff” if applicable and vice versa) is a member of theFund. (Note: Indicate name of each Fund against which the order must apply.)
2. The parties agreed that the said Fund be ordered to pay.....percent of the pension interest of the Defendant in the Fund to the Plaintiff or to a retirement fund elected by the Plaintiff.
3. A certified copy of the divorce order must be submitted to the said Fund or its administrator so that the Fund’s records can be endorsed accordingly.

Reminder: the wording of a section 7(8) order (in a divorce order) must be legally correct and in line with the Divorce Act in order for a fund to make a payment.



There are certain instances where a court granting a divorce order cannot make a section 7(8) order:

- Where a member's service with his/her employer was terminated before the date on which the divorce order was granted. This is because the member will no longer have a "pension interest" to award to the ex-spouse on the date of divorce (see "What is pension interest?").
- Where the parties were married on or after 1 November 1984 in terms of an antenuptial contract which excludes community of property, community of profit and loss and the accrual system.



Checklist of documentation to be submitted when claiming payment in terms of a section 7(8) order

Important notes:

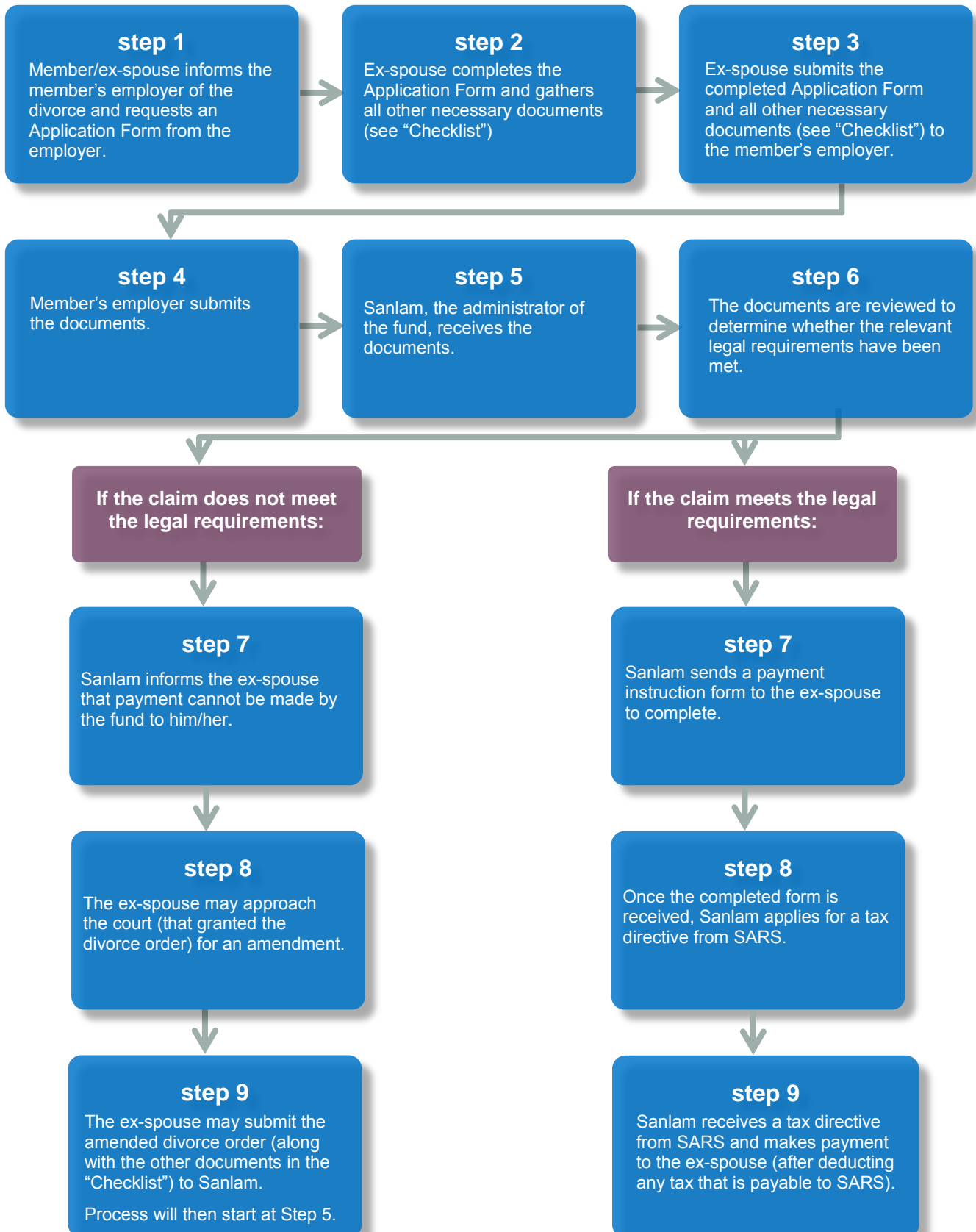
1. Documentation must be submitted via the member's employer, who will pass it on to Sanlam, the administrator of the fund.
2. No claim will be considered until all the necessary documentation below has been submitted.

Documents to be submitted	
1	Sanlam's application form
2	Certified copy of ex-spouse's identity document or passport
3	Certified copy of the marriage certificate
4	Certified copy of the divorce order and settlement agreement, if applicable (each page must be stamped by the court)
5	One of the following: <ul style="list-style-type: none">• Certified copy of the antenuptial contract (if married out of community of property on or after 1 November 1984)• written confirmation by the parties as to the matrimonial property regime if:<ul style="list-style-type: none">- married in community of property; or- married out of community of property, but the antenuptial contract is not available (in which case the written confirmation must clearly state whether community of property, community of profit and loss and the accrual system were excluded).

If the divorce order was previously submitted, but did not meet the requirements of section 7(8) of the Divorce Act, the fund would not have been able to make payment to the ex-spouse. If the divorce order has now been amended to meet the requirements of section 7(8), the following documents must be submitted (in addition to those above):

Documents to be submitted	
6	Application papers, i.e. the notice of motion and supporting affidavits (each page stamped by the court)
7	Certified copy of the variation order (each page stamped by the court)

The process in order for a claim by an ex-spouse to be considered by a fund



Sanlam Employee Benefits

Application by a non-member spouse for recognition of divorce order awarding pension interest

Notes:

- This form is to be completed by the non-member spouse to claim his/her share of the member's pension interest as awarded in terms of the parties' divorce order.
- The completed application form and supporting documents must be forwarded to the administrator.
- An application for payment of pension interest will only be deemed to have been received once all the required information and documents have been provided to this office.

A. Member's personal particulars

Fund name		Member number	
<input type="text"/>		<input type="text"/>	
Title and initials	Full names and surname		
<input type="text"/>	<input type="text"/>		
ID nr / Passport nr	Date of birth	Contact number (home)	Contact number (cell)
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
E-mail address			
<input type="text"/>			
Home address			
<input type="text"/>			
			Code
Postal address			
<input type="text"/>			
			Code

B. Non-member spouse's particulars

Title and initials	Full names and surname		
<input type="text"/>	<input type="text"/>		
ID nr / Passport nr	Tax number	Date of marriage	Date of divorce
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Contact number (home)	Contact number (cell)		
<input type="text"/>	<input type="text"/>		
E-mail address			
<input type="text"/>			
Home address			
<input type="text"/>			
			Code
Postal address			
<input type="text"/>			
			Code

C. Matrimonial property regime:

- In-community of property
- Out of community of property with accrual
- Out of community of property without accrual

D. Documents to be submitted with the application

Certified copy of non-member spouse's identity document or passport	Yes	No
Certified copy of the marriage certificate	Yes	No
Court-stamped copy of the divorce order and settlement agreement (if applicable)	Yes	No
Certified copy of the antenuptial contract if married out of community of property	Yes	No

Signature of non-member spouse

Date