

Divorce Order Claim Form

(WDiv2023)



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Instructions to complete this form

1. This form must be completed and signed by spouse of the member claiming a part of the member's benefit in terms of a divorce order.
2. It constitutes the non-member spouse's instruction to the fund and its administrator on the benefit payment option selected by the non-member spouse.
3. The form must be accompanied by a valid divorce order.
4. The fund will assess the divorce order to ensure that it complies with the requirements imposed by legislation.

In order for the Fund to make payment of a divorce order to a "non-member spouse" the divorce order must comply with the Divorce Act 1979 i.e. the court must award a share of the member's "pension interest" as part of the divorce agreement. In terms of legislation to process payment the order to make payment must be submitted to the Fund by the non-member spouse.

To avoid a delay in the processing and payment of benefits we request that you complete this claim form and attach a copy of your identity document and proof of valid banking details.

1. PRINCIPAL MEMBER DETAILS

Fund Name	University of the Witwatersrand Retirement Fund		
Member's Surname			
First Names			
Date of Birth	DD/MM/YYYY	Identity Number/ Passport Number	

2. NON-MEMBER SPOUSE DETAILS

Surname			
First Names			
Date of Birth	DD/MM/YYYY	Identity Number/ Passport Number	
Date of Divorce	DD/MM/YYYY	Tax Number	
E-mail address		Contact number	
Tax Office			
Residential Address			
	Postal Code		

Please indicate the selected benefit option by marking the appropriate box. Complete the relevant sections as set below

Lump sum cash payment (Complete Section A)	<input type="checkbox"/>
Transfer to a Preservation Fund (Complete Section B)	<input type="checkbox"/>
Transfer to another Fund/Retirement Annuity Fund (Complete Section B)	<input type="checkbox"/>

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Please note the below information is not intended to be advice as contemplated in terms of the Financial Advisory and Intermediary Services Act of 2002. Should you be uncertain of what option to select you are encouraged to seek financial advice from a registered Financial Services Provider.

The following benefit options are available:

Lump sum cash payment

- The first R 27,500.00 of benefits accumulated by the member, during his life time will be tax free. This tax-free amount is not specific to any one benefit payment from any one fund.
- The remainder of the benefit will be taxed in terms of the tax laws in place at the time of your withdrawal

Transfer to a Preservation Fund

- The benefit will not be taxed on transfer
- A once off cash withdrawal (partial/full) is allowed from the Preservation Fund. The cash withdrawal will be taxable
- Benefit deductions in terms of Section 37D of the Pension Funds Act, will be considered as your once off cash withdrawal.

Transfer to another Fund (Approved Pension/Provident or Retirement annuity fund)

- The benefit will not be taxed on transfer
- A transfer from a Pension and Provident fund will be treated as a cash withdrawal

3. PAYMENT INSTRUCTIONS

SECTION A

By law, the Fund can only make payment into a third party's account if the member is unable to open a bank account. An affidavit and indemnity form must be completed in such instance. A copy of the third party's identity document is also required.

Account Holder's Name	
Account Number	
Bank/Branch Code	
Type of Account	

The following supporting documentation is required:

- Copy of Identity document
- Bank stamped confirmation of banking details not older than 3 months.

Section B

Name of Broker / Contact Person	
Contact Number of Fund	

The following supporting documentation is required:

- Copy of Identity document
- Annuity Proposal form

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4. TIMELINE FOR PAYMENT OF BENEFITS

- The order must be submitted to the fund in writing by the non-member spouse.
- The Fund must request the non-member spouse to elect the manner of payment.
- The non-member spouse must within 120 days advise the Fund how payment is to be made.
- The pension fund must pay or transfer the amount within 60 days of being informed of the non-member spouse's election.
- Should the non-member spouse fail to make an election or identify the pension fund to which the amount should be transferred within the 120-day period, the pension fund must make payment directly to the non-member spouse within 30 days of the expiry of the 120-day period.

Signed at		on this		day of		20
Signature of Non-Member Spouse						

In the event of any queries please feel free to contact the Fund Administrator, Ensimini Administration Services (Pty) Ltd.

T 011 381 7960 | F 086 644 195 | W ensimini.com
 A The Metal Box, 9th Floor, 25 Owl Street, Auckland Park, Johannesburg, South Africa, 2193
 P Postnet Box 30, Private Bag X12, Greenside, South Africa, 2034

Ensimini Administration Services (Pty) Ltd is an Authorised Financial Services Provider in terms of the Financial Advisory and Intermediary Services Act of 2002, FSP Licence 43658, Company Registration Number 2011/104185/07.

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Personal Information that You Provide to Us

1. We wish to protect your personal information. Personal information is any information about or associated with a person and that can identify the person. We are collecting and processing personal information that you are providing to us for the purposes of actioning and paying the retirement benefit option selected by you (and other aligned fund purposes as set out in the Fund's PAIA Manual (if any).
2. The processing of the personal information is in your legitimate interests because without it the fund cannot assist you in implementing the retirement benefit option selected by you.
3. Certain of the information collected about you in this form is obtained from your employer or your financial advisor. It is in your legitimate interests that we do this in order to action and pay your retirement benefit. Such collection is also in terms of the fund's rules.
4. The fund has an obligation in law to process for these purposes in terms of the Pension Funds Act.
5. It is optional for you to provide the fund with the requested information. However, if you do not give it to us the fund cannot assist you in actioning and paying the retirement benefit option selected by you.
6. You may:
 - request from us what personal information we hold about you (free) and for a copy of it (may be subject to a fee);
 - request information from us about which third parties have access to your personal information;
 - request us to delete or destroy your information, if we are no longer authorised to keep it;
 - object to us processing your personal information. Please use Form 1 in the Regulations to the Protection of Personal Information Act ("POPIA"), which is available on the Information Regulator's website (see website address below).
 - request us to correct or delete your personal information if it is inaccurate, irrelevant, excessive, out-of-date, incomplete, misleading or unlawfully obtained. Please use Form 2 in the Regulations to POPIA, which is available on the Information Regulator's website.
7. The Promotion of Access to Information Act ("PAIA") provides you with the right of access to information held by the fund when you request such information under PAIA, so that you can exercise or protect your or another person's rights. If you want to make a PAIA request of the fund, you must use the prescribed form (Form C). You can find Form C on this website: www.sahrc.org.za. For more information, please request the fund's PAIA Manual, which is available, from 1 July 2021, from the fund's administrator.
8. If you do not use the mandatory prescribed forms, set out above, we may not process your request or we may deny your request.
9. From time to time, we may disclose personal information you provide to us to: regulators, ombud or government entities; our tracing or other agents; other companies in the Ensimini Group; our auditors or legal providers; any person or organisation having legal entitlement to access the information or any person notified in our PAIA manual (if any).
10. We will keep the personal information for as long as the fund needs to for our purposes, as required by law or contract.
11. Once we are no longer authorised to keep the personal information, we can delete, destroy, restrict or de-identify it. It is important to realise that funds are often required to keep personal information related to the fund, its members, former members, and beneficiaries for many years, even long after the member has left the fund. If you, provide us with any personal information that requires you to have first obtained consent to process it, then it is your responsibility to obtain the consents.

Complaints and queries:

If you have complaints about the way in which we have used your personal information, you can lodge a complaint with the Information Regulator at tel: 012 406 4818; fax: 086 500 3351; email: inforeq@justice.gov.za; website: <https://www.justice.gov.za/inforeq/>.

Other complaints and queries: if you have other complaints or queries, please address them in writing to the Ensimini Administration Services (Pty) Ltd contact details set out above. If we do not reply to you within 30 days or you are not satisfied with the response, you can contact the Pension Funds Adjudicator on tel: (012) 748 4000 or (012) 346 1738; fax: 086 693 7472; email: enquiries@pfa.org.za.