

Working Draft [1]
For discussion purposes only

**GUIDELINES FOR THE DISTRIBUTION OF BENEFITS TO
BENEFICIARIES OF DECEASED MEMBERS AND PENSIONERS
OF THE GOVERNMENT EMPLOYEES PENSION FUND**

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INTRODUCTION

This GUIDELINE is applicable to GPAA and all its employees in relation to the assessment, apportionment and payment of benefits on the death of a Member or Pensioner of the GEPF in terms of the GEP Law and the Rules.”

- (1) The object of the GEPF is to provide pensions and certain other related benefits as determined in the GEP Law read with the Rules to Members and Pensioners and their Beneficiaries. GPAA provides administrative services to the GEPF so as to, amongst other things, assist GEPF in meeting and furthering its objective.
- (2) The Board of the GEPF approved the Benefits Distribution Policy on 10 October 2014 in terms of which the Board, amongst other things, agreed that guidelines for the distribution of death benefits payable on the death of a Member or Pensioner be developed in terms of the Death Benefits Distribution Policy. The Board also, in terms of the Rules delegated its authority to assess, apportion and pay death benefits to Beneficiaries, to GPAA.
- (3) The objective of the SOP is to set out the guidelines for GPAA to ensure that benefits payable on the death of a Member or Pensioner on the Board's behalf, is assessed, apportioned and paid to Beneficiaries in accordance with the GEP Law and the Rules.

1. DEFINITIONS AND INTERPRETATION

1.1 Definitions

For the purposes of this SOP and the introduction above, unless the context requires otherwise:

1.1.1 **“Administration Agreement”** means the Administration Agreement entered into between GEPF and GPAA, as may be amended from time to time in accordance with the Administration Agreement, which, amongst other things, sets out GPAA’s duties in relation to payment and administration of Benefits;

1.1.2 **“Adopted Child”** means a child who was adopted in terms of any law by a Member or Pensioner as being such a child’s adoptive parent;

1.1.3 **“Annexure”** means a document annexed to this SOP as follows:

1.1.3.1.1 Checklist - “Withdrawal of a Member – Death - Z102”;

1.1.3.1.2 Checklist – “Spouse’s or Orphan’s Pension – Z143”;

1.1.3.1.3 Withdrawal Form Z102;

1.1.3.1.4 Spouse’s or Orphan’s Pension Form Z143;

1.1.3.1.5 Beneficiary Nomination Form WP1002; and

1.1.3.1.6 Life Partner Application Form;

1.1.4 **“Annuity”** means the total annual amount paid to the Beneficiary in equal monthly instalments;

1.1.5 **“Beneficiary”** means a Dependent or Nominee of a Member or Pensioner;

1.1.6 **“Beneficiary Nomination Form”** means the prescribed Beneficiary Nomination Form (WP1002), annexed to the SOP as an Annexure, completed by a Member indicating to whom his or her Gratuity should be paid to upon the Member’s death;

1.1.7 **“Benefit”** means an Annuity or Gratuity, or both an Annuity and a Gratuity that may become payable, in terms of the GEP Law and the Rules to a Beneficiary;

1.1.8 **“Board”** means the Board of Trustees of the GEPF;

Commented [01]: The Children's Act of 2005 defines the term "adopted child" to mean a child adopted by a person in terms of any law. Note that the Child Care Act was repealed by the Children's Act.

Commented [02]: We suggest that instead of listing all the supporting documents which may be required, that the checklists and prescribed forms be attached to the Guideline. For this reason, we removed the tables from the GUIDELINE.

1.1.9 **“Caregiver”** means any person other than a parent or Guardian, who factually cares for a child and includes -

Commented [03]: The definition of caregiver is as per the definition of the term in the Children’s Act.

1.1.9.1 a foster parent;

1.1.9.2 a person who cares for a child with the implied or express consent of a parent or guardian of the child;

1.1.9.3 a person who cares for a child whilst the child is in temporary safe care;

1.1.9.4 the person at the head of a child and youth care centre where a child has been placed;

1.1.9.5 the person at the head of a shelter;

1.1.9.6 a child and youth care worker who cares for a child who is without appropriate family care in the community; and

1.1.9.7 the child at the head of a child-headed household;

1.1.10 **“Checklists”** means the Checklists annexed to the GUIDELINES as Annexures, which sets out the Prescribed Forms and supporting documents and information required following the death of a Member or Pensioner prior to payment of a Benefit;

1.1.11 **“Dependant”** in relation to a Member or Pensioner means –

1.1.11.1 any person in respect of whom the Member or Pensioner is legally liable for maintenance;

1.1.11.2 any person in respect of whom the Member or Pensioner is not legally liable for maintenance, if such a person –

1.1.11.2.1 was, in the opinion of the Board, at the time of death of the Member or Pensioner, in fact dependent upon such Member or Pensioner for maintenance;

1.1.11.2.2 is the Spouse of the Member or Pensioner;

1.1.11.3 a Posthumous Child of the Member or Pensioner; and

- 1.1.11.4 a person in respect of whom the Member or Pensioner would have been legally liable for maintenance had that person been a minor;
- 1.1.12 **"Disabled"** in relation to an Eligible Child means any permanent physical or permanent mental impairment that, in the opinion of the Board, renders a person unable or unfit to provide for his or her maintenance;
- 1.1.13 **"Dormant Member"** means any person declared as a dormant member in terms of section 27 of the GEP Law on or before 1 April 2003; any person who in terms of section 15 of the General Pensions Act, 1979, was declared a dormant member of the Government Service Pension Fund and who immediately before the fixed date [as contemplated in the GEP Law] was still such a member, and any person who in terms of any law mentioned in section 14(5) of the GEP Law was declared as a dormant member of a previous fund and who immediately before the date determined in terms of section 14(1) of the GEP Law in respect of that previous fund, was still such a member;
- 1.1.14 **"Eligible Child"** means a natural (biological) child or Adopted Child of a deceased Member or Pensioner; and who -
- 1.1.14.1 is alive on the death of a Member or Pensioner and under the age of 18; or
- 1.1.14.2 is alive on the death of a Member or Pensioner and is under the age of 22 and who is, in the opinion of the Board, a full time student; or
- 1.1.14.3 is alive on the death of a Member or Pensioner and is over the age of 18 and who is, in the opinion of the Board, Disabled and was factually dependent on the Member or Pensioner immediately before the death of such Member or Pensioner;
- 1.1.15 **"Employer"** means –
- 1.1.15.1 for purposes of the collection and payment to the GEPP of the contributions referred to in section 17 (1) of the GEP Law and other amounts owing by Members to the GEPP, the payment to the GEPP of the contributions referred to in section 17(2) of the GEP Law, the administration of membership matters and the payment of Benefits to Members and their Beneficiaries –

- 1.1.15.1.1 a department or administration referred to in Schedule 1 or 2 of the Public Service Act, 1994 (Proclamation No. 103 of 1994) or a government component referred to in Schedule 3 of that Act, or any other body or institution which employs persons referred to in section 8 of that Act;
- 1.1.15.1.2 the Public Service Commission established by section 196 of the Constitution of the Republic of South Africa, 1996;
- 1.1.15.1.3 a Provincial Service Commission established by a provincial legislature in terms of section 213 of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), except where the legislation establishing such a commission specifically excludes its members from membership of the GEPPF;
- 1.1.15.1.4 the Auditor-General referred to in sections 181 and 188 of the Constitution of the Republic of South Africa, 1996;
- 1.1.15.1.5 the Office of the Auditor-General contemplated in the Public Audit Act, 2004 (Act No. 25 of 2004); or
- 1.1.15.1.6 any other institution or body, determined by the Board as an employer for the purposes of the GEPPF; and
- 1.1.15.2 for all other purposes of the GEP Law in relation to members in the service of the departments, administrations, government components, bodies and institutions referred to in paragraph 1.1.15.1.1 above, the Government;
- 1.1.16 “**Guardian**” means a Parent or other person who has guardianship of a child;
- 1.1.17 “**GEPPF**” means the Government Employees Pension Fund established pursuant to the GEP Law;
- 1.1.18 “**GEP Law**” means the Government Employees Pension Law, 1996 (Proclamation 21 of 1996) as may be amended from time to time;
- 1.1.19 “**Gratuity**” means a lump sum or as a single amount Benefit payable in terms of GEP Law read with the Rules;
- 1.1.20 “**Life Partner Application Form**” means the Life Partner Application Form, as may be amended from time to time, which is required to be completed and

submitted to GEPP for purposes of recognising a Member's or Pensioner's life partner as a Spouse;

1.1.21 **"Member"** in relation to the GEPP means an in-service member who contributed to the GEPP immediately before his or her death; a Member who is absent with or without leave of absence or who has been suspended from duty and who immediately before such absence or suspension was contributing to the GEPP, and any Dormant Member;

1.1.22 **"Nominee"** means a Beneficiary nominated by a Member prior to the Member's death, to share in the Gratuity Benefit which may become payable by the GEPP after the Member's death. Nominees are restricted to natural persons (as opposed to juristic persons such as companies and close corporations);

1.1.23 **"Orphan"** means an Eligible Child whose both Parents, natural or adopted are deceased and either or both natural or adopted Parents was a Member or Pensioner;

1.1.24 **"Parent"** means in relation to a minor child, an adoptive Parent of that child, but excludes -

1.1.24.1 the biological father of a child conceived through the rape of or incest with the child's mother;

1.1.24.2 any person who is biologically related to a child by reason only of being a gamete donor for purposes of artificial fertilisation; and

1.1.24.3 a parent whose parental responsibilities and rights in respect of a child have been terminated;

1.1.25 **"Pensioner"** means any person who is entitled to receive an Annuity in terms of GEP Law and the Rules;

1.1.26 **"Pensionable salary"** means the Member's basic annual salary plus any other allowances that are recognised as pensionable, after an agreement has been reached between the Employer and the employee organisations taking into account the actuary's report on the financial implications regarding the inclusion thereof as Pensionable Salary;

Commented [04]: Note: the GUIDELINE would need to be amended to deal with "child's pensioners" after the rules are amended to replace orphan pensions with children's pensions.

Commented [05]: Definition as per the Children's Act

- 1.1.27 **“Pensionable service”** in relation to a Member means the number of years and parts of a year that the Member has been contributing to the GEPF and includes any additional years of service purchased by the Member but excludes periods of leave taken without pay (unless the Member purchase these periods back);
- 1.1.28 **“Pension-retirement date”** means the date on which a Member attains the age of 60 years or the age as prescribed by his/her Conditions of Service;
- 1.1.29 **“Posthumous”** means a child conceived prior to the death of the Member or Pensioner, and born thereafter;
- 1.1.30 **“Prescribed Forms”** means the forms which must be completed by either the Employer, or Member, Pensioner or Beneficiary annexed to the SOP as Annexures;
- 1.1.31 **“Rules”** means the rules of the GEPF as set out in Schedule 1 to the GEP Law as may be amended from time to time;
- 1.1.32 **“Guideline ”** means this Guideline for the Distribution of Benefits to Beneficiaries of deceased Members and Pensioners of the Government Employees Pension Fund’ including all annexures to this document which may be amended from time to time;
- 1.1.33 **“Spouse”** means –
- 1.1.33.1 a person who is a lawful husband or wife; or
 - 1.1.33.2 or a life partner (including same sex life partner);or
 - 1.1.33.3 a husband or wife in terms of the Recognition of Customary Marriages Act, 1998 or the tenets of any religion, of the Member or Pensioner at the date of the Member’s or Pensioner’s death: Provided that a Member or Pensioner-
 - 1.1.33.3.1 should register with the GEPF his or her Spouse;
 - 1.1.33.3.2 should register with the GEPF all Spouses in terms of the Recognition of Customary Marriages Act, 1998 or the tenets of any religion;

- 1.1.33.3.3 who has one or more Spouses in terms of the Recognition of Customary Marriages Act, 1998, or the tenets of any religion may not register a life partner with the GEPF;
- 1.1.33.4 Provided further that registration of a person as a spouse will be *prima facie* proof of being a Spouse: Provided further that a person who is not registered as a Spouse may provide proof to the satisfaction of the Board that he or she is a Spouse;
- 1.1.34 **“Spouse’s or Orphan’s Pension Application Form”** means the prescribed form Spouse’s or Orphan’s Pension Application Form (Z143), annexed to the Guideline as an Annexure, which must be completed by a Spouse or Orphan requesting payment of a Benefit following the death of a Member or Pensioner;
- 1.1.35 **“Unexpired Period of Service”** means the period between the date on which a Member ceases or would cease to be a Member of the GEPF and the date he or she would have attained the age of 60 or 65 years. The Unexpired Period of Service for all Members, other than those holding office in terms of section 12 (1) of the Public Service Act, 1994, or section 10A of the Post Office Service Act, 1974, or sections 191 (4), 211 or 213 of the Constitution of the Republic of South Africa, 1993, or section 27 (2) of the Audit Arrangements Act, 1992, or section 6 and 7 of the South African Police Service Act, 1995 (Act 68 of 1995), will be calculated up to the age of 60 years; and
- 1.1.36 **“Withdrawal Form”** means the prescribed Withdrawal Form (Z102), annexed to the Guideline as an Annexure, which must be completed by the Employer following the death of a Member.
- 1.2 In addition to the definitions in paragraph 1.1, unless the context requires otherwise:
- 1.2.1.1 the singular shall include the plural and *vice versa*;
- 1.2.1.2 a reference to any one gender, whether masculine, feminine or neuter, includes the other two;
- 1.2.1.3 the Guideline is subject always to the provisions (including the words as defined) of the GEP Law and the Rules.

2. DUTIES OF GPAA

2.1 Notwithstanding the duties and obligations set out in the Administration Agreement, the Board has delegated all functions and duties in relation to investigating deaths of Members and Pensioners and the distribution of Benefits that may become payable, in terms of the GEP Law read with the Rules, to Beneficiaries to GPAA.

2.2 In performing its delegated functions and duties, GPAA shall -

2.2.1 take any steps necessary or perform any actions which are advantageous for the achievement of the GEPF's objectives;

2.2.2 act at all times with due care and diligence and in good faith;

2.2.3 act in accordance with the GEP Law and the Rules and the guidelines set out in this Guideline;

2.2.4 take all necessary and reasonable steps in assessing, distributing and paying Benefits to Beneficiaries which includes, but is not limited to -

2.2.4.1 collating information from Employers, and all other relevant parties (i.e. colleagues, friends and family of the deceased Member or Pensioner);

2.2.4.2 verifying the death of a Member or Pensioner;

2.2.4.3 conducting necessary investigations to identify potential Beneficiaries to receive a Benefit;

2.2.4.4 ensuring an equitable distribution of Benefits to Beneficiaries and appropriate mode of payment of the Benefit to such a Beneficiary;

2.2.4.5 in the manner and format requested by the Board from time to time, report to the Board or its sub-committee on any matter which the Board or its sub-committee requires GPAA to report on; and

2.2.4.6 keep proper records of all investigations and decision-making preceding and following payment of a Benefit to a Beneficiary.

3. POTENTIAL BENEFICIARIES

3.1 Prior to payment of a Benefit, potential Beneficiaries must be identified and traced. The term “Dependant” as defined in paragraph 1.1.11 above) creates three categories of Dependants, namely “Legal Dependants”; “Non-legal Dependants”; and “Future Dependants”.

3.2 Legal Dependants

3.2.1 A Legal Dependant is any person in respect of whom the Member or Pensioner was legally liable for maintenance, by common law or by statute, before his or her death (see paragraph 1.1.11.1 of the definition of “Dependant” above).

3.2.2 At common law, examples of Legal Dependants include, but are not limited to, the Member’s or Pensioner’s: child under the age of 18 years; grandchild, parent, grandparent in need of financial support. Provided that, the Legal Dependant must demonstrate that he or she required financial support and that the Member or Pensioner had the financial means to provide such financial support to the Legal Dependant.

3.2.3 By statute, examples of Legal Dependants include, but are not limited to, a court order against the Member or Pensioner in terms of which the Member or Pensioner was ordered to pay maintenance to a former spouse or an Eligible Child in terms of the Maintenance Act, 1998.

3.3 Non-legal Dependants

3.3.1 A Non-legal Dependant is a person who is treated as a Dependant of the deceased Member or Pensioner even if the Member or Pensioner had no legal obligation to maintain him or her (see paragraph 1.1.11.2 of the definition of “Dependant” above), however, in the opinion of the Board such a person was in fact financially dependent on the Member or Pensioner.

3.3.2 There are three categories of Non-legal Dependants namely; “Factual Dependants”; “Spouse” and “Children”.

3.3.3 Factual Dependants:

3.3.3.1 A Factual Dependant means an Eligible Child or Dependant whom the Member or Pensioner was not legally liable for maintenance at the time of the death of the Member or Pensioner; and who was in fact financially dependent

on the Member or Pensioner as evidenced by the fact that the Factual Dependant received some form of regular financial support from the deceased Member or Pensioner at the time of his or her death.

3.3.3.2 Financial support does not have to be in the form of a sum of money. Any support that has a monetary value may fall within the scope of financial support, including rent-free accommodation, food, assistance in defraying medical expenses etc. However, not any Factual Dependant on a deceased Member or Pensioner may be regarded as a Beneficiary. For example, a person unrelated to the deceased Member or Pensioner and with whom the Member or Pensioner did not have a close relationship, but who was a beneficiary of regular donations (i.e. a church, charity, orphanage, non-profit organisation etc.) by the deceased will not be regarded as a Factual Dependant.

3.3.4 Spouse:

3.3.4.1 There is no legal obligation on one Spouse to support the other Spouse, however, the surviving Spouse (as defined) of a Member or Pensioner may qualify as a Dependant if he or she was in fact financially dependent on the Member or Pensioner.

3.3.4.2 A person will qualify as a Spouse (as defined) if he or she was in a marriage or relationship with the Member or Pensioner as contemplated below prior to the death of the Member or Pensioner:

3.3.4.2.1 Civil marriage: is a monogamous union between a man and a woman concluded in terms of the Marriages Act, 1961.

3.3.4.2.2 Customary marriage: is a marriage entered into in accordance with the traditions and customs of indigenous African customary law and is registered in terms of the Recognition of Customary Marriages Act, 1998.

3.3.4.2.3 Civil union: is where same-sex partners either marry or register their relationship in terms of the Civil Union Act, 2006. Partners who choose not to marry but instead register their relationship in terms of the Civil Union Act, 2006 enjoy the same legal and proprietary benefits as a

marriage conclude in terms of the Marriages Act, 1961 or the Recognition of Customary Marriages Act, 1998.

3.3.4.2.4 Life partners: is where the partners' intention is to be in a permanent relationship akin to a marriage without having formalised their partnership / 'marriage' in terms of the Marriage Act, 1961, Civil Union Act, 2006 or the Recognition of Customary Marriages Act, 1998;

3.3.4.2.5 Religious marriage: is marriage in terms of religious tenet such as Muslim, Tamil, Hindu and other religious marriages.

3.3.5 Children:

3.3.5.1 Minor children (child under the age of 18) would usually fall under the "Legal Dependant" category referred to above. This is so because a parent of a child has a legal obligation to maintain his or her child (biological or adopted including a child born out of wedlock (marriage)). However, major children (18 years or older) may qualify as factual child Dependents.

3.3.5.2 The following children of a deceased Member or Pensioner may qualify as child Dependents:

3.3.5.2.1 Eligible Child;

3.3.5.2.2 Adopted Child;

3.3.5.2.3 Step-child;

3.3.5.2.4 Posthumous Child;

3.3.5.2.5 A major child: A child who is 18 years old or older but was Dependant on the Member or Pensioner prior to the death of the Member or Pensioner;

3.3.5.2.6 An Orphan child; and

3.3.5.2.7 A surrogacy child: means a child born from an adult woman who entered into a surrogate motherhood agreement (as contemplated in the Children's Act, 2005) with the commissioning parent, who was a Member or Pensioner of the GEPP prior to his or her death, in terms of which the surrogate mother agreed to be artificially fertilised for the purpose of bearing a child for the commissioning parent (the Member or Pensioner).

A surrogate child is recognised as the legitimate child of the Member or Pensioner.

3.4 Future Dependants

- 3.4.1.1 Future Dependants are minor children whom the Member or Pensioner would have been legally liable for maintenance and includes a Posthumous Child (see paragraph 1.1.11.4 of the definition of “Dependant” above),

3.5 Nominees

- 3.5.1 The Member may elect any person as a Nominee in writing on the Beneficiary Nomination Form.

- 3.5.2 A Beneficiary Nomination Form serves as a guideline for the Board and is not binding on the Board. The fact that a Member completed a Beneficiary Nomination Form does not mean that the persons identified in the Beneficiary Nomination Form are entitled to a Benefit and qualify as Dependants.

- 3.5.3 Both potential Dependants and Nominees must be considered as potential Beneficiaries to receive Benefits.

- 3.5.4 In relation to a completed Beneficiary Nomination Form -

- 3.5.4.1 The Beneficiary Nomination Form must be completed

- 3.5.4.2 The Beneficiary Nomination Form must have been signed by the deceased on every page;

- 3.5.4.3 The percentages allocated on the Beneficiary Nomination Form must add to a total of 100%;

- 3.5.4.4 The Beneficiary Nomination Form must not be older than three years from date of signature.

- 3.5.4.5 The Beneficiary nominated on the Beneficiary Nomination Form must be alive after the Member's death.

- 3.5.5 If a Beneficiary Nomination Form was completed:

- 3.5.5.1 Beneficiaries who are 18 years or older, can claim the Gratuity by supplying GPAA with:

- 3.5.5.1.1 A completed Banking Details Form (the Z894 Form); and
- 3.5.5.1.2 Certified copies of their ID documents (not older than six months).
- 3.5.5.2 If a Beneficiary is younger than 18, the legal guardian of that Beneficiary must provide GPAA with:
 - 3.5.5.2.1 A guardian letter stating that the children are minors in the guardian's care;
 - 3.5.5.2.2 A certified copy of the guardian's ID (not older than six months); and
 - 3.5.5.2.3 Certified copies of the children's birth certificates.

4. TYPES OF AND PAYMENT OF DEATH BENEFITS

- 4.1 All Benefits payable to a Beneficiary must be calculated and determined in accordance with the GEP Law read with the Rules. Benefits payable on the death of an in-service Member is set out in Rule 14.5; and Benefits payable on the death of a Pensioner is set out in Rule 14.6. Below is a summary of the Benefits that may become payable to a Beneficiary.

4.2 Gratuity (lump sum) benefit

- 4.2.1 If a member dies while in-service, and has less than 10 years' Pensionable Service, a Gratuity equal to the greater of the Member's actuarial interest in the GEPI and his or her final salary, will be paid to his or her Beneficiaries or, if there are no Beneficiaries, to the deceased Member's estate.
- 4.2.2 A Gratuity payable to a minor Dependant or minor Nominee may, with regard being had to the testamentary dispositions of a deceased Member and in consultation with the Master of the High Court, be paid in more than one payment in such amounts as the Board may from time to time consider appropriate and in the best interests of such Dependant or Nominee. Interest must be added to the outstanding balance of such Gratuity from time to time, at a reasonable rate having regard to the investment return earned by the GEPI. Any balance owing to such a Dependant or Nominee at the date on which he or she attains majority (18 years) or dies, whichever occurs first, will be paid in a lump sum. In the event of the death of minor Dependant or Nominee before he or she receives the full lump sum benefit, the balance will be paid to the deceased minor Dependant's or Nominee's estate.

4.2.3 A Gratuity payable to a major Dependant or major Nominee may be paid in more than one payment if the Dependant or Nominee has consented thereto in writing. A written agreement must be entered into between the GEPF and the major Dependant or major Nominee, as the case may be in terms of which both parties agree to the following:

4.2.3.1 The amount available for payment;

4.2.3.2 The intervals of payment and interest that will be added to the amount;

4.2.3.3 Each party may cancel the agreement on written notice not exceeding 90 days.

4.3 Gratuity with Annuity Benefit

4.3.1 If a Member has served at least 10 years' Pensionable Service, the following Benefit will become payable:

4.3.1.1 a Gratuity to the Beneficiaries or, as a last resort, to the deceased Member's estate if there are no Beneficiaries; and

4.3.1.2 a monthly Pension to the Member's Spouse or, if the Member's Spouse dies, to the Orphan.

4.3.2 When calculating the Gratuity, the Pensionable Service is increased. The length of service added depends on whether or not the Member was a member of the South African National Defence Force ("SANDF") and intelligence community.

4.3.3 Members of the SANDF and the intelligence community: The service is increased by 25% for each year of service that was completed after 10 years.

4.3.4 Other Members: the service is increased by whichever of the following periods is the shortest:

4.3.4.1 Five years;

4.3.4.2 One-third of the Pensionable Service; or

4.3.4.3 The Unexpired Period of Service.

4.4 Spouse's Annuity

- 4.4.1 A monthly Pension or Annuity is only paid to the surviving Spouse of a deceased Member or Pensioner. A monthly Pension or Annuity is not paid to other Beneficiaries who may have been named on the Beneficiary Nomination Form.
- 4.4.2 A Pension is paid for life to the surviving Spouse and will continue even if the surviving Spouse remarries.
- 4.4.3 If a Member dies with more than one Spouse, then the Spouse's Pension will be divided equally among the surviving Spouses.
- 4.4.4 If a Member dies in-service, the surviving Spouse must complete the Application for Spouse Pension Form and submit it to the GEPP with copies of the documents stipulated in that form and the Checklist – "Spouse's or Orphan's Pension – Z143".

4.5 Orphan's Annuity

- 4.5.1 An Annuity will become payable to an Orphan on the death of a Member or Pension calculated in terms of the Rules.
- 4.5.2 To qualify as an Orphan child, the child must have not surviving parent and must comply with the other requirements as applicable to an Eligible Child (i.e. under the age of 18, or under the age of 22 but a full-time student, or over the age of 18 but Disabled).
- 4.5.3 In addition to the documents set out in the Application for Spouse Pension Form and the Checklist – "Spouse's or Orphan's Pension – Z143", the following documents are required to process an Orphan's application:
 - 4.5.3.1 The appointment letter of the guardian or Caregiver;
 - 4.5.3.2 If the Orphan is a full-time student, proof of this from the tertiary institution concerned (proof is needed for each year from the date the child was orphaned to the date of application);
 - 4.5.3.3 Birth certificates of the Orphan; and

- 4.5.3.4 If an Orphan is over the age of 16, a certified copy of the child's bar-coded ID document.

5. PROCEDURES

5.1 Information gathering procedure after the death of a Member or Pensioner

5.1.1 Step 1:

- 5.1.1.1 After the death of a Member or Pensioner, the documents as set out in the Checklists must be obtained and verified.

- 5.1.1.2 When a Member dies the Employer must gather the necessary information and documentation from the personnel file(s) of the deceased Member and complete the Withdrawal Form. The Withdrawal Form and all other supporting documents must be submitted to GPAA.

5.1.2 Step 2:

- 5.1.2.1 The GPAA receives the relevant documents from the Employer, performs the pre-verification exercise.

5.1.3 Step 3:

- 5.1.3.1 Once the documentation has been received, the pre-verification section of the Regional office or head office of GPAA will pre-verify the documents in question. In instances where the information is not accurate or complete, the pre-verification section will liaise with the Employer and/or the Beneficiaries to secure the correct and/or complete information.

5.2 Timeframes

5.3 Procedure post receipt of required documents

- 5.3.1 GPAA must establish the Beneficiaries of the deceased Member or Pensioner.
- 5.3.2 GPAA must trace the Beneficiaries of the deceased Member or Pensioner using the information provided and/or other external means such as contacting the family members of the deceased Member or Pensioner.

Commented [04]: Still to be agreed between the GEPP and GPAA-SLA?

5.3.3 GPAA must refer any suspicions or fraudulent activity in relation to the information obtained to the Fraud and Forensics Business Unit [of GPAA] for investigation.

5.3.4 If the matter is complicated it must be referred to legal services Business Unit for advice so that the GPAA can reach an informed conclusion.

6. FACTORS TO TAKE INTO ACCOUNT IN THE DISTRIBUTION OF DEATH BENEFITS

6.1 For purposes of ensuring that a Benefit is allocated equitably amongst Beneficiaries, the following factors, if and where applicable to the circumstance at hand, must be taken into account:

6.1.1 the age of Beneficiaries (the length of time over which the Beneficiaries will need to be maintained-minor or younger Dependants);

6.1.2 the extent of their dependency on the deceased Member or Pensioner;

6.1.3 the financial situation of the Beneficiary before and after the death of the Member or Pensioner;

6.1.4 the future earnings potential of the Beneficiary;

6.1.5 the wishes of the deceased Member or Pensioner as per the Beneficiary Nomination Form, if applicable;

6.1.6 whether all reasonable steps have been taken to identify, trace and contact all potential Beneficiaries;

6.1.7 the number of Beneficiaries;

6.1.8 the amount of the Benefit;

6.1.9 the nature and size of allowable deductions to be processed against the Benefit, if any.

6.2 The Benefit may, if the circumstances so warrant, be allocated as follows:

6.2.1.1 to Dependants only;

6.2.1.2 to Nominees only; and

6.2.1.3 to Dependants and Nominees.

6.3 A Benefit must only be paid into the deceased Member's or Pensioner's estate as a last resort – that is if there are no Beneficiaries.

7. REDISTRIBUTION OF DEATH BENEFITS

7.1 Redistribution of death benefits will be considered under the following circumstances:

7.1.1 the incorrect distribution was made based on information presented to the GEPF at the time of the initial distribution;

7.1.2 there are compelling reasons why the GEPF was not approached prior to of the distribution of the Benefit;

7.1.3 it would be unfair and/or prejudicial to the a Beneficiary who was excluded from the Benefit distribution;

7.1.4 redistribution will not cause prejudice of those Beneficiaries who have already received all or a portion of the Benefit;

7.1.5 if such a redistribution will not place an additional financial burden or risk on the GEPF; or

7.1.6 such a redistribution will not constitute a breach of the *functus officio* rule.

8. DISPUTES

In the event of a dispute, the dispute will be dealt with in accordance with standing GPAA operational procedures and policies.

9. AMENDMENTS / REVIEW OF SOP

9.1 The provisions set out in this Guideline may not be amended unless agreed to between GEPF and GPAA. Any additions or amendments to this Guideline are only valid if they are agreed to in writing and signed by GEPF and GPAA.

9.2 The Guideline will be reviewed on a bi-annual basis or as agreed to between GEPF and GPAA.

SIGNED at _____ on this the _____ day of _____ 20__.

For and on behalf of
GEPF

Signatory:
Capacity:
Who warrants his authority hereto

SIGNED at _____ on this the _____ day of _____ 20__.

For and on behalf of
GPAA

Signatory:
Capacity:
Who warrants his authority hereto