



BENEFICIARY NOMINATION FORM

- **Key points in understanding this form:**

According to the *Pension Funds Act*, the fund trustees will use the list you give on this form to help them make fair decisions about how the benefits should be divided among:

- people who are dependent on you (dependants)
- people who are not necessarily dependants, but who you choose (nominate) to receive a share of the death benefit (nominees).

Although the trustees do not have to give any share to the nominees and dependants you list here, they will consider this information when making their decision. It is imperative that you **complete a new form every time there is a change in your dependants or nominees**, which could also result from a life-changing event such as the death of your current dependant or nominee. Please read this document carefully. Contact the Principal Officer, Ms Evette Vanrenen-Linford or your financial adviser if you have any questions. You should sign the form only if you agree to all the terms and conditions in it. You must make sure that all the information is correct and that the form is completed in full. We have the right to treat the information given in the form as accurate and complete. Kindly ensure that you date the form as the last form will be deemed the most recent and accurate.

The purpose of this form is for you to list your dependants and nominees. When you die, the trustees of the fund will use this list to help them to decide how your death benefit will be distributed.

Important Definitions

“**Dependant**” in relation to a member means

- (a) a person in respect of whom the member is legally liable for maintenance
- (b) a person in respect of whom the member is not legally liable for maintenance, if such a person –
 - i) was, in the opinion of the Board of Trustees of the Fund, upon the death of the member in fact dependent on the member for financial support
 - ii) is the spouse of the member, including a party to the customary union according to Black law and custom a civil union or to a union recognised as a marriage under the tenets of any Asiatic religion; and
 - iii) is the child of the member, including a posthumous child, adopted child and an illegitimate child;
- (c) a person, in respect of whom the member would have become legally liable for maintenance, had the member not died for example ageing parents.

“**Nominee**” means a person, other than a Dependant, designated by a member to receive benefits upon such member’s death. If you therefore have no dependants or if you wish part or all of your lump sum death benefit to be paid to someone other than your dependants, or in addition to your dependants, you can nominate a person as your nominee.

“**Spouse**” means a person who is the permanent life partner or spouse or civil union partner of a member in accordance with the Marriage Act, 1961 (Act 68 of 1961), the Recognition of Customary Marriages Act, 1998 (Act 120 of 1998), or the Civil Union Act, 2006 (Act 17 of 2006), or the tenets of a religion.

Disposition of the lump sum death benefit

If there are both dependants and nominees

Dependants are anyone you are legally responsible for supporting financially or anyone you may not be legally responsible to support financially but who is in fact financially dependent on you. This includes your spouse and all biological and adopted children. A spouse is the person you are married to under the laws of South Africa, according to the laws of your religion or in a customary union, or you are living with in a long-term relationship. Nominees are people or organisations that you nominate to share your retirement fund death benefit – these could be legal or factual dependants, but don't have to be. If there are both dependants and nominees, the trustees must consider all dependants and nominees. They will make a decision on how much (if any) of the death benefit should be paid to each person.

If there are dependants listed (with or without nominees)

If there are dependants and nominees, the trustees must consider all dependants. The trustees can decide to allocate a portion of the benefit to: one of the dependants; some of the dependants or all of the dependants.

If there are only nominees listed

If there are nominees, but no dependants listed, the benefits (or a portion of them as you have put in this form) will be paid to each nominee. If there are only nominees, the nominees will receive payment once all debts in your estate have been settled. Any money left over after paying your nominees, will be paid to your estate.

If there are no dependants or nominees listed

If there are no dependants or nominees, the death benefit (less any deductions for debt) will be paid to your estate or, where appropriate, the guardian's fund.

Minors (people under 18 years old)

If dependants or nominees are under 18 years old (minors), the trustees have the right to pay the relevant share of the benefit into a beneficiary fund.

Family trusts

The trustees have the right to pay the relevant share of the benefit into the family trust if a dependant or nominee is in your family trust.

Tax

Any income tax, as well as any amounts payable in terms of section 37A and D of the *Pension Funds Act* (including home loans and court orders), will be drawn from the lump sum benefits before they are paid out to dependants and nominees.

The lump sum death benefit payable from the UJ Pension Fund and UJ Defined Benefit Pension Fund is paid in terms of the rules of the Funds and the Pension Funds Act, 1956. Whilst the Boards of Trustees of the Funds will normally take into account the wishes of the member, they retain the discretion to make payment of death benefits to dependants and/or nominees as they deem equitable.

Therefore, the Beneficiary Nomination Form acts only as a *guideline* to the Boards of Trustees and they are in no way bound by its provisions.

The Boards of Trustees are required by law to do a thorough investigation into your circumstances in order to ensure that your benefits are distributed in accordance with the requirements of the legislation. Simplistically, the Boards of Trustees must first establish who your Dependants and Nominees are. Thereafter, they must apply their discretion to distribute the benefit in a manner they feel is fair, taking into account the circumstances and relationships of any dependants and/ or nominees.

As a result, the actual distribution of your benefit may differ from what you have indicated above.

In summary, the Pension Funds Act provides that on the death of a member, such member's benefits in the Funds will not form part of the deceased member's estate, but will be dealt with as follows –

- if the Fund discovers any dependants within 12 months of a member's death, the benefit shall be paid to one or all of the dependants in a manner and proportion deemed equitable by the Board of Trustees;
- if the Fund does not become aware of any dependant within 12 months of the member's death and the member has nominated a beneficiary who was not dependent on the member, the benefit shall be paid to the nominee; *provided that* where the aggregate debt in the member's estate exceeds the aggregate assets, the difference shall be paid to the estate from the benefit and the balance shall be paid to the nominee;
- if a member has a dependant and has also nominated another beneficiary to receive a benefit, the Fund must pay the benefit to the dependant/s and nominee/s in a proportion deemed equitable by the Board of Trustees;
- if the Fund does not become aware of any dependant of the member within 12 months of the member's death and the member has not nominated any beneficiaries, then the benefit shall be paid into the estate of the member or if there is no estate, into the Guardian's Fund.

There are four possible modes of payment of the lump sum death benefit to Beneficiaries, namely:

- Directly to the beneficiary, or in the case of a minor beneficiary, to such minor's legal guardian/caregiver: this is the default position and any deviation from direct payment must be justifiable by the Fund's Board of Trustees.
- To a beneficiary fund: this may only be done if the other payment options are not appropriate.
- To a trust: this may only be done if it has been specifically requested by you or a major beneficiary, or the legal guardian or caregiver of a minor beneficiary, in writing to the Fund's Board of Trustees; if the trust is already in existence at the date of distribution; and if the beneficiary is the sole beneficiary of the trust.
- In installments from the Fund.

Follow these steps:

1. You need to fill out the form. You do have the option of filling in this form electronically and printing the electronic version of the form to be signed.
2. You must sign the form and date it.
3. 4. Send the form to your HR business partner or the Pensions Office to ensure that this is filed in your personnel file.

Delays in finalising claims:

Neither we nor the fund are responsible for any losses that result from any delays you cause by not filling in this form accurately and completely. This includes losses in the value of your investment and losses that occur because you may have to pay more tax than you anticipated.

Protecting your information:

For us to provide the service to you, you must give us the personal information we ask for in this form. We will process your personal information for valid and lawful reasons only. It is the University of Johannesburg and the UJ Pension Funds collecting and processing this information.

Why we need your personal information:

We collect your personal information in this form so that we can pay your benefit from the fund or under the policy and share it with a third party (who we contract with to provide services to you) so that we can provide services and products to you and or you beneficiaries.

Children's information:

We have the right to collect personal information about children in this form. We will process this personal information to decide how to pay benefits that might be due to them. Issues we will assess include dependency, paternity, maintenance, age and schooling.

Other parties that may get your personal information from us:

We have the right to share your personal information with the regulators or government entities so that they can perform their duties to us; our auditors so that they can perform their duties to us ;any person or organisation that has a legal right to access your information

Keeping your personal information safe and confidential:

We will take care to keep your personal information safe and obey any legal requirements about protecting your personal information (for example the *Protection of Personal Information Act* when it becomes effective).

We will keep your personal information confidential and will not share it except in the circumstances explained in this document. We will keep your personal information for as long as we need it to achieve the purposes set out above; any law or contract requires us to keep the information; the fund or insurer needs it for lawful purposes linked to its functions.

Once we are no longer authorised to keep your information, we have the right to destroy the information; delete the information or de-identify the information as deemed appropriate. We do not have to let you know when we take any of these actions.

PLEASE NOTE THAT YOU CAN ATTACHED ANY PERTINENT INFORMATION IN THE FORM OF A LETTER OR NOTE IF REQUIRED.



A copy of this beneficiary nomination form must be placed in your personnel file for safe keeping at UJ HR. Please send the signed and dated form to the B5 Building on APK or scan and email to your HR Business partner or the Pensions Office.

FULL NAMES AND SURNAME OF MEMBER: _____ STAFF NUMBER: _____

NAME OF EMPLOYER: University of Johannesburg IDENTITY NUMBER: _____

1. In terms of the Pension Funds Act, a member's dependants and persons who are not dependants but who are nominated by the member must be taken into account by the Trustees when they decide in what shares the lump sum benefits are to be paid on the death of a member. To assist the Trustees in making their decision please complete Section 2 and 3 below. Please ensure that you sign and date this form.

2. **DEPENDANTS:**

| Surname | First Names | Gender | ID number | % of Benefit | Relationship | Contact Tel. No. | Physical Address |
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3. **NOMINEES:**

| Surname | First Names | Gender | ID number | % of Benefit | Relationship | Contact Tel. No. | Physical Address |
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I the undersigned, recognise that my circumstances and those of the persons shown above as dependants and/or nominees may change. I accept that it will be necessary for me to advise the Trustees of the Fund when any change should be made regarding my dependants or nominees.

SIGNED: _____ DATE: _____