



21 February 2017

# GEP Law and Rules

## Section 3

### Object of the Fund

The object of the Fund shall be to provide the pensions and certain other related benefits as determined in this Law to members and pensioners and their beneficiaries.

# GEP Law and Rules

## Section 21

### Prohibition on cession and attachment of benefits

(1) Subject to section 24A, no benefit or right in respect of a benefit payable under this Act shall be capable of being assigned or transferred or otherwise ceded or of being pledged or hypothecated or, save as is provided in section 26 or 40 of the Maintenance Act, 1998 and section 7 (8) of the Divorce Act, 1979 (Act 70 of 1979), be liable to be attached or subjected to any form of execution under a judgment or order of a court of law.

[Sub-s. (1) substituted by s. 45 (1) of Act 99 of 1998 and by s. 2 of Act 19 of 2011.]

# Section 21 (continued)

- (2) If any member, pensioner or beneficiary attempts to assign or transfer or otherwise cede or to pledge or hypothecate any benefit to which he or she is entitled under this Law or any right in respect of such benefit, payment of such benefit to such member, pensioner or beneficiary may be withheld, suspended or discontinued if the Board so directs: Provided that the Board may direct that such benefit or part thereof shall be paid to one or more of the dependants of such member or pensioner or to a trustee for such member or pensioner or his or her dependants during such period as the Board may determine.

# Section 21 (continued)

- (3) Notwithstanding the provisions of subsection (1) or of any other law-
- (a) any amount which is payable to the employer or the Fund by any member in the employment of such employer on the date of his or her retirement or discharge, or which the employer is liable to pay in respect of such member;
  - (b) any amount which has been paid to any member, pensioner or beneficiary in accordance with the provisions of this Law and to which such member, pensioner or beneficiary was not entitled;
  - (c) the amount of any loss which has been sustained by the employer through theft, fraud, negligence or any misconduct on the part of any member, pensioner or beneficiary which has been admitted by such member or pensioner in writing or has been proved in a court of law;
  - (d) any amount, plus interest at the rate determined by the Board after consultation with the actuary, due to the Fund in respect of an amount for which the Fund becomes liable under a guarantee furnished in respect of a member for a loan granted by some other person to that member in terms of the rules,  
[Para. (d) added by s. 2 of Act 21 of 2004.]  
may be deducted from the benefit payable to such member, pensioner or beneficiary under this Law in a lump sum or in such instalments as the Board may determine.

# Section 21 (continued)

- (4) Where a member dies before the last day of a period in respect of which any salary or allowance was paid to him or her prior to his or her death, a pro rata part of the amount so paid may be recovered in respect of the unexpired portion of that period by deducting it in a lump sum, or in such installments as the Board may determine, from the benefit payable to the estate or to a beneficiary of the deceased member, as provided in the rules.

# Unclaimed Benefits

	2016 R 000	2015 R 000
Unclaimed benefits	653 063	546 236

**QUESTIONS?**