



## THE SUPREME COURT OF APPEAL OF SOUTH AFRICA

### MEDIA SUMMARY OF JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

**FROM** The Registrar, Supreme Court of Appeal

**DATE** 3 December 2019

**STATUS** Immediate

*Please note that the media summary is for the benefit of the media and does not form part of the judgment.*

*M N v F N* (714/2018) [2019] ZASCA 185 (3 December 2019)

### **MEDIA STATEMENT**

The SCA today upheld an appeal from the Limpopo Division of the High Court, Polokwane, which had dismissed an appeal from the Regional Court, Polokwane. The dispute between the parties arose from an order of divorce granted in 2004 by the North Eastern Divorce Court, in which it was ordered that 50% of the respondent's right and interest in the University of the North Pension Fund, be paid to the defendant. The fund administrator contended that in terms of the order, the appellant was only entitled to 50% of the respondent's interest in the pension fund section and not the provident fund section, of the fund. The appellant therefore launched an application in the Regional Court, for an order varying the order granted by the Divorce Court, to entitle the appellant to 50% of the respondent's interest in the pension and provident section of the University of Limpopo Retirement Fund, the name of the fund having changed in the interim. The application was dismissed. The SCA held that because the Pension Funds Act 24 of 1956, did not distinguish between pension and provident funds and treated both types of fund the same under the definition of a 'pension fund organization,' and because the reference to a 'pension fund' in s 7(8)(a)(i) of the Divorce Act 70 of 1979, meant a 'pension fund

organization,' the order as granted included both the pension fund section, as well as the provident fund section, of the University of Limpopo Retirement Fund.