



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 28 March 2018
STATUS Immediate

BS v PS (291/17) [2018] ZASCA 37 (28 March 2018)

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

The SCA today upheld an appeal from the Eastern Cape Division of the High Court, Grahamstown, in which an order had been granted in a divorce action, in terms of s 9 of the Matrimonial Property Act 88 of 1984 (the Act), that the appellant forfeit 80 per cent of her right to share in the accrual of the estate of the respondent, her husband, in respect of two assets. These were the matrimonial home and the respondent's pension interest in the Government Employees Pension Fund (the Fund). It was also ordered that payment of the appellant's 20 per cent pension interest in the respondent's pension benefits in the Fund, be deferred in terms of s 10 of the Act, to the date when the pension benefits of the respondent in the Fund accrued to the respondent. The SCA held that the court a quo had erred in granting a forfeiture order against the appellant, and in ordering a deferral of the appellant's right to payment of her pension interest in the respondent's pension benefits. A deferral of payment was precluded in terms of the provisions of s 24A of the Government Employees Pension Law 1996.

