

Is the test for 'dependency' in s37C claims based on 'indigency'? A consideration of *Thene v Bidcorp Group Provident Fund* and others and other case law

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revolution

for RETIREMENT FUNDS

- The meaning of “dependant”
- *Theme v Bidcorp Group Provident Fund and Others*
- Girlfriend 50%
- Daughter (24) 10%
- Son (6) 20%
- * Mother 20%



“dependant” in relation to a member, means –
(a) a person in respect of whom the member is legally liable for maintenance;



- (a) a person in respect of whom the member is not legally liable for maintenance, if such person –
- i. was, in the opinion of the board, upon the death of the member in fact dependent on the member for maintenance
 - ii. a spouse
 - iii. child



- (c) A person in respect of whom a member would have become legally liable for maintenance, had the member not died.



(c) **4 requirements**

- not legally liable for maintenance
- on death of member
- in fact dependent on the members
- for maintenance

