

**IN THE OFFICE OF THE OMBUD FOR FINANCIAL SERVICES PROVIDERS,  
PRETORIA**

**CASE NUMBER: FAIS-69104-24/25 WC 1**

In the matter between: -

**NOKUZOLA MIRRIAM SISWANA**

Complainant

and

**LUVUYO BURIAL AND CONSULTING PTY (LTD)**

**(FSP NO. 47550)**

Respondent

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**DETERMINATION IN TERMS OF SECTION 28(1) OF THE FINANCIAL ADVISORY AND  
INTERMEDIARY SERVICES ACT NO. 37 OF 2002 (FAIS ACT')**

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Fairness in Financial Services: Pro Bono Publico

Menlyn Central Office Building, 125 Dallas Avenue, Waterkloof Glen, Pretoria 0010  
P O Box 41, Menlyn Park, 0063  
Phone: (012) 762 5000; Fax: (012) 470 9097 Sharecall 086 066 3274  
[www.faisombud.co.za](http://www.faisombud.co.za)

## THE PARTIES

- [1] The Complainant is Nokuzola Mirriam Siswana, an adult female.
- [2] She lodged a complaint with the FAIS Office on 3 July 2024.
- [3] The Respondent is Luvuyo Burial and Consulting (Pty) Ltd, a company duly incorporated under South African law, with the registration number (2014/207467/07). The Respondent was an authorized financial services provider (FSP) (license number 47550), with its principal place of business noted in the Regulator's records as 43484 Nkonkwa Crescent, Makhoza, Khayelitsha 7784. The license has been active since 08 November 2016. The licence was suspended on 17 April 2025.

## THE COMPLAINT

- [4] The Complainant had a funeral policy with the Respondent since 17 January 2020.
- [5] On 10 February 2021, the Complainant added her two family members, Thembanani Cecil Siswana and Cebisa Mbambani, to her policy. This was following the two death claims of her family members, Xoliswa Siswana & Winkie Lawrence Dikeni, which were settled in the amount of R10 000 each.
- [6] On 30 March 2024, Mr. Thembanani Cecil Siswana, passed away. The Complainant submitted a claim.
- [7] On 18 April 2024, she received a Short Message Service (SMS) text message informing her that the claim was declined due to the deceased's Identity number (ID) being incorrectly recorded on the policy.

Text message  
Thursday, 18 April

Good day after careful deliberation we regret to inform you that your claim will be declined due to INCORRECT ID OF A DECEASED. Should you require a formal written repudiation letter please visit your nearest branch. Regards Luvuyo Burial & Co – Claim Department

- [8] The Complainant submitted the amendment form dated 10 February 2021, which reflects that the last digit of the deceased's ID number was incorrect. It was recorded as [REDACTED] instead of [REDACTED]
- [9] The Complainant is seeking assistance with the claim payment.

#### **RESPONDENT'S RESPONSE**

- [10] On 21 January 2025, a settlement recommendation was sent to the Respondent, requesting that the Respondent settle the claim.
- [11] On 23 January 2025, the Respondent submitted that the claim was declined due to the incorrect ID number. Numerous messages were sent to clients pertaining to the corrections of ID numbers; however, the Complainant chose not to react to them. The policy document states that clients are given up to six months after the inception of the policy to make sure that the ID numbers are correct.
- [12] The Respondent was unable to provide any evidence of the SMS sent to the Complainant, as they were sent in bulk to all clients.
- [13] The Respondent offered to settle the matter by paying R10,000 in four instalments of R2,500 each. The first payment would be made on 7 February 2025.

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[14] There is no evidence of any payments being made by the Respondent.

#### ASSESSMENT OF EVIDENCE

[15] The deceased, Mr Thembani Cecil Siswana, who passed away on 30 March 2024, was listed as an insured under the funeral policy with a cover amount of R10 000.

[16] In accordance with the Luvuyo benefits amount, the Complainant was eligible for a R10 000 claim:

C. Benefit selection	
Principal Life Assured Plus 9	18 - 65
Age at entry	
Assured Lives	Benefit Amount
Principal Life Assured	R 20 000
1st Dependent	R 20 000
Dependent age 10 to 101 years	R 10 000
Dependent age 6 to 9 years	R 8 000
Dependent age 0 to 5 years	R 3 000
Total Premium	R 200,00

[17] The amendment form reflects that only the last digit of deceased's ID number is incorrect:

**LUVUYO BURIAL SOCIETY**

10 FEB 2021  
084 040 4751 / 021 224 0709

## AMENDMENT FORM

☐ Adding / removing / updating particulars of Dependents (Section 2 and 3)
 ☐ Updating particulars of Nominated Beneficiary (Section 5)

☐ Updating particulars of Dependents or change in Identity number (Section 4)

POLICY SCHEMES: LUVUYO LIFE ☐ THE NEW LIFE ☐ LUVUYO CLUB ☐  
 IMBIZA LUVUYO BURIAL

**1. POLICYHOLDER DETAILS** (PERSONAL DETAILS COMPLETED ON THIS FORM WILL BE USED TO UPDATE EXISTING DETAILS ON YOUR POLICY)

Title:	Initials	Marital Status	Gender
Full Names	NOKUZOLA	Surname	SISWANA
Date of birth		ID number	
Country of Birth	South Africa	Country of Residence	South Africa
Nationality	South african	Cell Number	
Work Number		Email Address	
Residential Address			
	Code		

**2. Details of lives to be removed**

First Name	Surname	ID/Passport number or date of birth	Relationship
OLISWA	SISWANA		
VINNIE LAWRENCE	DIKENI		

**3. Details of lives to be added**  
 Please complete the details of your dependents in the table below. (A maximum of 1 spouse, Unlimited\* number of children may be covered, subject to a maximum of 9 assured lives.)

First Name	Surname	ID/Passport number or date of birth	Relationship
EBISA	MBAMBANI		
HEMBANI	SISWANA		

**4. Updating ID numbers**

First Name	Surname	ID/Passport number or date of birth	Relationship

**5. Beneficiary details in the event of death of Principal Life Assured**

Full names	Surname	ID/Passport number or date of birth	Relationship

NB: Only one beneficiary (18 years or older) may be nominated. UPDATING PARTICULARS OF NOMINATED BENEFICIARY

**HEADOFFICE- CAPE TOWN**  
 ILITHA PARK - 33 NTLAZANE ROAD  
 021 362 4144 | 021 224 0709  
 084 040 4751 | 021 362 4144  
 luvuyoburial@gmail.com

[18] Rule 21 of the Policyholder Protection Rules (PPR)<sup>1</sup> provides the following regarding misrepresentation:

<sup>1</sup> Policyholder Protection Rules (Long-term Insurance), 2017 promulgated under the Long-term Insurance Act, 1998 as published in Government Notice 1407 of 15 December 2017.

*“21.1 Notwithstanding anything to the contrary contained in a policy, but subject to rule 21.2*

*(a) the policy must not be invalidated;*

*(b) the obligation of the insurer under the policy must not be excluded or limited; and*

*(c) the obligations of the policyholder must not be increased,*

*... on account of any representation made to the insurer which is not true, or failure to disclose information, whether or not the representation or disclosure has been warranted to be true and correct unless a reasonable, prudent person would consider that representation or non-disclosure as being likely to have materially affected the insurer’s ability to assess the risk under the policy concerned at the time of issue or time of any variation thereof.*

*21.2. The representation or non-disclosure shall be regarded as material if a reasonable, prudent person would consider that the particular information constituting the representation or which was not disclosed, as the case may be, should have been correctly disclosed to the insurer so that the insurer could form its own view to the effect of such information on the assessment of the relevant risk.*

*21.3 If the age of a life insured under a policy has been incorrectly stated to the insurer, the policy benefits must, notwithstanding rules 21.1 and 21.2 and subject to rule 21.4, be those which would have been provided under that policy in return for the premium payable had the age been correctly stated.”*

- [19] Only the very last digit of the deceased’s ID number was reflected incorrectly. The age was still correct. The incorrect ID number did not materially affect the insurer’s ability to assess the risk under the policy concerned at the time of issue or any variation thereof. The claim is thus valid, and the benefit must be paid to the Complainant.
- [20] The Respondent did not dispute any other aspect relating to the validity of the claim, such as waiting periods, cause of death or the payment of premiums.



[21] The policy was initiated on 17 January 2020 and, according to the policy document, was underwritten by Sanlam. Sanlam confirms that Sanlam Development Markets Limited became the underwriter of the scheme on 1 January 2020; however, the relationship was terminated with effect from 1 May 2021.

[22] The Office telephonically enquired with the Financial Sector Conduct Authority (FSCA) regarding information pertaining to the Respondent's new underwriter. This information could not be provided. In other similar complaints, the Respondent verbally confirmed that it did not have an underwriter.

[23] The Respondent was a registered Financial Services Provider (FSP) when the complaint was lodged with the Office. Numerous determinations were issued against the Respondent in other matters relating to the non-payment of claims. The Respondent's registration as an FSP was subsequently suspended by the FSCA.

## THE ORDER

[24] The following order is made:

- The complaint is upheld.
- The Respondent is ordered to pay the Complainant the amount of R10 000, and
- Pay interest on the said amount at a rate of 11.25% per annum from the date of this determination to the date of final payment.

*Please note that a person aggrieved by this decision has the right to apply for the reconsideration of the decision by the Financial Services Tribunal ("the Tribunal") as contemplated in section 230 of the Financial Sector Regulation Act.*

*An application for reconsideration must be made:*

- (a) In accordance with the Tribunal rules ([link](#)); and*
- (b) Within 30 days as set out in section 230(2) of the FSR Act.*

*The contact details of the Tribunal secretariat are as follows:*

*Ms. Kim Host / Ms Alitah Morudu*

*E-mail: [Applications@fstribunal.co.za](mailto:Applications@fstribunal.co.za)*

*Telephone: (012) 741 4300 / (012) 741 4302 / (012) 741 4303*

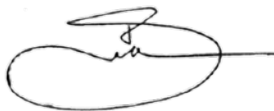
*Kasteel Office Park Orange Building (2nd Floor)*

*546 Jochemus Street*

*Erasmuskloof*

*Pretoria*

**DATED AT PRETORIA ON THIS THE 13TH DAY OF JUNE 2025**



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**ADV. JOHN SIMPSON**

**OMBUD FOR FINANCIAL SERVICES PROVIDERS**

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