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(AMENDMENT)

CHAPTER 434

PUBLIC SERVICE PROVIDENT FUND
(AMENDMENT)

Acts
Nos. 52 of 1961,
35 of 1964,
18 of 1965.

AN ACT TO AMEND THE PUBLIC SERVICE PROVIDENT FUND
ORDINANCE.

[Act No. 52 of 1961—19th June, 1961.]

[Act No. 35 of 1964—12th November, 1964.]

[Act No. 18 of 1965—18th December, 1965—
30th March, 1963.*]

Short title. 1. This Act may be cited as the Public Service
Provident Fund (Amendment) Act.

Amendment
of section 2 of
Chapter 434. 2. Section 2 of the Public Service Provident Fund
Ordinance, hereinafter referred to as the “principal
enactment”, is hereby amended as follows:—

[§ 2, 52 of 1961.] (1) by the substitution in subsection (1) of that
section, for all the words from “those non-
pensionable employees” to the end of that
subsection, of the following:—

“every non-pensionable employee in the ser-
vice of the Government whose salary is payable
at a monthly rate. Such employee is hereafter
in this Ordinance referred to as a “non-
pensionable employee”.”; and

[§ 2, 35 of 1964.] (2) by the addition at the end of that section of the
following new subsection:—

“ (3) For the purposes of this Ordinance,
each of the persons specified hereunder shall
be deemed to be a non-pensionable employee
in the service of the Government and the
allowance paid in lieu of salary to each such
person shall be deemed to be a salary.

The Private Secretary to the Chief Justice.

The Private Secretary to the Chief Justice.

* See Section 56 (1) of Act No. 18 of 1965.

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The Private Secretary to a Commissioner
of Assize.”.

3. Section 4 of the principal enactment is hereby amended by the substitution, for the words “scheduled employee”, wherever those words occur in that section, of the words “non-pensionable employee”.

Amendment
of section 4 of
the principal
enactment.
[§ 3, 52 of 1961.]

4. Section 5 of the principal enactment is hereby amended by the substitution, for the words “scheduled employee”, of the words “non-pensionable employee”.

Amendment
of section 5 of
the principal
enactment.
[§ 4, 52 of 1961.]

5. Section 6 of the principal enactment is hereby repealed.

Repeal of
section 6 of
the principal
enactment.

6. Section 13 of the principal enactment is hereby amended, in subsection (1) of that section, as follows:—

[§ 5, 52 of 1961.]
Amendment
of section 13
of the
principal
enactment.
[§ 6, 52 of 1961.]

- (a) by the substitution, for the words “scheduled post”, of the words “non-pensionable post”;
- (b) by the substitution, for the words “be closed.”, of the words “be closed : ”; and
- (c) by the addition, at the end of that subsection, of the following proviso:—

“Provided that where any contribution under section 4 which was due from such contributor before such date has not been paid to the fund before such date, the interest and bonuses referred to in paragraphs (a) and (b) of this subsection shall be credited to his account, but such account shall not be closed till such time as shall be determined by the board in order that such contribution may be deducted from his salary and paid, or be otherwise paid to the fund; and if such contribution is paid to the fund before such account is closed, the fund shall be credited by the Deputy Secretary to the Treasury with a sum equivalent to one and a half times such contribution, and such account shall be credited with a bonus equivalent to one and a half times such contribution, and such account shall then be closed.”.

Amendment
of section 14
of the
principal
enactment.
[§ 7, 52 of 1961.]

7. Section 14 of the principal enactment is hereby amended as follows:—

(a) by the substitution, for all the words from “if a contributor is transferred” to “in any of the following circumstances,”, of the following:—

“if a contributor dies while in the service of the Government or leaves the service in any of the following circumstances,”; and

(b) in the marginal note thereto, by the substitution, for the words “death, transfer”, of the word “death”.

Amendment
of section 20
of the
principal
enactment.
[§ 8, 52 of 1961.]

8. Section 20 of the principal enactment is hereby amended as follows:—

(a) in subsection (2) of that section, by the substitution, for the words “scheduled employee”, wherever those words occur in that subsection, of the words “non-pensionable employee”;

(b) by the addition, at the end of that section, of the following subsection:—

‘(3) In this section, “pensionable office in the public service” means any office in the public service which has been declared to be pensionable under the Minutes on Pensions.’; and

(c) in the marginal note thereto, by the substitution, for the words “under Government.”, of the words “in the public service.”.

Insertion of
new section
20A in the
principal
enactment.
[§ 9, 52 of 1961.]

9. The following new section is hereby inserted immediately after section 20, and shall have effect as section 20A, of the principal enactment:—

‘Provisions relating to a contributor who becomes eligible for the grant of a pension under the School Teachers Pension Regulations.

20A. (1) Where a contributor who is an uncertificated Government teacher becomes eligible for the grant of a pension under the School Teachers Pension Regulations published in Gazette No. 7,631 of February 24, 1928 (and therein referred to as “rules”),—

- (a) the account of that contributor shall be closed on the day on which he becomes so eligible ;
- (b) the aggregate amount of the bonuses credited by Government to the account of that contributor together with the interest accrued on such bonuses shall be paid to Government out of the fund ;
- (c) the aggregate amount of the compulsory contributions and voluntary contributions, if any, made by that contributor to the fund together with interest accrued on such contributions shall be paid to that contributor out of the fund ; and
- (d) no award under the Minutes on Pensions shall be made to that contributor in respect of any service as an uncertificated Government teacher which is reckonable for the purposes of any pension payable under the aforesaid Regulations.

(2) In this section, "Government teacher" means a teacher appointed by the Department of Education to a school administered under the Code of Regulations for Government Schools published in the Supplement to Gazette No. 7,726 of August 2, 1929'.

10. Section 22 of the principal enactment is hereby repealed and the following new section substituted therefor :—

"Deduction on account of income tax.

22. The Deputy Secretary to the Treasury may, before payment is made

Replacement of section 22 of the principal enactment. [§ 56 (1), 18 of 1965.]

of moneys lying to the credit of a contributor's account in the fund, make deductions on account of income tax from such moneys. Any sum so deducted shall be paid to the Commissioner of Inland Revenue."

Repeal of section 26 of the principal enactment.
[§ 10, 52 of 1961.]

11. Section 26 of the principal enactment is hereby repealed.

Amendment of section 28 of the principal enactment.
[§ 11, 52 of 1961.]

12. Section 28 of the principal enactment is hereby amended, by the omission of the definitions of "Schedule", "scheduled employee" and "scheduled post".

Repeal of Schedule to the principal enactment.
[§ 12, 52 of 1961.]

13. The Schedule to the principal enactment is hereby repealed.

Retrospective effect.
[§ 13, 52 of 1961.]

14. The amendments made in the principal enactment by paragraphs (b) and (c) of section 6 of Act No. 52 of 1961 shall be deemed to have taken effect on April 1, 1942, the amendments made in that enactment by paragraphs (b) and (c) of section 8 and by section 9 of Act No. 52 of 1961 shall be deemed to have taken effect on October 1, 1954, and the amendments made in that enactment by sections 2, 3, 4, 5, 6 (a), 7, 8 (a), 10, 11 and 12 of Act No. 52 of 1961 shall be deemed to have taken effect on October 1, 1957.

Validation of contributions made to the Public Service Provident Fund by a non-pensionable employee whose post or office was not specified or described in the Schedule to the principal enactment.
[§ 14, 52 of 1961.]

15. All such contributions as have been made before October 1, 1957, to the Public Service Provident Fund established by the principal enactment by any non-pensionable employee of the Government whose post or office was not specified or described in the Schedule to that enactment shall, notwithstanding that such contributions were not required to be made to that Fund under that enactment, be deemed to have been made by such employee under and for the purposes of that enactment and accordingly such employee shall be deemed to have been a contributor to that Fund during the period in respect of which

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such contributions were made and to have been entitled to all the benefits from that Fund in respect of that period.

16. All contributions that have been made to the Fund prior to the date of commencement of Act No. 35 of 1964 by the Private Secretary to the Chief Justice, the Private Secretary to any Puisne Justice and the Private Secretary to any Commissioner of Assize, shall be deemed to have been duly made under the principal enactment and each such Private Secretary shall, during the period in which such contributions have been made, be deemed to have been a contributor within the meaning of that enactment and to have been entitled to all the benefits from that Fund.

Certain contributions made before the commencement of Act No. 35 of 1964 to be deemed to be duly made under the principal enactment.
[§ 3, 35 of 1964.]

17. In Act No. 35 of 1964, "Fund" means the Public Service Provident Fund, established under the principal enactment.

Interpretation.
[§ 4, 35 of 1964.]