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SOCIAL SECURITY PLANNING

in the

CARIBBEAN

-

CONTRIBUTORY PROVIDENT FUND SCHEME

with

DRAFT LEGISLATION

-

Prepared

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SOCIAL SECURITY PLANNING IN THE CARIBBEAN - CONTRIBUTORY PROVIDENT FUND SCHEME

PART I

Freedom From Want

The essential purpose of any system of social security is to secure 'freedom from want' - one of the four freedoms of the Atlantic Charter. An ideal situation would be that every individual in the society has assurance that in case, at any time, through unforeseeable circumstances or misfortune, his own resources prove inadequate to meet his minimal essential needs, the community of which he is a member would come to his rescue and provide him with the necessary assistance. This is an ideal to achieve which every civilised society has bent its efforts in the past and which still remains the cherished objective of most of the developing countries.

Poverty and its natural concomitant-want - may be caused, temporarily or permanently, by sickness, accident, invalidity, old-age, unemployment or death of the breadwinner or other adversities; and in such circumstances, people may have to undergo severe privations and even face starvation, unless they are helped by their relatives, friends, neighbours or, more generally, the community at large.

Inadequacy of Individual Planning

Life being what it is, it is not always possible with the best will in the world for individuals to make a sufficient provision to meet such crisis without outside assistance. For example, an industrial worker may become permanently incapacitated from injury caused by an accident while quite young and long before he has had the opportunity to save enough to provide for himself or his family.

the rich to the poor as from the more fortunate to the less fortunate among such people themselves. Nevertheless, this is a moral obligation of the members of any civilised community, which is not dominated by ruthless selfishness or extreme cussedness.

Moral Aspect of Social Security

Chiefly because of this moral aspect, social security measures have received considerable attention since the dawn of civilisation, their extent and scope, however, varying from time to time with the ebb and flow of ethical responsiveness and the general regard for moral values.

Social Security Measures at 'Family' Level

The earliest, simplest and the most natural form of social security provision has been the assistance provided by relations, friends and neighbours and this will continue to play an important role in helping those members of the community, who are in need, although the extent of such help is quite limited. In the family, mutual affection, regard, understanding and inter-dependence often bind its members together as a closely-knit unit and the aggregate resources are, to a greater or less extent, shared. In some Asian countries (especially India and Pakistan), the concept of 'family' is very wide and includes even distant relatives and it is traditional for the well-to-do members of the 'family' to help the sick, aged and the indigent members. In the tribal or clanish type of communities, the natural unit for providing assistance to its members is the tribe or the clan which, in a sense, is "the family writ-large" .. the members being in fact mostly descendents from a common, however distant, stock - and within the tribe or the clan, food and shelter are given to the sick, the aged and the infirm, while the able-bodied members grow crops on the land or engage themselves in other gainful pursuits.

members of a closely-knit, stable, local society in which they were known and which felt the responsibility to assist them whenever they were in need. Individuals and families have thus been lost in the masses of the big cities and industrial centres.

Thus thrown into unfamiliar, and sometimes hostile, environments, people have tried to tackle their social security problems by joining together in mutual benefit societies. Several such voluntary welfare, charitable or religious institutions sprang up in the middle ages. These institutions can well be regarded as the fore-runners of the contributory social security insurance schemes - the members paying their contributions to acquire the right to receive specified benefits when they were sick or otherwise in need of assistance, the object being to avoid dependence on doles from the harsh poor law relief system or other charitable institutions. Some commercial and industrial undertakings also made provisions for their workers through contributory as well as non-contributory social security schemes. All these schemes, however, have touched only a fringe of the general problem, firstly because a large number of people remained outside their scope and secondly due to the fact that the financial resources at the disposal of these schemes were quite limited, in fact, grossly inadequate to meet the growing demands. Thus, these schemes suffered from a dual handicap of a very restricted coverage both as regards the number of persons who were entitled to receive benefits and the extent of the benefits themselves. Nevertheless, they proved quite useful and helped provide a much-needed relief.

Comprehensive Social Security Schemes

The need for the introduction of a comprehensive social security scheme (which only Government can sponsor or administer) thus came to be felt more and more.

Government may provide assistance either by drawing upon its own revenue resources, augmented, where necessary, by additional taxation, or other measures such as social security insurance schemes. Further, the quantum of assistance may be made to correspond to the needs of the particular individual measured by a means-test or it may take the form of certain specified benefits given without the application of

unrealistic to attempt to adopt a comprehensive scheme like the Beveridge Plan or the present British Schemes of social security. These schemes have been developed as a result of decades of trial and error, during the course of which much useful administrative and valuable social experience was gained.

The present social security system in the U.K. has, in particular, evolved from piecemeal legislation dealing separately with Workmen's Compensation, old age, unemployment, sickness and invalidity, each scheme being introduced at different times when the need for it was recognised to be urgent.^{4/} Further, the British standard of living and the Governmental resources enable a very large expenditure to be incurred on social security projects. The developing countries, including the Caribbean countries, are very much lower down the scale and some of them are also faced with the severe and more pressing problems of growing unemployment and under-employment.

^{4/} It may be of interest to refer to the following comment in the London Times (July 6, 1948) when the comprehensive unified scheme of social security was introduced in Great Britain viz. "The British people joined together in a single national friendly society for mutual support during the common misfortunes of life. The new system is essentially the culmination of half a century of piecemeal social reform now carried to a logical conclusion". As an illustration of the previous lack of unified system, the fact may be cited that in the 1930's, the unemployment insurance scheme provided benefits for dependents while sickness insurance did not with the result that a man with wife and two children received 32s. a week if unemployed, but if away from work because of sickness, he received only 15s. Such anomalies were removed when the uniform scheme came into force in 1948, it being recognised that when a person is not earning, his needs and those of his family are much the same whether the cessation of his earnings is due to unemployment, sickness or other causes, except that medical benefits in addition to cash are needed when sickness is the cause.

rate among elderly men is far higher than that of any other age group.

"The two sub-cultures seldom intersect, for the young largely ignore the old or treat them with what Novelist Saul Bellow calls "a kind of totalitarian cruelty ...". It is as though the aged were an alien race to which the young will never belong. Indeed, there is a distinct discrimination against the old that has been called age-ism. In its simplest form, says psychiatrist Robert Butler of Washington D.C., age-ism is just "not wanting to have all these ugly old people around". Butler believes that in 25 or 30 years, age-ism will be a problem equal to racism.

"It is not just cruelty and indifference that cause age-ism and underscore the obsolescence of the old. It is also the nature of modern Western culture. In some societies, explains Anthropologist Margaret Mead, "the past of the adults is the future of each new generation" and therefore is taught and respected. Thus, primitive families stay together and cherish their elders. But in the modern U.S., family units are small, the generations live apart, and social changes are so rapid that to learn about the past is considered irrelevant. In this situation, new in history, says Miss Mead, the aged are "a strangely isolated generation", the carriers of dying culture. Ironically, millions of these shunted-aside old people are remarkably able: medicine has kept them young at the same time that technology has made them obsolete.

"Many are glad to end their working days. For people with money, good health, careful plans and lively interests, retirement can be a welcome time to do the things they always dreamed of doing. But for too many others, the harvest "of the golden years" is neglect, isolation, anomie and despair

"Job discrimination against the aged, and increasingly against the middle aged, is already a fact of life...." ^{5/}

5/

These extracts have been taken from the cover story: 'The Old in the Country of the Young' appearing in the Time Magazine of 3 August 1970, which very ably portrays, at considerable length the present conditions and vicissitudes of the elderly people. Although written in the U.S. background, the appraisal and the observations are of general application.

(4) The Investment Committee will be responsible for the proper investment of the surplus funds i.e. moneys not immediately required by the Fund for disbursement either on account of its expenses or the benefits payable by the Fund. (Section 7)

(5) The Director, who will be appointed by the Minister, will function as the Chief Executive of the Fund. (Sections 8 and 9).

The functions of the Director may also, in certain circumstances, be performed by a Deputy Director or an Assistant Director. This would, apart from other considerations, keep the cost of administration to the minimum, as, depending on the nature and quantum of work, a lower-paid officer may, where necessary, be appointed.

(6) Other officers and staff may be appointed, as and when necessary, either from the civil service or outside, as may be decided. Where any civil servant is appointed, his pension rights, etc. will be duly protected. (Section 10)

Contributions to the Fund

(7) Every employer and every employee, unless exempt, will be required to contribute to the Fund at rates to be specified for the purpose. For the present, the rates will be five cents for each complete dollar of the employee's emoluments, payable both by the employer and the employee. The rates may be varied but only in pursuance of a Resolution of the House of Assembly. ^{7/} (Section 11 and the Second Schedule)

(8) The employer will be entitled to deduct the employee's contribution only from the emoluments payable by him to the employee. In no case, will he be entitled to deduct any part of his own contribution from those emoluments. This, it is felt, is a necessary safeguard to prevent the transfer of the entire or any part of the employer's own liability to the employee. (Section 12)

^{7/} For the definition of emoluments, employee and employer, see section 2.

of them may be domestic servants and the house-wives) from the hardship involved in making deduction from small emoluments, paying them into the Fund, keeping accounts and complying with the various formalities (the public relations aspect of this provision is very important and can hardly be over-emphasised); and (b) the amount of funds which may be collected in this way would be very small, making the administrative work involved incommensurate with the return.

Government employees who are entitled to receive pension and/or gratuity benefits (which are of a more valuable nature) are also proposed to be excluded. It may, however, be stated that the Governments regulations do not, in certain circumstances, provide for the grant of pension or gratuity benefits and, in certain cases, Government have the power to withhold such benefits as a measure of punishment, etc. Civil service and private employment have always had certain distinct advantages and disadvantages and the former, by its very nature, demands a much higher degree of moral rectitude than the latter. Consequently, it is felt that the Government, which is an ideal employer, should be left free to regulate the conduct and discipline of civil servants. No doubt, the Government will grant relief where it is justified in any particular case to ensure that the person concerned receives a fair treatment, not less generous than that available to private employees.

This provision will also obviate the necessity of asking for supplementary grants to cover lump-sum payments pertaining to several past years and thus upsetting normal budgetary forecasts of the various Departments or Ministries of Government.

Expatriate employees of foreign firms have also been excluded for obvious reasons.

It is felt that all expatriate employees may very well be exempted. The only advantage to be derived from their inclusion is the resultant increase in the amount of available funds for investment, but it is for consideration whether for the sake of this advantage, the other important aspects of this question should be over-looked.

(22) There will be a Reserve Fund into which will be credited all fines, penalties, etc. (Section 25)

Benefits

(23) The employee or his nominees or legal heirs will be entitled to receive the benefits specified in the Fourth Schedule. The Minister will have the power to amend this Schedule by Order, to be published in the Gazette, in pursuance of a Resolution of the House of Assembly.

For the present, the benefits will be confined to old age, death and incapacitation. The benefits will consist of the amount standing at the credit of the employee's account with interest - which, in the case of an emigrant, will be allowed up to the date of emigration only - after deducting any income tax or death duty which may be payable by the recipient. (Section 27 and the Fourth Schedule)

(24) No person will be entitled to receive more than one benefit at a time. (Section 28)

(25) The benefits may be paid out either in lump-sum or by way of pension.

It is felt that, as far as possible, the latter alternative should be applied, as the grant of the benefit in lump-sum may defeat the long-term objective of the scheme, since it very often happens that such amounts have a way of disappearing very rapidly leaving the old man high and dry and in a destitute condition justifying the grant of further relief by the State or private charities or his own relatives and friends, which may or may not be available. (Section 30)

Recovery

(26) Interest at the rate of 10 per cent will be charged on unpaid contributions by way of penalty. The amount of penalty may, however, be reduced or remitted in suitable cases, subject to the approval of the Board. This safeguard, it is felt, is very necessary to serve as a check on the likely exercise of his powers by the

expected to take care of all possible situations. (Sections 38, 39, 40, 41, and 42)

(34) Suitable provisions have also been made for the admission of evidence in support of amounts due to the Fund, the proceedings of the Board and Investment Committee and the validity of their proceedings. (Sections 43, 44 and 45)

(35) Provision has also been made to bar suits in respect of the bona fide actions of the members of the Board, Investment Committee and the officers of the Fund. (Section 46)

Appeal and Revision

(36) Suitable provisions have been made for appeal to the Board against the decision, etc. of the Director (a) determining that (i) a person is liable to pay any contribution, et. or not entitled to any benefit or refund or (b) assessing the amount of the contribution, benefit, refund, etc. (Section 47)

(37) Provision has also been made for revision suo motu, or an application by an aggrieved person. (Section 48)

These provisions are it is felt, necessary to ensure the proper administration of the Scheme and to avoid unnecessary harrassment, etc. to the members of the public.

Existing Pension Schemes

(38) Suitable provisions have been made for the take-over, merger, etc. of existing pension schemes, etc. and the safeguarding of the interests of the employees concerned as well as their dependents, etc. (Section 49)

Exemption from Stamp Duty

(39) All instruments, etc. executed under, or for the purposes of the Fund will be exempt from stamp duty. (Section 50)

Exemption from Income Tax

(40) The contributions to the Fund and interest will be free from income tax. (Section 51)

P A R T I I

D R A F T L E G I S L A T I O N

DRAFT BILL
for
THE NATIONAL PROVIDENT FUND ACT, 1970
No. of 1970
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THE FIRST SCHEDULE

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butions.

THE THIRD SCHEDULE

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THE FOURTH SCHEDULE

Benefits and
Grants.

DRAFT BILL

THE NATIONAL PROVIDENT FUND ACT, 1970

No of 1970

AN ACT to provide for the establishment
of a National Provident Fund in Dominica
and for purposes connected therewith or
incidental thereto.

Commencement.

[By Proclamation]

BE IT ENACTED by the Queen's Most Excellent
Majesty, by and with the advice and consent of the
House of Assembly of Dominica, and by the authority
of the same, as follows:-

Short title.

1. This Act may be cited as the National Provident
Fund Act, 1970.

PART I

Preliminary

Interpretation.

2. (1) In this Act, unless the context otherwise
requires, -

"Accountant General" means a person appointed
as such and includes any other person authorised
by the Minister to perform the functions of the
Accountant General for the purposes of this Act;

"appointed day" means the day upon which this Act
comes into force under section 56;

"benefit" means any benefit specified in the
Fourth Schedule;

"Board" means the National Provident Fund Board
established under section 4;

"contribution" means any contribution payable under this Act by an employer or an employee, as the case may be, and includes, for the purposes of section 31, any interest, penalty or other sum payable by an employee under this Act whether for the non-payment of the whole or a part of the contribution within the specified time or for any other reason;

"contribution period" means, where emoluments are payable to an employee -

- (a) at intervals of not more than a week, the period ending on the last day of the week in which the emoluments are payable;
- (b) at intervals of more than a week but not more than a fortnight, the fortnight ending on the last day of the week in which the emoluments are payable; and
- (c) at intervals of more than a fortnight, the period ending on the last day of the month in which the emoluments are payable;

"court" means a court of competent jurisdiction;

"Director" means a person appointed as such under section 8 and includes a Deputy Director or an Assistant Director appointed as such under section 10;

"emoluments" means remuneration in money or its equivalent paid or payable to an employee under his contract of service or apprenticeship (expressed or implied) and whether or not agreed to be paid at fixed or determined intervals of time -

- (a) in respect of normal period or periods of work to be performed by the employee; or
- (b) where the remuneration is calculated in relation to a set task or tasks or a job or jobs (including a part job), in respect of the number of any such task or tasks or job or jobs, as the case may be, completed by the employee; or
- (c) where the remuneration is calculated in relation to the volume of work done, in respect of the volume of such work completed by the employee,

and includes -

- (a) any allowance paid or payable by the employer in money or its equivalent to an employee, either directly or by implication, in respect of the cost of living; and
- (b) any other allowance, fee, commission or perquisite paid or payable to an employee by virtue of his contract of service or apprenticeship (expressed or implied) with the employee.

"employee" means a person, who, not being under sixteen years of age, is employed -

- (a) in Dominica under a contract of service or apprenticeship (expressed or implied) with an employer whether by way of manual labour, or executive, ministerial or other work or a combination of any two or more such types of work; or
- (b) partly or wholly outside Dominica under a contract of service or apprenticeship or other agreement executed in writing in the

State, and is a permanent resident or citizen of the State;

"employer" means a person with whom the employee has entered into a contract of service or apprenticeship (whether expressed or implied) and who is liable for the payment of the emoluments of the employee, and includes -

(a) an agent or other person authorised by him -

(i) to enter into such contract;
or

(ii) to make payment of the emoluments on his behalf;

(b) where there has been a change of ownership, management or control of a trade, business or profession (whether as a result of sale, exchange, transfer, relinquishment, gift, succession, devolution or any other cause and whether with or without consideration or without adequate consideration), the person or persons, for the time being, entitled to, or in possession of, the ownership, management or control of such trade, business or vocation, as the case may be; and

(c) in the case of a company which has gone into liquidation or any person who has been declared insolvent, the official liquidator or receiver, as the case may be;

"Financial Secretary" means a person appointed as such and includes any other person authorised by the Minister to perform the

functions of the Financial Secretary for the purposes of this Act;

"financial year", in relation to the Fund, means the period of twelve months beginning on the first day of January in any year:

Provided that the period beginning on the appointed day and ending on the thirty-first day of December next following shall be deemed to be a financial year;

"the Fund" means the National Provident Fund established under section 3;

"the Government" means the Government of Dominica;

"incapacitated", in relation to an employee, means a person who is incapable, by reason of old age or any physical or mental disability, to earn his living and who is declared as such by a competent medical authority approved by the Minister under Regulations made under section 55;

"Inspector" means a person appointed as such under section 10;

"Investment Committee" means the National Provident Fund Investment Committee established under section 6;

"Minister" means the Minister charged, for the time being, with the responsibility for the subject of Finance;

"paid" or "payable" means paid or payable in money or its equivalent, and where there is a reference to a date on which any payment was made, the reference shall be construed to be to the date of receipt of such payment;

"person" includes an individual, a body of individuals, a society, an association, a firm, a company, whether incorporated or not, a local authority, Government, and every other artificial juridical person;

"prescribed" means prescribed by Regulations made under section 55;

"principal officer", in relation to a body of individuals, a society, an association, a firm, a company, a local authority, or any other artificial juridical person (hereinafter individually and collectively referred to as "the said person"), means -

- (a) the managing director, executive director, secretary, treasurer, manager, agent, accountant or other person (by whatever designation known) charged or concerned with or exercising the management or control (in whole or in part) of the affairs of the said person; and
- (b) any person connected with the said person upon whom the Director has served notice of his intention of treating him as the principal officer thereof;

"the Reserve Fund" means the National Provident Reserve Fund established under section 25;

"survivor" means any person, who on the death of an employee, is entitled to a survivor's benefit under the Fourth Schedule; and

"work" includes piece-work, a set task or job or a part job for which any remuneration is paid.

(2) In this Act, a person shall be deemed to be at or under any age therein mentioned according as whether he has or has not attained that age, and a person shall be deemed to be between two ages therein mentioned if he has attained the first-mentioned age but has not attained the second-mentioned age.

PART II

Establishment of the Fund and Appointment of various Functionaries

Establishment
of National
Provident
Fund.

3. There shall be and is hereby established a Fund (to be known as the National Provident Fund of Dominica) into which shall be paid all contributions and other moneys payable under this Act.

Establishment
of National
Provident
Fund Board.

4. (1) There shall be established, for the purposes of this Act, a Board (to be known as the National Provident Fund Board) consisting of such members (not being less than three) as the Minister may appoint and to perform such functions as the Minister may direct.

(2) The provisions of the First Schedule shall apply as respects the constitution and operation of the Board and other matters connected therewith.

Functions
of the
Board.

5. (1) Subject to the provisions of this Act, the Board shall be responsible for the general administration of the Fund and perform such functions as the Minister may direct.

(2) Without prejudice to the generality of subsection (1), the Board shall consider and advise upon all matters which may, from time to time, be referred to it by the Minister and shall furnish to the Minister such information as -

- (a) the Minister may direct; and
- (b) in the opinion of the Board it is reasonably necessary to assist the Minister in his deliberation under this Act.

Establishment
of the Investment
Committee.

6. (1) There shall be, for the purpose of this Act, an Investment Committee of the Fund (to be known as the Investment Committee) which shall consist of the Financial Secretary, (who shall be the Chairman of the Committee), the Accountant General and the Director and such other member or members, if any, as may be appointed by the Minister.

(2) The Investment Committee shall meet at such time or times as the Minister or the Chairman may appoint.

(3) In the absence of the Director, the Deputy Director or the Assistant Director, authorised in this behalf by the Minister, shall attend any meeting, and in such event, the Deputy Director or the Assistant Director, as the case may be, shall be deemed to be a member of the Committee for the purpose of that meeting.

(4) Subject to the provisions of this Act, the Investment Committee may regulate the procedure at its meetings.

Functions
of the
Investment
Committee.

7. (1) Subject to such directions as may be issued by the Minister, the Investment Committee shall be responsible for the proper investment of the moneys in the Fund which may be surplus to its current needs (hereinafter referred to as the 'surplus funds') (including investment, where necessary, on the purchase or lease of land or buildings, or the maintenance, repair or renovation thereof or the construction of any new building or structure for the proper housing of the offices or employees of the Fund); and shall give, for this purpose, such specific or general directions to the Director as it may think fit.

(2) The Director shall furnish to the Minister, or the Board or the Investment Committee, as the case may be, such information pertaining to the availability, quantum or investment of surplus funds as -

- (a) the Minister, the Board or the said Committee may require; and
- (b) in the opinion of the Director it is reasonably necessary to assist them in their deliberations under this Act.

**Appointment
of Director.**

8. The Minister may, from time to time, appoint, on such terms and conditions as he may determine, a fit and proper person to be the Director of the Fund.

**Duties and
functions
of the Director.**

9. (1) The Director shall be the chief executive of the Fund and shall, subject to such directions as may, from time to time, be issued by the Minister or the Board or the Investment Committee, be responsible for the day-to-day administration of the affairs of the Fund.

(2) Without prejudice to the generality of sub-section (1), the Director shall, subject to the provisions of this Act, be responsible for -

- (a) the assessment of contributions payable under this Act and the collection and payment into the Fund of the moneys receivable by the Fund;
- (b) the payment out of the Fund of the benefits, grants, claims and expenses authorised under or incurred for the purposes of this Act;
- (c) the investment, subject to such directions as may be issued to him by the Minister, the Board or the Investment Committee, of moneys of the Fund which may be surplus to its current needs;
- (d) the maintenance of proper accounts of all moneys collected, paid or invested by or on behalf of the Fund; and

- (e) the preparation and submission of such periodical or other reports or returns and the collection and submission of such information and particulars as may be required by the Minister, the Director of Audit, the Board or the Investment Committee.

(3) On the occurrence of a vacancy in the office of the Director (whether caused by death, resignation, removal or otherwise) and in the case of illness, temporary incapacity or absence, from whatever cause arising, and so long as such vacancy, illness, temporary incapacity or absence continues, the Deputy Director or the Assistant Director shall have and exercise such powers, duties and functions of the Director under this Act as the Minister may, from time to time, direct.

(4) The fact that the Deputy Director or the Assistant Director exercises any power, duty or function as aforesaid shall be sufficient evidence of his authority to do so, and no court or any other authority or person shall enquire whether the occasion had arisen requiring or authorising him to do so.

Appointment
of other
staff.

10. (1) Subject to such directions as may be issued by the Minister, the Board may appoint and employ at such remunerations and on such terms, as may be approved by the Minister, a Deputy Director, an Assistant Director, an Inspector (or more than one such Deputy Director, Assistant Director or Inspector, as may be necessary), and such other officers and employees (whether from the ranks of the Civil Service of the State or otherwise) as it deems necessary for the proper carrying out of the purposes of this Act.

Appointment
of Civil
Servants
to the Fund.

(2) If any officer or other employee of the Fund is recruited from the ranks of the Civil Service of the State, -

- (a) the Board shall make such arrangements (including arrangements for the payment of the appropriate pension contribution by the Fund into the general revenues of the State) for the preservation of the pension and other rights of such person as may be necessary; and
- (b) for the purposes of the Pension Ordinance (CAP.235), service of such officer or employee with the Fund shall be deemed to be "other public service" as if the Fund were one of the Scheduled Governments enumerated in the First Schedule to the Pensions Regulations (CAP.235).

PART III

Contributions to the Fund and Exemptions

Liability to
contribute to
the Fund and
the rates.

11. (1) Subject to the provisions of this Act, every employer and every employee, shall, unless exempt under section 19, contribute to the Fund, as from the appointed day, for every contribution period following the said day at such rate or rates as may be specified for this purpose.

(2) Subject to the provisions of sub-section (3), the rates specified in the Second Schedule shall be the rates at which contributions shall be paid as from the appointed day.

(3) The Minister may, from time to time, if authorised so to do by a Resolution of the House of Assembly, make, by an Order published in the Gazette

and with effect from such date as may be specified in the said Order, such modifications in the rates specified in the Second Schedule as may be necessary and the provisions of this Act shall have effect as if the said Second Schedule, as so amended, were enacted and formed a part of this Act.

Deduction of contributions from emoluments.

12. Notwithstanding anything to the contrary contained in any law for the time being in force or any agreement (expressed or implied) between the employer and the employee, -

- (a) no employer shall be entitled to deduct from any emoluments payable by him to an employee, or otherwise recover from an employee, any sum representing the whole or any part of the contribution payable by the employer under section 11; and
- (b) an employer shall be entitled to deduct, from any emoluments payable by him to an employee at the time of the payment thereof, an amount not exceeding the sum representing the contribution payable by the employee under section 11.

Employment under two or more employers.

13. Where an employee is employed concurrently or successively during a contribution period by more than one employer, each employer shall be liable to pay to the Fund contributions with respect to the emoluments paid or payable by him to the employee and the provisions of this Act shall, so far as may be, apply accordingly.

Contributions where benefit drawn.

14. Nothing in this Act shall relieve an employer from the liability to continue to contribute to the Fund in respect of any employee who has previously received payment of any benefit or grant from the Fund and who is under sixty years of age.

No contribution payable in case of employee's death during a contribution period.

15. Where an employee dies during a contribution period, the provisions of sub-section (1) of section 11 shall not apply as respects that contribution period:

Provided that where any deduction under paragraph (b) of section 12 has been made, the amount thereof shall be paid by the employer into the Fund and the provisions of section 17 shall apply accordingly.

Power of Director to determine questions in special cases.

16. (1) If any question of fact arises as to liability of an employer or any other person to pay contribution under this Act, the question shall be determined by the Director.

(2) Where the right of a person to a benefit is in dispute or doubt or any question arises as to the total amount of the benefit payable, the matter shall be determined by the Director.

Payment of contributions into the Fund.

17. The contributions payable under sub-section (1) of section 11 shall be paid into the Fund by the employer in such manner and on such date or dates as may be prescribed.

Advance payment of contributions.

18. An employer may pay into the Fund in advance of the date or dates prescribed under section 17 any sum representing the estimated amount of the contributions payable by him under the said sub-section in respect of any subsequent contribution period or periods and such advance payment shall be adjusted against any money or moneys subsequently payable by the employer under this Act, so however that if the amount paid in advance exceeds such money or moneys, the balance shall, on an application made by him, be refunded to him in such manner as may be prescribed.

Exemptions.

19. (1) The provisions of this Act relating to the compulsory payment of contributions to the Fund shall not apply to persons or the class of persons specified in the Third Schedule and to the employers thereof.

(2) The Minister may by Order, published in the Gazette, make, with effect from such date or dates as may be specified in the said Order, such modification in the Third Schedule (by adding any new item to, or deleting any existing item (in whole or in part) from, the list of exempted persons contained therein) as he may think fit.

Voluntary
Contributions.

20. (1) Notwithstanding anything to the contrary contained in this Act, any employer or employee specified in the Third Schedule or any self-employed or any other person to whom the provisions of section 11 do not apply, may, at his option elect to contribute to the Fund.

(2) Where any person elects to contribute to the Fund under sub-section (1), he shall make an application to the Director in such form and accompanied by such particulars or documents as may be prescribed.

(3) On receipt of the application as aforesaid, the Director may, subject to such specific or general directions as may be issued by the Minister or the Board, admit such person to the benefits of the Fund on such condition or conditions as he may, in his absolute discretion, think fit to impose and inform the said person accordingly.

(4) Where any person has been admitted to the benefits of the Fund under sub-section (3), all the provisions of this Act, shall, so far as may be, apply as if he were, in the case of a self-employed person or an individual, both an employer and an employee.

PART IV

Maintenance of Accounts, Audit and
Annual Report

Accounts and
Audit.

21. Accounts shall be kept of all moneys in the Fund and in the Reserve Fund in such form as the Director of Audit may approve and such accounts shall be audited and certified annually by the Director of Audit or his nominee and shall form part of the public accounts of the State. A report of such audit shall be submitted therewith to the Board.

Employees'
Accounts.

22. The Director shall maintain for each employee an account in such form as the Director of Audit may approve into which shall be paid all contributions made and interest accrued and against which shall be charged all benefits paid, from time to time, in respect of that employee.

Credit of
unpaid employee's
contributions.

23. If the Director is satisfied that any contribution to the Fund has been deducted from the emoluments of an employee under paragraph (b) of section 12 but the employer has failed to pay the money into the Fund, the Director may credit an amount equivalent to the employee's contribution out of the general revenues of the Fund and recover the amount so credited from the employer as a debt owing to the Fund.

Interest on
Accounts.

24. (1) Subject to the provision of this section, the Board may, with the concurrence of the Minister and after consultation with the Investment Committee, fix, from time to time, the rate of interest to be

allowed on accounts in the Fund at the end of each financial year and such interest shall be placed to the employees' accounts maintained under section 22 from such date as may be determined by the Board.

(2) In determining the rate of interest, the Board shall have regard to the net income of the Fund for the previous financial year, and the rate shall be so fixed that the amount of interest allocated shall not exceed in the aggregate the net income of the Fund for the said previous financial year.

Reserve Fund.

25. (1) There shall be a Reserve Fund of the National Provident Fund (hereinafter referred to as "the Reserve Fund") into which shall be paid -

- (a) all fines and penalties collected under this Act;
- (b) contributions by employers or employees, which, for any reason, may not be allocated to individual accounts in the Fund; and
- (c) any other moneys authorised to be so paid under this Act or any Regulations made thereunder.

(2) If the net rate of interest added to the accounts of the contributors to the Fund for the previous financial year is not less than three per centum, there may be appropriated to the Reserve Fund, subject to such general or specific directions as may be issued by the Minister, any part of the general income of the Fund for the next ensuing financial year not allocated to individual accounts.

(3) Moneys in the Reserve Fund shall not be appropriated without the authority of the House of Assembly by way of a Resolution to that effect.

Report and
Accounts to be
submitted to
Minister.

26. (1) The Board shall -

(a) in each year prepare a report of its activities and of the Fund in the last preceding financial year and shall furnish such report to the Minister not later than the thirtieth day of June;

(b) submit to the Minister the annual account certified by the Director of Audit pursuant to section 21 together with the report of the Director of Audit within one month of such certification; and

(c) submit annually to the Minister an account of the securities in which moneys forming part of the Fund are invested.

(2) The Minister shall cause a copy of every report or account submitted to him pursuant to sub-section (1) to be laid on the table of the House of Assembly.

PART V

Benefits

Classes of
Benefits and
Grants.

27. (1) Subject to the provisions of this Part, there shall be payable the classes of benefits or grants specified in the Fourth Schedule.

(2) The Minister may, from time to time, if authorised so to do by a Resolution of the House of Assembly, make, by Order published in the Gazette and with effect from such date as may be specified in the said Order, such modifications in the list of benefits or grants and the extent, mode and conditions of their payment (by adding new items thereto or deleting (in whole or in part) any existing item therefrom) as may be necessary and the provisions of this Act shall have effect as if the said Fourth Schedule, as so amended, were enacted and formed part of this Act.

Restriction on multiple benefits.

28. No employee or any person deriving his title from him shall be entitled, at any time, to receive more than one benefit or grant under this Act.

Deferral of Payment.

29. The Board may, by notice in the Gazette defer the payment of any benefit or grant under this Act for a period of not more than twelve months after the coming into force of this Act.

Payment of benefit in one amount or as pension.

30. Any benefit or grant under this Act may be paid in one amount or by way of a pension, as the Minister may, from time to time, direct.

PART VI

Recovery and Refund

Penalty for non-payment.

31. (1) If any contribution is not paid within the time prescribed under this Act, a sum equal to ten per centum of the amount unpaid shall be added for each month or part of a month after the date when payment should have been made; and any amount so added shall be recoverable as a debt

owing by the employer to the Fund.

(2) Notwithstanding the provisions of sub-section (1) and subject to such directions as may be issued by the Minister, the Director may, with the approval of the Board, remit in whole or in part any penalty imposed under this section.

Recovery
proceedings.

32. (1) Notwithstanding anything to the contrary contained in any law for the time being in force, any contribution, interest, penalty or other sum or debt due to the Fund may be recovered by action as a debt owing to the Government at any time within six years from the date when it became due.

(2) Any action for the recovery of any amount under sub-section (1) may be instituted by the Director or any other officer of the Fund authorised by him in this behalf; and, where such action is instituted in a magistrate's court, the Director or any such officer may appear and conduct the proceedings.

Garnishment.

33. (1) Where the Director has reason to believe that any person (hereinafter referred to as 'the agent') is indebted to, or liable to make payment to, or holds any money for, or on account of, another person (hereinafter referred to as the 'principal debtor') and any amount payable under this Act is due from the principal debtor, he may, notwithstanding any action instituted under section 32, direct by notice in writing the agent to pay to the Fund such sum (not exceeding the said amount) and on or before such date as may be specified in the said notice and in such manner as may be prescribed and if he fails so to do, he shall be deemed to be the principal debtor and all the provisions of this Act applicable to the principal

debtor shall, so far as may be, apply accordingly.

(2) The payment of any sum to the Fund under sub-section (1) shall operate as a discharge pro tanto of any liability of the person making the payment to the person whose liability to the Fund has thereby been discharged to that extent.

Attachments.

34. Where -

(a) an attachment has been issued against the property of an employer in execution of a decree against him or a warrant of distress is executed against such property and any such property has been seized or sold or otherwise disposed of in pursuance of such execution; or

(b) on the application of a secured creditor, the property of an employer has been sold,

the proceeds of sale of other realisation of such property shall not be distributed to any person entitled thereto until the court ordering the sale or other disposition has made provision for the payment to the Fund of any contribution, interest, penalty or other sum or debt due by the employer under this Act.

Write-off of irrecoverable debts.

35. Subject to such specific or general directions as may be issued by the Minister, where the Director is satisfied that any debt due to the Fund or any sum receivable by it under this Act has become irrecoverable, he may, with the prior approval of the Board obtained in writing, direct that it be written off.

Contributions,
interest,
benefits and grants
to be inalienable.

36. (1) Subject to the provisions of this Act and notwithstanding anything to the contrary contained in any law for the time being in force, no contribution paid or payable to the Fund whether by the employee or his employer, nor any amount standing to the credit of an employee nor any interest or other amount, benefit or grant payable under this Act, nor the rights of any employee acquired thereunder (hereinafter referred to as 'the said assets') shall be assignable or transferable or liable to be attached, seized, sequestrated or levied upon for, or in respect of, any debt or claim whatsoever and any agreement entered into or consent, security, pledge or undertaking given or assignment made by, or on behalf of, the employee, whether before or after the commencement of this Act, in respect of the said assets shall be void and of no effect.

(2) The bankruptcy of an employee shall not affect the payment of any contribution from his emoluments in accordance with the provisions of this Act, and such payments shall continue to be made notwithstanding the provisions of any other law for the time being in force and the portion of emoluments so paid shall be deemed not to form part of his after-acquired property.

(3) Where an employee is convicted of an offence involving dishonesty and the court convicting the offender is satisfied that the employer has suffered financial loss as a result of the commission of the offence, the court may, with the prior concurrence of the Minister in writing, order payment to be made to the employer out of the Fund of such sum (not exceeding the employer's contributions to the Fund in respect of the employee and the interest thereon) as it may think fit, and in such event, the amount

standing to the credit of the employee in his account shall be reduced to the extent of such payment.

Refunds.

37. (1) Where any person proves to the satisfaction of the Director that he has paid into the Fund any amount in excess of the amount payable by him under this Act, he shall be entitled to a refund of such excess.

(2) Notwithstanding the provisions of sub-section (1), where the Director is satisfied in the course of any proceedings under this Act that any person has paid into the Fund any amount in excess of the amount payable by him under this Act, he may refund such excess in such manner as may be prescribed.

(3) An application for refund under sub-section (1) shall be made in such form and shall be accompanied by such documents as may be prescribed.

PART VII

**Enquiries, Evidence, Offences and
Prosecution**

**Power to make
enquiries.**

38. (1) Subject to such directions as may be issued by the Minister or the Board, the Director or the Inspector may make any enquiry which he considers necessary as respects any person liable, or believed by him to be liable, to pay any contribution under this Act or require any such person to produce or cause to be produced any accounts or documents which he considers necessary.

(2) The Director, Inspector or any other officer subordinate to the Director, if so authorised by him in writing, may, for the purpose of making any

enquiry which he considers necessary, enter the premises (not being premises occupied by any Ministry or Department of the Government of the State) in which an employer or an employee liable, or believed by him to be liable, to pay any contribution under section 11 carries on his business, profession or vocation or performs any work which he is required to perform under the contract of his service (expressed or implied), as the case may be, and may -

- (a) call for and inspect any such employer's or employee's accounts or any documents in his possession;
- (b) stamp any accounts or documents so inspected;
- (c) take, or cause to be taken, copies of such accounts or statements or other particulars contained therein, as may be necessary; and
- (d) retain such accounts or documents for so long as may be necessary for examination thereof or for purposes of a prosecution.

Collection of
information
and examination
of persons.

39. The Director or Inspector, as the case may be, may examine, either alone or in the presence of any other person, with respect to matters under this Act on which he may reasonably require information, every person who, he has reason to believe, can give information respecting the subject matter of enquiry or require any such person to be examined, or for purposes of such examination, require, by notice issued in writing, any such person to attend either personally or through an authorised representative at such time and place as may be specified in the said notice.

Offences,
penalties and
prosecutions.

40. Where any person, without reasonable cause, -

- (a) obstructs, impedes or refuses admission to the Director or Inspector in the course of his duties; or
- (b) refuses or fails to produce any document relating to the contributions or the liability of any person to contribute to the Fund; or
- (c) hinders, obstructs, impedes any examination or enquiry conducted for ascertaining whether or not the provisions of this Act are being complied with in any premises or place, which he is authorised under this Act to enter; or
- (d) refuses or fails to answer any question or to give any information relating to the contributions or liability to contribute to the Fund; or
- (e) refuses or fails to attend at the time and place in response to the notice issued under section 39,

he shall be guilty of an offence against this Act and shall be liable on summary conviction to a fine not exceeding two hundred and fifty dollars or imprisonment for a term not exceeding six months or both such fine and imprisonment.

Penalty and
prosecution
for evasion,
etc.

41. (1) Any person, who -

- (a) for the purpose of evading payment of any contribution by him or some other person -

- (i) knowingly makes any false statement or representation, or

- (ii) produces or furnishes or causes or allows to be pro-

duced or furnished any document
or information which he knows to
be false in a material particular;
or

(b) for the purpose of obtaining any benefit
for himself or some other person -

(i) knowingly makes any false
statement or representation, or

(ii) produces or furnishes or causes
to be produced or furnished any
document or information which
he knows to be false in a
material particular; or

(c) misrepresents or fails to disclose
any material fact; or

(d) fails to pay to the Fund within such
period as may be prescribed any amount
which he is liable to pay under this
Act,

shall be guilty of an offence against this Act,
and shall be liable on summary conviction to a fine
(not exceeding five hundred dollars or twice the
amount of the payment sought to be evaded, whichever
is the higher), or to imprisonment (for a term not
exceeding six months), or to both such fine and such
imprisonment.

(2) Any person who contravenes or fails to
comply with any of the provisions of this Act for
which no penalty is specified shall be guilty of
an offence against this Act and shall be liable
to a fine not exceeding two hundred and fifty dollars
or to a term of imprisonment not exceeding six months
or both such fine and imprisonment.

(3) The court before which any person is convicted of an offence under this Act or under any Regulations made thereunder may, without prejudice to any civil remedy, order such person to pay to the Fund the amount of any contributions, together with any interest or penalty thereon, certified to be due from such person to the Fund at the date of conviction, and such amount may be recovered by levy on the goods of the offender and shall be paid into the Fund for the credit, where applicable, of the accounts of the employees concerned, or to the Reserve Fund, as the case may be.

Liability of
officers of
Corporations,
etc.

42. Where a person charged with an offence under this Act or under any Regulations made thereunder is a body of individuals, a society, an association, a firm, a company, whether incorporated or not, a local authority or any other artificial juridical body (hereinafter referred to as 'the said person'), the principal officer thereof, or any person purporting to act as such, may be charged jointly with the said person, and when the said person is convicted of the offence, the principal officer shall be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge, consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised, having regard to the nature of his functions and to the relevant circumstances.

Certificates
as evidence.

43. A copy of an entry in the accounts of the Fund or other extract from records of the Fund shall, when certified under the hand of the Director, the Deputy Director or the Assistant Director, as the case may be, shall be received in all courts as prima facie evidence of such

entry having been made and of the truth of the contents thereof and, as the case may be, of the debt due to the Fund by any person.

Minutes of meetings of the Board and Investment Committee receivable in evidence.

44. Minutes made of meetings of the Board or the Investment Committee shall, if duly signed by the Chairman presiding at the meeting, be receivable in evidence in all legal proceedings without further proof and every meeting of the Board or the Investment Committee in respect of which minutes have been so signed shall be deemed to have been duly convened and held and all the members present thereat to have been duly qualified to act.

Validity of acts, proceedings of the Board, etc.

45. No act done or proceeding taken under this Act by the Board, Investment Committee, the Director or any other officer or employee of the Fund shall be questioned on the ground of any omission, defect or irregularity not affecting the merits of the case.

Bar of suits.

46. No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member of the Board or the Investment Committee, the Director or any other officer or employee in respect of any act done bona fide in pursuance of execution or intended execution of this Act.

PART VIII

Appeal and Revision

Appeal against
the decision
of the Director.

47. (1) Where any person is dissatisfied with any order, direction or decision issued or made by the Director -

(a) determining that he is liable to pay any contribution, penalty or interest under this Act; or that he is not entitled to receive any benefit or grant or refund under this Act; or

(b) assessing the amount of any contribution, penalty or interest payable by him or the amount of any benefit, grant or refund claimed by him under this Act, he may appeal against such order, direction or decision, as the case may be, to the Board.

(2) An appeal under sub-section (1) shall be made in such form and be accompanied by such documents and such fee and shall be dealt with in such manner as may be prescribed.

Power of
revision.

48. (1) The Minister may of his own motion or on an application made by any employer or employee, call for the record of any proceedings under this Act and make such enquiry or cause such enquiry to be made and, subject to the provisions of this Act, may pass such order thereon as he thinks fit.

(2) The Minister may delegate his power under sub-section (1) to any such person or authority and subject to such conditions and limitations as he thinks fit.

(3) An application under sub-section (1) shall be made in such form and shall be accompanied by such fee and shall be dealt with in such manner as may be prescribed.

PART IX

General

Existing Schemes.

49. (1) The employer of any employee, who is a member of, or is entitled to participate in, an existing pension scheme or provident fund of his employer providing old-age or other benefits, shall not thereby be exempt from contributing to the Fund, except to the extent that he has in his service employees who are within the classes of persons exempt under the Third Schedule to this Act.

(2) Any employer, who, on the appointed day, is, by himself or in association with other persons, operating a scheme to provide benefits comparable with any under this Act for his employees or any of them, may, under the authority of this sub-section and whether or not the rules of the employer's scheme permit, amend the said scheme; and any such amendment may take into account contributions made to the Fund and provide for a reduction of the contributions to the employer's scheme where the scheme is contributory or, as the case may be, for the cessation of the scheme or for an adjustment of the benefits under the scheme where it operates on a non-contributory basis, subject to the preservation of the rights of the existing beneficiaries.

(3) Nothing in this section shall be construed so as to authorise the amendment of an existing scheme whereby the benefits to an employee under that scheme, as amended, together with the benefits to the employee under this Act shall be less than the benefits to which he would have been entitled if this Act had not been passed.

(4) If a private scheme, whether or not an existing scheme, is exempted under the Third Schedule, provisions shall be made by the employer to provide for the preservation of the accrued rights of his employees.

(5) If a member of a scheme exempt under the Third Schedule withdraws from that scheme for a reason other than that he has attained the age of sixty years, or is incapacitated, or has died or has emigrated, the employer or other person operating such scheme shall transfer to the Fund an amount equal to the sum which such withdrawing member would have accumulated to his credit under the Fund if he had been a member of the Fund during the period of exemption.

(6) The Minister may, if authorised so to do by a Resolution of the House of Assembly, direct the Director to take over any existing scheme providing for old age or other benefits to employees and where such direction is issued, the employee or other person operating such scheme as aforesaid shall transfer to the Fund all accounts, documents and moneys pertaining to such scheme and such moneys shall thereupon be credited in the Fund to the account of each employee according to his share in the scheme.

(7) In this section "existing scheme" means a pension or provident fund scheme for the benefit of employees in operation before the coming into force of this Act; and "private scheme" means such a pension or provident fund scheme operated by an employer or some person other than the National Provident Fund.

**Exemption from
Stamp Duty.**

50. No stamp duty shall be payable on any receipt, contract, instrument or other document given or executed by the Director on behalf of the Fund or by any person in respect of any benefits or grants paid or any refund made under this Act:

Provided that nothing in this section shall be construed to exempt any person from liability to pay stamp duty on any power of attorney or on any document (other than those specified above) which is otherwise liable to stamp duty under the Stamp Duties Ordinance.

**Contributions and
Interest Exempt
from Income Tax.**

51. Notwithstanding anything to the contrary contained in the Income Tax Ordinance, 1966, in making any assessment under the said Ordinance -

(a) on any employer, any amount paid by him into the Fund on account of employer's contribution in respect of any employee engaged by him shall be deemed to be an allowable deduction from his income chargeable to income tax; and

(b) on an employee -

(i) any amount paid into the Fund on account of employee's or employer's contribution payable under this Act shall

be deemed to be an allowable deduction for the purposes of section 15 of the said Ordinance; and

(ii) any interest payable under section 24 shall be exempt from income tax and shall not form a part of the income of the employee.

Secrecy.

52. (1) Every person having any official duty or being employed in the administration of this Act shall regard and deal with all documents, information, reports, returns and statements (hereinafter separately and collectively referred to as the 'said documents') relating to the contributions, interest, benefits, or grants paid or payable by or to or on account of any employer or an employee or any other person contributing to the Fund as secret and confidential and shall make and subscribe a declaration in such form and in such manner as may be prescribed.

(2) Any person having possession of or control over any of the said documents, who at any time communicates or attempts to communicate anything contained therein to any person -

(a) other than the person to whom he is authorised by the Minister to communicate it; or

(b) otherwise than for the purposes of this Act,

shall be guilty of an offence against this Act.

Saving for Members of the Board and of the Investment Committee.

53. For the avoidance of doubt it is hereby declared that notwithstanding anything to the contrary contained in any other law for the time being in force, a person shall not be deemed to be the holder of a

public office or appointment for any of the purposes of section - of the Constitution of Dominica or of the Constitution and the Elections Ordinance by reason only of the fact that such person is a Chairman or a member of the Board or of the Investment Committee or receives any remuneration in respect thereof:

Provided that no person shall be entitled to receive any payment in respect of his services solely as a member of the Board or the Investment Committee other than such travelling allowances and other out-of-pocket expenses as may be prescribed or allowed under this Act or under any Regulations made thereunder.

Reciprocal
Agreements.

54. (1) The Government may enter into an agreement on a reciprocal basis with the Government of any territory in which a Provident Fund similar to the National Provident Fund of Dominica has been established.

(2) Subject to such conditions as may be laid down therein, such agreement may inter alia provide that -

- (a) any period of work in one of the territories shall be deemed to be a period of work in the other territory;
- (b) any contribution made in one of the territories shall be deemed to be the contribution made in the other territory; and
- (c) any amount standing to the credit of any employee in one of the territories may be transferred for credit to his account in the other territory.

(3) Any agreement made under this section shall be published in the Gazette and shall come into force on the date of such publication or such other date as may be specified in the agreement.

Regulations.

55. (1) The Minister may from time to time make such regulations as he may think fit for the purposes, and to give effect to the provisions, of this Act.

(2) Without prejudice to the generality of subsection (1), such regulations may -

- (a) prescribe conditions for the registration of employers and employees for the purposes of this Act;
- (b) provide for making of contributions in anticipation of the application of this Act to private schemes and any particular classes of employees;
- (c) prescribe conditions under which payment of contribution by employers may be made for the purposes of this Act;
- (d) provide that any provisions of this Act shall not apply, or shall apply with such modification as may be specified in the Regulations to any person or class of persons;
- (e) provide for the determination of persons liable to pay contributions under this Act;
- (f) provide for the computation and determination of emoluments for purposes of calculating contributions payable under this Act;
- (g) prescribe the mode of collecting contributions, the payment of claims and the computation of benefits or grants under this Act;

- (h) prescribe the type of medical examination of incapacitated persons and provide for the approval of competent medical authorities for the purposes of this Act;
- (i) provide for the mode of issue of refunds under this Act;
- (j) provide for the procedure for dealing with unclaimed moneys in the Fund;
- (k) provide for the procedure for the write-off of unrealised debts of the Fund;
- (l) provide for the transfer of pensions and other benefits or assets from any private scheme to the administration and control of the Fund;
- (m) provide for dealing with funds established by any person or body of persons or in any industry for the benefit of any class of employees;
- (n) provide for the payment, by means of a pension, of the benefits accrued or payable to any employee or beneficiary under this Act;
- (o) prescribe any forms for the purposes of this Act;
- (p) provide for anything required to be prescribed under this Act; and
- (q) make provisions for any matter or thing for which no provision or no sufficient provision exists in this Act.

(3) The Regulations made under this section may provide for any infringement thereof or failure to comply therewith by the imposition of a fine not exceeding two hundred and fifty dollars, or imprison-

ment for a term not exceeding three months or both such fine and imprisonment.

(4) Any Regulations made under this section shall be published in the Gazette, and upon such publication, shall have effect as if they formed part of this Act.

Commencement.

56. This Act shall come into operation on such day as the Governor may appoint by Proclamation published in the Gazette.

THE FIRST SCHEDULE

(See Section 4)

The Constitution and Operation of the National
Provident Fund Board.

1. The National Provident Fund Board shall consist of not less than three members appointed by the Minister, of whom at least -

(a) one shall represent Government;

(b) one shall represent employers other than Government; and

(c) one shall represent the employees in the State.

2. The member representing Government shall be the Chairman of the Board.

3. The member representing employers other than Government shall be appointed by the Minister after consultation with such associations of employers or persons or bodies likely to produce representation for employers generally throughout the State.

4. The member representing the employees shall be appointed by the Minister after consultation with such associations of trade unions or individual trade unions as appear to him to be representative of the employees generally throughout the State.

5. The members shall hold office for a period of three years and shall be eligible for re-appointment:

Provided that the member -

(a) first appointed on or after the appointed day; and

(b) appointed to fill a casual vacancy shall hold office for such period (not exceeding three years) as may be determined by the Minister.

6. Any member of the Board may, at any time by notice in writing addressed to the Minister, resign his office, and if a member becomes, in the opinion of the Minister, unfit to continue in office or incapable of performing his duties on account of ill-health, any physical or mental infirmity, defect or failing or any other cause, the Minister may, by notification in the Gazette, declare the office of such member vacant.

7. The Minister may appoint any person to act temporarily as a member of the Board in place of any member in the case of the latter's absence or inability, for any reason, to act as such.

8. The names of the members of the Board as first constituted and every change in the composition thereof shall be notified in the Gazette.

9. The Minister may appoint one of the members of the staff of the Fund to act as Secretary of the Board.

10. The first meeting of the Board shall be convened by the Minister and thereafter the Board shall meet on such day or days and at such time or times and at such place or places as the Chairman may determine.

11. The quorum for any meeting of the Board shall be three but the Board may act notwithstanding any vacancy in the membership of the Board.

12. The validity of any proceedings of the Board shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of any member.

13. There shall be paid to the Chairman and other members of the Board such remuneration (whether by way of travelling or other allowances) as the Minister may determine.

14. Subject to the provisions of this Act, the Board may, with the approval of the Minister, make standing orders for the purpose of regulating its own proceedings.

THE SECOND SCHEDULE

(See Section 11)

RATES OF CONTRIBUTIONS

Serial No.	Contribution Period.	Employer's Contribution for each Employee.	Employee's Contribution.
1	2	3	4
		For every complete dollar of emoluments payable by the employer -	For every complete dollar of emoluments receivable by the employee from the employer referred to in column 3 -
1.	One week or less	Five cents.	Five cents.
2.	One fortnight..	Five cents.	Five cents.
3.	One month.....	Five cents.	Five cents.

THE THIRD SCHEDULE

(See Section 19)

EXEMPT PERSONS

1. Persons employed in any public department or authority to whom the Pensions Ordinance (CAP235) and the Regulations issued thereunder (CAP235) apply.

2. All employees covered by any such scheme providing benefits substantially similar to those provided by the Fund as may be approved by the Director for the purposes of this Act.

3. All persons whose total remuneration does not exceed sixty dollars per month in the aggregate.

4. All persons (not covered by items 1 and 2) whose remuneration exceeds three thousand dollars per annum in the aggregate:

Provided that the exemption shall apply in respect of such amount of their remuneration as exceeds three thousand dollars.

5. Persons who in their official capacity are accorded diplomatic or equivalent status.

6. (a) Employees whether citizens of the State or not, whose written terms of service or engagement, wherever executed, provide that they are subject to service for any period (not being less than one year)

outside the State; and

- (b) any employee, not being a citizen of the State, who is to be employed in the State for a period not exceeding two years at one time:

Provided that, in either case, the Director is satisfied that the employee is liable to contribute to, or is entitled to benefits from, a social security scheme of any country other than the State or any benefit scheme of his employer substantially similar to this Fund.

7. Expatriate employees of foreign firms.

8. Any person or class of persons who may, by order issued in the Gazette, be declared by the Minister to be exempt from making contributions under section 11, subject to such conditions (including conditions as to the extent or scope of the exemption) as may be specified in the said Order.

THE FOURTH SCHEDULE

(See section 27)

BENEFITS AND GRANTS

Serial No.	Class of Benefit/Grant.	Extent of Benefit/Grant.	Mode of Payment and the conditions subject to which the Benefit/Grant is admissible.
1	2	3	4

1. Age Benefit.

The balance standing to the credit of the employee's account in the Fund maintained under section 22 (including accrued interest) as reduced by the amount of income tax and estate duty, if any, payable by the employee, or out of his estate, as the case may be.

Payable on attaining the age of sixty years by the employee.

2. Survivor's Benefit.

The balance standing to the credit of the deceased employee's account in the Fund maintained under section 22 (including accrued interest) as reduced by the amount due by the beneficiary to the Fund and the amount of income tax and estate duty, if any, payable by, or on behalf of, the deceased employee or the beneficiary or out of the estate thereof, as the case may be.

Payable to the widow/widower, nominee or legal representative of the deceased employee in accordance with his notice of nomination and, in the absence of such notice, to his heirs, administrators or assigns, as may be determined by the Director.

1	2	3	4
3.	Incapacitation Benefit.	The balance standing to the credit of the incapacitated employee's account maintained under section 22 (including accrued interest) as reduced by the amount of income tax and estate duty, if any, payable by the employee or out of his estate, as the case may be.	Payable to the employee who is incapacitated to such an extent as to be unemployed, save in work approved by the Board.
4.	Emigration Grant.	The balance standing to the credit of the employee's account maintained under section 22 (including accrued interest to the date of emigration) as reduced by the amount of income tax and estate duty, if any, payable by the emigrant or out of his estate, as the case may be.	Payable to the emigrant on his attaining the age of sixty years and the production of such evidence of emigration as the Director may require.

OBJECTS AND REASONS

The object of this Bill is to provide for the establishment of a National Provident Fund, initiating thereby the first stage of a Social Security Programme. It provides for compulsory contributions both by the employers and the employees.

The benefits in the early stages will cover old-age relief, survivor's and incapacitation benefits (in the case of an employee's death or incapacitation before he attains the retirement age (viz. sixty years)) and an emigration grant to persons who were participating in the Scheme but have since emigrated. The benefit in each case will be restricted to the employers' and employees' contributions plus interest, except that, in the case of emigrants, interest will be payable up to the date of emigration only. The Bill also provides for the grant of pensions in lieu of lump-sum payments.

Other benefits may be provided later on, as funds accumulate or additional funds become available.

ATTORNEY GENERAL

The National Provident Fund Regulations, 1970

Regulations

1. Short title and commencement.
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3. Registration of Employers and Employees.
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10. Monthly intimation of contributions to the employees.
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(3) Evidence regarding death, survivor's relationship, etc.
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(6) Mode of payment of benefit or grant.
18. Receipt for payment of benefit of grant.
19. Validity of payment to an authorised person.
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F O R M S

- (1) NPF-1 Application for Registration as an Employer.
- (2) NPF-1A Intimation of Registration Number to an Employer.
- (3) NPF-2 Application for Registration as an Employee.
- (4) NPF-2A Intimation of Registration Number to an Employee.
- (5) NPF-2AA Employee's Registration card.
- (6) NPF-3 Intimation regarding Change of Address, Employment, Nomination, etc.
- (7) NPF-3A Letter acknowledging change of address, etc. and asking for further particulars, where necessary.
- (8) NPF-4 Application for the issue of a Duplicate Registration Card.
- (9) NPF-4A Letter forwarding a Duplicate Registration Card or asking for further particulars, where necessary.
- (10) NPF-5 Record/Statement/Return showing contributions and other Sums Payable/Paid by an Employer.
- (11) NPF-6 Statement of Contributions payable/paid by the Employer to be furnished to the Employee.
- (12) NPF-7 Statement of Account of a Registered Employee in the Fund to be furnished by the Director to each Employee.
- (13) NPF-8 Receipt for purposes of payment of moneys into the Fund.
- (14) NPF-9 Application for Refund.
- (15) NPF-10 Application for Benefit/Grant.
- (16) NPF-11 Receipt for moneys paid by the Fund.
- (17) NPF-12 Appeal Petition.
- (18) NPF-13 Revision Application.
- (19) NPF-14 Declaration of Secrecy.

THE NATIONAL PROVIDENT FUND REGULATIONS, 1970
MADE BY THE MINISTER UNDER SECTION 55
OF THE NATIONAL PROVIDENT FUND ACT, 1970.

Short title and
commencement.

1. These Regulations may be cited as the National Provident Fund Regulations, 1970 and shall come into force on such day as the Minister may by notice in the Gazette appoint.

Interpretation.

2. In these Regulations, unless there is anything repugnant in the context,-

- (1) "Act" means the National Provident Fund Act, 1970 (No. of 1970);
- (2) "Section" means the section of the Act;
- (3) "Treasury" includes an office authorised to receive payments due to the Fund; and
- (4) All terms defined in section 2 of the Act have the same meaning as they have under the said Act.

Registration of
Employers and
Employees.

3. (1) Every employer and every employee, unless exempt under section 19, shall make an application for registration to the Director.

(2) The application under paragraph (1) shall, be made -

- (a) in the case of an existing employer or employee, within one month of the day on which these Regulations came into force; and
- (b) in the case of other persons, within ten days of the date when such person qualifies as an employer or an employee:

Provided that the Director may, on an application made by such person and subject to such conditions as he may think fit to impose, extend the date by which an application under paragraph (1) may be made by the said person.

(3) The application under paragraph (1) shall, -

(a) in the case of an employer, be made in Form NPF-1; and

(b) in the case of an employee, be made in Form NPF-2.

Change or cessation of employment, etc. to be notified.

4. (1) Every person, who ceases to be an employer or an employee in respect of a particular employee or employer, or where there is any change in his address or where he intends to make any change in the person or persons previously named by him as his nominee or nominees shall send an intimation to the Director within ten days of such cessation or change, as the case may be.

(2) The intimation under paragraph (1) shall be in Form NPF-3.

Allotment of Registration Numbers and issue of Employees' Registration Cards.

5. (1) Subject to the provisions of this Regulation, on receipt of an application under paragraph (1) of Regulation 3, and after making such enquiries as he may think fit, the Director shall allot a registration number to an employer or an employee, as the case may be, and shall inform him accordingly.

(2) The intimation under paragraph (1) shall, -

(a) in the case of an employer, be in Form NPF-1A; and

(b) in the case of an employee, be in Form NPF-2A, accompanied by the Employee's Registration Card (hereinafter referred to as the 'Registration Card') in Form NPF-2AA.

(4) The Director may send the Employee's Registration Card to the employer for delivery to the employee and where such Card cannot be so delivered, the employer shall return it to the Director within two weeks of the date of its receipt by him.

Issue of
Duplicate
Employee's
Registration
Card.

6. (1) Where any Employee's Registration Card issued under Regulation 5 is lost or destroyed, the Director may, on an application (accompanied by a fee of one dollar) made by him, issue a duplicate Registration Card stamped or marked as such.

(2) The application under paragraph (1) shall be made in Form NPF-4.

Employee to
produce
Registration
Card when
taking up first
employment or
a new em-
ployment.

7. (1) Every person taking up an employment for the first time with any employer or a new employer, as the case may be, shall produce his Registration Card at the time of taking up such employment.

(2) Where an employee is not in possession of the Registration Card either because no such Card has already been issued to him or it has been lost or destroyed, the employer shall immediately obtain from him an application for the issue of a Registration Card or a duplicate Registration Card, as the case may be, and send it to the Director.

Record of
contributions,
etc.

8. Every employer, unless exempt under section 19, shall maintain a record in Form NPF-5 showing the contributions and other sums payable and paid by him to the Fund.

Monthly re-
turn of con-
tributions,
etc.

9. Every employer, unless exempt under section 19, shall furnish to the Director by the tenth day of each month a return in Form NPF-5 showing the contributions and other sums payable and paid by him to the Fund in respect of the preceding month.

Monthly in-
timation of
contributions
to the em-
ployee.

10. Every employer, unless exempt under section 19, shall furnish to each employee by the tenth of each month a statement in Form NPF-6 showing the contributions payable and paid by him and the employee to the Fund in respect of the preceding month.

Annual return
of contri-
butions, etc.

11. Every employer, unless exempt under section 19, shall furnish to the Director on or before the thirty-first day of January each year a return in Form NPF-5 showing the contributions and other sums, if any, payable and paid by him to the Fund in respect of the preceding financial year:

Provided that where such employer ceases to be an employer at any time before the said thirty-first day of January, the said return shall be furnished not later than ten days after such cessation showing the contributions and other sums, if any, payable and paid by him to the Fund in respect of the period commencing from the first day of the preceding financial year, or the day on which he became an employer, whichever is the later, and ending on the day immediately preceding the date of such cessation:

Provided further that the Director may, on an application made by an employer, extend the period during which he is required to furnish the annual return under this Regulation.

Annual Statement
of contributions.

12. Every employer, unless exempt under section 19, shall furnish by the thirty-first day of January each year to every employee on his pay-roll as at the end of the preceding financial year a statement in Form NPF-6 showing the contributions payable and paid by him and the employee in respect of the said financial year:

Provided that where an employee ceases to be employed with any employer at any time before the said thirty-first day of January. the said employer shall, within ten days of such cessation, furnish to the employee a statement showing the contributions payable and paid by him and the employee to the Fund in respect of the said financial year or any part thereof during which the said employee was in his employment.

Provided further that the Director may, in the case of any person or class of persons, on an application made by the employer, extend the period during which he is required to furnish the statement under this Regulation.

Director to
furnish
statement of
account to
every regis-
tered employee.

13. (1) The Director shall furnish each Employee registered under Regulation 3 a statement in Form NPF-7 showing the amount standing to his credit in the books of the Fund.

(2) The statement under paragraph (1) shall be furnished every six months.

Mode of pay-
ment of moneys
into the Fund.

14. All contributions and other moneys payable to the Fund shall be paid into the Treasury within seven days in cash or by money order, postal order, cheque or special stamps, if any, issued for this purpose, and shall be accompanied by a Contribution Sheet in Form NPF-5:

Provided that the Director may, on application by the person responsible for the payment of any such contribution or money, extend the period for the payment thereof.

Receipts.

15. A receipt shall be given in Form NPF-8 for all moneys paid into the Fund and such receipt shall constitute, for the purposes of the Act, sufficient evidence of the payment of the amount specified therein.

Refund.
applications.

16. (1) An application for refund under section 37, shall be made in Form NPF-9 and shall be accompanied by the documents specified therein.

(2) On receipt of an application under paragraph (1) and after making such enquiries or asking for such further evidence or particulars as he may think fit, the Director may, if satisfied that the claim has been validly made and that any amount is due to be refunded to the applicant, order the refund of the said amount either in cash or by cheque drawn upon the Treasury or any authorised Bank in the State.

(3) Before any refund is made to any person, the Director shall deduct from the amount refundable any sum payable by that person or on his behalf or out of his estate to the Fund to the extent of the said amount.

(4) No application under paragraph (1) shall be entertained after the expiration of one year from the date when the excess amount was deposited into the Treasury.

Applications
for a benefit
or grant.

17. (1) An application for a benefit or grant under section 27 shall be made in Form NPF-10 and shall be accompanied by the documents specified therein.

Evidence re-
garding date
of birth.

(2) Where an application is made for the age benefit, the date of birth entered in the records of the office of the Fund shall, unless the contrary is proved to the satisfaction of the Director, be presumed to be correct.

Evidence re-
garding death,
survivor's
relationship,
etc.

(3) Where an application is made for survivor's benefit, the application shall be accompanied by a certificate or other evidence of death of the deceased and the evidence of the applicant's identity and relationship to the deceased and such information as to the other claimants or relatives, if any, of the deceased as the Director may require.

Evidence re-
garding in-
capacitation.

(4) (a) Where an application is made for incapacitation benefit, the Director may require the applicant to produce a certificate from an authorised medical practitioner or a board consisting of such practitioners, and may refer the applicant to such other medical practitioner or a board consisting of such practitioners for re-examination or consultation as he thinks fit.

(b) The cost of the medical examination, re-examination or consultation under subparagraph (a), if any, shall be borne by the applicant.

(c) The Director may, from time to time, with the prior approval of the Board, notify in the Gazette the name or names of the medical practitioner or practitioners or the members of the board or boards for the purposes of subparagraph (a) and the fees, if any, chargeable by him or them, as the case may be.

Evidence re-
garding emi-
gration, etc.

(5) Where an application is made for emigration grant, the Director may require the applicant to produce such evidence as may be necessary to prove the identity, the date of birth and the date of emigration of the applicant.

Mode of pay-
ment of bene-
fit or grant.

(6) On receipt of an application under paragraph (1) and after making such enquiries or asking for such further evidence or particulars as he may think fit, the Director may, if satisfied that the claim has been validly made and that any benefit or grant under the Act is due to the applicant, make, with the prior approval of the Board, an order for the payment of the benefit or grant, as the case may be, in such manner as the Board may think fit.

Receipt for Payment of benefit or grant.

18. Where a payment is made to any person under Regulation 17, a receipt for the amount paid shall be given by the payee in Form NPF-11.

Validity of payment to an authorised person.

19. Where any person to whom any money is payable under the Act authorises in writing another person to receive payment on his behalf, the Director may, if satisfied as to the identity of that other person and the validity of the authorisation, order the payment thereof to such other person and such payment shall constitute a valid discharge of the liability of the Fund to the rightful claimant.

Appeal.

20. (1) An appeal under section 47 shall be made in Form NPF-12 and shall be accompanied by the documents specified therein and a fee of ten dollars.

(2) No appeal petition shall be entertained unless it is filed within ninety days of the date of receipt of the order appealed against:

Provided that the Board may, on sufficient cause being shown, admit an appeal petition filed after the expiration of the said period of ninety days but not after a period of six months from such date.

(3) On receipt of an appeal petition under paragraph (1), the Board may call for a report from the Director and make such enquiries or cause such enquiries to be made as it may think fit.

(4) The Board may, subject to the approval of the Minister, regulate its own procedure for dealing with appeals.

(5) A copy of the order in appeal shall be sent to the appellant and the Director.

Revision.

21. (1) A revision application under section 48 shall be made in Form NPF-13 and shall be accompanied by the documents specified therein and a fee of fifteen dollars.

(2) No revision application shall be entertained unless it is filed within six months of the date of receipt of the order against which it is filed:

Provided that the Minister may, on sufficient cause being shown, admit a revision petition filed after the expiration of the said period of six months but not after a period of one year from such date.

(3) On receipt of a revision petition under paragraph (1), the Minister may call for a report from the Director and make such further enquiries or cause such further enquiries to be made as he may think fit.

(4) The Minister may regulate his own procedure for dealing with revision applications.

(5) A copy of the order in revision shall be sent to the applicant and the Director.

Declaration of Secrecy.

22. The declaration of secrecy under section 52 shall be in Form NPF-14.

Identity Card.

23. Every Officer or employee of the Fund (other than the Director) performing any function or acting in pursuance of the provisions of section 38 shall be furnished with an identity card signed by the Director which shall be produced by him if so required to do to establish his identity.

Employees to furnish information to Employer.

24. Every employee shall furnish to his employer all information and produce such documents as may be necessary for the completion of returns and statements prescribed by these Regulations and required to be made by the employer.

Incomplete or
inaccurate
Documents.

25. If in the opinion of the Director any document required to be submitted under these Regulations is incomplete or inaccurate or is not clear enough to identify the person concerned, he may return the document to the sender with such directions as may be necessary and the sender shall thereupon comply with the said directions and re-submit the said document duly completed or corrected, as the case may be, or submit a fresh document in place thereof, as may be necessary, within such time as the Director may specify:

Provided that the Director may, on an application made to him, extend the period for the submission of such completed or corrected or fresh document, as the case may be.

Delivery of
documents.

26. The posting of a registered letter containing any document or instrument sent in pursuance of these Regulations addressed to the person concerned shall, as regards the liability of the Fund, be deemed to be equivalent to the delivery of the instrument to the person to whom the letter was addressed:

Provided that where the Director is satisfied that any such document or instrument is lost or destroyed, he may, on the production of such evidence as he may require and the receipt where necessary, of a duly executed indemnity bond in favour of the Fund, issue a duplicate document or instrument, as the case may be.

Persons of
unsound mind.

27. Where any person entitled to any benefit or refund under the Act is a minor or of unsound mind, anything required to be done by him may be done on his behalf, by his legal guardian or a duly appointed administrator, as the case may be, and all payments made to such guardian or administrator shall, as against the Fund, be deemed to have been validly made to the said person.

Unclaimed
moneys.

28. Where any amount on account of any benefit, grant or refund is due to any person and either no claim therefor is received by the Director within five years of the date when it fell due, or it has remained undisbursed for a like period on account of the non-availability of the correct address of the rightful claimant or any other cause, it shall be deemed to be unclaimed money and credited to and form part of the Reserve Fund:

Provided that the Director may, with the prior approval of the Board, entertain a claim for the payment of any such amount after the expiration of the said period of five years where he is satisfied that the rightful claimant was prevented by sufficient cause from claiming it within the aforesaid period.

Modifications
in forms, etc.

29. Any forms or documents used in connection with the Fund shall not be deemed to be invalid merely because of the fact that they include any additional matter or the wording thereof has been modified or amended to suit a particular case.

Retention of
records.

30. All forms, records and documents of the Fund shall be retained for such period or periods as the Minister may direct.

Offences.

31. Any person who without reasonable cause contravenes or fails to comply with any provision of these Regulations, shall be guilty of an offence against the Act and shall be liable on summary conviction to a fine not exceeding two hundred and fifty dollars or imprisonment for a term not exceeding three months or to both such fine and imprisonment.

DOMINICA
NATIONAL PROVIDENT FUND

Employers' Registration No.

Application for Registration as an Employer.

To

The Director,
National Provident Fund,

Dear Sir,

I/we hereby apply for registration as an Employer(s) for the purposes of the National Provident Fund Act, 1970 (No _____ of 1970). The necessary particulars are given below:-

1. Full Name (in block letters)		For Office use
2. Address *		
3. Name(s) and address(es) of the branch(es) if any*		
4. Name(s) and address(es) of the Proprietor(s)*		
5. Name and the address of the Principal Officer to whom all correspondence may be addressed*.		
6. Number of employees employed at present		

I/we hereby certify that all the particulars given above are complete and correct to the best of my/our knowledge and belief.

Signature/Mark** _____
Name and
Address of
Employer _____
Date _____
Signature of
Witness** _____
Name and Address
of Witness _____
Date _____

NB. All entries in this Form should be made in a legible handwriting (in block letters, as far as possible) or typewritten.

* All changes in these particulars should be intimated to the Director, National Provident Fund - within ten days quoting the Registration No.

** When the applicant cannot sign, he may affix his mark duly witnessed by a responsible person.

F O R O F F I C E U S E
(Do not write below this line)

Employer's
Registration No. _____ Ledger No. _____ Index
completed _____
Registration
Advice Issued
on _____ Initials _____ Date _____

Perfor~~a~~tion _____

NPF-1A

DOMINICA
NATIONAL PROVIDENT FUND

Employer's Registration No.

To

* _____

Dear Sir(s)/Madam,

1. Please refer to your application in Form NPF-1 dated _____
- 2.** Please note that the following Registration Number has been allotted to you which must be quoted in all future correspondence.

Employer's Registration No. _____

2.** Please furnish the following further particulars, etc.

- (i) _____
- (ii) _____
- (iii) _____

Yours faithfully,

for Director,
National Provident Fund

* To be filled in by the applicant.

** Strike out whichever is inapplicable.

DOMINICA
NATIONAL PROVIDENT FUND

Employee's Registration No.

Application for Registration as an Employee

To

The Director,
National Provident Fund,

Dear Sir,

I hereby apply for registration as an Employee for the
purpose of the National Provident Act, 1970 (No. of 1970).
The necessary particulars are given below:-

1. Full Name (in block letters)	Mr./Mrs./Miss*	For Office Use
2. Address **		
3. Occupation		
4. Date of birth		
5. Nationality		
6. Name(s) of nominee(s) in case of death, and relationship with the applicant.**		
7. Marital Status **		
8. Name of Employer **		
9. Address of Employer **		

10. Present Emoluments		
------------------------	--	--

I hereby certify that I ^{**}am ^{**}a member of Staff Pension Scheme
am not any Staff Pension Scheme

(Here give the name of the Scheme in full)

I further certify that the particulars given above are complete and correct to the best of my knowledge and belief.

Date _____ Signature/mark ^{***} _____
Date _____ Name and Address
of Employer _____
Signature of
Witness ^{***} _____
Name and Address
of Witness _____

NB: All entries in this Form should be made in a legible handwriting (in block letters, as far as possible) or typewritten.

- * Strike out the inapplicable description.
- ** All changes in these particulars should be intimated to the Director, National Provident Fund, within ten days quoting the Registration Number.
- *** Where the applicant cannot sign, he may affix his mark duly witnessed by the employer or other responsible person.

FOR OFFICE USE		
(Do not write below this line)		
Employee's Registration No. _____	Ledger No. _____	Index completed _____
Registration Card Issued on _____	Initials _____	Date _____

Perforation _____

DOMINICA
NATIONAL PROVIDENT FUND

Employee's Registration No.

To

*

1. Please refer to your application in Form NPF-2 dated _____.

**2. Please note that the following Registration Number has been allotted to you, which must be quoted in all future correspondence:-

Employee's Registration No.

*** Your Registration Card is enclosed which must be preserved carefully.

**2. Please furnish the following further particulars, etc.

(i) _____

(ii) _____

(iii) _____

Yours faithfully,

for Director,
NATIONAL PROVIDENT FUND

* To be filled in by the applicant.

** Strike out whichever is inapplicable.

*** The loss or destruction of this Card must be notified immediately to the Director, National Provident Fund _____

DOMINICA

National Provident Fund

EMPLOYEE'S REGISTRATION CARD

Name: Mr./Mrs./Miss _____
(in block letters)

Address: _____

Employee's Registration No. _____

- NB. 1. This Card must be carefully preserved and the Registration Number shown above quoted in all future correspondence.
2. The loss/destruction of this Card must be reported immediately to the Director, National Provident Fund, _____.

NPF-3

DOMINICA
NATIONAL PROVIDENT FUND

Employee's Registration No. _____

Employer's Registration No. _____

Intimation Regarding Change in Address, Employment, Nomination, etc.

To

The Director,
National Provident Fund,

Dear Sir,

I/we hereby intimate the following change(s) in the particulars furnished in the application in Form NPF-1/NPF-2/intimation in Form NPF-3.*.

1. Change in employment -

<u>Previous Employer</u>	<u>New Employer</u>
Name	Name
Address	Address
Registration No.	Registration No.
Date of cessation of employment	Date of commencement of employment
<u>Previous</u> employee(s)	<u>New employee(s)</u> *
Name(s)	Name(s)
Address(es)	Address(es)
Registration No(s).	Registration No(s).
Date(s) of cessation of employment	Date(s) of commence- ment of employment

2. Change of address -

Previous Address

New Address
and Date of
Change

3. Other particulars* -

(i) _____

(ii) _____

I/we hereby certify that the particulars given above are complete and correct to the best of my/our knowledge and belief.

Signature/Mark** _____

Date _____ Name and address _____

Witness** _____

Date _____ Name and address _____

NB. All entries in this Form should be made in a legible handwriting. (in block letters, as far as possible) or typewritten.

* Please give full particulars, attaching separate sheets where necessary.

** Where the applicant cannot sign, he may affix his mark, duly witnessed by the employer or other responsible person.

_____ Perforation _____

DOMINICA
NATIONAL PROVIDENT FUND

To

*

Dear Sir(s)/Madam,

1. Please refer to your letter on Form NPF-3 dated _____.
- *2. The particulars stated therein have been noted.

*2. Please furnish information or clarify the following points:-

- (i) _____
- (ii) _____
- (iii) _____

Yours faithfully,

for Director,
National Provident Fund

- * To be filled in by the applicant.
- * Strike out whichever is inapplicable.

DOMINICA
NATIONAL PROVIDENT FUND
Application for the Issue of a Duplicate Registration Card

To

The Director,
National Provident Fund,

Employee's Registration No.

Dear Sir,

I hereby request that a duplicate Registration Card may please be issued to me in place of the one issued to me previously which has been lost/destroyed.

The required fee of one dollar/^{*}Treasury Receipt evidencing payment of one dollar^{*} is enclosed.

Yours faithfully,

Signature/Mark ^{**}_____

Date _____ Name and Address _____

Witness ^{**}_____

Name and Address of Witness _____

Date _____ Name and Address of Employer _____

* Strike out whichever is inapplicable.

** Where the applicant cannot sign, he may affix his mark, duly witnessed by the employer or other responsible person.

Perforation _____

NPF-4A

DOMINICA
NATIONAL PROVIDENT FUND

To

*

Dear Sir/Madam,

Please refer to your application in Form NPF-4 dated _____.

2. ** A duplicate Registration Card bearing Number _____ is enclosed.

2. ** Please furnish the following further particulars, etc.

(i)

(ii)

(iii)

Yours faithfully,

for Director,
National Provident Fund

* To be filled in by the applicant.

** Strike out whichever is inapplicable.

DOMINICA
NATIONAL PROVIDENT FUND
Statement showing Contributions and Other Sums

Employer _____

for period _____ to _____

Registration No. _____

Sl. No.	Name of Employee	Employee's Registration No.	Emoluments	Employer's Contribution	Employee's Contribution	Amount payable (Total of col- umns 5 & 6)	Date when payment due	Actual date of payment
1	2	3	4	5	6	7	8	9
(Total brought forward)			EC\$	EC\$	EC\$	EC\$		

Other Sums (Give details)

Amount Paid	Folio	Penalty u/s	Date when payment due	Date of actual payment	Amount Paid	Folio	Fine u/s	Date when payment due	Date of actual payment	Amount Paid	Folio
10	11	12	13	14	15	16	17	18	19	20	21
EC\$		EC\$			EC\$		EC\$			EC\$	

Total of columns
10,15,20,
.....

Remarks

I/we hereby certify that the above information is complete and correct to the best of my/our knowledge and belief.

Signature of Principal Officer _____

Name and Address of Employer _____

NB. This statement may be prepared in quadruplicate one copy each being submitted under Regulations 11 and 14 and one being retained by the Employer for purposes of Regulation 8.

DOMINICA

NATIONAL PROVIDENT FUND

Statement of Contributions payable/paid by
(Employer)

for the month of _____.
 year _____.

Name of Employee	Employee's Registration No.	Emoluments	Employer's Contri- bution	Employee's Contri- bution	Amount Payable (Total of columns 4 & 5)	Amount Paid	Date of Payment into the Treasury	Remarks
1	2	3	4	5	6	7	8	9

I/we hereby certify that the above information is complete and correct to the best of my/our information and belief.

Signature of Proprietor _____

Signature of Principal
Officer _____

Name and Address of
Employer _____

Date _____

NB: This Form may be completed in triplicate, one copy each for purposes of Regulations 10 and 12 and one copy being retained by the Employer.

NPF-8

DOMINICA
NATIONAL PROVIDENT FUND

RECEIPT

(To be delivered to the Payor)

Regis- tration No.	Name and address of the person by whom or on whose behalf the pay- ment is made	Amount
1	2	3
		EC\$

Received the above amount on
account of -

*Contributions

Penalty u/s 31

Penalty u/s ...

Fine u/s

for Director,
NATIONAL PROVIDENT FUND

Date _____

*Strike out whichever is inapplicable

DOMINICA
NATIONAL PROVIDENT FUND

RECEIPT

(To be retained by the Office
receiving payment)

Regis- tration No.	Name and address of the person by whom or on whose behalf the pay- ment is made	Amount
1	2	3
		EC\$

-66-

Received the above amount on
account of -

*Contributions

Penalty u/s 31

Penalty u/s...

Fine u/s

for Director,
NATIONAL PROVIDENT FUND

Date _____

*Strike out whichever is inapplicable

DOMINICA
NATIONAL PROVIDENT FUND

RECEIPT

(To be submitted to the
Director)

Regis- tration No.	Name and address of the person by whom or on whose behalf the pay- ment is made	Amount
1	2	3
		EC\$

Received the above amount on
account of -

*Contributions

Penalty u/s 31

Penalty u/s...

Fine u/s

for Director,
NATIONAL PROVIDENT FUND

Date _____

*Strike out whichever is inapplicable.

DOMINICA
NATIONAL PROVIDENT FUND
APPLICATION FOR REFUND

To

The Director,
National Provident Fund,

Dear Sir,

I/we hereby apply for a refund of EC\$ _____ (E.C. Dollars
_____).

2. The necessary particulars are given below:-

Name and address of claimant	
Registration No.	
Name, address and Registration No. of the person making the excess deposit	
Amount of Deposit	EC\$
Date when Deposit made (Photostat copy of Receipt attached)	
Provision/Order, etc. under which refund is claimed	

I/we hereby certify that the information given above as well as in the documents attached is complete and correct to the best of my/our knowledge and belief.

Yours faithfully,

Signature/mark* _____

Date _____

Name and
Address _____

Witness* _____

Date _____

Name and
Address _____

NB. This application should be accompanied by all documents on which the applicant relies for his claim.

* When the applicant cannot sign, he may affix his mark duly witnessed by a responsible person.

DOMINICA
NATIONAL PROVIDENT FUND

(FOR OFFICE USE)
Benefit/Grant claimed

Application for Benefit/Grant

To

The Director,
National Provident Fund,

Dear Sir,

I/we hereby apply for the undermentioned benefit/grant.

Benefit/Grant claimed

2. The necessary particulars are given below:-

(a) Name and address of the person participating in the Fund in respect of whom the benefit/grant is claimed.					
(b) Registration number of the person named in (a) above.					
(c) Name(s) and Address(es) of the claimant(s) and his/their relationship with the person named in (a) above.	<table><tr><td><u>Name & Address</u></td><td><u>Relationship</u></td></tr><tr><td></td><td></td></tr></table>	<u>Name & Address</u>	<u>Relationship</u>		
<u>Name & Address</u>	<u>Relationship</u>				
(d) Provision of the Act under which benefit/grant is claimed.					

<p>(e) The form in which it is desired to receive the benefit/grant -</p>	<p>* (i) weekly/monthly payments</p>
	<p>* (ii) lump-sum payment</p>
	<p>* (iii) payment by way of pension</p>
	<p>* (iv) any other mode of payment. (Please specify)</p>
<p>(f) Whether any claim was made previously in respect of the same benefit/grant</p>	<p><input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>(If Yes, please give details, attaching separate sheet(s), if necessary).</p>
<p>(g) Particulars of documents attached -</p>	<p>* (i) Birth certificate</p>
	<p>* (ii) Death certificate</p>
	<p>* (iii) Certificate/affidavit in support of claimant(s) relationship with the person named in (a) above.</p>
	<p>* (iv) Name(s) and address(es) of other claimant(s), if any.</p>
	<p>* (v) Medical certificate (for incapacitation benefit)</p>
	<p>* (vi) Migration certificate</p>
	<p>* (vii) Other documents (as per list attached)</p>

I/we hereby certify that the particulars given above and in the attached documents are complete and correct to the best of my/our knowledge and belief.

Yours faithfully,

Date _____

Signature(s)/mark(s)** _____

Address(es) _____

Date _____

Witness(es)** _____

Address(es) of
Witness(es) _____

NB. This application should be accompanied by all the documents on which the claimant(s) wants/want to rely.

* Strike out whichever is inapplicable.

** If the claimant cannot sign, he may affix his mark duly witnessed by a responsible person.

DOMINICA
NATIONAL PROVIDENT FUND

Received from the Director, National Provident Fund,

_____, the sum of EC\$ _____
(_____) on account of _____

EC\$ _____

Date _____

Signature/mark* _____

Name and Address _____

Date _____

Signature of
Witness * _____

Name and Address
of Witness _____

* Where the person receiving payment cannot sign, he may
affix his mark duly witnessed by a responsible person.

DOMINICA
NATIONAL PROVIDENT FUND
FORM OF APPEAL PETITION

In the Office of the National Provident Fund Board	
Name and Address of the Appellant	
Registration No.	
Section of the National Provident Fund Act, 1970 under which order appealed against was made and the date of such order	
Date of service/receipt of such order	
Amount of demand as per such order	
Amount admitted to be payable by the Appellant *	
Amount paid by the Appellant and the date of payment	
Relief claimed in Appeal *	
Grounds of Appeal *	
1. _____	
2. _____	
3. _____	

I/we _____ hereby declare
that what is stated above and in the attached sheet(s)^{**} is true to the
best of my/our knowledge and belief.

Signature/mark^{***} _____

Name and
Address _____

Date _____

Signature of
Witness^{***} _____

Name and
Address
of
Witness _____

Date _____

- NE. 1. The appeal petition should be filed in duplicate.
2. The appeal petition should be accompanied by the order
appealed against (or photostat copy thereof).
3. The appeal petition should be accompanied by a fee of ten
dollars or a Treasury Receipt evidencing payment of this
amount.

* Attach separate sheet(s) if necessary.

** Strike out, if inapplicable.

*** If the applicant cannot sign, he may affix his mark duly
witnessed by a responsible person.

DOMINICA
NATIONAL PROVIDENT FUND
FORM OF REVISION APPLICATION

Name and Address of the Applicant	
Registration No.	
Section of the National Provident Fund Act, 1970 under which order appealed against was made	
Date of service/receipt of such order	
Amount of demand as per such order	
Amount admitted to be payable by the Applicant *	
Amount paid by the Applicant and date of payment.	
Whether any appeal was filed under section 47	
Relief allowed in appeal, if any *	
Relief claimed in revision *	
Grounds on which relief claimed *	
1. _____	
2. _____	
3. _____	

I/we _____ hereby do declare that what is
stated above and in the attached sheet(s)^{**} is true to the best of my/our
knowledge and belief.

Signature/mark _____

Name(s) and
Address(es) _____

Date _____

Signature of***

Witness _____

Name and
Address
of
Witness _____

Date _____

- NB. 1. The revision application should be filed in triplicate.
2. The revision application should be accompanied by the order
(including the appellate order, if any), against which the
application is made.
3. The revision application should be accompanied by a fee of
fifteen dollars or a Treasury Receipt evidencing payment of
such amount.

* Attach separate sheet(s), if necessary.

** Strike out, if inapplicable,

*** If the applicant cannot sign, he may affix his mark duly
witnessed by a responsible person.