

REPUBLIC OF NAURU

(No. 2 of 1990)

AN ACT

To amend the Provident Fund 1938-1967

(Certified - 29/5/1990)

REPUBLIC OF NAURU

PROVIDENT FUND (AMENDMENT) ACT 1990

Section

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AN ACT

To amend the Provident Fund Ordinance 1938-1967

(Certified: 29th May, 1990)

Be it

Enacted by the Parliament of Nauru as follows:-

1. (1) This Act may be cited as the Provident Fund (Amendment) Act 1990.
- (2) The Provident Fund Ordinance 1938-1967 is herein referred to as the Principal Ordinance.
- (3) The Principal Ordinance as amended by this Act may be cited as the Provident Fund Act 1938-1990.

Amendment of Section 4 of the Principal Ordinance

2. Section 4, subsection (1) of the Principal Ordinance, is amended -
 - (1) by repealing clause (b) thereof; and by inserting in its stead the following new clause (b):

"(b) who is an employee in the Public Service and has had, either before or after the

commencement of the Provident Fund Ordinance
1966, not less than one year of service;"

(2) by deleting clause (c) thereof.

Amendment of Section 8 of the Principal Ordinance

3. Section 8 of the Principal Ordinance is amended by repealing subsection (1) thereof and by inserting to its stead the following new subsection (1):-

"(1) Interest shall be paid on contributions to "A" and "B" accounts from the dates upon which the contributions paid under Sections 6 and 7 of this Act are credited to the respective accounts on the basis of minimum monthly balances, and shall be at a rate as the President may from time to time determine taking into account the ruling commercial rate in the relevant investment markets."

Amendment of Section 11 of the Principal Ordinance

4. Section 11 of the Principal Ordinance is repealed and the following section is inserted in its stead:-

"11 (1) Subject to this Section, a member may not resign from membership or withdraw the whole

of the amounts at credit in his "A" and "B" accounts.

(2) Where a member, before completing three years' of service, retires or is retired from the Public Service, or becomes a contributor to the superannuation fund established under the Superannuation Act 1966-1973, the amount at credit in the member's "A" account shall be paid to him but all rights to payment of the amount at credit in the member's "B" account shall be forfeited by him and the amount at credit in the "B" account shall be transferred to the Treasury account in the books of the Republic:

Provided that where it is shown to the satisfaction of the President that a member retires or is retired from the Public Service by reason of the physical or mental incapacity of himself or any dependent member of his family who habitually resides with the member in Nauru, the member may, with the approval of the President, be paid, in addition to the amount at credit in his "A" account, the whole or any portion of the amount at credit in his "B" account.

(3) Subject to this Act, a member who retires or is retired from the Public Service after completing three years' service shall be paid all amounts at credit in his "A" and "B" accounts.

(4) A member remaining in the service may not withdraw any part of the amounts at credit in his "A" and "B" Accounts unless, for exceptional reasons, approved by the President:

Provided that there shall be no withdrawal from the "B" Account until the member has completed three years' service.

(5) Where a member is dismissed from the Public Service, he may, subject to the approval of the President, be paid the amount at credit in his "A" account but all rights to payment of the amount at credit in the member's "B" account shall be forfeited by the member and the amount at credit in the "B" account shall be transferred to the Treasury Fund of the Republic.

(6) For the purposes of this section -

(a) an officer shall be deemed to have retired from the Public Service if he ceases to be an officer otherwise than as a result of dismissal under Part VI of the Public Service Act 1961-1979;

and

(b) an employee shall be deemed to have retired from the Public Service if he ceases to be an employee otherwise than as a result of dismissal under sub-section (6) of section 26 of the Public Service Act."

Insertion of a new Section 18-A of the Principal Ordinance

5. The following new Section 18-A is inserted in the Principal Ordinance immediately after Section 18 thereof:-

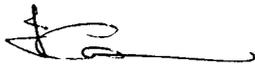
"Regulations

19. The Cabinet may make regulations prescribing all matters necessary or convenient to be prescribed for carrying out or giving effect to this Act.

General amendments of the Principal Ordinance

- 6 In the Principal Ordinance, wherever they occur,
- (1) the words "the Administration" and "the Territory" are repealed and replaced by the words "the Republic";
 - (2) the words "the Administrator" are repealed and replaced by the words "the President";
 - (3) the words "this Ordinance" are repealed and replaced by the words "this Act";
 - (4) the words and figures "the Superannuation Ordinance 1966" are repealed and replaced by the words and figures "the Superannuation Act 1966-1973."

I hereby certify that the above is a fair print of a Bill for an Act entitled Provident Fund (Amendment) Act, 1990 has been passed by Parliament of Nauru and is now presented to the Speaker for his Certificate under Article 47 of the Constitution.



Clerk of Parliament
29th May, 1990

Pursuant to Article 47 of the Constitution, I, Derog Gioura, Speaker of Parliament hereby certify that the Provident Fund (Amendment) Act, 1990, has been passed by the Parliament of Nauru.



Speaker
29th May, 1990