



Western Samoa

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## Arrangement of Provisions

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1984, No. 44

**AN ACT to amend the National Provident Fund Act 1972.**  
*[20 December 1984]*

**BE IT ENACTED** by the Legislative Assembly of Western Samoa in Parliament assembled as follows:—

**1. Short title**— This Act may be cited as the National Provident Fund Amendment Act 1984 (No.2) and shall be read together with and deemed part of the National Provident Fund Act 1972\* (hereinafter referred to as the principal Act).

**2. Interpretation**— Section 2 of the principal Act is amended by inserting after paragraph (d) of the definition of "Date of entitlement" the following paragraph:—

"(e) has successfully completed studies in a course of study of theology approved by the Board for a period of not less than 12 months and intends to continue the study of theology;"

**3. Establishment of the Board**— Subsection (1) of section 3 of the principal Act is amended by omitting paragraphs (a) to (h) and substituting the following paragraphs—

- (ta) the Financial Secretary who is to be Chairman;
- (b) the Attorney-General;
- (c) two persons appointed by the Head of State, acting on the advice of Cabinet, to represent the employers of Western Samoa, such persons to be nominated by the Western Samoa Chamber of Commerce and Industry (Inc.);
- (d) a person appointed by the Head of State, acting on the advice of Cabinet, to represent the public servants of Western Samoa, such person to be nominated by the Public Service Association of Western Samoa (Incorporated);
- (e) a person appointed by the Head of State, acting on the advice of Cabinet, to represent the private-sector employees of Western Samoa, such person to be nominated by the Commissioner of Labour;
- (f) a person appointed by the Head of State, acting on the advice of Cabinet, to represent the interests of all the churches in Western Samoa; and
- (g) a person appointed by the Head of State, acting on the advice of Cabinet, to represent the interests of planters;
- (h) the Manager.

4. **Deputies of members**— Subsection (3) of section 3D of the principal Act is amended by omitting the words "or Deputy Chairman".

5. **Meetings of the Board**— Section 3E of the principal Act is amended by—

- (a) omitting subsection (2) and substituting the following subsection—

"(2) Every meeting of the Board shall be presided over by the Chairman, or if the Chairman is for any reason absent from a meeting, the members present shall appoint one of their member to preside at that meeting;" and

- (b) omitting the words "the Deputy Chairman", from subsection (4).

6. **Payment of contributions**— Subsection (1) of section 16 of the principal Act is amended by—

- (a) omitting the words—

"Every employer shall pay to the fund in respect of each of his employees within 7 days of paying wages to such employees a contribution of 10 sene in respect of each complete tala of the amount of wages payable to such employees by such employer for the period for which such payment relates;" and

- (b) substituting the following words—

"Every employer shall pay to the Fund in respect of each of his employees within 1 month of the last day of each month during which wages are paid to such employees a contribution of 10 sene in respect of each complete tala of the amount of wages payable to such employees by such employer during such month:".

7. **Surcharge on late payment**— Section 19 of the principal Act is amended by omitting subsection (1) and substituting the following subsection:—

"(1) Where any contributions which an employer is liable to pay under the provisions of subsection (1) of section 16 of this Act or any amounts which such employer is required to pay under the provisions of subsection (1) of section 30 of this Act are not paid within 1 month after the last day of the month during which the wages to which the contributions relate were payable, the employer shall be liable to pay a surcharge on the total of all such contributions not so paid to the fund by him at the rate of 24 per centum per annum for the period commencing after the expiration of 1 month after the last day of the month during which such wages were payable and expiring on the date the contributions are paid to the Fund:

Provided that—

- (i) If the amount of surcharge so calculated is less than 1 tala, the surcharge payable shall be 1 tala;
- (ii) If the amount of surcharge exceeds 1 tala, the surcharge payable shall be calculated to the next highest multiple of 1 tala; and
- (iii) The Board may in any case in which it thinks fit remit in whole or in part the payment of any surcharge due under the provisions of this section."

**8. Options on withdrawal**— Subsection (1) of section 35 of the principal Act is amended by—

- (a) omitting the full stop after the word "him" in paragraph (d) and substituting a "colon"; and
- (b) inserting the following paragraph immediately after paragraph (d)—

"(e) If the member has satisfied the Board that he has successfully completed studies in a course of study of theology approved by the Board for a period of not less than 12 months and intends to continue the study of theology the amount standing to the credit of his account in the Fund shall be payable to him."