

CHAPTER 28.

GOVERNMENT EMPLOYEES PROVIDENT
FUND.

AN ORDINANCE TO ESTABLISH A PROVIDENT FUND FOR CERTAIN NON-PENSIONABLE EMPLOYEES OF THE GOVERNMENT. 8 of 1938.

[4th June, 1938.]

1. This Ordinance may be cited as the Government Employees Provident Fund Ordinance. Short title.

2. (1) In this Ordinance, unless the context otherwise requires— Interpretation.

“Fund” means the Non-Pensionable Employees Provident Fund established under this Ordinance.

“Board” means the Board of Management appointed under this Ordinance.

“Treasurer” means the Treasurer of the Colony.

“Non-Pensionable Employee” means a person in the service of the Government of the Colony who—

(a) holds an office which is for the time being included in the Schedule to this Ordinance; and

(b) receives a salary of not less than £100 per annum.

“Depositor” means a person who is making deposits in the Fund.

“Salary” includes wages and any personal allowance, but no other payment or allowance whatsoever.

“Personal Allowance” means a special addition to salary granted personally to the holder for the time being of the office.

“Prescribed” means prescribed by regulations made under this Ordinance.

(2) For the purposes of this Ordinance a depositor's family shall be deemed to include his mother, father, wife and children, but no other person.

[Note. This Ordinance is applied to the Dependencies by the Application of Colony Laws Ordinance, Cap. 1 (D.S.).]

Amendment
of Schedule.

3. The Governor in Council may from time to time by order published in the *Gazette* amend the Schedule to this Ordinance by adding any office to the list of offices contained therein or by deleting any office from such list, but every such order shall make such provision (if any) as may be necessary or expedient to preserve existing rights. When any office is added to the Schedule the provisions of sections 5, 6 and 12 of this Ordinance shall have effect as respects that office as if the date upon which it is added were the date of the commencement of the Ordinance.

Establish-
ment and
management
of the fund.

4. (1) There shall be established a Fund to be known as the Non-Pensionable Employees Provident Fund.

(2) The Governor shall appoint a Board of Management who shall be responsible for the control and management of the Fund in accordance with the provisions of this Ordinance and of any regulations made hereunder. The Treasurer shall be chairman of the Board.

(3) The expenses of management and administration of the Fund shall be paid out of the Fund.

(4) The moneys paid into the Fund shall, so far as practicable, be invested by the Treasurer on behalf of the Fund in such security or securities yielding interest as the Board shall approve, or, with the approval of the Board, be deposited by him in the Government Savings Bank.

(5) The Treasurer shall keep a separate account for the moneys of the Fund.

(6) The Board shall submit to the Governor as soon as practicable after the thirty-first day of December in each year a full statement showing the working of the Fund and all claims thereon, and containing full particulars of all transactions connected with the working of the Fund. The accounts of the Fund shall be audited by the Government Auditor.

Who shall
become a
depositor.

5. (1) Every person who shall have been appointed a non-pensionable employee either after the commencement of this Ordinance, or on terms which so require, shall become a depositor from the date on which he begins to draw any of the salary of the post to which he is so appointed or from the commencement of this Ordinance, whichever shall be the later.

(2) Every non-pensionable employee to whom the preceding subsection does not apply, who does not elect under section 6 of this Ordinance to become a depositor, and is appointed to the service of the Government after the commencement of this Ordinance upon terms which constitute a reappointment or re-engagement in the service of the Government, shall become a depositor as from the date of such reappointment or re-engagement.

6. Every non-pensionable employee who is not required by the preceding section to become a depositor may, by a written notice addressed to the head of his department within three months after the commencement of this Ordinance or within such extended time as the Governor in Council may in any particular case allow, elect to become a depositor, and, if he so elect, he shall become a depositor as from the commencement of this Ordinance.

Who may become a depositor.

7. (1) Every depositor shall deposit in the Fund monthly an amount equal to one-twentieth of his monthly salary, until the termination of his service with the Government. The Treasurer shall deduct the deposit from the salaries of depositors.

Compulsory deposit.

(2) Such deposit shall be called the "compulsory deposit", and shall be calculated on full salary whether the depositor is on full, half, or no salary:

Provided that, when a depositor is on half salary or no salary for a period exceeding two months continuously, he may elect to contribute in respect of the excess over two months at the rate of one-twentieth of any salary which he receives.

8. Subject to prescribed conditions a depositor may, from time to time,

Voluntary deposits.

- (a) in addition to his compulsory deposits, deposit in the Fund sums, which shall be called "voluntary deposits", of five shillings or any multiple thereof, to an amount not exceeding twenty-five pounds in any one year, or one hundred and fifty pounds in all; and
- (b) withdraw all or any part of such deposits including interest credited thereon;
- (c) repay any sum so withdrawn.

Bonuses.

9. (1) A sum equal to each compulsory deposit shall, on the date when the deposit is made, be paid out of the revenues of the Colony into the Fund for the credit of the depositor.

(2) Every sum so credited shall be called a "bonus".

Interest.

10. (1) Interest shall be credited separately on compulsory deposits, voluntary deposits and bonuses at a rate to be fixed annually by the Governor in Council and shall begin to accrue in respect of each sum deposited and each bonus on the first day of the month next following the day on which the deposit was made or the bonus credited. Subject to the provisions of this Ordinance, it shall be calculated to the thirty-first day of December in each year and shall then be added to and become part of the principal and be deemed for the purposes of this Ordinance to be compulsory deposit, voluntary deposit or bonus as the case may be.

(2) No interest shall be credited on any sum withdrawn in respect of the period between the last day of the month preceding the date of withdrawal and the first day of the month next following the date of repayment.

Information to depositors.

11. As soon as practicable after the thirty-first day of December in each year the Treasurer shall inform each depositor of the total amount standing to his credit in the Fund at that date.

Deposits in respect of previous service.

12. (1) Any non-pensionable employee who shall have had at least one year's continuous service immediately before the commencement of this Ordinance and who being an officer to whom section 6 of this Ordinance applies, elects under that section to become a depositor, may if he thinks fit—

- (a) within a period of two years after the commencement of this Ordinance, deposit in the Fund in respect of each completed year of such service an amount not exceeding one-twentieth of his salary as at the commencement of this Ordinance; or
- (b) increase his deposits under section 7 of this Ordinance by 50 per cent. for a period not exceeding his completed years' continuous service prior to the commencement of this Ordinance.

(2) All amounts deposited under the provisions of this section shall be treated in all respects as compulsory deposits and the provisions of section 9 shall apply accordingly.

(3) In this section the word "service" means service which would, if this Ordinance had been in force, have been service as a non-pensionable employee.

13. Subject to the provisions of this Ordinance no compulsory deposit, bonus, or interest on any such deposit or bonus, shall be assignable or transferable or liable to be attached, sequestered or levied upon for, or in respect of, any debt or claim whatsoever.

Deposits, etc., not to be assigned or attached.

14. A depositor may withdraw compulsory deposits,

Withdrawal of compulsory deposits.

(1) with the approval of the Board; or

(2) with the permission of the Treasurer if the Treasurer is satisfied that withdrawal is desirable and that it is required for any one or more of the following purposes:

(a) to pay the passage of

(i) any member of the depositor's family; or

(ii) the depositor's brother or sister,

coming from abroad, or leaving the Colony on medical advice or for other good cause, such person being wholly or mainly dependent upon, or ordinarily resident with, the depositor;

(b) to pay the funeral expenses of any member of the depositor's family;

(c) to pay hospital or other expenses incurred through the illness of the depositor or any members of his family.

15. Any sum withdrawn from compulsory deposits under section 14 of this Ordinance shall be repaid by the depositor in not more than twelve equal monthly instalments, commencing in the month following the withdrawal, which may be deducted from his salary.

Repayment of withdrawal.

16. (1) On the death of a depositor or the termination of the depositor's service with the Government, interest up to the end of the month previous to the date of such death or termination of service shall be credited to his account, which shall then be closed.

Closing of accounts.

- (2) Notice of such closure shall thereupon be given
 - (i) if the depositor is living, to the depositor; or
 - (ii) if the depositor is dead, to such person or persons mentioned in section 20 of this Ordinance to whom it shall appear to the Treasurer that notice should properly be given,

and in either case to such other persons as shall, or may in the opinion of the Treasurer, reasonably require such notice.

Death or
termination
of service.

17. Subject to the provisions of this Ordinance, if a depositor dies while in the service of the Government or leaves the service in any of the following circumstances, that is to say:

- (1) retirement on medical evidence to the satisfaction of the Governor in Council (or the Secretary of State) that he is incapable by reason of some infirmity of mind or body of discharging the duties of his office;
- (2) satisfactory completion of contract;
- (3) abolition of office;
- (4) reaching the prescribed age of retirement;
- (5) determination of contract by, or with the consent of, the Government otherwise than by dismissal;
- (6) in the case of a female depositor, retirement with a view to, or in consequence of, marriage after not less than three years' service (subject to the production of evidence of marriage within such period after retirement as the Board may in any case prescribe);

the amount standing to his or her credit in the Fund at the closing of such account shall be paid out of the Fund to the depositor or any other person to whom by virtue of this Ordinance or otherwise payment may lawfully be made.

Resignation.
or dismissal

18. (1) Subject to the provisions of this Ordinance, if a depositor shall be dismissed, or resign, or leave the service of the Government without permission without completing the period prescribed by any contract under which he may be serving,

- (a) the amount of his deposits and interest credited thereon under subsection (1) of section 16 of this Ordinance shall be paid out of the Fund to the depositor; and

(b) such part, if any, of the bonuses credited to the depositor and interest credited as aforesaid, as the Board with the approval of the Governor shall determine, may be so paid.

(2) Any part of such bonuses and interest not paid as aforesaid shall be paid out of the Fund to the Government and credited to revenue.

19. (1) If a depositor is transferred to a post which is a pensionable office under the Pensions Ordinance, or any other Ordinance, the provisions of section 16 of this Ordinance shall apply as if the service of the depositor with the Government had terminated in circumstances in which section 17 of this Ordinance applies:

Transfer to pensionable office.
Chapter 49.

Provided that interest shall continue to be credited to his account, in accordance with the provisions of section 10 and subsection (1) of section 16 of this Ordinance.

(2) Subject to the provisions of this Ordinance, upon his subsequently leaving the service of the Colony in any circumstances or upon his dying in the service, the amount then standing to the credit of such depositor shall be paid out of the Fund to him or to any other person to whom by virtue of this Ordinance or otherwise payment may lawfully be made.

(3) A depositor who is so transferred may elect at the time of transfer to continue while serving in such post to remain subject to the provisions of this Ordinance, and shall thereupon be deemed to be a depositor as defined in section 2 (1) of this Ordinance while serving in a pensionable post or posts:

Provided that in the event of his being at any time confirmed in a pensionable post, the provisions of subsections (1) and (2) of this section shall apply to him as from the date of such confirmation.

Any election under this subsection shall be made in writing to the Board and shall be irrevocable.

20. (1) Subject to the provisions of this Ordinance, on the death of a depositor—

Payment on death of depositor.

(a) if the amount at his credit does not exceed £50 the Treasurer shall pay it to the person or persons nominated for the purpose by the depositor in manner prescribed, or, if no such nomination has

been made, to the personal representative of the depositor or, at the discretion of the Treasurer, the person appearing to the Treasurer to be entitled ultimately by law to receive it;

- (b) if the amount at his credit exceeds £50, the Treasurer shall pay it to the personal representative of the depositor:

Provided that the Treasurer may make payments, not exceeding £10 in any one case, to meet the expenses of the funeral of the deceased or to give immediate relief to the widow or children or other dependants of the deceased, if in the opinion of the Treasurer such relief is required.

(2) All amounts paid under this section shall be paid out of the Fund and all payments under this section shall be valid and effectual against any demand made upon the Government, the Board or the Treasurer by any other person in respect of the amount standing to the credit of the depositor.

Sums due to Government.

21. Any sum or sums due to Government by a depositor may, on payment out of the Fund of any amount then standing to his credit therein, be deducted from the amount otherwise payable.

Power to make regulations.

22. The Governor in Council may make regulations for carrying out the provisions of this Ordinance.

SCHEDULE.

Section 2 (1). Offices the holders of which are non-pensionable employees within the meaning of the Ordinance.

(a) The holders of non-pensionable posts included in the approved estimates receiving a salary of not less than one hundred pounds per annum.

O.I.C.
18th April,
1939.
3rd July,
1948.

(b) Other non-pensionable Government employees in receipt of wages at a rate of not less than one hundred pounds per annum and paid from Votes under "Other Charges", who may from time to time be added to the list of such employees by name by Order of the Governor in Council, but no such employee shall be permitted to become a depositor after 3rd July, 1948.