

# The S.I National Provident Fund (Amendment) Bill 1990

(NAME OF BILL)

CONTENTS: Bill  
Objects and Reasons  
Notice of Presentation  
Covering letter from Minister to Clerk to Parliament  
(Authorisation from Minister of Finance under s.60 of Constitution)

✓ FROM:

Attorney General's Chambers

5/11/90

TO:

Minister

(for signing Objects & Reasons, Notice of Presentation and covering letter to Clerk)

TO:

Minister of Finance

(for signing of letter to Clerk signifying Cabinet approval under s.60 of Constitution)

TO:

Clerk to National Parliament

(for certificate by Speaker)

*J. Mulvaney* 9.10.90

✓ TO:

Attorney General's Chambers

(for printing)

TO:

Clerk to National Parliament

(for reference during 1st, 2nd and 3rd Readings)

(Date passed: 20/11/90 Act No. 13/90)

TO:

Attorney General's Chambers

(for checking before Assent)

3/12/90

TO:

Governor-General

(for Assent)

*D. O'Connell* 4/12/90

TO:

Clerk to National Parliament

(for distribution)

*J. Mulvaney* 3/12/90

1 copy Attorney General's Chambers

1 copy Ministry *file* 5/12/90

1 copy Parliament Office

1 copy Registrar of the High Court

*J. Mulvaney* 5/12/90



**SOLOMON ISLANDS  
NATIONAL PROVIDENT  
FUND (AMENDMENT) ACT  
1990**

(NO. 13 OF 1990)



# SOLOMON ISLANDS NATIONAL PROVIDENT FUND (AMENDMENT) ACT 1990

(NO. 13 OF 1990)

*Passed by the National Parliament this twentieth day of November 1990.*

*This printed impression has been carefully compared by me with the Bill passed by Parliament and found by me to be a true and correct copy of the said Bill.*

A handwritten signature in dark ink, appearing to read 'J.M. Tuhaika'.

*J.M. Tuhaika  
Clerk to the National Parliament*

*Assented to in Her Majesty's name and on Her Majesty's behalf this fourth day of December 1990.*

A handwritten signature in dark ink, appearing to read 'G.G.D. Lepping'.

*G.G.D. Lepping  
Governor-General*

*Date of commencement: see section 1.*

AN ACT to Amend the Solomon Islands National Provident Fund Act 1973; and for matters connected therewith or incidental thereto.

ENACTED by the National Parliament of Solomon Islands.

SOLOMON ISLANDS  
NATIONAL PROVIDENT FUND (AMENDMENT) ACT 1990

ARRANGEMENT OF SECTIONS

Section:

1. Short title and commencement.
2. Amendment of section 2 of Act No. 3 of 1973.
3. Amendment of section 7.
4. Amendment of section 21.
5. Amendment of section 32.
6. Amendment of section 36.
7. Amendment of section 40.
8. Amendment of section 51.

1. This Act may be cited as the Solomon Islands National Provident Fund (Amendment) Act 1990, and shall come into operation on such date as the Minister may appoint, by notice published in the Gazette.

Short title and commencement.

2. Section 2 of the Solomon Islands National Provident Fund Act (hereinafter referred to as the "principal Act") is hereby amended as follows -

Amendment of section 2 of Act No. 3 of 1973.

- (a) in paragraph (e) of the definition of the expression "date of entitlement" by deleting the words "being an employee who has ceased employment for reasons other than resignation" and inserting instead the following words "has been unfairly dismissed or has been made redundant";
- (b) by inserting after the definition of "General Manager" the following new definition -  
"marriage" includes customary marriages;".

3. Section 7 of the principal Act is hereby amended in subsection (2)(b) by inserting after the words "for acquiring shares or interests in" the expression "or establishing".

Amendment of section 7.

4. Section 21 of the principal Act is hereby amended as follows -

Amendment of section 21.

- (a) in subsection (3) by deleting the expression "and thereafter the provisions of subsection (2) shall apply in respect of withdrawals by such employee" and inserting instead the expression "notwithstanding that the employee has become entitled to withdraw such further amount on any other ground"; and
- (b) by adding after subsection (3) the following new subsection as subsection (4) thereof -  
"(4) Subject to subsections (2) and (3), an employee who has withdrawn the amount standing to his credit in the Fund, shall not be entitled to withdraw any further amount standing to his credit in the Fund until he has reached the age of fifty years."

5. Section 32 of the principal Act is hereby amended by deleting paragraph (c) of subsection (2) and inserting instead the following new paragraph -

Amendment of section 32.

"(c) where the application is made on the ground that the member has been unfairly dismissed or has been made

redundant and has not, during the three months period immediately preceding the date on which he makes the application, being engaged in employment, the Board shall pay to the member the amount standing to his credit in the Fund as follows -

- (i) one third of the amount to be paid to the member upon application;
- (ii) one third to be paid at the expiration of one year from the date that the payment under subparagraph (i) was made, if the member is not yet engaged in employment; and
- (iii) the final one third to be paid at the expiration of one year from the date that the payment under subparagraph (ii) was made, if the member is not yet engaged in employment."

Amendment  
of section  
36.

6. Section 36 of the principal Act is hereby amended as follows -

- (a) by deleting the semi colon that appears at the end of paragraph (b) and inserting instead a colon;
- (b) by adding immediately after the colon so inserted the following proviso -
  - " Provided that the Board may from time to time allow the withdrawal by the guardian of the person under eighteen years of age of such portion of the amount of contributions as may be necessary for the education or welfare of that person"; and
- (c) by deleting paragraph (c) and inserting instead the following new paragraph -

"(c) if no person is nominated to receive the amount or the portion, then the amount or the portion shall, notwithstanding any law to the contrary, be distributed in accordance with the custom of the member to the children, spouse and other persons entitled thereto in accordance with that custom:

Provided that where at the time of his or her death a member was living with another person as husband or wife of that person, without proper marriage in law or in custom and had so lived for a period of not less than one year then any child born to the member and that other person as a result of their living together shall, for the purposes of this

paragraph, be deemed to be a legitimate child of the member and shall be entitled to a share of the amount or portion in accordance with this paragraph.”.

7. Section 40 of the principal Act is hereby amended as follows -

Amendment of section 40.

- (a) in subsection (1), by deleting the expression “section 13(1) and inserting instead the expression “this Act”;
- (b) in subsection (2), by deleting the expression “section 13(1)” and inserting the expression “this Act,”;
- (c) in subsection (3), by deleting the expression “any unpaid contributions together with any surcharge payable under section 15” and inserting instead the expression “the contributions which the employer has failed to pay”; and
- (d) by adding after subsection (3) the following new subsection as subsection (4) thereof-

“ (4) In this section, the word “contributions” includes surcharges under section 15.”.

8. Section 51 of the principal Act is hereby amended as follows -

Amendment of section 51.

- (a) in subsection (1) by inserting immediately after paragraph (m) the following new paragraph -
- (b) by adding after subsection (2) the following new subsection as subsection (3) thereof -

“ (n) to provide for the manner of repayment of any loan made to members under this Act.”; and

“ (3) Regulations made under subsection (1)(n) may impose obligations upon the employer of a member to whom a loan has been made under this Act for the deduction from the member’s salary and for payment to the Board such sum as the member is obliged to pay to the Board under the terms of the loan agreement:

Provided that an employer who fails to perform any obligation imposed upon him by such regulations shall be personally liable for any unpaid sum that he is obliged under the regulations to deduct from the member’s salary for payment to the Board.”.

