

CHAPTER 9. No. 9.

PROVIDENT FUND.

AN ORDINANCE TO ESTABLISH A PROVIDENT FUND FOR CERTAIN EMPLOYEES IN THE GOVERNMENT SERVICE.

[1st August, 1934.]

Ordinances.
Ch. 9. No. 9-1940.
No. 30-1943.
" 17-1944.
" 10-1945.
" 50-1946.
" 2-1950.

Commencement.

Short title.

Interpretation.

1. This Ordinance may be cited as the Provident Fund Ordinance.

2. In this Ordinance—

“ bonus ” means a sum of money added by Government to a deposit with the interest accruing on such sum of money and deposit;

“ compulsory deposit ” means a deposit which an employee is under this Ordinance required to make to the Fund;

“ depositor ” means an employee by whom or on whose behalf a deposit is made under this Ordinance;

“ employee ” means a person in the service of the Government of the Colony and not holding a pensionable office in the public service of the Colony who under this Ordinance is required to become a depositor;

“ Fund ” means the Provident Fund;

“ interest ” includes compound interest;

“ pensionable office ” shall have the same meaning as defined in the Pensions laws;

“ wages ” means monthly or fortnightly wages or salaries drawn by an employee and includes house and personal allowances but does not include overtime, subsistence, travelling, mileage or other fluctuating or extra allowance: Provided that where an employee is

paid at a daily rate the wages for ten days may be accepted as the wages for a fortnight;

“regulations” means the regulations made under authority of this Ordinance; and the term “this Ordinance” and references to this Ordinance shall be construed to include references to such regulations.

Service.

3. For the purpose of computing the service of a depositor—

(a) any calendar year in which the depositor has worked less than 250 days (hereinafter referred to as a non-effective year) shall be excluded;

(b) three consecutive non-effective years shall be a bar to the inclusion of any previous year;

(c) an aggregate of seven non-effective years shall be a bar to the inclusion of every year of service prior to the earliest of the years making up such aggregate;

(d) service while under the age of twenty years shall not be included:

Provided that any previous service of an employee under the Government of the Colony who may become a depositor shall be deemed to be service for the purposes of this Ordinance, save and except that in the computation of gratuities payable under section 21 service prior to his becoming a depositor shall not be included.

Establishment of Fund.

4. The Provident Fund established under the Provident Fund Ordinance, 1930, shall be maintained and continued for the purposes of this Ordinance.

Charge on general revenue.

5. There shall be charged upon and paid out of the general revenue and assets of the Colony all such sums as may from time to time be granted to depositors by way of bonus or gratuity in accordance with this Ordinance.

Gratuities and bonuses not of right.

6. (1) No employee shall have an absolute right to compensation for past services either by way of bonus or gratuity or other allowance under this Ordinance, nor shall anything contained in this Ordinance limit the right of the Governor to dismiss any employee without compensation.

(2) No employee shall be granted a bonus or gratuity under this Ordinance or a pension under section 14 of this Ordinance without a certificate from the head of his department that he has discharged the duties of his employment with such diligence and fidelity as to justify the grant to him of such bonus, gratuity or pension.

Certificates required as to conduct, etc.

7. Except in the cases of death, abolition or re-organisation of office, no gratuity shall be paid to any employee who has not attained the age of fifty-five years, unless on medical evidence to the satisfaction of the Governor that he is incapable by reason of some infirmity of mind or body of discharging the duties of his employment and that such infirmity is likely to be permanent:

Age of retirement.

Provided that this section shall not apply in the case of a depositor who voluntarily retires from the office of wardsmen or attendant at the Chacachacare Leprosarium having completed not less than ten years continuous service as a wardsmen or attendant aforesaid immediately prior to his retirement.

Ord. 30-1943, s. 2.

8. It shall be lawful for the Governor to require any depositor to retire from the service of the Colony at any time after he attains the age of sixty years.

Compulsory retirement.

9. (1) A compulsory deposit at the rate of four per centum of his wages or such portion of wages as is allowed under paragraph (1) (b) of section 16 and paragraph (1) (b) of section 17 shall be made by each depositor and an abatement at that rate shall be made by the Accountant General from each payment of wages of every depositor.

Contributions to the fund—
Rate of

(2) A depositor seconded for service in another department shall continue to pay his compulsory deposits, based on the full wages of his permanent employment or such portion of wages as is allowed under paragraph (1) (b) of section 16 and paragraph (1) (b) of section 17, into the Fund and shall participate in the benefits thereof.

Depositor seconded for service.

(3) Compulsory deposits into the Fund, made by abatements from wages, shall be deemed to be paid into the Fund on the last day of the month in respect of which the wages liable to abatements are due.

Date of payment.

Special
account.

(4) The amounts of such abatements shall be carried to a special account.

Non-for-
feiture of
compulsory
deposits.

10. Compulsory deposits and interest thereon shall not be liable to forfeiture, and, subject to section 11 of this Ordinance, shall be returnable in full to a depositor on his retirement from the service of this Colony, whether through dismissal or otherwise.

Amounts not
assignable or
attachable.

11. No deposit or the interest or bonus thereon or any gratuity or any moneys payable in respect of life assurance effected under this Ordinance shall be assignable or transferable, or liable to be attached, sequestered or levied upon, for or in respect of any claim whatsoever, but it shall be lawful for the Governor to direct that any amount due to the Crown by a depositor in respect of any liability or defalcation be deducted from any amount due and payable to him.

Depositors
to forfeit
rights under
Pensions
laws.

12. Every employee who becomes a depositor shall, subject to sections 14, 15, 16 and 17, forfeit all his rights (if any) under the Pensions laws.

Employees
to become
depositors.
1st Schedule.

13. (1) Subject to the provisions contained in sections 14, 15, 16 and 17 every person appointed to an office specified in the First Schedule hereto shall be required to become a depositor from the date of his appointment to such office.

Ord. 17-1944.

(2) The Governor in Council may, by notice in the *Royal Gazette* alter and amend the said Schedule by adding thereto any other office or removing therefrom any office included therein or added thereto.

Ord. 2-1950.

(3) The Governor in Council may with the approval of the Secretary of State amend the said Schedule from time to time by proclamation adding the name of any depositor who he is satisfied has inadvertently omitted to exercise the option provided for by section 18 within the period prescribed by the said section.

(4) No person who is serving as an apprentice or for any period under special agreement or whose employment is of a casual nature shall be allowed to become a depositor.

14. Where a pensionable office has been declared under the Pensions laws to be no longer pensionable and such office has been specified in the First Schedule hereto to be an office the holder of which is required to become a depositor, any employee so long as he continues to hold such office, whether his wages have been increased or not, or if he is transferred to another office specified in the First Schedule carrying the same wages, shall not be required or allowed to become a depositor: Provided that any pension and gratuity for which he or his legal personal representative may be eligible under the Pensions laws shall be preserved, and, provided further that if he is transferred to another office specified in the said First Schedule carrying greater wages than the provisions of section 16 shall apply.

Pensionable office declared no longer pensionable.

15. Where an office, the holder of which under the regulations made under the Pensions Ordinance, Cap. 83 of the 1925 Revised Laws, was eligible for a retiring allowance at the rate of three-fourths of the pension that would have been payable to him if he had been the holder of a pensionable office, is specified in the First Schedule hereto to be an office the holder of which is required to become a depositor, any employee, so long as he continues to hold such office, whether his wages have been increased or not, or if he is transferred to another office specified in the said Schedule carrying the same wages, shall not be required or allowed to become a depositor: Provided that any retiring allowance and gratuity for which he is eligible under the Pensions laws shall be preserved, and, provided further that if he is transferred to another office specified in the said Schedule carrying greater wages than the provisions of section 16 of this Ordinance shall apply, save and except that the pension to be awarded shall be calculated at three-fourths of the rates set out in paragraphs (a) and (b) of subsection (2) of the said section 16.

Rights of office holders under Cap. 83.

16. (1) An employee on transfer from a pensionable office in the service of the Government of the Colony to an office specified in the First Schedule hereto which carries greater wages than those received by him immediately prior to such transfer may at his option elect to become a depositor—

Transfer from a pensionable office.

(a) on the basis of the full wages of his new appoint-

ment and to be paid on his final retirement from the service of the Colony in addition to any benefits to which he may be entitled from the Fund such pension and gratuity for which he may be eligible, calculated on the number of years' service prior to his becoming a depositor, based on the pensionable emoluments he received immediately prior to his transfer, or

(b) on the basis of the difference only between the wages of his new appointment and the wages of the pensionable office from which he is transferred and to be paid on his final retirement such pension and gratuity for which he may be eligible calculated in respect of the whole of his service in the Colony on the basis of the pensionable emoluments he received immediately prior to such transfer together with any benefits from the Fund to which he may be entitled as a depositor: Provided that if the employee is a contributor to the Widows' and Orphans' Pension Scheme under the provision of the Widows' and Orphans' Pension Ordinance, he shall be required to contribute to such scheme on the basis of the wages of the office from which he has been transferred.

(2) Any pension awarded under the preceding subsection shall be calculated in the following manner—

(a) in the case of an employee with not less than ten years' service prior to his becoming a depositor at the rate of $180/720$ ths of his pensionable emoluments in respect of his first ten years of service and at the rate of $1/720$ th of his pensionable emoluments in respect of each additional complete month of service, provided that the pension so awarded shall not exceed $480/720$ ths of his pensionable emoluments;

(b) in the case of an employee who has not prior to his becoming a depositor completed in the aggregate the qualifying period of ten years at the rate of $1/720$ th of his pensionable emoluments in respect of each complete month of service together with an addition which shall have the like proportion to the full addition which the number of years he has served bears to ten years.

(3) The option referred to in subsection (1) hereof must be exercised in writing by the employee within one month of his transfer and if he does not so exercise the

option he shall be deemed to have exercised the option set out in paragraph (b) of subsection (1) hereof.

17. (1) Where an employee holding a non-pensionable post in the service of the Government of the Colony is appointed to an office specified in the First Schedule hereto he may at his option elect to become a depositor—

Transfer
from a non-
pensionable
office.

(a) on the basis of the full wages of his employment and to be paid on his final retirement a gratuity calculated on the number of years' service prior to his becoming a depositor together with any benefits from the Fund to which he may be entitled as a depositor, or

(b) on the basis of the difference only between the wages of his new employment and the wages previously drawn by him and to be paid on his final retirement in respect of the whole of his service in the Colony a gratuity calculated on the basis of the wages he received immediately prior to his employment in an office specified in the said First Schedule together with any benefits from the Fund to which he may be entitled as a depositor: Provided that if such employee is a contributor to the Widows' and Orphans' Pension Scheme under the provisions of the Widows' and Orphans' Pensions Ordinance, he shall be required to contribute to such scheme on the basis of the wages of the office from which he has been transferred.

(2) The gratuity to be awarded under the preceding subsection shall be calculated in accordance with the principle followed in calculating gratuities for non-pensionable employees in the service of the Government of the Colony at the date of the appointment of such employee to an office specified in the said First Schedule.

(3) The option referred to in subsection (1) hereof must be exercised in writing by the employee within one month of his transfer and if he does not so exercise the option he shall be deemed to have exercised the option set out in paragraph (b) of subsection (1) hereof.

18. (1) A depositor on transfer to a pensionable office in the service of the Government of the Colony may at his option elect—

Transfer to a
pensionable
office.

(a) to allow the total amount due to him at the

date of such transfer in respect of compulsory deposits, bonuses, and interest thereon to accumulate and to be paid to him on his final retirement from the service together with any gratuity in respect of service while a depositor payable under section 21 and any such pension and gratuity for which he may be eligible under the Pensions laws in respect of service in such pensionable office and counting as pensionable only the service from the date of such transfer to a pensionable office, or

(b) to surrender the bonuses and interest thereon and all rights to a gratuity under section 21 and counting all service towards pension in accordance with the Pensions laws and thereupon his compulsory deposits and interest thereon shall be refunded to him.

(2) Such option shall be exercised in writing by the depositor within one month from the date of transfer to such pensionable office and if he does not so exercise the option he shall be deemed to have exercised the option set out in paragraph (a) of subsection (1) hereof.

Cessation of
contri-
butions.

19. No person shall be allowed to remain a depositor after—

- (a) dismissal from the service of the Colony, or
- (b) voluntary or compulsory retirement from the service of the Colony, or
- (c) he has been without wages from the funds of the Colony for a period exceeding six months save and except in the case of illness supported by medical evidence to the satisfaction of the Governor.

Bonus
addition.

20. (1) At the close of each month the Accountant General shall transfer from general revenue to the account of each depositor a bonus equal in amount to the compulsory deposit made by him during that month: Provided that the bonus in respect of any non-effective year shall be forfeited.

(2) Bonuses may be paid as hereunder:—

(a) Full bonus—

(i) to a depositor who retires after reaching the

age of retirement, or who is invalided before reaching the age of retirement;

(ii) to a depositor on compulsory retirement for the purpose of facilitating improvement in the department in which he is serving by which greater efficiency or economy can be effected;

(iii) to the nominee or legal personal representative of a depositor who dies while in the service;

(iv) to a depositor who voluntarily retires from the office of wardman or attendant at the Chacachacare Leprosarium having completed not less than ten years' continuous service as a wardman or attendant aforesaid immediately prior to his retirement. Ord.30-1943,
s. 3.

(b) With the Governor's approval half of the bonus—

(i) to a depositor who voluntarily retires before reaching the age of retirement, provided that he has had at least twelve years' service;

(ii) to a depositor who is dismissed from the service provided that he has had at least fifteen years' service and his conduct and record during that service has been otherwise satisfactory.

Amended by Supp. No. 1 on 1/1/49 Page 34/50 2

21. (1) A gratuity equivalent to 1/25th part of the annual wages for each completed year of service in any office or offices specified in the First Schedule hereto up to a maximum of one year's wages may be paid— Gratuities.

(a) to a depositor who retires after the age of fifty-five years provided that he has completed at least fifteen years' service;

(b) to a depositor who has completed at least seven years' service and is invalided from the service of the Colony before reaching the age of fifty-five years;

(c) to a depositor on compulsory retirement for the purpose of facilitating improvement in the department in which he is serving by which greater efficiency or economy can be effected, provided that he has completed not less than seven years' service, and provided also that he cannot be absorbed into any

other department on the same wages he was drawing at the time of compulsory retirement;

(d) to the nominee or legal personal representative of a depositor who dies while in the service of the Colony and who has at least five years' service: Provided that, in the case of a depositor referred to in section 16 of this Ordinance, where the gratuity under this subsection is less than the amount which the legal personal representative or dependant would have received under the Pensions laws if the depositor had continued to be the holder of a pensionable office, there may be paid to the nominee or legal personal representative or dependant of the deceased depositor in lieu of a gratuity under this section an amount not exceeding a year's pensionable emoluments which the deceased depositor had received immediately prior to his becoming a depositor;

(e) to a depositor who voluntarily retires from the office of wardman or attendant at the Chacachacare Leprosarium having completed not less than ten years' continuous service as a wardman or attendant aforesaid immediately prior to his retirement.

Ord.30-1943,
s. 4.

(2) In the event of a depositor being retired in consequence of an injury received in the actual discharge of his duty and without his own default, he may with the approval of the Governor be paid, in addition to the gratuity mentioned in the preceding subsection, where his capacity to contribute to his support is certified by a Government Medical Officer to be—

slightly impaired	...	2/25ths	of the annual wages.
impaired	4/25ths	do.
materially impaired	...	6/25ths	do.
totally destroyed	8/25ths	do.

(3) In the event of a depositor dying as a result of an injury received in the actual discharge of his duty and without his own default there shall be paid, in addition to the gratuity mentioned in the subsection (1) hereof, to his nominee or legal personal representative or dependant an additional gratuity of six months' wages subject to a deduction in respect of any amount that may have been paid under subsection (2) hereof to the depositor previous

to his death, provided that the death occurs within six months of the date of the injury.

(4) Gratuities payable under this section shall be calculated on the actual wages on which contributions to the Fund at the time of retirement or death were based.

(5) No gratuity under subsections (2) and (3) hereof shall be paid if a claim for compensation is made and allowed under the provisions of the Workmen's Compensation Ordinance.

22. (1) A depositor may at his option elect that his compulsory deposits and the bonus, or his compulsory deposits only, be applied by the Accountant General towards the effecting of assurance on his life, provided that such election is conditional upon the depositor passing a medical examination to the satisfaction of a medical practitioner appointed by the insurance company and provided further that his contributions can effect a policy of not less than one hundred and twenty dollars.

(2) The option referred to in the preceding subsection shall be exercised in writing by the depositor within three months of his becoming a depositor, but any depositor may subsequently in special circumstances be allowed with the approval of the Governor to exercise such option. Where the depositor elects to have his compulsory deposits and the bonus, or his compulsory deposits only, applied towards the effecting of assurance on his life such election shall be irrevocable.

(3) Separate policies shall be taken out in respect of compulsory deposits and bonuses.

23. Any assurance effected shall be under an endowment assurance policy in favour of the Accountant General effected with such company or companies as may be selected by the Governor in Council and upon such terms and conditions as may be embodied in the assurance policy.

24. Any bonus declared by an insurance company shall in every case be allowed to augment the policy and become payable together with the capital sum at the maturity of

Life assurance.

Selection of insurance company.

Application of bonus.

the policy or at the time of the surrender of such policy as hereinafter provided and shall not be used in reduction of premiums.

Disposal of
policy at
maturity.

25. Should any policy of assurance mature before the date of retirement from the service of any depositor the amount of the proceeds of such policy shall at the option of the depositor to be exercised in writing within one month of the maturity of the policy be—

(a) held on deposit by the Accountant General for the account of the depositor, in which case the amount shall bear interest at the prescribed rate, or

(b) re-invested in assurance:

Provided that if the option is not exercised within the prescribed period the depositor shall be deemed to have exercised the option set out in paragraph (a) hereof.

Disposal of
proceeds of
policy at
death.

26. All moneys received by the Accountant General under any policy of assurance on the life of a depositor who dies while in the service shall, after payment thereof of any costs of recovering the moneys and any liability due by the depositor to the Crown, be paid to the depositor's nominee, if one has been appointed, or in the absence of such an appointment to his legal personal representative.

Assignment
of policy for
deposits to
the depositor
before
maturity.

27. Where a depositor elects that his compulsory deposits shall be applied towards the effecting of an assurance policy on his life he shall not be entitled to a refund of his deposits as contemplated by section 10 and paragraph (1) (b) of section 18 so long as a policy of assurance is subsisting, but in the event of his retirement from the service, whether through dismissal or otherwise, before the maturity of such policy of assurance the Accountant General shall assign such policy to the depositor subject to any liability due by the depositor as contemplated by section 11.

Disposal of
policy for
bonuses
before
maturity.

28. Where a depositor elects that the bonus shall be applied towards the effecting of an assurance on his life the following provisions shall apply—

(a) where the full bonus would have been payable under the provisions of this Ordinance the Accountant

General shall on the retirement of the depositor assign the policy to him, or, in the case of his death while in the service of the Colony, payment shall be made as provided in section 26;

(b) where only half of the bonus would have been payable the Accountant General shall surrender the policy and pay to the depositor half of the proceeds thereof and deposit the balance to the credit of general revenue;

(c) where no bonus would have been payable the Accountant General shall surrender the policy and deposit the proceeds thereof to the credit of general revenue.

29. Where the depositor, who has elected that his compulsory deposits and bonus, or his compulsory deposits only, shall be applied towards the effecting of an assurance policy on his life, is transferred to a pensionable office as provided for under section 18 the following provisions shall apply—

Provisions where depositor is transferred to a pensionable office.

(a) where he elects to count his service for pension from the date of such transfer he shall be entitled—

(i) to have the policy or policies converted by the Accountant General into a fully paid up policy or policies in respect of the premiums paid up to the date of his transfer to such pensionable office, or

(ii) to have the policies surrendered for their value at the date of such transfer and the amount thereof placed to his credit and accumulated with interest at the prescribed rate to be paid to him on his final retirement from the service of the Colony;

(b) where he elects to count all service in the Colony towards pension the Accountant General shall assign the policy relating to compulsory deposits to the depositor, and in the case of a policy relating to bonus the Accountant General shall surrender such policy and place the amount realised therefrom to the credit of general revenue.

Interest.

30. (1) Interest at a rate to be fixed by the Governor in Council of not less than three per centum per annum shall be payable upon the amount of deposits and bonuses at any time standing to the credit of a depositor. Such interest shall commence upon any deposit on the first day of the month next after the deposit is made or deemed to be made and shall terminate on any sum withdrawn on the last day of the month preceding such withdrawal.

(2) On the 31st of December in each year the interest due up to and including that day shall be added to the capital.

(3) When a depositor's account is closed interest to the end of the preceding month shall be credited to the account.

(4) Interest on the balance standing to the credit of a depositor whose account has been closed shall cease to accrue from the date of a notice given to him in writing stating the amount to his credit which shall be served on him or in the event of his death on his nominee or his legal personal representative.

Appoint-
ments.

31. (1) Any depositor may, by appointment in writing to the Accountant General in the prescribed form, direct that the whole or any part of the deposit, bonus, gratuity or moneys from a policy of assurance due to him at the time of his death shall be paid to the beneficiary or beneficiaries named in such appointment.

(2) An appointment under this section shall be inoperative so far as it is inconsistent with a subsequent appointment and shall be revoked by the death of the appointee in the lifetime of the depositor or by the marriage of the depositor. It may also be revoked by the depositor by his making a new appointment in the prescribed form.

(3) The Accountant General shall keep and carefully preserve proper records of the particulars in reference to such appointments.

(4) In the absence of an appointment all moneys due to a deceased depositor under this Ordinance shall be payable only to the legal personal representative.

32. The Accountant General shall invest in such securities as may be approved by the Governor all moneys standing to the credit of the Fund, except such amounts as he may consider necessary for the payment of amounts becoming due to depositors in any year and for the purpose of paying premiums on policies effected on behalf of depositors and of making advances to depositors.

Investments.

33. So long as the interest earned in any one year on the invested portion of the Fund is not sufficient to pay depositors' interest at the prescribed rate on their deposits for that year the difference of interest shall be a charge upon the general revenues and assets of the Colony, and the whole cost of administration of the Fund shall be met from general revenue. But if the interest earned in any one year on the invested portion of the Fund is more than sufficient to pay depositors' interest for that year, then a sum shall be withdrawn from the interest account and shall be applied in reduction of the cost of administration of the Fund up to the limit of such cost for that year. For the purpose of this section each year shall be taken separately, no allowance being made for any cost of administration for previous years not covered by the proportion of interest applied in reduction thereof.

Salaries and expenses.

34. Any bonus or interest forfeited under this Ordinance shall be transferred to general revenue.

Forfeitures.

35. The Governor is authorised to make advances from the Fund to depositors upon such terms and conditions as may be prescribed by regulations.

Advances.

36. All accounts relating to the Fund are to be kept separately by the Accountant General, but all transactions of the Fund shall be reflected in the Colony's Accounts.

Accounts of the Fund.

37. The accounts of all transactions of the Fund shall be audited in every year by the Director of Audit.

Audit.

38. (1) The Governor in Council may with the approval of the Secretary of State make regulations for all or any of the following purposes, that is to say—

Regulations.

(a) for the management and control of the Fund;

(b) prescribing the accounts, books and forms to be used;

(c) as to the conditions upon which advances from the Fund may be made;

(d) as to the effecting of assurance on the life of depositors; and

(e) generally for more effectually carrying out any of the purposes of or matters prescribed by this Ordinance.

(2) All regulations made under this section shall be laid before the Legislative Council and shall be published in the *Royal Gazette*.

2nd Schedule

(3) The regulations contained in the Second Schedule hereto shall remain in force until varied or revoked.

Depositor transferred to service of Central Water Distribution Authority permitted to continue to be a depositor.
Ord.10-1945.

39. (1) Notwithstanding the provisions of this Ordinance, it shall be lawful for any depositor to the Fund who is transferred from service with the Government of the Colony to the service of the Central Water Distribution Authority, constituted under the provisions of the Central Water Distribution Authority Ordinance, to continue to contribute to the Fund and on the basis of the wages attached to the office which he held immediately prior to such transfer as though he had continued to be in the service of the Government of the Colony in such office; and the provisions of this Ordinance shall, subject to the provisions hereinafter contained, apply to the case of such depositor as though his service with the Central Water Distribution Authority were service with the Government of the Colony: Provided that, notwithstanding the provisions of sections 9 and 20 of this Ordinance—

(a) the deposit authorised as aforesaid to be made by any such person shall be deducted by the Central Water Distribution Authority from each payment of wages to such person;

(b) the bonuses contemplated by section 20 of this Ordinance shall be contributed by the Central Water Distribution Authority and shall each be of an amount equal to such deposit;

(c) each such deposit and bonus shall be paid to the

Accountant General by the Central Water Distribution Authority upon such deduction as aforesaid.

(2) The provisions of this section shall be deemed to have had effect as from the 1st of August, 1944.

40. (1) The provisions of section 18 of the Pensions Ordinance shall, subject to the limitations hereinafter contained, apply to the case of a depositor dying as a result, and within six months, of any injury received in the actual discharge of his duty and without his own default as though he had held a non-pensionable office in the service of the Government of the Colony.

Provision for payment of pensions to dependants of deceased depositor after dying while in the service of the Government. Ord. 50-1946.

(2) In the application of the provisions of subsection (1) of section 18 of the said Ordinance to any such case, reference to the gratuity payable under section 17 of the said Ordinance shall be deemed to be a reference to the gratuity payable under section 21 of this Ordinance.

(3) If any pension is awarded under the authority of this Ordinance, full bonus shall not be payable to the nominee or legal personal representative of the deceased depositor as contemplated by subsection (2) of section 20 of this Ordinance.

(4) Such pensions as are provided for under this Ordinance shall be payable only if the award thereof would, in the opinion of the Governor in Council, be more advantageous to the dependants of the deceased depositor than the payment of full bonus.

(5) The provisions of this section shall be deemed to have come into operation on the 31st of January, 1946.

SCHEDULES.

FIRST SCHEDULE.*

(Section 13.)

* For offices under this Schedule, see Ch. 9, No. 9—1940, Ord. No. 2—1950, and for additions, refer to the *Royal Gazettes*.

SECOND SCHEDULE.

Regulations.

(Section
38 (3).)

Short title.

1. These regulations may be cited as the Provident Fund Regulations.

Management
of the Fund.

2. The Fund shall be under the management of the Accountant General, by whom the necessary books of account shall be kept.

Form of
appointment.

3. The form of appointment referred to in section 31 of the Ordinance shall be as under:

To the Accountant General of Trinidad and Tobago:

I of a depositor in the Provident Fund, do hereby appoint and direct that all Moneys [or the part of, or the sum of out of my moneys] which may be standing in the Fund to my credit or due on a policy of assurance at the time of my death shall in case of my dying intestate, be paid to

Dated this day of , 19 .

Signed or acknowledged by the said }
in the presence of }Closed
accounts.

4. On a depositor leaving the service of the Colony or being transferred to a pensionable office his account shall be closed and a notice given to him in writing showing the amount to his credit.

Statement of
account.

5. As soon as the accounts of the year are closed individual depositors shall be furnished with a statement showing the amounts—

(a) to their credit at the close of the year by way of:

(i). Compulsory deposits and interest;

(ii) Bonus with interest;

(b) paid in respect of life assurance premiums.

Accounts
relating to
bonus
additions.

6. All bonuses and all interest thereon provisionally accruing shall be shown in a separate column in each depositor's account.

Advances.

7. (1) Advances from the Fund may be made by the Accountant General to a depositor for the following purposes:—

(a) To pay the funeral expenses of his father, mother, wife or children up to a limit of \$48 in each case;

(b) To pay exceptional hospital expenses or exceptional expenses incurred through the ill-health of the depositor or the persons mentioned in (a) hereof up to a maximum of \$48 in each instance;

(c) To furnish temporary financial assistance in any case of extreme necessity not provided for in (a) and (b) hereof up to a maximum of \$48.

(2) Advances will be made on the following conditions:—

(a) Advances shall not exceed 75 per centum of the amount standing to a depositor's credit in respect of compulsory deposits and interest thereon, except in very special circumstances to be approved by the Governor;

(b) Application for advances supported by appropriate evidence must be made through the Head of Department, by whom the application must be recommended, to the Accountant General;

(c) No advance shall be made to a depositor with less than five years' service;

(d) No depositor, except in exceptional circumstances to be approved by the Governor, shall be granted a further advance until the previous advance has been repaid;

(e) Advances must be repaid by twenty-four equal monthly instalments commencing from the end of the month following that in which the advance is made;

(f) Advances will be debited against the personal account of the depositor, the interest on his credit balances being consequently reduced.

(3) For the purposes of this regulation every depositor shall be required to register the names of his father, mother, wife and children, and any future births of children or other changes.