

REPUBLIC OF KIRIBATI
(No. 7 of 1998)

I assent

Beretitenti
Assented: 9th July 1998

AN ACT TO AMEND THE COMPULSORY RETIREMENT ACT 1996 (No.24/96)

MADE by the Maneaba ni Maungatabu and assented to by the Beretitenti.

Short Title

1. This Act may be cited as the Compulsory Retirement (Amendment) Act 1998.

Commencement

2. This Act shall be deemed to have come into operation on 1 January 1997.

New Section 3

3. Section 3 of the Compulsory Retirement Act 1996 (in this Act referred to as the principal Act) is repealed and the following Section is substituted:

“Application

3. This Act shall apply only to Public Officers appointed pursuant to Section 99, 100(1) and 102 of the Constitution or pursuant to the Public Service Commission (Functions) Act 1983 (No.9/83).”

Amendment of Section 4

4. Section 4 of the Principal Act is amended by adding after the definition of “Committee” the following definition:

“Public Officer” means a public officer referred to in Section 3”.

Amendment of Section 7

5. Section 7 of the Principal Act is amended by:
 - (a) repealing in paragraph b. the word “under Secretary” and substituting the word “Secretary”; and
 - (b) repealing in paragraph b. the word “Division” and substituting the word “Office”.

Amendment of Section 8

6. Section 8 of the Principal Act is amended by repealing in paragraph a. the words “Statutory body”.

Amendment of Section 12

7. Section 12 of the Principal Act is amended –
 - (a) by inserting after the words “retirement age the” the word “Beretitenti,”; and
 - (b) by inserting after the words “Public Service Commission” the words, “or the Commissioner of Police as the case requires,”; and
 - (c) by repealing in paragraph d. the words “ or the Secretary responsible for the Statutory Corporation”.

Amendment of Section 13

8. Section 13 of the Principal Act is amended –
 - (1) In subsection (1) by:
 - (a) repealing the following words –

“who is to be or has been appointed or reappointed pursuant to section 99 of the Constitution”, appearing in the first and second line; and
 - (b) inserting after the words “Public Officer” where it first appears the following:

“, other than a public officer appointed under section 100(1) of the Constitution”; and
 - (c) repealing the words “public office” appearing in the last line and substituting the word “appointment”; and
 - (2) In Subsection (2) by repealing the words “public office” appearing in the sixth line and substituting the word “appointment”.
 - (3) By adding after sub-section (2) the following sub-section (3) –

“(3) In the case of a public officer who is appointed under section 102 of the Constitution, the Commissioner of Police may upon receipt of a recommendation from the retirement committee with respect to a public officer and having considered the matters specified in section 12 of this Act, extend the retirement Age of that public officer to 55 years of age and the public officer shall be eligible to continue to hold his or her appointment, or to be re-appointed, or to be appointed to a different appointment, until he or she reaches the age of 55 years.”

COMPULSORY RETIREMENT (AMENDMENT) ACT 1998

EXPLANATORY MEMORANDUM

1. The purpose of this Act is to widen the Scope of the application of the Principal Act and to make necessary changes now that the Public Service Commission no longer deals with staff of Statutory Bodies.
2. Section 3 amends Section 3 of the Principal Act to provide a wider application to the Act.
3. Section 4 amends Section 4 of the Principal Act by inserting a definition of the term “public officer”.
4. Section 5 amends Section 7 of the Principal Act by changing the reference to the Under Secretary of the Public Service Division, to the Secretary of the Public Service Office to bring the Principal Act in line with the Administrative changes of name.
5. Section 7 amends Section 8 of the Principal Act by removing the reference to Statutory bodies, and section 8 does the same for section 12 of the Principal Act.
6. Section 9 makes amendments to Section 13 of the Principal Act which are consequential of the amendment of Section 3 of the Principal Act.

Michael N. Takabwe
Attorney General
28/4/98