

REPUBLIC OF KIRIBATI
(No. 8 of 1998)

I assent,

Beretitenti
Assented: 9th July 1998

**AN ACT TO PROVIDE FOR THE COMPULSORY RETIREMENT OF EMPLOYEES OF
STATUTORY CORPORATIONS AND GOVERNMENT OWNED COMPANIES AND FOR
CONNECTED PURPOSES**

Commencement:
1998

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

Short Title

1. This Act may be cited as the Compulsory Retirement (Statutory Corporations and Government Owned Companies) Act 1998.

Commencement

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

Application

3. This Act applies only to employees of a Statutory Corporation and a Government owned Company.

Interpretation

4. In this Act, unless the context otherwise requires –

“Board” means –

- (a) In the case of a Corporation, the Board or Authority as the case may be appointed under the Act establishing that Corporation to direct and control that Corporation; or
- (b) in the case of a Company, the Board of Directors of that Company;

“Corporation” means, any of the following Statutory Corporations –

- (a) the Development Bank of Kiribati;
- (b) the Public Utilities Board;
- (c) the Broadcasting and Publication Authority;
- (d) the Provident Fund Board;

- (e) the Kiribati Ports Authority;
- (f) the Housing Corporation;
- (g) the Kiribati Insurance Corporation;

“Company” means a Company incorporated under the Companies Ordinance (Cap. 10A) in which all the shares or the majority of shares in the company are held by or on behalf of the Government.

“Employee” means a person employed by a corporation or a Company.

Employees to retire at age of 50

5. Subject to section 6, all employees shall retire from their employment with a Corporation or a Company upon reaching the age of 50 years and shall not be employed thereafter by that Corporation or Company, or by any other Corporation or Company.

Power to extend Retirement Age

6. Subject to Section 7 the Board of a Corporation or a Company may extend the age at which an employee of that Corporation or Company must retire to 55 years of age if –

- (a) it is in the interests of the Corporation or Company as the case may be to retain the employee for his skills, qualification and experience; and
- (b) there is no other person readily available in Kiribati with comparable skills, qualifications and experience who is ready, willing and able to replace the employee.

Matters to be considered before Extending Retirement Age

7. In considering whether or not to extend the retirement age of an employee, a board shall take into account the following matters –

- (a) any qualifications and/or experience of that employee;
- (b) the health both physical and mental of the employee;
- (c) the employee’s performance during his service with the Corporation or the Company as the case may be;
- (d) any other matter that may be relevant to whether or not the employee’s retirement age should be extended.

COMPULSORY RETIREMENT (STATUTORY CORPORATIONS AND GOVERNMENT OWNED COMPANIES) ACT 1998

EXPLANATORY MEMORANDUM

1. The purpose of this Act is to provide for the compulsory retirement of employees of Statutory Corporations and Government owned Companies in which the Government is the only or majority shareholder (“Government Companies”) and to allow for extension of the retirement age in certain circumstances.
2. Section 3 limits the application of the Act to employees of Government owned Companies and Statutory Corporations.
3. Section 5 makes it mandatory for employees of Corporations and government Companies to retire at age 50 years, subject to clause 6.
4. Section 6 empowers the boards of Corporations and Government Companies to extend the retirement age to 55 years of age where an employee has skills, qualifications or experience, where there is no one else readily available in Kiribati with matching skill qualification and ability.
5. Section 7 sets out the matters a Board must take into account when considering whether or not to extend the retirement age in any given case.

Michael N Takabwebwe
Attorney General
16th May 1998