



THE REPUBLIC OF KIRIBATI
(No. 4 of 2001)

I assent,
Beretitenti
27/6/2001

AN ACT TO AMEND THE PROVIDENT FUND ORDINANCE (CAP. 78A)

Commencement: 2001

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

Short title and commencement

1. (1) This Act may be cited as the Provident Fund (Amendment) Act No. 4 2001.

(2) This Act shall come into operation on 1 July 2001.

Amendment of section 13

2. Section 13 of the Provident Fund Ordinance (Cap. 78A) as amended by the Provident Fund (Amendment) Act 1996 (No 15 of 1996) is amended by repealing "12" and substituting "15".

Insertion of new Part VIB

3. Part VIA of the Provident Fund Ordinance (Cap. 78A) as inserted by the Provident Fund (Amendment) Act 1993 (No.6 of 1993) is amended by inserting a new "PART VIB" as follows -

“PART VIB

Application

1. (1) In this Part-

"education costs and/or fees" include secondary school, college, university or other tertiary or similar institution training fees or costs whether for the purposes of –

- (a) fulltime instruction; or
- (b) travelling to and from such institution in or outside Kiribati; or
- (c) board and lodging,

in or at such institution or any other similar institution;

"lender" means -

- (a) the Bank of Kiribati; or
- (b) the Development Bank of Kiribati; or
- (c) any other person who is approved by the Minister acting in accordance with the advice of the Cabinet to be a fit and proper person to be a lender for the purposes of this Part.

(2) This Part shall apply only to a member of the Fund who may be able to secure a loan from a lender for the purposes set out in the succeeding section.

Member may use fund as security for loan for education costs and/or fees

2. (1) Notwithstanding any other provisions of this Ordinance (Provident Fund Ordinance (Cap. 78A)) or any other Act, the Board may on the application of a lender and a member, permit such member to use as security for a loan from such lender-

- (a) not more than thirty per cent of the amount standing to the credit of such member in the Fund for the purposes of education costs and/or fees only if the member involved has already used the Fund as security for the purchase of a dwelling house etc. in accordance with section 2(1) of Part VIA of the Provident Fund Ordinance; or
- (b) not more than seventy per cent of the amount standing to the credit of member in the Fund for the purposes of education costs and/or fees or if the member involved has not used the Fund as security for the purchase of a dwelling house, etc., under section 2(1) of Part VIA of the Provident Fund Ordinance.

(2) A security given under subsection (1) is given subject to any conditions which the Board may think fit to impose.

Amendment of section 20

4. Section 20 of the Provident Fund Ordinance (Cap. 78A) as amended by the Provident Fund Act 1978 (No. 17 of 1978, Constitution (Laws Adaptation) Order 1980, No.3 of 1982, No. 10 of 1997 is further amended -

- (a) in subsection (1) by inserting between "Subject to section 28"and "the amount" in the first

line the following-

"on a written application for withdrawal from the Fund by a member whether for the whole or any part of the amount standing to his credit in the Fund, the whole or any part, as the case may be, of"; and

- (b) in subsection (2) by inserting between "withdrawn" and "any" in the second line the following -

"the whole or any part of"

Insertion of new section 17 A

5. The Provident Fund Ordinance (Cap. 78A) is amended by inserting a new section 7A between sections 17 and 18 as follows: -

"Funeral Expenses

17A. (1) Subject to subsection (4), if a member of the Fund dies, such deceased member shall be entitled to have his funeral expenses paid for by the Board from any amount standing to the credit of such deceased member in the Fund at the date of his death.

(2) The funeral expenses shall be paid out of the Fund by the Board, subject to subsection (4), as a first priority payment before any other payment is made under section 23.

(3) The amount of the funeral expenses payable under this section shall not exceed \$1500 or 50 per cent of the amount standing to the credit of such deceased member in the Fund on his death whichever is less.

(4) Notwithstanding any other provisions of this Act, or any other Act, the Manager, after consultation with the Chairman of the Board or in the absence of the Chairman, the Vice-Chairman of the Board, shall on the death of any member and upon the application of a qualified person pay to such qualified person the appropriate amount of the funeral expenses specified in subsection (3).

(5) In this section –

“qualified person” means -

- (a) the spouse of the deceased member (if any), who survives the deceased member and also had lived with the deceased member immediately before and on his death; or
- (b) any one of either parents (if any) of the deceased member who survives the deceased member at the date of his death, if the deceased member is single; or
- (c) anyone of the sons or daughters of the deceased member (if any) who shall apply for the funeral expenses under this section according to the order of seniority and who is also available on the date when the deceased member died and at a place where the body of the deceased member lies if the deceased member has no spouse; or

- (d) any next of kin or relative of the deceased member in whose care or custody the body of the deceased member is being kept or looked after for the purposes of the wake and visitation by the relatives to honour and pay respects to the body of the deceased member before the funeral and post funeral festivities or other activities, if the deceased member has no parents or sons or daughters, or are not available, as the case may be; or
- (e) any other person as the Board may consider fit and suitable for the purposes of this section to be a qualified person under the circumstances if the deceased member has no next of kin or relative available, as the case may be."