



SUPPLEMENT No. 2

TO

THE CYPRUS GAZETTE No. 3185 OF 15TH JUNE, 1945.

LEGISLATION.

THE STATUTE LAWS OF CYPRUS

No. 6 OF 1945.

A LAW TO ESTABLISH A PROVIDENT FUND FOR NON-
PENSIONABLE EMPLOYEES OF THE GOVERNMENT.

C. C. WOOLLEY,
Governor.

[15th June, 1945.]

BE it enacted by His Excellency the Governor and
Commander-in-Chief of the Colony of Cyprus as
follows :—

1. This Law may be cited as the Government Short title.
Employees Provident Fund Law, 1945.

Interpre-
tation.

2.—(1) In this Law, unless the context otherwise requires—

“ the Fund ” means the Non-Pensionable Employees Provident Fund established under this Law ;

“ the Board ” means the Board of Management appointed under this Law ;

“ non-pensionable employee ” means a person in the permanent service of the Government of Cyprus holding an office the maximum salary of which, whether on an incremental scale or not, does not exceed £120 per annum and includes any person serving under an agreement which is expressed to continue for a period of not less than three years ;

“ depositor ” means a person who is making deposits in the Fund ;

“ salary ” includes any personal allowance but no other payment or allowance whatsoever ;

“ personal allowance ” means a special addition to salary granted personally to the holder for the time being of the office ;

“ prescribed ” means prescribed by Regulations made under this Law.

(2) For the purposes of this Law a depositor's family shall be deemed to include his mother, father, wife and children, but no other person :

Provided that where the law governing the personal status of a depositor allows him to have more than one wife, every such wife shall be deemed to be included in the family of such depositor.

Establish-
ment and
management
of the Fund.

3.—(1) There shall be established a Fund to be known as the Non-Pensionable Employees Provident Fund.

(2) The Governor shall appoint a Board of Management who shall be responsible for the control and management of the Fund in accordance with the provisions of this Law and of any Regulations made hereunder. The Treasurer shall be chairman of the Board.

(3) The expenses of management and administration of the Fund shall be paid out of the Fund.

(4) The moneys paid into the Fund shall, so far as practicable, be invested by the Treasurer on behalf of the Fund in such security or securities yielding interest as the Board shall approve.

(5) The Treasurer shall keep a separate account for the moneys of the Fund.

(6) The Board shall submit to the Governor as soon as practicable after the thirty-first day of December in each year a full statement showing the working of the Fund and all claims thereon, and containing full particulars of all transactions connected with the working of the Fund. The accounts of the Fund shall be audited by the Government Auditor.

4.—(1) Every person who shall have been appointed a non-pensionable employee, either after the commencement of this Law or on terms which so require, shall become a depositor from the date on which he begins to draw any of the salary of the post to which he is so appointed or from the commencement of this Law, whichever shall be the later.

Who shall
become a
depositor.

(2) Every non-pensionable employee to whom the preceding sub-section does not apply, who does not elect under section 5 of this Law to become a depositor, and is appointed to the service of the Government after the commencement of this Law upon terms which constitute a re-appointment or re-engagement in the service of the Government, shall become a depositor as from the date of such re-appointment or re-engagement.

5. Every non-pensionable employee who is not required by section 4 of this Law to become a depositor may, by a written notice addressed to the head of his department within three months of the 1st day of July, 1945, or within such extended time as the Governor in Council may in any particular case allow, elect to become a depositor, and, if he so elects, he shall become a depositor as from the commencement of this Law.

Who may
become a
depositor.

6.—(1) Every depositor shall deposit in the Fund monthly an amount equal to one-twentieth of his monthly salary, until the termination of his service with the Government. The Treasurer shall deduct the deposit from the salaries of depositors :

Deposits.

Provided that where such one-twentieth contains any piastres, the deposit shall be to the nearest whole number of shillings and where the number of piastres is four and half, the deposit shall be to the next higher number of shillings.

(2) Such deposit shall be calculated on full salary whether the depositor is on full, half, or no salary :

Provided that, when a depositor is on half salary or no salary for a period exceeding two months continuously, he may elect to contribute in respect of the excess over two months at the rate of one-twentieth of any salary which he receives.

Bonuses.

7.—(1) A sum equal to each deposit shall, on the date when the deposit is made, be paid out of the revenues of the Colony into the Fund for the credit of the depositor.

(2) Every sum so credited shall be called a "bonus".

Interest.

8.—(1) Interest shall be credited separately on deposits and bonuses at a rate to be fixed from time to time by the Governor in Council and shall begin to accrue in respect of each sum deposited and each bonus on the first day of the month next following the day on which the deposit was made or the bonus credited. Subject to the provisions of this Law, it shall be calculated to the thirty-first day of December in each year and shall then be added to and become part of the principal and be deemed for the purposes of this Law to be deposit or bonus, as the case may be.

(2) No interest shall be credited on any sum withdrawn in respect of the period between the last day of the month preceding the date of withdrawal and the first day of the month next following the date of repayment.

Information
to
depositors.

9. The Treasurer when requested by any depositor shall inform him of the total amount standing to his credit in the Fund on the thirty-first day of December immediately preceding the request.

Deposits in
respect of
previous
service.

10.—(1) Any non-pensionable employee who shall have had at least one year's continuous service immediately before the commencement of this Law and who, being an officer to whom section 5 of this Law applies, elects under that section to become a depositor, may, if he thinks fit—

- (a) within a period of two years after the commencement of this Law, deposit in the Fund in respect of each completed year of such previous service an amount not exceeding one-twentieth of his salary as at the commencement of this Law; or
- (b) increase his deposits under section 6 of this Law by fifty per centum for a period not exceeding his completed years' continuous service prior to the commencement of this Law.

(2) All amounts deposited under the provisions of this section shall be treated in all respects as deposits and the provisions of section 7 shall apply accordingly.

(3) In this section the word "service" means service which would, if this Law had been in force, have been service as a non-pensionable employee.

Deposits,
etc., not to
be assigned
or attached.

11. Subject to the provisions of this Law, no deposit, bonus or interest on any such deposit or bonus shall be assignable or transferable or liable to be attached,

sequestered or levied upon for, or in respect of, any debt or claim whatsoever.

12. A depositor may withdraw any deposit—

Withdrawal
of deposits.

- (a) with the approval of the Board ; or
- (b) with the permission of the Treasurer if the Treasurer is satisfied that withdrawal is desirable and that it is required for any one or more of the following purposes :—
 - (i) to pay the passage of any member of the depositor's family or the depositor's brother or sister coming from abroad, or leaving the territory on medical advice or for other good cause, such person being wholly or mainly dependent upon, or ordinarily resident with, the depositor ;
 - (ii) to pay the funeral expenses of any member of the depositor's family ;
 - (iii) to pay hospital or other expenses incurred through the illness of the depositor or any members of his family.

13. Any sum withdrawn from any deposit under section 12 of this Law shall be repaid by the depositor in not more than twelve equal monthly instalments, commencing in the month following the withdrawal, which may be deducted from his salary.

Repayment
of with-
drawal.

14.—(1) On the termination of the depositor's service with the Government or on the death of a depositor, interest up to the end of the month previous to the date of such termination of service or death shall be credited to his account, which shall then be closed.

Closing of
accounts.

(2) Notice of such closure shall thereupon be given—

- (a) if the depositor is living, to the depositor ; or
- (b) if the depositor is dead, to such person or persons mentioned in section 18 of this Law to whom it shall appear to the Treasurer that notice should properly be given,

and in either case to such other persons as shall, or may in the opinion of the Treasurer, reasonably require such notice.

15. Subject to the provisions of this Law, if a depositor dies while in the service of the Government or leaves the service in any of the following circumstances, that is to say—

Death or
termination
of service.

- (a) retirement on medical evidence to the satisfaction of the Governor in Council that he is incapable by reason of some infirmity of mind or body of discharging the duties of his office ;

- (b) satisfactory completion of contract ;
- (c) abolition of office ;
- (d) reaching the prescribed age of retirement ;
- (e) determination of contract by, or with the consent of, the Government otherwise than by dismissal ;
- (f) in the case of a female depositor, retirement with a view to, or in consequence of, marriage after not less than three years' service (subject to the production of evidence of marriage within such period after retirement as the Board may in any case prescribe),

the amount standing to his or her credit in the Fund at the closing of such account shall be paid out of the Fund to the depositor or any other person to whom by virtue of this Law or otherwise payment may lawfully be made.

Resignation
or dismissal.

16.—(1) Subject to the provisions of this Law, if a depositor shall be dismissed, or resign, or leave the service of the Government without permission without completing the period prescribed by any contract under which he may be serving—

- (a) the amount of his deposits and interest credited thereon under sub-section (1) of section 14 of this Law shall be paid out of the Fund to the depositor; and
- (b) such part, if any, of the bonuses credited to the depositor and interest credited as aforesaid, as the Board with the approval of the Governor shall determine, may be so paid.

(2) Any part of such bonuses and interest not paid as aforesaid shall be paid out of the Fund to the Government and credited to revenue.

Transfer to
pensionable
office.

The Cyprus
Pensions
Orders in
Council, 1929
and 1931.
6 of 1936
to
13 of 1944.

17.—(1) If a depositor is transferred to a post which is a pensionable office under the Cyprus Pensions Orders and Laws, 1929 to 1944, or any other Law, the provisions of section 14 of this Law shall apply as if the service of the depositor with the Government had terminated in circumstances in which section 15 of this Law applies :

Provided that interest shall continue to be credited to his account, in accordance with the provisions of section 8 and sub-section (1) of section 14 of this Law.

(2) Subject to the provisions of this Law, upon his subsequently leaving the service of the Colony in any circumstances or upon his dying in the service, the amount then standing to the credit of such depositor shall be paid out of the Fund to him or to any other person to whom by virtue of this Law or otherwise payment may lawfully be made.

(3) A depositor who is so transferred may elect at the time of transfer to continue while serving in such post to remain subject to the provisions of this Law, and shall thereupon be deemed to be a depositor as defined in sub-section (1) of section 2 of this Law while serving in a pensionable post or posts :

Provided that in the event of his being at any time confirmed in a pensionable post, the provisions of sub-sections (1) and (2) of this section shall apply to him as from the date of such confirmation.

Any election under this sub-section shall be made in writing to the Board and shall be irrevocable.

18.—(1) Subject to the provisions of this Law, on the death of a depositor the Treasurer shall pay the amount standing to the credit of such depositor to the person or persons entitled by law to receive it :

Payment on death of depositor.

Provided that the Treasurer may make payments, not exceeding ten pounds in any one case, to meet the expenses of the funeral of the deceased or to give immediate relief to the widow or children or other dependants of the deceased, if in the opinion of the Treasurer such relief is required.

(2) All amounts paid under this section shall be paid out of the Fund and all payments under this section shall be valid and effectual against any demand made upon the Government, the Board or the Treasurer by any other person in respect of the amount standing to the credit of the depositor.

19. Any sum or sums due to Government by a depositor on payment out of the Fund of any amount then standing to his credit therein, may be deducted from the amount otherwise payable.

Sums due to Government.

20. The Governor in Council may make Regulations for carrying out the provisions of this Law.

Power to make Regulations.

21. Nothing in this Law contained shall apply to any teacher appointed under the Elementary Education Laws, 1933 to 1944.

Teachers not affected. 18 of 1933 to 3 of 1944.

22. This Law shall come into operation on the 1st day of July, 1945.

Date of commencement.

H. G. RICHARDS,

Acting Colonial Secretary.

15th June, 1945.