



Tuvalu

**PROVIDENT FUND (BENEFIT)
REGULATIONS 1984**



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PROVIDENT FUND (BENEFIT) REGULATIONS 1984

PROVIDENT FUND ORDINANCE 1984 (CAP. 86)

Commencement [Date]

IN EXERCISE of the powers conferred by section 22 of the Provident Fund Ordinance 1984 the Minister makes the following Regulations —

1 Citation and interpretation

- (1) These Regulations may be cited as the Provident Fund (Benefit) Regulations 1984.
- (2) In these Regulations, unless the context otherwise requires —

“**approved form**” means a form approved by the Board for the purpose of these Regulations; and

“**incapacity**” means total incapacity for work as a result of a specific disease or bodily or mental disability which is likely to remain permanent.

2 Manner of claiming benefit

A claim for benefit shall be made in writing to the Manager on an approved form or in such a manner as the Manager may accept in the circumstances of a particular case or category of cases.

3 Claim forms

Claim forms shall be supplied on request by the Fund without charge.

4 Acceptance of other forms and claims in the alternative

- (1) Where a claim for benefit has been made on an approved form other than the form appropriate to the benefit claimed, the claim may be treated as if it had been made on the appropriate form —

Provided that the Manager may require the claimant to complete an appropriate form.

- (2) Where it appears that a person who has made a claim for benefit may be entitled to some other benefit, the claim may be treated by the Manager as a claim in the alternative for that other benefit.

5 Supporting evidence and information

- (1) A person claiming benefit shall furnish any certificate, information or evidence as the Manager may require for the purpose of determining entitlement to the benefit and, if reasonably so required, shall for that purpose attend the offices of the Fund or at any other place that the Manager may direct

- (2) A person claiming benefit shall, in particular and where required by the Manager, furnish the following information concerning himself or in respect of any person named in the claim —

- (a) his full name;
- (b) his usual place of residence;
- (c) his date of birth;
- (d) his membership identity number;
- (e) his relationship to the member or to any person named in the claim; and
- (f) the name and address of his employer.

6 Date of claim

- (1) For the purposes of determining a claim for benefit, the day of receipt of the claim by the Fund shall be deemed to be the date of the claim
- (2) Where a claim is defective at the date of its receipt by the Fund, the Manager may refer the claim to the claimant and, if the form is returned to

the Fund within one month from the date on which it is so referred, the claim may be treated as if it had been properly made in the first instance

- (3) A person who makes a claim for benefit may amend his claim at any time before a decision has been given thereon, by notice in writing delivered or sent to the office of the Fund, and any claim so amended may be treated as if it had been properly made in the first instance.

7 Time limit for claims

- (1) Except as otherwise provided the time limit for claiming benefit shall be not later than 12 calendar months after the date of the event on which the claim for benefit is based - provided that this time limit shall be extended where the claimant can show good cause for the delay in making the claim
- (2) For the purpose of elections under section 36(3) to receive a lump sum in lieu of a pension, the Minister may direct that invitations be issued stipulating a time limit by which date any election must be made.

8 Retirement benefit conditions

- (1) Subject to these Regulations retirement benefit shall be payable to a member who, having attained the age of 45 years, permanently retires from employment.
- (2) For the purpose of subregulation (1) a claimant for retirement benefit shall furnish —
 - (a) evidence of his age;
 - (b) a certificate on an approved form of his intention permanently to retire; and
 - (c) his membership identity card.

9 Age benefit conditions

- (1) Subject to these Regulations age benefit shall be payable to a member who has attained the age of 55 years.
- (2) For the purpose of subregulation (1) a claimant for age benefit shall furnish —
 - (a) evidence of his age; and
 - (b) his membership identity card.

10 Incapacity benefit conditions

- (1) Subject to these Regulations incapacity benefit shall be payable to —
 - (a) a member who is physically or mentally incapable of engaging in further employment; or
 - (b) a person authorised to act on that member's behalf.
- (2) For the purpose of subregulation (1) the member concerned shall be examined by the Medical Board who shall certify on an approved form that —
 - (a) the member is; or
 - (b) the member is not;incapable of further employment.
- (3) Evidence of membership of the person concerned shall be furnished by the member or the person claiming on his behalf

11 Emigration benefit conditions

- (1) Subject to these Regulations emigration benefit shall be payable to a member who leaves Tuvalu with no intention of returning.
- (2) For the purpose of subregulation (1) a claimant for emigration benefit shall furnish —
 - (a) a certificate on an approved form of his intention to emigrate; and
 - (b) his membership identity card

12 Woman's home benefit conditions

- (1) Subject to these Regulations woman's home benefit shall be payable to a female member who permanently leaves employment for the purpose of caring for her husband or children
- (2) For the purpose of subregulation (1) a claimant for woman's home benefit shall furnish —
 - (a) a certificate on an approved form of her intention permanently to leave employment;
 - (b) her marriage certificate and/or the birth certificates of her child or children; and
 - (c) her membership identity card

13 Death benefit conditions

- (1) Subject to these Regulations death benefit shall be payable to a person nominated by a deceased member under the Provident Fund (Nominations) Regulations 1984
- (2) For the purpose of subregulation (1) the nominated person shall furnish evidence of his identity.

14 Special death benefit provisions

- (1) Subject to these Regulations special death benefit shall be payable to the dependant of a deceased member
- (2) For the purpose of subregulation (1) a claimant for special death benefit shall furnish —
 - (a) marriage and/or birth certificates; and, where appropriate,
 - (b) evidence of adoption;in a form the Manager may from time to time accept as reasonable in the circumstances of the case,

15 Evidence of membership in the case of death

The Manager may require evidence to be produced that the deceased in respect of whom death benefit or special death benefit is claimed was a member.

16 Evidence of death

Where death benefit or special death benefit is claimed the Manager shall require evidence of death to be produced in such a form as he may consider to be reasonable in the circumstances of the case.

17 Further provisions for death benefit

For the purposes of claiming death benefit, when information regarding death of a member is received by the Fund, the Manager shall notify the persons nominated by the deceased and invite a claim for benefit.

18 Calculation of proportions payable (section 23(4))

- (1) A person claiming death benefit shall receive the percentage of the total sum payable indicated by the member concerned in the memorandum executed under the Provident Fund (Nominations) Regulations 1984.

- (2) Where a nominated person has died prior to the death of the member concerned his portion shall be divided among the surviving persons nominated in the proportion that their share bears to the shares of the other surviving persons nominated.
- (3) Where there is no surviving nominated person any other person claiming to be related to or dependent upon the deceased may seek to have a claim for death benefit decided under the Provident Fund (Determination of Claims and Questions) Regulations 1984
- (4) Where no successful claim for death benefit is made within 6 years of the date of death of a member, the amount standing to his credit shall be taken into the general revenue of the Fund
- (5) Special death benefit shall be payable to the surviving dependant relatives of a deceased member in the following proportions of the maximum amount —
 - (a) 50% to the spouse; and
 - (b) 10% for each child under school leaving age (subject to a maximum of 5).

19 Calculation of benefit payable

For the purposes of these Regulations and subsection 23(4)(a), the final amount standing to the credit of a member shall be calculated under the Provident Fund (Crediting or Accounts) Regulations 1984

SCHEDULE**APPOINTED DAYS FOR THE PAYMENT OF BENEFITS**

The benefits listed in Column 1 shall become payable from the appointed day listed in Column 2

Column 1	Column 2
Retirement benefit	1 April 1984
Age benefit	1 April 1984
Incapacity benefit	1 April 1984
Emigration benefit	1 April 1984
Woman's home benefit	1 April 1984
Death benefit	1 April 1984
Special death benefit	1 January 1985

ENDNOTES**Table of Legislation History**

Legislation	Year and No	Commencement

Table of Renumbered Provisions

Original	Current

Table of Endnote References