Commencement: 11 January 1988

VANUATU NATIONAL PROVIDENT FUND (WITHDRAWAL OF CREDITS AND SPECIAL DEATH BENEFIT) REGULATIONS

Order 66 of 1987
Order 10 of 1994
Order 11 of 1994
Order 18 of 1995

ARRANGEMENT OF REGULATIONS

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To provide regulations to prescribe matters which are required to be prescribed under sections 38(2), 41, 44, 61 and 63 of the Vanuatu National Provident Fund Act [Cap. 189].

1. Interpretation

In these regulations, unless the context otherwise requires:

"Act" means the Vanuatu National Provident Fund Act [Cap. 189];

"Board" means the Vanuatu National Provident Fund Board, established under section 2(1) of the Act;

"Fund" means the Vanuatu National Provident Fund established under section 14 of the Act;

"medical board" means the medical board appointed by the minister under regulation 10.

"member" means any person to whose credit any amount is standing in the fund;

"nominee" means a person nominated by a member in accordance with section 43 of the Act to receive the whole or part of such member's credit in the event of the death of such member.

2. Evidence in support of the withdrawal of credit under section 38(2)

For the purposes of section 38(2) of the Act, the following evidence shall be acceptable in support of the application for withdrawal –

(a) Where the member has attained the age of 55 years –

  (i) his birth certificate; or

  (ii) any other evidence of age acceptable to the Board.

(b) Where the member has died –

  (i) the certificate of registration of death; or

  (ii) the certificate of burial from a Minister of religion; or

  (iii) a certificate of presumption of death in the case of a loss of life at sea; or

  (iv) any other evidence of death acceptable to the Board.

(c) Where the member has become permanently physically or mentally incapable of engaging in employment of any kind –

(i) a certificate to that effect from a registered medical practitioner; or

(ii) a certificate to that effect from the medical board as further evidence, in the case of a member who is required by the Board to appear before the medical board for such evidence; or

(iii) any other evidence acceptable to the Board.

(d) Where the member is about to leave or has left Vanuatu with no intention of returning thereto–

(i) a declaration to that effect by the member; and

(ii) if the member is a citizen of Vanuatu, proof that he is accepted for immigration by another country.

3. The manner of application for withdrawal otherwise than on death under section 41 of the Act

(1) An application for withdrawal under section 41 of the Act shall be made on a form provided by the Board for that purpose, by –

(a) the member; or

(b) where any member is incapable of managing his own affairs, any person having care, custody or authority to act for such member;

(2) The application shall bear the signature or mark and thumb impression of the member and the signature, or mark and thumb impression shall be attested by a responsible person who knows the member personally.

4. The manner of application for withdrawal by a nominee under section 42 of the Act

(1) An application for withdrawal under section 42 of the Act shall be made on a form provided by the Board for that purpose.

(2) The application shall bear the signature or mark and thumb impression of the member and the signature, or mark and thumb impression shall be attested by a responsible person who knows the member personally.

5. Payment under section 44(1) where there is no nominee

(1) Where at the time of the death, a member had no nominee, the amount standing to the member's credit in the fund shall –

(a) be paid to the person; or

(b) be apportioned among the persons,

who is or who are as the case may be, certified by the Board to be in the opinion of the Board entitled to such amount.

(2) The Board may for the purpose of ascertaining the persons who are entitled to the amount under paragraph (1) –

(a) hold inquiries, and require any person to appear before the Board, for any such inquiry; or

(b) authorize any fit and proper person to hold inquiries and report the findings of such inquiries to the Board.

6. Payment under section 44(2) where there is a minor nominee

Where the nominee, other than the widow, is under the age of 18 years, the Board may apply the amount payable out of the Fund to that nominee in such manner as appears to be in the best interest of that nominee.

7. The rate and the manner of deduction of annual sums under section 61(2) of the Act

The rate of deduction of annual sums from members' accounts shall be VT 500 per annum and such sum shall be deducted, subject to regulation 8, at the end of each Financial Year from each member's account.

8. The deduction of the member's account under section 61(2) of the Act

The sum referred to in regulation 7 shall be deducted only where the member –

(a) has contributed to the fund during the Financial Year referred to in regulation 7;

(b) did not reach a date of entitlement to withdrawal of credit during that Financial Year; and

(c) the amount standing to the credit of the member in the account is VT 500, or more.

9. Prescription of the maximum amount of the benefit under section 61(3) of the Act

(1) The amount of the benefit shall not exceed VT 175,000.

(2) The maximum amount of the benefit shall be paid where the deduction of the sum referred to in regulation 7 has been made in respect of each year in the period of 5 years preceding the death of the member or, where a deduction has been made in respect of each year since the member was admitted to the Fund, if he had been a member for less than 5 years.

(3) The amount of the benefit shall be reduced by VT 10,000, in respect of each year in which a deduction has not been made in the period referred to in paragraph (2):

Provided in a case where a member dies within five years since being admitted to the Fund, and where no deduction was made in the year of admission to the Fund, on the ground that the amount in credit to that member's account was less than VT 500, and non-making of that deduction affects the amount of the benefit, the deduction may be made from contributions paid in a subsequent year.

10. Appointment of medical boards in terms of section 63(2) of the Act

(1) The Minister may when he deems necessary, appoint a medical board consisting of not more than two members to determine the title to withdrawal of credits under section 38(1)(c) of the Act.

(2) The medical board may require any member to appear before such board at a place and time determined by the Board, in order to ascertain whether such member has become permanently, physically or mentally incapable of engaging in employment of any kind.

(3) Every member of the medical board who attends an inquiry shall be paid from and out of the Fund a fee calculated at a rate determined by the Minister.

(4) The reasonable expenses incurred by the persons appearing before the medical board shall be borne by the Fund.

Table of Amendments

9(1) Amended by Orders 10 of 1994, 11 of 1994
9(3) Amended by Order 18 of 1995