

Amendment of section 4 **69.** The principal Act is amended in section 4(3) by adding a new paragraph (e) as follows:

“(e) notwithstanding any other written law to the contrary, be the highest authority in matters relating to labour mobility in the Service.”

Amendment of section 26 **70.** The principal Act is amended in section 26(2) by inserting the words “Clerk of the National Assembly” between the words “Intelligence” and “the Controller and Auditor-General”.

Addition of section 27 **71.** The principal Act is amended by adding immediately after section 26 the following new section:

27. Notwithstanding any other condition to the contrary, the Chief Secretary shall have power to exempt a public servant from any condition required for grant of pension or other terminal benefit.”.

PART IX
AMENDMENT OF THE SOCIAL SECURITY (REGULATORY
AUTHORITY) ACT,
(CAP. 135)

Construction Cap. 135 **72.** This Part shall be read as one with the Social Security (Regulatory Authority) Act, hereinafter referred to as the “principal Act”.

General amendments **73.** The principal Act is, unless otherwise stated, amended generally by deleting-

- (a) the word “Authority” wherever it appears in the Act and substituting for it the word “Division”;
- (b) the designation “Director General” wherever it appears in the Act and substituting for it the word “Director”; and
- (c) the word “Board” wherever it appears in the Act

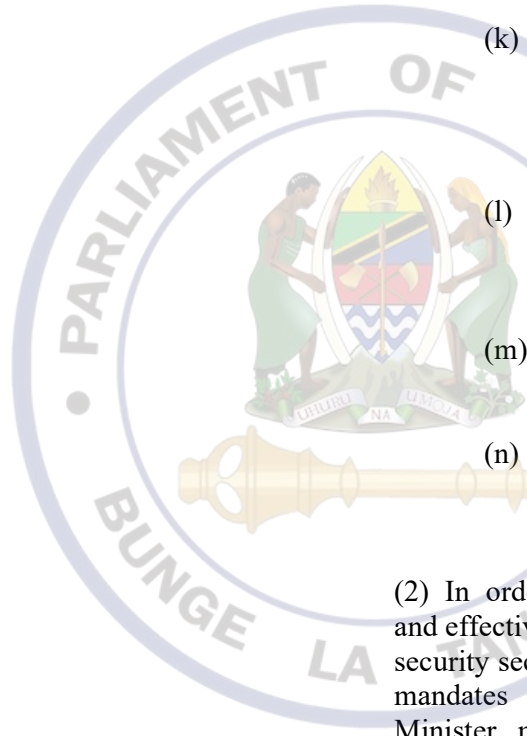
and substituting for it the word “Ministry”.

- Repeal and replacement of section 1
74. The principal Act is amended by repealing section 1 and replacing for it the following:
 “Short title 1. This Act may be cited as the Social Security Act.”.
- Amendment of section 3
75. The principal Act is amended in section 3, by-
 (a) deleting the definition of the term “Act” and substituting for it the following:
 ““Act” means the Social Security Act;”;
 (b) deleting the definition of the terms “Authority”, “Board”, “Director General”, “staff” and “Tribunal” respectively; and
 (c) inserting in the appropriate alphabetical order the following new definition:
 ““Director” means the Director responsible for social security within the Ministry for the time being responsible for social security matters; and
 “Division” means the division responsible for social security within the Ministry for the time being responsible for social security matters;”.
- Amendment of Part II
76. The principal Act is amended by deleting the heading to Part II and substituting for it the following:
 “PART II
 ADMINISTRATIVE MATTERS”
- Repeal and replacement of section 4
77. The principal Act is amended by repealing section 4 and replacing for it the following new section:
 “Supervision of social security sector 4. Notwithstanding any provision of any other written law, the power relating to supervision of social security sector that is subject of this Act is vested in the Division.”.
- Repeal of sections 5, 6, 7, 9, 10, 11, 12 and 13
78. The principal Act is amended by repealing sections 5, 6, 7, 9, 10, 11, 12 and 13 and replacing for them the following.
 “Mandate of Division 5.-(1) Subject to the provisions of this Act, the Division shall, in

relation to the supervision of social security Sector-

- (a) supervise the performance of all schemes, managers and custodians;
- (b) facilitate extension of social security coverage to non-covered areas including informal groups;
- (c) conduct inspection and examination with or without prior notice on managers, custodians or schemes, premises, equipment, machinery, records, books of accounts or any other document and transaction of the managers, custodians, administrators or a scheme;
- (d) where it deems fit, cause actuarial valuations to be carried out with respect to any of the schemes;
- (e) protect and safeguard the interests of members;
- (f) monitor and review regularly the performance of the social security sector;
- (g) handle disputes and complaints relating to social security





- services;
- (h) register all schemes, managers and custodians;
- (i) register and supervise administrators;
- (j) initiate studies, coordinate and implement reforms in the social security sector;
- (k) conduct programmes for public awareness, sensitisation and tracing on social security;
- (l) appoint interim administrator of schemes, where necessary;
- (m) issue directions in the form of notices, letters, orders or circulars; and
- (n) do such other things to ensure efficiency in the management of social security sector.

(2) In order to facilitate efficient and effective operation of the social security sector and execution of the mandates of the Division, the Minister may, by notice in the *Gazette*, issue guidelines to which all schemes shall abide.”

Amendment of section 17

79. The principal Act is amended in section 17(1) by deleting the words “in such form as the Board may determine and shall enter therein such particulars as the Board may specify”.

Amendment of section 21

80. The principal Act is amended in section 21(2) by deleting

the words “subject to the approval of the Board”.

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| Repeal of section 22 | 81. The principal Act is amended by repealing section 22. |
| Amendment of section 24 | 82. The principal Act is amended in section 24 by deleting subsection (4). |
| Amendment of section 26 | 83. The principal Act is amended in section 26-
(a) in subsection (5) by inserting the word “Bank” immediately before the word “report”
(b) deleting subsection (6). |
| Amendment of section 28 | 84. The principal Act is amended in section 28 by-
(a) deleting the words “in consultation with the Authority,” appearing in subsection (5);
(b) deleting the words “the Authority should not recommend their disqualification” and substituting for them the words “they should not be disqualified” appearing in subsection (6); and
(c) inserting the words “to the appointing authority the” between the words “recommend” and “disqualification” appearing in subsection (8). |
| Amendment of section 32 | 85. The principal Act is amended in section 32(b) by deleting the words “and GEPF retirement benefits funds”. |
| Repeal of section 33 | 86. The principal Act is amended by repealing section 33. |
| Amendment of section 38 | 87. The principal Act is amended in section 38(1) by deleting the words “in consultation with the Authority”. |
| Amendment | 88. The principal Act is amended in section 38A by- |

- of section 38A
- (a) deleting the words “LAPF Pensions Fund Act, the National Health Insurance Fund Act, the National Social Security Fund Act, the PPF Pensions Fund Act, the Public Service Pensions Fund Act and the GEPF Retirement Benefits Fund Act” appearing in subsection (1) and substituting for them the words “Public Social Security Fund Act, the Workers Compensation Act and the National Social Security Fund Act.”; and
- (b) deleting the words “Director-General” appearing in subsection (2)(c) and substituting for them the word “Director”.
- Amendment of section 39
- 89.** The principal Act is amended in section 39(1) by deleting the words “of the Authority to be appointed by Director General” and substituting for them the words “who shall be appointed by the Minister.”.
- Amendment of section 40
- 90.** The principal Act is amended in section 40 by deleting the words “The Bank may direct the Authority to” appearing in subsection (2)” and substituting for them with the words “The Director may.”
- Amendment of section 41
- 91.** The principal Act is amended in section 41, by-
- (a) deleting the words “the Authority may, with the approval of the Board” appearing in subsection (1) and substituting for them the words “the Minister may”; and
- (b) deleting the word “Authority” wherever it appears in subsections (2) and (4) and substituting for it the word “Minister”.
- Repeal of section 43
- 92.** The Principal Act is amended by repealing section 43.
- Amendment of section 44
- 93.** The principal Act is amended in section 44, by-
- (a) deleting the words “within thirty days of receipt of the decision” appearing in subsection (1); and
- (b) deleting the words “within thirty days of receipt of the written application made under subsection (1)”

appearing in subsection (1);

(c) deleting subsection (3) and substituting for it the following:

“(3) Subject to subsection (1), a dispute between a member or beneficiary and a scheme, a scheme and a scheme or a member and a manager shall be referred to the Division.”.

(d) adding immediately after subsection (3) the following:

“(4) Every scheme shall establish an internal mechanism for handling members complaints before they are referred to the Division for review.”.

Repeal of sections 45 and 46

94. The principal Act is amended by repealing sections 45 and 46.

Repeal of Part VIII

95. The principal Act is amended by repealing the whole of Part VIII.

Amendment of section 54

96. The principal Act is amended in section 54(2), by-
(a) deleting paragraphs (d) and (e); and
(b) renaming paragraphs (f) to (m) as paragraphs (d) to (k) respectively.

Repeal of sections 57 and 58

97. The principal Act is amended by repealing sections 57 and 58.

Addition of Part X

98. The principal Act is amended by adding immediately after section 59 the following new Part:

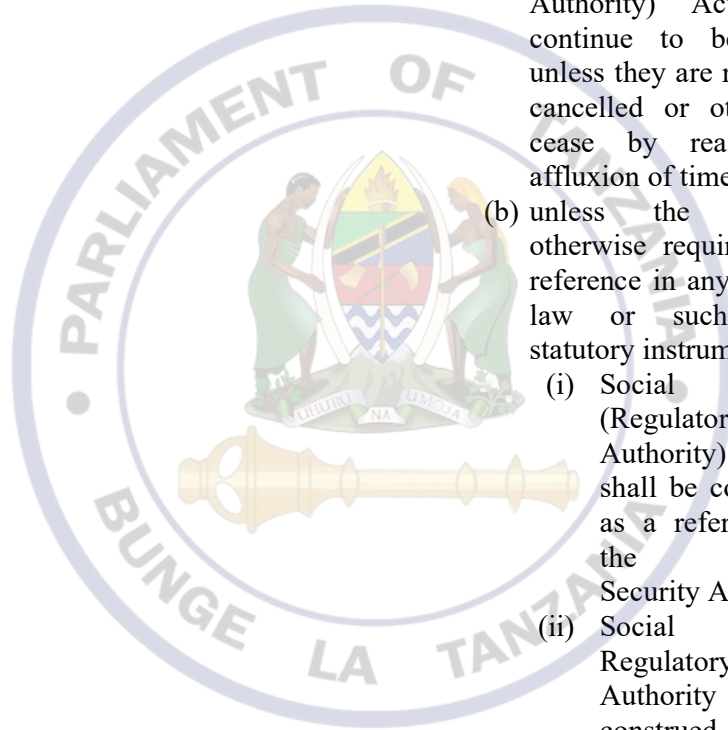
**“PART X
SAVINGS PROVISIONS**

Effective date **60.** For the purpose of this Part, “effective date” means the date of coming into operation of this Part.

Savings **61.** Notwithstanding the repeal of

various sections occasioning the dis-establishment of the Social Security Regulatory Authority-

- (a) all appointments and directions made, issued or given by the Social Security Regulatory Authority under the provisions of the Social Security (Regulatory Authority) Act shall continue to be valid unless they are revoked, cancelled or otherwise cease by reason of effluxion of time; and
- (b) unless the context otherwise requires, any reference in any written law or such other statutory instrument to-
 - (i) Social Security (Regulatory Authority) Act shall be construed as a reference to the Social Security Act; and
 - (ii) Social Security Regulatory Authority shall be construed as a reference to the Division, save for the National Health Insurance Fund which shall be construed as reference to the Ministry



responsible for health matters.

Existing contracts

62. Subject to the provisions of this Act, all deeds, bonds, agreements, instruments and working arrangements subsisting immediately before the effective date, affecting any of the property transferred, shall be of full force and effect against or in favour of the Division and enforceable as fully and effectually as if the Division has been named therein or had been a party thereto instead of the Authority.

Vesting of assets and liabilities

63. All assets and liabilities which were, immediately before the effective date, under the Authority shall be vested in the Division.

Rights and obligations

64. Powers, rights, privileges, duties or obligations which, immediately before the effective date were exercisable by the Authority shall, as from that date, be vested in the Division.

Pending legal proceedings

65.-(1) Any legal proceedings pending before any court or other tribunal which were instituted immediately before the effective date and to which the Authority is a party may, in so far as they relate to any property, right, liability or obligation vested or deemed to have been vested in the Authority by this Act shall, after the effective date, be deemed to have been

instituted by or against the Division.

(2) All pending complaints and claims lodged to the Authority against the schemes shall be presumed to be complaints lodged to the Division.

Provision regarding employees

66.-(1) Employees or staff of the Authority who are necessary for the purposes of the Ministry, government institutions or departments shall, subject to laws and procedures governing public service, be transferred to public offices on such terms and conditions not less favourable than those applicable to them before the transfer.

(2) Every employee or staff of the Authority whose service is not transferred to a public office shall be paid terminal benefits in accordance with the applicable laws and regulations governing the terms and conditions of his service immediately before the termination.

(3) An employee or staff who is deemed to be employed or transferred to a public office shall continue to be a member of a statutory, voluntary pension or any other superannuation scheme in accordance with the laws and regulations governing the scheme.”

Revocation of Schedule

99. The principal Act is amended by revoking the Schedule.