



*Tonga*

**NATIONAL RETIREMENT BENEFITS  
SCHEME (AMENDMENT) ACT 2012**

**Act No. 3 of 2012**





## NATIONAL RETIREMENT BENEFITS SCHEME (AMENDMENT) ACT 2012

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# **NATIONAL RETIREMENT BENEFITS SCHEME (AMENDMENT) ACT 2012**

**Act No. 3 of 2012**

## **AN ACT TO AMEND THE NATIONAL RETIREMENT BENEFITS SCHEME ACT 2010**

I assent,  
TUPOU VI,  
4<sup>th</sup> January, 2013.

**BE IT ENACTED** by the King and Legislative Assembly of Tonga in the Legislature of the Kingdom as follows:

### **1 Short Title**

- (1) This Act may be cited as the National Retirement Benefits Scheme (Amendment) Act 2012.
- (2) The National Retirement Benefits Scheme Act 2010 shall be referred to in this Act as the Principal Act.

### **2 Section 2 – Amended**

Section 2 of the Principal Act is amended,

- (a) in the English version only, in the definition of -
  - (i) “date of entitlement”, by repealing “provision” and replacing it with “provisions”;

- (ii) “earnings”, paragraph (e), by repealing “respect or sickness” and replacing it with “respect of sickness”;
  - (iii) “permanent and total disablement”, by repealing “extend” and replacing it with “extent”; and
  - (iv) “Scheme”, by repealing “national retirement” and replacing it with “National Retirement”;
- (b) in the Tongan version only, in the definition of –
- (i) “Poate”, by repealing the word “ia” immediately after the word “Monu’ia”;
  - (ii) “ngaahi vahe”, by repealing the words “’oku ’oku” and replacing it with “’oku”; and
  - (iii) “mahu’inga si’isi’i taha”, by repealing the word “’i he” in its first occurrence and replacing it with “’e he”; and
- (c) in the definition of “employee”, by repealing “65” and replacing it with “70”.

### **3 Section 3 – Amended**

Section 3(3) of the Principal Act is amended by inserting the word “and” immediately after the words “good faith”.

### **4 Section 4 – Amended**

In the Tongan version only, section 4(1) of the Principal Act is amended by inserting the word “fakahoko” immediately after the word “hono”.

### **5 Section 5 – Amended**

In the Tongan version only, section 5(5) of the Principal Act is amended by repealing the word “ta’u” and replacing it with “teemi”.

### **6 Section 6 – Amended**

Section 6 of the Principal Act is amended,

- (a) in subsection (1)(c), -
  - (i) in the English version only, by repealing “offences” and replacing it with “offence”; and
  - (ii) in the Tongan version only, by repealing the words “’e ala tautea ngaue popula ki he ta’u ’e ua pe lahi ange”; and
- (b) in subsection (2)(a), in the English version only, by repealing “has” and replacing it with “is”.

**7 Section 7 – Amended**

In the Tongan version only, section 7(1)(f) of the Principal Act is amended by repealing the word “fakangatangata” and replacing it with “tu’unga fua”.

**8 Section 8 – Amended**

Section 8 of the Principal Act is amended, in the English version only -

- (a) in subsection (5), by repealing “votes;” and replacing it with “votes,;” and
- (b) in subsection (8), by inserting the word “as” immediately after the words “as soon”.

**9 Section 9 – Amended**

In the English version only, section 9(2)(a) of the Principal Act is amended by repealing “payment” and replacing it with “payments”.

**10 Section 15 – Amended**

In the English version only, section 15(1) of the Principal Act is amended by repealing “Subjects” and replacing it with “Subject”.

**11 Section 16 – Amended**

In the English version only, section 16(2) of the Principal Act is amended by repealing the first occurrence of the words “of any sums”.

**12 Section 17 – Amended**

In the Tongan version only, section 17(2) of the Principal Act is amended by –

- (a) repealing the word “ngaahi” and replacing it with “ngaahi;” and
- (b) repealing the word “fakakato” and replacing it with “fakakato”.

**13 Section 18 – Amended**

In the English version only, section 18 of the Principal Act is amended, -

- (a) in subsection (1), by repealing “interval” and replacing it with “intervals;”
- (b) in subsection (2), by repealing “actual” and replacing it with “actuarial;” and
- (c) in subsection (3), by repealing “recommendation” and replacing it with “recommendations”.

**14 Section 19 – Amended**

Section 19 of the Principal Act is amended, -

- (a) in subsection (2), -
  - (i) in the English version only, by repealing the word “in”; and
  - (ii) in the Tongan version only, by repealing the word “lesisisita” and replacing it with “lesisita”; and
- (b) by repealing subsection (3) and replacing it with the following new subsection (3) -
  - “(3) Any person registered as an employer who intends to cease being an employer shall notify the Organisation as soon as practicable.”.

**15 Section 21 – Amended**

In the English version only, section 21 of the Principal Act is amended, -

- (a) in subsection (1), by repealing “form” and replacing it with “from”; and
- (b) in subsection (2), by repealing the words “to the contract”.

**16 Section 23 – Amended**

In the English version only, section 23 of the Principal Act is amended by –

- (a) repealing “form” and replacing it with “from”; and
- (b) repealing “recovered” and replacing it with “recover”.

**17 Section 25 – Amended**

In the English version only, section 25(1) of the Principal Act is amended by inserting immediately after the word “schedules” the word “and”.

**18 Section 26 – Amended**

Section 26 of the Principal Act is amended, -

- (a) in subsection (1), in the English version only, by repealing “appointed” and replacing it with “appoint”;
- (b) in subsection (2)(a), in the Tongan version only, by repealing “Fakaamaau’anga” and replacing it with “Fakamaau’anga”;
- (c) in subsection (2)(c), by repealing “employer, employees and their staff” and replacing it with “employers and their staff and employees”; and
- (d) in subsection (2)(d), -

- (i) in the English version only, by inserting immediately after the word “breach” the words “of this Act and regulations made under this Act”; and
- (ii) in the Tongan version only, by repealing “Tu’utu’u ni” and replacing it with “tu’utu’uni kuo fa’u ‘i he Lao ni”.

#### **19 Section 27 – Amended**

In the Tongan version only, section 27(2) of the Principal Act is amended by repealing “mou’a” and replacing it with “mo’ua”.

#### **20 Section 28 – Amended**

Section 28 of the Principal Act is amended, -

- (a) in subsection (3), in the Tongan version only, by repealing “mahna” and replacing it with “mahina”;
- (b) in subsection (4), in the English version only, by repealing “asset(s)” and replacing it with “assets”; and
- (c) in subsection (7), in the Tongan version only, by repealing “ngaahi kupu” and replacing it with “ngaahi tu’utu’uni”.

#### **21 Section 30 – Amended**

In the English version only, section 30(3) of the Principal Act is amended by inserting immediately before the word “prejudice” the word “shall”.

#### **22 Section 31 – Amended**

In the English version only, section 31(1) of the Principal Act is amended by repealing “on behalf on another person” and replacing it with “on behalf of another person”.

#### **23 Section 32 – Amended**

In the English version only, section 32 of the Principal Act is amended by repealing “statement” and replacing it with “statements”.

#### **24 Section 33 – Amended**

Section 33 of the Principal Act is amended, -

- (a) in subsection (1), in the Tongan version only, by repealing the words “pe ha palani penisoni pe kuo tu’utu’uni ‘e ha lao kehe mei he ngaahi kupu ‘o e Lao ni”;
- (b) in subsection (2)(b), in the English version only, by repealing the words “in the order to conform to this Act on the exemption of retirement benefit schemes” and replacing it with “in order to conform with this Act on the exemption of retirement benefits schemes”; and
- (c) in subsection (3), in the English version only, by inserting immediately after the word “retirement” the word “scheme”.

## **25 Section 34 – Amended**

In the English version only, section 34(1) of the Principal Act is amended by repealing “from” and replacing it with “form”.

## **26 Section 36 – Amended**

Section 36 of the Principal Act is amended, in the English version only, -

- (a) in subsection (1)(a), by repealing the words “same, group” and replacing it with “same group,”; and
- (b) in subsection (1)(b), by inserting immediately after the word “not” the word “be”.

## **27 Section 38 – Amended**

In the English version only, section 38(3) of the Principal Act is amended by repealing “form” and replacing it with “from”.

## **28 Section 40 – Amended**

Section 40(1) of the Principal Act is amended, -

- (a) in paragraph (a), by repealing “65” and replacing it with “70”; and
- (b) in paragraph (d), in the English version only, by repealing “declare” and replacing it with “declared”.

## **29 Section 41 – Amended**

In the English version only, section 41 of the Principal Act is amended by repealing “from” and replacing it with “form”.

**30 Section 42 – Amended**

Section 42 of the Principal Act is amended, -

- (a) in subsection (1), -
  - (i) in the English version only, by repealing “Subjects to this Act” and replacing it with “Subject to this Act,”; and
  - (ii) by repealing “65” and replacing it with “70”; and
- (b) in subsection (4), in the English version only, by repealing “than” and replacing it with “the”.

**31 Section 43 – Amended**

Section 43 of the Principal Act is amended, -

- (a) in subsection (1)(b), by repealing “65” and replacing it with “70”; and
- (b) in subsection (3), in the English version only, by inserting immediately before the word “term” the word “the”.

**32 Section 47 – Amended**

Section 47(2) of the Principal Act is amended, in the English version only, -

- (a) in paragraph (a), by repealing the second occurrence of the word “days” and replacing it with “day”; and
- (b) in paragraph (b), by inserting immediately before the word “statement” the word “a”.

**33 Section 52 – Amended**

In the English version only, section 52(3) of the Principal Act is amended by repealing “benefit or another” and replacing it with “benefit of another”.

**34 Section 60 – Amended**

In the English version only, section 60(1) of the Principal Act is amended by repealing the first occurrence of the words “or payment”.

**35 Section 63 – Amended**

Section 63 of the Principal Act is amended, in the English version only, -

- (a) in subsection (1), by inserting immediately before the word “absent” the word “is”; and

- (b) in subsection (2), by repealing “Benefit or person abroad” and replacing it with “Benefits of persons abroad”.

Passed by the Legislative Assembly this 1<sup>st</sup> day of May 2012.