

NATIONAL PROVIDENT FUND AMENDMENT

WESTERN SAMOA

Arrangement of Provisions

Title

1. Short Title
2. Member's credit not subject to sequestration

1992/1993, No 18.

AN ACT to amend the National Provident Fund Act 1972
BE IT ENACTED by the Legislative Assembly of Western
Samoa in Parliament assembled as follows:-

1. Short Title - This Act may be cited as the National Provident Fund Amendment Act 1992/1993 and shall be read together with and deemed part of the National Provident Fund Act 1972 (hereinafter referred to as the principal Act).

2. Member's credit not subject to sequestration - (1)
Section 38 of the principal Act is amended by omitting at the commencement of that section the words "No contribution" and substituting the expression and words, "(1) Subject to the provisions of subsection (2) of this section, no contribution".

(2) Section 38 of the principal Act is further amended by adding the following subsections :-

" (2) Notwithstanding the provisions of subsection (1) of this section, where the Board lends any money, or has prior to the commencement of this subsection lent any money, from any source, to any member,-

(a) the whole of the amount standing to the credit of

that member in the Fund at any and all times shall stand charged with the repayment of such loan and all interest and other charges payable pursuant to the terms and conditions of the loan; and

(b) if any default is made in respect of any payment due to the Board pursuant to the terms or conditions of the loan the Board may, after giving to that member two week's written notice of its intention so to do, satisfy the default by deducting the amount of the default from the amount in the Fund standing to the credit of the member; and

(c) at the date of entitlement, the amount of the loan and all interest and other charges payable pursuant to the loan, whether or not previously due and payable, shall become immediately due and payable, and may thereupon be deducted by the Board from the amount standing to the credit of that member in the Fund.

(3) The whole or any part of any amount deducted pursuant to subsection (2) of this subsection may, at the date of entitlement, and at the option of the Board, if not theretofore repaid to the Board, be treated by the Board as if it were a withdrawal pursuant to section 35 (1) (a) (ii) of this Act."

TEUTEUGA O LE TULAFONO O FAAPUTUGA-TUPE
MO LE LUMANAI MANUIA O TAGATA

Samoa i Sisifo

Faatulagaina o Aiaiga

Igoa

1. Igoa Puupuu
2. O tupe mo le lelei o Sui e le noatia i le faoa pe totogi ai ni tagi e faasaga i le e ona.

1992/1993, Nu 18.

O SE TULAFONO e teuteu ai le Tulafono o
Faaputuga-Tupe mo le Lumanai Manuia o Tagata 1972.

UA FAIA e le Fono Aoaofaitulafono o Samoa i Sisifo
i totonu o le Palemene ua potopoto e faapea:-

1. Igoa Puupuu - E mafai ona taua leni Tulafono o Teuteuga o le Tulafono o Faaputuga-Tupe mo le Lumanai Manuia o Tagata 1992/1993 ma e tataua ona faitauina faatasi ma avea ai o se vaega o le Tulafono o Faaputuga-Tupe mo le Lumanai Manuia o Tagata 1972 (e pei ona faasinomia mulimuli ana iinei o le Tulafono autu).
2. O tupe mo le lelei o Sui e le noatia i le faoa pe totogi ai ni tagi e faasaga i le e ona - (1) O le Fuaiupu 38 o le Tulafono autu ua teuteuina i le aveeseina mai le amataga o lena fuaiupu le upu "E leai se saofaga" ma ia suia i faailoga ma upu, "(1) I le noatia ma le fai fuafua i aiaiga o le faafuaiupu (2) o leni fuaiupu, e leai se saofaga".
(2) O le Fuaiupu 38 o le Tulafono autu ua toe teuteuina i le faaopoopoina i ai o faafuaiupu e faapea:-
" (2) E ui lava i tuutuuga o le faafuaiupu (1) o leni fuaiupu, a fai e faaune atu e le Komiti Faatino so o se tupe

po o ua uma ona faauncina atu so o se tupe a o le i amata faamamaluina lenai faafuaiupu, mai i so o se ala- tupe, i so o se sui, -

(a) o le aofaiga atoa o tupe o lo o tu mo le lelei o sea sui i totonu o le Faaputuga-Tupe i so o se taimi ma taimi uma o le a tatau ona tu faaagaga mo le toe totogiina o sea faaunegatupe faatasi ai ma tupe tului uma ma isi tupe e tatau ona totogiina e tusa ai o tuutuuga ma aiaiga o le faaunegatupe; ma

(b) a fai o tulaga tuua so o se totogiina o tupe totogi e tatau ona totogiina i le Komiti Faatino e tusa ai o aiaiga po o tuutuuga o le faaunegatupe, e mafai e le Komiti Faatino, ina ua maca ona tuuina atu i le lua vaiaso se faaaliga tusitusia i sea sui lona faamocmoc o le a faapea ona fai, ona ia totogiina tupe totogi tuua i le toesea lea o le aofai o tupe totogi tuua mai le aofaiga o tupe o lo o tu mo le lelei o lena sui i totonu o le faaputuga tupe; ma

(c) i le aso e maua ai le faamanuiaga, o le aofai o le faaunegatupe ma tupe tului uma ma isi tupe totogi ua faaeeina i ai e tusa ai ma le faaunegatupe, pe faamata ua tuana'i le aso atofaina e totogi ai ma sa tatau ona totogiina, e tatau ona avea loa ma tupe ua tatau ona totogiina i lea taimi, ma e ao loa ona toeseina mai e le Komiti Faatino lea tupe mai le aofaiga o tupe o lo o tu mo le lelei o lena Sui i totonu o le Faaputuga-Tupe.

(3) O le aofaiga atoa po o so o se vaega o so o se aofaiga ua toesea e tusa ai ma le faafuaiupu (2) o lena faafuaiupu e mafai, i le aso e tatau ona maua ai le faamanuiaga, ma i luga o le filifiliga a le Komiti Faatino, pe a fai e le i totogiina i lea aso i le Komiti Faatino, ona faia e le Komiti Faatino e avea ai e faapei o se tupe ua toina i tua e tusa ai ma le fuaiupu 35(1)(a)(ii) o lena Tulafono."