Mauritius

National Savings Fund Act

Act 14 of 1995

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National Savings Fund Act
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Mauritius

National Savings Fund Act

Act 14 of 1995

Commenced on 1 July 1995

[This is the version of this document at 30 June 2017.]

1. Short title

This Act may be cited as the National Savings Fund Act.

2. Interpretation

In this Act—

"**Additional Remuneration Act**" means the Additional Remuneration Act currently in force in that financial year;

"**basic wage or salary**", in relation to an employee, means—

(a) where the terms and conditions of employment of the employee are governed by Remuneration Regulations, an arbitral award or an agreement, whether oral or written, express or implied, the basic wage or salary prescribed in the Remuneration Regulations, award or agreement, or where the employer pays a higher wage or salary, the higher wage or salary so paid, but does not include any allowance by any name called, and whether paid in cash or in kind;

(b) in any other case, all the emoluments received by the employee, excluding any bonus or overtime,

but shall not exceed the maximum basic wage or salary as specified in the Second Schedule to the National Savings Fund (Collection of Contributions) Regulations 1997;

"**Committee**" means the Technical Committee established under section 7;

"**employee**"—

(a) means any person aged 18 and above, but below retirement age, who works or has worked under a full-time or part-time contract of service or apprenticeship, whether the contract is express or implied, oral or in writing and whether the person is paid daily, weekly, monthly or otherwise;

(b) includes a public officer and such other persons as the Minister may prescribe;

(c) includes a non-citizen, other than a non-citizen employed by an export manufacturing enterprise, who has resided in Mauritius for a continuous period of less than 2 years;

"**employer**" means any person for whom an employee works or has worked;

"**export manufacturing enterprise**" means such enterprise as the supervising officer of the Ministry responsible for the subject of labour may approve;

"**financial year**" means the period of 12 months ending on 30 June in every year;

"**Fund**" means the Fund established under section 3;

"**lump sum**" means—

(a) where entitlement arises on ground of death of the employee or retirement as defined in paragraph (a), (b)(i), (b)(iii) or (vii) of the definition of "retirement", a lump sum made up of any balance, including any balance of the Recycling Fee in the National Savings Fund Account of the employee; or

(b) where entitlement arises on ground of retirement as defined in paragraph (b) (ii), (iv), (v) or (vi), a lump sum made up of the 2.5 per cent contributions paid by the employer and interest accrued thereon;

"**Minister**" means the Minister to whom responsibility for the subject of social security is assigned;

"**NIC number**" has the same meaning as in the Civil Status Act;

"**NPF and NSF Investment Community**" means the NPF and NSF Investment Committee set up under section 38 of the National Pensions Act;

"**National Pensions Fund**" means the Fund established under the National Pensions Act;

"**Permanent Secretary**" means the Permanent Secretary of the Ministry;

"**retirement**"—

(a) means the attainment of retirement age; and

(b) includes—

(i) retirement from employment on ground of age as provided for under the Employment Rights Act, any pension law or any Remuneration Regulations;

(ia) in respect of a person aged 60 or more, retirement, or otherwise ceasing to work, on or before the age of 60;

(ii) retirement on medical ground, duly certified by a Government Medical Officer or a medical practitioner in the service of the employer;

(iii) in respect of a member of the police force, retirement after the completion of 25 years of pensionable service;

(iv) the loss of employment on or after attaining the age of 45 as a result of the cessation of business, reduction of workforce or redundancy;

(v) voluntary retirement in the context of a Voluntary Retirement Scheme under section 23 of the Sugar Industry Efficiency Act, an Early Retirement Scheme under section 23A of the Sugar Industry Efficiency Act or a factory closure pursuant to section 30 of the Mauritius Cane Industry Authority Act 2011;

(vi) the loss of employment as a result of the cessation of business, reduction of workforce or redundancy and where the employee has opted to set up a business under section 43 (2) (b) (ii) of the Employment Rights Act;

(vii) in relation to a non-citizen who is an employee, retirement from employment on the ground of expiry of his contract of employment or work permit, or termination of his employment, as the case may be, and subject to the non-citizen ceasing to be an employee under this Act;

"**retirement age**" means, in respect of a person whose month and year of birth are specified in Column 1 of the Second Schedule, the date on which that person attains the age specified in Column 2 of that Schedule.

[S. 2 amended by s. 23 (a) of Act 18 of 2008 w.e.f. 1 July 2008; s. 70 (4) (a) of Act 33 of 2008 w.e.f. 2 February 2009; s. 30 (a) of Act 14 of 2009 w.e.f. 1 July 2009; s. 13 (a) of Act 37 of 2011 w.e.f. 1 January 2012; s. 65 (1) of Act 40 of 2011 w.e.f. 19 March 2012; s. 7 (a) of Act 26 of 2013 w.e.f. 1 January 2014; s. 38 of Act 18 of 2016 w.e.f. 1 July 2015 and 1 July 2016.]

3. Establishment of Fund

(1) There is established for the purposes of this Act a Fund to be known as the National Savings Fund, which shall be administered by the Minister in accordance with the Finance and Audit Act.

(2) The Fund shall, for the purpose of any investment of any surplus of the Fund, be deemed to be a body corporate.

(3) For the purpose of subsection (2), the Fund shall, in any proceedings, judicial or otherwise, be represented by the Permanent Secretary.

[S. 3 amended by s. 35 (9) (a) (i) and (ii) of Act 20 of 2001 w.e.f. 17 September 2001.]

4. Objects of Fund

The objects of the Fund shall be to—

(a) provide for the payment of a lump sum to every employee on his retirement or in respect of every employee, at the time of his death; and

(b) set up and operate for the benefit of employees, such schemes, including loan schemes, as may be prescribed.

[S. 4 amended by s. 23 (b) of Act 18 of 2008 w.e.f. 1 July 2008; s. 70 (4) (b) of Act 33 of 2008 w.e.f. 2 February 2009.]

5. Contributions to Fund

(1) Subject to section 5A, every employer shall, in respect of every month and in respect of every employee who works during that month, pay the amount of contribution as specified in the First Schedule into the National Pensions Fund for credit to the Fund.

(2) The employer of any employee referred to in item 2 (a) and (c) of the First Schedule shall, at the time of paying to the employee his basic wage or salary for any period, deduct therefrom one per cent of the basic wage or salary and pay over that sum to the National Pensions Fund for credit to the Fund.

(3) Notwithstanding subsection (2), where an employee who is an insured person in the service of an employer referred to in section 17 (2A) of the National Pensions Act, earns remuneration which does not exceed 3,000 rupees, in the aggregate, during any period in a month, from that employer or concurrently from that employer and any other employer—

(a) no deduction from the remuneration of the employee shall be made by the employer; and

(b) Government shall pay the contribution of the employee into the National Pensions Fund.

(4) Where an employee who is an insured person referred to in section 17 (2A) of the National Pensions Act is employed by more than one employer and earns remuneration which exceeds 3,000 rupees, in the aggregate, in a month—

(a) the employee shall inform the employer from whom he receives less than 3,000 rupees in a month, accordingly; and

(b) that employer shall deduct the relevant contribution from the remuneration of the employee.

[S. 5 amended by s. 15 (6A) (a) of Act 3 of 2007 w.e.f. 1 March 2007; amended by s. 23 (c) of Act 18 of 2008 w.e.f. 1 July 2008; repealed and replaced by s. 70 (4) (c) of Act 33 of 2008 w.e.f. 2 February 2009; amended by s. 13 (b) of Act 37 of 2011 w.e.f. 15 December 2011.]

5A. Joint liability of employer and job contractor in sugar industry

(1) Where a person has recourse to a job contractor—

(a) he shall forthwith give written notice thereof to the Minister and specify in the notice the name and address of the job contractor, the duration and value of the contract, and the nature of work or service to be performed;

(b) the employer and the job contractor shall be jointly and severally liable to pay the contribution under section 5 in respect of every employee employed by the job contractor in the execution of the work or service specified in the contract.

(2) In this section—

"employer" has the meaning assigned to it under section 33 of the Employment Rights Act;

"job contractor" means a person who employs an employee for the performance of any work or service which he has contracted to do or provide for an employer.

[S. 5A inserted by s. 15 (6A) (b) of Act 3 of 2007 w.e.f. 1 March 2007; amended by s. 70 (4) (d) of Act 33 of 2008 w.e.f. 2 February 2009.]

5B. National Savings Fund Account

(1) The Fund shall, in respect of every employee, hold a National Savings Fund Account into which shall be credited—

(a) the 2.5 per cent contributions payable by the employer under section 5;

(b) the one per cent contributions payable by the employee under section 5;

(c) the recycling fee payable under section 47 of the Employment Rights Act; and

(d) any interests earned on the contributions and the recycling fee as determined by such actuary designated by the Minister.

(2) There shall be paid out of the National Savings Fund Account of an employee—

(a) any lump sum;

(aa) the amount of contribution to be paid as premium under such health insurance policy as is specified by an employee under section 5F;

(b) the Transition Unemployment Benefit payable at the rate specified in the Third Schedule;

(c) any other benefit that may be prescribed.

[S. 5B inserted by s. 70 (4) (e) of Act 33 of 2008 w.e.f. 2 February 2009; s. 30 (b) of Act 14 of 2009 w.e.f. 1 July 2009; amended by s. 13 (c) of Act 37 of 2011 w.e.f. 15 December 2011.]

5C. Transition Unemployment Benefit

(1) Every employee who is registered in the Workfare Programme set up under section 41 of the Employment Rights Act shall be entitled to a Transition Unemployment Benefit.

(2) Where an employee is registered in the Workfare Programme referred to in subsection (1), the Permanent Secretary of the Ministry responsible for the subject of labour and employment relations shall notify, under section 43 (3) and (3B) of the Employment Rights Act, the Permanent Secretary as to the entitlement of the employee to the Transition Unemployment Benefit.

(3) The Transition Unemployment Benefit shall be paid—

(a) at the rate specified in the Fourth Schedule;

(b) for a period of not less than one month and not more than 12 consecutive months, as specified in section 44 (1) of the Employment Rights Act.

(4) Upon notification from the Permanent Secretary of the Ministry responsible for the subject of labour and employment relations under section 44 (9) of the Employment Rights Act, the Transition Unemployment Benefit shall, where applicable, cease to be payable.

[S. 5C inserted by s. 70 (4) (e) of Act 33 of 2008 w.e.f. 2 February 2009; s. 30 (c) of Act 14 of 2009 w.e.f. 1 July 2009; amended by s. 38 (3) (a) of Act 6 of 2013 w.e.f. 11 June of 2013.]

5D. Workfare Programme Fund

(1) The Workfare Programme Fund set up under section 45 of the Employment Rights Act shall hold an account to be known as the Workfare Programme Account.

(2) The Workfare Programme Account shall be credited with—

(a) the levy payable at the appropriate rate specified in the Second Schedule to the Human Resource Development Act;

(b) all monies appropriated by the National Assembly for the purposes of the Workfare Programme; and

(c) any interests on investments.

(3) There shall be paid out of the Workfare Programme Account—

(a) the Transition Unemployment Benefit payable at the rates specified in the Third Schedule;

(b) the National Pensions Fund contribution payable under section 44 (3) of the Employment Rights Act;

(c) all expenses incurred in the administration of the Workfare Programme Fund.

[S. 5D inserted by s. 70 (4) (e) of Act 33 of 2008 w.e.f. 2 February 2009.]

5E. Recovery of overpayment

(1) Where a lump sum, a Transition Unemployment Benefit or any other benefit has been paid into a bank account of an employee and it is subsequently found by the Permanent Secretary that the lump sum or benefit should not have been so paid, the bank shall, on written request by the Permanent Secretary, refund the amount so paid to the Fund and may debit the account accordingly.

(2) (a) Where the bank account is closed, the bank shall not be required to refund to the Fund the amount paid under subsection (1).

(b) When the amount standing in the bank account is less than the amount paid under subsection (1), the bank shall refund only the amount standing in the bank account.

(3) Notwithstanding any other enactment, where a refund is made under this section, no action shall lie against the bank in respect of the amount so refunded.

(4) Where an employee has received a Transition Unemployment Benefit to which he was not entitled, any amount overpaid may be recovered from any balance in his National Savings Fund Account.

[S. 5E inserted by s. 70 (4) (e) of Act 33 of 2008 w.e.f. 2 February 2009.]

5F. Payment of contribution to health insurance scheme

(1) (a) Subject to subsection (2) and to the availability of funds, the Minister shall, at the request made by an employee in a form approved by the Minister, pay part or whole of the monthly contributions made in respect of the employee under section 5B (1) (a) from the Fund as premium under such health insurance policy as may have been subscribed to by the employee.

(b) The payment of the monthly contributions under paragraph (a) shall be made as from the second month following the month in which the application is made.

(1A) Notwithstanding subsection (2) (b), where an employee is in the domestic service of an employer, payment of the premium referred to in subsection (1) in respect of any month shall be from the account of the employee in any of the 2 financial years preceding the month of the payment.

(2) (a) No payment shall be made under subsection (1) unless contributions have been made into the Fund in respect of the employee for at least 6 months preceding the request for the transfer.

(b) The amount transferred from the Fund for any month shall be the amount paid, in respect of the employee, in the preceding sixth month.

(c) Paragraph (a) shall apply to contributions made as from 1 January 2012.

(3) Where an employee decides to cease payment of his monthly contributions referred to in subsection (1), he shall, not less than one month before the cessation, give written notice of the fact to the Ministry.

[S. 5F inserted by s. 13 (d) of Act 37 of 2011 w.e.f. 15 December 2011; s. 18 (a) of Act 26 of 2012 w.e.f. 22 December 2012.]

6. Duties of Minister

(1) The Minister shall—

(a) collect, in relation to every employee, the contributions payable under section 5;

(b) pay to every employee a lump sum or such other sums as may be prescribed; and

(c) forward to every employee, at such intervals as may be prescribed, a statement setting out the contributions paid on his behalf.

(2) The Minister may, on such terms and conditions as he deems fit, designate any public officer to assist him in the discharge of his duties under this Act.

7. Technical Committee

(1) There is established for the purposes of this Act a Technical Committee.

(2) The Committee shall consist of—

(a) a Chairperson, to be appointed by the Minister;

(b) a representative of the Ministry;

(c) 3 representatives of employees, to be appointed by the Minister after consultation with trade unions;

(d) 3 representatives of employers, to be appointed by the Minister after consultation with the Mauritius Employers' Federation;

(e) 3 representatives of Government.

(3) Every member of the Committee, other than *ex officio* members, shall hold or vacate office on such terms and conditions as the Minister may determine.

(4) The Committee shall meet at least once a month at such time and place as the Chairperson deems fit.

(5) Subject to this section, the Committee shall regulate its meetings and proceedings in such manner as it deems fit.

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(6) Six members of the Committee shall constitute a quorum.

(7) Every member of the Committee may be paid such fees as the Minister may determine.

(8) No person who is a member of the Assembly shall be a member of the Committee.

8. Functions of Technical Committee

The Committee shall advise—

(a) the Minister in the discharge of his responsibilities under this Act;

(aa) the Minister in the administration of the Workfare Progamme Fund; and

(b) the NPF and NSF Investment Committee on matters regarding the investments of the Fund.

[S. 8 amended by s. 35 (9) (b) of Act 20 of 2001 w.e.f. 17 September 2001; s. 38 (3) (b) of Act 6 of 2013 w.e.f. 11 June 2013.]

9. Financial provision and management

(1) There shall be credited to the Fund—

(a) all payments made under section 5;

(b) all sums representing payments made under the Additional Remuneration Act 1994 and in accordance with the Finance and Audit (Employees' Welfare Fund) Regulations 1991; and

(c) all other sums lawfully accruing to it.

(2) There shall be paid out of the Fund—

(a) all sums payable under this Act; and

(b) all expenses incurred in the administration of the Fund.

10. Investment of assets of Fund

Any surplus remaining in the Fund may be held on deposit with the Government, loaned or invested in such manner as the NPF and NSF Investment Committee may determine, having regard to—

(a) the need for an appropriate level of liquidity in the Fund;

(b) the need to secure the future value of the Fund; and

(c) any advice received from the Committee established under section 7.

[S. 10 amended by s. 35 (9) (c) (i) and (ii) of Act 20 of 2001 w.e.f. 17 September 2001.]

11. Actuarial valuation of Fund

The Minister shall, at intervals of not more than 5 years, cause an actuarial valuation of the Fund to be made by such actuary as the Minister may appoint and shall determine, in the light of such valuation, whether an adjustment is necessary to secure the future value of the Fund.

12. Accounts of Fund

(1) The Minister shall cause to be published in the *Gazette* duly audited annual accounts of the Fund setting out—

(a) the payments made into and out of the Fund;

(b) the assets and liabilities of the Fund with particular reference to any investment held by the Fund.

(2) The accounts required to be published under subsection (1) shall be laid before the Assembly.

13. Protection from liability

(1) No liability shall lie against any member of the Committee or any public officer in respect of any act done or omitted to be done in good faith in the execution of his functions under this Act.

(2) No liability, civil or criminal, shall lie against the Minister in respect of a payment which is not effected under section 5F by reason of unavailability of funds.

[S. 13 amended by s. 13 (e) of Act 37 of 2011 w.e.f. 15 December 2011.]

14. Lump sum not to be assigned or attached

(1) Notwithstanding any other enactment, but subject to subsection (4), a lump sum payable under this Act shall not be assigned, transferred, ceded, pledged, delegated, attached or levied upon in any respect.

(2) Where a person who is in receipt of a lump sum is adjudged bankrupt or is allowed to make a *cessio bonorum*, the benefit shall not pass to a trustee, assignee or other person acting on behalf of his creditors.

(3) Article 1289 of the Code Civil Mauricien shall not apply to contributions payable under section 5.

(4) Subject to such conditions as may be prescribed, where a person has received, under this Act, sums to which he is not entitled, those sums may be recovered from the amount of any sum to which that person may later become entitled under this Act.

(5) On the death of a person entitled to a benefit under this Act, the amount of the benefit shall be paid —

(a) to the surviving spouse of the deceased;

(b) in the absence of a surviving spouse, to the children of the deceased;

(c) in the absence of a surviving spouse or children, to the other legal personal representative of the deceased.

15. Offences

(1) Any person who—

(a) for the purpose of or in connection with payment of a contribution or a claim for a lump sum or any other sum under this Act, for himself or on behalf of any other person, knowingly—

(i) makes a false statement or a statement which he knows or ought to have known to be false in any material particular;

(ii) makes a false representation; or

(iii) fails to disclose a material fact;

(b) fails to pay contributions within the prescribed time limit; or

(c) fails to comply with this Act or any regulations made under this Act,

shall commit an offence.

(2) (a) A person shall, on conviction for an offence under subsection (1) (a) or (c), be liable to a fine not exceeding 5,000 rupees and to imprisonment for a term not exceeding 3 months.

(b) A person shall, on conviction for an offence under subsection (1) (b), be liable to a fine equal to twice the amount of unpaid contributions or 1,000 rupees, whichever is the higher, and to imprisonment for a term not exceeding 3 months.

(c) A person shall, on conviction for an offence under subsection (1) (b) or (c), in addition to the penalty imposed upon him under this subsection, be ordered to pay to the Minister the amount of any unpaid contribution or surcharge.

(3) An order made under subsection (2) (c) may be executed in the same manner as a judgment delivered by a Court in the exercise of its civil jurisdiction.

(4) Where a person has received any payment to which he is not entitled or which he was not qualified to receive or was disqualified from receiving, the amount of the payment may be recovered by the Minister in the same manner as a small State debt is recoverable under the Recovery of State Debts Act.

[S. 15 amended by s. 70 (4) (f) of Act 33 of 2008 w.e.f. 2 February 2009.]

16. Surcharge on late contributions

(1) Without prejudice to any legal proceedings which may be instituted under section 15, where an employer fails, within the prescribed time, to pay to the Minister the whole or part of any contribution payable under section 5, he shall pay a surcharge at the rate of 5 per cent or such other rate as may be prescribed for every month or part of the month during which any contribution remains unpaid, unless the amount of unpaid contributions does not exceed the amount specified in the First Schedule.

(2) The Minister may exempt any person from payment of the surcharge in such circumstances as may be prescribed.

[S. 16 amended by s. 70 (4) (g) of Act 33 of 2008 w.e.f. 2 February 2009.]

17. Recovery of contribution or surcharge or recycling fee

The Permanent Secretary may, without prejudice to any other remedy which the Minister may have, recover any unpaid contribution, surcharge or recycling fee in the same manner as income tax is recoverable under Part XI of the Income Tax Act.

[S. 17 amended by Act 25 of 2000; repealed and replaced by s. 38 (3) (c) of Act 6 of 2013 w.e.f. 11 June 2013.]

18. Jurisdiction

(1) Notwithstanding section 114 of the Courts Act and section 72 of the District and Intermediate Courts (Criminal Jurisdiction) Act, a Magistrate shall have jurisdiction to try all offences under this Act and may impose any penalty provided by this Act.

(2) Notwithstanding any other enactment, any civil or criminal proceedings instituted under this Act in the Island of Mauritius shall be entered before the District Court of Port Louis.

19. Certificate admissible in evidence

In any proceedings, a certificate under the hand of the Permanent Secretary to the effect that a person has not paid contributions or has refused or failed to produce a document when required to do so under this Act or any regulations made under this Act, shall, unless the contrary is proved, be evidence of the fact that that person has not paid such contributions or has refused or failed to produce the document, as the case may be.

20. Authentication of documents

The production of any document under the hand of the Permanent Secretary purporting to be a copy of or extract from any return, record or other document shall, in all proceedings, be admissible as evidence, and the production of the original shall not be necessary.

21. Keeping of records and register

(1) Every employer shall keep, in respect of every employee in his employment, records, whether electronic or otherwise, of—

(a) the name, occupation, NIC number and date of birth of the employee;

(b) the wage or salary paid to the employee and the monthly contributions referred to in section 5; and

(c) where a declaration is made under section 5 (4), the date on which the employee has notified him of his concurrent employment.

(2) Every employer shall cause an employee to affix his signature or thumbprint in a register or other similar document on payment of his wage or salary.

(3) Every employer shall, at the request of a public officer authorised by the Minister, produce and submit a certified copy of the records, register or other similar document referred to in subsections (1) and (2) for the purpose of ascertaining whether any contribution is payable.

[S. 21 amended by Act 25 of 2000; s. 18 (b) of Act 26 of 2012 w.e.f. 22 December 2012; repealed and replaced by s. 17 (b) of Act 26 of 2013 w.e.f. 1 January 2014.]

22. Power to summon

(1) The Permanent Secretary may, by written notice, summon any person whom he believes can give information relating to the administration or enforcement of this Act—

(a) to attend at such place and time as may be specified in the notice and to produce any document which the Permanent Secretary may require; or

(b) to give orally or in writing all such information as may be demanded of him by the Permanent Secretary.

(2) Any person summoned under subsection (1) who—

(a) fails to attend at the time and place specified in the notice;

(b) refuses to answer faithfully any question put to him by the Permanent Secretary;

(c) gives any false or misleading information; or

(d) refuses to produce a document required by the Permanent Secretary,

shall commit an offence.

23. ***

24. Regulations

(1) The Minister may, after consultation with the Committee—

(a) make such regulations as he considers necessary for the purposes of this Act;

(b) by regulations, amend the Schedules.

(2) Without prejudice to the generality of subsection (1), regulations made under this section may provide for—

(a) the management and administration of the Fund;

(b) payment and collection of contributions;

(c) claims and payment of lump sums and other sums.

25. ***

First Schedule (Section 5)

	Category of employees		Contributions (rounded to the nearest rupee) calculated on the basic wage or salary	Contributions (rounded to the nearest rupee) calculated on the basic wage or salary	Contributions (rounded to the nearest rupee) calculated on the basic wage or salary
			By Employer	By Employee	By Government
1.	(a)	Public officers	2.5%	—	
	(b)	Employees of a local authority or of a statutory body who are not insured persons under section 13(1) of the National Pensions Act	2.5%		
2.	(a)	Employees of a local authority or of a statutory body who are insured persons under section 13(1) of the National Pensions Act	2.5%	1 %	
	(b)	An employee referred to in section 17 (2A) of the National Pensions Act whose total earnings from all of his employers do not exceed 3,000 rupees in a month	2.5%	Nil	1 %

	(c)	Any other employee.	2.5%	1 %	

Where an employer is late in paying monthly contributions and the unpaid contributions amount to less than Rs 50, no surcharge shall be payable.

[First Sch. amended by GN 75 of 1997 w.e.f. 28 June 1997; GN 116 of 1997 w.e.f. 4 September 1997; GN 78 of 1999 w.e.f. 10 July 1999; GN 83 of 2001 w.e.f. 14 July 2001; GN 127 of 2002 w.e.f. 24 August 2002; GN 92 of 2003 w.e.f. 19 July 2003; GN 106 of 2004 w.e.f. 31 July 2004; GN 195 of 2005 w.e.f. 1 July 2005; GN 217 of 2006 w.e.f. 18 November 2006; GN 130 of 2008 w.e.f. 1 July 2007; GN 187 of 2008 w.e.f. 1 July 2008; s. 23 (d) of Act 18 of 2008 w.e.f 1 July 2008; repealed and replaced by s. 70 (4) (h) of Act 33 of 2008 w.e.f. 2 February 2009; amended by s. 30 (d) of Act 14 of 2009 w.e.f. 1 July 2009; repealed and replaced by s. 13 (f) of Act 37 of 2011 w.e.f. 15 December 2011.]

Second Schedule (Section 2)

Phasing in of retirement age

The retirement age of a person in respect of his date of birth shown in column 1 shall be the corresponding age specified in column 2

Column 1		Column 2		
Month and year of birth		Retirement age	Month and year of retirement date	
Month	Year		Month	Year
August	1948	60 years + 1 month	September	2008
September	1948	60 years + 2 months	November	2008
October	1948	60 years + 3 months	January	2009
November	1948	60 years + 4 months	March	2009
December	1948	60 years + 5 months	May	2009
January	1949	60 years + 6 months	July	2009
February	1949	60 years + 7 months	September	2009
March	1949	60 years + 8 months	November	2009
April	1949	60 years + 9 months	January	2010
May	1949	60 years + 10 months	March	2010
June	1949	60 years + 11 months	May	2010
July	1949	61 years	July	2010
August	1949	61 years + 1 month	September	2010

September	1949	61 years + 2 months	November	2010
October	1949	61 years + 3 months	January	2011
November	1949	61 years + 4 months	March	2011
December	1949	61 years + 5 months	May	2011
January	1950	61 years + 6 months	July	2011
February	1950	61 years + 7 months	September	2011
March	1950	61 years + 8 months	November	2011
April	1950	61 years + 9 months	January	2012
May	1950	61 years + 10 months	March	2012
June	1950	61 years + 11 months	May	2012
July	1950	62 years	July	2012
August	1950	62 years + 1 month	September	2012
September	1950	62 years + 2 months	November	2012
October	1950	62 years + 3 months	January	2013
November	1950	62 years + 4 months	March	2013

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December	1950	62 years + 5 months	May	2013
January	1951	62 years + 6 months	July	2013
February	1951	62 years + 7 months	September	2013
March	1951	62 years + 8 months	November	2013
April	1951	62 years + 9 months	January	2014
May	1951	62 years + 10 months	March	2014
June	1951	62 years + 11 months	May	2014
July	1951	63 years	July	2014
August	1951	63 years + 1 month	September	2014
September	1951	63 years + 2 month	November	2014
October	1951	63 years + 3 month	January	2015
November	1951	63 years + 4 month	March	2015
December	1951	63 years + 5 month	May	2015
January	1952	63 years + 6 months	July	2015
February	1952	63 years + 7 months	September	2015
March	1952	63 years + 8 months	November	2015
April	1952	63 years + 9 months	January	2016

May	1952	63 years + 10 months	March	2016
June	1952	63 years + 11 months	May	2016
July	1952	64 years	July	2016
August	1952	64 years + 1 month	September	2016
September	1952	64 years + 2 months	November	2016
October	1952	64 years + 3 months	January	2017
November	1952	64years + 4 months	March	2017
December	1953	64 years + 5 months	May	2017
January	1953	64 years + 6 months	July	2017
February	1953	64 years + 7 months	September	2017
March	1953	64 years + 8 months	November	2017
April	1953	64 years + 9 months	January	2018
May	1953	64 years + 10 months	March	2018
June	1953	64 years + 11 months	May	2018
July	1953	65 years	July	2018

August 1953 and after	On reaching 65 years		

[Second Sch. added by s. 23 (e) of Act 18 of 2008 w.e.f. 1 July 2008.]

Third Schedule (Sections 5B and 5D)

Financing of Transition Unemployment Benefit

1. Subject to paragraph 2, the Transition Unemployment Benefit shall be financed from—

   (a) the one per cent contribution of the worker and of the recycling fee in the National Savings Fund account of the worker and any interest accrued thereon, to the extent of 50 per cent of the Transition Unemployment Benefit; and

   (b) the Workfare Programme Fund to the extent of 50 per cent of the Transition Unemployment Benefit.

2. Where a worker is admitted to a training or re-skilling scheme and opts for the payment of the Transition Unemployment Benefit, the benefit shall be financed from the total of—

   (a) one-third of the one per cent contribution of the worker and of the recycling fee in the National Savings Fund account of the worker and any interest accrued thereon;

   (b) one-third from the Workfare Programme Fund; and

   (c) one-third from the National Empowerment Foundation.

3. Where the total amount under paragraph 1 (a) or 2 (a) is not sufficient, any deficiency shall be met from the Workfare Programme Fund.

[Third Sch. added by s. 70 (4) (i) of Act 33 of 2008 w.e.f. 2 February 2009; repealed and replaced by s. 30 (e) of Act 14 of 2009 w.e.f. 1 July 2009.]

Fourth Schedule (Section 5C)

Transition Unemployment Benefit

Period after termination of employment	Rate of benefit per month
First 3 months	90 per cent of the monthly basic wage or salary but not less than Rs 3,000
From 4th month to end of 6th month	60 per cent of the monthly basic wage or salary but not less than Rs 3,000
From 7th month to end of 12th month	30 per cent of the monthly basic wage or salary but not less than Rs 3,000

In this Schedule, basic wage or salary means—

(i) where the pay period is a month, the basic wage or salary payable for the complete month immediately preceding the month in respect of which entitlement arises; or

(ii) where the pay period is less than a month, the equivalent monthly basic wage or salary payable for the relevant pay periods preceding the month in respect of which entitlement arises.

[Fourth Sch. added by s. 70 (4) (i) of Act 33 of 2008 w.e.f. 2 February 2009; amended by s. 30 (f) of Act 14 of 2009 w.e.f. 1 July 2009.]