

THE PORT WORKERS (SUPERANNUATION FUND) ACT

REGULATIONS
(under section 6)

The Port Workers (Superannuation Scheme) Regulations, 1968

L.N. 375/68
122/82
240A/85
219C/86
118/93

THE PORT WORKERS (SUPERANNUATION FUND) ACT

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(under section 6)

THE PORT WORKERS (SUPERANNUATION SCHEME) REGULATIONS, 1968

(Made by the Minister on the 25th day of September, 1968)

L.N. 375/68
Amdt.
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PART I—Preliminary

1.—(1) These Regulations may be cited as the Port Workers (Superannuation Scheme) Regulations, 1968.

Short title
and com-
mencement.

(2) Except as otherwise indicated in these Regulations, these Regulations shall be deemed to have come into operation on the 3rd day of October, 1966.

- 2.—(1) In these Regulations, unless the context otherwise requires—
- “actuarial equivalent” means the amount certified by the consultants to be the equivalent of the amount involved in the circumstances which have occurred;
 - “Authority” means the Shipping Association of Jamaica or any other association or body recognized by the Minister as for the time being representing employers;
 - “committee” means the Pensions Committee of the Council mentioned in regulation 4;
 - “consultants” means such persons as may be appointed by the Authority from time to time to act as consultants to the trustees on such matters relating to the Fund as the trustees may from time to time determine;
 - “Council” means the Joint Industrial Council of the Port of Kingston as from time to time constituted;
 - “effective date” means the 3rd day of October, 1966;
 - “employer” means employer of a port worker as such;
 - “Fund” means the Fund established by section 3 of the Act;
 - “insurance company” means a body of persons, whether incorporated or not, carrying on insurance business in Jamaica, and in this definition “insurance business” means the business of effecting and carrying out contracts of insurance as an insurer;

Interpre-
tation.

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“medical panel” means such panel of medical practitioners as may from time to time be constituted by the Authority;

“nominee” means any person nominated by a subscriber in the manner prescribed by regulation 18;

“port worker” means any worker who—

(a) is registered as a port worker under the scheme for the registration of port workers in Kingston which is set out in the First Schedule or under the scheme substituted therefor which is set out in the Second Schedule; and

(b) is employed by the hour or by the day in the port of Kingston on wharves and ships;

“previous scheme” means—

(a) in relation to a port worker falling within sub-paragraph (a) of paragraph (1) of regulation 5, the Superannuation Scheme contained in the 1954 Regulations; and

(b) in relation to a port worker falling within sub-paragraph (b) or sub-paragraph (c) of paragraph (1) aforesaid, any superannuation scheme (other than this scheme) to which that port worker was required, under the terms of his employment, to make contributions;

“recruiting time” means the time each day appointed by the Council for port workers to report at the recruiting compound for the purpose of receiving an allocation of work;

“share in the previous scheme” means—

(a) in relation to a port worker falling within sub-paragraph (a) of paragraph (1) of regulation 5, that port worker's share in the Fund as at the 2nd October, 1966, computed in accordance with paragraph (2) of this regulation; and

(b) in relation to a port worker falling within sub-paragraph (b) or sub-paragraph (c) of paragraph (1) of regulation 5, the aggregate of the amounts contributed by that port worker and his former employer to a superannuation scheme (other than this scheme) before the port worker became a subscriber to this scheme;

“subscriber” means a port worker who is a subscriber to this scheme;

First
Schedule.
Second
Schedule.

“the trustees” means the Board of Trustees of the Kingston Port Workers Superannuation Fund constituted under these Regulations, or, as the case may be, the trustee appointed under paragraph (3) of regulation 3;

“the scheme” and **“this scheme”** mean the Superannuation Scheme contained in these Regulations;

“wages” includes all wages, salaries, earnings, pay, overtime pay, and other emoluments whether computed hourly, daily or otherwise paid by an employer to a port worker;

“the 1954 Regulations” means the Kingston Port Workers (Superannuation Scheme) Regulations, 1954.

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(2) For the purposes of paragraph (a) of the definition “share in the previous scheme”, the share in the Fund as at the 2nd October, 1966 of a subscriber to this scheme shall be his share in the balance of the Fund (excluding the Port Workers Emergency Relief Account) as at that date, as determined by the trustees, and such share shall be the fraction computed by determining the proportion that the aggregate of deductions from his wages as a port worker which were contributed to the previous scheme bears to the total amount of contributions to that scheme by all port workers who were contributing participants in that scheme on the 2nd October, 1966, so, however, that if a subscriber to this scheme received any payment before the effective date under regulation 16 of the 1954 Regulations or received any payment under regulation 35 of these Regulations, his share in the balance of the Fund as at the 2nd October, 1966, shall be nil.

(3) Before determining, for the purposes of paragraph (2), the balance of the Fund as at the 2nd October, 1966, the trustees shall charge to the Fund (excluding the Port Workers Emergency Relief Account) all costs, charges and expenses incurred by them in valuing the Fund as at that date and in determining the share in the Fund as at that date of each subscriber to this scheme, as if such costs, charges and expenses had been incurred before the 2nd October, 1966.

PART II—Board of Trustees and Pensions Committee

3.—(1) Subject to the provisions of paragraph (3), the Fund shall be administered by fourteen trustees who shall be constituted as a Board to be called the Trustees of the Kingston Port Workers Superannuation Fund.

Fund to be administered by Board of Trustees.

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Third
Schedule.

(2) The provisions of the Third Schedule shall have effect as to the constitution of the Board and otherwise in relation thereto.

(3) The Authority may, with the prior approval of the Minister, and upon such terms as to remuneration and otherwise as the Minister may approve, appoint any corporate body or any insurance company to administer the Fund as trustee of the Fund in succession to such Board as aforesaid, and if any such appointment is made the provisions of paragraphs (1) and (2) and the Third Schedule shall cease to have effect.

Pensions
Committee.

4.—(1) The Council shall for the purposes of these Regulations appoint from among its members a Pensions Committee.

Fourth
Schedule.

(2) The provisions of the Fourth Schedule shall have effect as to the constitution of the Pensions Committee and otherwise in relation thereto.

PART III—Subscribers to the Scheme

Subscribers
to scheme.

5.—(1) The following persons shall, by virtue of these Regulations, become subscribers to the scheme—

- (a) every port worker who was a subscriber to the previous scheme immediately before the effective date and who worked a total of not less than one hundred and eighty hours between the 1st of January, 1966 and the effective date on work allocated to him through the recruiting compounds for port workers;
- (b) every person who first becomes a port worker on or after the effective date and who had not attained the age of forty-six years on the 1st January, 1966;
- (c) such other port workers as the Authority may in its discretion admit as subscribers.

(2) The date from which port workers shall become subscribers to the scheme shall be—

- (a) in the case of those falling within sub-paragraph (a) of paragraph (1), the effective date;
- (b) in the case of those falling within sub-paragraph (b) of that paragraph, the date when they first become port workers on or after the effective date; and
- (c) in the case of those falling within sub-paragraph (c) of that paragraph, such date as may be specified by the Authority.