

THE PORT WORKERS (SUPER-  
ANNUATION FUND) ACT

Law  
36 of 1954.

[1st December, 1954.]

1. This Act may be cited as the Port Workers (Super- Short title.  
annuation Fund) Act.

2. In this Act unless the context otherwise requires— Interpretation.  
“employer” means any person who has or has had port  
workers in his employment during the existence of  
any superannuation scheme;  
“the Fund” means the Kingston Port Workers Super-  
annuation Fund established under this Act;  
“the Minister” means the Minister responsible for labour  
relations;  
“port worker” means any port worker in the port of  
Kingston registered and recruited for work in  
accordance with any system approved by the Minister;  
“the proper authority” has the meaning assigned to it  
by subsection (1) of section 4;  
“superannuation scheme” means any superannuation  
scheme, for providing benefits for port workers,  
instituted for the purposes of this Act;  
“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.

Establishment of Fund.

3. There shall be established for the purposes of this Act a Fund to be called the Kingston Port Workers Superannuation Fund.

Payments into Fund.

4.—(1) Every employer shall at such times as may be prescribed, pay to such authority as may be prescribed (in this Act referred to as “the proper authority”) to be credited to the Fund, such contributions and deductions as may be prescribed in respect of wages paid by such employer to port workers who are or have been in his employment.

(2) If any employer refuses or neglects or fails to pay to the proper authority any sum required to be so paid by such employer pursuant to the provisions of subsection (1), such sum shall be recoverable from such employer as a civil debt in an action by the Attorney-General.

Relief from income tax.

5. Notwithstanding anything to the contrary, no income tax shall be payable upon any moneys paid to the proper authority by any employer pursuant to the provisions of subsection (1) of section 4.

Regulations.

6.—(1) The Minister may make regulations generally for the better carrying out of the purposes of this Act and in particular but without prejudice to the generality of the foregoing, may make regulations—

- (a) instituting a superannuation scheme providing for the administration, management and investment of any moneys standing to the credit of the Fund, the disbursement of any such moneys, the auditing of any accounts in relation thereto, and any other matters whatever which may be considered by the Minister to be necessary for or incident to the satisfactory institution, operation or winding

- up of any such scheme, including the incorporation (with power to sue and liability to be sued) of any body or authority established for the purposes of this Act or any regulations thereunder;
- (b) requiring employers to furnish to such authority as may be prescribed in such form and at such times as may be prescribed, returns containing such information relating to wages paid to port workers by employers as may be prescribed;
  - (c) requiring employers to produce any books of account kept by them and any vouchers and other documents in their possession or under their control relating to the payment of wages to port workers by employers, for inspection by such authority within such period and at such times and places as may be prescribed;
  - (d) prescribing anything required to be prescribed under this Act.

(2) Regulations under this section may be made with retrospective effect to the 1st December, 1954, or to any later date.

(3) Notwithstanding the provisions of section 29 of the Interpretation Act, regulations made under this section may prescribe greater penalties than those specified in that section, so, however, that the maximum penalty which may be prescribed by any such regulations shall be a fine of two hundred dollars or imprisonment with or without hard labour for a term of twelve months.

7. Every employer who refuses or neglects or fails to comply with the provisions of subsection (1) of section 4 shall, upon summary conviction before a Resident Magistrate, be liable to a fine not exceeding two hundred dollars **Penalty.**

or to imprisonment with or without hard labour for any term not exceeding twelve months.

Offences by  
company.

**8.** Where an employer who is guilty of an offence against this Act or any regulations thereunder is a company, every director, manager, agent and officer of the company in this Island who is knowingly a party to the contravention shall be guilty of a like offence and liable to the penalty prescribed in relation thereto.