

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

REGULATIONS
(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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(Revoked)

(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.

PART IV—Contributions under the Scheme

6.—(1) Whenever an employer pays to a subscriber employed to him wages earned by the subscriber as a port worker, the employer shall deduct therefrom, as the subscriber's contribution to this scheme, a sum equal to 10 % of those wages.

Subscribers' contributions to be deducted from wages.

(2) All sums deducted by an employer under paragraph (1) shall be paid by the employer to the Authority not less frequently than once in each month.

7.—(1) Whenever an employer makes a deduction from the wages of a port worker under paragraph (1) of regulation 6 the employer shall become liable to pay to the Fund, as the employer's contribution to this scheme in respect of such port worker, a sum equal to the amount so deducted from the wages of that port worker.

Employers' contributions.

(2) Every sum payable by an employer under paragraph (1) in respect of any such deduction as aforesaid shall be paid by the employer to the Authority at the same time as payment of that deduction is made by him to the Authority under paragraph (2) of regulation 6.

8. As soon as may be after the 1st October, 1968, the Authority shall pay to the trustees all amounts paid to the Authority under paragraph (2) of regulation 6 and paragraph (2) of regulation 7 between the effective date and such date, and, with regard to amounts so paid to the Authority on or after the said date, the Authority shall pay the same to the trustees not less frequently than once in each month.

Payment of contributions to trustees.

8A.—(1) If a port worker who is a subscriber to this scheme on the 1st day of January, 1984, was also a subscriber to the previous scheme, his share in the previous scheme and his contributions to this scheme shall bear interest from the 1st day of January, 1984.

Interest on subscriber's share (if any) and contributions.

(2) If a subscriber to this scheme was not also a subscriber to the previous scheme, his contributions to this scheme shall bear interest from the 1st day of January, 1984, or from the date on which he becomes a subscriber, whichever is later.

(3) The interest payable under this regulation shall be at such rate as the trustees shall determine from time to time and shall be compounded annually.

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PART V—Retirement and Termination of Participation in the Scheme

Retirement
of sub-
scriber.

9. Subject to the provisions of regulation 33, the Authority shall retire forthwith any subscriber to this scheme who—

- (a) according to the particulars of his registration as a port worker, is sixty-five years of age or over on the 1st October, 1968 or attains that age on or after such date; or
- (b) on or after such date is certified by the medical panel as being unfit to perform the duties of a port worker.

Early retire-
ment of
subscriber.

9A. The Authority may retire a subscriber before he attains the age of 65 years if—

- (a) that subscriber requests the Authority to do so;
- (b) the age of that subscriber according to the particulars of his registration as a port worker will be 55 years or over at the date on which the retirement is to take effect; and
- (c) the Authority consents that he shall be so retired.

Termination
of partici-
pation in
scheme

10. Subject to the provisions of regulation 33, the participation in this scheme of a subscriber thereto shall be terminated by the Authority—

- (a) if, not being on authorized leave, he does not during any period of three consecutive months make himself available for work through the recruiting compounds for port workers for a total of more than sixty-six recruiting times and the Authority has served notice upon him advising him that his participation in the scheme has been terminated; or
- (b) if he has been required in writing by the committee to submit to a medical examination by the medical panel and has failed without reasonable excuse (to be determined by the committee) to submit to such examination; or
- (c) upon his death; or
- (d) if, not having already been retired under regulation 9, or not having had his participation as a subscriber to the scheme terminated under paragraph (a), (b) or (c), he ceases to be registered as a port worker.

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PART VI—Benefits

11.—(1) A subscriber who was retired before the 1st day of January, 1976, and was alive on the 1st day of February, 1981, shall be entitled to receive from the Fund with effect from the 1st day of February, 1981, for the rest of his life, pension at the rate of—

**Benefit
where sub-
scriber is
retired.**

- (a) 115% of the pension payable to him immediately before the 1st day of February, 1981, if he retired before the 1st day of January, 1974;
- (b) 110% of the pension payable to him immediately before the 1st day of February, 1981, if he retired during the year 1974;
- (c) 105% of the pension payable to him immediately before the 1st day of February, 1981, if he retired during the year 1975.

(2) Subject to the provisions of paragraphs (7) and (9), a subscriber who is retired under paragraph (a) of regulation 9 on or after the 1st day of February, 1976, but before the 1st day of February, 1981, shall be entitled to receive from the Fund, upon his retirement—

- (a) a pension equal to 30% of the annual average of the wages received by him as a port worker during the five years immediately preceding his retirement, whether he was also a subscriber to the previous scheme or not; and
- (b) if he was also a subscriber to the previous scheme, his share in the previous scheme, which shall be paid in a single sum.

(3) Subject to the provisions of paragraphs (7) and (9), a subscriber who is retired under paragraph (a) of regulation 9 on or after the 1st day of February, 1976, but before the 1st day of February, 1981—

- (a) shall be entitled to receive from the Fund on the fifth anniversary of his retirement, if he is then alive, and for the rest of his life, pension at the rate of 133 1/3% of the pension payable to him on his retirement;
- (b) shall, if he is retired on or after the 1st day of February, 1976, but before the 1st day of February, 1977, be entitled to receive from the Fund with effect from the 1st day of February, 1981, until immediately before the fifth anniversary of his retirement, if he is then alive, pension at the rate of 126 2/3% of the pension payable to him on his retirement;

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- (c) shall, if he is retired on or after the 1st day of February, 1977, but before the 1st day of February, 1978, be entitled to receive from the Fund—
- (i) with effect from the 1st day of February, 1981, until immediately before the fourth anniversary of his retirement, if he is then alive, pension at the rate of 120% of the pension payable to him on his retirement;
 - (ii) with effect from the fourth anniversary of his retirement until immediately before the fifth anniversary of his retirement, if he is then alive, pension at the rate of $126\frac{2}{3}\%$ of the pension payable to him on his retirement;
- (d) shall, if he is retired on or after the 1st day of February, 1978 but before the 1st day of February, 1979, be entitled to receive from the Fund—
- (i) with effect from the 1st day of February, 1981, until immediately before the third anniversary of his retirement, if he is then alive, pension at the rate of $113\frac{1}{3}\%$ of the pension payable to him on his retirement;
 - (ii) with effect from the third anniversary of his retirement until immediately before the fourth anniversary of his retirement, if he is then alive, pension at the rate of 120% of the pension payable to him on his retirement;
 - (iii) with effect from the fourth anniversary of his retirement until immediately before the fifth anniversary of his retirement, if he is then alive, pension at the rate of $126\frac{2}{3}\%$ of the pension payable to him on his retirement;
- (e) shall, if he is retired on or after the 1st day of February, 1979, but before the 1st day of February, 1980, be entitled to receive from the Fund—
- (i) with effect from the 1st day of February, 1981, until immediately before the second anniversary of his retirement, if he is then alive, pension at the rate of $106\frac{2}{3}\%$ of the pension payable to him on his retirement;

- (ii) with effect from the second anniversary of his retirement until immediately before the third anniversary of his retirement, if he is then alive, pension at the rate of 113 $\frac{1}{3}$ % of the pension payable to him on his retirement;
 - (iii) with effect from the third anniversary of his retirement until immediately before the fourth anniversary of his retirement, if he is then alive, pension at the rate of 120% of the pension payable to him on his retirement;
 - (iv) with effect from the fourth anniversary of his retirement until immediately before the fifth anniversary of his retirement, if he is then alive, pension at the rate of 126 $\frac{2}{3}$ % of the pension payable to him on his retirement;
- (f) shall, if he is retired on or after the 1st day of February, 1980, but before the 1st day of February, 1981, be entitled to receive from the Fund—
- (i) with effect from the 1st day of February, 1981, until immediately before the first anniversary of his retirement, if he is then alive, pension at the rate payable to him on his retirement;
 - (ii) with effect from the first anniversary of his retirement until immediately before the second anniversary of his retirement, if he is then alive, pension at the rate of 106 $\frac{2}{3}$ % of the pension payable to him on his retirement;
 - (iii) with effect from the second anniversary of his retirement until immediately before the third anniversary of his retirement, if he is then alive, pension at the rate of 113 $\frac{1}{3}$ % of the pension payable to him on his retirement;
 - (iv) with effect from the third anniversary of his retirement until immediately before the fourth anniversary of his retirement, if he is then alive, pension at the rate of 120% of the pension payable to him on his retirement;

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- (v) with effect from the fourth anniversary of his retirement until immediately before the fifth anniversary of his retirement, if he is then alive, pension at the rate of $126\frac{2}{3}\%$ of the pension payable to him on his retirement.

***(4)** Subject to the provisions of paragraphs (5) (6) and (7) a subscriber who is retired under paragraph (a) of regulation 9 shall be entitled to receive from the Fund—

(a) upon his retirement—

(i) if the date of his retirement is on or after the 1st day of February, 1981, but before the 1st day of January, 1986, a pension equal to 40% of the annual average of the wages received by him as a port worker during the five years immediately preceding his retirement, whether he was a subscriber to the previous scheme or not;

(ii) if he becomes a subscriber before the 1st day of January, 1986, and the date of his retirement is on or after the 1st day of January, 1986, a pension equal to $1\frac{2}{3}\%$ of his pensionable wages multiplied by the number of years during which he was a subscriber, or 40% of the annual average of the wages received by him as a port worker during the five years immediately preceding his retirement, whichever is the greater, whether he was a subscriber to the previous scheme or not;

(iii) if he becomes a subscriber on or after the 1st day of January, 1986, and the date of his retirement is on or after the 1st day of January, 1986, a pension equal to $1\frac{2}{3}\%$ of his pensionable wages multiplied by the number of years during which he was a subscriber, whether he was a subscriber to the previous scheme or not;

(iv) if he was also a subscriber to the previous scheme, his share in the previous scheme, which shall be paid in a single sum in addition to the pension payable under this paragraph;

(b) if the date of his retirement is on or after the 1st day of February, 1981, he shall be entitled to receive from the Fund, with effect—

*Certain of the amendments to this paragraph are effective from 1.7.90—see L.N. 118 in Jamaica Gazette Supplement dated 7.9.93.

[The inclusion of this page is authorized by L.N. 144/1995]

- (i) from the first anniversary of his retirement, if he is then alive, and for twelve months thereafter, pension at the rate of $106\frac{2}{3}\%$ of the pension payable to him on his retirement;
 - (ii) from the second anniversary of his retirement, if he is then alive, and for twelve months thereafter, pension at the rate of $113\frac{1}{3}\%$ of the pension payable to him on his retirement;
 - (iii) from the third anniversary of his retirement, if he is then alive, and for twelve months thereafter, pension at the rate of 120% of the pension payable to him on his retirement;
 - (iv) from the fourth anniversary of his retirement, if he is then alive, and for twelve months thereafter, pension at the rate of $126\frac{2}{3}\%$ of the pension payable to him on his retirement;
 - (v) from the fifth anniversary of his retirement, if he is then alive, and for the remainder of his life, pension at the rate of $133\frac{1}{3}\%$ of the pension payable to him on his retirement.
- (5) Subject to the provisions of paragraph (7) where a subscriber who is registered as a tally clerk is retired after the 1st day of January, 1982—
- (a) if he was a subscriber to the Shipping Association of Jamaica Superannuation Fund for Tally Clerks on the 31st day of December, 1981, he shall be entitled, upon his retirement, to receive from the Fund established by section 3 of the Act—
 - (i) a lump sum equal to the aggregate of the amounts paid by him as contributions to the Shipping Association of Jamaica Superannuation Fund for Tally Clerks up to the 31st day of December, 1981, plus the aggregate of the amounts contributed to that Superannuation Fund by the Shipping Association of Jamaica up to that date in respect of his employment plus the aggregate of the annual bonuses credited to him in that Superannuation Fund up to that date; and

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- (ii) a pension equal to 25% of the annual average of the wages received by him as a tally clerk during the five years immediately preceding his retirement;
 - (b) if his employment as a tally clerk commences on or after the 1st day of January, 1982 but before the 1st day of January, 1986, he shall be entitled, upon his retirement, to receive from the Fund established by section 3 of the Act a pension equal to 40% of the annual average of the wages received by him as a port worker during the five years immediately preceding his retirement;
 - (c) irrespective of the date on which his employment as a tally clerk commences, he shall be entitled to receive, with effect from the first and subsequent anniversaries of his retirement, pension from the Fund established by section 3 of the Act at the rates specified in sub-paragraph (b) of paragraph (4) in relation to the appropriate anniversary, if he is then alive.
- (6) Subject to the provisions of paragraph (7) where a subscriber who is registered as a gearsman is retired after the 1st day of January, 1983—
- (a) if he was a subscriber to the Blue Book Workers Superannuation Scheme on the 31st day of December, 1982, he shall be entitled, upon his retirement, to receive from the Fund established by section 3 of the Act—
 - (i) a lump sum equal to the aggregate of the amounts paid by him as contribution to the Blue Book Workers Superannuation Scheme up to the 31st day of December, 1982, plus the aggregate of the amounts contributed to that Scheme by the Shipping Association of Jamaica up to that date in respect of his employment plus the aggregate of the annual bonuses credited to him in that Scheme up to that date; and
 - (ii) a pension equal to 25% of the annual average of the wages received by him as a gearsman during the five years immediately preceding his retirement;
 - (b) if his employment as a gearsman commences on or after the 1st day of January, 1983, but before the 1st day of January, 1986, he shall be entitled to receive from the Fund established

by section 3 of the Act upon his retirement a pension equal to 40% of the annual average of the wages received by him as a port worker during the five years immediately preceding his retirement;

- (c) irrespective of the date on which his employment as a gearsman commences, he shall be entitled to receive, with effect from the first and subsequent anniversaries of his retirement, pension from the Fund established by section 3 of the Act at the rates specified in sub-paragraph (b) of paragraph (4) in relation to the appropriate anniversary, if he is then alive.

(7) The pension payable under this regulation to a subscriber shall be paid to him monthly in arrear starting at the end of the month next following the month of his retirement and ending on the last day of the month in which he dies.

(8) The relevant provisions of paragraphs (2) to (7) shall apply in relation to a subscriber who is retired under paragraph (b) of regulation 9 as they apply in relation to a subscriber who is retired under paragraph (a) of that regulation, so, however, that until a subscriber who is retired under paragraph (b) of that regulation attains the age of 65 years, the pension granted to him shall continue to be payable only upon evidence satisfactory to the committee that he continues to be unfit to perform the duties of a port worker.

(9) Paragraph (3) shall not apply in respect of a retired subscriber whose pension was increased by one-third before the 1st day of February, 1981, pursuant to the former regulation 11 (2) (now revoked).

(10) The relevant provisions of paragraphs (4) to (7) shall apply in relation to a subscriber who is retired under regulation 9A as they apply in relation to a subscriber who is retired under paragraph (a) of regulation 9, so, however, that the amount of pension granted to a subscriber who is retired under regulation 9A shall be actuarially adjusted to equate the life contingency factor at the age at which he was retired to the factor applicable at age 65 for a port worker of the same sex in accordance with the tables currently in use by the consultants on the date when he was retired.

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(11) In this regulation “pensionable wages” in relation to a subscriber means the annual average of the total wages received by him as a port worker in respect of his best five consecutive years out of the ten years immediately preceding his retirement.

Optional
joint
pension.

12.—(1) A subscriber may, with the consent of the trustees, make an irrevocable election in writing delivered to the trustees before he receives payment of his first month’s pension, that in lieu of the annual pension payable to him—

- (a) a reduced annual pension shall be paid to him; and
- (b) an annual pension shall be paid from the date of the subscriber’s death to a person named in the election (in this regulation referred to as his beneficiary) who is not his spouse within the meaning of regulation 15A.

(2) The amount of pension payable to a retired subscriber who makes an election under this regulation and to his beneficiary shall be determined in accordance with the tables currently in use by the consultants on the date when the subscriber is retired.

(3) The pension payable under this regulation to the beneficiary of a retired subscriber shall continue to be paid until the beneficiary dies.

(4) If a subscriber who makes an election under this regulation or his beneficiary dies before the date of the subscriber’s retirement the election shall be deemed not to have been made.

Early death
of pen-
sioner.

13.—(1) If, at the date of death of a person to whom a pension is payable under these Regulations, being a person who was retired before the 1st day of February, 1981, the aggregate of the payments received by him by way of such pension is less than the aggregate amount of his contributions to this scheme, the difference shall be paid in a lump sum to his nominee or personal representative as provided in regulation 18.

(2) If, at the date of death of a person to whom an annuity (not being a joint annuity) is payable under these Regulations, being a person who was retired before the 1st day of February, 1981, the aggregate of

the payments received by him under the annuity is less than the aggregate amount of his contributions under this scheme, the difference shall be paid in a lump sum to his nominee or personal representatives as provided in regulation 18.

(3) If a person to whom a pension is payable under regulation 11—

(a) is retired on or after the 1st day of February, 1981; and

(b) dies before he has received pension for sixty months,

the difference between the aggregate amount of pension which would have been payable to him for sixty months if he had not died as aforesaid and the aggregate amount of pension actually paid to him before his death shall be paid in a lump sum to his nominee or personal representative as provided in regulation 18.

14.—(1) When the participation of a subscriber in this scheme is terminated under paragraph (a), (b) or (d) of regulation 10, he shall be entitled to receive from the Fund—

(a) if he was also a subscriber to the previous scheme, his share in the previous scheme and the aggregate of the amounts deducted from his wages as his contributions to this scheme; or

(b) if he was also a subscriber to the Shipping Association of Jamaica Superannuation Fund for Tally Clerks or the Blue Book Workers Superannuation Scheme, the lump sum specified by sub-paragraph (a) (i) of paragraph (5) of regulation 11 or by sub-paragraph (a) (i) of paragraph (6) of regulation 11, as the case may require, and the aggregate of the amounts deducted from his wages as his contribution to this scheme; or

(c) if he was not also a subscriber to the previous scheme or to the Superannuation Fund or Superannuation Scheme mentioned in paragraph (b), the aggregate of the amounts deducted from his wages as his contributions to this scheme.

(2) Any interest which accrued to a subscriber under regulation 8A immediately before the termination of his participation shall be added to the benefit to which he is entitled under paragraph (1).

Benefit where subscriber's participation in scheme is terminated otherwise than on death.

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(3) If a person who is entitled to a benefit under paragraph (1) was a subscriber for a period of not less than ten years immediately before the termination of his participation in this scheme, he may elect to receive from the Fund, in lieu of that benefit and any interest added to it in accordance with paragraph (2), a deferred pension which shall be payable from the date on which he attains the age of 65 years and for the rest of his life.

(4) The relevant provisions of paragraphs (4) to (7) of regulation 11 shall apply in relation to a person who makes an election under this regulation as they apply in relation to a subscriber who is retired under paragraph (a) of regulation 9, so, however, that—

- (a) if the person who makes such an election became a subscriber before the 1st day of January, 1986, the amount of pension granted to him shall be actuarially adjusted to equate the life contingency factor at the age at which his participation in this scheme is terminated to the factor applicable at age 65 for a port worker of the same sex in accordance with the tables currently in use by the consultants on the date when his participation in this scheme is terminated;
- (b) if that person became a subscriber on or after the 1st day of January, 1986, the amount of pension granted to him shall be the same as the amount of pension which he would have been entitled to receive at the date of termination of his participation in this scheme if he had retired at that date.

(5) If a person who made an election under this regulation dies before he attains the age of 65 years and he leaves no person entitled under these Regulations to receive surviving spouse's pension, the aggregate of—

- (a) the benefit to which the person who made the election was entitled under paragraph (1);
- (b) any interest added to that benefit in accordance with paragraph (2), which shall be computed up to the date of his death,

shall be paid in a lump sum to the nominee or personal representative of the person who made the election as provided in regulation 18.

(6) If a person who made an election under this regulation dies after he attained the age of 65 years but before he has received pension for sixty months, the difference between the aggregate amount of pension which would have been payable to him for sixty months had he not died as aforesaid and the aggregate amount of pension actually paid to him before his death shall be paid in a lump sum to his nominee or personal representative as provided in regulation 18.

15.—(1) When the participation of a subscriber in this scheme is terminated by reason of his death, and he leaves no person entitled under these Regulations to receive surviving spouse's pension, then—

Benefit where subscriber's participation in scheme is terminated on death.

- (a) if the subscriber was also a subscriber to the previous scheme, his share in the previous scheme and the aggregate of the amounts deducted from his wages as contributions to this scheme; or
- (b) if the subscriber was also a subscriber to the Shipping Association of Jamaica Superannuation Fund for Tally Clerks or the Blue Book Workers Superannuation Scheme, the lump sum specified by sub-paragraph (a) (i) of paragraph (5) of regulation 11 or by sub-paragraph (a) (i) of paragraph (6) of regulation 11, as the case may require, and the aggregate of the amounts deducted from his wages as his contributions to this scheme; or
- (c) if the subscriber was not also a subscriber to the previous scheme or to the Superannuation Fund or Superannuation Scheme mentioned in paragraph (b), the aggregate of the amounts deducted from his wages as his contribution to this scheme,

shall be paid in a lump sum to his nominee or personal representative as provided in regulation 18.

(2) Any interest which accrued to a subscriber under regulation 8A immediately before the termination of his participation shall be added to the benefit which shall be paid in accordance with paragraph (1).

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15A.—(1) If a subscriber who is retired under regulation 9 on or after the 1st day of February, 1981, dies leaving a person who had been his spouse from a date prior to his retirement until the date of his death, that person shall be entitled to receive from the Fund a surviving spouse's pension equal to—

- (a) 15% of the annual average of the wages received by that subscriber as a port worker during the five years immediately preceding his retirement if that subscriber's participation in this scheme began before the 1st day of January, 1986; or
- (b) 37½% of the pension payable to that subscriber at the date of his retirement, but before any reduction consequent on the exercise of an election under regulation 15C, if that subscriber's participation in this scheme began on or after the 1st day of January, 1986.

(2) If the participation of a subscriber in this scheme is terminated on or after the 1st day of February, 1981, by reason of his death, and if he leaves a person who is his spouse at the date of his death, that spouse shall be entitled to receive from the Fund a surviving spouse's pension equal to—

- (a) 15% of the annual average of the wages received by that subscriber during the five years immediately preceding his death in the case of a subscriber whose participation in this scheme began before the 1st day of January, 1986; or
- (b) 37½% of the pension which would have been payable to that subscriber at the date of termination of his participation in this scheme if he had retired at that date, in the case of a subscriber whose participation in this scheme began on or after the 1st day of January, 1986.

(2A) If a person who made an election under regulation 14 to receive a deferred pension dies leaving a person who is his spouse at the date of his death, that spouse shall be entitled to receive from the Fund a surviving spouse's pension equal to—

- (a) 15% of the annual average of the wages received by the deceased person as a port worker during the five years immediately preceding the termination of his participation in

this scheme if his participation in this scheme began before the 1st day of January, 1986; or

- (b) 37½% of the pension which would have been payable to the deceased person at the date of termination of his participation in this scheme if he had retired at that date, and if his participation in this scheme began on or after the 1st day of January, 1986.

(2B) If a subscriber who was retired under regulation 9 before the 1st day of February, 1981, died after the 1st day of July, 1988, and, at the time of his death, he left a person who was his spouse or is treated, in accordance with paragraph (4), as his spouse, that person shall be entitled to receive from the Fund a surviving spouse's pension at a rate which shall be subject to actuarial advice.

(3) The surviving spouse's pension payable under this regulation shall be paid to the surviving spouse monthly in arrear, starting at the end of the month in which the subscriber dies and ending on the last day of the month in which the surviving spouse remarries or dies, whichever first occurs.

(4) For the purposes of this regulation—

- (a) the committee may treat a single woman or widow who was living with a single man or widower as his wife for a period of not less than 52 weeks immediately prior to his or her death as if she were in law his widow or as if he were in law her widower, as the case may require, if the committee is satisfied that in all the circumstances she, or he, as the case may require, should be so treated;
- (b) where the question of marriage or remarriage, or of the date of marriage or remarriage, arises in regard to the entitlement or cessation of entitlement of a person to a surviving spouse's pension, the committee shall, in the absence of the subsistence of a lawful marriage and of any impediment to lawful marriage, decide whether or not the person or persons concerned should be treated as if he, she or they were married or as if he or she had remarried, as the case may be, and if so, from what date and in determining the question the committee shall have regard to the terms of sub-paragraph (a);

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- (c) a decision of the committee given under sub-paragraph (a) or (b) shall, unless the context otherwise requires, have the effect of extending, as regards a surviving spouse's pension, the meaning of the word "marriage" to include the association (the subject-matter of the decision) between such a single woman or widow as aforesaid with such a single man or widower as aforesaid, and for this purpose the words "wife", "widow", "widower" and "spouse" shall be construed accordingly.

Trustees may recommend increases in benefits.

15B. Where the trustees, after taking into account the amounts and actuarial liabilities of the Fund, are of opinion that the reserves of the Fund are sufficient to support the benefits payable under these Regulations and any increase thereof considered desirable, the trustees may recommend to the Minister that, subject to actuarial advice, the benefits payable under these Regulations be increased.

Lump sum and reduced pension.

15C.—(1) A subscriber may, with the consent of the trustees elect, before he receives payment of his first month's pension, to surrender a portion of his annual pension and receive a reduced pension plus a single cash payment equal to one-quarter times twelve and one-half times the annual pension or the maximum lump sum for the time being permitted under the Income Tax Act, whichever is less.

(2) The amount of the reduced pension shall be determined in accordance with the tables currently in use by the consultants on the date when the subscriber is retired.

PART VII—Miscellaneous and General Provisions

Medical examination of subscribers.

16.—(1) Any subscriber shall, upon his application to the committee, be examined by the medical panel as to his fitness to perform the duties of a port worker.

(2) An employer may at any time require any subscriber to be examined by the medical panel as to his fitness to perform the duties of a port worker and the committee shall, at the request of such employer, by notice in writing, require the subscriber to submit to a medical examination by the medical panel.

Notice of retirement or termination of participation in scheme.

17. Whenever the Authority retires a subscriber under regulation 9 or terminates the subscriber's participation in this scheme under paragraph (a), (b) or (d) of regulation 10, the Authority shall serve written notice of such retirement or termination upon such subscriber.

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18.—(1) Every subscriber may for the purposes of these Regulations make a nomination in the form set out in the Fifth Schedule designating any person or persons who, in his opinion, are dependent on him either in whole or in part.

Nominees.
Fifth
Schedule.

(2) A subscriber may in any such nomination designate what proportions of the relevant lump sum each of any two or more nominees designated by him shall take.

(3) Every such nomination may be revoked by the subscriber at any time on payment to the Authority (for crediting to the Fund) of a fee of twenty-five cents.

(4) The relevant lump sum shall be paid to any person so nominated who survives the subscriber, regard being had to any designation of proportions made under paragraph (2).

(5) If a joint nominee dies in the lifetime of the subscriber, the surviving nominee or nominees shall take in equal shares the share of the relevant lump sum to which such deceased nominee would have been entitled had he survived the subscriber, and if there be only one surviving nominee he shall receive the whole of the relevant lump sum.

(6) If at the date of death of the subscriber he is not survived by a nominee, payment of the relevant lump sum shall be made to his personal representative.

(7) In this regulation "relevant lump sum" means the lump sum payable under regulation 13 or under regulation 15, as the case may be.

19. All payments in accordance with these Regulations shall be paid out of the Fund and no person entitled to any payment shall have any claim thereto except out of the Fund, and, subject to the provisions of regulation 27, no such person shall in any case whatsoever have any claim to any payment against the trustees or any of them personally or against the committee or any employer or representative of an employer or the Authority.

Payments
to be
made from
Fund.

20.—(1) Payment of any benefit under the provisions of these Regulations shall be made by the trustees to a subscriber or to his nominee or personal representative, or to any other person entitled to payment under these Regulations, as the case may be, as soon as the same may expeditiously and conveniently be made.

Payment
of benefit
to be
expeditious.

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(2) Where any delay is likely to occur in the calculation of the final amount of any such benefit as aforesaid, the trustees may, if requested so to do by the Authority, make an advance to a subscriber, or to his nominee or personal representative, or to any other person entitled to payment under these Regulations, as the case may be, on account of such benefit, pending final calculation of the exact amount thereof.

Evidence of survival.

21. The Trustees shall be entitled to require evidence satisfactory to them of the continued survival of any person entitled to payment under these Regulations, and may withhold any such payment until such evidence as aforesaid is produced to them.

Benefits unassignable.

22.—(1) All rights conferred on any subscriber, annuitant, nominee or personal representative or other person entitled to payment under these Regulations shall be upon the express condition that no benefit payable under the provisions of these Regulations shall be subject in any manner to anticipation, assignment, pledge or charge, and that any attempt so to anticipate, assign, pledge or charge the same shall be void, and that no such benefit shall in any manner be liable for or subject to the debts, contracts, liabilities or torts of any subscriber, nor shall any interest of a subscriber under these Regulations be subject to garnishment, attachment, execution or levy of any kind.

(2) If any subscriber, annuitant, nominee or other person entitled to payment under these Regulations becomes bankrupt or attempts to anticipate, assign, pledge or charge any benefit under these Regulations or if any application to attach such benefit is made his interest in such benefit shall forthwith cease and determine, and in that event the trustees may hold or apply the same or any part thereof to or for the benefit of such subscriber, annuitant, nominee or other person entitled to payment under these Regulations, his spouse, children, or other dependents, or any of them, in such manner and in such proportion as the committee in its absolute discretion may think proper.

Audit of Fund and presentation of annual accounts.

23.—(1) The trustees shall from time to time appoint auditors for the purpose of auditing the accounts relating to the Fund.

(2) The accounts shall be prepared to coincide with the calendar year and at intervals of not less than twelve months and shall be submitted to the auditors as soon as may be after the end of each year to be audited.

(3) The trustees shall, once in each year, present an annual audited account of the Fund to the Authority for approval by them on behalf of all employers and copies of such accounts shall be made available for inspection by any employer at least two weeks prior to the date of their formal presentation to the Authority.

24. All costs, charges and expenses incurred by the trustees in carrying out the provisions of these Regulations or for the benefit of or in connection with the management of the Fund shall be paid out of the Fund.

Administra-
tion costs
to be
charged
to Fund.

25.—(1) The trustees shall deposit on current or deposit account in any bank or invest all or any of the moneys in their hands belonging to the Fund and not immediately required for making any payment in accordance with these Regulations.

Trustees
powers of
deposit and
investment.

(2) The trustees may invest in all or any of the following investments or securities—

- (a) shares of any class or description in a building society;
- (b) securities for the time being authorized by the laws of Jamaica for the investment of trust funds;
- (c) any other investments or securities, either of the nature of realty or personalty, as the trustees may in their discretion approve.

26. If it is necessary to make a payment out of the Fund in accordance with these Regulations and there is not at the time sufficient money in the Fund or sufficient ready money available for the purpose, the trustees may borrow money for such purpose at such rate of interest and upon such terms and conditions as they think fit and may give a charge on all or any of the assets belonging to the Fund and on the present or future income of the Fund.

Trustees
powers to
borrow.

27. No trustee shall be personally liable for any loss, damage, costs or expenses incurred in consequence of any act of omission or default of the trustees unless he be guilty of actual fraud or dishonesty whereby loss or damage is sustained by the Fund.

Liability of
trustees.

Special
meeting of
subscribers.

28.—(1) A special meeting of subscribers may at any time be called by not less than twenty-five per cent of all subscribers.

(2) On receipt by the Authority of a notice signed by at least twenty-five per cent of all subscribers demanding a special meeting of subscribers and specifying the business to be transacted thereat, the Authority shall give notice of the meeting to all subscribers and of the business to be transacted thereat.

(3) No business not so specified shall be transacted at a special meeting of subscribers.

(4) Not less than seven clear days' notice of every such special meeting of subscribers specifying the place, day and hour of the meeting shall be given to all subscribers by the Authority posting notices of the meeting at all recruiting compounds for port workers.

(5) Every special meeting of subscribers shall, before proceeding to business, appoint a chairman from amongst the subscribers present thereat.

(6) A quorum at any such meeting shall consist of at least twenty-five per cent of all subscribers.

(7) The chairman of any such special meeting of subscribers shall at the close of the meeting forward to the committee a written memorandum signed by him setting forth all resolutions put to and carried by a simple majority of subscribers present thereat.

(8) Every subscriber present in person at a special meeting shall have one and only one vote and voting by proxy shall not be permitted.

(9) The chairman of every such special meeting of subscribers shall in every case of equality of votes have a casting vote in addition to his original vote.

(10) If at least twenty-five per cent of all subscribers are not present in person at the commencement of a special meeting of subscribers or at any time during the meeting, it shall be adjourned at pleasure to any later hour on the same day, or to any later day and hour as may be decided by the subscribers present.

Service of
notice or
other docu-
ment.

29. Service of any notice or document on any port worker or subscriber shall be effected by leaving such notice or document at his last address according to the particulars of his registration as a port worker or by posting the same by registered post to such address.

30.—(1) The trustees may require the Authority to furnish returns Returns. containing such information as the trustees may deem fit relating to wages earned by or paid or owing to port workers.

(2) Such returns shall—

- (a) be in such form as the trustees may require; and
- (b) be sent to the trustees at the end of every month.

31.—(1) The trustees may in writing require the Authority to pro- Production
of accounts. duce for inspection any books of account kept by the Authority, and any pay-rolls and other documents of whatever nature whether similar to the foregoing or not, in its possession, relating to wages earned by or paid or owing to port workers.

(2) Such books of account, pay-rolls or other documents shall be produced for the inspection of the trustees or the agents of the trustees at such place as the trustees shall appoint and within ten days of the receipt by the Authority of a notification in writing requiring the production of the same.

PART VIII—*Transitional and Saving Provisions*

32. In relation to subscribers to the previous scheme who, by virtue Saving
provisions. of the provisions of these Regulations, became subscribers to this scheme with effect from some date before the 1st of October, 1968, the provisions of regulations 11 to 17 (inclusive) of the 1954 Regulations shall, subject to the provisions of regulation 33, be deemed to have ceased to have had effect as from the date when they became subscribers to this scheme.

33. The provisions of regulations 9 and 10 shall not have effect until Transitional
provisions. the 1st of October, 1968, and, as respects the period between the effective date and the 1st of October, 1968, the provisions of regulations 14 and 15 of the 1954 Regulations (together with such other provisions of those Regulations as are relevant to the interpretation and application of the said regulations 14 and 15) shall (with the necessary modifications) have effect as if contained in Part V, and—

- (a) for the purposes of Part VI, a subscriber to this scheme who, during such period as aforesaid, was retired under paragraph (1) of the said regulation 14 shall be treated as if he had been retired under paragraph (a) of regulation 9, and a subscriber to this scheme who, during such period as aforesaid, was

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retired under paragraph (3) of the said regulation 14, shall be treated as if he had been retired under paragraph (b) of regulation 9, and, accordingly, each subscriber shall, with effect from the date of his actual retirement be entitled to the single lump sum mentioned in regulation 11 and—

- (i) to a pension under that regulation; or
- (ii) if he so elects at any time before receiving any payment on account of such pension, to an annuity under regulation 12,

so, however, that such lump sum and pension, or as the case may be, such lump sum and annuity, shall be in lieu of any payment received under regulation 16 of the 1954 Regulations, and if the amount of such payment exceeds the amount of such single lump sum as aforesaid the excess shall be deducted from payments on account of such pension or annuity; and

- (b) a subscriber to this scheme who during such period as aforesaid was retired under paragraph (2) of the said regulation 14 or paragraph (1) of the said regulation 15 shall, for the purposes of Part VI, be treated as if his participation in this scheme had been terminated under paragraph (a), (b) or (d) of regulation 10, and accordingly shall be entitled to the benefits mentioned in regulation 14, so, however, that such benefits shall be in lieu of any payment made under regulation 16 of the 1954 Regulations, and if such payment has been made, payment under these Regulations shall be adjusted accordingly; and
- (c) where during such period as aforesaid a subscriber to this scheme dies then, for the purposes of Part VI, his participation as a subscriber to this scheme shall be deemed to have been terminated under paragraph (c) of regulation 10 and accordingly his nominee or personal representative shall be entitled to the benefits mentioned in regulation 15, so, however, that such benefits shall be in lieu of any payment made under regulation 17 of the 1954 Regulations and if such payment has been made, payment under these Regulations shall be adjusted accordingly.

34.—(1) The following provisions shall have effect in relation to the Emergency Relief Scheme contained in the 1954 Regulations.

Saving provisions relating to emergency relief.

- (a) where periodic payments under regulation 34 of those Regulations would, but for the revocation of those Regulations, continue to be payable on or after the 1st of October, 1968 to a port worker who was retired before the effective date, such periodic payments shall continue to be payable to such port worker as if those Regulations had not been revoked; and
- (b) if the trustees in any particular case so decide, periodic payments may be granted on or after the 1st of October, 1968 to any port worker who was retired before the effective date and who appears to the trustees to be in need of financial assistance.

(2) All such periodic payments as aforesaid shall be paid out of the Fund as if they were benefits under this scheme.

35.—(1) With effect from the 1st of October, 1968, there shall be payable to any subscriber to the previous scheme who as at such date—

(a) had not been retired under the 1954 Regulations; and

(b) had not become a subscriber to this scheme,

a sum consisting of the aggregate of the deductions from his wages under regulation 12 of the 1954 Regulations and of the contributions by his employer under regulation 13 of those Regulations, less any sums debited against such subscriber under those Regulations.

Special provisions regarding existing subscribers to previous scheme.

(2) All sums payable under paragraph (1) shall be payable out of the Fund as if they were benefits under this scheme.

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FIRST SCHEDULE

(Regulation 2)

Scheme for the registration of port workers in Kingston (1983)

(1) OBJECT OF THE SCHEME:

To regulate the employment of port labour in Kingston by forming a register of port workers entitled to preference for engagement, so that only in circumstances of exceptional pressure of work should any unregistered person be engaged for port work.

By these means, a check would be put on the employment of purely casual labour, and the engagement of labour would proceed in accordance with a well understood and properly organized plan.

(2) OPERATION OF THE SCHEME:

- (i) His Excellency the Governor shall appoint a Commissioner for the registration of port workers in Kingston. The Commissioner shall hold office at the pleasure of the Governor.
- (ii) It shall be the duty of the Commissioner to consider and enquire into applications made by or on behalf of persons who desire to work as port workers and to register in a register of port workers the names of all persons who present proof of their previous employment in accordance with regulations to be issued hereunder. All applicants for registration as port workers must—
 - (a) be 17 years of age or over;
 - (b) as regards initial applications, have been employed as a port worker during some portion of any of the twelve or more weeks during the period from 1st January, 1938 to the date of application.

The initial registration shall not include banana or coal carriers.

- (iii) The Commissioner may, if he thinks fit, of his own motion or upon application of any employer of port workers or other interested party, order the removal from the register of the name of any port worker, but no such order shall be made without the port worker in question having been previously notified of the grounds of removal and given an opportunity of making representations to the Commissioner, either personally or through his advocate. When the Commissioner is in session considering cases falling within the terms of this paragraph, it will be open to any port labour employer or any trade union representative of port workers to attend, and, subject to the discretion of the Commissioner, to tender evidence relative to any case under consideration.
- (iv) The Commissioner shall cause a register of port workers to be kept showing the names and addresses of port workers registered by him, and any other relevant information in connection with the employment of registered port workers, and this register shall be open to inspection by any interested party.
- (v) The Commissioner shall supply a registration book to each person registered as a port worker. The registration book shall be in a form approved by him, and shall be valid for a specified period. The cost of same to be borne by the worker and the Shipping Association in equal parts. The book shall be the property of the Commissioner, but shall remain in the possession of the port worker whilst current.

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- (vi) Upon expiration of the period for which a registration book was issued a new book shall be given to the port worker unless his name has been in the meantime removed from the register for any reason.
 - (vii) Upon being satisfied that any registered port worker has lost his registration book, another registration book may be issued to him at his own cost.
 - (viii) A registration book shall be cancelled in the case of any port worker to whom it has been issued, when his name has been removed from the register.
 - (ix) The act of registration shall not entitle any port worker to employment, but no person shall employ any port worker who is not duly registered as such save in exceptional circumstances which are to be reported to the Commissioner without delay.
 - (x) Upon being satisfied that it is necessary to increase the number of registered port workers, the Commissioner shall have the power to register additional port workers either on a temporary or permanent basis.
 - (xi) The Commissioner shall be enabled to make regulations for any or all of the following purposes—
 - (a) to regulate all matters relative to application of port workers to register, and the suspension or cancellation of such registration;
 - (b) to fix the number and type of port workers who may be registered;
 - (c) to require the employer to produce at such times as may be necessary all books, pay-rolls and documents in regard to employment of port workers for the purpose of registration;
 - (d) to prescribe fees necessary to meet the expenses connected with the registration of port workers and other matters falling within his province.
- (3) As soon as practicable after the Commissioner has established the registration of port workers who are to receive registration books on the initiation of the scheme, his jurisdiction shall cease and coincidentally steps shall be taken by His Excellency the Governor to constitute a Registration Board to consist of—
- (a) a chairman;
 - (b) three members representing the employers of port workers; and
 - (c) three members representing the registered port workers.

This Board will perform the duties ascribed to the Commissioner as set forth above.

(4) In the event of any disputes arising out of any matter coming within the jurisdiction of the Commissioner, such dispute shall be submitted to the Registration Board for final decision.

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SECOND SCHEDULE

(Regulation 2)

Scheme of registration of port workers (1954)

1.—(1) The Labour Adviser shall keep a register and such other records as may be necessary of all port workers registered under this scheme and shall assign a registration number to each such port worker.

(2) The last two numerals of each port worker's registration number shall coincide with the last two numerals of the year in which such port worker is registered.

(3) The register and such other records shall be kept in such form as the Labour Adviser may think fit and shall include a photograph of each port worker and the following particulars of each port worker—

- (i) his full name;
- (ii) his address at date of registration;
- (iii) the registration number assigned to him;
- (iv) his age as declared by such port worker and accepted by the Labour Adviser or as evidenced by his birth certificate;
- (v) the date upon which each port worker becomes registered under this scheme.

2. The register and other records kept by the Labour Adviser for the purposes of the scheme set out in the First Schedule shall be accepted as the register and other records required to be kept by him for the purposes of this scheme and such register and other records shall be rectified and the particulars therein amended from time to time as may be necessary for the purposes of this scheme.

3. The Labour Adviser shall, as soon as practicable, issue to each registered port worker a folder or booklet in such form as the Labour Adviser may deem fit containing a photograph of the port worker and the particulars prescribed in sub-paragraph (3) of paragraph 1.

4.—(1) The Labour Adviser shall, as soon as practicable, furnish the Council with a list of the names of all port workers registered under the scheme set out in the First Schedule together with their registration numbers and date of registration.

(2) The Labour Adviser shall from time to time furnish the Council with the particulars of any rectification of the register or amendment of the particulars therein as soon as practicable after such rectification or amendment is made.

5. The Labour Adviser shall from time to time remove the name of any port worker from the register—

- (a) on being requested so to do by the Council; or
- (b) on being requested so to do by the Authority.

6.—(1) The Council shall by resolution decide upon the number of port workers to be added to the register from time to time and shall transmit a copy

of such resolution to the Shipping Association of Jamaica or other association or body for the time being representing the employers together with a request that the required number of additional port workers be recruited by the Shipping Association of Jamaica (or such other association or body) as soon as may be practicable thereafter.

(2) On receipt of the request referred to in sub-paragraph (1), the Shipping Association of Jamaica or other association or body for the time being representing the employers shall recruit the appropriate number of workers and shall thereafter submit to the Labour Adviser—

- (a) a certified copy of the resolution of the Council authorizing the increase in the number of registered port workers;
- (b) a list setting forth the full name, address and age of each worker recruited pursuant to the request of the Council, together with four photographs of each worker.

(3) Upon receipt of the documents mentioned in sub-paragraph (2), the Labour Adviser shall forthwith register the additional workers as port workers under this scheme.

THIRD SCHEDULE

(Regulation 3(2))

Board of Trustees

1.—(1) The fourteen trustees constituting the Board shall be appointed by the Authority and of such trustees eight shall be persons nominated by the Authority as employers' trustees, and the remaining six trustees shall be persons nominated as subscribers' trustees, by the representatives of subscribers on the Council. Appointment of trustees.

(2) The Authority shall appoint one of the employers' trustees to be chairman of the Board.

2.—(1) The Board shall be a body corporate having perpetual succession and a common seal with power to purchase, lease or otherwise acquire and hold and dispose of land and other property of whatever kind. Incorporation of Board.

(2) The seal of the Board shall be authenticated by the signatures of the chairman, or one member of the Board authorized to act in that behalf, and the secretary, and such seal shall be officially and judicially noticed.

(3) All documents, other than those required by law to be under seal, made by, and all decisions of, the Board may be signified under the hand of the chairman, any member authorized to act in that behalf or the secretary.

(4) The Board may sue or be sued in their corporate name and may for all purposes be described by such name.

3.—(1) A trustee may retire by instrument in writing addressed to the secretary and from the date of the receipt by the secretary of such instrument, such trustee shall cease to hold office. Retirement and removal of trustees.

(2) If any trustee—

- (a) is adjudicated bankrupt;
- (b) compounds with his creditors;
- (c) suffers execution to be levied on his goods;
- (d) is certified of unsound mind by a registered medical practitioner approved by the other trustees;
- (e) is sentenced to imprisonment for a term of or exceeding six months;
- (f) except for any cause mentioned in paragraph 5, fails to attend three consecutive meetings of the trustees duly convened,

he shall, *ipso facto*, be deemed to have retired.

(3) Any trustee may at any time by instrument in writing addressed to the remaining trustees be removed by the body or persons who nominated him and from the date of the receipt of such instrument by the trustees such trustee shall cease to hold office.

New nomi-
nations.

4.—(1) If an employers' trustee dies, retires, is deemed to have retired or is removed under the provisions of paragraph 3, some other fit and proper person shall forthwith be nominated by the Authority to take his place as an employers' trustee.

(2) If a subscribers' trustee dies, retires, is deemed to have retired or is removed under the provisions of paragraph 3, some other fit and proper person shall forthwith be nominated to take his place as a subscribers' trustee by the representatives of subscribers on the Council.

(3) If the chairman dies, retires, is deemed to have retired or is removed under the provisions of paragraph 3, some other fit and proper person shall forthwith be appointed by the Authority to take the place of such chairman.

Temporary
nominations.

5. If any trustee duly nominated under these Regulations is temporarily unable through sickness, absence abroad or other reasonable cause (to be determined by the remaining trustees) to attend to his duties as trustee, the body or persons by whom he was nominated as a trustee may nominate a fit and proper person to act temporarily in his place during such sickness or absence abroad or while such reasonable cause exists, and whilst so acting as trustee such person shall have all the powers, privileges, duties and immunities of the trustee in whose place he has been nominated.

Conditions
under which
trustees
may fill
vacancy.

6. If a vacancy occurs amongst the trustees under the provisions of paragraph 3 and such vacancy is not filled within one month of its occurrence, the remaining trustees shall nominate some fit and proper person as trustee to fill the vacancy, and such trustee shall hold office as if he had been duly nominated under the provisions of paragraph 4 by the appropriate body or persons mentioned therein.

Meetings of
trustees,
quorum and
voting.

7.—(1) Anything that may be done by the trustees and any act or duty to be performed by them under these Regulations may be done or performed by a quorum of trustees present at a meeting of which every trustee has been given not less than twenty-four hours previous notice.

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(2) At any meeting of the trustees a quorum shall consist of seven members of whom four, including the chairman, shall be employers' trustees.

(3) Subject to the provisions of sub-paragraph (4), each trustee shall have one vote at all meetings and all decisions and resolutions of the trustees shall be passed or carried by a simple majority vote.

(4) Any trustee who presides as chairman at any meeting shall, in addition to his original vote, have a casting vote in the event of an equality of votes on any occasion when there is disagreement between the employers' trustees and the subscribers' trustees.

8. The trustees may from time to time appoint such persons to perform the duties of secretary and treasurer in relation to the Fund and such other persons to perform such duties as shall, in the opinion of the trustees, be necessary for the proper management and operation of the Fund, and may pay them such remuneration as they may deem fit and may suspend or dismiss such persons as the occasion may require.

Appoint-
ment of
secretary,
etc.

9. No trustee shall be entitled to any remuneration for acting as such.

No remun-
eration of
trustees.

10.—(1) The trustees may from time to time appoint such committees consisting in each case of not less than two trustees (one being an employers' trustee and one being a subscribers' trustee) to exercise such powers as may be entrusted to them by the trustees.

Committees.

(2) The trustees may at any time in their discretion dissolve any committee appointed by them or revise the constitution thereof, or revoke or vary any powers entrusted to any such committee.

FOURTH SCHEDULE

(Regulation 4(2))

Pensions Committee

1. The Pensions Committee shall comprise such number of members of the Council, not being less than six, as the Council may from time to time decide, and of such number one-half shall be subscribers' representatives and the other half shall be nominated by the Authority.

Constitution
of Pensions
Committee.

2. The members of the committee shall hold office at the will of the Council and the Council may at any time remove any member, and, having regard to the provisions of paragraph 1, may fill any vacancy which may occur among the members of the committee.

Tenure of
office of
members.

3. Any member of the committee may retire by giving one month's notice in writing to the Council.

Retirement
of members
of Pensions
Committee.

4. A member of the committee shall, *ipso facto*, cease to be a member of the committee if—

Cessation of
membership
of
Committee.

- (i) he ceases to be a member of the Council;
- (ii) a provisional order of bankruptcy is made against him;
- (iii) he compounds with his creditors;
- (iv) he is certified by a registered medical practitioner approved by the committee to be unable to attend to the business of the committee for a period of three months or more.

5. To the intent that there shall at all times be not fewer than six members of the committee, if any member be removed or otherwise ceases to be a committee member then the Council shall appoint another in his stead, and, if such appointment be not made within three months of the vacancy occurring, the remaining committee members may, having regard to the provisions of paragraph 1, appoint another person in his stead and such person shall be deemed to have been appointed by the Council.

Members of
Pensions
Committee
not to fall
below six.

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Election of co-chairmen of Pensions Committee.

6.—(1) At its first meeting and thereafter at the first meeting held each year the Authority's nominees shall elect one of their number to serve as co-chairman for the ensuing year and the subscribers' representatives shall similarly elect one of their number to serve as the other co-chairman for the same period.

(2) The co-chairmen shall preside for one calendar month alternately and shall while presiding have an original but not a casting vote.

(3) The co-chairman to preside first shall be decided by drawing lots.

Election of secretary of Pensions Committee.

7. The Committee shall elect a member to be secretary of the committee and he shall continue to hold the office of secretary until his retirement or removal.

Quorum.

8. A quorum at a meeting of the committee shall be four, one of whom shall be the chairman for the time being.

Decisions by vote.

9. All matters shall be decided by a majority vote of the committee present at a meeting.

Competence to transact business.

10. The committee shall be competent to meet and transact its business in regard to the scheme notwithstanding any vacancies among them provided there are at least four committee members.

Minutes.

11. The committee shall cause proper minutes of all its meetings to be kept in a book to be provided for the purpose.

No remuneration.

12. No committee member shall be entitled to any remuneration for acting as such.

FIFTH SCHEDULE

(Regulation 18(1))

Form of Nomination

I.....of.....
a subscriber under the Kingston Port Workers Superannuation Scheme

HEREBY NOMINATE

(1).....of.....

(2).....of.....

(3).....of.....

(4).....of.....

who *(is)*(are) dependent on me, to receive any benefit to which a nominee of mine may be entitled under the Kingston Port Workers (Superannuation Scheme) Regulations, 1968, in the event of my death (in the following proportions:—

(1).....to receive.....

(2).....to receive.....

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(3).....to receive.....

(4).....to receive.....)

*Delete if not applicable.

Dated this day , 19

Witness to signature

Signature

Address of witness