

CHAPTER 623

EMPLOYEES' PROVIDENT FUND (AMENDMENT)

AN ACT TO AMEND THE EMPLOYEES' PROVIDENT FUND ACT.

Act
No. 26 of 1981.

[Act No. 26 of 1981-Commencement-5th May, 1981 ; Deemed to have come into force on 1st January, 1981*]

- Short title. 1. This Act may be cited as the Employees' Provident Fund (Amendment) Act. a surcharge of five *per centum* of the amount of the contributions due ;
- Amendment of section 10 of Chapter 623. [§ 2, 26 of 1981.1 2. Section 10 of the Employees' Provident Fund Act (hereinafter referred to as the " principal enactment ") is hereby amended as follows :-
- (1) in subsection (1) of that section, by the substitution for the words " six *per centum* ", of the words " eight *per centum* "; and
 - (2) in subsection (2) of that section, by the substitution for the words " nine *per centum* " of the words " twelve *per centum* " .
- (b) where the contributions are in arrear for a period exceeding ten days but not exceeding one month, a surcharge of fifteen *per centum* of the amount of the contributions due ;
- (c) where the contributions are in arrear for a period exceeding one month but not exceeding three months, a surcharge of twenty *per centum* of the amount of the contributions due ;
- Replacement of section 16 of the principal enactment. [§ 3, 26 of 1981.1 3. Section 16 of the principal enactment is hereby repealed and the following section substituted therefor :-
- " Imposition of surcharge on employers on failure to oav contributions on due date. 16. Where contributions payable under this Act in respect of any month have not been made to the Fund before the last day of the succeeding month and the employer is unable to explain to the satisfaction of the Commissioner that the failure to pay such contributions was due to circumstances beyond his control, he shall be liable to pay to the Fund, in addition to the amount of the contributions due, a surcharge on such amount calculated in the following manner :-
- (a) where the contributions are in arrear for a period not exceeding ten days,
 - (d) where the contributions are in arrear for a period exceeding three months but not exceeding six months, a surcharge of thirty *per centum* of the amount of the contributions due ;
 - (e) where the contributions are in arrear for a period exceeding six months but not exceeding twelve months, a surcharge of forty *per centum* of the amount of the contributions due ;
 - (f) where the contributions are in arrear for a period exceeding twelve

* See section 4 of Act No. 26 of 1981.

months, a surcharge of fifty *per centum* of the amount of the contributions due. "

4. The amendments made to the principal enactment by sections 2 and 3 of this Act shall be deemed to have come into force on January 1, 1981. Retrospective effect. [§ 4, 26 of 1981]

