

ARRANGEMENT OF SECTIONS

Section

1. Section 55 of Act 766 amended
2. Section 60 of Act 766 amended
3. Section 64 of Act 766 amended
4. Section 73A inserted
5. Section 77 of Act 766 amended
6. Section 81 of Act 766 amended
7. Section 83 of Act 766 amended
8. Section 91 of Act 766 amended
9. Section 94 of Act 766 amended
10. Section 100 of Act 766 amended
11. Section 108 of Act 766 amended
12. Section 109 of Act 766 amended
13. Section 120 of Act 766 amended
14. Section 147 of Act 766 amended



THE EIGHT HUNDRED AND EIGHTY-THIRD

ACT

OF THE PARLIAMENT OF THE REPUBLIC OF GHANA
ENTITLED

NATIONAL PENSIONS (AMENDMENT) ACT, 2014

AN ACT to amend the National Pensions Act, 2008 (Act 766) to reduce the age for exemption from the first-tier Scheme and to provide for related matters.

DATE OF ASSENT: *31st December, 2014.*

PASSED by Parliament and assented to by the President:

Section 55 of Act 766 amended

1. The National Pensions Act, 2008 (Act 766) referred to in this Act as the principal enactment is amended in section 55 by the substitution for subsection (3) of

“(3) The administrative expenses involved in the transfer of the two and a half per centum of the social security contributions to the National Health Insurance Scheme shall be charged to the National Health Insurance Authority on a formula to be agreed on by the National Health Insurance Authority and the Trust.”

Section 60 of Act 766 amended

2. The principal enactment is amended by the substitution for section 60 of

“60 (1) A worker who is entitled to retirement benefits under a pension scheme in existence before the commencement of this Act and is aged fifty years or above is exempt from the scheme.

(2) Despite the provisions of subsection (1), a person who is fifty years and above and exempted from this Act may opt to join the new scheme.

(3) For members exempted under subsection (1), the employer and the worker shall continue to contribute to the worker’s retirement benefit at the same level of contribution before the commencement of this Act until the worker retires.

(4) Where a worker is exempted under subsection (1) but has already contributed to the second-tier scheme, the contributions and returns of the worker under the second-tier scheme shall be refunded to the Trust.”.

Section 64 of Act 766 amended

3. The principal enactment is amended in section 64 by the substitution for paragraph (b) of subsection (1) of

“(b) the Director-General shall serve a demand notice on the defaulting employer and if payment is not made within thirty-days after the date of service of the notice, the Director-General may proceed to collect and recover the contribution and the penalty and the employer is liable to prosecution by the Trust;”.

Section 73A inserted

4. The principal enactment is amended by the insertion of section 73A as follows:

“Payment of benefit to a non-Ghanaian member

73A. (1) A non-Ghanaian member of the scheme who satisfies the Trust that the member is emigrating or has emigrated permanently from Ghana shall be paid a lump sum benefit.

(2) Where the member qualifies for pension, the present value of the member's pension shall be paid as lump sum benefit.

(3) Where the member does not qualify for a pension, a return of contribution together with interest calculated at seventy-five percent of the interest rate of the ninety-one day Government treasury bill shall be paid as lump sum benefit."

Section 77 of Act 766 amended

5. The principal enactment is amended in section 77

(a) by the substitution for "fifty-per centum" in subsection (2) of "thirty-seven and half per centum"; and

(b) by the substitution for subsection (3) of

"(3) Where a member works beyond the minimum contribution period the amount of pension payable shall be increased by 1.125 per centum for every additional twelve months worked up to a maximum of sixty per centum."

Section 81 of Act 766 amended

6. The principal enactment is amended in section 81 by the substitution for subsection (1) of

"(1) A person who is required or entitled to become a member of the Social Security Scheme shall furnish to the employer particulars concerning the dependants of the member nominated by that member for receipt of benefits on the death of that member."

Section 83 of Act 766 amended

7. The principal enactment is amended in section 83 by the substitution for paragraph (d) of subsection (1) of

"(d) fails to pay contributions or a penalty imposed by the Trust in respect of unpaid contributions or fails without reasonable excuse to submit or refuses to submit contribution payment with a contribution report or accompany contribution to the Trust within the prescribed period in the form and manner prescribed."

Section 91 of Act 766 amended

8. The principal enactment is amended in section 91 by the substitution for subsection (3) of

“(3) In the discharge of duties under this section, where an inspector requires an employer to produce documents related to appointment, attendance, wages of workers and contributions or liability of employers to contribute to the scheme or any other relevant document, the employer shall produce the documents within seven days of receipt of the request and the inspector may take copies of or extracts from the documents.”.

Section 94 of Act 766 amended

9. The principal enactment is amended in section 94 by the substitution for paragraph (b) of subsection (1) of

“(b) where within five years after the commencement of this Act, a member retires on attaining the age of fifty-five years and has contributed to the scheme for a period of less than twenty years that member is entitled to a reduced pension.”

Section 100 of Act 766 amended

10. The principal enactment is amended in section 100 by the substitution for subsection (2) of

“(2) Subsection (1) does not apply if a member exercises an option to have the accrued benefit of the member transferred to another scheme in accordance with the regulations of the scheme.”.

Section 108 of Act 766 amended

11. The principal enactment is amended in section 108 by the substitution for paragraph (a) of subsection (1) of

“(a) is at least fifteen years of age,”.

Section 109 of Act 766 amended

12. The principal enactment is amended in section 109 by the substitution for subsection (1) of

“(1) A self-employed person may join and pay contributions to a personal pension scheme if that person is of an age that is not more than the statutory retirement age or is at least fifteen years of age.”.

Section 120 of Act 766 amended

13. The principal enactment is amended by the substitution for section 120 of

“120. At the commencement of this Act, occupational pension schemes, provident fund schemes, personal pension schemes and other privately-managed pension schemes shall only be managed by trustees approved and licensed by the Board.”.

Section 147 of Act 766 amended

14. The principal enactment is amended in section 147 by the substitution for paragraphs (a) and (b) of subsection (1) of

- “(a) advise the Trustee on the investment of pension funds and assets in accordance with the provisions of this Act; and
- (b) advise the Trustee on the investment of pension funds in different investments to minimise investment risks”

Date of Gazette notification: 31st December, 2014.