

LAWS OF SOUTH SUDAN

NATIONAL SOCIAL INSURANCE FUND ACT, 2023

NATIONAL SOCIAL INSURANCE FUND ACT, 2023

In accordance with the provisions of Article 55 (2) and (3) (b) of the Transitional Constitution of the Republic of South Sudan 2011, (as amended), the Transitional National Legislature, hereby enacts the following into law:

ARRANGEMENT OF SECTIONS

NATIONAL SOCIAL INSURANCE FUND ACT, 2023	2
ARRANGEMENT OF SECTIONS	3
CHAPTER I	8
PRELIMINARY PROVISIONS	8
1. TITLE AND COMMENCEMENT	8
2. REPEAL AND SAVING	8
3. PURPOSE	8
4. AUTHORITY AND APPLICATION	8
5. INTERPRETATIONS	8
CHAPTER II	14
ESTABLISHMENT, STRUCTURE, FUNCTIONS AND POWERS OF THE FUND AND THE BOARD	14
6. ESTABLISHMENT OF THE FUND	14
7. POWERS AND FUNCTIONS NSIF	14
8. STRUCTURES OF THE FUND	14
9. ESTABLISHMENT OF THE BOARD OF TRUSTEES OF THE FUND	14
10. COMPOSITION OF THE BOARD	15
11. ELIGIBILITY FOR APPOINTMENT	15
12. APPOINTMENT OF CHAIRPERSON AND MEMBERS OF THE BOARD	15
13. DISQUALIFICATION FROM APPOINTMENT	16
14. LOSS OF MEMBERSHIP	16
15. FUNCTIONS OF THE BOARD	16
16. POWERS OF THE BOARD	17
17. RESPONSIBILITIES OF THE BOARD	17
18. TENURE OF OFFICE	18
19. MEETINGS OF THE BOARD	18
20. DISCLOSURE OF INTEREST	19
21. EVALUATION OF THE BOARD OF TRUSTEES	19
22. REMUNERATION OF THE BOARD	19
23. POWERS AND FUNCTIONS OF THE CHAIRPERSON	19
24. REMOVAL OF THE CHAIRPERSON	19
CHAPTER III	20
REGISTRATION AND CONTRIBUTIONS TO THE FUND	20
25. OBLIGATIONS OF THE FUND	20
26. REGISTRATION PROCEDURES FOR THE EMPLOYER AND EMPLOYEE:	20
(1) EMPLOYER	20
27. REGISTRATION OF EMPLOYERS	20

28. STATUTORY CONTRIBUTIONS BY CONTRIBUTING EMPLOYERS	20
29. DEDUCTIONS OF EMPLOYEE'S SHARE.....	21
30. COLLECTION AND PAYMENT OF CONTRIBUTIONS	21
31. TREATING UNPAID CONTRIBUTIONS AS PAID.....	21
32. REFUND OF CONTRIBUTIONS PAID IN ERROR	22
33. PAYMENT BY AN INSURED PERSON	22
34. RECOVERY OF CONTRIBUTIONS FROM EMPLOYERS AND PENALTY	22
35. CONTRIBUTIONS WHEN BENEFIT DRAWN OR DURING BANKRUPTCY OF EMPLOYEE	22
36. CONTRIBUTIONS INALIENABLE	22
CHAPTER IV	24
MANAGEMENT OF THE FUND.....	24
37. APPOINTMENT OF THE MANAGING DIRECTOR.....	24
38. ELIGIBILITY OF THE MANAGING DIRECTOR FOR APPOINTMENT.....	24
39. POWERS AND FUNCTIONS OF THE MANAGING DIRECTOR.....	24
40. REMOVAL OF THE MANAGING DIRECTOR	25
CHAPTER V.....	27
TYPES OF PENSION.....	27
41. TYPES OF PENSIONS	27
42. BENEFIT PAYABLE UNDER THIS ACT	27
43. RETIREMENT PENSIONS.....	27
44. AMOUNT OF RETIREMENT PENSION	27
45. PAYMENT OF RETIREMENT PENSION	27
46. PAYMENT OF A SPECIAL LUMP SUM.....	27
47. EARLY RETIREMENT.....	28
48. CONDITIONS FOR INVALIDITY PENSION	28
49. MONTHLY INVALIDITY RATE	28
50. PAYMENT OF INVALIDITY PENSION	28
52. CONDITIONS FOR SURVIVORS PENSION AND AMOUNT PAYABLE	29
54. BASES FOR PAYING SURVIVORS PENSION.....	30
55. RETIREMENT AND INVALIDITY GRANT.....	30
56. FUNERAL GRANT.	30
57. EMPLOYMENT INJURY AND TYPES OF BENEFITS.....	30
58. HEALTH INSURANCE AND MEDICAL BENEFITS.....	31
59. MEDICAL BENEFITS.....	31
60. MATERNITY BENEFIT SHALL BE PAYABLE	31
61. TYPES OF BENEFITS FOR MATERNITY.....	32
62. TYPES OF BENEFITS FOR PATERNITY.....	32
63. RESTRICTION ON DOUBLE BENEFIT.....	32
64. BENEFIT RATES	32

65. RIGHT TO A BENEFIT	32
66. REGULATIONS OF BENEFITS ^[1] _{SEP}	33
67. REPAYMENT OF BENEFITS WRONGLY RECEIVED	33
68. CHARGE ON BENEFIT.....	33
CHAPTER VI	34
ELIGIBILITY OF SURVIVORS, DISTRIBUTION OF PENSION, SUSPENSION, RETURN AND DEPRIVATION OF BENEFITS	34
CHAPTER VII.....	35
FINANCE, AUDIT AND REPORTING	35
74. PRINCIPLES	35
75. FINANCIAL RESOURCES.....	35
76. ADMINISTRATIVE EXPENDITURE.....	35
77. BANK ACCOUNTS.....	35
78. KEEPING THE ACCOUNTS, BOOKS AND RECORDS	35
79. DEDUCTION OF CONTRIBUTION.....	35
80. AUDIT	36
81. REPORTING	36
CHAPTER VIII.....	37
DISPUTE RESOLUTION	37
82. FORMATION OF THE COMMITTEE	37
83. PROCEDURE FOR DISPUTES RESOLUTION	37
CHAPTER IX	38
INVESTMENT POLICY AND ASSET MANAGEMENT	38
84. INVESTMENT POLICY	38
85. ASSET MANAGEMENT	38
86. EXTERNAL ASSETS MANAGER	38
87. QUALIFYING INVESTMENT	39
88. PROHIBITED INVESTMENTS	39
89. CUSTODY OF THE ASSETS OF THE FUND	40
90. PROCEDURES FOR AWARDS OF BENEFITS.....	41
91: REPORTING TO EMPLOYEES, PENSIONERS AND SURVIVORS	41
CHAPTER X.....	42
LEGAL BENEFITS, COMPENSATION AND BORROWING	42
92. JOINT LIABILITY TO PAY AMOUNT DUE TO THE FUND.....	42

93. BORROWING FROM THE PENSIONS.....	42
94. PENSION DESERVED	42
CHAPTER XI	43
APPEAL COMMITTEE	43
95. RIGHT OF APPEAL	43
96. ENTITLEMENT FOR THE WHOLE MONTH PENSION.....	43
97. ADMINISTRATIVE HOLDING	43
98. DISPUTE ON PENSION OR COMPENSATION.....	43
99. EVALUATING PERCENTAGE OF INCAPACITY.....	44
CHAPTER XII.....	45
LEGAL PROCEEDINGS: OFFENCES AND PENALTIES.....	45
100. EVASION PAYMENT OF CONTRIBUTION	45
101. PERMISSION OF ONE OR MORE PLAINTIVE	46
102. INSTITUTING CRIMINAL PROCEEDINGS.....	46
103. GIVING CLAIM NOTICE TO COURT.....	46
104. THE SUM ACCREDITED TO AN INSURED PERSON	47
105. PROTECTION OF CONTRIBUTIONS OF THE INSURED PERSON	47
106. COMMITTING AN OFFENCE	47
107. WHAT CONSTITUTE PRIMA FACIE EVIDENCE	47
CHAPTER XIII	48
MISCELLANEOUS PROVISIONS	48
108. PROPERTIES, RIGHTS, DEBTS AND OTHER OBLIGATIONS.....	48
109. CONFIDENTIALITY.....	48
110. REGULATIONS.....	48
SCHEDULE I.....	49
DISTRIBUTION OF PENSION TO THE BENEFICIARIES	49
SCHEDULE II.....	50
EVALUATION OF DEGREE OF INCAPACITY AND OCCUPATIONAL DISEASES	50
TABLE NO. 1: EVALUATION OF DEGREE OF INCAPACITY IN CASE OF LOSING A LIMB.....	50
TABLE NO. 2: OCCUPATIONAL DISEASES.....	51

SCHEDULE III.....	54
COMPUTERISING AND CALCULATING DIFFERENT TYPES OF COMPENSATIONS AND PENSIONS	54
A. TYPES OF PENSIONS AWARDED IN THE FUND.....	54
1. <i>Retirement Age</i>	<i>54</i>
2. <i>Voluntary Retirement.....</i>	<i>54</i>
3. <i>Natural Death.....</i>	<i>54</i>
4. <i>Accidental Death</i>	<i>54</i>
5. <i>Pension of Permanent Disability of Work Injury</i>	<i>54</i>
6. <i>Pension of Occupational Disease.....</i>	<i>54</i>
7. <i>Partial Disability at Work Place</i>	<i>55</i>
B. TYPES OF COMPENSATIONS.....	55
1. <i>Retirement Age</i>	<i>55</i>
2. <i>Age Compensation upon dismissal or resignation</i>	<i>55</i>
3. <i>Compensation or lump sum payment due to the death.....</i>	<i>55</i>
4. <i>Compensation of old age</i>	<i>55</i>
5. <i>Compensation of Voluntary Retirement</i>	<i>55</i>
6. <i>Compensation of Natural Death Pension.....</i>	<i>55</i>
7. <i>Compensation of Accidental Death Pension</i>	<i>55</i>
8. <i>Compensation of the Permanent Disability Pension.....</i>	<i>55</i>
9. <i>Compensation of the occupation disease pension.....</i>	<i>56</i>
10. <i>Compensation of partial disability pension of work injury.....</i>	<i>56</i>

CHAPTER I

PRELIMINARY PROVISIONS

1. Title and Commencement

This Act shall be cited as “the National Social Insurance Fund Act, 2023” and shall come into force on the date of its signature by the President.

2. Repeal and Saving

Any existing Legislation governing the subject of this Act is hereby repealed; provided that all actions or proceedings taken, orders and regulations issued or made under the repealed provision, shall remain in force until repealed or amended in accordance with the provisions of this Act.

3. Purpose

The purpose of this Act is to establish the National Social Insurance Scheme for the private sector and Non-Governmental Organizations.

4. Authority and Application

- (1) This Act is drafted in accordance with the provisions of Articles 52 read together with the provisions of schedule (A) paragraphs (36) of the Transitional Constitution of South Sudan, 2011, (as amended).
- (2) The provisions of this Act, shall apply to all employees in private sector, South Sudanese working with United Nation Agencies, South Sudanese staff working with Diplomatic Agencies and Non-Governmental Organizations.

5. Interpretations

In this Act, unless the context otherwise requires:

- | | |
|-------------------------------|---|
| “Accident” | means an injury or occupational disease, which occurs to the worker in the course of employment, being caused and disables the employee from performing his or her work including fire explosion or collapse that occurs in the work place; |
| “Actuarial Principles” | means formulas and methodologies developed by an internationally recognized actuarial body to assess the assets and liabilities of National Social Insurance Fund, |

based on relevant demographic data, cash flow projections.

- “Actuarial Valuation”** means a study undertaken by an Actuary to determine the financial situation of Social Insurance based on International Actuarial Standards.
- “Actuary”** means a person professionally trained in the technical aspects of insurance and related fields;
- “Annuity”** means a series of payments, which may be subject to increases, made at stated intervals until particular events occur;
- “Applicant”** means person applying for a social insurance membership or benefits from National Social Insurance Fund;
- “Auditor”** means a professional person who occupies a specialised auditing or firm appointed to report on the accounts and other activities of the Fund;
- “Assessment of age Certificate”** means a document issued by the competent medical commission stating the age of an individual.
- “Assessment of Disability Certificate”** means a document issued by the medical commission regarding a person’s degree of disability.
- “Asset Manager”** means a professional person appointed to manage the assets of National Social Insurance Fund;
- “Basic year”** means the year in which the insured employee started paying his or her monthly contributions to National Social Insurance Fund;
- “Benefit”** means a payment in a determinable amount made to beneficiary or survivor for life or at a fixed period, as may be prescribed in this Act.
- “Beneficiary”** means a person entitled to benefit under the National Social Insurance Fund.
- “Board”** means the Board of Trustees of the Fund.
- “Chairperson”** means the Chairperson of the Board of Trustees appointed by the president in accordance with Section 32 of this Act;
- “Contract”** means any contract whether written or oral, expressed or implied employment of a person for a wage of any kind under the supervision and control of an employer;
- “Contribution”** means the obligation of the employer and employee to contribute and shall commence on the first day of

	pensionable service and end on the last day of pensionable service.
"Contributing Employment"	means employment in respect of which contributions are payable under this Act;
"Contribution Credits"	means number of contributions made in respect of an insured person.
"Contribution Period"	means where wages are paid to an employee- <ul style="list-style-type: none"> (a) at intervals of more than a fortnight, the month during which the wages are paid; or (b) at intervals of more than a week but not more than a fortnight, the fortnight ending with the last day of the week in which the wages are paid; or (c) daily, the day on which the wages are paid: Provided that where wages are paid in advance to an employee the contributions period shall be deemed to be the appropriate period to which the wages relate and, if the wages relate to more than such period, each such period shall be deemed to be a contribution period.
"Court"	means any court of jurisdiction designated by the Chief Justice to deal with NSIF matters.
"Custodian"	means a fiduciary providing custodial and depository service to the Fund;
"Dependent"	means a member of the family of the employee who is wholly or partly dependent upon his or her earnings;
"Disability"	means a medically diagnosed condition physical, sensory or mental due to disease or injury rendering a person incapable of any work for remuneration as determined according to procedures established by this Act;
"Dispute"	means any dispute that arises between employer and employee or among workers that is related to recruitment or conditions related to industrial dispute.
"Employee"	means any person who: <ul style="list-style-type: none"> (a) Works for an employer for compensation on a full time or a part-time basis, under the control and supervision of the employer; (b) Is employed in South Sudan under any contract of service or apprenticeship with an employer, whether by way of manual

labour, clerical work or otherwise and howsoever paid; or

(c) Is permanently resident in South Sudan and is employed outside South Sudan under a contract of service with an employer in South Sudan by whom he/she is paid.

"Employee's Share"	in relation to a statutory contribution, means such part of contributions that the employer may lawfully deduct from the wages of the employee in respect of whom that contribution is payable;
"Employer"	means a person, public body, firm, an organization, corporation or company who or which has entered a contract of service with an employee and includes the Government.
"Employment Injury"	means commuting accidents, accidents sustained during working hours; at the work place; or at a place where one would not have been except for his employment;
"Family"	means spouse, children or parents who are wholly or partly depend upon the earning of the worker.
"First Appointment"	means period of time at the start of a new employment when an employee is assessed to ascertain the possibility for a permanent employment;
"File"	means an authorized, approved and completed papers or electronic file prepared by the employer containing the employee's vital information.
"Fund"	means National Social Insurance Fund for private sector establish under this Act.
"Grade"	means series of categorizes job positions;
"Gross Salary"	means basic salary plus allowances as stipulated in the salary structure;
"Medical Commission"	means a Commission established under the law authorized to determine health conditions and continued fitness of employees.
"Ministry"	means the National Ministry of Labour and Industrial Relations;
"Minister"	means the Minister responsible for Labour and Industrial Relations.
"Occupational diseases"	means a disease occurring in connection with specific activity in a specific occupation; or a disease that is in causal relationship to specific agents or exposure to it;
"Past Service"	means period of service and contributions of an employee working with private sector or non-governmental organizations before enactment of National Social Insurance Fund Act, 2020;

"Pension"	means a regular monthly payment in a determinable amount fixed at regular intervals made to a pensioner or to a survivor for life or at a fixed period as specified in any applicable laws.
"Pension Assets"	means all contributions collected on behalf of pensionable employee, investment return thereon and special payment to meet past Service obligations, interest and penalties on late contributions;
"Pensionable age"	means the normal retirement age of the employee as determined by law;
"Permanent invalidity"	means a permanent loss of two thirds or more of the earning capacity because of physical or mental invalidity.
"Personnel office"	means the office of the employer charged with personnel affairs;
"Reward"	means the wage including the Salary plus allowances or gross salary of an employee;
"Salary"	means the total amount paid to employees, in accordance with the applicable law;
"Serious Accident"	means any accident causing death or 50 percent or more disability or causing injury to more than one worker, fire explosion or collapse that cause damages in the means of production or place of work;
"Special payment"	means a single or one-time-off series of payments, to liquidate an unfunded liability;
"Survivor"	means a person, who is entitled to National Social Insurance benefit on the basis of the right of being a member or beneficiary in a National Social Insurance Scheme following the death of such a member or beneficiary;
"Union"	means any union registered under the Workers Trade Union Act, 2013;
"Wages":	means remuneration in money paid to an employee under his/her contract of service or apprenticeship, as the case may be, and whether agreed to be paid at fixed or determinable intervals of time: <ul style="list-style-type: none"> (a) in respect of normal periods of work to be performed by the employee; or (b) where payment is calculated in relation to set tasks or journeys completed by the employee: or (c) where payment is calculated in relation to the volume of work done, in respect of the volume completed by the employee; and includes any allowance paid by the employer to the employee either directly or by implication in respect of living and any payment of wages in lieu of notice of termination of employment.
"Work Damage"	means the damage resulting from incidents the worker encounters

during work or any disease resulting from the nature of his or her work
without discontinuation or deprivation

“Voluntary contributions” means voluntary contributions, which a member may choose to
pay to the Pension Fund to secure benefits.

CHAPTER II

ESTABLISHMENT, STRUCTURE, FUNCTIONS AND POWERS OF THE FUND AND THE BOARD

6. Establishment of the Fund

- (1) The National Social Insurance Fund (NSIF) is hereby established.
- (2) The National Social Insurance Fund shall be an autonomous, with perpetual succession and Legal personality, capable of suing and being sued in its own name.
- (3) The Fund shall have its own seal and logo in a form to be determined by the Board and shall be authenticated by the signature of the Managing Director or an officer duly authorized by the Fund.
- (4) The Headquarters of the Fund shall be located in the capital of South Sudan and the Board may establish branch offices of the Fund as may be appropriate and necessary in any State of South Sudan.
- (5) The Fund shall be managed by a Managing Director who should be a competent professional person appointed by the Minister upon recommendation of the Board and after due recruitment process.

7. Powers and Functions NSIF

The Fund shall exercise and perform the following powers and functions:

- (1) Collect contributions from Employees and Employers in the Private Sector and Non-Governmental Organizations.
- (2) Invest on Social Insurance Assets and report on investment returns.
- (3) Maintain records of Employees, Pensioners and Survivors.
- (4) Conduct periodic Actuarial Valuations of National Social Insurance Fund provided in this Act.
- (5) Inspect financial records of Employees and Employers required to make contributions.
- (6) Open, close, transfer and maintain branch offices as necessary to conduct its business.
- (7) Enter into agreement for the purchases, sale and rental of property or equipment necessary for the operation of the Fund.
- (8) Develop and promote Social Insurance services.
- (9) The Fund shall appoint from time to time an independent Actuary to provide services.

8. Structures of the Fund

- (1) The Board; and
- (2) The Executive Management

9. Establishment of the Board of Trustees of the Fund

(1) There shall be established a board to be known as the National Social Insurance Board of Trustees, which shall, *inter alia*, be vested with the responsibility of directing and managing the Fund.

(2) The Board shall, by that name be a body corporate with perpetual succession and a common seal, and may in its corporate name be capable of: -

- (a) Suing and be sued;

- (b) Purchasing, holding, managing and disposing of movable and immovable property; and
- (c) Entering into such contracts as it may consider necessary or desirable and for the purposes of this act.

10. Composition of the Board

The Board shall comprise of ten members as follows:

- (1) Representative of National Ministry responsible for Labour;
- (2) Representative of National Ministry responsible for Humanitarian Affairs and Disaster Management;
- (3) Representative of National Ministry responsible for Finance and Planning;
- (4) Representative of National Ministry responsible for Gender, Child and Social Welfare;
- (5) Representative of Social Insurance Beneficiaries Union;
- (6) Representative of Federation of Workers Trade Unions;
- (7) Representative from the Medical Commission;
- (8) Representative of Employers Association;
- (9) Representative of South Sudan Pension Fund;
- (10) Managing Director of NSIF (Serving as Secretary to the Board Trustees).

Eligibility for Appointment

A person shall be eligible for appointment as a member of the Board, if he or she fulfill the following requirements:

- (1) Be a South Sudanese;
- (2) Be of sound mind;
- (3) Literate, with a minimum qualification of a degree from a recognized University in a field relevant to accounting, economics, public administration and business administration;
- (4) Has relevant work experience of not less than five years in a financial institution, managing social security and administration;
- (5) Is not convicted of any offence related to dishonesty or moral turpitude.

11. Appointment of Chairperson and Members of the Board

The appointment of the Chairperson and members shall be as follows:

- (1) The Chairperson of the Board of trustees shall be nominated and screened by a body headed by the Minister of Labour, and appointed by the President of the Republic.
- (2) The representatives referred to in Section 10 (1) (2), (3), (4), (5), (6), (7), (8), (9) and (10) shall be nominated by the organizations or institutions concerned and shall be appointed by the Minister as members to the board.
- (3) The nominations and appointments to be made under subsections (1) and (2) shall be made from amongst persons with five and above years of experience in social Insurance, financial matters or administration.

- (4) All the members of the Board shall serve on a part-time basis and shall be entitled to receive such remuneration and allowances as the Minister may determine.
- (5) Every member of the Boards shall continue to hold office until his/her appointment is revoked or his/her office becomes vacant for reasons specified in Section 14.
- (6) The Board shall elect one of its members to be the deputy Chairperson for a term of three years from the date of his election and the person so elected shall be eligible for re-election for a second and final term of office as Deputy Chairperson.

12. Disqualification from Appointment

A person shall not be appointed as a Board Member if he/she:

- (1) Is convicted of a criminal offence and sentenced to imprisonment by a court of competent jurisdiction for a period exceeding six months without the option of a fine;
- (2) Is a member of a governing body of a political party;
- (3) Is currently disqualified under any written law to hold office of director in a public company, corporation or similar organization;
- (4) Has been removed from public office for contravention of the provisions of the Constitution or any other written law;
- (5) Is adjudged bankrupt or enters into a composition or arrangement with his creditors; or
- (6) Was previously involved in the management or administration of a scheme which was deregistered for any failure on the part of the management or the administration thereof;
- (7) Is disqualified under any other written law, or his holding office as such is deemed by the Authority as being, in any way, detrimental to the scheme;
- (8) Has been accused of or imprisoned for being involved in corrupt practices.

13. Loss of Membership

A person shall lose membership of the Board under the following:

- (1) If a member ceases to belong to the nominating organization or ministry;
- (2) If a member is withdrawn by the nominating organization or ministry;
- (3) At the expiration of a period of three years from the date of appointment provided that a member whose term of office has come to an end by effluxion of time may be re-appointed to the office.
- (4) Violation of any of the conditions of eligibility;
- (5) Gross misconduct;
- (6) Resignation;
- (7) Removal from office;
- (8) Physical incapacity to perform the functions of his or her office by the reasons of mental infirmity based on medical Commission reports;
- (9) Failure to attend three consecutive scheduled meetings without permission or for unacceptable reasons;
- (10) Conviction for an offence involving fraud, moral turpitude or dishonesty; and
- (11) Death.

14. Functions of the Board

The Board shall exercise and perform the following functions:

- (1) Approve the annual budget for submission to the National Assembly for final approval.
- (2) Formulate internal policies, rules and regulations governing the conduct of business of the Fund.
- (3) Review the final accounts of the Fund.
- (4) Propose amendments deemed necessary to the Social Insurance Act, 2020.
- (5) Form Committees amongst its members to resolve problems or complains affecting the smooth running of the National Social Insurance Fund, and
- (6) Any other powers and functions deemed necessary and appropriate for the efficient and effective implementation of the objectives of the Fund.

15. Powers of the Board

- (1) The Board shall exercise all the powers necessary for the proper performance of its responsibilities under this Act.
- (2) Without prejudice to the generality of subsection (1), the Board may:
 - (a) Acquire, control, and supervise the funds and assets of the Fund in such manner that best promotes the objects for which the Fund is established;
 - (b) Impose levies, fees or charges for such services as the Fund may offer;
 - (c) Lay down such policies and guidelines as may be necessary for the proper operations and management of all the contributions and funds collected by the Fund and for any other matter concerning the Fund;
 - (d) Receive grants, gifts, donations or endowments and make legitimate disbursements;
 - (e) Approve contracts, undertakings, hiring of senior staff and other activities entered into by the Management or otherwise undertaken in the name of the Fund whose value requires Board approval;
 - (f) Appoint any agent the Board may require or subcontract any person or firm of proven experience in the particular function for which appointment or subcontracting is necessary, to perform any of its functions under this Act;
 - (g) Invest any funds of the Fund not immediately required for its purposes in the manner allowed by this Act;
 - (h) Out of its own funds and together with it may require its employees and officers to contribute, establish and make contributions to pension, superannuation, provident or medical social security scheme for the benefit of its employees or officers and, grant pensions, gratuities or retirement allowances to its officers or employees from the funds established;
 - (i) Open and operate an account in a bank, registered building society, or any registered financial institutions;
 - (j) Exercise such other powers as may be conferred upon the Board by this Act or any other written law.

16. Responsibilities of the Board

The Board shall be responsible for:

- (1) Ensuring that every Managing Director:
 - (a) Observes the provisions of the Constitution in the performance ~~of~~ of his/her duties under this Act;
 - (b) Acts in the best interests of the Fund and avoids any form of conflict of interest;

- (c) Acts in good faith and with integrity at all times; and
- (d) Exercises care and skill, due diligence in the conduct of the affairs of the Board and demonstrates commitment in serving the Board.
- (2) Enforcement of good corporate governance practices within the Board and senior management;
- (3) Formulation of strategy and policies of the Fund in accordance with this Act and best practices of good corporate governance;
- (4) Effective leadership of the Fund and guidance of the Management in their day to day management of the Fund;
- (5) Protection of the funds, property and assets of the Fund;
- (6) The effective administration and implementation of this Act; and
- (7) Doing all other things as are necessary to give effect to the provisions of this Act.
- (8) In the performance of its responsibilities under this Act, the Board shall be accountable to the members of the Fund.
- (9) The seal of the Fund shall:
 - (a) Be authenticated by the signatures of the Chairperson and the managing trustee; and
 - (b) Where the Chairperson or Managing Director is absent, be authenticated by any Officer of the Fund and Member of the Board duly appointed by the Board for that purpose, on behalf of either the Chairperson or the Managing Director.

17. Tenure of Office

The Members of the Board shall have tenure of four years in the office, commencing from the date of their appointment, and subject to renewal for another identical term only.

18. Meetings of the Board

- (1) The Board shall convene its ordinary meetings at least every three months upon the invitation of the Chairperson.
- (2) The Chairperson shall convene an ordinary meeting of the Board and the notice specifying, the place, date and time of the meeting shall be sent to each member at his/her usual place of business or residence not less than fourteen days before the date of such meeting.
- (3) The Chairperson shall preside at all meetings of the Board, and in his or her absence the deputy shall preside; and in the absence of both, the members present shall elect one of their member to preside over the meeting.
- (4) The quorum for meetings of the Board shall be five Members.
- (5) The Chairperson, or in his absence, the Vice Chairperson, shall be bound to convene a special meeting of the Board upon receipt of request in writing in that behalf signed by not less than five members of the Board, and not less than fourteen days' notice of such meeting shall be given to all members of the Board in the manner prescribed in subsection (1) above.
- (6) The Chairperson, the Vice Chairperson, or the temporary Chairperson elected in accordance with the provisions of subsection (2) above, presiding at any meeting of the Board may invite any person who is not a member to participate in the deliberations of the Board, but any such person shall not be entitled to vote.
- (7) At any meeting of the Board a decision of the majority of the members present and voting shall be deemed to be a decision of the Board, and in the event of an equality

of votes the Chairperson of the meeting shall have a casting vote in addition to his deliberative vote.

- (8) Where any member absent him-/her-self from three consecutive meetings of the Board without reasonable excuse, the Board, through the Minister of Labour, shall advise the appointing authority of the fact and the appointing authority may terminate the appointment of such member and appoint another member in his/her place.

19. Disclosure of Interest

- (1) Any member of the Board who has interest direct or indirect on any issue of discussion before the meeting of the Board, he or she shall disclose in writing the nature of such interest and shall not attend the meeting during the discussion of such an issue.
- (2) Any member, who contravenes the provisions of sub-section (1) of this Section, commits an offence and shall be liable to conviction or removal from the Board.

20. Evaluation of the Board of Trustees

The National Ministry of Labour, shall conduct an annual appraisal of the individual members of the Board.

21. Remuneration of the Board

- (1) The members of the Board or any Committee shall be entitled to receive such remuneration, allowances and other benefits as maybe determined by the Board in the annual budget proposal.
- (2) Remuneration and allowances payable under subsection (1) shall be subject to the approval of the Minister.

22. Powers and Functions of the Chairperson

- (1) Represent the Fund in official functions and occasions, nationally, regionally and internationally;
- (2) Preside over Board meetings;
- (3) Monitor and evaluate the performance of the Fund;
- (4) Render Annual Reports to the Legislative Assembly; and
- (5) Perform any other functions and duties as may be prescribed by any other Law.

23. Removal of the Chairperson

Subject to the provisions of this Act the appointing authority may remove the Chairperson of the Board of Trustees:

- (1) For contravening the Constitution or any sections of this Act.
- (2) On expiry of the term and if not renewed for the second final term
- (3) On grounds of bankruptcy;
- (4) On grounds of insanity;
- (5) If he/she is Convicted of any criminal offence;
- (6) If he/she incapacitated on any ground; or
- (7) On grounds of gross misconduct;
- (8) On resignation;
- (9) If found incompetent to discharge his/her duties;
- (10) On Corruption basis; and
- (11) Death.

CHAPTER III

REGISTRATION AND CONTRIBUTIONS TO THE FUND

24. Obligations of the Fund

The obligations of the Fund shall be in accordance with the provisions of this Act, liable for all employees in private institutions, Non-Governmental Organization, companies, Pharmacies, restaurants, workshops, Private health centres, and any owner of free occupation.

25. Registration Procedures for the Employer and Employee:

(1) Employer

- (a) shall apply to register in the National Social Insurance Fund.
- (b) shall be given a registration certificate by the Fund.
- (c) shall display the registration certificate in a conspicuous place in the workplace.

- (2) Employee shall provide original birth Certificate or assessment of age to the employer for the purpose of allocating Social Insurance number to the employee.

26. Registration of Employers

- (1) Subject to the provisions of this Act, every contributing employer shall, unless such employer has been registered under the existing Fund, within one month, register under this section in the prescribed manner.
- (2) The period of one month mentioned in subsection (1) shall, in every case, begin upon the commencement of this Act or the date when the person concerned becomes a contributing employer.
- (3) Upon the first day of the month following the month in which the period mentioned in subsection (1) expires, the employer to whose registration that period relates shall be a contributing employer for the purposes of this Act.
- (4) The Minister may, for the purpose of the initial registration of any category of employers by order published in the *Gazette* declare that category of employers shall not be contributing employers until the expiry of such further period as the order may specify.
- (5) A contributing employer who ceases to be an employer of any employee shall thereupon cease to be a contributing employer in respect of such employee.
- (6) A contributing employer who registers or is registered under the provisions of this section shall, without delay, register as an insured person every person who is or who subsequently becomes an employee in his/her service, by notifying the Managing Director of the particulars of such employees as may be prescribed.

27. Statutory Contributions by Contributing Employers

- (1) (l) A contributing employer shall for every contribution period after the appointed day during which he employs an insured person pay to the Fund a contribution that consists of the employer's contribution and the employees contribution at the percentage stipulated in this Act.
- (2) No contribution shall be paid under this section in respect of temporary employee unless the Minister has made an order declaring such temporary employees registrable as insured persons.

- (3) Every contribution due under this section shall be paid to the Fund within one month after the end of the month in which the last day of the contribution period to which it relates falls.

28. Deductions of Employee's Share

- (1) A contributing employer who is liable to make or has made a statutory contribution in respect of an insured person may deduct the employees' share of the statutory contribution:
 - (a) from the wages due from him to the employee in respect of the contribution period to which the statutory contribution relates; or
 - (b) from the wages due from him to the employee in respect of any period within six months after the end of the contribution period to which the statutory contribution relates, but not otherwise, and where a deduction is made under this paragraph, it shall be made in not less than four approximately equal installments unless the employee agrees to it being deducted in a fewer number or in one lump sum.
- (2) Where an employer deducts the employee's share of a statutory contribution from the wages of an insured person under this section in advance of the payment of such contribution to the Fund, the employer shall hold that share on trust for the purposes of this Act.
- (3) Any statutory contributions that an employer has been collecting and holding it in trust in the past years before this Act, the employer shall calculate it throughout the years it has been holding it in trust and remits it to the Fund immediately as Contributions arrears.

29. Collection and Payment of Contributions

- (1) The National Social Insurance Fund shall have the right to collect contributions, from the contributing Employer.
- (2) A contributing employer shall pay contributions to the Fund in the manner prescribed under this Act, within one month after the end of the month in respect of which the contributions are due and payable.
- (3) An employer shall submit with the payment all prescribed supporting particulars concerning the identity, period of employment and earnings; of the insured person to whom the contributions relate Deductions of employee's share
- (4) If any contribution is not paid within the period stated under subsection (1) a sum equal to five percent of the amount unpaid shall be added as penalty for each month or a part of a month after the date when payment should have been made and the amount of the penalty shall be recovered as a debt owing to the Fund by the employer. Provided that the Board of the Fund may, if it thinks fit, remit in whole or in part any penalty imposed by this subsection.

30. Treating Unpaid Contributions as Paid

Where the Managing Director is satisfied that an employee's contribution has been deducted from his earnings, but the employer has failed to pay the contribution together with the employer's contributions to the Fund, he may treat the unpaid contributions as wholly or partially paid for the purpose of any claim to the payment of benefits provided that this shall be without prejudice, to any action to recover the amount due from the employer.

31. Refund of Contributions Paid in Error

Where the Managing Director is satisfied that any amount has been paid to the Fund as contributions which were not properly payable and that the amount was paid as a result of *bona fide* error, the amount paid in error shall be refunded or applied, with the consent of the person who made the payment, to any current liability.

32. Payment by an Insured Person

- (1) Any insured person other than an insured person employed by a contributing employer who is liable to make a statutory contribution in respect of that insured person may apply to the Managing Director for approval to his contributing to the Fund on his own behalf.
- (2) If the Managing Director approves the application, the insured person may:
 - (a) make consecutive monthly payments to the Fund of an amount not greater than the statutory contribution.
 - (b) make consecutive monthly payments to the Fund of an amount not less than the employee's share of the contribution last paid in respect of the insured person by a contributing employer.
 - (c) if the contribution period for the statutory contributions was other than a month, the corresponding monthly statutory contributions or employee's share thereof.
- (3) Where an insured person makes payments under this section and enters the employment of a contributing employer who is liable to make a statutory contribution in respect of such person, that person shall cease to be eligible to make payments under this section.

33. Recovery of Contributions from Employers and Penalty

Every statutory contribution and penalty due to the Fund shall be a debt due to the Fund and may be recovered as such by the Board by suit-at anytime within six years after the date on which it was due.

34. Contributions when Benefit Drawn or During Bankruptcy of Employee

Nothing in this Act shall be construed as relieving a contributing employer from liability to make contributions to the Fund in respect of any employee, who is in receipt of, or becomes entitled to any benefit; or during that employee's bankruptcy or insolvency status.

35. Contributions Inalienable

- (1) Subject to the provisions of this section the statutory contribution, payments made by insured persons, and any benefits accruing to an insured person shall be inalienable except under this Act and shall not be assets for the benefit of creditors in the event of the bankruptcy or insolvency of an insured person; or be liable to attachment for an insured person's debt; and any security, pledge or assignment given before or after the coming into operation of this Act, which purports to include any such contribution, payment or benefit to that extent shall be voided.
- (2) Contributions made to the Fund in respect of an insured person who is bankrupt or insolvent shall, while held in the Fund, be deemed not to be after acquired property for the purposes of the laws relating to bankruptcy or insolvency.

- (3) Where an employee who is an insured person is convicted of an offence involving dishonesty and the convicting court is satisfied that his employer has suffered financial loss as a result of that offence, the court may order payment to be made to the employer out of the Fund of an amount not exceeding the aggregate of statutory contributions made by that employer in respect of that insured person less the employees' shares thereof, and the amount so paid to the employer shall be deducted from the employee's benefits entitlement in the Fund.

CHAPTER IV

MANAGEMENT OF THE FUND

36. Appointment of the Managing Director

- (1) The Board shall appoint a Managing Director who shall hold office on such terms and conditions of service as maybe specified in the instrument of his or her appointment.
- (2) The Managing Director shall be the chief executive officer of the Fund and responsible to the Board of Trustees for its management.
- (3) The Managing Director shall be an *ex officio* member and secretary to the Board.
- (4) The Managing Director shall be selected through a competitive process and shall be accountable to the Board in the performance of his/her duties.
- (5) The Managing Director shall, unless prematurely terminated, serve for a term of three years and shall be eligible for re-appointment for one further term of three years.
- (6) The terms and conditions referred to under Subsection (1) above, shall be specified by the Board in the instrument of his/her appointment.

37. Eligibility of the Managing Director for Appointment

A person shall eligible for appointment if he/she:

- (1) Holds a Masters degree in a relevant field of study as may be specified by the Board and from a university recognized in South Sudan;
- (2) Has ten years and above of working experience at managerial level in a relevant field specified by the Board and must be registered with a recognized professional body; and
- (3) Meets the requirement stated in Section 21 of this Act.

38. Powers and Functions of the Managing Director

- (1) The Managing Director shall exercise and perform the following powers and functions:
 - (a) Serve as the Chief Executive of the Fund, responsible for day to day activities of the Fund;
 - (b) Implement Board decisions;
 - (c) Serve as a secretary to the Board and in any committee of the Board and shall have no voting rights;
 - (d) Supervise employees of the Fund in accordance with the applicable labour laws and regulations.
 - (e) Prepare the annual budget proposals and annual reports of the Fund;
 - (f) Prepare annual reports to employees, pensioners and survivors for their contributions and benefits paid to the Fund;
 - (g) Directs actuarial valuations of the scheme;
 - (h) Sign contracts in accordance with Board decisions;
 - (i) Prepare procedures for the pension application, and transaction of award;
 - (j) Publicize such procedures to all potential applicants for benefits from the Fund; and
 - (k) Ensure that contributions by members are paid in full and in time;
 - (l) Determine claims to benefits, and make payments thereof;
 - (m) Refer any dispute arising under this Act to the Tribunal or defend any claim or action brought before the Tribunal against the Board;

- (n) Initiate programmes and strategies for advancing the objects of the Fund in general or for educating and mobilizing members of the public, or organized groups to become members of the Fund;
- (o) Ensure the proper management of reciprocal agreements entered into by the Fund;
- (p) Advise the Board from time to time to adopt policies intended to enable the Board to effectively lead the Fund;
- (q) Facilitate the preparation of the budget, strategies, operational proposals, annual plans and corporate policies for discussion by the Board and implement decisions and resolutions adopted by the Board;
- (r) Consistently strive to achieve the financial and operating goals of the Fund;
- (s) Ensure the effective management of the Fund, foster a conducive corporate culture that promotes ethical practices in respect to the Fund;
- (t) Be answerable in the performance of all his duties and functions to the Board;
- (u) Be the accounting officer of the Fund and, in that capacity, keep proper books of account and cause, under the general guidance of the Board, the annual accounts of the Fund to be prepared in accordance with the provisions of this Act;
- (v) Under the guidance of the Board, cause the Fund's Annual General Meeting to be convened as provided under this Act; and
- (w) Perform such other functions as assigned by the Board from time to time.

(2) The Managing Director may delegate to an employee of the Fund some of his or her powers and functions under sub-section (1) of this Section.

39. Removal of the Managing Director

(1) The Managing Director shall be removed from office by the Board for any of the following reasons:

- (a) Expiry of the term and if not renewed for the second final term
- (b) Bankruptcy;
- (c) Insanity;
- (d) Conviction of any criminal offence; is adjudged bankrupt or enters into a composition or arrangement with his creditors;
- (e) Incapacitated on any ground; or
- (f) By operation of any written law
- (g) Gross misconduct;
- (h) Resignation;
- (i) Physical incapacity or mental infirmity upon the decision and recommendation of the Medical Commission;
- (j) Failure to attend three consecutive scheduled meetings without permission or for unacceptable reasons;
- (k) Incompetence;
- (l) Insubordination;
- (m) Corruption;
- (n) Failure to observe any of the terms and conditions of his or her appointment;
- (o) Violation of the Constitution; or
- (p) Inability to discharge his or her duties; and
- (q) Death.

(2) Before the Managing Director is removed from office under subsection (1) above, he/she:

- (a) May be suspended from office by the Board;
 - (b) Shall be informed in writing of the reasons for the intended removal; and
 - (c) Shall be given an opportunity to put in a defense against any such allegations and shall be afforded ample opportunity to be heard.
- (3) In case of vacancy the appointment shall be filled in accordance with the provision of Sections 35 and 36 of this Act.

CHAPTER V

TYPES OF PENSION

40. Types of Pensions

The following classes of benefits are payable under this Act, namely:

- (1) Retirement pension
- (2) Invalidity pension
- (3) Survivors pension
- (4) Funeral grants
- (5) Maternity benefit
- (6) Employment injury benefit; and
- (7) Health insurance benefit

41. Benefit Payable Under this Act

No benefit payable under this Act except the benefits mentioned in paragraphs (a), (b), (c) and (d) of section 39 shall be, payable in respect of any period before the date on which the Minister by order in the Gazette, declare to be the date on which any benefit becomes payable.

42. Retirement Pensions

Subject to the provisions of this Act retirement pension shall be payable to an insured person who has attained pensionable age; and in respect of whom not less than 180 monthly contributions have been paid.

43. Amount of Retirement Pension

(1) The monthly retirement pension shall amount to 30 percent of the average monthly earnings of the retired insured person supplemented by 1.5 percent of his or her average monthly earnings for every twelve months of pension insurance additional to the 180 months specified in section 32 to a maximum of 67.5 percent of the average earnings.

(2) The average earnings are calculated over the best five years in the last ten years prior to pensionable age.

(3) The minimum monthly pension shall be 80 per centum of the minimum wage.

44. Payment of Retirement Pension

The retirement pension payment shall commence from the month following the month in which the retired employee satisfies the conditions under Section 41 and end with the month in which the pensioner dies.

45. Payment of a Special Lump Sum

A member who has attained pensionable age and has retired from employment but does not

meet the qualification prescribed in Section 41 shall be entitled only to the payment of a special lump sum.

46. Early retirement

- (1) An insured person who is within five years of the pensionable age and has paid contributions for at least 180 months may claim early retirement pension.
- (2) The amount of the retirement pension paid on early retirement under subsection (1) shall be the amount that would be paid under subsection (1) of section 42 reduced by 0.5 per centum of the monthly average earnings.
- (3) An early retirement pension shall not be payable if the amount of the pension calculated in accordance with subsection (2) would be lower than the minimum pension under subsection (3) of section 41.

47. Conditions for invalidity pension

- (1) An invalidity pension shall be payable to an insured person who:
 - (a) is suffering from permanent invalidity.
 - (b) is under pensionable age.
 - (c) either has made 180 contributions; or has made at least 36 monthly contributions of which twelve or more were paid in the period of 36 months immediately preceding the date of commence.

48. Monthly Invalidity Rate

- (1) The monthly rate of invalidity pension shall be thirty percent (30%) of the average monthly earnings of the insured person supplemented by 1 percent of his average monthly earnings for every twelve months of pension contributions.
- (2) The monthly rate of invalidity pension shall be supplemented by 1 percent of average monthly earnings for every twelve months between whichever is the later of the pensionable age and:
 - (a) the date of entitlement to invalidity pension; or
 - (b) the date of completion of 180 months contributory employment.
- (3) The minimum monthly invalidity pension shall be 80 percent of the national minimum wage.

49. Payment of Invalidity Pension

- (1) Subject to the provisions of this Act, invalidity pension shall be payable for the duration of a permanent invalidity commencing with the month following the date of invalidity and ending either:
 - (a) on pensionable age, if at that time the insured person is entitled to retirement pension at the same or a higher rate; or
 - (b) on death of the invalid.
- (2) Where an insured person is suffering from invalidity but does not satisfy the qualifying conditions under paragraph (c) of subsection (1) of section 46 he/she shall be entitled

to a special lump-sum payment.

50. Process of Assessing Cases of Permanent Invalidity

(1) A claim for invalidity pension shall be referred to a medical board to be appointed by the Minister to determine in the prescribed manner, whether the claimant is suffering from permanent invalidity.

(2) The Managing Director may at anytime after the award of an invalidity pension, refer a beneficiary in receipt of an invalidity pension to a medical board to determine the medical state of the permanent invalidity.

(3) A beneficiary of an invalidity pension shall cease to receive his/her invalidity pension if he/she fails to comply with directions of the Managing Director under subsection (2) above, to be medically examined by a medical board and to supply all necessary documents or information as may be necessary for the purposes of determining his/her continued entitlement.

51. Conditions for Survivors Pension and Amount Payable

(1) Subject to the provisions of this Act, where an insured person dies a survivors pension shall be payable to his/her dependents if at the time of the death, the insured person:

- (a) would have been entitled to an invalidity pension if deemed to have been suffering from permanent invalidity at the time of death; or
- (b) had attained pensionable age and would have been entitled to retirement pension had he/she made a claim to such pension. Provided that if at the time of death, the insured person was in receipt of retirement or invalidity pension, his/her dependents will be paid a lump sum equal to the insured person's monthly pension times twelve months.

52. Survivors Pension

(1) The survivors pension payable to a dependent shall without prejudice to the relevant laws of inheritance but subject to any will of the deceased, be in the prescribed percentage:

- (a) in the case of a widow or a widower, 40 percent of the pension, and where there is more than one widow the amount shall be divided equally among the widows.
- (b) in the case of a widow or a widower and where there is no dependent child, the widow or widower shall be paid 100 percent of the pension.
- (c) in the case of a dependent child under eighteen years or under twenty-one years receiving full time education, shall be paid 60 percent of the pension to be divided equally among such children.
- (d) where there is no widow or widower hundred percent (100%) of the pension shall be divided equally to dependent children.
- (e) in the case where there are no dependent children or dependent spouse, parents of the deceased shall be paid 100 percent of the pension for life.

53. Bases for Paying Survivors Pension

- (1) Survivors pension shall be payable on the following bases, namely:
 - (a) In the case of a widow or widower who, at the date of death of the deceased insured person is of the age of 45 or above or who is under the age of 45 and has the care of dependent children under the age of 15, for life or until re-marriage;
 - (b) In the case of a widow or widower at the date of death of insured person is under the age of 45 and does not have the care of children under the age of 15, for a period of two years from the date of death of the insured person;
 - (c) In the case of a child until the age of eighteen; or until the child terminates full time education but not later than the age of twenty-one; or if the child is an invalid, for life.
- (2) Where a deceased insured person did not satisfy the qualifying conditions specified under subsection (1) above, his/her dependents shall be entitled to a special lump sum payment.

54. Retirement and Invalidity Grant

- (1) Where an insured person qualifies for retirement pension or invalidity pension he/she shall be entitled to a lump-sum payment before getting the monthly payment.
- (2) Where a deceased insured person had not received a retirement or invalidity pension prior to his/her death, the dependents of the deceased insured person are entitled to the lump sum payment.
- (3) The amount of lump sum payable under this section shall be equal to 24 months times the monthly amount of the retirement or invalidity pension (24 months X monthly amount of retirement).

55. Funeral Grant.

- (1) A funeral grant shall be paid as reimbursement to a family member who incurred expenses for the burial of a deceased insured person.
- (2) The Board, from time to time, having regard to the general economic conditions shall determine the amount payable as funeral grant.

56. Employment Injury and Types of benefits

- (1) The following types of benefits are payable under the employment injury benefit, namely:
 - (a) Medical care as may be prescribed by a qualified medical practitioner consisting of general practitioner case at hospitals, essential pharmaceuticals or hospitalization;
 - (b) cash payment in case of:
 - (i) Temporary disability benefit payable after certification of a medical board on the disability, an insured person shall be paid 60 percent of his/her average daily earnings for up to twenty-six weeks.
 - (ii) Permanent' disability benefit payable on certification by ^{SEP} a medical board that an insured person has suffered a permanent disability at the rate of 100 percent, that

person shall be paid a maximum of 70 percent of the average monthly earnings, which shall be paid monthly throughout the period of the disability.

- (c) Provision of artificial limbs after certification of a medical board that the injured person requires to be provided with such artificial limb.
- (2) In case the recipient of permanent disability benefit requires constant attendance of another person, an attendance Allowance shall be paid at the rate of 25 percent of that benefit to the helper.
- (3) The average daily earnings shall be calculated on the total earnings during the six months preceding the month in which the injury occurred to be divided by one hundred and eighty.

57. Health Insurance and Medical Benefits

Health insurance benefit shall be paid to an insured person, the spouse and four children of the insured if the insured person has contributed to the Fund for a minimum of three months of which three months of contributions were paid to the Fund in the three months immediately preceding the medical contingency.

58. Medical Benefits

- (1) Medical benefits based on health insurance shall be provided by accredited hospitals having such agreements with the Fund.
- (2) The medical benefits to be provided shall include preventive and curative care, essential drugs, simple pathology and X 'rays, laboratory tests hospitalization where need and minor surgery.
- (3) Benefits under this section shall be limited to the medical services to be provided by doctors, nurses and other medical providers in the accredited hospitals.
- (4) The forms and procedures for benefits to be paid under this section shall be fully described in the regulations that the Minister shall set out under this Act.
- (5) The Medical Commission shall appoint and enter into agreement with different hospitals and dispensaries, which will be accredited to provide Medicare services to, insured persons and their families.

59. Maternity Benefit shall be Payable

Maternity benefit shall be paid to an insured person:

- (a) who has made at least thirty-six monthly contributions of which twelve contributions are made in the thirty-six months prior to date of confinement.
- (b) upon the receipt by the Managing Director of a medical certificate from an accredited medical provider, certifying that the woman expects delivery of a child; and

(c) after three years from the day when the last payment was made to the insured person unless the child dies within a period of twelve months.

(d) to an insured person, for one month only, in the case of still-birth.

60. Types of benefits for Maternity

The following types of benefits are payable under the maternity benefit, namely:

(a) cash benefit at the rate of 100 percent of the average daily earnings for a period of twelve weeks.

(b) medical care during pre-natal and post-natal period by an accredited medical practitioner or midwife; provided that where prolonged medical care is required after delivery, the post natal medical care shall be limited to twelve weeks.

61. Types of Benefits for Paternity

The following types of benefits are payable under the maternity benefit, namely:

(a) cash benefit at the rate of 100 percent of the average daily earnings for a period of twelve weeks.

(b) medical care during pre-natal and post-natal period by an accredited medical practitioner or midwife; provided that where prolonged medical care is required after delivery, the post natal medical care shall be limited to twelve weeks.

62. Restriction on Double Benefit

No insured person shall be entitled at anytime to more than one benefit, and if he qualifies for more benefits than one at the same time he shall be paid one of them which is the highest.

63. Benefit Rates

Benefit rates shall be reviewed from time to time by the Board and adjusted in line with actuarial valuation of the Fund.

64. Right to a Benefit

(1) It shall be a condition of a person having right to a benefit that:

(a) he makes a claim to the Managing Director within the prescribed time and in the prescribed manner or in such other manner as the Managing Director may accept; and

(b) he produces such certificates, documents, information and evidence for the purpose of determining the right to a benefit as the Managing Director may require, and for that purpose attend at such places and times as the Managing Director may require.

(2) Regulations may require contributing employers to make or maintain such records, or reports and to furnish such information as may be prescribed in regulations for the

purpose of establishing any person's title to a benefit.

65. Regulations of Benefits

Regulations may make provision for:

- (1) the administration of all benefits payable under this Act.
- (2) disqualifying a person from the receipt of any benefit if he/she fails to make a claim within the prescribed time; provided that any such regulations may provide for extending the time within which such claim shall be made where good cause is shown for the delay.
- (3) the prevention of the receipt of more than one benefit and the adjustment of benefits in special circumstances.
- (4) the time and manner of payment of a benefit and the information or document to be furnished by any person applying for payment.
- (5) suspending payment of a benefit to any person during any period when that person:
 - (a) is absent from South Sudan.
 - (b) is serving a prison sentence or is under some other legal custody. Provided that specifications are prescribed for the circumstances and manner in which payment of the whole or any part of the benefit may instead of being so suspended be paid during any such period to any person nominated by the beneficiary, or for the maintenance of any prescribed person who the Managing Director is satisfied is a dependent of the beneficiary;
- (6) enabling a person to be appointed to exercise on behalf of any other person who being a minor or being otherwise unable for the time being to act, any power or right which that other person may be entitled to exercise under this Act and to authorize the person so appointed to receive and deal with any sum payable by way of benefit to that other person; and
- (7) enabling a claim to be made or proceeded in the name of the deceased, for authorizing payment to or among persons claiming as personal representatives, legatees, next of kin, creditors or otherwise and for dispensing with strict proof of title of persons so claiming; and
- (8) such other matters as may be necessary for the proper administration of benefits, including the obligations of claimants, beneficiaries and employers.

66. Repayment of Benefits Wrongly Received

- (1) If it is found that any person by reason of non-disclosure or misrepresentation by him/her of material fact (whether the non-disclosure or misrepresentation was or was not fraudulent) has received any sum by way of benefit, while he was not entitled to that benefit, he shall be liable to repay the sum so received by him.
- (2) Where any person is liable to repay any sum received by him/her by way of benefit, that sum may be recovered without prejudice to any other remedy by means of deductions from any payment or benefit to which he/she thereafter becomes entitled.

67. Charge on Benefit

Every assignment or charge on benefit and every agreement to assign or charge any benefit shall be void, and on bankruptcy of a beneficiary the benefit shall not pass to any other person acting on behalf of creditors.

CHAPTER VI

ELIGIBILITY OF SURVIVORS, DISTRIBUTION OF PENSION, SUSPENSION, RETURN AND DEPRIVATION OF BENEFITS

68. Eligibility of Survivors

The eligible survivors to receive pension are:

- (a) spouse, widow or widower.
- (b) survivors' children up to 22 years or disabled children at the time of death and the unmarried daughter who is jobless.
- (c) parents.
- (d) brothers and sisters under the responsibility of the late employee.

69. Distribution of Pension to the beneficiaries:

In case of multiplicity or plurality of widow or widower or Sons and daughters, the benefits shall be divided equally as shown in Schedule 1.

70. Suspension of Benefits from the Beneficiaries

Benefits shall be suspended for the following reasons:

- (a) Marriage or death of the widow, daughters or sisters;
- (b) Sons, daughters, brothers and sisters complete their studies;
- (c) Sons or daughters, brothers and sisters attain the age of more than twenty-two years, or
- (d) Sons, daughters, brothers and sisters get employment.

71. The return of benefits:

The benefits shall be returned to Beneficiaries for the following reasons:

- (a) Daughter being divorced before ten years of marriage;
- (b) Son or daughter being rendered partially disabled; or
- (c) Unhealthy having recommendation from the Medical Commission.

72. The Deprivation of Benefits

The beneficiary shall not be deprived of his or her benefits because of imprisonment; the benefits of such person shall be processed through official or legal attestation.

CHAPTER VII

FINANCE, AUDIT AND REPORTING

73. Principles

The Fund shall manage its finances in accordance with financial principles and best practices to ensure that its revenues sufficiently meet its expenditure.

74. Financial Resources.

The Fund shall be financed by the following:

- (1) Employees' and employers' contributions;
- (2) Interest on investments;
- (3) Fines in delaying payment of contributions by employers; and
- (4) Grants and donations.

75. Administrative Expenditure

The administrative expenses of the Fund shall not exceed ten percent 10% from the total contributions received.

76. Bank Accounts

The Fund shall open and maintain a bank account at the Bank of South Sudan and may maintain other accounts at any other recognized Commercial Banks as maybe determined by the Board.

77. Keeping the Accounts, Books and Records

The Fund shall maintain:

- (1) Accurate and comprehensive account of its performance, in accordance with accounting principles and best practices.
- (2) Books and electronic records pertaining to the service of employees.
- (3) Records internally and through a service provider.
- (4) Records pertaining to individual service, contributions and pension benefits payments electronically to be duplicated and stored offsite for safe custody.
- (5) Records of service of employees which shall include personal identifying details, record of service, pension, family members who are potential survivors and any other necessary information for calculation and payment of benefits.
- (6) Records of service based on the reports of the employers or on the payroll records are presumed to be accurate, unless the individual employee, pensioner or survivor provides definite proof that they are not or provide the correct information.

78. Deduction of Contribution

The employee deduction shall be eight percent 8% from monthly gross salary and seventeen 17% paid by the employer.

79. Audit

The Board of the Fund:

- (1) May direct special audits by the internal auditor before the annual audits by the Auditor General.
- (2) Shall request secondment of an internal auditor within ninety days from the date of its establishment to conduct the internal audit of the Fund and report to the Board.
- (3) Shall authorize the Auditor General or whoever authorized by him or her to Audit the accounts of the Fund at the end of every financial year.
- (4) Shall submit audit report to the National Legislature.

80. Reporting

- (1) The financial year of the Fund shall be the same as that of the Government,
- (2) The Fund shall prepare its annual budget and submit through the Minister to the Legislative Assembly for approval.

CHAPTER VIII

DISPUTE RESOLUTION

81. Formation of the Committee

An appeal committee shall be formed by ministerial order for the settlement of any dispute that may arise in accordance with the provision of this Act, comprising of representative of employers, workers union and the Fund. The decision of the committee shall be binding, and shall not be appealed, except before a court.

82. Procedure for Disputes Resolution

- (1) Any complaint raised by an employee, pensioner, survivor or applicant that requires decision of the Fund shall be submitted in writing to the appeal committee.
- (2) The decision of the appeal committee shall be within thirty days from the date of submission of the complaint.
- (3) The committee shall appraise the complaint and the decision in writing of the right to appeal.
- (4) The appeal committee shall consider complaints and provide a written decision with justification within ninety days upon the receipt of the complaint and the complainer shall have the right to be present at any hearing of his or her appeal by the appeal committee.
- (5) In case the ground for appeal relates to the medical condition of the applicant or in any case the appeal committee considers it necessary, the appeal committee shall:
 - (a) request the applicant to undergo further medical assessment or examination.
 - (b) request the Fund or Medical Commission to evaluate the applicant with a view to confirm or revise the initial assessment and decision.
 - (c) in case of disability, a representative on behalf of the applicant shall write an application to the Fund for the appeal committee to decide.
 - (d) the disabled employee shall be personally required to attend to any medical assessment or examination requested by the appeals committee.
 - (e) the employee, pensioner or survivor may seek resolution of the dispute in a Court after receipt of the decision from the appeals committee or after the expiration of ninety days from the date of submission.
 - (f) if the Court finds that, the Fund is liable for benefits payment, the court shall award the prevailing employee, pensioner or survivor the right to receive their benefits payment accordingly.

CHAPTER IX

INVESTMENT POLICY AND ASSET MANAGEMENT

83. Investment Policy

The Board of Trustees shall formulate an investment policy subject to the objectives and principles of this Act that includes the following:

- (1) The types of qualifying instruments and levels of acceptable risk in which the Fund's assets may or may not be invested.
- (2) The parties responsible for decisions related to qualifying investments.
- (3) Procedures for making decisions.
- (4) Procedures for identifying, monitoring and managing investment risks of the qualifying investments.
- (5) The method of monitoring the compliance of Assets Managers with the investment policy and investment performance.
- (6) The method of revising the investment policy and other rules deemed necessary by the Board of Trustees.
- (7) The Board of Trustees shall present a summary of the investment policy to the responsible Ministry of the Fund.
- (8) The Board shall submit annual reports of the Fund to the responsible Minister that shall include measurement of the actual investment performance and level of risk.

84. Asset Management

The Board shall be responsible for the management of the Fund assets as follows:

- (1) Oversee contributions, special payments and pension benefits payment;
- (2) Assets shall be invested prudently in accordance with the principles of fiduciary responsibility and good governance for the benefit of employee, pensioner or survivor in accordance with the provisions of this Act; and
- (3) The Board shall use its best business judgment to diversify investments, preserve adequate liquidity for payment of benefits, and balance the goal of maximum return against the approved degree of acceptable investment risk.

85. External Assets Manager

The Board of Trustees shall appoint one or more external Asset managers to manage all or part of Fund Assets in accordance with investment policy:

- (1) The duty of an external Assets Manager is to maximize the return on Fund Assets, adhering to the acceptable instruments as outlined in the investment policy in accordance to this Act and any requirements provided for in the investment principles and other rules of the Fund and subject to acceptable levels of risks.
- (2) Assets Manager shall be:
 - (a) licensed by a banking, financial services or capital markets regulator in South Sudan or any other country.
 - (b) accredited with equity capital and adequate guarantees and insurance against operational risks as determined by the Board.

- (c) honest and not convicted of any offence.
 - (d) providing excellent references and reputation in asset management,
 - (e) exercising all voting rights pertaining to the stock share on behalf of the Fund solely and exclusively in the interests of employees, pensioners and survivors.
 - (f) managing Fund assets in accordance with Fund asset management agreements, entered in conformity with provision of this Act.
- (3) The asset management agreement between the Fund and the asset manager shall include the following:
- (a) asset management transactions shall only be exercised through a custodian.
 - (b) asset manager duties.
 - (c) remuneration of the asset manager and the method of calculating cost and charges shall be as a percentage of the assets managed as may be prescribed in the regulations.
 - (d) Fund assets under external management are not the property of assets manager, may not be subject to execution, shall not be a part of assets manager under bankruptcy, and shall not be covered by any settlement proceedings;
 - (e) asset manager is obliged to secure and continue to maintain identification protecting the fund against losses due to errors, omissions, fraud and misappropriation, always that they manage Fund benefits; and
 - (f) other requirements as may be provided for in regulations.

86. Qualifying Investment

- (1) The Assets of the Fund shall be deposited in a bank or invested on established capital markets and shall be valued for purposes of calculating the investment returns.
- (2) Qualifying domestic instruments shall include the following:
 - (a) bank accounts and deposits shall be with banks licensed by Bank of South Sudan.
 - (b) securities issued by a public institution to guarantee the assets.
- (3) Qualifying international instruments shall be issued in an internationally recognized jurisdiction with regulated banking, capital or other financial markets and may include:
 - (a) deposits in institutions holding a credit rating of the highest investment grade rated by at least two of the most reputable international rating firms.
 - (b) security issued by a government, to extend guarantee to the respective states.
 - (c) securities registered with the capital markets regulator and placed through a public offer or recognized stock exchange subject to the supervision of the applicable capital markets regulator.
 - (d) mutual and investment funds subject to approval by the appropriate regulator of the state establishment.
 - (e) the Fund may invest in mutual funds and make deposits to banks without retaining an external Asset Manager or custodian if allowed in the investment policy.

87. Prohibited Investments

The Assets of the Fund shall not be invested in the following:

- (1) Securities that are unlisted on a stock exchange or not publicly traded.
- (2) Assets that cannot be sold or otherwise are illegal.

- (3) Physical assets not listed on regulated markets and for which valuation is uncertain, including, for the sake of example, but not limited to, antiquities, works of art, coins, or motor vehicles.
- (4) Any property of or securities issued by, any of the following:
 - (a) the Board.
 - (b) an Asset Manager.
 - (c) the custodian.
 - (d) any person who is an affiliated entity of the persons provided under sub-section (4)(a), (b) and (c) of this section; and
 - (e) such other assets as are specified by the national ministry of finance and planning.
- (5) Assets of the Fund shall not be purchased from or sold to:
 - (a) the Board, Managing Director or any employee of the Fund.
 - (b) the custodian.
 - (c) an assets manager; and
 - (d) any person who is an affiliate of the Fund.

88. Custody of the Assets of the Fund

- (1) The Fund shall appoint a Custodian under agreement to delegate the custody of Fund Assets under investment by one or more external assets managers.
- (2) The custodian and its employees who have discretion with respect to the Fund Assets shall be fiduciaries of the Fund, and shall keep the Fund's Assets, operations and records strictly segregated from any other assets and from those of the custodian.
- (3) The Custodian shall:
 - (a) be licensed by a banking, financial services or capital markets regulator.
 - (b) be a legal person with equity capital and adequate guarantees and insurance against operational risks as determined by the Board.
 - (c) not be under enforcement or suspension.
 - (d) have a sound record of operational and financial performance.
 - (e) have excellent references and reputation in assets custody.
- (4) The functions of the custodian shall include the following:
 - (a) receive and keep all records of Fund Assets and settlement documents.
 - (b) provide all necessary information to the Fund to enable it to comply with the obligations of this Act.
 - (c) ensure that agreements of the acquisition and disposal of Fund Assets are in accordance with the provisions of this Act, other applicable regulations and rules and investment principles adopted by the Fund.
 - (d) fulfil the instructions of the Fund, unless such instructions are in violation of this Act.
 - (e) in the event of any breach, the Fund shall be notified in accordance with the procedure for notification specified by the agreement with the custodian.
 - (f) ensure that the manager fulfils its legal obligations in relation to Fund assets investment; and
 - (g) other obligations specified in the custody agreement.
- (5) The Agreement between the Fund and the Custodian shall include the following:
 - (a) specific duties of the custodian.
 - (b) the manner that the duties provided under sub-section (5) (a) of this section be performed.

- (c) the remuneration of the custodian and the manner of calculating the costs and charges as a percentage of assets in custody.
 - (d) such other requirements that may be determined in regulations.
- (6) The Fund shall not limit responsibilities of the custodian and custodian is liable to the Fund and to the pensionable employees, pensioners and survivors for improper performance of its fiduciary obligations in conformity with this Act and other applicable laws.
 - (7) The employees of custodian may, in case of illegal actions, be subject to criminal or administrative liability.
 - (8) When an Agreement with a custodian is dissolved, the custodian shall release the Fund's Assets in its custody, and all documents relating to the performance of its duties, to a new custodian within a period of not more than thirty days, the custodian shall be liable for performance of its duties until all such documents and Assets have been completely transferred.
 - (9) The custodian shall immediately inform the Fund of any matter that it believes is an act or omission that is likely to breach Agreement.
 - (10) Any Asset of the Fund in custody shall not be the property of the custodian in case of bankruptcy or any settlement proceedings.
 - (11) The Custodian shall be obliged to secure and continue to maintain indemnification protecting the Fund against losses due to errors, omissions, fraud and misappropriation at all times that it performs custody of the Assets of the Fund.

89. Procedures for Awards of Benefits

- (1) The Managing Director shall propose to the Board of Trustees to approve applications, procedures and rules for transaction of the award of benefits.
- (2) The Managing Director shall publicize such procedures to all potential applicants for benefits from the Fund.

90. Reporting to Employees, Pensioners and Survivors

The Fund shall issue reports as follows:

- (1) Annual reports to employees for their contributions and service credit according to fund records.
- (2) Annual reports to pensioners and survivors of the benefits paid.

CHAPTER X

LEGAL BENEFITS, COMPENSATION AND BORROWING

91. Joint Liability to Pay Amount due to the Fund

- (1) The Fund shall have the right to collect the contribution of the employees in case of the following:
 - (a) dissolution of the institution.
 - (b) liquidation, closure, bankruptcy.
 - (c) merger with any other.
 - (d) transition by bequeath, will, grant, sale, concession; or
 - (e) any other alternative from the legal perspective which necessitate former employer to be in joint liability with the new entity.
- (2) The Fund shall have the right to issue clearance card of no debt to any employer leaving the Country finally.
- (3) Notwithstanding the provision of sub-section (2) of this Section, the Registrar of the concerned institution and Immigration or any other relevant body shall not issue final clearance to any employer unless they produce the clearance card from the Fund.
- (4) In the event of any legal steps that may be adopted by the employer that may lead to change in the corporate authority, its amendment or including new elements or its dissolution, the Registrar of the concerned institution shall notify the Managing Director of the Fund.

92. Borrowing from the Pensions

- (1) The insured person has the right to borrow from his or her pensions in accordance with this Section.
- (2) The money shall be paid to him or her at one payment in accordance with the regulations.
- (3) The insurer shall not have a right at the age of sixty-five to borrow from his or her pension.
- (4) Borrowing shall be from one third of the pension and the money shall return to the insured after the fulfilment of the loan.
- (5) In case the insured dies before the end of the period, the deductions shall continue in whole from the pension.
- (6) The regulations shall determine the conditions, basis and procedure of the loan.

93. Pension Deserved

The pension shall be deserved at the retirement age, dismissal, incapacity or death and paid at the end of the month.

CHAPTER XI

APPEAL COMMITTEE

94. Right of Appeal

The pensioner or any person, who deserves pension, shall have the rights to take legal action against the Fund decision, before an appeal committee formed by the Board and the decision taken by such a committee shall be binding to both sides, and if the pensioner is not satisfied with the decision of the committee, he or she shall appeal to a court.

95. Entitlement for the Whole Month Pension

The pension shall be collected monthly in the following situations:

- (1) The remunerations of the insured employee upon incapacity, the right to retirement pension, complete incapacity or pension for dismissal; provided that, the entitlement shall not exceed the paid wage of subscriptions.
- (2) Disease of the partial incapacities Pensioner, in this case the pension linked to the pension shall be in whole with the pension of the partially incapacities before his or her death, provided that, not to exceed his or her pension before death and after death provided that it does not exceed the wage of subscriptions.
- (3) The sons and daughters for the Pensioners shall be subject to the provisions of this Act.

96. Administrative Holding

- (1) The Fund deserves the right to collect its outstanding amounts in accordance with the provisions of this Act.
- (2) Upon the resolution of the Board, the Director may issue an edict with his or her signature to the Fund's officials to conduct an administrative holding over the properties of the businessperson whether it is estates, assets in the bank within the range of the money due to him or her from the Fund.
- (3) The administrative holding representative may interfere when he or she deems necessary.
- (4) The holding shall remain effective for two weeks, if the business person fails to fulfil his or her obligations, the properties which are on hold shall be sold to meet the obligations and return to the business person what had remained. Director may suspend the sale if the businessperson request to pay the dues upon him or her in instalments.
- (5) The payment shall continue as long as the businessperson continues to pay in order.
- (6) Subscriptions stipulated in the holding are immediately lifted if the business pays out the entire obligation.

97. Dispute on Pension or Compensation

The Fund, pensioner or pension deserver shall not dispute on the value of the pension or the compensation after the elapse of five years, commencing from the date of notification of final adjustment of the pension or from the date of payment of the compensation, except in case of review of the pension adjustment or the compensation due to accounting errors during the adjustment.

98. Evaluating Percentage of Incapacity

The Medical Commission shall make the evaluation of incapacity due to injury sustained in the place of work, and determine the degree of the incapacity in accordance with the provisions of this Act (see schedules II: table 1 and 2).

CHAPTER XII

LEGAL PROCEEDINGS: OFFENCES AND PENALTIES

99. Evasion Payment of Contribution

(1) Any person who:

- (a) for the purpose of evading payment of any contribution by him/her or some other person knowingly makes any false statement or representation or produces or furnishes or causes to be produced or furnished any document or information which he knows to be false in material particulars.
- (b) for the purpose of obtaining any benefit or refund for himself or some other person, knowingly makes any false statement or representation or produces or furnishes or causes to be produced or furnished any document or information which he knows to be false in a material.
- (c) misrepresents or fails to disclose any material fact.
- (d) fails to pay to the Board within the prescribed period any contributions which he is liable to pay under this Act.
- (e) fails to comply with any regulations made under this Act because of which there is loss to the Fund or because of which the individual insured person records or contribution cannot be maintained.
- (f) fails without lawful excuse to produce documents required to be produced under this Act.
- (g) Obtains the consent of employees required under this Act by duress, or undue influence;
- (h) Knowingly deducts from an employee's wages any sum in respect of contribution to the Fund greater than the employees share of the statutory contribution.
- (i) Misrepresents or fail to disclose any material fact as a result of which he/she obtains benefits from the Fund which he/she would have not been entitled; commits an offence and is liable on conviction to a fine not exceeding one million South Sudanese Pounds or to imprisonment for a term not exceeding two years or to both that fine and imprisonment.

(2) The court before which any person is convicted of an offence under this Act may, without prejudice to any civil remedy; order the person to pay to the Board the amount of any contributions, together with any interests or penalty thereon, certified to be due from such person to the Fund at the date of conviction, and the amount may be

recovered in the same manner as a fine and shall be paid into the Fund for the credit of the-concerned insured persons.

- (3) Proceedings in respect of any offence under this Act may be commenced at any time when it comes to the knowledge of the Managing Director that there is evidence to justify a prosecution for the offence.
- (4) Every magistrate, other than a primary court magistrate, shall have jurisdiction, notwithstanding anything to the contrary contained in any law respecting the jurisdiction of such magistrate, in all cases or matters arising under this Act.

100. Permission of one or more Plaintiff

- (1) Notwithstanding anything to the contrary contained in any other law in force, in any proceedings against an employer in respect of contributions due for more than one of his employees, the magistrate may permit one plaint or one charge sheet to be made or filed in respect of all contributions claimed to be due.
- (2) All claims shall rank equally between themselves, and shall be entered in full to the insured persons' contribution records, unless the amount recovered from the employer be less than the total amount of the claims with costs, in which case, after payment of the costs, all the claims shall, subject to marginal adjustments, abate in equal proportions among themselves and be entered to the insured persons' contribution records accordingly,

101. Instituting Criminal Proceedings

Any action for the recovery of contributions and all criminal proceedings under section 104 may be instituted by the Managing Director, an inspector, or other officer of the Board appointed by the Board in that behalf, and where action is instituted before any court, any person authorized by this section may appear and conduct the case.

102. Giving Claim Notice to Court

Where the Managing Director has given the court written notice of a claim under this Act and:

- (1) any attachment is issued against the property of an employer in execution of a decree against him/her and any such property is seized or sold or otherwise realized in pursuance of such executing; or
- (2) on the application of a creditor the property of an employer is sold, the proceeds of the sale or other realization of such property shall not be distributed to any person entitled thereto until the court ordering the sale or realization has made provision for the payment, after the payment of costs of sale or realization, or any amounts due in respect of contributions payable by the employer under this Act before the date of such order.

103. The Sum Accredited to an Insured Person

The sum standing to the credit of an insured person shall, until paid out in accordance with the provisions of this Act, remain the property of the Fund and shall not form part of the assets of that person in the event of his/her bankruptcy or insolvency, or be liable to attachment in satisfaction of his/her debts.

104. Protection of Contributions of the Insured Person

Notwithstanding anything to the contrary contained in any other written law, where any judgment or order has been obtained against a contributory insured person, no execution or attachment or process of any nature shall be issued against his/her contributions, except in accordance with the terms of the Fund and the contributions shall not form part of the assets of the insured person in the event of bankruptcy.

105. Committing an Offence

Where an offence under this Act by any association of persons, whether corporate or unincorporated, is found to have been committed with the knowledge or connivance of, or is attributable to any act or default on the part of, any person or persons in apparent control of the association of persons, the person or persons in apparent control and the association of persons shall be deemed to have committed an offence.

106. What Constitute Primaries Evidence

A copy of an entry in the accounts of the Fund or other extract from the records of the Fund shall, when certified by the Managing Director or any other officer of the Board nominated by the Board in that behalf by writing under the seat of the Board, be received in all courts as primaries evidence of the truth of the contents thereof and, as the case may be, of the debt due to the Fund by any person.

CHAPTER XIII

MISCELLANEOUS PROVISIONS

107. Properties, Rights, Debts and other Obligations

(1) The Fund shall take over all:

- (a) possessions of the Corporation such as previous offices of the Social Insurance of Sudan.
- (b) debts and Obligations demanded from the Fund.
- (c) subscription of employees who are insured.

(2) The evaluation of properties, rights debts and obligations that are inherited by the Fund, the value is to be indicated in the file.

108. Confidentiality

To protect the confidentiality of activities of the Fund, the Deputy Chairperson, members of the Board and support staff of the Fund, shall not expose or publish any information about the Fund without prior written authorization by the chairperson of the Board of Trustees.

109. Regulations

The Minister shall upon recommendation of the Board issue regulations for the effective and efficient implementation of the provisions of this Act.

Schedule I

Distribution of Pension to the Beneficiaries

Beneficiary	Widow or widower	Parent	Brothers and Sisters	Sons and Daughters	Rates %
Widow or widower	100%	-----	-----	-----	100%
Widow or widower or sons and daughters	50%	-----	-----	50%	100%
Widow or widower and parents	50%	50%	-----	-----	100%
Widow, widower, parents, Sons and daughters	30%	30%	-----	40%	100%
Sons and daughters	-----	-----	-----	100%	100%
Sons and daughters, parent	-----	30%	-----	70%	100%
Brothers and sisters	-----	-----	100%	-----	100%
Brothers and sisters Widow or widower	75%	-----	25%	-----	100%
Brothers, sisters and parents	-----	75%	25%	-----	100%

Schedule II

EVALUATION OF DEGREE OF INCAPACITY AND OCCUPATIONAL DISEASES

Table No. 1: Evaluation of Degree of Incapacity in case of losing a Limb

S/No.	Incapacity due to injury	Degree of incapacity
1.	Losing one leg one hand	100%
2.	Losing both limbs	100%
3.	Losing both legs	100%
4.	Losing one leg one hand	100%
5.	Psychotic	100%
6.	Losing one shoulder to the armpit	80%
7.	Losing right shoulder above armpit	75%
8.	Losing right shoulder below armpit	65%
9.	Losing left arm to shoulder	70%
10.	Losing left arm above armpit	65%
11.	Losing left arm under armpit	55%
12.	Losing one of the legs above the soles	65%
13.	Losing one of the legs under the sole	55%
14.	Completely losing audio	60%
15.	Losing one single eye	35%

S/No.	Incapacity due to injury	Degree of incapacity	
		Left	Right
16	Severance of thumb	25%	30%
17	Severance of Middle finger and little finger	15%	18%
18	Severance of index	15%	18%
19	Severance of Terminal and middle	10%	12%
20	Severance of the middle	8%	10%
21	Severance of the right arm	8%	10%

22	Severance of the left arm	60%	
23	Severance of the leg	50%	
24	Severance of the leg	35%	
25	Severance of the toes	30%	
26	Severance of a toe	10%	
27	Severance of the big toe and the bone of its metatarsus	10%	

In the evaluation degrees of incapacity, the following situation shall be considered:

- (1) the injury healed completely without leaving any complications to the rest of the body.
- (2) the degree of incapacity increases due to these complications.
- (3) in the event of the presence of complications in the case of severance, the case shall be explained in full for the cause of incapacity in the medical report as well as the degree of injury on the movement about natural norms.
- (4) in the event of finding complications due to measles, the place shall be determined and the increase, ebb of the measles and type.
- (5) if the injured is demobilized and degree of incapacitation the higher part of the left side of some degree dedicated to this degree of the left side.
- (6) if any side of the limbs show above prove complete incapacity and is unable to carry out its duties, the member shall be considered amongst the lost.
- (7) in case the capacity is partial its incapacity shall be compared to the member which was unable to conduct its duties; and
- (8) if the injury is a complete or partial lost from any part of the body and it had been valued as a complete within the bounds of the decided percentage, it shall stay so.

Table No. 2: Occupational Diseases

Type of Disease	
1. Poisoning by copper and its complications	Any work that necessitates the usage of copper or its distribution or its compounds or the materials consisting of it. This includes materials Consisting – whether old aluminium or zinc. The iron raw garbage in the industrial linens such as the manufacturing of copper boats and the usage of copper ports. Preparation or usage of colours, which contain copper and so forth. As well as any work, this necessitates the compensation for dust or vapor of copper or its compounds or the materials containing it.
2. Poisoning by mercury and its complications	Any work that necessitate the usage and circulation of mercury or the materials which it contains or any work which may necessitate explosive to mercury compounds are made and the preparation of raw materials in the

	making of gold and the making of gold and explosives which are mercury.
3. Poisoning by Zernike and its complications	Any work that involves Zernike or its compounds or distribution or the materials it may contain and any work that may necessitate exposure to its dust vapor or its compounds and the materials contained. They are: The operations in which Zernike is born or its Compounds or the operation to mine or produce Zernike to its compounds.
4. Poisoning by the Antimony and its complications	Any work that necessitate the usage of circulation of antimony or its compounds and the materials containing it and any work exposing the person to antimony dust or vapor or its compounds or the materials containing it.
5. Poisoning by phosphorous and its complications	Any work involving the usage of phosphor, its circulation and compounds or the materials it contains or any work involving exposure to phosphor dust and its vapour or compounds and the materials it contains.
6. Poisoning by petroleum or its Ozone compounds and its extractions and complications of such poisoning	Any work that necessitate or circulation of such materials and any work that necessitate exposure to its dust and vapour
7. Poisoning by manganese and its complications	Each science needs the usage of manganese or its compounds or the materials that contain it. And work necessitates exposure to its dust and vapor or its compounds or the materials contained. This includes: The work to extricate manganese or its preparation in compounds and its milling and package.
8. Poisoning by sulfuric and its complications	Any work that necessitates the usage of sulfuric, its circulation or its compounds and the materials contained. As well as any work where a person is exposed to its dust or vapor or compounds or the material containing it which include exposure to its gaseous compounds and non-gaseous.
9. Infected with chrome and what is causes in ulcer and its complications	Any work necessitates the preparation or causes the usage or circulation of chrome or chromite acid or bio-chromite of sodium or potassium or zinc or any other material containing it.
10. Infection with the nickel and the result of	Any work necessitates the preparation or circulation of nickel or its compounds or any material containing nickel

complications and ulcer	or its compound. This includes; exposure to components gas and nickel
11. Poisoning by petroleum or its gases, extractions and complications	Any work that necessitates the usage of petroleum, gases and extractions as well as any work that necessitates exposure to these hard materials or gaseous or X-ray
12. Pathological diseases which comes out of radium or materials which have x-ray activities or x-ray	Any work that necessitates exposure to radium or any other materials with active radio rays or x-rays
13. First skin cancer and the inflammation and ulcers of skins, eyes that are prolonged	Any work that necessitate to be exposed to drops or asphalt or ptyalin or mineral oils which includes paraffin or fleur or any other compounds or productions or the residues of such material liquid or solid or gaseous. Any work that required repeated exposure to rays or radios coming from glass or protected minerals or exposure to a strong light or strong temperature which could lead to eyes sore or eye defect.
14. Dust respiratory diseases which are caused by: 1. Asbestos dust 2. Wireless dust 3. Cotton dust 4. Sugar cane dust	Any work that necessitates respiratory dust which brings silica by 0% working in the mines or under the stones or their milling or in the making of tone states or shining mines with sand or any other work needing the same exposure to dust of Asbestos, cotton dust or sugar cane dust to the extent of causing these diseases.
15. The Anthrax	Any work that needs to be contacted with animals that are infected with this disease or is in contact with it either through its skin and other parts such as its hoofs, horns and hair. This includes cargo transportation and other procedures.
16. Any other Occupational Disease that may arise	

Schedule III

COMPUTERISING AND CALCULATING DIFFERENT TYPES OF COMPENSATIONS AND PENSIONS

A. Types of Pensions Awarded in the Fund

1. Retirement Age

The retirement age pension shall be calculated as follows:

The retirement age pension = $(1/50 \times \text{Number of subscription's months}/12 \times \text{average salary for the last three years})$. The maximum limit is 80% and with a minimum of 40% of the average salary for the last three years.

2. Voluntary Retirement

Voluntary retirement pension shall be calculated as follows:

The voluntary retirement Pension = $(1/50 \times \text{Number of subscriptions months}/12 \times \text{average salary for the last three years})$. The maximum limit is 80% of the average salary for the last three years.

3. Natural Death

Natural death pension shall be calculated as follows:

Natural Death Pension = $(50\% \times \text{the average salary for the last three years})$.
Or be calculated as retirement pension whichever of them is higher shall be paid.

4. Accidental Death

Accidental death pension shall be calculated as follows:

Accidental Death Pension = $(\text{The average salary for the last three years} \times 80\% \text{ from the time of incident})$

5. Pension of Permanent Disability of Work Injury

Pension of permanent disability of work injury shall be calculated as follows:

The average salary for the last three years \times 80% from the time of confirming the incident.

6. Pension of Occupational Disease

Pension of occupational disease shall be calculated as follows:

$(50\% \times \text{the average salary for the last three years})$; or be calculated as retirement pension whichever is higher shall be paid.

7. Partial Disability at Work Place

Pension of Partial disability of work injury shall be calculated as follows:
(80% × the average salary for the last three years × 15months) from the time of confirming the incident.

B. Types of Compensations

1. Retirement Age

Retirement age compensation shall be calculated as follows:

Retirement age compensation = (Total contributions × 23/25);

2. Age Compensation upon dismissal or resignation

Compensation upon dismissal or resignation shall be calculated as follows:

Compensation upon Dismissal or Resignation = (Total contributions × 23/25 × 90%).

3. Compensation or lump sum payment due to the death

Compensation or lump sum payment due to the death of pensioner shall be calculated as follows:

Compensation of death cases = (The average of the monthly contributions for the last three years × forty-two months).

4. Compensation of old age

Compensation of old age shall be calculated as follows:

Compensation of old age pension = (The Value of old age pension before the death × forty-two months).

5. Compensation of Voluntary Retirement

Compensation of voluntary retirement shall be calculated as follows:

(The Value of voluntary retirement pension before the death × forty-two months)

6. Compensation of Natural Death Pension

Compensation for voluntary retirement pension shall be calculated as follows:

(The Value of pension before the death × forty-two months).

7. Compensation of Accidental Death Pension

Compensation for accidental death shall be calculated as follows:

(The Value of accidental death pension before the death × forty-two months)

8. Compensation of the Permanent Disability Pension

Compensation for permanent disability shall be calculated in this manner:

(The Value of permanent disability pension before the death × forty-two months).

9. Compensation of the occupation disease pension

Compensation of occupation disease shall be calculated in this manner:
(The Value of the occupation disease pension before the death \times forty-two months).

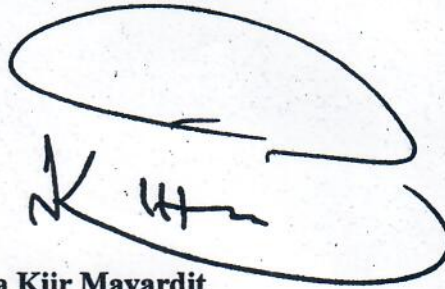
10. Compensation of partial disability pension of work injury

Compensation for partial disability pension shall be calculated as follows:
(The pension of partial disability after the death is required to be adjusted again as death pension \times forty-two months).

Assent of the President

In accordance with the provisions of Article 85(1) of the Transitional Constitution of the Republic of South Sudan, 2011 (as amended), I, Salva Kiir Mayardit, President of the Republic of South Sudan, hereby assent to the National Social Insurance Fund Act, 2023 and sign it into Law.

Signed under my hand in Juba this 21st day of the Month of DEC.....in the Year, 2023

A handwritten signature in black ink, consisting of a large, stylized 'K' followed by 'iir' and 'Mayardit' in a cursive script. The signature is enclosed within a large, hand-drawn oval.

**Salva Kiir Mayardit
President
Republic of South Sudan
Juba**