

PART X1-OFFENCES, PENALTIES AND PROCEEDINGS

Offences and penalties

- 49.-(1) If any person-
- (a) for any purpose connected with this Act-
 - (i) knowingly makes any false statement; or
 - (ii) produces or furnishes or causes or knowingly allows to be produced or furnished any document which he knows to be false in a material particular;
 - (b) fails to pay to the Fund in any month any amount which, under the provisions of subsection (1) of Section 13, he is liable to pay in that month;
 - (c) obstructs any officer or servant of the Board in the discharge of his functions as such;
 - (d) (Repealed by Act 34 of 1998);
 - (e) (Repealed by Act 34 of 1998);
 - (f) fails to pay to the Board, within such period as may be prescribed, any surcharge which he is liable to pay under the provisions of Section 14 or subsection (10) of Section 38; (Amended by Act 15 of 1995.)
 - (g) being or ever having been a member, officer, servant or agent of the Board directly or indirectly communicates or reveals to any person any matter relating to the business of the Board which shall have become known to him in his capacity as member, officer, servant or agent, except as may be required for the due discharge of his duties as such member, officer, servant or agent or as may be permitted by the Board;
 - (h) procures any member, officer, servant or agent of the Board or any person who had ever been such member, officer, servant or agent to communicate or reveal any such matter as is set out in paragraph (g);
 - (i) (Repealed by Act 34 of 1998);
 - (j) fails to pay any contribution or surcharge which he is required to pay under the provisions of Section 47;
 - (k) fails to produce at the time specified, any document required to be produced by notice in writing under the provisions of paragraph (c) of Section 61,
he shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding \$500 or to imprisonment for a term not exceeding 1 year or to both such fine and imprisonment.
(Amended by Ordinance 13 of 1967, S. 3; 63 of 1968, S. 5; Act 1 of 1970, S. 9; 21 of 1974, S. 4.)
- (2) If any person-
- (a) makes, in respect of any contributions, any deductions in any manner other than by deduction from the wages in respect of which such contributions are calculated or at time other than the time at which such wages are payable;
 - (b) deducts from the wages of any employee any sum greater than that permitted to be recovered under the provisions of this Act; or
 - (c) having made any deductions, fails to pay to the Fund in the months in which they are due the contributions in respect of which such deductions have been made,
he shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 2 years or to both such fine and imprisonment.
(Substituted by Act 1 of 1976, S. 6.)
- (3) Notwithstanding the provisions of any other Act, proceedings may be taken for any offence under this Act within 3 years of the date of commission of such offence.

Notice of unpaid contributions

50. If notice of intention so to do is served by the prosecuting officer upon the defendant, evidence may be given, at any trial for an offence under the provisions of paragraph
- (b) of subsection (1) or of subsection (2) of Section 49, of other contributions unpaid at the date of the service of the summons upon the defendant, in respect of other employees, in the form of a certificate under the hand of the General Manager or of any officer, servant or agent of the Board authorised in writing for the purpose by the General Manager and, if the defendant is convicted of such offence, the court by which he is so convicted shall, without prejudice to any right under the provisions of Section 56, order the defendant to pay to the Fund the amount of such unpaid contributions, together with any contribution unpaid at the date of trial in respect of the charge upon which the defendant has been convicted, and the provisions of the Penal Code relating to fines shall apply to any such contributions or any portion thereof so ordered to be paid. (Cap.17.)
(Amended by Ordinance 63 of 1968, S. 6; 41 of 1969, S. 7; Act 9 of 1973, S. S; 21 of 1974, S. S; 15 of 1995; Act 34 of 1998.)