



FORMAL ORDER

IN THE SUPREME COURT OF JUDICATURE OF JAMAICA

IN THE COMMERCIAL DIVISION

CLAIM NO. SU2023CD 00141

IN THE MATTER of Section 58 of the Pensions (Superannuation Funds and Retirement Schemes) Act, 2004.

AND

IN THE MATTER of Regulation 7(1)(o)(ii) of the Pensions (Superannuation Funds and Retirement Schemes) (Governance) Regulations, 2006.

AND

IN THE MATTER of the superannuation funds of Jamaica Mutual Life Assurance Society and Jamaica Mutual Properties Limited.

IN CHAMBERS

VIA VIDEOCONFERENCE

ON JULY 9, 2023

BEFORE THE HONOURABLE MRS JUSTICE S. WINT BLAIR

UPON THE ADJOURNED FIRST HEARING of the Fixed Date Claim Form filed April 18, 2023 coming on for hearing on this day and after hearing Kevin Powell and Mikhail Williams instructed by Hylton Powell, Attorneys-at-Law for the Applicants, Nerine Small and Racquel Hewitt instructed by the Director of State Proceedings, Attorneys-at-Law for the Attorney General, Melissa White, Attorney-at-Law for the Administrator General's Department, and Francooona

Tavares and Aneisha Brown Dixon, Attorneys-at-Law for the Financial Services Commission, and Errol Campbell present and representing the Applicants,

IT IS HEREBY ORDERED AND DECLARED THAT:

1. The Applicants are permitted to pay to the Accountant General such sums representing the moneys and benefits remaining due (“the Unclaimed Moneys”) to the beneficiaries under the pension schemes of Jamaica Mutual Life Assurance Society and Jamaica Mutual Properties Limited who have not claimed the Unclaimed Moneys (“the Beneficiaries”) upon completing the following:
 - a. the publication of advertisements for the Beneficiaries in editions of the Gleaner and the Observer at least twice monthly for three consecutive months;
 - b. the broadcast of an advertisement on at least one radio station with national coverage weekly for three consecutive months informing the Beneficiaries to contact Guardian Life Limited to recover the Unclaimed Moneys; and
 - c. the posting of a notice for three consecutive months on the Ministry of Finance and Public Service’s website and social media pages and Guardian Life Limited’s Instagram page, informing the Beneficiaries to contact Guardian Life Limited to recover the Unclaimed Moneys.

2. The sums paid to the Accountant General in compliance with paragraph 1 of this Order shall be for the respective benefit of the Beneficiaries as at the date of the payment to the Accountant General.
3. Compliance with the terms of paragraph 1 of this Order shall be deemed to be compliance with Regulation 7(1)(o)(ii) of the Pensions (Superannuation Funds and Retirement Schemes) (Governance) Regulations, 2006.
4. Liberty to apply.
5. No order as to costs.
6. This formal order is to be prepared, filed and served by the Applicants' Attorneys-at-Law on the Administrator General's Department, the Attorney General's Chambers and the Financial Services Commission and posted on the website of the Ministry of Finance and Public Service and published in at least one edition of the Sunday Gleaner and the Sunday Observer.

BY THE COURT



JUDGE

FILED by **HYLTON POWELL**, 11A Oxford Road, Kingston 5 in the parish of Saint Andrew, Attorneys-at-Law for the Applicants whose address for service is that of their said Attorneys-at-Law (Attention: Mr Mikhail H. R. Williams, Attorney No. 5248). Telephone: 926-1672. Email: mwilliams@hyltonpowell.com