

PARLIAMENT OF CEYLON

5th Session 1969-70



Widows' and Orphans' Pension Scheme (Armed Forces) Act, No. 18 of 1970

Date of Assent : March 24, 1970

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*Widows' and Orphans' Pension Scheme
(Armed Forces) Act, No. 18 of 1970*

L. D.—O. 32/69.

AN ACT TO ESTABLISH AND MAINTAIN A SCHEME FOR THE GRANT OF PENSIONS TO WIDOWS AND CHILDREN OF DECEASED MEMBERS OF THE ARMED FORCES AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

[Date of Assent: March 24, 1970]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Widows' and Orphans' Pension Scheme (Armed Forces) Act, No. 18 of 1970.

Short title.

2. There may be established, in accordance with the regulations, a Widows' and Orphans' Pension Scheme for the grant of pensions to the widows and orphans of deceased members of the armed forces who have been, or are deemed to have been, contributors to such Pension Scheme.

Establishment
of Widows'
and Orphans'
Pension Scheme.

3. (1) Any person who became a member of the armed forces on or before September 30, 1968, and who continues to be such member after that date may before the prescribed date elect to be a contributor to the Pension Scheme:

Contributors
to the Pension
Scheme.

Provided that where such person dies before the prescribed date and without making an election under the preceding provisions of this sub-section, he shall, if he leaves a wife or child or a wife and child or a wife and children, be deemed to have elected to be a contributor to the Pension Scheme.

(2) Any person who has become or becomes a member of the armed forces on or after October 1, 1968, shall be a contributor to the Pension Scheme.

(3) An election made under sub-section (1) shall be final.

4. (1) Regulations may be made—

(a) providing for the establishment, regulation, administration and management of the Pension Scheme;

Regulations
for the Pension
Scheme.

2 *Widows' and Orphans' Pension Scheme*
(Armed Forces) Act, No. 18 of 1970

- (b) prescribing the conditions and circumstances in which, and the restrictions subject to which, the widows and children of deceased contributors will be eligible for the grant of pensions;
- (c) fixing the contributions to be made to the Pension Scheme by contributors;
- (d) authorizing the deduction of contributions from the pay and allowances of, or from other moneys due to or in respect of, contributors and prescribing the procedure for making such deductions;
- (e) authorizing the payment into the Consolidated Fund of contributions made to the Pension Scheme by contributors;
- (f) prescribing the circumstances in which, and the conditions subject to which the contributions made to the Pension Scheme by a contributor may be refunded and providing for the payment of interest on contributions so refunded;
- (g) prescribing the mode of calculating the pensions payable to the widows and children of deceased contributors;
- (h) in respect of all matters incidental to or connected with the Pension Scheme for which no express provision is made in this Act.

(2) Without prejudice to the generality of the provisions of sub-section (1), regulations made under that sub-section in respect of any matter may make provision similar to that made in respect of the same matter in the Widows' and Orphans' Pension Fund Ordinance.

Cap. 431.

Pensions, &c.,
to be a charge
on the
Consolidated
Fund.

5. All pensions, refunds and interest on refunds payable under this Act shall be a charge on the Consolidated Fund.

Contributions,
&c., not to be
assigned or
attached.

6. Any contribution, pension, refund, or interest on a refund payable under this Act shall not be assignable or transferable or liable to be attached, or sequestered or levied upon, in execution of any decree or order of court, for or in respect of any debt or claim whatsoever.

7. (1) The Minister of Finance may make regulations in respect of all matters for which regulations are authorized to be made under this Act.

Minister of
Finance to make
regulations.

(2) Every regulation made by the Minister under sub-section (1) shall be published in the *Gazette* and shall come into operation on the date specified in that behalf in the regulation or, if no date is so specified, on the date on which it is so published.

(3) Regulations made by the Minister under sub-section (1) authorizing the deduction of contributions to the Pension Scheme from the pay and allowances of, or from other moneys due to or in respect of, contributors and prescribing the procedure for making such deductions shall have effect notwithstanding anything to the contrary in any other written law.

(4) Every regulation made by the Minister under sub-section (1) shall, as soon as practicable, be brought before the Senate and the House of Representatives by a motion that such regulation shall be approved.

(5) Any regulation which the Senate or the House of Representatives refuses to approve shall be deemed to be rescinded but without prejudice to the validity of anything previously done thereunder. The date on which a regulation shall be so deemed to be rescinded shall be the date on which the Senate or the House of Representatives refuses to approve.

(6) Notification of the date on which any regulation made by the Minister under sub-section (1) is deemed to be rescinded shall be published in the *Gazette*.

8. In this Act, unless the context otherwise requires—

Interpretation.

“ contributor ” means a member of the armed forces who is, or is deemed to have been, a contributor to the Pension Scheme;

“ member of the armed forces ” means any person—

(a) who, being a male, is an officer or soldier of the Regular Force of the Army, or

(b) who, being a male, is an officer or seaman of the Regular Naval Force of the Royal Ceylon Navy, or

(c) who, being a male, is an officer or airman of the Regular Air Force of the Royal Ceylon Air Force,

but does not include—

Cap. 357.

(i) any such officer or soldier of the Regular Reserve, Volunteer Force or Volunteer Reserve as is deemed to be an officer or a soldier of the Regular Force under sub-section (3) of section 3 of the Army Act, or

Cap. 358.

(ii) any such officer or seaman of the Regular Naval Reserve, Volunteer Naval Force or Volunteer Naval Reserve as is deemed to be an officer or a seaman of the Regular Naval Force under sub-section (3) of section 3 of the Navy Act, or

Cap. 359.

(iii) any such officer or airman of the Regular Air Force Reserve, Volunteer Air Force or Volunteer Air Force Reserve as is deemed to be an officer or airman of the Regular Air Force under sub-section (3) of section 3 of the Air Force Act;

“ Pension Scheme ” means the Widows' and Orphans' Pensions Scheme established under this Act;

“ prescribed ” means prescribed by regulation;

“ regulation ” means a regulation made by the Minister of Finance under this Act.

Retrospective
effect of certain
provisions of
this Act.

9. The provisions of section 2, section 4 and section 7 and the other provisions of this Act in their application to the Pensions Scheme shall have effect and be deemed to have had effect from the first day of October, 1968, and accordingly any regulation made under this Act in respect of such Scheme may be declared to be effective from that date or any subsequent date.