

PARLIAMENT OF CEYLON

1st Session 1956-57



Widows' and Orphans' Pension Fund (Amendment) Act, No. 1 of 1957

Date of Assent : January 24, 1957.

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AN ACT TO AMEND THE WIDOWS' AND ORPHANS' PENSION FUND ORDINANCE.

Chapter 296.
(Vol. VI.,
page 343).

[Date of Assent: January 24, 1957]

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 Fund (Amendment) Act, No. 1 of 1957.

Short title.

2. Section 11 of the Widows' and Orphans' Pension Fund Ordinance (hereinafter referred to as the "principal enactment") is hereby amended as follows:—

Amendment of
section 11 of
Chapter 296.

(a) by the renumbering of that section as sub-section (1) of section 11; and

(b) by the addition, at the end of that section, of the following sub-section:—

"(2) Where a contributor to the Fund is a pensioner, he shall, whenever his pension is revised, have the right to make an election under sub-section (1), whether or not he has previously made an election under that sub-section."

3. Section 12 of the principal enactment is hereby amended as follows:—

Amendment of
section 12 of
the principal
enactment.

(1) by the renumbering of that section as sub-section (1) of section 12;

(2) in sub-section (1) of that section as renumbered, by the substitution, for all the words from "must make his election" to the end of that sub-section, of the following:—

"shall make his election,—

(a) if the election is in consequence of the reduction of his salary by abatement of the ordinary emoluments, within six months after the date of the notification to him of such reduction, or

(b) if the election is in consequence of his retirement on pension, within six months after the date of such retirement or the date of the notification to him of his pension, whichever date is later,

and such election shall be final.'';

- (3) by the addition, at the end of that section, of the following sub-section:—

“(2) An election by any person under sub-section (2) of section 11 shall be made within six months after the date of the notification to him of his revised pension, and such election shall be final.”; and

- (4) by the substitution, for the marginal note of that section, of the following marginal note:—

“Time within which election under section 11 should be made.”.

Insertion of new section 12A in the principal enactment.

4. The following new section is hereby inserted immediately after section 12, and shall have effect as section 12A, of the principal enactment:—

“Computation of contributions in certain cases.

12A. (1) Where a public officer whose salary is reduced by abatement of his ordinary emoluments—

(a) dies within the period for making an election under sub-section (1) of section 11 without having made such election, or

(b) dies before the notification to him of such reduction,

the contributions payable by him under this Ordinance on and after the date of such reduction shall be computed upon his salary on the date immediately prior to the date of such reduction.

(2) Where a public officer who has retired on pension—

(a) dies before the notification to him of his pension, or

- (b) dies within the period for making an election under subsection (1) of section 11 without having made such election, or
- (c) dies after the revision of his pension and within the period for making an election under sub-section (2) of section 11 without having made such election, or
- (d) dies after the revision of his pension but before the notification to him of his revised pension,

the contributions payable by him under this Ordinance on and after the date of his retirement shall be computed upon his salary on the date immediately prior to the date of his retirement.”

5. Section 21 of the principal enactment is hereby amended by the substitution, for the words “have been fully discharged.”, of the following:—

Amendment of
section 21 of
the principal
enactment.

“ have been fully discharged:

Provided, however, that where the Directors are satisfied that the discharge of any debt due to the Fund by any public officer cannot be proved on account of the loss of any record of that officer's contributions to the Fund, they may authorise the award and payment of such pension to the widow or any orphan of that officer as would have become due and payable to that widow or orphan had every debt due to the Fund by that officer been fully discharged.”.