



**PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA**

**PARLIAMENTARY PENSIONS
(AMENDMENT)
ACT, No. 47 OF 1990**

[Certified on 19th December, 1990]

Printed on the Orders of Government

**Published as a Supplement to Part II of the Gazette of the Democratic
Socialist Republic of Sri Lanka of December 21, 1990**

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA

TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO

Price : 60 cents.

Postage : Re. 1.00

Parliamentary Pensions (Amendment)
Act, No. 47 of 1990

[Certified on 19th December, 1990]

L.D.—O. 38/89

AN ACT TO AMEND THE PARLIAMENTARY PENSIONS LAW,
No. 1 of 1977

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:—

1. This Act may be cited as the Parliamentary Pensions (Amendment) Act, No. 47 of 1990.

Short
title.

2. The long title to the Parliamentary Pensions Law, No. 1 of 1977 (hereinafter referred to as the "principal enactment") is hereby amended by the substitution, for the words "A PENSION SCHEME FOR MEMBERS WHO HAVE SERVED THE LEGISLATURE FOR A CERTAIN PERIOD AND THEIR WIDOWS AND", of the words "A PENSION SCHEME FOR MEMBERS WHO HAVE SERVED THE LEGISLATURE FOR A CERTAIN PERIOD AND THEIR WIDOWS AND CHILDREN AND".

Amendment
of long
title of
Law No. 1
of 1977.

3. Section 2 of the principal enactment is hereby amended by the substitution, for the words "persons who have ceased to be Members of the Legislature and the widows of such persons.", of the words "persons who have ceased to be Members of the Legislature and the widows and children of such persons."

Amendment
of section
2 of the
principal
enactment.

4. Section 3 of the principal enactment is hereby amended by the substitution, for all the words from "at the time of coming into operation of this Law," to the end of that section, of the words "at the time of coming into operation of this Law, and the widow and children of such persons, shall subject as hereinafter provided, be entitled to a pension under this Law."

Amendment
of section
3 of the
principal
enactment.

5. Section 4 of the principal enactment is hereby amended by the repeal of subsection (2) of that section and substitution of the following subsection therefor:—

Amendment
of section
4 of the
principal
enactment

"(2) Any person who, during his period of service as a Member of the Legislature, has held any one or more of the offices set out in the Schedule to this Act, for a minimum period of five years in the aggregate, shall—

(a) If he has held only one such office or more than one such office, the salaries payable to the holders of which are equal, he shall be entitled to monthly

payment of a pension amounting to one-third of the basic salary currently payable to the holder of such office; or

- (4) if he has held more than one such office, and the salary payable to the holder of one such office is higher than the salary payable to the holder or holders of the other such office or offices, he shall be entitled to a monthly payment of a pension amounting to one third of the basic salary currently payable to the holder of the highest paid of such offices, and

be entitled to a maximum of two-thirds of such basic salary, if he has held one or more of such offices for an aggregate period of fifteen years or more:

Provided that any person who, during his period of service as a Member of the Legislature has held any one or more of the offices set out in the Schedule to this Act for an aggregate period of more than five years but less than fifteen years, shall receive a monthly proportionate pension determined in accordance with a table of payment prepared by the Speaker with the concurrence of the Minister in charge of the subject of Finance."

Amendment
of section
6 of the
principal
enactment.

6. Section 6 of the principal enactment is hereby amended by the substitution, for the words "under this Law, not being a person who is in receipt of such pension by virtue of her being the widow of a Member of the Legislature", of the words "under this Law, not being a person who is in receipt of such pension by virtue of that person being the widow or the child of a Member of the Legislature".

Replacement
of section 7A
in the
principal
enactment.

7. Section 7A of the principal enactment is hereby repealed and the following section substituted therefor:—

"Payment
of pension
to widows
and
children of
Members
of the
Legislature.

7A. (1) On the death of a Member of the Legislature who is entitled to a pension under this Law, the widow of such member, or where the spouse of such member has predeceased him, the children of such member shall receive such pension. Such pension shall be an amount equal to the amount payable to such Member as pension at the time of his death.

(2) The pension payable under subsection (1) to the children of a Member of the Legislature shall—

- (a) if there is only one child of such Member entitled to such pension, be paid in its entirety to such child;
- (b) if there is more than one child of such Member entitled to such pension, be apportioned among them in equal shares.

(3) For the purpose of subsection (1), any person who has served as a Member of the Legislature for a period of less than five years in the aggregate and whose death is certified by the Attorney-General on material furnished to him, to have been caused by an act which would in his opinion constitute an offence under the Prevention of Terrorism (Temporary Provisions) Act, No. 48 of 1979 shall be deemed to have served as a Member of the Legislature for a minimum period of five years and entitled to a pension under this Law at the time of his death.

(4) The pension payable under subsection (1)—

- (a) to the widow or spouse of a Member of the Legislature, shall cease upon the death or remarriage of such widow or spouse whichever occurs earlier; and
- (b) to the child of a Member of the Legislature, shall cease upon such child attaining the age of twenty-one years or upon his marriage whichever occurs earlier.

(5) On the death or remarriage of the widow or spouse of a Member of the Legislature entitled to a pension under this Law, the children of such Member shall be entitled to receive a pension of an amount equal to the amount of the pension, payable under

this Law, to such widow or spouse at the time of her or his death or remarriage. The Pension payable under this subsection to the children of a Member of the Legislature shall—

(a) if there is only one child of such Member entitled to such pension, be paid in its entirety to such child ;

(b) if there is more than one child of such Member entitled to such pension, be apportioned among them in equal shares.

(6) Subject to the provisions of subsection (5), the pension payable under subsection (5) to a child of a Member of the Legislature shall cease upon such child attaining the age of twenty-one years or upon his marriage, whichever occurs earlier.

(7) Notwithstanding the preceding provisions of this section, where a Medical Board comprising three medical officers appointed by the Director of Health Services determines that a child, who is entitled to receive a pension under subsection (1) or subsection (5), suffers from such physical or mental disability as renders him incapable of earning his livelihood, such child shall be entitled to receive such pension, calculated in the manner referred to in subsection (1) or subsection (5), during his life time.

(8) For the avoidance of doubt it is hereby declared that a child legally adopted by a Member of the Legislature shall be treated as a child of that member for all purposes of this law."

Amendment
of section
13 of the
principal
enactment.

8. Section 13 of the principal enactment is hereby amended by the repeal of paragraph (e) of the definition of "Member of the Legislature", and the substitution therefor of the following paragraph :—

" (e) Elected as a Member of the Parliament established under the Constitution of the Democratic Socialist

Republic of Sri Lanka 1978, and includes a member nominated under Article 99A of that Constitution ; and”.

9. (1) Where the widow of a Member of the Legislature who was in receipt of a pension under the principal enactment is deceased or remarried on the date of commencement of this Act, then, any child of such Member shall, with effect from such date, be entitled to receive a pension of an amount equal to the pension paid to such widow at the time of her death or remarriage. The sum payable under this section to the children of a Member of the Legislature shall—

Payment of pension to children where widow is deceased or remarried on date of commencement of this Act.

(a) if there is only one child of such Member entitled to such pension, be paid in its entirety to such child ;

(b) if there is more than one child of such Member entitled to such pension, be apportioned among them in equal shares.

(2) The provisions of subsection (5), (6) and (7) of section 7A of the principal enactment shall, *mutatis mutandis*, apply to and in relation to a pension payable under this section.

(3) The child of a Member of the Legislature, being a Member who would have been entitled to receive a pension under the principal enactment had he been alive at the time of the coming into operation of the principal enactment and whose widow would have been entitled to receive a pension under the principal enactment had she been alive on January 1, 1982, shall with effect from the date of commencement of this Act, be entitled to receive a pension equal to the pension as would have been paid to such Member under the principal enactment. The provisions of subsections (5), (6), (7) and (8) of section 7A of the principal enactment, shall, *mutatis mutandis*, apply to, and in relation to a pension payable under this subsection.

10. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

Sinhala text to prevail in case of inconsistency.

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