

PARLIAMENT OF CEYLON

1st Session 1960-61



Public Service Provident Fund (Amendment) Act, No. 52 of 1961

Date of Assent: June 19, 1961

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*Public Service Provident Fund (Amendment)
Act, No. 52 of 1961*

L. D.—O. 28/58.

AN ACT TO AMEND THE PUBLIC SERVICE PROVIDENT FUND ORDINANCE, NO. 18 OF 1942, AND TO VALIDATE CONTRIBUTIONS MADE TO THE PUBLIC SERVICE PROVIDENT FUND BY THOSE NON-PENSIONABLE EMPLOYEES OF THE GOVERNMENT WHOSE POSTS OR OFFICES WERE NOT SPECIFIED OR DESCRIBED IN THE SCHEDULE TO THAT ORDINANCE DUE TO INADVERTENCE.

[Date of Assent: June 19, 1961]

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 Public Service Provident Fund (Amendment) Act, No. 52 of 1961.

Short title.

2. Section 2 of the Public Service Provident Fund Ordinance, No. 18 of 1942 (hereinafter referred to as the "principal enactment") is hereby amended, in sub-section (1) of that section, by the substitution, for all the words from "those non-pensionable employees" to the end of that sub-section, of the following:—

Amendment of section 2 of Ordinance No. 18 of 1942.

'every non-pensionable employee in the service of the Government whose salary is payable at a monthly rate. Such employee is hereafter in this Ordinance referred to as a "non-pensionable employee".'

3. Section 4 of the principal enactment is hereby amended by the substitution, for the words "scheduled employee", wherever those words occur in that section, of the words "non-pensionable employee".

Amendment of section 4 of the principal enactment.

4. Section 5 of the principal enactment is hereby amended by the substitution, for the words "scheduled employee", of the words "non-pensionable employee".

Amendment of section 5 of the principal enactment.

5. Section 5A of the principal enactment (inserted by Ordinance No. 23 of 1947) is hereby repealed.

Repeal of section 5A of the principal enactment.

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Amendment of
section 12 of
the principal
enactment.

6. Section 12 of the principal enactment is hereby amended, in sub-section (1) of that section, as follows:—

- (a) by the substitution, for the words “ scheduled post ”, of the words “ non-pensionable post ”;
- (b) by the substitution, for the words “ be closed. ”, of the words “ be closed: ”; and
- (c) by the addition, at the end of that sub-section, of the following proviso:—

“ Provided that where any contribution under section 4 which was due from such contributor before such date has not been paid to the Fund before such date, the interest and bonuses referred to in paragraphs (a) and (b) of this sub-section shall be credited to his account, but such account shall not be closed till such time as shall be determined by the Board in order that such contribution may be deducted from his salary and paid, or be otherwise paid, to the Fund; and if such contribution is paid to the Fund before such account is closed, the Fund shall be credited by the Deputy Secretary to the Treasury with a sum equivalent to one and a half times such contribution, and such account shall be credited with a bonus equivalent to one and a half times such contribution, and such account shall then be closed.”.

Amendment of
section 13 of
the principal
enactment.

7. Section 13 of the principal enactment (as amended by Ordinance No. 23 of 1947), is hereby amended as follows:—

- (a) by the substitution, for all the words from “ if a contributor is transferred ” to “ in any of the following circumstances, ”, of the following:—

“ if a contributor dies while in the service of the Government or leaves the service in any of the following circumstances, ”; and

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- (b) in the marginal note thereto, by the substitution, for the words "death, transfer", of the word "death".

8. Section 18 of the principal enactment (as amended by Act No. 33 of 1952), is hereby amended as follows:—

Amendment of section 18 of the principal enactment.

- (a) in sub-section (2) of that section, by the substitution, for the words "scheduled employee", wherever those words occur in that sub-section, of the words "non-pensionable employee";

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

' (3) In this section, "pensionable office in the public service" means any office in the public service which has been declared to be pensionable under the Minutes on Pensions.'; and

- (c) in the marginal note thereto, by the substitution, for the words "under Government.", of the words "in the public service."

9. The following new section is hereby inserted immediately after section 18, and shall have effect as section 18A, of the principal enactment:—

Insertion of new section 18A in the principal enactment.

Provisions relating to a contributor who becomes eligible for the grant of a pension under the School Teachers Pension Regulations.

18A. (1) Where a contributor who is an uncertificated Government Teacher becomes eligible for the grant of a pension under the School Teachers Pension Regulations published in *Gazette* No. 7,631 of February 24, 1928 (and therein referred to as "rules")—

- (a) the account of that contributor shall be closed on the day on which he becomes so eligible;

- (b) the aggregate amount of the bonuses credited by Government to the account of that contributor together with the interest accrued on such bonuses shall be paid to Government out of the Fund;

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(c) the aggregate amount of the compulsory contributions and voluntary contributions, if any, made by that contributor to the Fund together with interest accrued on such contributions shall be paid to that contributor out of the Fund; and

(d) no award under the Minutes on Pensions shall be made to that contributor in respect of any service as an uncertificated Government Teacher which is reckonable for the purposes of any pension payable under the aforesaid Regulations.

(2) In this section, "Government Teacher" means a teacher appointed by the Department of Education to a school administered under the Code of Regulations for Government Schools published in the Supplement to *Gazette* No. 7,726 of August 2, 1929.'

Repeal of
section 23 of
the principal
enactment.

10. Section 23 of the principal enactment is hereby repealed.

Amendment of
section 25 of the
principal enact-
ment.

11. Section 25 of the principal enactment is hereby amended, by the omission of the definitions of "Schedule", "scheduled employee" and "scheduled post".

Repeal of
Schedule to the
principal
enactment.

12. The Schedule to the principal enactment is hereby repealed.

Retrospective
effect.

13. The amendments made in the principal enactment by paragraphs (b) and (c) of section 6 of this Act shall be deemed to have taken effect on April 1, 1942, the amendments made in that enactment by paragraphs (b) and (c) of section 8 and by section 9 of this Act shall be deemed to have taken effect on October 1, 1954, and the amendments made in that enactment by sections 2, 3, 4, 5, 6 (a), 7, 8 (a), 10, 11 and 12 of this Act shall be deemed to have taken effect on October 1, 1957.

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14. All such contributions as have been made before October 1, 1957, to the Public Service Provident Fund established by the principal enactment by any non-pensionable employee of the Government whose post or office was not specified or described in the Schedule to that enactment shall, notwithstanding that such contributions were not required to be made to that Fund under that enactment, be deemed to have been made by such employee under and for the purposes of that enactment and accordingly such employee shall be deemed to have been a contributor to that Fund during the period in respect of which such contributions were made and to have been entitled to all the benefits from that Fund in respect of that period.

Validation of contributions made to the Public Service Provident Fund by a non-pensionable employee whose post or office was not specified or described in the Schedule to the principal enactment.