



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

**WIDOWS' AND ORPHANS' PENSION
SCHEME (ARMED FORCES) (AMENDMENT)
ACT, No. 29 OF 2009**

[Certified on 18th May, 2009]

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Widows' and Orphans' Pension Scheme
(Armed Forces) (Amendment) Act, No. 29 of 2009

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L. D. —O. 82/2006.

AN ACT TO AMEND THE WIDOWS' AND ORPHANS' PENSION SCHEME
(ARMED FORCES) ACT, NO. 18 OF 1970

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

1. This Act may be cited as the Widows' and Orphans' Pension Scheme (Armed Forces) (Amendment) Act, No. 29 of 2009.

Short title.

2. The Widows' and Orphans' Pension Scheme (Armed Forces) Act, No. 18 of 1970 (hereinafter referred to as the "principal enactment") is hereby amended by the insertion immediately after section 3A thereof, of the following new section:—

Insertion of new section 3AA in Widows' and Orphans' Pension Scheme (Armed Forces) Act, No. 18 of 1970.

"Persons to whom the provisions of sections 3, 3A and 3B shall apply.

3AA. For the purposes of sections 3, 3A and 3B of this Act, "a member of the armed forces" means any person—

- (a) who, being a male, is an officer or soldier of the Regular Force of the Sri Lanka Army; or
- (b) who, being a male is an officer or seaman of the Regular Naval Force of the Royal Ceylon Navy or Sri Lanka Navy as the case may be; or
- (c) who, being a male, is an officer or airman of the Regular Air Force of the Royal Ceylon Air Force or Sri Lanka Air Force as the case may be."

3. The following new sections are hereby inserted immediately after section 3B of the principal enactment and

Insertion of new sections 3C, 3D, 3E and 3F in the principal enactment.

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shall have effect as sections 3C, 3D, 3E and 3F of that enactment :—

“Extension of the Pension Scheme to the members of the Volunteer Force, Regular Reserve and Volunteer Reserve of the armed forces.

3C. (1) any person who became a member of the Volunteer Force of the armed forces on a date prior to the coming into operation of this section and who had retired with pension benefits or who continues to be in such Force on such date as such member, may, on making an application in that behalf before such date as the Minister may appoint by Order published in the *Gazette*, elect to be a contributor to the Pension Scheme.

(2) any person who after being retired or discharged from the Regular Force or Volunteer Force as the case may be, of the armed forces has been transferred to the Regular Reserve Force or Volunteer Reserve Force as the case may be, of the armed force before the date on which the provisions of this section comes into operation and who has been retired with pension benefits or who continues to be in such reserve as such member on such date, may, by making an application in that behalf before such date as the Minister may appoint by Order published in the *Gazette*, elect to be a contributor to the Pension Scheme.

(3) Notwithstanding the provisions of subsections (1) and (2), where a member specified in the said subsections dies before the prescribed date without making an election under either subsection (1) or subsection (2), 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 Pensions Scheme.

(4) any person who elects to become a contributor, or in the case of persons who are deemed to have elected to become contributors of the Pension Scheme, the person administering the affairs of such deceased person, shall pay to the Pension Scheme all arrears of contributions for the period commencing from the date of enlistment of such person into the respective armed force, until the date of election, retirement or death, as the case may be, with interest thereon at the rate of four *per centum* per annum.

(5) An election made under the provisions of subsections (1) or (2) above shall be final.

Extension of the Pension Scheme to the members of the armed forces who become disabled due to injuries sustained whilst performing operational duties &c.,

- 3D. (1) (a) any male officer or male soldier of the Regular Force, Regular Reserve Force, Volunteer Force or Volunteer Reserve Force of the Sri Lanka Army; or
- (b) any male officer or sailor of the Regular Force, Regular Reserve Force, Volunteer force or Volunteer Reserve Force of the Sri Lanka Navy; or
- (c) any male officer or airman of the Regular Force, Regular Reserve Force Volunteer Force or Volunteer Reserve Force of the Sri Lanka Air Force,

who becomes disabled due to injuries sustained whilst performing operational duties or any other law enforcement duties or as a result of terrorist activities and who is determined to be unfit for military service by the Medical Board

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of the Sri Lanka Army, Sri Lanka Navy or Sri Lanka Air Force as the case may be, and who is in a receipt of a pay and allowance till he reaches 55 years of age, may, by making an application in that behalf before such date as the Minister may appoint by Order published in the *Gazette*, elect to be a contributor to the Pension Scheme.

(2) where a person referred to in subsection (1) dies before the prescribed date without making an election under that subsection, he shall, if he leaves a wife or a child or a wife and child or a wife and children, be deemed to have elected to be a contributor to the Pension Scheme.

(3) The provisions of subsection (4) and (5) of section 3c shall *mutatis mutandis* apply to a person referred to in this section.

A Person who becomes a member of the armed forces after the coming into operation of this section, to be a contributor.

3E. Any person who becomes a member of the Regular Reserve Force, Volunteer Force or Volunteer Reserve Force of armed forces on or after the date on which the provisions of this section comes into operation, shall be a contributor to the Pensions Scheme from and after such date.

Definition of the member of the Regular Reserve Force &c., for the purpose of sections 3c, 3D and 3E.

3F. For the purpose of section 3c, 3D and 3E, "a member of the Regular Reserve Force, Volunteer Force or Volunteer Reserve Force of the armed forces" shall —

(a) in relation to the Sri Lanka Army, be deemed to be an officer or soldier as the case may be, of the Regular Force under subsection (3) of section 3 of the Army Act; or

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- (b) in relation to the Sri Lanka Navy, be deemed to be an officer or seaman as the case may be, of the Regular Naval Force under subsection (3) of section 3 of the Navy Act; or
- (c) in relation to the Sri Lanka Air Force, be deemed to be an officer or airman of the Regular Air Force under subsection (3) of section 3 of the Air Force Act.”.

4. Section 8 of the principal enactment is hereby repealed and the following section substituted therefor :—

Replacement of section 8 of the principal enactment.

“Interpretation. 8. In this Act unless the context otherwise requires —

“contributor” means a member of the armed forces who is or who is deemed to be a contributor under the Act and includes a member who has elected or is deemed to have elected to be a contributor under the provisions of sections 3C and 3D of the Act.”.

5. 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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