



PARLIAMENT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

WIDOWERS' AND ORPHANS' PENSION SCHEME (ARMED FORCES) ACT, No. 60 OF 1998

[Certified on 15th December, 1998]

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***Widowers' and Orphans' Pension Scheme
(Armed Forces) Act, No. 60 of 1998***

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L.D.—O.10/90

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

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

1. This Act may be cited as the Widowers' and Orphans' Pension Scheme (Armed Forces) Act, No. 60 of 1998. Short title.
2. There may be established, in accordance with the regulations, a Widowers' and Orphans' Pension Scheme (hereinafter referred to as the "pension scheme") for the grant of pensions to the widowers 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 Widowers' and Orphans' Pension Scheme.

3. (1) Any person who became a member of the armed forces on or before July 31, 1983, 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 subsection, she shall, if she leaves a husband or child or a husband and child or a husband 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 August 1, 1983, shall be a contributor to the pension scheme, from the date on which she becomes a member of the armed forces :

Provided that, where any such person has died prior to the date of commencement of this Act, she shall, if she leaves a husband or child or a husband and child or a husband and children, be deemed to be a contributor to the pension scheme.

(3) Where any person is deemed to be a contributor to the pension scheme under the proviso to subsection (1) or (2) of this section, the person administering the estate of such person shall pay to the pension scheme all arrears of contributions for the period commencing from August 1, 1983 and ending on the date of her death or the period commencing from the date on which she became a member of the armed forces and ending on the date of her death, as the case may be, with interest thereon at four *per centum* per annum.

(4) An election made under subsection (1) shall be final.

Extension of the pension scheme include members who are continuing in service, or who have retired or died.

4. (1) Notwithstanding anything in this Act, any person who became a member of the armed forces on or before July 31, 1983, and who continued to serve as such member after that date, and who has subsequently retired, may, before the prescribed date, elect to be a contributor to the pension scheme :

Provided that any person who became a member of the armed forces on or before July 31, 1983, who has continued to serve as such member after that date and who has died prior to the date of commencement of this Act, or dies before making an election under the preceding provisions of this subsection, such person shall if she leaves a husband or child, or a husband and child or a husband and children, be deemed to have elected to be a contributor to the pension scheme.

(2) Any person who elects to become a contributor under this section, or in the case of persons who are deemed to have elected to become contributors to the pension scheme under this section, the person administering the estate of such deceased person, shall pay to the pension scheme all arrears of contributions for the period commencing from August 1, 1983, until the date of election, retirement or death, as the case may be, with interest thereon at four *per centum* per annum.

(3) An election made under the provisions of subsection (1) shall be final.

5. (1) Regulations may be made—

- (a) providing for the establishment, regulation, administration and management of the pension scheme ;**
- (b) prescribing the conditions and circumstances in which, and the restrictions subject to which, the widowers and children of deceased contributors will be eligible for the grant of pensions ;**
- (c) providing for the particulars to be furnished by contributors ;**
- (d) fixing the contributions to be made to the pension scheme by contributors ;**
- (e) fixing the contributions, if any to be made to the pension scheme by the Government ;**
- (f) authorizing the deduction of contributions from the pay and allowances of, or from other moneys due or in respect of, contributors and prescribing the procedure for making such deductions ;**
- (g) prescribing the manner in which contributions for periods in respect of which a contributor has not made any contribution, are to be recovered ;**
- (h) providing for the apportionment of the pension between the widower of a contributor and the children of such contributor in cases where such contributor has contracted more than one marriage ;**
- (i) authorizing the payment into the Consolidated Fund of contributions made to the pension scheme by contributors ;**

Regulations for
the pension
scheme.

*Widowers' and Orphans' Pension Scheme
(Armed Forces) Act, No. 60 of 1998*

- (j) 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;
 - (k) prescribing the mode of calculating the pensions payable to the widowers and children of deceased contributors;
 - (l) in respect of all matters incidental to or connected with the administration and management of the pension scheme.
- (2) Without prejudice to the generality of the provisions of subsection (1), regulations made under that subsection in respect of any matter may make provision similar to that made in respect of the same matter in the Widowers' and Orphans' Pension Act, No. 24 of 1983.

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

6. 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.

7. Any contribution, pension, refund or interest on a refund payable under this Act shall not be assignable or transferable or liable to be or 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.

Minister to make
regulations.

8. (1) The Minister in charge of the subject of Public Administration may make regulations in respect of all matters for which regulations are authorised to be made under this Act.

(2) Every regulation made by the Minister shall be published in the Gazette and shall come into operation on the date of publication or on such later date as may be specified in the regulation.

(3) Every regulation made by the Minister shall, as soon as convenient after its publication in the Gazette, be brought before Parliament for approval.

(4) Any regulation which is not so approved shall be deemed to be rescinded as from the date of disapproval but without prejudice to anything previously done thereunder.

(5) The date on which any regulation shall be deemed to be so rescinded shall be published in the Gazette.

9. 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 female, is an officer or soldier of the Regular Force of the Sri Lanka Army ; or
- (b) who, being a female, is an officer or seaman of the Regular Naval Force of the Sri Lanka Navy ; or
- (c) who, being a female, is an officer or airman of the Regular Air Force of the Sri Lanka Air Force.

but does not include —

- (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 subsection (3) of section 3 of the Army Act ; or
- (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 subsection (3) of section 3 of the Navy Act ; or

(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 subsection (3) of section 3 of the Air Force Act;

"prescribed" means prescribed by regulation.

Retrospective effect of this Act.

Sinhala text to prevail in case of inconsistency.

10. The provisions of this Act shall be deemed to have come into force on August 1, 1983, and accordingly any regulation made under this Act in respect of such pension scheme may be declared to be effective from that date or any subsequent date.

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