PARLIAMENT OF THE DEMOCRATIC

SOCIALIST REPUBLIC OF

SRI LANKA

—————————

WIDOWERS’ AND ORPHANS’ PENSION

SCHEME (ARMED FORCES) (AMENDMENT)

ACT, NO. 28 OF 2009

—————————

[Certified on 18th May, 2009]

Printed on the Order of Government

—————————

Published as a Supplement to Part II of the Gazette of the Democratic

Socialist Republic of Sri Lanka of May 22, 2009

PRINTEDATTHEDEPARTMENTOFGOVERNMENTPRINTING,SRILANKA

TOBEPURCHASEDATTHEGOVERNMENTPUBLICATIONSBUREAU,COLOMBO5

Price : Rs. 7.00 Postage : Rs. 5.00

Widowers’ and Orphans’ Pension Scheme 1

(Armed Forces) (Amendment) Act, No. 28 of 2009

[Certified on 18th May, 2009]

L. D. — O. 56/2007

ANACT TO AMEND THE WIDOWERS’ AND ORPHANS’ PENSION SCHEME

(ARMED FORCES) ACT, NO. 60 OF 1998

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’ Short title.

Pension Scheme (Armed Forces) (Amendment) Act, No. 28

of 2009.

2. The Widowers’ and Orphans’ Pension Scheme (Armed Insertion of new

Forces) Act, No. 60 of 1998 (hereinafter referred to as the section 4A in

Act, No. 60 of

“principal enactment” is hereby amended by the insertion 1998.

immediately after section 4 thereof, of the following new

section:—

“Meaning of 4A. For the purposes of sections 3 and 4 of

a “member

this Act, “a member of the Armed Forces” means

of the Armed

Forces” for any person—

the purpose

of sections 3

(a) who, being a female, is an officer or

and 4.

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 Royal Ceylon Navy or the Sri Lanka

Navy, as the case may be; or

(c) who being a female, is an officer or

airman of the Regular Air Force of the

Royal Ceylon Air Force or the Sri Lanka

Air Force, as the case may be.”.

2 Widowers’ and Orphans’ Pension Scheme

(Armed Forces) (Amendment) Act, No. 28 of 2009

Insertion of 3. The following new sections are hereby inserted

new sections immediately after section 4A of the principal enactment and

4B, 4C, 4D, 4E

and 4F in the shall have effect as sections 4B, 4C, 4D, 4E and 4F of that

principal enactment:—

enactment.

“Extension 4B. (1) Any person who has become a

of the member of the Volunteer Force of the Armed

Pension

Forces and had retired with pension benefits

Scheme to

the Members on a date prior to the coming into operations

of the of this section, or who continues to be in such

Regular, force on such date as such member may, on

Reserve, making an application in that behalf before

Volunteer

such date as the Minister may appoint by Order

Force or

Volunteer published in the Gazette, elect to be a

Reserve of contributor to the Pension Scheme.

the Armed

Forces.

(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 Forces, 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 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),

she shall, if she leaves a husband or child or a

husband and a child or a husband and children,

be deemed to have elected to be a contributor

to the Pension Scheme.

Widowers’ and Orphans’ Pension Scheme 3

(Armed Forces) (Amendment) Act, No. 28 of 2009

(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.

A person 4C. Any person who becomes a member of

who becomes

the Regular Reserve, Volunteer Force or

a member of

the Armed Volunteer Reserve of Armed Forces on or after

Forces after the date on which the provisions of this section

coming into

operation of comes into operation, shall be a contributor to

this section, the Pension Scheme from and after such date.

to be a

contributor.

Entitlement 4D. Where a member of the Armed Forces

to pension has been employed in any position in the

Schemes

other than public service either before joining the Armed

the Pension Forces or after leaving the Armed Forces and

Scheme she is in addition to her pension as a member

under the

of the Armed Forces, entitled to a pension by

Act.

virtue of such employment, her widower and

orphans shall in the event of her death be

entitled to receive as pension, either—

(a) such amount as shall not exceed the

aggregate pensions she would have

received, had she served the full period

of service with the Armed Forces; or

4 Widowers’ and Orphans’ Pension Scheme

(Armed Forces) (Amendment) Act, No. 28 of 2009

(b) such amount as shall not exceed the

aggregate pensions she would have

received, had she served the full period

of service in the public service.

Extension of 4E. (1) (a) any female officer or female

the Pension

soldier of the Regular Force,

Scheme to

the members Regular Reserve Force, Volunteer

of the Armed Force or Volunteer Reserve Force

Forces who

become of the Sri Lanka Army; or

disabled due

to injuries (b) any female officer or female

sustained

whilst seaman of the Regular Force,

performing Regular Reserve Force, Volunteer

operational Force or Volunteer Reserve Force

duties.

of the Sri Lanka Navy; or

(c) any female officer or female

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

of the Sri Lanka Army, Sri Lanka Navy, or Sri

Lanka Air Force as the case may be, and who is

in receipt of a pay and allowance till she reaches

fifty five 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.

Widowers’ and Orphans’ Pension Scheme 5

(Armed Forces) (Amendment) Act, No. 28 of 2009

(2) Where a person referred to in subsection

(1), dies before the prescribed date without

making an election under that subsection, she

shall, if she leaves a spouse or a child or a

spouse and child or a spouse and children, be

deemed to have elected to be a contributor to

the Pension Scheme.

(3) The provisions of subsections (4) and

(5) of section 4B shall mutatis mutandis apply

to a person referred to in this section.

Interpretation. 4F. For the purpose of sections 4B, 4C and 4D

“a member of the Regular Reserve, Volunteer

Force or Volunteer Reserve of the Armed

Forces” shall—

(a) in relation to the Sri Lanka Army, be

deemed to be, a female officer or female

soldier as the case may be, of the Regular

Force under subsection (3) of section 3

of the Army Act; or

(b) in relation to the Sri Lanka Navy, be

deemed to be, a female officer or a female

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 a female officer or female

airman as the case may be of the Regular

Air force under subsection (3) of section

3 of the Air Force Act.”.

4. In the event of any inconsistency between the Sinhala Sinhala text

and Tamil texts of this Act, the Sinhala text shall prevail. to prevail in

case of

inconsistency.

6 Widowers’ and Orphans’ Pension Scheme

(Armed Forces) (Amendment) Act, No. 28 of 2009

Annual subscription of English Bills and Acts of the Parliament Rs. 885 (Local), Rs. 1,180

(Foreign), Payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, DEPARTMENT OF

GOVERNMENT INFORMATION, NO. 163, KIRULAPONA MAWATHA, POLHENGODA, COLOMBO 05 before 15th

December each year in respect of the year following.