

PARLIAMENT OF THE DEMOCRATIC

SOCIALIST REPUBLIC OF

SRI LANKA

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WIDOWS’ AND ORPHANS’ PENSION

SCHEME (ARMED FORCES) (AMENDMENT)

ACT, NO. 29 OF 2009

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[Certified on 18th May, 2009]

Printed on the Order of Government

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Widows’ and Orphans’ Pension Scheme 1

(Armed Forces) (Amendment) Act, No. 29 of 2009

[Certified on 18th May, 2009]

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’ Short title.

Pension Scheme (Armed Forces) (Amendment) Act, No. 29

of 2009.

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

Forces) Act, No. 18 of 1970 (hereinafter referred to as the section 3AA in

“principal enactment”) is hereby amended by the insertion Widows’ and

Orphans’

immediately after section 3A thereof, of the following new

Pension Scheme

section:— (Armed Forces)

Act, No. 18 of

“Persons to 3AA. For the purposes of sections 3, 3A and 1970.

whom the 3B of this Act, “a member of the armed forces”

provisions of means any person—

sections 3, 3A

and 3B shall (a) who, being a male, is an officer or soldier

apply.

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 Insertion of new

immediately after section 3B of the principal enactment and sections 3C, 3D,

3E and 3F in the

principal

enactment.

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(Armed Forces) (Amendment) Act, No. 29 of 2009

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

enactment:—

“Extension 3C. (1) any person who became a member

of the

of the Volunteer Force of the armed forces on a

Pension

Scheme to date prior to the coming into operation of this

the members section and who had retired with pension

of the benefits or who continues to be in such Force

Volunteer

on such date as such member, may, on making

Force,

Regular an application in that behalf before such date

Reserve and as the Minister may appoint by Order published

Volunteer in the Gazette, elect to be a contributor to the

Reserve of

the armed Pension Scheme.

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 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.

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(Armed Forces) (Amendment) Act, No. 29 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.

Extension of 3D. (1) (a) any male officer or male soldier

the Pension of the Regular Force, Regular

Scheme to

Reserve Force, Volunteer Force or

the members

of the armed Volunteer Reserve Force of the

forces who Sri Lanka Army; or

become

disabled due

(b) any male officer or sailor of the

to injuries

sustained Regular Force, Regular Reserve

whilst Force, Volunteer force or

performing Volunteer Reserve Force of the

operational

Sri Lanka Navy; or

duties &c,.

(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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(Armed Forces) (Amendment) Act, No. 29 of 2009

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 3E. Any person who becomes a member of

who becomes

the Regular Reserve Force, Volunteer Force or

a member of

the armed Volunteer Reserve Force of armed forces on or

forces after after the date on which the provisions of this

the coming section comes into operation, shall be a

into

operation of contributor to the Pensions Scheme from and

this section, after such date.

to be a

contributor.

Definition of 3F. For the purpose of section 3C, 3D and 3E,

the member “a member of the Regular Reserve Force,

of the

Regular Volunteer Force or Volunteer Reserve Force of

Reserve the armed forces” shall—

Force &c,.

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

purpose of

deemed to be an officer or soldier as the

sections 3C,

3D and 3E. case may be, of the Regular Force under

subsection (3) of section 3 of the Army

Act; or

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(Armed Forces) (Amendment) Act, No. 29 of 2009

(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 Replacement of

repealed and the following section substituted therefor:— 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 Sinhala text to

prevail in case

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

of inconsistency.

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(Armed Forces) (Amendment) Act, No. 29 of 2009

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