PARLIAMENT OF THE DEMOCRATIC

SOCIALIST REPUBLIC OF

SRI LANKA

EMPLOYEES’ PROVIDENT FUND

(SPECIAL PROVISIONS) (AMENDMENT)

ACT, No. 55 OF 2009

[Certified on 30th September, 2009]

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Employees’ Provident Fund (Special Provisions) 1

(Amendment) Act, No. 55 of 2009

[Certified on 30th September, 2009]

L.D.—O. 45/2006.

ANACT TO AMEND THE EMPLOYEES’ PROVIDENT FUND

(SPECIAL PROVISIONS) LAW, NO. 6 OF 1975.

BE it enacted by the Parliament of the Democratic Socialist

Republic of Sri Lanka as follows :—

1. This Act may be cited as the Employees’ Provident Short title.

Fund (Special Provisions) (Amendment) Act, No. 55 of 2009.

2. The Employees’ Provident Fund (Special Provisions) Insertion of new

sections 2A, 2B,

Law, No. 6 of 1975 (hereinafter referred to as the “principal

2C and 2D to the

enactment”) is hereby amended by the insertion of the

Employees’

following new sections immediately after section 2 of the Provident Fund

aforesaid Law which shall have effect as sections 2A, 2B, 2c (Special

Provisions) Law,

and 2D thereof :—

No. 6 of 1975.

“Validation. 2A. Where an employer or employee pays

a contribution to the approved provident

fund established under the Employees’

Provident Fund Act, No. 15 of 1958, during the

period commencing on February 1, 1996 and

ending on the date of the coming into

operations of this Act, such contribution shall

be deemed to have validly deducted, made or

paid to the Fund.

Approval for 2B. (1) A person who becomes an employee

more in any covered employment, on or after the date

beneficial

superannuation of coming into operation of this Act (hereinafter

benefits. referred to as the “relevant date”), shall be

entitled to receive superannuation benefits by

way of a pension fund or scheme, as may be

agreed by the employers and employees, which

2—PL 004030—4,250 (06/2009)

2 Employees’ Provident Fund (Special Provisions)

(Amendment) Act, No. 55 of 2009

are more beneficial than the Employee’s

Provident Fund established under the

Employees’ Provident Fund Act, if the

Commissioner of Labour is satisfied that the

proposed pension fund or scheme satisfies

the requirements prescribed under the

Employee’s Provident Fund Act, No. 15 of 1958.

In such a case, the Commissioner of Labour

shall declare such fund or scheme to be

respectively, an approved contributory pension

fund or scheme.

(2) Where the Commissioner of Labour

declares in terms of subsection (1), the fund or

scheme to be an approved contributory pension

fund or scheme, with effect from the relevant

date, all contributions payable and collected

to such fund or scheme shall be deemed to have

been validly made.

Avoidance of 2C. (1) For the avoidance of doubts, it is

doubts. hereby declared that the provisions of section

2 shall not apply to the providing or securing

of superannuation benefits during any period

prior to February 1, 1996 or to any employer or

employee in relation to the period specified in

section 2A.

(2) Where an employee becomes a member

of, or has paid a contribution to, any provident

fund, pension fund or any other superannuation

fund or scheme, other than the Employees’

Provident Fund established under the

Employees’ Provident Fund Act, No. 15 of 1958,

such membership and payments shall be deemed

to be validly made from the date on which the

employee becomes a member or pays a

contribution, as the case may be.

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Continuation 2D. For the avoidance of doubts it is hereby

of further declared that from and after the date of

contribution

the coming into operation of this Act, it shall

to any

approved be lawful—

provident

fund &c,. (a) for an employer or employee who prior

to the commencement of this Act, had

made a contribution to any approved

provident fund, pension fund or any

other superannuation fund or scheme,

other than the Employees’ Provident

Fund established under the Employees’

Provident Fund Act, No. 15 of 1958, to

continue to contribute to such fund or

scheme; and

(b) for an employer or employee to

contribute to any approved provident

fund, pension fund or any other

superannuation fund or scheme, other

than the Employee’s Provident Fund

established under the Employees’

Provident Fund Act, No. 15 of 1958,

after the commencment of this Act.”.

3. Section 5 of the principal enactment is hereby amended Amendment of

in subsection (2) of that section, by the substitution for the section 5 of the

principal

words “not exceeding six months or to a fine not exceeding

enactment.

one thousand rupees” of the words “not exceeding twelve

months or to a fine not exceeding ten thousand rupees”.

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

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

inconsistency.

4 Employees’ Provident Fund (Special Provisions)

(Amendment) Act, No. 55 of 2009

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