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WIDOWS' AND ORPHANS' PENSION FUND

AN ORDINANCE TO AMEND AND CONSOLIDATE THE LAW PROVIDING FOR THE GRANTING OF PENSIONS TO WIDOWS AND ORPHANS OF DECEASED PUBLIC OFFICERS OF Ceylon.

Ordinance Nos,

1 of 1898
13 of 1906
10 of 1907
15 of 1910
16 of 1911
4 of 1915
3 of 1924
3 of 1926
11 of 1947

Act Nos,

8 of 1948
33 of 1953
45 of 1954

[2nd June , 1898]

Short title.

1. This Ordinance may be cited as the Widows' and Orphans' Pension Fund Ordinance.

Interpretation.

2. The following words and expressions when used in this Ordinance shall have the meanings hereby assigned to them, unless there is something in the subject or context repugnant to such construction :-

[2, 11 of 1947]

" appointed date " shall mean the date* prescribed by the Governor to be the appointed date for the purpose of this Ordinance by Proclamation published in the Gazette, the power to prescribe such date being deemed to include the power to prescribe, if necessary, a date prior to the date of publication of the Proclamation;

" directors " shall mean the directors appointed under section 5 of this Ordinance;

[2, 11 of 1947]

" maximum period of contribution ", with reference to any contributor, shall mean the period commencing on the date on which he becomes a contributor and ending either on the date on which he completes thirty-five continuous years as such contributor or on the date on which while still a contributor he completes sixty-five years of age, whichever is the earlier;

" public officer " shall mean and include-

(a) any person who at the time of the passing of this Ordinance is holding or has held any office in the public service of Ceylon, and is contributing in respect of his salary or pension to the fund established under the provisions of Ordinance No. 20 of 1885 ;*[Repealed by Ordinance No. 21 of 1896].

[2, 11 of 1947]

[[2, 8 of 1948]

(b) any person who at the said time is holding, or who hereafter holds, or who on or after the appointed date holds on probation, any permanent office in the service of Ceylon which has been declared to be pensionable by notification published in the Gazette; and

[2, 11 of 1947]

(c) any person who, having been a public officer as aforesaid, is in receipt of a pension from the Government of Ceylon in respect of his services as such officer; but shall not include any female officer;

[2, 11 of 1947]

" repayable contributions ", with reference to a widower without pensionable children, shall mean the contributions which he has made under this Ordinance since the date when his wife or the last of his wives died, or the date when his child or the youngest of his children ceased to be pensionable, whichever is the later date;

"salary" shall mean the remuneration paid to an officer in respect of any permanent office held by him in the service of Ceylon in respect of which office he may become entitled, under any regulations which are now or which may hereafter be in force, to a pension, but shall not include any fees accruing to any officer in respect of such office.

Fund how constituted.

3. There shall be carried to the fund created under Ordinances Nos. 20 of 1885*[Repealed by Ordinance No. 21 of 1896]. and 21 of 1896,[Repealed by Ordinance No. 1 of 1898]. and which shall continue to be styled "The Widows' and Orphans' Pension Fund " (hereinafter referred to as " the fund "), such sums as are hereinafter required to be contributed thereto, and such fund, together with the accretions of interest thereto, shall be applicable to the payment of the expenses of management thereof as hereinafter provided, and of pensions to the widows and orphans now chargeable to the same under and subject to the provisions of any repealed enactments, and to the widows and orphans of the public officers now or hereafter contributing to the same under and subject to the provisions hereinafter contained.

Money belonging to the fund to be invested with Government. **4.**

- (1) All moneys belonging to the fund, whether arising from past or future contributions, fines, interest, or otherwise, shall be invested with the Government of Ceylon, and shall bear interest payable by the said Government during the continuance of the fund.
- [3, 11 of 1947] (2) Subject as hereinafter provided, such interest shall be at the rate of six per centum per annum, free from any deduction :
Provided that for the period commencing on the 1st day of January, 1920, and ending on the 31st day of December, 1944, such interest shall be at the rate of eight per centum per annum, free from any deduction.
- (3) Such interest shall be made up on the thirty-first day of December in each year, and shall be calculated upon the mean monthly balance standing in the hands of the Deputy Secretary to the Treasury of Ceylon to the credit of the fund during the course of the year.
- [3, 11 of 1947] (4) Where the President is at any time satisfied that the amount of interest payable annually to the fund in accordance with the preceding provisions of this section is such that the fund is likely to be insufficient to meet all payments required by this Ordinance to be made from the fund, he may direct that for such number of years as he may specify in the direction such sum as he may so specify shall be paid to the fund out of the general revenue of Ceylon.
- [3, 11 of 1947] (5) All moneys payable by way of interest, and all sums payable by direction of the President under the preceding provisions of this section, shall be paid out of the general revenue of Ceylon; and the payment of all such moneys and sums is hereby charged upon such revenue.
- [3, 11 of 1947] (6) When all payments required by this Ordinance to be met from the fund have been made, the balance of the fund shall be paid to the general revenue of Ceylon.

Appointment of directors. **5.**

- (1) For the due and proper management of the fund the President shall appoint any number of public officers, not exceeding five, as directors thereof.
- Cancellation of such appointment. (2) It shall be lawful for the President to cancel and annul the appointment of any person appointed to be a director, and upon notification thereof in the Gazette such person shall cease to be a director, and shall cease to have and exercise the powers of a director.
- Substitution of director. (3) In the event of the death of a director, or in the event of the absence from Ceylon of a director, or in the event of the cancellation and revocation of the appointment of any director, the President shall appoint a public officer to be a director in place of the director who shall have died, or shall be absent from Ceylon, or whose appointment shall have been cancelled or revoked, and such person so appointed shall have and exercise all the powers and duties reposed in a director by this Ordinance.
- Management of fund. (4) The directors, or such officer appointed under subsection (6) of this section as may be authorized in that behalf by the directors, shall superintend and direct the management and administration of the fund, and shall see that the laws and regulations relating thereto are duly fulfilled.
- [5, 11 of 1947]
- Annual statement and account. (5) It shall be the duty of the directors annually, on or before the thirty-first day of May, to prepare a statement and account of the fund for the year ending the thirty-first day of December preceding, and such statement and account shall be laid before the Governor-General^[3] and the Senate and the House of Representatives.^[1]
- Appointment of officers, & c. (6) The directors may, with the prior approval of the Minister of Finance, appoint such officer or officers as they may consider necessary for carrying out the provisions of this Ordinance.
- [2, 33 of 1953]
- Pensions to officers employed under the directors. (7) The Governor-General^[3] may, if it shall appear expedient to him, from time to time, prescribe rules for the grant of retiring pensions or gratuities to officers and servants appointed under this Ordinance and to those heretofore appointed, and the directors of "The Widows' and Orphans' Pension Fund " shall, subject to such rules, pay such pensions and gratuities out of the moneys of " The Widows' and Orphans' Pension Fund ".
- Officers to give security. (8) The officers entitled to pension under any rule made under the preceding subsection, are hereby declared to be public officers within the meaning of this Ordinance, and may be required to give security under the provisions of the Public Officers Security Ordinance.
- [5, 11 of 1947]
- Meetings of directors (9) At every meeting of the directors the senior public officer present shall preside, Every question shall be decided by the vote of the majority of those directors present at the meeting:
- [5, 11 of 1947] Provided that if the votes be equally divided the chairman shall have a casting

vote in addition to his vote as director. There shall be no meeting at which there shall not be at the least three directors present and voting.

Cost of management of fund.

6. The Deputy Secretary to the Treasury[1] shall, from time to time, pay the directors from and out of the fund such sums of money as may be necessary to defray all expenses connected with the management and administration of the fund :

Provided that no payment shall be made to any director as salary or remuneration for his own services without the consent and approval of the Governor-General[3].

Directors may make rules and regulations.

7. The directors shall frame rules and regulations not inconsistent with the provisions of this Ordinance for the proper carrying out of the provisions thereof, and such rules and regulations when approved by the Secretary to the Treasury[1], and published in the Gazette, shall be valid and binding upon all persons.

Abatement from salaries ,and pensions.
[6, 11 of 1947]

8.

(1) From and after the commencement of this Ordinance a monthly abatement of four per centum shall be made from the full salary or pension, as the case may be, of every public officer, notwithstanding that for any month he may receive as salary an amount less than the full salary or may not receive as salary any amount whatsoever.

Deputy Secretary to the Treasury and Crown Agents to deduct from salaries and pensions.

(2) The abatement of four per centum from the salaries and pensions of contributors shall be made by the Deputy Secretary to the Treasury[1], or in case of payments made by the Crown Agents by such Crown Agents, upon each occasion of payment of salary or pension, and shall be placed to the credit of " The Widows' and Orphans' Pension Fund ":

Provided that in the latter case such abatement of four per centum shall be calculated and made in rupees by the Crown Agents on the full salary in rupees payable to such contributor when employed in Ceylon, or on the pension in rupees payable to such contributor if resident in Ceylon, and such contributor shall be entitled to receive from the Crown Agents the equivalent in sterling of the balance in rupees of such salary or pension, calculated at the rate at which such contributor is entitled to receive such salary or pension in England.

Officers required to pay abatement to the Deputy Secretary to the Treasury or Crown Agents.
[6, 11 of 1947]

(3) In the event of such abatement not being made, every public officer shall pay to The Deputy Secretary to the Treasury[1] or Crown Agents within fifteen days after the receipt by him of his salary or pension a sum equal to four per centum upon his monthly salary or pension, or in the event of any public officer being on leave without salary such public officer shall pay before the fifteenth day of each and every month during the continuance of such leave, to the Deputy Secretary to the Treasury[1] or Crown Agents, a sum equal to four per centum upon the full salary which he would have received monthly had he not been on leave. All sums due under the provisions of this subsection and the arrears of any contribution due and payable under the provisions of Ordinance No. 21 of 1896*[*Repealed by Ordinance No. 1 of 1898]. shall be taken to be a debt due to the fund by the public officer, and shall be payable to the Deputy Secretary to the Treasury[1] or Crown Agents, together with compound interest at six per centum, or, after the appointed date, at four per centum per annum, forthwith or by such instalments as the directors may determine. The Deputy Secretary to the Treasury[1] or the Crown Agents shall, upon the written order of the directors or of any two of them, deduct from any moneys which may be or may become due or payable to the public officer by whom such debt is payable the whole or any part of such debt. The provisions of the Prescription Ordinance shall not apply to any such debt.

Period for which abatement shall be made.

9. The abatement of four per centum from the salary of a public officer shall continue to be made until such officer attains the age of sixty-five years, should he continue so long in the public service, at which date it shall cease; such abatement shall also cease after an officer has been subject to the abatement for thirty-five successive years.

Officer retiring on pension not to be called upon to contribute more than four per centum from such pension.

10. A public officer who from any cause whatever ceases to belong to the public service and retires on a pension shall not be called upon to make any further contribution to the fund beyond a monthly abatement from his pension of four per centum on such pension, to commence from the date of his retirement until he attains sixty-five years of age or has been subject to abatement for thirty-five years, when such abatement shall cease.

Contributions may continue in full if income reduced.

11. Whenever the salary of a public officer becomes reduced by abatement of the ordinary emoluments or by retirement on pension, such public officer may elect to continue to contribute upon the higher salary which he was receiving previous to such reduction, and

subject to the same terms and conditions as if he had continued to draw the higher salary. Should such public officer not elect so to continue to contribute upon the higher salary, and contribute on the lower salary or pension, any pension to his widow or children shall be diminished in the same amount as it would have been increased had such public officer's salary been increased and not diminished.

Election to contribute on higher salary to be made within six months

12. A public officer who under section 11 of this Ordinance elects to contribute upon his higher salary must make his election within six months of the date when his right to do so matured, and any such election shall be final.

An officer deprived of his office may continue to contribute.

[7, 11 of 1947]

[[3, 33 of 1953]

[[7, 11 of 1947]

13. Where, on any date, a public officer who is not a bachelor retires from or otherwise leaves the public service without a pension, or a public officer, whether he is or is not a bachelor, is removed from the office in respect of which he was contributing to the fund and is appointed to a non- pensionable office on a monthly or yearly rate of salary or on a salary or wage calculated at a daily rate, such public officer may, within six months after such date or within any further time which the directors may in special circumstances grant, elect to contribute monthly the same amount as he last contributed before such date, and, if he so elects, he shall continue so to contribute subject to the same terms and conditions as applied to him at such date. In the event of his ceasing to contribute, or in the event of any contributions due from him not having been paid for six months, his widow or his widow and orphans, as the case may be, shall be entitled upon the death of such public officer only to a pension computed on the basis of the interest acquired by such contributor in the fund at such date or at the date of his ceasing to contribute, in accordance with the tables hereinafter referred to.

Directors to appoint suitable person to exercise right of election on behalf of insane officer.

[2, 45 of 1954]

14. Where a person who is eligible to exercise a right of election under section 11 or section 13 is unable so to do within the period specified in the Ordinance for the exercise of such right by reason of such person being of unsound mind, the directors may appoint a person, who in their opinion is a fit and proper person, to exercise such right on his behalf within such period or within such further time as may be given in that behalf by the directors.

Provision for case of officers transferred to other employment under the Crown.

[8, 11 of 1947]

15. A public officer other than a bachelor who has been transferred prior to the passing of this Ordinance, or who may be hereafter transferred from the service of this Government to any other office under the Sovereign of the United Kingdom, may continue to contribute to the fund from the date of his ceasing to hold office in the service of this Government on the salary which he was receiving at the date of such transfer, at the same rate and subject to the same terms as if he had continued in the service of this Government and continued to receive the salary which he was receiving at the date of such transfer. In the event of his ceasing to contribute, or in the event of any contribution due from him not having been paid for six months, his widow or his widow and orphans, as the case may be, shall be entitled after the death of such public officer only to a pension computed on the basis of the interest acquired by such contributor to the fund at the date of his being transferred or of his ceasing to contribute, in accordance with the tables hereinafter referred to;

Provided, however, that where such officer is so transferred on or after the appointed date, he shall not be entitled to continue to contribute to the fund in accordance with the preceding provisions of this section, unless, within six months after the date on which he is so transferred or within any further time which the directors may in special circumstances grant, he elects so to continue to contribute.

Payment of contributions under section 13 or section 15.

[9, 11 of 1947]

16. Every contribution under section 13 or section 15 shall be paid before the fifteenth day of the month next succeeding the month in respect of which such contribution is due. Where such contribution is not paid before that day, it shall be deemed to be in arrear. All arrears of such contributions shall be paid or recovered together with compound interest at six per centum, or, after the appointed date, at four per centum per annum.

Resumption of payments by defaulting contributors.

17.

(1) When the contribution of any person who has continued to contribute to the fund under section 13 or 15 of this Ordinance after ceasing to hold office in the public service of Ceylon is not paid for six months it shall be lawful for the directors, with the sanction of the Secretary to the Ministry charged with the subject of Public Administration, to allow such person to resume his contributions to the fund at the same rate and subject to the same terms and conditions as if he had not made default in paying his contribution as aforesaid, subject nevertheless to the following conditions, namely:-

(a) the directors shall not extend the benefit of this section to any person unless he satisfies the directors that his default in paying his contribution was due to inadvertence or accident, and unless he has applied to be allowed to resume his contributions within

such time as the directors, having regard to the circumstances of the case, shall consider reasonable;

[10, 11 of 1947] (b) no person shall be allowed to resume his contributions to the fund unless he has first paid all arrears of contribution up to date with compound interest at six per centum, or, after the appointed date, at four per centum per annum;

(c) the directors may, before allowing any person to resume his contributions to the fund, require him to pay to the credit of the fund, by way of penalty, such sum not exceeding fifty rupees as the directors may think proper.

(2) The provisions of this section shall extend to cases where the default in paying the contribution due to the fund has been made before, as well as to cases where such default shall be made after, the 14th day of March, 1906.

Application of this Ordinance to a public officer having more than one wife.

[11, 11 of 1947]

18. The application of this Ordinance to a public officer having two or more wives shall be subject to the following provisions:-

(1) Only the first in time of the existing marriages of such officer shall be deemed to be a valid marriage for the purposes of this Ordinance :

Provided, however, that a marriage, which has become the first in time of the existing marriages of such officer by reason only of the dissolution of an earlier marriage by a divorce, shall not be deemed to be so valid unless the divorce can itself be deemed to be valid under paragraph (2) of this section.

(2) A divorce dissolving any marriage of such officer shall be deemed to be a valid divorce for the purposes of this Ordinance if, but only if, that divorce has not at any time been preceded by a divorce dissolving any other marriage of such officer.

(3) Where any marriage of such officer becomes a valid marriage for the purposes of this Ordinance by reason of the dissolution of any other marriage of such officer, the date next following the date of such dissolution shall be deemed to be the date of the first-mentioned marriage for the purposes of the computation of any pension payable under this Ordinance to the wife of that marriage when she becomes a widow, or to any child born of that marriage when that child becomes an orphan.

(4) No pension under this Ordinance shall be awarded-

(a) to any wife of such officer whose marriage to him could not at any time during his lifetime have been deemed to be a valid marriage within the meaning of paragraph (1) of this section; or

(b) to any child of such officer born of any marriage which could not at the time of the birth of the child have been deemed to be a valid marriage as aforesaid.

Application of section 21 to 25 in the case of a public officer having more than one wife.

[11, 11 of 1947]

[[4, 3 of 1953]

Effect of a divorce.

[11, 11 of 1947]

19. The provisions of sections 21, 22, 23, 24 and 25 (1), relating to declarations and notifications to be transmitted to the directors, shall, in the case of a public officer having two or more wives, apply in all respects to each marriage of that public officer and to the wife and to each child of that marriage, whether that marriage is or is not a valid marriage for the purposes of this Ordinance.

20. Where the marriage of a contributor, other than a contributor having two or more wives, is dissolved by a divorce, he shall, for the purposes of this Ordinance, be deemed to have become a widower.

Officer to furnish particulars within three months of his appointment.

[12, 11 of 1947]

21. Every public officer shall, within three months of the date of his becoming liable to contribute to the fund, forward to the directors a declaration setting forth the date of his becoming so liable, his own name in full and the date of his birth, and if he be married the date of his marriage and the maiden name in full and the date of birth of his wife, and if he have any child or children their names in full and the date of each of their births.

Officer to notify marriage.

22. Every public officer who shall marry after the passing of this Ordinance shall, within three months of his marriage, forward to the directors a declaration setting forth the date of such marriage and the maiden name of his wife and the date of her birth, and if there be any children by him born to his wife prior to his marriage he shall make a declaration setting forth the names and date of birth of each of such children.

Officer to notify birth of child.

23. Every public officer shall, within three months, notify to the directors the date of the birth of each child born to him after the passing of this Ordinance.

Death or divorce of wife, death of child and marriage of female child to

24. Every public officer whose wife shall die or be divorced from him, or whose child, die, or whose female child shall be married, and the guardian of every child who shall, die or of every female child who shall be married, shall, within three months thereof, notify to the directors the

<p>be notified. Public officers to furnish supplementary declarations or notifications and proof of statements made therein. [5, 33 of 1953]</p>	<p>date of such death, divorce or marriage.</p> <p>25.</p> <p>(1) If the directors discover that any information specified in a declaration transmitted under section 21 or section 22 or in a notification transmitted under section 23 or section 24 is incorrect or incomplete, the directors may, by written notice, require the public officer or guardian furnishing the information to transmit another declaration or notification giving the correct information or supplying the omission within the time specified in the notice. It shall be the duty of any public officer or guardian, if required so to do, to transmit such other declaration or notification within the aforesaid time.</p> <p>[13, 11 of 1947] (2) Every public officer who transmits to the directors a declaration under [[5, 33 of 1953] section 21 or section 22 or subsection (1) of this section or a notification under [[5, 33 of 1953] section 23 or section 24 or subsection (1) of this section, and every guardian [[5, 33 of 1953] who transmits to the directors a notification under section 24 or subsection (1) of this section, shall furnish to the directors such proof of the statements made in the declaration or notification as may be required by them.</p>
<p>Penalty for non-compliance with provisions of this Ordinance.</p>	<p>26. Every public officer who shall in the judgment of the directors have failed, omitted, or refused to perform any duty cast upon him, or to do any act required of him by this Ordinance or by the rules and regulations made as herein provided, or who shall in the judgment of the directors have furnished any false information or made any false declaration, may be adjudged by the directors to pay for each such omission, default, refusal, false information, or declaration a penalty not exceeding fifty rupees. The Deputy Secretary to the Treasury[1] shall, upon the Judgment of the directors being notified to him, deduct such penalty from the first moneys payable to the public officer as salary or otherwise, and shall pay such amount to the credit of the fund.</p>
<p>Who shall be entitled to pension.</p>	<p>27. The widows and orphans entitled to pensions from the fund are the widows and orphans of public officers who have contributed to the fund in accordance with the provisions of this Ordinance or Ordinances Nos. 20 of 1885*[* Repealed by Ordinance Nos. 21 of 1896] and 21 of 1896[Repealed by Ordinance Nos. 21 of 1896], save as hereinafter excepted. No pension shall become due, and no pension shall be paid to any widow or orphan of any public officer, until every debt due to the fund by such public officer shall have been fully discharged:</p>
<p>Exemptions from benefits of fund. [14, 11 of 1947]</p>	<p>28. No widow of a public officer who dies within one year from the date of his marriage shall be entitled to a pension under this Ordinance unless a lawful child is born of such marriage. The child of any public officer born out of wedlock who has become legitimate by the subsequent marriage of such public officer with the mother of such child while such public officer is contributing to the fund, shall be entitled to a pension or allowance from the fund, unless his father shall have died within twelve months of such marriage, in which case such child shall lose all interest in the fund: Provided that it shall be lawful for the directors, with the consent of the Secretary to the Ministry charged with the subject of Public Administration, to award a pension to such widow or child if it shall appear to them just and reasonable.</p>
<p>When pension to orphans shall cease. [15, 11 of 1947]</p>	<p>29. The allowance or pension to orphans shall cease in the case of males at the age of eighteen years, and in the case of females on marriage or at the age of twenty-one years: Provided, however, that in the case of a male orphan whose father is a public officer appointed after the 14th day of March, 1906, and who attains the age of eighteen years on or after the appointed date, the allowance or pension shall cease at the age of twenty-one years.</p>
<p>Pension how computed.</p>	<p>30. The pension or allowance to which a widow or child of a deceased public officer is entitled shall be computed according to tables to be approved of by the President. Such tables shall be adjusted and revised by an actuary or actuaries who shall be, from time to time, appointed by the President. All pensions to widows or children, whether in possession or in expectation and reversion, shall be subject to readjustment, and shall be computed upon the tables so adjusted and revised, and diminished or increased accordingly.</p>
<p>Periodical valuation of fund. [16, 11 of 1947]</p>	<p>31 The actuarial valuations of the fund contemplated in section 30 of this Ordinance shall be made triennially up to and including the 31st day of December, 1933, and thereafter at such times as the President may determine.</p>
<p>Application of surplus at periodical actuarial valuations of assets and liabilities of the fund.</p>	<p>32. Such percentages as the President may, on the recommendation of the directors, from time to time, appoint of such surpluses as may be disclosed by the periodical actuarial valuations provided for by section 31 of this Ordinance of the assets and liabilities of the fund, including the valuation of such assets and liabilities as on the 31st day of March, 1909, shall be applied in increasing the prospective pensions of the widows and orphans of the contributors to the fund at the date of each such valuation, and of former contributors who had ceased to contribute on attaining the age of sixty-five years or on leaving the service, and of all those who may be pensioners at the date of each such valuation, in such shares and proportions and in such manner as the Governor-General as advised by the directors, with the</p>

- approval of a Secretary of the State,[3] may direct.
- [18, 11 of 1947] The preceding provisions of this section shall have no application in respect of any surplus which may be disclosed by any such valuation of such assets and liabilities as on any day after the 31st day of December, 1930; but every active or prospective pension which in accordance with those provisions has been increased in consequence of any surplus disclosed by any such valuation of such assets and liabilities as on any date prior to the 1st day of January, 1931, shall continue to be payable as so increased, notwithstanding any deficiency which may be disclosed at any such valuation subsequently made.
- Pension to orphans. **33.** When a public officer being a widower and unmarried shall die or have died leaving a child or children entitled to pensions, or when a widow of a public officer shall die or have died and there be a child or children of such public officer surviving entitled to pension, the pensions of such child or children shall be the amount which the widow would have received or had been receiving, equally divided among the children.
- Provision in case of widow marrying. **34.** The widow of a public officer who Provision in marries again shall cease to receive a pension from the date of such marriage; and the children of such widow and public officer shall thereupon, and in the case of the widow of a public officer who has married again and has ceased to receive a pension from the date of such marriage the children of such widow and public officer shall, from and after the coming into operation of this Ordinance, be entitled to pension as hereinbefore provided in the event of the death of both parents.
- Provision in case of a widow and children of a previous marriage. **35.** When a public officer dies leaving a widow and children the issue of a previous marriage existing when he became a contributor to the fund, or contracted after he became such contributor, and such children are of ages which entitled them to pensions from the fund, such children shall be entitled each of them to an equal share or portion of the half of the pension to which their mother, if she had survived their father, would have been entitled. The widow of such public officer shall be entitled to one-half of the pension to which she would have been entitled had there been no such children; and if the public officer dies leaving no such children, or when they cease to be entitled to pension, then she shall be entitled to the whole of such pension as she would have received had there been no such children. Should the widow die leaving no issue of her marriage with the public officer, the children of the first marriage shall be entitled to such pensions as if the public officer had not contracted such subsequent marriage. Should the widow die leaving children the issue of her marriage with the public officer, such children shall be entitled each to an equal share or portion of the pension to which their mother was entitled.
- Pension to children of a widower. **36.** The children of a widower who shall become or has become a contributor to the fund shall be entitled on his death, and the children of a widower who has contributed to the fund and has died prior to the coming into operation of this Ordinance shall be entitled from and after the coming into operation of this Ordinance, to the pension to which they would have been entitled if their mother had been living at the time of his becoming liable to contribute thereto.
- Pension to be paid monthly. **37.** The pension payable to any person entitled thereto under this Ordinance shall begin upon the death of the public officer or of his widow, as the case may be, and shall accrue daily and shall be paid monthly. But before any such payment it shall be lawful for the directors to require proof that any widow or child is alive and entitled to the pension claimed by such widow or child.
- Payment of pension due to a widow. [20, 11 of 1947] **38.** A pension payable under this Ordinance to a widow may be paid by the directors to a fit and proper person on behalf of the widow. Where the pension is so paid, the person receiving the pension shall apply it, in accordance with such terms and conditions as may be determined by the directors, for the maintenance, support[^] or benefit of the widow and her child or children, if any, who would be entitled on her death to receive a pension under this Ordinance.
- Failure to maintain child. [20, 11 of 1947] **39.** Where the directors are satisfied that a widow who is in receipt of a pension under this Ordinance has deserted or abandoned, or is failing to maintain or assist, so far as her means allow, a child who would be entitled on her death to receive a pension under this Ordinance, the directors may, in their absolute discretion, pay to such child, or to a fit and proper person on behalf of such child, such portion of the widow's pension as they may think fit, and the widow shall have no further claim in respect of any portion of her pension so paid. Any portion of a widow's pension paid under this section to any person on behalf of a child of the widow shall be applied by that person, in accordance with such terms and conditions as may be determined by the directors, for the maintenance, support, or benefit of such child.
- Payment of pension due to a minor. [21, 11 of 1947] **40.** A pension payable under this Ordinance to a minor may be paid by the directors either directly to the minor or to such holder of a designated office or such other person as may be appointed, in writing signed by not less than three of the directors, to receive the pension on behalf of the minor. Where the pension is paid to any person so appointed, he shall apply the pension for the maintenance, support, or benefit of the minor in accordance with such terms and conditions as may be determined by the directors.

- Pensions not to be assigned or levied upon. **41.** No pension payable from the fund shall be assigned or transferred, and every assignment or transfer shall be absolutely null and void and of no effect. No such pension shall be attached or levied upon or arrested or taken in execution on account of any debt or payment due by the person to whom such pension is payable.
- Questions and disputes to be decided by Secretary to the Treasury. [22, 11 of 1947] **42.** Should any question arise as to whether any person is a public officer within the meaning of this Ordinance, or as to whether any person is entitled to any pension as the widow or child of a public officer, or as to the amount of pension to which any widow or child shall be entitled, or as to the meaning or construction to be assigned to any section of this Ordinance, or to any rule or regulation made under the provisions thereof, the directors may on their own initiative, and shall at the written request of such officer, widow, or child, submit such question for a decision to the Secretary to the Treasury[1] and the Secretary to the Treasury[1] thereon shall be final.
- Widow not entitled to pension if marriage contracted after officer had ceased to contribute. **43.** No widow of a public officer whose marriage was contracted after he had ceased to contribute, and no child of such marriage, shall be entitled to any pension.
- Exemption of pensions from estate duty. **44.** No pension to which a widow or child of a deceased public officer dying after the commencement of this Ordinance becomes entitled under this Ordinance or any other enactment relating to the pensions of the widows or children of deceased public officers shall be liable to the payment of estate duty under the Estate Duty Ordinance or the Estate Duty Act.
- No increase or decrease of pension if residing in climate less or more healthy than Ceylon. **45.** No pension, whether payable to a widow or to a child or children, shall be increased or decreased by reason of the residence of the person entitled to such pension being less or more healthy as to climate than Ceylon.
- Refund of contributions to bachelors. **46.**
 - (1) In the event of a bachelor retiring from, or otherwise quitting, the public service unmarried, a moiety of the contributions made by such bachelor, but without any interest, shall be refunded to him. And such bachelor and all persons claiming by, through or under him shall cease to have any interest in the fund and shall have no claim thereon.
 - (2) In the event of a bachelor dying while in the public service, a moiety of the contributions made by him shall be paid, but without interest, to his legal representative,
- Application of section 46. [23, 11 of 1947] **47.** The provisions of section 46 shall not apply in- any case where, on or after the appointed date, a bachelor retires from or otherwise leaves the public service or dies while in such service.
- Special provisions relating to refunds in the case of bachelors. [23, 11 of 1947] **48.**
 - (1) Where, on or after the appointed date, a bachelor retires from or otherwise leaves the public service while making contributions under this Ordinance, he shall cease to make such contributions and shall be granted a refund of the entirety of his contributions under this Ordinance with compound interest thereon at 2 1/2 per centum per annum.
 - (2) Where, before the appointed date, a bachelor ceases to make contributions under this Ordinance while in the public service owing to the expiry of his maximum period of contribution, he shall be granted a refund of one-half of his contributions under this Ordinance without interest.
 - (3) Where, on or after the appointed date, a bachelor ceases to make contributions under this Ordinance while in the public service owing to the expiry of his maximum period of contribution, he shall be granted a refund of the entirety of his contributions under this Ordinance with compound interest thereon at 2 1/2 per centum per annum.
 - [3, 45 of 1954] (4) Where, on or after the appointed date, a bachelor who is eligible to elect under section 13 of this Ordinance to contribute, fails so to elect and, accordingly, ceases to contribute, he shall, on written refund of the entirety of his contributions under this Ordinance with compound interest at 2 1/2 per centum per annum.
 - (5) Where a bachelor dies before receiving any refund to which he has become entitled under any of the preceding subsections of this section the amount of that refund shall be paid to his legal representative, or heir, or heirs.
 - (6) Where, on or after the appointed date, a bachelor dies while in the public service and while making contributions under this Ordinance, the entirety of his

Concessions to
widowers without
pensionable
children. **49.**

contributions under this Ordinance shall be paid to his legal representative, or heir, or heirs, with compound interest thereon at 27a per centum per annum.

(1) In the following cases, that is to say:-

- (a) where a contributor, who is a children widower without pensionable children, retires from the public service on pension;
 - (b) where a contributor, who is a widower without pensionable children, leaves the public service by resignation, transfer, or otherwise;
 - (c) where a contributor, who is a widower without pensionable children, dies whilst in the public service,
- such contributor, or the legal personal representative of such contributor, as the case may be, shall be entitled to a refund without interest of fifty per centum of the repayable contributions of such contributor:

[24, 11 of 1947] Provided that any contributor who elects to exercise his right under this subsection shall cease to contribute to the fund, and shall have no further claim upon it.

(2) Where a contributor who has retired on pension subsequently becomes a widower without pensionable children, he may elect to cease from contributing to the fund, and shall thereupon have no further claim upon

(3) A contributor who elects to exercise his right under this section must do so within six months of the date on which such right matured, and any such election shall be final.

Application of
section 49.
[25, 11 of 1947]

50. The provisions of section 49 shall not apply in any case where, on or after the appointed date, a contributor-

- (a) being a widower without pensionable children, retires from or otherwise leaves the public service or dies while in such service, or
- (b) becomes such a widower after retiring from such service on pension.

Special provisions
relating to refunds
in case of
widowers without
pensionable
children. **51.**
[25, 11 of 1947]
[[6, 33 of 1953]

(1) Where a widower without pensionable children, by reason of his failure to exercise his right under section 49, does not cease to make contributions under this Ordinance, then-

- (a) if he at any time after the appointed date elects to cease to make such contributions, or
- (b) if he continues to make such contributions and ceases so to do by reason of the expiration of his maximum period of contribution or by reason of his death,

a refund shall, on the date of such election, expiration or death, as the case may be, be due of the entirety of the contributions made by him under this Ordinance on or after the appointed date with compound interest thereon at 2 1/2 per centum per annum; and the refund so due shall be paid upon written application made for the purpose, to such widower if he is alive, or if he is dead to his legal representative or heir or heirs.

[6, 33 of 1953] (2) Where, on or after the appointed date, a person who is making contributions under this Ordinance-

- (a) retires from or otherwise leaves the public service while a widower without pensionable children, or
- (b) becomes such a widower after retiring from or otherwise leaving such service, then-

(i) if he at any time thereafter elects to cease to make such contributions, or

(ii) if he continues to make such contributions and ceases so to do by reason of the expiration of his maximum period of contribution or by reason of his death,

a refund shall, on the date of such election, expiration or death, as the case may be, be due of the entirety of his payable contributions with compound interest thereon at 2 1/2 per centum per annum ; and the refund so due shall be paid upon written application made for the purpose, to such widower if he is alive, or if he is dead to his legal representative or heir or heirs.

(3) Where, before the appointed date, a widower without pensionable children ceases to make contributions under this Ordinance while in the public service owing to the expiry of his maximum period of contribution, he shall be granted a

refund of one-half of his repayable contributions without interest.

(4) Where, on or after the appointed date, a widower without pensionable children ceases to make contributions under this Ordinance while in the public service owing to the expiry of his maximum period of contribution, he shall be granted a refund of the entirety of his repayable contributions with compound interest thereon at 2% per centum per annum.

[6, 33 of 1953]

(5) Where, on or after the appointed date, a widower without pensionable children who is eligible to elect under section 13 or under the proviso to section 15 of this Ordinance to contribute fails so to elect, and, accordingly, ceases to contribute, he shall, on a written application made in that behalf, be paid a refund of the entirety of his repayable contributions with compound interest thereon at 2 1/2 per centum per annum.

(6) Where a widower without pensionable children dies before receiving any refund to which he has become entitled under any of the preceding subsections of this section, the amount of that refund shall be paid to his legal representative, or heir, or heirs.

(7) Where, on or after the appointed date, a widower without pensionable children dies while in the public service and while making contributions under this Ordinance, the entirety of his repayable contributions shall be paid to his legal representative, or heir, or heirs with compound interest thereon at 2 1/2 per centum per annum.

(8) Where a widower without pensionable children elects under subsection (1) or subsection (2) of this section to cease to make contributions under this Ordinance, the election shall be final.

Calculation of compound interest for the purposes of sections 48 and 51.

[25, 11 of 1947]

Provisions to with regard to officers appointed after 14th March 1906.

Application of this ordinance to such officers.

Calculation of pensions Increments of salary of existing public officers.

Observance of rules in calculating pensions

Computation of pensions of widows or orphans of officers appointed after 14th March, 1906.

[26, 11 of 1947]

52. Compound interest on such contributions under this Ordinance as are to be refunded under section 48 or section 51 shall be payable up to the date on which the refund becomes due and not up to the date on which the amount of the refund is paid, and shall be calculated in the same manner as compound interest on the contributions made under this Ordinance by a contributor during his bachelorhood is calculated for the purposes of the computation of the pension in consideration of the contributions so made.

53. Public officers appointed after the 14th day March, 1906, shall not be allowed to become contributors to the fund, anything in this Ordinance to the contrary notwithstanding; but abatements shall be made from the salaries or pensions of such public officers equivalent to the contributions and other payments which would have been levied from them under the provisions of this Ordinance, and shall be carried to the credit of the general revenue accounts of Ceylon:

Provided that the sum so received shall not be assessable for military contribution under the Defence Contribution Ordinance, 1898. (*Omitted from this Edition as its operation is suspended by Ordinance No. 4 of 1946.)

54. The provisions of this Ordinance, so far as the same are not modified by the provisions of section 53, shall apply to all public officers appointed after the 14th day of March, 1906.

55. All pensions accruing after the 14th day of March, 1906, in respect of increments of salary of existing public officers shall be calculated according to the tables in Schedule II

56. The rules contained in Schedule I shall be observed in calculating the pensions payable to the widows and orphans of public officers on the basis of the tables in Schedule II.

57.

(1) The pensions to which widows or orphans of deceased public officers appointed after the 14th day of March, 1906, are entitled, shall be deemed to have been computable and payable-

(a) for the period ending on the 31st day of December, 1919, according to the tables in Schedule II;

(b) for the period commencing on the 1st day of January, 1920, and terminating on the day before the appointed date, according to the tables sanctioned by the Governor on the 27th day of February, 1922 ; and

(c) for the period commencing on the appointed date, according to the tables sanctioned by the Governor on the 3rd day of August, 1945 :

Provided, however, that the computation of the variation to be effected, as a result of any variation of the contribution on or after the appointed date, in the pension payable under this Ordinance in respect of any contributor appointed to be a public officer after

the 14th day of March, 1906, but before the appointed date, and the computation of the pension payable under this Ordinance in respect of any such contributor who for the first time marries on or after the appointed date, shall be in accordance with the tables sanctioned by the Governor on the 3rd day of August, 1945, or the tables so sanctioned on the 27th day of February, 1922, whichever may produce the larger ultimate pension;

Provided further that, notwithstanding the provisions of rule 1 (a) set out in Schedule I, in the case of a public officer who has been appointed after the 14th day of March, 1906, and who has commenced to be a contributor while a bachelor, compound interest on the contributions made by him during his bachelorhood shall, for the purposes of the computation of the pension in consideration of those contributions, be calculated-

(a) in respect of any period terminating on or before the 31st day of December, 1919, at six per centum per annum;

(b) in respect of any period commencing on or after the 1st day of January, 1920, and terminating before the appointed date, at eight per centum per annum; and

(c) in respect of any period commencing on or after the appointed date, at six per centum per annum.

(2) Such tables may, with the approval of the Governor-General[3] be adjusted and revised, from time to time, by an actuary or actuaries appointed by the Governor-General[3], and the tables so adjusted and revised shall be substituted for the tables previously in force and shall come into force on a date which shall be fixed by the President and shall apply to any pension payable in respect of a contributor dying on or after that date, but not to any pension payable to a contributor dying before that date.

(3) All pensions payable under the preceding provisions of this section in respect of public officers appointed after the 14th day of March, 1906, and all amounts to be refunded and all interest to be paid under this Ordinance to such officers or to their legal representatives or heirs, shall be paid out of the Consolidated Fund[1] and are hereby made a charge on the Consolidated Fund.[1]

Actuarial investigation of scheme of paying pensions in respect of public officers referred to in section 53.
[27, 11 of 1947]

58. An investigation of the scheme of paying pensions under this Ordinance in respect of public officers referred to in section 53 shall be made, at such times as the Governor-General[3] may determine, by an actuary approved by the Governor-General[3].

Schedules