



PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA

EMPLOYEES' TRUST FUND (AMENDMENT)
ACT, No. 3 OF 1982

[Certified on 20th January, 1982]

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L. D.—O. 14/81.

AN ACT TO AMEND THE EMPLOYEES' TRUST FUND ACT
No. 46 OF 1980

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

1. This Act may be cited as the Employees' Trust Fund (Amendment) Act, No. 3 of 1982. Short title.

2. The following new section is hereby inserted immediately after section 11 of the Employees' Trust Fund Act, No. 46 of 1980, (hereinafter referred to as the "principal enactment") and shall have effect as section 11A of that enactment:— Insertion of new section 11A in Act No. 46 of 1980.

"Directions of the Minister. 11A. The Minister may from time to time give the Board general or special directions in writing as to the performance of its duties and the exercise of its powers under this Act and the Board shall give effect to such directions."

3. Section 13 of the principal enactment is hereby repealed. Repeal of section 13 of the principal enactment.

4. Section 17 of the principal enactment is hereby repealed and the following section substituted therefor:— Replacement of section 17 of the principal enactment.

"Contributions by certain employers to whom Act No. 15 of 1958 applies. 17 (1) Notwithstanding the provisions of section 29 of this Act, where an employer to whom the Employees' Provident Fund Act, No. 15 of 1958, applies, has made an election under the provisions of section 11 of that Act to pay to the Employees' Provident Fund established under that Act or to a provident fund declared to be an approved provident fund under that Act in respect of each employee employed by such employer a contribution of an amount calculated at a percentage higher than the amount specified under that Act and—

(a) if such higher percentage amounts to three per centum or more of such employee's total earnings per

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month, from his employment under such employer, such employer may deduct three *per centum* from such higher percentage every month and remit such three *per centum* to the Fund established under this Act and continue to contribute the balance after such deduction, to the Employees' Provident Fund or to the approved provident fund; or

(b) if such higher percentage amounts to less than three *per centum* of such employee's total earnings per month from his employment under such employer, such employer may remit such amount as is in excess of the percentage specified in section 10 of that Act, together with an additional contribution by such employer to make a total of three *per centum* of such earnings to the Fund established under this Act and continue to contribute the amount specified under the "Employees' Provident Fund Act, No. 15 of 1958, to the Employees' Provident Fund or to the approved provident fund.

(2) Any payment made by an employer to the Fund established under this Act in terms of subsection (1) shall be deemed to have been made in compliance with the provisions of section 16."

Replacement
of section
21 of the
principal
enactment.

5. Section 21 of the principal enactment is hereby repealed and the following section substituted therefor:

"Time
at which
the
benefits
will be
paid.

21. (1) No monies lying to the credit of the individual account of any member of the Fund shall be paid until the expiry of a period of two years from the date of establishment of the Fund.

(2) On the expiry of the period of two years referred to in subsection (1), a member shall be paid the total amount

lying to the credit of his individual account subject to the provisions of sections 23, 24 and 25.

(3) Notwithstanding the provisions of subsections (1) and (2), the total amount of monies lying to the credit of the individual account of any member who is to be repatriated under the Indo-Ceylon Agreement (Implementation) Act, No. 14 of 1967, shall be paid to such member prior to the date of his departure from Sri Lanka."

6. Section 27 of the principal enactment is hereby amended by the omission of paragraphs (a), (b), (c) and (d) of that section and the substitution therefor of the following paragraphs:—

Amendment
of section 27
of the
principal
enactment.

- " (a) where such contribution is in arrear for a period not exceeding ten days, a surcharge of five *per centum* of the amount of such contribution ;
- (b) where such contribution is in arrear for a period exceeding ten days but not exceeding one month, a surcharge of fifteen *per centum* of the amount of such contribution ;
- (c) where such contribution is in arrear for a period exceeding one month but not exceeding three months, a surcharge of twenty *per centum* of the amount of such contribution ;
- (d) where such contribution is in arrear for a period exceeding three months but not exceeding six months, a surcharge of thirty *per centum* of the amount of such contribution ;
- (e) where such contribution is in arrear for a period exceeding six months but not exceeding twelve months, a surcharge of forty *per centum* of the amount of such contribution ; and
- (f) where such contribution is in arrear for a period exceeding twelve months, a surcharge of fifty *per centum* of the amount of such contribution."

7. The amendment made to the principal enactment by section 4 of this Act shall be deemed for all purposes to have come into operation on March 1, 1981.

Retrospective
operation
of section 4.