



**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)
(Amendment) Act, No. 55 of 2009*

[Certified on 30th September, 2009]

L.D.—O. 45/2006.

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

Short title.

2. The Employees' Provident Fund (Special Provisions)
Law, No. 6 of 1975 (hereinafter referred to as the "principal
enactment") is hereby amended by the insertion of the
following new sections immediately after section 2 of the
aforesaid Law which shall have effect as sections 2A, 2B, 2C
and 2D thereof :—

Insertion of new
sections 2A, 2B,
2C and 2D to the
Employees'
Provident Fund
(Special
Provisions) Law,
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
more
beneficial
superannuation
benefits. 2B. (1) A person who becomes an employee
in any covered employment, on or after the date
of coming into operation of this Act (hereinafter
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 *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 doubts.

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

Employees' Provident Fund (Special Provisions) 3
(Amendment) Act, No. 55 of 2009

Continuation
of
contribution
to any
approved
provident
fund &c.,

2D. For the avoidance of doubts it is hereby further declared that from and after the date of the coming into operation of this Act, it shall be lawful—

(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 commencement of this Act.”.

3. Section 5 of the principal enactment is hereby amended in subsection (2) of that section, by the substitution for the words “not exceeding six months or to a fine not exceeding one thousand rupees” of the words “not exceeding twelve months or to a fine not exceeding ten thousand rupees”.

Amendment of section 5 of the principal enactment.

4. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

Sinhala text to prevail in case of inconsistency.

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