

EMPLOYEES' PROVIDENT FUND (SPECIAL PROVISIONS)

Law
No: 6 of 1975.

A LAW TO PROVIDE FOR A UNIFORM SCHEME OF SUPERANNUATION BENEFITS FOR ALL EMPLOYEES IN THE PRIVATE SECTOR, AND FOR MATTERS INCIDENTAL THERETO OR CONNECTED THEREWITH

[1st February. 1996]

Short title and
date of operation.

1. This Law may be cited as the Employees' Provident Fund (Special Provisions) Law, and shall come into operation on such date as the Minister may appoint by Order published in the *Gazette* (hereinafter referred to as the "appointed date") *.

No contribution to
be made by any
employee or
employer in any
covered employment
to any fund other than
the Employees'
Provident Fund.

2. (1) No person who, on or after the appointed date, becomes an employee in any covered employment shall, for the purpose of securing any superannuation benefits, be a member of, or pay a contribution to, any provident fund, pension fund or any other superannuation fund or scheme, other than the Employees' Provident Fund established under Employees' Provident Fund Act.

(2) No person who, on or after the appointed date, employs any other person in any covered employment shall for the purpose of providing superannuation benefits to such employee, pay a contribution, in respect of such employee, to any provident fund, pension fund or any other superannuation fund or scheme other than the Employees' Provident Fund established under Employees' Provident Fund Act, No. 15 of 1958.

No superannuation
fund or scheme to
be established by
an employer in
any covered
employment.

3. No person who on or after the appointed date employs any other person in any covered employment shall establish any provident fund, pension fund or any other superannuation fund or scheme for the purpose of providing superannuation benefits to his employees.

Regulations.

4. (1) The Minister may make regulations for the purpose of carrying out or giving effect to the principles and provisions of this Law.

(2) Every regulation made by the Minister shall be published in the *Gazette* and shall come into operation on the date of such publication or on such later date as may be specified in the regulation.

(3) Every regulation made by the Minister shall, as soon as convenient after its publication in the *Gazette*, be brought before Parliament for approval. Any regulation which is not so approved shall be deemed to be rescinded as from the date of disapproval, but without prejudice to anything previously done thereunder.

(4) Notification of the date on which any regulation made by the Minister is so deemed to be rescinded shall be published in the *Gazette*.

(5) any regulation made by the Minister shall when approved by Parliament be as valid and effectual as if it were herein enacted. Notification of such approval shall be published in the *Gazette*.

Offences and
penalties.

5. (1) Every person who contravenes or fails to comply with any provision of this Law or any regulation made thereunder or any order or direction lawfully given under this Law shall be guilty of an offence under this Law.

(2) Every person who commits an offence under this Law shall on conviction after trial before a Magistrate be liable to imprisonment of either description for a period not exceeding six months or to a fine not exceeding one thousand rupees or to both such imprisonment and fine.

* *Gazette Extraordinary* No. 788/7 of 14th October, 1993.

(3) Where an offence under this Law is committed by a body of persons, whether corporate or unincorporate, every person who at the time of the commission of the offence was a director, general manager, secretary or other similar officer of such body of persons, and where such body of persons is a firm every partner of that firm shall be deemed to be guilty of that offence unless he proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of that offence as he ought to have exercised having regard to the nature of his functions and in all the circumstances.

This Law to prevail over other written law, award, collective agreement or arrangement.

6. The provisions of this Law shall have effect notwithstanding anything contained in any other written law, award, collective agreement or other arrangement, and accordingly in the event of any conflict or inconsistency between the provisions of this Law and such other law, award, collective agreement or other arrangement, the provisions of this Law shall prevail over such other law, award, collective agreement or other arrangement.

Interpretation.

7. In this Law, unless the context otherwise requires,

“covered employment” and “employee” shall have the same meanings respectively as in the Employees' Provident Fund Act, No. 15 of 1958.

[*Gazette*
No. 910/19 of
16. 02. 1996.]

**THE EMPLOYEES' PROVIDENT FUND
(SPECIAL PROVISIONS) LAW, No. 6 OF 1975**

Order under Section 1

BY virtue of the powers vested in me under section 1 of the Employees' Provident Fund (Special Provisions) Law, No. 6 of 1975, 1, Mahinda Rajapakse, Minister of Labour and Vocational Training, do by this Order specify the first day of February, 1996, as the "appointed date" for the purposes of that section.

MAHINDA RAJAPAKSE,
Minister of Labour and Vocational Training.

Colombo,
30th January, 1996.