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Northern Province Teachers' Association Benevolent Fund (Incorporation) Act, No. 18 of 1968

Date of Assent: May 31, 1968

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*Northern Province Teachers' Association
Benevolent Fund (Incorporation) Act, No. 18 of 1968*

L. D.—O. 10/64.

AN ACT TO INCORPORATE THE NORTHERN PROVINCE
TEACHERS' ASSOCIATION BENEVOLENT FUND.

[Date of Assent: May 31, 1968]

WHEREAS an association known as "Northern Province Teachers' Association Benevolent Fund" has heretofore been established in Jaffna for the purpose of carrying out the objects of the association according to the rules agreed to by its members:

And whereas the said association has heretofore been successfully carrying out its objects and it is now desirable that the said association should be incorporated:

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Northern Province Teachers' Association Benevolent Fund (Incorporation) Act, No. 18 of 1968.

Short title.

2. The persons who, at the time of the coming into operation of this Act, are members of the Northern Province Teachers' Association Benevolent Fund (hereinafter referred to as "the association") and such other persons as are hereafter enrolled as members of the association shall be a body corporate (hereinafter referred to as "the Corporation") with perpetual succession, a common seal and the name Northern Province Teachers' Association Benevolent Fund. The Corporation may sue and be sued by that name.

Incorporation of the Northern Province Teachers' Association Benevolent Fund.

3. The following shall be the objects of the Corporation:—

Objects of the Corporation.

- (a) to promote thrift among its members;
- (b) to aid members in pecuniary difficulties; and
- (c) to provide for members and their dependants by the payment of retirement and death benefits.

4. (1) The affairs of the Corporation shall, subject to the rules in force for the time being of the Corporation, be administered by a Committee of Management consisting of a President, a Vice-President, a Secretary, an Assistant Secretary and a Treasurer of the

Committee of Management.

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Corporation and ten other members, elected to the Committee in accordance with the rules for the time being of the Corporation.

(2) The first Committee of Management shall consist of the President, the Vice-President, the Secretary, the Treasurer and the members of the Committee of Management of the association holding office at the time of the coming into operation of this Act, and shall function until the first annual general meeting of the Corporation.

The Corporation may acquire, hold and dispose of property.

5. The Corporation—

- (a) may acquire and hold any movable or immovable property by right of purchase, grants, gifts, testamentary disposition or otherwise;
- (b) shall hold any property subject to the rules for the time being of the Corporation;
- (c) may sell, mortgage, lease, exchange or otherwise dispose of any of its properties;
- (d) may invest its funds in accordance with such rules for the time being of the Corporation.

Sums payable by or to the association to be paid by or to the Corporation.

6. All debts and liabilities of the association existing at the time of the coming into operation of this Act shall be paid and discharged by the Corporation and all debts due to and contributions payable to the association shall be paid to the Corporation.

Seal of the Corporation.

7. The seal of the Corporation may be altered at the pleasure of the Corporation. It shall not be affixed to any instrument whatsoever except in the presence of the Treasurer and either the President or the Secretary of the Corporation who shall sign their names on the instrument in token of their presence and such signing shall be independent of the signing of any person as a witness.

Rules.

8. (1) The Corporation may make rules relating to the admission, suspension or expulsion of members, the duties of the Committee of Management and of the various officers or agents of the Corporation, the procedure in the transaction of business and the management of the affairs of the Corporation and the accomplishment of its objects.

(2) Subject to the provisions of sub-section (3) the rules set out in the Schedule of this Act shall be the rules of the Corporation.

(3) Any rule of the Corporation may be amended or rescinded or any rule may be added to the rules of the Corporation and passed by a majority of not less than two-thirds of such members of the Corporation entitled to vote under the rules of the Corporation as are present at a general meeting of the members.

(4) The members of the Corporation shall be subject to the rules in force for the time being of the Corporation.

9. Nothing in this Act contained shall prejudice or affect the rights of Her Majesty the Queen, Her Heirs and Successors or of any body corporate or of any other persons except such as are mentioned in this Act or those claiming from or under them.

Saving of the
rights of the
Crown and
others.

SCHEDULE

1. *Name.*—The name of the Association shall be Northern Province Teachers' Association Benevolent Fund.

2. *Objects.*—The objects of the Association shall be to—

- (a) promote thrift;
- (b) aid members in pecuniary difficulties;
- (c) provide for members and their dependants by the payment of retirement and death benefits.

3. *Membership.*—All teachers of either sex who are members of the Northern Province Teachers' Association shall be eligible for membership.

4. *Qualification for Membership.*—

- (a) When the Association is inaugurated all teachers who are members of the Northern Province Teachers' Association shall be eligible for membership of the Fund.
- (b) After the date of inauguration those between the ages of 35 and 50 shall be eligible for membership up to the 30th of September, 1960.
- (c) Thereafter only members of the Northern Province Teachers' Association who have not completed 35 years of age shall be eligible for membership.
- (d) Members who joined under 4 (a) or 4 (b) shall continue the membership of the Fund till their retirement or for a period of ten years (one hundred and twenty months) if at the time of retirement the member had not completed ten years (120 months) of membership to be eligible for retirement benefits.

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5. *Mode of enrolment.*—

- (a) Application for membership shall be addressed to the Secretary and shall be in such form as may from time to time be approved by the Committee of Management.
- (b) Every application for membership shall be accompanied by an admission fee of Re. 1.
- (c) The Committee of Management shall have the power to accept or reject such application without assigning any reasons.
- (d) Any member who makes a false statement in his application shall forfeit all moneys paid by him to the Fund and his privileges as a member, unless he satisfies the Committee of Management that such false statement was not wilfully made.

6. *Grades.*—There shall be three grades of membership—Grade A, Grade B, and Grade C, contributing monthly Rs. 10, Rs. 7.50 and Rs. 5 respectively.

7. (a) *Change of Grade.*—A member may with the permission of the Committee of Management change into a lower grade forfeiting all privileges under the original grade.

(b) A member may change into a higher grade by paying all arrears and retain his original date of membership provided he does so before completing three years of membership.

8. *Monthly Contributions.*—Contributions shall be paid to the Treasurer on or before the 10th of the month following that for which it is due. All such contributions shall be entered in the Pass Book issued to each member on enrolment.

9. *Lapse of Membership.*—(a) A member who ceases to be a member of the Northern Province Teachers' Association or fails to pay his monthly contribution regularly as prescribed in rule 8 and is in arrears for three months at the end of each year on the 31st of December shall on that date forfeit his membership of the Fund. The amount standing to his credit less 25 per cent. of it shall be paid to him on application.

(b) Teachers who due to reasons of transfer or retirement or service in a private school cannot continue their membership of the Northern Province Teachers' Association will be eligible to continue the membership of the Fund.

10. *Re-admission.*—A person who has forfeited his membership under rule 9 shall be eligible for re-admission provided he applies for re-admission within one year of the loss of membership and pays up all arrears. If, however the death of the member should occur within twelve months of such re-admission no death benefit shall be made on his account.

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11. *Resignation.*—A member may resign from the Fund only after twelve months of membership. When a member resigns for reasons not considered satisfactory by the Committee of Management or disqualifies himself for membership of the Fund by ceasing to be a member of the Northern Province Teachers' Association he will forego 25 per cent. of the amount standing to his credit.

12. *Concessions for Payment of Contributions.*—In special circumstances such as loss of employment due to prolonged illness or discontinuance a member may obtain permission from the Committee of Management to let his contributions fall into arrears for a period not exceeding two years without being subject to the penalty under rule 9.

13. *Period of Contributions.*—Twenty-five years (three hundred months) shall be the full contributory period. A member who has contributed for twenty-five years (300 months) may thereafter cease contributing to the Fund without prejudice to his rights of membership.

14. *Pass Book.*—Every member on admission shall be provided with a pass book. A fee of Re. 1 shall be charged for the issue of a duplicate pass book.

15. *Nomination.*—(a) Every member shall when enrolling be entitled to nominate one or more persons to receive the benefits in such shares or proportion as may be specified in the nomination. If no proportion is mentioned in such nomination the amount payable shall be divided equally among the nominees.

(b) Every member shall have the right of changing his or her nominee or nominees. No such change shall be valid unless such nomination signed by the member is received by the Secretary at least 30 days prior to the member's decease.

(c) All benefits payable to a minor under this rule shall be deposited in the Ceylon Savings Bank or in the Post Office Savings Bank in his or her name. The pass book shall be in the custody of the Treasurer till the minor attains majority.

16. *The Committee of Management.*—

(a) The business of the Benevolent Fund shall be conducted subject to the rules by a Committee of Management consisting of a President, a Vice-President, a Secretary, a Treasurer, an Assistant Secretary and ten other members including the President and Secretary of the Northern Province Teachers' Association provided they are members of the Benevolent Fund.

(b) The Committee of Management shall continue in office till the next Annual General Meeting unless a Special General Meeting decides upon the replacement of any member of the Committee of Management.

(c) Any member of the Committee of Management who absents himself from three consecutive meetings shall cease to be a member of the Committee of Management.

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- (d) In the event of a vacancy occurring in the Committee of Management it shall elect a successor from among the members of the Benevolent Fund.
- (e) Funds of the Benevolent Fund shall be invested in such manner as may be decided upon by the Committee of Management.
- (f) No Office-Bearer shall hold the same office for more than three consecutive years at a time.

17. *Committee Meetings.*—

- (a) The Committee of Management shall meet for the transaction of business at least once a month. A special meeting of the Committee may be called at the request of the President or of any five members of the Committee of Management.
- (b) Seven shall form a quorum.

18. *Books to be kept.*—The following books shall be kept:—Register of Members, Cash Book, Journal, Ledger, Minutes Book and any others that may be found necessary.

19. *Inspection of Books.*—The account books of the Fund shall be open for inspection by members on 3 days' notice being given in writing to the Treasurer. The President and Secretary may at any time inspect the Books.

20. *Custody of Funds.*—The Treasurer shall receive all moneys and keep accounts of all Funds. Such money shall be placed in one or more banks approved by the Committee in the name of the Fund and the account shall be operated by the joint signatures of the Treasurer and either the Secretary, or the President.

21. *Time of Payment of Benefits.*—Benefits shall be paid—

- (i) to a member on his retirement after reaching his age limit as prescribed by the Teacher's Pension Rules or on his being compelled to retire from service on ground of illness after being condemned by a Medical Board; or
- (ii) to the nominee or legal heirs on the death of a member;
- (iii) to those who were enrolled in accordance with rule 4 (a) or 4 (b) retirement benefits shall be paid only on completing 10 years (120 months) of membership of the Fund;
- (iv) to a member who gives up the profession or has retired before reaching the age of retirement under the Teacher's Pension Rules, when he has completed ten years (120 months) of membership of the Fund.

22. A member who comes under 21 (iv) may at his option continue the membership of the Fund till he reaches the optional age of retirement as prescribed in the Teacher's Pension Rules.

23. *Death Benefits.*—

- (a) On the death of a member who was over 50 years of age at the time of his enrolment as a member of the Fund his heirs or nominees shall receive a death benefit equal to $\frac{2}{5}$ of what would normally be paid in accordance with 23 (b).

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(b) On the death of a member who was below 50 years of age at the time of his enrolment and who has completed three years (36 months) of membership a death benefit shall be paid on the following basis:—

(i) *To a Grade A member.*—Rs. 10, Rs. 7.50, Rs. 5 on account of every member who has completed three years of membership in Grades A, B & C, respectively.

(ii) *To a Grade B member.*—Rs. 7.50 on account of every Grade A & B member and Rs. 5 on account of every Grade C member, who has completed 3 years of membership.

(iii) *To a Grade C member.*—Rs. 5 on account of every member in Grades A, B & C who has completed three years of membership.

(c) If a member dies before completing three years of membership his contributions shall be paid to his nominee or legal heirs. No death benefit shall be paid on behalf of such members.

24. *Retirement Benefits.*—(a) On the retirement of a member who has completed ten years (one hundred and twenty months) of membership a retirement benefit shall be paid on the basis as detailed in rule 25 on account of every member who has completed 5 years (sixty months) of membership. If a member retired before contributing for the full period of 25 years (three hundred months), the retirement benefit will be a fraction of the full benefit, the fraction being the number of months of membership over three hundred.

(b) If a member retires from the profession and wants to withdraw from the Fund before completing ten years (120 months) of membership of the Fund the amount lying to his credit will be paid to him on application and the member shall not be entitled to any retirement benefits.

25. A member who retires shall receive subject to rule 24, 50 per cent. of a month's contribution on account of each member who is in the 6th, 7th and 8th years of membership, 75 per cent. of a month's contribution on account of each member who is in his 9th and 10th years of membership and a month's full contribution on account of each member who has completed 10 years (one hundred and twenty months) of membership. No contribution shall be made on account of members whose membership is less than five years (sixty months).

26. All moneys payable to the Fund by a member shall be a first charge on moneys payable by the Fund to him or his nominees or his heirs.

27. *Financial Year.*—The financial year of the Benevolent Fund shall be from 1st January to 31st December.

28. *Remuneration of Office-Bearers.*—The Office-Bearers, the Secretary and the Treasurer, may be remunerated and such remuneration shall be fixed at the annual general meeting.

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29. *Alteration of Rules.*—The power to alter or amend the rules or to introduce new rules shall rest solely on a 2/3 majority of the members assembled at a general meeting.

30. *Annual General Meeting.*—The Annual General Meeting of the Benevolent Fund shall be held as early as possible after January 1st but not later than March 31st. At least 10 days' notice shall be given. At the meeting 20 per cent. of the members or 35 members, whichever is less, shall form a quorum. The business shall be—

- (a) to receive the Report and Balance Sheet of the Committee of Management;
- (b) to elect Office-Bearers;
- (c) to transact any other business of which 14 days' notice shall have been given.

31. *Special General Meetings.*—A Special General Meeting shall be convened by the Secretary at the request of at least 10 per cent. of the members or the President or the Committee of Management, at least 7 days' notice of the business being given.

32. *Reversal of Decisions of a Meeting.*—No decision of a general meeting shall be reversed by a subsequent general meeting except by a majority of two-thirds of the members present and voting.

33. *Provision for Winding-up.*—The Fund shall not be wound up unless with the consent of at least two-thirds of the members on the roll. In the event of its being wound up the funds of the Fund, shall, after payment of all claims, be divided among the members pro-rata.

34. *Matters not provided for.*—Matters not provided for in the above rules shall be dealt with by the Committee of Management.

35. *Rights not Transferable.*—No member shall assign his or her interest in the Fund to any other person.

36. *Loans.*—Loans may be granted to a member of over 12 months' standing, the amount of loan the member being entitled to shall not exceed 60 per cent. of the amount standing to his credit at the moment and interest of 6 per cent. shall be charged on loans outstanding. Such loans shall be repaid within the period specified by the Committee of Management.

37. *Office.*—The place of office of the Fund shall be in Jaffna at such places as decided by the Committee of Management.

38. *Auditing.*—The accounts of the Benevolent Fund shall be audited by a Public Auditor once a year.