

No. 15.—1884.

**An Ordinance to make provision for granting Pensions to
Widows and Children of deceased Public
Officers of this Colony.**

ARTHUR GORDON.

WHEREAS it is desirable to make provision for the granting of pensions to the widows and children of public officers of this Colony : And whereas by a resolution of the Legislative Council, passed on the 17th day of October, 1883, it was resolved that interest at the rate of six per cent. should be allowed on the capital of the Widows and Orphans' Pension Fund for a term of ten years : Be it therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows :—

Preamble.

1. This Ordinance may be cited as "*The Widows and Orphans' Pension Fund Ordinance, 1884.*" Short title.

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Formation of widows and orphans' fund.

2. A fund shall be formed as hereinafter provided for providing pensions for widows and children of public officers of this Colony to be called "The Widows and Orphans' Fund."

Investment of funds.

3. All moneys belonging to the fund, whether arising from contributions, fines, interest, or otherwise, shall be invested with the Government of this Colony, and shall bear interest, to be paid by the Government for ten years from the date at which this Ordinance shall come into operation, at the rate of six per cent. per annum free from any deduction to be made up on the 31st day of December in each year, and to be calculated upon the mean monthly balance standing in the hands of the Treasurer to the credit of such fund during the course of the year.

Abatements from salaries to be made towards fund.

4. From and after the date on which this Ordinance shall come into operation, an abatement of four per cent. shall be made from the salary of every public officer whose appointment shall be subsequent to the passing of this Ordinance, as well as from the salaries of such public officers as shall have been appointed prior to the passing of this Ordinance, but who shall have entered into an agreement to join the fund when established, and whose salaries in either case shall at any time amount to or exceed the rate of two hundred and fifty rupees per annum.

Contributions to the fund by officers appointed prior to passing of this Ordinance.

5. Any public officer whose appointment shall have been made prior to the passing of this Ordinance, and whose salary shall at any time amount to or exceed the rate of two hundred and fifty rupees per annum, may contribute towards the fund, and be entitled to the same privileges and be subject to the same conditions in respect thereof as a public officer with regard to whom it shall be compulsory to join the fund, upon notice being given to the directors of the fund on or before the 31st day of December, 1884, that it is the desire of the public officer to join the fund.

Period for which abatement shall be made.

6. The abatement of four per cent. 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 this fund for thirty-five successive years.

Abatement payable by officer retired on a pension for service.

7. A public officer, who has attained the age when he shall have acquired the right to retire from the public service, or who may be allowed to retire from the public service on account of ill-health before he attains the age at which he would otherwise be entitled to retire, or who may be deprived of the situation in respect of which he contributed to the fund but who is entitled to retire on a pension, should he decide on retiring 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 cent. 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. Provided that in the event of such officer at any time intimating his intention in writing to the directors not to so contribute further, he shall be considered as having ceased to have any interest in the fund, and his widow and children shall have no claim thereon.

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8. A public officer, who may be obliged to retire from the public service on account of ill-health, or who may be deprived of the situation in respect of which he contributed to the fund, by the abolition of his office, before he is entitled to a pension, may select to be dealt with in respect of his contributions to the fund in any one of three modes, namely :—

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| (1) He may claim, from the fund hereby established, repayment of fifty per cent. of his actual contributions to the fund ; in which case his interest in the fund will cease, and his widow and children will have no claim for pensions. | Manner of dealing with case of retirement • without pension or of abolition of office. |
| (2) He may claim to be allowed to continue his contributions to the fund as if he still remained in the public service ; in which case his widow and children will be entitled to the full benefit of the fund ; or | By repayment of half of his contributions. |
| (3) He may claim pensions for his widow and children in respect of his contributions to the fund, the amount of such pensions to be determined by the Governor, with the advice of the Executive Council, as soon as possible after his ceasing to be employed in the public service. In the event of his being dissatisfied with the amount of the pensions so determined, after the same shall have been intimated to him, he can then select to be dealt with under either of the other two modes. | By continuing contributions. |
| | By calculating amount of pension he is entitled to. |

Notice of the wish of an officer to adopt one of the said three modes must be given to the directors of the fund within six months from his ceasing to be employed in the public service of the Colony.

9. A public officer who shall be transferred from the service of this Colony to other employment under the Crown may continue to contribute to the fund, if such officer, within six months from the date of his appointment, shall intimate his intention in writing to that effect to the directors, at the rate of the abatement from the salary or income he was receiving from the Colony as at the date of his appointment, or on the amount of such salary or income as he receives in respect of the situation to which he has been promoted ; such officer shall also be allowed to contribute on any increase of his salary or on the amount of such salary as he may receive in respect of any other situations to which he may be promoted, and subject to the same terms and conditions as if he had continued in the public service of the Colony ; any such officer residing out of the Colony and contributing to the fund shall make his return as prescribed by the directors. Should such officer fail or neglect to pay his contribution to the fund and be in arrear for six months, it shall be considered that he has ceased to contribute to the fund, and his widow and children shall have no claim on the fund, but such officer may be again allowed to contribute to the fund on such terms as may seem to the directors proper, and on the approval of the Governor, with the advice of the Executive Council.

10. Neither the widow nor any child of a public officer who shall have been dismissed from the public service for misconduct shall have any claim to a pension or interest in the fund ; nor shall

Provision for case of officers hereafter promoted elsewhere.

Claim to pension to cease on dismissal or resignation.

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the widow or any child of a public officer who shall have resigned his situation, except on account of ill-health, as hereinbefore provided, without being entitled to a pension, have any claim to pension or interest in the fund.

Payments to be made to Treasurer and carried to credit of fund; allowance of interest on sums at credit.

11. The abatement of four per cent. from the salaries of all public officers, whose salaries shall be subject to abatement, shall be made by the Treasurer in proper proportion upon each occasion of his paying the salary or any portion thereof and placed to the credit of the fund, and all other payments and contributions to the fund shall be made to the Treasurer and placed to the credit of the fund.

Appointment of directors of fund; directors to make annual report.

12. For the due and proper management of the fund, the Governor and Executive Council shall annually appoint five public officers as directors thereof (any three of whom shall be sufficient to form a quorum), who shall be eligible for re-appointment, and whose duty it shall be to superintend and direct the management and administration thereof, and to see that the laws and regulations relating thereto are duly fulfilled and complied with; and it shall further be the duty of the said directors annually, on or before the 31st day of January of each year, to prepare or cause to be prepared, for the information of the Governor and Legislative Council, a detailed statement and account of the fund for the year ending 31st December preceding, with such report on the state and prospect of the fund as such directors may deem necessary.

Provision for cost of management of fund.

13. A sum, not exceeding five per cent., shall be deducted from the annual contributions to the fund for the purpose of defraying all expenses connected with the management and administration of the fund.

Registers of contributors of fund to be kept.

14. A register shall be kept of the age of every public officer contributing to the fund, and if married, of the date of the marriage of such officer, and the age of his wife, and the ages of his children (if any).

Certain information to be furnished by officers.

15. Every public officer, whose salary or income is subject to abatement for the fund, shall, if in the Colony, within three months,—or if abroad, within six months,—from the passing of this Ordinance, be bound to forward to the directors of the fund the dates of his birth, of his marriage (if married), and of the birth of his wife and of his children (if any), duly proved to the satisfaction of the directors by affidavit or otherwise.

Officers hereafter appointed to furnish certain information.

16. Every public officer, whose salary or income is subject to abatement for the fund, and whose appointment shall be subsequent to the passing of this Ordinance, shall be bound, within six months after the date of his appointment, to furnish the directors with the date of his birth, the date of his marriage (if married), the date of his wife's birth, and the date of the birth of any child or children of such marriage, all duly proved to the satisfaction of the directors by affidavit or otherwise.

Officer to notify his marriage.

17. Every public officer, whose salary or income is subject to abatement for the fund, who shall marry after the passing of this Ordinance, or who, being married, shall obtain a divorce from his wife, shall be bound, within six months after his marriage, or

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divorce, to notify the same to the directors, and in case of marriage, the age of his wife duly proved as aforesaid.

18. Every public officer, whose salary or income is subject to abatement for the fund, shall be bound to notify to the directors the birth of each legitimate child born to him within six months from the date of such child's birth, and the marriage of any female child under the age of 21 within six months from the date of such child's marriage.

Officer to notify birth of child.

19. Every public officer, whose salary or income is subject to abatement for the fund, shall be bound to notify to the directors, within six months from the date of the event, the death of his wife or any of his children.

Officer to notify death of wife or child.

20. Any public officer whom the directors may consider shall have failed or neglected to comply with any of the requirements aforesaid, or who shall, in the opinion of the directors, have given any false information in relation thereto, shall be liable to a fine for each default not exceeding fifty rupees, to be deducted from his salary or income by the Treasurer on an order to that effect by the directors of the fund, and to be placed to the credit of the fund.

Penalty for non-compliance with foregoing.

21. The widows and orphans who will be entitled to pensions from the fund are the widows and orphans of public officers who shall have contributed towards the fund in accordance with the conditions of this Ordinance, save as hereinafter excepted.

Who shall be entitled to pensions under this Ordinance.

22. No child of any public officer born out of wedlock, but who by the laws of this Colony has become or may become legitimate by subsequent marriage of their parents, shall be entitled to any pension or allowance from the fund.

Exceptions from benefits of fund.

23. The allowance or pension to orphans shall cease, in the case of males, at 18 years of age, and, in the case of females, at 21 years of age or on marriage.

When pension to orphans shall cease.

24. The pension or allowance to which a widow or any child of a deceased public officer is entitled shall be computed in accordance with tables to be approved of by the Governor and Executive Council, such tables to be subject to revision and re-adjustment from time to time as the Governor and Executive Council may deem necessary.

Pensions to be computed according to tables approved by Governor and Executive Council.

25. When a public officer, a widower, dies leaving a child or children entitled to pensions, or when a widow of a public officer dies and there be a child or children of such public officer then living whose ages would entitle them to pension, such pensions shall be as follows:—If three in number or less, each child shall receive one-fourth of the allowance to which the widow of the officer would have been entitled had she survived him or had been in receipt of after his death; if more than three, then the amount which the widow would have received or had been receiving shall be divided equally among the children.

Pensions payable to orphans.

26. The widow of a public officer receiving a pension from the fund, who marries again, shall forfeit all claim to any further pension from the date of her second marriage, and if there are any

Provision in case of widow marrying.

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children of the first marriage whose ages would entitle them to a pension, such children shall be entitled to the same rate of pension as if both parents were dead.

Provision in case of children by a former marriage.

27. When a public officer dies leaving a widow and also children by a previous marriage whose ages entitle them to pensions from the fund, such children, if three or more in number, shall be entitled to one-half of the pension to which their mother, if she had survived their father, would have been entitled; if two children, to one-third; and if only one child, to one-fourth; and the widow to one-half of the pension to which she would have been entitled had there been no such children, but, if there are no such children, or when they cease to be entitled to pensions, then the widow shall be entitled to her full pension. Should the step-mother of such children die leaving no lawful issue by such officer, such children shall be entitled to pensions as if their father had not married a second time; should the step-mother of such children die leaving lawful children, such children shall have the pension which their mother was entitled to equally divided among them.

What proof to be produced before payment of pensions.

28. Widows and orphans entitled to pensions from the fund and residing out of the Colony must produce proof, to the satisfaction of the directors, of their being alive, and entitled thereto, before their pensions can be paid.

Pensions not to be assigned or levied upon.

29. No pensions payable from the fund shall be assignable or transferable, nor shall any pension payable from the fund be attached, arrested, or levied upon for or in respect of any debt or claim due by the recipient of such pensions.

Questions or disputes to be decided by Executive Council.

30. Should any question or dispute arise as to who is entitled to contribute to the fund, or as to the right of a widow or child to a pension from the fund, or as to the amount of such pension, all such questions and disputes shall be referred by the directors of the fund to the Governor in Executive Council for decision, and such decision shall be final.

Pension to commence upon death of officer.

31. The pension payable to a widow or child or children under this Ordinance shall commence upon the death of the husband or father, or mother or step-mother, as the case may be, shall accrue daily, and shall be paid monthly clear of any deduction until re-marriage or death of the widow or until the cesser of eligibility in the case of children.

Widow not entitled to pension if marriage contracted after husband's completion of 35 years' contribution.

32. No widow of a public officer whose marriage was contracted after her husband had completed his 35 years of contribution, or had attained the age of sixty-five, or had retired on pension, or no issue of such marriage shall be eligible for any pension under this Ordinance.

Pension not to exceed Rs. 3,000.

33. No pension to which a widow or child or children may become entitled under this Ordinance shall exceed the sum of three thousand rupees per annum, provided that no public officer shall be

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compelled to pay any contributions beyond such as would bring up the pension to which a widow or child or children might be entitled to such maximum amount.

34. No pension, whether payable to a widow or child or children, shall be increased or abated by reason of the person entitled to receive the same residing in a climate less or more healthy than that of Ceylon.

No increase of pension if residing in climate less or more healthy than Ceylon.
Bachelor's pension to be returned on retirement.

35. Fifty per cent. of the contributions made by a bachelor shall be returned, but without interest, upon the retirement, unmarried, of such officer from the public service on pension, but not otherwise.

36. Should the official income of a public officer become reduced either by abatement of the ordinary emoluments or by the grant of a permanent superannuation allowance, such public officer may, should he so desire it, and upon his giving notice in writing to the directors of his desire to do so, continue his rate of contribution for the remainder of the thirty-five years, or until he shall attain the age of sixty-five according to the full amount of contribution hitherto paid by him, in which case his widow or child or children shall be entitled to pension accordingly; but if such public officer only continues to contribute at the rate of four per cent. on his retiring allowance any pension to his widow or child or children shall become diminished in the same amount as it would have been increased had such public officer's official income been raised instead of being lowered.

Contributions to continue in full if income reduced.

37. On the 31st day of December of the tenth year following the establishment of the fund (or so soon after as possible), and quinquennially thereafter, an actuary or actuaries to be appointed by the Governor, with the advice of the Executive Council, shall make an investigation of the fund, and report in full as to its working, its results as compared with the estimates upon which it was based, its financial position, and whether any, and if so, what, re-adjustment of the benefits or contributions are considered necessary.

Appointment of actuary.

38. All pensions contemplated by this Ordinance, whether in possession or reversion, shall be from time to time subject to re-adjustment according as the financial condition of the fund may after such investigation and report as is referred to in the next preceding section be found to be necessary and be determined upon by the Governor in Executive Council.

Pensions to be subject to re-adjustment according to finances.

39. It shall be lawful for the directors appointed under this Ordinance to frame rules and regulations not inconsistent therewith for the proper carrying out of the provisions of this Ordinance, provided that all such rules and regulations shall be approved of by the Governor, with the advice of the Executive Council, and shall be published in the *Government Gazette*.

Directors may make rules and regulations.

40. A "public officer" means, for the purposes of this Ordinance, an officer who is in the receipt from the Colonial Treasury of a salary of not less than Rs. 250 per annum: Provided that the provisions of this Ordinance shall not apply to any public officer who is by any law entitled to have more than one wife at any one time, nor to the widow and children of any such officer.

Who is to be considered as a public officer under this Ordinance.

Commencement of
Ordinance.

41. This Ordinance shall come into operation on and after the
Thirty-first day of March, 1884.

Passed in Council the Thirteenth day of February, One thousand
Eight hundred and Eighty-four.

R. H. SINCLAIR,
Acting Clerk to the Council.

Assented to by His Excellency the Governor, the Fourteenth
day of February, One thousand Eight hundred and Eighty-four.

J. DOUGLAS,
Colonial Secretary.
