

PARLIAMENT OF CEYLON

3rd Session 1958-59



Local Authorities (Special Provisions) Act, No. 7 of 1959

Date of Assent : February 9, 1959

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L. D.—O. 2/58.

AN ACT TO AMEND THE LAW RELATING TO CERTAIN LOCAL AUTHORITIES FOR THE PURPOSE OF MAKING SPECIAL PROVISION FOR THE GRANT OF PENSIONS, GRATUITIES OR RETIRING ALLOWANCES TO THE OFFICERS AND SERVANTS OF SUCH LOCAL AUTHORITIES AND FOR THE GRANT OF PENSIONS, ANNUITIES OR GRATUITIES TO THE WIDOWS, CHILDREN, NEXT OF KIN OR DEPENDANTS OF DECEASED OFFICERS AND SERVANTS OF SUCH LOCAL AUTHORITIES.

[Date of Assent: February 9, 1959.]

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 Local Authorities (Special Provisions) Act, No. 7 of 1959.

Short title.

2. The Urban Councils Ordinance, No. 61 of 1939, is hereby amended by the insertion, immediately after section 172 of that Ordinance, of the following new sections which shall have effect as sections 172A and 172B of that Ordinance:—

Insertion of new sections 172A and 172B in the Urban Councils Ordinance, No. 61 of 1939.

" Ex gratia payment of pension, annuity, gratuity or retiring allowance.

172A. (1) An Urban Council may, with the approval of the Minister given after consultation with the Minister of Finance, grant, out of the local fund established by that Council, to any person—

(a) who retires or has retired from service as an officer or servant of that Council, or

(b) who is or was transferred from such service to, and retires or has retired from, the service of the Government,

a pension, gratuity, or retiring allowance in respect of any period of his service as such officer or servant for which no pension, gratuity, or retiring allowance or no adequate pension, gratuity, or retiring allowance

is payable under any by-laws or rules of that Council or under any pension scheme established under the Local Government Service Ordinance, No. 43 of 1945.

(2) Where no pension, annuity, or gratuity, or no adequate pension, annuity, or gratuity is payable to the widow, children, next of kin or dependants of any deceased officer or servant of an Urban Council under any by-laws or rules of that Council or under any scheme or fund established under the Local Government Service Ordinance, No. 43 of 1945, that Council may, with the approval of the Minister given after consultation with the Minister of Finance, grant to such widow, children, next of kin or dependants a pension, an annuity or a gratuity out of the local fund established by that Council.

(3) Nothing in sub-section (1) or sub-section (2) of this section shall be construed to confer on any person any right to any pension, annuity, gratuity or retiring allowance under either of those sub-sections.

Power to
establish
gratuity
scheme.

172B. (1) An Urban Council may, with the approval of the Minister given with the concurrence of the Minister of Finance, make by-laws providing for the establishment of, and may establish in accordance with such by-laws, a scheme for the payment of gratuities to temporary officers and servants of that Council upon their discontinuance from the service of that Council.

(2) By-laws made under sub-section (1) may be so made by an Urban Council as to be applicable to temporary officers and servants of that Council who have been discontinued from the service of that Council before the coming into operation of the by-laws.

3. The Town Councils Ordinance, No. 3 of 1946, is hereby amended by the insertion, immediately after section 172 of that Ordinance, of the following new sections which shall have effect as sections 172A and 172B of that Ordinance:—

Insertion of
new sections
172A and 172B
in the Town
Councils
Ordinance,
No. 3 of 1946.

Ex gratia
payment of
pension,
annuity,
gratuity or
retiring
allowance.

172A. (1) A Town Council may, with the approval of the Minister given after consultation with the Minister of Finance, grant, out of the local fund established by that Council, to any person—

(a) who retires or has retired from service as an officer or servant of that Council, or

(b) who is or was transferred from such service to, and retires or has retired from, the service of the Government,

a pension, gratuity, or retiring allowance in respect of any period of his service as such officer or servant for which no pension, gratuity, or retiring allowance or no adequate pension, gratuity, or retiring allowance is payable under any by-laws or rules of that Council or under any pension scheme established under the Local Government Service Ordinance, No. 43 of 1945.

(2) Where no pension, annuity, or gratuity, or no adequate pension, annuity, or gratuity is payable to the widow, children, next of kin or dependants of any deceased officer or servant of a Town Council under any by-laws or rules of that Council or under any scheme or fund established under the Local Government Service Ordinance, No. 43 of 1945, that Council may, with the approval of the Minister given after consultation with the Minister of Finance, grant to such widow, children, next of kin or dependants a pension, an annuity or a gratuity out of the local fund established by that Council.

(3) Nothing in sub-section (1) or sub-section (2) of this section shall be construed to confer on any person any

right to any pension, annuity, gratuity or retiring allowance under either of those sub-sections.

Power to
establish
gratuity
scheme.

172B. (1) A Town Council may, with the approval of the Minister given with the concurrence of the Minister of Finance, make by-laws providing for the establishment of, and may establish in accordance with such by-laws, a scheme for the payment of gratuities to temporary officers and servants of that Council upon their discontinuance from the service of that Council.

(2) By-laws made under sub-section (1) may be so made by a Town Council as to be applicable to temporary officers and servants of that Council who have been discontinued from the service of that Council before the coming into operation of the by-laws. ”.

Amendment of
the Village
Communities
Ordinance
(Chapter 198).

4. The Village Communities Ordinance is hereby amended as follows:—

(1) in section 49 of that Ordinance, by the insertion in sub-section (2) of that section, immediately after sub-paragraph (c) of paragraph (ii) of that sub-section, of the following new sub-paragraph:—

“ (cc) the provision of pensions or gratuities to the widows, children, next of kin or dependants of deceased officers or servants; ”; and

(2) by the insertion, immediately after section 55 of that Ordinance, of the following new sections which shall have effect as sections 55A and 55B of that Ordinance:—

“ Ex gratia
payment of
pension,
annuity,
gratuity or
retiring
allowance.

55A. (1) A Village Committee may, with the approval of the Minister given after consultation with the Minister of Finance, grant, out of the communal fund of the village area for which that Committee has been constituted, to any person—

(a) who retires or has retired from service as an officer or servant of that Committee, or

(b) who is or was transferred from such service to, and retires or has retired from, the service of the Government,

a pension, gratuity, or retiring allowance in respect of any period of his service as such officer or servant for which no pension, gratuity, or retiring allowance, or no adequate pension, gratuity, or retiring allowance is payable under any by-laws or rules of that Committee or under any pension scheme established under the Local Government Service Ordinance, No. 43 of 1945.

(2) Where no pension, annuity, or gratuity, or no adequate pension, annuity, or gratuity is payable to the widow, children, next of kin or dependants of any deceased officer or servant of a Village Committee under any by-laws or rules of that Committee or under any scheme or fund established under the Local Government Service Ordinance, No. 43 of 1945, that Committee may, with the approval of the Minister given after consultation with the Minister of Finance, grant to such widow, children, next of kin or dependants a pension, an annuity or a gratuity out of the communal fund of the village area for which that Committee has been constituted.

(3) Nothing in sub-section (1) or sub-section (2) of this section shall be construed to confer on any person any right to any pension, annuity, gratuity or retiring allowance under either of those sub-sections.

Power to
establish
gratuity
scheme:

55B. (1) A Village Committee may, with the approval of the Minister given with the concurrence of the Minister of Finance, make by-laws providing for the establishment of, and may establish in accordance with such by-laws, a scheme

for the payment of gratuities to temporary officers and servants of that Committee upon their discontinuance from the service of that Committee.

(2) The by-laws made under subsection (1) may be so made by a Village Committee as to be applicable to temporary officers and servants of that Committee who have been discontinued from the service of that Committee before the coming into operation of the by-laws."