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EXTRAORDINARY

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PART IV (A) - PROVINCIAL COUNCILS

Provincial Councils Notifications

NORTH CENTRAL PROVINCE PROVINCIAL COUNCIL

CO-OPERATIVE EMPLOYEES PENSION AND SOCIAL SECURITY BENEFIT SCHEME STATUTE (AMENDMENT) No. 01 OF 2009

THE aforesaid Statute confirmed by the North Central Province Provincial Council and certified by the Hon. Governor of the North Central Province on 10th June, 2009, is published below for the information of all.

G. D. KEERTHI GAMAGE,
Secretary,
North Central Province Provincial Council.

CO-OPERATIVE EMPLOYEES PENSION AND SOCIAL SECURITY BENEFIT SCHEME (AMENDMENT) STATUTE No. 01 OF 2009

A Statute to amend the Co-operative Employees Pension and Social Security Benefit Scheme Statute No. 06 of 1994 of North Central Province Provincial Council.

Be it enacted by the North Central Province Provincial Council as follows :—

1. This Statute may be cited as the Co-operative Employees Pension and Social Security Benefit Scheme Statute No. 01 of 2009 and shall come into operation on such date as the Minister may appoint by Order published in the *Gazette*.

Short title and
date of
operation.

01. All sections in part I of Principal Statute hereinreferred as Co-operative Employees Pension and Social Security Benefit Scheme Statute No. 06 of 1994 are repealed entirely and following Sections are substituted therefore :-

Co-operative
Employees
Pension and
Social Security
Benefit Scheme.

2. (1) There shall be established a scheme which shall be called Co-operative Employees Pension and Social Security Benefit Scheme (hereinafter referred to as “Scheme”) in terms of the provisions of this Statute.

(2) The Co-operative Employees Pension and Social Security Benefit Scheme shall, by the name assigned to it, be a body corporate with perpetual succession and a common seal.

Administration
of the Scheme.

3. The formation and implementation of policies with regard to the efficient management, operation and implementation of the Scheme in terms of provisions of the Statute shall be vested in board of management (hereinafter referred to as the “board”) appointed by the Provincial Minister in charge of the subject of Co-operatives.

Management
board and
composition.

(1) Board of management of the Scheme shall consist of two *ex-officio* members and five appointed members and the composition shall be seven members.

(a) *Ex-officio* members shall be —

(i) the Secretary of the Ministry of Co-operative-NCP or his nominee (a senior officer in the Ministry) ;

(ii) a senior representative of the Provincial Council Treasury ;

(b) Appointed members shall be —

(i) three members appointed by the Minister in charge of the subject of Co-operatives from among persons who he considers have had wide experience and shown capacity in at least one of the field of Administration, Management, Financial affairs and Law to the pension and social security benefit schemes.

(ii) retired Co-operative employee in the area or a Co-operative employee who is having the membership of the fund.

(iii) Chairman of a registered multi purpose co-operative society limited in the province.

Qualifications
for the members
of management
board and term
of office.

(2) (a) Secretary of the Ministry or his nominee shall be the Chairman of the board of management ;

(b) An appointed member shall unless he vacated office earlier by death, resignation, and removal by the Minister giving reasons or otherwise holds office for Three (3) years ;

(c) The power of the removal of appointed members is vested in the Minister ;

(d) When the office of members is vacant in terms of the Sub-section (b) of 3(2) another member may appointed and the new member shall hold office for the unexpired period of the term of office of the member whom the succeeds ;

(e) A member who has not removed form the office, however vacates office by end of term, shall be eligible for re-appointment ;

(f) A member of the board shall resign form his office through a letter addressed to the Minister.

(3) Disqualifications of the appointment for the management board—

- (a) Member of Parliament, Provincial Council or Local Government body ;
- (b) A person who is having connection with finance or finance related activities that would have an adverse effect on performing his duties as a member of the management board.

Disqualifications of the appointment for the board of management.

4. The board shall meet at least once in two months. When the chairman is not in a position to attend the meeting a member shall elect one from among them to preside at the meeting. The quorum for any meeting of the board shall be three (3). The Chairman shall have the casting vote.

The meetings of the Management Committee.

- (1) Managing director of the Scheme shall be Secretary of the board of management.
- (2) The board of management empowered to draft procedures of in terms of the regulations and provisions of the Statute regarding the conduct and working orders of the meetings.
- (3) No act or proceeding of the board shall be deemed to be invalid by reason only of existence of any vacancy among members or any defect in the appointment of a member.
- (4) (a) The common Seal of the Scheme shall be in the safe custody of a person decided by the board ;
- (b) The Seal of the Scheme shall not be affixed to any instrument or document except in the presence of two members of the board, both of whom shall sign the instrument or document in token of their presence ;
- (c) The board shall maintain a register of the instruments and documents to which the seal of the Scheme has been affixed ;

5. For the purpose of discharging its powers, functions or duty directly vested to the board by or under the Statute, the board may exercise all or any of the following powers :—

Powers of the Management Board.

- (1) Actions regarding management, operation and implementation of Schemes proposed by the managing director from time to time.
- (2) Formulate rules and regulations of the scheme.
- (3) Grant relief after consideration of appeals lodged against donations made in terms of the Section 20.
- (4) Acquire and hold, give on lease, mortgage or hire or sell or otherwise dispose of any movable or immovable property in terms of existing laws and regulations.

6. *Staff of the Scheme :*

Staff of the Scheme.

- (1) Administration of the scheme shall be executed by a managing director and such managing director shall be the Provincial Commissioner of Co-operative Development.
- (2) The managing director shall be charged with the responsibility of conducting the affairs on the Scheme and exercising, performing of its powers, duties, and functions and under this statute subject to the general direction of scheme on policy matters and of the administrators

disciplinary control of the employees of the Scheme subject to Article 5 and the provisions of any other written law.

- (3) Board of management shall take necessary actions to appoint number of employees may deem necessary to assist the managing director in discharging the powers and functions conferred upon him under this Statute.
- (4) Any employee appointed under Sub-section 6(3) above, shall exercise, execute and carryout powers, functions and duties assigned to him from time to time by the Managing Director.
- (5) The Board shall establish and regulate a provident fund or scheme for the betterment of the staff of the scheme and pay contributions to such fund.

Remunerative and salaries of management. Board and administrative staff.

7. (1) The members of the management and staff may be remunerated at such rates as may be determined by the Minister for implementing and discharging the functions of the Scheme.
- (2) Remuneration of the Chairman and remuneration of board members for attending in meeting shall be decided with the approval of the Minister. The managing director may reimburse to members, all such reasonable expenses they may occur regarding the activities of the board.
- (3) In implementation of prepare procedures regarding recruitment, salaries and allowances, promotions and discipline of the staff shall be with the Minister's approval.

02. Section 9 of the part II of the principal enactment is hereby repealed and following Section substituted therefore :-

Qualification to enroll for the scheme.

9. Any co-operative employee who is not less than 18 years and not more than 55 years in age and possessing the prescribed qualifications shall be eligible to enroll for the scheme.

03. The following section is hereby inserted immediately after the Section 10(2) of the part II of the principal enactment and shall have effect as Section 10(3) :-

Benefits under the Scheme.

- 10 (3) A loan scheme shall formulate and implemented for the members of the scheme with the concurrence of the Minister.

04. Section 11 of the part II of the principal enactment is hereby repealed and following Section substituted therefore :-

Instances where pension shall be paid.

- 11 (1) Contributor who completes 55 years of age shall be entitled for the pension.
- 11 (2) Pension shall be paid until the end of the month where contributor has expired.

05. The following Section is hereby inserted immediately after the Section 11(2) of the part II of the principal enactment and shall have effect as Section 11(3)

- 11 (3) Where the employee is in the service after the completion age of 55 years and up to the age of 60 years, pension shall be paid at the date of retirement.

06. In the main statute the term of “advisory committee” is hereby repealed and the term of managing board substituted therefore and the term “director” is hereby repeal by the term of “Managing director” substituted therefore. **General**

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

Sinhala text to prevail in case of inconsistency.

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