



PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA

EMPLOYEES' PROVIDENT FUND
(AMENDMENT) ACT, No. 2 OF 2012

[Certified on 09th February, 2012]

Printed on the Order of Government

Published as a Supplement to Part II of the Gazette of the Democratic
Socialist Republic of Sri Lanka of February 10, 2012

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA
TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price : Rs. 5.00

Postage : Rs. 10.00

*Employees' Provident Fund (Amendment)
Act, No. 2 of 2012*

[Certified on 09th February, 2012]

L. D. —O. 43/2008.

AN ACT TO AMEND THE EMPLOYEES' PROVIDENT FUND
ACT, No. 15 OF 1958

BE it enacted by the Parliament of the Democratic Socialist
Republic of Sri Lanka as follows:—

1. This Act may be cited as the Employees' Provident Fund (Amendment) Act, No. 2 of 2012. Short title.

2. Section 3 of the Employees' Provident Fund Act, No. 15 of 1958, (hereinafter referred to as the "principal enactment") is hereby amended by the insertion immediately after subsection (1) of that section, of the following new subsection:—

“(1A) Where an employee becomes a member of the Fund established under subsection (1), the Commissioner-General of Labour shall assign an identification number to such employee and employer in the prescribed manner.”.

Amendment of section 3 of Act, No. 15 of 1958.

3. Section 5 of the principal enactment is hereby amended in subsection (1) of that section as follows :—
 - (1) by the insertion immediately after paragraph (e) of that subsection, of the following new paragraph :—

“(ee) may invest such amount of moneys of the Fund according to such terms and conditions as may be prescribed, to purchase a land for the construction of a Secretariat on behalf of the Fund or to construct such Secretariat on any land belonging to or held by the Fund, for the use of the Fund; " and" ;

Amendment of section 5 of the principal enactment.

2 *Employees' Provident Fund (Amendment)*
Act, No. 2 of 2012

- (2) in paragraph (ff) of that subsection, by the substitution for the words "account, for a period not exceeding six years prior to the date of such transfer, and" of the words "account and".

Insertion of new section 23A in the principal enactment.

4. The following new section is hereby inserted immediately after section 23 of the principal enactment and shall have effect as section 23A of that enactment:—

" Housing benefits and benefits relating to medical treatment.

23A. (1) Every member of the Fund who—

- (a) has made contributions to the Fund for a period of not less than ten years;
- (b) is presently employed; and
- (c) possesses not less than three hundred thousand rupees to his credit in his individual account,

shall, for the purpose of—

- (i) housing; or
- (ii) medical treatment,

be entitled to withdraw such amount as does not exceed thirty *per centum* of the amount lying to his credit in his individual account :

Provided that the Minister may in the interest of the national economy from time to time prescribe the maximum amount which may be withdrawn from any such individual account.

(2) A member of the Fund who subject to the provisions of subsection (1) makes a withdrawal from the amount lying to his credit in his account, shall upon the completion of a period of ten years from the date of such withdrawal, subject to the provisions of

paragraphs (b) and (c) of subsection (1) be entitled to make a second withdrawal of such amount as does not exceed thirty *per centum* from such account for any one of the above purposes.

(3) Every member shall, during the period he is a contributor to the Fund be entitled to only two withdrawals from his individual account.

(4) For the purpose of this section—

“housing” includes—

- (a) the construction of a house on a land belonging to a member ;
- (b) the purchase of a land for the construction of a house;
- (c) the purchase of a house;
- (d) the redemption of a mortgage on housing property; or
- (e) the settlement of an outstanding balance of the housing loan received from the approved bank,

by such member; and

“medical treatment” includes—

- (a) heart surgery;
- (b) by-pass surgery;
- (c) treatment for cancer including surgery;
- (d) kidney transplant or surgery;

4 *Employees' Provident Fund (Amendment)*
Act, No. 2 of 2012

(e) cesarean operation; or

(f) hospitalization for not less than fourteen days on the account of an accident.

(5) A member of the Fund, his or her spouse and his or her children shall be entitled to the medical treatment referred to in this section.

(6) The Minister may appoint, by Order published in the *Gazette* different dates for the bringing in to operation of the provisions of sub-paragraph (i) or (ii) of subsection (1).”.

Amendment of section 31A of the principal enactment.

5. Section 31A of the principal enactment is hereby amended, by the substitution for the words “at the rate of one *per centum*” of the words “at the rate of two *per centum*”.

Insertion of new section 31B in the principal enactment.

6. The following new section is hereby inserted immediately after section 31A of the principal enactment and shall have effect as section 31B of that enactment:—

“Duty to furnish returns.

31B. (1) It shall be the duty of every employer having in his employment a minimum of fifty employees to furnish a monthly return containing such particulars as may be prescribed, to the Commissioner-General of Labour with a copy to the Central Bank not later than the end of the succeeding month.

(2) Every monthly return referred to in subsection (1) shall with effect from July 1, 2012 be submitted by electronic means.”.

Amendment of section 37 of the principal enactment.

7. Section 37 of the principal enactment is hereby amended, by the substitution for the words “fine not exceeding one thousand rupees” and “fine not exceeding

Employees' Provident Fund (Amendment) 5
Act, No. 2 of 2012

fifty rupees for each day" of the words "fine not exceeding two thousand five hundred rupees" and "fine not exceeding seventy five rupees for each day" respectively."

8. Section 46 of the principal enactment is hereby amended in subsection (1) thereof by the insertion immediately after paragraph (n) of that subsection of the following new paragraph:—

Amendment of section 46 of the principal enactment.

“(nn) in respect of the procedure to be followed in granting housing benefits and benefits relating to medical treatment;”.

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

Sinhala text to prevail in case of any inconsistency.

Annual subscription of English Bills and Acts of the Parliament Rs. 885 (Local), Rs. 1,180 (Foreign). Payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, DEPARTMENT OF GOVERNMENT INFORMATION, No. 163, KIRULAPONA MAWATHA, POLHENGODA, COLOMBO 05 before 15th December each year in respect of the year following.