

[Gazette  
Extraordinary  
No. 154/8, 18th  
August, 1981.]

L. D. B. 10/80.

**EMPLOYEES' TRUST FUND ACT, NO. 46 OF 1980**  
Order under Section 16 (2)

BY virtue of the powers vested in me by subsection (2) of section 16 of the Employees' Trust Fund Act, No. 46 of 1980, I, Cyril Pinto Jayatilake Seneviratne, Minister of Labour, do by this Order fix, in relation to the employment specified in the Schedule hereto, the thirty -first day of August 1981, for the purpose of that subsection.

C. P. J. Seneviratne,  
Minister of Labour.

Colombo, August 14, 1981.

**SCHEDULE**

Employment in the service of any private sector undertaking within the meaning of the Employees' Trust Fund Act, No.46 of 1980, in which less than 150 and not less than 50 employees are employed.

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L. D. B. 10/80.

[Gazette  
Extraordinary  
No. 171/2, 14th  
December, 1981.]

**EMPLOYEES' TRUST FUND ACT, NO. 46 OF 1980**  
Order under Section 16 (2)

BY virtue of the powers vested in me by subsection (2) of section 16 of the Employees' Trust Fund Act, No. 46 of 1980, I, Cyril Pinto Jayatilake Seneviratne, Minister of Labour, do by this Order fix, in relation to the employment specified in the Schedule hereto, the 31st day of December, 1981, for the purposes of that sub-section.

Capt. C. P. J. Seneviratne,  
Minister of Labour,

Colombo, December 09, 1981.

**SCHEDULE**

Employment in the service of any private sector undertaking within the meaning of the Employees' Trust Fund Act, No. 46 of 1980 in which less than fifty employees are employed, other than employment:-

- (a) in domestic service in any household;
- (b) in any institution or organisation maintained solely for the purpose of religious worship or social service or as a charitable institution ;
- (c) in any undertaking which is carried on mainly for the purpose of giving industrial training to juvenile offenders, orphans or to persons who are destitute, dumb, deaf or blind;
- (d) in any undertaking carried on by a person as an undertaking in which only members of his family are employed.

In this Schedule "family" in relation to any undertaking means the person carrying on the undertaking, the spouse of such person, any children of such person and any children of such spouse.

L. D. B. 10/80.

[Gazette Extraordinary  
No. 688/30 , 15th  
November, 1991.]

**EMPLOYEES' TRUST FUND ACT, No. 46 OF 1980**

Order under Section 16 (2)

BY virtue of the powers vested in me by subsection (2) of section 16 of the Employees' Trust Fund Act, No. 46 of 1980, I, Dingiri Banda Wijetunga, Minister of Labour and Vocational Training, do by this Order fix, in relation to the employment specified in the Schedule hereto, the 1st day of December 1991, for the purpose of that subsection.

D. B. Wijetunga,  
Minister of Labour and Vocational  
Training.

Colombo, 14th November, 1991.

**SCHEDULES**

Employment in the service of any private sector undertaking which is charitable institution or an institution maintained solely for the purpose of religious worship or social service, being an institution in which ten or more persons are employed.

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L. D. B. 10/80.

[Gazette Extraordinary  
No. 125, 23rd January,  
1981/]

**EMPLOYEES' TRUST FUND ACT, No. 46 OF 1980**

REGULATIONS made by the Minister of Labour by virtue of the powers vested in him by section 43 of the Employees' Trust Fund Act, No. 46 of 1980.

C. P. J. SENEVIRATNE,  
Minister of Labour.

Colombo, 08th January 1981.

**REGULATIONS**

1. These Regulations may be cited as the Employees' Trust Fund Regulations, 1981.

**PART I**

2. Every employer of employees to whom the Act applies and who is liable to pay contributions to the Fund shall, within one month from the date he becomes so liable, forward to the Board a return substantially in form I set out in the Schedule hereto to in respect of all employees employed by him on the date on which he became so liable to pay contributions under the Act.

3. (1) Every employer of a State or private sector undertaking to whom the Act applies and who is liable under the Act to pay contributions to the Fund shall, in respect of each month he is so liable -

(a) send to the bank nominated by the Board for the purpose together with the contributions payable in respect of that month a return substantially in form II set out in the Schedule hereto ; and

(b) send at the same time to the Board a duplicate of such return.

(2) A self employed person who has become a member of the Fund under section 18 of the Act shall -

(a) send to the bank nominated by the Board for the purpose together with the contributions payable in respect of that month a return substanceally in form 11A set out in the Schedule hereto; and

(b) send at the same time to the Board a duplicate of such return.

4. Every employee to whom the Act applies shall, when required so to do by his employer, furnish all such particulars as may be necessary for the purpose of completing any form or document required to be completed in respect of that employee under the provisions of the Act or under these regulations.

## PART II

5. (1) Subject to the provisions of these regulations, a member of the Fund may at any time nominate any person or persons to whom the amount standing to the credit of that member's individual account in the Fund may be paid in the event of his death.

(2) A member of the Fund may at any time revoke any nomination made by him.

(3) Every nomination and every revocation of nomination under those regulations shall be effected by document which shall be in the appropriate form as hereinafter provided.

(4) Every document of nomination and every document of revocation of nomination made under these regulations by any member shall-

(a) in the case of, an employee, be forwarded to the Board through his employer; and

(b) in the case of a self-employed person, be forwarded direct to the Board, within thirty days of the execution of such document.

(5) Where any document of nomination is not sent to the Board within the period specified in paragraph (4) the Board may unless it is satisfied that the delay was due to unavoidable cirenunstunces, refuse to accept such document.

6. Where, upon representations made to the Board or otherwise the Board is satisfied after due inquiry that any nomination or revocation of nomination made by any member has been secure under duress or by coercion or fraud, the Board may, to its discretion, refuse to recognize such nomination or revocation of nomination, as the ease may be.

7. (1) The nomination made by any employee upon his first becoming a member of the Fund under section 15 (1) of the Act shall be substantially in form III set out in the Schedule hereto.

(2) Every revocation of nomination shall be substantially in form 1V set out in the Schedule hereto.

8. The nomination made by a member of the Fund in a case-

(a) where he has not made a nomination upon his first becoming a member of the Fund under section 15 (1) of the Act, or

(b) where an earlier nomination made by him has been revoked or is deemed by virtue of regulation 11 of these regulations, to have been revoked, shall be substantially in Form V set out in the Schedule hereto.

9. (1) Every member making a nomination or revocation of a nomination shall sign and place his thumb marks on such nomination or revocation, as the case may be, in the presence of another person who shall witness the signature and the thumb marks of such member.

(2) Where a person is unable to sign, he shall place his thumb marks in the presence of another person who shall certify in the document of nomination or revocation that such thumb marks are the thumb marks of the person who makes such nomination or revocation.

(3) No person who has been nominated by any member of the Fund in any nomination shall witness the signature or the thumb marks of that member in that nomination.

10. (1) Where more than one person is nominated, the person making the nomination may specify in the document of nomination in what proportions the benefits payable under the Act shall be shared by the respective nominees.

(2) Where more than one person is nominated and no directions in regard to the shares payable to the nominees have been given by any member in any nomination made by him the benefits payable under the Act shall be paid to the persons so nominated in equal shares.

11. (1) A nomination shall be deemed to be revoked-

(a) upon the death of the nominee, or where there is more than one nominee, in the event of any one of those nominees dying during the lifetime of the member who made such nomination; or

(b) in the case of any nomination made by a member prior to his marriage, upon the marriage of such member.

(2) Where any nomination made by a member of the Fund is deemed to be revoked by virtue of paragraph (1), such member may make a fresh nomination.

12. Where a nomination made by a member is subsisting, any subsequent nomination made by such member shall be deemed to be invalid unless the first-mentioned nomination has been duly revoked by the member.

13. (1) Every nomination made under these regulations by a person who is married shall be in favour of one or more members of his family, or of his father, mother, brother or sister.

(2) For the purposes of this regulation, the expression "family" shall mean the spouse of such person and the children of such person or the children of such spouse and shall include any child duly adopted by such person under the law for the time being in force relating to the adoption of children.

14. Where by reason of the failure of a nominator to comply with those regulation, any money lying to the credit of the individual account of the nominator is paid in the event of his death to any person other than the nominee or a person claiming through him, such payment shall be deemed to have been properly made.

15. No. nominee shall have any right or claim to or any interest in, any benefit to which a member of the Fund is entitled under the Act except upon the death of such member and except to the extent of such right as is conferred on the nominee by the document of nomination.

16. (1) Where a minor is appointed as a nominee by a member of the Fund, such member may appoint a person to whom any benefit payable under and by virtue of such nomination may be paid on behalf of such minor. Every person so appointed to receive any benefit on behalf of such minor shall for the purposes of section 25 of the Act, be deemed to be the nominee and the receipt by such person of any benefit payable under the Act to the minor shall constitute a sufficient discharge to the Fund.

(2) A member of the Fund may at any time, by declaration made in writing and sent to the Board within thirty days of the making of such declaration, revoke the appointment of any person appointed by him to receive any benefit on behalf of a minor. Where such appointment has been revoked or in the event of the death of the person so appointed, the member may appoint any other person in place of the person whose appointment has been revoked or who is dead.

(3) Where any person is appointed to receive any benefit on behalf of a minor under the preceding provisions of this regulation, such person's appointment shall cease to be valid upon the revocation of the appointment or upon the death of such person or upon such minor attaining majority.

(4) Where a member has failed to appoint a person to receive on behalf of a minor any benefit in accordance with the preceding provisions of this regulation, the Board or any officer authorized by it may pay the benefit due to the minor to any person whom the Board or such officer considers in the circumstances of the case to be the guardian of such minor.

### PART III PAYMENT OF BENEFITS

17. (1) Every claim for the payment of any benefit under Part II of the Act in respect of any member shall, except in the case of the death of the member or his physical or mental incapacity, be made by that member himself.

(2) In the event of the death of any member, any claim for the payment of any benefit payable in respect of such member shall-

- (a) where there is a nomination subsisting and the nominee is not a minor, be made by the nominee;
- (b) where there is a nomination subsisting and the nominee is a minor, be made by the person appointed under regulation 16 (1) or if there is no person so appointed, by any other person on behalf of the minor ; and
- (c) where there is no nomination subsisting, be made by any person or persons entitled under section 25 of the Act to make such claim.

18. Every claim for the payment of benefit referred to in sections 23 and 24 of the Act shall be substantially in form VI set out in the Schedule hereto provided that a claim under section 24 shall be accompanied by a medical certificate in form VII set out in Schedule hereto.

19. Every claim for the payment of any benefit in respect of any deceased member of the Fund shall be substantially in form VIII set out in the Schedule hereto.

20. (1) Every claim for the payment of any benefit to a member of the Fund under section 23 of the Act or in respect of a member who is deceased shall be sent to the Board through the employer under whom such member was last employed, and it shall be the duty of such employer to make all such entries and furnish all such information as he may be required by these regulations to make or furnish on or in respect of such claim and shall, within seven days of the receipt of the claim by him, transmit such claim by registered post to the Board.

(2) Where the employer under whom a member of the Fund was last employed has ceased to be an employer or in such other special circumstances as the Board may deem sufficient, a claim for the payment of any benefit may be sent direct to the Board. Provided, however, that a claim for the payment of any benefit by a self-employed person may be sent direct to the Board.

21. (1) Save as otherwise expressly provided in paragraph (2), a claim for the payment of any benefit due to a member who is of unsound mind shall be made by the Manager of the estate of such person duly appointed by a court of competent jurisdiction.

(2) Where a member is of unsound mind and a Manager has not been appointed by court, the Board, may upon being satisfied that it is just and expedient so to do, pay the amount standing to the credit of that member in the Fund to any person whom the Board shall judge proper to receive the same.

(3) Where the payment of any benefit due to a member who is of unsound mind is made under paragraph (1) or paragraph (2) of this regulation, such payment shall be and shall operate for all purposes as a complete discharge of the obligations of the Board in respect of the benefit due to such member.

22. Where any sum payable by way of benefit in respect of any deceased member is paid in pursuance of these regulations to the executor of the last will or to the administrator of the estate of such member, then, such payment shall, notwithstanding the invalidity or any defect in the probate or letters of administration be deemed to have been properly made under the Act.

#### PART IV GENERAL

23. (1) Where any sums have been paid by employers in error to the Fund or any contributions to the Fund have been paid in error in respect of any employee, being an employee, who was not eligible under the provisions of the Act to be a member of the Fund or where any contributions paid to the Fund exceed, owing to an error, the actual amount due in respect, of any employee then the Board shall on being satisfied that such sums or such contributions or such excess amount have or has been paid in error, cause the same to be refunded to the employer.

(2) Every application for the refund of any sums or contributions made under paragraph (1) shall be substantially in form IX set out in the Schedule hereto.

(3) Every application for the refund of any sums or contributions made under paragraph (1) shall be made to the Board not later than one year after the date of payment of such sums or contributions to the Fund:

Provided, however, that the preceding provisions of this paragraph shall not apply to or in relation to any application for the refund of contributions made by or in respect of an employee who was not eligible to be a member of the fund under the provisions of the Act.

24. No stamp duty shall be chargeable upon any document used in connection with the purposes of the Act.

25. A self-employed person desirous of becoming a member of the Fund under section 18 of the Act, shall furnish a return substantially in form X set out in the Schedule hereto.

26. (1) Where any sum is paid to any person under a determination made under the Act or by virtue of any provision of any regulation made thereunder and it is subsequently decided that such sum was not payable to such person, or where any payment has been made under the Act or under any regulations made thereunder to any person in error, than, the Board may by written notice served on such person require such person to refund such sum within such time as may be specified in the notice.

(2) No persons on whom a notice under paragraph (1) has been served shall fail to comply with the requirements of such notice.

27. In these regulations, unless the context otherwise requires-

“Act” means the Employees' Trust Fund Act, No. 46 of 1980;

“Board” means the Employees' Trust Fund Board established under the Act;

“employee” and "employer" shall have the respective meanings assigned to them in the Act;

“Fund" means the Employees' Trust Fund established under the Act;

“member” means a member of the Fund; and

“private sector undertaking” and "State undertaking” shall have the respective meanings assigned to them in the Act.

**SCHEDULE  
Form I  
[REGULATION 2]**

**THE EMPLOYEES' TRUST FUND ACT, NO. 46 OF 1980  
PARTICULARS OF EMPLOYEES**

1. Name of establishment; estate or land:
2. Nature of business;  
(In the case of estates, or lands, give the acreage of each cultivated crop separately)
3. Business registration number :
4. Registered address:
5. Revenue district
6. Name of proprietor/lessee:  
(If a limited liability company; the names of all the directors, and if a partnership, the names of all the partners should be given)  
(a) Address of proprietor/lessee  
(b) Date to ownership of establishment/estate/land:\*

7. Name of Manager or Super intendent

8. Total number of employees	Males	Females	Total
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....

I,.....  
(Name and designation)  
..... do hereby declare that the above particulars are correct.

Date: .....

.....  
Signature of Employer.

EMPLOYEES' TRUST FUND

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The provisions of the Employees' Trust Fund Act, No. 46 of 1980, and the regulations made thereunder relating to nominations were read and understood by me \*/ were read over and explained to me, and I do hereby set my hand this .....day of ..... in the presence of the witness whose signature is herein subscribed.

\_\_\_\_\_  
Signature of Member.

Thumb marks of member: \_\_\_\_\_.  
Left: \_\_\_\_\_. Right : \_\_\_\_\_.

I, \_\_\_\_\_, of \_\_\_\_\_ do hereby declare that the provisions of the Employees' Trust Fund Act, No. 46 of 1980, and the regulations made thereunder relating to nominations were read over and explained to \_\_\_\_\_, and he, purporting to understand the same set his signature and thumb marks in my presence on this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
Signature of Member.

Name of Witness: \_\_\_\_\_.  
Designation and address of Witness: \_\_\_\_\_.  
\*Delete whichever is inapplicable.

**SCHEDULE**

Column I	Column II	Column III
Name of Nominee	Relationship	Proportion of benefit



**Form II**  
**(REGULATIONS - 3)**

**THE EMPLOYEES' TRUST FUND ACT, NO. 46 OF 1980**

Summary

19 .....

Return of Employee's earnings and contributions for the month of

Employer's Registration No.  
Name and address of employer:

Total No. of sheets:  
Total No. of employees in respect of  
whom contributions sent to Bank:  
Total amount:  
No. of Cheque / M.O/ P.O/ sent to Bank

Members No.	Name of member (surname to be written first followed by initials)	Class or category of work	Rate of payment Rs. c.	No. of days worked during the month	If Payment is at piece rates give details of rate and out put Rs.	Total wages or salary for the month* c.	Value of food, holiday payments for contract wages & Rs. c.	Total gross wages Rs. c.	Contribution Employer Rs. c.	Remarks for office use only
						Excluding over-time payment Rs. c.				

Total \_\_\_\_\_  
Surcharge, if any \_\_\_\_\_  
Grand Total \_\_\_\_\_

I certify that all particulars in the above return are correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Employer

**Form II A**

**(REGULATION 3)**

**THE EMPLOYEES' TRUST FUND ACT, No. 46 OF 1980**

Return of Member's earnings and contributions for the month of \_\_\_\_\_

No of cheque / M.O. / P.C sent to the Bank

*Registration No.*

*Name and address*

*Membership No.*

*Total earnings*

*Contributions*

*Remarks*

*For office use only*

Surcharge if any \_\_\_\_\_

Total ... \_\_\_\_\_

I certify that all particulars in the return are correct.

\_\_\_\_\_  
Signature of Member

**Form III**

**(REGULATION 7)**

**THE EMPLOYEES' TRUST FUND ACT, No. 46 OF 1980**

**NOMINATION**

Employer's Number:

Member's Number:

I, .....presently employed .....being a member or Employees' Trust Fund to hereby nominate the person\*/s mentioned in column I of the Schedule hereto whose relationship to me is as shown in the corresponding entry in column II of that Schedule, to receive in the event of my death, the amount standing to my credit in my individual account in the Employees' Trust Fund, in the proportion specified in the corresponding ontry in column III of that Schedule.

2. The provisiuous of the Employees Trust Fund Act, No. 46 of 1980, and the regulation made thereunder relating to nominations were read and understood me\*/were read over and explained to me, and I hereby set my hand this.....day of .....in the prosence of the witness whose signature is herein subscribed.

Thumb marks of Member:-

Left:- Right:-

\_\_\_\_\_  
Signature of Member I

I, ..... of .....do hereby  
cseclaro that the provisions of employees Trust Fund Ac, No. 46 of 1980, and the regulations made  
thereunder relating to nominaions were read over and explained to ..... and,  
he purporting to undersatan same, set his signature and thumb marks in my presence on this  
.....day of .....

\_\_\_\_\_  
Signature of Witness

Name of Witnees:  
Designation and address of Witness:-

\*Delete whichever in inapplicable.

SCHEDULE

<i>Column I</i>	<i>Column II</i>	<i>Column III</i>
<i>Name of Nominee</i>	<i>Relationship</i>	<i>Proportion</i>

**Form IV**  
**(REGULATION - 7)**

**THE EMPLOYEES' TRUST FUND ACT, No. 46 OF 1980**

**REVOCATION OF NOMINATION**

Employer's Name:  
Member's Number:

I, .....of .....presently employed  
.....being a member of the Employees' Trust Fun do hereby revoke the appintment of  
.....(give in name\*/s of nominee\*/nominees) as my nominee\*/nominees made  
by document of nomination executed on .....day of .....

2. The provisions of the Employees' Trust Fund Act, No. 46 of 198- and the regulations made  
thereunder relating to nominations were read and understood by me\*/were read over and explained  
to me, and I do hereby set my hand on this.....day of .....in the  
presence of the witness whose signature is herein subscribed.

\_\_\_\_\_  
Signature of Member

Thumb marks of Member:  
Left    Right

I,.....of .....do hereby declare that the provisions of the Employees' Trust Fund Act, No. 46 of 1980, and the regulations made thereunder relating to nominations\*/were read over and explained to ..... and he, purporting to understand the same, set his signature and thumb marks in my presence on this .....day of .....

\_\_\_\_\_  
Signature of Member

Name of Witnesses:  
Designation and address of Witness:-

\*Delete whichever is inapplicable.

**Form V**  
**(REGULATIONS - 8)**

**THE EMPLOYEES' TRUST FUND ACT, NO. 46 OF 1980**

**NOMINATION**

Employer's number:- \_\_\_\_\_  
Member's number:- \_\_\_\_\_

No nomination having being made by me at the time first become a member of the Employees' Trust Fund\*/.The nomination of \_\_\_\_\_ made by me by document of nomination executed on \_\_\_\_\_day of \_\_\_\_\_having being revoked by me by document of nomination executed on \_\_\_\_\_day of \_\_\_\_\_having lapsed\*/by virtue of the death of the nominee \*/one of the nominees, namely, \_\_\_\_\_\*/by reason of the document of nomination, \_\_\_\_\_, I \_\_\_\_\_ presently employed \_\_\_\_\_, being a member of the Employees Trust Fund do hereby nominate the reson\*/s montioned in Column Iof he Schedule hereto, whose relationship to me is as shown in the corresponding entry in Column II of that Schedule, to receive in the event of my death, the amount stading to my credit in myindividual account in Employees Trust Fund in the proportin specified in the corresponding entry in Column III of that Schedule.

The provisions of the Employees Trust Fund Act, No 46 of 1980, and regulation a made thereunder relating to nominations were read and understood by me\*/were read over and explained to me, and I hereby set my hand this \_\_\_\_\_day of \_\_\_\_\_, in the presenceof the witness whose signature is here in subscribed.

\_\_\_\_\_  
Signature of Member

Thumb marks of Member: \_\_\_\_\_  
Left: \_\_\_\_\_ Right:\_\_\_\_\_

I, \_\_\_\_\_, of \_\_\_\_\_ do hereby declare that the provisions of the Employee's Trust Fun Act, No 46 of 1980, and the regulations made thereunder relating to nominations were read over and explained to \_\_\_\_\_, and he, purporting to understand the same set his signature and thumb marks in my presence on this \_\_\_\_\_day of \_\_\_\_\_ Name of

\_\_\_\_\_  
Signature of Witness

EMPLOYEES' TRUST FUND (SPECIAL PROVISIONS)

Name of Witness: \_\_\_\_\_  
Designation and address of Witness: \_\_\_\_\_  
\* Delete whichever is inapplicable

SCHEDULE

Column I	Column II	Column III
Name of Nominee	Relationship	Proportion of benefit

Form VI  
(REGULATIONS 18)

THE EMPLOYEES' TRUST FUND ACT, NO. 46 OF 1980

Claim made by a member of the Fund for benefits payable under section 23 or 24 of the Act.  
(This claim should be sent to the Board through the employer under whom the member was last employed)

PART I

- Name of Member : \_\_\_\_\_.
- Address : \_\_\_\_\_.
- Member's number : \_\_\_\_\_.
- Age and date of birth of Member : \_\_\_\_\_.
- Cause of cessation of employment : \_\_\_\_\_.
- Date on which employment ceased: \_\_\_\_\_.
- Name and address of the last Employer : \_\_\_\_\_.
- Nature of employment : \_\_\_\_\_.
- Total amount of contributions to the credit of the member in the Fund according to the last annual statement sent by the Bank (Attach last annual statements and two other statements relating to any previous years which are available).

I do hereby declare that the foregoing facts are true and correct.

\_\_\_\_\_  
Signature of Member.

Date: \_\_\_\_\_.  
Thumb marks of Member: \_\_\_\_\_.  
Left : \_\_\_\_\_ Right : \_\_\_\_\_.  
Signature of Witness to signature and thumb marks of Member: \_\_\_\_\_.  
Name, designation and address of witness: \_\_\_\_\_.

**PART I**

(To be filled in by the employer)

I/We\* \_\_\_\_\_ Manager/\* Superintendent/\* Proprietor of \_\_\_\_\_ do hereby certify that \_\_\_\_\_ was employed as \_\_\_\_\_ and that he is a member of the Employee's Trust Fund. He is leaving employment for the reason stated in paragraph 5 of his claim and his last month's contributions were included in the return of contributions for the month of \_\_\_\_\_ of 19 \_\_\_\_\_

\*The said member \_\_\_\_\_ signed the claim and affixed his thumb marks in my presence.

Signature : \_\_\_\_\_.

Name : \_\_\_\_\_.

Designation : \_\_\_\_\_.

Date : \_\_\_\_\_.

**Form VII**

(REGULATION 18 )

**THE EMPLOYEE'S TRUST FUND ACT, NO. 46 OF 1980**

**Medical Certificate**

To : The Chairman, Employees' Trust Fund Board,

I \_\_\_\_\_, being a registered medical practitioner do hereby declare that I have this of \_\_\_\_\_ 19 \_\_\_\_\_ examined (name of member of the Fund) \_\_\_\_\_ who is a member day of the Employees' Trust Fund and I do hereby certify that, to the best of my knowledge, the said \_\_\_\_\_ is suffering from an infinity and is in consequence permanently and totally incapacitated and unfit for work any longer.

The said \_\_\_\_\_ placed his signature and thumb marks on this certificate in my presence.

\_\_\_\_\_  
Signature of Member.

\_\_\_\_\_  
Signature of Medical Practitioner

Thumb marks of Member : \_\_\_\_\_

Right : \_\_\_\_\_ . Left: \_\_\_\_\_.

**FORM VIII**

(REGULATION 19)

**THE EMPLOYEES' TRUST FUND ACT, NO. 46 OF 1980**

Claim for benefits under section 25 of the Act by a Nominee/ Heir/Administrator.

*(This claim should be sent to the Board through the employer under whom the member was last employed)*

**PART I**

I, \_\_\_\_\_ (state full name of claimant) being nominee/heir/administrator/executor of last will of \_\_\_\_\_ whose membership No. \_\_\_\_\_ is do hereby, in terms of section 25 of the Employee's Trust Fund Act, No. 46 of 1980 make a claim for the payment of benefit due in respect of the said deceased member, who was last employed by \_\_\_\_\_ (state name of deceased member's employer).

The deceased member was married \*not married.

I annex hereto:-

- (a) Copy of the certificate of death issued by the Register of Births and Deaths of \_\_\_\_\_ Division relating to the death of the said deceased member.\*
- (b) certified copy of the letters of administration granted by the District Court of \_\_\_\_\_ relating to the administration of the estate of the said deceased member.\*
- (c) certified copy of the probate granted to the executor of the last will of the said deceased member by the District Court of \_\_\_\_\_\*.

**PART II**

(See note below)

1. Address of Claimant: \_\_\_\_\_
2. Relationship of nominee or heir of deceased member : \_\_\_\_\_.
3. If the claimant is not the spouse of the deceased member, is the spouse living ? \_\_\_\_\_.
4. Name and address of spouse if living : \_\_\_\_\_.
5. If the spouse has been legally separated, state name of court and number of case allowing separation : \_\_\_\_\_
6. Name of all surviving children of the deceased member and their addresses : \_\_\_\_\_
7. Names of any deceased children of the deceased member : \_\_\_\_\_
8. Names and addresses of the heirs of deceased children of the deceased member: \_\_\_\_\_
9. If the deceased member was not married, give names and addresses of next of kin: \_\_\_\_\_.
10. Particulars of properties or other assets left by the deceased member and their value (Grama Niladhari's report should be attached. See note below): \_\_\_\_\_.
11. Is the estate of the deceased member subject to testamentary or other action in any court?  
If so, state: \_\_\_\_\_.
  - (a) the name of the court and the number of the case: \_\_\_\_\_.
  - (b) the name and address of the administrator, or executor or other person who is in a position to give information about the case: \_\_\_\_\_.
12. Was the deceased member paying tax ? : \_\_\_\_\_.

I declare that the above particulars are true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature or left thumb mark  
of Claimant.

**PART III**

I, \_\_\_\_\_ manager/superintendent of \_\_\_\_\_ do hereby certify that the said \_\_\_\_\_ was employed \_\_\_\_\_. His last monthly contributions was included in the return of contributions sent for the month of \_\_\_\_\_ 19\_\_\_\_\_. He died\* / is reported to have died /on : \_\_\_\_\_. The claimant is known\*/ not known to me\*. I am aware that the claimant is :-

- (a) the nominee referred to\*
- (b) \*related to the deceased member as claimed.
- (c) the guardian of the claimant who is a minor\*
- (d) the administrator of the deceased member's estate\*
- (e) executor of the last will of the deceased member.\*

The claimant signed the claim\*/placed his thumb impression on the claim\* in my presence.\*

I am satisfied that the signature\*/thumb mark\* on the claim is that of the claimant.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Employer.

\*Delete whichever is inapplicable.

Notes:- I. Part II should be filled in by a claimant who makes a claim as an heir of a deceased member. A claimant who is a nominee need not fill in Part II if the full benefits due to the deceased member have been covered by nominatios, that is to say, where the claimant alone or the claimant along with one or more persons has been nominated to share the full benefit. If any share of the total benefit due to the deceased member has been left unallotted , then the nominee who makes a claim should fill in Part II. An administrator or executor need not complete Part II.

2. Cage 10 of Part II. The Report should be from the Grama Niladhari of the area where the deceased member was ordinarily resident and should be countersigned by the Divisional Revenue Officer of the area. It should, in addition to any other information, give the following information:-

- (a) Properties and assets owned by the deceased in the area where he resided and their value, (b) properties and assets owned by the deceased member outside that area, if known, (c) names of spouse, children or legal heirs, (d) whether letters of administration or probate has been obtained, if so, name of court, the case number and the name of administrator or executor (e) whether deceased member was paying income tax at the time of his death.



**FORM IX**  
**(REGULATION 23)**

**THE EMPLOYEES' TRUST FUND ACT, NO. 46 OF 1980**

Application for Refund of Contributions made to the Fund in Error

Name of Employer: \_\_\_\_\_ Registered Number of Employer: \_\_\_\_\_

Membership No.	Name of employee	Month and year in respect of which recovery was made in error	Amount due Rs. Cts.	Amount remitted Rs. Cts.	Excess amount remitted in error Rs. Cts.	Remarks For office use only

Total:

Date: \_\_\_\_\_.

\_\_\_\_\_  
Signature of Employer.

**FORM X**  
**(REGULATION 25)**

**THE EMPLOYEES' TRUST FUND ACT, NO. 46 OF 1980**

Return to be furnished by self-employed person under section 18 of the Act.

Full Name : \_\_\_\_\_.

Address : \_\_\_\_\_.

Nature of employment : \_\_\_\_\_.

Gross Income per month from employment : \_\_\_\_\_.

Any other relevant particulars re-employment : \_\_\_\_\_.

Date: \_\_\_\_\_.

Witnesses'

\_\_\_\_\_  
Signature of Applicant.

- 1.
- 2.

**ORDER UNDER SECTION 16(2)**

[Gazette  
Extraordinary No.  
127/3 February 09,  
1981.]

By virtue of the powers vested in me by sub-section (2), of section 16 of the Employees' Trust Fund Act, No. 46 of 1980, I, Cyril Pinto Jayatilake Seneviratne, Minister of Labour, do by this Order, fix, in relation to the employments specified in the Schedule hereto, the 28th day of February, 1981, for the purposes of that sub-section.

C.P.J. Seneviratne,  
Minister of Labour.

Colombo, February 05, 1981.

**SCHEDULE**

1. Employment in the service of any state undertaking within the meaning of the Employees' Trust Fund Act, No. 46 of 1980.

2. Employment in the service of any private sector undertaking within the meaning of the Employees' Trust Fund Act, 46 of 1980, in which not less than 150 employees are employed.

[Gazette  
Extraordinary No.  
154/8 August 18,  
1981.]

**ORDER UNDER SECTION 16(2)**

By virtue of the powers vested in me by sub-section (2) of section 16 of the Employees' Trust Fund Act, No. 46 of 1980, I, Cyril Pinto Jayatilake Seneviratne, Minister of Labour, do by this Order fix, in relation to the employment specified in the Schedule hereto, the thirty first day of August, 1981, for the purpose of that-section.

C.P.J. Seneviratne,  
Minister of Labour.

Colombo, August 14, 1981.

**SCHEDULE**

1. Employment in the service of any private sector under taking within the meaning of the Employees' Trust Fund Act, 46 of 1980, in which less than 150 and not less than 50 employees are employed.

[Gazette  
Extraordinary  
No. 688/30  
November 15,  
1991.]

**ORDER UNDER SECTION 16 (2)**

By virtue of the powers vested in me by sub-section (2) of section 16 of the Employees' Trust Fund Act, No. 46 of 1980, I, Cyril Pinto Jayatilake Senewiratne, Minister of Labour, do, by this Order fix, in relation to the employment specified in the Schedule hereto, the 31st day of December, 1981, for the purpose of that sub-section..

Capt. P.J. Senewiratne,  
Minister of Labour.

Colombo, Decemboer 09, 1981.

**SCHEDULE**

Employment in the service of any private sector undertaking within the meaning of the Employees' Trust Fund Act, No. 46 of 1980 in which less than fifty employees are employed, other than employment-

- (a) in domestic service in any household ;
- (b) in any institution or organisation maintained solely for the purpose of religious worship or social service or as a charitable institution ;
- (c) in any undertaking which is carried on mainly for the purpose of giving industrial training to juvenile offenders, orphans or to persons who are destitute, dumb, deaf or blind ;
- (d) in any undertaking carried on by a person as an undertaking in which only members of his family are employed.

In this Schedule "Family" in relation to any undertaking means the person carrying on the undertaking, the spouse of such person, any children of such person and any children of such spouse.

**ORDER UNDER SECTION 16 (2)**

[Gazette  
Extraordinary  
No. 688/30  
November 15,  
1991.]

By virtue of the powers vested in me by subsection (2) of section 16 of the Employees' Trust Fund Act, No. 46 of 1980, I, Dingiri Banda Wijetunga, Minister of Labour and Vocational Training, do by this Order fix, in relation to the employment specified in the Schedule hereto, the 1st day of December 1991, for the purpose of that subsection.

D.B. Wijetunga,  
Minister of Labour and Vocational Training.

Colombo, 14th November 1991.

**SCHEDULE**

Employment in the service of any private sector undertaking which is a charitable institution or an institution maintained solely for the purpose of religious worship or social service, being an institution in which ten or more persons are employed.

**GOVERNMENT NOTIFICATION**

[Gazette  
Extraordinary  
No. 979/2 June 09,  
1997.]

WHEREAS I have in the exercise of powers vested in me under paragraph (1) (a) of Article 44 of the constitution of the Democratic Socialist Republic of Sri Lanka, determined the number of Minister and Ministries and the assignment of subjects and Functions and Departments and Statutory Institutions to the said Ministers :

It is now hereby notified that the Subjects and Functions and Departments and Statutory Institutions in the charge of the various Ministers stand at the date hereof as indicated in the Schedule given below;

All subjects and Functions and Departments and Statutory Institutions not assigned specifically to any Minister will continue to remain in my charge as President.

Chandrika Bandaranayake Kumaratunga.

President President Secretariat, Colombo 01,  
9th June, 1997.

**SCHEDULE**

Column I

Column II

**MINSTER OF FINANCE AND PLANNING**

Employees' Trust Fund

Government Insurance Fund