



**PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA**

**SOCIAL SECURITY BENEFIT SCHEME
FOR MEDIA PERSONNEL
ACT, No. 29 OF 2006**

[Certified on 5th September, 2006]

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*Social Security Benefit Scheme for Media Personnel
Act, No. 29 of 2006*

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L.D. — O. 61/2005

AN ACT TO ESTABLISH AND MAINTAIN A SOCIAL SECURITY BENEFIT SCHEME FOR MEDIA PERSONNEL; TO PROVIDE FOR THE OPERATION AND CONTROL OF THE SOCIAL SECURITY BENEFIT SCHEME BY THE SOCIAL SECURITY BOARD; AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

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

1. (1) This Act may be cited as the Social Security Benefit Scheme for Media Personnel Act, No. 29 of 2006.

Short title
and date of
operation.

(2) The provisions of subsection (1) of this section shall come into operation on the date on which this Act is certified as an Act of Parliament and the other provisions shall come into operation on such date as the Minister may appoint, by Order published in the *Gazette* (hereinafter referred to as the “appointed date”).

PART I

ESTABLISHMENT OF A BENEFIT SCHEME FOR MEDIA PERSONNEL

2. There shall be established according to the provisions of this Act, a scheme which shall be called the Social Security Benefit Scheme for Media Personnel (hereinafter referred to as the “Benefit Scheme”)

Establishment of
the Benefit
Scheme for
Media Personnel.

3. The object of the Benefit Scheme shall be, to grant benefits by way of social security benefits to Media Personnel employed in media organizations.

Object of the
Benefit Scheme.

4. Notwithstanding the provisions of the Employees Provident Fund (Special Provisions) Law, No. 6 of 1975, any person who –

Eligibility to join
the Benefit
Scheme.

(a) is a media person employed in a media organization;
and is—

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- (i) a media person confirmed in such employment in such organisation; or
 - (ii) a media person employed on contract in such organisation; or
 - (iii) a freelance media person employed in such organisation;
- (b) is not less than eighteen years of age and not more than fifty years of age; and
- (c) is or is not as the case may be, a contributor to the Employees Provident Fund, established under the Employees Provident Fund Act, No. 15 of 1958,

shall be entitled to join the Benefit Scheme on a voluntary basis:

Provided however, any media person who is not less than fifty years of age and not more than fifty five years of age on the date of commencement of this Act, shall, also be entitled to join the Benefit Scheme, notwithstanding the fact that such person has not fulfilled the requirements of paragraph (b) of this section:

Provided further that, any media person who is a member of , or who contributes to, any pension scheme established by any other written Law, shall not be entitled to join the Benefit Scheme established by section 2 of this Act.

Benefits under
the Benefit
Scheme.

5. (1) A media person who joins the Benefit Scheme (hereinafter referred to as the “contributor”) shall be entitled to periodic benefits in such amounts as may be calculated in the manner prescribed.

(2) In prescribing the basis of calculation of the amount of the benefits payable, the period during which contributions were made, the age of the contributor and the total amount contributed by the contributor, shall be taken into account.

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6. (1) A contributor shall be entitled to receive a prescribed amount of the benefits under the Benefit Scheme as calculated in the manner set out in section 5, in monthly instalments, upon reaching the age of sixty years and shall continue to receive such monthly benefits up to the end of the month in which the contributor dies.

When
benefits are
payable.

(2) In the event of the death of a contributor who has commenced receiving the monthly benefits under the Benefit Scheme before he reaches eighty years of age —

(a) where there is a surviving spouse —

- (i) who is not a beneficiary or contributor to any other pension scheme or benefit scheme, such spouse shall be entitled to receive the monthly benefits in the same manner the deceased contributor would have received the same had he lived till he reaches eighty years of age;
- (ii) who is a beneficiary or contributor to any other pension scheme or benefit scheme, such spouse shall be entitled to receive such amount of contributions as remain unpaid out of the total amount of contributions, together with interest thereon as determined by the Board taking into consideration the banking rates prevailing at the relevant time; and

(b) where there is no surviving spouse—

- (i) if there is a child under twenty- one years of age, such child; or
- (ii) if there is more than one child under twenty- one years of age, each such child in equal proportions,

shall be entitled to receive the monthly benefits payable to the spouse under subsection (2) (a) (i) above.

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(3) On the death or remarriage of the spouse, the monthly benefits payable to such spouse under subsection (2) (a) (i) above shall cease to be paid and the child or children as the case may be of the deceased contributor, who are under twenty-one years of age shall become entitled to receive the monthly benefits payable to such spouse prior to the death or remarriage of the spouse.

(4) The monthly benefits payable to the child or children as the case may be of the contributor under subsection (3) shall cease on their marriage or on their attaining the age of twenty-one years, whichever event occurs earlier:

Provided that where the child or children are certified by a duly constituted medical board to be permanently disabled, the benefits payable to such child or any of such children as the case may be, shall cease only on the death of such child or children, as the case may be.

(5) Where a contributor who has commenced receiving the monthly benefits dies before he reaches eighty years of age with no surviving spouse or children under twenty- one years of age, the amount left unpaid from the total amount of contributions made by such contributor together with interest thereon as determined by the Board taking into consideration the banking rates prevailing at the relevant time, shall be paid to his immediate relatives by blood in such proportion and in such order of priority as is specified in Schedule I hereto.

(6) In the event of the death of the contributor before he becomes entitled to receive the benefits under the Benefit Scheme, the total amount of contributions made by such contributor up to the date of his death shall be paid to his immediate blood relatives in such proportion and in such order of priority as is specified in Schedule II hereto.

Rebates on
contributions.

7. The Minister may with a view to encouraging media personnel to join the Benefit Scheme, in consultation with the Minister in charge of the subject of Finance, prescribe by regulation a percentage which may be permitted as a rebate or a discount, as the case may be, on the contributions to be paid by contributors.

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PART II

MANAGEMENT OF THE BENEFIT SCHEME

8. The Social Security Board established under the Social Security Board Act, No. 17 of 1996 (hereafter referred to as “the Board”) shall be responsible for the operation and control of the Benefit Scheme, established under section 2 of this Act.

Social Security Board to operate and control the Benefit Scheme.

9. (1) For the purpose of exercising and discharging the powers and functions conferred on it by this Act, the Board shall have the power -

Powers, duties and functions of the Board.

- (a) to administer, manage and control the Benefit Scheme;
- (b) to maintain the required actuarial, financial and operational reports in respect of the Benefit Scheme;
- (c) to do all such other things as in the opinion of the Board, are necessary for the proper discharge of its functions or for the administration and implementation of the Benefit Scheme.

(2) It shall be the duty of the Board to obtain the recommendations and observations of the Sri Lanka Working Journalists’ Association established under Sri Lanka Working Journalists (Incorporation) Act, No. 46 of 1987, with relation to the enrolment of contributors to the Benefit Scheme and on any other matter which it deems necessary.

10. The Board shall on enrolment of any person as a contributor to the Benefit Scheme, issue him with a Benefit Scheme Policy, setting out the contribution to be made by him, the terms and conditions of such Policy and the benefits to which he is entitled in terms of the Policy issued to him.

The Board to issue Policy to each contributor.

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Forfeiture of
Benefit Scheme
Policy.

11. (1) The date before which contributions are payable by a contributor shall be specified in the Benefit Scheme Policy and any contributor who fails to pay ten consecutive instalments on or before such date shall forfeit the benefits under the Benefit Scheme Policy issued to him.

(2) Where any contributor has forfeited the benefits under the Benefits Scheme Policy issued to him, the Board shall issue a notice to that effect to such contributor.

(3) A contributor shall have right to appeal to the Board to validate his Benefit Scheme Policy and the Board shall validate such Policy if it is satisfied that the reasons for failure to pay the instalments were beyond the control of the contributor.

(4) Where the Board on appeal, decides to validate a Benefit Scheme Policy, the contributor shall be informed of the date before which the arrears of instalments have to be paid. The date of such payment shall be the operative date of validation of such Policy.

(5) Any contributor aggrieved by the decision of the Board, may appeal to the Secretary to the Ministry of the Minister in charge of the subject of Finance whose decision thereon, shall be final and conclusive.

Benefit not to be
assigned or
levied upon.

12. No benefit payable under the Benefit Scheme shall be assigned or transferred and every such assignment or transfer shall be absolutely null and void. No such benefit shall be attached or taken in execution on account of any debt or payment due from the person to whom such benefit is payable.

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PART III

ESTABLISHMENT OF THE SOCIAL SECURITY BENEFIT FUND FOR
MEDIA PERSONNEL

13. (1) There shall be established a Fund called the Social Security Benefit Fund for Media Personnel (hereinafter referred to as “the Fund”)

Social Security
Benefit Fund for
Media Personnel.

(2) The initial capital of the Fund shall be one hundred million rupees and shall be paid out of the Consolidated Fund.

(3) The Board shall have the power to manage, control and operate the Fund.

(4) There shall be paid into the Fund—

- (a) all such sums of money as may be voted from time to time by Parliament for the implementation of the Benefit Scheme;
- (b) all sums of money paid as contributions to the Benefit Scheme by contributors;
- (c) all sums of money earned as interest or profits from investments of the Board;
- (d) all sums of money received by the Board by way of donations or otherwise, in the exercise, discharge and performance of its powers, duties and functions under this Act;
- (e) all such sums of money received by the Benefit Scheme by way of gifts, grants or donations from any source whatsoever;
- (f) all such sums of money that may be vested to the Fund by any Government Department or Public Corporation.

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(5) There shall be paid out of the Fund, all sums of money required to defray expenditure incurred by the Board in the exercise, discharge and performance of its powers, duties and functions under this Act.

Investment of monies.

14. All monies in the Fund which are not immediately required by the Board may be invested in such manner and in such securities as may be authorized by the Minister with the concurrence of the Minister in charge of the subject of Finance.

Borrowing powers.

15. (1) The Board may with the concurrence of the Minister and the Minister in charge of the subject of Finance or in accordance with the terms of any authority given with like concurrence, borrow by way of overdraft or otherwise or negotiate and obtain on credit, such sums as the Board may require for meeting the obligations of the Board and for administering and implementing the Benefit Scheme:

Provided that the aggregate of the amounts outstanding in respect of the loans raised by the Board under this subsection shall not at any time, exceed such sums as may be determined by the Minister with the concurrence of the Minister in charge of the subject of Finance.

(2) The Board may, with the consent of the Minister in charge of the subject of Finance, borrow money otherwise than by way of loans under subsection (1), for all or any of the following purposes :—

- (a) the requisition or acquisition of any movable or immovable property required for the use of the Board;
- (b) the repayment of any money borrowed under subsection (1).

Financial year and audit of accounts of the Board.

16. (1) The financial year of the Board shall be the calendar year.

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(2) The Board shall cause proper books of accounts to be kept of the income and expenditure, assets and liabilities and all other transactions of the Board.

(3) The provisions of Article 154 of the Constitution relating to the audit of accounts of public corporations shall apply to the audit of accounts of the Board.

17. The Fund shall be deemed, for the purposes of section 34 (2) (b) (v) of the Inland Revenue Act, No. 10 of 2006, to be a Fund established by the Government of Sri Lanka.

Application of Inland Revenue Act, No. 10 of 2006 to the Board.

18. For the avoidance of doubts it is hereby declared that the provisions of the Finance Act, No. 38 of 1971 shall apply to the Board.

Application of Act, No. 38 of 1971.

PART IV

GENERAL

19. (1) The Minister may make regulations in respect of all matters which are stated or required by this Act to be prescribed or in respect of which regulations are required by this Act to be made, including—

Regulations.

- (a) the regulation, administration and management of the Benefit Scheme;
- (b) conditions governing the default of payment of contributions by contributors, surrender of policy and loss of eligibility of a contributor;
- (c) the procedure for the transaction of business by the Board; and
- (d) the termination or forfeiture of the policy.

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(2) Every regulation made by the Minister shall as soon as convenient be published in the *Gazette* and shall come into operation on the date of such publication or on such later date as may be specified therein.

(3) Every regulation made by the Minister shall as soon as convenient after its publication in the *Gazette* be brought before Parliament for approval. Every regulation which is not so approved shall be deemed to be rescinded as from the date of such disapproval, but without prejudice to the validity of anything previously done thereunder.

(4) Notification of the date on which any regulation is so deemed to be rescinded, shall be published in the *Gazette*.

Protection for
action taken
under this Act,
or on the
direction of the
Board.

20. (1) No suit or prosecution shall lie—

(a) against the Board for any act which in good faith is done or is purported to be done by the Board under this Act ; or

(b) against any member of the Board or officer, servant or agent of the Board for any act which in good faith is done or purported to be done by him, under this Act or on the direction of the Board.

(2) Any expense incurred by the Board in any suit or prosecution brought by or against the Board before any Court shall be paid out of the Fund and any cost paid to or recovered by the Board in any such suit shall be credited to such Fund.

(3) Any expense incurred by any such person as is referred to in paragraph (b) of subsection (1) in any suit or prosecution brought against him before any Court in respect of any act which is done or purported to be done by him under this Act or on the direction of the Board shall, if the Court holds that such act was done in good faith, be paid out of Fund unless such expense is recovered by him in such proceedings.

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21. 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 an inconsistency.

22. For the purpose of this Act, unless the context otherwise requires—

Interpretation.

“media person” means a person who being a journalist is engaged in the gathering of, preparation and dissemination of news and information and comments on such news or information, through any medium of communication inclusive of the print and electronic media.

SCHEDULE I **Section 6 (5)**

The proportion in which the balance amount of contributions that remains unpaid are payable when there is no surviving spouse or no legitimate children under twenty one years of age shall be –

- (a) The surviving legitimate children above twenty-one years of age in equal shares ;
- (b) if there are no surviving legitimate children over twenty-one years of age,—
 - (i) if there is more than one surviving parent, be paid to the surviving parents, in equal proportions ;
 - (ii) if there is only one surviving parent, be paid to that parent in its entirety ;
 - (iii) in the absence of parents, if there are more than one surviving brothers and sisters be paid to the surviving brothers and sisters, in equal proportions ;
 - (iv) if there is only one surviving brother or sister, be paid to that brother or sister as the case may be, in its entirety.

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SCHEDULE II

Section 6 (6)

The proportion in which the total contributions made by the contributor are payable under subsection (6) of section 6, and the order of priority shall be—

- (a) if there is a surviving spouse and legitimate children-
 - (i) fifty *per centum* to the surviving spouse ; and
 - (ii) balance fifty *per centum* to be shared by the surviving legitimate children of the deceased contributor, in equal proportions ;
- (b) if there is no surviving spouse, it shall be shared in its entirety and in equal proportions by the surviving legitimate children of the deceased ;
- (c) if there is no surviving spouse or surviving legitimate children-
 - (i) if there is more than one surviving parent, be paid to the surviving parents, in equal proportions ;
 - (ii) if there is only one surviving parent, be paid to that parent, in its entirety ;
 - (iii) if there are no surviving parent and there are more than one surviving brothers or sisters, be paid to the surviving brothers and sisters, in equal proportions ;
 - (iv) if there is only one surviving brother or sister, be paid to that brother or sister, in its entirety.

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