

SEAL NO. 198/71



# GUYANA.

ACT NO. 9 OF 1971.

TEACHERS PENSIONS (AMENDMENT) ACT, 1971.

I assent.

*A. Burnham*  
President.

18<sup>th</sup> June, 1971.

### Arrangement of Sections.

Section

1. Short title.
2. Amendment of section 2 of Chapter 95.

3. Amendment of section 3B of Chapter 95.
4. Repeal and re-enactment of section 4 of Chapter 95.
5. Amendment of section 6 of Chapter 95.
6. Amendment of section 7 of Chapter 95.
7. Insertion of section 7A, 7B and 7C in Chapter 95.
8. Amendment of section 11 of Chapter 95.
9. Amendment of the schedule to Chapter 95.
10. Application of section 3B of the Principal Ordinance to certain teachers.
11. Application of this Act.

AN ACT to amend the Teachers Pensions Ordinance for the purpose of improving the superannuation benefits of teachers.

A.D. 1971. Enacted by the Parliament of Guyana:—

Short title.  
Cap. 95.

1. This Act may be cited as the Teachers Pensions (Amendment) Act, 1971, and amends the Teachers Pensions Ordinance, hereinafter referred to as the Principal Ordinance.

Amendment  
of Section 2  
of Chapter.  
95.

2. Section 2 of the Principal Ordinance is hereby amended by the addition thereto of the following definition—

“pensionable emoluments” in respect of service as a teacher includes—

- (a) salary; and
- (b) responsibility allowance,

but does not include duty, entertainment or other allowance or any other emoluments whatsoever.’

Amendment  
of section 3B  
of Chapter  
95.

3. Section 3B of the Principal Ordinance (as inserted by section 28 of that Ordinance) is hereby amended in the following respects—

- (a) by the repeal of subsection (1) and the substitution therefor of the following subsection—

“(1) Subject to sections 4 and 15, every teacher to whom this section applies may, on his retirement as a teacher or on his retirement from the public service be granted a pension, in respect of each month of his service for pension as a teacher, at the rate of one six-hundredth of his pensionable emoluments computed in accordance with regulation 9 of the Pensions Regulations, 1957, as applied to a teacher by section 7C.”;

- (b) by the substitution of the words "pensionable emoluments" for the word "salary" wherever it appears in the section; and
- (c) by the substitution of the word "two-thirds" for the word "one-half" in subsection (3).

4. Section 4 of the Principal Ordinance is hereby repealed and the following section substituted therefor—

<sup>1</sup>Pensionable service and are.

Repeal and re-enactment of section 4 of Chapter 95.

4. (1) No certificated teacher shall be entitled to retire on a pension under the provisions of this Ordinance, unless the teacher has attained the age of fifty-five years and has completed at least ten continuous years of service:

Provided that—

- (a) if it is proved to the satisfaction of the President that any certificated teacher who has completed not less than ten years continuous service as a teacher is from infirmity of mind or body incapable of discharging the duties of his office, and that the infirmity is likely to be permanent, the President may award a pension to that teacher calculated as though the teacher had completed not less than twenty years' continuous service prior to retirement;
  - (b) the President may, in special cases, require a certificated teacher to retire from service as a teacher on or after attaining the age of fifty years;
  - (c) the President may, in special cases, approve of a certificated teacher retiring from service as a teacher on or after attaining the age of fifty years.
- (2) The provisions of subsection (1) shall *mutatis mutandis* apply to an uncertificated teacher to whom section 3B applies.
- (3) Nothing in the foregoing provisions of this section shall preclude service

as a teacher which was not continuous prior to the enactment of this section from being reckoned in the computation of the pension or gratuity of a teacher.”.

Amendment  
of section 6  
of Chapter  
95.

5. Section 6 of the Principal Ordinance is hereby amended in the following respects—

- (a) by the substitution of the word “fifty-five” for the word “sixty”; and
- (b) by the substitution of a full-stop for the semicolon where it appears and the deletion of the remainder of the section beginning with the word “and”.

Amendment  
of section 7  
of Chapter  
95.

6. Section 7 of the Principal Ordinance is hereby amended in the following respects—

- (a) by the substitution of the word “eighteen” for the word “twenty” in subsection (1);
- (b) by the substitution of the word “sixty” for the word “sixty-five” in subsection (1);
- (c) by the deletion of the words “shall be granted for any period in excess of thirty-five years” appearing in subsection (1) and the substitution therefor of the words “granted to a teacher under this Ordinance shall exceed two-thirds of the highest pensionable emoluments received by him at any time in the course of his service as a teacher”;
- (d) by the addition thereto of the following subsections—

“(4) Anything in subsection (2) to the contrary notwithstanding, where a teacher has, whether before or after the enactment of this subsection, with the approval of the Government, attended any institution for the training of teachers, whether within or outside Guyana, the period of time spent for the purpose of such training shall be taken into account as qualifying or pensionable service.

- (5) Except as otherwise provided in this Ordinance, for the purpose of calculating the pension or gratuity of a teacher in respect of service after the enactment of this subsection, only continuous service shall be taken into

account as qualifying or pensionable service:

Provided that any interruption in service caused by temporary suspension of employment not arising from misconduct or voluntary resignation shall be disregarded for the purpose of this subsection:

And provided further that nothing in this subsection shall preclude service as a teacher which was not continuous prior to the enactment of this subsection from being reckoned in the computation of the pension or gratuity of a teacher.

(6) For the purpose of computing the amount of a teacher's pension or gratuity the following periods shall be taken into account as pensionable service—

- (a) any periods which, by virtue of subsection (2) or (4), may be taken into account;
- (b) any period during which he has received salary whether at the full rate or otherwise paid out of moneys provided by Parliament while proceeding to Guyana on first appointment;
- (c) any period during which he has been absent from duty on leave, with salary;

Provided that, save as hereinafter provided in this section, where a teacher is absent from duty on leave with salary otherwise than at the full rate, the period to be counted shall be the period which bears the same proportion to the amount of salary received by him;

- (d) any period during which he has been absent from duty on leave, with or without salary, granted on grounds of public policy and during which he has not qualified for pension or

gratuity in respect of other teaching service or other public service;

- (e) any period during which he has been absent from duty on leave with salary otherwise than at the full rate by reason of interdiction from duty which has been succeeded by reinstatement with or without a penalty by way of deduction of salary being imposed,

and any periods during which he has been absent from duty on leave, other than those hereinbefore specified, shall be deducted from the teacher's total service in computing his period of pensionable service."

Insertion of sections 7A, 7B and 7C in Chapter 95.

7. The following sections are hereby inserted in the Principal Ordinance as sections 7A, 7B and 7C, respectively—

"Non-pensionable service to be reckoned.

- 7A (1) Only pensionable service as a teacher shall be taken into account in computing the amount of a teacher's pension or gratuity:

Provided that where the pensionable service of a teacher has been immediately preceded by an unbroken period of service in the public service which is not pensionable, or of service paid for out of an open vote in the public service, or of both such services, such period or any part thereof, may be taken into account in computing pension or gratuity.

- (2) Any break in service which may be disregarded under the provisions of subsection (5) of section 7 may likewise be disregarded in determining for the purposes of the proviso to subsection (1) whether one period of service immediately follows another period of service.
- (3) For the purposes of this section, service paid for out of an open vote shall be reckoned in the manner provided by the provisions of the

No. 38 of  
1957.

“Teachers  
with service  
as public  
officers.

No. 38 of  
1957.

No. 38 of  
1957.

Application  
of specified  
provisions  
of the  
Pensions  
(Ordinance)  
1957, to  
teachers.

Pensions (Consolidation) Ordinance,  
1957.

7B.

Where the service of a person as a teacher has been immediately preceded by service in a pensionable office within the meaning of the Pensions (Consolidation) Ordinance, 1957, and the name of that person is entered in the Teachers Pensions Register in accordance with this Ordinance, the period of service of that person in the pensionable office shall be taken into account in computing pension or gratuity under this Ordinance:

Provided that such service in a pensionable office shall not be reckoned in the computation of pension payable to the officer under the Pensions (Consolidation) Ordinance, 1957.

7C

Sections 6, 9A, 14, 15, 20 and 21 of the Pensions (Consolidation) Ordinance, 1957, and regulations 4, 9 and 16 of the Pensions Regulations 1957 (contained in the schedule to the Pensions (Consolidation) Ordinance, 1957) shall *mutatis mutandis* apply to a teacher as they apply to an officer in the public service, subject to the following modifications—

- (a) for the reference in section 9A to section 9, there shall be substituted a reference to paragraph (a) of the proviso to section 4(1);
- (b) for the reference in section 20(1)(b) to paragraph (d) of section 8 there shall be substituted a reference to paragraph (a) of the proviso to section 4(1);
- (c) for the reference in section 20(1)(b) to section 13 there shall be substituted a reference to section 3B;

(d) for the reference in regulation 4 to regulation 3 there shall be substituted a reference to section 3B.”.

Amendment  
of section 11  
of Chapter  
95.

8. Section 11 of the Principal Ordinance is hereby amended in the following respects—

- (a) by the insertion of the words “or gratuity” immediately after the word “pension”; and
- (b) by the insertion of the words “other than a debt due to the Government at the time of the retirement of the teacher” immediately after the word “whatsoever”.

Amendment  
of the  
schedule to  
Chapter 95.

9. The schedule to the Principal Ordinance is hereby amended by the deletion of the words, “for a period of more than five years, ” from regulation 3(d).

Application of  
section 3B of  
the Principal  
Ordinance to  
certain  
teachers.  
No. 24 of  
1958.

10. Notwithstanding the repeal of paragraph (b) of section 32 of the Principal Ordinance by section 5 of the Teachers Pensions (Amendment) Ordinance, 1958, section 3B of the Principal Ordinance shall apply and shall be deemed always to have applied to every teacher whose name was in the Teachers Pension Register on 1st January, 1944, and who did not intimate to the former Director of Education on or before 30th June, 1952, that he desired that the provisions of section 3, 3A, 5 or 5A of the Principal Ordinance, as the case may be, shall continue to apply to him.

Application  
of this Act.

11. (1) The provisions of the Principal Ordinance, as amended by sections 3 to 7 (both sections inclusive) and section 9, shall apply to every teacher whose name is entered in the Teachers Pension Register subsequent to the enactment of this Act.

(2) The provisions of the Principal Ordinance, as amended by sections 3, 4, 5, 6 (other than paragraph (a), and paragraph (d) in so far as it relates to the enactment of section 7(4) of the Principal Ordinance), 7 and 9, shall apply to every teacher whose name is in the Teachers Pension Register at the time of the enactment of this Act, unless he intimates in writing to the Chief Education Officer not later than the expiration of one year commencing with the enactment of this Act that he desires that the provisions of the Principal Ordinance shall continue to apply to him as they applied prior to their amendment by the provisions of this Act hereinbefore mentioned in this subsection.

(3) The provisions of the Principal Ordinance, as amended by sections 3 and 6(c), shall apply to every teacher whose name was in the Teachers Pension Register on 1st January, 1961, or entered therein on or after that date and who—



- (a) retired as a teacher or from the public service after 1st January, 1961, but before the enactment of this Act;
  - (b) retired as a teacher or from the public service after 1st January, 1961, and who died before the enactment of this Act.
- (4) Section 7 of the Principal Ordinance, as amended by section 6(a), shall apply—
- (a) to every teacher whose name is in the Teachers Pension Register at the time of the enactment of this Act;
  - (b) to every teacher whose name is entered in the Teachers Pension Register subsequent to the enactment of this Act.
- (5) Section 7 of the Principal Ordinance, as amended by section 6(d) in so far as it relates to the enactment of section 7(4) of the Principal Ordinance, shall apply to—
- (a) every teacher whose name was in the Teachers Pension Register on 1st January, 1961, or whose name was or is entered therein on or after that date;
  - (b) every teacher mentioned in paragraph (a)—
    - (i) who retired as a teacher or from the public service after 1st January, 1961, but before the enactment of this Act;
    - (ii) who retired as a teacher or from the public service after 1st January, 1961, and who died before the enactment of this Act.
- (6) Section 9A of the Pensions (Consolidation) Ordinance, 1957, in its application to a teacher shall be deemed to have come into operation on 1st October, 1964 and may be applied to a person who was serving as a teacher on 1st October, 1964, notwithstanding that he has ceased to be a teacher and his name removed from the register before the enactment of this Act.
- (7) Where a teacher makes an intimation to the Chief Education Officer pursuant to the provisions of subsection (2), the Principal Ordinance shall have effect in relation to him as if it had not been amended by the provisions of this Act as hereinbefore mentioned in the said subsection (2).
- (8) Nothing in this section shall be construed as affecting the operation of sections 2 and 8.

*Passed by the National Assembly on the 8th of June, 1971.*

  
Clerk of the National Assembly.