



I assent,

*C. C. Hooley*

Governor.

8<sup>th</sup> December, 1951.

## BRITISH GUIANA

### ORDINANCE No. 42 OF 1951.

AN ORDINANCE further to amend the Teachers Pensions Ordinance with respect to the rate of pension and the Teachers Pension Register.

BE IT ENACTED by the Governor of British Guiana, with the A.D. 1951.  
advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as the Teachers Pensions Short Title.  
(Amendment) Ordinance, 1951, and shall be construed and read  
as one with the Teachers Pensions Ordinance, hereinafter referred Cap. 197  
to as the Principal Ordinance.

Insertion of  
new section  
3B in the  
Principal  
Ordinance.

2. The Principal Ordinance as amended from time to time is hereby further amended by the insertion, after section three A, of the following new section —

“New rate  
of pension  
in respect  
of certain  
teachers.

3B. (1) Subject to the provisions of sections four and fifteen of this Ordinance, every teacher to whom this section applies may, on his retirement as a teacher or on his retirement from the public service of the Colony, be granted a pension, in respect of each month of his service for pension as a teacher, at the rate of one seven hundred and twentieth of the annual average amount of his salary as a teacher during the three years immediately preceding the date upon which he retires as a teacher, or the date upon which he entered the public service of the Colony as the case may be.

(2) For the purposes of subsection (1) of this section, service for pension as a teacher means service whether as a certificated teacher or as an uncertificated teacher, as entered in the Teachers Pension Register.

(3) A pension granted under subsection (1) of this section shall not exceed one-half of the salary of the teacher at the date of his retirement or the date preceding that upon which he entered the public service of the Colony as the case may be.

Option to  
take  
reduced  
pension  
with  
gratuity.

(4) A teacher to whom this section applies may at his option exercisable as hereinafter provided, be paid, in lieu of a pension under subsection (1) of this section, a pension at the rate of three fourths of such pension together with a gratuity equal to ten times the amount of the reduction so made.

(5) The option referred to in subsection (4) of this section shall be exercised by such teacher giving notice in writing to the Director of Education not later than the date of his retirement that he desires to receive a reduced pension with gratuity.”

Amend-  
ment of  
section 4  
of the  
Principal  
Ordinance.

3. Section four of the Principal Ordinance is hereby amended

- (a) by re-numbering the section as subsection (1);
- (b) by the substitution for the words “sixty years of age or upwards” in subsection (1) of the words “fifty-five years of age or upwards”;
- (c) by the substitution for the words “fifty-five years” in paragraph (b) and for the words “sixty years” in paragraph (c) of the proviso to subsection (1) of the words “fifty years” and “fifty-five years” respectively; and
- (d) by the addition of the following subsection —  
“(2) The Governor in Council may require any certificated teacher to retire from service as a teacher at any time after he has attained the age of fifty-five years.”

4. Subsection (1) of section five A of the Principal Ordinance as inserted by section two of the Teachers Pensions (Amendment) Ordinance, 1942, is hereby amended —

- Amendment of section 5A (1) of the Principal Ordinance. No. 23 of 1942.
- (a) by the substitution for the words "sixty years" in paragraph (a) of the words "fifty-five years"; and
  - (b) by the substitution of a colon for the full stop at the end of the subsection, and the addition thereto of the following proviso —

"Provided that the Governor in Council may require any uncertificated teacher to retire from service as a teacher at any time after he has attained the age of fifty-five years."

5. (1) Section seven of the Principal Ordinance as amended by section four of the Teachers Pensions (Amendment) Ordinance, 1947, is hereby further amended by the substitution for the words "thirty years" in subsection (1) of the words "thirty-five years".

(2) This section shall be deemed to have had effect from and including the first day of January, nineteen hundred and forty-four.

6. The provisions of the Principal Ordinance, and of sections two to five inclusive of this Ordinance shall apply —

- Application of Ordinance.
- (a) to every teacher whose name is entered in the Teachers Pension Register subsequent to the coming into effect of this Ordinance; and
  - (b) to every teacher whose name was in the Teachers Pension Register on the first day of January, nineteen hundred and forty-four, unless he intimates in writing to the Director of Education on or before the thirtieth day of June, nineteen hundred and fifty-two that he desires that the provisions of sections three, three A, five or five A of the Principal Ordinance, as the case may be, shall continue to apply to him; and
  - (c) to every teacher whose name was in the Teachers Pension Register on the thirty-first day of December, nineteen hundred and forty-three, and who retired as a teacher or from the public service of the Colony on or after the first day of January, nineteen hundred and forty-four, and who intimates in writing to the Director of Education on or before the thirtieth day of June, nineteen hundred and fifty-two, that he desires that the provisions of the Principal Ordinance and of this Ordinance shall apply to him.

7. Section fifteen of the Principal Ordinance as amended from time to time is hereby further amended —

- Amendment of section 15 of the Principal Ordinance.
- (a) by the substitution for the words "the names" wherever they appear in paragraphs (a) and (b) of subsection (2), of the words "the names, together with particulars of their service for pension";
  - (b) by the substitution for the words "regulations made under this section" in paragraph (b) of subsection (2),

of the words "regulations set out in the schedule to this Ordinance";

- (c) by re-numbering as subsection (2B), subsection (2A) as enacted by section five of the Teachers Pensions (Amendment) Ordinance, 1947;
- (d) by the insertion after subsection (2) of the following subsection —

"(2A) Where the name of a teacher is entered in the Teachers Pension Register the Director of Education shall forthwith thereafter notify the teacher in writing accordingly"; and

- (e) by the repeal of subsection (4) and by the substitution therefor of the following —

"(4) The qualifications and conditions subject to which entries may be made in the Teachers Pension Register under paragraph (b) of subsection (2) of this section, shall be as set out in the Regulations in the schedule to this Ordinance."

8. The Principal Ordinance is hereby further amended by the addition thereto of the following Schedule —

"SCHEDULE

Section 15 (4)

Regulations as to the qualifications and conditions subject to which entries may be made in the Teachers Pension Register.

1. The Teachers Pension Register shall be divided into two parts, namely, Part I relating to certificated teachers, and Part II relating to uncertificated teachers.

2. (1) The name of every certificated teacher who has been examined by a Medical Board and certified to be physically fit for service as a teacher and who has served in a school or schools for 3 consecutive years as a certificated teacher, shall be entered in the Teachers Pension Register.

(2) The name of every uncertificated teacher who has served in a school or schools for 10 consecutive years to the satisfaction of the Director, shall be entered in the Teachers Pension Register.

(3) Where an uncertificated teacher whose name is entered as such in the Teachers Pension Register becomes a certificated teacher, his name shall forthwith thereafter be entered as a certificated teacher in the Teachers Pension Register.

3. The Director shall remove from the Teachers Pension Register —

- (a) the name of any teacher who has died;
- (b) the name of any teacher whose certificate has been cancelled;
- (c) the name of any teacher who has ceased, for a period of more than 5 years, to be employed as a teacher in schools of the Colony;

Provided that the name of a teacher shall not be removed under this paragraph where such teacher has

Addition of  
Schedule  
to the  
Principal  
Ordinance.

been appointed to a pensionable office as defined in section 2 of the Pensions Ordinance, 1933.

4. Where the name of a teacher has been removed from the Teachers Pension Register under paragraph 3(c) hereof, his name shall not be re-entered in the Register until he has, subsequent to the date of such removal, complied with the provisions of paragraph 2 (1) or paragraph 2 (2) hereof as the case may be.

5. Where the Director refuses to enter or re-enter the name of a teacher in the Teachers Pension Register, or where he removed the name of a teacher from the Teachers Pension Register, such teacher may appeal to the Governor in Council from the decision of the Director, and the decision of the Governor in Council shall be final.

6. The names of all teachers entered in the Teachers Pension Register on the date this schedule comes into force shall, subject to the provisions of paragraphs 2 (3), 3, 4 and 5 hereof, remain therein.

7. There shall be entered in the Teachers Pension Register the period or periods of the service for pension of every teacher whose name is entered therein, and the school or schools in which the teacher served for any such period or periods.

8. These Regulations may be cited as the Teachers Pension Regulations, 1951."

*Passed by the Legislative Council this 9th day of November, 1951.*

  
Clerk of the Legislative Council.

(M.P. 35|14|24|1 II).