

To be construed with Ord. 19, 1930.

## CHAPTER 197.

### TEACHERS PENSIONS.

[No. X of 1928.]

[28th April, 1928.]

1. This Ordinance may be cited as the Teachers Pensions Ordinance. Short title.

2. In this Ordinance, unless the context otherwise requires— Interpretation of terms.

“ aided school ” means an elementary school in respect of which a grant-in-aid is paid from colonial revenues and which is eligible to earn the maximum grants payable under the regulations;

“ colonial school ” means an elementary school established and maintained from colonial revenues;

“ school ” means an aided or a colonial school, and includes an industrial school, an institution for the training of teachers, and a technical school;

“ certificated teacher ” means a teacher who holds a certificate of competency issued by the Director of Education under the regulations;

“ uncertificated teacher ” means a person who is employed in place of a certificated teacher and whose employment is authorised by the regulations, but does not include a pupil teacher or a person employed in place of a pupil teacher;

“ teacher ” means a certificated teacher or uncertificated teacher, but does not include a person employed to teach one or more specified subjects;

“ the regulations ” means the regulations in force for the time being relating to elementary education made under the authority of any Ordinance relating to elementary education.

*Sec. 24*  
*Oct. 1/1931* “ service ” means “ qualifying service for a pension ” as defined in section 24.

3. Every certificated teacher to whom this Ordinance applies shall be entitled in respect of his service in schools to a pension calculated, in the first place, at the rate of Rate of pension :

sixty cents a month in respect of every year's service, but in addition thereto,—

- (a) every head teacher holding a first-class certificate shall be entitled to a sum of seventy-five cents a month in respect of each year's service in that capacity;
- (b) every head teacher holding a second-class certificate, and every assistant teacher holding a first-class certificate, shall be entitled to a sum of fifty cents a month in respect of each year's service in that capacity;
- (c) every head teacher holding a third-class certificate, and every assistant teacher holding a second-class certificate, shall be entitled to a sum of twenty-five cents a month in respect of each year's service in that capacity;
- (d) every assistant teacher holding a third-class certificate shall be entitled to a sum of ten cents a month in respect of each year's service in that capacity:

Proviso.

Provided that in no case shall any certificated teacher who has served for a period of thirty years in the aggregate, whether continuous or non-continuous, receive a pension of less than twenty dollars a month.

3. A.

4. No certificated teacher shall be entitled to retire on a pension under the provisions of this Ordinance, unless, if a male, he is sixty years of age or upwards, or if a female, she is fifty years of age or upwards, and unless the teacher has completed ten continuous years of service:

Ord. 17  
1938.  
Pensionable  
service and  
age:

Proviso.

Provided that—

- (a) it is proved to the satisfaction of the Governor in Council that any certificated 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 Governor in Council may award a pension to that teacher calculated on the number of years of service;
- (b) the Governor in Council may for due cause shown grant to a certificated teacher who has attained the age of fifty-five years and served for at least thirty years, the full pension provided under this Ordinance;
- (c) the Governor in Council may grant full pension to any certificated teacher who has served for at

least thirty years in all although he may have ceased to be a teacher before attaining the age of sixty years.

5. An uncertificated teacher who has served in schools for thirty years, whether continuously or not, shall be entitled, in the discretion of the Governor in Council, to a pension calculated at an amount not exceeding seventy-five per centum of his average salary for the last five years.

Pension to uncertificated teacher.

6. No teacher may be retained in a school after the age of sixty except by special permission of the Governor; and no teacher shall be retained after the age of sixty-five except with the special permission of the Governor in Council.

Teachers over the ages of sixty and sixty-five.

7.—(1) No teacher shall be entitled to a pension in respect of any service while under the age of twenty years or above the age of sixty-five years, and no pension shall be granted for any period in excess of thirty years.

Service after age of sixty-five not pensionable.

(2) No teacher shall be entitled to a pension in respect of any service during which he has not been employed in a school throughout the hours of instruction prescribed by the regulations as one of the teachers authorised to be employed by the regulations.

8. No teacher shall have an absolute right to compensation for past services, or to any pension, gratuity, or retiring allowance, under this Ordinance, nor, subject to the Ordinances relating to elementary education, shall anything herein limit any power to dismiss a teacher without compensation from public funds.

No absolute right to pension.

9. When a pension or retiring allowance is granted to a teacher who, in the opinion of the Governor in Council, has been guilty of negligence, irregularity, or misconduct, in the discharge of his duties as a teacher, or has been guilty of any indiscretion or impropriety in his mode of life, which in the opinion of the Governor in Council, has affected the length or efficiency of his service, the Governor in Council may in his discretion, reduce the amount of the pension or retiring allowance of that teacher and grant him a pension or retiring allowance at a lower rate than that authorised by this Ordinance.

Pension may be reduced for improper conduct.

Exclusion from benefit of the Ordinance in consequence of dismissal for misconduct or cancellation of certificate.

10.—(1) No certificated teacher whose certificate has been cancelled and no certificated teacher hereafter dismissed for misconduct or whose certificate is cancelled shall be entitled to the benefit of the provisions of this Ordinance.

(2) No uncertificated teacher who has committed any act for which the certificate of a certificated teacher would have been cancelled, and no uncertificated teacher hereafter dismissed for misconduct or who commits any act which, if done by a certificated teacher, would involve cancellation of his certificate, shall be entitled to the benefit of the provisions of this Ordinance.

Pension not to be assignable.

11. No pension under this Ordinance shall be assignable or transferable, or liable to be attached, sequestrated, or levied upon, for or in respect of any debt or claim whatsoever.

Pension to cease on conviction.

12. If a teacher to whom a pension has been granted under this Ordinance is convicted before any Court in his Majesty's dominions of any crime or offence for which he is sentenced to death, or penal servitude, or transportation, or any term of imprisonment with hard labour or exceeding twelve months, and does not within two months after his conviction receive his Majesty's free pardon, then in each of those cases his pension shall forthwith cease, but the Governor in Council, with the consent of the Secretary of State, may, if he thinks fit, restore the pension in the case of a teacher who after conviction as above described, receives at any time his Majesty's free pardon.

Pension to cease on bankruptcy :

13. If a teacher to whom a pension has been granted under this Ordinance becomes a bankrupt or insolvent, then the pension shall forthwith cease :

Proviso.

Provided that in any case where a pension ceases by reason of the bankruptcy of the pensioner the Secretary of State, or, if the pensioner is resident in the colony, then the Governor in Council, may from time to time during the remainder of his life, or during such shorter period or periods, either continuous or discontinuous, as the Secretary of State or the Governor in Council thinks fit, pay all or any part of the moneys to which he would have been entitled by way of pension had he not become a bankrupt, or apply the same for the maintenance and personal support or benefit of all or any, exclusive of the other or others, of the following persons, namely, the pensioner and

his wife, child, or children of his, in the proportions and manner the Secretary of State or the Governor in Council thinks proper.

14. Every teacher who at the commencement of this Ordinance was entitled to a pension under the Teachers Pensions Ordinance, 1924, shall on the commencement of this Ordinance be entitled to have his pension calculated and paid under the provisions of this Ordinance.

Pensioners under Ordinance No. 4 of 1924 entitled to pensions under this Ordinance.

PROVISIONS IN FORCE SINCE THE 1ST JANUARY, 1929.

15.—(1) In this section,—

“register” means the register of teachers compiled and kept by the Director of Education under the next succeeding sub-section;

Interpretation of terms in this section.

“qualifying service for pension” means service which, on the retirement of a teacher, can be reckoned under this Ordinance in the computation of his pension.

(2) The Director of Education shall compile and keep a register, to be styled the Teachers Pension Register, wherein he shall cause to be entered—

Pension register.

(a) the names of all teachers who, prior to the thirty-first day of December, nineteen hundred and twenty-eight, had done qualifying service for pension; and

(b) the names of teachers entered therein in pursuance of regulations made under this section.

(3) (a) No teacher whose name is not on the register at the date of his retirement shall be eligible for pension under this Ordinance.

Teacher whose name not on register ineligible for pension.

(b) A teacher shall not be entitled to pension by the fact only that his name is entered on the register.

(4) The Governor in Council may make regulations prescribing the qualifications and conditions subject whereunto entries may be made in the register under paragraph (b) of sub-section (2) of this section.

Regulations under sub-section (2).

(5) This section shall be deemed to have taken effect as on the first day of January, nineteen hundred and twenty-nine.

When this section to come into force.

(6) This section shall not apply to any teacher who was on the fixed establishment of the colony when it took effect.