
 TRINIDAD AND TOBAGO.

No. 21—1929.

I ASSENT,

[L.S.]

S. M. GRIER,
Acting Governor.

28th December, 1929.

AN ORDINANCE to provide for the payment of pensions to teachers in Intermediate and Elementary Schools.

[1st January, 1924.]

BE it enacted by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof as follows:—

Short title.

1. This Ordinance may be cited as the School Teachers' Pensions Ordinance, 1929.

Interpretation.

2. In this Ordinance—

“Salary” means annual salary paid from public funds in accordance with the scale of salary prescribed by the Education Board.

“School” means an Intermediate or Elementary school maintained entirely, or to which aid is contributed, from the public funds of the Colony.

“Service” means service in the capacity of a teacher in full-time service in a school.

“Teacher” means a person who is registered as such in the Register to be kept for the purpose by the Director of Education, and who is employed in full time service as a teacher in a school.

3. All such sums of money as may from time to time be granted by way of pension, gratuity or other allowance in accordance with this Ordinance or with regulations made thereunder shall be charged on and paid out of the general revenue of the Colony. Pensions to be charged on general revenue.

4.—(1) Every teacher who—

(a) has served in a school for a period of ten years immediately preceding retirement, and Pension payable on retirement.

(b) is fifty-five years of age or has become in the opinion of the Governor incapable by infirmity of mind or body of continuing to teach in a school efficiently

may be granted on his retirement a pension as in this Ordinance provided.

(2) No teacher shall be entitled to a pension or any retiring allowance in respect of any service performed while under the age of twenty years.

5.—(1) The service in respect of which pension will be granted shall be unbroken; provided that service prior to a break of service may be allowed to count for pension together with service subsequent to such break in cases where the service has been interrupted by abolition of office or other temporary suspension of employment not arising from misconduct or voluntary resignation of the teacher. Service to be unbroken.

Provided further that any period during which a teacher absent on leave from the Colony has, with the consent of the Governor or the Secretary of State, served with His Majesty's Armed Forces during the late war, or in any other capacity connected with the state of war may, with the approval of the Governor, be counted as service on full pay.

(2) For the purposes of this section the expression "voluntary resignation" shall not include transfer of a teacher from a school by the proper authority to any other school not within the meaning of this Ordinance.

Half-pay
leave.

6. The periods during which a teacher has been absent on leave on half pay shall, for the purposes of this Ordinance, be counted at the rate of one month for every two months of such period, and the period during which a teacher has been absent on vacation leave shall, under all circumstances, be counted as service on full pay.

Amount of
pension.

7. Where a teacher has served ten years or upwards he may be granted on his retirement a pension at the rate of fifteen-eightieths of his salary with an addition of one-sixtieth in respect of each complete year of such service in excess of ten, until the maximum addition of twenty-five sixtieths is reached.

How salary to
be computed
for pension
purposes.

8. For the purpose of computing pensions and gratuities, the salary of the permanent office held by the teacher at the date of his retirement will be taken, if he has held such office or an office with the same salary, for a period of three years immediately preceding such date; otherwise the average amount of the salary of the permanent offices held by the teacher during the three years immediately preceding his retirement will be taken.

Pension on
abolition of
office

9.—(1) In case of the abolition or re-organisation of any office causing the holder to cease to be a teacher, the Governor may grant to such person a temporary pension, subject to the condition that such person shall hold himself ready to be re-called to employment; provided that if there is no reason, in the opinion of the Governor, to expect that he can be shortly re-employed, a pension may be granted to him free from the said condition.

(2) In the case of a teacher whose office is abolished and whose length of service is not such as to entitle him to a pension, a gratuity not exceeding one and a half months' salary for every year of service may be granted, provided the Governor is satisfied there is no prospect of his re-employment as a teacher.

10. Every teacher, otherwise qualified for a pension, who has not completed ten years service may on retirement be granted a gratuity at the rate of half a month's salary for each complete six months of service. Gratuities.

11.—(1) Where a teacher has been permanently injured : Pension on retirement on account of injuries.

- (a) In the actual discharge of his duty, and
- (b) Without his own default, and
- (c) By some injury specifically attributable to the nature of his duty

and his retirement is thereby necessitated or materially accelerated, he may receive in respect of such injury, in addition to the pension, if any, granted to him under this Ordinance, an annual allowance in proportion to the extent of his injury, as follows :

When his capacity to contribute to his support is—			
Slightly impaired	....	....	five-sixtieths.
Impaired	....	....	ten-sixtieths.
Materially impaired	....	....	fifteen-sixtieths.
Totally destroyed	....	....	twenty-sixtieths.

Provided that no such allowance shall, together with the pension, exceed fifty-sixtieths of his salary at the date of the injury.

The allowance shall be less than the above-mentioned maximum by such amount as the Governor shall think reasonable in the following cases :—

- (a) Where the injured man has continued to serve for not less than one year after the injury in respect of which he retires ; or
- (b) Where the injured man is fifty years of age or upwards at the date of the injury ; or
- (c) Where the injury is not the sole cause of retirement, *i.e.*, the retirement is caused partly by age or infirmity

(2) When the teacher has less than ten years' service, and he is not entitled to an ordinary pension, he may receive in lieu of a gratuity an annual allowance of so many eightieths of his salary as the years he has actually served, in addition to the number of sixtieths that may be awarded to him under this section.

Compulsory retirement at age of 60.

12. Every teacher shall, unless the Governor in Executive Council shall determine otherwise, retire at the age of sixty years.

No pension on dismissal for misconduct.

13. No teacher who for gross negligence, irregularity or misconduct is dismissed or called upon to resign from his employment with the approval of the Governor in Executive Council shall be granted a pension under this Ordinance.

Reduced pension and gratuity optional

14.—(1) Every teacher who is now or who shall hereafter become eligible for a pension under the provisions of this Ordinance may elect to take on his retirement from his employment a reduced pension and gratuity in lieu of the pension provided hereunder.

(2) Every teacher now eligible shall, in writing, notify the Governor of his election within six months of the commencement of this Ordinance, and every teacher who may hereafter become eligible shall in like manner notify the Governor of his election within six months of the date when he shall become so eligible.

(3) An election once exercised shall be irrevocable.

(4) Reduced pension shall be a pension equal to three-fourths of the amount of the pension which would be payable under this Ordinance, and a gratuity shall be the amount which one-fourth of the pension payable thereunder when multiplied by ten shall represent.

Pension not assignable or attachable and to cease on bankruptcy or conviction. (Cap. 83.)

15. The provisions of section 11 (which protect pensions) and of sections 12 and 13 (which provide for cessation of pension on conviction for an offence and on bankruptcy, respectively) of the Pensions Ordinance shall apply to pensions granted under this Ordinance in like manner as they apply to pensions granted under that Ordinance.

Applications for pensions.

16. Applications for pensions, gratuities or allowances under this Ordinance or regulations made thereunder shall be made to the Governor, who shall have power to grant the same.

Pensions not of right.

17.—(1) No teacher shall have an absolute right to any pension, gratuity or other allowance under this Ordinance or regulations made thereunder, and no pension, gratuity

or allowance shall be granted unless the Governor is satisfied that the teacher has performed his duties efficiently and with fidelity and diligence.

(2) Where the efficiency, fidelity or diligence of the teacher falls short of the first degree of merit, the computation may be made at such lower rates as the Governor in Executive Council may decide.

18. The provisions of the Deceased Public Officers' Salary Ordinance shall apply to teachers in like manner as they apply to public officers. Cap. 85 to apply to teachers.

19.—(1) A supplementary teacher may on retirement be granted a gratuity in such circumstances and of such amount as the Governor may determine. Provided that a gratuity granted under this section shall not exceed three-fourths of the amount of the gratuity which may be granted to a teacher under section 10 hereof. Gratuities to supplementary teachers.

(2) For the purposes of this section the expression "supplementary teacher" means a person who is not in full-time service in any one school and who instructs a school in handicraft, music, physical training, agriculture or needlework.

20.—(1) The Governor in Executive Council may, with the sanction of the Secretary of State, make regulations generally for carrying out the provisions of this Ordinance. Regulations.

(2) All regulations purporting to be made in pursuance of this section shall be laid before the Legislative Council and published in the *Royal Gazette*, and shall come into operation on such publication or at such other time as may be appointed by such regulations.

21. Section 17 of the Pensions Ordinance (Cap. 83) is hereby repealed. Repeal.

22. This Ordinance shall operate retrospectively and shall be deemed to have commenced and come into operation on the first day of January, 1924. Commencement.

Passed in Council this seventeenth day of December, in the year of Our Lord one thousand nine hundred and twenty-nine.

E. F. AANENSEN,
Acting Clerk of the Council.