



TRINIDAD AND TOBAGO

No. 22—1952

[L.S.]

I ASSENT,

H. E. RANCE,
Governor.

16th May, 1952

AN ORDINANCE to provide for the payment of
superannuation allowances to teachers.

[22nd May, 1952.]

Commence-
ment

ENACTED by the Governor of Trinidad and Tobago with the Enactment
advice and consent of the Legislative Council thereof.

1. This Ordinance may be cited as the Teachers' Pensions Short title
Ordinance, 1952.

Interpretation

2. In this Ordinance—

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“other public service” and “public service” have the same meanings as are respectively assigned to these expressions in the Pensions Ordinance;

“other teaching service” means whole time service in a teaching capacity in an educational institution in any territory specified in the Third Schedule to this Ordinance, in relation to which the Governor in Council is satisfied that provision is made by law for the payment of pensions, gratuities or allowances in respect of service in that institution;

“salary” means—

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(a) in the case of a teacher in a Government Primary, Intermediate or Special School within the meaning of the Education Ordinance, 1951, annual salary in accordance with the scale of salary prescribed under the provisions of the said Ordinance: Provided that any seniority allowance of which a headteacher of a Government Primary School was in receipt immediately prior to his retirement shall, for the purposes of the computation of his pension, be deemed to be additional salary;

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(b) in the case of a teacher in an Assisted Primary, Intermediate or Special School within the meaning of the Education Ordinance, 1951, in respect of which the aid given by the Government from public funds includes a grant covering full payment of the salaries of teachers, such annual salary as is prescribed under the provisions of the said Ordinance: Provided that any seniority allowance of which a headteacher of an Assisted Primary School was in receipt immediately prior to his retirement shall, for the purposes of the computation of his pension, be deemed to be additional salary;

(c) in the case of a teacher in any school specified in the First Schedule to this Ordinance other than in the first and second paragraphs thereof, so much of such annual salary as may be fixed

by the appropriate authority for the office held by such teacher as—

- (i) shall not exceed such amount as may be approved for the office which such teacher holds by the Governor in Council; and
 - (ii) shall not be less than the amount of the staff grant paid by the Government in respect of the office which such teacher holds;
- (d) in respect of other teaching service or other public service emoluments which count for pension in accordance with the law or regulations in force in such service;

“school” means any school or Institute included in the First Schedule to this Ordinance;

“teaching service” means—

- (a) registered service in the capacity of a teacher in full-time employment in a school;
- (b) other teaching service:

Provided that where a teacher has had other service under the Government of the Colony, or, with the approval of Government has undergone a course of training at a Training College, the whole of such service or course of training, if continuous with his service in the capacity of a teacher, shall be taken into account: Provided further that of the period of such other service or course of training paid for from public funds not provided for a specific appointment, only one-half shall be counted for the purposes of this Ordinance;

“teacher” means a person who is registered as such in the Register to be kept for the purpose by the Director of Education under the provisions of the Education Ordinance, 1951, and who is or has been employed in full-time service in a teaching capacity in a school.

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3. (1) Every teacher (as defined in the interpretation clause) shall be granted on his retirement a pension as in this Ordinance provided. Pension payable on retirement

(2) The Governor in Council may with the sanction of the Secretary of State make regulations for the granting of pensions, gratuities and other allowances to teachers. Every such regulation when made shall be laid before the Legislative Council, and shall be published in the *Royal Gazette*. Governor may make regulations

(3) Whenever the Governor in Council is satisfied that it is equitable that any regulation made under this section should have retrospective effect in order to confer a benefit upon or remove a disability attaching to any person that regulation may be given retrospective effect for that purpose :

Provided that no such regulation shall have retrospective effect unless it has received the prior approval of the Legislative Council signified by resolution.

(4) The said regulations shall have the same force and effect for all purposes as if they were contained in this Ordinance and the term "this Ordinance" shall in this Ordinance be read and construed to include such regulations.

(5) The Regulations contained in the Second Schedule to this Ordinance shall be in force until varied or revoked.

Pensions to be charged on general revenue

4. 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 shall be charged on and paid out of public funds.

Minimum age for commencement of pensionable service

5. 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.

Age of compulsory retirement

6. Every teacher in teaching service in the Colony shall, unless the Governor in Council otherwise determines, retire at the age of sixty years. In special cases, with the approval of the Secretary of State, the Governor in Council may require a teacher in teaching service in the Colony to retire at any time after he attains the age of fifty years.

Circumstances in which pensions may be granted. Teacher may be granted pension at 55 years, or earlier on account of ill-health

7. (1) Except in cases hereinafter provided for, no pension, gratuity or other allowance shall be granted to any teacher who has not attained the age of fifty-five years (in special cases, with the approval of the Secretary of State, fifty years), unless on medical evidence to the satisfaction of the Governor in Council that he is incapable, by reason of some infirmity of mind or body of discharging the duties of his office, and that such infirmity is likely to be permanent : Provided that the consent of the Secretary of State shall be obtained in respect of—

- (a) a teacher recruited from the United Kingdom;
- (b) a teacher who is a member of a unified branch of the service;
- (c) a teacher occupying any other post of which the initial salary is not less than two thousand dollars per annum.

(2) If a teacher is transferred to other public service or other teaching service and ultimately retires at an age less than fifty-five years at which he is permitted by the law or regulations of that service to retire with a pension, the pension which may be granted to him from public funds under this Ordinance shall be payable from the date of retirement of such teacher, notwithstanding that he shall not be fifty-five years of age.

Age limit in respect of other public services

(3) Where a teacher in teaching service in the Colony is removed from his office on the ground of his inability to discharge efficiently the duties thereof, and a pension, gratuity, or other allowance cannot otherwise be granted to him under the provisions of this Ordinance, the Governor in Council may if he considers it justifiable, having regard to all the circumstances of the case, grant such a pension, gratuity, or other allowance as he thinks just and proper, but in no case exceeding in amount that for which the teacher would be eligible if he were suffering from some infirmity of mind or body likely to be permanent.

Teacher unable to discharge his duties may be retired

(4) If a teacher in teaching service in the Colony ceases to be a teacher in consequence of the abolition or re-organization of any office, he may be granted a temporary pension, subject to the condition that he shall hold himself ready to be recalled to service: Provided that if such teacher is not qualified for other employment or if there is no reason, in the opinion of the Governor in Council, to expect that he can be re-employed, a pension may be granted to him free from the above-mentioned condition.

Teacher may be retired on abolition of office

8. If a teacher, to whom a pension has been granted under this Ordinance is appointed to an office under the Government of the Colony or in other public service or is re-employed in teaching service the payment of his pension or any part thereof may, if the Governor in Council thinks fit, be suspended during the period of his re-employment.

Suspension of pension on re-employment

9. (1) Every person in teaching service at the commencement of this Ordinance who has exercised or has been deemed to have exercised the option provided for in section 14 of the School Teachers' Pensions Ordinance and who elects under the provisions of section 16 of this Ordinance to be subject to the provisions of this Ordinance shall, subject to the provisions of this Ordinance, be granted on his retirement an unreduced pension or a reduced pension and gratuity as the case may be, under this Ordinance in accordance with his decision when exercising the option.

Gratuity and reduced pension

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(2) Every person in teaching service at the commencement of this Ordinance and appointed as a teacher before the 1st January, 1924, who has not exercised and is not deemed to have exercised the aforesaid option and who elects under the provisions of section 16 of this Ordinance to be subject to the provisions of this Ordinance shall, subject to the provisions of this Ordinance, be granted an unreduced pension under this Ordinance.

(3) Every other person in teaching service at the commencement of this Ordinance who elects under the provisions of section 16 of this Ordinance to be subject to the provisions of this Ordinance shall, subject to the provisions of this Ordinance, be granted on his retirement a reduced pension and gratuity under this Ordinance.

Ch. 14. No. 5. (4) The Governor in Council may, by notification published in the *Royal Gazette*, declare that any teacher who has inadvertently omitted to exercise the option provided for in section 14 of the School Teachers' Pensions Ordinance and who elects under section 16 of this Ordinance to be subject to the provisions of this Ordinance shall be deemed to have duly exercised such option, and thereupon this section shall apply to such teacher as though he had exercised the option in accordance with the said section 14 of the School Teachers' Pensions Ordinance.

(5) Every person appointed as a teacher after the commencement of this Ordinance shall, subject to the provisions of this Ordinance, be granted on his retirement a reduced pension and gratuity under this Ordinance.

(6) Notwithstanding anything contained in this section, every person subject to the provisions of this Ordinance who continues in the service of the Colony as a teacher after he attains the age of sixty years at his own request and not for the convenience of the service shall, subject to the provisions of this Ordinance, be granted on his retirement an unreduced pension under this Ordinance.

(7) In the application of this section to the case of any teacher, reduced pension means three-fourths of the pension, calculated in accordance with the provisions of this Ordinance, which is appropriate to such case; and gratuity means ten times the annual value of the reduction so made in such pension.

10. The following provisions of the Pensions Ordinance, namely section 19 (which protects pensions), section 20 (which enables a pension to be applied towards maintenance of dependants), sections 21 and 22 (which provide for cessation

of pension on bankruptcy and on conviction), section 23 (which provides for cessation of pension on acceptance of certain appointments) and section 24 (which empowers the Governor in Council to decide questions arising under the Ordinance) shall apply to pensions granted under this Ordinance in like manner as they apply to pensions granted under that Ordinance.

11. (1) No pension granted to a teacher under this Ordinance shall exceed two-thirds of the highest salary drawn by the teacher at any time in the course of his service. Maximum pension

(2) A teacher who has been granted a pension in respect of other public service or other teaching service shall not at any time draw from the funds of this Colony an amount of pension, which when added to the amount of any pension or pensions drawn in respect of other public service or other teaching service, exceeds two-thirds of the highest salary drawn by him at any time in the course of his teaching service: Provided that where a teacher receives in respect of some period of teaching service both a gratuity and a pension, the amount of such pension shall be deemed for the purposes of this subsection to be four-thirds of its actual amount.

(3) Where the limitation specified in subsection (2) of this section operates, the amount of the pension to be drawn from the funds of this Colony shall be subject to the approval of the Secretary of State, in order that it may be determined with due regard to the amount of any pension or pensions to be drawn in respect of other public service or other teaching service.

(4) For the purposes of this section an additional pension granted in respect of injury shall not be taken into account; but where the teacher is granted such an additional pension under this Ordinance, the amount thereof together with the remainder of his pension or pensions shall not exceed fifty-sixtieths of his highest salary at any time in the course of his teaching service.

12. (1) No teacher shall have an absolute right to compensation for past services or to pension, gratuity or other allowance under this Ordinance, nor shall anything contained in this Ordinance limit the right of the Crown to dismiss any teacher without compensation. Pension or other allowance, not of right

(2) Where it is established to the satisfaction of the Governor in Council that a teacher has been guilty of negligence, irregularity or misconduct, the pension, gratuity or other allowance payable to him may be reduced or altogether withheld.

Gratuity to dependants when teacher dies in service of the Colony

13. (1) When a teacher dies while in teaching service in the Colony, it shall be lawful for the Governor in Council to grant a gratuity of an amount not exceeding one year's salary of such teacher and such gratuity shall be payable to his legal personal representative.

(2) Notwithstanding the preceding provisions of this section the Governor in Council may, in any case where the amount of the gratuity payable thereunder does not exceed the sum of four hundred and eighty dollars, dispense with the production of probate or letters of administration and cause the gratuity to be paid to the dependant or dependants of the teacher and, where there is more than one such dependant, may divide the gratuity among the dependants in such proportion as he may think fit.

Pensions to dependants when teacher is killed on duty

14. (1) Where a teacher in teaching service in the Colony dies as a result of injuries received—

- (a) in the actual discharge of his duty, and
- (b) without his own default, and
- (c) on account of circumstances specifically attributable to the nature of his duty while in teaching service in the Colony it shall be lawful for the Governor in Council to grant in addition to the grant, if any, made to his legal personal representative or to his dependants under section 13 of this Ordinance—

- (i) if the deceased teacher leaves a widow, a pension to her, while unmarried and of good character at a rate not exceeding ten-sixtieths of his salary at the date of the injury or seventy-two dollars a year, whichever is the greater;
- (ii) if the deceased teacher leaves a widow to whom a pension is granted under the preceding paragraph and a child or children, a pension in respect of each child, until such child attains the age of eighteen years, of an amount not exceeding one-eighth of the pension prescribed under the preceding paragraph;
- (iii) if the deceased teacher leaves a child or children but does not leave a widow or no pension is granted to the widow, a pension in respect of each child, until such child attains the age of eighteen years, of double the amount prescribed by the preceding paragraph;

- (iv) if the deceased teacher leaves a child or children and a widow to whom a pension is granted under paragraph (i) of this subsection, and the widow subsequently dies, a pension in respect of each child as from the date of the death of the widow until such child attains the age of eighteen years, of double the amount prescribed in paragraph (ii) of this subsection;
- (v) if the deceased teacher does not leave a widow, or if no pension is granted to his widow, and if his mother was wholly or mainly dependent on him for her support, a pension to the mother, while of good character and without adequate means of support, of an amount not exceeding the pension which might have been granted to his widow.

Provided that—

- A. pension shall not be payable under this subsection at any time in respect of more than six children;
- B. in the case of a pension granted under paragraph (v) of this subsection, if the mother is a widow at the time of the grant of the pension and subsequently remarries such pension shall cease as from the date of remarriage; and if it appears to the Secretary of State at any time that the mother is adequately provided with other means of support, such pension shall cease as from such date as the Secretary of State may determine;
- C. a pension granted to a female child under this section shall cease upon the marriage of such child under the age of eighteen years.

(2) For the purposes of this section the word "child" shall include—

- (a) a posthumous child;
- (b) a step-child or illegitimate child born before the date of the injury and wholly or mainly dependent upon the deceased teacher for support; and
- (c) an adopted child, adopted in a manner recognised by law, before the date of the injury, and dependent as aforesaid.

(3) If a teacher proceeding by a route approved by the Governor to or from the Colony at the commencement or termination of his service therein, or of a period of leave therefrom, dies as a result of damage to the vessel, vehicle or aircraft in which he is travelling, or of any act of violence directed against such vessel, vehicle or aircraft, and the Governor is satisfied that such damage or act is attributable to circumstances arising out of any war in which Her Majesty may be engaged, such teacher shall be deemed, for the purposes of this section, to have died in the circumstances described in subsection (1) of this section.

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(4) This section shall not apply in the case of the death of any teacher selected for appointment on or after the 1st of December, 1938, if his dependants, as defined in the Workmen's Compensation Ordinance, are entitled to compensation under that Ordinance.

Gratuities to supplementary teachers

15. (1) A supplementary teacher in teaching service in the Colony may on retirement be granted a gratuity in such circumstances and of such amount as the Governor in Council may determine: Provided that a gratuity granted under this section shall not exceed an amount equal to three-eighths of a month's salary for each complete six months of service.

(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.

Right of election

Ch. 14. No. 5.

16. (1) Every person in teaching service at the commencement of this Ordinance may within six months of the commencement of this Ordinance elect to remain subject to the provisions of the School Teachers' Pensions Ordinance or to be subject to the provisions of this Ordinance.

(2) Such election shall be by written notice addressed to the Director of Education and shall be irrevocable.

(3) Every person in teaching service at the commencement of this Ordinance in respect of whom the Director of Education has received no notice of election under this section shall be deemed to have elected to remain subject to the provisions of the School Teachers' Pensions Ordinance.

17. (1) This Ordinance shall apply—

- (a) to every person who is appointed as a teacher after the commencement of this Ordinance;
- (b) to every person in teaching service in the Colony at the commencement of this Ordinance who elects under section 16 of this Ordinance to be subject to its provisions.

Application of
Ordinance and
of Ch. 14. No. 5.

(2) The School Teachers' Pensions Ordinance shall, subject to the provisions of section 9 of this Ordinance, apply to—

- (a) every person in teaching service at the commencement of this Ordinance who elects under section 16 of this Ordinance to remain subject to the provisions of that Ordinance;
- (b) every person who has retired from teaching service in the Colony before the commencement of this Ordinance.

FIRST SCHEDULE

1. Any Government Primary, Intermediate or Special School, within the No. 27 of 1951 meaning of the Education Ordinance, 1951.
2. Any Assisted Primary, Intermediate or Special School, within the No. 27 of 1951 meaning of the Education Ordinance, 1951.
3. Any Certified School within the meaning of Part III of the Children Ch. 4. No. 21. Ordinance.
4. Any Government or Assisted Training College within the meaning of No. 27 of 1951 the Education Ordinance, 1951.
5. Any school or Institute for the education of Artisans and Apprentices carried on by the Board of Industrial Training under the Industrial Training Ch. 22. No. 1. Ordinance.
6. The Industrial Institution established under the Young Offenders Ch. 11. No. 9. Detention Ordinance.
7. The Institute for the Blind carried on by the Trinidad and Tobago Blind Welfare Association under the Trinidad and Tobago Blind Welfare No. 14 of 1947 Association (Incorporation) Ordinance, 1947.
8. Any Institution for the education of the Deaf approved by the Governor in Council.
9. Any school or Training Centre conducted by the Prisons Department.

SECOND SCHEDULE

Regulations for the granting of Pensions, Gratuities and other Allowances to Teachers

PART I—PRELIMINARY

- Short title 1. These Regulations may be cited as the Teachers' Pensions Regulations, 1952.
- Definitions 2. In these Regulations, "Ordinance" means the Teachers' Pensions Ordinance, 1952, and "scheduled territory" means any territory mentioned in the Third Schedule to the Ordinance.

PART II

Teachers without other Teaching Service or other Public Service

- Application of Part II 3. Save where the Governor in Council in any special case otherwise directs, this Part of these Regulations shall not apply in the case of any teacher with other teaching service or with other public service except for the purpose of determining whether such teacher would have been eligible for pension or gratuity, and the amount of pension or gratuity for which the teacher would have been eligible if the whole of the service of the teacher had been in this Colony.
- Pensions to whom and at what rate to be granted 4. Subject to the provisions of the Ordinance and of these Regulations, every teacher who has been in teaching service for ten years or upwards may be granted on his retirement a pension at the rate of 1/600ths of his salary in respect of each complete month of such service until the maximum of two-thirds (400/600ths) is reached.
- Gratuities 5. A teacher, otherwise qualified for a pension, who has not completed ten years' teaching service may be granted on retirement a gratuity not exceeding five times the annual amount of the pension which if there had been no qualifying period might have been granted to him under regulation 4 of these Regulations.

PART III

Teachers with other Teaching Service or other Public Service

- Application of Part III 6. This Part of these Regulations shall apply only in the case of a teacher with other teaching service or other public service.
- Interpretation 7. In this Part of these Regulations—
 "pensionable emoluments" means—
 (a) in respect of teaching service in the Colony, salary; and
 (b) in respect of other teaching service or other public service, emoluments which count for pension in accordance with the law or regulations applicable to such service.
- Pension for service wholly within the group 8. (1) Where the other teaching service or other public service of a teacher to whom this Part of these Regulations applies has been wholly in one or more scheduled territories and his aggregate service would have qualified him had it been wholly in this Colony for a pension under this Ordinance, he may, on his retirement from teaching service or other public service in circumstances in which he is permitted by the law or regulations of the teaching service or other public service in which he is last employed to retire on pension or gratuity, be granted in respect of his service in this Colony a pension of such an amount as bears the same proportion to the amount of pension for

which he would have been eligible had his service been wholly in this Colony, as the aggregate amounts of his pensionable emoluments during his service in this Colony bear to the aggregate amounts of his pensionable emoluments throughout his service in the group.

(2) In determining for the purposes of this regulation the pension for which a teacher would have been eligible if his service had been wholly in this Colony—

- (a) his pensionable emoluments shall be determined by reference to the pensionable emoluments enjoyed by him during the last three years of his teaching service or other public service, except that where the teacher is not serving in a scheduled territory at the date of his retirement from teaching service or other public service, his pensionable emoluments during the last three years of his teaching service or other public service in a scheduled territory shall be taken;
- (b) no regard shall be had to any additional pension under regulation 20 of these Regulations;
- (c) regard shall be had to the condition that pension may not exceed two-thirds of his highest pensionable emoluments;
- (d) no period of other teaching service or other public service in a scheduled territory in respect of which no pension or gratuity is granted to him shall be taken into account.

(3) For the purposes of this regulation the aggregate amount of a teacher's pensionable emoluments shall be taken as the total amount of pensionable emoluments which he would have received or enjoyed had he been on duty on full pay throughout the period of his service in the group subsequent to the attainment of the age of twenty years and prior to the attainment of the age of sixty years:

Provided that in calculating the aggregate amount of his pensionable emoluments, no account shall be taken of any service in a scheduled territory in respect of which no pension or gratuity is granted to him.

9. (1) Where the other public service of a teacher to whom this Part of these Regulations applies has not included service in any of the scheduled territories, and his aggregate service would have qualified him, had it been wholly in this Colony, for a pension under these Regulations, he may, on his retirement from teaching service or other public service in circumstances in which he is permitted by the law or regulations of the service in which he is last employed to retire on a pension or gratuity, be granted in respect of his service in this Colony, a pension at the annual rate of one six-hundredths of his pensionable emoluments for each complete month of his pensionable service in this Colony.

Pension where other service not within the group.

(2) Where the teacher is in other public service at the time of his retirement in the circumstances referred to in paragraph (1) of this regulation, his pensionable emoluments for the purposes of such paragraph shall be those which would have been taken for the purpose of computing his pension if he had retired from teaching service and had been granted a pension at the date of his last transfer from the service of this Colony.

10. Where a part only of the other teaching service or other public service of a teacher to whom this Part of these Regulations applies has been in one or more of the scheduled territories, the provisions of regulation 8 of these Regulations shall apply; but in calculating the amount of pension, regard shall be had only to service in the group.

Pension where other teaching service or other public service both within and not within the group.

Gratuity where length of service does not qualify for pension.

11. Where a teacher to whom this Part of these Regulations applies retires from teaching service or other public service in circumstances in which he is permitted by the law or regulations of the service in which he is last employed to retire on pension or gratuity and has been in teaching service for five years or more but less than ten years, he may be granted in respect of his service in this Colony, a gratuity not exceeding five times the annual amount of the pension which, if there had been no qualifying period, might have been granted to him under regulation 8, 9, or 10 of these Regulations, as the case may be.

PART IV—GENERAL

Gratuity to female officer retiring on marriage

12. Where a female teacher in teaching service in the Colony, having completed not less than five years teaching service retires from the service for the reason that she has married or is about to marry, and is not eligible for the grant of any pension or otherwise eligible for a gratuity under these Regulations, she may be granted on production within six months after her retirement, or such longer period as the Governor in Council may in any particular case allow, of satisfactory evidence of her marriage, a gratuity not exceeding one-twelfth of a month's salary for each complete month of teaching service or one year's salary, whichever shall be the less.

Service qualifying for pension, gratuity or allowance

13. Subject to the provisions of the Ordinance and of these Regulations, service qualifying for pension, gratuity or allowance, as the case may be, shall be the aggregate of the periods of teaching service in the Colony.

Service to be unbroken

14. (1) The period of service in respect of which pension, gratuity or allowance will be granted must be unbroken: Provided that—

- (a) the period of service prior to a break of service may be allowed to count for pension, gratuity or allowance 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;
- (b) if a teacher with the consent of the Governor in Council serves in time of war for any period or periods with Her Majesty's Forces or in any other capacity connected with the state of war, any such period or periods may, with the approval of the Governor in Council, be counted for pension, gratuity or allowance;
- (c) where a teacher is seconded or temporarily transferred for duty in the service of the Colony, the period during which he shall serve in the office or employment to which he has been seconded or temporarily transferred as aforesaid shall be counted for pension, gratuity or allowance, unless the Governor in Council shall in any case otherwise decide, as if the teacher had not been seconded or temporarily transferred;
- (d) any period during which a teacher has been absent from duty on leave either on partial pay or without salary, granted on grounds of public policy with the approval of the Governor in Council and during which he has not qualified for pension, gratuity or allowance in respect of other teaching service or other public service, shall count for pension, gratuity or allowance.

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

(3) The provisions of sub-paragraphs (b), (c) and (d) of paragraph (1) of this regulation shall be deemed to have been in force from the 3rd September, 1939.

15. Notwithstanding the provisions of the last preceding regulation a teacher—

Special provisions relating to employment after break of service

- (a) whose pension has been suspended under section 8 of the Ordinance or under a corresponding provision in any law or regulation relating to the grant of pensions in respect of public service, or other public service or teaching service, or
- (b) who has retired from being a teacher without pension on account of ill-health, abolition or re-organization of office, and has subsequently been re-employed as a teacher, or
- (c) who has left service pensionable under the Teachers (Superannuation) Act, 1925, with a view to entering teaching service not being service pensionable under the said Act, and has, not later than three months after leaving such first mentioned service, received any salary in respect of employment in teaching service not so pensionable, may, if the Governor in Council thinks fit, be granted the pension or gratuity for which he would have been eligible if any break in his teaching service immediately prior to such suspension, re-employment or employment had not occurred; such pension to be in lieu of—

(i) any pension previously granted to him from the funds of the Colony, and

(ii) any gratuity so granted which is required to be refunded as a condition of the application to the teacher of this regulation,

but additional to any gratuity so granted which is not required to be refunded as aforesaid :

Provided that, in calculating a pension granted in pursuance of this regulation, no account shall be taken for any purposes of the period during which he was not in teaching service or in public service or in other public service.

16. (1) For the purpose of computing the amount of a teacher's pension, gratuity or allowance, the following periods shall be taken into account as pensionable service :—

Computation of pensions and gratuities. Periods of service and absence

- (a) any periods during which he has been on duty;
- (b) any period during which he received half salary from the funds of the Colony while proceeding to the Colony on first appointment;
- (c) any periods during which he has been absent from duty on leave with full pay;
- (d) any period during which he has been absent from duty on leave either on partial pay or without salary, granted on grounds of public policy with the approval of the Governor in Council and during which he has not qualified for pension or gratuity in respect of other teaching service or other public service.

(2) The periods during which a teacher has been absent on leave on half pay shall, for the purpose of computing the amount of a teacher's pension, gratuity or allowance, be counted at the rate of one month for every two months of such periods, but the whole of such periods shall be counted for the purpose of determining whether a teacher is eligible for pension. The period during which a teacher has been absent on vacation leave shall, under all circumstances, be counted as service on full pay.

Absence on half pay leave

Periods not
taken into
account

(3) Any periods during which he has been absent on leave, other than those specified above, shall be deducted from the teacher's total service in order to arrive at his period of pensionable service.

Acting service

17. Where an officer has performed acting service as a teacher, the period of such service may be taken into account as pensionable service : Provided that—

- (a) the period of such acting service was not part of the pensionable service of the substantive holder of the office and does not fall to be reckoned as part of the teacher's own pensionable teaching service, and
- (b) this period of service is immediately preceded or followed by service in a substantive capacity as a teacher.

Computation of
pensions, &c.,
on what
emoluments to
be based

18. For the purpose of computing the amount of a teacher's pension, of gratuity, or allowance—

- (a) in the case of a teacher who has held one office for a period of three years immediately preceding the date of his retirement, the full salary payable to him at that date in respect of that office shall be taken;
- (b) in the case of a teacher who at any time during such period of three years has been transferred from one office to another, but whose salary has not been changed by reason of such transfer or transfers, the full salary payable to him at the date of his retirement in respect of the office then held by him shall be taken;
- (c) in other cases one-third of the aggregate salary payable to the teacher in respect of his service during the said three years shall be taken : Provided that—
 - (i) if such one-third is less than the full salary which was payable to him at the date of his transfer within such period of three years the Governor in Council may grant him a pension calculated on the full salary payable to him at that date; and
 - (ii) if such one-third is less than the full salary which would have been enjoyed by him at the date of his retirement, if he had continued to hold any office from which he had been transferred at any time during such period of three years, and had received all increments which, in the opinion of the Governor in Council, would have been granted to him, the full salary which would have been so payable to him shall be taken; and
 - (iii) for the purposes of calculating salary under this paragraph the officer shall be deemed to have been on duty on full salary throughout the said three years.

Rates of
pension or
gratuity when
office abolished

19. (1) In the case of a teacher who retires, or is removed from office, in circumstances contemplated by subsection (4) of section 7 of the Ordinance, and who is otherwise eligible for pension, his pension may be increased at the rate of the number of 720ths of his salary exceeding the pension allowed under regulation 4 by the numbers following (that is to say) :—

In the case of a teacher who served—

(a) 20 years and upwards	...	...	...	60
(b) less than 20 years, but not less than 17 years				48
(c) less than 17 years, but not less than 15 years				36
(d) less than 15 years, but not less than 12 years				24
(e) less than 12 years, but not less than 10 years				12

(2) No additional pension shall be granted under paragraph (1) of this regulation so as to entitle a teacher to a higher total pension than the maximum of two-thirds of his salary at the date he ceased to be a teacher or than the pension for which he would have qualified by length of service on reaching the age of sixty years whichever shall be the lower amount.

(3) If the teacher has been a teacher for less than the qualifying period of ten years, he may be granted a pension calculated in accordance with regulation 4 as if there had been no qualifying period.

20. (1) Where a teacher has been permanently injured—

(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,

Officers retiring
on account of
injuries

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

When his capacity to contribute to his support is—

slightly impaired	...	...	...	60/720ths.
impaired	...	...	...	120/720ths.
materially impaired	...	...	...	180/720ths.
totally destroyed	...	...	...	240/720ths.

Provided that no such allowance shall, together with the pension, exceed 600/720ths of his salary at the date of the injury.

(2) If a teacher proceeding by a route approved by the Governor to or from the Colony at the commencement or termination of his services therein or of a period of leave therefrom is permanently injured as a result of damage to the vessel, vehicle or aircraft in which he is travelling, or of any act of violence directed against such vessel, vehicle or aircraft, and the Governor is satisfied that such damage or act is attributable to circumstances arising out of any war in which Her Majesty may be engaged, such teacher shall be deemed, for the purposes of this regulation to have been injured in the circumstances described in paragraph (1) of this regulation.

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

(a) where the injured teacher has continued to serve for not less than one year after the injury in respect of which he retires;

(b) where the injured officer 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, for instance if the retirement is caused partly by age or infirmity not due to the injury.

(4) Where the teacher so injured has less than ten years' service, and he is not eligible for an ordinary pension he may be granted in lieu of a gratuity an annual allowance of so many 720ths as the number of months he has actually served, in addition to the number of 720ths that may be awarded to him under paragraphs (1) and (2) of this regulation.

(5) A teacher so injured who is not qualified for either a pension under regulation 4 or a gratuity under regulation 5 may nevertheless be granted an annual allowance of the same amount as the additional allowance which he might have been granted if he had been so qualified.

(6) This regulation shall not apply in the case of a teacher selected for appointment as a teacher on or after the 1st December, 1938, who, in consequence of his injury, is entitled to compensation under the Workmen's Compensation Ordinance.

Ch. 22. No. 12

Register to be kept

21. (1) There shall be entered in the register of teachers kept by the Director of Education under the provisions of the Education Ordinance, 1951, in accordance with information supplied by them and subject to such conditions as the Director, with the approval, either general or in relation to any particular case, of the Governor in Council, may impose, the following particulars—

(a) in respect of teaching service in the Colony—

- (i) the full name and age of every person appointed as a teacher in a school;
- (ii) the date of commencement and termination of every such appointment, and the nature, salary and allowances in respect thereof;
- (iii) all periods of leave, whether on full, half or no pay;

(b) in respect of other teaching service—

- (i) the full name and age of every teacher appointed in a teaching capacity in an educational institution approved by the Governor in Council under the provisions of the Ordinance, and the institution to which he is appointed;
- (ii) the date of the commencement and termination of every such appointment, and the nature, salary and allowances in respect thereof;
- (iii) all periods of leave, whether on full, half or no pay.

(c) in respect of public service—

- (i) the full name and age of every teacher appointed to a pensionable office in public service and the office to which he is appointed;
- (ii) the date of the commencement and termination of every such appointment, and the nature, salary and allowances in respect thereof;
- (iii) all periods of leave, whether on full, half or no pay.

(2) The Director of Education may require any particulars supplied by a teacher under paragraph (1) of this regulation to be verified to his satisfaction prior to their entry in the register.

(3) Where the particulars required to be supplied under paragraph (1) of this regulation are not so supplied or where they are incorrectly supplied, the Director of Education may, with the approval of the Governor in Council, take such action including deletion of the name of any teacher from the register, as he may consider necessary.

THIRD SCHEDULE

SCHEDULED TERRITORIES

Bahamas	Jamaica
Barbados	Leeward Islands
Bermuda	Turks and Caicos Islands
British Guiana	Windward Islands
British Honduras	

Passed in Council this twenty-fifth day of April in the year of Our Lord one thousand nine hundred and fifty-two.

T. F. FARRELL

Clerk of the Council