

THE PENSIONS (TEACHERS) ACT

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SCHEDULE

THE PENSIONS (TEACHERS) ACT

[21st November, 1947.]

Cap. 288.

Laws

22 of 1955,

27 of 1958,

45 of 1961.

Acts

51 of 1975,

22 of 1979,

24 of 1994,

18 of 1998,

31 of 2002,

21 of 2003.

Short title.

Interpreta-
tion.

1. This Act may be cited as the Pensions (Teachers) Act.

2.—(1) In this Act—

“teacher” means a person who has service in a teaching capacity—

(a) in a secondary school;

(b) in a training college;

(c) in an elementary school; or

(d) in an institution approved by the Minister responsible for education;

45:1961
S. 2.

“teaching service” means—

(a) registered service as a teacher in this Island;

(b) other teaching service;

“other teaching service” means whole-time service in a teaching capacity in an approved school;

“public service” means service in a civil capacity under the Government of this Island or under the Kingston and St. Andrew Corporation or under a Parish Council, and any such other service as the Minister responsible for the public service may determine to be public service for the purpose of any provisions of this Act;

L.N.
149B 79

“registered service” means service entered in the registers in accordance with the provisions of this Act;

“pensionable emoluments” means—

(a) in respect of teaching service in this Island, salary, responsibility remuneration, shift allowance and house allowance, and

51:1975
S. 2 (a)
18:1998
S. 2 (b).

(b) in respect of other teaching service, emoluments which count for pension in accordance with the law or regulations in force in such service;

45/1961
S. 2.

“salary” means the regular monthly amount, excluding any allowance, paid to a teacher with the authority of government, or, where teaching service is undertaken in an institution approved by the Minister responsible for education, the regular monthly amount, excluding any allowance paid to the teacher during such service;

24/1994
S. 2.

“house allowance” means the house allowance which is granted in respect of the post to which a teacher is appointed, but does not include such allowance granted on condition that it shall not be pensionable:

Provided that where a teacher is appointed to an office in respect of which no house allowance is granted but that teacher is provided with quarters, an amount equal to fifteen per cent of the minimum salary of the office to which the teacher is appointed shall, for the purposes of this Act, be regarded as house allowance;

51/1975
S. 2 (b).

“responsibility remuneration” means an allowance in addition to salary, paid to a teacher in respect of the assignment to him of responsibility related, but additional, to his duties as a teacher;

“secondary school” means a secondary school which is in receipt of a grant under the Education Act;

“training college” means a training college operated under and in accordance with the provisions of the Code of Regulations made under the Education Act;

“elementary school” means any school operated under and in accordance with the provisions of the Code of Regulations made under the Education Act;

27/1958
S. 2 (1).

“approved school” means a school in the United Kingdom, or in any Commonwealth country, other than this Island, in relation to which the Governor-General is satisfied that

provision is made by law for the payment of pensions or gratuities in respect of service in that school.

(2) The definition of “house allowance” in subsection (1) shall be deemed to have come into operation on the 1st day of January, 1986. 18/1998
S. 2 (c).

3.—(1) Pensions and gratuities may be granted by the Governor-General, in accordance with the regulations contained in the Schedule, to teachers who have been in teaching service in this Island. Pensions
regulations.
27/1958
S. 2 (1).
Schedule.

(2) The regulations contained in the Schedule may from time to time be amended, added to, or revoked, by regulations made by the Minister responsible for the public service, and all regulations so made shall be laid before the House of Representatives and published in the *Gazette*. I.N.
149th/79.

(3) Whenever the Minister responsible for the public service 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 teacher that regulation may be given retrospective effect for that purpose: I.N.
149th/79

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

(4) Any pension or gratuity granted under this Act shall be computed in accordance with the provisions in force at the actual date of a teacher’s retirement.

(5) All regulations made under this section shall have the same force and effect as if they were contained in the Schedule, and the expression “this Act” shall, wherever it occurs in this Act, be construed as including a reference to such Schedule.

Pensions, etc.,
to be paid out
of Consoli-
dated Fund.

4. There shall be charged on, and paid out of, the Consolidated Fund all such sums of money as may from time to time be granted by way of pension or gratuity in pursuance of this Act.

Pensions, etc.,
not of right.

5.—(1) No teacher shall have an absolute right to compensation for past services or to pension or gratuity.

27/1958
S. 2 (1).

(2) Where it is established to the satisfaction of the Governor-General that a teacher has been guilty of negligence, irregularity, or misconduct, the pension or gratuity may be reduced or altogether withheld.

Circum-
stances in
which pen-
sion may be
granted.

6.—(1) No pension or gratuity shall be granted under this Act to any teacher except on his retirement from teaching service and unless—

- (i) he has attained the age of fifty-five years or over; or
- (ii) in the case of transfer to other teaching service, he has attained the age at which he is permitted by the law or regulations of the teaching service in which he is last employed to retire on pension or gratuity, or any greater age; or
- (iii) it is certified on medical evidence, to the satisfaction of the Governor-General, that he is incapable by reason of any infirmity of mind or body of continuing efficiently in teaching service and that such infirmity is likely to be permanent; or
- (iv) in the case of teaching service in this Island, on termination of employment in the public interest as provided in this Act; or
- (v) on the abolition of his office; or
- (vi) on compulsory retirement for the purpose of facilitating improvement in the teaching service in

27/1958
S. 2 (1).
45/1961
S. 2.

27/1958
S. 3.
18/1998
S. 3 (a).

18/1998
S. 3 (b).
18/1998
S.3 (b).

which he is employed, by which greater efficiency or economy can be effected.

(2) For the avoidance of doubt it is declared that without prejudice to the right of any teacher to retire from teaching service on attaining the age of fifty-five years or at any time thereafter, the normal age of retirement from teaching service shall be sixty years.

7.—(1) If the Governor-General is satisfied, having regard to the conditions of the teaching service, the usefulness of the teacher thereto and all the other circumstances of the case, that it is desirable in the public interest so to do, he may require any teacher in teaching service in this Island to retire from such teaching service.

Retirement in
the public
interest.
27/1958
S. 4.

(2) Where a teacher's service is terminated in accordance with subsection (1) and a pension or gratuity cannot otherwise be granted to him under the provisions of this Act, the Governor-General may, if he thinks fit, grant such pension or gratuity as he thinks just and proper, not exceeding in amount that for which the teacher would be eligible if he retired in the circumstances described in paragraph (iii) of subsection (1) of section 6 and was not eligible for an additional pension under regulation 22 of the Regulations contained in the Schedule:

Schedule.

Provided that where a pension is granted it shall not commence until such teacher has attained the age of fifty years unless the Governor-General in any special case otherwise directs.

8. [Repealed by Act 31 of 2002.]

Suspension of
pensions, etc.,
on re-
employment.

27 1958
Ss. 2(1). 6.

9. Where a teacher to whom a pension has been granted under this Act is appointed to an office in the Public service or is re-employed in teaching service, the payment of his pension, or any part thereof, may with his consent, if the Governor-General thinks fit, be suspended during the period of his appointment or re-employment.

Pensions, etc.,
not to be
assignable.

10. A pension or gratuity granted under this Act shall not be assignable or transferable except for the purposes of satisfying—

(a) a debt due to the Government; or

45 1961
S. 2.

(b) a debt due to any of his employers in teaching service which the Minister responsible for education is satisfied arose out of such teaching service; or

(c) the order of any court for the payment of periodical sums of money towards the maintenance of the wife, or former wife, or minor child, of the teacher to whom the pension or gratuity has been granted,

and shall not be liable to be attached, sequestered, or levied upon, for or in respect of any debt or claim except a debt due to the Government or to any of such employers.

Pension, etc.,
to cease on
bankruptcy.

11.—(1) Where any person to whom a pension has been granted under this Act is adjudicated bankrupt or is declared insolvent by judgment of any competent court, then such pension shall forthwith cease.

(2) Where any person is adjudicated bankrupt or declared insolvent by judgment of any competent court either—

(a) after retirement in circumstances in which he is eligible for pension or gratuity under this Act, but before the pension or gratuity is granted; or

(b) before such retirement and he has not obtained his discharge from bankruptcy or insolvency at the date of retirement,

then in the former case any pension eventually granted to him shall cease as from the date of adjudication or declaration (as the case may be) and in the latter case the pension may be granted but shall cease forthwith and not become payable, and in either case the gratuity may be granted but shall not be paid to him.

(3) Where a pension ceases, or where any gratuity is not paid, by reason of this section, it shall be lawful for the Governor-General, from time to time during the remainder of such person's life, or during such shorter periods, either continuous or discontinuous, as the Governor-General thinks fit, to direct all or any part of the moneys to which such person would have been entitled by way of pension or gratuity had he not become bankrupt or insolvent to be paid to, or applied for, the maintenance or benefit of all or any, to the exclusion of the other or the others, of the following, that is to say, such person and his wife, child or children, or such other dependents as the Governor-General may determine, in such proportions and manner as the Governor-General thinks proper, and such moneys shall be paid or applied accordingly.

27/1958
S. 2 (1).

45/1961
S. 2.

(4) Moneys applied for the discharge of the debts of the person whose pension has ceased, or whose gratuity has not been paid, by reason of this section, shall, for the purposes of this section, be regarded as applied for his benefit.

(5) Where a person whose pension has ceased, or whose gratuity has not been paid, by reason of this section, obtains his discharge from bankruptcy or insolvency, it shall be lawful for the Governor-General, to direct that the pension shall be restored and the gratuity, or so much thereof, if any, as remains after deducting any payments

27/1958
S. 2 (1).
45/1961
S. 2.

made under subsection (3), paid as from the date of such discharge or any later date, and the pension shall be restored, and the gratuity or such remainder thereof, if any, paid accordingly.

Pensions, etc.,
may cease on
conviction.
27/1958
Ss. 2 (1), 7.
45/1961
S. 2.

12.—(1) Where any person to whom a pension has been granted under this Act is sentenced to death or a term of imprisonment by any competent court for any offence, such pension shall, if the Governor-General so directs, cease as from such date as the Governor-General determines.

27/1958
S. 7.

(2) Where any person is sentenced to death or a term of imprisonment by any competent court for any offence after retirement in circumstances in which he is eligible for pension or gratuity under this Act but before the pension or gratuity is granted, then—

(a) the provisions of subsection (1) shall apply as respects any pension which may be granted to him; and

(b) the Governor-General, may direct that any gratuity which may be granted to him shall not be paid.

27/1958
S. 2 (1).
45/1961
S. 2.

(3) Where a pension ceases, or a gratuity is not paid, by reason of this section, it shall be lawful for the Governor-General to direct all or any part of the moneys to which such teacher would have been entitled by way of pension or gratuity but for the provisions of this section to be paid or applied in the same manner in all respects as provided by section 11, and such moneys shall be paid or applied accordingly.

27/1958
S. 2 (1).
45/1961
S. 2.

(4) Where any person whose pension ceases, or whose gratuity is not paid, by reason of this section, after conviction at any time receives a free pardon, the pension shall be restored

with retrospective effect or his gratuity shall be paid; but in determining whether arrears of such pension are payable to such person, and in computing the amount thereof and the amount of any gratuity, account shall be taken of all moneys paid or applied under subsection (3).

13.—(1) Where a teacher who has not less than three years teaching service dies while in teaching service in this Island, it shall be lawful for the Governor-General to grant to the legal personal representative of such teacher a gratuity of an amount not exceeding either one year's salary of such teacher or his commuted pension gratuity, if any, whichever is the greater.

Gratuity on death in service.
22/1955
S. 2 (a).
27/1958
S. 8 (a).
18/1998
S. 4.

(2) *[Deleted by Act 21 of 2003.]*

(3) For the purpose of this section "commuted pension gratuity" means the gratuity, if any, which might have been granted to the teacher under regulation 24 of the Regulations contained in the Schedule, if he had retired at the date of his death in the circumstances described in paragraph (iii) of subsection (1) of section 6 and had elected to receive a gratuity and reduced pension.

22/1958
S. 2 (b)

(4) *[Deleted by Act 21 of 2003.]*

13A.—(1) Where a teacher dies as a result of injuries received—

Pensions and gratuities on death of teacher in the course of duty.
21/2003
S. 3.

- (a) in the actual discharge of his duties; and
- (b) in circumstances in which the injury is not wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct; and

- (c) on account of circumstances specifically attributable to the nature of his duty,

while in the teaching service of this Island, it shall be lawful for the Governor-General to grant pensions and gratuities as specified in regulation 26 of the Regulations contained in the Schedule and in the Appendix to those Regulations.

Schedule
Appendix.

(2) For the purposes of this section—

(a) “child” includes—

(i) a posthumous child;

(ii) an adopted child, adopted in a manner recognized by law before the date of the injury; and

(iii) a stepchild wholly or mainly dependent on the teacher for support;

(b) “surviving spouse” means the widow or widower of the teacher;

(c) references to a teacher being injured in the circumstances detailed in paragraphs (a), (b) and (c) of subsection (1) and to the date on which an injury is sustained, shall respectively be construed as including references to his contracting a disease to which he is exposed specifically by the nature of his duty, not being a disease wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct and to the date on which such disease is contracted.

(3) A teacher who dies as a result of injuries received while travelling by air in pursuance of official instructions shall be deemed to have died in the circumstances detailed in paragraphs (a) and (c) of subsection (1).

(4) In making an award under this section, the Governor-General may take into account, in such manner and to such extent as he may think fit against any award made under this section—

(a) any damages that he is satisfied have been or will be recovered by the dependants of a deceased teacher consequent on the injury to the teacher which resulted in his death; and

(b) any benefits that have been or may be awarded to such dependants under the Workmen's Compensation Act or the National Insurance Act in respect of such injury consequent upon the death of the teacher,

and withhold or reduce the award accordingly.

(5) Nothing in this section shall authorize the making of an award where the date on which an injury is sustained is more than seven years prior to the date of the teacher's death.

(6) Where the Governor-General is satisfied that the death of the teacher resulted from the infliction of injuries which, although not inflicted upon him while he was acting in the execution of his duty, were nevertheless inflicted upon him wholly or mainly because he was in the teaching service of this Island, it shall be lawful for the Governor-General to grant to the dependants of that teacher, pensions and gratuities as if his death had occurred in the circumstances described in paragraphs (a), (b) and (c) of subsection (1).

Death or
injury owing
to war
conditions.

14. Where a teacher in teaching service in this Island is proceeding by a route approved by the Governor-General to or from this Island at the commencement or termination of his service therein, or of a period of duty leave, or leave therefrom, dies or is permanently injured as the result of damage to the vessel, aircraft, or vehicle, in which he is travelling, or of any act of violence directed against such vessel, aircraft, or vehicle, and the Governor-General 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 to have died or to have been injured (as the case may be) as the result of injuries received—

27/1958
S. 9.

- (a) in the actual discharge of his duty; and
- (b) in circumstances in which the injury is not wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct; and
- (c) on account of circumstances specifically attributable to the nature of his duty.

Application of
Act.

15.—(1) The provisions of this Act shall apply—

27 1958
S. 10 (1)
(a). (b).

- (i) to every teacher first appointed to teaching service in this Island—

(a) after the commencement of this Act; or

- (b) before the commencement of this Act to whom it was intimated before such appointment that he would be liable to be affected by any change in the Pensions Law relating to him; and
- (ii) to every other teacher so appointed prior to the commencement of this Act who has any teaching service or public service subsequent to such commencement, unless not later than twelve months after such commencement, or within such further period as the Governor or the Governor-General, as the case may be, may in any special case allow, he gives notice in writing to the officer prescribed by law, for the time being, of his desire that the provisions of the Laws and Regulations repealed by this Act which applied to him prior to such commencement should continue to apply to him, in which case they shall continue to apply to him accordingly.

(2) Any notice under paragraph (ii) of subsection (1) may, by further notice in writing to the officer prescribed by law, for the time being, be finally and irrevocably withdrawn by the teacher and, upon such withdrawal, the provisions of this Act shall apply to the teacher in lieu of the provisions of the Laws and Regulations repealed by this Act which applied to him prior to the commencement of this Act. 27/1958
S. 10 (1) (c).

(3) Any person who gives notice under paragraph (ii) of subsection (1) and subsequently retires in circumstances in which he would have been eligible for a pension or gratuity under this Act if the provisions of this Act had applied to him may, by further notice in writing to the officer prescribed by law, for the time being, withdraw the notice given in accordance with paragraph (ii) of subsection (1) and, upon such withdrawal, such provisions of this Act as were in force at the date of such 27/1958
S. 10 (1) (c).

person's retirement in the circumstances aforesaid shall apply to such person in lieu of the provisions of the Laws and Regulations repealed by this Act which applied to him prior to the commencement of this Act.

27/1958
S. 10 (1)(c).

(4) Where, pursuant to subsection (3), an award of pension or gratuity is made to any person in accordance with the provisions of this Act, such award shall be in lieu of any award made to such person in accordance with the provisions of any Laws or Regulations repealed by this Act which applied to such person prior to the commencement of this Act, and any payments made to such person by virtue of any award so superseded by an award under this Act shall be set off against the payments to be made to such person by virtue of the award under this Act.

45/1961
S. 2.

(5) Any notice which pursuant to any of the foregoing provisions of this section is required to be given shall, from and after the 27th December, 1961, be given to the Financial Secretary.

Refund of past
contributions.

16. Where any teacher to whom this Act applies and who is not employed in teaching service—

(a) has had deductions made from his salary under any Law repealed by this Act; and

45/1961
S. 2.

(b) gives notice in writing to the Minister responsible for education that he no longer intends to be employed as a teacher and that he desires a refund of such deductions; and

(c) at the time of such notice such teacher is not eligible for any pension or gratuity under this Act,
then such teacher shall be entitled to a refund of such deductions and he shall be deemed to have renounced all claims to any pension or gratuity in respect of any teaching service prior to the date of such refund.

17. Where any question exists in relation to any matter arising under this Act, such question may be determined by the Governor-General.

Question
under Act to
be deter-
mined by
Governor-
General.
27/1958
S. 2 (1).
45/1961
S. 2.

18. Where, under the provisions of this Act, any authority or power is vested in the Governor-General such authority or power shall be exercised by him after consultation with the Public Service Commission:

Governor-
General.
Public
Service
Commis-
sion.
27/1958
S. 11.
45/1961
S. 2.

Provided that the Governor-General may, in his discretion, by notification in the *Gazette*, declare that, from and after such date as may be specified in the notification, he will consult such Committee or other advisory body on educational matters as may be specified in the notification and thereupon any authority or power vested in the Governor-General under the provisions of this Act shall be exercised by him after consultation with the Committee or other advisory body specified as aforesaid instead of after consultation with the Public Service Commission and the Governor-General shall not be obliged to consult the Cabinet in regard to the exercise of such authority or power.

(Section 3)

SCHEDULE

PART I. *Preliminary*

- Short title. 1. These Regulations may be cited as the Pensions (Teachers) Regulations.
- Interpretation. 2. In these Regulations—
 "qualifying service" means service which may be taken into account in determining whether a teacher is eligible by length of service for pension or gratuity;
 "pensionable service" means service which may be taken into account in computing pensions under these Regulations;
 "war service" means—
 (a) military service with Her Majesty's forces during any war in which Her Majesty may be engaged, including any period of service with Her Majesty's forces after the termination of such war; or
 (b) civilian service in any civil employment connected with the prosecution of such war.
 which has been undertaken, in either case, with the approval of the Governor-General.

PART II. *Teachers Without Other Teaching Service*

- Application of Part II. 27 1958 S.2. 3. Save where the Governor-General in any special case otherwise directs, this Part shall not apply in the case of any teacher with other teaching 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 teaching service of the teacher had been in this Island.
- Pensions: to whom and at what rates to be granted. L.N. 163 1966. 4.—(1) Subject to the provisions of the Act and of these Regulations, every teacher who has, either since the date of commencement of the first period during which he was employed in teaching service in this Island or since the date of commencement of any later period during which he was so employed, been employed in such service—
 (a) for not less than ten years; and
 (b) for periods equal in the aggregate to not less than one-half of the period between the relevant date of commencement aforesaid (which shall, notwithstanding that it may be the date of commencement of a later period aforesaid, be deemed for the purpose of computing his pension to be the date of commencement of his teaching service) and the date of his retirement in accordance with the provisions of section 6 of this Act,
 may be granted on retirement a pension at an annual rate of one five-fortieth of his pensionable emoluments for each complete month of pensionable service.

31 2002
Sch.

(2) A teacher who does not satisfy the conditions specified in paragraph (1) but who has teaching service for periods equal in the aggregate to not less than eighteen years may be granted on retirement a pension at the rate specified in that paragraph.

18 1988
S. 5 (a).

5. Every teacher, otherwise qualified for pension, who has three or more but less than ten years teaching service in this Island, 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.

Gratuities:
to whom and
at what rates
to be granted.
18/1998
S. 5(b).

PART III. *Teachers with Other Teaching Service*

6. This Part shall apply only in the case of a teacher with other teaching service.

Application
of Part III.
Interpre-
tation.

7. In this Part and Part IV—

"scheduled territory" means any territory mentioned in the Schedule and includes the territory of Ceylon, in respect of any teacher who has had teaching service in that territory prior to the 4th day of February, 1948, and the territory of Palestine, in respect of any teacher who has had teaching service in that territory prior to the 15th day of May, 1948; "service in the group" means teaching service in this Island and in a scheduled territory or scheduled territories.

8.—(1) Where the other teaching service of a teacher to whom this Part applies has been wholly in one or more scheduled territories and his aggregate service would have qualified him had it been wholly in this Island for a pension under this Act, he may, on his retirement from teaching service in circumstances in which he is permitted by the law or regulations of the teaching service in which he is last employed to retire on pension or gratuity, be granted in respect of his service in this Island 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 Island, as the aggregate amounts of his pensionable emoluments during his service in this Island bear to the aggregate amounts of his pensionable emoluments throughout his service in the group.

Pension for
service
wholly
within 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 Island—

- (a) in the application of regulation 16, his pensionable emoluments shall be determined by reference to the highest pensionable emoluments enjoyed by him during his teaching service, except that where the teacher is not serving in a scheduled territory at the date of his retirement from teaching service, his pensionable emoluments during the last three years of his teaching service in a scheduled territory shall be taken;
- (b) no regard shall be had to any additional pension under regulation 21 or regulation 22;

31/2002
Sch.

27/1958
S. 12.

- (c) [Deleted by Act 31 of 2002.]
 (d) no period of other teaching 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-five 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.

Pension where
other service
not within the
group.

27 1958
S. 12.
31 2002
Sch.

9.—(1) Where the other teaching service of a teacher to whom this Part 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 Island, for a pension under these Regulations, he may, on his retirement from teaching 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 Island, a pension at the annual rate of one five-fortieth of his pensionable emoluments for each complete month of his pensionable service in this Island.

(2) Where the teacher is in other teaching service at the time of his retirement in the circumstances referred to in paragraph (1), 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 been granted a pension at the date of his last transfer from the service of this Island; and for the purposes of regulation 16, where the teacher had less than three years teaching service in this Island, then the average annual amount of the pensionable emoluments enjoyed by the teacher during his teaching service in this Island shall be taken.

Pension where
other teaching
service both
within and not
within the
group.
Gratuity
where length
of service does
not qualify for
pension.
18/1998
S. 5(c).

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

11. Where a teacher to whom this Part applies retires from teaching 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 three years or more but less than ten years, he may be granted in respect of his service in this Island, 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, as the case may be.

PART IV. *General*

12.—(1) Qualifying service shall be the aggregate of the periods of teaching service, without deduction of any periods during which the teacher has been absent on leave.

General rules as to qualifying service and pensionable service.

(2) Pensionable service shall be all such service as is qualifying service under this regulation, subject to the deduction therefrom of such periods, if any, as are not under this Act or these Regulations entitled to be taken as pensionable service; and no period which is not qualifying service by virtue of paragraph (1) shall be taken into account as pensionable service.

13. No period during which a teacher has been absent from duty on leave without salary shall be taken into account as pensionable service unless such leave has been granted on grounds of public policy with the approval of the Governor-General.

Leave without salary.

14. No period of service while a teacher was under the age of eighteen years or over the age of sixty-five years shall be taken into account as pensionable service.

Service under 18 and over 65.
27/1958
S. 12.
18/1998
S. 4 (d).

15. The Governor-General may, either generally or in relation to any particular case, declare that any period of service in a teaching capacity in an institution approved by the Minister responsible for education which is not a secondary school, training college, or elementary school, shall be teaching service for the purposes of these Regulations:

Certain service in a teaching capacity to be teaching service.

Provided that where any such declaration has been made, then any pension or gratuity granted to a teacher under these Regulations in respect of such period of service shall be in lieu of any pension or gratuity which might have been granted to him under any other enactment in respect of such period of service.

27/1958
S. 2 (1).
45/1961
S. 3.

16. For the purpose of computing the amount of a teacher's pension or gratuity the highest pensionable emoluments ever enjoyed by the teacher in the course of his teaching service in the Island shall be taken.

Emoluments to be taken for computation of pensions, etc.
31/2002
Sch.

17.—(1) The Minister responsible for education shall cause to be kept registers in which, subject to such conditions as he may impose, shall be entered, in accordance with information supplied in the manner provided by paragraph (2), the following particulars—

Registers to be kept and registered service.
45/1961
S. 3.

(a) in respect of service as a teacher in this island—

PENSIONS (TEACHERS)

27/1958
S. 2 (1).

- (i) the full name and the age of every person appointed as a teacher in a secondary school, training college, elementary school, or institution approved by the Governor-General under regulation 15, and the school, college or institution, to which he is appointed;
- (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 the age of every teacher appointed in a teaching capacity in an approved school, and the school 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 particulars required to be entered in the registers under this regulation shall be supplied—

- (a) in respect of service as a teacher in this Island, by the governing body (by whatever name called) of the school, college, or institution, in respect of which the appointment is held;
- (b) in respect of other teaching service, by the teacher.

45/1961
S. 3.

(3) The Minister responsible for education may require any particulars supplied under paragraph (2) to be verified to his satisfaction prior to their entry in the registers.

45/1961
S. 3.

(4) Where the particulars required to be supplied under paragraph (2) are not so supplied or where they are incorrectly supplied, the Minister responsible for education may, take such action, including deletion of the name of any teacher from the registers, as he may consider necessary.

(5) No service which is not entered in the registers in accordance with the provisions of this regulation shall be registered service:

Provided that where any teacher has registered service in a secondary school or training college, or recorded service in an elementary school, within the meaning of the Laws and Regulations in force immediately prior to the commencement of these Regulations, all of such registered or recorded service shall be deemed to be registered service under these Regulations.

27/1958
S. 12.

(6) No service in respect of which a teacher does not draw a salary, other than a period during which a teacher was absent from duty on leave without salary, shall for the purpose of computing qualifying service be regarded as registered service whether such service is in fact entered in the registers or not.

18. [Deleted by Act 18 of 1998.]

PART V. *Supplementary*

19. Where a teacher is appointed to a post in the public service and retires therefrom in circumstances under which he is eligible for pension, gratuity or other allowance under any law which is applicable to such public service, he may, if he—

Transfer of
teacher to
public
service.

- (1) has not less than three years teaching service in this Island;
and
- (2) was employed in such teaching service for periods equal in the aggregate to not less than one-half of the period which has elapsed since the date of commencement of such teaching service to the date of his appointment to the public service; and
- (3) the aggregate of his teaching service in this Island and his public service is not less than ten years.

18/1998
S. 5 (f).

be granted a pension in respect of his pensionable service under this Act in accordance with the provisions of regulation 4 and as if paragraphs (a) and (b) were omitted from such regulation; and in the application of regulation 16 his pensionable emoluments shall be determined by reference to the highest pensionable emoluments enjoyed by him during his teaching service.

31/2002
Sch.

20. The Governor-General may, either generally or in relation to any particular case, declare that a period of service in a post in the public service shall be deemed to be qualifying service (but not pensionable service, unless otherwise declared under regulation 21) for the purposes of these Regulations; and any pension or gratuity awarded to a teacher under these Regulations, consequent on such declaration, shall be in addition to any pension, gratuity or other allowance awarded to him under any law or regulations providing for the grant of retiring benefits in respect of public service.

Public
service may
be deemed
to be
qualifying
service.
27/1958
S. 12.
L.N.
125/1972.

21. The Governor-General may, either generally or in relation to a particular case, declare that a period of service in a post in the public service shall be deemed to be a pensionable service for the purpose of these Regulations; and any pension or gratuity awarded to a teacher under these Regulations consequent on such declaration, shall be in lieu of any pension or gratuity for which he is eligible under any law or regulations providing for the grant of retiring benefits in respect of public service.

Public
service may
be deemed
to be
pensionable
service.
L.N.
125/1972.

21A. If a teacher retires from teaching service in any of the circumstances specified in paragraph (v) or (vi) of subsection (1) of section 6, he may—

Teacher
retiring pur-
suant to
section
6 (1) (v)
or (vi).
18/1998
S. 5 (g).

PENSIONS (TEACHERS)

- (a) if he had been in teaching service for three or more years but less than ten years, be granted a gratuity under regulation 5 or 11, as the case may be;
 - (b) if he had been in the teaching service for ten or more years be granted—
 - (i) a pension under regulation 4, 8, 9 or 10, as the case may be; and
 - (ii) an additional pension at the annual rate of one-sixtieth of his pensionable emoluments for each complete period of three years pensionable service:
- Provided that—
- (A) the addition shall not exceed ten-sixtieths; and
 - (B) the addition, together with the remainder of the teacher's pension, shall not exceed the pension for which he would have been eligible if he had continued to be employed in the same teaching post at the date of his retirement, and had retired on reaching the age of fifty-five years, having received all increments for which he would have been eligible by that date.

Teacher
retiring on
account of
injury or
disease.
27/1958
S. 12.

22.—(1) This regulation applies to a teacher who—

- (a) is permanently injured in the actual discharge of his duty by some injury specifically attributable to the nature of his duty which is not wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct; or
- (b) contracts a disease to which he is exposed specifically by the nature of his duty, not being a disease wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct; or
- (c) is permanently injured as a result of an accident or damage to the aircraft while travelling by air in pursuance of official instructions and the injury was not wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct; or
- (d) while proceeding by a route approved by the Governor-General to or from this Island at the commencement or termination of teaching service therein, or a period of leave therefrom, is permanently injured as a result of damage or any act of violence to the vessel, aircraft or vehicle in which he is travelling, if the Governor-General is satisfied that that damage or act is attributable to circumstances arising out of any war in which Her Majesty may be engaged.

(2) In this regulation, unless the contrary intention appears, references to a teacher being injured and to the date on which an injury is sustained shall respectively be construed as including references to his contracting such a disease as is mentioned in paragraph (1) and to the date on which such disease is contracted.

(3) A teacher may—

- (a) if his retirement is necessitated or materially accelerated by his injury, be granted, in lieu of any gratuity (if any) for which he may be eligible under regulation 5 or regulation 11, a pension under regulation 4, 8, 9 or 10 (as the case may be) as if paragraphs (a) and (b) were omitted from such regulation 4;
- (b) if he was permanently injured while in teaching service in this Island, be granted on retirement an additional pension at the annual rate of the proportion of his actual pensionable emoluments at the time of his injury appropriate to his case as shown in the following table—

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—

- (i) if he was permanently injured while travelling by air in pursuance of official instructions, the relevant proportion in the table shall be increased by half;
- (ii) the amount of the additional pension may be reduced to such an extent as the Governor-General thinks reasonable where the injury is not the cause or the sole cause of the retirement.

(4) The provisions of regulation 24 shall not apply to an additional pension granted under sub-paragraph (b) of paragraph (3).

(5) (a) In this paragraph "injury award" means an award in respect of injury that may be granted to a teacher under sub-paragraph (b) of paragraph (3).

(b) If, for the purpose of assessing the amount of an injury award the degree of permanent impairment of his capacity to contribute to his support is in doubt, a teacher may be granted a provisional award to have effect until such time as the degree of permanent impairment can be ascertained.

(c) The Governor-General may take into account in such manner and to such extent as he may think fit against an injury award that may be granted to a teacher in respect of an injury—

- (i) any damages that he is satisfied have been or will be recovered by the teacher in respect of that injury; and

- (ii) any benefits that have been or may be awarded to the teacher under the Workmen's Compensation Act or under the Overseas Superannuation Scheme in respect of that injury, and he may withhold or reduce the injury award accordingly.

Teacher
retiring on
account of ill
health.
27/1958
S. 12.

31/2002
Sch.

23.—(1) If a teacher—

- (a) retires from teaching service in the circumstances described in paragraph (iii) of subsection (1) of section 6 of this Act; and
- (b) at the date of his retirement has been in teaching service for more than ten years but less than twenty years,

he may be granted an additional pension at the rate of one five-fortieth of his pensionable emoluments for each month by which his teaching service falls short of twenty years, or by which his age at such date falls short of sixty years, whichever is less.

(2) This regulation shall not apply in the case of an officer—

- (a) who is permanently injured and is entitled to benefits under the Overseas Superannuation Scheme, or the Workmen's Compensation Act or any enactment amending or replacing that Act; or
- (b) who is injured in the discharge of his duty and is eligible to receive an award under regulation 21:

Provided that if such award is less than the additional pension for which he would be eligible under this regulation, he may be granted in lieu thereof an additional pension under this regulation.

War service.

24.—(1) Where a teacher in teaching service in this Island leaves such teaching service for the purposes of war service, then, subject to the provisions of this regulation, the Governor-General may declare such war service to be teaching service for the purposes of these Regulations.

(2) Where the Governor-General has made a declaration under paragraph (1) in relation to a teacher, then—

- (a) during the period of war service, such teacher shall be deemed to be on leave on full salary from the employment which he left for such war service;
- (b) during any period between his leaving such employment and his war service, and between the termination of his war service and his re-employment in teaching service, such teacher shall be deemed to be on leave without salary not granted on grounds of public policy from such employment:

27/1958
S. 2 (1).

Provided that no such period shall exceed six months unless the Governor-General in any special case otherwise directs;

- (c) if during any period of war service such teacher has qualified for pension, or received emoluments in lieu of pension rights, actually in respect of military service, sub-paragraph (a) of this paragraph shall, as respects that period, have effect as

if the words "leave without salary not granted on the grounds of public policy" were substituted for the words "leave on full salary";

- (d) if during the period of war service such teacher is killed or injured, he shall not be deemed to have been killed or injured in the actual discharge of his duties.

(3) Save where a teacher becomes eligible for a pension under these Regulations during his period of war service, no declaration shall be made under paragraph (1) where the teacher is not re-employed in teaching service after his war service, unless the Governor-General in any special case otherwise directs.

25. Any teacher to whom a pension is granted under this Act may, at his option exercisable on his retirement from teaching service, be paid in lieu of such pension a pension at the rate of three-fourths of such pension together with a gratuity equal to twelve and one-half times the amount of the reduction so made in the pension:

Gratuity and
reduced
pension.
L.N.
108/1954.

Provided that in the application of this regulation to cases where the limitation prescribed in subsection (2) of section 8 of this Act operates, the words "such pension" shall mean the amount of pension which the teacher might have drawn from the funds of this Island if he had not exercised his option under this regulation.

26. Pursuant to section 13A, pensions may be granted in accordance with Part I of the Appendix subject to the terms and conditions specified in Part II; and gratuities may be granted in accordance with Part III.

Pensions
and
gratuities
under
section 13A.
21/2003
S. 3(a).
Appendix.

PENSIONS (TEACHERS)

21/2003
S. 3(b).

Appendix

(Section 13A and
regulation 26)

PART I

Pension which may be granted pursuant to section 13A

Item No.	To whom pension payable	The circumstances and conditions affecting eligibility for pension	Annual rate of pension, not exceeding
1	Surviving spouse of the teacher		Two-thirds of the teacher's annual pensionable emoluments at the date of his death.
2	Each child of the teacher	A. If the teacher leaves a surviving spouse to whom a pension is granted under item 1 and does not leave a mother or father, as the case may be, who is eligible for pension under item 3	A. An aliquot part, determined in accordance with Part II, of one-third of the teacher's annual pensionable emolument at the date of his death.
		B. If the teacher leaves a surviving spouse to whom a pension is granted under item 1 and also a mother or father, as the case may be, who is eligible for a pension under item 3	B. An aliquot part (determined as aforesaid) of one-sixth of the annual pensionable emoluments of the teacher at the date of his death.

PART I. *contd.*

Item No.	To whom pension payable	The circumstances and conditions affecting eligibility for pension	Annual rate of pension, not exceeding
		C. If the teacher leaves no surviving spouse to whom a pension is granted under item 1 but leaves a mother or father, as the case may be, to whom a pension is granted under item 3	C. An aliquot part (determined as aforesaid) of the pension specified in item 1.
		D. If the teacher leaves neither a surviving spouse to whom a pension is granted under item 1 nor a mother or father, as the case may be, to whom a pension is granted under item 3 and there are not more than three children of the teacher eligible for pension under this table	D. An aliquot part (determined as aforesaid) of the pension specified in item 1.
		E. If the circumstances with regard to a surviving spouse and mother or father are as in paragraph D but the number of children of the teacher eligible for pension under this Table exceeds three	E. An aliquot part (determined as aforesaid) of the annual pensionable emoluments of the teacher at the date of his death.
		F. If the pension to a child or children is payable pursuant to	F. An aliquot part (determined as aforesaid) of

PENSIONS (TEACHERS)

PART I. <i>contd.</i>			
Item No.	To whom pension payable	The circumstances and conditions affecting eligibility for pension	Annual rate of pension, not exceeding
		paragraph B and subsequently, on the death or ineligibility of the mother or father, as the case may be, pension ceases to be payable under item 3 then, as from the date of such cessation pension shall be payable under this paragraph in lieu of the pension payable under paragraph B	one-half of the pension payable under item 1.
		G. If pension to a child or children is payable pursuant to paragraph B and subsequently, on the death or ineligibility of the surviving spouse, pension ceases to be payable under item 1 then, as from the date of such cessation, pension shall be payable under this paragraph in lieu of the pension payable under paragraph B	G. An aliquot part (determined as aforesaid) of the pension payable pursuant to item 1.
3	The mother of the teacher or, where the mother is dead, the father of the teacher.	A. If the teacher leaves a surviving spouse to whom a pension is payable under item 1 and a child or children to whom a pension is payable under item 2	A. One-sixth of the annual pensionable emoluments of the teacher at the date of his death.

PART I. *contd.*

Item No.	To whom pension payable	The circumstances and conditions affecting eligibility for pension	Annual rate of pension, not exceeding
		B. If the teacher leaves a child or children to whom a pension is payable under item 2 but leaves no surviving spouse to whom pension is payable under item 1	B. One-third of the annual pensionable emoluments of the teacher at the date of his death.
		C. If a pension is payable pursuant to paragraph A and subsequently, on the death or ineligibility of the surviving spouse, pension ceases to be payable under item 1, then, as from the date of such cessation, pension shall be payable under this paragraph in lieu of pension payable under paragraph A	C. One-third of the annual pensionable emoluments of the teacher at the date of his death.

PENSIONS (TEACHERS)

PART II

Terms and conditions applicable to the payment of pensions under Part I

1. Payment of pension to a surviving spouse shall be made only while that spouse is unmarried.

2. In the case of pensions granted to two or more children of a teacher under item 2 of Part I, the pension payable to each child shall be determined by dividing the pension which would be payable to one such child equally among such children as are eligible for pension under that Part.

3.—(1) A child shall cease to be eligible for pension under this Part on attaining the age of nineteen years, so, however, that—

- (a) a child who is receiving higher education shall continue to be so eligible until that child attains the age of twenty-three years or completes the course of higher education, whichever is the earlier;
- (b) a child who was mentally or physically incapacitated at the time of the teacher's death and was wholly or mainly dependent on him for support may, if the Governor-General so directs, be treated as continuing to be eligible, after attainment of the age of nineteen years, during the period of incapacity or for such shorter period as the Governor-General may determine; and the Governor-General may, if he sees fit, increase or reduce the amount of pension payable in respect of that child to such amount as the Governor-General thinks fit, so, however, that where such amount is increased, the total amount of pension payable in respect of all dependants of that teacher shall not exceed his pay at the date of his death;
- (c) a female child shall cease to be so eligible upon the marriage of that child under the age of nineteen years.

(2) For the purposes of sub-paragraph (1) "higher education" means either a course of full-time instruction at any educational establishment approved for the purpose by the Minister responsible for education or a course of instruction as an apprentice in any trade, profession or vocation under articles entered into for a period of not less than two years.

4. Payment of a pension to the mother of a teacher shall be made only if the mother was wholly or mainly dependent on the deceased teacher for support and while the mother is without adequate means of support and, if the mother is unmarried, divorced or a widow, as the case may be, at the time of the grant of the pension and subsequently marries or remarries, as the case may be, such pension shall cease as from the date of marriage or

PART II, *contd.*

remarriage; and if it appears to the Governor-General, at any time, that the mother is adequately provided with other means of support, such pension shall cease as from such date as the Governor-General may determine.

5. Payment of a pension to the father of a teacher shall be made only while the father is without adequate means of support and, if it appears to the Governor-General, at any time that the father is adequately provided with other means of support such pension shall cease as from such date as the Governor-General may determine.

PART III

Gratuities which may be granted pursuant to section 13A

1. Without prejudice to any pension payable pursuant to Part I, a gratuity may be granted in accordance with this Part to the dependants of a teacher or, if there are no dependants, to the teacher's legal personal representatives.

2. Such gratuity shall—

(a) in respect of an officer who dies from injuries received after the 1st day of July, 1974, but before the 1st day of January, 1978, not exceed—

- (i) ten thousand dollars; or
- (ii) a sum equal to two years pensionable emoluments of the teacher at the date of his death; or
- (iii) the aggregate of one year's pensionable emoluments of the teacher at the date of his death plus the amount of commuted pension gratuity for which he would have been eligible if he had retired at the date of his death,

whichever is the greater;

(b) in respect of a teacher who dies from injuries received on or after the 1st day of January, 1978, but before the 1st day of April, 1988, not exceed—

- (i) twenty thousand dollars; or
- (ii) the aggregate of the amounts specified in paragraph (a) (iii).

whichever is the greater;

(c) in respect of a teacher who dies from injuries received on or after the 1st day of April, 1988, but before the 1st day of April, 1992, not exceed—

*PENSIONS (TEACHERS)**PART III, contd.*

- (i) one hundred thousand dollars; or
 - (ii) the aggregate of the amounts specified in paragraph (a) (iii),whichever is the greater;
- (d) in respect of a teacher who dies from injuries received on or after the 1st day of April, 1992, but before the 1st day of April, 1994, not exceed—
 - (i) three hundred thousand dollars; or
 - (ii) the aggregate of the amounts specified in paragraph (a) (iii),whichever is the greater;
- (e) in respect of a teacher who dies from injuries received on or after the 1st day of April, 1994, but before the 1st day of October, 1996, not exceed—
 - (i) five hundred thousand dollars; or
 - (ii) the aggregate of the amounts specified in paragraph (a) (iii),whichever is the greater;
- (f) in respect of a teacher who dies from injuries received on or after the 1st day of April, 1996, but before the 1st day of October, 1999, not exceed—
 - (i) one million seven hundred and fifty thousand dollars; or
 - (ii) the aggregate of the amounts specified in paragraph (a) (iii),whichever is the greater; and
- (g) in respect of a teacher who dies from injuries received on or after the 1st day of October, 1999, but before the 1st day of April, 2000, not exceed—
 - (i) one million seven hundred and fifty thousand dollars; or
 - (ii) the aggregate of the amounts specified in paragraph (a) (iii),whichever is the greater; and
- (h) in respect of a teacher who dies from injuries received on or after the 1st day of April, 2000, not exceed—

PART III, *contd.*

- (i) four million dollars; or
- (ii) the aggregate of the amounts specified in paragraph (a) (iii),
whichever is the greater.

3.—(1) The Minister may by order subject to affirmative resolution increase the amount of any gratuity payable in respect of a teacher who dies from injuries received on or after the relevant date.

(2) In this paragraph—

“relevant date” means a date specified in the order, being a date falling after the 1st day of April, 2000.

4. For the purposes of this Part “dependants” means any person entitled to a pension under Part I.

5. In this Part “commuted pension gratuity” means the gratuity, if any, which might have been granted to the teacher under regulation 25 of the regulations contained in the Schedule, if he had retired at the date of his death in the circumstances described in paragraph (iii) of subsection (1) of section 6 and had elected to receive a gratuity and reduced pension.

6. A gratuity granted in accordance with this Part shall be divided among the dependants as follows—

- (a) if there is a surviving spouse, that spouse shall be granted fifty per cent of the gratuity or such higher percentage as the Governor-General may approve and the remainder shall be divided among any other dependants in such proportion as the Governor-General thinks fit;
- (b) if there is no surviving spouse, the gratuity shall be divided among the dependants in such proportion as the Governor-General thinks fit.

SCHEDULE

(Regulation 7)

Aden
 Bahamas
 Barbados
 Basutoland
 Bechuanaland Protectorate
 Bermuda
 British Guiana
 British Honduras
 British Solomon Islands
 Protectorate
 Cayman Islands
 Cyprus
 Dominion
 Falkland Islands
 Federated Malay States
 Federation of Malaya
 Federation of Nigeria
 Federation of Rhodesia and Nyasaland
 Fiji
 Gambia
 Ghana
 Gibraltar
 Gilbert and Ellice Islands
 Colony
 Gold Coast
 Grenada
 Hong Kong
 Kenya
 Leeward Islands
 Malayan Establishment
 Malayan Union
 Malta

L.N.
 140 1955.
 L.N.
 140 1955.

L.N.
 114 1959.

Mauritius	
Nigeria	L.N. 140/1955.
Nigeria-Eastern Region	L.N. 140/1955.
Nigeria-Northern Region	L.N. 140/1955.
Nigeria-Western Region	
Northern Rhodesia	
Nyasaland	
St. Helena	
St. Lucia	
St. Vincent	
Seychelles	
Sierra Leone	
Singapore	
Somaliland	
Straits Settlements	
Swaziland	
Tanganyika Territory	
Trinidad	
Turks and Caicos Islands	
Uganda	
Zanzibar.	