

CHAPTER 182.

DENOMINATIONAL SCHOOL TEACHERS PENSION.

(12th December, 1930.

8/1930
3/1934
1/1947
1/1951
23/1961
S.R.O's.
(L.I.)
11/1934
18/1936
11/1938

1. This Ordinance may be cited as the Denominational School Teachers Pension Ordinance.

Short title.

2. In this Ordinance.

Interpretation.

“Denominational School” means any school mentioned in the Schedule;

“pensionable office” means a pensionable office as defined in section 2 of the Pensions Act;

Ord 23/1961.
Cap. 184.

“teacher” means any head teacher or teacher employed in a Denominational School: Provided that it shall not mean any pupil teacher or sewing mistress;

“salary” includes personal allowance, result grant and house allowance or the estimated value of free quarters: Provided that the amount to be allowed for house rent or for estimated value of free quarters shall not exceed one sixth of the actual salary drawn by a teacher.

3. This Ordinance shall apply,

Application.

(a) To all teachers appointed after the commencement thereof.

(b) To all teachers employed as teachers in the Colony at the commencement thereof, and shall have effect as though the service of such teachers as teachers in the Colony before the commencement of this Ordinance was service as teachers in the Colony after the commencement thereof.

(c) To all teachers who after the commencement of this Ordinance may be appointed to a pensionable office.

Ord. 1/1947.

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(d) To any person who at the commencement of this Ordinance held an appointment to a pensionable office and who previously to such appointment had been employed as a teacher in a Denominational School in the Colony.

(e) To any person employed as a teacher in a denominational school in another Colony and who immediately preceding such employment was employed as a teacher in a Denominational School in the Colony.

Pensions to be charged on revenues of the Colony.

4. There shall be charged on the paid out of the general revenues of the Colony as hereinafter provided 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 to persons who have been employed as teachers in the Colony.

Pensions to whom and at what rates granted.

Ord. 1/1951.

5. Subject to the provisions of this Ordinance every teacher in the Colony who has served as a teacher for ten years or more, may be granted on retirement a pension at the annual rate of one six-hundredth of his salary for each complete month of such service.

Rights of teachers with service in more than one Colony of the Leeward Islands.

Ord. 1/1947

6. Notwithstanding the provisions of section 14 every teacher or other person to whom paragraph (c), (d) or (e) of section 3 applies and whose aggregate service would have entitled him, had such service been wholly in the Colony as a teacher, to a pension under this Ordinance, shall, on his retirement in circumstances in which he is permitted by law or regulations of this Colony or of any other Colony of the Leeward Islands relating to pensions to retire on pension or gratuity, be entitled to a pension which shall bear the same proportion to the pension to which he would have been entitled had the whole of his service been as a teacher in the Colony as the aggregate amount of the salary which he has drawn in the Colony bears to the total emoluments drawn by him and made up of such aggregate amount and the aggregate amounts received from the other Colonies of the Leeward Islands.

Gratuities.

Ord. 1/1951.

7. Every teacher otherwise qualified for a pension who has not completed ten years' service in the Colony as a teacher 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 section 5 of this Ordinance.

8. No pension, gratuity, or other allowance shall be granted to any teacher who has not attained the age of fifty-five years, unless on medical evidence to the satisfaction of the Administrator in Council that he is incapable, by reason of some infirmity of mind or body, of discharging the duties of a teacher, and that such infirmity is likely to be permanent; nor in any case without certificates from the Managers of the Denominational School in which the teacher is employed and from the Education Officer respectively that he has discharged his duties with such diligence and fidelity as to justify the grant to him of a pension: Provided that if a teacher though not suffering from any particular illness or infirmity of mind or body likely to be permanent, becomes unfit, in the opinion of the Administrator in Council, for the discharge of his duties as a teacher, and such unfitness is not attributable to misconduct or gross negligence, and when the Administrator in Council considers that the special circumstances of the case justify the grant to him of a pension, he may with the approval of the Secretary of State, be pensioned at the rate not exceeding that for which he would be qualified if he were suffering from an illness or infirmity likely to be permanent.

Certificates
required as to
conduct, etc.
Ord. 23/1961.

9. (1) Every teacher who is at the passing of this Ordinance or who shall hereafter become eligible for pension under the provisions of this Ordinance may elect to take on his retirement from his employment as a teacher a reduced pension and a gratuity: Provided that, notwithstanding any election which may have been made by him no teacher whose age at retirement exceeds 65 years shall receive a gratuity and reduced pension.

Reduced
pension and
gratuity.

(2) Every teacher who at the passing of this Ordinance becomes eligible shall notify the Administrator of his election within six months of the commencement of this Ordinance and every teacher who may be hereafter appointed shall notify the Administrator at any time after such appointment but not later than six months after the earliest date on which, if retired on grounds of ill health, he may be awarded a pension under this Ordinance.

Ord. 3/1934.

(3) An election once exercised shall be irrevocable.

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

Ord. 3/1934. (5) This section shall apply only to persons employed as teachers in the Colony on the 31st day of December, 1933.

(6) Notwithstanding anything in this section, any teachers mentioned in the preceding subsection who have not at the date upon which this Ordinance comes into operation exercised the option to be paid a reduced pension and gratuity as provided in this section, may exercise that option at any time within six months of that date.

(7) Any teacher to whom this section does not apply, who does not continue to be employed as a teacher until he attains the age of 65, shall, subject to the provisions of this Ordinance be granted a reduced pension and gratuity calculated in the manner prescribed in this section.

How salary to be computed for pension purposes.

10. For the purpose of computing pensions and gratuities the salary drawn by the teacher at the date of retirement will be taken if he has drawn such salary for a period of three years immediately preceding such date, otherwise the average amount of salary drawn by the teacher during the three years immediately preceding his retirement will be taken.

Maximum pension grantable.

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

Commencement of pensionable service.

12. Subject to the provisions of section 13 service will be deemed to commence for pension purposes at the date on which teachers commence to draw salary or half salary.

Age from which pension may be earned.

13. No teacher shall be entitled to any pension gratuity or other allowance under this Ordinance in respect of any service performed while under the age of twenty years.

Service to be unbroken.

14. Service as a teacher in the Colony in respect of which pensions or gratuities will be granted must be unbroken except in cases where such service has been interrupted by any temporary suspension of employment as a teacher not arising from misconduct or voluntary resignation: Provided that if any teacher owing to abolition or reorganisation of any office ceases at any time to be a teacher, and is subsequently re-employed as a teacher the Administrator in Council may declare that the whole of such teacher's service as a teacher shall be deemed to be continuous for the purposes of this Ordinance.

15. No period during which a teacher is on leave, other than leave during the ordinary school holidays or sick leave, not exceeding six months at any one period of sick leave, shall be reckoned as service as a teacher for the purposes of this Ordinance.

Leave.

16. (1) Pensions, gratuities and allowances computed at the rates before mentioned shall only be granted upon certificates from the Managers of the Denominational Schools in which the teacher is employed that the teacher to whom a pension, gratuity or allowance is to be given has rendered decidedly faithful and meritorious service as a teacher.

Good Conduct required.

(2) Where the fidelity and diligence of the teacher falls short of the first degree of merit, the computation may be made at lower rates.

(3) Where the teacher has been guilty of gross negligence, irregularity, or misconduct, the grant of pension, gratuity or other allowance may be altogether withheld.

17. No teacher shall have an absolute right to compensation for past services, or to any pension, gratuity or other allowance under this Ordinance.

Pensions not of right.

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

Pensions not to be assignable.

19. If any person to whom a pension has been granted under this Ordinance becomes a bankrupt, then such pension shall forthwith cease: Provided always that in any case where a pension ceases by reason of the bankruptcy of the pensioner the Secretary of State may, or, if such pensioner is resident in the Colony then the Administrator in Council may from time to time during the remainder of such pensioner's life, or during such shorter period or periods, either continuous or discontinuous, as the Secretary of State or Administrator in Council shall think fit, pay all or any part of the moneys to which such pensioner would have been entitled by way of pension had he not become a bankrupt to, or apply the same for the maintenance and personal support or benefit of all or any, exclusive of the other or others, of the following persons, namely, such pensioner and any wife, child, or children of his, in such proportions and manner as the Secretary of State or Administrator in Council thinks proper.

Pension to cease on bankruptcy.

Pensions to
cease on
conviction.

20. If any person to whom a pension has been granted under this Ordinance is convicted before any court in Her Majesty's dominions of any crime or offence for which he is sentenced to death or penal servitude or transportation, or any term of imprisonment with hard labour exceeding twelve months, and does not within two months after such conviction receive Her Majesty's free pardon, then in every such case such pension shall forthwith cease: Provided always that in the case of a person who after conviction as above described, receives Her Majesty's free pardon at any time, the Secretary of State may or, if the person is resident in the Colony, the Administrator in Council may, if he thinks fit, restore the pension.

Dismissal of
teachers.

21. No teacher to whom the provisions of this Ordinance shall apply shall be dismissed from his employment as a teacher without the approval of the Administrator in Council.

Information to
be given to
Education
Officer.
Ord. 23/1961.

22. The Managers of Denominational Schools shall inform the Education Officer of all appointments, transfers, promotions, retirements and dismissals of, and all grants of leave, including sick leave to teachers.

Power to vary
Schedule.

23. The Administrator in Council may from time to time add to, or remove from the Schedule, the name of any school: Provided that when the name of any school is removed from the Schedule such removal shall not affect the pension rights of any teacher which shall have accrued to him by reason of service as a teacher in such school prior to such removal.

SCHEDULE.

S. 23.

Bethel.
Cavalla Hill.
Kinsale.
Long Ground Methodist School.
Plymouth Roman Catholic.
Plymouth Wesleyan.
St. Augustine's.
St. George's.
St. George's Hill.
St. John's.
St. Mary's.
St. Patrick's.
St. Peter's.
Salem (Methodist).