

Law (Education) (1925) Department.

Ord. SERIES.

G.O. No. 2078

DATED 5-12-1925

[Despatch Abstract.]

Act - Education (Scotland)

Superannuation Act, 1925, and

the Teachers (Superannuation) Act 19

Govt. of India letter forwarding -

Recorded.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.



No. 2164-Edn.

201 4294a

Government of India.

Department of Education, Health & Lands.



Delhi, the 5th November 1925.

From

R. B. Law, C.I.E., I.C.S.,

Offg. Secretary to the Government of India,



The Secretary to the Government of Madras,
Law (Education) Department.

Provision for the grant of superannuation allowances and gratuities to British teachers.

Sir,

In continuation of this Department letter No. 1758, dated the 28th August 1925, I am directed to forward for the information of the local Government one copy of each of the Acts

- | | |
|--|----------------------------|
| 1. Education (Scotland) Superannuation) Act, 1925 - Received the Royal Assent on the 31st July 1925. | } mentioned on the margin. |
| 2. Teachers (Superannuation) Act, 1925 - Received the Royal Assent on the 7th August 1925. | |

I have the honour to be,

Sir,

Your most obedient servant,

(Law) No 4294 A-1

224572A 12. 11. 25

1/12/25

for Secretary.

Law (Education) Dept

The Acts may be recorded after perusal by the D.P.O. vide G.O. 1652 (Law Education) 21-9-25

(J)

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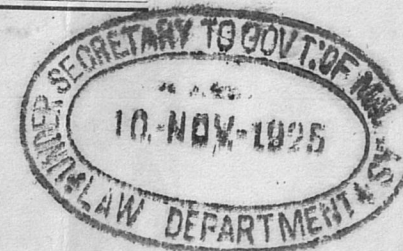
J.P.M.

20.11.25

(9)

Education (Scotland) (Superannuation) Act, 1925.

[15 & 16 GEO. 5. CH. 55.]



ARRANGEMENT OF SECTIONS.

A.D. 1925.

Section.

1. Extension of period during which contributions by or in respect of teachers are to be payable.
2. Contributions towards benefits under Superannuation Scheme.
3. Amending Scheme to be framed.
4. Provisions of amending Scheme.
5. Application of Scheme as modified by amending Scheme.
6. Payments from Education (Scotland) Fund into Exchequer, and from Exchequer into Education (Scotland) Fund.
7. Account and actuarial inquiries.
8. Application of section 7 of 9 & 10 Geo. 5. c. 17.
9. Interpretation.
10. Short title, extent and construction.

SCHEDULE.



CHAPTER 55.

An Act to make further provision with regard to the grant of superannuation and other allowances to teachers in Scotland and to their legal personal representatives, and to the payment of contributions towards the cost of such allowances. [31st July 1925.] A.D. 1925.

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. The period during which contributions shall be payable under section one of the Act of 1922 as amended by the Act of 1924, towards the cost of providing benefits under the Superannuation Scheme shall be extended until the thirty-first day of March, nineteen hundred and twenty-six, and in the said Acts, or in any amending Scheme framed and approved in pursuance of the first mentioned Act, any reference to section one of the said Act shall be construed as a reference to the said section as amended by the Act of 1924 and by this Act. Extension of period during which contributions by or in respect of teachers are to be payable.

2.—(1) As from the first day of April, nineteen hundred and twenty-six, there shall be paid in each year to the Department towards the cost of providing benefits under the Superannuation Scheme, in respect of every teacher employed in service within the meaning of such scheme the following contributions:— Contributions towards benefits under Superannuation Scheme.

(a) an amount to be paid by the teacher equal to five per centum of his salary for the time being;

A.D. 1925.

(b) an amount to be paid by the education authority, governing body or other body of managers by whom the teacher is employed, equal to five per centum of the salary for the time being of the teacher.

(2) The payments due in terms of the foregoing subsection shall be collected by the Department from each education authority, governing body or other body of managers either directly or by deduction from any grants that may accrue under any regulations, code or minute of the Department, and it shall be lawful for each education authority, governing body or other body of managers to deduct five per centum from the salary of every teacher in their employment in respect of whom payments are due under the foregoing subsection:

Provided that, where any payment due by a teacher has not been so deducted and collected, the same (together with compound interest thereon from the date when the payment became due, calculated at four per centum per annum with yearly rests) shall be recoverable by the Department either directly from the teacher or by deduction from any sum payable to him or to his legal personal representatives under the Superannuation Scheme.

(3) For the purposes of this section the salary of a teacher shall be calculated in accordance with rules under the Superannuation Scheme.

(4) All sums paid to or collected or recovered by the Department in pursuance of this section shall be paid into the Education (Scotland) Fund.

Amending
Scheme to
be framed.

3.—(1) The Department shall as soon as may be after the passing of this Act frame an amending Scheme which shall be laid before each House of Parliament with a view to approval by Order in Council.

(2) Section eight of the Act of 1919 shall apply to any amending Scheme framed in pursuance of the foregoing subsection, in like manner as it applies to the Scheme framed in pursuance of that Act, provided that such amending Scheme shall not come into operation until the first day of April, nineteen hundred and twenty-six.

4.—(1) The amending Scheme to be framed in pursuance of the immediately preceding section of this Act shall include provision—

Provisions
of amending
Scheme.

(a) for the repayment to a teacher or to his legal personal representatives, in circumstances and on conditions to be prescribed, of contributions made by him in terms of the Acts of 1922 and 1924 or of this Act, together with compound interest on each contribution as from the prescribed date calculated at the rate of three per centum per annum with yearly rests and for the cancellation on such repayment of the service in respect of which the said contributions were paid;

(b) for permitting a teacher in circumstances and on conditions to be prescribed to repay the sums repaid to him under the foregoing provisions of this section or under section two of the Act of 1922, together with compound interest thereon calculated from the date of repayment to him at the rate of three and a half per centum per annum with yearly rests, and for the restoration to such teacher on such repayment by him of such claims under the Superannuation Scheme as he would have had if no repayment had been made to him;

(c) for securing that the total amount of benefit payable under the Superannuation Scheme to any teacher or to his legal personal representatives together with compound interest on any benefit calculated from the date of payment at three per centum per annum with yearly rests, shall not (save as may be otherwise provided in cases where benefit is payable also under the Teachers (Superannuation) Acts, 1918 to 1925), be less than the total amount of the contributions paid by him under the Acts of 1922 and 1924 and this Act together with compound interest on such contributions from the prescribed date calculated at three per centum per annum with yearly rests;

(d) for enabling a teacher whose service is discontinued for a period not exceeding four years in the case of a teacher who during the period

A.D. 1925.

is in full-time employment as a teacher in any part of His Majesty's dominions outside the United Kingdom, and not exceeding one year in any other case to pay into the Education (Scotland) Fund with the consent of the Department in respect of such period sums equal to ten per centum of his salary calculated in accordance with rules under the Superannuation Scheme, so that the said period may be reckoned as a period of service within the meaning of the Superannuation Scheme, and for determining the amount of such payments which shall be reckoned as contributions by the teacher.

(2) The amending Scheme shall make such other provision as appears necessary to carry out the purposes of the Act of 1919, and of this Act and, without prejudice to the generality of this enactment, may further provide—

(a) for giving effect to any arrangements made with any authority administering any statutory Scheme of Superannuation for school teachers in any part of His Majesty's dominions, providing for the extension (whether with or without modification) of the Superannuation Scheme to service in the capacity of a teacher in that part of His Majesty's dominions and for the extension of such statutory Scheme to service within the meaning of the Superannuation Scheme.

For the purposes of the foregoing provision the expression "His Majesty's dominions" includes any territory which is under His Majesty's protection or in respect of which a mandate is being exercised by the Government of any part of His Majesty's dominions;

(b) for applying on such conditions and with such modifications in regard to contributions and otherwise as may be prescribed the provisions of the Superannuation Scheme to teachers in schools which are not otherwise within the scope of the said Scheme:

Provided that the contributions payable by and in respect of such teachers shall be at rates prescribed from time to time after consultation

with the Government Actuary with a view to securing that the contributions paid shall be equal in value to the benefits to be accorded in respect of such contributions; A.D. 1925.

- (c) for the calculation of benefit in such special circumstances and in such manner as may be prescribed by reference to the actual period of service in lieu of the completed years of service;
- (d) for the making by the Department of rules for the purpose of giving effect to the provisions of this Act and of the Superannuation Scheme as modified by the amending Scheme.

5. The Superannuation Scheme as modified by the amending Scheme to be framed in pursuance of section three of this Act shall apply, in lieu of the scheme in operation prior to the first day of April, nineteen hundred and twenty-six, to—

Applica-
tion of
Scheme as
modified by
amending
Scheme.

- (i) all teachers who are or shall be in service within the meaning of the Superannuation Scheme as so modified, on or after the first day of April, nineteen hundred and twenty-six, provided always that, if any teacher who is in such service on the said date, or any teacher who having discontinued such service prior to the said date returns to such service thereafter, gives notice to the Department within three months of the said date or of the date of such return as the case may be or, in any case where the special circumstances seem to the Department to justify an extension of the said period, within such extended period as the Department may fix, that he does not accept the amending Scheme the provisions of the Superannuation Scheme shall continue to apply to such teacher to the same effect as if the amending Scheme had not been made, and provided also that in the Superannuation Scheme as it applies to him, any reference to contributions payable under section one of the Education (Scotland) (Superannuation) Act, 1922, shall be deemed to include a reference to contributions payable under section two (1) (a) of this Act, and
- (ii) to all teachers who, having been in service before the said date, are employed on or after that date in such employment as may be prescribed.

12 & 13
Geo. 5. c. 48.

A.D. 1925.

—
Payments
from
Education
(Scotland)
Fund into
Exchequer,
and from
Exchequer
into Educa-
tion (Scot-
land) Fund.
15 & 16
Geo. 5. c. 59.

12 & 13
Geo. 5. c. 42.

Account
and
actuarial
inquiries.

6.—(1) In respect of the year commencing the first day of April, nineteen hundred and twenty-six, and every subsequent year there shall be paid out of the Education (Scotland) Fund into the Exchequer eleven-eightieths of the amount received by the Exchequer in respect of contributions paid by teachers and employers in England and Wales under the Teachers (Superannuation) Act, 1925, towards the cost of the benefits thereunder.

(2) For the purpose of the payment into the Education (Scotland) Fund in terms of section six of the Act of 1919, in respect of the year commencing the first day of April, one thousand nine hundred and twenty-six, and every subsequent year, any contributions or balance of contributions returned in terms of section two of the School Teachers (Superannuation) Act, 1922, or in terms of any Act amending the same, as well as any sums paid as compensation in terms of section three thereof, shall be included in the sums estimated to be expended and the sums actually expended from the Vote for Education in England and Wales on the superannuation of teachers.

7.—(1) There shall be kept in accordance with the directions contained in the Schedule to this Act an account in such form and prepared in such manner as may be determined by the Department, after consultation with the Treasury, of all revenue and expenditure (including any sums which are under the said Schedule to be deemed to be revenue or expenditure) under the Education (Scotland) (Superannuation) Acts, 1919, 1922, and 1924 and under this Act, as from the first day of June, nineteen hundred and twenty-two; and, at the expiration of the period of seven years from the first day of April, nineteen hundred and twenty-six, and at the expiration of every subsequent period of seven years, the Department shall cause an actuarial inquiry to be made for the purpose of determining whether on the basis of the said account the contributions payable under this Act are sufficient, or more than sufficient or less than sufficient, to support the benefits payable in respect of service subsequent to the thirty-first day of May, nineteen hundred and twenty-two.

(2) The Department shall cause a report of every inquiry made under this section to be laid before both Houses of Parliament.

A.D. 1925.

8. Section seven of the Act of 1919 (which makes provision for expenses) shall apply to this Act and to the amending Scheme in like manner as it applies to that Act and the Scheme made in pursuance thereof.

—
Application
of section 7
of 9 & 10
Geo. 5. c. 17.

9. In this Act unless the context otherwise requires—

Interpreta-
tion.

“The Act of 1919” means the Education (Scotland) (Superannuation) Act, 1919;

“The Act of 1922” means the Education (Scotland) (Superannuation) Act, 1922;

“The Act of 1924” means the Education (Scotland) (Superannuation) Act, 1924;

14 Geo. 5.
c. 13.

“The Superannuation Scheme” means the Teachers Superannuation Scheme framed and approved under the Act of 1919 and any amendment thereof;

“The Department” means the Scottish Education Department;

“Prescribed” means prescribed by the amending Scheme to be made under this Act or by rules under the said Scheme.

10.—(1) This Act shall apply to Scotland only.

Short title,
extent and
construc-
tion.

(2) This Act may be cited as the Education (Scotland) (Superannuation) Act, 1925, and the Acts of 1919, 1922, and 1924, and this Act may be cited together as the Education (Scotland) (Superannuation) Acts, 1919 to 1925, and the Education (Scotland) Acts, 1872 to 1924, and this Act may be cited together as the Education (Scotland) Acts, 1872 to 1925, and shall so far as is consistent with the tenor thereof be construed as one Act.

A.D. 1925.

Section 7.

SCHEDULE.

DIRECTIONS AS TO ACCOUNT.

1. The accounting periods for which the account shall be made up shall be from the first day of June, nineteen hundred and twenty-two, to the thirty-first day of March, nineteen hundred and twenty-three, and thereafter from the first day of April in each year to the thirty-first day of March in the next year.

2. There shall be treated as having been paid into the revenue for each accounting period—

- (a) by teachers the amount of teachers contributions attributable to the period, and by the education authorities, governing bodies or other bodies of managers by whom such teachers are employed a sum equal to that amount; and
- (b) out of the Education (Scotland) Fund a sum equal to the expenditure during the period upon Superannuation and other allowances attributable to service before the first day of June, nineteen hundred and twenty-two; and
- (c) a sum representing interest at the rate of three and a half per cent. per annum on the mean balance, if any, of revenue over expenditure during the period; such mean balance being calculated by adding together one half of the balance (exclusive of any interest under this paragraph) remaining at the end of the period and one half of the balance, if any, carried forward from the last preceding accounting period; and
- (d) the amount of any balance of revenue over expenditure remaining at the end of the last preceding accounting period; and
- (e) any other revenue attributable to the period.

3. There shall be shown the expenditure upon allowances and gratuities attributable to service before the first day of June, nineteen hundred and twenty-two, separately from expenditure upon allowances, gratuities, and the return of contributions attributable to service since that date.

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Teachers (Superannuation) Act, 1925.

[15 & 16 GEO. 5. CH. 59.]



ARRANGEMENT OF SECTIONS.

A.D. 1925.

PART I.

APPLICATION.

Section.

1. Application of Act.

PART II.

PERMANENT PROVISIONS.

2. Kinds of service in respect of which superannuation allowances and gratuities may be granted.
3. Qualifications for grant of superannuation allowances.
4. Short service gratuities.
5. Death gratuities to legal personal representatives of deceased teachers.
6. Re-employment of teachers.
7. Avoidance of duplicate pensions.
8. Withdrawal of allowances granted on grounds of infirmity.
9. Contributions by teachers and employers.
10. Calculation of salary and average salary for purposes of Act.
11. Payment of contributions during intervals of service.
12. Return of contributions.
13. Approved external service.
14. Provisions as to persons serving as educational organisers.

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A.D. 1925. Section.

15. Accounts and actuarial inquiries.
16. Application of certain provisions of 8 & 9 Geo. 5. c. 55.
17. Power to make rules.
18. Interpretation.
19. Construction of references in other Acts to recognised service.

PART III.

AMENDMENTS IN RESPECT OF PAST SERVICE.

20. Amendments as to recognised service.

PART IV.

GENERAL.

21. Power to make schemes extending operation of Act.
22. Provision for expenses.
23. Extent, commencement and short title.

SCHEDULES.



CHAPTER 59.

An Act to make provision with respect to the grant of superannuation allowances and gratuities to teachers and to persons employed in the control or supervision of teachers and to their legal personal representatives and to amend the Elementary School Teachers (Superannuation) Act, 1898, and the School Teachers (Superannuation) Acts, 1918 to 1924.

A.D. 1925.

[7th August 1925.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.

APPLICATION.

1.—(1) In the case of teachers who after the commencement of this Act are employed in contributory service within the meaning of Part II. of this Act, the provisions of the said Part II. shall have effect in substitution for the provisions of the School Teachers (Superannuation) Acts, 1918 to 1924, and superannuation allowances and gratuities shall be granted to and in respect of all such teachers accordingly:

Provided that—

(a) Nothing in this Act shall affect the right of any person to a deferred annuity under the Elementary School Teachers (Superannuation) Act, 1898, as amended by sections 61 & 62 Vict. c. 57.

A.D. 1925.
8 & 9 Geo. 5.
c. 55.

- twelve and thirteen of the School Teachers (Superannuation) Act, 1918; and
- (b) Part II. of this Act shall not apply to any certificated teacher who gave notice under section four of the School Teachers (Superannuation) Act, 1918, that he did not accept that Act, unless within three months after the commencement of this Act he gives notice to the Board of Education (hereinafter referred to as "the Board") that he accepts Part II. of this Act.

(2) In the case of teachers who are not employed as aforesaid the provisions of section eight of this Act shall have effect, and the provisions of the Elementary School Teachers (Superannuation) Act, 1898, and of the School Teachers (Superannuation) Acts, 1918 to 1924, shall continue to have effect subject to the amendments contained in Part III. of this Act.

PART II.

PERMANENT PROVISIONS.

Kinds of service in respect of which superannuation allowances and gratuities may be granted.

2.—(1) The kinds of service in respect of which superannuation allowances and gratuities may be granted under this Part of this Act shall be as follows:—

- (a) "Recognised service," that is to say, service before the commencement of this Act, which is—

(i) recognised service within the meaning of the School Teachers (Superannuation) Acts, 1918 to 1924, as amended by this Act; or

(ii) determined by the Board to be such full time service as a teacher as would, if it had been service wholly in the capacity of a teacher, have been recognised service within the meaning of the last-mentioned Acts as amended by this Act; or

(iii) grant-aided service in the capacity of a teacher in full-time service otherwise than in a school in the employment of a local education authority and approved by the Board for this purpose;

(iv) determined by the Board to be full-time service in England or Wales in the

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capacity of a teacher during any period before the first day of April, nineteen hundred and nineteen, in any school (not being a school conducted for private profit) other than such a school as is mentioned in paragraphs (i), (ii), (iii), (iv), or (vi) of section eighteen of the School Teachers (Superannuation) Act, 1918, so, however, that not more than ten years' service in any such school shall be recognised service for the purposes of this Part of this Act, and no such service shall be so recognised unless the teacher has been employed in some other form of recognised or contributory service for not less than ten years; or

(v) service since the thirty-first day of March, nineteen hundred and nineteen, which, but for the provisions of subsection (1) of section one of the Elementary School Teachers (Superannuation) Act, 1898, or of paragraph (ii) of section four of the School Teachers (Superannuation) Act, 1918, would have been recognised service within the meaning of the last mentioned Act as amended by this Act:

Provided that, except where otherwise expressly provided, no period of service after the thirty-first day of May, nineteen hundred and twenty-two, shall be treated as recognised service unless the contributions, which were required under the School Teachers (Superannuation) Act, 1922, as amended by the School Teachers (Superannuation) Act, 1924, in respect of recognised service within the meaning of those Acts during that period, are paid within the prescribed time.

- (b) "Contributory service," that is to say, service as a teacher after the commencement of this Act which the Board determine to be full time service either—

(i) in the capacity of a certificated or uncertificated teacher or a teacher of a

12 & 13
Geo. 5. c. 42.
14 & 15
Geo. 5. c. 12.

A.D. 1925. special subject, in or in connection with a public elementary school; or

(ii) in the capacity of a certificated or uncertificated teacher or of a teacher of such other kind as may be prescribed, in a school certified under Part IV. of the Children Act, 1908, or under Part V. of the Education Act, 1921; or

(iii) in the capacity of a certificated teacher in service which is recognised service within the meaning of the School Teachers (Superannuation) Act, 1918, by virtue of the provisions of paragraph (v) of section eighteen of that Act; or

(iv) in the capacity of a teacher of such kind as may be prescribed, in a grant-aided nursery school; or

(v) in the capacity of a certificated or uncertificated teacher in a certified institution under the Mental Deficiency Act, 1913; or

(vi) in the capacity of a teacher in any other grant-aided school; or

(vii) in the capacity of a teacher in grant-aided service, otherwise than in a school, in the employment of a local education authority, and approved by the Board for this purpose:

(viii) in the capacity of a teacher in a school which though not grant-aided was approved by the Treasury for the purposes of paragraph (vii) of section eighteen of the School Teachers (Superannuation) Act, 1918, during any period in which the school satisfies the conditions mentioned in that paragraph, except where the Board upon the application of the persons responsible for the management of any such school, determine that service in that school shall not be treated as contributory service:

Provided that—

(a) no service in respect of which contributions are payable under the Poor Law

Officers Superannuation Act, 1896, or under the Asylums Officers Superannuation Act, 1909, as amended by the Asylums and Certified Institutions (Officers' Pensions) Act, 1918, shall be deemed to be contributory service; and

(b) if in respect of any period of service after the commencement of this Act for which contributions are required to be paid under this Part of this Act, such contributions are not paid within the prescribed time, that period shall, unless the Board otherwise direct, and without prejudice to the power of the Board to recover any such contributions, be treated as not having been a period of service in contributory service.

(2) For the purposes of this Part of this Act—

(a) a teacher may be deemed to be employed in full-time service in a grant-aided school if the Board is satisfied that he is employed in full-time service, which is mainly and primarily service in the capacity of a teacher in such a school, and, in so far as it is not such service, is service in some other school under the same management as, and educationally connected with, a grant-aided school; and

(b) service may be deemed to be service as a teacher if the Board are satisfied either that the employment is wholly in the capacity of a teacher or that it is mainly and primarily in the capacity of a teacher and that any other duties of the employment are educational duties connected with the duties in that capacity.

3.—(1) Subject to the provisions of this Act, the Board shall grant such superannuation allowances as are hereinafter in this section mentioned to any teacher who—

(a) has attained the age of sixty years and been employed for not less than thirty years in employment which is recognised, contributory or qualifying service, and of which not less than ten years was recognised or contributory service

Qualifications for grant of superannuation allowances.

A.D. 1925.

- and not less than the prescribed period was after the thirty-first day of March, nineteen hundred and nineteen; or
- (b) being a teacher to whom the Elementary School Teachers (Superannuation) Act, 1898, applied on the first day of April, nineteen hundred and nineteen, has attained the age of sixty years and been employed in service which is recognised or contributory service for periods equal in the aggregate to not less than half the number of years between the date on which he became a certificated teacher and the date on which he attained or will attain the age of sixty-five years; or
- (c) has attained the age of sixty years, been employed for not less than ten years in service which is recognised or contributory service, and been so employed for periods equal in the aggregate to not less than two-thirds of the number of years between the date on which he was first employed in contributory or recognised service and the date on which he attained or will attain the age of sixty-five years; or
- (d) having been employed in service which is recognised service or contributory service for not less than ten years and having been so employed within the prescribed time before the date on which he applies for a superannuation allowance under this section, has, before attaining the age of sixty-five years, in the opinion of the Board, become permanently incapable through infirmity of mind or body of serving efficiently as a teacher in contributory service.
- (2) In the case of a teacher who is or has been a married woman, the aforesaid period of thirty years shall be reduced by the number of completed years (but not exceeding in any case ten) during which she was while married absent from recognised, contributory or qualifying service.
- (3) The superannuation allowances to be granted under this section are—
- (a) an annual allowance during life of an amount not exceeding one-eightieth of the average salary of the teacher in respect of each completed year

A.D. 1925.

- of service which was recognised or contributory service or one-half of the average salary, whichever is the less; and
- (b) by way of additional allowance, a lump sum not exceeding an amount equal to one-thirtieth of the average salary of the teacher in respect of each completed year of service which was recognised or contributory service, or to one-and-a-half times the average salary, whichever is the less: Provided that, if a teacher to whom an additional allowance has been granted is again employed in contributory service, a subsequent additional allowance may be granted to him only if the employment continues for periods amounting in the aggregate to more than twelve months, and there shall be deducted from any additional allowance so granted to a teacher an amount equal to the amount of any additional allowance or short service gratuity previously paid to him.
- (4) An annual superannuation allowance shall not begin to accrue and, subject as hereinafter provided, an additional allowance shall not be paid, before the date on which the teacher ceases to be employed in contributory service or the date on which he ceases to be entitled to pay in respect of the employment in which he was employed when his contributory service terminated, whichever may be the later:

Provided that, in any case where a death gratuity is not payable in respect of a deceased teacher, the Board shall, subject to the provisions of this Act, grant to his legal personal representatives a gratuity of an amount equal to the additional allowance which would have been payable to the teacher but for the provisions of this subsection.

4. Where a teacher who is not qualified for the grant of an annual superannuation allowance has been employed in service which is recognised or contributory service for not less than the prescribed period after the thirty-first day of March, nineteen hundred and nineteen, and within the prescribed period before the date on which he applies for a gratuity under this section, and has, in the opinion of the Board, before attaining the age of sixty-five years, become permanently incapable through infirmity of mind or body of serving efficiently

A.D. 1925. — as a teacher in contributory service, the Board shall, subject to the provisions of this Act, grant to him a short service gratuity of an amount not exceeding one-twelfth of his average salary in respect of each completed year of recognised service or contributory service.

Death
gratuities
to legal
personal
representa-
tives of
deceased
teachers.

5.—(1) Subject to the provisions of this Act, the Board shall grant to the legal personal representatives of a teacher who has been employed in service which is recognised or contributory service for periods amounting in the aggregate to not less than five years, of which not less than the prescribed part has been after the thirty-first day of March, nineteen hundred and nineteen, and who dies while in contributory service, a death gratuity of a sum not exceeding an amount equal to the average salary of the teacher after deducting from such average salary the amount of any additional allowance or short service gratuity previously paid to him, whether under the School Teachers (Superannuation) Acts, 1918 to 1924, or this Act, or out of the Education (Scotland) Fund, or of a sum not exceeding an amount equal to the amount of the additional allowance which the Board might have granted to him if he had at the date of his death become permanently incapable of serving efficiently as a teacher in contributory service, whichever is the greater.

For the purposes of the foregoing provision, the Board may, subject to such conditions as may appear to them to be equitable, treat the case of a teacher who dies within twelve calendar months of his ceasing to be in contributory service and is not at the date of his death serving in approved external service as if he had died in contributory service.

(2) Where a teacher dies after having become qualified for the grant of an annual superannuation allowance and the aggregate amount of the sums paid to him and to his legal personal representatives by way of annual superannuation allowance and additional allowance whether under the School Teachers (Superannuation) Acts, 1918 to 1924, or this Act, or out of the Education (Scotland) Fund is less than the amount of his average salary, the Board shall, subject to the provisions of this Part of this Act, grant to his legal personal representatives a supplementary death gratuity not exceeding the difference between the amount of his average salary and the said aggregate amount.

6.—(1) If a teacher in receipt of an annual superannuation allowance is again employed in contributory service or in employment which would if he were less than sixty-five years of age be contributory service, the allowance shall cease as from the date on which he becomes so employed, but without prejudice to the power of the Board in any case where the employment does not continue for periods amounting in the aggregate to more than twelve months after the said date to restore the said allowance, and in any other case to grant to the teacher subsequently another annual superannuation allowance.

(2) If a teacher in receipt of an annual superannuation allowance is employed, otherwise than in contributory service or in employment which would if he were less than sixty-five years of age be contributory service, in any employment of which the remuneration is paid out of the Consolidated Fund or out of moneys provided by Parliament, or in respect of which a grant is made out of such moneys, then, if the salary and emoluments to which he is entitled in respect of that employment for any quarter are not less than the quarterly rate of his salary at the date on which he ceased to be employed in contributory service, the allowance shall be suspended during that quarter, and if they are less than that rate so much only of the allowance shall be paid to him in respect of that quarter as with the salary and emoluments of the employment is equal to that rate.

7.—(1) If the Board are of opinion that any service in respect of which allowances or gratuities may be granted under this Part of this Act is also reckoned for the purpose of any other pension payable to a teacher directly or indirectly out of moneys provided by Parliament or raised by a rate or under a pension scheme, the Board may make such deductions from the allowances or gratuities which may be awarded under this Part of this Act as may appear to them to be equitable in order to secure that the teacher may not receive in respect of the same service an allowance or gratuity under this Part of this Act as well as such other pension as aforesaid.

(2) For the purposes of this section, any years of service added for purposes of calculating a pension to years of actual service shall be deemed to be service, and any sum payable, whether as a continuing allowance

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Re-employ-
ment of
teachers.

Avoidance
of duplicate
pensions.

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allowance, compensation for loss or abolition of office
or otherwise in respect of retirement shall be deemed
to be pension.

Withdrawal
of allow-
ances
granted on
grounds of
infirmity.

8.—(1) Where the Board are satisfied that a teacher,
to whom an annual superannuation allowance under this
Act or the School Teachers (Superannuation) Acts, 1918
to 1924, or a disablement allowance under the Elemen-
tary School Teachers (Superannuation) Act, 1898, has
been granted on the ground that he was permanently
incapable of serving efficiently as a teacher in contri-
butory service, or in recognised service, or in recorded
service within the meaning of the last-mentioned Act,
as the case may be, has ceased to be so incapable, the
Board shall, if the teacher has not attained the age of
sixty years, direct either that the allowance shall be
suspended until a further direction is given by the Board
or that it shall cease as from such date as may be
specified in the direction, but without prejudice to the
power of the Board to grant subsequently fresh super-
annuation allowances under this Part of this Act, and
for that purpose recorded service shall be treated as
recognised service and the period during which the
teacher was incapable of serving as aforesaid may be
treated as qualifying service.

(2) For the purposes of this section, the Board may
require a teacher to submit himself to the prescribed
medical examination, and if he fails to comply with any
such requirement shall, unless for special reasons they
think fit not to do so, direct that the allowance shall
cease as from such date as they may direct.

Contribu-
tions by
teachers
and em-
ployers.

9.—(1) For the purpose of defraying the cost of
the benefits under this Part of this Act, there shall
be paid in respect of every teacher to whom this Part
of this Act applies while he is employed in contributory
service, contributions as follows, that is to say :—

(a) an amount to be paid by the teacher equal to
five per cent. of the amount of his salary for
the time being;

(b) as from the first day of April, nineteen hundred
and twenty-eight, an amount to be paid by the
employer of the teacher equal to five per cent.
of the salary for the time being of the teacher.

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(2) Any amount paid by a local education authority
by way of contributions under this section shall for the
purposes of any regulations of the Board relating to
the payment of grant be treated as if it were expen-
diture on the salaries of the teachers in respect of
whom the contributions are paid.

(3) In the case of a teacher employed in or in
connection with a public elementary school maintained
by the local education authority or in any school
provided by the local education authority, the employer
of the teacher shall for the purposes of this Act be
deemed to be the local education authority.

(4) All sums payable by way of contributions under
this section shall be paid to and recoverable by the
Board, and all sums received by the Board under this
section shall be paid into the Exchequer.

10.—(1) For the purposes of this Part of this Act, the salary of a teacher shall be taken to be the sums
from time to time paid to him in respect of his employ-
ment in contributory service, excluding, unless the Board
otherwise direct, any fees or other emoluments : Calculation
of salary
and average
salary for
purposes of
Act.

Provided that—

(a) no account shall be taken for the purposes of
this Part of this Act of any amount by which
the salary calculated as aforesaid exceeds the
rate of two thousand pounds per annum unless
the teacher's salary was determined to be in
excess of that rate for the purposes of the
School Teachers (Superannuation) Act, 1922;
and

(b) where a teacher is by reason of sickness
receiving less than his full salary, the amount
which he is so receiving shall, for the purpose
of calculating the amount payable under this
Part of this Act by way of contributions in
respect of him, be deemed to be his salary.

(2) The average salary of a teacher for the purposes
of this Part of this Act shall be taken to be the average
amount of the teacher's full salary as calculated under
the foregoing provisions of this section in respect of
his employment in service which is recognised or con-
tributory service for the five years of such service
(whether continuous or not) next preceding the com-

A.D. 1925. — mencement of an annual superannuation allowance or the grant of an additional allowance or gratuity, or, if the teacher has not been so employed for five years, then the average amount of salary during the period for which he has been so employed :

Provided that, if in the opinion of the Board the salary of a teacher has been unreasonably increased in respect of his employment during any period to be taken into account in calculating his average salary, the salary on which his average salary is to be computed shall be deemed to be such amount as the Board consider to be proper.

Payment of contributions during intervals of service.

11.—(1) If the employment of a teacher in contributory service is discontinued for a period not exceeding four years in the case of a teacher who during the period is employed in full-time service as a teacher in any part of His Majesty's dominions outside the United Kingdom, and not exceeding one year in any other case, he may with the consent of the Board pay, at such times as the Board may require, by way of contributions under this Part of this Act an amount equal to ten per cent. of his salary in respect of the period of absence, and if he so contributes the said period shall be treated for the purposes of this Part of this Act as being a period during which he was employed in contributory service.

(2) For the purposes of this section, the amount of the teacher's salary shall be taken to be the amount of his full salary in respect of his contributory service immediately before the date on which that service was discontinued.

(3) For the purpose of the provisions of this Part of this Act, one half of any amount paid under this section shall be treated as having been paid by the teacher by way of teacher's contributions and the remaining half as having been paid by way of employer's contributions.

Return of contributions.

12.—(1) Where a teacher, who is not qualified for a superannuation allowance or a short service gratuity under this Act, ceases to be employed in contributory service, he shall, if he continues not to be so employed for a continuous period amounting to one year or for such shorter period and in such special circumstances as

A.D. 1925. — the Board may prescribe, be entitled to be repaid a sum equal to the balance of his contributions computed as at the date of the repayment.

(2) Any period the contributions in respect of which are repaid under this section shall be excluded in reckoning periods of contributory or recognised service for the purposes of this Part of this Act :

Provided that, if a teacher to whom contributions have been repaid under the foregoing provisions of this section or under the School Teachers (Superannuation) Act, 1922, is subsequently employed in contributory service, he may at any time while he is so employed, if he satisfies the Board in the prescribed manner of his physical capacity, repay the sum so repaid to him, together with compound interest thereon at the rate of three and a half per cent. from the date of the repayment to him to the date of the repayment by him, and thereupon he shall be treated for the purposes of this Part of this Act as if no repayment had been made to him.

(3) A teacher who on attaining the age of sixty-five years has failed to become qualified for the grant of a superannuation allowance under this Part of this Act shall be entitled to be repaid a sum equal to the balance of his contributions computed as at the date upon which he attained that age.

(4) When a teacher who is or has been in contributory service dies, his legal personal representatives shall be entitled to receive a sum equal to the balance, if any, of his contributions computed as at the date of his death.

(5) For the purposes of this Part of this Act—
(a) the balance of a teacher's contributions as at any date at which it is to be computed, shall be taken to be the amount by which the aggregate amount of the contributions paid by him (excluding any which have been previously repaid) together with compound interest thereon up to that date exceeds the aggregate amount of any sums payable under this Act to him or to his legal personal representatives (otherwise than by way of repayment under this section) together with compound interest thereon up to that date;

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(b) compound interest shall be calculated with yearly rests, and except where otherwise provided, at the rate of three per cent. per annum, and shall begin to run from the prescribed date.

(6) Notwithstanding anything in the foregoing provisions of this section, in the case of any teacher who has been employed in service in Scotland which is recognised by the Scottish Education Department as pensionable under any scheme of superannuation applicable to him, the balance of his contributions shall for the purposes of this section be calculated in such manner as may be prescribed as if the whole of his service had been recognised or contributory service, and as if contributions paid by him to the Scottish Education Department and sums paid to him or to his legal personal representatives under any such scheme as aforesaid had been respectively contributions and sums paid under this Part of this Act.

(7) In this section the expression "contributions" includes contributions paid under the School Teachers (Superannuation) Act, 1922, as amended by the School Teachers (Superannuation) Act, 1924.

Approved
external
service.

13.—(1) For the purposes of this section the expression "approved external service" means—

- (a) service in Scotland which is recognised by the Scottish Education Department as pensionable under any scheme of superannuation applicable to teachers in Scotland:
- (b) service as an inspector of the Board or in any other capacity as a civil servant, approved by the Treasury, in which teaching experience is of value or was of value at the date of his appointment therein, where the teacher satisfies the Board that before such service as aforesaid he has been engaged for not less than three years, whether in England or Wales or elsewhere, as a teacher in a capacity approved by the Board:
- (c) service in a university or a university college in England, Wales or Scotland in respect of which contributions are payable under any general scheme applicable to universities for providing

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benefits upon retirement, except where the teacher claims that no part of such service shall be treated as approved external service:

(d) such other service in places of education in the United Kingdom, and subject to such conditions as the Board may prescribe.

(2) Where a teacher has been employed in approved external service as well as in recognised or contributory service (whether any such employment was before or after the commencement of this Act) then—

(a) for the purpose of determining whether the teacher is a teacher to whom this Part of this Act applies, approved external service shall be treated as being contributory service;

(b) subject as hereinafter provided, no period of approved external service shall be reckoned for the purposes of—

(i) requiring the payment of contributions in respect of a teacher; or

(ii) calculating the amount of a superannuation allowance or gratuity under this Part of this Act; or

(iii) determining whether a teacher has died while in contributory service or within twelve calendar months thereafter:

Provided that the provisions of this Part of this Act with respect to the calculation of the average salary of the teacher shall have effect as if the reference therein to contributory and recognised service included a reference to approved external service:

(c) in determining for the purposes of paragraph (a) (iv) of subsection (1) of section two of this Act whether a teacher has been employed in some other form of contributory service, no period of approved external service of the kind described in paragraphs (a), (c) and (d) of subsection (1) of this section shall be deemed to be contributory service:

(d) where any approved external service is service of the kind described in paragraphs (a) or (b) of subsection (1) of this section and is service in respect of which a pension is payable to the

A.D. 1925. — teacher otherwise than under the provisions of this Act, then, if his recognised or contributory service and such approved external service taken together (hereinafter in this paragraph referred to as his aggregate service) exceeds forty years there shall for the purpose of calculating the amount of an annual allowance under this Part of this Act be deducted from his contributory or recognised service—

(i) in a case where the whole of such approved external service is of the kind described in the said paragraph (a), such proportion of the excess by which such aggregate service exceeds forty years as is equal to the proportion of his aggregate service which is contributory or recognised service:

(ii) in a case where the whole of such approved external service is of the kind referred to in the said paragraph (b), a period equal to the excess by which the aggregate service of the teacher exceeds forty years:

(iii) in a case where such approved external service is partly of the kind described in the said paragraph (a) and partly of the kind described in the said paragraph (b), the same proportion of the excess by which such aggregate service exceeds forty years as the teacher's recognised or contributory service bears to the sum of that service and his service of the kind described in the said paragraph (a) when taken together:

(e) the provisions of the last foregoing paragraph shall apply for the purpose of calculating the amount of an additional allowance under this Part of this Act with the modification that forty-five years shall be substituted for forty years:

(f) any allowance or gratuity which may be granted to the teacher under this Part of this Act shall be calculated by reference to the period of recognised or contributory service actually served by him and not by reference to the completed years of that service:

Provided that, for the purpose of calculating any such allowance or gratuity in respect of any excess by which the teacher's recognised or contributory service and his approved external service taken together (hereinafter in this paragraph referred to as his "total service") exceeds a number of completed years, there shall be deducted from his recognised or contributory service a proportion equal to the proportion of his total service which is recognised or contributory service:

(g) subject to the foregoing provisions of this section, any period of approved external service shall be treated as if it were recognised or contributory service as the case may be, and references in this Act to recognised and contributory service shall be construed accordingly.

(3) Notwithstanding anything in the foregoing provisions of this Act, no supplementary death gratuity shall be payable under this Part of this Act to the legal personal representatives of a teacher if the last employment of the teacher in contributory service before his death was in approved external service.

14.—(1) The provisions of this Part of this Act shall apply to any person (in this section referred to as "an organiser") who satisfies the Board—

(a) that he is or has been employed by a local education authority in full-time service which to a substantial extent involves the control or supervision of teachers; and

(b) that before being so employed he was engaged for not less than three years, whether in England or Wales or elsewhere, as a teacher in a capacity approved by the Board,

as if in respect of his full-time service as an organiser after the commencement of this Act he were a teacher employed in contributory service; and references in Parts I., II. and IV. of this Act to teachers and to contributory service shall be construed accordingly.

For the purpose of the foregoing provision the employment of any person by the Central Welsh Board for Intermediate Education established by a scheme under the Welsh Intermediate Education Act, 1889, 52 & 53 Vict. shall be treated as employment by a local education authority.

Provisions
as to persons
serving as
educational
organisers.

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(2) Where a person employed in contributory service, whether as an organiser or otherwise, has been employed before the commencement of this Act in full-time service as an organiser, the allowances and gratuities which may be granted to or in respect of him under this Part of this Act shall be calculated, as respects service before the commencement of this Act, in whichever of the following ways is, in the opinion of the Board, most advantageous to him, that is to say:—

- (a) he shall be treated as having served in recognised service only during his actual years of recognised service, if any; or
- (b) he shall be treated as having served in recognised service for all the purposes of this Part of this Act for one-half of the aggregate number of years for which he has served before the commencement of this Act either as a teacher in recognised service or in full-time service as an organiser:

Provided that—

- (a) no contributions shall be required to be paid in respect of any period of service as an organiser in respect of which he is so treated as serving in recognised service; and
- (b) in either case any full-time service as an organiser shall, for the purposes of determining his qualification for a superannuation allowance or gratuity under this Part of this Act and of computing his average salary in accordance with the provisions of this Part of this Act, be treated as recognised service.

(3) In respect of any period of full-time service for which an organiser who ceases to be employed in contributory service is not entitled under the foregoing provisions of this section to be treated as having served in recognised service:—

- (a) His employer may, either by means of a single payment or by means of such periodical payments as the Treasury may determine, pay to the Board such sum as may be determined by the Treasury to represent the present value of the amount by which allowances or gratuities payable to or in respect of the organiser under this Part of this Act would have been increased if he had been entitled to be so treated; and

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upon any such payment as aforesaid being made the organiser shall be treated as having served in recognised service during the period in respect of which the payment is made; and the allowances or gratuities payable to, or in respect of, him shall be increased accordingly; or

- (b) His employer may pay to or in respect of the organiser the amounts by which the allowances or gratuities payable to, or in respect of, him would have been increased if he had been entitled to be so treated;
- all sums payable to the Board under this subsection shall be recoverable by the Board, and all sums received by the Board under this subsection shall be paid into the Exchequer.

(4) For the purposes of this section—

- (a) in the case of an organiser over the age of sixty-five years, who at the date of the commencement of this Act is in employment which would be contributory service if he were under that age, the Board may treat him as if he were employed at that date in contributory service; and
- (b) employment as an organiser by any predecessor to a local education authority shall be treated as employment by a local education authority.

15.—(1) There shall be kept in accordance with the directions contained in the Second Schedule to this Act an account in such form and prepared in such manner as may be provided for by regulations made by the Treasury, of all revenue and expenditure (including any sums which are under the said schedule to be deemed to be revenue or expenditure) under the School Teachers (Superannuation) Acts, 1918 to 1924 and under this Act, as from the first day of June, nineteen hundred and twenty-two, and at the expiration of the period of seven years from the commencement of this Act, and at the expiration of every subsequent period of seven years, the Treasury shall cause an actuarial inquiry to be made for the purpose of determining whether on the basis of the said account the contributions payable under this Part of this Act are sufficient, or more than sufficient or less than sufficient, to support the benefits payable thereunder in respect of those contributions.

Accounts
and
actuarial
inquiries.

A.D. 1925. — (2) The Treasury shall cause a report of every inquiry made under this section to be laid before both Houses of Parliament.

Application of certain provisions of 8 & 9 Geo. 5. c. 55. 16. The provisions of the School Teachers (Superannuation) Act, 1918, which are set out with modifications in the First Schedule to this Act shall have effect for the purpose of the provisions of this Part of this Act as if they were re-enacted therein as so set out.

Power to make rules. 17.—(1) The Board may, with the consent of the Treasury and after consultation with representatives of local education authorities and of teachers affected, make rules for carrying this Act into effect, and those rules may in particular provide—

- (a) for the deduction from the salary of a teacher of the amount of the contributions payable by him, and for the collection of contributions by deductions to be made from any grant payable out of moneys provided by Parliament, and otherwise for the manner in which contributions are to be collected;
- (b) for prescribing within what periods contributions are to be paid, and upon what conditions contributions not paid within the prescribed periods may be accepted;
- (c) for prescribing to what accounting period contributions paid under this Part of this Act are to be attributable;
- (d) for authorising the provisional collection of contributions from or in respect of teachers whose liability to contribute is for the time being in doubt;
- (e) for prescribing the manner in which any contributions found to have been paid in error shall be repaid;
- (f) for the manner in which the salaries and emoluments of teachers, the service of teachers, and contributions paid by or in respect of teachers are to be recorded by their employers;
- (g) for prescribing what part of any sums paid to teachers in respect of their employment in contributory service is to be treated as emoluments;

A.D. 1925. —

- (h) for determining what amounts teachers are to be treated as receiving by way of salary for any of the purposes of this Part of this Act during periods of absence on leave or on holiday, and how far any such periods are to be treated as service for the purposes of this Part of this Act;
 - (i) for allowing war service to be treated as recognised or qualifying service and for prescribing the circumstances in which, the extent to which, and the conditions under which it is to be so treated;
 - (j) for the manner in which and the time within which an application for a superannuation allowance or a gratuity is to be made;
 - (k) for prescribing anything which is under this Act to be prescribed.
- (2) All rules made under this section shall be laid as soon as may be before both Houses of Parliament:

18. In this Part of this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

“Certificated teacher,” “uncertificated teacher,” and “teacher of a special subject” mean respectively a teacher who is recognised under the regulations of the Board for the time being in force for public elementary schools as a certificated teacher, a teacher who is so recognised as an uncertificated teacher, and a teacher who is so recognised as a teacher of a special subject:

“Grant-aided school” means a place of education (other than a university or a university college) in receipt of a grant, or in respect of which a grant is made, out of moneys provided by Parliament from or by the Board, or from or by any public department whose place has been taken by the Board:

“His Majesty’s dominions” includes any territory which is under His Majesty’s protection or in respect of which a mandate is being exercised by the government of any part of His Majesty’s dominions:

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"Prescribed" means prescribed by rules made under this Act:

"Qualifying service" means any employment, whether in the capacity of a teacher or otherwise, which the Treasury on the recommendation of the Board may declare to be qualifying service for the purpose of calculating the period qualifying for a superannuation allowance:

"Service" means salaried employment under a contract of service with an employer of a person who at the date of the employment is over eighteen and under sixty-five years of age:

"United Kingdom" means Great Britain and Northern Ireland:

"War service" means service in any of the naval or military forces of the Crown in the late war, or any service in connection with naval or military operations in that war which the Board consider may properly be treated in the same manner as actual naval or military service, and includes any period during which a person though not actually serving in such service as aforesaid was, as the result of his service, prevented or hindered from procuring work as a teacher owing to injury, illness, or any other cause.

Construction of references in other Acts to recognised service.

19. References in any Act passed before the commencement of this Act, except the School Teachers (Superannuation) Acts, 1918 to 1924, to "recognised service" within the meaning of the last-mentioned Acts shall, unless the context otherwise requires, be construed as references to "contributory service" within the meaning of this Act.

PART III.

AMENDMENTS IN RESPECT OF PAST SERVICE.

20.—(1) In the case of a teacher who served in recognised service within the meaning of the School Teachers (Superannuation) Act, 1918, in a school certified under the Elementary Education (Blind and Deaf

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56 & 57 Vict. c. 42.

Children) Act, 1893, any service by him in the capacity of a teacher in a school or class for blind or deaf children before the commencement of the last-mentioned Act, or within such period after the commencement of that Act as may be allowed by the Board, shall be deemed always to have been such recognised service.

(2) The following paragraph shall be substituted for paragraph (vi) of the definition of recognised service in section eighteen of the School Teachers (Superannuation) Act, 1918:—

"(vi) in the capacity of a teacher during any period before the school became grant-aided in any school (not being an elementary school or a school certified under Part IV. of the Children Act, 1908), which, though not grant-aided at the date of the service, was grant-aided at any time after the date of the service before the first day of April, nineteen hundred and twenty-four, or was in the opinion of the Board educationally continuous with a school which was grant-aided at any time before that date."

(3) Any addition to an annual allowance granted before the date of the commencement of this Act which may be made by virtue of any of the foregoing provisions of this section shall begin to accrue only from that date.

(4) Section eighteen of the School Teachers (Superannuation) Act, 1918, shall have effect, and shall be deemed always to have had effect, as though the following paragraph were substituted for paragraph (viii) thereof:—

"(viii) Subject to the prescribed conditions, in the capacity of a teacher during any period before the commencement of this Act in any school (not being a school conducted for private profit) other than such a school as is mentioned in paragraph (i), (ii), (iii), (iv) or (vi) of this definition, so, however, that not more than ten years' service in any such school shall be recognised for the purposes of this Act."

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PART IV.

GENERAL.

Power to
make
schemes
extending
operation of
Act.

21.—(1) The Board may, with the consent of the Treasury and subject to the provisions of this section, make schemes for any of the following purposes, that is to say:—

(a) For applying the provisions of Part II. of this Act, with such modifications as may seem to the Board desirable, to persons employed in the capacity of teachers in schools (including any person not being the proprietor employed in a school conducted for private profit) which are not grant-aided schools within the meaning of the said Part II., so, however, that no such scheme shall be made unless the Treasury, after consultation with the Government Actuary, are of opinion that the contributions to be paid under the scheme may be expected to be equal in value to the benefits payable under the scheme in respect of such contributions;

(b) For applying the provisions of Part II. of this Act, with such modifications as may seem to the Board desirable, to persons employed, whether in England or Wales or elsewhere, in the capacity of teachers by Government Departments in England or Wales, or in institutions which are provided by such Government Departments, or which are in receipt of a grant, or in respect of which a grant is made, out of moneys provided by Parliament from or by some such Government Department other than the Board;

(c) For giving effect to any arrangements made with any authority administering any statutory scheme of superannuation for school teachers in any part of His Majesty's dominions, providing for the extension (whether with or without modification) of the provisions of Part II. of this Act to service in the capacity of a teacher in that part of His Majesty's dominions, and

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for the extension of such statutory scheme to contributory service under Part II. of this Act.

For the purposes of the foregoing provision the expression "His Majesty's dominions" includes any territory which is under His Majesty's protection or in respect of which a mandate is being exercised by the Government of any part of His Majesty's dominions.

(2) Before any scheme is made under this section, a draft thereof shall be laid before each House of Parliament for a period of not less than twenty days during which the House is sitting, and if either House before the expiration of that period presents an Address to His Majesty against the draft or any part thereof, no further proceedings shall be taken thereon, but without prejudice to the making of any new draft scheme.

(3) A scheme made under this section may, except as may be otherwise provided in the scheme, at any time be varied or revoked by another scheme so made.

22. The expenses incurred by the Board in carrying this Act into effect shall be defrayed out of moneys provided by Parliament.

Provision
for ex-
penses.

23.—(1) This Act shall not extend to Scotland or Northern Ireland.

Extent,
commence-
ment and
short title.

(2) This Act shall come into operation on the first day of April, nineteen hundred and twenty-six.

(3) Subsection (1) of section one of the Elementary School Teachers (Superannuation) Act, 1898, is hereby repealed.

(4) This Act may be cited as the Teachers (Superannuation) Act, 1925, and the School Teachers (Superannuation) Acts, 1918 to 1924, and this Act may be cited together as the Teachers (Superannuation) Acts, 1918 to 1925.

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SCHEDULES.

Section 16.

FIRST SCHEDULE.

No claim to superannuation allowance or gratuities as of right.

Payment and assignment of allowances.

6. Except as in this Act provided, the decision of the Board on any question which may arise as to, or which may affect, the application of this Act to any person, or the qualification for any superannuation allowance or gratuity or for the return of any balance of contributions, or the amount of any superannuation allowance or gratuity, or of any balance of contributions, or on any question which may arise as to the amount of the average salary of any teacher, shall be final.

7.—(1) Every annual superannuation allowance shall be payable quarterly at such times and in such manner as the Treasury may determine.

(2) Every assignment of or charge on, and every agreement to assign or charge, any superannuation allowance or gratuity or any sum which is or may become repayable under this Part of this Act on account of the return of any balance of contributions shall be void, and on the bankruptcy of a person entitled to any such allowance, gratuity or sum the allowance, gratuity or sum shall not pass to any trustee or other person acting on behalf of the creditors, but this provision shall be without prejudice to any order of the court made under section fifty-one of the Bankruptcy Act, 1914, or under any corresponding enactment in Scotland or Northern Ireland.

Payment without probate in certain cases.

8. Where any sum not exceeding one hundred pounds is payable under this Part of this Act in respect of a superannuation allowance or gratuity granted to a deceased teacher or of a gratuity granted to the legal personal representatives of a deceased teacher or by way of the return of any balance of contributions, probate or other proof of title of the legal personal representatives may be dispensed with, and the sum may be paid or distributed to or among the persons appearing to the Board to be beneficially entitled to the personal estate of the deceased teacher, or to or among any one or more of those persons, or in the case of the illegitimacy of the teacher or of his children to or among such persons as the Board may think fit.

Provision as to allowance payable to persons mentally disabled.

9. Where any sum in respect of a superannuation allowance or gratuity or the return of any balance of contributions is payable to any person under this Part of this Act, and the person to whom the sum is payable is certified by a justice or minister of religion and by a medical practitioner to be unable by reason

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of mental disability to manage his affairs, the Board may pay so much of the said sum as they think fit to the institution or person having the care of the disabled person, and may pay the surplus, if any, or such part thereof as the Board think fit, for or towards the maintenance and benefit of the wife or husband and relatives of the disabled person.

10. Where a teacher who has applied for any superannuation allowance or gratuity, or in respect of whom a death gratuity has been applied for, has been dismissed or otherwise ceased to serve as a teacher in consequence of grave misconduct, or has been guilty of such misconduct as, in the opinion of the Board, has accelerated his death or retirement, the Board may either refuse or grant at a reduced rate the allowance or gratuity.

Where the Board, in pursuance of the foregoing provision, have refused or granted at a reduced rate a superannuation allowance or gratuity, they may at any time thereafter, if they are of opinion that for any reason it is proper so to do, either grant the allowance or gratuity or pay it in full.

11.—(1) If any person—

(a) for the purpose of obtaining for himself or any other person any superannuation allowance or gratuity or the return of any balance of contributions personates any person or makes any false certificate, false representation or false statement, or makes use of any false certificate or document, false representation or false statement, knowing the same to be false; or

(b) by means of any such false certificate, false document, false representation or false statement, or by personation or other fraudulent means, obtains or attempts to obtain for himself or any other person any superannuation allowance or gratuity or the return of any balance of contributions,

he shall be liable on conviction on indictment to imprisonment for a term not exceeding two years, and on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding twenty-five pounds.

(2) Any penalty for any offence under this section may be in addition to any refusal or reduction of the allowance or gratuity.

(3) Any reference in this section to the obtaining of a superannuation allowance or gratuity or of the return of any balance of contributions, shall include a reference to the obtaining of an increase of a superannuation allowance, gratuity,

Provisions as to refusal or reduction of allowance or gratuity.

Penalty for false representation and fraud.

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12. No teacher, other than a teacher who is not entitled to benefits under this Part of this Act, shall make any contributions towards a deferred annuity under the Elementary School Teachers (Superannuation) Act, 1898, in respect of service after the commencement of this Act, but where any teacher has made any such contributions in respect of service before that date he shall, notwithstanding that he thereafter ceases to make contributions, be entitled to a deferred annuity in respect of those contributions.

13. The provisions of the Elementary School Teachers (Superannuation) Act, 1898, with respect to the grant of superannuation and disablement allowances shall, as from the commencement of this Act, cease to have effect as regards teachers entitled to benefits under this Part of this Act.

14.—(1) The following provisions shall have effect with regard to pensions schemes:—

(a) A teacher who is not subject to a pensions scheme at the commencement of this Act shall not, while he is in contributory service, be subject to, or pay or be required to pay any contributions under such a scheme:

(b) Where any pensions scheme applies to a teacher who is in recognised service at the commencement of this Act or who thereafter enters contributory service, he may, if he so thinks fit, make in the prescribed manner and within the prescribed time a declaration to the effect that he desires to withdraw from the scheme, and if he so makes such a declaration the scheme shall as from the date of the commencement of this Act or the date on which he entered contributory service, as the case may be, cease to apply to him:

(c) Where a person, to whom a pensions scheme applies as aforesaid, does not withdraw therefrom in accordance with the provisions of this section, this Part of this Act shall not apply to him:

(d) Where a teacher withdraws from a pensions scheme in accordance with the provisions of this section, he shall be entitled to be recouped by the persons having the management of the scheme in respect of his past contributions under the scheme in such manner and upon such terms as may, subject to the approval of the Treasury, be agreed upon between him and those persons, or in default of agreement, may be determined by the Treasury.

(2) In this section the expression "pensions scheme" means any scheme or arrangement established or carried on, whether under any Act of Parliament or otherwise, by a council having powers under the Education Act, 1921, or the governing body of a school under which payments by way of contribution to a fund or otherwise are made either by the council or governing body, as the case may be, or jointly by the council or governing body, as the case may be, and persons employed as teachers, with a view to providing benefits for those persons on disablement, retirement, attainment of any specified age, or death.

16. Notwithstanding any provision regulating the trusts or management of a school, the governing body of the school shall have power to fulfil any conditions which may be required to be fulfilled in order that service in that school may be contributory service for the purpose of this Act.

SECOND SCHEDULE.

DIRECTIONS AS TO ACCOUNT.

1. The accounting periods for which the account shall be made up shall be from the first day of June, nineteen hundred and twenty-two, to the thirty-first day of March, nineteen hundred and twenty-three, and thereafter from the first day of April in each year to the thirty-first day of March in the next year.

2. There shall be treated as having been paid into the revenue for each accounting period—

(a) by teachers the amount of teachers' contributions attributable to the period, and by their employers a sum equal to that amount; and

(b) out of moneys provided by Parliament a sum equal to the expenditure during the period upon allowances and gratuities attributable to service before the first day of June, nineteen hundred and twenty-two; and

(c) a sum representing interest at the rate of three-and-a-half per cent. per annum on the mean balance, if any, of revenue over expenditure during the period; such mean balance being calculated by adding together one-half of the balance (exclusive of any interest under this paragraph) remaining at the end of the period and one-half of the balance, if any, carried forward from the last preceding accounting period; and

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(d) the amount of any balance of revenue over expenditure remaining at the end of the last preceding accounting period; and

(e) any other revenue attributable to the period.

3. There shall be shown the expenditure upon allowances and gratuities attributable to service before the first day of June, nineteen hundred and twenty-two, separately from expenditure upon allowances, gratuities, and the return of contributions attributable to service since that date.

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