

ORDRE EN CONSEIL

Ratifiant un Projet de Loi intitulé

LOI SUR LA MISE EN RETRAITE DES INSTITUTEURS.

[AVEC TRADUCTION.]

(Enregistré sur les Records de l'Île de Guernesey le
17 juillet 1920.)

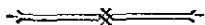


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1920.

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ORDRE EN CONSEIL.



À LA COUR ROYALE DE L'ÎLE DE GUERNESEY.

Le 17 juillet 1920, pardevant Edvard Chepmell Ozanne, écuyer, Baillif; présents: George Edward Kinnersly, George Herbert Le Mottée, Julius Bishop, Adolphus John Hocart, John Leale, Lionel Slade Carey, James Esten de Jersey, William de Prélaz Crousaz et Jean Allès Simon, écuyers, Jurés.

Monsieur le Baillif ayant ce jour communiqué à la Cour un Ordre de Sa Majesté en Conseil en date du 28 juin 1920, ratifiant un projet de loi intitulé "Loi sur la mise en retraite des Instituteurs,"—La Cour, après lecture du dit Ordre, ouïes les conclusions du Procureur du Roi, a ordonné que le dit Ordre sera enregistré sur les Records de cette île, duquel Ordre la teneur suit :—

At the Court at Buckingham Palace

The 28th day of June, 1920.

Present,

The King's Most Excellent Majesty

LORD PRESIDENT.

LORD STEWARD.

EARL OF DESART.

LORD SOMERLEYTON.

Whereas there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 21st day of June, 1920, in the words following, viz. :—

"Your Majesty having been pleased, by Your General Order of Reference of the 10th day of May, 1910, to refer unto this Committee the humble Petition of the States of the Island of

Guernsey setting forth 1. that on the 19th February, 1919, the States adopted the principles of the School Teachers' (Superannuation) Act, 1918, and authorized the Education Council to appoint a Deputation to proceed to England in order to confer with the Board of Education on the subject, and further requested the Royal Court, on the return of the Deputation, to prepare a *Projet de Loi* for the consideration of the States: 2. that on the 6th December, 1919, the Court of Chief Pleas adopted a Bill or *Projet de Loi* prepared by the Attorney-General, with slight modifications, and the Bailiff was requested to submit the same to the States for their approval: 3. that on the 30th December, 1919, the States approved the said *Projet de Loi*, and authorized the President to present a most humble Petition to Your Majesty praying for Your Royal Sanction thereto: 4. that the said *Projet de Loi* is intituled '*Loi sur la mise en retraite des Instituteurs*,' and is in the words and figures of the Schedule to the said Petition: And most humbly praying that Your Majesty would be graciously pleased to grant Your Royal Sanction to a *Projet de Loi* intituled '*Loi sur la mise en retraite des Instituteurs*,' and to order and direct that the same might have the force of Law within the Island of Guernsey.

"The Lords of the Committee, in obedience to Your Majesty's said Order of Reference, have taken into consideration the said Petition and the said *Projet de Loi*, and likewise a Petition of the National Union of Teachers and of the School Teachers subscribing to the Guernsey Primary Teachers' Provident Fund against the said *Projet de Loi*, and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said Petition of the said States, and to approve of and ratify the said *Projet de Loi*."

His Majesty, having taken the said Report into consideration, is pleased, by and with the advice of His Privy Council, to approve of and ratify the said *Projet de Loi*, and to order, as it is hereby ordered, that the same shall have the force of Law within the Island of Guernsey.

And His Majesty doth hereby further direct that this Order, and the said *Projet de Loi* (a copy whereof is hereunto annexed), be entered upon the Register of the Island of Guernsey, and observed accordingly.

And the Lieutenant-Governor or Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other His Majesty's Officers, for the time being, in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

ALMERIC FITZROY.

PROJET DE LOI referred to in the foregoing
Order in Council.

LOI SUR LA MISE EN RETRAITE DES INSTITUTEURS.

Attendu que l'anglicé "Board of Education" en Angleterre est autorisé en vertu de la Section 20 de l'Acte du Parlement intitulé "School Teachers' (Superannuation) Act, 1918," avec l'assentiment de la Trésorerie à faire tels règlements qu'il croira nécessaires ou désirables à l'effet d'étendre les dispositions du dit Acte du Parlement à aucune des Iles de la Manche.

Attendu que les États de cette Ile par leur délibération en date du 19 février 1919 ont été d'avis d'adopter le principe du dit Acte du Parlement pour lui permettre d'avoir force de loi en cette Ile.

Attendu que certaines modifications du dit Acte du Parlement sont nécessaires pour faciliter son application en cette Ile.

Article I.

A partir du premier avril 1919 les dispositions de l'Acte du Parlement intitulé "School Teachers' (Superrannuation) Act, 1918," auront force de loi en cette Ile, sujet toutefois aux modifications suivantes, rédigées dans la langue anglaise, et à toutes autres modifications que l'anglicé "Board of Education" pourrait trouver nécessaires ou désirables pour faciliter son application, et pour cet effet le Conseil d'Education des Etats adoptera les règlements de l'anglicé "Board of Education" en Angleterre actuellement en force et ceux qui seront de temps en temps à l'avenir faits par le dit "Board of Education."

(1) At the end of sub-section (4) of section 5 the words "or, in the case of Guernsey, out of moneys "provided by the States" shall be added after the words "moneys provided by Parliament."

(2) At the end of sub-section (2) of section 7 the words "or, in the case of Guernsey, to any order of "the Royal Court composed of the Bailiff or his "Lieutenant and at least seven Jurats" shall be added after the words "Scotland or Ireland."

(3) In paragraph (d) of sub-section (1) of section 14 in the case of a pensions scheme established in Guernsey the following words "in such manner and "upon such terms as may, subject to the approval of "the States, be agreed upon between him and those "persons, or in default of agreement may be determined by the Royal Court composed of the Bailiff "or his Lieutenant and at least seven Jurats" shall be substituted for the words "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.”

(4) In sub-section (2) of section 14 the expression “pensions scheme” when applied to Guernsey shall include Provident Funds administered by a States or other Committee.

(5) For paragraph (i.) of the definition of “recognized service” the following shall be substituted :—

“in the capacity of a teacher in a public primary school by a teacher who is certificated or uncertificated, or is a teacher of a special subject or who holds a certificate called in English ‘The Head Teachers’ Certificate’ or a certificate called in English ‘The Assistant Teachers’ Certificate.’”

(6) In paragraph (vii.) of the definition of “recognized service” references to the Council of Education of the States of Guernsey shall be substituted for references to the Treasury and for references to the Board.

(7) At the end of the definition of grant-aided school the words “or in the case of Guernsey, out of moneys provided by the States of Guernsey” shall be added after the words “taken by the Board.”

Article II.

Le Conseil d'Education des Etats payera telle portion des pensions de retraite et des gratifications qui sera attribuable aux services rendus dans l'Ile de Guernesey et qui doit être payée “otherwise than out of moneys provided by Parliament,” conformément aux dispositions du dit Acte du Parlement dit “School Teachers’ (Superannuation) Act, 1918.”

Les paiements du Conseil d'Education se feront de telle manière que le dit Conseil et l'anglicé “Board of Education” s'accorderont.

Lors de la retraite d'un instituteur qui,

(1) ne s'est pas prévalu des dispositions de l'article III. de cette loi,

(2) se serait retiré ou aurait été déchargé du service scolaire de cette île, soit avant l'enregistrement de la présente loi sur les Records de cette île, soit avant l'expiration de la période mentionnée dans le dit article III. de cette loi,

la somme qu'il aura reçu d'aucun Fonds de Prévoyance anglicé "Provident Fund" ou "Pensions Scheme" (déduction faite de ce qu'il aurait contribué au dit Fonds) sera rapportée en compte au crédit des États de cette Île lors de la fixation de la pension de retraite et de la gratification auxquelles le dit instituteur aura droit.

Dans le cas de désaccord par rapport à la somme qui doit être ainsi rapportée en compte, la Cour Royale composée comme est mentionné dans l'alinéa 3 de l'article 1 en décidera et sa décision sera finale.

Les États de cette île décideront si la dite somme ainsi rapportée en compte à leur crédit sera appliquée à une réduction de pension ou à une déduction de gratification payable à l'instituteur par rapport à son service dans l'île de Guernesey ; la décision des dits États sera finale en cette matière.

Article III.

Les maîtres et maîtresses qui ne désirent pas accepter les privilèges du dit Acte du Parlement donneront avis par écrit à cet effet au Président du Conseil d'Éducation des États dans la période d'un mois qui suivra l'enregistrement de l'Ordre de Sa Majesté en Conseil sanctionnant la présente loi et ce dans la forme suivante :—

Je soussigné (nom et prénoms) dont le numéro enregistré comme maître ou maîtresse est
vous donne avis que je n'accepte

pas l'Acte du Parlement dit "School Teachers' (Superannuation) Act, 1918," ou la Loi sur la mise en retraite des Instituteurs basée sur le dit Acte du Parlement.

Article IV.

Les peines et punitions contenues dans la Section onze du dit Acte du Parlement seront applicables dans les cas d'infraction des dispositions du dit Acte et de cette loi de même manière que si elles avaient été reproduites dans cette loi, et dans le dernier paragraphe de la dite Section onze sous-section (1) après les mots "summary conviction" seront ajoutés les mots "before the Bailiff or his Lieutenant and two Jurats of the Royal Court sitting as a Police Court."

Article V.

Les amendes seront applicables moitié à Sa Majesté et moitié au délateur.

(Extrait des Registres),

QUERTIER LE PELLEY,

Greffier du Roi.

TRANSLATION of "Law relating to Teachers' Superannuation," approved by His Majesty in Council the 28th June, 1920.

Whereas the Board of Education in England is authorized by virtue of Section 20 of the Act of Parliament intituled "School Teachers' (Superannuation) Act, 1918," with the assent of the Treasury, to make such regulations as it may deem necessary or desirable in order to extend the provisions of the said Act of Parliament to any of the Channel Islands.

Whereas the States of this Island by their resolution of the 19th February, 1919, resolved to adopt the principle of the said Act of Parliament so that it shall have the force of law within this Island.

Whereas certain modifications of the said Act of Parliament are necessary in order to facilitate its application to this Island.

Article I.

From the 1st April, 1919, the provisions of the Act of Parliament intituled "School Teachers' (Superannuation) Act, 1918," shall have the force of law within this Island, subject always to the following modifications, drawn up in the English language, and to all other modifications which the Board of Education may deem necessary or desirable to facilitate its application, and for this purpose the States' Education Council shall adopt the regulations of the Board of Education in England now in force, and those which shall from time to time be in future made by the said Board of Education.

(1) At the end of the subsection (4) of section 5 the words "or in the case of Guernsey, out of moneys provided by the States" shall be added after the words "moneys provided by Parliament."

(2) At the end of subsection (2) of section 7 the words "or, in the case of Guernsey, to any order of the Royal Court composed of the Bailiff or his Lieutenant and at least seven Jurats" shall be added after the words "Scotland or Ireland."

(3) In paragraph (d) of subsection (1) of section 14 in the case of a pensions scheme established in Guernsey the following words "in such manner and upon such terms as may, subject to the approval of the States, be agreed upon between him and those persons, or in default of agreement may be determined by the Royal Court composed of the Bailiff or his Lieutenant and at least seven Jurats" shall be substituted for the words "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."

(4) In subsection (2) of section 14 the expression "pensions scheme" when applied to Guernsey shall include Provident Funds administered by a States or other Committee.

(5) For paragraph (i) of the definition of "recognized service" the following shall be substituted :—

"in the capacity of a teacher in a public primary school by a teacher who is certificated or uncertificated, or is a teacher of a special subject or who holds a certificate called in English 'The Head Teachers' Certificate' or a certificate called in English 'The Assistant Teachers' Certificate.'"

(6) In paragraph (vii) of the definition of "recognized service" references to the Council of Education of the States of Guernsey shall be substituted for references to the Treasury and for references to the Board.

(7) At the end of the definition of grant-aided school the words "or in the case of Guernsey, out of

moneys provided by the States of Guernsey " shall be added after the words " taken by the Board."

Article II.

The States' Education Council shall pay such portion of the Superannuation allowances and gratuities attributable to the services rendered in the Island of Guernsey, and which must be paid "otherwise than out of monies provided by Parliament," in conformity with the provisions of the said Act of Parliament intituled "School Teachers' (Superannuation) Act, 1918."

The payments of the Education Council shall be made in the manner agreed upon between the Education Council and the Board of Education.

Upon the retirement of a teacher who,

- (1) has not taken advantage of the provisions of Article III. of this Law,
- (2) shall have retired or been discharged from the teaching profession of this Island, either before the registration of the present law on the Records of this Island, or before the expiration of the period mentioned in the said Article III. of this Law ;

the sum which he shall have received from any Provident Fund or Pensions Scheme (after deduction of what he has contributed to the said Fund) shall be credited to the States of this Island when fixing the Superannuation allowance and the gratuity to which the said teacher shall be entitled.

In the case of disagreement with respect to the sum which must thus be credited, the Royal Court composed as mentioned in paragraph (3) of Article I shall adjudicate and its decision shall be final.

The States of this Island shall decide whether the said sum so credited to them shall be applied to a

reduction of allowance or to a deduction of gratuity payable to the teacher with respect to his service in Guernsey ; the decision of the States in this matter shall be final.

Article III.

The masters and mistresses who do not desire to accept the privileges of the said Act of Parliament shall give notice in writing to that effect to the President of the States' Education Council within one month from the date of registration of the Order of His Majesty in Council sanctioning the present law, and in the following form :—

I, the undersigned (name and Christian names), whose registered number as Master or Mistress is give you notice that I do not accept the Act of Parliament intituled "School Teachers' (Superannuation) Act, 1918," or the Law relating to Teachers' Superannuation based upon the said Act of Parliament.

Article IV.

The pains and penalties contained in Section eleven of the said Act of Parliament shall be applicable in cases of infraction of the provisions of the said Act and of this law as though they had been reproduced in this law, and in the last paragraph of the said Section eleven, subsection (1) after the words "summary conviction" shall be added the words "before the Bailiff or his Lieutenant and two Jurats of the Royal Court sitting as a Police Court."

Article V.

The fines shall be applicable one half to His Majesty and one half to the informer.