

PARLIAMENT OF CEYLON

2nd Session 1953



School Teachers Pension Act, No. 44 of 1953

Date of Assent : December 19, 1953

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AN ACT TO AMEND AND CONSOLIDATE THE LAW RELATING TO THE GRANT OF PENSIONS, GRATUITIES OR OTHER ALLOWANCES TO TEACHERS AND TO THE WIVES AND CHILDREN OF MALE TEACHERS, AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

[Date of Assent: December 19, 1953.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the School Teachers Pension Act, No. 44 of 1953. Short title.

2. (1) There shall be a Pension Scheme for the grant of pensions, gratuities or other allowances to teachers (hereinafter referred to as "the Pension Scheme"). Establishment of a Pension Scheme.

(2) The Pension Scheme, which has been established under the School Teachers Pension Ordinance and which is in existence on the day immediately preceding the date of the commencement of this Act, shall be the Pension Scheme established for the purposes of this Act. Cap. 298.

3. (1) Regulations may be made under this Act providing for the regulation, administration and management of the Pension Scheme, the conditions and circumstances in which, and the restrictions subject to which, teachers will be eligible for the grant of pensions, gratuities or other allowances, fixing the contributions to be made thereto by teachers, and the payments to be made thereunder to teachers, authorising the contributions of teachers to be deducted from their salaries, prescribing the procedure for making such deductions, authorising the payment of such contributions into the Consolidated Fund, and all matters incidental to or connected with such Scheme for which no express provision is made in this Act. Regulations for the Pension Scheme.

(2) Without prejudice to the generality of the provisions of sub-section (1), regulations made under that sub-section in respect of any matter may make provision similar to that made in respect of the same matter in the Minutes regulating the pensions or gratuities to be granted to public servants.

Establishment
of Widows' and
Orphans'
Pension Fund.

4. There may, in accordance with regulations made under this Act, be established and regulated a Widows' and Orphans' Pension Fund for the grant of pensions to the widows and children of male teachers (hereinafter referred to as "the Pension Fund").

Regulations for
the Pension
Fund.

5. (1) Regulations may be made under this Act providing for the establishment, regulation, administration and management of the Pension Fund, the conditions and circumstances in which, and the restrictions subject to which, the widows and children of male teachers will be eligible for the grant of pensions, fixing the contributions, if any, to be made thereto by the Government, fixing the contributions to be made thereto by male teachers, authorising the contributions of male teachers to be deducted from their salaries, prescribing the procedure for making such deductions, authorising the payment of all such contributions into the Fund, authorising the investment of moneys paid into the Fund and all matters incidental to or connected with the Fund for which no express provision is made in this Act.

Cap. 296.

(2) Without prejudice to the generality of the provisions of sub-section (1), regulations made under that sub-section in respect of any matter may make provision similar to that made in respect of the same matter in the Widows' and Orphans' Pension Fund Ordinance.

(3) Regulations made under this Act in respect of the Pension Fund may be made applicable, either with or without modification, to persons and the widows and children of persons, who, having held posts as teachers and thereby contributed to the Fund, have ceased to hold such posts whether by reason of retirement or otherwise, and the provisions of this Act relating to the Fund shall be construed accordingly. Without prejudice to the generality of the preceding provisions of this sub-section, regulations made for the purpose aforesaid may provide for the deduction of the contributions of such persons from the pensions, if any, received by them under the Pension Scheme or from the Government.

Cost of
establishment,
etc. to be
a charge on
the Consoli-
dated Fund.

6. The cost of establishment and other expenses incidental to the management and administration of the Pension Scheme and Pension Fund, all contributions payable by the Government under this Act,

and all pensions, gratuities or other allowances payable to teachers under this Act, shall be a charge on the Consolidated Fund.

7. No contribution, pension, gratuity or other allowance payable under this Act shall be assignable or transferable or liable to be attached, sequestered or levied upon, in execution of any decree or order of any court, for, or in respect of, any debt or claim whatsoever.

Contributions,
etc., not to
be assigned
or attached.

8. (1) No person shall have any absolute right to the grant of any pension, gratuity or other allowance under this Act.

No absolute
right to
pension.

(2) Nothing in this Act or in any regulations made thereunder shall be deemed or construed to limit any power or right to dismiss without compensation any person employed as a teacher.

(3) Nothing in this Act or in any regulations made thereunder shall entitle any person to receive in respect of the same period of service more than one pension out of the public funds of the Island.

9. (1) The Minister may make regulations in respect of all matters for which regulations are authorised to be made under this Act.

Minister
to make
regulations.

(2) Every regulation made by the Minister shall be published in the *Gazette* and shall come into operation from the date on which it is so published or from such other date as may be specified therein.

(3) Every regulation made by the Minister shall, as soon as practicable, be brought before the Senate and the House of Representatives by motions that such regulation shall be approved.

(4) Any regulation which the Senate or the House of Representatives refuses to approve shall be deemed to be rescinded but without prejudice to the validity of anything previously done thereunder or to the making of any new regulation. The date on which a regulation shall be so deemed to be rescinded shall be the date on which the Senate or the House of Representatives refuses to approve it.

(5) Notification of the date on which any regulation made by the Minister is deemed to be rescinded shall be published in the *Gazette*.

10. The School Teachers Pension Ordinance (hereinafter referred to as the "repealed Ordinance") is hereby repealed.

Repeal of
Chapter 298.

Interpretation.

11. In this Act the expression " teachers " means teachers employed—

- (a) in any school maintained wholly or partly from the public funds of the Island; or
- (b) in any unaided school as defined in the Education Ordinance, No. 31 of 1939, and in relation to which the provisions of section 42A of that Ordinance have been complied with.

Savings.

12. (1) Notwithstanding anything in the repealed Ordinance, any rule made under that Ordinance and in force on the day immediately preceding the date of the commencement of this Act, authorising the levy of contributions from teachers to any Pension Scheme established under that Ordinance shall be deemed to have been validly made and to have had the force of law.

(2) All rules made under the repealed Ordinance which are in force on the day immediately preceding the date of the commencement of this Act shall, in so far as they are not inconsistent with the provisions of this Act, be deemed to be regulations made under this Act, and accordingly shall continue in force until they are amended or rescinded by regulations made thereunder. Any regulation amending or rescinding any such rule may be declared to be effective from any date specified therein. Such date may be a date prior or subsequent to the date of the commencement of this Act.

Date from which certain provisions are to have effect.

13. The provisions of sections 4 and 5, and the other provisions of this Act in their application in the case of the Pension Fund, shall have effect and be deemed to have had effect from the first day of October 1951, and accordingly regulations made under this Act in respect of such Fund may be declared to be effective as from the said day.