

PARLIAMENT OF CEYLON

1st Session 1956-57



School Teachers Pension (Amendment) Act, No. 23 of 1957

Date of Assent: April 13, 1957

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*School Teachers Pension (Amendment) Act, 3
No. 23 of 1957*

L. D.—O. 47/56.

AN ACT TO AMEND THE SCHOOL TEACHERS PENSION ACT, NO. 44 OF 1953, AND TO ENABLE A PENSION TO BE GRANTED TO ANY RETIRED TEACHER WHOSE NAME IS INADVERTENTLY OMITTED FROM THE REGISTER OF PENSIONABLE TEACHERS.

[Date of Assent: April 13, 1957]

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 (Amendment) Act, No. 23 of 1957.

Short title.

2. The long title of the School Teachers Pension Act, No. 44 of 1953, (hereinafter referred to as the "principal Act"), is hereby amended, by the substitution, for the words "AND TO PROVIDE", of the words "TO ENABLE THE AGE OF COMPULSORY RETIREMENT OF TEACHERS WHO ARE NOT EMPLOYED IN GOVERNMENT SCHOOLS TO BE PRESCRIBED BY REGULATION, AND TO PROVIDE".

Amendment of
long title of
Act No. 44 of
1953.

3. (1) The following new section is hereby inserted immediately after section 8, and shall have effect as section 8A, of the principal Act:—

Insertion of
new section
8A in the
principal Act.

"Age of
compulsory
retirement of
teachers who
are not
employed in
Government
Schools.

8A. The age of compulsory retirement of teachers who are not employed in Government schools shall be prescribed by regulation made under this Act.

In this section, "Government school" has the same meaning as in the Education Ordinance, No. 31 of 1939."

(2) The rule prescribing the age of compulsory retirement of teachers made under the School Teachers Pension Ordinance and in force when the principal Act by which that Ordinance was repealed came into operation shall, in so far as it relates to teachers who are not employed in Government schools, be deemed to have been valid and to have had the force of law and to have been and to be valid regulation made under the principal Act notwithstanding

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that there was no power under that Ordinance to make that rule and there was no power under the principal Act to make a regulation similar to that rule.

Insertion of
new section
9A in the
principal Act.

4. The following new section is hereby inserted immediately after section 9, and shall have effect as section 9A, of the principal Act:—

“ Director of
Education to
decide certain
questions and
his decision
to be subject
to appeal to
the Minister.

9A. (1) Any question which arises as to the interpretation of any regulation made, or deemed to have been made, under this Act, or as to the application of any such regulation to any person or as to the amount of any pension, gratuity or other allowance, payable under any such regulation or as to the grant, refusal, suspension or cessation of any such pension, gratuity or allowance shall be decided by the Director of Education.

(2) Any person affected by a decision of the Director of Education under sub-section (1) may make a written appeal from that decision to the Minister within one month after the date of the communication of that decision to him. Where such an appeal is made, the Minister may confirm the decision of the Director of Education or may annul such decision and decide the question to which the decision of the Director of Education relates. The decision of the Minister upon any such appeal shall be final and conclusive.

(3) Where a decision of the Director of Education under sub-section (1) is in force, such Director may revoke or alter such decision if—

(a) such decision is incorrect or has been made on insufficient information furnished to such Director, and

(b) the revocation or alteration of such decision will be to the advantage of the teacher affected by such decision.”

5. (1) Where the name of a teacher who has retired before the coming into operation of this Act or retires thereafter is not in the Register of Pensionable Teachers, then, if prior to his retirement he was entitled to have his name entered in such Register, his name may be entered in such Register and a pension may be granted to him and such contributions as he would have been liable to make in respect of his pension if his name had been in such Register shall be deducted from his pension in such manner as may be determined by the Director of Education and shall be paid to the Consolidated Fund.

Provisions relating to teachers whose names have been or are inadvertently omitted from the Register of Pensionable Teachers.

(2) In sub-section (1), "Register of Pensionable Teachers" means the Register of Pensionable Teachers maintained by the Director of Education under the regulations relating to the pensions of teachers and made or deemed to have been made under the principal Act.