

CHAPTER 620

SCHOOL TEACHERS PENSION

Acts AN ACT TO AMEND AND CONSOLIDATE THE LAW RELATING TO THE GRANT OF PENSIONS,
 Nos.44 of 1953, GRATUITIES OR OTHER ALLOWANCES TO TEACHERS AND TO THE WIVES AND
 23 of 1957, CHILDREN OF MALE TEACHERS, TO ENABLE THE AGE OF COMPULSORY
 38 of 1961, RETIREMENT OF TEACHERS WHO ARE NOT EMPLOYED IN GOVERNMENT SCHOOLS
 34 of 1964. TO BE PRESCRIBED BY REGULATION, AND TO PROVIDE FOR MATTERS CONNECTED
 THEREWITH OR INCIDENTAL THERETO.

[19th December, 1953.]

Short title. **1.** This Act may be cited as the School Teachers Pension Act.

Establishment of a pension scheme. **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 ").

(2) The pension scheme, which has been established under the School Teachers Pension Ordinance, No. 6 of 1927,* 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.

Regulations for the pension scheme. **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, authorizing the contributions of teachers to be deducted from their salaries, prescribing the procedure for making such deductions, authorizing the payment of such contributions into the Consolidated Fund, authorizing the deduction of moneys due from deceased teachers to the Government or to the Lady Lochore Loan Fund out of any sums which are payable to the nominees or legal representatives of such teachers as contributions made to the pension scheme,

or pension undrawn, by such teachers, and all matters incidental to or connected with such scheme for which no express provision is made in this Act.

(2) Without prejudice to the generality of the provisions of subsection (1), regulations made under that subsection 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.

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 ").

Establishment of widows' and orphans' 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, authorizing the contributions of male teachers to be deducted from their salaries, prescribing the procedure for making such deductions, authorizing the payment of all such

Regulations for the pension fund.

* Repealed by Act No. 44 of 1953.

[§ 2, 34 of 1964.]

contributions into the fund, authorizing 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.

(2) Without prejudice to the generality of the provisions of subsection (1), regulations made under that subsection 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 subsection, 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, &c., to be a charge on the Consolidated 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.

Contributions, &c., not to be assigned or attached.

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.

No absolute right to pension,

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

(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 Sri Lanka.

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

Age of compulsory retirement of teachers who are not employed in Government schools. [§ 3, 23 of 1957.]

In this section, " Government school " has the same meaning as in the Education Ordinance.

9. (1) The Minister may make regulations in respect of all matters for which regulations are authorized 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 Parliament by motion that such regulation shall be approved.

(4) Any regulation which Parliament 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 Parliament 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.

Director-General of Education to decide certain questions and his decision to be subject to appeal to the Minister. [§ 4, 23 of 1957.]

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-General of Education.

(2) Any person affected by a decision of the Director-General of Education under subsection (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-General 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-General of Education under subsection (1) is in force, such Director-General may revoke or alter such decision if—

- (a) such decision is incorrect or has been made on insufficient information furnished to such Director-General, and
- (b) the revocation or alteration of such decision will be to the advantage of the teacher affected by such decision.

Provisions relating to teachers whose names have been or are inadvertently omitted from the Register of Pensionable Teachers. [§ 5, 23 of 1957.] [§ 2, 38 of 1961.]

9B. (1) Where the name of a teacher who has retired before the coming into operation of Act No. 23 of 1957 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 as from the date he was entitled to have his name so entered in such register, and accordingly a pension may be granted to him with effect from the date of his retirement 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-General of Education and shall be paid to the Consolidated Fund.

(2) In subsection (1), " Register of Pensionable Teachers " means the Register of Pensionable Teachers maintained by the Director-General of Education under the regulations relating to the pensions of teachers and made or deemed to have been made under this Act. [§ 5, 23 of 1957.]

10. In this Act the expression " teachers " means teachers employed— Interpretation.

- (a) in any school maintained wholly or partly from the public funds of Sri Lanka; or
- (b) in any unaided school as defined in the Education Ordinance, and in relation to which the provisions of section 49 of that Ordinance have been complied with.

11. (1) Notwithstanding anything in Ordinance No. 6 of 1927,* any rule made under that Ordinance and in force on the day immediately preceding the date of the commencement of this Act, authorizing 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. Savings.

(2) All rules made under Ordinance No. 6 of 1927* 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.

* Repealed by Act No. 44 of 1953.

Date from
which certain
provisions are
to have effect.

12. 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 1st 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.