

CHAPTER 71.

FREETOWN MUNICIPALITY OFFICERS'
SUPERANNUATION.

ARRANGEMENT OF SECTIONS.

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CHAPTER 71.

FREETOWN MUNICIPALITY OFFICERS'
SUPERANNUATION.

An Ordinance to provide for the superannuation of persons employed by the City Council of Freetown.

8 of 1929.
7 of 1955.

[1ST JUNE, 1929.]

1. This Ordinance may be cited as the Freetown Municipality Officers' Superannuation Ordinance; it shall be read as one with the Freetown Municipality Ordinance, and shall come into operation on the first day of June, 1929, which date is hereinafter referred to as the appointed day.

Short title,
construction
and com-
mencement.
Cap. 65.
2. In this Ordinance, unless the context otherwise requires—

Interpreta-
tion.

“service” means whole-time or part-time service in the

permanent employment of the City Council after an officer or servant has attained the age of eighteen years, other than service in respect of which the officer or servant is entitled to any superannuation allowance or gratuity from any source other than the Superannuation Fund or the City Fund, and when used in relation to service after the appointed day means continuous service, and when used in relation to service rendered before the appointed day means service whether continuous or not;

“contributing service” means service rendered by an officer or servant in respect of which he is a contributor to the Superannuation Fund;

“non-contributing service” means service rendered to the City Council before the appointed day by an officer or servant occupying, on the appointed day, a post designated as an established post;

“officer,” or “servant,” means an officer or servant in the permanent service of the City Council, occupying a post designated as an established post for the purposes of this Ordinance by a resolution of the City Council, and whether in receipt of salary or wages;

“salary” or “wages” means all salary or wages paid to any officer or servant as such for his own use, also the money value of any apartments appertaining to his office or employment, but does not include payments for overtime or any allowance paid to him to cover cost of office accommodation or clerks' assistance;

“Superannuation Fund” means a fund to be established by the City Council in the manner prescribed and provided in section 14 of this Ordinance;

“Actuary” means a fellow of the Institute of Actuaries or the Faculty of Actuaries in Scotland.

Subsequent
designation
of posts.

3. Where the City Council designates at any subsequent date any further posts as established posts for the purposes of this Ordinance, the date of such subsequent designation shall be deemed to be the appointed day as respects the officers or servants occupying the posts so designated at the date of designation.

Title to
superannua-
tion
allowances.

4. (1) Subject to the provisions of this Ordinance, every officer and servant—

(a) who shall have completed ten years' service and shall become incapable of discharging the duties of his office or

employment with efficiency by reason of permanent ill-health or infirmity of mind or body; or

(b) who having completed ten years' service and having attained the age of fifty years shall be superannuated by resolution of the Council; or

(c) who shall have attained the age of fifty-five years and shall have completed ten years' service,

shall be entitled on resigning or otherwise ceasing to hold his office or employment, to receive during life a superannuation allowance according to the scale by this Ordinance provided.

(2) Save as is otherwise by this Ordinance provided, every such superannuation allowance shall be paid out of the Superannuation Fund.

(3) Where an officer or servant has attained the age of fifty-five years, he shall cease to hold his office or employment:

Provided that the City Council may, with the consent of the officer or servant, by resolution extend the period of service or employment of any such officer or servant for one year or any less period, and so from time to time as they may deem expedient.

5. Subject to the provisions of section 13 of this Ordinance and to any other provisions of this Ordinance, the superannuation allowance to be made to an officer or servant under this Ordinance shall be made out of the Superannuation Fund and shall be on the following scale—

Scale of
superannua-
tion allow-
ances.

(a) after ten years' service, ten-sixtieths of the average amount of his salary or wages during the five years which immediately precede the day on which the officer or servant ceases to hold his office or employment, or attains the age of fifty-five years, whichever be the earlier;

(b) after eleven years' service, eleven-sixtieths of such average amount;

(c) and so on up to a maximum after forty or more years' service of forty-sixtieths of such average amount:

Provided that, for the purpose of calculating the superannuation allowance of a full-time officer who has formerly served as a part-time officer, the period of part-time service shall be treated as though it were whole-time service for a proportionately reduced period.

6. An officer or servant who is dismissed or resigns or otherwise ceases to hold his office or employment in consequence of

Forfeiture
for fraud,
etc.

any offence of a fraudulent character, or of grave misconduct, shall forfeit all claim to any superannuation allowance under this Ordinance:

Provided that, in the case of any such officer or servant, the City Council may, if they see fit, return to him out of the Superannuation Fund, or pay to his wife or family out of that fund, a sum equal to the amount of all his contributions thereto under this Ordinance or to such part thereof as the City Council shall think fit.

Return of contributions with interest in the event of loss of employment through reduction of staff, ill-health, etc.

7. An officer or servant who has not become entitled to a superannuation allowance, and who loses his office or employment by reason of a reduction of staff, the abolition of his office or the termination of a joint appointment, or ceases to hold his office or employment by reason of ill-health, mental infirmity, or bodily injury, or is required to retire on marriage, shall be entitled to receive out of the Superannuation Fund a sum equal to the amount of all his contributions to such fund, together with compound interest thereon, calculated to the date of his loss of office or employment or resignation, at the rate of three per centum per annum by half-yearly rests.

Return of contributions with interest in the event of resignation, etc.

8. In the event of an officer or servant voluntarily resigning his office or employment or being dismissed for incapacity (fraud or misconduct not being alleged) before he has, under the provisions of this Ordinance, become entitled to a superannuation allowance, the City Council shall pay to him out of the Superannuation Fund a sum equal to the amount of the contributions made by such officer or servant under this Ordinance, together with compound interest thereon calculated to the date of resignation or dismissal at the rate of three per centum per annum by half-yearly rests.

Return of contributions in case of death.

9. (1) In the event of an officer or servant dying before becoming entitled to or receiving a superannuation allowance under this Ordinance, the City Council shall pay to his legal personal representative out of the Superannuation Fund, a sum equal to the amount of the contributions made by such officer or servant under this Ordinance, together with compound interest thereon, calculated to the date of his death, at the rate of three per centum per annum, by half-yearly rests.

(2) In any case in which any contributor shall die, after he has become entitled to a superannuation allowance under this Ordinance, and before he shall have received by way of superannuation allowance an amount equal in the aggregate to the amount of his contributions under this Ordinance,

together with compound interest thereon calculated to the date of his retirement at the rate of three per centum per annum by half-yearly rests, the City Council shall pay to his legal personal representative out of the Superannuation Fund the difference between the total amount which such contributor has received by way of superannuation allowance and the aggregate amount of his contributions under this Ordinance, together with compound interest thereon at the rate and calculated as aforesaid up to the date of his retirement.

10. At least one month's notice in writing shall be given to every member of the City Council of the meeting at which any proposal to return contributions to an officer or servant who has been dismissed or resigns, or to make any payment in accordance with the provisions of section 6 of this Ordinance, or any proposal to grant a gratuity under this Ordinance, will be considered.

Notice of certain proposals.

11. Every superannuation allowance or gratuity granted under this Ordinance shall be payable to or in trust for the officer or servant, and shall not be assignable or chargeable with his debts or other liabilities.

Allowance not assignable.

12. (1) Subject to the provisions of this Ordinance, every officer and servant shall, as from the appointed day, contribute to the Superannuation Fund an amount equal to five per centum of his salary or wages, which amount shall be deducted from the salary or wages payable to him by the City Council or person paying the same, and shall be carried to the credit of and form part of the Superannuation Fund.

Officers and servants to contribute.

(2) Nothing in this Ordinance shall require any officer or servant to make any contribution for the purposes of this Ordinance in respect of any period previous to the appointed day.

13. Non-contributing service shall be reckoned for determining whether an officer or servant is entitled to a superannuation allowance under this Ordinance, and, in calculating the superannuation allowance of any officer or servant who is so entitled, his allowance in respect of his non-contributing service shall be at the rate of one one-hundred and twentieth (or in the case of any officer or servant in which the City Council by resolution so decide, at such rate as the City Council may determine, not exceeding the rate of one-sixtieth) of the average amount of his salary or wages for the last five years of his service in respect of each year (not exceeding forty years) of

Allowance for previous service.

his service, and, in reckoning the non-contributing service of any officer or servant, any portion of a year during which such officer or servant has served for more than six months shall be reckoned as a year:

Provided that the amount of any superannuation allowance granted in respect of non-contributing service, so far as it exceeds one one-hundred-and-twentieth of such average amount as aforesaid in respect of each year of service, shall not be paid out of the Superannuation Fund, but shall be chargeable upon the City Fund.

Superannuation Fund.

14. (1) The City Council shall establish and administer a Superannuation Fund, to which shall be carried and credited in each year—

(a) the amounts deducted in such year under the provisions of this Ordinance from the salaries and wages of officers and servants contributing to the Superannuation Fund;

(b) a sum equal in amount to the sum which during such year has been contributed to the Superannuation Fund by officers or servants (in this Ordinance referred to as “the equivalent contribution”), and such further sums, if any, as the City Council may become liable to carry and contribute thereto under the provisions of this Ordinance;

(c) all dividends and interest arising in such year out of the investment or use of the Superannuation Fund or any part thereof;

(d) such amount as may have been certified by an actuary as necessary in order that the Superannuation Fund may be solvent, to be calculated so as to cast upon the City Council, so far as may be, an equal annual charge for a period not exceeding forty years from the appointed day.

(2) The equivalent contribution and the equal annual charge shall be made out of the City Fund.

Actuarial investigation.

15. (1) Once at least in every five years the condition of the Superannuation Fund shall be submitted by the City Council to an actuary, who shall consider the same and shall make an actuarial valuation of the assets and liabilities of the Superannuation Fund.

(2) Where on any such valuation the actuary certifies that a deficiency or a disposable surplus is disclosed, the City Council shall submit to the Governor a scheme for making good the deficiency by means of payments by the City Council into the Superannuation Fund, or by means of an increase in the

contributions as provided by this Ordinance of the City Council, or by means of an increase in the equal annual charge, or in any two or all of these ways, or (as the case may require) for disposing of the surplus by reducing the said contributions or the equal annual charge or both.

(3) Where on any such valuation the actuary certifies that in order to maintain an equality of value, as respects persons becoming contributors after the date of the scheme, between the amounts to be contributed by or in respect of such persons and the amounts of benefit to which such persons will become entitled, it is expedient to increase or decrease the contribution as provided by this Ordinance in respect of such persons, provision may be made by the scheme for such increase or decrease as the case may require, to be applied in equal proportions as between the City Council and such persons.

(4) Where any such scheme is approved by the Governor this Ordinance shall have effect subject to the provisions of the scheme.

(5) The City Council shall send a copy of the actuary's report to the Governor, and, if within six months of the receipt of such report the City Council fail to submit a scheme under this section, or to submit a scheme of which the Governor approves, the Governor may himself make a scheme, which shall have the same effect as a scheme submitted by the City Council and approved by him.

16. The surplus of the annual income of the Superannuation Fund above the expenditure thereout shall from time to time be invested in securities in which trustees in England are authorised to invest, and the income arising from time to time from such investment shall be paid into that fund.

Investment
of surplus
income.

17. Any question which may arise between the City Council and any officer or servant as to the right to or the amount of a superannuation allowance, or the right to any return of contributions under this Ordinance, of the amount of the contribution of such officer or servant, shall, in default of agreement, be referred to and determined by an arbitrator to be agreed upon between the City Council and such officer or servant, or, failing such agreement, appointed by the Governor, and subject as aforesaid the provisions of the Arbitration Ordinance, shall apply to any such reference.

Arbitration.

Cap. 25.

18. (1) The City Council may, in any case in which an officer or servant is permanently incapacitated by an injury sustained

Gratuities.

by him in the actual discharge of his duty and without his own default, and specifically attributable to the nature of his duty, grant to such officer or servant, subject to such conditions as they may think fit, such gratuity either by way of a lump sum or periodical payments as they may consider reasonable having regard to all the circumstances of the case, including any allowance or gratuity under this Ordinance other than a gratuity awarded under sub-section (4), so however that the sums received by him shall not exceed in the aggregate the amount of any allowance or gratuity to which he would have been entitled if he had already attained the age of fifty-five at the date when he became incapacitated.

(2) The City Council may grant to any officer or servant who is not entitled to a superannuation allowance under this Ordinance, on his retiring from service, such gratuity as the City Council may by resolution determine, but so that the total amount payable, including the return of contributions with interest, shall not exceed two years' salary or wages of such officer or servant.

7 of 1955.

(3) Every officer or servant who after completing five years or more of continuous contributing service leaves the service of the City Council—

(a) because of permanent ill-health or infirmity of mind or body; or

(b) because he has reached the age of fifty-five years or has completed an extended period of service in terms of the proviso to sub-section (3) of section 4; or

(c) in the case of a female, on marriage;

shall be eligible, if the City Council is satisfied that his conduct and efficiency during his service with the City Council has been good, for the award (in addition to any other sum of money awarded to him or to which he may be entitled in terms of this Ordinance) of a gratuity calculated at the following rates—

For service covering a continuous period of 60 months—
60/240 of a year's salary.

For service covering a continuous period of 61 months—
61/240 of a year's salary.

And so on up to service covering a continuous period of 240 months or 20 years a full year's salary.

(4) Any gratuity granted under this section shall not be paid out of the Superannuation Fund, but shall be chargeable upon the City Fund.

19. Gratuities or returns of contributions with interest under any preceding section may be paid in one sum or by instalments as the Council shall direct.

Gratuities or returns of contributions payable in one sum or in instalments.

20. Any payments or expenses made or incurred by the City Council under the provisions of this Ordinance or in carrying the provisions of this Ordinance into execution, and not otherwise provided for, shall, in the case of any officer or servant in respect of whom any payment or expense is made or incurred, be paid out of the City Fund.

Payments and expenses under Ordinance.
