

CHAPTER 107.

TEACHERS' SUPERANNUATION FUND.

ARRANGEMENT OF SECTIONS.

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CHAPTER 107.

TEACHERS' SUPERANNUATION FUND.

12 of 1944.
36 of 1945.
8 of 1946.
24 of 1949.
33 of 1954.

An Ordinance to Provide for the Establishment of a Superannuation Fund for the Benefit of Certain Classes of Teachers in Sierra Leone and for Purposes connected therewith.

[1ST JULY, 1944.]

Short title.

1. (1) This Ordinance may be cited as the Teachers' Superannuation Fund Ordinance, and shall apply to the Colony and Protectorate.

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(2) This Ordinance shall have force and effect as from such day, hereinafter called "the appointed day," as the Governor may, by notice in the *Gazette*, declare.

Interpretation.

2. In this Ordinance unless the context otherwise requires—
"actuary" means a Fellow of the Institute of Actuaries or the Faculty of Actuaries in Scotland;

“ approved employer ” means an employer who has been designated as such by the Governor in Council in accordance with section 7 of this Ordinance;

“ approved teacher ” means a person who is in the employment of an approved employer as a teacher;

“ contributing service ” means service rendered by a teacher in respect of which he is a contributor to the fund, and shall be deemed to include—

(a) such period not exceeding five years as is equal to one-half of the continuous service rendered immediately prior to the appointed day by a Government teacher who would have been eligible to contribute to the fund in respect of such service had it been rendered after the appointed day, and

(b) any service up to ten years in length which shall, under the provisions of any rule made under this Ordinance, be deemed to be contributing service,

but shall not include any period of service in respect of which his contributions to the fund have been returned to him under this Ordinance;

“ the fund ” means the Superannuation Fund established by section 3 of this Ordinance;

“ Government teacher ” means a person designated as such for the purposes of this Ordinance by the Director of Education;

“ salary ” means the salary, notwithstanding that it has been subjected to any temporary deductions, attaching to the post of a teacher and includes any responsibility allowance payable to him in accordance with any scale of remuneration in operation under section 40 of the Education Ordinance, but does not include payments for overtime or special payments made to him for conducting examinations or for any other reason; 33 of 1954.
Cap. 105.

“ service ” means the salaried whole time service of a person, being over the age of twenty years, as a Government teacher or as a teacher in the employment of an approved employer; and

“ teacher ” means and includes a Government teacher, a teacher in the employment of an approved employer and a person, whether in the service of the Government or in the employment of an approved employer, in respect of whom the Director of Education has certified that he is satisfied that he

is or has been employed in full time service which to a substantial extent involves the control or supervision of teachers and that before being so employed he was engaged for not less than three years in teaching.

Superannuation Fund.

3. (1) A fund, to be known as the Superannuation Fund, is hereby established for the purposes of this Ordinance.

(2) The fund shall be administered by the accountant general in accordance with the provisions of this Ordinance.

(3) All contributions made under this Ordinance and all dividends and interest arising out of the investment or use of the fund shall be paid and credited to the fund.

(4) All payments, or expenses, including the expenses of actuarial investigations, made or incurred under the provisions of this Ordinance or in carrying its provisions into effect shall be paid out of the fund.

Teachers who shall, who may and who may not contribute to the fund.

4. Subject to the provisions of this Ordinance—

(a) any person, being under the age of fifty years, who is designated by the Director of Education as a Government teacher on the appointed day shall, on having given notice in writing to the Director of Education within the two months immediately following the appointed day of his intention to do so, contribute to the fund with effect from the appointed day or from the date on which he attains the age of twenty years whichever is the later;

(b) any person designated as aforesaid or eligible to be so designated, who has not given notice in writing to the Director of Education in accordance with the immediately preceding paragraph of his intention to contribute to the Fund, may give such notice within the two months immediately following a day to be declared by the Governor by notice in the *Gazette* as a later day from which such person may contribute to the Fund, and such person shall thereupon contribute to the Fund with effect from the day so declared or from the appointed day at the option of such person or from the date on which he attains the age of twenty years whichever is the later;

(c) any person who being under the age of forty-five years, and having entered the employment of the Government after the appointed day, is designated by the Director of Education as a Government teacher shall contribute to the fund with effect from the date of such designation or from the date on which he attains the age of twenty years whichever is the later;

(d) any person who is an approved teacher in the employment of an approved employer as a teacher, and is not less than twenty nor more than forty-five years of age may, if he was in such employment on the 31st day of December, 1947, with the approval of the Director of Education and by giving notice of his intention to do so to the Director of Education contribute to the fund with effect from the day upon which such notice is received, or where such notice is received before the 31st day of July, 1950, at the option of such teacher, from the 1st day of January, 1948; 24 of 1949.

(e) any person who is an approved teacher in the employment of an approved employer as a teacher and is not less than twenty years of age shall if he was not in such employment on the 31st day of December, 1947, contribute to the fund with effect from the commencement of such employment or the date of his twentieth birthday, whichever is the later; provided that this paragraph shall not apply to a person who was not required to contribute to the fund before his fiftieth birthday:

Provided that nothing in this Ordinance shall require or permit—

(i) any person to contribute to the fund in respect of his service prior to the appointed day,

(ii) any person who, having had previous contributing service as a teacher, is re-engaged for further service as such, to contribute to the fund if the aggregate of the period by which his age at the time of his re-engagement falls short of fifty-five years and the period of his contributing service prior to his re-engagement is less than ten years,

(iii) any married female teacher to contribute to the fund except with the approval of the Director of Education,

(iv) any person to contribute to the fund after he has reached the age of fifty-five years, except with the approval of the Director of Education who may, in his absolute discretion, grant such approval in respect of any period not exceeding one year at any one time.

5. No teacher shall be required or permitted to contribute to the fund in respect of any period of leave of absence from his duties granted to him without salary except with the approval of the Director of Education and in manner prescribed.

Suspension of contributions by teachers on leave without salary.

6. Contributions shall be paid by teachers at the rate and in the manner prescribed.

Contributions.

Approved employers.

7. The Governor in Council may, on the application of any employer, any Tribal Authority having a native administration, any council or other body having municipal authority or any missionary or educational society, corporation or body, designate the same to be an approved employer within the meaning of this Ordinance.

Contributions by the Government and by approved employers.

8. (1) There shall be paid out of the revenues of Sierra Leone into the fund on the 31st day of December in each year a sum equal to the total amount contributed to the fund during the year by teachers other than those in the service of approved employers.

(2) Every approved employer shall pay to the Accountant General at the end of every year or at the end of such other period as the Accountant General may require a sum equal to the total amount contributed to the fund during the year or such other period by each approved teacher in his employment; any amount due from an approved employer under this section may be recovered as a debt due to the fund.

(3) There shall be paid out of the revenues of Sierra Leone into the fund such amount as may have been certified by an actuary in order that the fund may be solvent, to be calculated so as to cast upon the said revenues, so far as may be, an equal annual charge for a period not exceeding twenty years from the appointed day.

Actuarial investigation.

9. (1) Whenever he shall consider it advisable and once at least in every ten years the Accountant General shall submit the condition of the fund to an actuary, who shall consider the same and shall make an actuarial valuation of the assets and liabilities of the said fund.

(2) Where on any such valuation the actuary certifies that a deficiency or disposable surplus is disclosed, the Financial Secretary shall submit to the Governor in Council a scheme for making good the deficiency:

(a) by means of payments by the Government of Sierra Leone into the fund, or

(b) by increasing the amount of the equal annual charge upon the revenues of Sierra Leone provided in sub-section (3) of section 8, or

(c) by increasing the rate of contributions made by teachers on the one hand and the equal amounts contributed by the Government of Sierra Leone or approved employers on the other as provided in sub-sections (1) and (2) of section 8,

or in any two or all of these ways; or, as the case may require, for disposing of the surplus by reducing the rate of contributions made by teachers on the one hand and the equal amounts contributed by the Government of Sierra Leone or approved employers on the other hand or by reducing the equal annual charge upon the revenues of Sierra Leone or in both these ways:

Provided that where on any such valuation it is found that to maintain equality of value between contributions to be paid by and in respect of teachers thereafter becoming contributors and benefits, to which they will become entitled, it is necessary to vary the percentage rates of contributions prescribed, the appropriate revision of the rates may be made in the scheme.

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

10. The surplus of the annual income of the fund above the expenditure thereout shall from time to time be invested in such securities as may be authorised by the Secretary of State for the Colonies for the investment of the public funds of Sierra Leone and the income arising from time to time from such investment shall be paid into the fund.

Investment of surplus income.

11. No gratuity or superannuation allowance granted under this Ordinance shall be assignable or transferable except for the purpose of satisfying—

Gratuities and allowances not assignable.

(1) a debt due to the Government, or

(2) an Order of any Court for the payment of periodical sums of money towards the maintenance of the wife or former wife or minor child of the teacher to whom the gratuity or superannuation allowance has been granted,

and shall not be liable to be attached, sequestered or levied upon for or in respect of any debt or claim whatsoever except a debt due to the Government.

12. The grant of every gratuity and superannuation allowance under this Ordinance shall be subject to the approval of the Governor in Council and any question which may arise as to the right of a person to become a contributor or the right to any return of contributions under this Ordinance or as to the amount of the contribution of a teacher or regarding any contingency in connection with the management or administration of the fund, which is not covered by the provisions of this Ordinance, shall be determined by the Governor in Council.

Gratuities and allowance to be approved by Governor in Council who shall determine questions in connection with the fund.

Rules.

13. The Governor in Council may make rules for the following purposes—

(a) the amount of the contributions payable by Government or approved teachers, and the procedure to be followed in effecting the payment thereof;

(b) the admission of persons, being teachers in the service of approved employers, as contributors to the fund, the amount of the contributions payable by such persons and the procedure to be followed in effecting payment of such contributions;

(c) the granting of gratuities and superannuation allowances, including the amounts thereof, to teachers and their dependants and the return of contributions;

(d) the form of applications under section 7 of this Ordinance and the conditions to be fulfilled in respect of the granting of such applications;

(e) the refund by the fund of contributions made by the Government and the conditions under which such refunds shall be made;

(f) the refund by the fund of contributions made by approved employers and the conditions under which such refunds shall be made; and

(g) generally for carrying into effect the provisions, purposes and intentions of this Ordinance.
