

CHAPTER 56

TEACHERS (SECONDARY SCHOOLS) PENSIONS

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CHAPTER 56

TEACHERS (SECONDARY SCHOOLS) PENSIONS

An Act to amend and consolidate the law of Barbados relating to pensions of teachers in secondary schools.

1962-47.
1964-37.
1973-18.
1975-31.
1975-52.
1978-41.
L.N.168/
1967.
1985-18.
1989-9.

[14th February, 1963] Commence-
ment.

PART I

Preliminary

1. This Act may be cited as the *Teachers (Secondary Schools) Pensions Act*. Short title.

2. (1) For the purpose of this Act Interpretation.
"house allowance" includes the estimated value of free quarters as defined in regulation 20 of the Regulations;

"pensionable emoluments" means

- (a) in respect of teaching service in Barbados, salary, any interim payment made pending a salaries revision, personal allowance and house allowance; and
- (b) in respect of other teaching service, public service or other public service, emoluments which count for pension in accordance with the law or regulations in force in such service, but does not include compensation paid in respect of the termination of a period of temporary service;

"personal allowance" means a special addition to salary granted personally to the holder for the time being of the office, but does not include such an addition if it is granted subject to the condition that it shall not be pensionable;

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- L.N. 168/
1967. "public service" means service of the Crown in a civil capacity and any other service which the Governor-General may determine to be public service for the purpose of any provisions of this Act;
- L.N. 168/
1967. "other public service" means public service which is not service of the Crown;
- "Regulations" means the *Teachers Secondary Schools Pensions Regulations, 1962*¹;
- "salary" means, in respect of teaching service in Barbados, the annual salary in accordance with the scales of salary prescribed from time to time for teachers in secondary schools by a resolution of both Houses;
- "secondary school" means any school in Barbados which
- Cap. 41. (a) is in receipt of an annual grant-in-aid under the *Education Act*; and
- Schedule. (b) is specified in the *Schedule*;
- "school authority" means the governing body of a secondary school;
- "teacher" means a person who
- (a) is registered as such in the Register to be kept in accordance with regulation 25 of the Regulations; and
- (b) is or has been employed in whole-time service in a teaching capacity in a secondary school;
- "teaching service" means service as a teacher in a secondary school in Barbados;
- "other teaching service" means whole-time service in a teaching capacity in a school in the United Kingdom or in any other country or territory in the Commonwealth in relation to which the Governor-General is satisfied that provision is made by law for the payment of pensions, gratuities or other allowances in respect of service in that school, and includes pensionable service at the University of the West Indies.
- (2) For the avoidance of doubt it is hereby declared that, where a teacher has been confirmed in a pensionable office

¹ These Regulations, contained in the First Schedule to the *Teachers (Secondary Schools) Pensions Act, 1962-47*, are not reprinted in these *Laws*.

and is thereafter appointed to another pensionable office, then, unless the terms of such office otherwise require, such last-mentioned office is, for the purposes of this Act, an office in which he had been confirmed.

PART II

General

3. (1) Pensions, gratuities and other allowances may be granted in accordance with the Regulations to teachers who have been in teaching service in Barbados.

Grant of pensions, etc., in accordance with Regulations.

(2) The Regulations may from time to time be amended, added to, or revoked by regulations made by the Governor-General acting in his discretion, and all regulations so made shall be laid before both Houses and published in the *Official Gazette*.

(3) The Regulations and all regulations made under this section shall have the same force and effect as if they were contained in this Act, and the expression "this Act" shall, wherever it occurs in this Act, be construed as including a reference to the Regulations.

(4) Whenever the Governor-General acting in his discretion is satisfied that it is equitable for any regulations made under this section to have retrospective effect in order to confer a benefit upon, or remove a disability attaching to, any teacher, that regulation may be given retrospective effect for that purpose, but no such regulation shall have retrospective effect unless it has received, before being made, the approval of both Houses.

(5) Any pension, gratuity or other allowance granted under this Act shall be computed in accordance with the provisions in force at the actual date of a teacher's retirement.

4. (1) Where any power or authority is vested in the Governor-General by or under this Act, then, unless otherwise provided, such power or authority shall be exercised by the Governor-General acting after consultation with the appropriate school authority.

Exercise of powers by Governor-General.

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(2) For the purposes of this section, the expression “appropriate school authority” in relation to a teacher means the governing body of the secondary school at which such teacher is employed or was employed immediately before the date on which he ceased to be in teaching service.

Pensions to be charged on Consolidated Fund.

5. There shall be charged on and paid out of the Consolidated Fund all such sums of money as may from time to time be granted by way of pension, gratuity or other allowance under this Act.

Circumstances in which pensions, etc., may be granted.
1975—52.
1985—18.

6. (1) Subject to subsection (2) and section 16A(2) a pension, gratuity or other allowance shall not be granted under this Act to any teacher except on his retirement in one of the following cases

- (a) on or after attaining the age of 55 years;
- (b) in the case of transfer to other teaching service or to public service, in circumstances in which he is permitted to retire on pension or gratuity by the law or regulations of the service in which he is last employed: but if his service in such other teaching or public service is superannuated under the Federated Superannuation Scheme for Universities or a similar insurance scheme, he has retired on one of the grounds mentioned in paragraphs (a), (c), (d), (e), (f) and (g);
- (c) on the abolition of his office;
- (d) on the reorganisation of his office for any purpose;
- (e) on medical evidence to the satisfaction of the Governor-General that he is incapable by reason of any infirmity of mind or body of discharging the duties of his office and that such infirmity is likely to be permanent;
- (f) on becoming unfit in the opinion of the Governor-General for the discharge of the duties of his office, although not suffering from any particular illness or infirmity likely to be permanent if such unfitness is not attributable to his own misconduct or gross negligence and if the Governor-General considers that the special circumstances of the case justify the grant to him of a pension or a gratuity, as the case may be;

(g) in the case of teaching service in Barbados, on removal on the ground of inefficiency as provided in this Act.

(2) Where an officer has qualified for the payment of a pension, gratuity or other allowance under subsection (3), he may, at the time when payment is granted under paragraph (a) or (b) of that subsection, be paid from the date of his qualification for the pension, gratuity or allowance, that pension, gratuity or allowance together with any additional benefits that he would have received had he qualified under paragraph (a) of subsection (1). ^{1985-18.}

(2B) The additional benefits mentioned in subsection (2) are payable out of moneys voted by Parliament for the purpose.

(3) Subject to subsection (4), a pension, gratuity or other allowance under this Act may be granted to a teacher who retires before attaining the age of 55 years, but payment thereof shall be suspended until ^{1975-31.}

(a) he has attained the age of 55 years or sooner dies; or

(b) he satisfies the Governor-General that he is incapacitated and his condition is likely to be permanent.

(4) Subsection (3) applies only to those persons who

(a) left the teaching service before attaining the age of 50 years and on or after the 30th November, 1966, but before the 1st September, 1975¹; or

(b) retire from the teaching service after the 1st September, 1975¹.

¹Being the commencement date of the *Pensions (Miscellaneous Provisions) Act, 1975*.

(5) Notwithstanding anything contained in this Act, a teacher who is in the teaching service on the 1st September, 1975 may, with the approval of the Governor-General, retire on attaining the age of 50 years, and such teacher may receive a grant and immediate payment of any pension, gratuity or other allowance under this Act where that teacher within 12 months of the 1st September, 1975 or within such further period as the Governor-General in any special case allows, gives notice in writing to the Governor-General of his desire that the provisions of subsections (2) and (3) shall not apply to him, in which case they shall not apply.

Gratuity
after 5
years
service.
1989-9.

6A. (1) Notwithstanding any other provision of this Act and without affecting regulation 5 of the regulations, every teacher otherwise qualified for a pension, who has been in the teaching service for at least 5 years but less than 10 years and who resigns before attaining the age of 55 years or 60 years, as the case may be, may be granted a gratuity not exceeding five times the annual amount of the pension which, if there had been no qualifying period, might have been granted to him under regulation 4 of the regulations, but payment thereof shall be withheld until

- (a) he has attained the age of 55 years or 60 years, as the case may be, or sooner dies; or
- (b) he has satisfied the Governor-General that he is incapacitated and his condition is likely to be permanent.

(2) Subsection (1) applies only to teachers who resign from the teaching service after the 27th April, 1989.

Retirement
for
inefficiency.

7. Where a teacher in teaching service in Barbados is removed from his office on the ground of his inability to discharge efficiently the duties thereof, and a pension, gratuity or other allowance cannot otherwise be granted to him under this Act, the Governor-General may, if he considers it justifiable having regard to all the circumstances of the case, grant such pension, gratuity or other allowance as he thinks just

and proper not exceeding in amount that for which the teacher would be eligible if he retired in the circumstances described in paragraph (e) of subsection (1) of section 6.

8. (1) Subject to section 16B(1), it shall be lawful for a school authority, with the approval of the Governor-General acting in his discretion, to require a teacher in its employment to retire Compulsory retirement.

(a) at any time after he attains the age of 55 years; or

(b) in special cases, at any time after he attains the age of 50 years.

(2) Subject to section 16B(2), retirement shall be compulsory at the age of 60 years for every teacher in teaching service in Barbados to whom this Act applies. 1985-18.

9. (1) Except in the cases mentioned in subsection (2), a pension granted to a teacher under this Act shall not exceed two-thirds of the highest pensionable emoluments drawn by him at any time in the course of his service in Barbados. Maximum pensions.

(2) A teacher who is granted a pension in respect of other teaching service or public service shall not at any time draw from the funds of Barbados an amount of pension which, when added to the amount of any pension or pensions drawn in respect of other teaching service or public service, exceeds two-thirds of the highest pensionable emoluments drawn by him at any time in the course of his teaching service, other teaching service or public service.

(3) Where a teacher receives in respect of some period of teaching service or other teaching or public service both a gratuity and a pension, the amount of such pension shall be deemed to be four-thirds of its actual amount.

(4) Where the limitation specified in subsection (2) operates, the amount of the pension to be drawn from the funds of Barbados shall be such amount as the Governor-General shall determine, in order that it

may be determined with due regard to the amount of any pension or pensions to be drawn in respect of other teaching service or public service.

(5) For the purposes of this section, an additional pension granted in respect of injury shall not be taken into account, but where the teacher is granted such an additional pension under this Act, the amount thereof together with the remainder of his pension or pensions shall not exceed five-sixths of his highest pensionable emoluments at any time in the course of his teaching service or other teaching service or public service.

Pensions,
etc., not of
right.

10. (1) A teacher shall not have an absolute right to compensation for past services or to pension, gratuity or other allowance nor shall anything in this Act affect the right of a school authority, with the approval of the Governor-General acting in his discretion, to dismiss any teacher at any time and without compensation.

(2) Where it is established to the satisfaction of the Governor-General that a teacher has been guilty of negligence, irregularity or misconduct, the pension, gratuity or other allowance may be reduced or altogether withheld.

Pensions,
etc., not
assignable.

11. (1) A pension, gratuity or other allowance granted under this Act shall not be assignable or transferable except for the purpose of satisfying

L.N. 168/
1967.

- (a) a debt due to the Crown; or
- (b) a debt due to a school authority if the Governor-General is satisfied that such debt arose out of teaching service; or
- (c) an order of any court for the periodical payment of sums of money towards the maintenance of the wife or former wife or minor child of the teacher to whom the pension, gratuity or other allowance has been granted.

(2) A pension, gratuity or other allowance shall not be liable to be attached, sequestered or levied upon for or in respect of any debt or claim whatever except a debt due to the Crown or to a school authority.

11A. (1) Where the temporary employment of a person is terminated after not less than 2 years of service, the Minister may, in any case he considers appropriate, authorise the payment of compensation to that person. Compensation. 1978-41.

(2) Compensation under subsection (1) is payable out of moneys voted for the purpose by Parliament.

PART III

Cesser and Suspension of Pensions

12. (1) Every pension, gratuity or other allowance granted under this Act shall be subject to the condition that unless or until the teacher attains the age of 50 years or 55 years, as the case may be, he may, if physically fit for service, be called upon by the Governor-General acting in his discretion to accept an office (either in teaching service or in public service in Barbados) not less in value than the office which he held at the date of his retirement. Liability of pensioners to be called upon to take further employment. 1985-18.

(2) Where a pensioner so called upon declines to accept any such office, the payment of his pension may be suspended until he has attained the age of 50 years or 55 years, as the case may be. 1985-18.

(3) Subsections (1) and (2) shall not apply in any case where the Governor-General, acting in his discretion otherwise directs, being of opinion

(a) that the teacher is not qualified for other employment in teaching service or in public service in Barbados; or

(b) that there is no reason to expect that he can be shortly re-employed therein.

Pension
may be
suspended
on re-
employment.

13. Where a teacher to whom a pension has been granted under this Act is appointed to an office in the public service or is re-employed in teaching service, the payment of his pension may, with his consent, be suspended during the period of his appointment or re-employment.

14. *Repealed by 1989-9.*

15. *Repealed by 1989-9.*

Pension,
etc., may
cease on
accepting
certain
appoint-
ments.

16. (1) Subject to subsection (2), where any person to whom a pension or other allowance has been granted under this Act, otherwise than under section 18, becomes

(a) a director of any company the principal part of whose business is in any way directly concerned with Barbados; or

(b) an officer or servant employed in Barbados by any such company,

without the prior permission in writing of the Governor-General acting in his discretion, such pension or other allowance shall cease if the Governor-General so directs.

(2) Where

(a) the pension or other allowance of any person has ceased on directions given by the Governor-General under subsection (1); and

(b) the Governor-General acting in his discretion is satisfied that such person has ceased to be a director of, or, as the case may be, an officer or servant employed in Barbados by a company to which subsection (1) applies,

it shall be lawful for the Governor-General to give directions for the restoration of such pension or other allowance, with retrospective effect, if he thinks fit, to such date as he may specify, and the pension or other allowance shall be restored in accordance with any such directions.

PART IIIA

Grant of pensions to teachers appointed after the commencement of this Part and other teachers who opt

1985—18.

16A. (1) Subject to section 16C, this Part applies to any person appointed after 15th July, 1985.

(2) Subject to subsections (3) and (5), no pension, gratuity or other allowance shall be granted to any teacher except on his retirement in one of the following cases:

(a) on his attaining the age of 60 years;

(b) in the case of transfer to other teaching service or to public service, in circumstances in which he is permitted to retire on pension or gratuity by the law or regulations of the service in which he is last employed: but if his service in such other teaching or public service, is superannuated under the Federated Superannuation Scheme for

Circumstances in which pension or gratuity may be granted to any person to whom this Part applies.

1985—18.

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Universities or a similar insurance scheme, he has retired on one of the grounds mentioned in paragraphs (a), (c), (d), (e), (f) and (g);

- (c) on the abolition of his office;
- (d) on the re-organisation of his office for any purpose;
- (e) on medical evidence to the satisfaction of the Governor-General that he is incapable by reason of any infirmity of mind or body of discharging the duties of his office and that such infirmity is likely to be permanent;
- (f) on becoming unfit in the opinion of the Governor-General for the discharge of the duties of his office, although not suffering from any particular illness or infirmity likely to be permanent if such unfitness is not attributable to his own misconduct or gross negligence and if the Governor-General considers that the special circumstances of the case justify the grant to him of a pension or a gratuity, as the case may be;
- (g) in the case of teaching service in Barbados, on removal on the ground of inefficiency as provided in this Act.

(3) Subject to subsection (5), a pension, gratuity or other allowance under this Act may be granted to a teacher who retires before attaining the age of 60 years, but payment thereof shall be suspended until

- (a) he has attained the age of 60 years or sooner dies; or
- (b) he satisfies the Governor-General that he is incapacitated and his condition is likely to be permanent.

(4) Where an officer has qualified for the payment of a pension, gratuity or other allowance under subsection (3), he may, at the time when payment is granted under paragraph (a) or (b) of that subsection, be paid from the date of his qualification for the pension, gratuity or allowance, that pension, gratuity or allowance together with any additional benefits that he would have received had he qualified under paragraph (a) of subsection (1); and any such additional benefits are payable out of moneys voted by Parliament for the purpose.

(5) Subsection (3) applies only to those persons who

- (a) left the teaching service before attaining the age of 60 years and after 15th July, 1985; or
- (b) retire from the teaching service after 15th July, 1985.

16B. (1) A school authority may, with the approval of the Governor-General acting in his discretion, allow a teacher in its employment to retire

Compulsory retirement under this Part.

- (a) at any time after he attains the age of 60 years; or
- (b) in special cases, at any time after he attains the age of 55 years.

(2) Retirement shall be compulsory at the age of 65 for every teacher to whom this Part applies.

16C. (1) Notwithstanding subsection (2) of section 8 and subject to subsection (2) of this section, a teacher appointed before the commencement of this Part and who was under 50 years of age on the 1st day of June, 1984 may, within 12 months after 15th July, 1985 or such further period as the Governor-General allows, give notice in writing to the Governor-General of the teacher's wish that this Part shall apply to him in which case it shall so apply.

Option to retire at the age of sixty-five years.

(2) A teacher who exercises his option under subsection (1) is entitled

- (a) to retire and have his pension, gratuity or other allowance paid at any age at which he could have before 15th July, 1985, and
 - (b) to have his pension, gratuity or other allowance computed in respect of his pensionable service,
- as if he had not exercised his option under subsection (1).

PART IV

Supplementary

17. (1) Where a teacher holding a pensionable office who is not on probation or agreement, or a teacher holding a non-pensionable office to which he has been transferred from

Gratuity where teacher dies in service or after retirement.

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a pensionable office in which he has been confirmed, dies while in teaching service in Barbados, it shall be lawful for the Governor-General to grant to his legal personal representative a gratuity of an amount not exceeding either his annual pensionable emoluments, or his commuted pension gratuity, if any, whichever is the greater.

(2) Where any such teacher to whom a pension, gratuity or other allowance has been granted under this Act dies after retirement from teaching service in Barbados, and the sums paid or payable to him at his death on account of any pension, gratuity or other allowance in respect of any teaching service, other teaching service or public service are less than the amount of the annual pensionable emoluments enjoyed by him at the date of his retirement, it shall be lawful for the Governor-General to grant to his legal personal representative a gratuity equal to the deficiency.

(3) Notwithstanding subsections (1) and (2), it shall be lawful for the Governor-General acting in his discretion in any case where the amount of the gratuity payable thereunder does not exceed the sum of five hundred dollars—

- (a) to dispense with the production of probate or letters of administration; and
- (b) to cause the gratuity to be paid to the dependant or dependants of the teacher; and
- (c) where there is more than one such dependant, to divide the gratuity among the dependants in such proportion as he may think fit.

(4) For the purposes of this section, the expression—

“annual pensionable emoluments” means the emoluments which would be taken for the purpose of computing any pension or gratuity granted to the teacher if he had retired at the date of his death in the circumstances described in paragraph (e) of subsection (1) of section 6;

“commuted pension gratuity” means the gratuity, if any, which might have been granted to a teacher under regulation 24 of the Regulations if his service had been wholly in this Island and if he had retired at the date of his death in the circumstances described in paragraph (e) of subsection (1) of section 6 and had elected to receive a gratuity and reduced pension.

18. (1) Where a teacher dies while in teaching service in this Island as a result of injuries received—

Pensions to dependants where teacher killed on duty.

- (a) in the actual discharge of his duties; and
- (b) without his own default; and
- (c) on account of circumstances specifically attributable to the nature of his duties,

then, in addition to the grant, if any, made under section 17 to the legal personal representative or dependants of such teacher, it shall be lawful for the Governor-General, subject to this section, to grant—

- (i) if the deceased teacher leaves a widow, a pension to her,

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while unmarried and of good character, at a rate not exceeding ten-sixtieths of his annual pensionable emoluments at the date of the injury or one hundred dollars a year, whichever is the greater;

- (ii) if the deceased teacher leaves a widow to whom a pension is granted under paragraph (i) and a child or children, a pension in respect of each child, until such child attains the age of eighteen years, of an amount not exceeding one-eighth of the pension prescribed under paragraph (i);
- (iii) if the deceased teacher leaves a child or children but not a widow or a pension is not granted to the widow, a pension in respect of each child, until such child attains the age of eighteen years, of double the amount prescribed by paragraph (ii);
- (iv) if the deceased teacher leaves a child or children and widow to whom a pension is granted under paragraph (i), and the widow subsequently dies, a pension in respect of each child as from the date of the death of the widow until such child attains the age of eighteen years, of double the amount prescribed in paragraph (ii);
- (v) if the deceased teacher does not leave a widow or if a pension is not granted to his widow and if his mother was wholly or mainly dependent on him for her support, a pension to the mother, while of good character and without adequate means of support, of an amount not exceeding the pension which might have been granted to his widow;
- (vi) if the deceased teacher does not leave a widow or mother or if a pension is not granted to his widow or mother and if his father was wholly or mainly dependent on him for his support, a pension to the father, while of good character and without adequate means of support, of an amount not exceeding the pension which might have been granted to his widow;
- (vii) if the deceased teacher does not leave a child or children who is or are eligible for a pension under this section and if any brother or sister was wholly or mainly dependent on him for support, a pension in respect of any

such brother or sister of the same amount and subject to the same conditions as the pension which might have been granted in respect of a child under paragraphs (ii), (iii) or (iv).

(2) (a) A pension shall not be payable under this section at any time in respect of more than six children.

(b) Where, in the case of a pension granted under paragraph (v) of subsection (1), the mother is a widow at the time of the grant of the pension and she subsequently re-marries, such pension shall cease as from the date of re-marriage.

(c) A pension granted to a female child under this section shall cease upon the marriage of such child under the age of eighteen years.

(d) Where, in the case of a pension granted under paragraphs (v), (vi) or (vii) of subsection (1), it at any time appears to the Governor-General acting in his discretion that the mother, or father or any brother or sister is adequately provided with other means of support, such pension shall cease as from such date as the Governor-General may determine.

(3) Where a teacher proceeding by a route approved by the Governor-General to or from the Island, at the commencement or termination of his service therein or of a period of leave therefrom, dies as the result of damage to the vessel, aircraft or vehicle in which he is travelling or of any act of violence directed against such vessel, aircraft or vehicle, and the Governor-General is satisfied that such damage or act is attributable to circumstances arising out of any war in which the Crown may be engaged, such teacher shall be deemed, for the purposes of this section, to have died in the circumstances described in subsection (1).

(4) A teacher who dies as a result of injuries received while travelling by air in pursuance of official instructions shall be deemed to have died in the actual discharge of his duty and on account of circumstances specifically attributable to the nature of his duties; and if his injuries are not due to his own default the rates of pension prescribed in paragraphs (i) and (ii) of subsection (1) shall be fifteen-sixtieths and one-sixth respectively.

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Cap. 47.

(5) This section shall not apply in the case of the death of any teacher if his dependants as defined in the National Insurance and Social Security Act are entitled to compensation under that Act.

(6) For the purposes of this section, in relation to a teacher, the expression—

“ brother ” includes every male child of the father or mother of the deceased teacher;

“ child ” includes—

(a) a posthumous child;

(b) a step-child or illegitimate child born before the date of the injury and wholly or mainly dependent upon the deceased teacher for support; and

(c) an adopted child, adopted in a manner recognised by law, before the date of the injury and dependent as aforesaid;

“ father ” includes step-father and a male person by whom the deceased teacher was adopted;

“ mother ” includes step-mother and a female person by whom the deceased teacher was adopted;

“ sister ” includes every female child of the father or mother of the deceased teacher.

Application
of Act.

19. (1) This Act applies—

(a) to every teacher first appointed to teaching service in this Island on or after the 14th February, 1963¹;

(b) to every teacher first appointed to teaching service in this Island before the 14th February, 1963, to whom it is intimated before such appointment that he would be liable to be affected by any change in the pensions law of this Island relating to him;

(c) subject to subsection (3) to every other teacher—

(i) who is in teaching service in this Island at the

¹ The date of commencement of this Act.

14th February, 1963; or

(ii) who was transferred from teaching service in this Island to other teaching service or public service before that date and is still in other teaching service or public service; and

(d) to every person who—

(i) retired from teaching service in this Island before the 14th February, 1963; and

(ii) at that date has not yet been granted a pension, gratuity or other allowance; and

(iii) would have been eligible for the grant of a pension, gratuity or other allowance under this Act, had he not so retired,

unless in the cases provided for in paragraphs (c) and (d) such teacher or other person, not later than twelve months after the 14th February, 1963, or within such further period as the Governor of Barbados or the Governor-General, as the case may be, acting in his discretion has or may in any special case allow, gave or gives notice in writing to the Governor or Governor-General, as the case may be, of his decision that the Teachers Pension Act, 1925,¹ shall apply to him, in which case that Act shall continue to apply accordingly. Act 1925-4.

(2) Where any teacher or other person who gives notice under paragraph (c) or (d) of subsection (1) is thereafter re-appointed to teaching service in this Island, this Act shall apply in respect of his whole service:

Provided that except, where such a teacher or person eventually becomes eligible for a pension, gratuity or other allowance under this Act in respect of his service before and after his re-employment, a pension, gratuity or other allowance granted to him solely in respect of service prior to such re-employment shall not be recomputed.

(3) This Act shall not apply to any teacher who pursuant to section 7 of the Teachers Pension (Amendment) Act, 1949, elected to remain subject to the provisions of the Teachers

¹ This Act has not been reprinted. It was amended by Acts 1943-31, 1944-19, 1949-4, 1951-22 and 1957-19.

Pension Act, 1925, in force immediately prior to the enactment of the said Teachers Pension (Amendment) Act, 1949.¹

(4) For the avoidance of doubt it is hereby declared that nothing in this Act shall be construed as applying to any person who has retired from the teaching service before the 23rd October, 1947.

20. (1) Where any person—

- (a) retired from teaching service in this Island subsequent to the 22nd October, 1947, but before the 14th February, 1963; and
- (b) was granted a pension, gratuity or other allowance before the 14th February, 1963; and
- (c) would have been eligible for the grant of a pension, gratuity or other allowance under this Act had he not so retired,

then any pension, gratuity or other allowance granted to him shall be recomputed in accordance with this Act and if the amount of such pension, gratuity or other allowance as recomputed is greater than the amount actually granted to such person, the difference shall be paid to him with effect from the 14th February, 1963.

(2) In recomputing any pension, gratuity or other allowance for the purposes of subsection (1)—

- (a) section 17 shall not apply in the case of any teacher who died before the 24th August, 1955²;
- (b) regulation 20(2)(b) shall not apply to any person who retired from teaching service before 1st April, 1956;
- (c) regulation 23 shall not apply to any person who retired from teaching service before the 30th August, 1951; and

¹ These Acts, 1925-4 and 1949-4, which have been repealed, except in relation to those who opted to continue under them, are not printed in these *Laws*.

² The date of commencement of the Pensions (Amendment) Act, 1955-33. See now Pensions Act, Cap. 25, section 19.

- (d) regulation 24 shall, as respects any person who retired from teaching service before the 1st April, 1956, have effect as if the word “ten” were substituted for the words “twelve and one-half”.
- (3) For the purposes of this section, the expression “regulation” means one of the Regulations.

SCHEDULE

s.2.

Alexandra School
Alleyne School
Coleridge and Parry School
Combermere School
Foundation School
Harrison College
Lodge School
Queen’s College
St. Michael’s Girls’ School

THE LAWS OF BARBADOS