

ORDINANCE OF THE STATES OF DELIBERATION

ENTITLED

The Teachers' Superannuation (Family Benefits) Ordinance, 1967 *

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.

©States of Guernsey

* Recueil d'Ordonnances Tome XV, p. 102; as amended by the Teachers' Superannuation (Family Benefits) (Amendment) Ordinance, 1967 (Recueil d'Ordonnances Tome XV, p. 209); the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016). This Ordinance is applied to the Island of Alderney by the Alderney (Application of Legislation) (Teachers' Superannuation) (Family Benefits) Ordinance, 1967 (Recueil d'Ordonnances Tome XV, p. 197).

ORDINANCE OF THE STATES OF DELIBERATION

ENTITLED

The Teachers' Superannuation (Family Benefits) Ordinance, 1967

ARRANGEMENT OF SECTIONS

PART I

Interpretation

1. Interpretation.

PART II

The Fund

2. Establishment of Fund.
3. Payments into the Fund.
4. Payments out of the Fund.
5. Investment.
6. Accounts and audit.
7. Quinquennial valuations.

PART III

Teachers', Widows' and Children's Pension (Guernsey) Scheme

8. Establishment of Scheme.
9. Elections.
10. Teachers to whom Scheme applies.
11. Commencement of application.
12. Application to deceased teachers.
13. Payment of contributions.
14. Normal contributions.
15. Additional contributions.
16. Date from which additional contributions payable; Methods I and II.
17. Method I.
18. Method II.
19. Method III.
20. Contributions payable by re-instated contributors.
- 20A. Additional contributions payable by former contributors under a similar scheme.
21. Payment of additional contributions on retirement.

Consolidated text

22. Payment of additional contributions on death.
23. Contributions during intervals in service.
24. Payment of outstanding contributions.
25. Contributions in respect of deceased teachers.
26. Service counting for benefit.
27. Unmarried contributors.
28. Death of married contributor.
29. Withdrawal of married contributor.
30. Retirement of widowed contributor.
31. Widow's pension.
32. Amount of widow's pension.
33. Duration of widow's pension.
34. Short service widow's pension.
35. Amount of short service widow's pension.
36. Duration of short service widow's pension.
37. Children's pension.
38. Amount of children's pension.
39. Duration of children's pension.

PART IV

Teachers' Dependants' Pension (Guernsey) Scheme

40. Establishment of Scheme.
41. Dependants.
42. Nomination by teachers.
43. Validity of nominations.
44. Avoidance of nominations.
45. Payment of contributions.
46. Amount of contributions.
47. Duration of contributions.
48. Contributions in respect of intervals in service.
49. Payment of contributions on death.
50. Repayment of contributions.
51. Entitlement to pensions.
52. Life and temporary pensions.
53. Amounts of pensions.
54. Duration of pensions.

PART V

Miscellaneous

55. Functions of the Committee.
56. Collection of contributions by deduction from salary.
57. Limitation of amount of contributions.
58. Interest on repaid contributions.
59. Deductions from repaid contributions.
60. Payment of pensions.
61. Payments in respect of deceased persons.
62. Payments in respect of minors and infirm persons.
63. Benefits not assignable.
64. Provision of information.

Consolidated text

- 65. Extension of time.
- 66. Determination of questions.
- 67. Citation and commencement.

FIRST SCHEDULE	Teachers entitled to elect that the Teachers' Widows' and Children's Pension (Guernsey) Scheme shall apply to them.
SECOND SCHEDULE	Rates of additional contributions—Methods I and II.
THIRD SCHEDULE	Rates of additional contributions—Method III.
FOURTH SCHEDULE	Amount of short service widow's pension.
FIFTH SCHEDULE	Amount of children's pension.

(Made on 22nd March, 1967.)

The Teachers' Superannuation (Family Benefits) Ordinance, 1967

THE STATES, in pursuance of their Resolution of the fourteenth day of December, nineteen hundred and sixty-six, and in exercise of the powers conferred upon them by section one of the Teachers' Superannuation (Family Benefits) (Guernsey) Law, 1967, and of all other powers thereunto them enabling hereby order: –

PART I

Interpretation

Interpretation.

1. (1) In this Ordinance, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say –

"the Act of 1925" means the Teachers (Superannuation) Act 1925,

"additional allowance" means the additional allowance payable by virtue of the Law of 1948 to a teacher who has ceased to be employed in reckonable service,

"additional contributions" means the contributions required to be paid by section fifteen of this Ordinance,

"annual superannuation allowance" means the annual superannuation allowance payable by virtue of the Law of 1948 to a teacher who has ceased to be employed in reckonable service,

"child" means –

Consolidated text

- (a) in Part III, a person who –
 - (i) has not attained the age of sixteen, or
 - (ii) having attained the age of sixteen, is receiving full-time education or undergoing full-time training for a trade, profession or calling, which training is of a duration of not less than two years, or
 - (iii) having attained the age of sixteen, is an incapacitated person by reason of an infirmity which arose either before he attained that age or while receiving such education or undergoing such training as aforesaid, and
- (b) in Part IV, a person who has not attained the age of sixteen,

"contributor" has the meaning assigned to it by section ten of this Ordinance,

"[the Committee]" means the States [Committee for Education, Sport & Culture],

"death gratuity" means a gratuity payable by virtue of the Law of 1948 to the legal personal representatives of a teacher who dies while employed in reckonable service,

"deceased teacher" has the meaning assigned to it by section twelve of this Ordinance,

"dependant", in Part IV, has the meaning assigned to it by section forty-one of this Ordinance,

"eligible child" means a child, not being a married woman, who is –

Consolidated text

- (a) a legitimate child of a contributor, born before the contributor dies or becomes entitled to be paid superannuation allowances or within one year of his death or becoming so entitled,
- (b) an adopted child of a contributor, adopted before the contributor dies or becomes entitled to be paid superannuation allowances,
- (c) a legitimate or adopted child of a deceased teacher, or
- (d) a step-child or illegitimate child of a contributor or deceased teacher, or an adopted child of the wife of a contributor or deceased teacher, and wholly or mainly dependent on the contributor before he becomes entitled to be paid superannuation allowances and at the time of his death or on the deceased teacher at the time of his death, as the case may be,

"the Fund" means the fund established in accordance with the provisions of Part II of this Ordinance,

"incapacitated person" means a person who, in the opinion of [the Committee], is incapable by reason of infirmity of mind or body of earning a livelihood and who is not wholly or mainly supported out of money provided by the States, and **"incapacitated"** shall be interpreted accordingly,

"the Law of 1948" means the Teachers' (Superannuation) Law (Guernsey) 1948,

"life pension", in Part IV, has the meaning assigned to it by section fifty-two of this Ordinance,

"Method I", **"Method II"** and **"Method III"** mean the methods of paying additional contributions prescribed respectively by section seventeen,

section eighteen and section nineteen of this Ordinance,

"normal contributions" means the contributions required to be paid by section fourteen of this Ordinance,

"previous service", in relation to a contributor or deceased teacher, means employment before the Scheme established by Part III of this Ordinance becomes or again becomes, applicable to him in reckonable service [or in similar service],

"reckonable service" means –

- (a) service in respect of which superannuation allowances are payable by virtue of the Law of 1948 other than such service in respect of which superannuation contributions have been returned by [the Committee] and not subsequently repaid to [the Committee],
- (b) such other service in Guernsey which is approved by [the Committee] for the purposes of this Ordinance,

"re-instated contributor" means a person who is a contributor by virtue of paragraph (b) of subsection (1) of section ten of this Ordinance,

"salary", in relation to any period, means the amount of the salary of a teacher by reference to which superannuation contributions payable by him in respect of that period are calculated,

"the Schemes" means the Teachers' Widows' and Children's Pension (Guernsey) Scheme and the Teachers' Dependants' Pension (Guernsey) Scheme established respectively by Part III and Part IV of this Ordinance,

"service counting for benefit" has the meaning assigned to it by section twenty-six of this Ordinance,

["**similar scheme**"] means a scheme under any enactment for the time being in force in any part of the United Kingdom, the Isle of Man or the Island of Jersey, and corresponding to the Teachers', Widows' and Children's Pension (Guernsey) Scheme established under Part III of this Ordinance,

"**similar service**", in relation to any person, means service in respect of which benefits may be granted under any enactment for the time being in force in any part of the United Kingdom, the Isle of Man or the Island of Jersey, relating to the superannuation of teachers,]

"**superannuation allowances**" means annual superannuation allowances and additional allowances,

"**superannuation contributions**" means the contributions payable by a teacher by virtue of the Law of 1948,

"**teacher**" means a person employed in reckonable service and, where the context so requires, includes a person who has ceased to be so employed,

"**temporary pension**", in Part IV, has the meaning assigned to it by section fifty-two of this Ordinance.

(2) Except where the context otherwise requires, any reference in this Ordinance to any other enactment shall be construed as a reference to that enactment as amended, repealed, replaced, extended or applied by or under any other enactment.

NOTES

In section 1,

the words in, first, the first and, second, the second pairs of square brackets in the definition of the expression "the Committee" in subsection (1) and, third, the words "the Committee" in square brackets wherever else occurring were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, respectively section 5(1), Schedule 3,

paragraph 3, section 2, Schedule 1, paragraph 3 and section 5(1), Schedule 3, paragraph 3, with effect from 1st May, 2016;¹

the words in square brackets in the definition of the expression "previous service" in subsection (1) were inserted by the Teachers' Superannuation (Family Benefits) (Amendment) Ordinance, 1967, section 1(a)(i), with effect from 28th June, 1967;

the definitions of the expressions "similar scheme" and "similar service" were inserted by the Teachers' Superannuation (Family Benefits) (Amendment) Ordinance, 1967, section 1(a)(ii), with effect from 28th June, 1967.

The functions, rights and liabilities of the Education Department and its Minister arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Committee for Education, Sport & Culture and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 3, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.²

The Ordinance is applied to the Island of Alderney by the Alderney (Application of Legislation) (Teachers' Superannuation) (Family Benefits) Ordinance, 1967, section 1, with effect from 26th April, 1967, subject to the proviso that, for the word "Guernsey" in the definition of the expression "reckonable service" in subsection (1) of section 1, there shall be substituted the word "Alderney".

The Teachers' (Superannuation) Law (Guernsey) 1948 ("the Law of 1948") has since been repealed by the Superannuation (Teachers and Teachers' Families) (Guernsey) Law, 1974, section 5, with effect from 1st May, 1978, subject to the transitional provision in section 5(3) of the 1974 Law.

PART II

The Fund

Establishment of Fund.

2. For the purposes of the Schemes there shall be established by [the Committee], under the control and management of [the Committee], a fund to be called the Teachers' Family Benefits (Guernsey) Fund.

NOTE

In section 2, the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 3, with effect from 1st May, 2016.

Payments into the Fund.

3. There shall be paid into the Fund –
- (a) all sums paid to [the Committee] under Part III and Part IV of this Ordinance, and
 - (b) any other sums received by [the Committee] in connection with the Schemes.

NOTE

In section 3, the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 3, with effect from 1st May, 2016.

Payments out of the Fund.

4. There shall be paid out of the Fund –
- (a) the benefits and other sums payable under Part III and Part IV of this Ordinance, and
 - (b) any expenses incurred in connection with the investment of moneys forming part of the Fund.

Investment.

5. Any moneys forming part of the Fund may, from time to time, be invested by or on behalf of [the Committee] in such securities as [the Committee] may deem fit and may be invested together with any moneys forming part of any superannuation or other fund administered on behalf of the States.

NOTE

In section 5, the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 3, with effect from 1st May, 2016.

Accounts and audits.

6. In each year there shall be prepared proper accounts relating to the Fund and auditors appointed annually by the States shall examine, certify and report to the States [Policy & Resources Committee] upon such accounts and the said Committee shall, as soon as may be thereafter, lay copies thereof, together with the report of the auditors thereon, before the States.

NOTES

In section 6, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 10(a), with effect from 1st May, 2016.³

The functions, rights and liabilities of the Policy Council and of its Minister arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Policy & Resources Committee and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 10(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.⁴

Quinquennial valuations.

7. (1) The Government Actuary of Great Britain if he be willing or an actuary nominated by him, or, if the said Government Actuary be unwilling so to act or to nominate, an actuary appointed by the States, shall make an actuarial valuation as at the thirty-first day of December, nineteen hundred and seventy-four, and as at the thirty-first day of December in each fifth year thereafter of the assets and liabilities of the Fund and shall report to [the Committee] thereon and on the sufficiency or otherwise of the contributions being made to the Fund to support the benefits payable therefrom.

(2) [The Committee] shall, as soon as is practicable, lay before the States a copy of every report made to it under this section.

NOTE

In section 7, the words "T/the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 3, with

effect from 1st May, 2016.

PART III

Teachers', Widows' and Children's Pension Scheme

Establishment of Scheme.

8. This Part of this Ordinance makes provision for the establishment of a scheme for securing the payment of pensions to or in respect of the widows and children of teachers who die, or who have died after the twenty-second day of December, nineteen hundred and sixty-five, which scheme shall be known as the Teachers', Widows' and Children's Pension (Guernsey) Scheme and is in this Part of this Ordinance referred to as "**the Scheme**".

Elections.

9. Any election required or authorised to be made under the provisions of this Part of this Ordinance –

- (a) shall be made in writing and sent by post to [the President] of [the Committee], and
- (b) if accepted by [the Committee], shall be irrevocable.

NOTE

In section 9, the words, first, "the President" and, second, "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, respectively section 2, Schedule 1, paragraph 3 and section 5(1), Schedule 3, paragraph 3, with effect from 1st May, 2016.⁵

Teachers to whom Scheme applies.

10. (1) The Scheme shall apply to men teachers who –
- (a) not having been employed in reckonable service [or in similar service] before the first day of April, nineteen

hundred and sixty-nine, become employed in reckonable service on or after that date, or

[(b) are in reckonable service and are former contributors under a similar scheme, or]

[(c) having been contributors and ceased to be employed in reckonable service, become re-employed in such service and liable to pay superannuation contributions.

(2) Subject to the provisions of this Ordinance, the Scheme shall apply to men teachers, other than those specified in subsection (1) of this section, of any description specified in the first column of the First Schedule to this Ordinance who elect that the Scheme shall apply to them within the period specified in the second column of that Schedule in relation to that description.

(3) Teachers of any description specified in the first column of the First Schedule to this Ordinance shall not elect that the Scheme shall apply to them if, at the commencement of the period when they may so elect, they have attained the age of sixty and are entitled to be paid superannuation allowances:

Provided that the provisions of this subsection shall not apply in the case of a teacher who was employed in reckonable service on the first day of April, nineteen hundred and sixty-six, and had not on that day yet attained the age of sixty.

(4) A teacher to whom the Scheme applies by virtue of this section is in this Part of this Ordinance referred to as a "**contributor**".

[(5) Teachers who, before becoming employed in reckonable service, were entitled to elect that a similar scheme should apply to them and did not so elect shall not elect that the Scheme shall apply to them unless they marry while employed in reckonable service.]

NOTES

In section 10,

the words in square brackets in paragraph (a) of subsection (1) were inserted by the Teachers' Superannuation (Family Benefits) (Amendment) Ordinance, 1967, section 1(b)(i), with effect from 28th June, 1967;

paragraph (b) of subsection (1) was inserted and the original paragraph (b) was re-lettered as paragraph (c) by the Teachers' Superannuation (Family Benefits) (Amendment) Ordinance, 1967, respectively section 1(b)(iii) and section 1(b)(ii), with effect from 28th June, 1967;

subsection (5) was inserted by the Teachers' Superannuation (Family Benefits) (Amendment) Ordinance, 1967, section 1(b)(iv), with effect from 28th June, 1967.

Commencement of application.

11. The date on which the Scheme shall commence to apply to a contributor or be deemed to have commenced to apply to a contributor, as the case may be, shall be –

- (a) in a case to which the provisions of subsection (1) of the last preceding section apply, the date on which he becomes employed or re-employed, as the case may be, in reckonable service,
- (b) in a case to which the provisions of subsection (2) of that section apply –
 - (i) where he became a contributor as being a teacher of the description specified in paragraph (a) in the first column of the First Schedule to this Ordinance, the first day of April, nineteen hundred and sixty-six, or
 - (ii) where he became a contributor as being a teacher of the description specified in paragraph (b) in the first column of that Schedule, the date on which he became employed in reckonable service, or

- (iii) where he became a contributor as being a teacher of the description specified in paragraph (c), (d) or (e) in the first column of that Schedule, the date of the commencement of the period during which he may elect that the Scheme shall apply to him.

Application to deceased teachers.

12. (1) The Scheme shall apply to men teachers who –

- (a) die or have died after the twenty-second day of December, nineteen hundred and sixty-five, and before the first day of April, nineteen hundred and sixty-seven, or
- (b) before the expiry of the period during which they may elect that the Scheme shall apply to them, die without having so elected, or
- (c) within three months of the expiry of the said period, die without having so elected, if [the Committee] is satisfied that by reason of sickness or unavoidable cause they have been unable so to elect.

(2) Notwithstanding anything contained in subsection (1) of this section, the Scheme shall not by reason of that subsection apply –

- (a) to a teacher who before his death elects that it shall not apply to him,
- (b) to a teacher who had attained the age of sixty and was entitled to be paid superannuation allowances, or
- (c) to a teacher in respect of whom [the Committee] is satisfied, after consultation with persons interested, that it would not benefit his widow or eligible

children.

(3) A teacher to whom the Scheme applies by virtue of this section is in this Part of this Ordinance referred to as a "**deceased teacher**".

NOTE

In section 12, the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 3, with effect from 1st May, 2016.

Payment of contributions.

13. For the purpose of defraying the cost of the benefits under the Scheme there shall be paid to [the Committee] –

- (a) by or in respect of any such contributor as is mentioned in sub-paragraph (i) or sub-paragraph (ii) of paragraph (b) of section eleven of this Ordinance, normal contributions in respect of reckonable service from the date on which the Scheme commenced to apply to him and additional contributions in respect of previous service, so, however, that any such normal contributions in respect of any period of reckonable service during the twelve months commencing on the first day of April, nineteen hundred and sixty-six, and ending on the thirty-first day of March, nineteen hundred and sixty-seven, shall be paid to [the Committee] on behalf of such contributor out of the General Revenue of the States, and
- (b) by or in respect of every other contributor, normal contributions in respect of reckonable service after the Scheme becomes applicable to him and additional contributions in respect of previous service, and
- (c) in respect of every deceased teacher, such

contributions as are prescribed by section twenty-five of this Ordinance.

NOTE

In section 13, the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 3, with effect from 1st May, 2016.

Normal contributions.

14. (1) Subject to the provisions of this Ordinance, normal contributions shall be an amount equal to two per centum of the salary of a contributor and shall be paid, in respect of any period during which he is employed in reckonable service, from the date on which the Scheme commenced or commences to apply to him until the date on which he ceases to pay superannuation contributions.

(2) Normal contributions shall not be paid by a contributor who, after attaining the age of sixty, has become entitled to be paid superannuation allowances, unless, after the termination of a subsequent period of employment in reckonable service, he becomes entitled to a subsequent additional allowance.

(3) Normal contributions payable by a contributor by reason of the last preceding subsection shall, together with compound interest thereon calculated at four per centum per annum with yearly rests, be paid by the surrender of the whole or a proportion of his subsequent additional allowance.

Additional contributions.

15. (1) Subject to the provisions of this Ordinance relating to re-instated contributors [or former contributors under a similar scheme], a contributor –

(a) shall pay additional contributions in respect of the whole of his previous service not exceeding ten years, and

(b) may, if he elects so to do, pay additional contributions

Consolidated text

in respect of part or all of such services in excess of ten years.

(2) Subject as aforesaid, additional contributions payable by a contributor shall be paid and their amount determined by –

Method I, as provided in section seventeen of this Ordinance, or

Method II, as provided in section eighteen of this Ordinance, or

Method III, as provided in section nineteen of this Ordinance,

or partly by either Method I or Method II and partly by Method III.

(3) A contributor shall elect by which one of the methods or combination of methods specified in the last preceding subsection the additional contributions payable by him shall be paid and their amount determined.

(4) A contributor shall not elect to pay additional contributions –

(a) by Method I, if he has attained the age of fifty-nine, or

(b) by Method II, if he has not attained the age of thirty or has attained the age of sixty-four,

on the date on which such contributions commence to be payable by him.

(5) An election made under subsection (3) of this section shall not be such as to result in the total annual amount of the contributions payable by him being in excess of the amount authorised by section fifty-seven of this Ordinance.

(6) If a contributor to whom this section applies elects that the additional contributions payable by him shall be paid and their amount determined by a combination of methods, he shall further elect in respect of what amount of previous service such contributions shall be so paid and determined by Method I or Method II, as the case may be.

(7) Where a contributor does not elect under the preceding provisions of this section that the amount of additional contributions payable by him in respect of any period of previous service shall be paid and determined by either Method I or Method II, the amount of such contributions in respect of that period shall be paid and determined by Method III.

(8) In relation to additional contributions a period of previous service of less than one complete year shall be expressed as a fraction of a year, of which fraction the denominator shall be twelve and the numerator shall be the number of months of thirty days comprised in the said period of previous service, any number of days exceeding fourteen which remain being reckoned as a month.

(9) An election authorised or required to be made by this section shall be made by a contributor at the same time as he elects that the Scheme shall apply to him.

NOTE

In section 15, the words in square brackets in subsection (1) were inserted by the Teachers' Superannuation (Family Benefits) (Amendment) Ordinance, 1967, section 1(c), with effect from 28th June, 1967.

Date from which additional contributions payable; Methods I and II.

16. Where a contributor has elected under the last preceding section of this Ordinance to pay additional contributions by either Method I or Method II, such contributions shall, except as otherwise provided in section twenty of this Ordinance, commence to be payable from the first day of the month commencing next after the date on which notification of acceptance of his election is sent to him by post by [the Committee].

NOTE

In section 16, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 3, with effect from 1st May, 2016.

Method I.

17. Additional contributions payable by Method I shall be paid by a contributor, in respect of any period during which he is employed in reckonable service, from the date on which they commence to be payable until he ceases to be so employed, attains the age of sixty or dies, whichever shall first occur, and shall be the amount ascertained by multiplying –

- (a) the percentage of his salary for that period which, in the second column of the Second Schedule to this Ordinance, is specified opposite to his age in the first column of that Schedule on the date from which additional contributions commence to be payable by him, by
- (b) the length in years of the period of previous service in respect of which additional contributions are payable by him by Method I.

Method II.

18. Additional contributions payable by Method II shall be paid by a contributor, in respect of any period during which he is employed in reckonable service, from the date on which they commence to be payable until he ceases to be so employed, attains the age of sixty-five or dies, whichever shall first occur, and shall in respect of any period be the amount ascertained by multiplying –

- (a) the percentage of his salary for that period which, in the third column of the Second Schedule to this Ordinance, is specified opposite to his age in the first column of that Schedule on the date from which additional contributions commence to be payable by him, by
- (b) the length in years of the period of previous service in respect of which additional contributions are payable by him by Method II.

Method III.

19. (1) Additional contributions payable by Method III shall be paid by the surrender of the whole or a proportion of any sum payable to or in respect of a contributor by way of additional allowance, death gratuity or return of superannuation contributions.

(2) The amount of such additional contributions shall be ascertained by multiplying –

- (a) the length in years of the period of previous service in respect of which additional contributions are payable by the contributor by Method III, by either
- (b) in the case of a contributor to whom the Scheme first commenced to apply before the first day of April, nineteen hundred and sixty-seven, the percentage of his average salary which, in the second column of the Third Schedule to this Ordinance, is specified opposite to his age in the first column of that Schedule on the date on which the Scheme first becomes applicable to him, or
- (c) in the case of a contributor to whom the Scheme first becomes applicable on or after the first day of April, nineteen hundred and sixty-seven, the percentage of his average salary which, in the third column of that Schedule, is specified opposite to his age in the first column of that Schedule on the date on which the Scheme first becomes applicable to him.

(3) No surrender of the whole or a proportion of an additional allowance, death gratuity or sum payable by way of return of superannuation contributions shall be made by or in respect of a contributor who is unmarried when he ceases to be employed in reckonable service or dies or to whose widow a pension is not payable under the Scheme.

(4) In this section "**average salary**" means the average salary of a teacher as determined, by virtue of the Law of 1948, under subsection (2) of section ten of the Act of 1925.

Contributions payable by re-instated contributors.

20. (1) Subsection (3), subsection (4) and subsection (5) of this section apply to a reinstated contributor who –

- (a) while previously employed in reckonable service paid additional contributions by either Method I or Method II;
- (b) before he attains the age of sixty where such contributions were paid by Method I or the age of sixty-five where such contributions were paid by Method II, as the case may be, has been absent from employment in reckonable service for a period or periods amounting in the aggregate to more than three hundred and sixty-five days, exclusive of any period to be disregarded under the next succeeding subsection, and
- (c) has not paid the balance of the additional contributions payable by him in the manner provided for in the next succeeding section.

(2) For the purpose of paragraph (b) of subsection (1) of this section, there shall be disregarded any period during which a re-instated contributor has been absent from employment in reckonable service if either –

- (i) on last ceasing to be so employed he was granted either superannuation allowances or a gratuity by reason of having become incapable through infirmity of mind or body of serving efficiently as a teacher in reckonable service, or

- (ii) on last ceasing to be so employed he was absent on sick leave which was treated as reckonable service and neither his superannuation contributions nor any contributions under the scheme has been returned to him.

(3) [The Committee] shall, after such consultation with any person authorised to make an actuarial valuation for the purposes of section seven of this Ordinance, determine and notify to a re-instated contributor of the kind specified in subsection (1) of this section the period of previous service which is to be treated as service counting for benefit by reason of the additional contributions previously paid by him and not repaid to him.

(4) Section fifteen, section sixteen, section seventeen, section eighteen and section nineteen of this Ordinance, other than subsection (9) of the said section fifteen, shall have effect in relation to a reinstated contributor of the kind specified in subsection (1) of this section subject to the following modifications, that is to say –

- (a) the date on which additional contributions again commence to be payable by Method I or Method II, as the case may be, shall be the date on which he becomes re-employed in reckonable service,
- (b) his relevant age shall be deemed to be –
 - (i) in a case to which subsection (6) of this section applies, his age on the date of repayment by him of contributions under the Scheme, and
 - (ii) in any other case, his age on the date on which he becomes re-employed in reckonable service, and

- (c) the period of previous service shall be deemed to be the period in respect of which he was required or elected under section fifteen of this Ordinance to pay additional contributions, subject to the subtraction therefrom of the period of service counting for benefit as determined under subsection (3) of this section.

(5) Notwithstanding the foregoing provisions of this section, a re-instated contributor of the kind specified in subsection (1) of this section may within three months of being notified, as required by subsection (3) of this section, elect that a period of previous service exceeding ten years in respect of which additional contributions are payable by him shall be reduced to such an extent as to result in his having not less than ten years of service counting for benefit and, if [the Committee] accepts any such election, effect shall be given thereto accordingly.

(6) A re-instated contributor who repays to [the Committee] superannuation contributions repaid to him may, within three months of making that repayment, also repay to [the Committee] any normal contributions paid by him under the Scheme which had been repaid to him, together with compound interest thereon calculated at three and one half per centum per annum with yearly rests from the date of repayment to him.

(7) Additional contributions payable by Method III by a re-instated contributor shall be reduced by the aggregate of any amount previously paid by him by that Method and of compound interest on that amount calculated at three and one half per centum per annum with yearly rests from the date of payment.

NOTE

In section 20, the words "T/the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 3, with effect from 1st May, 2016.

[Additional contributions payable by former contributors under a similar scheme.]

20A. (1) A former contributor under a similar scheme who became a

contributor within one year of last ceasing to be liable to pay contributions under the similar scheme last applicable to him exclusive of any period to be disregarded under the next succeeding subsection and who, under that similar scheme, was paying or was liable to pay contributions corresponding to additional contributions shall pay additional contributions in accordance with the following provisions, that is to say –

- (a) additional contributions shall be paid, and their amount determined, by the method or combination of methods which under the Scheme corresponds to the method or combination of methods by which he was paying, or was or would have been liable to pay, contributions corresponding to additional contributions under that similar scheme,
- (b) additional contributions payable by Method I or Method II, as the case may be, shall be paid from the date on which he became employed in reckonable service or from the first day of April, nineteen hundred and sixty-seven, whichever is the later,
- (c) his relevant age shall be deemed to be the same as for the purpose of determining the amount of the contributions payable by him under that similar scheme,
- (d) the period of service relevant for the purposes of additional contributions under that similar scheme shall be deemed to be previous service for the purposes of the Scheme.

(2) For the purposes of subsection (1) of this section, any period during which a former contributor under a similar scheme was absent from employment reckonable for the purposes of the provisions contained in or made under any enactment relating to the superannuation of teachers shall be disregarded if on last ceasing to be so employed –

- (a) he was, under such provisions, granted benefits on account of disablement or permanent incapacity, or
- (b) he was absent on sick leave which was treated as service reckonable for the purposes of such provisions and no contributions paid under that similar scheme had been repaid to him.

(3) A former contributor under a similar scheme who becomes a contributor more than one year after last ceasing to pay contributions under that similar scheme and who, under that scheme, was paying or was liable to pay contributions corresponding to additional contributions shall pay additional contributions as if he were a re-instated contributor and the provisions of subsection (4) and subsection (5) of the last preceding section shall, with such modifications as are necessary, apply to him accordingly.]

NOTE

Section 20A was inserted by the Teachers' Superannuation (Family Benefits) (Amendment) Ordinance, 1967, section 1(d), with effect from 28th June, 1967.

Payment of additional contributions on retirement.

21. (1) In the case of a contributor who is paying additional contributions in accordance with either Method I or Method II and who ceases to be employed in reckonable service before attaining the age of sixty, being then entitled to superannuation allowances on attaining that or any lesser age, the balance of the additional contributions payable by him shall be paid by means of the surrender of the whole or a proportion of any sums payable to or in respect of him by virtue of the Law of 1948.

(2) In the case of a contributor who is paying additional contributions in accordance with Method II and who ceases to be employed in reckonable service after having attained the age of sixty and before attaining the age of sixty-five, the balance of the additional contributions payable by him shall be

paid by means of the surrender of the whole or a proportion of the additional allowance payable by him on his so ceasing.

(3) For the purposes of this section the balance of the additional contributions payable by a contributor shall be the sum equal to the difference between –

- (a) the amount of such contributions already paid by him, and
- (b) the amount which would have been paid by him if he had continued to be employed in reckonable service until the end of the period during which such contributions would have been payable by him at the same rate of salary as that being paid to him at the time he ceased to be so employed, together with, in cases to which subsection (1) of this section applies, compound interest on that sum, calculated at three and one half per centum per annum with yearly rests, from the date of his ceasing to be so employed.

Payment of additional contributions on death.

22. (1) This section applies in the case of a contributor who elected under this Part of this Ordinance to pay additional contributions in accordance with either Method I or Method II and who dies before he has paid such contributions for a period or periods amounting to one year.

(2) The amount by which the additional contributions paid by such a contributor fall short of the amount which he would have paid if he had continued to be employed in reckonable service for a period of one year from the date on which such contributions first became payable at the same rate of salary as that being paid to him at the time of his death shall be paid by the surrender of the whole or a proportion of any sum payable in respect of him by way of death gratuity or the return of superannuation contributions.

Contributions during intervals in service.

23. A contributor who, on his employment in reckonable service being discontinued, continues to pay superannuation contributions shall continue to pay contributions under the Scheme and, for the purpose of determining the amount of such contributions, the amount of his salary shall be taken to be the same as for the purpose of the payment of superannuation contributions by him.

Payment of outstanding contributions.

24. The amounts of any normal contributions and of any additional contributions payable by Method I or Method II which have not been paid by a contributor in accordance with the preceding provisions of this Part of this Ordinance when he ceases to be employed in reckonable service or dies or, in the case of such additional contributions, attains the age at which they cease to be payable, shall, together with compound interest thereon calculated at four per centum per annum with yearly rests, be paid to [the Committee] either –

- (a) in such manner as may be agreed, or
- (b) by the surrender of the whole or a proportion of any sum payable to or in respect of the contributor by way of additional allowance, death gratuity or return of superannuation contributions.

NOTE

In section 24, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 3, with effect from 1st May, 2016.

Contributions in respect of deceased teachers.

25. (1) In the case of a deceased teacher to whom paragraph (a) of subsection (1) of section twelve of this Ordinance applies the contributions payable shall be an amount determined in accordance with Method III as if he were a contributor to whom the Scheme first became applicable on the date of his death.

(2) In the case of a deceased teacher to whom paragraph (b) or paragraph (c) of subsection (1) of section twelve of this Ordinance applies the

contributions payable shall be the aggregate of –

- (a) an amount equal to two per centum of his salary from the commencement of the period during which he could elect that the Scheme should apply to him until his death, and
- (b) an amount determined in accordance with Method III as if he were a contributor to whom the Scheme first became applicable on the date of the commencement of the said period.

(3) For the purposes of subsection (1) and paragraph (b) of subsection (2) of this section the previous service of a deceased teacher shall be taken to be the whole of his previous service, not exceeding ten years.

(4) Contributions payable under the foregoing provisions of this section shall be paid by the surrender of the whole or a proportion of any sum payable in respect of a deceased teacher by way of death gratuity or the return of superannuation contributions.

(5) If some or all of any sum payable in respect of a deceased teacher by way of death gratuity or the return of superannuation contributions has been paid, such proportion thereof as is required in order to make or complete the payment of contributions in accordance with this section shall be refunded to [the Committee].

NOTE

In section 25, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 3, with effect from 1st May, 2016.

Service counting for benefit.

26. (1) For the purposes of the Scheme –

Consolidated text

- (a) any period of reckonable service of a contributor in respect of which the full amount of normal contributions is held in the Fund,
- (b) any period of previous service of a contributor (not being a re-instated contributor) in respect of which the full amount of additional contributions is held in the Fund,
- (c) any period of previous service of a reinstated contributor which [the Committee] has determined shall be treated as service counting for benefit under subsection (3) of section twenty of this Ordinance and any further period of previous service of that contributor in respect of which the full amount of additional contributions is held in the Fund, and
- (d) any period in respect of which the full amount of the contributions required by the last preceding section to be paid in respect of a deceased teacher is held in the Fund,

shall be service counting for benefit of the contributor or deceased teacher, as the case may be, by or in respect of whom such contributions as aforesaid have been paid.

(2) Where additional contributions in respect of previous service are required by any provisions of this Ordinance to be paid by Method III and the amount payable by way of additional allowance, death gratuity or return of superannuation contributions is insufficient to enable payment to be made in full by the surrender thereof, then, unless payment of the deficiency is made in some other manner, so much only of the period of previous service in respect of which the contributions were payable as would under section nineteen of this Ordinance have required the surrender of the amount of the additional allowance, death gratuity or superannuation contributions, as the case may be, shall be service counting for benefit.

NOTE

In section 26, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 3, with effect from 1st May, 2016.

Unmarried contributors.

27. A sum equal to the aggregate amount of the normal and additional contributions paid by a contributor shall, if he remains unmarried throughout the whole of his reckonable service after becoming a contributor, be repaid to him or paid to his legal personal representatives –

- (a) on his ceasing to be employed in reckonable service, being then qualified to be granted superannuation allowances or a gratuity, or
- (b) on his attaining the age of sixty without having been married, having previously ceased to be employed in reckonable service and being qualified to be granted superannuation allowances on attaining that age, or
- (c) on his being repaid his superannuation contributions after ceasing to be employed in reckonable service, or
- (d) on his transfer to other employment if [the Committee] deems it proper that such sum be repaid to him on such transfer, or
- (e) on his death.

NOTE

In section 27, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 3, with effect from 1st May, 2016.

Death of married contributor.

28. On the death of a contributor who was at any time married while employed in reckonable service after becoming a contributor there shall be paid to his legal personal representatives –

- (a) a sum equal to the aggregate amount of all his contributions if –
 - (i) he dies before he has three years of service counting for benefit, or
 - (ii) he dies before he has ten years of service counting for benefit and is not survived by an eligible child, or
 - (iii) he had no eligible child after having three years of service counting for benefit and no wife after having ten years of service counting for benefit,
- (b) a sum equal to the aggregate amount of his additional contributions, the normal contributions paid by him after the termination of his last marriage and one half of the normal contributions paid by him before and during the period of that marriage if he is not survived by an eligible child and his death occurs –
 - (i) after he has ten years of service counting for benefit, and
 - (ii) after the termination of his marriage,
- (c) a sum equal to the aggregate amount of his additional contributions if only a children's pension is payable under section thirty-seven of this Ordinance.

Withdrawal of married contributor.

29. (1) This section applies to a contributor who having been at any time married while employed in reckonable service after becoming a contributor ceases to be so employed and either –

- (a) is repaid the superannuation contributions paid by him, or
- (b) transfers to other employment if [the Committee] deems it proper that this section should apply to him on such transfer.

(2) A sum equal to the aggregate amount of all his contributions shall be repaid to a contributor to whom this section applies if –

- (a) he ceases to be employed in reckonable service before he has three years of service counting for benefit, or
- (b) he ceases to be employed in reckonable service before he has ten years of service counting for benefit and he has had no eligible child while a contributor, or
- (c) he had no eligible child after having three years of service counting for benefit and no wife after having ten years of service counting for benefit.

(3) A sum equal to the aggregate amount of his additional contributions, the normal contributions paid by him after the termination of his last marriage and one half of the normal contributions paid by him before and during the period of that marriage shall be repaid to a contributor to whom this section applies if he ceased to be employed in reckonable service either –

- (a) after he has ten years of service counting for benefit, or
- (b) during the period after he has three years of service

counting for benefit and before he has ten years of such service, having had an eligible child at any time during that period.

NOTE

In section 29, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 3, with effect from 1st May, 2016.

Retirement of widowed contributor.

30. On a contributor who was at any time married while employed in reckonable service after becoming a contributor becoming entitled to superannuation allowances or a gratuity there shall, if he is not then married, be repaid to him a sum equal to the aggregate amount of his additional contributions, the normal contributions paid by him after the termination of his last marriage and one-half of the normal contributions paid by him before and during the period of that marriage.

Widow's pension.

31. (1) Subject to the provisions of this Ordinance, an annual widow's pension shall be paid to the widow of a contributor or a deceased teacher whose service counting for benefit amounts to not less than ten years and who –

- (a) having ceased to be employed in reckonable service, was entitled to superannuation allowances either on so ceasing or on attaining the age of sixty, or
- (b) was employed in reckonable service within one year before his death.

(2) A widow's pension shall not be paid to a widow whose marriage with a deceased contributor took place after he last became entitled to be paid superannuation allowances.

Amount of widow's pension.

32. (1) The annual amount of a widow's pension shall not be less

than one hundred and fifteen pounds and, subject to that minimum, shall be determined in accordance with the following provisions of this section.

(2) In the case of the widow of a contributor or deceased teacher whose service counting for benefit is equal to the whole of his reckonable service the annual amount of the widow's pension shall be –

- (a) if at the time of his death an annual superannuation allowance was payable to him, one-third of that allowance, or
- (b) if at the time of his death he had ceased to be employed in reckonable service and had not attained the age of sixty, one-third of the annual superannuation allowance which would have been payable to him on attaining that age, or
- (c) where paragraph (b) of subsection (1) of the last preceding section applies and the last preceding paragraph does not apply, one-third of the annual superannuation allowance which would have been payable to him if on the day of his death he had ceased to be employed in reckonable service by reason of having become permanently incapable through infirmity of mind or body of serving efficiently as a teacher in reckonable service.

(3) In the case of the widow of a contributor or deceased teacher whose service counting for benefit is not equal to the whole of his reckonable service the annual amount of the widow's pension shall be the amount which bears to the amount that would be payable under the last preceding subsection, if that subsection were applicable, the same proportion as the service counting for benefit bears to the whole of his reckonable service.

(4) For the purpose of the foregoing provisions of this section the amount of an annual superannuation allowance shall be deemed to be –

- (a) the amount that would be payable by way of such allowance if any modification made by virtue of the Law of 1948 were disregarded,
- (b) the amount that would be payable by way of such allowance if no addition were made to and no deduction were made from the period of service by reference to which it is calculated except such as are required to reduce that period to not more than forty-five years and to exclude any period in excess of forty years served before the teacher attained the age of sixty, and
- (c) the amount thereof before –
 - (i) any increase thereof in return for the surrender of an additional allowance,
 - (ii) the surrender of any part thereof in return for the grant of a pension or other like benefit to a widow or dependant.

Duration of widow's pension.

33. (1) A widow's pension shall begin to accrue on the first day of April, nineteen hundred and sixty-six, or on the day following the death of her husband, whichever shall be the later, unless she is then co-habiting with a man.

(2) A widow's pension shall cease to be paid on her death, on her commencing to co-habit with a man to whom she is not married and, unless [the Committee] otherwise decides, on her re-marriage.

(3) Payment of a widow's pension which has not been made, or which has been discontinued, by reason of her re-marriage or her co-habitation with a man may, if [the Committee] so decides, be made or resumed, as the case may be, on her again becoming a widow or after the termination of the co-habitation.

NOTE

In section 33, the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 3, with effect from 1st May, 2016.

Short service widow's pension.

34. (1) Subject to the provisions of this Ordinance, an annual short service widow's pension shall be paid to the widow of a contributor or deceased teacher whose service counting for benefit amounts to less than ten years but not less than three years and who was employed in reckonable service within one year before his death and either –

- (a) he is survived by an eligible child or children, or
- (b) his widow has attained the age of fifty on the date of his death.

(2) A short service widow's pension shall not be paid to a widow whose marriage with a deceased contributor took place after he last became entitled to be paid superannuation allowances.

Amount of short service widow's pension.

35. The annual amount of a short service widow's pension shall be the amount which, in the second column of the Fourth Schedule to this Ordinance, is specified opposite to the number, in the first column of that Schedule, of the years of service counting for benefit of her husband.

Duration of short service widow's pension.

36. (1) The provisions of section thirty-three of this Ordinance shall apply to a short service widow's pension as they apply to a widow's pension.

(2) Subject to the provisions of subsection (1) of this section, a short service widow's pension payable to a widow who has not attained the age of fifty shall be discontinued either –

- (a) when a children's pension ceases to be payable under the Scheme for the benefit of an eligible child of her husband, or
- (b) when there ceases to be an eligible child of her husband who has not attained the age of nineteen,

whichever shall first occur.

Children's pension.

37. Subject to the provisions of section thirty-nine of this Ordinance, an annual children's pension shall be paid to or for the benefit of an eligible child or eligible children of a deceased contributor or deceased teacher to whose widow there is payable, or would be payable if he were survived by a widow who neither re-marries nor co-habits with a man, either –

- (a) a widow's pension under section thirty-one of this Ordinance, or
- (b) a short service widow's pension under section thirty-four of this Ordinance.

Amount of Children's pension.

38. (1) The annual amount of a children's pension shall be the amount which, in the second or third column of the Fifth Schedule to this Ordinance, whichever column shall for the time being be appropriate, is specified opposite to the number of eligible children in respect of whom it is for the time being payable specified in the first column of that Schedule.

(2) Where the eligible children to or for whose benefit a children's pension is payable include an incapacitated child, the annual amount of the pension shall, from the date on which that child attains the age of sixteen, be –

- (a) two hundred and ten pounds, if there is a surviving widow of the contributor or deceased teacher to or for

the benefit of whose children it is payable, or

- (b) three hundred and twenty-five pounds if there is no such surviving widow,

together with such further amount, if any, as shall for the time being be payable under subsection (1) of this section to or for the benefit of any other eligible child or children of the contributor or deceased teacher.

(3) If an eligible child to whom, or for whose benefit, a children's pension is payable is in receipt of remuneration at a yearly rate in excess of one hundred and fifteen pounds, or such other amount as the States may from time to time by Resolution determine, in respect of full-time training for a trade, profession or calling, the annual amount of the pension shall be reduced by the amount of the excess, or, if it would result in a smaller reduction of the pension, the child shall be disregarded for the purpose of calculating the amount of the pension.

Duration of children's pension.

39. (1) A children's pension shall begin to accrue on the first day of April, nineteen hundred and sixty-six, or on the day following the death of the contributor or deceased teacher to or for the benefit of whose eligible child or children it is payable, whichever shall be the later.

- (2) A children's pension shall be discontinued –
 - (a) in a case to which paragraph (a) of section thirty-seven of this Ordinance applies, if there is for the time being no eligible child to or for whose benefit such pension is payable, and
 - (b) in a case to which paragraph (b) of that section applies, if there is for the time being no eligible child, other than an incapacitated child, who has not attained the age of nineteen, to or for whose benefit such pension is payable.

PART IV

Teachers' Dependants' Pension (Guernsey) Scheme

Establishment of Scheme.

40. This Part of this Ordinance makes provision for the establishment of a scheme for securing the payment of pensions to or for the benefit of persons wholly or mainly dependent on teachers, not being persons to whom or for whose benefit pensions may be paid under Part III of this Ordinance, which scheme shall be known as the Teachers' Dependants' Pension (Guernsey) Scheme and is in this Part of this Ordinance referred to as "**the Scheme**".

Dependants.

41. (1) The persons to whom or for whose benefit pensions may be paid under the Scheme (hereafter in this Part of this Ordinance referred to as "**dependants**") shall be persons nominated to [the Committee] by a teacher and shall at the time of nomination be wholly or mainly dependent on the teacher.

(2) A dependant shall be a person who is related to the teacher by whom he is nominated in one of the following ways –

- (a) husband,
- (b) son or daughter who is not an eligible child for the purposes of Part III of this Ordinance,
- (c) father or stepfather,
- (d) mother or stepmother,
- (e) brother,
- (f) sister,
- (g) grandson or granddaughter, being the son or daughter of a deceased son or daughter of the teacher,

- (h) nephew or niece, being the son or daughter of a deceased brother or sister of the teacher.

(3) At the time of nomination a female dependant shall be unmarried and a dependant nominated for a temporary pension shall be under the age of sixteen.

NOTE

In section 41, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 3, with effect from 1st May, 2016.

Nomination by teachers.

42. (1) A teacher who is employed in reckonable service may make a nomination in favour of a dependant if –

- (a) he has been so employed for not less than three years and has not attained the age of fifty-five, or
- (b) he has been so employed for not less than three years before attaining the age of fifty-five, has attained that age but not the age of fifty-nine on or before the first day of April, nineteen hundred and sixty-six and [the Committee] consents.

(2) Subject to the provisions of subsection (1), subsection (3) and subsection (4) of this section a teacher may make a further nomination either in favour of a dependant already nominated by him or of another dependant if since his last previous nomination, either –

- (a) his salary has increased by not less than one hundred and twenty pounds a year, or
- (b) not less than three years have elapsed.

(3) A nomination or further nomination shall not be made by a teacher if it would result in there being at one time more than the following dependants nominated by him –

- (a) as respects life pensions, one adult and one incapacitated child of whom the teacher is the parent, and
- (b) as respects temporary pensions, three children,

so, however, that a woman teacher may nominate her husband in addition to the dependants specified above.

(4) A nomination or further nomination shall not be made by a teacher if it would result in there being payable to or in respect of dependants nominated by him pensions the total annual value of which would exceed one-sixth of his annual salary at the time of making the nomination:

Provided that –

- (a) a woman teacher who nominates her husband for a life pension may –
 - (i) nominate him for a life pension not exceeding one-sixth of her salary at the time of nomination, and
 - (ii) nominate another adult for a life pension not exceeding one-sixth of her salary at the time of nomination, and
 - (iii) nominate her incapacitated child for a life pension not exceeding two hundred and ten pounds a year, and

- (iv) nominate not more than three children each for temporary pensions not exceeding sixty pounds a year,
- (b) a teacher who is unmarried may –
 - (i) nominate an adult for a life pension not exceeding one-sixth of his or her salary at the time of the nomination, and
 - (ii) nominate his incapacitated child for a life pension not exceeding three hundred and twenty pounds a year, and
 - (iii) nominate not more than three children each for temporary pensions not exceeding eighty pounds a year.

NOTE

In section 42, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 3, with effect from 1st May, 2016.

Validity of nominations.

43. (1) A nomination made by a teacher shall not be valid unless [the Committee] is satisfied –

- (a) that the requirements of section forty-one of this Ordinance and of the last preceding section are satisfied in respect of the dependant nominated, and
- (b) that the teacher is, at the time of making the nomination, in good health, regard being had to his age.

(2) For the purpose of paragraph (b) of subsection (1) of this section [the Committee] may require the teacher to be examined by a medical practitioner designated by [the Committee], being a medical practitioner authorised for the time being to practice in the Island according to the law for the time being in force.

NOTE

In section 43, the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 3, with effect from 1st May, 2016.

Avoidance of nominations.

- 44.** A nomination of a dependant shall become void –
- (a) on the receipt by [the Committee] of a written notice of revocation from the teacher by whom it was made,
 - (b) on the dependant ceasing to be wholly or mainly dependent on the teacher by whom he was nominated,
 - (c) on the death of the dependant,
 - (d) on the marriage of a female dependant,
 - (e) on the attainment of the age of sixteen by a dependant nominated for a temporary pension,
 - (f) on the dependant becoming a person to whom or for whose benefit a pension is or may become payable under Part III of this Ordinance,
 - (g) on the teacher by whom it was made being repaid his superannuation contributions after ceasing to be employed in reckonable service,

- (h) on the teacher by whom it was made ceasing to be employed in reckonable service for a period exceeding one year without entitlement to superannuation allowances.

NOTE

In section 44, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 3, with effect from 1st May, 2016.

Payment of contributions.

45. For the purposes of defraying the cost of the benefits under the Scheme every teacher by whom a nomination has been made shall pay contributions in respect thereof to [the Committee].

NOTE

In section 45, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 3, with effect from 1st May, 2016.

Amount of contributions.

46. The contributions to be paid by a teacher in respect of every nomination made by him shall be at a rate to be determined by any person authorised to make an actuarial valuation for the purposes of section seven of this Ordinance as at the date of nomination and shall be of a fixed annual amount according to the age and sex of the teacher, the amount and type of the pension which will be payable, the age of the nominee, and, in the case of a life pension, the sex of the nominee.

Duration of contributions.

47. (1) Contributions in respect of a nomination shall commence to be payable from the first day of the month commencing next after [the Committee] sends by post to the teacher by whom it was made a notification that it has been accepted.

(2) Contributions in respect of a nomination shall cease to be payable by the teacher by whom it was made on –

- (a) his attaining the age of sixty, or
- (b) on his ceasing to be employed in reckonable service, or
- (c) on the nomination becoming void.

NOTE

In section 47, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 3, with effect from 1st May, 2016.

Contributions in respect of intervals in service.

48. Where a teacher who is not qualified to be granted superannuation allowances and has not been repaid his superannuation contributions becomes re-employed in reckonable service after ceasing to be so employed for a period not exceeding one year, he shall pay the contributions in respect of any nomination made by him which would have been payable by him if he had continued to be so employed throughout that period.

Payment of contributions on death.

49. (1) Where a teacher dies while employed in reckonable service or within one year of ceasing to be so employed –

- (a) any sums due from him at the date of his death by way of contributions in respect of any nomination, and
- (b) any sum necessary to complete the payment by him of contributions for one year in respect of any nomination,

shall be paid by the surrender of the whole or a proportion of the gratuity payable in

respect of him or any sum payable in respect of him by way of return of superannuation contributions or, if the sum paid by such surrender is insufficient for the purpose, may be paid in such other manner as may be agreed.

(2) Where a teacher dies before attaining the age of sixty, having previously ceased to be employed in reckonable service with entitlement to superannuation allowances on attaining that or any lesser age, any sums due from him by way of contributions in respect of any nomination, together with compound interest thereon calculated at four per centum per annum with yearly rests, shall be paid by the surrender of the whole or a proportion of any sums payable by virtue of the Law of 1948 to his legal personal representatives.

Repayment of contributions.

50. A sum equal to one-half of the contributions paid by a teacher in respect of the nomination of a dependant for a life pension shall be repaid to him on –

- (a) his being repaid his superannuation contributions after ceasing to be employed in reckonable service, or
- (b) his ceasing to be employed in reckonable service for a period exceeding one year without entitlement to superannuation allowances.

Entitlement to pensions.

51. Pensions shall be payable under the Scheme to or in respect of a dependant on the death of the teacher by whom he was nominated if –

- (a) the nomination has not become void,
- (b) contributions for not less than one year have been paid in respect of the nomination, and
- (c) the teacher dies –
 - (i) while employed in reckonable service, or

- (ii) after ceasing to be so employed with entitlement, either immediately or on attaining the age of sixty or any lesser age, to superannuation allowances, or
- (iii) within one year of ceasing to be so employed and any contributions outstanding at the date of his death are paid in accordance with section forty-nine of this Ordinance.

Life and temporary pensions.

52. (1) Pensions payable under the Scheme shall be –

- (a) life pensions, if at the time of nomination the dependant is over the age of sixteen or is incapacitated, or
- (b) temporary pensions in other cases; and **"life pension"** and **"temporary pension"** shall in this Part of this Ordinance be construed accordingly.

Amounts of pensions.

53. (1) Subject to the provisions of this section and of section forty-two of this Ordinance –

- (a) the annual amount of a life pension shall be such amount, being a multiple of ten pounds not less than thirty pounds, as the teacher shall determine at the time of making the nomination of the dependant to or in respect of whom it is payable,
- (b) the annual amount of a temporary pension shall be such of the following sums, that is to say, thirty pounds, forty pounds, fifty pounds or sixty pounds, as the teacher shall determine at the time of making the

nomination of the dependant to or in respect of whom it is payable.

(2) Where the teacher who nominated the dependant to whom a pension is payable ceased to be employed in reckonable service before attaining the age of sixty, being then entitled to superannuation allowances on attaining that or any lesser age, the annual amount of the pension shall be reduced by such amount as [the Committee] shall, after consultation with any person authorised to make an actuarial valuation for the purposes of section seven of this Ordinance, determine to be appropriate having regard to the amount by which the contributions actually paid is less than those which would have been paid if the teacher had continued to be employed in reckonable service until attaining the age of sixty.

NOTE

In section 53, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 3, with effect from 1st May, 2016.

Duration of pensions.

54. (1) A life pension and a temporary pension shall begin to accrue on the day following the death of the teacher by whom the dependant to or in respect of whom it is payable was nominated.

(2) A life pension shall cease to be paid on the death of the dependant to or in respect of whom it is payable, or, in the case of a female dependant, on her marriage.

(3) A temporary pension shall cease to be paid on the death of the dependant to or in respect of whom it is payable or on his attaining the age of sixteen, whichever shall first occur.

PART V

Miscellaneous

Functions of [the Committee].

55. [The Committee] shall –

- (a) maintain records of all elections made under Part III of this Ordinance and of all valid nominations made under Part IV of this Ordinance,
- (b) receive all contributions payable under the said Part III and Part IV and arrange for the amounts thereof to be credited to the Fund as provided in Part II of this Ordinance,
- (c) make all payments of benefits and other sums under this Ordinance and arrange for the amounts thereof to be debited to the Fund as provided in the said Part II; and
- (d) maintain records of all such contributions and of all such payments of benefits and other sums.

NOTE

In section 55, the words "T/the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 3, with effect from 1st May, 2016.

Collection of contributions by deduction from salary.

56. (1) The provisions of the Act of 1925 as having effect by virtue of the Law of 1948 and relating to the deduction from the salaries of teachers of the amounts of superannuation contributions payable by them and to the manner in which such contributions are to be collected shall apply, in like manner as they apply in relation to such contributions, in relation to contributions payable under Part III and Part IV of this Ordinance, other than contributions payable by the surrender of the whole or a proportion of additional allowances, gratuities or sums payable by way of return of superannuation contributions.

(2) Expenses incurred by [the Committee] for the purposes of the Schemes shall not be charged to the Fund.

NOTE

In section 56, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 3, with effect from 1st May, 2016.

Limitation of amount of contributions.

57. (1) Notwithstanding the foregoing provisions of this Ordinance the aggregate amount of the sums paid by a teacher in any year as –

- (a) superannuation contributions,
- (b) normal contributions within the meaning of Part III of this Ordinance,
- (c) additional contributions within the meaning of the said Part III which are paid by either Method I or Method II; and
- (d) contributions paid under Part IV of this Ordinance,

shall not exceed fifteen per centum of his salary for that year.

(2) For the purposes of this section –

- (a) the amount of the superannuation contributions paid by a teacher shall be deemed to be not less than six per centum nor more than thirteen per centum of his salary for the year, and
- (b) "**year**" means the period of twelve months commencing on the first day of January.

Interest on repaid contributions.

58. (1) Where contributions are repaid under Part III or Part IV of this Ordinance compound interest shall be added thereto in accordance with the provisions of this section.

(2) Compound interest shall not be paid in respect of any period during which the teacher to whom or to whose legal personal representatives the contributions are being repaid was not employed in reckonable service.

(3) Compound interest on repaid contributions shall be at the rate of three per centum per annum and shall be calculated with yearly rests from the first day of October in the year in which the contributions were paid to the end of the month immediately preceding that in which repayment is made.

Deductions from repaid contributions.

59. Any contributions repaid under Part III or Part IV of this Ordinance and any interest added thereto shall be reduced by a sum equal to the amount of any income tax payable in consequence of such repayment and addition.

Payment of pensions.

60. Every pension and other sum payable under this Ordinance shall, unless it consists of a single payment, be paid monthly in arrear with proportionate payment on death or other terminating event.

Payments in respect of deceased persons.

61. On the death of a person to whom or to whose estate any sum not exceeding five hundred pounds is due under this Ordinance [the Committee] may, without probate or other proof of title, pay the said sum to the persons appearing to him to be beneficially entitled to the personal estate of the deceased, or, as [the Committee] thinks fit, to one or more of those persons or distribute it among all or any of those persons in such proportion as it may determine.

NOTE

In section 61, the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 3, with

effect from 1st May, 2016.

Payment in respect of minors and infirm persons.

62. If a person to or in respect of whom a pension or other sum is payable under this Ordinance is a minor, or, in the opinion of [the Committee] is incapable by reason of infirmity of mind or body of managing his affairs, [the Committee] may pay the pension or other sum to any person having the care of that person, and, insofar as it is not so paid, may apply it in such manner as he thinks fit for the benefit of that person or his dependants.

NOTE

In section 62, the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 3, with effect from 1st May, 2016.

Benefits not assignable.

63. (1) Every assignment of or charge on, and every agreement to assign or charge, any pension payable under this Ordinance shall be void.

(2) On the insolvency of a person entitled to any such pension, it shall not pass to any trustee or other person acting on behalf of the creditors.

Provision of information.

64. Every teacher affected by this Ordinance or, if he is dead, his legal personal representatives, and every person by or in respect of whom any benefit or payment is claimed under this Ordinance, shall give such information and produce such documents to [the Committee] as it may require for the purposes of its functions under this Ordinance.

NOTE

In section 64, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 3, with effect from 1st May, 2016.

Extension of time.

65. [The Committee] may extend the time within which anything is required or authorised to be done under the provisions of this Ordinance if it considers that there are reasonable grounds for so doing.

NOTE

In section 65, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 3, with effect from 1st May, 2016.

Determination of questions.

66. Any question arising under this Ordinance as to any election or nomination, or as to the liability to pay and the amount of any contributions, or as to the entitlement to receive and the amount of any benefit or payment shall be decided by [the Committee] and the decision of [the Committee] thereon shall be final.

NOTE

In section 66, the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 3, with effect from 1st May, 2016.

Citation and commencement.

67. (1) This Ordinance may be cited as the Teachers' Superannuation (Family Benefits) Ordinance, 1967.

(2) This Ordinance shall come into force on the first day of April, nineteen hundred and sixty-seven.

FIRST SCHEDULE

Section ten

Teachers entitled to elect that the Teachers' Widows' and Children's Pension (Guernsey) Scheme shall apply to them

Description of Teachers	Period for election
(a) Teachers employed in reckonable service on the first day of April, nineteen hundred and sixty-six.	Three months from the first day of April, nineteen hundred and sixty-seven.
(b) Teachers who became employed in reckonable service after the first day of April, nineteen hundred and sixty-six, and before the first day of April, nineteen hundred and sixty-seven.	Three months from the first day of April, nineteen hundred and sixty-seven.
(c) Teachers becoming employed in reckonable service on or after the first day of April, nineteen hundred and sixty-seven.	Three months from the date of becoming employed in reckonable service.
(d) Teachers who marry while employed in reckonable service.	Three months from the date of marriage.
(e) Teachers who, having been employed in reckonable service and were not contributors, marry after ceasing to be so	Three months from the date of becoming employed or re-employed in reckonable service.

employed and subsequently become employed or re-employed in reckonable service and liable to pay superannuation contributions.	
--	--

SECOND SCHEDULE

Section seventeen and
section eighteen

Rates of additional contributions—Methods I and II

Age on date from which additional contributions payable		Percentage of Salary (Method I)	Percentage of Salary (Method II)
Years	Completed months		
24 or under	—	.05	—
25	—	.05	—
26	—	.05	—
27	—	.06	—
28	—	.06	—
29	—	.06	—
30	—	.07	.06
31	—	.07	.06
32	—	.08	.07
33	—	.08	.07
34	—	.09	.08
35	—	.09	.08
36	—	.10	.09.
37	—	.10	.09
38	—	.11	.10
39	—	.11	.10

Consolidated text

40	—	.12	.10
41	—	.13	.11
42	—	.14	.12
43	—	.15	.12
44	—	.15	.13
45	—	.16	.13
46	—	.18	.14
47	—	.20	.15
48	—	.21	.16
49	—	.23	.17
50	—	.25	.18
51	—	.28	.19
52	—	.31	.20
53	—	.35	.22
54	—	.41	.24
55	—	.46	.26
	1	.46	.26
	2	.47	.26
	3	.48	.26
	4	.49	.26
	5	.50	.27
	6	.51	.27
	7	.52	.27
	8	.53	.27
	9	.54	.28
	10	.55	.28
	11	.56	.28
56	—	.57	.28
	1	.58	.29
	2	.59	.29

Consolidated text

	3	.60	.29
	4	.61	.29
	5	.62	.30
	6	.63	.30
	7	.65	.30
	8	.67	.30
	9	.69	.31
	10	.71	.31
	11	.73	.31
57	—	.75	.32
	1	.77	.32
	2	.79	.32
	3	.81	.32
	4	.84	.33
	5	.86	.33
	6	.89	.33
	7	.92	.34
	8	.95	.34
	9	.99	.34
	10	1.03	.35
	11	1.07	.35
58	—	1.11	.36
	1	1.16	.36
	2	1.21	.36
	3	1.27	.37
	4	1.33	.37
	5	1.40	.38
	6	1.48	.38
	7	1.57	.38
	8	1.67	.39

Consolidated text

	9	1.78	.39
	10	1.90	.40
	11	2.00	.40
59	—	—	.41
	1	—	.41
	2	—	.42
	3	—	.42
	4	—	.43
	5	—	.43
	6	—	.44
	7	—	.44
	8	—	.45
	9	—	.45
	10	—	.46
	11	—	.46
60	—	—	.46
	1	—	.46
	2	—	.47
	3	—	.48
	4	—	.49
	5	—	.50
	6	—	.51
	7	—	.52
	8	—	.53
	9	—	.54
	10	—	.55
	11	—	.56
61	—	—	.57
	1	—	.58
	2	—	.59

Consolidated text

	3	—	.60
	4	—	.61
	5	—	.62
	6	—	.63
	7	—	.65
	8	—	.67
	9	—	.69
	10	—	.71
	11	—	.73
62	—	—	.75
	1	—	.77
	2	—	.79
	3	—	.81
	4	—	.84
	5	—	.86
	6	—	.89
	7	—	.92
	8	—	.95
	9	—	.99
	10	—	1.03
	11	—	1.07
63	—	—	1.11
	1	—	1.16
	2	—	1.21
	3	—	1.27
	4	—	1.33
	5	—	1.40
	6	—	1.48
	7	—	1.57
	8	—	1.67

Consolidated text

	9	—	1.78
	10	—	1.90
	11	—	2.00

THIRD SCHEDULE

Section nineteen

Rates of Additional contributions—Method III

Age on date on which Scheme first applies	Percentage of average salary (Scheme applicable before 1 st April, 1967)	Percentage of average salary (Scheme first applicable on or after 1 st April, 1967)
24	3.1	3.1
25	3.2	3.2
26	3.2	3.2
27	3.2	3.2
28	3.2	3.2
29	3.2	3.2
30	3.3	3.3
31	3.3	3.3
32	3.3	3.3
33	3.3	3.3
34	3.3	3.3
35	3.3	3.3
36	3.2	3.2
37	3.2	3.2
38	3.2	3.2
39	3.2	3.2
40	3.2	3.2
41	3.1	3.1
42	3.1	3.1
43	3.1	3.1
44	3.1	3.1
45	3.0	3.1

Consolidated text

46	2.9	3.0
47	2.8	3.0
48	2.7	3.0
49	2.6	2.9
50	2.5	2.9
51	2.5	2.9
52	2.5	2.8
53	2.5	2.8
54	2.5	2.7
55	2.5	2.7
56	2.5	2.6
57	2.5	2.6
58	2.5	2.5
59	2.4	2.4
60	2.3	2.3
61	2.3	2.3
62	2.2	2.2
63	2.2	2.2
64 or over	2.1	2.1

FOURTH SCHEDULE

Section thirty-five

Amount of short service widow's pension

Years of service	Annual amount
3	£58
4	£66
5	£74
6	£82
7	£90
8	£98
9	£106

FIFTH SCHEDULE

Section thirty-eight

Amount of children's pension

Number of eligible children	Annual amount of pension where there is a surviving widow of the contributor or deceased teacher	Annual amount of pension where there is not a surviving widow of the contributor or deceased teacher
1	£60	£85
2	£110	£165
3	£160	£245
4 or more	£210	£325

¹ The words "Committee for Education, Sport & Culture" were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 13, with effect from 6th May, 2004.

² The functions, rights and liabilities of the Education Department and its Minister arising under or by virtue of this Ordinance were previously transferred to and vested in them, respectively, from the Education Council and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 13, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

³ These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 1(a), with effect from 6th May, 2004.

⁴ The functions, rights and liabilities of the Policy Council and its Minister arising under or by virtue of this Ordinance were previously transferred to and vested in them, respectively, from the Advisory and Finance Committee and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 1(a), with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

⁵ The words "the President" were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 13, with effect from 6th May, 2004.