

1925

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E. AFRICA
W. AFRICA

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DATE

14 JAN 25

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REGULATION -

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Wischer

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Wischer

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State

Teachers' Superannuation

Extract from Minutes of
8th Meeting of Committee on
Native Education regarding
a discussion of Tropical Africa
service as qualifying service
under Teachers' Superannuation
acts

Previous Paper

MINUTES

See minutes on C.O. 60492/24 E. A. F.
~~17/1~~

Before any action can be taken on this
it will be necessary to obtain full
information as to the proposals in this
country.

Major Wischer (see foot of p. 3) was
asked to discuss them with the B.D. of
Education, and before considering
whether to write to the Board asking
for a copy of the proposals, etc. perhaps
we might ask him if he could let us
know the result of his discussions.

GJS

17.1.25

Subsequent Paper

I have been instructed by the Board of Education
The act is being laid before Parliament and

is expected to pass next reading before Parliament. The provisions under the Act make it possible for dominions and dependencies to have their teachers' services recognised for pension by arrangement with the Treasury at home. The Board of Education do not think that any action on the part of this Office is necessary at this moment.

Whitelaw
19 3 25

~~Whitelaw~~

The Bill copy attached has been read a 2nd time & was ~~considered~~ sent to a Standing Committee on 12th May.

So far as the Colonies and Prots are concerned, our sad experience over the Rules under the 1892 Superannuation Act shows that it will be necessary to be most careful over any schemes

which may be proposed under § 20 (1) ~~of~~ para (c) of the Bill. In particular the principle that the amount of any pension from Col Funds must be governed by the Col Laws (or voted by the Col Legislature) must be strictly observed

A. J. H 10/6/25

J. M. 10.6.25

Majr Vacher

- (1) Can have a copy of Sir M. Pether's memo?
- (2) Has it not to form as part?
- (3) Do you think any action is possible in anticipation of the passing of the Act - These matters where so many administrative concerns are concerned may vary slowly.

M/10/6

Mr. Ellis attached in Ministry of P. M. 3/ await passing of the Act. P. 110
Hammocks

Mr. Harding

I gather you do not

No

AM

respond to this

Pubby

M 13/6

cc 1 24 1876

27 26 76

Enclosures of

Teachers (Superannuation) Bill.

ARRANGEMENT OF CLAUSES.

PART I.

APPLICATION.

Clause.

1. Application of Act.

PART II.

PERMANENT PROVISIONS.

2. Kinds of service in respect of which superannuation allowances and gratuities may be granted.
3. Qualifications for grant of superannuation allowances.
4. Short service gratuities.
5. Death gratuities to legal personal representatives of deceased teachers.
6. Re-employment of teachers.
7. Avoidance of duplicate pensions.
8. Withdrawal of allowances granted on grounds of infirmity.
9. Contributions by teachers and employers.
10. Calculation of salary and average salary for purposes of Act.
11. Payment of contributions during intervals of service.
12. Return of contributions.
13. Approved external service.
14. Provisions as to persons serving as educational organisers.
15. Accounts and actuarial inquiries.
16. Application of certain provisions of 8 & 9 Geo. 5.
17. Power to make rules.
18. Interpretation.

[Bill 116]

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PART III.

AMENDMENTS IN RESPECT OF PAST SERVICE.

Clause.

- 19. Amendments as to recognised service.

PART IV.

GENERAL.

- 20. Power to make schemes extending operation of Act.
- 21. Provision for expenses.
- 22. Extent, commencement and short title,

SCHEDULES.

A
B I L L

TO

Make provision with respect to the grant of ^{A.D. 1925.} superannuation allowances and gratuities to teachers and to persons employed in the control or supervision of teachers and to their legal personal representatives and to amend the Elementary School Teachers (Superannuation) Act, 1898, and the School Teachers (Superannuation) Acts, 1918 to 1924.

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, 5 as follows:—

PART I.
APPLICATION.

10 **1.**—(1) In the case of teachers who after the commencement of this Act are employed in contributory service within the meaning of Part II. of this Act, the provisions of the said Part II. shall have effect in substitution for the provisions of the School Teachers (Superannuation) Acts, 1918 to 1924, and superannuation allowances and gratuities may be granted to and 15 in respect of all such teachers accordingly:

Provided that—

- (a) Nothing in this Act shall affect the right of any person to a deferred annuity under the Elementary School Teachers (Superannua- 61 & 62 Vict. tion) Act, 1898, as amended by sections c. 87.

A.D. 1925.

5 & 9 Geo. 5.
c. 55.

twelve and thirteen of the School Teachers (Superannuation) Act, 1918; and

(b) Part II. of this Act shall not apply to any certificated teacher who gave notice under section four of the School Teachers (Superannuation) Act, 1918, that he did not accept that Act, or any teacher who was disentitled for benefits under that Act by virtue of the provisions of paragraph (c) of subsection (1) of section fourteen thereof (which relates to persons who did not withdraw from pension schemes).

(2) In the case of teachers who are not employed as aforesaid the provisions of section eight of this Act shall have effect, and the provisions of the Elementary School Teachers (Superannuation) Act, 1898, and of the School Teachers (Superannuation) Acts, 1918 to 1924, shall continue to have effect subject to the amendments contained in Part III. of this Act.

PART II.

PERMANENT PROVISIONS.

2.—(1) The kinds of service in respect of which superannuation allowances and gratuities may be granted under this Part of this Act shall be as follows:—

(a) "Recognised service," that is to say, service before the commencement of this Act, which

(i) recognised service within the meaning of the School Teachers (Superannuation) Acts, 1918 to 1924, as amended by this Act; or

(ii) determined by the Board to be such full time service as a teacher as would, if it had been service wholly in the capacity of a teacher, have been recognised service within the meaning of the last-mentioned Acts as amended by this Act; or

(iii) service since the thirty-first day of March, nineteen hundred and nineteen, which, but for the provisions of subsection (1) of section one of the Elementary School

kinds of service in respect of which superannuation allowances and gratuities may be granted

A.D. 1925.

Teachers (Superannuation) Act, 1898, or of paragraph (ii) of section four of the School Teachers (Superannuation) Act, 1918, would have been recognised service within the meaning of the last mentioned Act as amended by this Act:

Provided that, except where otherwise expressly provided, no period of service after the thirty-first day of May, nineteen hundred and twenty-two, shall be treated as recognised service unless the contributions, which were required under the School Teachers (Superannuation) Act, 1922, as amended by the School Teachers (Superannuation) Act, 1924, in respect of recognised service within the meaning of those Acts during that period, are paid within the prescribed time.

(b) "Contributory service," that is to say, service as a teacher after the commencement of this Act which the Board determine to be full time service either—

(i) in the capacity of a certificated or uncertificated teacher or a teacher of a special subject, in or in connection with a public elementary school; or

(ii) in the capacity of a certificated or uncertificated teacher or of a teacher of such other kind as may be prescribed, in a school certified under Part IV. of the Children Act, 1908, or under Part V. of the Education Act, 1921; or

(iii) in the capacity of a certificated teacher in service which is recognised service within the meaning of the School Teachers (Superannuation) Act, 1918, by virtue of the provisions of paragraph (v) of section eighteen of that Act; or

(iv) in the capacity of a teacher of such kind as may be prescribed, in a nursery school; or

(v) in the capacity of a certificated or uncertificated teacher in a certified institution under the Mental Deficiency Act, 1913; or

A.D. 1925.

- (vi) in the capacity of a teacher in any other grant-aided school; or
- (vii) in the capacity of a teacher in the employment of a local education authority and in service which is grant-aided and approved by the Board for this purpose: 5
- (viii) in the case of a teacher who immediately before the commencement of this Act was employed in recognised service in a school which though not grant-aided, was approved by the Treasury for the purposes of paragraph (vii) of section eighteen of the School Teachers (Superannuation) Act, 1918, in the capacity of a teacher in that school so long as he continues to be so employed in that school and the school continues to satisfy the conditions mentioned in that paragraph. 10 15

Provided that, if in respect of any period of service after the commencement of this Act for which contributions are required to be paid under this Part of this Act, such contributions are not paid within the prescribed time, that period shall, unless the Board otherwise direct, and without prejudice to the power of the Board to recover any such contributions, be treated as not having been a period of service in contributory service. 20 25

(2) For the purposes of this Part of this Act service may be deemed to be service as a teacher if the Board are satisfied either that the employment is wholly in the capacity of a teacher or that it is mainly and primarily in the capacity of a teacher and that any other duties of the employment are educational duties connected with the duties in that capacity. 30 35

Qualifications for grant of superannuation allowances.

3.—(1) Subject to the provisions of this Act, the Board may grant such superannuation allowances as are hereinafter in this section mentioned to any teacher who—

- (a) has attained the age of sixty years and been employed for not less than thirty years in service which is recognised, contributory or qualifying service, and of which not less than ten years was recognised or contributory service 40

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- and not less than the prescribed period was after the thirty-first day of March, nineteen hundred and nineteen; or
- (b) being a teacher to whom the Elementary School Teachers (Superannuation) Act, 1898, applied on the first day of April, nineteen hundred and nineteen, has attained the age of sixty years and been employed in service which is recognised or contributory service for periods equal in the aggregate to not less than half the number of years between the date on which he became a certificated teacher and the date on which he attained or will attain the age of sixty-five years; or
- (c) has attained the age of sixty years, been employed for not less than ten years in service which is recognised or contributory service, and been so employed for periods equal in the aggregate to not less than three quarters of the number of years between the date on which he was first employed in contributory or recognised service and the date on which he attained or will attain the age of sixty-five years; or
- (d) having been employed in service which is recognised service or contributory service for not less than ten years and having been so employed within the prescribed time before the date on which he applies for a superannuation allowance under this section, has, before attaining the age of sixty-five years, in the opinion of the Board, become permanently incapable through infirmity of mind or body of serving efficiently as a teacher in contributory service. 5 10 15 20 25 30

(2) In the case of a teacher who is or has been a married woman, the aforesaid period of thirty years shall be reduced by the number of completed years (but not exceeding in any case ten) during which she was while married absent from recognised, contributory or qualifying service. 35

(3) The superannuation allowances which may be granted under this section are—

- (a) an annual allowance during life of an amount not exceeding one-eighth of the average salary of the teacher in respect of each completed year 40

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of service which was recognised or contributory service or one-half of the average salary, whichever is the less; and

(b) by way of additional allowance, a lump sum not exceeding an amount equal to one-thirtieth of the average salary of the teacher in respect of each completed year of service which was recognised or contributory service, or to one-and-a-half times the average salary, whichever is the less: Provided that there shall be deducted from any additional allowance so granted to a teacher an amount equal to the amount of any additional allowance or short service gratuity previously paid to him.

(4) An annual superannuation allowance shall not begin to accrue and, subject as hereinafter provided, an additional allowance shall not be paid, before the date on which the teacher ceases to be employed in contributory service or the date on which he ceases to be entitled to pay in respect of the employment in which he was employed when his contributory service terminated, whichever may be the later:

Provided that in any case where a death gratuity is not payable in respect of a deceased teacher the Board may, subject to the provisions of this Act, grant to his legal personal representatives a gratuity of an amount equal to the additional allowance which would have been payable to the teacher but for the provisions of this subsection.

4. Where a teacher who is not qualified for the grant of an annual superannuation allowance has been employed in service which is recognised or contributory service for not less than the prescribed period after the thirty-first day of March, nineteen hundred and nineteen, and within the prescribed period before the date on which he applies for a gratuity under this section, and has, in the opinion of the Board, before attaining the age of sixty-five years, become permanently incapable through infirmity of mind or body of serving efficiently as a teacher in contributory service, the Board may, subject to the provisions of this Act, grant to him a short service gratuity of an amount not exceeding one-twelfth of his average salary in respect of each completed year of recognised service or contributory service.

Short service gratuity.

A.D. 1925.

5.—(1) Subject to the provisions of this Act, the Board may grant to the legal personal representatives of a teacher who has been employed in service which is recognised or contributory service for periods amounting in the aggregate to not less than five years, of which not less than the prescribed part has been after the thirty-first day of March, nineteen hundred and nineteen, and who dies while in contributory service, a death gratuity of a sum not exceeding an amount equal to the average salary of the teacher after deducting from such average salary the amount of any additional allowance or short service gratuity previously paid to him, or of a sum not exceeding an amount equal to the amount of the additional allowance which the Board might have granted to him if he had at the date of his death become permanently incapable of serving efficiently as a teacher in contributory service, whichever is the greater.

Death gratuities to legal personal representatives of deceased teachers.

For the purposes of the foregoing provision the Board may, subject to such conditions as may appear to them to be equitable, treat the case of a teacher who dies within three calendar months of his ceasing to be in contributory service and is not at the date of his death serving in approved external service as if he had died in contributory service.

(2) Where a teacher dies after having become qualified for the grant of an annual superannuation allowance and the aggregate amount of the sums paid to him and to his legal personal representatives by way of annual superannuation allowance and additional allowance is less than the amount of his average salary, the Board may grant to his legal personal representatives a supplementary death gratuity not exceeding the difference between the amount of his average salary and the said aggregate amount.

6.—(1) If a teacher in receipt of an annual superannuation allowance is again employed in contributory service or in employment which would if he were less than sixty-five years of age be contributory service, the allowance shall cease as from the date on which he becomes so employed, but without prejudice to the power of the Board in any case where the employment does not continue for periods amounting in the aggregate to more than twelve months after the said date

Re-employment of teachers.

to restore the said allowance, and in any other case to grant to the teacher subsequently another annual superannuation allowance.

(2) If a teacher in receipt of an annual superannuation allowance is employed, otherwise than in contributory service or in employment which would if he were less than sixty-five years of age be contributory service, in any employment of which the remuneration is paid out of the Consolidated Fund or out of moneys provided by Parliament, or in respect of which a grant is made out of such moneys, then, if the salary and emoluments received by him in respect of that employment are not less than his salary at the date on which he ceased to be employed in contributory service, the allowance shall be suspended during the employment, and if they are less than that salary so much only of the allowance shall be paid to him as with the salary and emoluments of the employment is equal to that salary.

(7) If the Board are of opinion that any service in respect of which allowances or gratuities may be granted under this Part of this Act is also reckoned for the purposes of any other pension payable to a teacher directly or indirectly out of moneys provided by Parliament or out of the State or under a pension scheme, the Board may make such deductions from the allowances or gratuities which may be awarded under this Act as may appear to them to be equitable in order to secure that no teacher may receive in respect of the same service any allowance or gratuity under this Part of this Act as well as such other pension as aforesaid.

(8) For the purposes of this section any years of service shall be deemed for purposes of calculating a pension to have been years of actual service, whether as a continuing allowance or as a pension, in any way of pension, superannuation allowance, or gratuity, for loss or abolition of office or otherwise in respect of retirement shall be deemed to be pension.

(9) If the Board are satisfied that a teacher to whom an annual superannuation allowance under this Act or the School Teachers (Superannuation) Acts, 1918 to 1924, or a disability allowance under the Elementary School Teachers (Superannuation) Act, 1898, has

When... of allow... ance... granted... provide... interest...

been granted on the ground that he was permanently incapable of serving efficiently as a teacher in contributory service, or in recognised service, or in recorded service within the meaning of the last-mentioned Act, as the case may be, has ceased to be so incapable, the Board shall, if the teacher has not attained the age of sixty years, direct either that the allowance shall be suspended until a further direction is given by the Board or that it shall cease as from such date as may be specified in the direction, but without prejudice to the power of the Board to grant subsequently fresh superannuation allowances under this Part of this Act, and for that purpose recorded service shall be treated as recognised service and the period during which the teacher was incapable of serving as aforesaid may be treated as qualifying service.

(2) For the purposes of this section the Board may require a teacher to submit himself to the prescribed medical examination, and if he fails to comply with any such requirement shall, unless for special reasons they think fit not to do so, direct that the allowance shall cease as from such date as they may direct.

9.—(1) For the purpose of defraying the cost of the benefits under this Part of this Act, there shall be paid in respect of every teacher to whom this Part of this Act applies while he is employed in contributory service, contributions as follows, that is to say:—

Contributions by teachers and employers.

- (a) an amount to be paid by the teacher equal to five per cent. of the amount of his salary for the time being;
- (b) as from the first day of April, nineteen hundred and twenty-eight, an amount to be paid by the employer of the teacher equal to five per cent. of the salary for the time being of the teacher.

(2) Any amount paid by a local education authority by way of contributions under this section shall for the purposes of any regulations of the Board relating to the payment of grant be treated as if it were expenditure on the salaries of the teachers in respect of whom the contributions are paid.

(3) In the case of a teacher employed in or in connection with a public elementary school or in a school

A.D. 1925. provided by the local education authority, the employer of the teacher shall for the purposes of this Act be deemed to be the local education authority.

(4) All sums payable by way of contributions under this section shall be paid to and recoverable by the Board, and all sums received by the Board under this section shall be paid into the Exchequer.

Calculation of salary and average salary for purposes of Act.

10.—(1) For the purposes of this Part of this Act, the salary of a teacher shall be taken to be the sums from time to time paid to him in respect of his employment in contributory service, excluding, unless the Board otherwise direct, any fees or other emoluments:

Provided that—

(a) no account shall be taken for the purposes of this Part of this Act of any amount by which the salary calculated as aforesaid exceeds the rate of two thousand pounds per annum unless the teacher's salary was determined to be in excess of that rate for the purposes of the School Teachers (Superannuation) Act, 1922; and

(b) when a teacher is by reason of sickness receiving less than his full salary, the amount which he is so receiving shall, for the purpose of calculating the amount payable under this Part of this Act by way of contributions in respect of him, be deemed to be his salary.

(2) The average salary of a teacher for the purposes of this Part of the Act shall be taken to be the average amount of the teacher's full salary as calculated under the foregoing provisions of this section in respect of his employment in service which is recognised or contributory service for the five years of such service whether continuous or not) next preceding the commencement of an annual superannuation allowance or the grant of an additional allowance or gratuity, or if the teacher has not been so employed for five years then the average amount of salary during the period for which he has been so employed.

Provided that if the salary on which average salary is to be computed is in excess of the amount which the Board would think proper to recognise for the purpose

of grant if grant were calculated on expenditure in respect of salary, the salary shall be deemed to be such amount as the Board consider or may prescribe to be proper for such purposes as aforesaid. A.D. 1925.

5 11.—(1) If the employment of a teacher in contributory service is discontinued for a period not exceeding one year, he may with the consent of the Board pay, at such times as the Board may require, by way of contributions under this Part of this Act an amount equal to ten per cent. of his salary in respect of the period of absence, and if he so contributes the said period shall be treated for the purposes of this Act as being a period during which he was employed in contributory service. Payment of contributions during intervals of service.

15 (2) For the purposes of this section the amount of the teacher's salary shall be taken to be the amount of his full salary in respect of his contributory service immediately before the date on which that service was discontinued.

20 (3) For the purpose of the provisions of this Part of this Act one half of any amount paid under this section shall be treated as having been paid by the teacher by way of teacher's contributions and the remaining half as having been paid by way of employer's contributions.

12.—(1) Where a teacher who is not qualified for a superannuation allowance or a short service gratuity under this Act ceases to be employed in contributory service he shall, if he continues not to be so employed for a continuous period amounting to one year or for such shorter period and in such special circumstances as the Board may prescribe, be entitled to be repaid a sum equal to the balance of his contributions computed as at the date of the repayment. Return of contributions.

35 (2) Any period the contributions in respect of which are repaid under this section shall be excluded in reckoning periods of contributory or recognised service for the purposes of this Part of this Act:

40 Provided that if a teacher to whom contributions have been repaid under the foregoing provisions of this section or under the School Teachers (Superannuation)

A.D. 1925.

Act, 1922, is subsequently employed in contributory service, he may at any time while he is so employed, if he satisfies the Board in the prescribed manner of his physical capacity, repay the sum so repaid to him, together with compound interest thereon at the rate of four per cent. from the date of the repayment to him to the date of the repayment by him, and thereupon he shall be treated for the purposes of this Part of this Act as if no repayment had been made to him.

(3) A teacher who on attaining the age of sixty-five years has failed to become qualified for the grant of a superannuation allowance under this Act shall be entitled to be repaid a sum equal to the balance of his contributions computed as at the date upon which he attained that age.

(4) When a teacher who is or has been in contributory service dies, his legal personal representatives shall be entitled to receive a sum equal to the balance, if any, of his contributions computed as at the date of his death.

(5) For the purposes of this Act—

(a) the balance of a teacher's contributions as at any date at which it is to be computed, shall be taken to be the amount by which the aggregate amount of the contributions paid by him (excluding any which have been previously repaid) together with compound interest thereon up to that date exceeds the aggregate amount of any sums payable under this Act to him or to his legal personal representatives (otherwise than by way of repayment under this section) together with compound interest thereon up to that date;

(b) except where otherwise provided, compound interest shall be calculated at the rate of three per cent. per annum with yearly rests, and shall begin to run from the prescribed date;

(6) In this section the expression "contributions" includes contributions paid under the School Teachers (Superannuation) Act, 1922, as amended by the School Teachers (Superannuation) Act, 1924.

A.D. 1925.

13.—(1) For the purpose of this section the expression "approved external service" means—

(a) service in Scotland which is recognised by the Scottish Education Department as pensionable under any scheme of superannuation applicable to teachers in Scotland;

(b) service as an inspector of the Board or in any other prescribed capacity as a civil servant in which teaching experience is of value where the teacher satisfies the Board that before such service as aforesaid he has been engaged for not less than three years, whether in England or Wales or elsewhere, as a teacher in a capacity approved by the Board;

(c) service in a university or a university college in England, Wales, or Scotland in respect of which contributions are payable under any general scheme applicable to universities for providing benefits upon retirement, except when the teacher claims that no part of such service shall be treated as approved external service.

(d) such other service in places of education in England and Wales, and subject to such conditions as the Board may prescribe.

(2) Where a teacher has been employed in approved external service as well as in recognised or contributory service (whether any such employment was before or after the commencement of this Act) then—

(a) for the purpose of determining whether the teacher is a teacher to whom this Part of this Act applies approved external service shall be treated as being contributory service; and

(b) subject as hereinafter provided, no period of approved external service shall be reckoned for the purposes of—

(i) requiring the payment of contributions in respect of a teacher; or

(ii) calculating the amount of a superannuation allowance or gratuity under this Part of this Act; or

(iii) determining whether a teacher has died while in contributory service or within three calendar months thereafter;

Approved external service.

A.D. 1925.

Provided that the provisions of this Part of this Act with respect to the calculation of the average salary of the teacher shall have effect as if the reference therein to contributory and recognised service included a reference to approved external service;

(c) where any approved external service is service of the kind described in paragraphs (a) or (b) of subsection (1) of this section and is service in respect of which a pension is payable to the teacher otherwise than under the provisions of this Act, then, if his recognised or contributory service and such approved external service taken together (hereinafter in this paragraph referred to as his aggregate service) exceeds forty years there shall for the purpose of calculating the amount of an annual allowance under this Part of this Act be deducted from his contributory or recognised service—

(i) in a case where the whole of such approved external service is of the kind described in the said paragraph (a), such proportion of the excess by which such aggregate service exceeds forty years as is equal to the proportion of his aggregate service which is contributory or recognised service;

(ii) in a case when the whole of such approved external service is of the kind referred to in the said paragraph (b), a period equal to the excess by which the aggregate service of the teacher exceeds forty years;

(iii) in a case where such approved external service is partly of the kind described in the said paragraph (a) and partly of the kind described in the said paragraph (b), the same proportion of the excess by which such aggregate service exceeds forty years as the teachers recognised or contributory service bears to the sum of that service and his service of the kind described in the said paragraph (a) when taken together;

(d) the provisions of the last foregoing paragraph shall apply for the purpose of calculating the amount of an additional allowance under this

A.D. 1925.

Part of this Act with the modification that forty-five years shall be substituted for forty years:

(e) any allowance or gratuity which may be granted to the teacher under this Part of this Act shall be calculated by reference to the period of recognised or contributory service actually served by him and not by reference to the completed years of that service:

Provided that for the purpose of calculating any such allowance or gratuity in respect of any excess by which the teachers recognised or contributory service and his approved external service taken together (hereinafter in this paragraph referred to as his "total service") exceeds a number of completed years there shall be deducted from his recognised or contributory service a proportion equal to the proportion of his total service which is recognised or contributory service:

(f) subject to the foregoing provisions of this section any period of approved external service shall be treated as if it were recognised or contributory service as the case may be, and references in this Act to recognised and contributory service shall be construed accordingly.

14.—(1) The provisions of this Part of this Act shall apply to any person (in this section referred to as "an organiser") who satisfies the Board—

Provisions as to persons serving as educational organisers.

(a) that he is or has been employed by a local education authority in full-time service involving the control or supervision of teachers; and

(b) that before being so employed he was engaged for not less than three years, whether in England or Wales or elsewhere, as a teacher in a capacity approved by the Board,

as if in respect of his full-time service as an organiser after the commencement of this Act he were a teacher employed in contributory service; and references in Parts I, II, and IV. of this Act to teachers and to contributory service shall be construed accordingly.

(2) Where a person employed in contributory service, whether as an organiser or otherwise, has been employed

A.D. 1925.

Provided that the provisions of this Part of this Act with respect to the calculation of the average salary of the teacher shall have effect as if the reference therein to contributory and recognised service included a reference to approved external service:

(c) where any approved external service is service of the kind described in paragraphs (a) or (b) of subsection (1) of this section and is service in respect of which a pension is payable to the teacher otherwise than under the provisions of this Act, then, if his recognised or contributory service and such approved external service taken together (hereinafter in this paragraph referred to as his aggregate service) exceeds forty years there shall for the purpose of calculating the amount of an annual allowance under this Part of this Act be deducted from his contributory or recognised service -

(i) in a case where the whole of such approved external service is of the kind described in the said paragraph (a), such proportion of the excess by which such aggregate service exceeds forty years as is equal to the proportion of his aggregate service which is contributory or recognised service:

(ii) in a case when the whole of such approved external service is of the kind referred to in the said paragraph (b), a period equal to the excess by which the aggregate service of the teacher exceeds forty years:

(iii) in a case where such approved external service is partly of the kind described in the said paragraph (a) and partly of the kind described in the said paragraph (b), the same proportion of the excess by which such aggregate service exceeds forty years as the teachers recognised or contributory service bears to the sum of that service and his service of the kind described in the said paragraph (a) when taken together:

(d) the provisions of the last foregoing paragraph shall apply for the purpose of calculating the amount of an additional allowance under this

A.D. 1925.

Part of this Act with the modification that forty-five years shall be substituted for forty years:

(e) any allowance or gratuity which may be granted to the teacher under this Part of this Act shall be calculated by reference to the period of recognised or contributory service actually served by him and not by reference to the completed years of that service:

Provided that for the purpose of calculating any such allowance or gratuity in respect of any excess by which the teachers recognised or contributory service and his approved external service taken together (hereinafter in this paragraph referred to as his "total service") exceeds a number of completed years there shall be deducted from his recognised or contributory service a proportion equal to the proportion of his total service which is recognised or contributory service:

(f) subject to the foregoing provisions of this section any period of approved external service shall be treated as if it were recognised or contributory service as the case may be, and references in this Act to recognised and contributory service shall be construed accordingly.

14.—(1) The provisions of this Part of this Act shall apply to any person (in this section referred to as "an organiser") who satisfies the Board—

Provisions as to persons serving as educational organisers.

(a) that he is or has been employed by a local education authority in full-time service involving the control or supervision of teachers; and

(b) that before being so employed he was engaged for not less than three years, whether in England or Wales or elsewhere, as a teacher in a capacity approved by the Board,

as if in respect of his full-time service as an organiser after the commencement of this Act he were a teacher employed in contributory service; and references in Parts I, II and IV of this Act to teachers and to contributory service shall be construed accordingly.

(2) Where a person employed in contributory service, whether as an organiser or otherwise, has been employed

before the commencement of this Act in full-time service as an organiser, the allowances and gratuities which may be granted to or in respect of him under this Part of this Act shall, be calculated, as respects service before the commencement of this Act, in whichever of the following ways is, in the opinion of the Board, most advantageous to him, that is to say:—

- (a) he shall be treated as having served in recognised service only during his actual years of recognised service if any; or
- (b) he shall be treated as having served in recognised service for all the purposes of this Part of this Act for one half of the aggregate number of years for which he has served before the commencement of this Act either as a teacher in recognised service or in full-time service as an organiser;

Provided that—

- (a) no contributions shall be required to be paid in respect of any period of service as an organiser in respect of which he is so treated as serving in recognised service; and
- (b) in either case any full-time service as an organiser shall for the purposes of determining his qualification for a superannuation allowance or gratuity under this Part of this Act and of computing his average salary in accordance with the provisions of this Part of this Act, be treated as recognised service.

15. (1) There shall be kept in accordance with the directions contained in the Second Schedule to this Act an account in such form and prepared in such manner as may be provided for by regulations made by the Treasury, of all revenue and expenditure (including any sums which are under the said schedule to be deemed to be revenue or expenditure) under the School Teachers (Superannuation) Act, 1918 to 1921 and under this Act, as from the first day of June, nineteen hundred and twenty-two, and at the expiration of the period of seven years from the commencement of this Act, and at the expiration of every subsequent period of seven years, the Treasury shall cause an actual inquiry to be made for the purpose of determining whether on the basis of the said account

the contributions payable under this Part of this Act are sufficient, or more than sufficient or less than sufficient, to support the benefits payable thereunder.

(2) The Treasury shall cause a report of every inquiry made under this section to be laid before both Houses of Parliament.

16. The provisions of the School Teachers (Superannuation) Act, 1918, which are set out with necessary adaptations in the First Schedule to this Act shall have effect for the purpose of the provisions of this Part of this Act as if they were re-enacted therein as so set out.

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Application of certain provisions of 8 & 9 Geo. 5. c. 55.

17.—(1) The Board may, with the consent of the Treasury and after such consultation as they think desirable with representatives of local education authorities and of teachers, make rules for carrying this Act into effect, and those rules may in particular provide—

Power to make rules.

- (a) for the deduction from the salary of a teacher of the amount of the contributions payable by him, and for the collection of contributions by deductions to be made from any grant payable out of moneys provided by Parliament, and otherwise for the manner in which contributions are to be collected;
- (b) for prescribing within what periods contributions are to be paid;
- (c) for prescribing to what accounting period contributions paid under this Part of this Act are to be attributable;
- (d) for authorising the provisional collection of contributions from or in respect of teachers whose liability to contribute is for the time being in doubt;
- (e) for prescribing the manner in which any contributions found to have been paid in error shall be repaid;
- (f) for the manner in which the salaries and emoluments of teachers, the service of teachers, and contributions paid by or in respect of teachers are to be recorded by their employers;
- (g) for prescribing what part of any sums paid to teachers in respect of their employment in contributory service is to be treated as emoluments;

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- (h) for determining what amounts teachers are to be treated as receiving by way of salary for any of the purposes of this Part of this Act during periods of absence on leave or on holiday, and how far any such periods are to be treated as service for the purposes of this Part of this Act;
 - (i) for the manner in which and the time within which an application for a superannuation allowance or a gratuity is to be made;
 - (j) for prescribing anything which under this Act is to be prescribed.
- (2) All rules made under this section shall be laid as soon as may be before both Houses of Parliament.

Interpretation.

18. In this Part of this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

- “Certificated teacher,” “uncertificated teacher,” and “teacher of a special subject” mean respectively a teacher who is recognised under the regulations of the Board for the time being in force for public elementary schools as a certificated teacher, a teacher who is so recognised as an uncertificated teacher, and a teacher who is so recognised as a teacher of a special subject;
- “Grant-aided school” means a place of education (other than a university or a university college) in receipt of a grant, or in respect of which a grant is made, out of moneys provided by Parliament from or by the Board, or from or by any public department whose place has been taken by the Board;
- “Prescribed” means prescribed by rules made under this Act;
- “Qualifying service” means any employment, whether in the capacity of a teacher or otherwise, which the Treasury on the recommendation of the Board may declare to be qualifying service for the purpose of calculating the period qualifying for a superannuation allowance;

- “Service” means salaried employment under a contract of service with an employer of a person who at the date of the employment is under sixty-five years of age;
- “The Board” means the Board of Education.

PART III.

AMENDMENTS IN RESPECT OF PAST SERVICE.

19.—(1) In the case of a teacher who served in recognised service within the meaning of the School Teachers (Superannuation) Act, 1918, in a school certified under the Elementary Education (Blind and Deaf Children) Act, 1893, any service by him in the capacity of a teacher in a school or class for blind or deaf children before the commencement of the last-mentioned Act, or within such period after the commencement of that Act as may be allowed by the Board, shall be deemed always to have been such recognised service:

Amendments as to recognised service.

Provided that, any addition by virtue of the provisions of this subsection to an annual allowance granted before the date of the commencement of this Act shall begin to accrue only from that date.

(2) The following paragraph shall be substituted for paragraph (vi) of the definition of recognised service in section eighteen of the School Teachers (Superannuation) Act, 1918:—

“(vi) in the capacity of a teacher during any period before the school became grant-aided in any school (not being an elementary school or a school certified under Part IV. of the Children Act, 1908), which, though not grant-aided at the date of the service, was grant-aided at any time after the date of the service before the first day of April, nineteen hundred and twenty-four.”

(3) Section eighteen of the School Teachers (Superannuation) Act, 1918, shall have effect, and shall be deemed always to have had effect, as though the following paragraph were substituted for paragraph (viii) thereof:—

“(viii) Subject to the prescribed conditions, in the capacity of a teacher during any period before the commencement of this Act in any

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school (not being a school conducted for private profit) other than such a school as is mentioned in paragraph (i), (ii), (iii), (iv), (v) or (vi) of this definition, so, however, that not more than ten years' service in any such school shall be recognised for the purposes of this Act."

PART IV

GENERAL.

Power to make schemes extending operation of Act.

20.—(1) The Board may, with the consent of the Treasury and subject to the provisions of this section, make schemes for any of the following purposes, that is to say:—

- (a) For applying the provisions of Part II. of this Act, with such modifications as may seem to the Board desirable, to persons employed in the capacity of teachers in schools (including any person not being the proprietor employed in a school conducted for private profit) which are not grant-aided schools within the meaning of the said Part II., so, however, that no such scheme shall be made unless the Treasury, after consultation with the Government Actuary, are of opinion that the contributions to be paid under the scheme may be expected to be equal in value to the benefits thereunder;
- (b) For applying the provisions of Part II. of this Act, with such modifications as may seem to the Board desirable, to persons employed in the capacity of teachers in institutions which are provided by Government Departments, or which are in receipt of a grant, or in respect of which a grant is made, out of moneys provided by Parliament from or by some Government Department other than the Board;
- (c) For giving effect to any arrangements made with any authority administering any statutory scheme of superannuation for school teachers in any part of His Majesty's dominions, providing for the extension (whether with or without modification) of the provisions of Part II. of

this Act to service in the capacity of a teacher in that part of His Majesty's dominions, and for the extension of such statutory scheme to contributory service under Part II. of this Act.

For the purposes of the foregoing provision the expression "His Majesty's dominions" includes any territory which is under His Majesty's protection or in respect of which a mandate is being exercised by the Government of any part of His Majesty's dominions.

(2) Before any scheme is made under this section a draft thereof shall be laid before each House of Parliament for a period of not less than twenty days during which the House is sitting, and if either House before the expiration of that period presents an Address to His Majesty against the draft or any part thereof, no further proceedings shall be taken thereon, but without prejudice to the making of any new draft scheme.

(3) A scheme made under this section may at any time be varied or revoked by another scheme so made.

21. *The expenses incurred by the Board in carrying this Act into effect shall be defrayed out of moneys provided by Parliament.* Provision for expenses.

22.—(1) This Act shall not extend to Scotland or Northern Ireland. Extent, commencement and short title.

(2) This Act shall come into operation on the first day of April, nineteen hundred and twenty-six.

(3) This Act may be cited as the Teachers (Superannuation) Act, 1925, and the School Teachers (Superannuation) Acts, 1918 to 1924, and this Act may be cited together as the Teachers (Superannuation) Acts, 1918 to 1925.

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SCHEDULES.

FIRST SCHEDULE.

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Section 16.

No claim to superannuation allowances or gratuities as of right.

Payment and assignment of allowances.

Payment without probate in certain cases.

Provision as to allowances payable to persons mentally disabled.

6. Nothing in this Act shall give any person an absolute right to any superannuation allowance or gratuity, and, except as in this Act provided, the decision of the Board on any question which may arise as to, or which may affect, the application of this Act to any person, or the qualification for any superannuation allowance or gratuity or for the return of any balance of contributions, or the amount of any superannuation allowance or gratuity, or of any balance of contributions, or on any question which may arise as to the amount of the average salary of any teacher, shall be final.

7.—(1) Every annual superannuation allowance shall be payable quarterly at such times and in such manner as the Treasury may determine.

(2) Every assignment of or charge on, and every agreement to assign or charge, any superannuation allowance or gratuity or any sum which is or may become repayable under this Part of this Act on account of the return of any balance of contributions shall be void, and on the bankruptcy of a person entitled to any such allowance, gratuity or sum the allowance, gratuity or sum shall not pass to any trustee or other person acting on behalf of the creditors, but this provision shall be without prejudice to any order of the court made under section fifty-one of the Bankruptcy Act, 1914, or under any corresponding enactment in Scotland or Northern Ireland.

8. Where any sum not exceeding one hundred pounds is payable under this Part of this Act in respect of a superannuation allowance or gratuity granted to a deceased teacher or of a gratuity granted to the legal personal representatives of a deceased teacher or by way of the return of any balance of contributions, probate or other proof of title of the legal personal representatives may be dispensed with, and the sum may be paid or distributed to or among the persons appearing to the Board to be beneficially entitled to the personal estate of the deceased teacher, or to or among any one or more of those persons, or in the case of the illegitimacy of the teacher or of his children to or among such persons as the Board may think fit.

9. Where any sum in respect of a superannuation allowance or gratuity or the return of any balance of contributions is payable to any person under this Part of this Act, and the person to whom the sum is payable is certified by a justice or minister of religion and by a medical practitioner to be unable by reason

of mental disability to manage his affairs, the Board may pay so much of the said sum as they think fit to the institution or person having the care of the disabled person, and may pay the surplus, if any, or such part thereof as the Board think fit, for or towards the maintenance and benefit of the wife or husband and relatives of the disabled person.

10.—(1) Where a teacher who has applied for or who is in receipt of any superannuation allowance or gratuity, or in respect of whom a death gratuity has been applied for, has been guilty of such misconduct as, in the opinion of the Board, has rendered him, or would, if he had continued to serve as a teacher, have rendered him, unfit to remain in service as a teacher, the Board may, as the case may be, either refuse, grant at a reduced rate, reduce, or suspend the allowance or gratuity, and the Board may grant a superannuation allowance or gratuity at a reduced rate where they are of opinion that the defaults or demerits of the teacher to or in respect of whom it is granted justify a reduction.

Where the Board, in pursuance of the foregoing provision, have refused, granted at a reduced rate, reduced or suspended a superannuation allowance or gratuity, they may at any time thereafter, if they are of opinion that for any reason it is proper so to do, either grant the allowance or gratuity or pay it in full or remove the suspension.

11.—(1) If any person—
(a) for the purpose of obtaining for himself or any other person any superannuation allowance or gratuity or the return of any balance of contributions personates any person or makes any false certificate, false representation or false statement, or makes use of any false certificate or document, false representation or false statement, knowing the same to be false; or

(b) by means of any such false certificate, false document, false representation or false statement, or by personation or other fraudulent means, obtains or attempts to obtain for himself or any other person any superannuation allowance or gratuity or the return of any balance of contributions,

he shall be liable on conviction on indictment to imprisonment for a term not exceeding two years, and on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding twenty-five pounds.

(2) Any penalty for any offence under this section may be in addition to any refusal, reduction or suspension of the allowance or gratuity, or the forfeiture of the whole or any part of the sum repayable on account of the return of any balance of contributions.

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1st Sct. —cont.

Provisions as to refusal, reduction, or suspension of allowance or gratuity.

Penalty for false representation and fraud.

A.D. 1925.

I-r Sch.
—cont.

(3) Any reference in this section to the obtaining of a superannuation allowance or gratuity or of the return of any balance of contributions, shall include a reference to the obtaining of an increase of a superannuation allowance, gratuity, or balance of contributions, and to the preventing, or the obtaining of the rescission of, the suspension of a superannuation allowance, and the obtaining of any sum in respect of a superannuation allowance, gratuity, or balance of contributions.

Provisions
with respect
to local
pensions
schemes.

14.—(1) The following provisions shall have effect with regard to pensions schemes:—

- (a) A teacher who is not subject to a pensions scheme at the commencement of this Act shall not, while he is in contributory service, be subject to, or pay or be required to pay any contributions under such a scheme: 10
- (b) Where any pensions scheme applies to a teacher who is in recognised service at the commencement of this Act or who thereafter enters contributory service, he may, if he so thinks fit, make in the prescribed manner and within the prescribed time a declaration to the effect that he desires to withdraw from the scheme, and if he so makes such a declaration the scheme shall as from the date of the commencement of this Act or the date on which he entered contributory service, as the case may be, cease to apply to him: 20
- (c) Where a person to whom a pensions scheme applies as aforesaid does not withdraw therefrom in accordance with the provisions of this section this Part of this Act shall not apply to him: 25
- (d) Where a teacher withdraws from a pensions scheme in accordance with the provisions of this section, he shall be entitled to be recouped by the persons having the management of the scheme in respect of his past contributions under the scheme in such manner and upon such terms as may, subject to the approval of the Treasury, be agreed upon between him and those persons, or in default of agreement, may be determined by the Treasury. 30

(2) In this section the expression "pensions scheme" means any scheme or arrangement established or carried on, whether under any Act of Parliament or otherwise, by a council having powers under the Education Act, 1921, or the governing body of a school under which payments by way of contribution to a fund or otherwise are made either by the council or governing body, as the case may be, or jointly by the council or governing body, as the case may be, and persons employed as teachers, with a view to providing benefits for those persons on disability, retirement, attainment of any specified age, or death. 45

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I-r Sch.
—cont.
Power of
governing
bodies to
comply with
conditions.

16. Notwithstanding any provision regulating the trusts or management of a school, the governing body of the school shall have power to fulfil any conditions which may be required to be fulfilled in order that service in that school may be contributory service for the purpose of this Act.

SECOND SCHEDULE.

DIRECTIONS AS TO ACCOUNT.

1. The accounting periods for which the account shall be made up shall be from the first day of June, nineteen hundred and twenty-two, to the thirty-first day of March, nineteen hundred and twenty-three, and thereafter from the first day of April in each year to the thirty-first day of March in the next year.
2. There shall be treated as having been paid into the revenue for each accounting period—
- (a) by teachers the amount of teachers contributions attributable to the period, and by their employers a sum equal to that amount; and 15
- (b) out of moneys provided by Parliament a sum equal to the expenditure during the period upon allowances and gratuities attributable to service before the first day of June, nineteen hundred and twenty-two; and 20
- (c) a sum representing interest at the rate of three-and-a-half per cent. per annum on the mean balance, if any, of revenue over expenditure during the period; such mean balance being calculated by adding together one-half of the balance (exclusive of any interest under this paragraph) remaining at the end of the period and one-half of the balance, if any, carried forward from the last preceding accounting period; and 25
- (d) the amount of any balance of revenue over expenditure remaining at the end of the last preceding accounting period; and 30
- (e) any other revenue attributable to the period.
3. There shall be shown the expenditure upon allowances and gratuities attributable to service before the first day of June, nineteen hundred and twenty-two, separately from expenditure upon allowances, gratuities, and the return of contributions attributable to service since that date. 35

Teachers (Superannuation).

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B I L L

To make provision with respect to the grant of superannuation allowances and gratuities to teachers and to persons employed in the control or supervision of teachers and to their legal personal representatives and to amend the Elementary School Teachers (Superannuation) Act, 1898, and the School Teachers (Superannuation) Acts, 1918 to 1924.

Presented by Lord Eustace Percy,

supported by

*Mr. Chancellor of the Exchequer and the
Duchess of Atholl.*

*Ordered, by House of Commons, to be printed,
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[Bill 116]

Extract from Minutes of 8th meeting of Committee on Native Education in Tropical Africa December 11th, 1924.

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The Committee then considered a Memorandum prepared by Sir Michael Sadler on the subject of the Teachers Superannuation Acts of England and Scotland and the possibility of making provision for the admission of service in Tropical Africa as qualifying service under the Acts.

It was explained that the proposals of Lord Emmott's Committee on the subject of Teachers Superannuation Benefits were at present being considered by the Cabinet with a view to legislation being enacted on the lines of the Committee's recommendations.

Sir James Currie urged that this question was most important from the point of view of recruitment for educational service in Africa.

The Chairman read the following Resolutions which had been submitted with Agenda for the Meeting:

1) In order to remove an obstacle which may deter some highly qualified British Teachers from accepting appointment to the teaching staff of schools or Colleges in Tropical Africa, it is desirable that teaching service in such institutions in Tropical Africa as may from time to time be approved for this purpose by the Secretary of State for the Colonies and by the Government of the Dependency concerned should be counted by the Treasury and the Board of Education as "qualifying service" for the purposes of the Teachers Superannuation Acts.

2) It is desirable that a corresponding arrangement be made on behalf of Scottish teachers under the

Teachers

made for

260

Teachers Superannuation (Scotland) Act.

3) The acceptance of "recognised service" for the purposes of the Teachers Superannuation Acts (with corresponding benefits for Scottish teachers) of short terms of teaching service, (extending over periods of say, not more than ten years) in approved institutions in Tropical Africa is also to be desired, but the complexity of the financial arrangements entailed may make such acceptance at present impracticable.

4) As the Amendment of the Teachers Superannuation Acts is understood to be now receiving consideration by the Government, the Advisory Committee on Education in Tropical Africa beg leave to submit these resolutions to the Secretary of State in case he should think it advisable to move in the matter before the new Bill is framed.

The Chairman moved that these resolutions might be approved by the Committee and placed before the Secretary of State, after which he presumed that the next step would be for the Colonial Office to inform the Board of Education that the Secretary of State would be glad to have an opportunity of seeing the proposed Bill before it was enacted, in order to consider the possibility of including provision that approved service in the Dependencies should be counted as qualifying service for the purposes of the Superannuation Acts. It was pointed out that Colonies and Protectorates other than those in Tropical Africa would also be affected.

In reply to an enquiry from the Bishop of Liverpool as to the authority which would approve schools in the Colonies for the purposes of the Acts Mr. Bottomley suggested that the Board of Education would probably require to be consulted in such a matter. He observed with regard to Resolution No.3 that the financial aspect of the proposal to accept service in Africa as "recognised service" would require very careful consideration, but on the whole he saw no objection to the Resolutions being adopted by the Committee.

The Committee returned to the subject at a later stage when Mr. Oldham suggested that the Resolutions were not entirely in accord with the Memorandum prepared by Sir Michael Sadler. He understood that under the proposed new Bill the idea of qualifying service was dropped and provision was only made for recognised service. He understood that the Governments of the Dominions were anxious to take advantage of the recommendations of Lord Emmott's Committee, but he regarded it as essential that the legislation under consideration should be so framed as to permit of Colonial Government also availing themselves of the advantages offered, as well as the Governments of the Dominions.

The Committee adopted the Resolutions as drafted and it was decided that they should be laid before the Secretary of State and also that the Secretary of the Committee should take an opportunity of visiting the Board of Education with a view to further discussing the proposals.

The Chairman informed Sir James Currie that
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he saw no objection to his discussing the proposals with the Foreign Office, so far as they concerned Governments under the control of the Foreign Office such as the Sudan.

It was decided that after the Resolutions had been submitted to the Secretary of State, a copy of Sir Michael Sadler's Memorandum should be sent to the Governors of the Tropical African Dependencies for their information.

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