

CHAPTER 107.

TEACHERS' SUPERANNUATION.

TEACHERS' SUPERANNUATION FUND RULES

made by the Governor in Council under section 13.

P.N.
54 of 1944.
61 of 1950.

1. These rules may be cited as the Teachers' Superannuation Fund Rules. Citation.

2. In these rules, unless the context otherwise requires— Interpretation.

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

“interest” means compound interest calculated on the capital amount at the rate of 3 per centum per annum with half-yearly rests;

“teacher” includes a Government teacher and an approved teacher.

3. (1) Except as provided by sub-rule (2) of this rule, every teacher shall contribute to the fund an amount equal to 5 per centum of his salary. Rate of contribution.

(2) Every teacher who has become a contributor to the fund on or after the appointed day—

(a) if he shall be of the age of thirty years or more on the day when he so becomes a contributor, shall contribute at the rate of 6 per centum of his salary; and

(b) if he shall be of the age of forty years or more on the day when he so becomes a contributor, shall contribute at the rate of 7 per centum of his salary.

4. (1) Except as provided by rule 5, the contributions payable by a Government teacher under these rules shall be deducted monthly from his salary by the Director of Education who shall pay to the Treasury the amount so deducted. Deduction of contribution from salary.

(2) Except as provided by rule 5, contributions payable by an approved teacher under these rules shall be deducted monthly from his salary by his employer and paid into the nearest Government Treasury within three days after the last day of the month in respect of which the contributions are due:

Provided that in the case of approved teachers who have elected under section 4 (d) of the Ordinance to contribute from the first day of January, 1948, the amount of contributions due in respect of the months preceding the date on which election is made, may be paid into the Treasury by instalments which must be completed not later than the 31st day of December, 1950.

Contributions
during leave
without
salary.

5. (1) Any Government teacher who is granted leave of absence from duty without salary may, with the approval of the Director of Education, contribute to the fund during the period of his absence where he has, either before the day upon which his leave commences or within seven days after such day, informed the Director of Education in writing that he elects so to do.

(2) Each contribution under the preceding sub-rule shall be paid to the Director of Education on or before the first day of the month to which such contribution relates but the Director may, in his discretion, permit the full amount of the contributions in respect of such leave to be paid within fourteen days of the expiry of such leave.

(3) Any approved teacher who is granted leave of absence from duty without salary may, with the approval of his employer and the Director of Education, contribute to the fund during the period of his absence where he has, either before the day on which his leave commences or within seven days after such day, informed the Director of Education in writing through his employer that he elects so to do.

(4) Every contribution payable under the preceding sub-rule shall be paid by the employer in the manner prescribed in rule 4 (2) of these rules, but the Director of Education may in his discretion, and on the recommendation of the employer, permit the total amount of contributions payable in respect of such leave to be paid within fourteen days of the expiry of such leave.

(5) No period of leave of absence without pay shall be regarded as contributing service except the teacher shall contribute to the fund at the prescribed rate in respect of such period, but where he has contributed in respect of a part of such period such part shall be regarded as contributing service.

(6) Any approved teacher who is granted leave of absence from duty without salary for the purpose of taking up a Government Scholarship may, at the discretion of the Director

of Education, receive assistance towards the payment of his contribution during the period of such scholarship provided that the scholarship is less in value than his salary. In no circumstances will such assistance amount to more than the difference between the value of his scholarship and his salary.

6. In any case where the salary of a teacher who has contributed to the fund for not less than fifteen years is reduced, he shall continue to contribute to the fund at the rate prescribed by rule 3 calculated upon the amount of the salary which he received immediately before it was reduced unless he shall, in writing to the Director of Education (in the case of an approved teacher, through his employer), elect to contribute at the rate calculated upon his reduced salary:

Contributions by teachers whose salaries have been reduced, and calculation of gratuities.

Provided that, if, as the result of his reinstatement or promotion or the award of increments, such teacher shall subsequently receive a salary not less in amount than his salary before reduction, his contributions shall then be calculated on the amount of salary he receives.

7. (1) Subject to the proviso to section 4 of the Ordinance every person who, after having been granted a gratuity or a superannuation allowance under rule 9 or 10, is re-engaged for further service as a teacher shall contribute to the fund as from the date of his re-engagement at the rate prescribed by rule 3 and as from that date the grant of his superannuation allowance, if such has been made to him, shall be deemed to have been revoked.

Contributions, etc., by teachers recalled for service after grant of gratuity or allowance under rules 9 and 10, and computation of gratuity and allowance on final retirement.

(2) For the purposes of computing the gratuity or superannuation allowance payable to such person at the conclusion of the period of his re-engagement the periods of his contributing service both before and after such re-engagement shall be regarded as one continuing period of contributing service:

Provided that the amount of the gratuity so computed shall be reduced by the amount of the gratuity paid to him prior to such re-engagement:

Provided that the provisions of sub-rule (2) of this rule shall not apply to married female teachers permitted to contribute to the fund with the approval of the Director of Education.

Contributions by teachers on re-engagement as such after ceasing to hold other appointments in Government service.

8. Where any teacher, who is contributing to the fund, is appointed or transferred to a post in the service of Government, being a post to which rule 13 applies, he shall cease to contribute to the fund with effect from the date of such appointment or transfer:

Provided that if he is subsequently re-engaged as a teacher before he has been confirmed in such post—

(i) he shall, as from the day of such re-engagement, contribute to the fund at the rate at which he was contributing before he was so appointed or transferred;

(ii) he may within three months of the day on which he is so re-engaged pay to the fund a sum equal to the total amount of the contributions which he would have been required to make had he been employed as a teacher during the period of his service in such post and, on such payment being made, there shall be paid to the fund from the public funds of Sierra Leone a sum equal to the amount so paid by him, and the period of his service in such post shall be deemed to be contributing service;

(iii) if he does not make the payment specified in sub-rule (ii) of this rule, his previous service as a teacher together with his service as such after re-engagement shall be regarded as one period of contributing service.

Payment of gratuities and allowances on retirement, resignation or discharge of teachers having 10 or more years of contributing service.

9. Where a teacher, having completed ten years of contributing service—

(i) retires on having attained the age of fifty-five years; or

(ii) ceases to be so employed on the termination of his appointment for causes other than those set forth in paragraphs (ii) and (iii) of rule 11; or

(iii) ceases to be so employed in consequence of the abolition of his post or as a result of re-organisation or retrenchment of staff; or

(iv) is discharged for inefficiency; or

(v) is certified by a Government Medical Officer to have become incapable, by reason of infirmity of body or mind, of performing his duties and, in consequence thereof, resigns or is discharged,

there shall be paid to such teacher out of the fund—

(a) a gratuity at the rate of 1/300th part of the average amount of annual salary upon which such teacher's contributions to the fund have been calculated during the three

years immediately preceding the day upon which such teacher ceases to be employed as such in respect of each completed month, not exceeding three hundred in number, of the contributing service of such teacher; and

(b) an annual superannuation allowance at the rate of 1/960th part of such average amount of annual salary in respect of each completed month of the contributing service of such teacher:

Provided that the Governor in Council may direct that the gratuity and superannuation allowance of any such teacher who has been discharged for inefficiency, or who has resigned or been discharged for reasons of infirmity of body or mind caused by his own misconduct or neglect, shall be reduced and in such direction specify the amount or percentage of such reduction, and payment to the teacher shall be made only in accordance with such direction.

10. Where a teacher who has completed five but has not completed ten years' contributing service—

Refund of contributions and payment of gratuity on resignation, discharge, etc., of teachers having had less than 10 years' contributing service.

(i) ceases to be so employed in consequence of the abolition of his post or as a result of re-organisation or retrenchment of staff; or

(ii) ceases to be so employed on the termination of his appointment for causes other than those set forth in paragraphs (ii) and (iii) of rule 11; or

(iii) is discharged for inefficiency; or

(iv) is certified by a Government Medical Officer to have become incapable, by reason of infirmity of body or mind, of performing his duties, and in consequence thereof, resigns or is discharged,

there shall be paid to him a gratuity equal to the average amount of his salary for one year calculated on his annual salary during the three years immediately preceding the day upon which his employment so ceases:

Provided that the Governor in Council may direct that the gratuity payable under this rule to a teacher who has been discharged for inefficiency shall be reduced and in such direction specify the amount or percentage of such reduction, and payment to the teacher shall be made only in accordance with such direction.

Refund of contributions of teachers having had less than 5 years' contributing service or on dismissal or voluntary resignation.

Refund of contributions and payment of gratuities to female teachers ceasing to be contributors on marriage.

Special provisions relating to the return of contributions of teachers appointed to other Government service.

11. Where a teacher—

- (i) is discharged for any reason before he has completed five years' contributing service;
- (ii) is dismissed for misconduct; or
- (iii) resigns voluntarily from his employment as such other than for the reason set forth in paragraph (iv) of the preceding rule,

there shall be paid to the teacher the total amount of the contributions of the teacher to the fund up to the day on which such teacher ceases to be so employed, together with interest on such amount.

12. If a female teacher ceases to be employed as such on the occasion or for the reason of her marriage, there shall be paid to her out of the fund—

- (a) the total amount of the contributions of the teacher to the fund up to the day on which such teacher ceases to be so employed together with interest on such amount; and
- (b) where such teacher has had not less than five years' contributing service, a gratuity at the rate of $1/300$ th part of the average annual salary of such teacher during the three years immediately preceding the day upon which she ceases to be employed as such in respect of each completed month, not exceeding three hundred in number, of her contributing service.

13. Where any teacher is appointed or transferred to a post in the service of the Government, in respect of which he is eligible for the grant of a gratuity, pension or other allowance on retirement, there shall be paid to him the total amount of his contributions to the fund up to the day upon which he is so appointed or transferred, together with interest on such amount:

Provided that where he is transferred or appointed to such post on probation the aforesaid amount and interest shall not be paid to him until such time as he is confirmed in his appointment to such post or until such time as he ceases to hold the same, whichever is the earlier:

And further provided that where any person to whom this rule applies is re-engaged as a teacher before the aforesaid amount and interest has been paid to him, such amount shall be retained in the fund.

14. (1) Where a teacher who has contributed to the fund shall die before becoming entitled to or receiving a gratuity and allowance from the fund there shall be paid therefrom to his legal personal representative or to any other person, being a relative or dependant of such deceased teacher as the Governor in Council may direct—

Benefits to
heirs, etc.,
of deceased
teacher.

(a) if the deceased teacher has not completed five years contributing service, an amount equal to the total amount of the contributions made by him during his life-time to the fund together with interest on such amount;

(b) if the deceased teacher has completed five years' contributing service, either an amount calculated as in the preceding sub-paragraph or an amount equal to the average amount of his salary for one year calculated on his annual salary during the three years immediately preceding his death, whichever is the greater.

(2) Where a teacher shall die after he has been granted a gratuity and a superannuation allowance as provided by rule 9 there shall be paid to his legal personal representative or to any other person, being a relative or dependant of such deceased teacher, as the Governor in Council may direct, the amount, if any, by which his contributions, together with interest thereon, up to the date of his retirement, exceed the total amount paid to him by way of gratuity and superannuation allowance.

(3) It shall be lawful for the Governor in Council to direct that any amount payable under this rule shall be paid by instalments and also to direct that such amount shall be applied for the maintenance and personal comfort or benefit of any or all, to the exclusion of the other or others, of the following persons, namely, any wife, child, children, relative or dependant of the deceased teacher in such proportions as the Governor in Council may think proper, and such amount shall be applied accordingly.