CHAPTER 17.

An Act to make further provision for superannuation and other allowances to Teachers in Scotland, and gratuities to their personal representatives, and for other purposes in connection therewith.

[29th May 1919.]

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, as follows :

New superannuation scheme.

1. The Department shall, as soon as may be after the passing of this Act, frame a superannuation scheme (in this Act called "the scheme") applicable to such teachers as shall be prescribed therein, including every teacher to whom the existing scheme applies at the passing of this Act.

Provisions of scheme relating to benefits and otherwise.

2.—(1) The scheme shall include provision—

(i) in the case of every teacher who at the appointed day is in receipt of a retiring allowance under the existing scheme, for the continued payment of the said allowance, and for the payment of such supplementary benefit as may be prescribed :

(ii) in the case of every other teacher to whom the scheme applies

(*a*) for the payment on retirement after attaining the prescribed age, or on retirement in case of permanent incapacity, of a retiring allowance (which may, if so prescribed, include a lump sum in addition to an annual allowance) not exceeding the prescribed proportion for each completed year of service in Scotland of the pensionable salary of the teacher, that is to say, the amount representing the average salary of the teacher, either throughout his service or during such number of years immediately preceding retirement as may be prescribed : Provided that a retiring allowance shall not be payable in respect of less than ten completed years of service ;

(*b*) for the payment on retirement in case of permanent incapacity, after service for a prescribed period less than ten years, of a gratuity not exceeding the prescribed proportion of the pensionable salary of the teacher ;

(*c*) where the teacher dies in service after completing the prescribed period of service, for the payment to his personal representatives of a

death gratuity of an amount calculated in the prescribed manner;

(*d*) for the return to the teacher of any contributions made by him to the existing superannuation fund:

(iii) For the disposal and application of the existing superannuation fund.

(2) For the purposes of this section, a teacher shall be deemed to be in receipt of a retiring allowance if the Department, after application made, have given direction for the payment of the allowance.

Further provisions of scheme.

3. The scheme shall make such other provision as appears necessary to carry out the purposes of this Act, and, without prejudice to the generality of this enactment, the scheme may provide—

61 & 62 Vict. c. 57.

(*a*) for the adjustment of existing interests under the Elementary School Teachers (Superannuation) Act, 1898, or the existing scheme;

(*b*) for the adjustment of retiring allowances, gratuities, or death gratuities in the case of teachers re-entering service after retirement therefrom;

(*c*) for the retirement from service at a prescribed age of teachers to whom the scheme applies;

(*d*) for the refusal, reduction, or suspension of any benefit in the case of any teacher who has been guilty of misconduct;

(*e*) for the protection of benefits against the diligence of creditors;

(*f*) for dispensing with the necessity for confirmation before payment of benefits to the personal representatives of a deceased teacher;

(*g*) for the final settlement by the Department of any questions which may arise as to the application of any part of the existing scheme or the scheme to any person, or as to the amount of any benefit, or as to the payment, refusal, reduction, or suspension of any benefit, or as to the return of any contribution to the existing superannuation fund, or as to the reckoning of any service;

(*h*) for the making by the Department of rules for carrying the scheme into effect;

(*i*) for applying, with such modifications as appear necessary, any provisions contained in any Act of Parliament or Provisional Order confirmed by Parliament dealing with superannuation, including any penal provisions thereof.

Payment of benefit in case of persons mentally disable l.

4. Where any person to whom any sum in respect of any benefit is payable is certified by a justice of the peace or minister of religion, and by a duly qualified medical practitioner,

to be unable by reason of mental disability to manage his affairs, the Department may pay the whole of the said sum, or so much thereof as they think fit, to the institution or person having the care of the disabled person, and may pay the remainder, if any, or such part thereof as the Department think fit, for or towards the maintenance and advantage of the wife or husband and relatives of the disabled person.

Power to governing bodies to fulfil conditions.

5. Notwithstanding any provisions regulating the trusts or management of a school, the governing body of the school shall have power to fulfil any conditions which may require to be fulfilled in order that employment as a teacher in that school may be recorded as service for the purposes of the scheme.

Payment into Education (Scotland) Fund.

8 Edw. 7. c. 63.

8 & 9 Geo. 5. c. 48.

6. In respect of the year commencing the first day of April one thousand nine hundred and nineteen, and every subsequent year, in addition to the sums payable out of the Local Taxation (Scotland) Account into the Education (Scotland) Fund under section fifteen of the Education (Scotland) Act, 1908, and the sums payable into that fund under subsection (1) of section twenty-one of the Education (Scotland) Act, 1918, there shall be paid into that fund out of moneys provided by Parliament eleven-eightieths of the amount of the sums estimated to be expended in the same year from the Vote for Education in England and Wales, so far as such sums represent sums spent on the superannuation of teachers: Provided that, if the amount of the sums actually expended in any year from the Vote for Education in England and Wales on the superannuation of teachers, as shown by the Appropriation Account, exceeds or falls short of the corresponding estimate, the sum to be paid into the Education (Scotland) Fund in terms of this section in the year commencing the first day of April next following the day on which such Appropriation Account is presented to Parliament shall be increased or diminished, as the case may be, by eleven-eightieths of the difference between such expenditure and estimate.

Provision for expenses.

7. The expenses (other than administrative expenses) incurred by the Department in carrying this Act and the scheme into effect shall be defrayed out of the Education (Scotland) Fund or the existing superannuation fund.

Approval and effect of scheme.

8.—(1) The scheme when framed by the Department shall be forthwith laid before each House of Parliament, if Parliament be sitting, or, if not, then within three weeks after the commencement of the next ensuing session of Parliament, and if neither House of Parliament within one month, exclusive of any period of prorogation, after the scheme has been laid before it presents an Address praying His Majesty to withhold His assent from such scheme, or any part thereof, His Majesty may by Order in Council approve of the same, or any part thereof to which such Address

does not relate. The presentation of an Address as aforesaid shall be without prejudice to the making of a further scheme.

(2) The scheme may be amended by a subsequent scheme made and approved in like manner.

(3) Any scheme approved by Order in Council under this section shall, as from the date prescribed in such Order, be of the same force as if it were enacted in this Act: Provided that the date so prescribed may, as regards the operation of the whole or any part of the scheme, be a date prior to the date of such Order in Council or to the date of the passing of this Act.

Interpretation.

9. In this Act, unless the context otherwise requires—

(1) The expression "the scheme" means the superannuation scheme made by the Department in pursuance of this Act;

(2) The expression "the existing scheme" means the superannuation scheme for teachers made by the Department in pursuance of section fourteen of the Education (Scotland) Act, 1908;

(3) The expression "the existing superannuation fund" means the Scottish Teachers Superannuation Fund established in accordance with the said section;

(4) The expression "benefit" includes any retiring allowance, additional annual payment or lump sum, gratuity, death gratuity, or return of contributions under the existing scheme or the scheme, as the case may be;

(5) The expression "the appointed day" means the day on which the scheme or any part thereof comes into force;

(6) The expression "prescribed" means prescribed by the scheme;

(7) Other expressions not specially defined in this Act shall have the meaning assigned thereto in the scheme.

Repeal.

10. As from the appointed day—

(*a*) the existing scheme shall cease to be in force;

(*b*) the enactments mentioned in the schedule to this Act shall be repealed to the extent specified in the third column of that schedule.

Extent, citation and construction.

11.—(1) This Act shall extend to Scotland only.

(2) This Act may be cited as the Education (Scotland) (Superannuation) Act, 1919, and the Education (Scotland) Acts, 1872 to 1918, and this Act may be cited as the Education (Scotland) Acts, 1872 to 1919, and shall, so far as is consistent with the tenor thereof, be construed together as one Act.

SCHEDULE.

ENACTMENTS REPEALED. Section 10.

Session and Chapter.	Short Title.	Extent of Repeal.
61 & 62 Vict c. 57.	The Elementary School Teachers (Superannuation) Act, 1898.	The whole Act so far as it relates to Scotland.
8 Edw. 7. c. 63.	The Education (Scotland) Act, 1908.	Section fourteen, so far as not already repealed. In paragraph (*e*) of subsection (1) of section sixteen, the words "as in this Act authorised."
2 & 3 Geo. 5. c. 12.	The Elementary School Teachers (Superannuation) Act, 1912.	The whole Act so far as it relates to Scotland.

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CHAPTER 18.

An Act to extend the operation of the Wages (Temporary Regulation) Act, 1918, for a further period of six months. [29th May 1919.]

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, as follows:

Continuance of 8 & 9 Geo. 5 c. 61.

1. The Wages (Temporary Regulation) Act, 1918, the operation of which is by section one thereof limited to a period of six months from the twenty-first day of November nineteen hundred and eighteen, shall, notwithstanding anything in that section, continue in operation until the twenty-first day of November nineteen hundred and nineteen.

Short title

2. This Act may be cited as the Wages (Temporary Regulation) Extension Act, 1919, and the Wages (Temporary Regulation) Act, 1918, and this Act may be cited together as the Wages (Temporary Regulation) Acts, 1918 and 1919.