(3.) In applying the sum of fifteen thousand pounds for providing and maintaining vessels for marine superintendence and otherwise for the enforcement of the Scottish Sea Fisheries laws:

(4.) The balance shall be applied for purposes of secondary or technical (including agricultural) education in Scotland, and shall be distributed in such manner and in accordance with such conditions as may be set forth in minutes of the Scotch Education Department submitted to Parliament.

57 & 58 Vict. c. 57. 55 & 56 Vict. c. 51. 53 & 54 Vict. c. 60.

Provided that all moneys paid under the provisions of the Diseases of Animals Act, 1894, out of or into the Local Taxation (Scotland) Account shall in account be charged against or credited to the sums distributable under section two, sub-section five, of the Education and Local Taxation Account (Scotland) Act, 1892, instead of being charged against or credited to the residue distributable under section two, sub-section three, of the Local Taxation (Customs and Excise) Act, 1890, and the enactments in this section mentioned shall be read and construed accordingly.

Short title and construction.

3. This Act may be cited as the Local Taxation Account (Scotland) Act, 1898, and shall be construed as one with the principal Act.

CHAPTER 57.

An Act to provide for Superannuation and other Annuities and Allowances to Elementary School Teachers certificated by the Education Department.

[12th August 1898.]

BE it enacted by the Queen'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:

Elementary school teachers certificated after commencement of the Act.

1.—(1.) A teacher certificated after the commencement of this Act shall not be recognised by the Education Department as a certificated teacher until the Department are satisfied in the prescribed manner of his physical capacity.

(2.) In the case of a teacher who becomes a certificated teacher after the commencement of this Act, the following provisions shall, subject to rules under this Act, apply:—

(*a.*) His certificate shall expire on his attaining the age of sixty-five years, or if the Education Department, on account of his special fitness, allow his service to continue for a further limited time, then on the expiration of that limited time;

(*b.*) The teacher shall, while serving in recorded service, contribute to the deferred annuity fund under this Act at the rate, if a man, of three pounds, and if a woman, of two pounds, a year, or at such increased rate as may for the time being be fixed by the Treasury in accordance with this Act;

(*c.*) On his attaining the age of sixty-five years, or on any later date at which his certificate expires, he shall be entitled, out of the deferred annuity fund, to such annuity for the remainder of his life in respect of his contributions to that fund as may be fixed by the tables under this Act, but he shall not be entitled to any return of contributions or to any benefits in respect of his contributions other than that annuity;

(*d.*) On his attaining the age of sixty-five years, or on any later date at which his certificate expires, if he has contributed to the deferred annuity fund in accordance with this Act, and his years of recorded service are not less than half the number of years which have elapsed since he became certificated, the Treasury may grant to him, out of moneys provided by Parliament, an annual superannuation allowance calculated at the rate of ten shillings for each complete year of recorded service.

(3.) If at any time the Education Department find that the average salaries of the certificated teachers calculated in the prescribed manner exceed by ten per cent., in the case of men one hundred and nineteen pounds thirteen shillings and threepence, or in the case of women seventy-six pounds eleven shillings and ninepence per annum, they shall certify accordingly to the Treasury, and the Treasury may by warrant, in the case of either sex, increase the rate of contribution to the deferred annuity fund under this Act by an amount not exceeding five shillings a year for each full ten per cent. of the excess.

(4.) Any such certificate may be given and warrant made from time to time, and if in any year the Education Department consider that the average emoluments have been so reduced as no longer to justify any increase of contribution made by any such warrant, they may certify the same to the Treasury, and the Treasury may cancel their warrant accordingly.

(5.) "Recorded service" for the purposes of this Act shall be such service in the capacity of certificated teacher in a public elementary school, not being an evening school, as is recorded by the Education Department, and may include such service as is so recorded in the capacity, within the meaning of the Education Code, either of a teacher in a training college, or of organising teacher, or of teacher of a central class for pupil teachers, or in such other capacity in or connected with public elementary schools as may be for the time being prescribed, or in the capacity of a certificated teacher in a certified reformatory or industrial school; but no service after the teacher attains the age of sixty-five years, shall be recorded service for the purpose either of

contribution to the deferred annuity fund, or of determining the amount of any allowance under this Act.

Allowances to incapacitated teachers.

2.—(1.) Where a teacher satisfies the Treasury in the prescribed manner that he—

(*a*) has served a number of years of recorded service not less than ten and not less than half the years which have elapsed since he became certificated; and

(*b*) has not at the date of the application been for more than the prescribed time unemployed in recorded service; and

(*c*) has become permanently incapable, owing to infirmity of mind or body, of being an efficient teacher in a public elementary school; and

(*d*) is not excluded by the prescribed disqualifications;

the Treasury may, subject to the prescribed conditions and to the provisions of this Act, grant to such teacher out of moneys provided by Parliament an annual allowance (in this Act called "a disablement allowance") not exceeding—

(*a*) if the teacher is a man, twenty pounds for ten complete years of recorded service, with the addition of one pound for each complete additional year of recorded service; and

(*b*) if the teacher is a woman, fifteen pounds for ten complete years of recorded service, with the addition of thirteen shillings and fourpence for each complete additional year of recorded service; and

(*c*) in any case, the total annual sum which the teacher might obtain from an annuity and superannuation allowance under this Act by continuing to serve until the age of sixty-five years.

(2.) If the grantee of a disablement allowance attains the age of sixty-five years, any annuity which would otherwise be payable to the grantee out of the deferred annuity fund shall, except where the allowance has ceased by reason of the grantee being again employed as a teacher in recorded service, be paid to the Treasury and applied as they direct towards the payment of disablement allowances, and, in that case, the Treasury shall not award any superannuation allowance to the grantee.

(3.) A disablement allowance shall be reconsidered by the Treasury at intervals not exceeding three years; and the rules shall provide for the suspension, cessation, or reduction of the allowance in whole or in part, if the prescribed conditions are not complied with or the prescribed disqualifications apply, and those disqualifications shall deal with the cases of persons who have caused or increased their infirmity by their own misconduct or default, or who marry or cease to be incapable, or become in such a position as not to be in pecuniary need of the allowance.

Collection of contributions and deferred

3.—(1.) The contributions under this Act from certificated teachers shall be paid to the Education Department at the prescribed time

and in the prescribed manner by the teachers or their employers; and the receipt of the Education Department for the amount of a contribution paid by the employer of a teacher shall be a good discharge for the like amount of remuneration otherwise payable to the teacher. annuity fund arising therefrom.

(2.) The contributions so received by the Education Department shall be paid to the National Debt Commissioners, and be invested by them so as to form a fund, in this Act referred to as "the deferred annuity fund."

(3.) The National Debt Commissioners shall pay out of the fund to the Treasury the sums required by the Treasury for the payment of annuities under this Act, but otherwise shall invest the contributions, and all income of the fund for the time being, in any securities in which money held by the Commissioners on account of savings banks may be invested.

(4.) Separate subsidiary funds shall be kept in respect of the contributions and annuities of men and women teachers respectively, and any part of the assets of one subsidiary fund may be used for meeting the liabilities of the other, and in that case the amount lent by the one to the other shall be a debt bearing interest at the rate used for the computation of the tables for the time being in force under this Act.

(5.) A return showing the state of the fund at the end of every financial year, distinguishing the said accounts, shall be annually laid before Parliament.

(6.) At the end of every seven years an actuarial inquiry into and report upon the assets and liabilities of the fund shall be made under the direction of the Treasury and the Education Department, and the report shall be laid before Parliament.

4.—(1.) The Treasury shall cause tables to be constructed, showing the amount of annuity payable out of the deferred annuity fund to men and women teachers respectively in respect of the contributions made by them from time to time under this Act, and so framed as to secure the fund against loss. Tables of deferred annuities.

(2.) If it appears from any actuarial report under this Act that the assets and liabilities of either account of the fund are such as either to require a reduction or to justify an increase of the annuities, the Treasury may cause fresh tables to be constructed, and those tables, when approved by the Treasury, shall come into force and shall be laid before Parliament, and the former tables shall cease to be in force, and so on from time to time as occasion requires.

5. With respect to the application of this Act to certificated teachers who became certificated before the commencement of this Act (in this Act referred to as "existing teachers") the following provisions shall have effect:— Application of Act to existing teachers.

(1.) The Education Department shall, in the prescribed manner, give to each existing teacher the option, within the prescribed

time, not being more than one year after the commencement of this Act, of accepting, in the prescribed manner, this Act.

(2.) If an existing teacher does not so accept this Act, it shall not apply to him. If an existing teacher does so accept this Act, it shall apply to him with the following modifications; that is to say:—

(*a*) The rate of ten shillings upon which the superannuation allowance is calculated may be augumented in the case of a man by threepence, and in the case of a woman by twopence, for each complete year of recorded service served before the commencement of this Act;

(*b*) If the teacher has at the date of the acceptance attained the age of sixty-five years or any greater age, and has served in recorded service throughout the seven years next before the commencement of this Act, the provisions with respect to the expiration of the certificate shall apply as if the date of the acceptance were substituted for the date at which the teacher attained the age of sixty-five years;

(*c*) If the teacher has not at the date of the acceptance attained the said age, he must serve in recorded service after the commencement of this Act; and where, during any part of the seven years next before the commencement of this Act, he was not in recorded service, the duration of the recorded service after the commencement of this Act must not be less than the said part of the seven years.

(3.) Nothing in this section shall authorise the grant of any allowance to any teacher who at the commencement of this Act is in receipt of a pension out of moneys provided by Parliament for the service of education.

Rules.

6.—(1.) The Treasury and the Education Department may make rules for carrying into effect this Act, and shall provide thereby—

(*a*) for permitting certificated teachers to pay contributions to the deferred annuity fund during any interval not exceeding six months in which they are not employed in recorded service, and for reckoning the time in respect of which such contributions are made, as if it were recorded service;

(*b*) for the application of an annuity or allowance under this Act when payable to a person who is of unsound mind, or otherwise incapable of giving a receipt;

(*c*) for the suspension of all or any part of an allowance when the grantee is wholly or partly maintained out of any public money; and

(*d*) for the payment of any sum under one hundred pounds due on the death of a person without the production of probate or other proof of the title of the personal representative of such person.

(2.) All rules made under this section shall be laid, as soon as may be, before both Houses of Parliament.

Decision of Treasury and Education Department.

7. Any question which arises as to the application of any section of this Act to any person, or as to the amount of any annuity or allowance under this Act, or as to the grant, refusal, suspension or cessation of any such allowance, shall be referred to the Treasury, and any question as to the reckoning of any service for any purpose of this Act shall be referred to the Education Department, and the decision of the Treasury or Education Department on any question so referred shall be final.

Forfeiture for misconduct.

8.—(1.) Where the certificate of a teacher is suspended or cancelled by the Education Department, the teacher shall not be entitled to any disablement allowance under this Act unless the certificate is restored by the Department.

(2.) Where the Education Department certify to the Treasury that a recipient of any superannuation allowance, or disablement allowance under this Act, has been proved to them to have been guilty of any act or conduct which, if he had continued to serve as a teacher, would have justified them in suspending or cancelling his certificate, the Treasury shall suspend or determine the allowance in whole or in part.

As to payment and assignment of annuities and allowances.

9.—(1.) Every annuity and allowance under this Act shall be payable quarterly at such times and payable and apportionable in such manner as the Treasury may fix.

(2.) Every assignment of or charge on, and every agreement to assign or charge, any annuity or allowance to a teacher under this Act, whether payable presently or at some future date, shall be void, and on the bankruptcy of the teacher the annuity or allowance 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-three of the Bankruptcy Act, 1883, or any corresponding enactment in Scotland or Ireland. 46 & 47 Vict. c. 52.

Punishment for fraud and personation.

10. If any person—

(*a*) for the purpose of obtaining for himself or any other person any annuity or allowance under this Act, 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, document, representation, or statement, or by other fraudulent means, or by any personation, obtains or attempts to obtain for himself or any other person any annuity or allowance under this Act,

he shall on conviction on indictment be liable to imprisonment, with or without hard labour, for a term not exceeding two years,

and on summary conviction be liable to imprisonment, with or without hard labour, for a term not exceeding three months, or to a fine not exceeding twenty-five pounds, and any penalty under this section may be in addition to any suspension or determination of his allowance under this Act.

For the purposes of this section the obtaining of an annuity or allowance includes the increase of any annuity or allowance, and the prevention or rescission of any cessation or suspension of an annuity or allowance, and the obtaining of any sum in respect of any annuity or allowance.

Definitions.

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

The expression "certificated teacher" means a teacher who is recognised under the Education Code as a certificated teacher for public elementary schools:

The expression "certificate" includes any document issued by the Education Department, which recognises a teacher as a certificated teacher:

The expression "Education Code" means such minutes of the Education Department as are for the time being in force for the purpose of the Elementary Education Act, 1870:

33 & 34 Vict. c. 75.

The expression "prescribed" means prescribed by rules under this Act.

Application to Scotland.

12. In the application of this Act to Scotland, the following provisions shall have effect:—

(1.) The expression "Education Department" means the Scotch Education Department, and the expression "Education Code" means the Scotch Education Code:

(2.) The expression "public elementary school" means a public or other school in receipt of annual parliamentary grant:

19 & 20 Vict. c. 79.

(3.) Section one hundred and forty-nine of the Bankruptcy (Scotland) Act, 1856, shall be substituted for section fifty-three of the Bankruptcy Act, 1883:

35 & 36 Vict. c. 62.

(4.) The Education (Scotland) Act, 1872, shall be substituted for the Elementary Education Act, 1870:

(5.) Nothing contained in or done under this Act shall apply to or affect any teacher of a public school in Scotland appointed before the passing of the Education (Scotland) Act, 1872, unless the teacher has accepted this Act in pursuance of the provisions of section five hereof:

(6.) It shall not be lawful for a school board in Scotland to grant under the powers conferred by section sixty-one of the Education (Scotland) Act, 1872, a retiring allowance payable out of the school fund to any teacher of a public school under their management who has accepted this Act in pursuance of the provisions of section five hereof, or to whom this Act otherwise applies.

Extent of Act.

13. This Act shall not extend to Ireland.

14. This Act shall come into operation on the first day of April next after the passing thereof, or on such day, not more than three months later, as may be fixed by Her Majesty in Council. Commencement of Act.

15. This Act may be cited as the Elementary School Teachers (Superannuation) Act, 1898. Short title.

CHAPTER 58.

An Act to amend the Law relating to the Attendance of Registrars at Marriages in Nonconformist Places of Worship. [12th August 1898.]

BE it enacted by the Queen'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:

1.—(1.) This Act may be cited as the Marriage Act, 1898, and may be cited with the Marriage Acts, 1811 to 1886. Short title and construction.

(2.) The term "registered building," wherever used in this Act, shall mean any building registered for solemnising marriages therein under the Marriage Act, 1836. 6 & 7 Will. 4. c. 85.

(3.) For the purposes of this Act, as applied to Roman Catholic registered buildings, the words "trustees or governing body" shall include the bishop or vicar general of the diocese.

2. This Act shall not extend to Scotland or Ireland. Extent of Act.

3. This Act shall come into operation on the first day of April one thousand eight hundred and ninety-nine. Commencement of Act.

4. Notwithstanding anything contained in section twenty of the Marriage Act, 1836, marriages may be lawfully solemnised in the registered building named in the notice of the marriages and in the superintendent registrar's certificate or certificate and licence issued pursuant to the provisions of the said Act, or any Act amending the same, between and by the parties described in the notice and certificate or certificate and licence, according to such form and ceremony as they may see fit to adopt, without the presence of any registrar, but in the presence of such duly authorised person as herein after mentioned, and subject in all other respects, excepting as is herein provided, to all the conditions and provisoes contained in the said Act and any Acts amending the same. Solemnisation of marriages without presence of registrar.

5.—(1.) Whenever a marriage is intended to be solemnised in a registered building, and the parties intending to contract the marriage have duly fulfilled all the conditions from time to time required by law to entitle the superintendent registrar to issue a certificate or certificate and licence authorising the marriage, and the superintendent registrar does not receive notice, at the time Notices and forms.