SECOND SCHEDULE.

ENACTMENTS REPEALED. Section 11 (3).

Session and Chapter.	Short Title.	Extent of Repeal.
9 & 10 Vict. c. 73.	The Tithe Act, 1846 -	In section eleven, the words "after the yearly rate of four "pounds by the hundred" and the words "but so, never- "theless, that the charge upon "such land shall be lessened "in every year after the re- "demption of such rentcharge "by one-twentieth part at "least of the whole original "charge thereon."
23 & 24 Vict. c. 93.	The Tithe Act, 1860 -	In section one, the words from "at which the said corn rents "might be subjected" to "and "of the persons to whom a "major part in value of such "rents are payable" Section three.
41 & 42 Vict. c. 42.	The Tithe Act, 1878 -	Section four.
48 & 49 Vict. c. 32.	The Tithe Rentcharge Redemption Act, 1885.	In section three from "Provided always" to the end of the section.

CHAPTER 55.

An Act to make provision with respect to the grant of Superannuation Allowances to Teachers, and of Gratuities to their legal personal representatives, and to amend the Elementary School Teachers (Superannuation) Acts, 1898 to 1912. [21st November 1918.]

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:

Superannuation allowances to teachers.

1.—(1) Subject to the provisions of this Act, (including any rules made thereunder), the Board of Education (in this Act referred to as "the Board") may grant such superannuation

allowances as are hereinafter mentioned in this section to any teacher who—

(*a*) has attained the age of sixty years, and has either—

(i) been employed—

(A) for not less than thirty years in recognised or qualifying service ; and

(B) for not less than ten years, or, if he was employed in recognised service at the commencement of this Act, for not less than the prescribed number of years, in recognised service ; and

(C) for not less than the prescribed period after the commencement of this Act in recognised or qualifying service ; or

(ii) being a teacher to whom the Act of 1898 applied at the commencement of this Act, been employed in recognised service for a period 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

(*b*) having completed ten years of recognised service and been employed in recognised service within the prescribed period before the date on which he applies for a superannuation allowance under this section, has, in the opinion of the Board, become permanently incapable through infirmity of mind or body of serving efficiently as a teacher in recognised service.

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

(*a*) an annual superannuation allowance of an amount not exceeding one-eightieth of the average salary of the teacher in respect of each completed year of recognised service, or one-half of the average salary, whichever is the less ; and

(*b*) by way of additional allowance a lump sum not exceeding one-thirtieth of the average salary of the teacher in respect of each completed year of recognised service, or one-and-a-half times the average salary, whichever is the less.

(3) In the case of a woman teacher, who after ceasing in consequence of marriage to be employed in recognised service has subsequently returned to recognised service and satisfies the prescribed conditions, such number of years, not being less than twenty, as may be prescribed, shall be substituted for thirty years as the qualifying period of service.

Gratuities in cases of short service.

2. Where a teacher who is not qualified for the grant of an annual superannuation allowance has been employed in recog-

nised service for not less than the prescribed period after the commencement of this Act 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, become permanently incapable through infirmity of mind or body of serving efficiently as a teacher in recognised service, the Board may, subject to the provisions of this Act (including any rules made thereunder), grant to him a gratuity of an amount not exceeding one-twelfth of his average salary in respect of each completed year of recognised service.

Death gratuities to legal representatives of deceased teachers.

3.—(1) Subject to the provisions of this Act (including any rules made thereunder), the Board may grant to the legal personal representatives of any teacher who has been employed in recognised service for a period amounting in the aggregate to five years, of which not less than the prescribed part has been subsequent to the commencement of this Act, and dies while in recognised service, a death gratuity of an amount not exceeding the average salary of the teacher or the amount of the additional allowance which the Board might have granted to him if at the date of his death he had become permanently incapable of serving efficiently as a teacher in recognised service whichever is the greater:

Provided that a death gratuity shall not be granted in respect of any teacher who at the commencement of this Act was of the age of sixty years or upwards, or who fails to satisfy the Board in the prescribed manner that he was not of impaired health at the commencement of this Act.

(2) Where a teacher dies after having become qualified for the grant of an annual superannuation allowance, and the aggregate amount of the sums received or receivable by him up to the time of his death on account 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 the average salary and the said aggregate amount.

Disqualification for benefits under Act.

4. The following teachers, that is to say—

(i) persons being or having been certificated teachers whose certificates had expired before the commencement of this Act, or who were at that date in receipt of any allowance under the Act of 1898; and

(ii) teachers who enter on recognised service for the first time after the commencement of this Act, and do not satisfy the Board in the prescribed manner of their physical capacity; and

(iii) certificated teachers who give notice in the prescribed manner and within the prescribed time that they do not accept this Act;

shall not be entitled to any benefits under this Act.

Re-employment of teachers.

5.—(1) If a teacher in receipt of an annual superannuation allowance is again employed at whatever age as a teacher in recognised service, the allowance shall cease as from the date on which he becomes so employed, without prejudice, however, to the power of the Board under this Act to grant to him subsequently a fresh annual superannuation allowance.

(2) A teacher who has been granted an additional allowance or a gratuity and who is again employed in recognised service shall, on his subsequent retirement from recognised service, be qualified, subject to the provisions of this Act (including any rules made thereunder), for the grant of an additional allowance or gratuity in respect of each completed year of recognised service subsequent to the date on which he becomes so employed:

Provided that the amount receivable in any such case by way of additional allowance or gratuity shall not exceed a sum equal to the difference between the amount which might have been granted by way of additional allowance or gratuity in respect of the aggregate service of the teacher and the sum already received.

(3) Where a teacher who has been granted an additional allowance or gratuity is again employed in recognised service, the Board may, subject to the provisions of this Act (including any rules made thereunder), grant a death gratuity to his legal personal representatives:

Provided that the amount of any such death gratuity shall not exceed a sum equal to the difference between the amount which might have been granted by way of death gratuity in respect of the aggregate service of the teacher and the amount paid by way of additional allowance or gratuity.

(4) If a teacher of any age in receipt of an annual superannuation allowance is employed in any Government employment or in the employment (otherwise than as a teacher in recognised service) of a local education authority, then, if the salary and emoluments received by him in respect of the employment are not less than his salary at the date on which he ceased to be in recognised service, the superannuation allowance shall be suspended during the employment, and if they are less than that salary then only so much of the allowance shall be paid to him as with the salary and emoluments of the employment is equal to that salary.

For the purposes of this section the expression "Government employment" means any employment the remuneration of which is paid out of the Consolidated Fund or out of moneys provided by Parliament.

No claim to superannuation allowances or gratuities as of right.

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 the amount of any

superannuation allowance or gratuity, or on any question which may arise as to the amount of the average salary of any teacher, shall be final.

Payment and assignment of allowances.

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 shall be void, and on the bankruptcy of a person entitled to any such allowance or gratuity the allowance or gratuity 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 Ireland.

4 & 5 Geo. 5. c. 59.

Payment without probate in certain cases.

8. Where any sum not exceeding one hundred pounds is payable under 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, 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.

Provision as to allowance payable to persons mentally disabled.

9. Where any sum in respect of a superannuation allowance or gratuity is payable to any person under 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.

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

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.

(2) No superannuation allowance or gratuity shall be payable to any teacher who is not a British subject, and no death gratuity shall be payable in respect of any teacher not being a British subject.

Penalty for false representation and fraud.

11.—(1) If any person—

(*a*) for the purpose of obtaining for himself or any other person any superannuation allowance or gratuity 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,

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.

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

Provisions with respect to deferred annuities under the Act of 1898.

12.—(1) No teacher, other than a teacher who is not entitled to benefits under this Act, shall make any contributions towards a deferred annuity under the Act of 1898 in respect of service after the commencement of this Act, but where any teacher has made any such contributions in respect of service before that date he shall, notwithstanding that he thereafter ceases to make contributions, be entitled to a deferred annuity in respect of those contributions.

(2) As from the commencement of this Act, the deferred annuity fund established under the Act of 1898 shall cease to exist, and all moneys then belonging to that fund, and all moneys thereafter received by the National Debt Commissioners

on account of contributions towards deferred annuities under the Act of 1898, shall be applied by the National Debt Commissioners in purchasing, redeeming or paying off such descriptions of National Debt as the Treasury may direct, and all securities then belonging to that fund and all securities which may thereafter be acquired out of the moneys aforesaid shall be cancelled in such manner as the Treasury may direct.

(3) All deferred annuities under the Act of 1898 payable at any time after the date of the commencement of this Act shall be calculated in accordance with the tables in force at that date, and shall, in lieu of being paid out of the said deferred annuity fund, be charged on the Consolidated Fund and the growing produce thereof, and shall be paid by the National Debt Commissioners in such manner as the Treasury direct.

(4) The provisions of the Act of 1898 relating to deferred annuities shall have effect as if for references to contributions to the deferred annuity fund there were substituted references to contributions towards deferred annuities, and as if for references to payment out of the deferred annuity fund there were substituted references to payment by the National Debt Commissioners, and the following provisions of the Act of 1898, that is to say, the words "towards the payment of disablement allowances" in section two, subsection (2) of section three from the words "and be" to the end of the subsection, subsections (3), (4), (5) and (6) of section three, and section four, shall be repealed.

Amendment of Elementary School Teachers (Superannuation) Acts, 1898 to 1912.

13.—(1) The provisions of the Act of 1898 with respect to the grant of superannuation and disablement allowances shall, as from the commencement of this Act, cease to have effect as regards teachers entitled to benefits under this Act.

(2) Notwithstanding anything in paragraph (*a*) of subsection (2) of section one of the Act of 1898 (which relates to teachers' certificates), the Board may in any case in which they think proper so to do continue in force till the commencement of this Act any certificate which would otherwise expire in the period between the passing and the commencement of this Act.

(3) The words "or become in such a position as not to be in "pecuniary need of the allowance" in subsection (3) of section two of the Act of 1898 (which relates to the suspension, &c., of disablement allowances), shall be repealed.

(4) Subsection (2) of section two of the Elementary School Teachers (Superannuation) Act, 1912 (which relates to the reconsideration of disablement allowances), shall have effect as if the word "more" were therein substituted for the word "less."

2 & 3 Geo. 5. c. 12.

(5) Service after the commencement of this Act in an elementary school (not being a public elementary school) recognised by the Board as a certified efficient school shall not, unless the service is recognised service within the meaning of this Act, be recorded by the Board under the Act of 1898.

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 recognised service, be subject to, or pay or be required to pay any contributions under, such a scheme :

(*b*) Where any pensions scheme applies to a teacher who is in recognised service at the commencement of this Act or who thereafter enters recognised 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 recognised service, as the case may be, cease to apply to him :

(*c*) Where a person to whom a pensions scheme applies as aforesaid does not withdraw therefrom in accordance with the provisions of this section he shall not be entitled to any benefits under this Act :

(*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.

(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 Acts 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 disablement, retirement, attainment of any specified age, or death.

Power to make rules.

15.—(1) The Board may, with the consent of the Treasury, make rules for carrying this Act into effect, and those rules may in particular provide—

(*a*) For the manner in which, and the time within which, an application for a superannuation allowance or a gratuity is to be made :

(*b*) For the notice to be given to teachers of their option not to accept this Act, and the manner in which and time within which that option is to be exercised :

(*c*) For the notice to be given to teachers of their right to withdraw from a pensions scheme:

(*d*) For the manner in which and the time within which any application for the recognition of service as qualifying service is to be made to the Board:

(*e*) For the refusal or suspension of all or any part of a superannuation allowance or gratuity if the person to whom it is payable is wholly or partly maintained out of any public funds:

(*f*) For allowing any such service as may be recorded in the case of a certificated teacher by virtue of the provisions of the Elementary School Teachers (War Service Superannuation) Act, 1914, to be treated in the case of any teacher as recognised or qualifying service for the purposes of this Act, and for determining what salary a teacher is for the purpose of computing the average salary to be regarded as receiving during any such service: 4 & 5 Geo. 5. c. 66.

(*g*) For determining what salaries teachers are to be treated as receiving for the purposes of this Act during any periods of absence on sick leave, and how far such periods are to be treated as service for the purposes of this Act:

(*h*) 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.

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 recognised service for the purpose of this Act.

Exemption from the provisions of the National Insurance Act, 1911. 1 & 2 Geo. 5. c. 55.

17. The employment in recognised service of any person who is entitled to benefits under this Act shall be deemed to be included among the excepted employments specified in Part II. of the First Schedule to the National Insurance Act, 1911.

Interpretation.

18. In this Act, unless the context otherwise requires:—

The expression "service" means such service as is determined by the Board to be full-time service, but does not include service after the age of sixty-five years unless the Board in any special case allow such service to be treated as service for any of the purposes of this Act:

The expression "recognised service" means such service as is recognised by the Board for the purposes of this Act—

(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:

(ii) in the capacity of a certificated 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, under the Elementary Education (Blind and Deaf Children) Act, 1893, or under the Elementary Education (Defective and Epileptic Children) Act, 1899:

8 Edw. 7. c. 67.
56 & 57 Vict. c. 42.
62 & 63 Vict. c. 32.

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

3 & 4 Geo. 5. c. 28.

(iv) in the capacity of a teacher in any other grant-aided school:

(v) in the capacity of a certificated teacher during any period before the commencement of this Act in any service which in his case was recorded by the Board under the Act of 1898, and, in the case of a teacher who was employed in such service at the commencement of this Act, in the capacity of a certificated teacher in such service during any period after that date:

(vi) in the capacity of a teacher 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 the commencement of this Act, or becomes grant-aided within five years after that date:

(vii) in the capacity of a teacher during any period after the commencement of this Act in any other school being a school which is approved by the Treasury for the purposes of this provision and which—

(*a*) is not conducted for private profit; and

(*b*) is open to inspection by the Board and is shown to the satisfaction of the Board to be efficient; and

(*c*) is unable out of its own resources to maintain a satisfactory pensions scheme; and

(*d*) satisfies such other conditions as may be prescribed as necessary or desirable for securing the public interest:

(viii) subject to the prescribed conditions, in the capacity of a teacher during any period before the commencement of this Act in any other school, not being a school conducted for private profit, so, however, that not more than ten years service in any such school shall be recognised for the purposes of this Act:

The expression "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:

The expression "grant-aided school" means a place of education (other than a university or 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:

The expression "average salary" means the average amount of the teacher's salary (exclusive, unless the Board otherwise direct, of fees or other emoluments) in respect of his recognised service for the five years of recognised 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 employed in recognised service for five years, then the average amount of salary exclusive as aforesaid during the period for which he has been so employed: Provided that rules under this Act may prescribe as respects teachers in schools which are not grant-aided the maximum salary which may be taken into account in calculating the average salary:

The expressions "certificated teacher" and "uncertificated teacher" mean respectively a teacher who is recognised under the regulations of the Board for the time being in force as a certificated teacher for public elementary schools, and a teacher who is so recognised as an uncertificated teacher for such schools:

The expression "the Act of 1898" means the Elementary School Teachers (Superannuation) Act, 1898, and includes a reference to that Act as amended by any subsequent enactment: 61 & 62 Vict. c. 57.

The expression "superannuation allowance" means any annual superannuation allowance, or additional allowance, payable under this Act, and the expression "gratuity" means any gratuity or any death gratuity payable under this Act:

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

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

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

(2) The Board may, with the consent of the Treasury, make orders extending any of the provisions of this Act, subject to such modifications as may appear to the Board necessary or desirable, to the Isle of Man or any of the Channel Islands:

Provided that no such order shall be made unless provision is made to the satisfaction of the Treasury for the payment out of moneys other than moneys provided by Parliament of such portion of any allowance or gratuity as is in their opinion attributable to service in the Isle of Man or Channel Islands.

(3) This Act shall come into operation on the first day of April, nineteen hundred and nineteen.

(4) This Act may be cited as the School Teachers (Superannuation) Act, 1918.

CHAPTER 56.

An Act to apply certain sums out of the Consolidated Fund to the service of the years ending on the thirty-first day of March one thousand nine hundred and seventeen and one thousand nine hundred and nineteen, and to appropriate the Supplies granted in this Session of Parliament. [21st November 1918.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sums herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and 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:

GRANTS OUT OF CONSOLIDATED FUND.

Issue of 10*l.* out of the Consolidated Fund for the service of the year ended 31st March 1917.

1. The Treasury may issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and apply towards making good the supply granted to His Majesty for the service of the year ended on the thirty-first day of March one thousand nine hundred and seventeen the sum of ten pounds.

Issue of 702,656,000*l.* out of the Consolidated Fund.

2. The Treasury may issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and apply towards making good the supply granted to His Majesty for the service of the year ending on the thirty-first day of March one thousand nine hundred and nineteen the sum of seven hundred and two million six hundred and fifty-six thousand pounds.

Power for the Treasury to borrow.

3.—(1) The Treasury may borrow from any person, by the issue of Treasury Bills or otherwise, and the Bank of England and the Bank of Ireland may advance to the Treasury on the