

UNEDITED

The Teachers' Superannuation Act

being

Chapter 186 of *The Revised Statutes of Saskatchewan, 1953*
(effective February 1, 1954).

FOR HISTORICAL REFERENCE ONLY

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER 186

An Act respecting the Superannuation of Teachers

SHORT TITLE

Short title

1 This Act may be cited as *The Teachers' Superannuation Act*.

R.S.S. 1953, c.186, s.1.

INTERPRETATION

Interpretation

2(1) In this Act:

“allowance”

1 “**allowance**” means an annual sum of money granted under this Act or any former Act;

“board”

2 “**board**” means the board of trustees of a school district, the board of a school unit under *The Larger School Units Act*, the board of trustees of a high school district under *The Secondary Education Act* or a vocational education committee under *The Vocational Education Act*;

“child”

3 “**child**” includes a step-child and an adopted child;

“commission”

4 “**commission**” means the Teachers' Superannuation Commission mentioned in section 4;

“department”

5 “**department**” means the Department of Education;

“fiscal year”

6 “**fiscal year**” means a year commencing on the first day of July in any year and ending on the thirtieth day of June in the next following year;

“former Act”

7 “**former Act**” includes all former Acts respecting the superannuation of teachers;

“fund”

8 “**fund**” means the Teachers' Superannuation Fund mentioned in section 12;

“minister”

9 “**minister**” means the Minister of Education;

“sabbatical leave”

10 “**sabbatical leave**” means leave of absence for a period not exceeding fourteen consecutive months, granted by a board to a teacher who:

- (a) has been regularly employed by the board for at least ten consecutive years; and

- (b) receives from the board during such leave payment of an amount equal to at least fifty per cent of his salary for the year of employment immediately preceding such leave where granted on or after the first day of April, 1950; and
- (c) during such leave:
 - (i) pursues a course of studies, either academic or professional in nature, which is directly related to the work of a teacher; or
 - (ii) undertakes a travel tour approved by the board; or
 - (iii) undertakes any other activity of an educational nature approved by the board; or
 - (iv) is, on the advice of a duly qualified medical practitioner as evidenced by a certificate given by such practitioner to the board, convalescing or required to temporarily discontinue teaching on account of ill health;

“salary”

11 **“salary”** means the regular remuneration earned by a teacher together with any other payment or payments out of the funds of the school district or school unit for service rendered in teaching or the supervision of teaching, as well as the value of residential allowances and of emoluments, perquisites and privileges incidental to the position, as determined by the commission;

“teacher”

12 **“teacher”** means a person holding a valid certificate of qualification or other authorization from the department to teach in a school to which *The School Act*, *The Larger School Units Act*, *The Secondary Education Act* or *The Vocational Education Act* applies, and any other person classified by the regulations as a teacher for the purposes of this Act;

“year”

13 **“year”** means ten months or two hundred teaching days, provided that not more than one year’s service shall be reckoned for one calendar year, that months shall be reckoned as tenths of a year and days as twentieths of a month and that, where the full year’s salary has been paid for less than the statutory number of teaching days, such period shall be counted as a year.

(2) All other words, names and expressions shall have the same meaning as is expressly or impliedly attached to them in *The School Act*.

1953, c.71, s.2; R.S.S. 1953, c.186, s.2.

APPLICATION OF ACT.

Application

3 This Act applies to:

- (a) every board of trustees in respect of all teachers employed by the board, except a teacher employed by the Lloydminster Public School District or the Lloydminster High School District and to whom *The Teachers’ Retirement Fund Act* of Alberta applies;
- (b) every person who is a teacher when this Act comes into force, every person who hereafter becomes a teacher, every person superannuated under any former Act and receiving an allowance when this Act comes into force and every other person who has contributions or teaching service, or both, standing to his credit under this Act;

- (c) a teacher employed by the Saskatchewan Teachers' Federation in a position designated by the commission as requiring the professional qualifications and experience of a teacher;
- (d) other teachers, boards or educational bodies where, because of special circumstances, by the regulations this Act is made to apply.

1953, c.71, s.3; R.S.S. 1953, c.186, s.3.

ADMINISTRATION

Administration by commission

- 4(1) This Act shall be administered by a commission attached to the department, to be known as "The Teachers' Superannuation Commission", which shall consist of five members, three to be appointed by the Lieutenant Governor in Council who shall hold office for five years, and two, one of whom shall be a woman, to be appointed by the Executive Committee of the Saskatchewan Teachers' Federation, who shall hold off ice for a period of three years.
- (2) The Executive Committee of the Saskatchewan Teachers' Federation shall forthwith after making an appointment under subsection (1) send by registered mail to the minister written notice of such appointment.
- (3) Members of the commission shall hold office until their successors are appointed.

1953, c.71, s.4; R.S.S. 1953, c.186, s.4.

Appointment of chairman and acting chairman

- 5(1) The Lieutenant Governor in Council shall designate one of the commissioners as chairman of the commission.
- (2) The Lieutenant Governor in Council shall also designate a commissioner as acting chairman who shall have all the powers and perform all the duties of the chairman in his absence.

1953, c.71, s.5; R.S.S. 1953, c.186, s.5.

Temporary appointments

- 6(1) In case of the death, illness or absence from Saskatchewan of a commissioner or his inability to act from any cause, the Lieutenant Governor in Council or the Executive Committee of the Saskatchewan Teachers' Federation, as the case may require, may appoint some person to act pro tempore in his stead, and the person so appointed shall have all the powers and perform all the duties of a commissioner.
- (2) The Executive Committee of the Saskatchewan Teachers' Federation shall forthwith after making an appointment under subsection (1) send by registered mail to the minister written notice of such appointment.

1953, c.71, s.6; R.S.S. 1953, c.186, s.6.

Reappointment

- 7 A member of the commission on the expiration of his term of office shall be eligible for reappointment.

1953, c.71, s.7; R.S.S. 1953, c.186, s.7.

Allowance to commissioners

8 The pecuniary allowances to be paid to the commissioners for their services shall be fixed by the Lieutenant Governor in Council.

1953, c.71, s.8; R.S.S. 1953, c.186, s.8.

Quorum

9 Three commissioners shall constitute a quorum.

1953, c.71, s.9; R.S.S. 1953, c.186, s.9.

Vacancies

10 Vacancies in the commission shall not, if a quorum remains, impair the authority of the remaining members to act.

1953, c.71, s.10; R.S.S. 1953, c.186, s.10.

Staff

11 There shall be appointed such clerks and assistants as in the opinion of the minister are required for the administration of this Act.

1953, c.71, s.11; R.S.S. 1953, c.186, s.11.

THE TEACHERS' SUPERANNUATION FUND

Fund and accounts therein

12(1) There shall be a fund known as The Teachers' Superannuation Fund which shall contain two distinct and separate accounts, namely, the annuity account and the service pensions account.

(2) Except as provided for in section 24, all allowances, payments and refunds shall be a charge upon and payable out of the fund in the manner provided herein.

(3) All moneys in the fund shall be held in trust by the Provincial Treasurer and shall be invested by him in securities authorized by *The Trustee Act* for the investment of trust funds and approved by the Treasury Board.

1953, c.71, s.12; R.S.S. 1953, c.186, s.12.

THE ANNUITY ACCOUNT

Annuity account

13 The annuity account shall consist of:

- (a) the moneys in the account when this Act comes in to force;
- (b) the contributions hereafter made by or on behalf of teachers under this Act;
- (c) the interest accruing from the investment of any of the moneys referred to in this section.

1953, c.71, s.13; R.S.S. 1953, c.186, s.13.

THE SERVICE PENSIONS ACCOUNT

Service pensions account

14 The service pensions account shall consist of:

- (a) the moneys in the account when this Act comes into force;
- (b) the moneys hereafter paid into the account pursuant to section 18;
- (c) the amounts hereafter paid into the account pursuant to subsection (5) of section 40, subsection (4) of section 47 and section 49;
- (d) the interest accruing from the investment of any of the moneys in the service pensions account.

1953, c.71, s.14; R.S.S. 1953, c.186, s.14.

CONTRIBUTIONS TO THE ANNUITY ACCOUNT

Compulsory contributions by teachers

15(1) Every teacher shall contribute to the fund for the annuity account five per cent of his salary or such greater amount as the teacher may at his option elect to contribute.

(2) Each board shall deduct:

- (a) five per cent from the salaries of all teachers employed by it; and
- (b) any additional amount that a teacher may at his option elect to contribute from his salary.

(3) The minister shall cause to be withheld from the grants payable to a board an amount equal to five per cent of the salaries of all teachers employed by it and shall cause such amounts to be paid semi-annually into the annuity account of the fund.

(4) The board shall, at the end of each school term, transfer to the commission the amounts deducted under clause (b) of subsection (2), such amounts to be placed to the teacher's credit in the annuity account of the fund.

1953, c.71, s.15; R.S.S. 1953, c.186, s.15.

Voluntary contributions

16 The commission may receive voluntary contributions made by or on behalf of any teacher in addition to the contributions arising from the prescribed deductions from salary. Any such voluntary contribution shall be placed to the credit of the teacher in the annuity account of the fund.

1953, c.71, s.16; R.S.S. 1953, c.186, s.16.

Transfer of contributions on appointment of teacher to position in the public service

17(1) If a teacher is appointed to a position in any part of the public service to which *The Public Service Superannuation Act* applies and if such person is designated by the Public Service Commission as being engaged in work requiring the professional qualifications and experience of a teacher:

- (a) the amount standing to his credit in the annuity account of the fund, other than sums representing voluntary contributions and interest thereon; and

(b) the amounts, if any, in respect of such person, paid into or transferred to the service pensions account pursuant to subsection (4) of section 47 or section 49, other than sums representing voluntary contributions and interest thereon;

shall, together with accruals of interest, be transferred to and form part of the consolidated fund. Voluntary contributions, if any, with accrued interest thereon, shall be returned to the teacher.

(2) For the purpose of subsection (1), contributions made to the fund for the annuity account in respect of any period of service mentioned in subsection (4) of section 21 of *The Teachers' Superannuation Act, 1942*, shall be deemed to be voluntary contributions under section 16.

1953, c.71, s.17; R.S.S. 1953, c.186, s.17.

CONTRIBUTIONS TO THE SERVICE PENSIONS ACCOUNT

Payments from consolidated fund

18 The Provincial Treasurer shall from time to time cause to be paid into the service pensions account of the fund sufficient money to make it possible at all times to pay the allowances or portions of the allowances granted under the authority of this Act which are chargeable to and payable out of the service pensions account. Moneys so payable shall be a charge upon and payable out of the consolidated fund.

1953, c.71, s.18; R.S.S. 1953, c.186, s.18.

TEACHING SERVICE

What counts as teaching service

19 A teacher shall be entitled to count as teaching service for all purposes under this Act:

(a) service rendered at any time in Saskatchewan or in that part of the North West Territories now included in Saskatchewan in teaching or in the supervision of teaching or in mental health work in schools to which this Act applies, or while employed by the Saskatchewan Teachers' Federation in a position designated by the commission as requiring the qualifications and experience of a teacher;

(b) service rendered prior to the first day of July, 1930, in teaching or in the supervision of teaching in schools in the British Commonwealth of Nations outside Saskatchewan of the same type and organized under Acts similar to those mentioned in paragraph 2 of subsection (1) of section 2 and maintained in whole or in part by public funds and administered by a commission or board of education corresponding to the Department of Education in Saskatchewan if during such service he held a valid certificate of qualification or licence to teach issued by such commission or board; provided that such service shall be counted only after fifteen years of service in Saskatchewan.

1953, c.71, s.19; R.S.S. 1953, c.186, s.19.

WAR SERVICE

War service to be reckoned as teaching service

20(1) Service in the forces of His Majesty or any of His Majesty's allies during the war of 1914-1918 by a service person of either sex who at the time of enlistment:

- (a) held a certificate of qualification or other authorization to teach issued in accordance with the regulations of the department; or
- (b) held a certificate of qualification or licence to teach in schools, mentioned in clause (b) of section 19, in any part of the British Commonwealth of Nations outside Saskatchewan and who returned to the teaching profession prior to the first day of May, 1925; or
- (c) was enrolled in a normal school in Saskatchewan; or
- (d) was enrolled in a teacher training institution in any other part of the British Commonwealth of Nations and who returned to the teaching profession prior to the first day of May, 1925;

shall be reckoned as teaching service for all purposes.

(2) Service as a member of the forces of His Majesty or any of His Majesty's allies during the war of 1939-1945 by a teacher of either sex or by a person of either sex enrolled in a normal school in Saskatchewan or in the College of Education of the University of Saskatchewan or service by or employment of such teacher or person during all or part of the war in any other capacity essential to the successful prosecution of the war, as defined by the regulations, shall be reckoned as teaching service for all purposes:

Provided that contributions to the fund for the annuity account on the basis of the last salary received as a teacher may be paid into the fund by or on behalf of the teacher.

(3) Service in the forces of His Majesty or any of His Majesty's allies during the war of 1914-1918 or the war of 1939-1945 by a person of either sex who enrolled in a teacher training institution or in any other educational institution, to pursue a course of studies to qualify him for teaching, within two years after the date:

- (a) of his honourable discharge from the forces of His Majesty or any of His Majesty's allies; or
- (b) of his discharge from hospitalization made necessary as a result of such war services and following immediately after his honourable discharge from the forces of His Majesty or any of His Majesty's allies; or
- (c) of his completion of secondary education or vocational training;

shall, where such person renders service as a teacher under this Act within six years from the date of his honourable discharge from the said forces or his discharge from hospitalization, be reckoned as teaching service for all purposes.

1953, c.71, s.20; R.S.S. 1953, c.186, s.20.

ABSENCE FROM TEACHING

Effect of absence from teaching in certain cases

21(1) Where a teacher has been heretofore or is hereafter absent from teaching, with or without leave of absence, while a member of the House of Commons of Canada or of the Legislative Assembly or of the teaching staff of the University of Saskatchewan or for any other purpose and period approved by the commission, the period of absence shall be reckoned as service only for the purpose of determining the teacher's eligibility for an allowance or the eligibility of a dependant for a lump sum payment or an allowance in accordance with the requirements of sections 26, 27, 30 and 38:

Provided that sections 38 and 40 shall apply with respect to a teacher who has been absent from teaching while a member of the teaching staff of the University of Saskatchewan only after the teacher has returned to the teaching profession.

(2) Except contributions under section 40, contributions heretofore or hereafter made in respect of any such period of absence shall be deemed to be voluntary contributions under section 16.

(3) A teacher who is a member of the House of Commons of Canada or of the Legislative Assembly shall not be required to vacate his seat or cease to be a member in order to be eligible for an allowance on the ground of age and service or on the ground of disability, and upon an allowance being granted he shall be deemed to have retired from teaching.

1953, c.71, s.21; R.S.S. 1953, c.186, s.21.

Sabbatical leave to be counted

22 Where a teacher has heretofore been or is hereafter granted sabbatical leave the period of such leave shall be reckoned as teaching service for all purposes in respect of superannuation allowances granted on and after the first day of April, 1950:

Provided that contributions to the fund for the annuity account, calculated on the amount which the teacher would have received as salary from the board if he had been employed on a full-time basis during the period of his sabbatical leave, together with interest if any, are made by or on behalf of the teacher.

1953, c.71, s.22; R.S.S. 1953, c.186, s.22.

Service with Government to be counted

23 Service, whether before or after the coming into force of this Act, in any part of the public service to which *The Public Service Superannuation Act* applies by a person who was designated by the minister or by the Public Service Commission as being engaged in work requiring the professional qualifications and experience of a teacher shall, where such person has heretofore resigned or hereafter resigns from the public service to accept a position as a teacher in a school to which *The School Act*, *The Larger School Units Act*, *The Secondary Education Act* or *The Vocational Education Act* applies, be counted as teaching service for all purposes under this Act:

Provided that all contributions paid by such person after the thirtieth day of June, 1930, under the provisions of *The Public Service Superannuation Act* and standing to his credit in the consolidated fund or refunded to such person, together with accrued interest thereon, are transferred or repaid to the fund.

1953, c.71, s.23; R.S.S. 1953, c.186, s.23.

ALLOWANCES IN FORCE ON APRIL 1, 1942

Payment out of consolidated fund

24(1) The Provincial Treasurer shall continue to be consolidated liable for the payment of allowances in force on the first fund day of April, 1942, and subsisting on the first day of April, 1953. Such allowances shall continue to be a charge upon and payable out of the consolidated fund. They shall be payable in equal monthly instalments and shall be apportionable to the date of death.

(2) The commission may at any time review and adjust an allowance granted before the first day of April, 1942, on the ground of disability.

1953, c.71, s.24; R.S.S. 1953, c.186, s.24.

AGE AND SERVICE ALLOWANCE

Evidence of eligibility

25 Every teacher who makes written application to the commission for an allowance and submits such affidavits and other evidence of eligibility as the commission requires, shall be entitled to receive an allowance in accordance with the provisions of this Act, payable in equal monthly instalments.

1953, c.71, s.25; R.S.S. 1953, c.186, s.25.

Age of retirement

26 Subject to the provisions of this Act and the regulations, a teacher may retire on the ground of age and service:

- at age 65 or over with 25 years of service; or
- at age 64 with 26 years of service; or
- at age 63 with 27 years of service; or
- at age 62 with 28 years of service; or
- at age 61 with 29 years of service; or
- at age 60 with 30 years of service; or
- at age 59 with 31 years of service; or
- at age 58 with 32 years of service; or
- at age 57 with 33 years of service; or
- at age 56 with 34 years of service; or
- at age 55 with 35 years of service.

1953, c.71, s.26; R.S.S. 1953, c.186, s.26.

Minimum service in Saskatchewan

27 To qualify for an allowance, whether on the ground of age and service or disability, the applicant shall have taught at least eight years in Saskatchewan during the fifteen years immediately preceding the date of application for an allowance:

Provided that such eight years of teaching in Saskatchewan may include any period, within the said fifteen years, during which the teacher was, to the satisfaction of the commission, incapacitated for teaching or in receipt of an allowance on the ground of disability.

1953, c.71, s.27; R.S.S. 1953, c.186, s.27.

Allowance and calculation thereof

28 The allowance to which a teacher is entitled shall consist in part of an annuity pension and in part of a service pension calculated as follows:

1 an annuity pension consisting of:

(a) the amount that the money to the credit of the teacher in the annuity account of the fund will provide, based on tables prescribed by the commission and in accordance with the plan selected by the teacher from the plans mentioned in subsection (1) of section 29; and

(b) an amount bearing the same ratio to the amount that the teacher's compulsory contributions with interest will provide as the number of his years of service prior to July 1, 1930, if any, bears to the number of his years of service since that date. This amount shall be chargeable to and payable out of the service pensions account;

2 a service pension calculated by multiplying the total number of years and any fraction of a year of service by the appropriate amount for the teacher's age in accordance with the following schedule:

at age 60 or over	\$ 30.00
at age 59	29.40
at age 58	28.80
at age 57	28.25
at age 56	27.80
under age 56.....	27.30.

1953, c.71, s.28; R.S.S. 1953, c.186, s.28.

Alternative plans for allowance

29(1) The allowance shall be granted on one of the allowances following plans selected by the teacher and shall be based on tables prescribed by the commission:

(a) single life, payable for the life of the superannuate;

(b) single life guaranteed, payable for the life of the superannuate or for a term of years certain, whichever period is the longer, and the term of years certain shall be ten years, fifteen years or twenty years;

(c) joint life and last survivor, payable during the joint life of the superannuate and a person nominated by him prior to the granting of the allowance, and during the life of the survivor;

(d) such combination of the single life plan and the joint life and last survivor plan as the teacher may request and the commission approves;

(e) any combination of the foregoing plans selected and adjusted, at the option of the teacher, and approved by the commission, to provide for a greater annual amount until the teacher attains the age of seventy years:

Provided that the plan may not be changed after one monthly instalment has been accepted by the superannuate.

(2) Where an allowance has been granted under clause (b) of subsection (1) on the single life guaranteed plan for a term of years certain or on such plan in combination with any other plan, then, if the superannuate dies before the expiration of the term, payment of the allowance for the remainder of the term shall be made to a person nominated by the teacher. Such nomination may be made either before or after the allowance is granted and may be changed at any time but no nomination or change shall be effective until notice thereof is received by the commission. Where provision is so made, if the person nominated survives the superannuate, the allowance shall not for any purpose form part of the estate of the deceased superannuate.

1953, c.71, s.29; R.S.S. 1953, c.186, s.29.

DISABILITY ALLOWANCE

Persons entitled

30(1) Except as otherwise provided herein, every teacher who has served as such for twenty years or more, at least fifteen years of which have been in Saskatchewan, who submits such affidavits and other evidence of eligibility as the commission requires and who makes written application to be superannuated because of total physical or mental incapacity for teaching shall be entitled to receive during his disability an allowance consisting of an annuity pension and a service pension calculated in accordance with section 28:

Provided that the commission may in its discretion increase the service pension in any case to provide a total allowance not exceeding \$600 per annum, exclusive of that part of the allowance, if any, resulting from voluntary contributions.

(2) Such allowance may be granted on any of the plans provided for in section 29 except the plans mentioned in clauses (b) and (e) of subsection (1) of section 29.

1953, c.71, s.30; R.S.S. 1953, c.186, s.30.

Medical certificate

31(1) The physical or mental condition of the teacher shall be established by the certificates of two duly qualified medical practitioners appointed by the commission, one of whom may be the medical practitioner in attendance upon the teacher.

(2) An allowance shall not be granted unless the medical practitioners concur in certifying to the commission that to the best of their knowledge and belief the teacher is totally incapacitated for teaching:

Provided that a teacher shall not be considered incapacitated for teaching if a device can be purchased, treatment given or an operation performed which, in the opinion of the commission based on the medical reports furnished, will render the applicant capable of performing the duties of a teacher.

1953, c.71, s.31; R.S.S. 1953, c.186, s.31.

Reference to medical board

32 Where the report of the medical practitioner is not acceptable to either the teacher or the commission, the commission shall on the written application of the teacher, or may on its own motion, refer the matter to a medical board appointed by the commission.

1953, c.71, s.32; R.S.S. 1953, c.186, s.32.

Powers of commission

33 Where, in the opinion of the commission based on the evidence, a teacher who makes application for an allowance on the ground of disability is capable of undertaking employment other than as a teacher, the commission may in its discretion reduce the amount of service pension to be paid or disallow the application.

1953, c.71, s.33; R.S.S. 1953, c.186, s.33.

Reduction, suspension or discontinuance of allowance

34 Where a teacher who has been granted an allowance on the ground of disability obtains or is capable of undertaking employment other than as a teacher, his allowance may be reduced, suspended or discontinued in the discretion of the commission.

1953, c.71, s.34; R.S.S. 1953, c.186, s.34.

Review of cases

35 The commission shall review from time to time the case of a teacher in receipt of an allowance on the ground of disability and, unless he has during his disability become eligible for an allowance on the ground of age and service, shall:

- (a) where the teacher has recovered; or
- (b) where a device can be purchased, treatment given or an operation performed which, in the opinion of the commission based on a medical report, will render the teacher capable of performing his duties as a teacher;

reduce, suspend or discontinue his allowance.

1953, c.71, s.35; R.S.S. 1953, c.186, s.35.

Allowances ceases on reemployment

36 If a teacher who has been granted an allowance on employment the ground of disability is again employed as a teacher, except as a temporary, special or substitute teacher as defined by the regulations, without first obtaining the approval of the commission, his allowance shall cease and he shall repay to the commission any portion of the allowance which was paid to him in respect of any period during such employment as a teacher.

1953, c.71, s.36; R.S.S. 1953, c.186, s.36.

Power of commission to withhold decision

37 Where an application is made for an allowance on the ground of disability the commission may withhold its decision for a period of three months after all required evidence has been received by it.

1953, c.71, s.37; R.S.S. 1953, c.186, s.37.

DEPENDANTS' ALLOWANCES**Eligibility for allowance**

38 The dependant or dependants of a teacher who dies in service and who:

- (a) at the time of his death was eligible for an allowance on the ground of age and service; or

- (b) at the time of his death:
 - (i) had twenty or more years of service to his credit;
 - (ii) was not eligible for an allowance on the ground of age and service; and
 - (iii) had paid to the commission the amounts required to be paid under section 40;

shall, upon written application to the commission and submission of such affidavits and other evidence of eligibility as the commission requires, be entitled to receive a lump sum payment or an allowance in accordance with section 41.

1953, c.71, s.38; R.S.S. 1953, c.186, s.38.

What dependants entitled

39 The dependant or dependants entitled under section 38 to receive a lump sum payment or an allowance shall be:

- (a) the wife or husband of the teacher; or
- (b) the child or children of the teacher who are under the age of eighteen years where the teacher dies leaving no wife or husband; or
- (c) where the teacher dies leaving no wife or husband and no child or children under the age of eighteen years, the father or mother of the teacher if at the time of his death the teacher was responsible for the major portion of the father's or mother's support.

1953, c.71, s.39; R.S.S. 1953, c.186, s.39.

Contributions by teachers for purpose of allowance under clause (b) of section 38

40(1) A teacher who desires to provide for a lump sum payment or an allowance under clause (b) of section 38 shall pay to the commission, on or before the first day of July of the calendar year in which he has completed or will complete his twentieth year of service, the sum of \$25 in respect of his twenty-first year of service, and shall pay to the commission, on or before the first day of July of each year thereafter until he is eligible on the ground of age and service for an allowance, the further sum of \$25 for each year or part of a year of service subsequent to his twenty-first year of service:

Provided that the teacher may, at any time within three years from the first day of July of the calendar year in which he completed his twentieth year of service, elect to make the said payments to the commission and where the teacher so elects he shall within such three years pay to the commission all payments in arrears together with interest thereon from the date upon which such payments respectively were due at the rate prescribed pursuant to section 59, compounded half-yearly.

(2) A teacher who completed his twentieth year of service before the first day of January, 1949, and who desires to provide for a lump sum payment or an allowance under clause (b) of section 38 and who has paid all the sums required to be paid pursuant to subsection (2) of section 37*h* of *The Teachers' Superannuation Act, 1942*, as enacted by chapter 65 of the statutes of 1949, prior to the first day of April, 1953, shall pay the sum of \$25 on or before the first day of July of each year thereafter for each year or part of a year of service after each such first day of July until he is eligible on the ground of age and service for an allowance.

- (3) Failure of a teacher to make any payment required by subsection (1) or (2) within sixty days from the expiry of the time limited thereby for such payment shall void all claims to a lump sum payment or an allowance under clause (b) of section 38.
- (4) Notwithstanding subsection (3), a teacher who has failed to make a payment required by subsection (1) or (2) to be paid to the commission, may, within one year from the date upon which such payment was due, pay to the commission the payment in arrears together with interest thereon from the date upon which such payment was due at the rate prescribed pursuant to section 59, compounded half-yearly, and the dependant or dependants of such teacher shall, upon such payment being made, be entitled to the benefit of section 38.
- (5) Payment of any amount payable under this section shall be effected:
- (a) by direct cash payment by the teacher to the commission; or
 - (b) by an order from the teacher to the commission on or before the first day of July in any year directing the transfer of the amount from any voluntary contributions which may stand to the teacher's credit in the annuity account.
- (6) All moneys received by the commission pursuant to the provisions of this section shall be placed in the service pensions account.

1953, c.71, s.40; R.S.S. 1953, c.186, s.40.

Amount of lump sum payment or allowance

41 The lump sum payment or allowance provided for section 38 shall be:

- (a) where the dependant is the wife or husband of the teacher:
 - (i) the entire amount standing to the teacher's credit at the date of his death in the annuity account of the fund together with accruals of interest thereon; or
 - (ii) an allowance equivalent to the allowance on the ground of age and service to which the teacher would have been entitled at the date of his death, calculated on the joint life and last survivor plan;
- (b) in every other case:
 - (i) the entire amount standing to the teacher's credit at the date of his death in the annuity account of the fund together with accruals of interest thereon; or
 - (ii) an allowance consisting of an amount equivalent to the annuity pension mentioned in paragraph 1 of section 28 together with an amount equivalent to two-thirds of the service pension mentioned in paragraph 2 of section 28, calculated as at the age of the teacher at the date of his death.

1953, c.71, s.41; R.S.S. 1953, c.186, s.41.

Allowance to mother upon death of father

42 If the teacher dies leaving a father and a mother and if at the time of his death the teacher was responsible for the major portion of their support and the father receives an allowance under section 38 and dies survived by the mother, then, upon his death, the mother shall, upon written application and submission of such affidavits and other evidence of eligibility as the commission requires, be entitled to receive an allowance equivalent to that which the father received.

1953, c.71, s.42; R.S.S. 1953, c.186, s.42.

Allowance to children upon death of wife or husband who receives allowance

43 The allowance payable to a wife or husband under section 38 shall, upon the death of the wife or husband, be paid to the child or children, if any, of the deceased teacher allowance who are under the age of eighteen years.

1953, c.71, s.43; R.S.S. 1953, c.186, s.43.

Allowance to child ceases at eighteen years of age

44 No allowance shall be paid to or on behalf of a child who has attained the age of eighteen years.

1953, c.71, s.44; R.S.S. 1953, c.186, s.44.

Payments to legal guardian or other person on behalf of child

45 Allowances and other sums payable to a child shall be paid to the person constituted or appointed guardian of the child by or pursuant to *The Infants Act* or where there is no such guardian, to the teacher's nominee on behalf of the child or, where there is no such guardian or nominee, to such person as the commission in its discretion may determine, having regard to the welfare of the child.

1953, c.71, s.45; R.S.S. 1953, c.186, s.45.

Suspension or discontinuance of allowance

46(1) Any allowance under section 38 may be suspended or discontinued if in the opinion of the commission the recipient is unworthy of it.

(2) Where an allowance granted to a wife or husband under section 38 is suspended or discontinued, the commission may direct that the allowance be paid to the child or children, if any, of the deceased teacher who are under the age of eighteen years:

Provided that in the case of a suspension of an allowance payment thereof to the child or children shall be made only during the period of suspension.

1953, c.71, s.46; R.S.S. 1953, c.186, s.46.

REFUNDS AND FORFEITURES

Refund of contributions when teacher leaves profession

47(1) Subject to subsections (2) and (3), a teacher who leaves the profession before becoming eligible for an allowance shall, upon written application to the commission, be entitled to receive, in a lump sum, or if he in his application so elects, in equal annual instalments not exceeding five in number:

(a) all contributions made by him to the fund, except those consisting of four per cent of salary for the first four hundred days of teaching service for which contributions have been made;

(b) accrued interest thereon, provided that interest shall not be payable for more than one year after the end of the last school term in respect of which service for at least twenty consecutive teaching days is allowed by this Act and, where the applicant has elected to receive the refund in instalments, no interest shall be payable on the amount of the deferred instalments.

(2) Except in respect of voluntary contributions under subsection (1) of section 15 and section 16, a refund of contributions or interest shall not be made unless the teacher has paid into the fund at least three full years contributions and has at least three full years of teaching service to his credit since the thirtieth day of June, 1930.

(3) A refund of contributions or interest shall not be made until after the expiration of at least four months after the last day of teaching and until the applicant has submitted such affidavits and other evidence of eligibility as the commission requires.

(4) Where no application for a refund of contributions from the annuity account is received by the commission within a period of ten years from the end of the last school term in respect of which service for at least twenty consecutive teaching days is allowed by this Act, the commission shall transfer the teacher's contributions and interest to the service pensions account.

(5) A teacher shall be entitled to withdraw at any time the amount of voluntary contributions made under section 16 with accrued interest thereon at his credit in the annuity account of the fund.

1953, c.71, s.47; R.S.S. 1953, c.186, s.47.

Refund on death of teacher

48(1) Subject to subsection (4) of section 47, where a teacher dies in service leaving no person entitled to an allowance under section 38 the amount standing to his credit in the annuity account of the fund together with accruals of interest thereon shall be paid to his nominee, or to a member of his family, or to his personal representative, as the commission may direct.

(2) Subject to subsection (4) of section 47, where a person who has left the teaching profession dies the amount standing to his credit in the annuity account of the fund, with the exception of contributions consisting of four per cent of salary for the first four hundred days of teaching service for which contributions have been made, together with accruals of interest thereon, shall be paid to his nominee, or to a member of his family, or to his personal representative, as the commission may direct.

(3) No interest shall be payable in respect of a refund under subsection (1) or (2) for more than one year following the date of death.

1953, c.71, s.48; R.S.S. 1953, c.186, s.48.

Transfer to service pensions account on refund of contributions

49 Upon payment of a refund of contributions the amount, if any, retained from the teacher's contributions in accordance with this Act including interest shall be transferred to the service pensions account.

1953, c.71, s.49; R.S.S. 1953, c.186, s.49.

Transfer of contributions from service pensions account to annuity account in certain cases

50 A teacher whose contributions have been transferred to the service pensions account pursuant to subsection (4) of section 47 or section 49 or under a former Act and who:

- (a) has heretofore qualified or hereafter qualifies for an allowance under this Act; or
- (b) has to his credit three full years of teaching service in respect of which contributions to the fund were made and makes application, with such affidavits and other evidence as the commission requires, for a refund of his contributions; or
- (c) has returned to the profession and rendered service for at least sixty teaching days in any fiscal year in respect of which contributions to the fund were made;

shall be entitled to have his contributions with accrued interest thereon restored to his credit in the annuity account, and a teacher to whom clause (b) applies shall be entitled to receive a refund in accordance with this Act.

1953, c.71, s.50; R.S.S. 1953, c.186, s.50.

Repayment to commission of contributions refunded

51 The commission may accept the repayment with interest of contributions refunded or any part thereof, and all amounts so repaid shall be deposited in the annuity account to the credit of the teacher as if made under subsection (1) of section 15.

1953, c.71, s.51; R.S.S. 1953, c.186, s.51.

Return of teacher to profession after refund or retention of contributions

52 A teacher who returns to the profession after he has accepted a refund of his contributions under this Act or a former Act or after his contributions have been retained in the fund under a former Act or transferred to the service pensions account under this Act or a former Act shall be entitled to have his prior service reckoned for the purpose of determining his eligibility for superannuation and for the purpose of computing any allowance to which he may become entitled.

1953, c.71, s.52; R.S.S. 1953, c.186, s.52.

REGULATIONS

Power to make regulations

53(1) Subject to the approval of the Lieutenant Governor in Council, the commission may make regulations for the purpose of carrying out the provisions of this Act according to their true intent and meaning, and such regulations, upon publication thereof in *The Saskatchewan Gazette*, shall have the same force and effect as if incorporated herein.

(2) Without limiting the generality of subsection (1) the power of the commission to make regulations in the manner set out in that subsection shall extend to:

- (a) defining the interpretation to be placed on various words and expressions used herein, as may be necessary;

- (b) requiring any board to make returns as to the teachers employed by the board;
- (c) prescribing the dates upon and the manner in which payments shall be made into the fund;
- (d) defining the classes of temporary, special or substitute teachers, and providing under what circumstances persons employed in any such class shall be liable to contribute to the fund and entitled to share in its benefits;
- (e) determining under what special circumstances and in what manner the Act shall apply to teachers, boards and educational bodies other than those referred to in clauses (a), (b) and (c) of section 3;
- (f) permitting a teacher to contribute to the fund where he has been employed by a board and has since such employment been engaged in educational work, which, in the opinion of the commission, requires the professional qualifications and experience of a teacher, and providing that a teacher while so engaged shall be deemed to be employed within the meaning of this Act;
- (g) providing that teachers from overseas or from other provinces of Canada engaged in teaching in Saskatchewan under an arrangement approved by the minister shall not be required to contribute to the fund, and that teachers from Saskatchewan engaged in teaching overseas or in other provinces of Canada shall, at their option, have the right to contribute to the fund while so engaged and that the period of such engagement while making such contribution shall be counted for the purposes of this Act as employment in Saskatchewan;
- (h) prescribing forms to be used for the purposes of this Act or of the regulations;
- (i) prescribing the method of proving any fact necessary to be proved in connection with the granting of allowances or lump sum payments or the making of refunds;
- (j) regulating the manner of making application for and granting allowances;
- (k) determining the date on which any allowance shall commence;
- (l) prescribing the fee for a medical examination and stating by whom such fee shall be paid;
- (m) prescribing tables for use in making any actuarial valuation or computation required for the carrying out of the provisions of this Act;
- (n) making any general regulations deemed necessary for the better carrying out of the provisions of this Act.

MISCELLANEOUS

Power of commission to grant special allowance

54 Notwithstanding anything contained in this Act or the regulations but subject to the approval of the Lieutenant Governor in Council, the commission may, where in the opinion of the commission the circumstances make it desirable to do so, grant an allowance in such amount as may be deemed advisable to a teacher who cannot qualify for an allowance under the provisions of the Act and whose teaching service is deemed to warrant special consideration:

Provided that that part of any such allowance in excess of the amount that the money to the credit of such teacher in the annuity account would provide shall be chargeable to and payable out of the service pensions account.

1953, c.71, s.54; R.S.S. 1953, c.186, s.54.

Service pension of teacher dismissed without sufficient cause

55 Where it is established to the satisfaction of the commission that a teacher who has been in the employ of a board for twenty years or more and has not yet reached the normal retirement age is dismissed by the board without good and sufficient cause and as a result the teacher is superannuated, the commission in its discretion may order that a sufficient amount be deducted from time to time from the legislative grant to the district to pay the service pension of the said teacher until the normal retirement age is reached.

1953, c.71, s.55; R.S.S. 1953, c.186, s.55.

Procedure where superannuated teacher accepts employment as a teacher

56 Notwithstanding anything contained in this Act, the allowance of a teacher who, after becoming superannuated on the ground of age and service, accepts employment as a as a teacher within the meaning of this Act for a period of more than eighty teaching days in any fiscal year shall be reduced by an amount equivalent to one two-hundredth of the allowance for each teaching day exceeding eighty during such employment. Such teacher shall not become a contributor to the fund and he shall not be entitled to any additional allowance on account of any period of employment as a teacher after the date on which the allowance was granted to him.

1953, c.71, s.56; R.S.S. 1953, c.186, s.56.

Superannuation allowance ceases on death

57 Except as otherwise provided herein, if a teacher who has been superannuated dies his allowance shall cease, and any unpaid instalment or portion thereof shall be paid to his nominee, or to a member of his family, or to his personal representative, as the commission may direct.

1953, c.71, s.57; R.S.S. 1953, c.186, s.57.

Application of Act determined by commission

58 When a question arises as to the application of this Act or as to the period or periods of service to be reckoned for the purposes thereof or as to the date on which any allowance shall commence, it shall be determined by the commission whose decision shall be final.

1953, c.71, s.58; R.S.S. 1953, c.186, s.58.

Interest

59 Interest shall be calculated at such rate as may from time to time be prescribed by the Treasury Board, compounded half-yearly.

1953, c.71, s.59; R.S.S. 1953, c.186, s.59.

Calculation of monthly instalments

60 Where the monthly instalment of any pension payable under this Act is calculated to be an amount which includes a fraction of a cent the fraction shall be considered one cent.

1953, c.71, s.60; R.S.S. 1953, c.186, s.60.

Payments made upon requisition of commission

61(1) The payment of any benefit under this Act or of any expense incurred in its administration, including the necessary salaries, shall be made upon a requisition in writing, signed by the chairman of the commission, directing the issue of a cheque by the Provincial Treasurer for the amount named in the requisition. Such direction shall be final and conclusive.

(2) Cheques shall be signed by the Deputy Provincial Treasurer and the Provincial Auditor, or by such other officials as may be designated by the Treasury Board for the purpose.

1953, c.71, s.61; R.S.S. 1953, c.186, s.61.

Number of teaching days to be indicated on back of allowance cheques

62(1) A teacher who is in receipt of an allowance shall indicate on the back of each cheque he receives in payment of the allowance the number of days he has been employed as a teacher in the service of any employer to whom this Act applies during the month in respect of which the cheque was issued.

(2) If a teacher fails to comply with the requirements of subsection (1) the commission may direct that no further instalments of the allowance shall be paid to him until he furnishes to the commission the information required by that subsection.

1953, c.71, s.62; R.S.S. 1953, c.186, s.62.

Payments not subject to attachment, etc.

63 Any payment to be made under this Act shall not be subject to garnishment or attachment or seizure or any legal process, and shall be unassignable.

1953, c.71, s.63; R.S.S. 1953, c.186, s.63.

Expenses of administration

64 The expenses of administration of this Act, including the allowances to commissioners and necessary salaries, shall be paid out of the moneys appropriated by the Legislature for the purpose.

1953, c.71, s.64; R.S.S. 1953, c.186, s.64.

Audit

65 The Provincial Auditor shall conduct a continuous audit of the accounts of the commission.

1953, c.71, s.65; R.S.S. 1953, c.186, s.65.

Annual report

66(1) The commission shall transmit annually to the minister a report showing:

- (a) the names of all teachers to whom an allowance has been granted or who died during the last preceding fiscal year;
- (b) the positions held by them or the nature of their employment respectively;
- (c) the rate of salary payable to each at the time of superannuation or death;
- (d) the age of each at superannuation or death;
- (e) the reason for superannuation;
- (f) the amount of the allowance granted in each case;
- (g) the names of all dependants to whom a lump sum payment or an allowance has been granted during the last preceding fiscal year and the amount granted in each case;
- (h) all regulations made under this Act;
- (i) the expenses incurred in the administration of this Act;
 - (i) any other information considered necessary to make the report complete.

(2) The minister shall lay the commission's report before the Legislative Assembly within the first fifteen days from the commencement of the session next following the end of the fiscal year for which the report is made, together with a complete statement of the financial standing of the fund for the preceding fiscal year showing the moneys withheld from school grants as contributions by teachers as well as moneys received from any other source and moneys paid out in respect of allowances or refunds of contributions.

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