



CHAPTER 334.

An Act respecting Teachers' Pensions.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Preliminary.

Short title.

1. This Act may be cited as the “Teachers’ Pensions Act.” 1940, c. 52, s. 1.

Interpretation.

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

“Actuary” means the Actuary appointed under this Act:

“Board of School Trustees” means the Board of School Trustees of any school district within the meaning of the “Public Schools Act” and includes any official trustee appointed under the “Public Schools Act”:

“Commissioner” means the Commissioner appointed under this Act:

“Employer” means the person directly or indirectly responsible for the payment of the salary of an employee, and includes “Board of School Trustees,” “official trustees,” and “The British Columbia Teachers’ Federation”:

“Employee” has the same meaning as “teacher” as defined by this section:

“Former Act” means the “Teachers’ Pensions Act,” chapter 283 of the “Revised Statutes of British Columbia, 1936”:

“Fund” means the Teachers’ Pensions Fund established and maintained under this Act:

“Prescribed” means prescribed by this Act or by the regulations:

“Reserves” means such sums as are determined as actuarial reserves in accordance with the provisions of section 36:

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- “Retirement annuity” means every annuity or allowance derived from the teacher’s contributions and payable under this Act:
- “School-year” has the meaning assigned to that expression by section 2 of the “Public Schools Act”:
- “Service pension” means every pension or allowance derived from the employer’s contributions and payable under this Act:
- “Superannuation allowance” includes service pension and retirement annuity as defined in this section:
- “Teacher” means a person appointed or employed by a Board of School Trustees as a teacher, instructor, or lecturer in a public school, either in a permanent or temporary capacity, within the meaning of the “Public Schools Act,” and, in the case of the municipal school district of Vancouver, includes a municipal Inspector of Schools, the Supervisor of the School Bureau of Measurements, and the Superintendent of Schools, Vancouver; and also includes those employees of The British Columbia Teachers’ Federation who are employed on a permanent basis:
- “Trustees” means the trustees appointed under this Act. 1940, c. 52, s. 2; 1941–42, c. 44, s. 2.

Application of Act.

- 3.** This Act shall apply to:—
- (a) Every Board of School Trustees, in respect of all teachers employed in its service:
 - (b) Every teacher to whom the former Act applied immediately before the commencement of this Act, and to every teacher subsequently employed by any employer to whom this Act applies:
 - (c) The British Columbia Teachers’ Federation and those of its employees who are employed on a permanent basis:
 - (d) Every teacher who is retained in the employ of a Board of School Trustees in a position other than teaching. 1940, c. 52, s. 3; 1947, c. 91, s. 2.

Readjustment of present pensions.

4. (1) Every subsisting teacher’s pension or other allowance granted under the provisions of the former Act shall, for all purposes of this Act be deemed to be a superannuation allowance duly granted according to its terms under the corresponding provisions of this Act, subject only to such variations as are expressly provided under subsections (2) and (3).

(2) Every subsisting teacher’s pension or other allowance provided pursuant to subsections (1) and (3) of section 14 of the former Act that is greater than fifty dollars per month shall be

subject to a reduction of one-third of the amount in excess of forty dollars per month, but in no case shall any subsisting teacher's pension or other allowance be reduced to less than fifty dollars per month.

(3) Notwithstanding the provisions of subsection (2), if the total amount of any subsisting teacher's pension or other allowance granted pursuant to the provisions of subsection (3) of section 35 of the former Act, together with any superannuation allowance granted under the terms of the "Civil Service Superannuation Act," exceeds fifty dollars per month, the amount of the subsisting teacher's pension or other allowance shall be reduced by one-third.

(4) As from the first day of January, 1941, the Minister of Finance shall assume the liability for the payment of the superannuation allowances in force under the former Act immediately before the commencement of this Act, but subject to any variations made by this section, and for this purpose shall provide semi-annually out of, or as a charge against, the Consolidated Revenue of the Province, an amount equal to the amount of the superannuation allowance payments, as follows:—

- (a) By payment of money to the Commissioner; or
- (b) By transfer to the Commissioner of debentures of the Province; or
- (c) By any combination of the methods prescribed by clauses (a) and (b). 1940, c. 52, s. 4.

Teachers' Pensions Fund.

Establishment of
Teachers' Pensions
Fund.

5. (1) For the payment of superannuation allowances under this Act a fund, to be known as the "Teachers' Pensions Fund," shall be established and maintained in the manner hereinafter provided.

(2) The Teachers' Pensions Fund shall consist of:—

- (a) The contributions made by teachers under the former Act and transferred to the Commissioner under section 7:
- (b) The contributions made by Boards of School Trustees and by teachers under this Act:
- (c) The contributions made by The British Columbia Teachers' Federation:
- (d) The interest accruing from the investment of any of the moneys referred to in this subsection:
- (e) Any other contributions made under the provisions of this Act.

Retirement
Annuity Account.

(3) The retirement annuities paid shall be recorded to the debit of a separate account in the Fund, to be known as the "Retirement Annuity Account," and to the credit of that account

there shall be recorded the net amounts referred to in section 7, the contributions made by employees under subsection (1) of section 6, and the interest earned on the difference between the debit and credit items in that account.

Employers' Service
Pensions Account.

(4) For the purposes of this Act there shall be maintained an "Employers' Service Pensions Account" in which shall be recorded to the credit of the account the contributions made by employers pursuant to section 8, the contributions made by employees pursuant to subsection (5) of section 6, and the interest earned on the difference between the debit and credit items in the account; and to the debit of the account there shall be recorded the payments made from the Fund on account of service pensions.

(5) All benefits provided by this Act shall be paid from the Fund, and for this purpose the Fund shall be considered as one and indivisible.

(6) The Commissioner shall keep account of all contributions and moneys received and all moneys paid out under this Act, and of the assets and liabilities of the Fund. 1940, c. 52, s. 5; 1947, c. 91, s. 3.

Minimum contribu-
tions by deductions
from salary of
employees.

6. (1) From the salary from time to time payable to each employee to whom this Act applies there shall be deducted monthly a minimum uniform amount in accordance with the following schedule:—

- (a) On all salaries up to and including one hundred dollars per month the deduction shall be three dollars:
- (b) On all salaries exceeding one hundred dollars per month but not exceeding one hundred and twenty-five dollars per month the deduction shall be four dollars:
- (c) On all salaries exceeding one hundred and twenty-five dollars per month but not exceeding one hundred and fifty dollars per month the deduction shall be five dollars:
- (d) On all salaries exceeding one hundred and fifty dollars per month but not exceeding one hundred and seventy-five dollars per month the deduction shall be six dollars:
- (e) On all salaries exceeding one hundred and seventy-five dollars per month but not exceeding two hundred dollars per month the deduction shall be seven dollars:
- (f) On all salaries exceeding two hundred dollars per month but not exceeding two hundred and twenty-five dollars per month the deduction shall be eight dollars:
- (g) On all salaries exceeding two hundred and twenty-five dollars per month but not exceeding two hundred and

fifty dollars per month the deduction shall be nine dollars:

- (h) On all salaries exceeding two hundred and fifty dollars per month but not exceeding two hundred and seventy-five dollars per month the deduction shall be ten dollars:
- (i) On all salaries exceeding two hundred and seventy-five dollars per month but not exceeding three hundred dollars per month the deduction shall be eleven dollars:
- (j) On all salaries exceeding three hundred dollars per month but not exceeding three hundred and twenty-five dollars per month the deduction shall be twelve dollars:
- (k) On all salaries exceeding three hundred and twenty-five dollars per month but not exceeding three hundred and fifty dollars per month the deduction shall be thirteen dollars:
- (l) On all salaries exceeding three hundred and fifty dollars per month but not exceeding three hundred and seventy-five dollars per month the deduction shall be fourteen dollars:
- (m) On all salaries exceeding three hundred and seventy-five dollars per month but not exceeding four hundred dollars per month the deduction shall be fifteen dollars:
- (n) On all salaries exceeding four hundred dollars per month but not exceeding four hundred and twenty-five dollars per month the deduction shall be sixteen dollars:
- (o) On all salaries exceeding four hundred and twenty-five dollars per month but not exceeding four hundred and fifty dollars per month the deduction shall be seventeen dollars:
- (p) On all salaries exceeding four hundred and fifty dollars per month but not exceeding four hundred and seventy-five dollars per month the deduction shall be eighteen dollars:
- (q) On all salaries exceeding four hundred and seventy-five dollars per month but not exceeding five hundred dollars per month the deduction shall be nineteen dollars:
- (r) On all salaries exceeding five hundred dollars per month the deduction shall be twenty-five dollars.

(2) In addition to the contributions made under subsection (1), any employee may elect, by notice in writing filed both with his employer and with the Commissioner, to make lump sum payments or to increase his monthly contributions to the Fund by a specified monthly amount; and the amount so specified shall thereupon be deducted each month from the employee's

salary. Any increase in the monthly contribution permissible under this subsection shall be effective only as commencing in the month in which the anniversary of the date of birth of the employee occurs, but no such increase shall be permitted unless the employee first submits evidence of insurability acceptable to the Commissioner.

Evidence of insurability required.

Reinstatement of retirement annuity account.

(3) If the contributions by any employee are discontinued for any cause other than a cause mentioned in section 18, it shall be permissible for such employee upon again becoming a contributor to reinstate the amount of retirement annuity for which he had been contributing, by payments to be deducted from his salary over a period of time not greater than the period during which the uniform monthly contributions were discontinued. If the contributions required for reinstatement are not made, the amount of retirement annuity shall be reduced accordingly.

(4) Where any salary is payable in whole or in part by the Minister of Finance direct to any employee, the Minister shall make the deduction in respect of the whole salary monthly at the time of the payment; and in all other cases the Board of School Trustees shall cause the deduction to be made at the time of the payment of the salary to the employee, and in every case the Minister and the Board of School Trustees shall forthwith transmit to the Commissioner the amount of money so deducted, with a statement showing the salary payable to each employee and the amount of the deduction. In the case of the employees of The British Columbia Teachers' Federation, the executive of the Federation shall make the deduction and shall forthwith transmit the amount of money so deducted to the Commissioner. The amounts so transmitted to the Commissioner shall be paid by him into the Fund and shall be recorded in the Retirement Annuity Account.

Special contribution.

(5) In addition to the contribution to be made under subsection (1), commencing with the month of January, 1942, every employer shall deduct from the salary payable from time to time to each employee an amount equal to one per centum of that salary, which special contribution shall be collected in like manner to the contributions made pursuant to subsection (1), and each employer shall forthwith transmit the amount of money so deducted to the Commissioner, who shall pay it into the Fund and shall record it in the Service Pensions Account.

(6) The special contribution contributed by each employee pursuant to subsection (5) shall be made for a period of not more than twenty years, and may be for a lesser period if and when the actuarial valuation to be made pursuant to section 36 discloses that this special contribution is no longer necessary to ensure the financial stability of the Fund.

(7) Where an employee to whom this Act applies has been granted leave of absence without salary, he may pay to the Commissioner as a contribution from the employee to the Fund such sums as would have been paid by the employee if he had not been on leave of absence.

Special provisions
regarding members
of the Armed
Forces.

(8) Notwithstanding the other provisions of this Act, any employer to whom this Act applies, in respect of any employee who serves during the present war as a member of the Naval, Military, or Air Force of Canada or Great Britain, or of any of the other British Dominions or their allies, or as a member of any auxiliary or educational services connected therewith, may, for the period of such service, make a monthly contribution equal to the minimum contribution required under subsection (1), as at the date of the employee becoming a member of any of the said Forces or services, of the salary of such employee to take the place of the contribution deductible from the salary of such employee pursuant to subsection (1); but this subsection shall not apply to any employee who resigns his position and who, upon demand, is granted a refund of the accumulated reserve to his credit in the Fund.

(9) In the case of any employer who has made the contribution on behalf of an employee who is within the scope of subsection (8), that employee shall not be entitled to receive these special contributions as a refund unless he has returned to the service of his employer and has remained in such service since the date of his return for a period of at least ten teaching months; and if an employee either does not return to the service of his employer, or, having returned, does not remain in such service for a period of at least ten teaching months, but nevertheless applies for and obtains a refund, the special contributions made by his employer pursuant to subsection (8) shall not be included in the refund but shall be transferred to the Service Pensions' Account.

(10) Where an employee has obtained leave of absence or has resigned for the purpose of serving as a member of the Naval, Military, or Air Force of Canada or Great Britain, or of any of the other British Dominions or their allies, or as a member of the auxiliary, educational, or meteorological services connected therewith, and has so served, if he applied for and obtained a refund of his contributions and if he again becomes an employee and if he repays into the Fund an amount equal to that withdrawn by him in accordance with the provisions of subsection (11), he shall be entitled to reinstatement as a contributor and he shall be credited with the time of his employment before he obtained leave of absence or resigned.

(11) An employee who comes within the scope of subsection (10) shall be entitled to make the repayment into the Fund over a period of time equal to the time served by him in the Forces or auxiliary or other services mentioned in subsection (10) by such periodical payments as are agreed to by the Commissioner.

(12) In the case of an employee whose period of service for purposes of this Act commences after the first day of July, 1948, the first ten monthly deductions made pursuant to subsection (1) shall remain in the Retirement Annuity Account as a contribution to ensure its stability, and shall not be used in determining any benefit or refund to which the employee may become entitled pursuant to any of the other provisions of this Act. 1940, c. 52, s. 6; 1941-42, c. 44, s. 3; 1943, c. 64, s. 2; 1944, c. 50, s. 2; 1946, c. 74, s. 2; 1947, c. 91, ss. 4, 5; 1948, c. 95, s. 2.

Transfer of
employee's contribu-
tions made under
former Act.

7. (1) The net amount at the credit of each employee's account in the Teachers' Pensions Fund under the former Act at the time of the commencement of this Act, arising from contributions from that employee under section 3 or section 4 of the former Act, or under both of these sections, shall be transferred to the Commissioner, together with all the records relating thereto; and the net amount shall be paid by the Commissioner into the Fund and shall be recorded in the Retirement Annuity Account and shall be used to provide a retirement annuity for the employee.

(2) The net amount at the credit of each employee's account in the Teachers' Pensions Fund under the former Act at the time of the commencement of this Act arising from special voluntary contributions from that employee under section 6 of the former Act shall also be transferred to the Commissioner and may, upon request in writing filed by the employee with the Commissioner, forthwith after the commencement of this Act be withdrawn by the employee. The amount shall be paid from the Fund to the employee upon the filing of the request; but if no request is made the amount shall form part of the reserve maintained in accordance with section 36 for the retirement annuities to be provided under this Act. 1940, c. 52, s. 7.

Contributions
by employers.

8. (1) Commencing with January, 1942, each employer to whom this Act applies shall pay to the Commissioner on the last day of each month, as a contribution to the fund to provide for service pensions, an amount equal to seven per centum of the aggregate salaries of all his employees to whom this Act applies payable during that month. The Commissioner shall pay these contributions into the Fund and shall record them in the Employers' Service Pensions Account.

(2) The contributions required pursuant to subsection (1) shall be paid to the Commissioner out of the appropriation provided in accordance with the "Special Assistance in the Cost of Education Act." 1940, c. 52, s. 8; 1947, c. 91, ss. 6, 7.

Superannuation Allowance.

Length of service.

9. (1) For the purpose of calculating the length of service of an employee to whom this Act applies, the total number of years of teaching service shall be calculated on the basis of not less than ten months of full-time employment in each school-year.

(2) Notwithstanding any of the other provisions of this Act, and subject to the provisions of subsection (3), except in the case of an employee who is absent from the teaching service for purposes of study at a recognized university or other educational institution, and except in the case of any employee who has acquired re-entry pursuant to subsection (2) of section 27, absence from employment to which this Act applies for a period of more than two school-years shall constitute withdrawal within the meaning of section 18. Where a contributor becomes an employee of the Department of Education, the period of his absence from employment to which this Act applies shall not be counted in determining length of absence for purposes of this section.

(3) For the purpose of this section, where an employee has been granted the necessary leave of absence or has resigned his teaching position without making a demand for a refund, service by that employee in the Naval, Military, or Air Force of Canada or Great Britain, or of any of the other British Dominions or their allies, or as a member of any auxiliary or educational service during the present war shall be deemed to be service to an employer to whom this Act applies.

(4) In respect of any person who is appointed after the date of the commencement of this Act to the service of any employer to whom this Act applies, his period of service shall be deemed to commence with the month in which the first contribution to the Fund is made by the employee after the last date of entry into the teaching service as an employee to whom this Act applies. 1940, c. 52, s. 9; 1941-42, c. 44, s. 4; 1947, c. 91, s. 8; 1948, c. 95, s. 3.

Proof of age.

10. Each employee shall submit proof of age satisfactory to the Commissioner within three months after the date of his first contribution to the Fund. 1940, c. 52, s. 10.

Persons entitled to superannuation allowance.

11. (1) Each employee to whom this Act applies shall be entitled to a superannuation allowance on reaching retirement age, as follows:—

(a) In the case of males, the age of sixty-five years:

(b) In the case of females, the age of sixty years.

(2) No employee to whom this Act applies shall remain in the service of his employer beyond the end of the school-year in which he attains the retirement age specified in subsection (1), and no employee shall be entitled to a superannuation allowance unless he remains in the service of his employer until he reaches the retirement age specified in subsection (1), except where he is sooner retired pursuant to the provisions of this Act on the ground of total and permanent disability, or unless he ceases to become a contributor because of loss of employment as a teacher for a reason beyond his control and is unable to return to teaching as a contributor within the two-year period referred to in subsection (2) of section 27, in which event, subject to the approval of the Teachers' Pensions Board, he will become entitled, if he has not previously obtained a refund of the amount to his credit in the Fund, upon attaining the age of sixty-five years in the case of a male or sixty years in the case of a female, to receive an allowance to be calculated in accordance with the prescribed tables and to be based upon the number of years of teaching and the amount of contributions made by the contributor. In the event of the death of the employee before attaining the age of sixty-five years or sixty years, as the case may be, he shall be deemed to have died in service, and in that event the provisions of section 16 shall govern the granting of the allowance.

(3) In the case of any person who was not an employee at the date of the commencement of this Act but who subsequently becomes an employee, no superannuation allowance shall be payable unless the employee has served for a period of at least ten years before reaching the retirement age specified in subsection (1). 1940, c. 52, s. 11; 1941-42, c. 44, s. 5; 1946, c. 74, s. 3; 1947, c. 91, s. 9.

Service pensions
provided by
employers.

12. The superannuation allowance to which an employee is entitled shall consist in part of a service pension provided by the contributions made for that purpose as follows:—

(a) A minimum service pension on the single life plan of three hundred and sixty dollars per annum for twenty years of service; or, in the case of an employee whose period of service is less than twenty years and not less than ten years, of an amount per annum that bears the same proportion to three hundred and sixty dollars as the years of service bear to twenty years:

(b) An additional service pension on the single life plan of an amount equal to twelve dollars per annum for each

year of service over twenty years of service. 1940, c. 52, s. 12; 1941-42, c. 44, s. 6.

Retirement annuities provided by employees.

13. The superannuation allowance to which an employee is entitled shall consist in part of a retirement annuity of the amount that his contributions under section 6 will provide, together with the retirement annuity, if any, provided pursuant to section 7, both annuities being based on the prescribed tables and in accordance with the plan selected or applied pursuant to section 14. 1940, c. 52, s. 13.

Plans of superannuation allowance.

14. (1) The superannuation allowance may be granted on any of the following plans:—

- (a) Single life, payable for the life of the employee:
- (b) Single life guaranteed, payable for the life of the employee or for a term of years certain, whichever period shall be the longer, and the term of years shall in no case be less than five years:
- (c) Joint life and last survivor, payable during the joint life of the employee and any 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 employee may request, and as is approved by the Commissioner.

No superannuation allowance shall be granted to any employee on the single life plan under clause (a) except with the approval of the Commissioner; and where the Commissioner withholds his approval the superannuation allowance may be granted on one of the other plans.

(2) Where no selection of plan is made the superannuation allowance shall be on the single life guaranteed plan for a term of ten years certain.

(3) The amount of the superannuation allowance selected or applied under clause (b), (c), or (d) of subsection (1) shall be the actuarial equivalent of the amount of allowance to which the employee is entitled on the single life plan.

(4) In the granting of a superannuation allowance on the single life guaranteed plan for a term of years certain under clause (b) of subsection (1), provision may be made that, in the event of the death of the employee 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 employee prior to the granting of the allowance. Where provision is so made, if the person nominated survives the employee, the allowance shall not for any purpose form part of the estate of the deceased, but in the event of the death of both the employee and the person

nominated before the expiration of the guaranteed period the commuted value of the remaining payments shall be paid to the estate of the last survivor.

Temporary
re-employment of
superannuants.

(5) In the case of a person in receipt of a superannuation allowance who is employed in the service of any employer to whom this Act applies, if the aggregate of his monthly service pension and his monthly salary exceeds one hundred and fifty dollars if he is married, or one hundred dollars if he or she is single or is a widower or widow, the service pension shall, so long as the excess continues, be reduced by the amount of such monthly excess. 1940, c. 52, s. 14; 1941-42, c. 44, s. 7; 1944, c. 50, s. 3; 1948, c. 95, s. 4.

Disability
allowances.

15. (1) Subject to the provisions of subsection (2), where an employee becomes totally and permanently disabled before reaching the retirement age specified in section 11, he shall be entitled to receive during his disability a disability allowance on the single life plan, comprising the following amounts:—

(a) A service pension calculated in the following manner:—

(i) In the case of an employee who has not less than ten years of service and not more than twenty years of service, he shall be entitled to receive an amount of one hundred and eighty dollars per annum, together with an additional amount equal to eighteen dollars per annum for each additional year of service over ten years, up to twenty years; or

(ii) In the case of an employee who has served for a period of at least twenty years he shall be entitled to receive an amount of three hundred and sixty dollars per annum, together with an additional amount equal to twelve dollars per annum for each year of service over twenty years of service; and

(b) An amount equal to one-half of the retirement annuity, computed on the single life plan, that the employee's contributions would have provided under section 13 if he had been able to remain in service until reaching the retirement age specified in section 11, together with a uniform annual increase for each year of service, commencing with the first day of January, 1941, in the case of those employees in service on that date, and with the date of the commencement of service in the case of employees who entered service after that date, of an amount equal to one-half of the retirement annuity divided by the difference between the employee's retirement age specified in section 11 and his age at the time he commenced the contribution required by subsection (1) of section 6.

The provisions of section 14 shall apply in the case of disability allowances granted under the provisions of this section.

(2) In every case where an employee has served for a period of ten years under this Act or under the former Act and this Act, he shall be eligible in respect of total and permanent disability to receive the disability allowance as provided in this section; but if he has served for a less period he shall not be eligible.

Definition of "total and permanent disability."

(3) For the purposes of this section and subject to the provisions of subsection (1) of section 27, "total and permanent disability" means the total and permanent incapacity of the employee arising out of mental or physical disability properly to perform his duties as a teacher. But no employee shall be considered to be totally and permanently disabled until he has been examined at the direction of the Commissioner by at least two duly qualified medical practitioners, one of whom may be the medical practitioner in attendance upon the employee, and unless the medical practitioners concur in certifying to the Commissioner that, to the best of their knowledge and belief, the employee is totally and permanently disabled within the meaning of this subsection.

Medical examination of disabled employees required.

(4) The Commissioner shall require further medical examination in the manner prescribed in subsection (3) not more often than once a year, and if the Commissioner finds that the employee has ceased to be totally and permanently disabled within the meaning of subsection (3) before reaching retirement age, his disability allowance shall ipso facto be suspended; and, subject to the provisions of subsection (5), the employee shall be entitled to receive the refund value of the retirement annuity portion of his disability allowance as determined by the actuary in an amount not greater than the employee's contributions to the Fund, and he shall not be entitled to any further benefits under this Act.

(5) In the event of the employee again entering the service of an employer under this Act before reaching retirement age, the refund value under subsection (4) shall not be paid to the employee, but shall be used to provide a retirement annuity, and the employee shall make the regular monthly contribution to the Fund pursuant to section 6, and the service pension to which he is entitled shall be based on the total service he has rendered to employers under this Act up to the date of retirement. 1940, c. 52, s. 15; 1947, c. 91, s. 10.

Allowance to certain relatives of employees.

16. (1) In the case of the death in service of a male employee having had not less than ten years of service, there shall be granted to his widow, if any, or if leaving no widow but leaving a father, mother, sister, or brother who was wholly dependent

upon him for support, and if such relative was previously, with the approval of the Commissioner, nominated by the deceased employee, by nomination in writing signed by the employee and filed with the Commissioner, an allowance comprising the following amounts:—

- (a) In the case of an employee who had less than twenty years of service, an amount of one hundred and eighty dollars per annum; and in the case of an employee who had twenty or more years of service, an amount equal to one-half the service pension that the years of service of the employee will provide according to section 12, the amount in both cases to be payable for life or until remarriage; and
 - (b) An amount equal to one-half of, and payable in the same manner as, the retirement annuity to which the employee would have been entitled under section 13 if he had lived until the age of sixty-five years; this amount to be payable for life.
- (2) In the case of the death in service of a female employee having had not less than ten years of service, where the deceased employee leaves a relative who was wholly dependent upon her for support, if such relative has been previously nominated by the deceased employee with the approval of the Commissioner by a nomination in writing signed by the employee and filed with the Commissioner, there shall be granted to that dependent relative an allowance comprising the following amounts:—
- (a) In the case of an employee who had less than twenty years of service, an amount of one hundred and eighty dollars per annum; and in the case of an employee who had twenty or more years of service, an amount equal to one-half the service pension that the years of service of the employee will provide according to section 12; and
 - (b) An amount equal to one-half of, and payable in the same manner as, the retirement annuity to which the employee would have been entitled under section 13 if she had lived until the age of sixty years.
- (3) The nomination of a dependent relative shall, for the purposes of subsection (2), be confined to the following: Father, mother, sister, brother, or husband.
- (4) In either of the cases mentioned in subsections (1) and (2), if there is no widow or dependent relative, as the case may be, there shall be paid to a nominee of the deceased employee, or, if there is no person so nominated, to his estate, as a refund, the reserves maintained in accordance with section 36 for the retirement annuities provided under sections 6 and 7.

(5) In the case of an employee who dies while in service before having had ten years of service, there shall be paid to the widow of the deceased employee, or if there is no widow to a nominee of the deceased employee, or if there is no widow or nominee, to his estate, an amount equal to the reserve maintained in accordance with section 36 for the retirement annuities provided under sections 6 and 7. 1940, c. 52, s. 16; 1941-42, c. 44, s. 8; 1946, c. 74, s. 4.

Employees in the
Department of
Education.

17. (1) Notwithstanding the other provisions of this Act, in the case of a person who, being employed in the Department of Education, is at any time granted a superannuation allowance under the "Civil Service Superannuation Act," if he has had ten years of service within the meaning of this Act prior to commencing contributions to the Civil Service Superannuation Fund, upon attaining the retirement age specified in section 11, he shall be entitled to receive a further superannuation allowance under this Act payable under the same terms and conditions as provided in this Act, comprising a service pension based upon the number of years of his service within the meaning of this Act and a retirement annuity equal to the amount that his contributions, if any, under this Act and the former Act will provide.

(2) When an employee comes within the scope of the University of British Columbia Pension Plan or the Victoria College Pension Plan, all contributions by or on behalf of that employee to the Teachers' Pensions Fund shall cease, and if that employee has had at least ten years of service within the meaning of this Act and if that employee remains on the staff of the University of British Columbia or Victoria College until he attains the retirement age specified in section 11, he shall be entitled to receive, upon attaining his retirement age, a superannuation allowance under this Act, payable under the same terms and conditions as provided in this Act, comprising a service pension based upon the number of years of his service within the meaning of this Act and a retirement annuity equal to the amount that his contributions under this Act and the former Act will provide.

(3) In the case of a person referred to in subsection (1) or (2) who dies before attaining retirement age, he shall, for purposes of section 16, be deemed to have died in service. 1940, c. 52, s. 17; 1943, c. 64, s. 3; 1944, c. 50, s. 4; 1948, c. 95, ss. 5-7.

Refunds.

18. Where an employee resigns or is dismissed from service by his employer before reaching the retirement age specified in section 11, he shall receive as a refund the reserves maintained in accordance with section 36 for the retirement annuities provided under sections 6 and 7. 1940, c. 52, s. 18.

Monthly payments of allowances.

19. (1) Every superannuation allowance shall be paid monthly from the Fund.

Assignment of superannuation allowance prohibited.

(2) No superannuation allowance may be assigned, charged, or attached by process in any Court; but where an employee has been granted an allowance on the single life guaranteed plan for a term of years certain under clause (b) of subsection (1) of section 14, he may by his will bequeath the allowance for the remainder of the term in the event of his death before the expiration of the term without leaving any person surviving who is entitled to payment of the allowance under subsection (4) of section 14, and in this event the commuted value of the remaining payments shall be paid to the estate. 1940, c. 52, s. 19; 1944, c. 50, s. 5.

Special provision for certain service pensions.

20. (1) Notwithstanding the other provisions of this Act, all service pensions granted between the first day of January, 1941, and the first day of January, 1942, shall be paid from the Retirement Annuity Account.

(2) The total payments made pursuant to subsection (1) shall be refunded to the Retirement Annuity Account out of, or as a charge against, the Employers' Service Pensions Account when the provisions of subsection (5) of section 6 and the provisions of section 8 become effective. 1940, c. 52, s. 20; 1943, c. 64, s. 4.

Administration.

Administration.

21. The Department of the Provincial Secretary shall be charged with the administration of this Act; and the Provincial Secretary shall lay before the Legislature, within fifteen days after the commencement of each annual session, a return containing a full and clear statement and accounts of all business done in pursuance of this Act during the fiscal year last previous to such session, and showing the condition of the Fund. 1940, c. 52, s. 21.

Appointment of Commissioner.

22. For the purposes of administering and carrying out the provisions of this Act there shall be an officer, to be called the "Commissioner of Teachers' Pensions," who shall be appointed by the Lieutenant-Governor in Council. In addition to his duties under this Act, the Commissioner shall perform such other duties as may be assigned to him by the Lieutenant-Governor in Council. 1940, c. 52, s. 22.

Expenses of administration.

23. All salaries and expenses necessarily incurred in the administration of this Act, as determined and certified by the Commissioner, shall be paid out of the Teachers' Pensions Fund or out of Consolidated Revenue, and shall, to the extent to which they are paid out of Consolidated Revenue, be reimbursed to Consolidated Revenue out of the Fund. 1941-42, c. 44, s. 9.

Duty of
Commissioner to
keep records.

24. In addition to the accounts to be kept by the Commissioner pursuant to subsection (6) of section 5, the Commissioner shall record such data as may be required by the Actuary, and shall keep all books and accounts necessary to determine the superannuation allowances payable under this Act, and to record the contributions made by employers and employees to the fund. 1940, c. 52, s. 24.

Powers of
Commissioner.

25. Subject to the provisions of this Act and the regulations, the Commissioner may:—

- (a) Determine whether or not any person is within the scope of the Act and entitled to receive a superannuation allowance thereunder:
- (b) Determine the amount of any superannuation allowance granted under this Act:
- (c) Determine all such further matters arising from time to time in the administration of this Act as are necessary to be determined for the proper carrying-out of its provisions. 1940, c. 52, s. 25.

"Teachers' Pensions
Board."

26. (1) There shall be a Board to be known as the "Teachers' Pensions Board," which shall consist of the Commissioner appointed under this Act, a representative of the employers to be appointed from time to time by the executive of the British Columbia School Trustees' Association, and a representative of the employees to be appointed from time to time by the executive of The British Columbia Teachers' Federation. The Commissioner shall be the Chairman of the Board.

(2) The executive of the British Columbia School Trustees' Association shall notify the Provincial Secretary of every appointment or revocation of appointment of a representative of the employers as a member of the Teachers' Pensions Board.

(3) The executive of The British Columbia Teachers' Federation shall notify the Provincial Secretary of every appointment or revocation of appointment of a representative of the employees as a member of the Teachers' Pensions Board.

(4) No member of the Teachers' Pensions Board shall be entitled to any remuneration for his services, but the amount of the travelling and other expenses necessarily incurred by the members in the discharge of their official duties shall be paid as a part of the expenses of administration of this Act. 1940, c. 52, s. 26.

Powers of Teachers'
Pensions Board.

27. (1) Subject to the provisions of subsection (3) of section 15, the Teachers' Pensions Board of its own motion may, and at the request of any Board of School Trustees or of any employee shall, inquire into the circumstances connected with the employment of any employee, and, after considering any allegations

or representations made by or on behalf of the employee, the Board of School Trustees, any Inspector of Schools, and any other person interested, may, in its discretion, make an order retiring the employee from the teaching service.

(2) Subject to the provisions of this Act, the Teachers' Pensions Board shall consider any application from an employee who may have been absent from service for a greater period than two years for re-entry into the teaching service, and if, after investigation, the Teachers' Pensions Board finds that the absence from service was caused by any reason or circumstance that in the unanimous opinion of the Board should not constitute withdrawal within the meaning of subsection (2) of section 9, the Teachers' Pensions Board may approve his re-entry as an employee under this Act.

(3) The Teachers' Pensions Board shall consider all cases involving deferred benefits pursuant to subsection (2) of section 11. 1940, c. 52, s. 27; 1941-42, c. 44, s. 10; 1947, c. 91, s. 11.

Recommendations
by Teachers'
Pensions Board.

28. It shall be the duty of the Teachers' Pensions Board to submit, from time to time, to the Lieutenant-Governor in Council such recommendations as it may consider necessary to maintain the financial stability of the Fund. 1940, c. 52, s. 28.

Trustees.

29. For the purposes of this Act there shall be appointed by the Lieutenant-Governor in Council not more than three persons to be called the "Trustees of the Teachers' Pensions Fund." 1940, c. 52, s. 29.

Moneys available
for investment.

30. The Commissioner shall from time to time pay over to the Trustees for investment such moneys in his hands as are available for investment. 1940, c. 52, s. 30.

Duties of Trustees.

31. The Trustees shall be charged with the duty of investing all moneys in their hands, whether arising under section 30 or any other section of this Act, and shall have power to vary or realize such investments from time to time, but their powers are subject to the following restrictions:—

- (a) The Trustees shall not make any investment or realize any security without first obtaining the approval in writing of the Minister of Finance to that investment or to the realization:
- (b) The Trustees shall not make any investment except in securities of the Government of the Dominion or of the Province, or securities the principal and interest of which are guaranteed by the Government of the Dominion or of the Province:
- (c) In respect of securities that are registered as to principal or as to principal and interest, the Trustees shall

obtain registration in the joint names of the Trustees and of the Minister of Finance:

- (d) The Trustees shall deposit with the Minister of Finance all securities for safe-keeping. 1940, c. 52, s. 31.

Moneys to be deposited in bank.

32. The Trustees shall deposit in the names of the Trustees and the Minister of Finance jointly all uninvested cash in any chartered bank that may be specified by the Minister of Finance. 1940, c. 52, s. 32.

Moneys required for purpose of Act.

33. The Trustees shall, at the request of the Commissioner, but subject to the approval of the Minister of Finance, pay to the Commissioner such moneys as may be required for the purposes of this Act. 1940, c. 52, s. 33.

Inquiry by Commissioner in all cases.

34. No superannuation allowance shall be granted to any person until the Commissioner, after inquiry in the manner prescribed by the regulations, has found:—

- (a) That the person is within the scope of this Act; and
(b) That the person is entitled to receive the superannuation allowance under the provisions of this Act. 1940, c. 52, s. 34.

Appointment of Actuary.

35. The Commissioner shall have full power and authority to employ an Actuary whenever necessary for the purposes of this Act. 1940, c. 52, s. 35.

Actuarial valuations.

36. (1) The Actuary shall make all actuarial reports and computations required by the Commissioner from time to time and shall make actuarial valuations of the assets and liabilities under this Act within the three-year period beginning with the date of the commencement of this Act, and again at the expiration of each consecutive period of three years thereafter.

(2) All valuations of the liabilities under subsection (3) shall be made upon an interest assumption not greater than three and one-half per centum per annum, combined with prescribed tables of mortality.

(3) The Actuary shall state separately the liabilities arising from:—

- (a) Retirement annuities arising from employees' contributions, made after the commencement of this Act and amounts, if any, transferred under section 7:
(b) Service pensions provided in respect of employees who have retired from service on or after the first day of January, 1941:
(c) Service pensions to be provided in respect of employees who at the date of the valuation may become entitled to a superannuation allowance pursuant to the provi-

sions of this Act. 1940, c. 52, s. 36; 1943, c. 64, s. 5; 1948, c. 95, s. 9.

Enforcements of payments from employers.

37. Payments of every sum of money which an employer is required by this Act to pay or forward to the Commissioner may be enforced by action in any Court, in the name of the Commissioner, as for a debt due by that employer to the Commissioner. 1940, c. 52, s. 37.

Right to demand refunds.

38. Except as expressly provided in this Act, nothing in this Act shall be construed to confer upon any person any right to demand or enforce the repayment of any amount contributed by him to the Fund, or the payment of any interest thereon. 1940, c. 52, s. 38.

Reports by beneficiaries.

39. Every person receiving a superannuation allowance under this Act shall keep the Commissioner informed of his whereabouts, and at least once each year shall report in person or by certificate in the prescribed form, as the Commissioner may require. 1940, c. 52, s. 39.

Power of dismissal not impaired.

40. Nothing in this Act contained shall impair or affect the right or power of any employer to remove or dismiss from service any person. 1940, c. 52, s. 40.

Audit of accounts.

41. Once at least in each year the accounts of the Commission shall be audited by the Comptroller-General or by an auditor appointed by the Lieutenant-Governor in Council for that purpose, and the salary or remuneration of the last-mentioned auditor shall be paid out of the Consolidated Revenue Fund. 1940, c. 52, s. 41.

Regulations.

General power to make regulations.

42. (1) For the purpose of carrying into effect the provisions of this Act according to their true intent, the Commissioner, subject to the approval of the Lieutenant-Governor in Council, may make such regulations, not inconsistent with the spirit of this Act, as are deemed necessary or advisable. All regulations so made shall forthwith be published in the Gazette, and thereupon shall have the same force and effect as if incorporated in this Act.

(2) Without limiting the generality of the provisions contained in subsection (1), it is declared that the power of the Commissioner to make regulations in the manner set out in that subsection shall extend to:—

- (a) Regulating the manner of making application for and the granting of superannuation allowances:
- (b) Prescribing forms to be used for the purposes of this Act or of the regulations:

- (c) Prescribing the method of proving any fact necessary to be proved for the purpose of granting or paying superannuation allowances or for any purpose of the administration of this Act:
- (d) Providing for the inspection of pay-rolls of employers to whom any part of this Act applies, and for reports to be made by employers for the purposes of this Act; and prescribing penalties for the breach of any regulations made under this clause:
- (e) Prescribing tables, as approved by the Actuary, for use in making any actuarial valuation or computation required for the carrying-out of the provisions of this Act:
- (f) Prescribing the rate of interest to be credited in respect of the contributions of employers and employees accumulated in the Fund, or payable in respect of moneys to be paid out of the Fund by way of refund pursuant to this Act. 1940, c. 52, s. 42.

Miscellaneous.

Transfer of assets of Teachers' Pensions Fund under former Act.

43. (1) The Lieutenant-Governor in Council may authorize the issuance of debentures:—

- (a) To an amount not exceeding the moneys at the credit of the Fund in the Treasury under the former Act; and
- (b) To an amount not exceeding the balance at debit of current allowance account as at the thirty-first day of December, 1940, under the former Act,—

and upon the commencement of this Act shall cause to be transferred to the Trustees debentures of the Province or cash, or both debentures and cash, equal to the amount at credit of the Fund in the Treasury under the former Act and equal to the amount at debit of current allowance account as at the thirty-first day of December, 1940, under the former Act.

Power to authorize additional debentures.

(2) The Lieutenant-Governor in Council may from time to time, and in addition to the debentures authorized by subsection (1), authorize the issuance of debentures of the Province to an amount not exceeding the superannuation allowance payments as provided by subsection (4) of section 4.

Valuation of debentures.

(3) For the purpose of this section all debentures shall be valued at par.

Securities chargeable upon Consolidated Revenue Fund.

(4) All securities issued under the Act and the interest thereon shall be chargeable upon and payable out of the Consolidated Revenue Fund and the securities shall bear interest at a rate not exceeding three and one-half per centum per annum payable half-yearly, and shall be repayable at a date not later than fifty years from the date of issue.

Transfer of securities.

(5) The Minister of Finance may transfer to the sinking funds established in connection with the direct or guaranteed obligations of the Province securities now held in the Teachers' Pensions Fund Investment Account, or cash, or both securities and cash, to an amount equal in value to the par value of any debentures that may be issued pursuant to subsections (1) and (2).

(6) The value of any securities transferred pursuant to subsection (5) shall be determined by the Minister of Finance. 1940, c. 52, s. 43.

Records to be kept by Trustees.

44. The Trustees shall keep accounts and records in such form as may from time to time be prescribed by the Minister of Finance. 1940, c. 52, s. 44.

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