

CHAPTER 82.

LOCAL AUTHORITIES OFFICERS' SUPERANNUATION.

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CHAPTER 82.

LOCAL AUTHORITIES OFFICERS' SUPERANNUATION.

An Ordinance to provide for the superannuation of persons employed by local authorities. 17 of 1955.

[24TH NOVEMBER, 1955.]

1. (1) This Ordinance may be cited as the Local Authorities Officers' Superannuation Ordinance. Short title and application.*

(2) This Ordinance shall apply to each such local authority (other than the Freetown City Council) as the Governor may with the consent of such local authority, by Order, declare.

2. In this Ordinance, unless the context otherwise requires— Definitions.

“actuary” means a fellow of the Institute of Actuaries or the Faculty of Actuaries in Scotland;

* No Order for the application of the Ordinance has been made yet.

“the appointed day” in respect of any officer or servant means the day on which such officer or servant first occupies an established post designated under section 3 after it became an established post;

“declared local authority” means a local authority to which this Ordinance has been applied;

“local authority” means a public body created by or under an Ordinance and having powers of jurisdiction within a specified area or place;

“Minister” means the member of Executive Council responsible for Internal Affairs;

“non-contributing service” means service rendered to a declared local authority before the appointed day by an officer or servant occupying, on the appointed day, a post designated as an established post by such declared local authority;

“officer” or “servant” means an officer or servant in the permanent service of a declared local authority, occupying a post designated as an established post for the purposes of this Ordinance by such declared local authority, and whether in receipt of salary or wages;

“salary” or “wages” means all salary or wages paid to any officer or servant as such for his own use, also the money value of any apartments appertaining to his office or employment, but does not include payments for overtime or any allowance paid to him to cover cost of office accommodation or clerks' assistance;

“service” means whole-time or part-time service in the permanent employment of a declared local authority after an officer or servant has attained the age of eighteen years, other than service in respect of which the officer or servant is entitled to any pension, superannuation allowance or gratuity from any other source, and when used in relation to service after the appointed day means continuous service, and when used in relation to service rendered before the appointed day means service whether continuous or not;

“Superannuation Fund” means the fund established under this Ordinance.

Established posts.

3. A declared local authority may by notice in the *Gazette* designate any post in its service as an established post for the purposes of this Ordinance.

4. (1) Subject to the provisions of this Ordinance, every officer and servant—

Title to
superannua-
tion
allowance.

(a) who shall have completed ten years' service and shall become incapable of discharging the duties of his office or employment with efficiency by reason of permanent ill-health or infirmity of mind or body; or

(b) who having completed ten years' service and having attained the age of fifty years shall be superannuated by resolution of the local authority; or

(c) who shall have attained the age of fifty-five years and shall have completed ten years' service,

shall be entitled on resignation or otherwise ceasing to hold his office or employment, to receive during life a superannuation allowance according to the scale by this Ordinance provided.

(2) Save as is otherwise by this Ordinance provided, every such superannuation allowance shall be paid out of the Superannuation Fund.

(3) Where an officer or servant has attained the age of fifty-five years, he shall cease to hold his office or employment:

Provided that the local authority in whose service or employment he is may, with the consent of the officer or servant, by resolution extend the period of service or employment of any such officer or servant for one year or any less period, and so from time to time as they may deem expedient, to a total of five years, and thereafter with the approval of the Minister.

5. (1) There is hereby established a Superannuation Fund, to be known as the Local Authorities Superannuation Fund.

Superannua-
tion Fund.

(2) The Fund shall be under the charge of and shall be administered by the Accountant General.

(3) There shall be paid into the credit of the Fund, each month—

(a) the amounts deducted in such month under the provisions of this Ordinance from the salaries and wages of officers and servants contributing to the Superannuation Fund;

(b) a sum equal in amount to the sum which during each month has been contributed to the Superannuation Fund, by each officer or servant (in this Ordinance referred to as "the equivalent contribution"), and such further sum, if any, as the declared local authority in whose employment he is, may become liable to carry and contribute thereto under the provisions of this Ordinance;

(c) all dividends and interest arising in such year out of the investment or use of the Superannuation Fund or any part thereof;

(d) such amounts as may have been certified by an actuary as necessary in order that the Superannuation Fund may be solvent, to be calculated so as to cast upon each local authority, so far as may be, an equal annual charge for a period not exceeding forty years from the date on which the charge begins to be paid.

(2) The equivalent contribution and the equal annual charge in respect of each officer or servant shall be made out of the funds of the declared local authority by whom the officer or servant is paid.

Officers and servants to contribute.

6. (1) Subject to the provisions of this Ordinance every officer and servant shall, as from the appointed day, contribute to the Superannuation Fund an amount equal to five *per centum* of his salary or wages, which amount shall be deducted from the salary or wages payable to him by the local authority or person paying the same, and shall be sent to the Accountant General to be paid to the credit of or form part of the Superannuation Fund.

(2) Nothing in this Ordinance shall require any officer or servant to make any contribution for the purposes of this Ordinance in respect of any period previous to the appointed day.

Scale of superannuation allowances.

7. Subject to the provisions of section 14 of this Ordinance and to any other provisions of this Ordinance the superannuation allowance to be made to an officer or servant under this Ordinance shall be made out of the Superannuation Fund and shall be on the following scale—

(a) after ten years' service, ten-sixtieths of the average amount of his salary or wages during the five years which immediately precede the day on which the officer or servant ceases to hold his office or employment, or attains the age of fifty-five years, whichever be the earlier;

(b) after eleven years' service, eleven-sixtieths of such average amount;

(c) and so on up to a maximum after forty or more years service of forty-sixtieths of such average amount:

Provided that, for the purpose of calculating the superannuation allowance of a full-time officer who has formerly served as a part-time officer, the period of part-time service shall be

treated as though it were whole-time service for a proportionately reduced period

8. An officer or servant who is dismissed or resigns or otherwise ceases to hold his office or employment in consequence of any offence of a fraudulent character, or of grave misconduct, shall forfeit all claim to any superannuation allowance under this Ordinance:

Forfeiture for fraud, etc.

Provided that the declared local authority in whose service or employment any such officer or servant was at the time when he ceased to hold his office or employment, shall authorise the Accountant General to, and the Accountant General shall, return to him or pay to his wife or family out of the Superannuation Fund, a sum equal to the amount of all his contributions thereto under this Ordinance, unless in any particular case, such local authority see fit, with the approval of the Governor in Council, to direct that all or part of such sum shall not be so returned or paid

9. An officer or servant who has not become entitled to a superannuation allowance, and who loses his office or employment by reason of a reduction of staff, the abolition of his office or the termination of a joint appointment, or ceases to hold his office or employment by reason of ill-health, mental infirmity, or bodily injury, or is required to retire on marriage, shall be entitled to receive out of the Superannuation Fund a sum equal to the amount of all his contributions to such fund, together with compound interest thereon, calculated to the date of his loss of office or employment or resignation at the rate of three *per centum* per annum by half-yearly rests

Return of contributions with interest in the event of loss of employment through reduction of staff, ill-health, etc.

10. In the event of an officer or servant voluntarily resigning his office or employment or being dismissed for incapacity (fraud or grave misconduct not being alleged) before he has, under the provisions of this Ordinance, become entitled to a superannuation allowance, the Accountant General shall pay to him out of the Superannuation Fund a sum equal to the amount of the contributions made by such officer or servant under this Ordinance, together with compound interest thereon calculated to the date of resignation or dismissal at the rate of three *per centum* per annum by half-yearly rests

Return of contributions with interest in the event of resignation, etc.

11. (1) In the event of an officer or servant dying before becoming entitled to or receiving a superannuation allowance under this Ordinance, the Accountant General shall pay to his legal personal representative out of the Superannuation Fund,

Return of contributions in case of death.

a sum equal to the amount of the contributions made by such officer or servant under this Ordinance, together with compound interest thereon, calculated to the date of his death, at the rate of three *per centum* per annum, by half-yearly rests

(2) In any case in which any contributor shall die, after he has become entitled to a superannuation allowance under this Ordinance, and before he shall have received by way of superannuation allowance an amount equal in the aggregate to the amount of his contributions under this Ordinance, together with compound interest thereon calculated to the date of his retirement at the rate of three *per centum* per annum by half-yearly rests, the Accountant General shall pay to his legal personal representative out of the Superannuation Fund the difference between the total amount which such contributor has received by way of superannuation allowance and the aggregate amount of his contributions under this Ordinance, together with compound interest thereon at the rate and calculated as aforesaid up to the date of his retirement.

Notice of certain proposals.

12. There shall be given personally to, or served by post at the last known address in Sierra Leone of, every member of a declared local authority at least one month's notice in writing of the meeting at which any proposal not to return contributions to an officer or servant who has been dismissed or resigns or not to make any payment in accordance with the provisions of section 8 of this Ordinance, or at which any proposal to grant a gratuity under this Ordinance, will be considered.

Allowance not assignable.

13. Every superannuation allowance or gratuity granted under this Ordinance shall be payable to or in trust for the officer or servant and shall not be assignable or chargeable with his debts or other liabilities.

Allowance for previous service.

14. Non-contributing service shall be reckoned for determining whether an officer or servant is entitled to a superannuation allowance under this Ordinance, and in calculating the superannuation allowance of any officer or servant who is so entitled, his allowance in respect of his non-contributing service shall be at the rate of one one-hundred-and-twentieth (or in the case of any officer or servant in which a declared local authority by resolution so decide, at such rate as such declared local authority may determine, not exceeding the rate of one-sixtieth) of the average amount of his salary or wages for the last five years of his service in respect of each year (not exceeding forty years) of his service under such declared local authority and, in

reckoning the non-contributing service of any officer or servant, any portion of a year during which such officer or servant has served for more than six months shall be reckoned as a year:

Provided that the amount of any superannuation allowance granted in respect of non-contributing service, so far as it exceeds one one-hundred-and-twentieth of such average amount as aforesaid in respect of each year of service, shall not be paid out of the Superannuation Fund, but shall be chargeable upon the moneys of such declared local authority.

15. (1) Once at least in every five years, the condition of the Superannuation Fund shall be submitted by the Accountant General to an actuary, who shall consider the same and shall make an actuarial valuation of the assets and liabilities of the Superannuation Fund. Actuarial investigation.

(2) Where on any such valuation the actuary certifies that a deficiency or a disposable surplus is disclosed, the Accountant General shall submit to the Governor in Council a scheme for making good the deficiency by means of payments by the declared local authorities into the Superannuation Fund, or by means of an increase in the contributions as provided by this Ordinance of the local authorities, or by means of an increase in the equal annual charge, or in any two or all of these ways, or (as the case may require) for disposing of the surplus by reducing the said contributions or the equal annual charge or both.

(3) In relation to each declared local authority, any scheme submitted under this section shall take into account the liabilities of the Fund in respect of such declared local authority.

(4) Where on any such valuation the actuary certifies that in order to maintain an equality of value, as respects persons being contributors after the date of the scheme, between the amounts to be contributed by or in respect of such persons and the amounts of benefit to which such persons will become entitled, it is expedient to increase or decrease the contribution as provided by this Ordinance in respect of such persons, provision may be made by the scheme for such increase or decrease as the case may require to be applied in equal proportions as between such persons and the declared local authorities by whom they are respectively employed.

(5) Where any such scheme is approved by the Governor in Council this Ordinance shall have effect subject to the provisions of the scheme.

Investment
of surplus
income.

16. The surplus of the annual income of the Superannuation Fund above the expenditure thereout shall from time to time be invested in securities in which trustees in England are authorised to invest, and the income arising from time to time from such investment shall be paid into that fund.

Arbitration.

17. (1) Any question which may arise between the Accountant General or a declared local authority and any officer or servant as to the right to or the amount of a superannuation or other allowance under this Ordinance, or the right to any return of contributions under this Ordinance, or the amount of the contributions of such officer or servant, shall, in default of agreement, be referred to and determined by an arbitrator to be agreed upon between the Accountant General or the declared local authority, as the case may be, and such officer or servant, or failing such agreement, appointed by the Governor and, subject as aforesaid, the provisions of the Arbitration Ordinance shall apply to any such reference.

Cap. 25.

(2) Any question that may arise between the Accountant General and any local authority as to their respective rights or liabilities under this Ordinance, shall, in default of agreement, be referred to and determined by an arbitrator to be agreed upon between the Accountant General and the local authority and failing such agreement, appointed by the Governor and, subject as aforesaid, the provisions of the Arbitration Ordinance shall apply to any such reference.

Cap. 25.

Gratuities.

18. (1) A declared local authority may, in any case in which an officer or servant employed by such local authority is permanently incapacitated by an injury sustained by him in the actual discharge of his duty and without his own default, and specifically attributable to the nature of his duty, grant to such officer or servant, subject to such conditions as they may think fit, such gratuity either by way of a lump sum or periodical payments as they may consider reasonable having regard to all the circumstances of the case, including any allowance or gratuity under this Ordinance, so however that the sums received by him shall not exceed in the aggregate the amount of any allowance or gratuity to which he would have been entitled if he had already attained the age of fifty-five at the date when he became incapacitated.

(2) A declared local authority may grant to any officer or servant who is not entitled to a superannuation allowance under this Ordinance, on his retiring from service, such gratuity as such local authority may by resolution determine, but so that

the total amount payable, including the return of contributions with interest, shall not exceed two years' salary or wages of such officer or servant.

(3) Any gratuity granted under this section shall not be paid out of the Superannuation Fund, but shall be chargeable upon the funds of such local authority.

19. On the thirty-first day of December in every year, there shall be paid out of the funds of each declared local authority to the Accountant General a sum bearing the same proportion to the total payments or expenses made or incurred by the Accountant General under the provisions of this Ordinance and not otherwise provided for, as the number of its officers and servants, in respect of whom the payments or expenses have been made or incurred during that year, bears to the total number of officers and servants in respect of whom such payments or expenses have been made or incurred in that year.

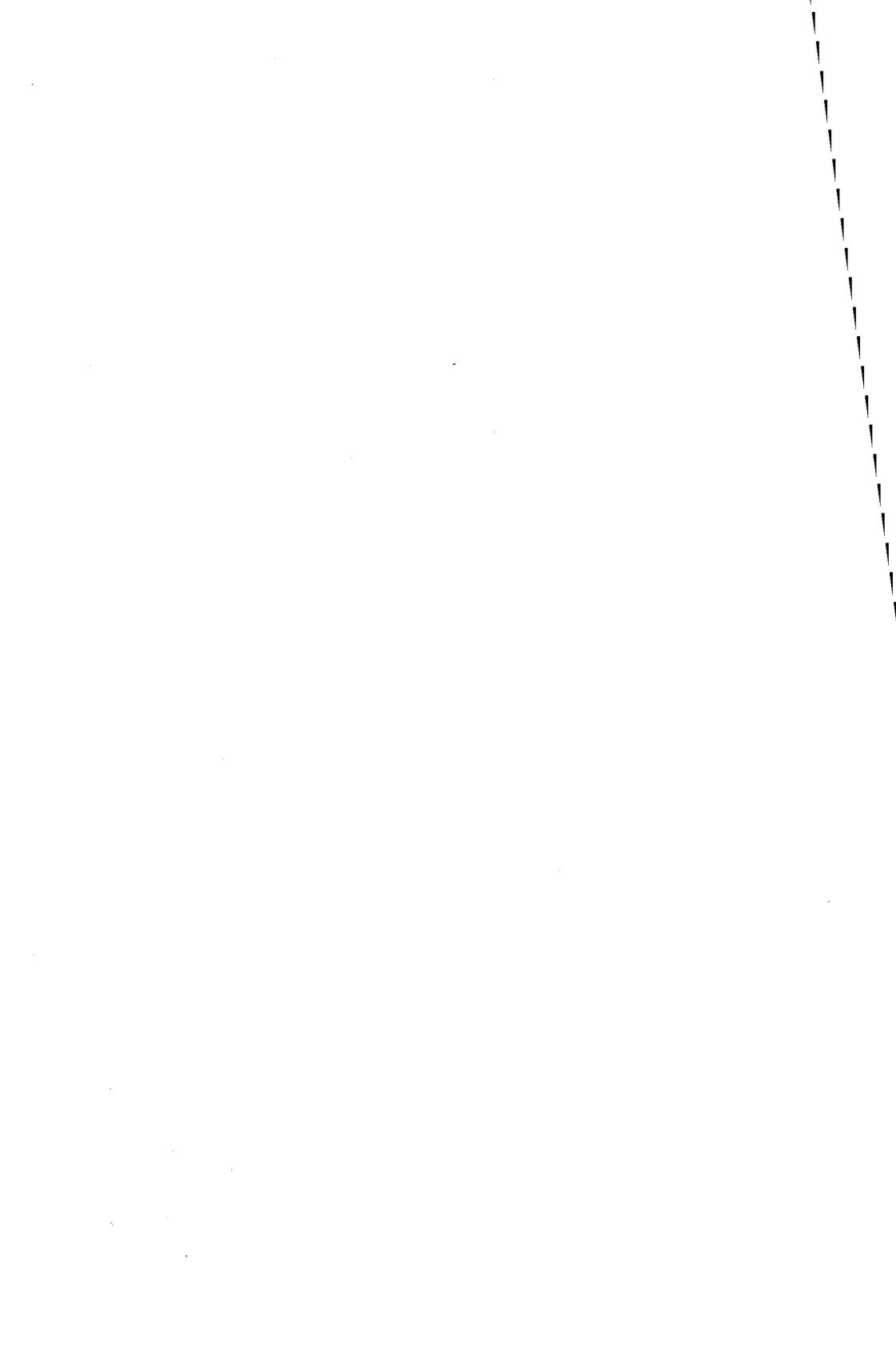
Payments
and expenses
under
Ordinance.

20. (1) The Governor in Council may make rules for the better carrying into effect of the purposes of this Ordinance

Rules.

(2) Without prejudice to the generality of sub-section (1) such rules may provide for the selection of a date to be deemed for the purposes of this Ordinance to be the date of birth of an officer or employee who certifies that he does not know the exact date of his birth.





TITLE X.

NATIONALITY.

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