

TEACHERS' PENSIONS ACT 1994

ACT NO. 9 OF 1994

[Date of Assent: 12 December 1994]

An Act to provide for the payment of pensions, gratuities and other allowances to certain teachers and for connected matters.

ENACTED BY THE PARLIAMENT OF LESOTHO.

Short Title

1. This Act may be cited as the Teachers' Pensions Act 1994 and is deemed to have come into operation on 1 October 1982.

Interpretation

2. In this Act, unless the context otherwise requires, -
- “Government” means the Government of Lesotho;
 - “Minister” means the Minister responsible for Education and Manpower Development;
 - “teacher” means a person who regularly instructs persons in a school and includes any administrative and clerical staff in the Teaching Service whose salaries are paid by the Government;
 - “Teaching Service” means the Teaching Service referred to in section 144 of the Constitution of Lesotho

Application

3. (I) This Act shall -
- (a) apply to a teacher whose salary is paid by the Government of Lesotho;
 - (b) not apply in respect of any person who having been a teacher, his contract was terminated for misconduct under the provisions of the Teaching Service Regulations 1974 or the Teaching Service Regulations 1986.

Types of appointments

4. (1) The appointment of a teacher may be -
- (a) on permanent and pensionable terms; or
 - (b) on temporary terms; or
 - (c) on contract terms.
- (2) The Minister may prescribe qualifications and conditions of appointment of teachers.
- (3) No person who is not a citizen of Lesotho shall be appointed on permanent and pensionable terms.

Probation

5. A teacher shall be required to serve for a continuous period of two years on probation before being confirmed on permanent and pensionable terms.

Prior service in the Teaching Service reckoned as service in the public service

6. Notwithstanding any other law, a teacher who terminates his employment with the Teaching Service and takes up employment in the public service within a period of six months after such termination of employment shall reckon his continuous period of service with the Teaching Service prior to his employment in the public service and any such period which may have elapsed between the date upon which his service with the Teaching Service terminated and the date upon which his service in the public service commenced shall, for the purposes of the Pensions Proclamation 1964, 'be regarded as leave without pay but any service so regarded as leave without pay shall not be reckoned as service for pension purposes.

Continuity of employment by schools

7. (1) Notwithstanding any other law, where a continuous period of employment of a teacher by a school commences after the termination of continuous period of previous employment of that teacher by another school, those periods of employment shall, for the purpose's of the Pensions Proclamation 1964, be deemed to 'be continuous with one another.

(2) Subsection (1) shall not apply where the period of unemployment of a teacher exceeds six months.

(3) For the purposes of subsection (1), the period When a teacher remains unemployed shall be regarded as leave without pay but shall not be reckoned as service for pension purposes.

(4) This section applies to a teacher whose employment is terminated otherwise than for misconduct.

Retirement of teachers employed on permanent and pensionable terms

8. (1) Subject to the provisions of this section, a teacher shall have the right to retire from the Teaching Service and shall be so retired on attaining the age of sixty-five.

(2) A teacher who has attained the age of fifty-five years may in the discretion of the Minister be retired from the Teaching Service after being given three months notice.

(3) Subject to the provisions of subsection (2), a teacher has the right at any time before or after attaining the age of fifty-five years to give written notification to the Minister of his wish to be retired from the Teaching Service.

(4) Where notification is given under subsection (3) —

(a) at least six calendar months prior to the date on which the teacher attains the age of fifty-five years, the teacher shall be retired on attaining that age; or

(b) not six calendar months prior to the date on which the teacher attains the age of fifty-five years, the teacher shall be retired on the first day of the seventh months following the month in which that notification is received.

Retirement on medical grounds

9. A teacher is liable to compulsory retirement if the teacher is certified in writing by a Medical Board appointed by the Principal Secretary of the Ministry of Health and Social Welfare to be suffering from an illness which prevents him from performing his duties efficiently and the illness is likely to be permanent.

Application of Pensions Proclamation 1964

10. (1) The Pension's Proclamation 1964 shall apply with necessary modifications to the grant of pensions, gratuities and other allowances to teachers.

(2) Nothing in this section shall be construed to render applicable to the grant of pensions, gratuities and other allowance's to teachers the provisions of any Act Which amends the Pensions Proclamation 1994 if such Act is enacted after the passing of this Act.

(3) Notwithstanding the provisions of subsection (2), the Minister may after consultation with the Minister of Finance by notice published in the gazette apply, with or without modification or amendment, any of the provisions of such an Act to the grant of pensions, gratuities and other allowances to teachers.

(4) In the application of the Pensions Proclamation 1964 to the grant of pensions, gratuities or other allowance to teachers, only service on or after 1 October 1982 shall be taken into account as pensionable service.

Regulations

11. The Minister may make regulations for the better carrying out the provisions and purposes of this Act.

Validation of appointments of teachers

12. Any appointment of a teacher made under the Teaching Service Regulations 1974 or the Teaching Service Regulations 1986 before the commencement of this Act which is invalid by reason only that such teacher was not admitted into the Lesotho Teaching Service is hereby validated and declared to have been lawfully made.

Repeal

13. Teachers' Pensions Order 1993 is repealed.