



BELIZE

**SCHOOL TEACHERS' PENSIONS ACT
CHAPTER 42**

REVISED EDITION 2000
SHOWING THE LAW AS AT 31ST DECEMBER, 2000

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Laws of Belize, Revised Edition 1980 - 1990.

This edition contains a consolidation of the following laws-

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SCHOOL TEACHERS' PENSIONS ACT

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Amendments in force as at 31st December, 2000.



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CHAPTER 42

SCHOOL TEACHERS' PENSIONS

ARRANGEMENT OF SECTIONS

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CAP. 33,
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26 of 1980.
7 of 1991.
Commencement.

CHAPTER 42

SCHOOL TEACHERS' PENSIONS

[1st January, 1961]

Short title.

1. This Act may be cited as the School Teachers' Pensions Act.

2. In this Act, unless the context otherwise requires- Interpretation.
- “approved service” means any service which the Governor-General may, by order published in the *Gazette* declare to be approved service; 16 of 1968.
- “designated school” means any school (whether primary, secondary or post-secondary and whether government or government-aided) designated by the Minister under section 3; 7 of 1991.
- “government school” means a school maintained wholly from general revenue.
- “government-aided school” means a school in receipt of a grant-in-aid from the Government in accordance with the provisions of the Education Act. CAP. 36.
- “pensionable service” means any service which may be taken into account in computing a pension under this Act;
- “public service” means-
- (i) the public service as defined in section 131 of the Constitution; 7 of 1991.
 - (ii) any other service that the Governor-General may determine to be public service for the purpose of this Act. 7 of 1991.
- “salary” means-
- (i) in respect of government schools and government aided primary schools, wages, responsibility allowance, and any other allowance which the Governor-General may, by order published in the *Gazette*, declare to be pensionable;
 - (ii) in respect of other government-aided schools, the percentage of salary or wages which is paid as a contribution from Government revenues.
- “teacher” means any person whose name is contained in the register of teachers kept by the Chief Education Officer under section 4.

- Designated schools.
16 of 1968.
3. The Minister may, by order published in the *Gazette*, declare any school to be a designated school for the purposes of this Act.
- Register of teachers.
16 of 1968.
4. The Chief Education Officer shall prepare and keep a register of every teacher whose salary is paid from Government funds or towards whose salary Government makes a contribution in the form of grant-in-aid.
- Pensions to be a charge on Consolidated Revenue Fund.
5. All such sums of money as may from time to time be granted by way of pension, gratuity or other allowance in accordance with this Act or with any regulations made thereunder shall be charged to and paid out of the Consolidated Revenue Fund.
- Pension payable on retirement or abolition of office.
26 of 1980.
7 of 1991.
- 6.-(1) Every teacher who has occupied for not less than ten years the position of a teacher in any designated school and who has attained the age of fifty-five years may on his retirement be granted a pension as provided in this Act, but a teacher who has attained the age of fifty years may in special cases with the approval of the Governor-General be allowed to retire.
- (2) Every teacher who has served for a period of ten years or upwards as a teacher in any designated school and has become on medical evidence to the satisfaction of the Minister incapable by reason of infirmity of mind or body of continuing to teach in a designated school efficiently and that such infirmity is likely to be permanent may likewise be granted on his retirement a pension as provided for in this Act.
- 16 of 1963.
- (3) If a teacher in teaching service in Belize ceases to be a teacher in consequence of the abolition or re-organisation of any office, he may be granted a temporary pension, subject to the condition that he shall hold himself ready to be recalled to teaching service in a post which shall not be less in value than that held by the teacher immediately before he ceased to be a teacher.
- 40 of 1963.
7 of 1991.
- (4) If a teacher as mentioned in subsection (3), is not qualified for further employment in the teaching service or if there is no reason, in the opinion of the Governor-General, to expect that he can be re-employed in teaching service, a pension may be granted to him free from the above-mentioned condition.
- 16 of 1963
7 of 1991.
- (5) No teacher shall be entitled to a pension, gratuity or other allowance in respect of any service performed while under the age of eighteen years.

- (6) For the purposes of this Act, service under the Pensions Act shall be regarded as service as a teacher. CAP. 30.
26 of 1980.
- 7.-(1) Subject to subsections (2), (3), (4) and (5), the service in respect of which a pension will be granted shall be unbroken. Service to
be broken.
- (2) Service prior to a break of service may be allowed to count for pension where the service has been interrupted by abolition of office or other temporary suspension of employment not arising from misconduct or voluntary resignation of the teacher.
- (3) Any period during which a teacher absent on leave from Belize, has, with the consent of the Governor-General, served with the Belize Defence Force or in any other capacity connected with a state of war, during the first or second world wars, may, with the approval of the Governor-General, be counted as service on full pay. 7 of 1991.
- (4) Service under the Teachers' Provident Fund Ordinance, may count as service under this Act if the teacher surrenders any benefits which may have accrued to him under that Ordinance and if he gives notice in writing to the Chief Education Officer within twelve months of the coming into operation of this Act that he elects to come under this Act. Ch. 77,
R.L., 1958.
- (5) Any period during which a teacher, with the approval of the Minister, served in a school other than a designated school, shall not be considered as a break in service but shall not, subject to section 9, count as pensionable service. 16 of 1968.
- (6) The period during which a teacher has been absent on vacation leave on full pay shall, in all circumstances, be counted in full towards the qualifying period laid down in section 6 (1) and (2), and any period during which the teacher has been absent on leave on half pay otherwise than for disciplinary action shall be similarly counted at the rate of one month for every two months of such period. No period during which a teacher has been absent from duty on leave without salary shall be taken into account as pensionable service unless such leave shall have been granted on grounds of public policy with the approval of the Governor-General. 7 of 1991.
- (7) "Approved service" not covered by the Teachers' Provident Ordinance, may count as service under this Act. Ch. 77,
R.L., 1958.

Amount
of pension.
29 of 1980.

8.-(1) Every teacher who has served ten years or upwards in the service of a designated school may be granted a pension at the annual rate of one hundred and eighty seven hundred and twentieth ($180/720$ th) of his pensionable emoluments with an addition of one seven hundred and twentieth ($1/720$ th) in respect of each complete month of pensionable service in excess of ten years.

(2) Where a teacher retires in circumstances described in section 6 (2) and at the time of his retirement his pensionable service was not less than ten years but not more than fifteen years he may be granted in addition to the pension granted under section 8 (1) an additional pension at the annual rate of one seven hundred and twentieth ($1/720$ th) of his pensionable emoluments in respect of each month,

(a) by which his pensionable service falls short of fifteen years; or

(b) if his pensionable service would have been for a shorter period than fifteen years had he continued to hold the same office which he held at the date of his retirement and retired on attaining the compulsory retirement age of sixty years, of such short period.

(3) If the pensionable service of the teacher does not exceed ten years he shall be paid a pension at the annual rate of one four hundred and eightieth ($1/480$ th) of his pensionable emoluments in respect of each completed month of pensionable service.

7 of 1991.

(4) The pension payable under subsections (1), (2) or (3) shall not exceed two-thirds of the highest pensionable emoluments drawn at any time by such teacher during the period of service and subject to section 22, shall not be less than two thousand four hundred dollars per annum.

Service in an
approved service.

16 of 1968.

9.-(1) Every teacher who has served in a designated school and in an approved service for a period of not less than ten years and who has attained the age of fifty-five years or who, if all his service had been in a designated school, would be eligible for a pension under section 6 (2), may be granted a pension in accordance with the provisions of this Act.

(2) Pensions granted under this section shall be payable only in respect of the period during which such teacher served as a teacher in a designated school and such other period in respect of which the employing authorities in

the approved service have made the approved pension contribution.

(3) For the purpose of this section and section 10 the expression "teacher" shall include a person serving in an approved service who, immediately before such service, was on the register kept by the Chief Education Officer.

(4) Service in Belize by a probationer or pupil teacher over eighteen years of age which is immediately followed by service as a teacher under this Act shall be deemed to be service under this Act.

7 of 1991.

10.-(1) For the purpose of computing the amount of a teacher's pension or gratuity "final pensionable emoluments" means-

Salary to be taken for computation of pensions.

- (a) in the case of a teacher who has held the same appointment for a period of three years immediately preceding the date of retirement, the full annual salary enjoyed by him at that date in respect of that office;
- (b) in the case of a teacher who at any time during such period of three years has been transferred from one appointment to another, but whose salary has not been changed by reason of such transfer or transfers, the full annual salary enjoyed by him at the date of his retirement in respect of the appointment then held by him;
- (c) in other cases one-third of the aggregate salary enjoyed by the teacher in respect of his service during the three years of his service immediately preceding the date of his retirement, provided that-
 - (i) if such one-third is less than the highest annual salary enjoyed by him at the date of any transfer within such period of three years that salary shall be taken; and
 - (ii) if such one-third is less than the annual salary which would have been enjoyed by him at the date of his retirement if he had continued to hold any appointment from which he has been transferred at any time during such period of three years, and has received all increments which, in the opinion of the Governor-General,

7 of 1991.

would have been granted to him, the annual salary which would have been enjoyed shall be taken.

(2) For the purpose of calculating salary under this section, the teacher shall be deemed to have served on full salary throughout the said three years.

16 of 1968. (3) Where the teacher is not teaching in a designated school at the time of such retirement his final pensionable emoluments for the purposes of this section shall be those which would have been taken for the purpose of computing his pension if he retired from such teaching service and had been granted a pension at the date of his last transfer from such teaching service.

Gratuities.
26 of 1980. 11.-(1) Subject to subsections (2) and (3), every teacher otherwise qualified for a pension who has not completed a minimum period of service qualifying for a pension may be granted, on retirement, a gratuity not exceeding five times the annual amount of pension which if there had been no qualifying period might have been granted to the teacher under section 8 (1).

7 of 1991. (2) A female teacher who has completed not less than five years' service as a teacher who retires for the reason that she is about to marry or has married and is not eligible for the grant of any pension or otherwise eligible for gratuity under this Act may be granted on production within six months after her retirement or such longer period as the Governor-General may in any case allow of satisfactory evidence of her marriage, a gratuity of an amount not exceeding-

(a) one year's pensionable emoluments; or

(b) five times the annual amount of pension which might have been granted to her under section 8 (1) had there been no qualifying period and had that section been applicable to her,

7 of 1991. whichever amount is the greater.

(3) A gratuity under this Act shall not be payable to a female teacher who was married for longer than a period of six months at the date of retirement.

Pensions and gratuity on resignation.
7 of 1991. 12.-(1) A teacher who resigns from the service before attaining the age of fifty-five years may be granted by the Governor-General in accordance with any regulations made under this Act-

- (a) *a gratuity*, if he resigns after completing not less than ten years of pensionable service;
- (b) *a pension and gratuity*, if he resigns after completing not less than fifteen years of pensionable service.

(2) In every case to which subsection (1) applies, the pension (but not gratuity) shall be deferred until the teacher reaches the retirement age, or, in special cases with the approval of the Governor-General, any lower age not being less than fifty years.

13.-(1) The Governor-General may require a teacher to retire at any time after he attains the age of fifty-five years.

Retirement and termination of service.

(2) A teacher may retire at any time after he attains the age of fifty-five years, or, in special cases, with the approval of the Governor-General, fifty years.

40 of 1963.
26 of 1980.

(3) The Governor-General shall require a teacher to retire when he attains the age of sixty years, provided that, in special cases, the Governor-General may permit the teacher to continue in the service until he attains the age of sixty-five years.

7 of 1991.

(4) Where a teacher's service is terminated on the ground that, having regard to the conditions of the teaching service the usefulness of the teacher thereto and all the other circumstances of the case, such termination is desirable in the public interest, and a pension, gratuity or other allowance cannot otherwise be granted to him under this Act, the Governor-General may, if he thinks fit, grant such pension, gratuity or other allowance as he thinks just and proper, not exceeding in amount that for which the teacher would be eligible if he retired from the teaching service in the circumstances set out in section 6 (2).

7 of 1991.

14. No teacher, who, for gross negligence, irregularity or misconduct, is dismissed or called upon to resign from his employment shall be granted a pension or gratuity under this Act unless the Governor-General shall otherwise direct.

No pension on dismissal for misconduct unless by order of Governor-General.

Reduced pension
and gratuity
optional

15.-(1) Every teacher who is now or shall hereafter become eligible for a pension under this Act, may at his option exercisable on his retirement from his employment, elect to take a reduced pension and gratuity *in lieu* of the pension provided in this Act.

(2) Reduced pension shall be a pension equal to three-fourths of the amount of pension which would be payable under this Act and a gratuity shall be the amount which one-fourth of the pension payable thereunder when multiplied by twelve and one-half shall represent.

(3) Subject to subsection (4), the option referred to in subsection (1) shall be exercisable not later than the day immediately preceding the date of the teacher's retirement.

7 of 1991.

(4) The Governor-General may, if it appears to him in all the circumstances equitable to do so, allow a teacher to exercise the option at any time between the date of his retirement and the date of award of a pension under this Act.

7 of 1991.

(5) If a teacher has exercised the option his decision shall be irrevocable after the date of his retirement.

(6) If a teacher who has not exercised the option dies after the date of retirement but before a pension has been awarded under this Act, it shall be lawful for the Governor-General to grant a gratuity and a reduced pension as provided in subsection (2) as if the teacher had exercised the option before his death.

Liability of
teachers to be
called upon to
take further
employment.

7 of 1991.

16. Every pension granted under this Act to a teacher under the age of fifty-five shall be subject to the condition that, until the teacher has attained the age of fifty-five he may, if physically fit for service, be called upon by the Governor-General to accept, *in lieu* of his pension, an office, in the teaching service, not less in value, than the office which he held at the date of his retirement.

If a teacher so called upon declines without reasonable cause to accept such office the payment of his pension may be suspended until he has attained the age of fifty-five years.

Suspension of
pension on
employment.

17. Where a person to whom a pension has been granted under this Act is

appointed to an office in the teaching or public service the payment of his pension may, with his consent, if the Governor-General thinks fit, be suspended during the period of his employment. 26 of 1980.
7 of 1991.

18. A pension, gratuity or other allowance granted under this Act shall not be assignable or transferable except for the purposes of satisfying- Pensions etc.,
not to be
assignable.

- (a) a debt due to the Government; or
- (b) an order of any court for the payment of periodical sums of money towards the maintenance of the wife or former wife or minor child of the teacher to whom the pension, gratuity or other allowance has been granted;

and shall not be liable to be attached, sequestered or levied upon for or in respect of any debt or claim whatever except a debt due to the Government.

19.-(1) If any teacher to whom a pension or other allowance has been granted under this Act is adjudicated bankrupt or is declared insolvent by judgment of any competent court, then such pension or allowance shall forthwith cease. Pensions etc.,
to cease on
bankruptcy.

(2) If any teacher is adjudicated bankrupt or declared insolvent as mentioned in subsection (1), either-

- (a) after retirement in circumstances in which he is eligible for pension or allowance under this Act but before the pension or allowance is granted; or
- (b) before such retirement, and he has not obtained his discharge from bankruptcy or insolvency at the date of retirement,

then, in the former case any pension or allowance eventually granted to him shall cease as from the date of adjudication or declaration as the case may be and, in the latter case, the pension or allowance may be granted but shall cease forthwith and not become payable.

(3) Where a pension or allowance ceases by virtue of this section, it shall be lawful for the Governor-General, from time to time during the remainder of such teacher's life, or during such shorter period or periods, either continuous

7 of 1991. or discontinuous, as the Governor-General, shall think fit, to direct all or any part of the moneys to which such teacher would have been entitled by way of pension or allowance, had he not become bankrupt or insolvent, to be paid to, or applied for the maintenance or benefit of, all or any to the exclusion of the other or others of the following, that is to say, such teacher and any spouse, child or children of his, in such proportions and manner as the Governor-General, as the case may be, thinks proper, and such moneys shall be paid or applied accordingly.

(4) Moneys applied for the discharge of the debts of the teacher whose pension or allowance has so ceased shall, for the purposes of this section, be regarded as applied for his benefit.

7 of 1991. (5) When a teacher whose pension or allowance has so ceased obtains his discharge from bankruptcy or insolvency it shall be lawful for the Governor-General to direct that the pension or allowance shall be restored as from the date of such discharge or any later date, and the pension or allowance shall be restored accordingly.

Pensions etc.,
may cease on
conviction.
7 of 1991. 20.-(1) If any teacher to whom a pension or other allowance has been granted under this Act is sentenced to a term of imprisonment by any competent court for any offence, such pension or allowance shall, if the Governor-General so directs, cease as from such date as the Governor-General determines;

(2) If a teacher is sentenced to a term of imprisonment after retirement in circumstances in which he is eligible for a pension or allowance under this Act, but before the pension or allowance is granted, then subsection (1) shall apply as respects any pension or allowance which may be granted to him.

7 of 1991. (3) Where a pension or allowance ceases by reason of this section it shall be lawful for the Governor-General to direct all or any part of the moneys to which such person would have been entitled by way of pension or allowance had he not been sentenced to a term of imprisonment to be paid, or applied, in the same manner in all respects as prescribed in section 18 and such moneys shall be paid or applied accordingly.

(4) If such teacher after conviction at any time receives a free pardon, the pension or allowance shall be restored with retrospective effect; but in determining whether arrears of such pension or allowance are payable to such teacher and in computing the amount thereof, account shall be taken of all

moneys paid or applied under subsection (3).

21.-(1) If any person to whom a pension or other allowance has been granted under this Act otherwise than under section 21 becomes either a director of any company the principal part of whose business is in any way directly concerned with Belize or an officer or servant employed in Belize by any such company, without the prior permission of the Governor-General in writing, such pension or allowance shall cease if the Governor-General so directs.

Pensions etc., may cease on accepting certain appointments.

7 of 1991.

(2) The Governor-General may, on being satisfied that the person in respect of whose pension or allowance any direction shall have been given, has ceased to be a director of such company or to be employed as an officer or servant of such company in Belize, as the case may be, give directions for the restoration of such pension or allowance, with retrospective effect, if he sees fit, to such a date as he shall specify, and the pension or allowance shall be restored in accordance with any such directions.

7 of 1991.

22.-(1) Where a teacher dies while in the service of Belize as a result of injuries received-

Pensions to dependents when an officer is killed on duty.

- (a) in the actual discharge of his duty, and
- (b) without his own default, and
- (c) on account of circumstances specifically attributable to the nature of his duty,

the Governor-General may grant, in addition to the gratuity, if any, made to his legal personal representative under section 23-

- (i) if the deceased teacher leaves a widow, a pension to her, while unmarried and of good character, at a rate not exceeding ten-sixtieths of his salary at the date of the injury or seventy-five dollars a year whichever is the greater;
- (ii) if the deceased teacher leaves a widow to whom a pension is granted under subparagraph (i) and a child or children, a pension in respect of each child, until such child attains the age of eighteen years, of an

amount not exceeding one-eighth of the pension prescribed under subparagraph (1);

- (iii) if the deceased teacher leaves a child or children, but does not leave a widow or no pension is granted to the widow, a pension in respect of each child, until such child attains the age of eighteen years, of double the amount prescribed in subparagraph (ii);
- (iv) if the deceased teacher leaves a child or children and a widow to whom a pension is granted under subparagraph (i), and the widow subsequently dies, a pension in respect of each child as from the date of the death of the widow until such child attains the age of eighteen years, of double the amount prescribed in subparagraph (ii);
- (v) if the deceased teacher does not leave a widow, or if no pension is granted to his widow, and if his mother was wholly or mainly dependent on him for her support a pension, to the mother, while of good character and without adequate means of support, of an amount not exceeding the pension which might have been granted to his widow.

(2) A pension shall not be payable under this subsection at any time in respect of more than six children;

7 of 1991.

(3) In the case of a pension granted under subparagraph (v) of subsection (1), if the mother is a widow at the time of the grant of the pension and subsequently remarries such pension shall cease as from the date of remarriage, and if it appears to the Governor-General at any time that the mother is adequately provided with other means of support, such pension shall cease as from such date as the Governor-General may determine.

7 of 1991.

(4) A pension granted to a female child under this section shall cease upon the marriage of such child under the age of eighteen years.

(5) For the purposes of this section the word “child” shall include-

- (a) a posthumous child;
- (b) a step child or illegitimate child born before the date of the injury and wholly or mainly dependent upon the deceased teacher for support, and
- (c) an adopted child, adopted in a manner recognised by law, before the date of the injury and dependent as aforesaid.

(6) A teacher who dies as a result of injuries received while travelling by air in pursuance of official instructions shall be deemed to have died in the circumstances detailed in subsection (1) (a) and (c).

(7) In such a case as described in subsection (6) and if paragraph (b) of subsection (1) is also satisfied the rates of pension prescribed in paragraphs (i) and (ii) of that subsection shall be fifteen-sixtieths and one-sixth respectively.

(8) If a teacher proceeding by a route approved by the Governor-General to or from Belize at the commencement or termination of his service therein, or of a period of leave therefrom, dies as the result of damage to the vessel or vehicle in which he is travelling, or of any act of violence directed against such vessel or vehicle, and the Governor-General is satisfied that such damage or act is attributable to circumstances arising out of war in which Belize may be engaged, such teacher shall be deemed, for the purposes of this section, to have died in the circumstances described in subsection (1).

(9) This section shall not apply in the case of the death of any officer selected for appointment to the service of Belize on or after the date of the commencement of this Act, if his dependants as defined in the Workmen’s Compensation Act, are entitled to compensation under that Act.

CAP. 303.

23.-(1) No teacher shall have an absolute right to any pension, gratuity or other allowance under this Act or any regulations made thereunder.

Pension not of right.

(2) Where it is established to the satisfaction of the Governor-General that a teacher has been guilty of negligence, irregularity or misconduct, or has

7 of 1991.

failed to perform his duties efficiently and with fidelity and diligence, the pension, gratuity or other allowance may be reduced or altogether withheld.

Provision for death gratuity. 40 of 1963. 7 of 1991. Regulations. 40 of 1963.

24. Where a teacher in the service of a school dies whilst in such service, the Governor-General may grant to his legal personal representatives a commuted pension or his final pensionable emoluments, whichever is the greater.

25.-(1) The Governor-General may make regulations generally for carrying out the provisions of this Act.

(2) Regulations made under this section shall be of no force or effect unless approved by the National Assembly.

Refund of past contributions.

26. Where any teacher to whom this Act applies and who is not employed in teaching service-

- (a) has had deductions made from his salary under any other Act; and
- (b) gives notice in writing to the Chief Education Officer that he no longer intends to be employed as a teacher and that he desires a refund of such deductions; and
- (c) at the time of such notice such teacher is not eligible for any pension or gratuity under this Act,

16 of 1963.

then such teacher shall be entitled to a refund of such deductions and he shall be deemed to have renounced all claims to any pension or gratuity in respect of any teaching service prior to the date of such refund.

Officers injured or contracting diseases in the discharge of their duties.

27.-(1) This section shall apply to a teacher who-

- (a) is injured in the actual discharge of his duty by some injury specifically attributable to the nature of his duty which is not wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct; or
- (b) contracts a disease to which he is exposed by the nature of his duty, not being a disease wholly or mainly

due to, or seriously aggravated by, his own serious and culpable negligence or misconduct.

(2) In this section unless the contrary intention appears, references to a teacher being injured and to the date on which an injury is sustained shall respectively be construed as including references to him contracting such a disease as is mentioned in subsection (1) and to the date on which such disease is contracted.

(3) Where a teacher to whom this Act applies is holding a pensionable office in which he has been confirmed, he may-

- (a) if his retirement is necessitated or materially accelerated by his injury and he has been in the teaching service for less than ten years, be granted, *in lieu* of any gratuity under section 11, a pension under section 8, as the case may be, as if the words "ten years or upwards" were omitted from the said section 8;
- (b) if he was injured while in the teaching service of Belize be granted on retirement an additional pension, at the annual rate of the proportion of his actual pensionable emoluments at the date of his injury appropriate to his case as shown in the following table-

When his capacity to contribute to his own support is-

Slightly impaired	five sixtieths
Impaired	ten sixtieths
Materially impaired	fifteen sixtieths
Totally destroyed	twenty sixtieths

The amount of the additional pension may be reduced to such an extent as the Governor-General thinks reasonable where the injury is not the cause or the sole cause of retirement. 40 of 1963. 7 of 1991.

(4) A teacher to whom this section applies who is injured while in the teaching service of Belize and who holds a non-pensionable office, or who holds a pensionable office in which he has not been confirmed, may be granted on retirement, a pension of the same amount as the additional pension which

may be granted to him under subsection (3) if his office were a pensionable office and he had been confirmed therein.

(5) If, for the purpose of assessing the amount of any additional pension or pension to be granted under subsection (3) (b) or under subsection (4) to any teacher to whom this section applies, the degree of permanent impairment of his capacity to contribute to his support is in doubt, he may be granted a provisional award to have effect until such time as his degree of permanent impairment can be determined.

7 of 1991.

(6) If a teacher proceeding by a route approved by the Minister of Education to or from Belize, at the commencement or termination of his service in respect of the teaching service of Belize, or of a period of secondment, duty leave or leave therefrom is injured as a result of damage to the vessel, aircraft or vehicle in which he is travelling or of any act of violence directed against any such vessel, aircraft or vehicle, and the Governor-General is satisfied that such damage or act is attributable to circumstances arising out of any war in which Belize may be engaged, such teacher shall be deemed for the purpose of this subsection to have been injured in the circumstances described in subsection (1).

(7) A teacher who is injured while travelling by air in pursuance of official instructions, and whose injury is not wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct, shall be deemed for the purpose of this regulation to have been injured in the circumstances described in subsection (1).

(8) In such a case as described in subsection (7), the rates of pension prescribed in subsection (3) (b) shall be seven-and-a-half sixtieths, fifteen sixtieths, twenty-two and one half sixtieths and thirty sixtieths respectively.

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(9) Where compensation in consequence of the injury is payable under any law in force in Belize which provides for the payment of workmen's compensation, or where benefits corresponding to an additional pension or pension under subsection (3) or subsection (4) are payable, under the Overseas Superannuation Scheme or under the law in force in respect of any other public service, in consequence of the injury, the Governor-General may reduce or withhold any additional pension or pension payable under either subsection (3) or subsection (4) in such manner as he may consider reasonable.

(10) Where the Governor-General is satisfied that damages have been or will be recovered by a teacher in respect of an injury for which an additional pension or pension may be granted under subsection (3) (b) or under subsection (4), the Governor-General may take those damages into account against such additional pension or pension in such manner and to such extent as he may think fit and may withhold or reduce the additional pension accordingly.

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(11) For the purpose of subsection (10) a teacher shall be deemed to recover damages whether they are paid in pursuance of a judgment or order of the court or by way of settlement or compromise of his claim and whether or not proceedings are instituted to enforce that claim.

28. In the exercise of the powers conferred upon him by this Act the Governor-General shall act in accordance with the advice of the Public Services Commission.

Governor-General to act on advice of Public Services Commission.
7 of 1991.