

Local Government Superannuation Act, 1953

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Superannuation benefits

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CHAPTER 25

An Act to amend the law as to the benefits to be payable to or in respect of contributors to superannuation funds maintained by local authorities and as to the persons entitled to participate in the benefits of those funds; to amend the Local Government Superannuation Act, 1937, and the Local Government Superannuation (Scotland) Act, 1937; to provide alternative benefits to those provided under section nine of the Local Government (Clerks) Act, 1931; to make provision as to payments due from local authorities to deceased employees; and for purposes connected therewith. [14th July 1953.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Superannuation benefits

1.—(1) The Minister may by regulations make provision as to the superannuation benefits which shall be payable to or in respect of persons who are or have been contributory employees within the meaning of the principal English Act. Regulations as to superannuation benefits.

(2) The Secretary of State may by regulations make provision as to the superannuation benefits which shall be payable to or in respect of persons who are or have been contributory employees within the meaning of the principal Scottish Act.

(3) The superannuation benefits for which provision may be made by any such regulations may include—

- (a) benefits by way of annual amounts and lump sum payments to contributory employees who, having completed such periods of service as may be prescribed

by the regulations, cease to be employed by an employing authority after attaining such age, or in such other circumstances, as may be so prescribed ;

(b) benefits by way of annual amounts to the widow of any person who—

(i) being a contributory employee, dies after completing such period of service as may be prescribed by the regulations ; or

(ii) having been a contributory employee, dies while he is entitled to any benefit by way of annual amounts under the regulations ; or

(iii) having been a contributory employee and having completed such period of service as may be prescribed by the regulations, dies within such period after ceasing to be a contributory employee as may be so prescribed ;

(c) benefits by way of annual amounts to contributory employees who are permanently incapacitated as a result of injuries sustained or disease contracted in such circumstances as may be prescribed by the regulations ;

(d) benefits by way of annual amounts or a lump sum payment in respect of any contributory employee who dies as a result of injuries sustained or disease contracted as aforesaid ;

(e) benefits by way of lump sum payments to contributory employees who are incapacitated by ill-health or infirmity before becoming entitled to any other benefit under the regulations ;

(f) benefits by way of lump sum payments upon the death of any person who is or has been a contributory employee and has completed such period of service as may be prescribed by the regulations.

(4) Any such regulations may make different provision for different classes of persons and for different circumstances and—

(a) may include provision for granting, in such cases as may be prescribed by the regulations, to persons who have been contributory employees before the coming into force of the first such regulations an option to enjoy rights to superannuation benefits corresponding to those previously enjoyed by them in lieu of all or such as may be so prescribed of the rights which they would otherwise enjoy under or by virtue of the regulations ;

(b) may be so framed as to apply, in such cases as may be prescribed by the regulations, in relation to persons who, having been contributory employees, have died

or ceased to be contributory employees before the coming into force of the first such regulations but since the thirtieth day of September nineteen hundred and fifty ;

- (c) may include such supplementary, incidental and consequential provisions as appear to the Minister or, as the case may be, to the Secretary of State to be necessary or expedient.

(5) Any benefit payable under any such regulations shall be paid out of the appropriate superannuation fund, and in the case of a benefit by way of annual amounts payment shall be made at such intervals, not being longer than three months, as the appropriate administering authority may determine :

Provided that, where the regulations provide for the grant of any benefit, or for an increase in the amount of any benefit, at the discretion of the employing authority, the regulations may also provide that any extra charge on the superannuation fund resulting from an exercise of that discretion shall be repaid in whole or in part to the fund by the authority.

(6) No regulations shall be made under this section unless a draft thereof has been laid before Parliament and been approved by resolution of each House of Parliament.

2.—(1) The superannuation regulations may include provision for securing that a contributory employee who possesses such professional or other special qualifications as may be prescribed by the regulations shall, with the consent of the employing authority and subject to payment by the employee and the authority of such additional contributions, if any, and subject to such other conditions, as may be so prescribed, be entitled to reckon additional years of service. Additional provisions as to regulations.

(2) An employing authority may, on a benefit becoming payable under the superannuation regulations to or in respect of any contributory employee of theirs, resolve that the whole or a specified part of that employee's non-contributing service shall be reckoned as contributing service, and in that case the amount of the benefit shall be calculated accordingly :

Provided that any extra charge on the superannuation fund resulting from such a resolution shall be repaid to the fund by the authority.

(3) A contributory employee shall be entitled, if he pays a sum or sums calculated in such manner and payable at such time or times as may be prescribed by the superannuation regulations, to have the whole or a specified part of his non-contributing service reckoned as contributing service.

(4) Where, immediately before the coming into force of the first superannuation regulations, any contributory employee, in

pursuance of proviso (ii) to paragraph (b) of subsection (2) of section eight of the principal Act, or of that proviso as amended by any local Act or scheme, has made any payment, or is in the process of paying any sum by instalments, in order to become entitled to a superannuation allowance in respect of any year of non-contributing service at the rate of some fraction higher than one one-hundred-and-twentieth, or, as the case may be, one one-hundred-and-sixtieth, that payment or those instalments shall, on the coming into force of the said regulations, be deemed to be a payment made or instalments payable in pursuance of subsection (3) of this section and that year of non-contributing service shall be reckonable—

- (a) if the said higher fraction is one-sixtieth, or, as the case may be, one-eightieth, as a year of contributing service ; or
- (b) if the said higher fraction is less than one-sixtieth, or, as the case may be, than one-eightieth, as such period of contributing service as is obtained by multiplying the year of non-contributing service by sixty, or, as the case may be, by eighty, and dividing it by the denominator of the said higher fraction :

Provided that paragraph (b) of this subsection shall not operate to reduce the length of service reckonable for the purpose of determining whether the employee is entitled to participate in the benefits of any superannuation fund or whether a benefit has become payable to or in respect of the employee under the regulations.

Amendment
of local Acts,
etc., by or in
consequence
of regulations.

3.—(1) In relation to any local Act contributor who—

- (a) is on the medical or nursing staff of a local health authority ; or
- (b) is employed as a medical officer by any other local authority, being a local authority in England or Wales ;
or
- (c) is employed by an education authority for the purposes of the school health service on the medical or nursing staff of the authority ; or

(d) falls within a designated class or description of persons, the superannuation regulations may provide for the relevant local Act scheme to apply as if, in consideration of the contributions required thereby, for all or any of the benefits under the scheme there were substituted such of the benefits provided under the regulations as are prescribed by those regulations and for the local Act scheme to have effect accordingly with such modifications, if any, as are so prescribed ; and, for the purposes of this subsection, subsection (4) of section one of this Act shall have effect as if the references therein to contributory employees included references to such a local Act contributor.

In this subsection—

“ local health authority ” means—

(i) in relation to England and Wales, a local health authority within the meaning of the National Health Service Act, 1946, or a joint board constituted under section nineteen of that Act ;

(ii) in relation to Scotland, a local health authority within the meaning of the National Health Service (Scotland) Act, 1947, or a joint committee or board constituted under section twenty of that Act ;

“ education authority ” means in relation to England and Wales a local education authority within the meaning of the Education Act, 1944, and in relation to Scotland an education authority within the meaning of the Education (Scotland) Act, 1946 ;

“ designated ” means—

(i) in relation to England and Wales, designated by the Minister ; or

(ii) in relation to Scotland, designated by the Secretary of State,

after consultation with associations of local authorities appearing to the Minister or, as the case may be, to the Secretary of State to be concerned.

(2) Every local Act authority shall, within twelve months after the making of the first superannuation regulations, make a scheme for modifying their local Act scheme so as to secure that the benefits of their superannuation fund are so adapted that, with respect to any service reckonable for the purposes of the local Act scheme, there are enjoyed by and in respect of persons who, not being persons to whom subsection (1) of this section applies, are or have been local Act contributors entitled to participate in the benefits of that fund rights not substantially less extensive or favourable than those which would have been enjoyed with respect to that service if those persons were or had been in the employment of an employing authority under Part I of the principal Act.

(3) Where there is in force within the area of any local authority a local Act conferring, in lieu of the benefits conferred by Part I of the principal Act, any other benefits similar to the benefits conferred by the superannuation regulations, the benefits conferred by the superannuation regulations shall be deemed for the purposes of the local Act to have been conferred by Part I of the principal Act, but the authority may, and if so required by the Minister or, in the case of an authority in Scotland, by the Secretary of State shall, make a scheme for the purpose of adapting, modifying or repealing the local Act so far

as appears to them, or, as the case may be, to the Minister or the Secretary of State, to be necessary or expedient by reason of the coming into force of the regulations.

(4) Where, in pursuance of any local Act in force within the area of any local authority, provision is made for benefits supplementary to or in augmentation of the superannuation benefits under Part I of the principal Act or under a local Act scheme, the authority may, and if so required by the Minister or, in the case of an authority in Scotland, by the Secretary of State shall, make a scheme—

(a) for modifying or adapting that provision ; or

(b) for discontinuing that provision and disposing of any assets held for the purposes thereof,

if it appears to them or, as the case may be, to the Minister or the Secretary of State to be expedient or desirable so to do by reason of the coming into force of the superannuation regulations.

Consequential
amendments
of other
enactments,
etc.

4.—(1) On the coming into force of the first superannuation regulations made under subsection (1) of section one of this Act—

(a) the following provisions of the principal English Act, that is to say, section eight, in section eleven subsection (2) and (so far as it relates to that subsection) subsection (3), section fourteen and subsection (2) of section sixteen, shall cease to have effect, without prejudice, however, to any superannuation allowance to which any person has become entitled or to any gratuity granted thereunder ;

(b) the principal English Act shall have effect subject to the further consequential amendments set out in the First Schedule to this Act ;

(c) paragraph (b) of subsection (1) of section sixty-seven of the National Health Service Act, 1946, Parts III and IV of the National Health Service (Superannuation) Regulations, 1950, and the National Health Service (Superannuation) (Amendment) (No. 1) Regulations, 1952, shall cease to have effect ;

(d) the reference in subsection (3) of section seventy-two of the Representation of the People Act, 1948, to the provisions of section eight of the principal English Act shall include a reference to the provisions of the superannuation regulations.

(2) On the coming into force of the first superannuation regulations made under subsection (2) of section one of this Act—

(a) the following provisions of the principal Scottish Act, that is to say, section eight, in section eleven subsection

- (2) and (so far as it relates to that subsection) subsection (3), section fourteen and subsection (2) of section sixteen, shall cease to have effect, without prejudice, however, to any superannuation allowance to which any person has become entitled or to any gratuity granted thereunder ;
- (b) the principal Scottish Act shall have effect subject to the further consequential amendments set out in the Second Schedule to this Act ; and
- (c) paragraph (b) of subsection (1) of section sixty-six of the National Health Service (Scotland) Act, 1947, and Parts III and IV of the National Health Service (Scotland) (Superannuation) Regulations, 1950, shall cease to have effect.

Miscellaneous amendments of law relating to superannuation

5.—(1) The following provisions of this section shall have effect in order to enable service rendered after the age of compulsory retirement to be reckoned for the purpose of calculating the amount of any superannuation benefit and in order to remove certain other limitations on the amount of a superannuation allowance.

Service after
age of
compulsory
retirement,
etc.

(2) In section six of the principal Act (which relates to the payment of contributions), for the proviso to subsection (1) there shall be substituted the following—

“ Provided that a contributory employee who—

- (a) has attained the age of seventy years ; or
- (b) being a female employee to whom section sixteen of this Act applies, has attained the age of sixty-five years ; or
- (c) has completed not less than forty-five years' service, counting contributing service at its full length and non-contributing service at half its actual length, and attained an age of not less than sixty-five years,

shall not contribute under this section ”.

(3) In section seven of the principal Act, subsection (3) (which provides that service rendered after attaining the age of compulsory retirement shall not be reckonable for superannuation purposes) shall cease to have effect.

(4) In section eight of the principal Act, subsection (3) (which provides that a superannuation allowance shall not exceed two-thirds of the employee's average remuneration) shall cease to have effect.

(5) In subsection (1) of section forty of the principal English Act and in subsection (1) of section thirty-four of the principal Scottish Act, in the definition of “ service ” for the words “ the

age of sixty-five years” where first occurring there shall be substituted the words “any age at which, by virtue of the proviso to subsection (1) of section six of this Act, he ceases to be liable to contribute to the superannuation fund, so, however, that any number of years by which, counting contributing service at its full length and non-contributing service at half its actual length, his service before attaining the age of sixty years exceeded forty years shall be disregarded”.

(6) In Part II of the Second Schedule to the principal English Act, in sub-paragraph 1 of paragraph B (which provides that contributions shall not be paid by certain clerks to county councils after they attain the age of sixty-five years) the words from “but” onwards shall cease to have effect.

(7) Where a contributory employee who at the date of the passing of this Act is over the age of sixty-five years becomes entitled to reckon any period as service by virtue only of the provisions of this section, he shall be entitled to reckon that period as contributing service if within three months after the said date he pays to the appropriate administering authority a sum equal to the contributions which he would have been required to pay if this section had been in force when he attained the said age; and, where he does so, the sum shall be deemed to be contributions in respect of that period.

(8) Where any person, having become entitled to a superannuation allowance under Part I of the principal Act—

(a) is immediately before the date of the passing of this Act in the employment of a local authority otherwise than as a contributory employee; but

(b) if this Act had been in force when he entered that employment, would have been a contributory employee in that employment,

he shall be entitled to reckon the period of that employment falling before the said date as contributing service if within three months after the said date he pays to the appropriate administering authority a sum equal to the contributions which he would have been required to pay in respect of that period if this Act had been in force when he entered that employment; and, where he does so, the sum shall be deemed to be contributions in respect of that period.

(9) The scheme made by a local Act authority under subsection (2) of section three of this Act shall secure that, in relation to persons who are at the passing of this Act, or thereafter become, entitled to participate in the benefits of the superannuation fund maintained by that authority, the local Act scheme makes provision with respect to the reckoning of service for the purposes of the scheme corresponding to that made by this section with respect to the reckoning of contributing service.

6.—(1) Where a person who is entitled to a pension or injury allowance payable out of public funds or under a local Act scheme enters the employment of any employing authority or local Act authority and that pension or allowance is on that account liable to be reduced or suspended, the service in respect of which that pension or allowance was granted shall be deemed to be service rendered to a local authority for the purpose of determining whether the person is entitled to become a contributory employee or local Act contributor or to receive a benefit under section eight of the principal Act or under the superannuation regulations or, as the case may be, under the local Act scheme, but for no other purpose.

Re-employment of certain pensioners.

(2) In the calculation of any benefit payable to or in respect of such a person as a contributory employee or local Act contributor, account shall not be taken of any number of years of his service as a contributory employee or local Act contributor by which those years, together with the years of service in respect of which the pension or allowance was granted, exceed such number as the Minister or, where that person is employed by an authority in Scotland, the Secretary of State may by regulations prescribe.

(3) Where, under subsection (2) of section thirty-one of the principal English Act or under subsection (2) of section twenty-six of the principal Scottish Act or under any scheme made under the principal Act, any superannuation allowance under Part I of the principal Act or any benefit under the superannuation regulations is liable to be reduced upon the person entitled thereto accepting further employment with a local authority, the service in respect of which that allowance or benefit was granted shall be reckonable as service for the purpose of determining whether that person is entitled to become a contributory employee or local Act contributor; and accordingly in each of the said subsections, after the word "prescribed" where first occurring, there shall be inserted the words "but the service in respect of which that allowance was granted shall be reckonable as service for the purpose of determining whether the employee is entitled to become a contributory employee or local Act contributor".

7.—(1) Where any person—

(a) ceases to be a contributory employee or local Act contributor under any local authority in such circumstances that a transfer value is paid by the appropriate administering authority or local Act authority to some body or person other than an administering authority or local Act authority; and

Miscellaneous amendments as to service.

(b) subsequently becomes a contributory employee or a local Act contributor in such circumstances that no transfer value is paid to the appropriate administering authority or, as the case may be, to the local Act authority, then, notwithstanding anything in subsection (2) of section twelve of the principal Act or in any corresponding provision of the local Act scheme, he shall not be entitled to reckon any service prior to the date on which he so ceased to be a contributory employee or local Act contributor.

(2) Where any person who has been in the employment of an officer of a local authority, being employment in which he was engaged wholly or mainly in the performance of duties relating to the functions of that authority, leaves or has left that employment in order to enter upon—

- (a) service in the armed forces of the Crown, being service rendered between the fourth day of August, nineteen hundred and fourteen, and the thirty-first day of August, nineteen hundred and twenty-one ; or
- (b) service in the armed forces of the Crown undertaken by virtue of an enlistment notice or a training notice served under the National Service Acts, 1939 to 1947, or the National Service Acts, 1948 to 1950 ; or
- (c) service by way of work or training in pursuance of an order of a tribunal under section five of the National Service (Armed Forces) Act, 1939 (which relates to conscientious objectors), or in pursuance of an order made or direction given under Part I of the National Service Act, 1948, as respects a conditionally registered conscientious objector ; or
- (d) service of a description specified in the First Schedule to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951, other than such service as is mentioned in paragraph (b) or paragraph (c) of this subsection

the period of that service and, except in the case of such service as is mentioned in paragraph (a) of this subsection, any period immediately following the termination thereof during which that person, with the consent of the officer whose employment he left, continued in similar service shall be deemed for the purposes of subsection (6) of section twelve of the principal Act (which enables the first local authority under whom any person becomes a contributory employee to determine that such employment as aforesaid shall be taken into account in reckoning that person's non-contributing service) to be a period of service in such employment as aforesaid :

Provided that this subsection shall not apply in relation to any period of service which, by virtue of subsection (4) of section three of the Local Government Staffs (War Service) Act, 1939,

as amended by paragraph 5 of Part I of the Schedule to the Superannuation (Miscellaneous Provisions) Act, 1948, is already deemed for the purposes aforesaid to be a period of service in such employment as aforesaid.

(3) If the following conditions are fulfilled with respect to any contributory employee, that is to say—

- (a) that he has been for a continuous period of not less than three years in the employment of an officer of a local authority and engaged wholly or mainly in the performance of duties relating to the functions of that authority ; and
- (b) that he has subsequently entered the employment of that or some other local authority ; and either
- (c) that the first local authority under whom he became a contributory employee has not made a determination in pursuance of subsection (6) of section twelve of the principal Act that the whole of the period aforesaid shall be taken into account in reckoning his non-contributing service ; or
- (d) that such a determination has been made but he is a person to whom subsection (2) of this section applies,

then the local authority under whom he is a contributory employee at the date of the passing of this Act may, within one year from that date—

- (i) in a case where a determination has been made in pursuance of the said subsection (6) that part only of that service shall be so taken into account, determine that the whole or any additional part of that service shall be so taken into account ; or
- (ii) in any other case determine that the whole or any part of that period shall be so taken into account ;

and for the purposes of this subsection the references in subsection (2) of this section and in subsection (4) of section three of the Local Government Staffs (War Service) Act, 1939, to the said subsection (6) shall be construed as including a reference to this subsection.

(4) If a person who has rendered any service as a supplementary teacher in the employment of the managers of a public elementary school maintained but not provided by a local education authority for elementary education under the Education Act, 1921, or of the managers or governors of a voluntary school within the meaning of the Education Act, 1944, becomes or has become a contributory employee in England or Wales, and that service is not treated as recognised or contributory service under the Teachers (Superannuation) Acts, 1918 to 1946, and, but for the provisions of this subsection, would not be

reckonable as service for the purposes of the principal English Act, then that service shall be deemed for superannuation purposes to have been rendered to a local authority.

(5) If a person who is a contributory employee has, at any time before becoming such an employee, been appointed by and at the expense of a superintendent registrar or a registrar of births and deaths to be his deputy and has in that appointment devoted substantially the whole of his time to the duties of the officer to whom he is deputy, then—

- (a) the period of that appointment ; and
- (b) if he ceased to hold that appointment in order to enter upon war service within the meaning of the Local Government Staffs (War Service) Act, 1939, or any service such as is mentioned in paragraphs (a) to (d) of subsection (2) of this section, the period of that service ; and
- (c) except in the case of such service as is mentioned in paragraph (a) of the said subsection (2), any period immediately following the termination of any such service during which that person, with the consent of the officer to whom he was deputy, continued in similar service,

shall be deemed for superannuation purposes to have been a period of service rendered to a local authority.

(6) For the purposes of the definition of “service” in subsection (1) of section forty of the principal English Act or in subsection (1) of section thirty-four of the principal Scottish Act, service as a local Act contributor shall be reckonable notwithstanding that it was not service rendered to a local authority, and accordingly in each of those definitions, immediately before the word “after” where first occurring there shall be inserted the words “or service rendered to any other person or body as a local Act contributor, being in any case service rendered”; and in the definition of “local Act contributor” in each of the said subsections, the words “in the employment of a local Act authority” shall be omitted.

(7) For the purposes of the said definitions of “service”, a person’s service in any employment shall be reckonable notwithstanding that he has already become entitled in respect of that service in that employment to a superannuation benefit under the principal Act or any other Act unless he has entered the employment of a local authority since becoming so entitled and that service was taken into account for the purpose of determining whether he was entitled to receive that benefit or for the purpose of calculating the amount of that benefit ; and accordingly in each of the said definitions for the words from “but does not include” onwards there shall be substituted the words “but, in

the case of a person who has entered the employment of a local authority after becoming entitled to a superannuation benefit under, or under regulations made under, this or any other Act, does not include service which was taken into account for the purpose of determining whether he was entitled to receive that benefit or for the purpose of calculating the amount of that benefit”.

(8) In paragraph (c) of subsection (1) of section twelve of the principal Act (which relates to service reckonable as contributing service), the references to the principal Act and to regulations made under that Act shall include references to this Act and to regulations made under this Act.

8.—(1) If a contributory employee under a local authority ceases to be employed by them but within twelve months re-enters their employment, then, notwithstanding that he may not on his re-employment be such a person as is mentioned in subsection (2) of section three of the principal Act, he shall again become a contributory employee under that authority.

Miscellaneous
amendments
as to
contributory
employees,
contributions,
etc.

(2) An application for the purposes of proviso (b) to subsection (2) of section four of the principal English Act or of the proviso to subsection (2) of section four of the principal Scottish Act (which relate to the power of the Minister, or, as the case may be, of the Secretary of State to designate the appropriate superannuation fund in relation to the contributory employees of certain employing authorities) may be made at any time, and accordingly in each of those provisos the words “before the appointed day” are hereby repealed.

(3) A contributory employee who, otherwise than owing to ill-health or injury, is on leave of absence at a reduced remuneration or who for any reason is on leave of absence without remuneration shall be entitled to continue to contribute to the appropriate superannuation fund the like amount as if his remuneration had not been reduced or discontinued; and accordingly in subsection (5) of section six of the principal Act after the words “reduction of remuneration” there shall be inserted the words “or if a contributory employee is, otherwise than owing to ill-health or injury, on leave of absence at a reduced remuneration or is for any reason on leave of absence without remuneration” and at the end there shall be added the words “or discontinued”; and in paragraph (b) of subsection (5) of section eight of the principal Act after the word “reduction” there shall be inserted in the first place where it occurs the words “or discontinuance” and in the second place where it occurs the word “discontinuance”.

(4) Notwithstanding anything in section ten of the principal Act (which relates to the return of contributions in certain cases),

no payment shall be made thereunder to an employee of a local authority who leaves their employment in order to enter the employment of another local authority in such circumstances that he becomes a contributory employee entitled to participate in the benefits of the same superannuation fund as before his change of employment; and accordingly at the end of subsection (6) of that section there shall be added the words "or that he becomes a contributory employee entitled to participate in the benefits of the same superannuation fund as before his change of employment".

Female members of staffs of children's homes and hostels.

9.—(1) Section sixteen of the principal Act (which makes special provision with respect to the age of compulsory retirement and the superannuation benefits of certain female contributory employees) shall apply to any person to whom this section applies who is a contributory employee in like manner as it applies to a female nurse who is a contributory employee.

(2) This section shall apply to any female member of the staff of a children's home or hostel provided by a local authority under any enactment, other than an enactment relating to education, being a person—

- (a) who is employed in a capacity in which she has the care of persons under the age of eighteen years and who holds either the certificate of the National Nursery Examination Board or a certificate in the residential care of children; or
- (b) who has since attaining the age of fifty years been continuously employed on the staffs of such homes or hostels in such a capacity as aforesaid; or
- (c) who falls within any class or description of persons designated by the Minister or, in the case of an authority in Scotland, by the Secretary of State after consultation with associations of local authorities appearing to the Minister or, as the case may be, to the Secretary of State to be concerned:

Provided that this section shall not apply to any person who—

- (i) at the date of the passing of this Act is a person to whom this section would otherwise apply by virtue of paragraph (a) or (b) of this subsection; or
- (ii) at the date of any designation for the purposes of paragraph (c) of this subsection by the Minister or, as the case may be, by the Secretary of State, is a person to whom this section would otherwise apply by virtue of that designation,

unless within three months of the relevant date aforesaid she gives notice to the employing authority that she desires this section to apply to her.

(3) If a person who is not a contributory employee becomes a person to whom this section applies after she has attained the age of fifty years, and she has not then completed, and cannot before attaining the age of sixty years complete, ten years of service, then she shall not become a contributory employee.

10.—(1) If any person who has been employed as a female nurse by any organisation not carried on for profit and not provided by a local or public authority—

Special provision as to certain female nurses, etc.

- (a) enters the employment of a local authority as a nurse from the employment of that organisation ; or
- (b) having so entered the employment of a local authority before the passing of this Act but since the commencement of the National Health Service Act, 1946, or, in Scotland, since the commencement of the National Health Service (Scotland) Act, 1947, is at the passing of this Act in the employment of a local authority as a nurse,

and her service in the employment of that and any other such organisation is not otherwise reckonable as service for the purposes of the principal Act, or, if the authority is a local authority, for the purposes of the local Act scheme, that service shall be deemed to be service rendered to a local authority for the purpose of determining whether the nurse is entitled to become a contributory employee or a local Act contributor or to receive a benefit under section eight of the principal Act or under the superannuation regulations or, as the case may be, under the local Act scheme, but for no other purpose.

(2) In this section the expression “ nurse ” includes a midwife and a health visitor.

11.—(1) This section shall apply to any person who, having been employed in a pensionable employment within the meaning of section two of the Superannuation (Miscellaneous Provisions) Act, 1948 (which provides for the making of rules to secure the continuance of the pension rights of a person transferring between pensionable employments), enters the employment of a local authority in such circumstances that, but for the fact that by reason of one of the provisions hereinafter mentioned he does not become a contributory employee or local Act contributor, he would be entitled to elect that rules made under the said section two should apply in his case.

Persons entering local authority employment from other pensionable employment.

The provisions referred to in this subsection are paragraph (c) of subsection (4) of section three and paragraph (b) of subsection (1) of section sixteen of the principal Act and subsection (3) of section nine of this Act (which provide that a person who has attained the age of fifty-five years or, as the case may be, fifty

years and has not completed, and cannot before attaining the age of compulsory retirement applicable in that person's case complete, ten years of service shall not become a contributory employee) and any corresponding provision of a local Act scheme.

(2) If any person to whom this section applies would become a contributory employee or local Act contributor if any service which he was entitled to reckon for the purposes of the pension scheme associated with his former employment at the date when he ceased to hold that employment were reckonable as service rendered to a local authority, then, if within three months of the date of his entry into the employment of the authority he gives notice in writing to the authority that he wishes this subsection to apply in his case, he shall become a contributory employee or, as the case may be, a local Act contributor.

For the purposes of this subsection, any period of employment in which a person was a participant in the pension scheme operated by the Federated Superannuation System for Universities or the Federated Superannuation Scheme for Nurses and Hospital Officers, or any other similar pension scheme approved by the Minister or, in relation to Scotland, by the Secretary of State in pursuance of such rules as are referred to in subsection (1) of this section, shall be deemed to be a period of service which that person was entitled to reckon for the purposes of a superannuation scheme associated with his former employment.

(3) Where any person has entered the employment of a local authority before the passing of this Act and, if this section had been in force at the date of that entry (in this subsection referred to as "the date of his first entry"), subsections (1) and (2) of this section would have applied in his case, then if—

(a) he has since the date of his first entry been continuously in the employment of that or some other local authority without a break of more than twelve months at any one time ; and

(b) he is at the date of the passing of this Act in the employment of a local authority or, having left such employment before that date, he re-enters such employment after that date but within twelve months of so leaving,

and if, within a period of three months from the passing of this Act or, where he has left and re-entered employment as aforesaid, from the date of his re-entry—

(i) he gives notice in writing to the administering authority appropriate to contributory employees under the authority by whom he is then employed, or, as the case may be, to the local Act authority by whom he is then

employed, that he desires this subsection to apply in his case ; and

- (ii) he pays to that administering authority or local Act authority a sum equal to any contributions which he would have been required to pay to that or any other local authority if the rules referred to in subsection (1) of this section had applied in his case at the date of his first entry,

he shall be treated as if he had become a contributory employee or local Act contributor entitled to participate in the benefits of the fund maintained by that administering authority or local Act authority at the date of his first entry, and the said rules shall have effect as if the time within which notification is required thereby of his desire that they should apply in his case were the said period of three months.

12.—(1) This section shall apply to any person who enters the employment of a local authority in such circumstances that Regulation 53 of the National Health Service (Superannuation) Regulations, 1950, or Regulation 49 of the National Health Service (Scotland) (Superannuation) Regulations, 1950, would have effect but for the fact that, by reason of one of the provisions referred to in subsection (1) of section eleven of this Act, he does not become a contributory employee or local Act contributor.

Persons entering local authority employment from employment in the National Health Service.

(2) When any person to whom this section applies would become a contributory employee or local Act contributor if any service which he was entitled to reckon for the purposes of the regulations aforesaid at the date when he ceased to be subject thereto were reckonable as service rendered to a local authority, then, if within three months of the date of his entry into the employment of the authority he gives notice in writing to the authority that he wishes this subsection to apply in his case, he shall become a contributory employee or, as the case may be, a local Act contributor.

(3) In relation to any person who has entered the employment of a local authority before the passing of this Act in such circumstances that if this section had been in force at the date of that entry he would have been a person to whom this section applies but who was nevertheless treated as becoming a contributory employee or local Act contributor on entering that employment, this section shall be deemed always to have had effect and that person shall be deemed to have given the notice required by subsection (2) of this section.

(4) Where any person, not being such a person as is referred to in subsection (3) of this section, has entered the employment of a local authority before the passing of this Act and, if this section had been in force at the date of that entry, subsections (1) and (2)

of this section would have applied in his case, then subsection (3) of section eleven of this Act shall have effect for the purposes of this section as if—

- (a) for any reference therein to the said section eleven there were substituted a reference to this section ;
- (b) for any reference to the rules referred to in subsection (1) of the said section eleven there were substituted a reference to the said Regulation 53 or to the said Regulation 49 ;
- (c) for the reference to the time within which notification is required by those rules of his desire that they should apply in his case there were substituted a reference to the time within which he is required by the said Regulation 53 or the said Regulation 49 to give the notice and make the payments required by that regulation.

(5) In this section, for the purposes of subsections (3) and (4) thereof, references to the National Health Service (Superannuation) Regulations, 1950, and to Regulation 53 thereof shall be deemed to include respectively references to the National Health Service (Superannuation) Regulations, 1947, and to Regulation 44 thereof, and references to the National Health Service (Scotland) (Superannuation) Regulations, 1950, and to Regulation 49 thereof shall be deemed to include respectively references to the National Health Service (Scotland) (Superannuation) Regulations, 1948, and to Regulation 45 thereof.

Provision
with respect
to certain
service with
the National
Fire Service.

13.—(1) Subsection (2) of this section shall have effect in relation to any person who—

- (a) on the first day of April nineteen hundred and forty-eight entered the employment of a local authority in England or Wales otherwise than as a fireman as defined by the Firemen's Pension Scheme, 1948, from employment in the National Fire Service ; and
- (b) has since the said first day of April been continuously in the employment of that or some other local authority in Great Britain without a break of more than twelve months at any one time ; and
- (c) is at the date of the passing of this Act in the employment of a local authority in Great Britain or, having left such employment before that date, re-enters such employment after that date but within twelve months of so leaving,

being a person who might have become entitled to reckon a period of his employment in the National Fire Service as contributing service or as service for the purposes of a local Act scheme by virtue of Regulation 8 of the Fire Services (Pensionable Employment) Regulations, 1948, but for the fact that on the said first day of April he entered the employment of a local

authority as a member of a fire brigade or but for the fact that, by reason only of the capacity in which he had been expected to enter upon pensionable employment under a local authority on the said first day of April, he was not one of the class of firemen referred to in sub-paragraph (c) of paragraph (1) of the said Regulation 8.

(2) In relation to any person such as is referred to in subsection (1) of this section the said regulations of 1948 as amended by the Fire Services (Pensionable Employment) Regulations, 1949, shall have effect and be deemed always to have had effect as if in paragraph (1) of the said Regulation 8—

(a) in sub-paragraph (c), the words “ otherwise than as members of fire brigades ” were omitted ; and

(b) for the words “ otherwise than as a member of a fire brigade ” there were substituted the words “ otherwise than as a fireman as defined by the Firemen’s Pension Scheme, 1948 ” ;

and as if the local authority to whom any payment referred to in the said Regulation 8 or in Regulation 11 of the said regulations is required to be made, or any reference in either of those regulations to that authority, were, or, as the case may be, were a reference to—

(i) the administering authority appropriate to contributory employees under the authority by whom he is employed at the date of the passing of this Act or, as the case may be, by whom he is first employed thereafter ; or

(ii) if the authority by whom he is employed at that date or, as the case may be, by whom he is first employed thereafter is a local Act authority, that local Act authority.

(3) Subsection (4) of this section shall have effect in relation to any person who—

(a) on the sixteenth day of May, nineteen hundred and forty-eight, entered the employment of a local authority in Scotland otherwise than as a fireman as defined by the Firemen’s Pension Scheme, 1948, from employment in the National Fire Service ;

(b) has since the said sixteenth day of May been continuously in the employment of that or some other local authority in Great Britain without a break of more than twelve months at any one time ; and

(c) is at the date of the passing of this Act in the employment of a local authority in Great Britain or, having left such employment before that date, re-enters such employment after that date but within twelve months of so leaving,

being a person who might have become entitled to reckon a period of his employment in the National Fire Service as contributing service or as service for the purposes of a local Act

scheme by virtue of Regulation 4 of the Fire Services (Pensionable Employment) (Scotland) Regulations, 1948, but for the fact that on the said sixteenth day of May he entered the employment of a local authority as a member of a fire brigade.

(4) In relation to any person such as is referred to in subsection (3) of this section, the regulations of 1948 so referred to shall have effect and be deemed always to have had effect as if in paragraph (1) of Regulation 4 thereof for the words "otherwise than as a member of a fire brigade" there were substituted the words "otherwise than as a fireman as defined by the Firemen's Pension Scheme, 1948," and as if the local authority to whom any payment referred to in paragraph (1) or paragraph (5) of the said Regulation 4 is required to be made, or any reference in either of those paragraphs to that authority were, or, as the case may be, were a reference to—

- (i) the administering authority appropriate to contributory employees under the authority by whom he is employed at the date of the passing of this Act or, as the case may be, by whom he is first employed thereafter ; or
- (ii) if the authority by whom he is employed at that date or, as the case may be, by whom he is first employed thereafter is a local Act authority, that local Act authority.

Medical
inspectors
of aliens.

14.—(1) This section shall apply to any person who—

- (a) is employed as a medical inspector of aliens appointed under the Aliens Order, 1920, and receives his remuneration in that appointment from a local authority ; and
- (b) when not employed as aforesaid, is engaged wholly or partly in employment by that or some other local authority in which he is a contributory employee or local Act contributor.

(2) Regulation 43 of the National Health Service (Superannuation) Regulations, 1950, shall not apply to any person to whom this section applies, but the employment of any such person as a medical inspector of aliens shall be deemed for superannuation purposes to be employment by the local authority from whom he receives his remuneration as such, and any service rendered by such a person as a medical inspector of aliens shall be deemed for those purposes to be rendered to that local authority.

(3) In relation to any person who has been employed as a medical inspector of aliens before the passing of this Act and has, in respect of that employment, been treated as a contributory employee or local Act contributor, subsections (1) and (2) of this section shall be deemed always to have had effect and the reference in the said subsection (2) to Regulation 43 of the said Regulations of 1950 shall be deemed to include a reference to Regulation 35 of the National Health Service (Superannuation) Regulations, 1947.

(4) Any person to whom this section applies at the date of the passing of this Act, not being such a person as is mentioned in subsection (3) of this section, shall be deemed for the purposes of the said Regulations of 1950 to have left employment as an officer of an employing authority on the said date.

15.—(1) If application for the purpose is made to an administering authority or a local Act authority by a voluntary organisation engaged in the provision in the area of the authority of services—

(a) under the Mental Deficiency Acts, 1913 to 1938, or the Mental Deficiency (Scotland) Acts, 1913 and 1940 ; or

(b) under Part III of the National Health Service Act, 1946, or Parts III and V of the National Health Service (Scotland) Act, 1947 ; or

(c) under Part III of the National Assistance Act, 1948,

the authority shall admit any members of such classes of employees of the organisation, on such terms and conditions, as may be approved by the Minister, or, in the case of an authority in Scotland, by the Secretary of State, to participate in the benefits of the superannuation fund maintained by them, and in that event the principal Act, or, as the case may be, the relevant local Act scheme, and the superannuation regulations shall have effect as if the organisation were a local authority and any employee admitted were a contributory employee or, as the case may be, a local Act contributor in the employment of a local health authority, and the organisation shall have all such powers as may be necessary for the purpose of giving effect to the terms and conditions approved as aforesaid.

In this subsection, “local health authority” has the same meaning as in subsection (1) of section three of this Act, and “voluntary” means not carried on for profit and not provided by a local or public authority.

This subsection shall come into force on the same date as the first superannuation regulations, and any agreement made or continuing in force as if made under regulation 50 of the National Health Service (Superannuation) Regulations, 1950, or, as the case may be, under Regulation 46 of the National Health Service (Scotland) (Superannuation) Regulations, 1950, shall continue in force as if made under this subsection.

(2) If an application for the purpose is made to an administering authority or a local Act authority by—

(a) undertakers exercising any of their powers within the area of the authority under any Act or statutory order ;
or

- (b) any body approved by the Minister, or, in the case of an authority in Scotland, by the Secretary of State, being a body to whose funds any local authority contribute or to whom any grant is made out of moneys provided by Parliament and not being such an organisation as is mentioned in subsection (1) of this section,

the authority may, on such terms and conditions as they think fit and with the approval of the Minister, or, in the case of an authority in Scotland, of the Secretary of State, admit any employee of the undertakers or body to participate in the benefits of the superannuation fund maintained by them, and in that event the principal Act and the superannuation regulations or, as the case may be, the relevant local Act scheme shall have effect as if the undertakers or body were a local authority and the employee were a contributory employee or, as the case may be, a local Act contributor, and the undertakers or body shall have all such powers as may be necessary for the purpose of giving effect to the terms and conditions approved as aforesaid.

(3) The terms and conditions of any admission agreement made under this section may contain provision that any previous period of employment by the organisation, undertakers or body concerned of an employee admitted under the agreement shall only be reckonable as service in such manner and to such extent as may be agreed between the administering authority or, as the case may be, the local Act authority and the organisation, undertakers or body.

(4) Any agreement made under subsection (1) of this section shall, unless the Minister or, as the case may be, the Secretary of State otherwise allows, and any agreement made under subsection (2) thereof may, provide for the agreement to take effect as from the date on which the application for admission was made.

(5) In its application to England and Wales, subsection (2) of this section shall not apply in the case of the managers or governors of a voluntary school within the meaning of the Education Act, 1944, and no employee of any such managers or governors shall be admitted to participate in the benefits of a superannuation fund by virtue of anything contained in an admission agreement continued in force by subsection (6) of this section.

(6) Section five of the principal English Act and subsections (1) to (4) of section five of the principal Scottish Act are hereby repealed, but any admission agreement made or continuing in force as if made thereunder shall continue in force as if made under subsection (2) of this section.

16.—(1) The Minister as respects England and Wales and the Secretary of State as respects Scotland may make rules for securing that, in such circumstances and subject to such conditions as to proof of health and other matters as may be specified in the rules, a contributory employee who—

Allocation of part of superannuation benefits to spouse or dependant.

(a) on ceasing to hold his employment becomes entitled to a superannuation allowance under Part I of the principal Act or a benefit under the superannuation regulations, being a benefit by way of annual amounts such as is mentioned in paragraph (a) or (c) of subsection (3) of section one of this Act ; or

(b) if he were to retire from his employment would become entitled to such an allowance or benefit,

shall if he so desires be allowed to surrender, as from the date on which he ceases to hold his employment, in return for the benefits of the rules such part not exceeding one-third of the allowance or benefit to which he would otherwise be entitled as may be specified in the rules, and for enabling the appropriate administering authority to grant to the spouse or any other dependant of the employee a pension of such value as, according to tables to be prepared from time to time by the Government Actuary, is actuarially equivalent at the date aforesaid to the value of that part of the allowance or benefit which is surrendered ; and, for the purposes of a surrender by virtue of paragraph (b) of this subsection, it shall be assumed—

(i) that there will be no change in the employee's state of health between the date on which he is allowed to make the surrender and the date on which he ceases to hold his employment ; and

(ii) if he ceases to hold his employment by reason of his death, that he had retired from his employment immediately before he died.

(2) Any such pension as aforesaid shall be payable in respect of the period, if any, for which the spouse or other dependant survives the employee.

(3) Where an employee takes advantage of the provisions of this section, subsection (5) of section one of this Act shall apply in relation to the reduced allowance or benefit, if any, and in relation to the pension granted to the spouse or dependant as if each of them were a separate benefit payable under the superannuation regulations.

(4) In proviso (c) to subsection (1) of section seventeen of the principal English Act and in proviso (c) to section fifteen of the principal Scottish Act, the reference to section nine of the principal Act shall include a reference to this section.

Decision of
questions and
appeals.

21.—(1) Section thirty-five of the principal English Act or section thirty of the principal Scottish Act (which relate to the decision of questions and appeals to the Minister or, as the case may be, to the Secretary of State) shall apply—

- (a) to any question concerning the rights of a person who has been an employee of a local authority or the rights of the widow, dependants or legal personal representatives of such a person as it applies to the questions mentioned therein ; and
- (b) in relation to rights or liabilities under the provisions of this Act or any regulations made under this Act as it applies in relation to rights or liabilities under the provisions of Part I or Part III of the principal Act or any regulations made under the principal Act.

(2) The power of the Minister under subsection (6) of section thirty-six of the principal English Act and of the Secretary of State under subsection (6) of section thirty-one of the principal Scottish Act to make regulations with respect to the administrative action to be taken by local authorities shall include power to provide for enabling any local authority who maintain a superannuation fund to appeal to the Minister or, as the case may be, to the Secretary of State against decisions of, or any failure or refusal to make a decision by, any other authority whose employees are entitled to participate in the benefits of that fund.

Modification
of local Acts
etc.

22.—(1) Without prejudice to section three of this Act, any local authority within whose area there is in force any local Act which modifies or adapts the provisions of the principal Act or of a local Act scheme, or which contains provision with respect to any matters with respect to which provision is made by this Act, may, and if so required by the Minister or, in the case of an authority in Scotland, by the Secretary of State shall, make a scheme modifying, adapting or repealing the local Act so far as it appears to them or, as the case may be, to the Minister or the Secretary of State to be expedient or desirable by reason of the coming into force of this Act or of any regulations made under the Third or Fourth Schedule thereto.

(2) Without prejudice as aforesaid, section twenty-five of the principal English Act or section twenty-one of the principal Scottish Act (which relate to the adaptation to the principal Act of certain provisions of local Acts and schemes) shall have effect as if any reference therein to the principal Act included a reference to this Act and, in relation to any scheme under the said section twenty-five or under the said section twenty-one, the power conferred by subsection (5) of section thirty-six of the

principal English Act or by subsection (5) of section thirty-one of the principal Scottish Act to amend the scheme shall include power to revoke it.

23.—(1) The provisions of Part I of the Third Schedule to this Act shall have effect in relation to the justices' clerks and persons employed to assist justices' clerks therein specified. Superannua-
tion of
justices'
clerks,
probation
officers, etc.

(2) The provisions of Part II of the said Third Schedule shall have effect in relation to the reckoning of the service of a contributory employee who has been a justices' clerk or an employee of a justices' clerk.

(3) The provisions of the Fourth Schedule to this Act shall have effect in relation to the probation officers and persons appointed to assist probation officers therein specified.

(4) Without prejudice to the powers of the Minister and the Secretary of State to make regulations under section thirty-eight of the principal English Act and section thirty-six of the principal Scottish Act (which relate to reciprocal arrangements between England and Scotland), the said Third and Fourth Schedules shall not extend to Scotland.

24.—(1) This section shall apply in relation to any person who holds, or has since the thirtieth day of September, nineteen hundred and fifty, held, the office of clerk of the peace and county council and who was appointed to that office before the passing of the Local Government (Clerks) Act, 1931. Provisions
as to
certain clerks
of the peace
and county
council.

(2) Save as provided in this section, the principal Act, this Act and the superannuation regulations shall not apply, but section nine of the said Act of 1931 shall continue to apply, to such a person.

(3) The Minister may by regulations provide for the granting to or in respect of any such person who opts that the regulations shall apply in his case of such alternative benefits in lieu of his rights under the said section nine as may be prescribed by the regulations.

(4) The provisions of subsections (1) and (2) of section sixteen of this Act shall have effect in relation to such a person and a benefit under the said section nine or under regulations made under this section as they would have effect in relation to a contributory employee and a benefit under the superannuation regulations.

(5) Paragraph A of Part II of the Second Schedule to the principal English Act is hereby repealed, without prejudice, however, to any allocation of a superannuation allowance made by virtue thereof.

(6) This section shall not extend to Scotland.

Payments due
to deceased
employees.

25.—(1) If, on the death of any person who is or has been in the employment of a local authority (in this section referred to as “the employee”), there is due to the employee or to his legal personal representatives from any local authority, being an employing authority, an administering authority or a local Act authority, any sum which, if any part thereof due by way of interest is disregarded, does not exceed one hundred pounds, and a grant of probate of the will of the employee or of letters of administration to his estate is not produced to that authority within such time, not being less than one month after his death, as the authority may think reasonable, then, at the expiration of that time, the authority may pay that sum or any part thereof to any person who it appears to them would be entitled to the beneficial interest therein if the employee had died intestate and the said sum had formed his residuary estate, and that person and not the authority shall thereafter be liable to account for that sum or that part thereof:

Provided that—

- (a) the authority may, if they think fit, pay out of that sum the funeral expenses of the employee or so much thereof as they consider reasonable having regard to any death grant which has been or is to be paid under section twenty-two of the National Insurance Act, 1946;
- (b) if the authority receive notice in writing of any claim against the estate of the employee at any time before they have paid the whole of that sum under the foregoing provisions of this section, then, except in accordance with proviso (a) to this subsection or except where that sum appears to them to be bona vacantia, they shall not pay that sum or the balance thereof remaining in their hands to any person other than the legal personal representatives of the employee unless and until that claim has been satisfied or withdrawn.

(2) Before making any payment in accordance with the provisions of subsection (1) of this section, except under proviso (a) thereto, to any person other than the legal personal representatives of the employee the authority shall require either—

- (a) a statutory declaration (or, where payment of the said sum or the balance thereof as bona vacantia is made to the Crown or to the Duchy of Lancaster or to the Duchy of Cornwall, a statement) by the person or one of the persons to whom the authority propose to pay the sum due or any part thereof to the effect that the total estate of the employee (including that sum but after the deduction of debts and funeral expenses) does not exceed four hundred pounds; or

(b) the production of a certificate from the Commissioners of Inland Revenue to the effect either that any estate duty payable on the employee's death has been paid or that no such duty is so payable.

(3) Section ninety-three of the London Government Act, 1939, is hereby repealed.

(4) This section shall not extend to Scotland.

26.—(1) Any power conferred on the Minister or the Secretary of State by the principal Act or this Act to make regulations or rules shall be exercisable by statutory instrument, and, except in the case of regulations made under any of the following provisions of this Act, that is to say, section one, paragraph 2 of the Third Schedule, or the Fourth Schedule, any such instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament. Regulations,
rules and
schemes.

(2) Any scheme approved or made by the Minister or the Secretary of State in pursuance of section thirty-six of the principal English Act or, as the case may be, section thirty-one of the principal Scottish Act shall be laid before Parliament and be subject to annulment in pursuance of a resolution of either House of Parliament in like manner as if it were a statutory instrument.

(3) The said section thirty-six or the said section thirty-one shall apply to any scheme made under section three or under subsection (1) of section twenty-two of this Act as it applies to a scheme made under the principal Act.

(4) Subsections (1) and (2) of the said section thirty-six or of the said section thirty-one and subsection (2) of this section shall not apply to schemes made under section twenty-two of the principal English Act or, as the case may be, under section eighteen of the principal Scottish Act for making good the deficiency or disposing of the surplus in a superannuation fund, but any such scheme shall be submitted to the Minister or, as the case may be, to the Secretary of State, and he may, if he sees fit, at any time within six months of its submission, disapprove it and require the submission of a new scheme.

(5) Subsection (7) of section thirty-six and subsection (2) of section thirty-eight of the principal English Act and subsection (7) of section thirty-one and subsection (2) of section thirty-six of the principal Scottish Act (which relate to the laying of schemes, regulations and rules before Parliament) are hereby repealed.

Interpretation. 27.—(1) In this Act—

“the principal Act” means—

(a) in relation to England and Wales, the Local Government Superannuation Act, 1937; and

(b) in relation to Scotland, the Local Government Superannuation (Scotland) Act, 1937,

and any reference to the principal English Act or to the principal Scottish Act shall be construed accordingly;

“superannuation regulations” means—

(a) in relation to England and Wales, regulations made by the Minister under subsection (1) of section one of this Act; and

(b) in relation to Scotland, regulations made by the Secretary of State under subsection (2) of that section.

(2) Save where the context otherwise requires, expressions in this Act have the same meanings as in the principal Act.

(3) Save where the context otherwise requires, any reference in this Act to any other enactment shall be construed as a reference to that enactment as amended by or under any other enactment, including this Act.

Expenses.

28. Any increase attributable to the provisions of this Act or of any regulations or rules made thereunder in the sums which are payable out of moneys provided by Parliament under any other enactment shall be defrayed out of moneys so provided.

Citation and extent.

29.—(1) This Act may be cited as the Local Government Superannuation Act, 1953.

(2) This Act and the Local Government Superannuation Acts, 1937 and 1939, may be cited together as the Local Government Superannuation Acts, 1937 to 1953.

(3) This Act and the Local Government Superannuation (Scotland) Acts, 1937 and 1939, may be cited together as the Local Government Superannuation (Scotland) Acts, 1937 to 1953.

(4) This Act shall not extend to Northern Ireland.

(5) The Minister may by order made by statutory instrument—

(a) direct that this Act shall, subject to such exceptions, adaptations, and modifications, if any, as may be specified in the order, apply to the Isles of Scilly;

(b) vary or revoke any previous order made under this subsection,

but except as so applied this Act shall not extend to the said Isles.

SCHEDULES

FIRST SCHEDULE

Section 4.

AMENDMENTS TO LOCAL GOVERNMENT SUPERANNUATION ACT, 1937,
ON COMING INTO FORCE OF REGULATIONS

1. In section ten, in subsections (1), (2) and (4), for the words "a superannuation allowance under this Part of this Act" there shall in each case be substituted the words "any benefit under regulations made under subsection (1) of section one of the Local Government Superannuation Act, 1953".

2. In section ten, for subsection (3) there shall be substituted the following subsection—

"(3) If a person who is a contributory employee dies and no benefit under regulations made under subsection (1) of section one of the Local Government Superannuation Act, 1953, is payable in respect of his death, his legal personal representatives shall be entitled to receive out of the appropriate superannuation fund the aggregate amount of his contributions to the fund together with compound interest thereon calculated to the date of his death at the rate of three per cent. per annum with half-yearly rests".

3. In section twelve, in subsection (5), for the words "the superannuation allowance of" there shall be substituted the words "any benefit payable to or in respect of a contributory employee under regulations made under subsection (1) of section one of the Local Government Superannuation Act, 1953, being".

4. In section sixteen, in paragraph (a) of subsection (1) the words from "in paragraph (b)" to "section and" shall cease to have effect.

5. In section seventeen, any reference to a superannuation allowance under Part I of the principal Act shall include a reference to a benefit under the superannuation regulations, being a benefit by way of annual amounts such as is mentioned in paragraph (a) or (c) of subsection (3) of section one of this Act.

6. In section twenty-one, in subsection (3), the reference to payments to be made out of the fund under the principal Act shall include a reference to such payments under the superannuation regulations.

7. In section twenty-six, in subsection (4), any reference to the principal Act or Part I thereof shall include a reference to the superannuation regulations.

8. In section thirty-one, as amended by subsection (3) of section six of this Act, any reference to a superannuation allowance under Part I of the principal Act shall include a reference to a benefit under the superannuation regulations, being a benefit by way of annual amounts such as is mentioned in paragraph (a) or (c) of subsection (3) of section one of this Act.

9. In section thirty-eight, in subsection (1), the reference to the provisions of any Act for the time being in force in Scotland shall include a reference to the provisions of any regulations under any such Act and the reference to the provisions of the principal Act shall include a reference to the provisions of the superannuation regulations.

1st SCH.
—cont.

10. In section forty, in the definition of “additional contributory payment” in subsection (1), the reference to a payment made for the purposes of proviso (ii) to paragraph (b) of subsection (2) of section eight of the principal Act shall include a reference to a payment made for the purposes of subsection (3) of section two of this Act.

11. In Part II of the Second Schedule, in sub-paragraph 2 of paragraph B for the words “superannuation allowance payable to him under the provisions of Part I of this Act” and in paragraph C for the words “superannuation allowance payable to him under the provisions of this Act” there shall in each case be substituted the words “benefit payable to or in respect of him under regulations made under subsection (1) of section one of the Local Government Superannuation Act, 1953”, and for the word “allowance” wherever else it appears in the said sub-paragraph 2 or paragraph C there shall be substituted the word “benefit”.

12. In Part V of the Second Schedule, any reference to a superannuation allowance under Part I of the principal Act shall include a reference to a benefit under the superannuation regulations, being a benefit by way of annual amounts such as is mentioned in paragraph (a) or (c) of subsection (3) of section one of this Act.

Section 4.

SECOND SCHEDULE

AMENDMENTS TO LOCAL GOVERNMENT SUPERANNUATION (SCOTLAND) ACT, 1937, ON COMING INTO FORCE OF REGULATIONS

1. In section ten, in subsections (1), (2) and (4), for the words “a superannuation allowance under this Part of this Act” there shall in each case be substituted the words “any benefit under regulations made under subsection (2) of section one of the Local Government Superannuation Act, 1953”.

2. In section ten, for subsection (3) there shall be substituted the following subsection—

“(3) If a person who is a contributory employee dies and no benefit under regulations made under subsection (2) of section one of the Local Government Superannuation Act, 1953, is payable in respect of his death, his legal personal representatives shall be entitled to receive out of the appropriate superannuation fund the aggregate amount of his contributions to the fund together with compound interest thereon calculated to the date of his death at the rate of three per cent. per annum with half-yearly rests”.

3. In section twelve, in subsection (5), for the words “the superannuation allowance of” there shall be substituted the words “any benefit payable to or in respect of a contributory employee under regulations made under subsection (2) of section one of the Local Government Superannuation Act, 1953, being”.

4. In section fifteen, any reference to a superannuation allowance under Part I of the principal Act shall include a reference to a benefit under the superannuation regulations, being a benefit by way of annual amounts such as is mentioned in paragraph (a) or (c) of subsection (3) of section one of this Act.

5. In section sixteen, in paragraph (a) of subsection (1) the words from “in paragraph (b)” to “section and” shall cease to have effect.

6. In section seventeen, in subsection (3), the reference to payments to be made out of the fund under the principal Act shall include a reference to such payments under the superannuation regulations.

2ND SCH.
—cont.

7. In section twenty-two, in subsection (3), any reference to the principal Act or Part I thereof shall include a reference to the superannuation regulations.

8. In section twenty-six, as amended by subsection (3) of section six of this Act, any reference to a superannuation allowance under Part I of the principal Act shall include a reference to a benefit under the superannuation regulations, being a benefit by way of annual amounts such as is mentioned in paragraph (a) or (c) of subsection (3) of section one of this Act.

9. In section thirty-four, in the definition of “additional contributory payment” in subsection (1), the reference to a payment made for the purposes of proviso (ii) to paragraph (b) of subsection (2) of section eight of the principal Act shall include a reference to a payment made for the purposes of subsection (3) of section two of this Act.

10. In section thirty-six, in subsection (1), the reference to the provisions of any Act for the time being in force in England shall include a reference to the provisions of any regulations under any such Act and the reference to the provisions of the principal Act shall include a reference to the provisions of the superannuation regulations.

11. In the Second Schedule, any reference to a superannuation allowance under Part I of the principal Act shall include a reference to a benefit under the superannuation regulations, being a benefit by way of annual amounts such as is mentioned in paragraph (a) or (c) of subsection (3) of section one of this Act.

THIRD SCHEDULE

SUPERANNUATION OF JUSTICES' CLERKS AND THEIR STAFFS, ETC.

Sections 22, 23,
26.

PART I

1. This Part of this Schedule shall apply to any person who, under Part III of the Justices of the Peace Act, 1949, is appointed or deemed to have been appointed by a magistrates' courts committee to be a justices' clerk or is employed by a magistrates' courts committee to assist a justices' clerk, not being, in the case of a justices' clerk, a person who, under the proviso to subsection (1) of section twenty of the principal Act, gave notice electing that the principal Act should not apply in relation to his clerkship.

2.—(1) The principal Act, this Act and the superannuation regulations shall have effect in relation to any such person, subject to the three next following paragraphs and to such further adaptations, modifications and exceptions as the Minister may by regulations prescribe, as if magistrates' courts committees were local authorities mentioned in Part I of the First Schedule to the principal Act and, in the case of a clerk, as if he were employed by the committee by whom he was appointed or is deemed to have been appointed:

Provided that in relation to any such person whose remuneration is paid by a local Act authority, the said Acts and regulations shall have effect as if the magistrates' courts committee were a local Act authority.

3RD SCH.
—cont.

(2) No regulations shall be made under this paragraph unless a draft thereof has been laid before Parliament and been approved by resolution of each House of Parliament.

3.—(1) In the application of the principal Act to persons to whom this Part of this Schedule applies, paragraph (b) of subsection (2) of section three of that Act (which relates to the servants and part-time officers who are to be contributory employees) shall not apply, but a justices' clerk who is a part-time officer shall be a contributory employee if—

- (a) he is a justices' clerk of any such class or description as may be specified for the purposes of this paragraph by an order made by the Secretary of State; or
- (b) the magistrates' courts committee by whom he is appointed or deemed to have been appointed determine with the prior approval of the council by whom his remuneration as justices' clerk is paid that he shall be a contributory employee.

(2) Any order made under this paragraph shall be made by statutory instrument and—

- (a) may be varied or revoked by a subsequent order made thereunder;
- (b) in so far as it varies or revokes a previous order, may have retrospective effect;
- (c) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

4. In the application of the principal Act to any justices' clerk to whom this Part of this Schedule applies, subsection (1) of section seven of that Act, (which provides that the age of compulsory retirement shall be sixty-five) shall have effect as if for the reference to the age of sixty-five years there were substituted a reference to the age of seventy years or any lesser age, not being less than sixty-five years, at which the clerk completes forty-five years service, counting contributing service at its full length and non-contributing service at half its actual length.

5. In the case of any person to whom this Part of this Schedule applies who—

- (a) was, on the thirtieth day of March, nineteen hundred and thirty-nine, subject to the Local Government and other Officers' Superannuation Act, 1922, by virtue of a local Act or an order made by the Secretary of State under a local Act; and
- (b) is, immediately before the coming into force of the first regulations made under paragraph 2 of this Schedule, a person to whom paragraph (h) of Part III of the Second Schedule to the principal Act applies,

the rate of contribution to be paid by him shall be five per cent. of his remuneration, and he shall be entitled to reckon as contributing service for the purposes of the principal Act, this Act and any regulations made thereunder any service which, immediately before the said thirtieth day of March, he was entitled to reckon as contributing service for the purposes of the said Act of 1922; and regulations made under paragraph 2 of this Schedule shall secure that his position under the Acts and regulations aforesaid is substantially as favourable to him

as was his position under the said Act of 1922 as applied to him by the local Act or original order.

3RD SCH.
—cont.

6. Notwithstanding anything in the proviso to sub-paragraph (1) of paragraph 2 of this Schedule, a magistrates' courts committee shall not be deemed to be a local Act authority for the purposes of section twenty-six of the principal Act (which relates to the modification or replacement of local Act schemes) but the Minister shall by regulations modify any local Act scheme in such manner as he thinks appropriate to secure that the scheme shall operate in relation to any person to whom this Part of this Schedule applies whose remuneration or any part thereof is paid by the local Act authority as it operates in relation to employees of that authority, subject, however, to such adaptations (including any increase in the age of compulsory retirement) as may be provided by the regulations.

7. Without prejudice to any power to make regulations, orders or determinations thereunder, paragraphs 2 to 6 of this Schedule shall not have effect until the date of the coming into force of the first regulations made under the said paragraph 2, and if section nineteen of the Justices of the Peace Act, 1949, comes into force before that date—

- (a) any regulations under this Schedule may be so framed as to apply with effect from the coming into force of the said section nineteen, and may contain such supplementary, incidental, consequential and transitional provisions as appear to the Minister to be necessary or expedient;
- (b) references in paragraph 3 of this Schedule to orders made by the Secretary of State under or for the purposes of that paragraph shall include references to orders made by the Secretary of State under or for the purposes of paragraph 1 of the Fifth Schedule to the said Act of 1949.

8. As from the date of the coming into force of the first regulations made under paragraph 2 of this Schedule—

- (a) the following provisions shall cease to have effect, that is to say, section twenty of, and Part III of the Second Schedule to, the principal Act; the Fifth Schedule to the Middlesex County Council Act, 1944; in the Justices of the Peace Act, 1949, section twenty-two, in section twenty-three subsections (8), (9) and (10) and in subsection (11) the words from "and in" onwards, and the Fifth Schedule; and section sixty-two of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951;
- (b) the reference in subsection (2) of section twenty-seven of the said Act of 1949 to functions under Part III of that Act shall include a reference to functions under this Part of this Schedule or any regulations made thereunder:

Provided that—

- (i) any rules made under section one of the Superannuation (Miscellaneous Provisions) Act, 1948 (which relates to national service), so far as they refer to employment in which any person was a contributory employee by virtue of section twenty of the principal Act, shall have effect as if subsection (9) of section twenty-three of the said Act of 1949 had continued in force;

3RD SCH.
—cont.

- (ii) any order made by the Minister under subsection (6) of section twenty-two of the said Act of 1949 shall remain in force until the coming into force of the first regulations made under paragraph 6 of this Schedule.

9. For the purposes of this Part of this Schedule, any reference to a person employed by a magistrates' courts committee shall apply whether the employment is permanent or temporary, but not where it is of a casual nature.

PART II

10.—(1) If any person—

- (a) has been a contributory employee by virtue of section twenty of the principal Act or section four hundred and eighteen of the Middlesex County Council Act, 1944; and
 (b) has ceased to be such a contributory employee; and
 (c) has subsequently again become a contributory employee otherwise than by virtue of one of the said sections, or of section twenty-two of the Justices of the Peace Act, 1949, or of Part I of this Schedule,

then any service rendered by that person as a whole-time justices' clerk or as an employee of a justices' clerk, being in the latter case service during which the employee devoted substantially the whole of his time to assisting his employer in the discharge of functions appertaining to any clerkship or clerkships to justices held by the employer, and including in either case any period of compulsory national service during which, under rules made under section one of the Superannuation (Miscellaneous Provisions) Act, 1948, that person is to be treated as such a contributory employee as is mentioned in paragraph (a) of this sub-paragraph, shall be deemed for superannuation purposes to have been rendered to a local authority.

In this sub-paragraph, the expression "whole-time justices' clerk" means a justices' clerk who devotes substantially the whole of his time either to the duties of one or more clerkships to justices or partly to such duties and partly to duties under one or more local authorities.

(2) For the purposes of this paragraph, a person's employment by any justices or by the Middlesex standing joint committee to assist a justices' clerk shall be deemed employment by that clerk.

(3) Any regulations made under paragraph 6 of this Schedule may, in relation to any local Act scheme, include provision corresponding to this paragraph.

(4) Sub-paragraph (1) of this paragraph shall not have effect until the coming into force of the first regulations made under paragraph 2 of this Schedule.

11.—(1) If a person who has rendered any service as an employee of a justices' clerk, being service during which the employee devoted substantially the whole of his time to assisting his employer in the discharge of functions appertaining to any clerkship or clerkships to justices held by the employer, first becomes a contributory employee otherwise than by virtue of that employment, that service shall be deemed for superannuation purposes to have been rendered to a local authority.

(2) If any person to whom sub-paragraph (1) of this paragraph applies left his employment by a justices' clerk in order to enter upon war service within the meaning of the Local Government Staffs (War Service) Act, 1939, or any service such as is mentioned in paragraphs (a) to (d) of subsection (2) of section seven of this Act, the period of that service and, except in the case of such service as is mentioned in the said paragraph (a), any period immediately following the termination thereof during which that person, with the consent of the justices' clerk whose employment he left, continued in similar service shall be deemed for superannuation purposes to have been a period of service rendered to a local authority.

3RD SCH.
—cont.

FOURTH SCHEDULE

Sections 22, 23
26.

SUPERANNUATION OF PROBATION OFFICERS AND THEIR STAFFS

1. The Minister may by regulations provide that the principal Act, this Act and the superannuation regulations, or any local Act scheme, shall apply, subject to such adaptations, modifications and exceptions as may be prescribed by the regulations, to persons who are or have been—

- (a) probation officers appointed under Part I of the Criminal Justice Act, 1925, or under the Fifth Schedule to the Criminal Justice Act, 1948, other than probation officers in the City of London; and
- (b) clerks appointed to assist probation officers in the performance of their duties either by probation committees or the Secretary of State or, before the first day of July, nineteen hundred and forty-four, by probation officers,

or to any class of such persons.

2. Any such regulations may make different provision with respect to different classes of the persons aforesaid and may contain such incidental, consequential and supplemental provisions as appear to the Minister to be necessary or expedient.

3. No regulations shall be made under this Schedule unless a draft thereof has been laid before Parliament and been approved by resolution of each House of Parliament.

4. Section four of the Pensions (Increase) Act, 1944 (which, subject to the limitations imposed by the Pensions (Increase) Act, 1947, enables pensions payable in respect of service as a probation officer to be increased) shall have effect as if the reference to such service included a reference to service as such a clerk as is mentioned in sub-paragraph (b) of paragraph 1 of this Schedule.

5. On the coming into force of the first regulations made under this Schedule—

- (a) the Probation Officers (Superannuation) Act, 1947, and subsection (1) of section thirteen of the Superannuation (Miscellaneous Provisions) Act, 1948, shall cease to have effect; and
- (b) in sub-paragraph (3) of paragraph 5 of the Fifth Schedule to the Criminal Justice Act, 1948, the reference to an order under the said Act of 1947 shall include a reference to any regulations under this Schedule.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Local Government and other Officers' Superannuation Act, 1922	12 & 13 Geo. 5. c. 59.
Criminal Justice Act, 1925	15 & 16 Geo. 5. c. 86.
Local Government (Clerks) Act, 1931	21 & 22 Geo. 5. c. 45.
Local Government Superannuation Act, 1937 ...	1 Edw. 8. & 1 Geo. 6. c. 68.
Local Government Superannuation (Scotland) Act, 1937	1 Edw. 8. & 1 Geo. 6. c. 69.
London Government Act, 1939	2 & 3 Geo. 6. c. 40.
National Service (Armed Forces) Act, 1939 ...	2 & 3 Geo. 6. c. 81.
Local Government Staffs (War Service) Act, 1939	2 & 3 Geo. 6. c. 94.
Pensions (Increase) Act, 1944	7 & 8 Geo. 6. c. 21.
Education Act, 1944	7 & 8 Geo. 6. c. 31.
Middlesex County Council Act, 1944	7 & 8 Geo. 6. c. xxi.
National Insurance Act, 1946	9 & 10 Geo. 6. c. 67.
Education (Scotland) Act, 1946	9 & 10 Geo. 6. c. 72.
National Health Service Act, 1946	9 & 10 Geo. 6. c. 81.
Pensions (Increase) Act, 1947	10 & 11 Geo. 6. c. 7.
National Health Service (Scotland) Act, 1947 ...	10 & 11 Geo. 6. c. 27.
Probation Officers (Superannuation) Act, 1947...	10 & 11 Geo. 6. c. 38.
National Assistance Act, 1948	11 & 12 Geo. 6. c. 29.
Superannuation (Miscellaneous Provisions) Act, 1948	11 & 12 Geo. 6. c. 33.
Criminal Justice Act, 1948	11 & 12 Geo. 6. c. 58.
Representation of the People Act, 1948	11 & 12 Geo. 6. c. 65.
Justices of the Peace Act, 1949	12, 13 & 14 Geo. 6. c. 101.
Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951	14 & 15 Geo. 6. c. 65.

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