



# Local Government (Miscellaneous Provisions) Act 1982

## 1982 CHAPTER 30

### PART XII

#### MISCELLANEOUS

#### **39 Insurance etc. of local authority members and persons voluntarily assisting local authorities and probation committees.**

- (1) In section 140 of the <sup>M1</sup>Local Government Act 1972 (insurance by local authorities against accidents to members)—
- (a) the following subsection shall be substituted for subsection (1)—
- “(1) A local authority may enter into a contract of insurance of Class 1 in Part I of Schedule 2 to the Insurance Companies Act 1981 against any risks of any member of the authority meeting with a personal accident, whether fatal or not, while engaged on the business of the authority.”
- (b) the words in subsection (3) from “but” to the end shall cease to have effect.
- (2) The following subsections shall be inserted after that section—

#### **“140A Insurance of voluntary assistants of local authorities.**

- (1) A local authority may enter into a contract of insurance of a relevant class against risks of any voluntary assistant of the authority meeting with a personal accident, whether fatal or not, while engaged as such or suffering from any disease or sickness, whether fatal or not, as the result of being so engaged.
- (2) In this section—
- “local authority” includes—

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*Changes to legislation: There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) Act 1982, Section 39. (See end of Document for details)*

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- (a) a board constituted in pursuance of section 1 of the Town and Country Planning Act 1971 or reconstituted in pursuance of Schedule 17 of this Act ;
- (b) the Common Council of the City of London ; and
- (c) the Council of the Isles of Scilly ; and

“voluntary assistant” means a person who, at the request of the local authority or an authorised officer of the local authority, performs any service or does anything otherwise than for payment by the local authority (except by way of reimbursement of expenses), for the purposes of, or in connection with, the carrying out of any of the functions of the local authority.

#### **140B Insurance of voluntary assistants of probation committees.**

- (1) A county council and the Greater London Council may enter into a contract of insurance of a relevant class against risks of any voluntary assistant of a relevant probation committee meeting with a personal accident, whether fatal or not, while engaged as such, or suffering from any disease or sickness, whether fatal or not, as the result of being so engaged.

- (2) In this section—

“relevant probation committee” means—

- (a) in relation to a county council, a probation committee for a probation area wholly or partly within the county ; and
- (b) in relation to Greater London, a probation committee for a probation area wholly or partly within an outer London borough (within the meaning of section 1 of the 1963 Act) ; and

“voluntary assistant” means a person who, at the request of an authorised officer of the probation committee, performs any service or does anything otherwise than for payment by the committee (except by way of reimbursement of expenses), for the purposes of, or in connection with, the carrying out of any of the functions of the committee.

#### **140C Provisions supplementary to sections 140A and 140B.**

- (1) The relevant classes of contracts of insurance for the purposes of sections 140A and 140B above are—

- (a) class IV in Schedule 1 to the Insurance Companies Act 1981 (permanent health insurance) ; and
- (b) class 1 in Part I of Schedule 2 to that Act (accident insurance).

- (2) Any sum received under a contract of insurance made by virtue of section 140A or 140B above shall, after deduction of any expenses incurred in the recovery thereof, be paid by the authority receiving to it, or to the personal representatives of the voluntary assistant who suffered the accident, disease or sickness in respect of which the sum is received or to such other person as the authority consider appropriate having regard to the circumstances of the case ; and a sum paid to any person other than the assistant or his personal representatives shall be applied by that person in accordance with any directions given by the authority for the benefit of any dependent of the voluntary assistant.

**Changes to legislation:** There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) Act 1982, Section 39. (See end of Document for details)

(3) The provisions of the Life Assurance Act 1774 shall not apply to any such contract.

(4) Section 119 above shall apply to any sum which is due by virtue of subsection (2) above and does not exceed the amount for the time being specified in section 119(1) above.”.

<sup>F1</sup>(3) .....

**Textual Amendments**

**F1** S. 39(3) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 10 Group 3

**Modifications etc. (not altering text)**

**C1** The text of ss. 27, 34, 38 and 39 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M1** 1972 c. 70.

**Changes to legislation:**

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