



Local Government Act 1929

1929 CHAPTER 17

PART VII

PROPERTY LIABILITIES AND OFFICERS.

Compensation and Superannuation of Officers.

123 Compensation to existing officers.

- (1) Every person who having been an officer of an authority or committee from whom functions are transferred under this Act, or a registration officer or registrar of marriages, on the twelfth day of November, nineteen hundred and twenty-eight, is at the appointed day an officer of such an authority or committee or a registration officer or registrar of marriages, and who by virtue of this Act, or of anything done in pursuance or in consequence thereof, suffers any direct pecuniary loss by determination of his appointment, or by diminution or loss of fees, salary or emoluments, and for whose compensation for that loss provision is not made by any other enactment for the time being in force, shall be entitled to compensation under this Act for that loss.
- (2) Any claim to compensation made by an officer may be addressed to the council or councils by whom his appointment has been determined or his fees, salary, or emoluments have been altered, or to such council as may be determined by the Minister under this Act; but where compensation from more than one council is claimed by an officer, the councils concerned may agree that the claim shall be considered and decided and any compensation awarded paid by one of those councils, subject nevertheless to such apportionment between them of any compensation awarded as may be agreed between the councils or, in default of agreement, determined by the Minister.
- (3) For the purposes of this section, any officer—
 - (a) who, at any time within five years after the appointed day, relinquishes office by reason of his having been required to perform duties which are not

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analogous to, or which are an unreasonable addition to, those which he was required to perform immediately before the appointed day; or

- (b) whose appointment is determined or whose salary is reduced within five years after the appointed day because' his services are not required, or his duties are diminished, and not on the ground of misconduct;

shall be deemed, unless the contrary is shown, to have suffered a direct pecuniary loss in consequence of this Act.

- (4) The provisions set out in the Eighth Schedule to this Act shall apply to the determination and payment of compensation under this Act to officers.

124 Superannuation of transferred poor law officers.

- (1) Where any officer by whom the annual contributions required by the Poor Law Officers' Superannuation Act, 1896 (in this section referred to as " the Act of 1896 "), have been made is, by virtue of this Act, transferred to the service of any council, then, if the council to whose service he is transferred have no superannuation scheme or if, in the case of an officer transferred to the service of a council who at the appointed day have such a scheme, he gives, within three months after the appointed day, notice in writing to that council that he elects to remain subject to the provisions of the Act of 1896, that Act shall apply to him subject to such modifications as the Minister may by order direct, and shall continue so to apply to him so long as he is in the service of the council of any county or county borough until, under such statutory provisions as may be made for the superannuation of persons employed by the councils of all counties and county boroughs, there becomes applicable to him a superannuation scheme not less favourable than that provided by paragraph (a) of the next following subsection.
- (2) As respects any such officers as aforesaid who, having been so transferred to the service of a council who at the appointed day have a superannuation scheme, do not give notice in accordance with the provisions of the last foregoing subsection, as from the appointed day the provisions of the Act of 1896 shall cease to apply and the following provisions shall have effect:—
- (a) in the case of officers transferred to the service of a council who have, on or before the appointed day, adopted the Local Government and other Officers' Superannuation Act, 1922 (in this section referred to as "the Act of 1922"), whether alone or in combination with any other local authority, the provisions of the Act of 1922 shall apply to them while in that service or in any service in which the said provisions continue to apply to them by virtue of section eight of the said Act, subject to the following modifications :—
- (i) for the purposes of the Act of 1922, any service before the date on which the Act of 1922 becomes applicable to the officer which would have been treated as service for the purposes of the Act of 1896 shall be treated as contributing service, and contributions paid under the Act of 1896 (except so far as those contributions are attributable to service in respect of which the officer is not transferred under this Act) shall for the purpose of the provisions of the Act of 1922 relating to the return of contributions be treated as having been paid under the Act of 1922; and
- (ii) the contributions payable by any such officer under the Act of 1922 shall be the following:—
- (i) if on such date as aforesaid the officer has completed less than ten years service which would have been treated as service

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- for the purposes of the Act of 1896, a sum equal to two-and-a-half per cent. of his salary or wages;
- (ii) if on such date as aforesaid he has completed ten but less than twenty years of such service as aforesaid, a sum equal to three per cent. of his salary or wages;
 - (iii) if on such date as aforesaid he has completed twenty years of such service as aforesaid, a sum equal to three-and-a-half per cent. of his salary or wages;
- (iii) the second proviso to section seven, subsection (3) of section' fifteen and subsection (4) of section sixteen of the Act of 1922 shall not apply;
 - (iv) subsection (1) of section eight of the Act of 1922 shall have effect as if the words " a designated post in " were omitted therefrom;
 - (v) where any such officer was, immediately before the appointed day, one of the holders of a joint appointment, then, if after he has attained the age of fifty years or completed twenty years' service he loses his office or employment by reason of the death, resignation, or insanity of the other holder thereof and is not re-appointed, he shall, in lieu of being entitled to a return of contributions under section ten of the Act of 1922, be entitled to a superannuation allowance under that Act, so, however, that this provision shall not apply where a joint appointment held by a husband and wife is terminated owing to misconduct of one of them;
 - (vi) the equal annual charge payable by the council to the superannuation fund under paragraph (e) of subsection (1) of section eighteen of the Act of 1922 shall be increased by such amount, if any, as may be certified by an actuary within the meaning of that Act to represent the additional burden imposed on the fund by the application of the Act of 1922 to such officers as aforesaid under this subsection:
- (b) in the case of officers transferred to the service of a council who have not, on or before the appointed day, adopted the Act of 1922 but who have on that date some other superannuation scheme, the council shall prepare and submit to the Minister an amending scheme for applying the superannuation scheme to those officers while in that service and for adequately protecting their rights and interests, and upon the amending scheme being approved by the Minister, with or without modifications, the superannuation scheme shall have effect as thereby amended.
- (3) For the purpose of the foregoing provisions of this section, the expression "superannuation scheme" includes any scheme for ensuring benefits to an officer on retirement.
 - (4) Where any officer on his transfer by virtue of this Act to a council becomes an officer to whom the Asylum Officers' Superannuation Act, 1909, as extended by the Asylum and Certified Institutions (Officers Pensions) Act, 1918, applies, the foregoing provisions of this section shall not apply to him; but if he is an officer by whom the contributions required by the Act of 1896 have been made, any service before the appointed day which would have been treated as service for the purposes of the Act of 1896 shall be treated as service for the purposes of the Asylum Officers' Superannuation Act, 1909, as so extended, and for the purpose of the provisions of that Act relating to the return of contributions, contributions paid under the Act of 1896 shall be treated as having been paid under the Asylum Officers' Superannuation Act, 1909.

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(5) In the case of any officer transferred by virtue of this Act who has made the contributions required by the Act of 1896 and is a teacher who if he were serving in a public elementary school would be in contributory service under the Teachers'(Superannuation) Act, 1925 (in this section referred to as "the Act of 1925") the following provisions shall apply in lieu of the foregoing provisions of this section:

- (a) as from the appointed day the Act of 1896 shall cease to apply to the officer and the Act of 1925 shall apply to him as if he were a teacher in a public elementary school:
- (b) any service before the appointed day which would have been treated as service for the purposes of the Act of 1896 shall be treated as recognised or contributory service under the Act of 1925, and contributions paid under the Act of 1896 shall, for the purpose of the provisions of the Act of 1925 relating to the return of Contributions, be treated as having been paid under the Act of 1925:
- (c) when any allowance, gratuity, or balance of contributions becomes payable to or in respect of the officer under Part II of the Act of 1925 the council to whom he is transferred shall, either by means of a single payment or by means of such periodical payments as the Treasury may determine, pay to the Board of Education such sum as may be determined by the Treasury to represent, after taking into account any sum previously paid on account of that officer under this paragraph, the present value of such part of the sums payable or to become payable to or in respect of him under Part II of the Act of 1925 as is attributable to service which is treated as recognised or contributory service under the last foregoing paragraph:
- (d) all sums payable to the Board of Education under the last foregoing paragraph shall be recoverable by that Board:
- (e) so much of proviso (a) to subsection (1) of section two of the Act of 1925 as provides that no service in respect of which contributions are payable under the Act of 1896 shall be deemed to be contributory service for the purposes of the Act of 1925 shall cease to have effect as from the appointed day.

125 Superannuation of transferred road officers.

- (1) Where before the appointed day a district council from whom any road officer is transferred under this Part of this Act had, whether alone or in combination with any other local authority, adopted the Local Government and other Officers' Superannuation Act, 1922, (hereinafter in this section referred to as " the Act of 1922 ") and the officer held a post which on that date was a designated post under that Act, then—
- (a) if the county council to whom he is transferred have on or before the appointed day adopted the Act of 1922, that Act shall apply as if the post held by the transferred officer under the county council had on the appointed day been designated by the council as an established post for the purposes of the Act of 1922;
 - (b) if the county council to whom he is transferred have not on or before the appointed day adopted the Act of 1922, but have on that date any superannuation scheme or other scheme for ensuring benefits to an officer on retirement, the council shall prepare and submit to the Minister for his approval a scheme substituting in the case of that officer such superannuation scheme or other scheme as aforesaid for the provisions of the Act of 1922,

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and adequately protecting his rights and interests, and upon the scheme being approved by the Minister with or without modifications the Act of 1922 shall cease to apply to that officer;

- (c) if the county council to whom he is transferred have on the appointed day no superannuation scheme or other scheme for ensuring benefits to an officer on retirement, whether under the Act of 1922 or otherwise, the Act of 1922 shall continue to apply to him as if the county council had on the appointed day adopted that Act and designated his post as an established post for the purposes of that Act:

Provided that it shall be lawful for the Minister by order to dispense with the necessity for the establishment by the council of a superannuation fund under the Act of 1922, and to make such consequential modifications of the Act of 1922 as may be necessary.

- (2) In any such case as aforesaid—;
 - (a) the district council shall pay to the county council in respect of the officer such a transfer value as would have been payable if the transfer had been a transfer to which subsection (1) of section eight of the Act of 1922 applies ; and subsection (2) of section eleven of that Act (which provides that no return of contributions is to be made where a transfer value is paid) shall apply accordingly ;
 - (b) the equal annual charge payable by the district council to the superannuation fund under paragraph (e) of subsection (1) of section eighteen of the Act of 1922 shall be reduced by such amount (if any) as may be certified by an actuary within the meaning of that Act to represent the relief to the fund attributable to the post held by any such officer as aforesaid ceasing to be a designated post under the district council.