



Local Government Act 1929

1929 CHAPTER 17

PART VII

PROPERTY LIABILITIES AND OFFICERS.

Compensation and Superannuation of 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

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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 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,

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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.
- (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.