

SCHEDULES.

FOURTH SCHEDULE

Sections 116, 119.

PROVISIONS AS TO THE DETERMINATION AND PAYMENT OF COMPENSATION TO OFFICERS.

- 1 For the purpose of determining whether compensation is payable to an officer, and, if so, the amount of such compensation, regard shall be had to—
- (a) the conditions upon which his appointment was made;
 - (b) the nature of his office or employment;
 - (c) The duration of his service;
 - (d) any additional emoluments which he acquires by virtue of this Act or of anything done in pursuance or in consequence of this Act;
 - (e) the emoluments which he might have acquired if he had not refused to accept any office offered to him by the Minister or any local authority; and
 - (f) all the other circumstances of the case;
- and the compensation shall not exceed the amount which under the Acts and rules relating to Her Majesty's Civil Service which were in operation on the thirteenth day of August, eighteen hundred and eighty-eight, would have been payable to a person on abolition of office.
- 2 Every person who claims to be entitled to compensation shall forward to the Minister a claim setting forth—
- (a) all material facts relating to his appointment, the conditions upon which it was made, the nature of his employment, and the duration of his service;
 - (b) the whole amount received and expended by him or his predecessors in office in every year during the period of five years next before the date on which the relinquishment of office or determination of appointment takes effect, or the direct pecuniary loss commences, as the case may be, distinguishing the offices in respect of which the emoluments have been received;
 - (c) particulars of any additional emoluments which he has acquired, or will acquire, by virtue of this Act, or anything done in pursuance or in consequence of this Act; and
 - (d) particulars of any office which has been offered to him by the Minister or any local authority;
- and such claim shall be accompanied by a statutory declaration that the claim so delivered is a true statement according to the best of his knowledge, information, and belief.
- 3 Every local authority shall give to the Minister such assistance and information as he may require to enable him to make a just assessment of the compensation, if any, to which a claimant is entitled, and for the purpose of enabling the authority to give such assistance and information, any claimant, if so required by the authority, shall attend at a meeting of the authority or of any committee appointed by the authority for the purpose, and answer upon oath, which any justice present may administer, all questions asked by any member of the authority or committee touching the matters

set forth in his claim, and shall further produce all books, papers, and documents in his possession or under his control relating to the claim.

- 4 In computing the service of any officer for the purpose of the award of compensation the Minister shall take into account all the service of that officer after he attained the age of eighteen years under any local authority :

Provided that where the officer held two or more offices and the claim to compensation is based on a loss of one or some only of those offices, account shall not be taken under this paragraph of service in an -office which the officer continues to hold unless throughout the period of his service in that office he devoted the whole of his time to the duties of offices held by him under one or more local authorities.

- 5 If an officer's appointment is determined otherwise than at the expiration of a complete year of his service, the portion then expired of that year shall be treated as a complete year where, such portion exceeds six months, and shall be ignored where such portion does not exceed six months.

- 6 The compensation payable under this Act to an officer who immediately before the appointed day held two or more offices under any one or more local authorities, and who devoted the whole of his time to the duties of such offices, shall not be reduced by reason of the fact that he has devoted only part of his time to each of such offices.

- 7 If any officer was temporarily absent from his employment during the late war whilst serving in His Majesty's forces or the forces of the allied or associated Powers, either compulsorily or with the sanction or permission of the local authority, such period of temporary absence shall be reckoned as service under the authority in whose employment he was immediately before and after such temporary absence :

Provided that in the case of an officer who, after the armistice, voluntarily extended his term of service in the forces, no period of absence during any such extension shall be reckoned.

- 8 The Minister may, in his discretion and in consideration of the fact that any officer was appointed to his office as a specially qualified person, or that the officer before his appointment had been employed as a deputy, assistant, or clerk by a permanent officer for the purpose of the discharge of his official duties, add any number of years, not exceeding ten, to the number of years which such officer would otherwise be entitled to reckon for the purpose of computing they compensation to which he would be entitled under the Acts and rules relating to His Majesty's Civil Service as applied by this Act.

- 9 The compensation shall not exceed two-thirds of the annual pecuniary loss suffered by virtue of this Act, or of anything done in pursuance or in consequence of this Act or, if the compensation is payable otherwise than by way of an annual sum, the capital value of such annual sum as might have been awarded.

- 10 No service of which account has been taken in assessing the compensation payable under this Act to an officer in respect of the determination or relinquishment of any appointment held by him shall, in the event of his accepting any other office after the commencement of this Act, be reckoned for the purpose of computing any sum payable in respect of that office under any superannuation scheme or other scheme for ensuring benefits to an officer on retirement whether under any enactment or otherwise.

- 11 The Minister, on receiving any claim, shall as soon as may be take it into consideration and assess the just amount of compensation, if any, to which the claimant is entitled and inform the claimant of his decision, and the sum payable as compensation shall commence to be payable at the date fixed by the Minister or, in the case of an appeal under the next succeeding paragraph, by the Treasury.
- 12 If a claimant is aggrieved by the refusal of the Minister to grant any compensation, or, by the amount of compensation assessed, he may within three months after the date on which he receives notice of the Minister's decision appeal to the Treasury who shall consider the case and determine whether any compensation and, if so, what amount, ought to be granted to the claimant, and the determination of the Treasury shall be final.
- 13 If a person receiving compensation under this Schedule is appointed to any office under the Crown, or by the Minister, or by any local or other public authority, or if, by virtue of this Act or anything done in pursuance of or in consequence of this Act, he receives any increase of the emoluments of the office held by him, he shall not while receiving the emoluments of that office receive any greater amount of his compensation, if any, than with the emoluments of the said office is equal to the emoluments for which compensation was granted to him, and if the emoluments of the office which he holds are equal to or greater than the emoluments for which compensation was granted, his compensation shall be suspended while he holds that office.
- 14 All sums payable under this Schedule by way of compensation shall be paid out of the Road Fund.
- 15 For the purposes of this Schedule the expression " emoluments " includes fees and salaries, and the expression " local authority" means any local authority as denned in section three of the Local Government and other Officers Superannuation Act, 1922.