



Local Government (Emergency Provisions) Act 1916

1916 CHAPTER 12

PART I

PROVISIONS AS TO OFFICERS OF LOCAL AUTHORITIES IN NAVAL OR MILITARY SERVICE

1 Payments to officers, &c. of local authorities in naval or military service

- (1) Any local authority may grant leave of absence to any officer or servant for as long a period as may be necessary to enable him to serve in or with His Majesty's forces for the purposes of the present war, and the local authority may—
- (a) whilst he is so serving pay to him or to his wife or other dependants nominated by him a sum which shall not, without the sanction of the Local Government Board, exceed his civil remuneration after deducting therefrom the amount of his naval or military pay and allowances; and
 - (b) in the event of his death, for a period not exceeding twenty-six weeks after the date on which he is notified to his widow or other dependants as dead or missing, pay to her or them sums calculated at the same rate as those previously paid to him, her or them:

Provided that—

- (i) in fixing the sum to be paid to the widow or other dependant of a deceased officer or servant regard shall be had to any pension or other sum payable to the widow or other dependant out of any public or charitable fund ; and
 - (ii) it shall not be incumbent on the local authority to reduce any payment made to an officer or servant on the ground that during his service with the forces he has become or becomes entitled to increased naval or military pay in consequence of receiving a commission or promotion in rank.
- (2) This section shall apply to the case of an officer or servant of a local authority who before the passing of this Act took service in or with His Majesty's forces with the sanction or permission of the local authority, and any resolution, promise, sanction or permission, passed or given by a local authority to any such officer or servant with

Status: This is the original version (as it was originally enacted).

a view to his serving in or with His Majesty's forces, shall be binding on the local authority to the extent and only to the extent to which it could have been passed or given if the provisions of this Act had been in force :

Provided that where before the passing of this Act a local authority has resolved, promised, sanctioned or agreed to make payments in excess of the amounts authorised by this section, any such excess payments up to the date of the passing of this Act, or such later date as may be determined by the Local Government Board, shall be deemed to have been lawfully made, and the Local Government Board shall sanction the continuance of such excess payments after such date as aforesaid in any case where it appears to them that the man joined His Majesty's forces in reliance on such resolution, promise, sanction or agreement, and that the amount of the excess is not unreasonable.

- (3) On the application of a local authority the Local Government Board may determine any question as to what amount may be paid under this section.
- (4) Where the scale of payments for its officers and servants serving in or with His Majesty's forces adopted by a local authority is in accordance with, or does not exceed the scale of, payments for the time being laid down for officers and servants of His Majesty's civil service so serving it shall not be necessary for any such local authority to obtain the sanction of the Local Government Board as required by this section, and any payments made in accordance with such scale shall be deemed to be and to have been lawfully made.

2 Payments under superannuation schemes

If an officer or servant of a local authority dies whilst serving in or with His Majesty's forces, or in consequence of wounds or disease received or contracted during such service which prevented him from returning to the service of the local authority, the local authority shall have, and shall be deemed always to have had, power to make to his widow or other dependants such payments as could have been made to them under any superannuation scheme (whether established by statute or otherwise) in force in the district had he been actually serving the local authority at the time of his death.

3 Reckoning service for superannuation

- (1) All service by an officer or servant of a local authority in or with His Majesty's forces for the purposes of the present war shall, for the purposes of any enactment providing for the superannuation of such officers and servants applicable to his case, be aggregated and reckoned with his service as an officer or servant of the local authority, and, unless an agreement to the contrary has been made before the passing of this Act, he shall contribute to the superannuation fund (if any) the same amounts (if any) as he would have contributed if he had continued in their actual service and had received the normal remuneration of that service.
- (2) For the purposes of calculating the amount of such contributions and of superannuation allowances the amount of the salary or wages and emoluments during the period of service in or with His Majesty's forces shall be deemed to be the amount which the officer or servant would have received during that period if he had remained in the actual service of the local authority.

- (3) Nothing in this section shall affect the provisions of the Elementary School Teachers (Superannuation) Acts, 1898 to 1912, or of the Elementary School Teachers (War Service Superannuation) Act, 1914.