

## SCHEDULE

Section 2.

*Procedure for claiming compensation.*

- 1 (1) For the purpose of enabling a claim for compensation to be assessed, the claimant shall deliver to the local authority with the claim a statement containing such particulars as may be prescribed.
- (2) The said statement shall be accompanied by a statutory declaration that it is a true statement to the best of the knowledge, information and belief of the claimant.
- (3) The authority shall forthwith take the claim into consideration and assess the just amount of compensation, if any, and shall forthwith inform the claimant of their decision.
- (4) If a local authority fail to inform any claimant of their decision on his claim within six months after it has been delivered to them, the Minister may, on application made to him by the claimant, direct the authority to do so within such time, not being less than one month, as may be specified in the direction.
- (5) A claimant, if so required by any member of the local authority by notice sent through the clerk of the authority, shall attend at a meeting of the authority, or of any committee appointed by the authority for the purpose, and answer on oath, which any justice of the peace present may administer, all questions asked by any member of the authority or committee touching the matters set forth in his claim and in the said statement, and shall further produce all books, papers and documents in his possession or under his control relating to the claim.

*General considerations to be applied.*

- 2 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;
  - (c) all the other circumstances of the case.

*Power to award compensation by way of a lump sum in certain cases.*

- 3 Compensation may be awarded either by way of an annual sum or by way of a lump sum representing the capital value of an annual sum.

*Assessment of compensation for loss of whole-time office.*

- 4 (1) The annual sum payable as compensation in respect of the loss of a whole-time office shall not exceed the aggregate of the following sums—
  - (i) for every year of the officer's service one-sixtieth of an amount equal to the annual pecuniary loss which he has sustained by reason of the loss of the office;
  - (ii) in the case of service for twenty years or upwards, a sum equal to ten-sixtieths of the said amount;  
in the case of service for fifteen years and less than twenty years, a sum equal to seven-sixtieths of the said amount;

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

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in the case of service for ten years and less than fifteen years, a sum equal to five-sixtieths of the said amount ;

in the case of service for five years and less than ten years, a sum equal to three-sixtieths of the said amount;

in the case of service for less than five years, a sum equal to one-sixtieth of the said amount; and

- (iii) in the case of an officer who was appointed as a specially qualified person or who before his appointment had been employed (otherwise than in an office within the meaning of this Schedule) as a deputy, assistant or clerk by a permanent officer for the purpose of the discharge of the latter's official duties, such additional sum, if any, not exceeding ten-sixtieths of the said amount, as the local authority in their discretion and in consideration of his special qualifications or of his previous employment, as the case may be, may think fit to award:

Provided that the compensation shall not in any event exceed two-thirds of the said amount.

- (2) In assessing the amount of any pecuniary loss sustained by an officer by reason of the loss of his office, regard shall be had as respects any emoluments either—
- (a) to the amount of the emoluments which he received in respect of that office immediately before the material date or, in the case of an officer who, on ceasing to be engaged in war service, was not re-employed in his former office, to the amount of the emoluments which he would have received in respect of that office immediately before the material date if he had continued to be employed in that office until that date; or
  - (b) to the average amount of the emoluments which he received or would have received as aforesaid in respect of that office during the period of five years next before the said date or such shorter period as may be reasonable in the circumstances.
- (3) In assessing the amount of any pecuniary loss sustained by an officer by reason of the loss of his office, regard shall also be had to—
- (a) any increase of the emoluments enjoyed by the officer at the material date which he has obtained by virtue of the special Act or of anything done in pursuance of or in consequence of the special Act; and
  - (b) the emoluments of any office or other public appointment which he would have obtained on or after the material date if he had accepted an offer made to him.
- (4) For the purpose of assessing any compensation payable in respect of the loss of a whole-time office or of any two or more offices Which in the aggregate involve the whole-time service of the officer, any previous period of part-time service shall be treated as though it were whole-time service for a proportionately reduced period.
- (5) Where the material date has occurred at any time other than at the expiration of a complete year of the officer's service, the portion then expired of that year shall, for the purpose of calculating any period of service under this paragraph, be treated as a complete year if it exceeds six months, and if it does not shall be ignored.

*Assessment of compensation for loss of part-time appointment.*

- 5 In the case of a claim for compensation in respect of the loss of a part-time office, the compensation, if any, which would have been payable if the office had been a whole-time office may be reduced by one quarter or by such other amount, if any, as may in the circumstances be reasonable:

Provided that no reduction shall be made in the case of an officer who immediately before the material date held two or more part-time offices and devoted the whole of his time to the duties of such offices.

*Assessment of compensation for reduction of emoluments.*

- 6 In the case of an officer who suffers any reduction of the emoluments of an office, the compensation shall not exceed a sum bearing the same proportion to the amount of compensation which could have been awarded if he had lost his office, as the amount by which the emoluments of the office are reduced bears to the amount of those emoluments without reduction.

*War service to be reckoned in determining compensation.*

- 7 (1) If an officer was temporarily absent from his office 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 authority in whose employment he was immediately before such temporary absence, such period of temporary absence shall be reckoned as a period of service in his office:

Provided that in the case of an officer who, after the eleventh day of November, nineteen hundred and eighteen, voluntarily extended his term of service in the forces, no period of absence during any such extension shall be reckoned.

- (2) Any period during which an officer has been engaged in war service within the meaning of the Local Government Staffs (War Service) Act, 1939, shall be reckoned as a period of service in his office.

*Right of appeal.*

- 8 If the claimant is aggrieved by the failure of the local authority to inform him of their decision upon his claim within the time required by any direction of the Minister, or by the refusal of the authority to grant any compensation, or by the amount of compensation assessed, the claimant may, within three months after the failure, or after the date on which he receives notice of the decision of the authority, as the case may be, appeal to the Minister, and the Minister shall consider the case and determine whether any compensation, and if so what amount, ought to be granted to the claimant, and his determination shall be final.

*Date on which compensation commences.*

- 9 The sum payable as compensation shall be or commence to be payable at the date fixed by the local authority on granting the compensation, or, in case of appeal, by the Minister, and shall be recoverable as a debt due from the authority.

*Suspension of compensation.*

- 10 (1) If a person receiving compensation under this Act—
- (a) obtains any office or other public appointment; or
  - (b) receives, by virtue of the special Act, or of anything done in pursuance of or in consequence of the special Act, any increase of the emoluments which were enjoyed by him at the date as at which the compensation was assessed,
- he shall not, so long as he holds that office or other public appointment or receives those increased emoluments, be entitled to receive any greater sum by way of compensation in respect of the office for which compensation is awarded than would make up the amount, if any, by which the emoluments which he is receiving falls short of the emoluments of the office in respect of which compensation was awarded:

Provided that where a person held two or more offices at the date as at which the compensation was assessed or has been awarded compensation in respect of two or more offices, the Minister may, on the application of that person or of any authority by whom the compensation is payable, modify the operation of the foregoing sub-paragraph in relation to that person so far as is, in the opinion of the Minister, necessary in order equitably to meet the circumstances of the case.

- (2) Where an officer to whom compensation has been awarded under this Act subsequently becomes entitled to a superannuation allowance in respect of any office or other public appointment which he has accepted after the material date, and in calculating the amount of such allowance account is taken of any period of service in respect of which compensation is payable, then, if the compensation does not exceed such part of the superannuation allowance as is attributable solely to that service, the compensation shall cease to be payable, and if it exceeds such part of the superannuation allowance as aforesaid, it shall be reduced by an amount equal to that part of the allowance.
- (3) Where an officer to whom compensation has been awarded under this Act has also recovered, whether before or after the award of compensation under this Act, compensation under the Reinstatement in Civil Employment Act, 1944, the last-named compensation shall be treated for the purposes of sub-paragraph (1) of this paragraph as if it were emoluments received by virtue of the special Act during the period of twelve months beginning with the date on which that compensation was recovered.

*Forms.*

- 11 The Minister may prescribe the form of any notice, statement, award or other document to be used in connection with a claim for compensation, and the forms so prescribed or forms as near thereto as circumstances admit, shall be used in all cases to which the forms are applicable.

*Interpretation.*

- 12 (1) For the purposes of this Schedule—
- " public appointment " means any employment the emoluments of which are payable out of public funds ;
  - " service " means whole-time or part-time service in any office after the officer has attained the age of eighteen years ;
  - " material date "—

- (a) in the case of an officer who, on ceasing to be engaged in war service, was not re-employed in his former office, - or was so re-employed with reduced emoluments, means the date on which he ceased to be engaged in war service except that for the purposes of paragraph 5 of this Schedule it means the date on which he became so engaged ;
  - (b) in the case of an officer who, on ceasing to be engaged in war service, was re-employed in his former office without any reduction of emoluments and whose office has been subsequently determined or whose emoluments have been subsequently reduced means the date on which the determination or reduction of emoluments took effect.
- (2) Any reference in this Schedule' to the loss of an office or to a reduction of the emoluments of an office shall be construed as referring to a case where the officer, on ceasing to be engaged in war service, was not re-employed in that office or, as the case may be, was re-employed therein with reduced emoluments, as well as to a case where the office was determined or, as the case may be, the emoluments reduced after the officer had been re-employed therein on ceasing to be engaged in war service.