



Education Act 1946

1946 CHAPTER 50

12 Compensation for certain officers of county councils

- (1) If as a result of any action taken by the council of a county in consequence of the fact that any of their functions relating to education are, or are to be, exercised in accordance with a scheme of divisional administration, any person who was, immediately before the commencement of Part II of the principal Act, an officer employed by that council suffers, at any time after the commencement of the said Part II, direct pecuniary loss by reason of the determination of his appointment or the diminution of his emoluments, he shall, unless provision for his compensation for that loss is made by or under any other enactment for the time being in force, be entitled to receive compensation from the council under this section.
- (2) For the purposes of any claim for compensation under this section, the provisions of subsections (2) and (3) of section one hundred and fifty of the Local Government Act, 1933, shall have effect as if—
 - (a) any such alteration as aforesaid had been effected by virtue of an order made by the Minister of Health under Part VI of the said Act of 1933 and coming into operation upon the date of the commencement of Part II of the principal Act; and
 - (b) the expression "existing officer" in those subsections, meant any person who, immediately before the said date, was an officer employed by the council of a county in connection with any functions exercisable by that council under any enactment repealed by the principal Act.
- (3) For the purposes of the determination and payment of compensation under this section, the provisions of the Fourth Schedule to the Local Government Act, 1933, shall have effect subject to the following modifications, that is to say—
 - (a) references therein to the Minister shall be construed as references to the Minister of Education, and sub-paragraph (1) of paragraph 1 thereof shall have effect as if after the word "prescribed" there were inserted the words "by the Minister of Education";
 - (b) references therein to a scheme or order shall be construed as references to the principal Act; and

Status: This is the original version (as it was originally enacted).

- (c) any period during which a person has been engaged in war service within the meaning of the Local Government Staffs (War Service) Act, 1939, shall be reckoned for the purposes of the said Schedule as a period of service in his office, and where any such period is so reckoned, his emoluments during that period shall, for the purposes of sub-paragraph (2) of paragraph 4 of the said Schedule, be deemed to be such as he would have received if he had not been engaged in war service.
- (4) Without prejudice to the general effect of the requirement that this Act shall be construed as one with the principal Act, this section shall be deemed to form part of the principal Act—
- (a) for the purposes of paragraph (b) of the last preceding subsection ; and
 - (b) for the purpose of construing any reference to " the special Act " in the Compensation of Displaced Officers (War Service) Act, 1945.