
STATUTORY INSTRUMENTS

1954 No. 1262

**The Justices of the Peace Act, 1949
(Compensation) Regulations 1954**

2. In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“accrued pension” in relation to a whole-time or part-time pensionable officer who has suffered loss of office, means the pension to which he would have become entitled in respect of his pensionable service according to the method of calculation prescribed by the pension scheme to which he was last subject before suffering loss of office if at the date on which he ceased to be subject thereto he had attained normal retiring age and complied with any requirement of the said scheme as to a minimum period of qualifying service or contribution, and includes the annual value as ascertained by an actuary of any contingent right under the pension scheme in respect of a widow's pension or a death grant which might have become payable to his widow or to his legal personal representatives on his death had he not suffered loss of office;

“accrued retiring allowance”, in relation to a whole-time or part-time pensionable officer who has suffered loss of office, means any lump sum payment to which he would have become entitled in respect of his pensionable service according to the method of calculation prescribed by the pension scheme to which he was last subject before suffering loss of office if at the date on which he ceased to be subject thereto he had attained normal retiring age and complied with any requirement of the said scheme as to a minimum period of qualifying service or contribution;

“the Act” means the Justices of the Peace Act, 1949;

“actuary” means a Fellow of the Institute of Actuaries or of the Faculty of Actuaries in Scotland ;

“completed year of service” means service for a period of three hundred and sixty-five days or a number of periods amounting in the aggregate to three hundred and sixty-five days: so however that if the period or periods of service when aggregated include a fraction of a year that fraction shall, if it equals or exceeds one hundred and eighty-two days, be treated as a year and in any other case be disregarded;

“determining authority” means—

- (a) when the claimant's loss of office is attributable to the coming into operation of section ten of the Act, the paying authority,
- (b) in any other case the magistrates' courts committee which appointed or employed the claimant or, in the case of a justices' clerk or a person employed by him in connection with the clerkship who lost office or employment before the first day of April, 1953, the magistrates' courts committee which would be deemed to have appointed him or to the employment of which he would have been transferred had he continued to hold the office or employment he lost until the first day of April, 1953;

“emoluments” means all salary, wages, fees and other payments paid or made to the claimant for his own use in respect of the office he has lost and includes the money value of any apartments, rations or other allowances in kind appertaining to his office, but does not include payments in respect of overtime, and from the amount so calculated there shall be deducted—

(a) the amount of any salaries or other sums paid by him to persons employed by him in connection with the duties of his office, and

(b) the amount of his office expenses;

and “net emoluments” means the annual rate of the emoluments paid or made to the claimant immediately before the loss of office, after deducting therefrom, in the case of a pensionable officer, any contribution payable by him under the pension scheme to which he was then subject;

“justices' clerk” includes a clerk to the justices of a liberty;

“local government service” includes service under a standing joint committee of a court of quarter sessions and a county council appointed under section thirty of the Local Government Act, 1888;

“material date” means the date on which occurred the event to which the loss of office in respect of which a person claims compensation under these Regulations is attributable (that is to say, that date on which occurred one of the events specified in paragraph (i), (ii) or (iii) of Regulation 4 of these Regulations to which his said loss is attributable);

“national service” means service of a description specified in the First Schedule to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951 and includes any period immediately following the termination of such service during which the claimant (with the consent, in the case of a clerk of the peace or justices' clerk, of the authority by whom he was appointed and, in the case of any other person, of the person or authority by whom he was employed before undertaking that service) continued in similar service;

“normal retiring age” means, in relation to a whole-time or part-time pensionable officer, the age of compulsory retirement prescribed by the pension scheme to which he was last subject before suffering loss of office and in any other case, in relation to a person claiming compensation in respect of the office of a justices' clerk, the age of seventy years and, in relation to any other person, the age of sixty-five years;

“office” includes employment;

“part-time officer” means a person who immediately before the material date devoted part only of his time to the office of clerk of the peace or justices' clerk or to assisting the holder of such an office in the performance of the duties of that office ;

“paying authority” means—

(a) where the office in respect of which a claim arises was that of clerk of the peace for any borough or other area, the council of the borough or of the county in which that area is comprised,

(b) where the office in respect of which a claim arises was that of justices' clerk, in the case of a clerk to the justices for a borough having a separate commission of the peace, the council of that borough and, in any other case, the council of the county in which is comprised the petty sessions area or place in and for which the justices to whom the claimant was clerk acted,

(c) where the employment in respect of which a claim arises consisted of assisting the holder of such an office as aforesaid, the council of the county or borough which would be the paying authority if the claim were in respect of the said office;

“pensionable officer” means a person who immediately before the material date was subject to a pension scheme;

“pension scheme” means a scheme for the payment of superannuation benefits to a person as part of the terms and conditions of the office he lost;

“service”, in relation to a person to whom these Regulations apply, means any period of whole-time or part-time employment after attaining the age of eighteen years in any of the following offices or employments, that is to say:—

- (a) clerk of the peace.
- (b) justices' clerk.
- (c) employment in assisting the holder of such an office in the performance of the duties of that office,
- (d) service as collecting officer or in the employment of a collecting officer,
- (e) employment under the Crown,
- (f) employment in local government service in Great Britain,

and includes any period of national service or war service undertaken on that person's ceasing to hold any such office or employment as aforesaid if, in the case of national service, that person, within six months after the termination of such service, again was appointed to any such office or entered any such employment as aforesaid, but does not, in the case of a person who has been appointed to any such office or entered any such employment as aforesaid after becoming entitled to a superannuation benefit under, or under Regulations made under, the Local Government Superannuation Act, 1953, or any other Act, include employment which was taken into account only for the purpose of determining whether he was entitled to receive that benefit or for the purpose of calculating the amount of that benefit;

“tribunal” means a referee or board of referees appointed by the Minister of Labour and National Service after consultation with the Lord Chancellor;

“war service” means —

- (a) service in the armed forces of the Crown, being service rendered between the fourth day of August, 1914. and the thirty-first day of August, 1921; or
- (b) war service within the meaning of the Local Government Staffs (War Service) Act, 1939 or
- (c) any period after the termination of the last-mentioned service during which the claimant (with the consent, in the case of a clerk of the peace or justices' clerk, of the authority by whom he was appointed and, in the case of any other person, of the person or authority by whom he was employed before undertaking that service) continued in similar service;

“whole-time officer” means a person who immediately before the material date devoted the whole of his time to the office of clerk of the peace or justices' clerk or to assisting the holder of such an office in the performance of the duties of that office .