



# Rating and Valuation Act 1925

## 1925 CHAPTER 90

### PART III

#### GENERAL.

#### *Existing Officers and Transfer of Property, &c.*

#### **48 Transfer of existing officers.**

- (1) Any person who at the passing of this Act is an officer of an assessment committee under the Union Assessment Acts, 1862 to 1880. or, being an officer of a board of guardians, is employed in the service of such a committee, including a valuer appointed by the guardians under section thirty-two of the Poor Law Amendment Act, 1868, shall on the appointed day, as respects that office, be transferred to and become an officer of the assessment committee for the assessment area comprising the poor law union for which such officer acts or, where the poor law union is not wholly comprised within one assessment area, of the assessment committees for the assessment areas into which the poor law union extends.
- (2) All assistant overseers, rate collectors, vestry clerks and other officers employed in the performance of the duties of overseers, who are in office at the passing of this Act, shall on the appointed day, as respects any such office or duties as are hereinbefore mentioned, be transferred to and become officers of the rating authority of the area comprising the parish for which the officer acts in the execution of that office or in the performance of those duties, and the provisions of any order authorising the appointment of an assistant overseer, collector of poor rates or vestry clerk shall, as from the appointed day, cease to have effect.
- (3) In the succeeding provisions of this Part of this Act any officer transferred by this section, and the office or duties in respect of which he is so transferred, are respectively referred to as a "transferred officer" and a "transferred office."
- (4) The assessment committee or the rating authority, as the case may require, may determine the appointment of any officer transferred to them, whose office they consider unnecessary.

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- (5) Where the salary of an assistant overseer, collector of poor rates or vestry clerk has been fixed in consideration of the performance by the officer of all or any of the duties of the office of clerk to the parish council, the salary of the officer payable under this Act by the rating authority shall be reduced by such yearly sum as may be determined by the rating authority to represent the proportion of the total salary which is payable in respect of such duties, and the liability of the rating authority for the payment to the officer as from the appointed day of the yearly sum so determined shall be transferred from the rating authority to the parish council.
- (6) A parish council may appeal to the county council against a determination of the rating authority under the preceding subsection of this section and the decision of the county council on any such appeal shall be final and conclusive.
- (7) Every transferred officer shall hold his office by the same tenure and on the same conditions as heretofore, and while performing similar duties, shall, in respect of a transferred office, receive not less salary or remuneration and shall be entitled to not less pension (if any) than the salary, remuneration or pension to which he would have been entitled in respect of that office if this Act had not been passed.
- (8) The assessment committee or the rating authority, as the case may require, may distribute their business among the transferred officers in such manner as they may think proper, and every officer shall perform such duties in relation to that business as may be directed by the assessment committee or rating authority.
- (9) If, at any time within five years after the appointed day, any transferred officer is required to perform duties which are not analogous to, or which are an unreasonable addition to, those which he was required to perform in respect of the transferred office immediately before the appointed day, the officer may relinquish his office.

#### **49 Compensation to existing officers.**

- (1) Every officer of any authority or committee to or from whom duties are transferred by this Act, and every parish officer in office at the passing of this Act, who by virtue of this Act, or of anything done in pursuance or in consequence thereof, suffers any direct pecuniary loss by abolition of office or by determination of his appointment or by diminution or loss of fees, salary or emoluments and for whose compensation for that loss provision is not made by any other enactment for the time being in force, shall be entitled to compensation under this Act for that loss.
- (2) For the purposes of this section, any transferred officer—
  - (a) who relinquishes under the provisions of this Act a transferred office ; or
  - (b) whose services are dispensed with or whose salary is reduced by any assessment committee or by any rating authority, within five years after the appointed day, because his services are not required, or his duties are diminished, and not on the ground of misconduct;shall be deemed, unless the contrary is shown, to have suffered a direct pecuniary loss in consequence of this Act.
- (3) Any application by an officer for compensation under this Act shall be made to the assessment committee or assessment committees, or rating authority, to whom the officer is by this Act transferred.
- (4) The provisions contained in the Sixth Schedule to this Act shall have effect with regard to the determination and payment of compensation under this Act to officers.

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**50 Determination of questions as to transferred officers, &c.**

If any question arises as to—

- (1) the transfer of an officer in consequence of the provisions of this Act;
  - (2) the authority to whom application by an officer is to be made for compensation under this Act; or
  - (3) the fund out of which the compensation (if any) is to be paid, or the proportions in which any compensation awarded is payable by any authorities;
- the Minister may, on the application of the officer or any authority, determine the question.

**51 Superannuation of transferred officers.**

- (1) If the annual contributions required by the Poor Law Officers' Superannuation Act, 1896, have been made by any officer transferred by this Act to an assessment committee, or to a rating authority, the provisions of the Act of 1896 shall, as respects the transferred office, apply subject to such modifications as the Minister may by order direct for the purposes of making that Act applicable to the case.
- (2) Any rating authority who have established under any local Act a superannuation fund or scheme or other fund or scheme for ensuring benefits to an officer on retirement, may, with the consent of any officer transferred to them by this Act, admit such officer to the benefits of that fund or scheme on such terms and conditions as they may think fit.
- (3) Notwithstanding anything in section twenty-seven of the Local Government and other Officers' Superannuation Act, 1922, if that Act can be and is adopted by a council, who are a rating authority, or by an assessment committee, whether alone or in combination with another local authority and whether before or after the appointed day, the Minister may by order provide for the application of that Act, as regards any transferred office, to such of the officers transferred by this Act to the rating authority or assessment committee, as were subject to any superannuation scheme in respect of the transferred office before the appointed day.
- (4) Nothing in this section shall require any officer to whom the Poor Law Officers' Superannuation Act, 1896, applies to become otherwise than with his consent a member of or contributor to any superannuation fund or scheme or other fund or scheme for securing benefits to an officer on retirement.
- (5) Nothing in this Act shall transfer to any assessment committee or rating authority any liability of a board of guardians in respect of a superannuation allowance to an officer who shall have ceased to hold office before the appointed day.

**52 Transitional provisions.**

The provisions set out in the Seventh Schedule to this Act, (which relate to the transfer of the property and liabilities of existing authorities and to other transitional matters), shall have effect for the purpose of bringing this Act into operation.