

SCHEDULES.

EIGHTH SCHEDULE

Section 123.

PROVISIONS AS TO THE DETERMINATION AND PAYMENT OR COMPENSATION TO OFFICERS.

- 1 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 or employment;
 - (c) the duration of his service;
 - (d) any additional emoluments which he acquires by virtue of this Act or of anything done in pursuance or in consequence of this Act;
 - (e) the emoluments which he might have acquired if he had not refused to accept any office offered by any council acting under this Act; and
 - (f) all the other circumstances of the case,and the compensation shall not exceed the amount which under the Acts and Rules relating to Her Majesty's Civil Service which were in operation on the thirteenth day of August, 1888, would have been payable to a person on abolition of office.
- 2 Every person who claims to be entitled to compensation shall deliver to the council a claim on account of the emoluments for which he claims compensation, setting forth the whole amount received and expended by him or his predecessors in office, in every year during the period of five years next before the date on which the relinquishment of office or determination of appointment takes effect, or the direct pecuniary loss commences, as the case may be, distinguishing the offices in respect of which the emoluments have been received, and accompanied by a statutory declaration that the claim so delivered is a true statement according to the best of his knowledge, information and belief.
- 3 Every claim so delivered as aforesaid shall be submitted to the council, who shall forthwith take it into consideration, and assess the just amount of compensation (if any), and shall forthwith inform the claimant of their decision, and if a council fail to inform any claimant of their decision upon his claim within six months after it has been so delivered to them, the Minister may, on application made to him in that behalf by the claimant, direct the council to do so within such time, not being less than one month, as may be specified in the direction.
- 4 Any claimant, if so required by any member of the council, shall attend at a meeting of the council, or of any committee appointed by the council for the purpose, and answer upon oath, which any justice present may administer, all questions asked by any member of the council or committee touching the matters set forth in his claim, and shall further produce all books, papers and documents in his possession or under his control relating to the claim.
- 5 In computing the service of any officer for the purpose of the award of compensation, the council shall take into account all the service of that officer after he attained the age of eighteen years under any local authority:

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

Provided that, where the officer held two or more offices and the claim to compensation is based on a loss of one or some only of those offices, account shall not be taken under this paragraph of service in an office which the officer continues to hold unless throughout the period of his service in that office he devoted the whole of his time to the duties of offices held by him under one or more local authorities.

6 If an appointment is determined by a council otherwise than at the expiration of a complete year of service of an officer, the portion then expired of that year shall be treated as a complete year where such portion exceeds six months, and shall be ignored where such portion does not exceed six months.

7 The compensation payable under this Act to an officer who immediately before the appointed day held two or more offices under any one or more local authorities and who devoted the whole of his time to the duties of such offices, shall not be reduced by reason of the fact that he has devoted only part of his time to each of such offices.

8 If any officer was temporarily absent from his employment 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 local authority, such period of temporary absence shall be reckoned as service under the authority in whose employment he was immediately before and after such temporary absence:

Provided that in the case of an officer who, after the armistice, voluntarily extended his term of service in the forces, no period of absence during any such extension shall be reckoned.

9 The council to whom application for compensation is made may, in their discretion and in consideration of the fact that any officer was appointed to his office as a specially qualified person, or that the officer before his appointment had been employed as a deputy, assistant or clerk by a permanent officer for the purpose of the discharge of his official duties, add any number of years (not exceeding ten) to the number of years which such officer would otherwise be entitled to reckon for the purpose of computing the compensation to which he would be entitled under the Acts and rules relating to Her Majesty's Civil Service as applied by this Act.

10 The compensation shall not exceed two-thirds of the annual pecuniary loss suffered by virtue of this Act, or of anything done in pursuance or in consequence of this Act, or if the compensation is payable otherwise than by way of an annual sum, the capital value of such annual sum as might have been awarded.

11 No service of which account has been taken in assessing the compensation payable under this Act to an officer in respect of the determination or relinquishment of any appointment held by him shall, in the event of his accepting any other office after the commencement of this Act, be reckoned for the purpose of computing any sum payable in respect of that office under any superannuation scheme or other scheme for ensuring benefits to an officer on retirement whether under any enactment or otherwise.

12 The sum payable as compensation to any person in pursuance of this Schedule shall commence to be payable at the date fixed by the council on granting the compensation, or, in case of appeal, by the Minister, and shall be a specialty debt due to him from the council, and may be enforced accordingly in like manner as if the council had entered into a bond to pay the sum.

- 13 If a claimant is aggrieved by the failure of the council to inform him of their decision upon his claim within the time required by any directions of the Minister or by the refusal of the council 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 council, as the case may be, appeal to the Minister, who 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.
- 14 If a person receiving compensation under this Schedule is appointed to any office under the Crown or any local or other public authority, or by virtue of this Act, or anything done in pursuance of or in consequence of this Act, receives any increase of the emoluments of the office held by him, he shall not, while receiving the emoluments of that office, receive any greater amount of his compensation, if any, than with the emoluments of the said office, is equal to the emoluments for which compensation was granted to him, and if the emoluments of the office he holds are equal to or greater than the emoluments for which compensation was granted, his compensation shall be suspended while he holds that office.
- 15 All expenses incurred by a council in connection with payment of compensation to any officer shall be payable as part of the general expenses of the council, and if any compensation is payable otherwise than by way of an annual sum, the payment of the compensation shall be a purpose for which the council may borrow, subject to the consent of the Minister, and upon such terms as he may authorise.
- 16 For the purposes of this Schedule—
- (a) the expression " emoluments " includes fees and salaries; and
 - (b) the office of a registration officer or registrar of marriages shall be deemed to be an office held under a local authority; and
 - (c) the office of a teacher in a public elementary school maintained but not provided by a local education authority, shall be deemed to be an office under the authority; and
 - (d) the expression " local authority " means any local authority as defined in section three of the Local Government and other Officers' Superannuation Act, 1922.