



CHAPTER lxxxix.

An Act to make further provision with respect to the granting of superannuation allowances to the officers and servants of the council of the metropolitan borough of Saint Marylebone to amend the Saint Marylebone Borough Council (Superannuation) Act 1908 and for other purposes. A.D. 1922.
[4th August 1922.]

WHEREAS in pursuance of the Saint Marylebone Borough Council (Superannuation) Act 1908 (in this Act called "the principal Act") a superannuation fund has been established into which contributions are paid by the mayor aldermen and councillors of the metropolitan borough of Saint Marylebone (in this Act called "the Council") and by their officers and servants for the payment of superannuation allowances to such officers and servants on their retirement :

And whereas it is expedient to make further provision in regard to the said fund and the allowances to be paid to the said officers and servants and to amend the principal Act :

And whereas it is expedient that the other provisions of this Act be enacted :

And whereas the purposes of this Act cannot be effected without the authority of Parliament :

And whereas in relation to the promotion of the Bill for this Act the requirements contained in the First Schedule to the Borough Funds Act 1903 have been observed :

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May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

Short titles
commence-
ment and
interpre-
tation.

1.—(1) This Act may be cited as the Saint Marylebone Borough Council (Superannuation) Act 1922 and the principal Act and this Act may be cited as the Saint Marylebone Borough Council (Superannuation) Acts 1908 and 1922.

(2) This Act shall come into operation on the first day of the month succeeding that in which the Royal Assent is given to this Act.

(3) In this Act the words and expressions to which meanings are assigned by section 2 (Interpretation) of the principal Act as amended by this Act shall have the same respective meanings.

Definition
of "ser-
vant" and
"service."

2.—(1) For the purposes of the principal Act and of this Act the expression "servant" means every servant or workman in the employment of the Council and placed upon the permanent establishment by resolution of the Council passed or to be passed.

(2) The definition of "servant" in section 2 (Interpretation) of the principal Act is hereby repealed.

(3) Provided that every servant within the meaning of the principal Act who has already contributed for the purpose of that Act a percentage amount of his wages and emoluments shall be deemed to be a servant placed upon the permanent establishment for the purposes of and in accordance with this section.

(4) In this Act where the context so requires the expression "service" includes service under the local authorities referred to in the section of this Act whereof the marginal note is "Reckoning service under other local authorities."

Amend-
ment of
provision
as to
extension
of service.

3. The following shall be substituted for the proviso to subsection (3) of section 3 (Title of officers and servants to superannuation allowances) of the principal Act namely:—

Provided that the Council may by resolution extend his period of service for one year or for part of a year and so from time to time as they may deem expedient.

4.—(1) In any case in which the salary or wages and emoluments of an officer or servant shall be reduced he may if he thinks fit by giving notice to the Council in such form and within such period as shall be prescribed by them elect that the percentage amounts to be deducted shall be based upon the amount of his salary or wages and emoluments immediately before such reduction took place and in that case—

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Reductions
in salary
or wages.

(a) such percentage amounts shall be ascertained accordingly ; and

(b) for the purpose of ascertaining his superannuation allowance he shall be deemed to have continued to receive his salary or wages and emoluments at the rate at which he was receiving them before the reduction took place.

(2) Provided that this section shall not apply in cases where the officer or servant merely ceases to receive additional remuneration for services in excess of his ordinary services or receives reduced remuneration by reason of a reduction in or the withdrawal of any bonus paid by the Council to meet increases in the cost of living.

5.—(1) Subject to the provisions of this section all periods of continuous service by an officer or servant (other than an officer or servant to whom a compensation allowance has been granted under the London Government Act 1899) rendered before his appointment by the Council or their predecessors under and as an officer or servant of any other local authority as defined in section 34 of the Local Loans Act 1875 shall be aggregated and reckoned as part of his service for the purposes of determining—

Reckoning
service
under
other local
authorities.

(a) the percentage amount to be deducted under section 11 (Scale of contributions) of the principal Act ;

(b) the length of his service for the purpose of section 3 (Title of officers and servants to superannuation allowances) of the principal Act ; and

(c) the amount of his superannuation allowance under section 4 (Scale of superannuation allowances) of the principal Act.

(2) In addition to the contributions to be made under section 11 of the principal Act as amended by subsection (1) of this section any officer or servant to

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A.D. 1922. — whom this section applies shall at the option of the Council either—

- (a) pay or contribute to the superannuation fund the aggregate amount of any contributions and gratuities which may have been returned or paid to him on the termination of any period or periods of service which is or are so aggregated and reckoned as aforesaid by the local authority or authorities under whom such service has been spent ; or
- (b) in the case of an officer or servant appointed after the commencement of this Act pay or contribute to the superannuation fund as from the date of his appointment in respect of each period of five years or part of five years of such service under any other local authority or authorities the sum of one per centum on the salary or wages and emoluments to be received by such officer or servant ; or
- (c) in the case of an officer or servant in the service of the Council at the commencement of this Act pay or contribute to the superannuation fund —

(i) the sum by which the percentage amounts that would have been deducted under section 11 of the principal Act as amended by this Act if subsection (1) of this section had been in operation throughout the period during which he has contributed to the fund exceed the amounts that have actually been deducted from his salary or wages and emoluments ; and

(ii) in respect of each period of five years or part of five years of such service under any other local authority or authorities the sum of one per centum on the salary or wages and emoluments received by such officer or servant for the whole period during which he has contributed to the fund until the commencement of this Act ; and

(iii) in respect of each period of five years or part of five years of such service under any other local authority or authorities the sum of

one per centum on the salary or wages and emoluments to be received by such officer or servant after the commencement of this Act:

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The sums payable under paragraph (a) or under paragraphs (c) (i) and (c) (ii) of this subsection shall be paid at such times by such instalments and in such manner as may be determined by the Council.

(3) Provided that—

(a) This section shall not apply to any officer or servant in the service of the Council at the commencement of this Act who either—

(i) gives notice in writing to the Council within six months after the commencement of this Act that he desires to be excluded from the operation of this section ; or

(ii) fails within six months after the commencement of this Act to prove to the reasonable satisfaction of the Council that he has been in the service of any such local authority as aforesaid and the length of such service ;

(b) In the case of an officer or servant appointed subsequently to the passing of this Act no such period of service shall be so aggregated and reckoned unless the officer or servant declares prior to his appointment and proves to the satisfaction of the Council within a period of three months from the date of such appointment that he has been in the continuous service or employment of any such authority or authorities and the Council on the application of such officer or servant in such case shall at their discretion direct whether the whole or any part of such period of service shall or shall not be so aggregated and reckoned ;

(c) No such period of service shall be so aggregated and reckoned which has been or may be reckoned for the purpose of superannuation allowances or gratuities under any other Act or scheme.

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Alteration
of rates of
contribution by
officers.

6.—(1) On any or every occasion on which an actuary shall make a report in pursuance of section 13 (Actuarial investigation) of the principal Act the Council may if they think fit by resolution prescribe the percentage amounts of salary or wages and emoluments to be contributed for the purposes of the principal Act as amended by this Act by every person who shall enter the service of the Council after a date to be named in such resolution and who shall become an officer or servant and as from that date the principal Act and this Act shall as regards every such person have effect as if the percentage amounts thereby prescribed were substituted for the percentage amounts mentioned in section 11 (Scale of contributions) of the principal Act :

(2) Provided that—

(a) the percentage amounts prescribed by any such resolution shall not be less than two nor more than five per cent. of the annual salary or wages and emoluments of officers and servants ;

(b) no such resolution shall increase the rate of contribution by any person who is in the service of the Council before the date thereof.

Payments
in case of
death of
contributor.

7.—(1) In the case of any officer or servant who shall die before receiving a superannuation allowance the Council shall pay to his legal personal representative a sum equal to the amount of all his contributions under the principal Act and this Act.

(2) In the case of any officer or servant who shall die before he shall have received by way of superannuation allowance an amount in the aggregate equal to the amount of all his contributions under the principal Act and this Act the Council may pay to his legal personal representative the difference between the amount which such contributor has received and the sum to which his contributions amounted at the date of his retirement.

(3) Section 7 (Return of contributions or part thereof in case of death) of the principal Act is hereby repealed.

Use and
investment
of super-
annuation
fund.

8.—(1) The Council may use for the purpose of any statutory borrowing power possessed by them any moneys forming part of the superannuation fund and not

for the time being required for payments to be made under the principal Act and this Act subject to the following conditions :— A.D. 1922.

- (a) The moneys so used shall be repaid to the superannuation fund within the period by the methods and out of the fund rate revenue or account within by and out of which a loan raised under the statutory borrowing power would be repayable;
- (b) Interest shall be paid to the superannuation fund on all moneys so used and for the time being not repaid to the fund. Such interest shall be calculated at a rate per centum per annum to be determined by the Council and to be equal as nearly as may be to the rate of interest which would be payable on a loan raised on mortgage under the statutory borrowing power and shall be paid out of the fund rate revenue or account which would be applicable to the payment of interest on a loan raised under the statutory borrowing power; and
- (c) The statutory borrowing power for the purpose of which the moneys are so used shall be deemed to be exercised by such use as fully in all respects as if a loan of the same amount had been raised on mortgage in exercise of the power and the particulars of the exercise of the power by such use shall be entered accordingly in the mortgage register kept by the Council.

(2) So much of the superannuation fund as shall not be required to meet payments arising in pursuance of the principal Act and this Act and as shall not be used in manner provided by subsection (1) of this section shall be invested in the manner provided by section 14 (Investment of superannuation fund) of the principal Act.

(3) "Statutory borrowing power" means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament

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A.D. 1922. — public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed.

Costs of
Act.

9. All the costs charges and expenses preliminary and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Council out of the general rate.

Printed by EYRE and SPOTTISWOODE, LTD.,
FOR
WILLIAM RICHARD CODLING, Esq., C.V.O., C.B.E., the King's Printer of
Acts of Parliament.

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