



CHAPTER xvi.

An Act to authorise the making of temporary modifications of enactments schemes regulations orders and agreements relating to the payment of superannuation and other allowances by the London County Council and the councils of metropolitan boroughs and for other purposes.

A.D. 1932.

[12th May 1932.]

WHEREAS the London County Council (hereinafter referred to as "the Council") in accordance with representations made to them and to other local authorities by His Majesty's Government have discussed with representatives of their employees the question of the making of reductions in the pay of such employees with the object of ensuring that all may have an opportunity of sharing equitably in the sacrifices demanded by national need in the economic crisis which has arisen and arrangements have been entered into for the making of such reductions to take effect temporarily as from and including a date or dates subsequent to the thirtieth day of September one thousand nine hundred and thirty-one :

And whereas under the provisions of various enactments schemes regulations orders and agreements the Council are empowered or required to grant or pay to their employees and to the employees of certain other bodies or authorities and to certain other persons pension superannuation or other allowances or grants gratuities or lump sum payments the amounts of which are based

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And whereas under the arrangements hereinbefore referred to any such reductions in pay as aforesaid are to be disregarded in computing the amounts of any such allowances grants gratuities and lump sum payments as aforesaid which may be granted or paid to the employees of the Council on whose behalf the said arrangements were made and of any such contributions as aforesaid which may be payable by such employees and it is expedient that the powers requisite for that purpose and for enabling the Council to deal similarly with their other employees and with such employees of other bodies or authorities and such other persons as aforesaid should be conferred upon the Council :

And whereas it is expedient that such powers as aforesaid should also be conferred upon such of the councils of metropolitan boroughs as have made or may hereafter make reductions in the pay of their employees on grounds similar to those hereinbefore referred to :

And whereas it is expedient that the other provisions contained in this Act should be enacted :

And whereas the objects aforesaid cannot be attained without the authority of Parliament :

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 (that is to say) :—

Short title. 1. This Act may be cited as the London Local Authorities (Superannuation) Temporary Provisions Act 1932.

Definitions. 2.—(1) In this Act unless the context otherwise requires—

“ the Council ” means the London County Council ;

“ borough council ” means the council of a metropolitan borough ;

“ the specified period ” means the period com- A.D. 1932.
mencing on the first day of October one
thousand nine hundred and thirty-one and
ending at the expiration of five years from the
date of the passing of this Act;

“ the initial period ” means in relation to the
persons to whom any such resolution as is
referred to in the section of this Act of which
the marginal note is “ Power to Council to
adopt certain provisions of Act ” applies so
much of the specified period as extends from
the commencement thereof to the date of the
passing by the Council of such resolution;

“ pay ” means salary and emoluments (if any) or
wages and emoluments (if any) or fees;

“ normal pay ” means the amount of pay which a
pensionable person would from time to time
have received or enjoyed if no such reduction
in pay as is referred to in this Act had been in
operation;

“ pensionable allowance ” means any pension super-
annuation or other similar allowance or any
grant gratuity or lump sum payment of any
description the amount of which is based
wholly or partly upon the amount of the pay
received or receivable by a pensionable person
and which—

(a) the Council are or at any time after
the commencement of the specified period
were empowered or required by any Act or
any such scheme regulation order or agree-
ment as is referred to in the section of this
Act of which the marginal note is “ Power to
Council to adopt certain provisions of Act ”
to grant or pay to any person or to his
representatives; or

(b) is paid or payable by the Council as to
part in pursuance of a requirement and as to
the remainder in the exercise of the discretion
of the Council;

and includes any sum or sums paid or payable
on account of any such pension superannuation
or other similar allowance grant gratuity or
lump sum payment but does not include any

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sums paid or payable by the Council under the Workmen's Compensation Acts 1925 to 1930 or the Employers' Liability Act 1880;

“pensionable person” means any person to whom the Council are or at any time after the commencement of the specified period were empowered or required (whether contingently or absolutely) to pay a pensionable allowance whether such pensionable allowance has or has not become actually payable;

“representatives” in relation to a pensionable person means the legal personal representatives or dependants or any member of the family (as interpreted by section 61 (Gratuities to non-pensionable employees) of the London County Council (General Powers) Act 1930) of that person according to the circumstances of the case;

“associated authority” means any authority or body (other than the Council) to any of whose officers or servants the Council are or at any time after the commencement of the specified period were empowered or required (whether contingently or absolutely) to pay a pensionable allowance whether such pensionable allowance has or has not become actually payable;

“pensionable contribution” means any contribution paid or payable at any time after the commencement of the specified period to the Council or an associated authority on account of superannuation or pension benefits by any pensionable person or by any associated authority in respect of any pensionable person and in the case of a pensionable contribution payable by an associated authority means the whole of the contribution so payable including so much thereof as may be or at any time after the commencement of the specified period may have been recoverable by that authority from the pensionable person concerned.

(2) Any reference in this Act to any enactment shall be construed as a reference to that enactment as applied extended amended or varied by or by virtue of any subsequent enactment including this Act.

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3. If at any time or times during the specified period and not later than twelve months after—

- (a) the date of the passing of this Act; or
- (b) any later date on and from which any such reduction in pay as is referred to in this Act has commenced to operate;

the Council by resolution so determine (but not otherwise) the provisions of this Act other than the section thereof of which the marginal note is "Application to borough councils" shall to the extent (as respects the persons to whom the said provisions are to apply) specified in such resolution have effect notwithstanding anything contained in any other Act or in any scheme regulation or order in force under any Act or in any agreement made under any Act or under any such scheme regulation or order.

4.—(1) Where on account of national economic conditions any reduction in the normal pay of any pensionable person has been or shall be in operation during the specified period or during or in respect of any part of that period such reduction shall (but subject in the case of any such pensionable allowance as is referred to in the section of this Act of which the marginal note is "Saving for the Council" to the provisions of that section) be disregarded in computing the amounts of—

- (a) any pensionable contribution; and
- (b) any pensionable allowance granted or paid by the Council during or after the specified period;

where any such amount is based wholly or partly upon the amount of pay received or enjoyed in respect of the specified period or any part thereof.

(2) The payments to be made from time to time after the expiration of the initial period in respect of a continuing pensionable allowance granted during that period shall subject to the provisions of the said section of this Act of which the marginal note is "Saving for the Council" be of such amounts as the Council could have determined or would have been payable if such reduction had been disregarded in computing the amount of the continuing pensionable allowance.

(3) If any such reduction as aforesaid shall have been disregarded in computing the amount of—

- (a) any pensionable allowance which has been granted or paid; or

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—
Power to
Council to
adopt
certain
provisions
of Act.

Basis for
computing
pensionable
allowances
and contri-
butions.

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- (b) any pensionable contribution which has been paid (whether by deduction from pay or otherwise);

at any time during the initial period such pensionable allowance or pensionable contribution shall if otherwise lawfully granted paid or deducted be deemed to have been lawfully granted paid or deducted as the case may be.

(4) If any such reduction shall not have been disregarded in computing the amount of any pensionable allowance paid at any time during the initial period the Council—

- (a) where such pensionable allowance was paid in the exercise of a discretionary power may if they think fit; and
(b) where such pensionable allowance was paid otherwise than in the exercise of a discretionary power shall

pay to the person to whom such pensionable allowance was paid or to his representatives out of the account or fund out of which such pensionable allowance was payable an additional sum representing the amount by which the aggregate pensionable allowance actually paid in or in respect of the initial period is less than the aggregate pensionable allowance which would have been payable in or in respect of that period if the said reduction had been disregarded after deducting from such additional sum a sum representing the amount by which the aggregate pensionable contribution payable by such person in or in respect of the initial period was less than the aggregate pensionable contribution which would have been so payable in or in respect of that period if the said reduction had been disregarded.

(5) If in any such case as is referred to in subsection (4) of this section the aggregate pensionable contribution was paid to an associated authority that authority shall forthwith on demand made by the Council after the passing by them of any such resolution as is referred to in the section of this Act of which the marginal note is "Power to Council to adopt certain provisions of Act" pay to the Council an amount equal to the difference between the aggregate pensionable contribution which would have been payable and borne by that authority in or in respect of the initial period if the said reduction

had been disregarded and the aggregate pensionable contribution actually paid and borne by the authority in or in respect of that period. A.D. 1932.

(6) If any such reduction shall not have been disregarded in computing the amount of any pensionable contribution paid to the Council at any time in or in respect of the initial period by or in respect of a pensionable person to whom a pensionable allowance was not paid in that period the amount by which the aggregate pensionable contribution actually paid in or in respect of that period is less than the aggregate pensionable contribution which would have been so payable if the said reduction had been disregarded shall—

(a) if the pensionable contribution was paid to the Council by a pensionable person either be deducted by the Council from any pay subsequently due from the Council to such person or be recoverable as a debt due from such person or his representatives to the Council; or

(b) if the pensionable contribution was paid by an associated authority in respect of a pensionable person be paid by that authority to the Council forthwith on demand made by the Council after the passing by them of any such resolution as aforesaid and such authority may either deduct and retain from any pay subsequently due from such authority to such person or recover as a debt due from such person or his representatives to the authority an amount equal to the difference between the aggregate pensionable contribution which would have been payable by the pensionable person in or in respect of the initial period if the said reduction had been disregarded and the aggregate pensionable contribution actually paid to the authority by the pensionable person in or in respect of that period :

Provided that in the case of any such deduction from pay as is referred to in this subsection the Council or an associated authority may if they think fit make such deduction by such instalments spread over a period not exceeding two years as they may respectively determine and that in any case in which the Council or an associated

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(7) Any sums paid to the Council by an associated authority under subsection (5) or subsection (6) of this section or deducted or recovered by the Council under the said subsection (6) shall be carried by the Council to the credit of the account or fund to which the pensionable contributions paid or payable by or in respect of the pensionable person concerned are or were credited.

Saving for
the Council.

5. In any case in which under the provisions of any other Act or any such scheme regulation order or agreement as is referred to in the section of this Act of which the marginal note is "Power to Council to adopt certain provisions of Act" the grant or payment of a pensionable allowance is or was in the discretion of the Council nothing in this Act shall require the Council—

- (a) to grant or pay such pensionable allowance; or
- (b) to increase the amount of any such pensionable allowance already granted or paid.

Application
to borough
councils.

6.—(1) The provisions of the section of this Act of which the marginal note is "Power to Council to adopt certain provisions of Act" shall apply to the several borough councils as if such councils had respectively been referred to therein instead of the Council and as if this section had not been excluded from the operation thereof and the sections of this Act of which the marginal notes are respectively "Definitions" "Basis for computing pensionable allowances and contributions" "Saving for the Council" and "Powers of Act cumulative" shall in their application to any borough council who shall pass such a resolution as is referred to in the said section of this Act of which the marginal note is "Power to Council to adopt certain provisions of Act" be read and have effect as if that council had been referred to in those sections instead of the Council.

(2) If any borough council to whom the provisions of the said sections of this Act apply pursuant to this section are empowered or required by any Act or any such scheme regulation order or agreement as is referred to

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in the section of this Act of which the marginal note is A.D. 1932.
“ Power to Council to adopt certain provisions of Act ”
to contribute to any account or fund out of which
pensionable allowances are payable sums of which the
amount is based wholly or partly upon the amounts
of the pay received or enjoyed by or the contributions
to such account or fund payable by the pensionable
persons to whom such allowances are payable that council
may or shall (as the case may be) in or in respect of the
specified period from time to time contribute to that
account or fund such sums as they would have been
empowered or required to contribute thereto if no such
reduction in pay as is referred to in this Act had been
made.

7. All costs charges and expenses preliminary to Expenses
and of and incidental to the preparing of applying for of Act.
and obtaining of this Act or otherwise in relation thereto
shall be defrayed by the Council as payments for general
or special county purposes within the meaning of the
Local Government Act 1888 according as the Council
may decide and any borough council who pass such a
resolution as is referred to in the section of this Act of
which the marginal note is “ Power to Council to adopt
certain provisions of Act ” (as applied by the section of
this Act of which the marginal note is “ Application to
borough councils ”) may make such a contribution
towards the said costs charges and expenses as may be
agreed between that borough council and the Council.

8. The powers and rights given to the Council by Powers
this Act shall be deemed to be in addition to and not of Act
in derogation of any other powers and rights conferred on cumulative.
the Council by any other Act and the Council may
exercise such other powers and rights as if this Act had
not been passed.

9. Nothing in this Act shall be deemed to affect Saving for Fire
the provisions of the Fire Brigade Pensions Act 1925. Act 1925.

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