

SCHEDULES

SCHEDULE 1

Section 11.

SUPERANNUATION AND OTHER BENEFITS IN CASES OF TRANSFER ETC.

- 1 (1) Subject to the following sub-paragraphs, any provisions contained in or made under—
- (a) the Local Government Superannuation Acts 1937 to 1953, the Superannuation (Miscellaneous Provisions) Act 1948 or the National Insurance Act 1959, or
 - (b) any Act passed after the passing of this Act whereby any of those Acts is amended, extended or superseded, or
 - (c) any local Act under which any authority maintains a superannuation fund, shall, in relation to a library officer transferred by the operation of this Act from one local authority to another, have effect (save in so far as, in the case of a provision coming into operation after the passing of this Act, the contrary is expressly provided) as if his employment by those authorities were one continuous employment.
- (2) Sub-paragraph (1) above shall not have effect for the purposes of section 29 of the Local Government Superannuation Act 1937 (which provides for the payment of transfer values on a change from one superannuation fund to another), but, with respect to any transfer values which apart from any direction under this sub-paragraph would, in the case of a transfer of a library officer, be payable under the said section 29 by the administering authority or joint committee maintaining one superannuation fund (in this sub-paragraph referred to as the transferor fund) to the administering authority or joint committee maintaining another superannuation fund, the Minister of Housing and Local Government, if in the circumstances he considers it equitable to do so, may give directions for securing that—
- (a) no such transfer values will be payable in consequence of the transfer;
 - (b) the assets comprised in the transferor fund will be apportioned in such manner as the administering authorities or joint committees concerned may agree or, in default of such agreement, the said Minister may determine; and
 - (c) in respect of such part of those assets as may be so agreed or determined, such financial adjustments (whether by way of the transfer of assets or the making of a payment or both) as may be so agreed or determined shall be made;
- and any directions given under this sub-paragraph may include such incidental, supplementary and consequential provisions as the said Minister considers appropriate.
- A direction shall not be given under section 11(4) of this Act with respect to any matter as to which a direction is authorised to be given under this sub-paragraph.
- (3) In any case where the pensions provisions to which, by virtue of his employment as such, a library officer transferred by the operation of this Act is subject immediately before the transfer are not the same as the pensions provisions to which he becomes so subject immediately thereafter, the second-mentioned provisions shall have effect

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in relation to him as if they required him to make the like contributions (if any) as he would have been liable to make, and conferred on him rights corresponding with those which he would have enjoyed, if he had remained subject to the first-mentioned provisions, and as if they conferred on the authority to which he is transferred any discretionary power to pay pensions or increased pensions which was exercisable under the first-mentioned provisions by the authority from which he was transferred.

- (4) Sub-paragraph (1) above shall not affect the power to make regulations under section 36(6) of the Local Government Superannuation Act 1937 with respect to such administrative action to be taken by local authorities as is mentioned in Schedule 3 to that Act, and, except as may be expressly provided in the regulations, shall not affect the operation of any such regulations.
- 2 Any such statutory resolution as is mentioned in section 3(2)(b) or (c) (designation of persons as contributory employees) of the Local Government Superannuation Act 1937 which—
- (a) was passed by the authority from which a library officer is transferred by the operation of this Act, and
 - (b) is in force at the time the transfer takes effect,
- in so far as immediately before that time it applies to the library officer transferred, shall continue in force and have effect in relation to him as if it had been passed by the authority to which he is transferred.
- 3 Where, immediately before the time at which library officers of any description are transferred by the operation of this Act from one local authority to another, it was the prevailing practice of the first-mentioned authority, in relation to officers of that description, to exercise beneficially (that is to say, so as to secure the making by the authority of payments or of increased payments) any discretionary power exercisable by it by virtue of any pensions provisions, it shall be the duty of the other authority, in relation to those officers, to exercise that power (or any corresponding power under the pensions provisions for the time being in force) in a way which is not less beneficial than that practice ; and section 35 of the Local Government Superannuation Act 1937 shall apply to any question arising under this paragraph.
- 4 (1) Where a joint board established under section 5 of this Act is dissolved, and at any time before its dissolution a gratuity by way of periodical payments or an annuity—
- (a) was granted to any person by the board on his ceasing to be employed by the board, or
 - (b) was granted to the widow or any other dependant of a person who died while in the employment of the board, or who died during the currency of such a gratuity granted to him as mentioned in paragraph (a) above,
- and, if the board had not been dissolved at that time, one or more payments in respect of that gratuity would under the terms of the grant have fallen to be made by the board after that time (whether the board would have been obliged to make those payments or not), those payments shall be made by such authority (being one of the authorities which on the dissolution of the board again become library authorities) as the Secretary of State may determine.
- (2) Without prejudice to sub-paragraph (1) above, where for the purposes of any pensions provision the board, if it had not been dissolved, would at any time after the date on which it is dissolved have been the employing authority or former employing authority in relation to—
- (a) a person who before that time died while in the employment of the board, or otherwise ceased to be employed by the board; or

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(b) the widow or any other dependant of such a person, such authority (being one of the authorities which on the dissolution of the board again become library authorities) as the Secretary of State may determine shall be treated as being at that time the employing authority or former employing authority for those purposes in relation to that person, or to that person's widow or other dependant, as the case may be.

5 In this Schedule—

" pensions " includes lump sums and gratuities ;

" pensions provision " means a provision relating to pensions contained in or made under a general or local Act.

SCHEDULE 2

Section 15.

MANAGEMENT OF FUNDS FOR PURCHASE OF EXHIBITS

Payments into fund

1 No payment shall be made into the fund (hereinafter referred to as the " art fund ") unless the payment is authorised or required to be made by the following provisions of this Schedule.

2 (1) There may be paid into the art fund from the county fund or, as the case may be, the general rate fund such sums as the local authority determine, but, except with the consent of the Minister of Housing and Local Government,—

(a) the aggregate of sums so paid in any financial year shall not exceed the product of a rate of one-fifth of a penny in the pound for the administrative area of the authority for that year;

(b) a sum shall not be so paid if the payment thereof would cause the balance of the art fund to exceed the product of a rate of one penny in the pound for that area for that year.

(2) The above references to the product of a rate for an area shall, where there is more than one rating area within the area, be construed as references to the aggregate product of a rate of the amount in question for all rating areas within the area.

(3) The product of a rate of any amount for a rating area shall for the purposes of this paragraph be taken to be the product of a rate of that amount for that area ascertained, in the case of an area other than a county borough, in accordance with rules made for the purposes of section 9(2) of the Rating and Valuation Act 1925, or, in the case of a county borough, in accordance with rules made by the Minister of Housing and Local Government for the purposes of Part I of the Local Government Act 1958.

3 Where any object previously kept for exhibition in a museum or art gallery maintained by the local authority under section 12 of this Act is sold by the authority, and the proceeds of sale are not subject to any trust the terms of which prevent their being used for the purchase of other objects for exhibition either in that museum or gallery or in any other museum or art gallery for the time being so maintained, the proceeds of sale or any part thereof may be paid into the art fund.

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Power of investment

4 Until it is required for the purposes of the art fund, money therein may be invested by the local authority in the like investments as trustees are for the time being by law authorised to make, and for this purpose section 7 of the Trustee Investments Act 1961 (which applies the preceding sections of the Act to persons, other than trustees, having trustee investment powers) shall have effect as if this Act had been passed before that Act:

Provided that for the purpose of the making of investments by the authority under this paragraph, paragraph 9 of Part II of Schedule 1 to that Act (which specifies local authorities whose securities are to be authorised investments" shall not apply to the authority or to a joint board comprising the authority and established under section 5 of this Act.

5 Income arising from investments made under paragraph 4 above shall be carried to the county fund or the general rate fund, as the case may be, and an equivalent sum shall be paid from that fund into the art fund.

Application of foregoing provisions to joint boards

6 Where the local authority is a joint board established under section 5 of this Act—

(a) references in this Schedule to the county fund or general rate fund shall be construed as references to the general revenues of the joint board, and references to the administrative area of the local authority shall be construed as references to the library area of the joint board;

(b) the proviso to paragraph 4 above shall be treated as disapplying paragraph 9 of Part II of Schedule 1 to the Trustee Investments Act 1961 in relation to the authorities constituting the joint board as well as in relation to the board itself.

SCHEDULE 3

Section 26.

REPEALS

Chapter	Short title	Extent of repeal
54 & 55 Vict. c. 22.	The Museums and Gymnasiums Act 1891.	The whole Act, so far as unrepealed.
55 & 56 Vict. c. 53.	The Public Libraries Act 1892.	The whole Act.
56 & 57 Vict. c. 11.	The Public Libraries (Amendment) Act 1893.	The whole Act.
56 & 57 Vict. c. 73.	The Local Government Act 1894.	Section 7(1)(e).
61 & 62 Vict. c. 53.	The Library Offences Act 1898.	In section 3, paragraph (a).
1 Edw.7.c. 19.	The Public Libraries Act 1901.	The whole Act.

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Chapter	Short title	Extent of repeal
9 & 10 Geo. 5. c.93.	The Public Libraries Act 1919.	The whole Act.
15 & 16 Geo. 5. c.90.	The Rating and Valuation Act 1925.	Section 2(6).
23 & 24 Geo. 5. c. 51.	The Local Government Act 1933.	In section 305, in the definition of " The Adoptive Acts " the words "and (e) The Public Libraries Acts 1892 to 1919 ". In Schedule 7, the reference to the Public Libraries Acts 1892 to 1919.
9 & 10 Geo. 6. c.49.	The Acquisition of Land (Authorisation Procedure) Act 1946.	In Schedule 4, the entry relating to the Public Libraries Act 1919.
9 & 10 Geo. 6. c. 50.	The Education Act 1946.	Section 14(3).
8 & 9 Eliz. 2. c. 58.	The Charities Act 1960.	In Schedule 6, the entry relating to the Public Libraries Act 1892.
1963 c. 33	The London Government Act 1963.	Section 56.

TABLE OF STATUTES REFERRED TO IN THIS ACT

Short Title	Session and Chapter
Museums and Gymnasiums Act 1891	54 & 55 Vict. c. 22
Public Libraries Act 1901	1 Edw. 7. c. 19
Rating and Valuation Act 1925	15 & 16 Geo. 5. c. 90.
Local Government Act 1933	23 & 24 Geo. 5. c. 51
Public Health Act 1936	26 Geo. 5 & 1 Edw. 8. c. 49.
Local Government Superannuation Act 1937	1 Edw. 8 & 1 Geo. 6. c. 68.
Acquisition of Land (Authorisation Procedure) Act 1946	9 & 10 Geo. 6. c. 49.
Education Act 1946	9 & 10 Geo. 6. c. 50.
Superannuation (Miscellaneous Provisions) Act 1948	11 & 12 Geo. 6. c. 33.
Parish Councils Act 1957	5 & 6 Eliz. 2. c. 42.
Local Government Act 1958	6 & 7 Eliz. 2. c. 55.
National Insurance Act 1959	7 & 8 Eliz. 2. c. 47.
Trustee Investments Act 1961	9 & 10 Eliz. 2. c. 62.