

## SCHEDULES

### SECOND SCHEDULE

Sections 46, 52.

#### CAPACITIES IN RESPECT OF WHICH PAYMENTS MAY BE MADE UNDER PART V, AND PAYING AUTHORITIES

#### PART I

#### GENERAL

<i>Capacity</i>	<i>Paying Authority</i>
1. Clerk of the peace or deputy clerk of the peace of a borough in England or Wales.	The borough council.
2. Coroner in England or Wales	The council by whom the coroner's salary is paid immediately before he begins to perform relevant service to which Part V of this Act applies.
3. Employee of a local authority	The local authority.
4. Member of a police force	In the case of a police force maintained by virtue of a scheme under the Police Act, 1946, or of an amalgamation scheme under the Police (Scotland) Act, 1946, the authority responsible under the scheme for the maintenance of that force, and, in the case of any other police force, the police authority (within the meaning of the Police Pensions Act, 1921), responsible for the maintenance of that force.
5. Member of a fire brigade maintained in pursuance of the Fire Services Act, 1947	The fire authority, within the meaning of the Fire Services Act, 1947, by whom the fire brigade is maintained.
6. Probation officer appointed for a probation area other than the metropolitan police court area, or for two or more such probation areas	The probation committee for the area, or, as the case may be, the probation committees for the areas acting jointly.
7. Clerk appointed to give full-time assistance to a probation officer and remunerated by the probation committee or several probation committees acting jointly	The probation committee or committees.
8. Registration officer within the meaning of the Local Government Superannuation	The local authority in whose employment he is or is deemed for the purposes of either of those Acts to be.

<i>Capacity</i>	<i>Paying Authority</i>
Act, 1937, or the Local Government Superannuation (Scotland) Act, 1937	
9. Teacher appointed by a local" education authority for service in a maintained school or institution in England or Wales	} The local education authority.
10. Teacher, officer or servant appointed by the managers or governors of an aided or special agreement school in England or Wales	
11. Teacher, officer or servant of an institution in England or Wales assisted by a local education authority out of the proceeds of any rate	
12. Teacher employed by an education' authority in Scotland	} The education authority.
13. Teacher, officer or servant of the managers or governing body of a school or educational establishment to the maintenance of which an education authority contributes under s. 25 of the Education (Scotland) Act, 1946	
14. Teacher, officer or servant of an educational institution as to which it is certified by the Minister of Education or, as respects Scotland, the Secretary of State, that it is expedient that the provisions of Part V of this Act should apply notwithstanding any trust affecting the institution	The managers or other governing body of the institution.
15. Officer of a Regional Hospital Board, Board of Governors of a teaching hospital, Executive Council or other body constituted under the National Health Service Act, 1946, or the National Health Service (Scotland) Act, 1947	The Board, Council or other body.
16. Dental practitioner providing general dental service under the National Health Service Act, 1946, or the National Health Service (Scotland) Act, 1947, at a health centre who is remunerated by annual salary	The Executive Council for the area for which the services are provided.
17. Employee of a development corporation established under the New Towns Act, 1946	The development corporation.
18. Clerk to the stipendiary magistrate under the Staffordshire Potteries Stipendiary Justice Acts, 1839 to 1895	The Staffordshire Potteries Stipendiary Justice Commissioners.

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

<i>Capacity</i>	<i>Paying Authority</i>
19. Clerk to the stipendiary magistrate under the South Staffordshire Stipendiary Justice Act, 1899	The South Staffordshire Stipendiary Justice Commissioners.

## PART II

### ALLOCATION OF FUNCTIONS AS TO PAYMENTS UNDER PART V BETWEEN DIFFERENT AUTHORITIES IN CERTAIN CASES

Capacity	Determining authority	Paying authority and authority entitled to appeal against determination
1. Clerk of the peace of the County of London or his deputy.	The Secretary of State on the recommendation of the standing joint committee.	The London County Council.
2. Clerk of the peace of any other county in England or Wales or his deputy.	The court of quarter sessions for the county.	The county council.
3. Person employed by a standing joint committee or a court of quarter sessions to assist the clerk of the peace of a county in England or Wales.	The committee or court employing that person.	The county council.
4. Clerk to county justices in England or Wales—		
(a) entering on relevant service before the coming into force of s. 19 of the Justices of the Peace Act, 1949;	The standing joint committee of the county. (Subject to Note below.)	The county council are the paying authority and the county justices for whom the clerk acts are the authority entitled to appeal against a determination.
(b) appointed, or deemed for the purposes of the said Act to be appointed, by a magistrates' courts committee.	The magistrates' courts committee. (Subject to Note below.)	The county council.
5. Clerk to borough justices in England or Wales—		
(a) entering on relevant service before the coming into force of s. 19 of the	The justices of the borough. (Subject to Note below.)	The borough council.

*Note:*—In a case where a justices' clerk holds several clerkships and where several authorities would otherwise be concerned as determining authorities, the determining authority as respects each clerkship shall be all those authorities acting jointly, or, in default of agreement, the Secretary of State after consulting the authority entitled to appeal against determinations.

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

Capacity	Determining authority	Paying authority and authority entitled to appeal against determination
<p>Justices of the Peace Act, 1949:</p> <p>(b) appointed, or deemed for the purpose of the said Act to be appointed, by a magistrates' courts committee.</p>	<p>The magistrates' courts committee. (Subject to Note below.)</p>	<p>The borough council.</p>
<p>6. (a) Employee of a justices' clerk being an employee who by virtue of s. 20(2) of the Local Government Superannuation Act, 1937, is deemed to be a contributory employee of a local authority, or to whom a local Act scheme applies:</p> <p>(b) Employee of a magistrates' courts committee on the staff of a justices' clerk.</p>	<p>} The same as in the case of the justices' clerk.</p>	<p>The same, both as respects paying authority and authority entitled to appeal, as in the case of the justices' clerk and where there are several paying authorities the proportions in which they contribute to give effect to any determination shall be such as they may agree, or, in default of agreement, as may be determined by the Secretary of State.</p>
<p><i>Note:—In a case where a justices' clerk holds several clerkships and where several authorities would otherwise be concerned as determining authorities, the determining authority as respects each clerkship shall be all those authorities acting jointly, or, in default of agreement, the Secretary of State after consulting the authority entitled to appeal against determinations.</i></p>		