2. COMPENSATION

(1) *Regulations.* | (2) *Forms.*

(1) REGULATIONS

See the Local Government (Compensation) Regulations, 1948 (S.I. 1948 No. 1458), p. 1701 above.

(2) FORMS

The Local Government (Compensation Forms) (Scotland) Regulations, 1948

1948 No. 1314 (S. 99)

Made - - - - 14*th June*, 1948
Coming into Operation 1*st July*, 1948

In exercise of the powers conferred upon me by paragraph 11 of the Eleventh Schedule to the Local Government (Scotland) Act, 1947(**a**), and all other powers enabling me in that behalf, I hereby make the following Regulations.

1.—(1) These Regulations may be cited as the Local Government (Compensation Forms) (Scotland) Regulations, 1948; and shall come into operation on the first day of July, 1948.

(2) The Interpretation Act, 1889(**b**), applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

2. The forms set out in the Schedule hereto or forms as near thereto as circumstances admit shall be the forms to be used in connection with a claim for compensation in all cases to which those forms are applicable.

Dated this 14th day of June, 1948.

St. Andrew's House,
Edinburgh.

Arthur Woodburn,
One of His Majesty's Principal Secretaries of State.

SCHEDULE

FORM NO. 1

Claim for Compensation for Direct Pecuniary Loss

Local Government (Scotland) Act, 1947

[Here name the provision under which compensation is claimed.]

To the [Here insert name of authority from whom compensation is claimed.]

I, ..., hereby claim compensation under the above-mentioned provisions for the direct pecuniary loss suffered by me by reason of $\frac{\text{the determination of my appointment*}}{\text{the diminution of my emoluments*}}$ as .....

in the $\frac{\text{whole-time*}}{\text{part-time*}}$ service of the .....

A statement is attached giving particulars in support of my claim.

Signature .....
Address .....
Date .....

* Strike out words not required.

(**a**) 10 & 11 Geo. 6. c. 43. (**b**) 52 & 53 Vict. c. 63.

FORM NO. 2

Statement to accompany Claim for Compensation

Local Government (Scotland) Act, 1947

[Here name the provision under which Compensation is claimed.]

1. Name in full .....

2. Date of birth .....

3. Description of $\frac{\text{whole-time*}}{\text{part-time*}}$ office $\frac{\text{which has been determined*}}{\text{the emoluments† of which have been diminished*}}$ .....

4. Material date‡ .....

5. Amount of annual pecuniary loss .....

6. The following are the grounds upon which I contend that the loss was sustained by virtue of the above-mentioned provisions or of something done in pursuance or in consequence of these provisions—

.....

7.—(*a*) Particulars of the emoluments of the office and of any expenses incurred by me in connexion with the office in respect of the period of five years next before the material date are set out in Part I of the First Appendix to this Form.

(*b*) In Part II of the First Appendix§ are set out estimates of the emoluments of the office and of the expenses to be incurred by me in the office after the material date and a statement of any emoluments actually received and of any expenses actually incurred after the material date.

8. The date of appointment to the office and the terms of the appointment are as follows—

.....

9. Particulars are set out in the Second Appendix to this Form of all my service in any office‖ after attainment of the age of 18 years, including any service reckonable under paragraph 7 (6)¶ of the Eleventh Schedule to the Local Government (Scotland) Act, 1947.

10. At the material date the whole of my time $\frac{\text{was devoted*}}{\text{was not devoted*}}$ to service in offices.

11. **I have not obtained by virtue of the above-mentioned provisions or of anything done in pursuance or in consequence thereof any increase of the emoluments enjoyed by me at the material date.

12. **On the ..... I obtained by virtue of the above-mentioned provisions or of something done in pursuance or in consequence thereof the following increase of the emoluments enjoyed by me at the material date.

13. **On the ..... (being a date not earlier than the material date) I accepted [the office [offices] of ..... [and] .....]* [the public appointment†† [appointments] of ..... [and] .....]* the annual emoluments of which are £.....s.....d., [£.....s.....d., £.....s.....d., and £.....s.....d. respectively.]*

14. **I have not declined the emoluments of any office or public appointment which I might have obtained on or after the material date if I had accepted an offer made to me.

15. **I have declined the emoluments of the following [office]* [offices]* [and public appointment [appointments]]* which I might have obtained on or after the material date if I had accepted [an offer]* [offers]* made to me, namely

.....

The emoluments of [this office]* [these offices]* [and this public appointment]* [and these public appointments]* were [respectively]* as follows:—

.....

My reasons for refusing them were .....

No other offer of the emoluments of an office or other public appointment was made to me.

†16. The following particulars relate to the fact that I was appointed as a specially qualified person or had before my appointment been employed (otherwise than in an office within the meaning of the Eleventh Schedule to the Local Government (Scotland) Act, 1947) as a depute, assistant or clerk by a permanent officer for the purpose of the discharge of the latter's official duties.....

.....

.....

---

* Strike out any words not required.

† " Emoluments ", as defined in subsection (1) of section 379 of the Local Government (Scotland) Act, 1947, includes all salary, wages, fees and other payments paid or made to an officer as such for his own use, and the money value of any apartments, rations or other allowances in kind pertaining to his office, but does not include payments for overtime or any sum paid to him to cover travelling expenses, cost of office accommodation, assistance of deputies or clerical or other assistance.

‡ " Material date ", as defined in paragraph 12 of the Eleventh Schedule to the Local Government (Scotland) Act, 1947, means the date on which the determination of office or diminution of emoluments, as the case may be, takes effect.

§ " Office " as defined in section 320 (1) of the Local Government (Scotland) Act, 1947, means any place, situation or employment under a local authority, and includes the office of registrar of births, deaths and marriages, assistant, registrar of births, deaths and marriages, clerk to the justices of the peace or procurator fiscal in the justices of the peace court, and the expression " officer " has a corresponding meaning.

‖ Part II of the First Appendix is to be completed only in a case where the office is not determined but there has been a diminution of emoluments.

¶ This sub-paragraph is as follows:—

" If an officer was temporarily absent from his office during any war whilst serving in His Majesty's forces or the forces of any Allied or Associated Powers or on any other form of war service within the meaning of the Local Government Staffs (War Service) Act, 1939, such period of temporary absence shall be reckoned as service under that authority:

" Provided that in the case of an officer who after the eleventh day of November nineteen hundred and eighteen voluntarily extended his term of service in the forces, no period of absence during any such extension shall be reckoned."

** Strike out this paragraph if not applicable.

†† " Public appointment ", as defined in paragraph 12 of the Eleventh Schedule to the Local Government (Scotland) Act, 1947, means any employment the emoluments of which are payable out of public funds.

First Appendix to Form No. 2

Part I

Statement of annual emoluments of the office and any expenses incurred in respect of the office for the five years up to material date

	(1) Year ended	(2) Year ended	(3) Year ended	(4) Year ended	(5) Year ended	Totals	Annual rates of emoluments and expenses immediately before the material date .....
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1. Gross Emoluments :—							
(*a*) Salary							
(*b*) Wages							
(*c*) Fees							
(*d*) Other emoluments (specifying them)							
Total emoluments							
2. Expenses :—							
(*a*) For office accommodation...							
(*b*) For clerical assistance ...							
(*c*) Other expenses (specifying them)							
Total expenses...							
3. Net emoluments							

PART II

Estimate of annual emoluments and expenses of office after material date and statement of emoluments actually received and expenses actually incurred in respect thereof after that date

Estimated emoluments and expenses of office			Emoluments received and expenses incurred		
Amount of annual salary or wages			Amount of salary or wages received or earned for period from material date to the ..... day of		
Amount of annual fees			Amount of fees received or earned during the same period		
Amount of other emoluments (specifying them) ... ... per annum.....			Amount of other emoluments (specifying them) received or earned during the same period... ...		
Total Emoluments			Total Emoluments		
Estimated amount of expenses per annum (specifying them)			Amount of expenses incurred during the same period (specifying them)		
Total Expenses			Total Expenses		
Net Emoluments			Net Emoluments...		

SECOND APPENDIX TO FORM NO. 2

Particulars of Service after attaining the age of 18 years

Name of Local Authority	Description of office	Whether whole-time or part-time	Date of commencement of service	Date of termination of service or diminution of emoluments	Period of whole-time service			Period of part-time service			Remarks
					Years	Months	Days	Years	Months	Days	
				Totals ...							

I, ..., of ....., in the ..... of ..... DO SOLEMNLY AND SINCERELY DECLARE that the foregoing statement is a true statement to the best of my knowledge, information and belief, and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Statutory Declarations Act, 1835.

Declared at .....
in the ..... of ..... } .....
this ..... day of ....., 19 ...

Before me,

.....

*Justice of the Peace *Notary Public

* Strike out words not required.

.....
Address

Note.—Paragraph 1 (4) of the Eleventh Schedule to the Local Government (Scotland) Act, 1947, reads as follows:—

" A claimant, if so required by any member of the local authority by notice sent by the clerk of the authority, shall attend at a meeting of the authority or of any committee appointed by the authority for the purpose, and answer on oath all questions asked by any member of the authority or committee touching the matters set forth in his claim and in the said statement, and shall further produce all books, papers and documents in his possession or under his control relating to the claim. The oath shall be administered in the case of a county council by the convener or vice-convener, in the case of a town council by the provost or acting chief magistrate, and in the case of a district council by the chairman of the council, or in any case by any justice of the peace present at the meeting." .

FORM No. 3

Notice of Council's decision on claim for Compensation

Local Government (Scotland) Act, 1947

[Here name the provision under which compensation is claimed.]

To .....

.....

You are hereby informed that the decision of the ..... upon the claim for compensation made by you under the above-mentioned provisions on the .....19....., in respect of ..... is as follows:—

(*a*) That no compensation be granted to you.

(*b*) That an annuity of £..... (figures and words) be granted to you as from the ..... day of ....., 19..., payable in equal monthly*/quarterly* instalments (on the ..... day of each month)* (on the ..... day of ....., the ..... day of ..... the ..... day of ..... and the ..... day of ..... in each year), the first payment to be of £.....s.....d. on the ..... day of ....., 19..., and covering the period from the ..... day of ....., 19... to the ..... day of ....., 19....

(*c*) That a capital sum of £..... (figures and words) be granted to you payable on the ..... day of .....

If you are aggrieved by the refusal of the local authority to grant any compensation or by the amount of compensation assessed, you may within three months after the date on which you receive notice of the decision of the authority appeal to the Secretary of State, St. Andrew's House, Edinburgh, 1.

You should immediately notify the Council in the event of your becoming subject to the provisions of paragraph 10 of the Eleventh Schedule to the Local Government (Scotland) Act, 1947, which reads as follows:—

" 10.—(1) If a person receiving compensation in pursuance of the provisions of this Act—

(*a*) obtains any office or other public appointment, or

(*b*) receives by virtue of anything done in consequence of the transfer of functions any increase of the emoluments which were enjoyed by him at the date as at which the compensation was assessed,

he shall not, so long as he holds that office or other public appointment or receives those increased emoluments, be entitled to receive any greater sum by way of compensation in respect of the office for which compensation is awarded than would make up the amount, if any, by which the emoluments which he is receiving fall short of the emoluments of the office in respect of which compensation was awarded:

" Provided that where a person held two or more offices at the date as at which the compensation was assessed or has been awarded compensation in respect of two or more offices, the Secretary of State may, on the application of that person or of any authority by whom the compensation is payable, modify the operation of the foregoing sub-paragraph in relation to that person so far as is in the opinion of the Secretary of State necessary in order equitably to meet the circumstances of the case.

" (2) Where an officer to whom compensation has been awarded in pursuance of the provisions of this Act subsequently becomes entitled to a superannuation allowance in respect of any office or other public appointment which he has accepted after the material date, and in calculating the amount of such allowance account is taken of any period of service in respect of which compensation is payable, then if the compensation does not exceed such part of the superannuation allowance as is attributable solely to that service, the compensation shall cease to be payable, and if it exceeds such part of the superannuation allowance as aforesaid, it shall be reduced by an amount equal to that part of the allowance."

Dated this ..... day of ....., 19....

Signed .....

Clerk of the Council.

(*a*) (*b*) (*c*) The paragraphs which are inappropriate should be struck out.

* Strike out words or paragraph not required.

FORM No. 4

Notice of Appeal to the Secretary of State by a Claimant for Compensation Local Government (Scotland) Act, 1947

[Here name the provision under which compensation is claimed.]

To the Secretary,

Scottish Home Department,
St. Andrew's House,
Edinburgh, 1.

I, ..., hereby appeal to the Secretary of State, being aggrieved by *(i) the refusal of the ..... to grant any compensation *(ii) the amount of compensation assessed by the ..... upon the claim delivered by me to them on the ..... in respect of .....

I enclose a copy of my claim for compensation and of the statement which accompanied it, together with a statement of the grounds on which I am aggrieved by the decision of the above-mentioned Authority, notice of which was received by me on .....†

Dated this ..... day of ....., 19....

Signature .....

Address .....

*Strike out (i) or (ii).

† Under paragraph 8 of the Eleventh Schedule to the Local Government (Scotland) Act, 1947, the appeal must be lodged within three months after this date. If the requirements of the second paragraph of this Form cannot be complied with within that period, it will be sufficient if they are complied with as soon as possible thereafter, but it is essential that the appeal should be lodged within that period.

3. CONFERENCES

The Local Government (Scotland) (Conferences) Regulations, 1948

1948 No. 2289 (S. 183)

Made - - - -	*11th October,* 1948
Laid before Parliament	*13th October,* 1948
Coming into Operation	*1st November,* 1948

In exercise of the powers conferred on me by sections 117, 118 and 119 of the Local Government Act, 1948(a), I hereby make the following Regulations:—

1. These Regulations may be cited as the Local Government (Scotland) (Conferences) Regulations, 1948, and shall come into operation on 1st November, 1948.

(a) 11 & 12 Geo. 6. c. 26.