

An Act to make fresh provision with respect to the payment of superannuation allowances and gratuities to or in respect of probation officers and certain former probation officers and to make provision with respect to the payment of such allowances and gratuities to or in respect of clerks appointed to assist probation officers in the performance of their duties.

[31st July 1947]

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 :—

Superannuation of probation officers and clerks to probation officers.

1.—(1) The Secretary of State may by order apply to—

(*a*) probation officers appointed under Part I of the Criminal Justice Act, 1925 (hereinafter referred to as " probation officers ") other than probation officers in the City of London, or any class of probation officers other than as aforesaid ; and

15 & 16 Geo. 5. c. 86.

(*b*) clerks appointed to assist probation officers in the performance of their duties either by probation committees or the Secretary of State or before the first day of July, nineteen hundred and forty-four, by probation officers, or any class of clerks so appointed ;

the provisions of the Local Government Superannuation Act, 1937, or of a local superannuation enactment, subject in any case to such adaptations, modifications and exceptions as he thinks fit, and transfer, to such superannuation funds maintained under the said Act of 1937 or a local superannuation enactment as may be specified in the order, the liabilities of the superannuation fund established under the arrangements made by the Secretary of State under subsection (3) of section one of the Criminal Justice Act, 1925 (hereinafter referred to as the " existing superannuation arrangements ") in respect of the payment of

1 Edw. 8 & 1 Geo. 6. c. 68.

superannuation allowances under those arrangements to persons who, immediately before the coming into operation of the order, are entitled to receive such allowances under those arrangements.

(2) The provisions applied by any such order as aforesaid shall, in relation to probation officers to whom the existing superannuation arrangements apply, have effect in lieu of those arrangements.

(3) An order under this section may, so far as relating to probation officers and clerks, make different provision with respect to different classes thereof, and may contain such incidental, consequential and supplemental provisions as appear to the Secretary of State to be requisite or expedient for the purposes of the order, and (without prejudice to the generality of this subsection) may provide—

(*a*) for the winding up of the superannuation fund established under the existing superannuation arrangements and the distribution of the assets thereof remaining after the payment of the expenses of the winding up amongst superannuation funds maintained under the Local Government Superannuation Act, 1937, or a local superannuation enactment; and

(*b*) for the payment by probation committees to superannuation funds so maintained of sums requisite to prevent the arising therein of deficiencies that would otherwise arise by reason of provisions of the order requiring the reckoning of service before the date of the coming into operation of the order.

7 & 8 Geo. 6. c. 21. 10 & 11 Geo. 6. c. 7.

(4) Section four of the Pensions (Increase) Act, 1944 (which, subject to the limitations imposed by the Pensions (Increase) Act, 1947, enables pensions payable in respect of service as a probation officer to be increased) shall have effect as if the reference to such service included a reference to service as such a clerk as is mentioned in paragraph (*b*) of subsection (1) of this section.

(5) In this section the expression "local superannuation enactment" means a local Act as defined by the Local Government Superannuation Act, 1937, whereunder a superannuation fund is maintained by a local Act authority as so defined, any instrument having effect under such an Act and any other enactment (whether contained in a public general or local Act) relating to the payment by such an authority to or in respect of an employee of theirs of gratuities or compensation for death or injury.

2 & 3 Geo. 6. c. 94.

(6) Nothing in this section shall affect the operation of the Local Government Staffs (War Service) Act, 1939.

Consequential amendments and repeals.

2. As from the coming into operation of the order first made under this Act—

(*a*) the provisions of the Criminal Justice Act, 1925, specified in the first column of Part I of the Schedule to this Act shall have effect subject to the amendments specified in relation to those provisions respectively in the second column of that Part of that Schedule; and

(*b*) the provisions of that Act specified in the first column of Part II of the Schedule to this Act shall be repealed to the extent specified in the second column of that Part of that Schedule.

Provisions as to orders.

3.—(1) Before making an order under this Act the Secretary of State shall cause notice thereof to be given in such manner as he thinks fit to any association of local authorities who may be affected thereby, and shall take into consideration any representations with respect thereto which may be submitted to him by any such association.

(2) An order under this Act may be varied or revoked by a subsequent order made by the Secretary of State subject to the like conditions as the original order.

(3) An order under this Act shall be laid before Parliament immediately after it is made, and if either House of Parliament within the period of forty days beginning with the day on which the order is laid before it resolves that it be annulled, it shall thereupon become void, but without prejudice to the validity of anything previously done thereunder or to the making of a new order.

In reckoning any such period of forty days as aforesaid, no account shall be taken of any time during which Parliament is dissolved or prorogued, or during which both Houses are adjourned for more than four days.

(4) Section one of the Rules Publication Act, 1893, shall not apply to an order under this Act. 56 & 57 Vict. c. 66.

Expenses.

4. Any increase in the sums payable under subsection (3) of section five of the Criminal Justice Act, 1925, out of moneys provided by Parliament which is attributable to the passing of this Act shall be defrayed out of moneys so provided.

Short title and extent.

5.—(1) This Act may be cited as the Probation Officers (Superannuation) Act, 1947.

(2) This Act shall not extend to Scotland or Northern Ireland.

SCHEDULE.

Section 2.

CONSEQUENTIAL AMENDMENTS AND REPEALS OF PROVISIONS OF THE CRIMINAL JUSTICE ACT, 1925.

PART I.

AMENDMENTS.

Provision, and subject matter thereof.	*Amendment.*
Subsection (1) of section five (Expenses incurred by probation committee in respect of salaries of, and superannuation allowances or gratuities to, probation officers, etc., to be defrayed by local authority in whose area the probation area is situate).	The reference to superannuation allowances or gratuities to probation officers shall be construed as including a reference to superannuation allowances, gratuities or compensation payable, by virtue of an order under this Act, to or in respect of probation officers and clerks appointed by probation committees or probation officers to assist probation officers in the performance of their duties.
Paragraph (*c*) of subsection (1) of section nine (Sums directed by the Secretary of State to be paid in respect of salaries and superannuation allowances or gratuities payable in the case of probation officers appointed by him for the metropolitan police court district to be defrayed out of the metropolitan police fund).	The reference to superannuation allowances or gratuities payable in the case of probation officers appointed by the Secretary of State shall be construed as including a reference to superannuation allowances, gratuities or compensation payable, by virtue of an order under this Act, to or in respect of probation officers so appointed and clerks so appointed to assist such officers in the performance of their duties.

PART II.

REPEALS.

Provision.	*Extent of Repeal.*
Section one ...	Subsection (3), except as respects persons who, immediately before the coming into operation of the order first made under this Act, are entitled to receive a superannuation allowance under the existing superannuation arrangements.
Section two ...	In subsection (5), in paragraph (*b*), the words " and any superannuation allowances or gratuities payable under this Part of this Act ".
Section eight ...	In paragraph (*b*), the words " and for regulating superannuation allowances and gratuities payable in the case of probation officers ".

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