**7.** This Scheme may be cited as the Personal Injuries (Civilians) (Amendment) Scheme, 1948, and shall come into operation on 16th February, 1948.

Dated this 6th day of February, 1948.

*George Buchanan,*
Minister of Pensions.

EXPLANATORY NOTE

*(This Note is not part of the Scheme, but is intended to indicate its general purport.)*

1. The Scheme amends the Personal Injuries (Civilians) Scheme, 1947, and incorporates in that Scheme the improvements announced by the Minister of Pensions in the House of Commons on the 25th March, 1947, and the 1st April, 1947.

2. The " period of the emergency " has been further extended for the purposes of war service injuries sustained by members of the National Fire Service of Great Britain (Article 2).

3. An award may now be made under the Personal Injuries (Civilians) Scheme, 1947, in respect of the death of a person where his death occurs more than seven years after the date of the qualifying injury, provided the deceased person was at the date of his death, or had been at any time previously, in receipt of a pension or allowance in respect of disablement caused by the qualifying injury of which his death was the direct result (Articles 3 and 4).

4. Provision is made for higher assessments of disablement in the case of certain specified injuries (Article 5).

## 6. PROBATION OFFICERS

# The Probation Officers (Superannuation) Order, 1948

## 1948 No. 1220

| | |
|---|---|
| *Made - - - -* | *9th June,* 1948 |
| *Laid before Parliament* | *9th June,* 1948 |
| *Coming into Operation* | *1st July,* 1948 |

In pursuance of the powers conferred upon me by section one of the Probation Officers (Superannuation) Act, 1947(**a**), as extended by section thirteen of the Superannuation (Miscellaneous Provisions) Act, 1948(**b**), I hereby, with the consent of the Treasury, make the following Order:—

PART I

*Application of the Act of 1937 and local superannuation enactments*

**1.** On and after the appointed day and subject respectively to the adaptations, modifications and exceptions contained in the First, Second and Third Schedules to this Order—

(*a*) the Act of 1937 shall apply to—

(i) whole-time probation officers and whole-time clerks;

(**a**) 10 & 11 Geo. 6. c. 38. (**b**) 11 & 12 Geo. 6. c. 33.

(ii) part-time probation officers in receipt of a remuneration of not less than £130 a year,

being officers employed by a probation committee (other than the Probation Committee for the City of London or the City of Manchester), as the said Act applies to officers of a local authority other than a local Act authority;

(*b*) the London superannuation enactment shall apply to probation officers and clerks, being whole-time officers whose remuneration is payable out of the Metropolitan Police Fund, as the said enactment applies to whole-time officers of the London County Council;

(*c*) the Manchester superannuation enactment shall apply to probation officers and clerks, being whole-time officers employed by the Probation Committee for the City of Manchester, as the said enactment applies to whole-time officers of the Manchester City Council:

Provided that any probation officer in whose case the foregoing provisions of this Article apply on the appointed day may, unless immediately before the appointed day he was a contributor to the existing fund, give notice in writing within six months of the appointed day to the probation committee by whom he is employed or, if his remuneration is payable out of the Metropolitan Police Fund, to the Secretary of State that he does not desire the provisions of this Order to apply to him and thereupon the provisions of this Order shall cease to apply and be deemed never to have applied to him.

## PART II

*Provisions relating to existing pensioners and for winding up existing fund*

**2.**—(1) Where immediately before the appointed day a right to a superannuation allowance under Rule 4 of the Rules of 1926 is vested in a retired probation officer, the said allowance shall on and after the appointed day be paid out of the superannuation fund to which he would have become a contributor under the provisions of Part I of this Order if he had continued to serve in the employment from which he retired and had been serving therein on the appointed day:

Provided that where by virtue of a combination order made by the Secretary of State under subsection (1) of section two of the Criminal Justice Act, 1925(a), the powers of the probation committee by whom he was employed have become vested in the probation committee for the combined area constituted by that order, he shall, for the purpose of determining the superannuation fund out of which the said allowance is to be payable under the foregoing provisions of this paragraph, be deemed to have retired while in the employment of the probation committee for the combined area.

(2) Where a person having a vested right to a superannuation allowance as aforesaid dies before he shall have received by way of payment of the said allowance an amount equal to the aggregate of the amounts paid (whether by him or by any other person on his behalf) into the existing fund by way of employee's contributions, together with compound interest thereon, calculated to the date of his retirement at the rate of three per cent. per annum with yearly rests, there shall be paid to his legal personal representatives out of the fund from which at the time of his death the said allowance was payable a sum equal to the difference between the aggregate of the said amounts and the amount which he has received by way of payment of the said allowance.

(3) Any question arising under paragraph (1) of this Article as to the identity of the fund out of which a superannuation allowance is payable shall be determined by the Secretary of State, whose decision shall be final.

(a) 15 & 16 Geo. 5. c. 86.

**3.** As soon as may be after the appointed day the managers of the existing fund shall wind up the said fund and, subject to the payment thereout of all expenses incurred in connection with the winding up, shall distribute the assets in the order following, that is to say—

(*a*) shall pay into a special fund for securing the pension rights of seconded officers (hereafter in this Order called " the special fund ") a sum, in respect of any seconded officer who remains seconded on the appointed day, equal to the aggregate of the amounts paid into the existing fund by or on behalf of that officer by way of employee's contributions under Rules 10 and 16 of the Rules of 1926, together with compound interest thereon, calculated to the appointed day at the rate of three per cent. per annum with yearly rests;

(*b*) shall pay into the funds on which liabilities are imposed by paragraph (1) of the last foregoing Article such sums as the Government Actuary shall determine to be necessary for meeting those liabilities;

(*c*) shall pay into the fund to which a probation officer becomes a contributor under the provisions of Part I of this Order on the appointed day a sum equal to the aggregate of the amounts paid into the existing fund by or on behalf of that officer by way of employee's contributions under Rules 10 and 16 of the Rules of 1926, together with compound interest thereon, calculated to the appointed day at the rate of three per cent. per annum with yearly rests;

(*d*) shall distribute the residue between the funds into which payments (hereafter in this paragraph called " employee's contribution payments ") are made under paragraph (*a*) and paragraph (*c*) of this Article in such manner as will, in the opinion of the Government Actuary, ensure that the amount certified by him to be paid into any of the said funds under this paragraph shall be proportionate to the liabilities (other than liabilities accruing from employee's contribution payments) imposed on that fund under the provisions of this Order in relation to service rendered before the appointed day by the persons in respect of whom employee's contribution payments are made.

## PART III

### *Special provisions relating to seconded officers*

**4.**—(1) The special fund shall be administered by a body of managers (not exceeding three) appointed by the Secretary of State.

(2) All moneys payable into the special fund shall be paid into a separate banking account to be kept by the managers with such bank as the Secretary of State may prescribe.

(3) Any moneys belonging to, or balance lying to the credit of, the special fund may be invested by the managers in any security in which trustees are for the time being authorised by law to invest trust funds.

**5.**—(1) There shall be paid into the special fund by or on behalf of a seconded officer by way of employee's contribution at such times and in such manner as the Secretary of State may direct, in respect of the period commencing on the appointed day and terminating on the date on which the officer ceases to be seconded, the amount specified in paragraph (3) of this Article.

(2) The employer of a seconded officer shall, at such times and in such manner as may be so directed, pay into the special fund by way of employer's contribution an amount equal to that paid under the last foregoing paragraph by or on behalf of the officer.

(3) The amount to be paid by or on behalf of a seconded officer by way of employee's contribution under paragraph (1) of this Article shall—

(*a*) if the officer became a contributor to the existing fund before the first day of April, 1939, and has contributed continuously thereto until the appointed day, be five per cent. of his notional salary;

(*b*) in any other case, be six per cent. of his notional salary.

(4) The notional salary of a seconded officer for the purpose of the last foregoing paragraph shall—

(*a*) if the officer became a seconded officer before the first day of December, 1946, be the salary to which he would have become entitled by adjustment under paragraph (1) of Rule 61 of the Probation Rules, 1926(**a**), had he remained in his employment as a probation officer until that date;

(*b*) in any other case, be the salary which he was receiving as a probation officer immediately before the date on which he became a seconded officer.

**6.**—(1) Subject to the provisions of this Article, a seconded officer who is a contributor to the special fund shall—

(*a*) until he ceases to be seconded; and

(*b*) on ceasing to be seconded unless he thereupon becomes a contributory employee or local Act contributor under the provisions of Part I of this Order,

have the same rights in relation to the special fund as he would have had as a full-time probation officer under the Rules of 1926 in relation to the existing fund, and for the purposes of the application of those Rules service as a seconded officer shall be treated as service as a full-time probation officer and any amounts paid into the special fund by or on behalf of a seconded officer under paragraph (1) of the last foregoing Article shall be treated as contributions paid by him under Rule 10 of those Rules.

(2) A seconded officer who does not become a contributory employee or local Act contributor under the provisions of Part I of this Order on ceasing to be seconded shall be deemed for the purposes of the application of Rules 4 and 6 of the Rules of 1926 to have resigned on the date on which he ceased to be seconded.

(3) The legal personal representatives of a seconded officer shall have the same rights in relation to the special fund as the legal personal representatives of a full-time probation officer have in relation to the existing fund under paragraph (i) of Rule 7 of the Rules of 1926.

(4) Where a seconded officer becomes entitled under the provisions of paragraph (1) of this Article to a superannuation allowance in accordance with Rule 4 of the Rules of 1926, the said allowance shall be paid out of the fund to which the officer would have become a contributor under the provisions of Part I of this Order on ceasing to be seconded had he thereupon been re-employed as a probation officer in the probation area from which he was seconded, and the managers of the special fund shall pay into the fund from which the said allowance becomes payable as aforesaid such amount as the Government Actuary shall determine to be necessary for meeting the liabilities of the said fund under the provisions of this paragraph.

(5) Where a seconded officer dies after becoming entitled to a superannuation allowance under paragraph (1) of this Article, his legal personal representatives shall have the same rights in relation to the fund out of

(**a**) S.R. & O. 1926 (No. 577) p. 1148; and *see* S.R. & O. 1944 (No. 700) I, p. 871 and S.R. & O. 1946 (No. 1967) I, p. 1407.

which the said allowance is payable as the legal personal representatives of a full-time probation officer have in relation to the existing fund under paragraph (ii) of Rule 7 of the Rules of 1926.

(6) In this Article the expression "full-time probation officer" has the meaning assigned to that expression in Rule 1 of the Rules of 1926.

**7.** Where a seconded officer is a contributor to the special fund and becomes a contributory employee or local Act contributor under the provisions of Part I of this Order on ceasing to be seconded, the managers of the special fund shall pay into the fund to which he will contribute under the said provisions—

(*a*) a sum equal to the aggregate of the amounts paid by way of employee's contribution by or on behalf of the officer—

(i) into the existing fund under Rules 10 and 16 of the Rules of 1926; and

(ii) into the special fund under paragraph (1) of Article 5 of this Order,

together with compound interest thereon, calculated to the date on which he ceased to be seconded at the rate of three per cent. per annum with yearly rests;

(*b*) a sum calculated in accordance with paragraph 5 of the First Schedule to the Local Government Superannuation (Transfer Value) Regulations, 1939(**a**), and Table I of the Tables subjoined thereto, in respect of service reckonable under the provisions of Part I of this Order in relation to any period before the date on which he became a contributory employee or local Act contributor under the said provisions on ceasing to be seconded.

**8.** Any payment falling to be made by the managers of the special fund under the provisions of this Part of this Order shall be made out of the said fund and, if the assets thereof are insufficient to enable any such payment to be made, there shall be paid into the said fund out of moneys provided by Parliament any sum necessary for enabling that payment to be made.

**9.** When all the seconded officers have ceased to be seconded the managers of the special fund shall wind up the said fund and any moneys remaining therein after payment of the expenses of winding up shall be paid into the Exchequer.

**10.** Regulation 10 of the National Insurance (Modification of Local Government Superannuation Schemes) Regulations, 1947(**b**), shall have effect as if there were included in the list of persons excepted in the said Regulation 10 from the application of Regulation 3 of the said Regulations a seconded officer who becomes a contributory employee or local Act contributor under the provisions of Part I of this Order after the fifth day of July, 1948, on ceasing to be seconded; and the provisions of the said Regulation 10 relating to the giving of notice by a person so excepted to his employer and to the effect of such a notice shall apply to an officer who is excepted from the application of the said Regulation 3 under the foregoing provisions of this Article.

## PART IV.

### *General*

**11.**—(1) In this Order, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"the Act of 1937" means the Local Government Superannuation Act, 1937(**c**);

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(**a**) S.R. & O. 1939 (No. 329) II, p. 2604.

(**b**) S.R. & O. 1947 (No. 1245) I, p. 1498; and *see* S.R. & O. 1947 (No. 1675) I, p. 1507.

(**c**) 1 Edw. 8 & 1 Geo. 6. c. 68.

" appointed day " means the day on which this Order comes into operation;

" contributory employee ", " local Act authority ", " local Act contributor ", " non-contributing service " and " officer " have respectively the meanings assigned to those expressions in the Act of 1937;

" clerk " means a person appointed to assist a probation officer in the performance of his duties either by a probation committee or the Secretary of State or before the first day of July, 1944, by a probation officer; and a clerk appointed by a probation officer as aforesaid shall, if his remuneration is paid by a probation committee, be deemed for the purposes of this Order to be employed by that probation committee;

" combined area " has the meaning assigned to that expression in section ten of the Criminal Justice Act, 1925(a);

" existing fund " means the superannuation fund established under the Rules of 1926;

" local authority " means a council mentioned in Part I of the First Schedule to the Act of 1937;

" local superannuation enactment " has the meaning assigned to that expression in subsection (5) of section one of the Probation Officers (Superannuation) Act, 1947(b);

" the London superannuation enactment " means the local superannuation enactment for the time being in force in relation to officers of the London County Council, that is to say—

(a) the provisions of the London Council (General Powers) Act, 1891(c), as amended or extended by subsequent enactments, relating to the establishment and administration of a superannuation and provident fund;

(b) section ninety-two of the London Government Act, 1939(d);

(c) the Scheme prepared by the London County Council pursuant to the provisions of the said Act of 1891 and approved by the Council on the twenty-eighth day of March, 1939; and

(d) the Scheme made by the London County Council on the twenty-ninth day of November, 1938, under subsection (1) of section twenty-six of the Act of 1937,

together with such amendments as may from time to time be made thereto;

" the Manchester superannuation enactment " means the local superannuation enactment for the time being in force in relation to officers of the Manchester City Council, that is to say—

(a) the Manchester Corporation (Superannuation) Acts, 1920 to 1946; and

(b) the Manchester Corporation Superannuation Scheme, 1938, made by the Manchester City Council under subsection (1) of section twenty-six of the Act of 1937,

together with such amendments as may from time to time be made thereto;

" the notional whole-time salary of a probation officer " means the sum determined in respect of any year of part-time service in accordance with the Fourth Schedule to this Order;

" part-time officer " means an officer other than a whole-time officer;

" part-time service " means service as a part-time officer;

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(a) 15 & 16 Geo. 5. c. 86.
(b) 10 & 11 Geo. 6. c. 38.
(c) 54 & 55 Vict. c. ccvi.
(d) 2 & 3 Geo. 6. c. 40.

" probation officer " means a probation officer appointed under Part I of the Criminal Justice Act, 1925, and does not include a seconded officer as long as he remains seconded;

" public funds " means a rate fund of a local authority, the Metropolitan Police Fund and the Exchequer;

" remuneration " means remuneration paid out of public funds, being either—

(*a*) salary or other remuneration paid in accordance with rules made by the Secretary of State under section eight of the Criminal Justice Act, 1925; or

(*b*) salary or other remuneration paid under the provisions of any enactment repealed by the said Act of 1925,

but does not include payments for overtime, or any allowance paid to an officer to cover cost of office accommodation or clerk's assistance, or any travelling or subsistence allowance or other moneys to be spent, or to cover expenses incurred, for the purposes of the officer's employment;

" the Rules of 1926 " means the Probation Officers' Superannuation Rules, 1926(a);

" seconded officer " means a person who, having been appointed a probation officer, was seconded to other employment before the appointed day with the consent of the Secretary of State on the condition that his superannuation rights as a probation officer would be secured during the period of his secondment;

" seconded service " means any service as a seconded officer;

" special fund " has the meaning assigned to that expression in paragraph (*a*) of Article 3 of this Order;

" voluntary society " has the meaning assigned to that expression in subsection (2) of section four of the Criminal Justice Act, 1925;

" whole-time officer " means, in relation to a probation officer or clerk, an officer who devotes substantially the whole of his time to his duties as a probation officer or clerk and whose remuneration is paid wholly out of public funds;

" whole-time service " means service as a whole-time officer.

(2) References in this Order to any enactment shall, unless the context otherwise requires, be construed as references to that enactment as amended by any subsequent enactment.

(3) The Interpretation Act, 1889(b), shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

**12.** This Order may be cited as the Probation Officers (Superannuation) Order, 1948, and shall come into operation on the first day of July, 1948.

*J. Chuter Ede,*
One of His Majesty's Principal Secretaries of State.

We consent,

*R. J. Taylor,*
*J. W. Snow,*
Two of the Lords Commissioners of His Majesty's Treasury.

9th June, 1948.

(a) S.R. & O. 1926 (No. 1354) p. 1162; and *see* S.R. & O. 1937 (No. 328) p. 1931.
(b) 52 & 53 Vict. c. 63.

## FIRST SCHEDULE

*Article 1.*

### ADAPTATION OF ACT OF 1937

1.—(1) In this Schedule, unless the context otherwise requires, "the Act" means the Act of 1937 and the following expressions, that is to say, "actuary," "additional contributory payment," "administering authority," "appropriate superannuation fund," "combination scheme," "constituent authority," "employing authority," "Minister" and "statutory resolution", have respectively the meanings assigned to them in the Act.

(2) A probation committee shall be deemed to be a local authority for all the purposes of the Act other than the application of section one, subsection (2) of section three, section five, subsection (3) of section twelve and sections fourteen, and sixteen thereof.

(3) For the purposes of sections thirteen and twenty-nine of the Act the expression "contributory employee or local Act contributor under a local authority" shall be deemed to include a person (whether employed by a probation committee or in the metropolitan police court district) who has become a contributory employee or local Act contributor under the provisions of Part I of the Order, and any reference in the said sections to a person becoming a contributory employee or local Act contributor under another local authority shall be construed and extended accordingly.

2. In its application to a part-time probation officer the Act shall apply as it applies to a part-time officer of a local authority who belongs to a class or description in respect of which the authority have passed a statutory resolution under paragraph (*b*) of subsection (2) of section three of the Act.

3.—(1) Where a part-time probation officer becomes a contributory employee under the provisions of Part II of this Order, subsection (3) of section three of the Act shall apply in his case notwithstanding that his annual remuneration is subsequently reduced to an amount less than £130.

(2) Subsection (4) of the said section three shall apply as if there were inserted after the words "this section" the words "or the provisions of Part I of the Probation Officers (Superannuation) Order, 1948."

(3) For the purposes of paragraph (*c*) of the said subsection (4) the age of compulsory retirement applicable in the case of a probation officer or clerk shall, unless otherwise provided in rules made by the Secretary of State under section eight of the Criminal Justice Act, 1925(a), be deemed to be sixty-five years.

4.—(1) Subsections (1) and (2) of section four of the Act shall not apply.

(2) The appropriate superannuation fund in relation to the contributory employees of an employing authority, being the probation committee for a single petty sessional division, shall—

(*a*) in the case of a borough petty sessional division, be the fund maintained under the Act by the council of the borough or, where no fund is maintained under the Act by the said council, the fund maintained under the Act by the council of the county in which that borough is situate;

(*b*) in the case of a county petty sessional division, be the fund maintained under the Act by the council of the county in which the petty sessional division is situate:

Provided in either case that if the council is a constituent authority under a combination scheme for the time being in force the appropriate superannuation fund shall be the joint fund maintained under the said scheme.

(3) The appropriate superannuation fund in relation to the contributory employees of an employing authority, being the probation committee for a combined area, shall be the fund determined in accordance with the last foregoing sub-paragraph in respect of any one of the petty sessional divisions comprising the combined area.

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(a) 15 & 16 Geo. 5. c. 86.

(4) Any question arising under this or the next succeeding paragraph as to the identity of the appropriate superannuation fund shall be determined by agreement between the probation committee and the local authority concerned or, failing agreement, shall be referred to the Minister, whose decision shall be final.

5.—(1) Where a probation officer or clerk is employed by two or more probation committees, such employment shall, for the purposes of the Act, be treated as a single employment and the appropriate superannuation fund shall be the fund determined in accordance with the last foregoing paragraph in respect of any one of the probation committees.

(2) Any action falling to be taken under the Act by an employing authority shall, in relation to a probation officer or clerk employed as aforesaid, be joint action taken by agreement between the probation committees by whom he is employed.

(3) Any question arising under the last foregoing sub-paragraph shall, failing agreement between the probation committees concerned, be referred to the Secretary of State, whose decision shall be final.

6. Where a probation officer became a contributor to the existing fund before the first day of April, 1939, and has contributed thereto continuously until the appointed day, he shall, if he becomes a contributory employee under the provisions of Part I of this Order—

(*a*) on the appointed day, or

(*b*) after the appointed day on ceasing to be a seconded officer,

be deemed to be a person to whom paragraph (*a*) of subsection (1) of section six of the Act applies.

7. The sum paid into the appropriate superannuation fund in respect of a probation officer under the provisions of paragraph (*c*) of Article 3 or paragraph (*a*) of Article 7 of this Order shall be deemed to be a sum paid by the officer by way of an additional contributory payment in pursuance of proviso (ii) to paragraph (*b*) of subsection (2) of section eight of the Act.

8.—(1) The reference to average remuneration in section eight of the Act shall, in relation to a part-time probation officer who has become a whole-time officer and whose part-time service is reckonable as whole-time service for a proportionately reduced period, be deemed to mean his average remuneration as a whole-time officer calculated in respect of his whole-time service in accordance with the provisions of subsection (5) of the said section eight.

(2) For the purposes of proviso (*a*) to the said subsection (5) the expression "appointed day" shall be deemed to mean the day on which this Order comes into operation.

9.—(1) In applying subsection (5) of section twelve of the Act to part-time service as a probation officer the proportionately reduced period for which such part-time service shall be treated as though it were whole-time service shall be determined by calculating separately in respect of any year of part-time service the proportionately reduced period for which that year is to count as whole-time service.

(2) The said proportionately reduced period in respect of any year of part-time service shall be the fraction formed by the proportion which the remuneration received by the probation officer in that year bears to the notional whole-time salary of a probation officer in respect of that year.

(3) The provisions of this paragraph shall apply proportionately to any period of part-time service of less than a year.

10. Any local authority which is responsible for defraying the whole or any part of the expenses of a probation committee and is dissatisfied at any action taken by the probation committee as employing authority under any of the following provisions of the Act, that is to say, proviso (i) to paragraph (*b*) of

subsection (2) of section eight, subsection (4) of section ten and section eleven, may appeal to the Secretary of State, and the action to be taken thereunder shall thereupon be determined by the Secretary of State, whose decision shall be final.

11.—(1) Subsections (1) and (2) of section twenty-two of the Act shall not apply.

(2) As soon as may be after the appointed day an administering authority maintaining a superannuation fund to which on the appointed day employees of a probation committee become liable to contribute under the provisions of Part I of this Order shall obtain from an actuary a certificate as to the amount necessary to be paid annually into the said fund by the probation committee as employing authority during a period not exceeding twenty years from the appointed day on account of the burden imposed on the said fund as from the appointed day by or under the said provisions in respect of their employees.

(3) In certifying the amount to be paid into a fund under the provisions of this paragraph the actuary shall take into account the amount paid into the fund under the provisions of paragraph (*d*) of Article 3 of this Order.

(4) A certificate obtained as aforesaid shall, for the purposes of subsection (2) of section six of the Act, be deemed to have been given under section twenty-two of the Act.

12. Notwithstanding anything in subsection (1) of section thirty of the Act a probation officer shall not be deemed to have been appointed in a temporary capacity for a period of not more than two years by reason only of the fact that his appointment is determinable within the said period unless it is confirmed by the Secretary of State.

13.—(1) Subsection (1) of section forty of the Act shall have effect as if for the definitions of " remuneration " and " whole-time officer " in the said subsection there were substituted the definitions of those expressions contained in Part IV of this Order:

Provided that the expression " whole-time officer " shall, in relation to any period of service which was reckonable in his case under Rule 5 of the Rules of 1926, be deemed to include a probation officer who has been the subject of an arrangement under Rule 16 thereof (which relates to arrangements with voluntary societies in respect of their agents) notwithstanding that his remuneration was payable in part by a voluntary society; and in relation to any such period of service as aforesaid the expression " remuneration " shall be deemed to include the whole of his remuneration as a probation officer including any proportion borne by a voluntary society.

(2) For the purposes of the Act the expression " service " shall, in addition to any service within the meaning assigned to that expression in the said subsection (1), include—

(*a*) in the case of a probation officer who becomes a contributory employee or local Act contributor under the provisions of Part I of this Order on the appointed day or in the case of a seconded officer (being a contributor to the special fund under the provisions of Part III of this Order) who becomes a contributory employee or local Act contributor under the provisions of the said Part I after the appointed day on ceasing to be seconded—

(i) any service (whether whole-time or part-time) rendered as a probation officer before the appointed day in respect of which he received an annual remuneration of not less than £50;

(ii) any period of war service reckonable under the Rules of 1926 as service in his capacity as probation officer by virtue of subsection (1) of section three of the Local Government Staffs (War Service) Act, 1939(a);

(iii) any period of seconded service;

(*b*) in the case of a clerk who becomes a contributory employee or local Act contributor under the provisions of the said Part I on the appointed day, any whole-time service as a clerk rendered before the appointed day;

(a) 2 & 3 Geo. 6. c. 94.

(*c*) in any case, any service as a probation officer or clerk rendered after the date on which he first becomes a contributory employee or local Act contributor under the said provisions,

being in all cases service rendered after attaining the age of eighteen years and before attaining the age of sixty-five years.

*Article 1.*

## SECOND SCHEDULE

### ADAPTATION OF LONDON SUPERANNUATION ENACTMENT

1.—(1) In this Schedule, unless the context otherwise requires—

" actuary " means such person, being a Fellow of the Institute of Actuaries, as shall be selected by the Council;

" contributor " means a contributor to the Fund;

" the Council " means the London County Council;

" the Fund " means the superannuation fund maintained by the Council under the superannuation enactment;

" the local Act scheme " means the superannuation scheme administered by the Council under and in pursuance of the London Council (General Powers) Act, 1891(a);

" the Scheme " means the scheme referred to in paragraph (*c*) of the definition of the expression " London superannuation enactment " in Part IV of this Order, and the " Modification Scheme " means the scheme referred to in paragraph (*d*) of the said definition;

" the superannuation enactment " means the London superannuation enactment.

(2) References in the superannuation enactment to service under or employment by the Council shall, in the case of a person who becomes a contributor under the provisions of Part I of this Order, be deemed to include service or employment in the metropolitan police court district as a probation officer or clerk, and references in the said enactment to a person being or ceasing to be in the service or employment of the Council shall, in the case of such a person, be construed as a reference to that person being or ceasing to be employed in the said district as aforesaid.

(3) Subject as hereinafter provided, any reference in the superannuation enactment to salary or wages or emoluments shall, in relation to a probation officer or clerk, be construed as a reference to remuneration payable out of the Metropolitan Police Fund.

2. A probation officer shall, for the purposes of Clause 5 of the Scheme, be deemed to have been appointed to the permanent staff notwithstanding that he has been appointed for a period of one year only under the Probation Rules, 1926(b), and that his appointment will not be effective for more than the said period unless it is within that period confirmed by the Secretary of State.

3. Contributions payable under Clause 7 of the Scheme shall be deducted from the amount payable to the contributor by way of remuneration and shall be paid into the Fund by the Receiver.

4.—(1) Clause 8 of the Scheme shall not apply.

(2) The reference to the Comptroller in sub-paragraph (*b*) of paragraph (2) of Clause 9 of the Scheme shall be construed as a reference to the Receiver.

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(a) 54 & 55 Vict. c. ccvi.

(b) S.R. & O. 1926 (No. 577) p. 1148; and *see* S.R. & O. 1944 (No. 700) I, p. 871 and S.R. & O. 1946 (No. 1967) I, p. 1407.

5.—(1) Clause 10 of the Scheme shall not apply.

(2) The rates of contribution to be paid into the Fund by way of employer's contributions in respect of persons who become contributors under the provisions of Part I of this Order shall be such as are from time to time payable by the Council in respect of its officers under the provisions of the said Clause 10.

(3) Contributions payable into the Fund under this paragraph shall be paid out of the Metropolitan Police Fund.

6.—(1) The reference to the Council in paragraph (3) of Clause 11 of the Scheme shall be construed as a reference to the Secretary of State.

(2) The reference in the said Clause 11 to the last five years of contribution and to the whole period of contribution shall, where a person has been a contributor to the Fund under the provisions of Part I of this Order for less than five years, be deemed respectively to mean the last five years of whole-time service as a probation officer or clerk and the whole period of such whole-time service; and the remuneration reckonable under the said Clause in respect of any period of service which is deemed in the case of a probation officer to be whole-time service by virtue of sub-paragraph (4) of paragraph 12 of this Schedule shall be the whole of his remuneration as a probation officer including any proportion borne by a voluntary society.

7. Clauses 13 and 17 of the Scheme shall not apply.

8.—(1) As soon as may be after the appointed day the Council shall obtain from an actuary a certificate as to the amount necessary to be paid annually into the Fund during a period not exceeding twenty years from the appointed day on account of the burden imposed thereon as from the appointed day by or under the provisions of Part I of this Order, and the said amount shall, subject to the assent of the Secretary of State, be paid annually into the Fund out of the Metropolitan Police Fund.

(2) In certifying the amount to be paid into the Fund under the provisions of this paragraph the actuary shall take into account the amount paid into the Fund under the provisions of paragraph (*d*) of Article 3 of this Order.

9.—(1) Any surplus or deficiency in the Fund disclosed in the periodical actuarial valuation under Clause 27 of the Scheme and certified by the actuary to be referable to persons who become contributors under the provisions of Part I of this Order shall be dealt with in such manner as may be agreed between the Council and the Secretary of State.

(2) There shall be paid into the Fund out of the Metropolitan Police Fund for the purpose of making good any deficiency disclosed and certified as aforesaid such sums as the Secretary of State may from time to time direct.

10. For the purposes of Articles 11 and 12 of the Modification Scheme the expression " a person who is a contributory employee or local Act contributor under another local authority " shall be deemed to include a person employed by a probation committee who becomes a contributory employee or local Act contributor under the provisions of Part I of this Order, and references in the said Articles to a local authority shall be deemed to include a probation committee.

11. For the purposes of determining whether a superannuation allowance or death benefit is payable the Council shall treat as a period of contribution under the local Act scheme—

(*a*) in the case of a probation officer who becomes a contributor under the provisions of Part I of this Order on the appointed day or in the case of a seconded officer (being a contributor to the special fund under the provisions of Part III of this Order) who becomes a contributor under the provisions of the said Part I after the appointed day on ceasing to be seconded—

(i) any service (whether whole-time or part-time) rendered as a probation officer before the appointed day in respect of which he received an annual remuneration of not less than £50;

(ii) any period of war service reckonable under the Rules of 1926 as service in his capacity as probation officer by virtue of subsection (1) of section three of the Local Government Staffs (War Service) Act, 1939(a) ;

(iii) any period of seconded service;

(*b*) in the case of a clerk who becomes a contributor under the provisions of the said Part I on the appointed day, any whole-time service as a clerk rendered before the appointed day.

12.—(1) In the calculation of the amount of any superannuation allowance or of any sum payable on death which under the local Act scheme is to be calculated by reference to years of contribution and which may become due to or in respect of any probation officer or clerk—

(*a*) any period of whole-time service or war service or seconded service reckonable in his case under the provisions of the last foregoing paragraph shall be treated as a period of contribution under the local Act scheme of one-half its actual length;

(*b*) any period of part-time service reckonable under the provisions of the said paragraph shall be treated as a proportionately reduced period of contribution under the local Act scheme calculated separately in respect of each year of such part-time service in accordance with the next succeeding sub-paragraph.

(2) The said proportionately reduced period in respect of any year of part-time service shall be the fraction formed by the proportion which the remuneration received by the probation officer in that year bears to twice the notional whole-time salary of a probation officer in respect of that year.

(3) The foregoing provisions of this paragraph shall apply proportionately to any period of part-time service of less than a year.

(4) For the purposes of this and the last foregoing paragraph the expression " whole-time service " shall, in relation to a probation officer who has been the subject of an arrangement under Rule 16 of the Rules of 1926, be deemed to include any period of service which was reckonable in his case under Rule 5 of those Rules.

13.—(1) The sum paid into the Fund in respect of a probation officer under the provisions of paragraph (*c*) of Article 3 or paragraph (*a*) of Article 7 of this Order shall operate to convert into an equivalent period of contribution for all purposes of the local Act scheme a period of service (being a period of service which would otherwise be reckonable under the provisions of the last foregoing paragraph as a period of contribution of one-half its actual length) equal to the period of non-contributing service in respect of which the officer would have become entitled to receive a superannuation allowance at the rate of one-sixtieth of his average remuneration had the said sum been paid by him on the appointed day or on the date on which he ceased to be seconded, as the case may be, as a contributory employee under proviso (ii) to paragraph (*b*) of subsection (2) of section eight of the Act of 1937.

(2) The sum paid into the Fund as aforesaid shall, for the purposes of Clauses 16, 18, 19 and 20 of the Scheme, be deemed to have been paid by the officer by way of employee's contributions.

14. Any sum payable by way of compensation under section ninety-two of the London Government Act, 1939(b), to a person who becomes a contributor under the provisions of Part I of this Order shall be paid out of the Metropolitan Police Fund.

15. Any discretion exercisable by the Council under the superannuation enactment shall, in relation to a person who becomes a contributor under the provisions of Part I of this Order, be exercised by the Council in such manner as shall be agreed between the Council and the Secretary of State.

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(a) 2 & 3 Geo. 6. c. 94. (b) 2 & 3 Geo. 6. c. 40.

## THIRD SCHEDULE

*Article I.*

ADAPTATION OF MANCHESTER SUPERANNUATION ENACTMENT

1.—(1) In this Schedule, unless the context otherwise requires—

" the Act of 1920 " means the Manchester Corporation Act, 1920(a) ;

" the Act of 1930 " means the Manchester Corporation (General Powers) Act, 1930(b) ;

" actuary " has the meaning assigned to it in section seventy-six of the Manchester Corporation Act, 1934(c) ;

" the Corporation " means the Lord Mayor, Aldermen and Citizens of the City of Manchester;

" the Council " means the Manchester City Council;

" contributor " means a contributor to the superannuation fund under the provisions of the superannuation enactment.

" the local Act scheme " means the superannuation scheme administered by the Council under or in pursuance of the Act of 1920 as amended by any subsequent Act or scheme;

" the probation committee " means the Probation Committee for the City of Manchester;

" the Scheme " means the Manchester Corporation Superannuation Scheme, 1938, made by the Council under subsection (1) of section twenty-six of the Act of 1937;

" the superannuation enactment " means the Manchester superannuation enactment;

" the superannuation fund " means the superannuation fund maintained by the Council under the superannuation enactment.

(2) References in the superannuation enactment to service under or employment by the Corporation or the Council shall, in the case of a person who becomes a contributor under the provisions of Part I of this Order, be deemed to include service under or employment by the probation committee, and references to a person being or ceasing to be in the service or employment of the Corporation or the Council shall, in the case of such a person, be construed as a reference to that person being or ceasing to be employed by the probation committee.

(3) The superannuation enactment shall apply as if for the expression " salary " wherever it occurs therein there were substituted the expression " remuneration " as defined in Part IV of this Order.

2.—(1) For the purposes of the application of subsection (1) of section fifty-nine of the Act of 1920 the expression " appointed day " shall be deemed to mean the day on which this Order comes into operation.

(2) Percentage amounts shall be deducted by the probation committee in accordance with subsection (2) of the said section fifty-nine from each and every payment made to a contributor by way of remuneration and shall be paid into the superannuation fund.

3. The reference in subsection (1)of section sixty of the Act of 1920 to the Corporation shall be construed as a reference to the probation committee.

4. In relation to a person who becomes a contributor under the provisions of Part I of this Order the reference in subsection (2) of section sixty-one of the Act of 1920 to the average amount of his salary shall be taken to mean the average amount of his remuneration as a whole-time officer; and the remuneration reckonable under the said subsection in respect of any period of service which is deemed in the case of a probation officer to be whole-time service by virtue of sub-paragraph (4) of paragraph 9 of this Schedule shall be the whole of his remuneration as a probation officer including any proportion borne by a voluntary society.

(a) 10 & 11 Geo. 5. c. xcvii. (b) 20 & 21 Geo. 5. c. clxxviii.
(c) 24 & 25 Geo. 5. c. xcvii.

5.—(1) Section sixty-eight of the Act of 1920 shall not apply.

(2) As soon as may be after the appointed day the Corporation shall obtain from an actuary a certificate as to the amount necessary to be paid annually into the superannuation fund during a period not exceeding twenty years from the appointed day on account of the burden imposed thereon as from the appointed day by or under the provisions of Part I of this Order, and the said amount shall be paid annually into the superannuation fund by the probation committee.

(3) In certifying the amount to be paid into the superannuation fund under the provisions of this paragraph the actuary shall take into account the amount paid into the said fund under the provisions of paragraph (*d*) of Article 3 of this Order.

6. The amount to be paid by the probation committee into the superannuation fund by way of employer's contribution shall be the normal contribution certified in accordance with subsection (1) of section sixty-nine of the Act of 1920.

7.—(1) Sections seventy-three to seventy-six of the Act of 1920 shall not apply.

(2) Sections thirty-five, thirty-eight and thirty-nine of the Act of 1930 shall not apply.

8. Service reckonable for the purposes of determining eligibility for superannuation allowance under the local Act scheme shall include—

(*a*) in the case of a probation officer who becomes a contributor under the provisions of Part I of this Order on the appointed day or in the case of a seconded officer (being a contributor to the special fund under the provisions of Part III of this Order) who becomes a contributor under the provisions of the said Part I after the appointed day on ceasing to be seconded—

(i) any service (whether whole-time or part-time) rendered as a probation officer before the appointed day in respect of which he received an annual remuneration of not less than £50;

(ii) any period of war service reckonable under the Rules of 1926 as service in his capacity as probation officer by virtue of subsection (1) of section three of the Local Government Staffs (War Service) Act, 1939(**a**) ;

(iii) any period of seconded service;

(*b*) in the case of a clerk who becomes a contributor under the provisions of the said Part I on the appointed day, any whole-time service as a clerk rendered before the appointed day.

9.—(1) For all purposes of the local Act scheme other than those relating to eligibility for superannuation allowance—

(*a*) any period of whole-time service or war service or seconded service reckonable under the provisions of the last foregoing paragraph shall be treated as a period of service of one-half its actual length;

(*b*) any period of part-time service as a probation officer reckonable under the provisions of the said paragraph shall be treated as a proportionately reduced period of service calculated separately in respect of each year of such part-time service in accordance with the next succeeding sub-paragraph.

(2) The said proportionately reduced period in respect of any year of part-time service shall be the fraction formed by the proportion which the remuneration received by the probation officer in that year bears to twice the notional whole-time salary of a probation officer in respect of that year.

(3) The foregoing provisions of this paragraph shall apply proportionately to any period of part-time service of less than a year.

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(**a**) 2 & 3 Geo. 6. c. 94.

(4) For the purposes of this and the last foregoing paragraph the expression " whole-time service " shall, in relation to a probation officer who has been the subject of an arrangement under Rule 16 of the Rules of 1926, be deemed to include any period of service which was reckonable in his case under Rule 5 of those Rules.

10.—(1) The sum paid into the superannuation fund in respect of a probation officer under the provisions of paragraph (*c*) of Article 3 or paragraph (*a*) of Article 7 of this Order shall operate to convert into service reckonable for all purposes of the local Act scheme at its actual length a period of service (being a period of service which would otherwise be reckonable under the last foregoing paragraph as a period of service of one-half its actual length) equal to the period of non-contributing service in respect of which the officer would have become entitled to receive a superannuation allowance at the rate of one-sixtieth of his average remuneration had the said sum been paid by him on the appointed day or on the date on which he ceased to be seconded, as the case may be, as a contributory employee under proviso (ii) to paragraph (*b*) of subsection (2) of section eight of the Act of 1937.

(2) The sum paid into the superannuation fund as aforesaid shall, for the purposes of sections sixty-three and sixty-four of the Act of 1920, be deemed to have been paid by the officer by way of contributions under section fifty-nine of the said Act.

11.—(1) For the purposes of Articles 12 and 13 of the Scheme the expression " a person who is a contributory employee or local Act contributor under a local authority " shall be deemed to include a person who becomes a contributory employee or local Act contributor under the provisions of paragraph (*a*) or paragraph (*b*) of Article 1 of this Order and references in the said Article 12 and the said Article 13 to a local authority shall be construed accordingly.

(2) Any period of part-time service as a probation officer reckonable under the Act of 1937 shall, whether or not contributions were paid in respect thereof, be reckonable for all purposes of the local Act scheme, other than those relating to eligibility for superannuation allowance, in accordance with the provisions of proviso (*a*) to paragraph (1) of the said Article 12; and for the purposes of the said proviso the actual length of such period of part-time service shall be deemed to be equal to twice the proportionately reduced period calculated in respect of such period of part-time service in accordance with paragraph 9 of this Schedule.

(3) Paragraph (1) of the said Article 13 shall have effect as if at the end thereof there were added the following proviso:—

" Provided also that no period of part-time service as a probation officer which had been reckonable under the Act of 1937 shall be reckonable for the purposes of the local Act scheme under the provisions of this Article at a length greater than the length at which the said period would have been reckonable under the provisions of the last foregoing Article had the officer become subject to the local Act scheme within twelve months of the date on which he ceased to be a contributory employee."

12. Article 14 of the Scheme shall not apply.

13.—(1) Any discretion exercisable by the Corporation or the Council under the superannuation enactment shall, in relation to a person who becomes a contributor under the provisions of Part I of this Order, be exercised by the probation committee.

(2) The probation committee upon the exercise of any discretion vested in them under the foregoing provisions of this paragraph shall forthwith give notice thereof in writing to the Council.

(3) The Council may within fourteen days of the receipt of any notice as aforesaid appeal to the Secretary of State against any decision of the probation committee which in the opinion of the Council is unreasonable, and the matter shall thereupon be determined by the Secretary of State, whose decision shall be final.

*Article 11 First Schedule, paragraph 9(2); Second Schedule, paragraph 12(2); Third Schedule paragraph 9(2).*

## FOURTH SCHEDULE

### NOTIONAL WHOLE-TIME SALARY OF A PROBATION OFFICER

The notional whole-time salary of a probation officer in respect of any year of part-time service shall be the amount set out in the following Table, that is to say:—

(*a*) in the case of a man, the amount shown in the second column;

(*b*) in the case of a woman, the amount shown in the third column,

opposite the entry in the first column having reference to the date on which the year of service commenced:—

TABLE

| Date on which year of service commenced | Men | Women |
|---|---|---|
| On or before 31st day of December, 1914 ... ... | £120 | £80 |
| 1st day of January, 1915, to 31st day of December, 1919 ... ... ... ... ... ... ... | £156 | £104 |
| 1st day of January, 1920, to 30th day of June, 1926 | £225 | £135 |
| 1st day of July, 1926, to 30th day of June, 1937 ... | £275 | £210 |
| 1st day of July, 1937, to 30th day of June, 1944 ... | £330 | £290 |
| 1st day of July, 1944, to 30th day of November, 1946 | £375 | £330 |
| On and after 1st day of December, 1946 ... ... | £485 | £420 |

## EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

The purpose of this Order, which comes into operation on 1st July, 1948, is to bring probation officers (including existing pensioners) and their clerks within local government superannuation schemes. Neither part-time probation officers nor the clerks have hitherto been superannuable.

The Order supersedes the existing superannuation arrangements relating to full-time probation officers set up by the Probation Officers' Superannuation Rules, 1926 (S.R. & O. 1926 No. 1354), and provides for the winding-up of the fund established under those Rules and the distribution of the assets between the superannuation funds on which the liability to pay pensions will in future rest.

Service rendered by probation officers and clerks before 1st July, 1948, will be reckonable at non-contributing rates, and the contributions of probation officers to their existing fund are to be used to purchase additional benefits at contributing rates. The necessary adaptations of the Local Government Superannuation Act, 1937, and of the London and Manchester local Act schemes are effected in the First, Second and Third Schedules.

Special provision is made in Part III of the Order for securing the pension rights of probation officers who have been seconded to posts in the Colonies and elsewhere in connection with the organisation of social services: the purpose of this Part of the Order is to provide that these officers shall, on their return to the English probation service after 1st July, 1948, have substantially the same rights as if they had been serving in England on that date.