CHAPTER 56.

An Act to make further provision with respect to the appointment, conditions of service and pensions of certain Officers of the Supreme Court in England, and to authorise the abolition of certain offices therein, and for purposes connected therewith. [19th August 1921.]

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:—

Compulsory retirement of certain officers of the Supreme Court.

1. A person holding any of the offices in the Supreme Court in England specified in the First Schedule to this Act shall vacate his office at the end of the completed year of service in the course of which he attains the age of seventy-two years:

Provided that, where the Lord Chancellor considers it desirable in the public interest to retain any such person in the public service after he attains the age of seventy-two years, he may, with the approval of the Treasury, authorise his continuance in the service up to such later age, not exceeding seventy-five years, as he thinks fit.

Pensions of certain officers of the Supreme Court.

2.—(1) The provisions of the Superannuation Acts, 1834 to 1914, shall apply to persons holding any of the offices specified in Part I. of the First Schedule to this Act, subject to the following modifications:—

(*a*) On the retirement of a person from any of the offices aforesaid there may be granted to him a superannuation allowance calculated in accordance with the provisions of the Second Schedule to this Act instead of a superannuation allowance calculated in accordance with the provisions of the Superannuation Acts, 1834 to 1914:

(*b*) Section two of the Superannuation Act, 1909 (which authorises the grant of a gratuity in case of death), section three of that Act (which provides for the application of the 9 Edw. 7. c. 10.

Act to existing male civil servants), and subsection (2) of section six of that Act (which relates to compensation for abolition of office), and section two of the Superannuation Act, 1914 (which amends subsection (1) of section two of the Superannuation Act, 1909), shall not apply to a person retiring or removed from any of the offices aforesaid:

4 & 5 Geo. 5. c. 86.

(*c*) It shall not be lawful to grant any superannuation allowance under the provisions of this section to any person who is under the age of seventy-two years, unless upon a medical certificate to the satisfaction of the Treasury to the effect that he is incapable from infirmity of mind or body of discharging the duties of his office and that the infirmity is likely to be permanent, or unless he has served fifteen years in one or more of the offices specified in Part I. of the First Schedule to this Act and has attained the age of sixty-five years:

The foregoing provisions of this paragraph shall have effect in substitution for section ten of the Superannuation Act, 1859 (which prohibits the grant of superannuation allowance to a person under the age of sixty years except upon evidence of infirmity):

22 Vict. c. 26.

Provided that—

(i) the foregoing provisions of this section shall not apply to any person who was first appointed to one of the offices aforesaid before the first day of January, nineteen hundred and twenty, or who, having been so appointed after that date, was at the time of his appointment, whether he was appointed before or after the passing of this Act, a civil servant within the meaning of the Superannuation Act, 1887, unless he gives notice of his desire to accept those provisions in lieu of the general provisions of the Superannuation Acts, 1834 to 1914:

50 & 51 Vict. c. 67.

(ii) any person who holds any of the offices aforesaid at the commencement of this Act, and who has the option of accepting or not accepting

the foregoing provisions of this Act may, if he was appointed to any such office as aforesaid after the passing of the Superannuation Act, 1909, or has adopted the provisions of that Act, without prejudice to his power to give notice under the foregoing provisions of this section, give notice that he desires to accept those provisions with the substitution for the allowances under the Second Schedule to this Act of the allowances and other benefits set out in the Third Schedule to this Act, and this section shall, in any such case, apply accordingly.

(2) A notice for the purpose of the foregoing provisions shall be in such form, and shall be given within such period, as may be prescribed by the Lord Chancellor.

(3) Section twenty of the Supreme Court of Judicature (Officers) Act, 1879 (which relates to the conditions of obtaining pensions under that Act), and section twenty of the Supreme Court of Judicature Act, 1884 (which provides that the provisions of the last-mentioned section shall extend to salaries), shall not apply in the case of appointments to offices to which this section applies, but before any person is appointed to any such office the person making the appointment shall take steps to satisfy himself that the state of health of the person proposed to be appointed is satisfactory. 42 & 43 Vict. c. 78. 47 & 48 Vict. c. 61.

(4) For the purpose of computing any allowance or benefit under the Second Schedule or the Third Schedule to this Act, no account shall be taken of any years of service in any office other than an office specified in Part I. of the First Schedule to this Act.

Application to existing officers.

3. The foregoing provisions of this Act relating to the retirement of officers shall not apply to a person holding either of the offices specified in Part II. of the First Schedule to this Act if he was appointed to that office before the first day of July, nineteen hundred and fifteen, and the foregoing provisions of this Act relating to the retirement and pensions of officers shall not apply to a person holding any of the offices specified in Part I. of the First Schedule to this Act if he was appointed to that office before the date aforesaid, unless he gives written notice in such form and within such period as is prescribed by the Lord Chancellor of his desire to accept

those provisions in lieu of the provisions in respect of pensions which would have applied to him if this Act had not passed.

Payment of pensions, &c.

4. All allowances payable, and all other payments to be made, by virtue of this Act shall be paid out of moneys provided by Parliament.

Registrars and clerks to registrars in Chancery Division.

5.—(1) The registrars of the Chancery Division of the High Court (in this section referred to as "the registrars") and the clerks to the registrars shall be appointed by the Lord Chancellor, and the number of the registrars and of the clerks respectively shall be such as the Lord Chancellor, with the approval of the Treasury, may fix.

(2) The registrars shall be appointed from among the persons who at the time of the appointment are clerks to the registrars, and a person shall not be qualified to be appointed as clerk to the registrars unless he is a solicitor of the Supreme Court of not less than two years standing.

(3) The Lord Chancellor shall appoint one of the registrars to be chief registrar, and the chief registrar shall exercise as respects the other registrars and the clerks to the registrars such duties and functions as the Lord Chancellor may from time to time assign to him.

(4) The clerks to the registrars shall retire from office at such age as the Lord Chancellor, with the consent of the Treasury, may fix.

(5) Any person who at the time of the passing of this Act is exercising functions as a registrar or as a clerk to the registrars shall be deemed to have been duly appointed in accordance with the provisions of this section to the office of registrar or clerk, as the case may be, but shall be entitled to reckon as a period of service for the purpose of the Superannuation Acts, 1834 to 1914, any period before the passing of this Act during which he exercised such functions.

5 Vict. c. 5.

(6) The Court of Chancery Act, 1841, is hereby repealed with the exception of sections four and seventeen thereof.

Amendments of 42 & 43 Vict. c. 78.

6.—(1) The Lord Chancellor may, with the approval of the Lord Chief Justice of England, the Master of the Rolls, and the President of the Probate, Divorce and

Admiralty Division of the High Court, as respects offices to which they have respectively a power of appointment, abolish any office in the Supreme Court which appears to him to be unnecessary.

(2) Section seventeen of the Supreme Court of Judicature (Officers) Act, 1879 (which gives power to the Lord Chancellor to add years to the service of the holders of certain offices), and sections twenty-three, twenty-four, and twenty-five of that Act (which relate to the rights, status and privileges of officers of the Supreme Court) shall cease to have effect:

Provided that nothing in this provision shall affect the rights of any person who before the passing of this Act has been appointed to any office in respect of which an order has been issued by the Treasury under the said section seventeen.

7. This Act may be cited as the Supreme Court Officers (Retirement, Pensions, &c.) Act, 1921. Short title.

SCHEDULES.

FIRST SCHEDULE.

Sections 1, 2, and 3.

PART I.

OFFICES TO WHICH SECTIONS ONE AND TWO APPLY.

Permanent Secretary to the Lord Chancellor.
Master of the Supreme Court, King's Bench Division.
Assistant Master of the Supreme Court, King's Bench Division.
Master of the Supreme Court, Chancery Division.
Master of the Supreme Court, Taxing Office.
Master in Lunacy.
Legal Visitor in Lunacy.
Official Referee to the Supreme Court.
Official Solicitor to the Supreme Court.
Registrar, High Court in Bankruptcy.
Taxing Master, High Court in Bankruptcy.
Registrar, Probate, Divorce, and Admiralty Division

PART II.

OFFICES TO WHICH SECTION ONE ONLY APPLIES.

Registrar, Chancery Division.
Medical Visitor in Lunacy.

Section 2.

SECOND SCHEDULE.

SCALE OF ALLOWANCES.

1. An annual allowance not exceeding ten-sixtieths of the last annual salary may be granted after the completion of a period of service of five years.

2. Where the period of service completed exceeds five years, there may be granted an annual allowance not exceeding ten-sixtieths of the last annual salary with an addition of one-fortieth of that salary for each completed year's service in excess of five.

3. The maximum allowance shall be two-thirds of the last annual salary.

Section 2.

THIRD SCHEDULE.

ALLOWANCES, &C. IN THE CASE OF OFFICERS TO WHOM THE SUPERANNUATION ACT, 1909, APPLIES.

1. The scale of allowances set out in the Second Schedule to this Act shall apply to officers who adopt the provisions of this Schedule, with the substitution for the amounts of the allowances set out in the said Second Schedule of those amounts reduced by one quarter.

2. The Treasury may on the recommendation of the Lord Chancellor grant, by way of additional allowance to any such officer who retires after having served for not less than five years, in addition to any allowance which may be granted to him under paragraph 1 of this Schedule, a lump sum equal, where the officer has served for five completed years, to ten-thirtieths of such annual salary, and, where the officer has served for more than five completed years, to ten-thirtieths of such annual salary, with an addition of one-twentieth of such annual salary for each completed year's service in excess of five, so, however, that the additional allowance shall in no case exceed one and a half times the amount of such annual salary;

Provided that—

(*a*) in the case of any officer appointed before the passing of the Superannuation Act, 1909, the amount of the additional allowance shall be increased by one-half per cent. in respect of each completed year which he had served at the date of the passing of that Act; and

(*b*) in the case of an officer retiring after attaining the age of sixty-five years, there shall be deducted from the amount of the additional allowance which would otherwise be payable to him one-twentieth of that amount for every completed year's service subsequent to attaining that age.

3. Where any such officer dies after serving five years or upwards and while still employed in his office, the Treasury may, on the recommendation of the Lord Chancellor, grant to his legal personal representatives a gratuity equal to the annual salary of his office, or equal to the additional allowance calculated in the manner provided by the last preceding paragraph, whichever is the greater:

Provided that the amount of the gratuity which may be so granted shall be reduced by one twentieth for every completed year's service subsequent to attaining the age of sixty-five years.

4. Where any such officer dies after having become entitled to an annual allowance, and the sums actually received by him up to the time of his death on account of that allowance together with the sum received by him by way of additional allowance are less than the amount of the annual salary of his office, the Treasury, on the recommendation of the Lord Chancellor, may grant to his legal personal representatives a gratuity equal to the difference.

CHAPTER 57.

An Act to provide for raising further Money for the purpose of the Telegraph Acts, 1863 to 1920.

[19th August 1921.]

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