

# Asylums Officers' Superannuation Bill.

## MEMORANDUM.

The Lunacy Act, 1890, gives discretionary power to the visiting committee of each county and borough asylum in England and Wales to grant to any officer or servant in their employ "who is incapacitated by confirmed illness, age, or infirmity, or who has been an officer or servant in the asylum for not less than 15 years, and is not less than 50 years old, such superannuation allowance as the committee think fit" (section 280). The superannuation allowance must not exceed two-thirds of salary and value of emoluments. It is further provided that service in several asylums of the same local authority shall be aggregated in computing pension (section 282). This Act extends only to asylums in England and Wales. No contribution towards pension is required from officers or servants.

In Scotland no statutory provision exists for granting superannuation allowances to officers or servants of district asylums.

In Ireland provision is made by 53 & 54 Vict. c. 31, and 61 & 62 Vict. c. 37, sections 84, 109, and 118, and schedule VI., part V. for discretionary powers to committees of management, "if they think fit to do so but not otherwise" to grant superannuation allowances to their officers and servants not less than 50 years of age after 15 years' service.

The object of this Bill is to substitute for discretionary power on the part of managers or authorities of asylums to grant pensions, the obligation to grant superannuation allowances to their officers and servants on fixed scales (differing, however, in relation to the nature of the employment involving more or less intimate association with the insane) after definite periods of approved service, and to provide for contributions from the officers and servants in aid thereof, as is the practice in the poor law service, the police and some other branches of the public service.



# Asylums Officers' Superannuation Bill.

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## ARRANGEMENT OF CLAUSES.

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### SUPERANNUATION.

Clause.

1. Division of officers and servants into classes.
2. Title of officers, servants, &c., to superannuation allowances and scale thereof.
3. Forfeiture for fraud, &c.
4. Reckoning service.
5. Case of subsequent appointment.
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13. Definitions.
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15. Extent of Act.
16. Short title and commencement of Act.

### SCHEDULE.

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# A B I L L

TO

Provide for Superannuation Allowances to Officers and A.D. 1909.  
 Servants employed in Public Asylums for the Insane  
 in Great Britain and Ireland; and to make other relative  
 provisions.

**B**E 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:—

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## SUPERANNUATION.

**1.** For the purposes of this Act and subject to the pro-  
 visions thereof the officers and servants employed by the  
 managers or authorities of every asylum shall be divided into  
 two classes. The first class shall consist of all those officers and  
 10 servants who have the care or charge of the patients in the  
 usual course of their employment or who in the course of their  
 usual employment may be brought into frequent contact with  
 the patients or hold responsible positions in connection with the  
 administration of the asylum. The second class shall consist of  
 15 all those officers and servants (other than workmen paid trades  
 union wages) the course of whose usual employment does not  
 bring them into frequent contact with or give them the charge  
 or care of the patients or any of them. Any dispute arising  
 under this section to be decided as provided by section twelve  
 20 of this Act.

Division of  
 officers and  
 servants into  
 classes.

**2.—(1)** Any officer or servant of the first class who has  
 been in the service of an asylum or asylums for not less than  
 fifteen years, and is not less than fifty years old, or who is per-  
 manently incapacitated for asylum duties after ten years' service

Title of offi-  
 cers, servants,  
 &c. to super-  
 annuation

[Bill 64.]

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A.D. 1909.  
allowances  
and scale  
thereof.

by injury or illness, mental or otherwise, shall be entitled on resigning or otherwise ceasing to hold office or employment to receive during life out of funds applicable to the maintenance of the asylum or asylums a superannuation allowance, the annual amount of which shall be computed at the rate of *one fiftieth* 5 of his annual salary or wages and emoluments at the time of retirement for each year of service.

(2) Any officer or servant of the second class who has been in the service of an asylum or asylums for not less than twenty years and is not less than sixty years old, or who is permanently 10 incapacitated from asylum duties after ten years' service by injury or illness shall be entitled on resigning or otherwise ceasing to hold office or employment to receive during life out of funds applicable to the maintenance of the asylum or asylums a superannuation allowance the annual amount of which shall 15 be computed at the rate of *one sixtieth* of his annual salary or wages and emoluments at the time of retirement for each year of service.

The managers or authorities of any asylum may, in computing the amount of superannuation allowance to any 20 officer or servant, take into account any peculiar professional qualifications or services or special circumstances entitling to consideration and add a number of years not exceeding ten to the number of years which the officer or servant has actually served in the aggregate : 25

Provided in all cases to which this section refers that a superannuation allowance shall not in any case exceed *two thirds* of the salary or wages, with value of emoluments, if any, payable to the superannuated person at the date of his superannuation. 30

Forfeiture  
for fraud, &c.

3. An officer or servant who is dismissed or otherwise ceases to hold office in consequence of any offence of a fraudulent character or of grave misconduct shall forfeit all claim to any superannuation allowance under this Act in respect of his previous service, provided that in the case of any such officer 35 or servant the asylum managers or authority may, if they see fit, return a sum equal to the amount of all or part of his aggregate contributions under this Act.

Reckoning  
service.

4. All services by an officer or servant in an asylum shall be aggregated and reckoned for the purposes of this Act, whether 40 the services have been continuous or not, and whether his whole

time has been devoted to the services or not, and whether they have been rendered at one or more asylums to which this Act applies. A.D. 1909.

5 When a person in receipt of superannuation allowance or pension under this Act is appointed to any office or employment by any authority to which this Act applies, such allowance shall cease to be paid so long as he continues to hold such office or employment if the salary or wages and emoluments thereof are equal to or in excess of such allowance, if they are not, then  
10 only so much of such allowance shall be paid so long as he holds such employment as will make up the deficiency. Any such person on ceasing to hold such office or employment shall be entitled to revert to and receive the full amount of his original superannuation allowance from the authority which granted it.

Case of subsequent appointment.

15 6. In the event of any officer or servant of an asylum being incapacitated for further service by accident, injury, or confirmed illness (bodily or mental) clearly attributable to the duties of his employment, the managers or authority of the asylum may grant such superannuation allowance as under the circumstances may  
20 appear fitting independently of length of service.

Case of injury or illness.

7. An officer or servant who has not become entitled to a superannuation allowance, and who loses his office or employment by reason of reduction of staff, or of any alteration due to the action of the asylum authority, and not owing to his own  
25 default, shall be entitled to receive on retirement the aggregate amount of his contributions to the fund or funds from which the superannuation allowances are to be paid, together with interest incident thereon at *two and a half per cent.* per annum. In other events the contributions will not be returned, except in the  
30 case of female officers or nurses leaving to be married after at least five years' satisfactory service, on the production of the marriage certificate.

Return of contributions and power to grant gratuities, &c., in certain cases.

#### CONTRIBUTION.

8. Subject to the provisions of this Act, every officer and  
35 servant in the service or employment of the managers or authorities of an asylum in the United Kingdom shall contribute annually, for the purpose of this Act, a percentage amount of his salary or wages and emoluments, according to the scale laid down in this Act, such amount to be from time to time deducted  
40 from the salary or wages payable to him and to be carried to

Obligation of officers and servants to contribute.



A.D. 1909. — and to form part of the fund from which the superannuation allowances are to be paid.

Scale of  
contribu-  
tions.

9. The percentage amounts to be deducted annually for the purposes of this Act shall be as follows (that is to say):—

In the case of officers and servants with less than five years' service at the passing of this Act, or appointed after the passing of this Act, *two per cent.* of his salary or wages and emoluments for each year; 5

In the case of officers and servants with more than five and less than fifteen years' service at the passing of this Act, *two and a half per cent.* of the salary or wages and emoluments for each year; 10

In the case of officers and servants with more than fifteen years' service at the passing of this Act, *three per cent.* of the salary or wages and emoluments for each year. 15

#### MISCELLANEOUS.

Provision  
for retiring  
officers and  
servants in  
certain cases.

10. When an officer or servant in class one has attained the age of fifty-five years, an officer or servant in class two has attained the age of sixty, and the asylum managers or authority are of opinion that his retirement would be expedient in the interests of the service, it shall be competent for them to require him to retire upon payment to him of the superannuation allowance to which he may be entitled under this Act. 20

Power to  
grant gra-  
tuities to  
dependants  
in case of  
death of  
officer or  
servant.

11. It shall be competent for the asylum managers or authority to vote at their discretion a gratuity to the widow or orphans, or any near dependant relative of an officer or servant dying while in the service of the asylum at an age at which he would otherwise have been entitled to a superannuation allowance, such gratuity to be chargeable against the funds out of which the asylum is maintained. 25 30

Appeal to  
Commis-  
sioners in  
Lunacy in  
certain cases  
of dispute.

12. In any case of dismissal of an officer or servant of more than ten years' service, such officer or servant shall have a right of appeal to the Commissioners in Lunacy or other corresponding central authority, and in the case of any dispute arising as to the administration of this Act, such dispute shall be referred to the said Commissioners or authority, and their decision thereupon shall be final. 35

Definitions.

13. In this Act, if not inconsistent with the context, "asylum" means (1) an asylum for lunatics provided by a county

or borough, or by a union of counties or boroughs; (2) a Metropolitan Asylums Board asylum for imbeciles; and (3) a district asylum in Scotland and Ireland. "Officers or servant" includes any superintendent, medical officer, chaplain, clerk, steward, 5 matron, and any other officer, servant, or employee of the asylum.

A.D. 1909.

14. The enactments specified in the schedule to this Act are hereby repealed, subject to this qualification, that this repeal shall not affect the payment of any superannuation allowance granted before the commencement of this Act, nor any other 10 right or liability acquired or accrued in respect of schemes or expectations of such allowances definitely entered into (between the parties), nor anything duly done or suffered before the commencement of this Act.

Repeals.

15. This Act extends to Great Britain and Ireland.

Extent of Act.

16. This Act may be cited as the Asylums Officers' Superannuation Act, 1909, and shall come into operation from and immediately after the *thirty-first day of March nineteen hundred and ten.*

Short title and commencement of Act.

## SCHEDULE.

20	Session and Chapter.	Title or Short Title.	Extent of Repeal.
	19 & 20 Vict. c. 99.	The Lunatic Asylums Superannuations (Ireland) Act, 1856.	The whole Act so far as unrepealed.
25	30 & 31 Vict. c. 118.	The Lunacy (Ireland) Act, 1867 -	Section eight.
	53 Vict. c. 5.	Lunacy Act, 1890 - -	Sections two hundred and eighty, two hundred and eighty-one, and two hundred and eighty-two.
30	53 & 54 Vict. c. 31.	The Paupers' Lunatic Asylums (Ireland) Superannuation Act, 1890.	Section three.

# Asylums Officers' Superannuation.

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## B I L L

To provide for Superannuation Allowances to Officers and Servants employed in Public Asylums for the Insane in Great Britain and Ireland; and to make other relative provisions.

*Presented by Sir William Collins,*

*supported by*

*Colonel Lockwood, Sir Walter Foster,  
Sir Francis Sharp Powell, Sir John Batty Tuke,  
Sir John Jardine, Dr. Rutherford,  
Mr. Charles Roberts, and  
Mr. Ramsay Macdonald.*

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*Ordered, by The House of Commons, to be Printed,  
2 March 1909.*

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[Bill 64.]