

# Asylums Officers' Superannuation Bill.

[AS AMENDED BY THE SELECT COMMITTEE.]

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## 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.

[AS AMENDED BY THE SELECT COMMITTEE.]

## ARRANGEMENT OF CLAUSES.

### SUPERANNUATION.

Clause.

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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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19. Aggregation of poor law and asylum service.
20. Assignment.
21. Short title and commencement of Act.

### SCHEDULE.

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## B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

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. A.D. 1909.

**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 the established officers and servants employed in asylums shall be divided into two classes. The first class shall consist of all those established officers and servants who have the care or charge of the patients in the usual course of their employment. The second class shall include all other established officers and servants. Division of officers and servants into classes.

## 2. Subject to the provisions of this Act—

(1) Any established officer or servant of the first class who has been in the service of an asylum for not less than fifteen years, and is not less than fifty years old, or who is permanently incapacitated for asylum duties after ten years' service by injury or illness, mental or bodily, medically certified and not attributable to his own misconduct, shall be entitled, on resigning or otherwise ceasing to hold office or employment, to receive during life a superannuation allowance, the annual amount of Title of officers, servants, &c., to superannuation allowances, and scale thereof.

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which shall be computed at the rate of one fiftieth of his salary or wages and emoluments for each completed year of service :

- (2) Any established officer or servant of the second class who has been in the service of an asylum for 5 not less than twenty years and is not less than sixty years old, or who is permanently incapacitated from asylum duties after ten years' service by injury or illness, mental or bodily, medically certified and not attributable to his own misconduct, shall 10 be entitled, on resigning or otherwise ceasing to hold office or employment, to receive during life a superannuation allowance the annual amount of which shall be computed at the rate of one sixtieth of his salary or wages and emoluments for each 15 completed year of service :

- (3) The managers or authorities of any asylum may, in computing the amount of superannuation allowance to any established officer or servant, take into account any peculiar professional qualifications or 20 services or special circumstances entitling to consideration and, with the consent of the Secretary of State, 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 that a superannuation allowance shall not in any case exceed two-thirds of the salary or wages and emoluments of the superannuated person.

Forfeiture  
for fraud, &c.

3. An established officer or servant who is dismissed or resigns or otherwise ceases to hold office in consequence of any 30 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 the asylum managers or authority may in special cases, if they see fit, return a sum equal to the amount of all or part of his aggregate 35 contributions under this Act.

Reckoning  
service.

4. All services by an established officer or servant in an asylum shall be aggregated and reckoned for the purposes of this Act, whether the services have been continuous or not, and whether they have been rendered at one or more asylums. 40

5. When a person in receipt of superannuation allowance 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 only so much of such allowance shall be paid so long as he holds such employment as will make up the deficiency.

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Case of subsequent appointment.

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.

6. In the event of any established officer or servant of an asylum being permanently incapacitated for asylum duties by reason of injury or illness (bodily or mental), medically certified and clearly attributable to the duties of his employment, the managers or authority of the asylum may grant him such superannuation allowance not exceeding two-thirds of his salary or wages and emoluments as under the circumstances may appear fitting independently of length of service.

Case of injury or illness.

7.—(1) An established 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 other cause whatever other than his own misconduct or voluntary resignation, shall be entitled to receive the aggregate amount of his contributions under this Act.

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

(2) An asylum authority may, if they think fit, repay to any female officer or servant leaving to be married after not less than five years' service, the amount of her contributions under this Act, provided that within three months after leaving she produces to the asylum authority her marriage certificate.

(3) If an officer or servant claims under this section and subsequently obtains a fresh office or employment, he shall not be entitled to reckon his service before obtaining such fresh office or employment towards a superannuation allowance under this Act, unless, upon obtaining such fresh office or employment he pays the amount received under this section to the managers or authority under whom he obtains such fresh office or employment.

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## CONTRIBUTION.

Obligation  
of officers  
and servants  
to contribute.

8. Subject to the provisions of this Act, every established officer and servant in the service or employment of the managers or authorities of an asylum 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 from the salary or wages payable to him and to be carried to and to form part of the fund from which the superannuation allowances are to be paid. 5 10

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; 15

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; 20

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.

## MISCELLANEOUS.

Provision  
for retiring  
officers and  
servants in  
certain cases.

10. When an established officer or servant of the first class has attained the age of fifty-five years, an established officer or servant of the second class 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: 25 30

Provided that nothing in this section shall prejudice the existing right of any managers or authority to dismiss any officer or servant employed in an asylum, or to reduce him to a lower rate of pay, or shall prevent his claim to superannuation allowance from being refused in any case where under this Act a claim to superannuation allowance is forfeited. 35



**11.** It shall be competent for the asylum managers or authority to grant at their discretion, and on such terms as they think fit, a gratuity to the widow, children, or any near dependent relative of an established officer or servant dying while in the service of the asylum who if he had retired at the time of his death would have been entitled to a superannuation allowance, but such gratuity shall not exceed his total contributions, or one year's salary or wages and emoluments.

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Power to grant gratuities to dependants in case of death of officer or servant.

**12.** In the case of any dispute as to the right to or amount of superannuation allowance of any officer or servant of an asylum such dispute shall be determined by the Secretary of State in cases in England, the Secretary for Scotland in cases in Scotland, and the Chief Secretary in cases in Ireland, and their decision shall be final.

Appeal in cases of dispute.

**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) district and parochial asylums in Scotland; and (4) district asylums in Ireland. "Established officer or servant" means such officer or servant as the local authority shall by resolution determine to be engaged in the work or administration of the asylum, and the division of such established officers and servants into two classes as provided by clause one shall be made by the managers or authorities of the asylum.

Definitions.

**14.** The enactments specified in the schedule to this Act are hereby repealed to the extent specified in the third column thereof, subject to this qualification, that this repeal shall not affect the payment of any superannuation allowance granted before the commencement of this Act. Any established officer or servant who is at the date of the commencement of this Act in the service or employment of any authority to whom this Act applies may at any time within three months after the commencement of this Act signify in writing to such authority his intention not to avail himself of the provisions of this Act, and in that event it shall not be obligatory on him notwithstanding anything in this Act contained to make any contribution or submit to any deduction from his salary or wages under this Act, nor shall he be entitled to receive any superannuation allowance, gratuity, or other benefit under this Act, but any such established officer or servant of an asylum who has given such notice as

Repeals.

A.D. 1909. aforesaid shall remain subject to the provisions of the enactments repealed by this Act with respect to the superannuation allowances of officers and servants in asylums as if this Act had not been passed.

Payment of allowances and gratuities.

15. Every superannuation allowance or gratuity under this Act shall be paid by the managers or authorities of the asylum in which the officer or servant to whom, or to whose widow, children, or dependants, the superannuation allowance or gratuity is payable was employed at the time of his superannuation or death, out of the fund out of which the salaries or wages of officers and servants in that asylum are payable.

Salary or wages and "emoluments."

16. The salary or wages and emoluments of an established officer or servant shall, for the purpose of computing the amount of a superannuation allowance or gratuity, be calculated according to the average amount of his salary or wages and emoluments during the five years ending on the quarter day which immediately precedes the day on which he ceases to hold his office or employment, or, in the case of an officer or servant with less than five years' service, on the average amount during his whole period of service; and the expression "emoluments" includes all fees, poundage and other payments made to any established officer or servant as such for his own use, and also the money value of any apartments, rations, or other allowances in kind appertaining to his office or employment.

The annual money value of all such fees, poundage and other payments, apartments, rations, or other allowance in kind shall be set out in a schedule to be prepared by the managers or authority of every asylum and affixed in a conspicuous place in the asylum.

Reckoning of service for pension.

17. Where an established officer or servant has served more than one asylum in any part of the United Kingdom, service in any such asylum in which he has completed not less than three years, and from which he has with the written sanction of the managers or authority of the asylum removed to another asylum, shall be reckoned as service in the asylum in which the officer or servant is serving at the time of his ceasing to hold his office or employment.

Apportionment of superannuation allowance.

18. Where an established officer or servant of an asylum has removed to some other asylum with the written sanction of the managers or authority of the asylum he has removed from,



and such officer or servant in due course becomes entitled to and is awarded a superannuation allowance, the authority in whose service he then is shall be entitled to call upon the other authority with whom he shall have served, and they shall contribute a proportionate part of any superannuation allowance to such officer or servant reckoned according to the service and pay of such officer or servant during his service in such asylum, and the said proportionate part shall be settled by agreement between the two authorities, or in default of agreement by an arbitrator appointed by the Secretary of State.

**19.** Where an officer or servant has been employed in a poor law asylum prior to or subsequent to his employment as an established officer in an asylum to which this Act applies, he shall at the discretion of the managers or authority be entitled to reckon his entire period of employment or service in both capacities for the purpose of pension on the scale and subject to the statutory requirements affecting pensions in the service from which he last retires.

**20.** The following provisions shall have effect with respect to every superannuation allowance, allowance, and gratuity (in this section referred to as a "grant") payable by the managers or authority of an asylum to any person (in this section referred to as the pensioner):—

(1) Every assignment of and charge on a grant, and every agreement to assign or charge a grant, shall, except so far as made for the benefit of the family of the pensioner, be void, and on the bankruptcy of the pensioner the grant shall not pass to any trustee or other person acting on behalf of the creditors:

(2) Where any parochial relief is given to a pensioner or to anyone whom he is liable to maintain, the managers or authority of an asylum may pay the whole or any part of the grant to the guardians or other authority giving the relief, and the same, when so paid, may be applied in repayment of any sums expended in such relief, and, subject thereto, shall be paid or applied by the guardians or other authority to or for the benefit of the pensioner:

(3) If the pensioner neglects to maintain any person whom he is liable to maintain, the managers or authority of

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an asylum may in their discretion pay or apply the whole or any part of the grant to or for the benefit of that person:

- (4) If the pensioner appears to the managers or authority of an asylum to be insane or otherwise incapacitated to 5 act, the managers or authority of the asylum may pay so much of the grant as the managers or authority of the asylum think fit to the institution or person having the care of the pensioner, and may pay the surplus (if any) or such part thereof as the managers 10 or authority think fit for or towards the maintenance and benefit of the wife or relatives of the pensioner:
- (5) On the death of a pensioner to whom a sum not exceeding one hundred pounds is due on account of a grant, then if the managers or authority of the asylum so direct, 15 probate or other proof of the title of the personal representative of the deceased may be dispensed with, and the sum may be paid or distributed to or among the persons appearing to the managers or authority of the asylum to be beneficially entitled to the personal 20 estate of the deceased pensioner, or to or among any one or more of those persons, or in case of the illegitimacy of the deceased pensioner, to or among such persons as the managers or authority of the asylum may think fit, and the managers or authority of the 25 asylum, and any officer of such authority making the payment, shall be discharged from all liability in respect of any such payment or distribution:
- (6) Any sum payable to a minor on account of a grant may be paid either to the minor or to such person and 30 on such conditions for the benefit of the minor as to the managers or authority of the asylum seems expedient:
- (7) Where a payment is made to any person by the managers or authority of an asylum in pursuance of 35 this section, the receipt of that person shall be a good discharge to such authority for the sum so paid:
- (8) The managers or authority of an asylum may, with the consent of the Secretary of State, make rules with 40 respect to declarations to be taken for any purpose

relating to grants payable by such authority, and while any such rules so made are in force, a person shall not be required to receive any sums in respect of a grant payable by such authority until any declaration required by those rules has been made.

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

Short title  
and com-  
mencement  
of Act.

## SCHEDULE.

10 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.
15 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.
20 53 & 54 Vict. c. 31.	The Paupers' Lunatic Asylums (Ireland) Superannuation Act, 1890.	The whole Act so far as unrepealed.

# Asylums Officers' Superannuation.

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## B I L L

[AS AMENDED BY THE SELECT  
COMMITTEE]

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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[Bill 299.]