

[25 & 26 GEO. 5.] *West Riding of* [Ch. lxxxii.]  
*Yorkshire Mental Hospitals Board (Superannuation)*  
*Act, 1935.*



**CHAPTER lxxxii.**

An Act to make provision with respect to the payment of superannuation allowances to certain officers and servants of the West Riding of Yorkshire Mental Hospitals Board and for other purposes. A.D. 1935.  
[2nd August 1935.]

**W**HEREAS before the passing of the West Riding of Yorkshire Asylums Act 1912 (hereinafter referred to as "the Act of 1912") certain mental hospitals had been provided in the west riding of the county of York at the cost of the county council of the administrative county of the said west riding or their predecessors and of the councils of certain county boroughs in the said west riding and were vested in the said county council and maintained at the like cost :

And whereas by the Act of 1912 the West Riding of Yorkshire Mental Hospitals Board (hereinafter referred to as "the Board") consisting of representatives elected by the said county council and councils of county boroughs respectively were incorporated by the name of the West Riding of Yorkshire Asylums Board (which name was changed to the present name of the Board by the Mental Treatment Act 1930) and the said mental hospitals were transferred to and vested in the Board who were charged with the duty of providing and maintaining asylum accommodation as if they were a local authority under and for the purposes of the Lunacy Act 1890 :

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— And whereas by section 26 of the Act of 1912 the provisions of (inter alia) the Asylums Officers' Superannuation Act 1909 (hereinafter referred to as "the Act of 1909") were applied to the Board as if the Board were the local authority of the said administrative county and county boroughs and the said section contained other provisions with reference to the superannuation allowances payable to officers and servants of the Board :

And whereas in the year one thousand nine hundred and fourteen the Board by resolution determined the officers and servants serving on their administrative staff as then constituted to be established officers or servants for the purposes of the Act of 1909 with the intention that as a result of such determination the said officers and servants should in accordance with that Act be entitled (subject to the payment of contributions during the period of their service) to receive superannuation allowances on ceasing to hold their offices :

And whereas the officers and servants from time to time serving on the said administrative staff have since the date of the said resolution made contributions (by way of deduction by the Board from their respective salaries or wages) in respect of the superannuation allowances to be paid to them and in the case of certain of those officers and servants who have ceased to hold their offices such allowances have been granted and continue to be paid to such of the said officers and servants as are still living :

And whereas since the date of the said resolution the Board have created additional posts in their central administrative staff and although the occupants for the time being of those posts have not been determined by the Board to be established officers or servants for the purposes of the Act of 1909 the terms of appointment of such occupants were expressed to include the right to the benefits of the Act of 1909 and such occupants have made contributions (by way of such deduction as aforesaid) in respect of superannuation allowances to be paid to them under the Act of 1909 :

And whereas the Board have recently been advised that the officers and servants serving on their said administrative staff are not entitled to the benefit of the

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Act of 1909 on account of their not being employed in a mental hospital and doubts have thus been cast upon the right of the Board to make deductions from the salaries or wages of such officers and servants by way of contribution in respect of superannuation allowances and to pay the superannuation allowances which have been granted to such of the said officers and servants as have ceased to hold their offices :

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And whereas it is expedient for the removal of such doubts that as provided by this Act such officers and servants of the Board as aforesaid should be declared to be or while in the service of the Board to have been established officers or servants for the purposes of the Act of 1909 and that the Board should be empowered to determine officers or servants hereafter employed in a permanent capacity as members of their said administrative staff to be such established officers or servants :

And whereas it is expedient that the other provisions contained in this Act should be made :

And whereas the purposes of this Act cannot be effected without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted and 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 (that is to say) :—

1. This Act may be cited as the *West Riding of Yorkshire Mental Hospitals Board (Superannuation) Act 1935.*

Short title.

2. In and for the purposes of this Act—

“ the Board ” means the *West Riding of Yorkshire Mental Hospitals Board* ;

“ the Act of 1909 ” means the *Asylums Officers' Superannuation Act 1909* ;

“ the Act of 1912 ” means the *West Riding of Yorkshire Asylums Act 1912.*

Interpre-  
tation.

3.—(1) For the purposes of the Act of 1909 in its application to the Board and of the Act of 1912 the expression “ established officer or servant ” where used in the Act of 1909 shall be deemed to include and at all

Extension of  
Act of 1909  
to certain  
officers and  
servants of  
Board.

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—            Act of 1912 to have included officers or servants employed  
             in a permanent capacity as members of the central  
             administrative staff of the Board—

(a) who have been or shall be determined by  
resolution of the Board to be established officers  
or servants for the purposes of the Act of  
1909; or

(b) who before the date of the passing of this Act  
made contributions (by way of deduction by  
the Board from their respective salaries or  
wages) for the purposes of the Act of 1909 as  
if they had been so determined;

as if such officers and servants were or had been employed  
in a mental hospital of the Board.

(2) The provisions of the Act of 1909 relating to  
established officers or servants shall extend and apply  
to such officers and servants as are referred to in sub-  
section (1) of this section and the services of those officers  
and servants (including—

(a) any service in connection with the mental  
hospital for private patients provided by the  
county council or with the existing mental  
hospitals referred to in the Act of 1912 rendered  
before the commencement of that Act; and

(b) in the case of any officer or servant who at the  
date of the passing of this Act is employed in  
a mental hospital of the Board any service as  
an established officer or servant prior to his  
being so employed);

shall be deemed for the purposes of the Act of 1909 and  
of subsection (4) of section 26 (Adaptation of provisions  
of Lunacy Acts) of the Act of 1912 to be services rendered  
in a mental hospital.

(3) All superannuation allowances paid by the  
Board before the date of the passing of this Act to any  
such officers or servants as are referred to in subsection (1)  
of this section who resigned or otherwise ceased to hold  
office or employment under the Board on or before the  
eighth day of March one thousand nine hundred and

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thirty-three shall be deemed to have been lawfully A.D. 1935.  
computed and (in the case of former officers or servants  
living at the date of the passing of this Act) shall continue  
to be paid during life or incapacity at the same rate as  
before the passing of this Act. —

4. All the costs charges and expenses preliminary Costs of  
to and of and incidental to the preparing applying for Act.  
obtaining and passing of this Act as taxed by the taxing  
officer of the House of Lords or of the House of Commons  
shall be paid by the Board.

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