STATUTORY INSTRUMENTS

1965 No. 576

LOCAL GOVERNMENT, ENGLAND AND WALES
LONDON GOVERNMENT

The Coroners (Compensation) Regulations 1965

Made - - - -	23*rd March* 1965
Laid before Parliament	31*st March* 1965
Coming into Operation	1*st April* 1965

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Whereas the Treasury have determined under section 60(2) of the Local Government Act 1958(a) that the Secretary of State is the appropriate Minister for the purposes of that subsection in relation to the persons to whom these Regulations relate:

And whereas the Secretary of State is the appropriate Minister for the purposes of section 85(4) of the London Government Act 1963(b) in relation to those persons:

Now, therefore, in pursuance of the powers conferred on me by the said section 60(2) and the said section 85(4), I hereby make the following Regulations:—

PART I

PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Coroners (Compensation) Regulations 1965 and shall come into operation on 1st April 1965.

(a) 6 & 7 Eliz. 2. c. 55. (b) 1963 c. 33.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

" accrued pension " has the meaning assigned to it by Regulation 26(2) of these Regulations;

" the Act of 1926 " means the Coroners (Amendment) Act 1926(**a**);

" the Act of 1933 " means the Local Government Act 1933(**b**);

" the Act of 1958 " means the Local Government Act 1958;

" the Act of 1963 " means the London Government Act 1963;

" compensating authority " means—

(*a*) in the case of any person who suffers loss of office or loss or diminution of emoluments which is attributable to the provisions of any order or scheme made under Part VI of the Act of 1933 or of any order made under Part II of the Act of 1958 or of any instrument made under the Act of 1963, the authority by whom he was appointed in the office which has been lost or in respect of which he has suffered such loss or diminution or such other authority as may be designated by the order or instrument as the compensating authority for the purpose of the application of these Regulations in relation to that person;

(*b*) in the case of any person who suffers loss of office or loss or diminution of emoluments which is not attributable as aforesaid but is otherwise attributable to the provisions of the Act of 1963, such authority as the Secretary of State may determine;

" coroner " does not include a deputy coroner or an assistant deputy coroner;

" emoluments " means all salary, wages, fees and other payments paid or made to an officer as such for his own use, and includes the money value of any apartments or other allowances in kind appertaining to his office, but does not include any allowances payable to him to cover the remuneration of deputy or assistant deputy coroners or the cost of providing office accommodation or clerical or other assistance, or any travelling or subsistence allowance or other moneys to be spent, or to cover expenses incurred by him, for the purposes of his office; and

" net emoluments " means—

(*a*) in relation to an office which has been lost or in which an officer has suffered a diminution of emoluments, the annual rate of the emoluments of that office immediately before such loss or diminution; and

(*b*) in relation to any other office, the annual rate of the emoluments of that office at the time in question, less such part of those emoluments as the officer was then liable to contribute under any pension scheme associated with his office:

Provided that where fees were paid to a person as part of his emoluments during any year prior to that immediately preceding the loss or diminution, the amount in respect of fees to be included in the annual rate of emoluments mentioned in sub-paragraph (*a*) hereof shall be the annual average of the fees paid to him during the period of five years immediately preceding the loss or diminution, or such shorter period as may be reasonable in the circumstances;

(**a**) 16 & 17 Geo. 5. c. 59. (**b**) 23 & 24 Geo. 5. c. 51.

"local authority" means the council of a county, county borough, London borough, county district, rural parish or borough included in a rural district and includes the Greater London Council, the Common Council of the City of London, the council of the Isles of Scilly, any two or more of those authorities acting jointly, and any joint committee, combined authority or joint board and a police authority for a county, a borough or a combined police area;

"long-term compensation" means compensation payable in accordance with the provisions of Part IV of these Regulations for loss of office or loss or diminution of emoluments;

"material date" means in relation to any person who has suffered loss of office or loss or diminution of emoluments—

(*a*) where the loss or diminution is attributable to the provisions of any order or scheme made under Part VI of the Act of 1933 or of any order made under Part II of the Act of 1958 or of any instrument made under the Act of 1963, the date on which the order, scheme or instrument was made or such other date or dates as may be specified in the order, scheme or instrument in relation to him for all or any of the purposes of these Regulations; and

(*b*) where the loss or diminution is not attributable as aforesaid but is otherwise attributable to the provisions of the Act of 1963, 1st April 1965;

"office" includes employment, and the expression "officer" shall be construed accordingly;

"pensionable officer" means such a person as is mentioned in Regulation 26(2) of these Regulations;

"reckonable service" means any period of service as a coroner;

"resettlement compensation" means compensation payable in accordance with Part III of these Regulations for loss of office suffered by a person to whom these Regulations apply;

"retirement compensation" means compensation payable in accordance with the provisions of Regulation 17, 18, 19 or 20 of these Regulations;

"tribunal" means a referee or board of referees appointed by the Minister of Labour after consultation with the Lord Chancellor.

(2) Where under any provision of these Regulations an annual value is to be assigned to a capital sum or a capital value to an annual amount, the annual or capital value shall be ascertained in accordance with tables for the time being approved by the Secretary of State for the purposes of these Regulations.

(3) The holder of the office of coroner shall, for the purposes of these Regulations, be regarded as employed in that office, and the expression "employment" shall be construed accordingly.

(4) Unless the context otherwise requires, references in these Regulations to the provisions of any enactment, rule, regulation, order or scheme shall be construed as references to those provisions as amended or re-enacted by any subsequent enactment, rule, regulation, order or scheme.

(5) The Interpretation Act 1889(a) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

(a) 52 & 53 Vict. c. 63.

PART II

ENTITLEMENT TO COMPENSATION

Persons to whom the Regulations apply

3. These Regulations shall apply to any person who is, immediately before the material date, the holder of the office of coroner.

Grounds of entitlement to compensation

4. Subject to the provisions of these Regulations, every person to whom these Regulations apply and who, after the coming into operation of these Regulations, suffers loss of office or loss or diminution of emoluments which is attributable to the provisions of any order or scheme made under Part VI of the Act of 1933 or of any order made under Part II of the Act of 1958 or to any provision of the Act of 1963 or of any instrument made under that Act shall be entitled to have his case considered for the payment of compensation under these Regulations and such compensation shall be determined in accordance with the following provisions of these Regulations.

PART III

RESETTLEMENT COMPENSATION FOR LOSS OF OFFICE

Resettlement compensation for loss of office

5.—(1) The compensating authority shall, subject to the provisions of these Regulations—

(*a*) consider and determine the entitlement to resettlement compensation of every person to whom this Part of these Regulations applies who claims such compensation and in relation to whom the conditions set out in the next succeeding Regulation are satisfied, and

(*b*) pay the amount of any compensation so determined.

(2) This Part of these Regulations applies to a person who at the date of the loss of office had not attained the age of sixty-five years and who had for a period of not less than three years immediately preceding the material date held continuously (exclusive of breaks not exceeding in the aggregate six months) the office of coroner.

Conditions for payment of resettlement compensation

6.—(1) Without prejudice to any other requirement of these Regulations, nothing in these Regulations shall entitle a person to resettlement compensation unless—

(*a*) he has suffered loss of office attributable to any such provision as is mentioned in Regulation 4 of these Regulations not later than ten years after the material date;

(*b*) he has made his claim for resettlement compensation in accordance with the provisions for making claims set out in Part VII of these Regulations not later than thirteen weeks after the loss of office which is the cause of his claim;

(*c*) the loss of office which is the cause of his claim has occurred for some reason other than misconduct or incapacity to perform such duties as immediately before the loss he was performing or might reasonably have been required to perform; and

(*d*) he has not, subject to paragraph (3) of this Regulation, been offered any reasonably comparable employment in the office of coroner or in assisting the holder of such an office in the performance of the duties of that office or under the Crown or in the service of a local authority.

(2) In ascertaining for the purposes of this Regulation whether a claimant has been offered employment which is reasonably comparable with that which he has lost no account shall be taken of the fact that the duties of the employment offered are in relation to the administration of a different service from that in connection with which his office was held or are duties which involve a transfer of his employment from one place to another within England or Wales.

(3) No account shall be taken for the purposes of this Regulation of an offer of employment where the compensating authority are satisfied—

(*a*) that acceptance would have involved undue hardship to the claimant, or

(*b*) that the claimant was prevented from accepting the offer by reason of ill-health or other circumstances beyond his control.

Amount of resettlement compensation

7.—(1) Resettlement compensation payable to a person to whom this Part of these Regulations applies shall for each week for which such compensation is payable be a sum ascertained by taking two thirds of the weekly rate of the net emoluments which the claimant has lost and deducting therefrom such of the following items as may be applicable:—

(*a*) unemployment, sickness or injury benefit under any Act relating to National Insurance at the current rate for a person having no dependants, in so far as any such benefit (whether at that or any other rate) is claimable by him in respect of such week;

(*b*) two thirds of the net emoluments received by him in respect of such week from work or employment undertaken in place of the office which he has lost.

(2) In determining the amount of resettlement compensation the compensating authority shall have regard to any payments to which the claimant becomes entitled in consequence of the loss of his office under any contract or arrangement with the authority by whom he was appointed.

(3) For the purposes of this Regulation the weekly rate of a claimant's net emoluments shall be deemed to be seven three hundred and sixty-fifths of those emoluments.

Period for payment of resettlement compensation

8. Subject as hereinafter provided, resettlement compensation to a person to whom this Part of these Regulations applies shall be payable in respect of the period of thirteen weeks next succeeding the week in which he lost the office in respect of which his claim has been made or, in the case of a claimant who has attained the age of forty-five years, the said thirteen weeks extended by one additional week for every year of his age after attaining the age of forty-five years and before the date of the loss of office subject to a maximum addition of thirteen such weeks.

Claimant for resettlement compensation to furnish particulars of employment

9. Every claimant for resettlement compensation shall (after as well as before the compensation begins to be paid)—

(*a*) forthwith supply the compensating authority in writing with particulars of any work or employment which he obtains or of any change in his earnings from any such work or employment, and

(*b*) if the compensating authority so requires, so long as he is out of employment and is not receiving sickness or injury benefit, register with the Ministry of Labour.

Additional provisions relating to resettlement compensation

10. Resettlement compensation shall be payable to a claimant at intervals equivalent to those at which the emoluments of his office were previously paid or at such other intervals as may be agreed between the claimant and the compensating authority and shall forthwith be terminated by the compensating authority—

(*a*) if without reasonable cause the claimant fails to comply with any of the provisions of Regulation 9 of these Regulations, or

(*b*) if, on being requested to do so, he fails to satisfy the compensating authority that, so far as he is able, he is seeking suitable employment.

PART IV

LONG-TERM COMPENSATION FOR LOSS OF OFFICE OR LOSS OR DIMINUTION OF EMOLUMENTS

Persons to whom Parts IV and V of the Regulations apply

11.—(1) The compensating authority shall, subject to the provisions of these Regulations—

(*a*) consider and determine the entitlement to long-term and retirement compensation of every person to whom this and the next succeeding Part of these Regulations apply who claims such compensation and in relation to whom the conditions set out in the next succeeding Regulation are satisfied, and

(*b*) pay the amount of any compensation so determined.

(2) This Part and Part V of these Regulations apply to a person who had for a period of not less than eight years immediately preceding the material date held continuously (without a break of more than twelve months at any one time) the office of coroner, and who at the date of the loss of office or loss or diminution of emoluments had not, save as is provided in Regulation 21 of these Regulations, attained the age of sixty-five years.

Conditions for payment of long-term and retirement compensation

12.—(1) Without prejudice to any other requirement of these Regulations, nothing in these Regulations shall entitle a person to long-term or retirement compensation unless—

(*a*) he has suffered loss of office or loss or diminution of emoluments attributable to any such provision as is mentioned in Regulation 4 of these Regulations not later than ten years after the material date;

(*b*) in the case of a claim for long-term compensation, he has made his claim for compensation in accordance with the provisions for making claims set out in Part VII of these Regulations, and in the case of a claim for retirement compensation, he has given notification of his intention to claim such compensation in accordance with Regulation 26 of these Regulations, not later than two years after the loss or diminution which is the cause of the claim; and

(*c*) if the cause of the claim for compensation is loss of office—

(i) the loss of office occurred for some reason other than misconduct or incapacity to perform such duties as immediately before the loss he was performing or might reasonably have been required to perform; and

(ii) he has not been offered any reasonably comparable employment in the office of coroner or in assisting the holder of such an office in the performance of the duties of that office or under the Crown or in the service of a local authority.

(2) Regulation 6(2) and (3) of these Regulations as to offers of employment shall apply for the purposes of this Regulation.

(3) Claims for long-term and retirement compensation for loss of office shall in all respects be treated as claims for such compensation for the loss of emoluments occasioned thereby and the provisions of these Regulations shall apply to all such claims accordingly.

Factors to be considered in determining payment of long-term and retirement compensation

13.—(1) For the purpose of determining whether long-term or retirement compensation for loss or diminution of emoluments should be paid to a claimant, and if so the amount of the compensation (subject to the limits set out in these Regulations) regard shall be had to such of the following factors as may be relevant, that is to say:—

(*a*) the conditions upon which the claimant held the office which he has lost, including in particular its security of tenure, whether by law or by practice;

(*b*) the emoluments and other conditions, including security of tenure, whether by law or practice, of any work or employment undertaken by the claimant in place of the office he has lost;

(*c*) the extent to which he has sought suitable employment and the emoluments which he might have acquired by accepting other suitable employment offered to him;

(*d*) the amount of any compensation payable to him otherwise than under these Regulations in respect of the loss or diminution, whether by reason of any service agreement or contract or otherwise howsoever; and

(*e*) all the other circumstances of his case:

Provided that no account shall be taken of the fact that a claimant undertook the office which he has lost or the emoluments of which have been diminished—

(i) after 31st July 1963, where the loss or diminution was attributable to any provision of the Act of 1963, or

(ii) after the making of any order or scheme made under Part VI of the Act of 1933 or of any order made under Part II of the Act of 1958 or of any instrument made under the Act of 1963, where the loss or diminution was attributable to the provisions of that order, scheme or instrument.

(2) In ascertaining for the purposes of sub-paragraph (*c*) of the last foregoing paragraph whether a person has been offered suitable employment, Regulation 6(3) of these Regulations shall apply as it applies for the purposes of that Regulation.

Amount of long-term compensation payable to an officer for loss of emoluments

14.—(1) In the case of a person to whom this Part of these Regulations applies, long-term compensation for loss of emoluments shall, subject to the provisions of these Regulations, be payable until the attainment of the age of sixty-five years or death, whichever first occurs, and shall not exceed a maximum annual sum calculated in accordance with the provisions of paragraphs (2) and (3) of this Regulation.

(2) The said maximum annual sum shall, subject as hereinafter provided, be the aggregate of the following sums, namely—

(*a*) for every year of the claimant's reckonable service, one sixtieth of the net emoluments he has lost; and

(*b*) in the case of a claimant who has attained the age of forty years at the date of the loss, a sum calculated in accordance with the provisions of paragraph (3) of this Regulation appropriate to his age at that date:

Provided that the said maximum annual sum shall in no case exceed two thirds of the net emoluments which the claimant has lost.

(3) The sum referred to in sub-paragraph (*b*) of the last foregoing paragraph shall be—

(*a*) in the case of a claimant who has attained the age of forty years but has not attained the age of fifty years at the date of the loss, the following fraction of the net emoluments he has lost—

(i) where the claimant's reckonable service is less than ten years, one sixtieth for each year of such service after attaining the age of forty years, or

(ii) where the claimant's reckonable service amounts to ten years but is less than fifteen years, one sixtieth for each year of such service after attaining the age of forty years and one additional sixtieth; or

(iii) where the claimant's reckonable service amounts to fifteen years, but is less than twenty years, one sixtieth for each year of such service after attaining the age of forty years and two additional sixtieths; or

(iv) where the claimant's reckonable service amounts to twenty years or more, one sixtieth for each year of such service after attaining the age of forty years and three additional sixtieths;

but the sum so calculated shall not in any case exceed one sixth of the said net emoluments;

(*b*) in the case of a claimant who has attained the age of fifty years but has not attained the age of sixty years at the date of the loss, one sixtieth of the said net emoluments for each year of the claimant's reckonable service after attaining the age of forty years, up to a maximum of fifteen such years; and

(*c*) in the case of a claimant who has attained the age of sixty years at the date of the loss, one sixtieth of the said net emoluments for each year of the claimant's reckonable service after attaining the age of forty-five years.

(4) Where a sum is payable under this Regulation in respect of any period and resettlement compensation has also been paid in respect of that period, the said sum shall be limited to the amount (if any) by which it exceeds the resettlement compensation paid as aforesaid.

(5) Compensation awarded under this Regulation shall be payable at intervals equivalent to those at which the emoluments of his office were previously paid or at such intervals as may be agreed between the claimant and the compensating authority.

Long-term compensation for diminution of emoluments

15. In the case of a person to whom this Part of these Regulations applies long-term compensation for diminution of emoluments in respect of any office shall be awarded and paid in accordance with the following provisions—

(*a*) the compensation shall consist of an annual sum which shall be payable at intervals equivalent to those at which the emoluments of the claimant's office are or were previously paid or at such other intervals as may be agreed between the claimant and the compensating authority, and shall, subject to the provisions of these Regulations, be payable until the attainment of the age of sixty-five years or death, whichever first occurs; and

(*b*) the said annual sum shall not exceed the figure which bears to the maximum annual sum which could have been awarded under Regulation 14 of these Regulations had the claim been made under that Regulation, the same ratio as the amount by which his net emoluments have been diminished (calculated as an annual amount) bears to the amount of his net emoluments, so however, that no compensation shall be payable if this ratio is less than 2½ per cent.

Date from which long-term compensation is to be payable

16.—(1) Long-term compensation shall commence to be payable with effect from the date of the claim or from such earlier date as is mentioned in the succeeding provisions of this Regulation.

(2) Where a claim for long-term compensation is duly made within thirteen weeks of the occurrence of the loss or diminution which is the subject of the claim, the award shall be made with effect from the date on which the loss or diminution occurred.

(3) Where a claim for long-term compensation is made after the expiry of the period mentioned in the last foregoing paragraph, the award may at the discretion of the compensating authority be made with effect from a date not earlier than thirteen weeks prior to the date on which the claim was made:

Provided that, if the compensating authority are satisfied that the failure to make the claim within the period mentioned in the last foregoing paragraph was due to ill-health or other circumstances beyond the claimant's control, the award may be made with effect from a date not earlier than that on which the loss or diminution occurred.

PART V

RETIREMENT COMPENSATION

Retirement compensation payable to pensionable officer on his becoming incapacitated

17.—(1) Where a pensionable officer to whom this Part of these Regulations applies, before attaining the age of sixty-five years, becomes incapacitated in circumstances in which if he had continued in the office he has lost he would have qualified for the grant of a pension under section 6 of the Act of 1926 he

shall be entitled to claim in lieu of any compensation to which he would otherwise be entitled under these Regulations an annual sum equal to the amount of his accrued pension.

(2) On receipt of a claim under the last preceding paragraph, the compensating authority shall consider forthwith whether the claimant is a person to whom that paragraph applies, and within thirteen weeks after the date of the receipt of the claim—

(*a*) if they are satisfied that he is not such a person, they shall notify him in writing accordingly; and

(*b*) if they are satisfied that he is such a person, they shall assess the amount of compensation payable to the person, and notify him in writing accordingly,

and any such notification shall, for the purposes of these Regulations, be deemed to be a notification by the authority of a decision on a claim to compensation.

(3) If a claimant wishes to receive compensation under this Regulation, he shall so inform the compensating authority in writing within one month from the receipt of a notification under the last preceding paragraph or, where the claim has been the subject of an appeal, from the decision of the tribunal thereon; and the compensation shall be payable as from the date on which the compensating authority received the claim.

(4) A compensating authority may require any person who makes a claim under paragraph (1) of this Regulation to submit himself to a medical examination by a registered medical practitioner selected by that authority, and, if they do so, they shall also offer the person an opportunity of submitting a report from his own medical adviser as a result of an examination by him, and the authority shall take that report into consideration, together with the report of the medical practitioner selected by them.

Option to take retirement compensation prematurely in certain cases

18.—(1) If a pensionable officer to whom this Part of these Regulations applies has suffered loss of office after attaining the age of fifty years and so requests the compensating authority by notice in writing, he shall be entitled as from the date on which the compensating authority receive such notice, in lieu of any compensation, other than resettlement compensation, to which he would otherwise be entitled under these Regulations, to an annual sum equal to the amount of his accrued pension:

Provided that where the officer has claimed long-term compensation the said notice shall be given not later than two years after the determination of the claim or, where the determination is reviewed under Regulation 24(3) of these Regulations, not later than two years after any such review.

(2) Regulation 17(2) of these Regulations shall apply in relation to a notice given under the last foregoing paragraph as it applies to a claim made under paragraph (1) of that Regulation.

(3) Where an annual sum is payable under this Regulation in respect of any period and resettlement compensation is also payable in respect of that period, the said annual sum shall be limited to the amount (if any) by which it exceeds the resettlement compensation payable as aforesaid.

Retirement compensation for loss of emoluments payable to pensionable officer on attaining the age of sixty-five years

19.—(1) Subject to the provisions of these Regulations, when a pensionable

officer to whom this Part of these Regulations applies attains the age of sixty-five years, the retirement compensation payable to him for loss of emoluments shall be an annual sum equal to the amount of his accrued pension.

(2) Compensation shall not be payable under this Regulation to a claimant who is entitled to compensation under Regulation 17 or 18 of these Regulations.

Retirement compensation for diminution of emoluments

20. The provisions of Regulations 17 and 19 of these Regulations shall apply to a pensionable officer to whom this Part of these Regulations applies and who has suffered a diminution of his emoluments, but the sums payable to such an officer in the circumstances mentioned in these Regulations shall be sums which bear to the sums which would have been payable thereunder had the claim been in respect of loss of office the same ratio as the amount by which the claimant's net emoluments have been diminished (calculated as an annual rate) bears to the amount of his net emoluments:

Provided that no compensation shall be payable if this ratio is less than 2½ per cent.

Compensation payable to non-pensionable officer on attaining the age of sixty-five years

21.—(1) In the case of an officer receiving long-term compensation for loss of office who is not a pensionable officer, the compensating authority may, on his attaining the age of sixty-five years, if they are satisfied that he would in the normal course have continued in the office he has lost for a substantial period beyond that age, determine that compensation shall continue to be paid to him for the remainder of his life at half its former rate.

(2) In the case of an officer who is not a pensionable officer or a person to whom a pension has been granted under section 6 of the Act of 1926 and who suffers loss of office on or after attaining the age of sixty-five years, the compensating authority may, if they are satisfied that he would in the normal course have continued in the office he has lost for a further substantial period, determine that compensation shall be paid to him for the remainder of his life at half the rate to which he would have been entitled under Regulation 14 of these Regulations had he not attained the age of sixty-five years at the date on which he lost his office.

Intervals for payment of compensation under Part V

22. Retirement compensation and other compensation awarded as annual sums under this Part of these Regulations shall be payable at such intervals as may be agreed between the recipient and the compensating authority.

PART VI

ADJUSTMENT, REVIEW AND COMPOUNDING OF COMPENSATION

Notification of compensating authority as to entry into certain employments

23. Where a person entitled to long-term compensation enters any employment the remuneration whereof is payable out of public funds, he shall forthwith give notice in writing to the compensating authority that he holds such employment and he shall give the like notice of any increase in his remuneration in that employment and of his ceasing to hold that employment.

Review of award of long-term or retirement compensation

24.—(1) The compensating authority shall, within a period of two years after the date on which any decision on a claim for long-term or retirement compensation for loss of office (other than compensation payable under Regulation 18 of these Regulations) is notified to a claimant under Regulation 27 of these Regulations, review their decision or, where the claim has been the subject of an appeal, the decision of the tribunal at intervals of not more than six months, and these Regulations shall apply in relation to any such review as they apply in relation to the initial determination of the claim; and on such review, in the light of any material change in the circumstances of the case, compensation may be awarded, or compensation previously awarded may be increased, reduced or discontinued, subject to the limits set out in these Regulations.

(2) The claimant may require the compensating authority to carry out the review mentioned in the last foregoing paragraph at any time within the period of two years mentioned in that paragraph if he considers that there has been a change in the circumstances of his case which is material for the purposes of these Regulations.

(3) The compensating authority shall carry out a review in accordance with paragraph (1) of this Regulation notwithstanding the expiration of the period mentioned in that paragraph if—

(*a*) the emoluments of employment or work undertaken in place of the office which has been lost had been taken into account in determining the amount of any compensation awarded, and

(*b*) such employment or work has been lost or the emoluments thereof reduced, otherwise than by reason of misconduct or incapacity to perform such duties as the claimant might reasonably have been required to perform, and

(*c*) the compensating authority is satisfied that such loss or reduction is causing hardship to the claimant,

and where any decision is so reviewed, the decision shall be subject to further review in accordance with paragraph (1) of this Regulation as if the review carried out under this paragraph had been the initial determination of the claim.

(4) Paragraphs (1) and (2) of this Regulation shall apply in relation to any decision on a claim for long-term or retirement compensation in respect of diminution of emoluments as they apply in respect of any decision mentioned in the said paragraph (1):

Provided that—

(i) no review shall take place after the date on which the claimant ceases to hold the office in which his emoluments were diminished, except a review as at that date; and

(ii) while the claimant continues to hold that office there shall be no limit to the period within which a review may take place.

(5) Notwithstanding anything contained in the foregoing provisions of this Regulation, the compensating authority shall review a decision (whether of the authority or the tribunal) on a claim for long-term compensation for loss of office or diminution of emoluments after the expiration of any period within which a review is required to be made if at any time—

(*a*) the claimant is engaged in employment (hereinafter referred to as his "current employment") the remuneration whereof is payable out of public funds and which he has undertaken in place of the office he has

lost or, as the case may be, the office in which his emoluments were diminished, and

(*b*) the aggregate of the net emoluments of his current employment and the long-term compensation payable to him exceed the net emoluments of the office he has lost or, as the case may be, the amount of his net emoluments prior to their diminution,

and the authority shall thereafter further review such decision whenever the net emoluments of the claimant's current employment are increased; but if on any such review the compensation is reduced, it shall not be reduced below the amount by which the net emoluments of the claimant's current employment fall short of the emoluments of the office he has lost or, as the case may be, the amount of his emoluments prior to their diminution.

(6) The compensating authority shall give to a claimant not less than fourteen days' notice of any review to be carried out under this Regulation otherwise than at his request.

Compounding of awards

25.—(1) In a case where an annual sum which has been or might be awarded under these Regulations does not exceed £26, the compensating authority may, at their discretion, compound their liability in respect thereof by paying a lump sum equivalent to the capital value of the annual sum.

(2) In any other case the compensating authority may, if the person who has been awarded long-term or retirement compensation requests them to do so and they, in their discretion, after having regard to the state of health of that person and the other circumstances of the case, deem fit, compound up to one quarter of their liability to make payments under the award by the payment of an equivalent amount as a lump sum.

(3) The making of a composition under paragraph (2) of this Regulation in relation to an award of long-term or retirement compensation shall not prevent the subsequent making of a composition under paragraph (1) of this Regulation in relation to that award, but, subject as aforesaid, not more than one composition may be made in relation to any award.

PART VII

PROCEDURE AND MISCELLANEOUS

Notification of intention to claim retirement compensation

26.—(1) Any person intending to make a claim for retirement compensation shall, before making the claim, notify the compensating authority in writing of his intention so to do; and the compensating authority, on the receipt of any such notification, shall, having regard to all the circumstances of the case, determine whether the person concerned would, if he had attained the age of sixty-five years at the time he suffered loss of office or loss or diminution of emoluments, have been granted a pension under section 6 of the Act of 1926.

(2) For the purposes of these Regulations, any person in respect of whom a compensating authority has determined, in accordance with the last foregoing paragraph, that a pension would, if he had attained the age of sixty-five years at the time he suffered loss of office or loss or diminution of emoluments, have been granted under section 6 of the Act of 1926 shall be regarded as a pensionable officer, and, in relation to such a person, any reference to an accrued pension shall be construed as a reference to the maximum amount

that could, if he had attained the age of sixty-five years at that time, have been granted as pension under the said section 6 determined in accordance with Schedule 1 to that Act.

Procedure in relation to claims, etc.

27.—(1) Every claim for compensation under these Regulations and every request for a review of an award of long-term or retirement compensation shall be made in accordance with the provisions of this Regulation.

(2) Every such claim and request shall be made to the compensating authority in a form approved by the Secretary of State for the purpose and shall state whether any other claim for compensation has been made by the claimant under these Regulations.

(3) Resettlement compensation shall be claimed separately from any other form of compensation claimable under these Regulations.

(4) The compensating authority shall consider any such claim or request and any notification under Regulation 26(1) of these Regulations in accordance with the relevant provisions of these Regulations and shall notify the claimant or the person who made the notification in writing of their decision—

(*a*) in the case of a claim for resettlement compensations, not later than one month after the receipt of the claim, and

(*b*) in the case of a claim for, or request for the review of an award of, compensation under Part IV or Part V of these Regulations, or of a notification under the said Regulation 26(1), not later than thirteen weeks after the receipt of the claim, request or notification, and

(*c*) in any other case, as soon as may be after the decision.

(5) Every notification of a decision by the compensating authority (whether granting or refusing compensation or reviewing an award, or otherwise affecting any compensation under these Regulations) shall contain a statement—

(*a*) giving reasons for the decision;

(*b*) showing how any compensation has been calculated and, in particular, if the amount is less than the maximum which could have been awarded under these Regulations, showing the factors taken into account in awarding that amount; and

(*c*) directing the attention of the claimant to his right, if aggrieved by the decision, to refer the matter to the tribunal, and giving the address of the office to which the reference should be sent.

Claimants to furnish information

28.—(1) Any person claiming or receiving compensation or whose award of compensation is being reviewed shall furnish all such information and supplementary information as the compensating authority or the tribunal may at any time reasonably require; and shall verify the same in any such manner, including the production of books or of original documents in his possession or control, as may be reasonably so required.

(2) Any such person as aforesaid shall, on receipt of reasonable notice, present himself for interview at any such place as the compensating authority or the tribunal may reasonably require.

(3) Any person who attends for interview as aforesaid may, if he so desires, be represented by his adviser.

Procedure on death of claimant

29.—(1) In the event of the death of a claimant or of a person who, if he had survived, could have been a claimant, the claim for compensation under these Regulations may be continued or made (as the case may be) by his personal representative.

(2) Where any such claim is continued or made as aforesaid by a personal representative, the personal representative shall, as respects any steps to be taken or thing to be done by him in order to continue or make the claim, be deemed for the purposes of these Regulations to be the claimant, but, save as aforesaid, the person in right of whom he continues or makes the claim shall be deemed for all the purposes of these Regulations to be the claimant, and the relevant provisions of these Regulations shall be construed accordingly:

Provided that the compensating authority may in any such case extend the period within which a claim is required to be made by Regulation 6 or 12 of these Regulations.

Calculation of service

30. For the purpose of making any calculation under Regulation 14 of these Regulations in respect of the reckonable service of an officer all periods of such service shall be aggregated, and if the aggregated service includes a fraction of a year, that fraction shall, if it equals or exceeds six months, be treated as a year, and in any other case be disregarded.

Emoluments of two or more offices

31. In ascertaining for the purposes of these Regulations whether, and how far, the remuneration of alternative work or employment falls short of emoluments which have been lost where those emoluments were payable in respect of two or more offices, the remuneration of the alternative work or employment or of the aggregate of all such work or employment shall be apportioned in the proportion which the emoluments of those offices bore to each other.

Compensation not assignable

32.—(1) Subject to any statutory provision in that behalf, any compensation to which an officer becomes entitled under these Regulations shall be paid by the compensating authority and shall be payable to, or in trust for, the person who is entitled to receive it, and shall not be assignable.

(2) Any sum payable as compensation to a person by a compensating authority shall be recoverable as a debt due from the authority.

Right of appeal from decision of the compensating authority

33.—(1) Every claimant who is aggrieved by any decision of the compensating authority with respect to compensation under these Regulations, other than a decision with respect to a notification under Regulation 26(1) of these Regulations, or by any failure on the part of the compensating authority to notify him of any such decision within the appropriate time prescribed by these Regulations may within three months of the notification to him of the decision or the expiry of the prescribed time, as the case may be, refer the matter to the tribunal.

(2) Reference of a matter to the tribunal as aforesaid by a claimant shall be made in writing.

(3) On receipt of such a reference, the tribunal shall consider and determine the matter in accordance with the provisions of these Regulations and the com-

pensating authority shall give effect to the decision of the tribunal with any modifications that may be required in consequence of any appeal from the decision on a point of law.

(4) On any such reference the tribunal may, if it thinks fit, appoint a person having special knowledge or experience in relation to the subject matter of the reference to sit with the tribunal as an assessor.

Frank Soskice,
One of Her Majesty's
Principal Secretaries of State.

Home Office,
Whitehall.
23rd March 1965.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

1. These Regulations, made under section 60(2) of the Local Government Act 1958 and section 85(4) of the London Government Act 1963, provide for the payment of compensation to coroners who suffer loss of office or loss or diminution of emoluments which is attributable to the reorganisation of local government brought about by—

(*a*) the provisions of any order or scheme made under Part VI of the Local Government Act 1933, or

(*b*) the provisions of any order made under Part II of the Act of 1958, or

(*c*) the Act of 1963 or of any instrument made under that Act.

2. Part I of the Regulations contains definitions. Part II specifies the persons to whom the Regulations apply and the grounds of entitlement to compensation.

3. The compensation payable is—

(*a*) resettlement compensation for loss of employment (Part III of the Regulations);

(*b*) long-term compensation for loss of employment or loss or diminution of emoluments (Part IV);

(*c*) retirement compensation for loss of employment or loss or diminution of emoluments (Part V).

4. Resettlement compensation is payable for a period not exceeding 26 weeks to persons having at least 3 years' service as a coroner. The qualifying conditions and factors to be considered are set out in Regulations 6, 8, 9 and 10. The method of calculating the amount of compensation is contained in Regulation 7.

5. Long-term and retirement compensation are payable to persons having at least 8 years' service as a coroner. The qualifying and other conditions are set out in Regulations 11 to 13.

6. The method of calculating the maximum amount of long-term compensation is laid down in Regulations 14 (loss of employment) and 15 (diminution of emoluments). It is a proportion, not exceeding two thirds, of the net emoluments lost or of the amount by which emoluments have been diminished, as the case may be. This compensation is payable from a date determined under Regulation 16 and can be payable up to the age of 65 years.

7. Retirement compensation for loss of employment payable to a pensionable officer is based upon his accrued pension rights (Regulation 19). Retirement compensation for diminution of emoluments is an appropriate proportion of that for loss of employment (Regulation 20). In the case of a non-pensionable officer compensation not exceeding one half of the rate of long-term compensation may be paid (Regulation 21). Retirement compensation is ordinarily payable from the age of 65 years but in certain circumstances may be put into payment earlier (Regulations 17 and 18). Provision for determining for the purposes of the Regulations whether a particular person is a pensionable officer and, if so, the amount of his accrued pension is contained in Regulation 26.

8. Part VI of the Regulations provides for long-term and retirement compensation to be reviewed and for awards to be varied in the light of changes in circumstances (Regulation 24). It also contains provisions for the adjustment, suspension and compounding of compensation in certain circumstances.

9. Part VII contains provisions relating to the procedure for making claims and notifying decisions and to appeals by claimants who are aggrieved by a decision or the failure of a compensating authority to notify their decision. Appeals lie to a tribunal appointed by the Minister of Labour.