STATUTORY INSTRUMENTS

1977 No. 1896

NEW TOWNS
INDUSTRIAL DEVELOPMENT
The Development of Rural Wales (Compensation) Regulations 1977

Made - - - -	*9th November* 1977
Laid before Parliament	*30th November* 1977
Coming into Operation	*21st December* 1977

ARRANGEMENT OF REGULATIONS

PART I

PRELIMINARY

1. Citation and commencement.
2. Interpretation.

PART II

ENTITLEMENT TO COMPENSATION

3. Persons to whom the regulations apply.
4. Grounds of entitlement to compensation.

PART III

RESETTLEMENT COMPENSATION

5. Resettlement compensation for loss of employment.
6. Conditions for payment of resettlement compensation.
7. Amount of resettlement compensation.
8. Adjustment of resettlement compensation.

PART IV

LONG-TERM COMPENSATION

9. Long-term compensation for loss of employment or loss or diminution of emoluments.
10. Conditions for payment of long-term compensation.
11. Factors to be considered in determining payment of long-term compensation.
12. Amount of long-term compensation payable for loss of emoluments.
13. Long-term compensation for diminution of emoluments.
14. Period during which long-term compensation is to be payable.

PART V
RETIREMENT COMPENSATION AND PAYMENTS ON DEATH
15. Entitlement to retirement compensation and other payments.
16. Additional factors governing payment of retirement compensation.
17. Retirement compensation for loss of emoluments payable to pensionable officer on attainment of normal retiring age.
18. Retirement compensation payable to pensionable officer on his becoming incapacitated or reaching minimum pensionable age.
19. Retirement compensation for diminution of emoluments.
20. Superannuation contributions.
21. Retirement compensation of a person who obtains further pensionable employment.
22. Compensation payable to widow or dependants of a claimant.
23. Compensation where death grant would have been payable.
24. Balance payable to claimant's widow or personal representatives.
25. Compensation payable to non-pensionable officer on reaching normal retiring age.
26. Persons subject to policy schemes.
27. Intervals for payment of compensation under Part V.

PART VI
ADJUSTMENT, REVIEW AND COMPOUNDING OF COMPENSATION
28. Adjustment of compensation where superannuation benefit is also payable.
29. Reduction of compensation in certain cases.
30. Notification of change of circumstances.
31. Review of awards of long-term or retirement compensation.
32. Compounding of awards.

PART VII
PROCEDURE AND MISCELLANEOUS
33. Procedure on making claims.
34. Claimants to furnish information.
35. Procedure on death of claimant.
36. Calculation of service.
37. General provisions as to emoluments.
38. Emoluments of part-time employments.
39. Temporary variation of emoluments.
40. Compensation not assignable.
41. Right of appeal from decision of compensating authority.

SCHEDULE 1
Tables as to capital values and annual amounts.

SCHEDULE 2
Persons to whom the regulations apply and the respective compensating authorities.

SCHEDULE 3
Provision or events to which loss or diminution is attributable and the respective material dates.

In exercise of the powers conferred on me by sections 3(4), 25 and 29 of and paragraphs 3 to 5 of Schedule 2 and paragraphs 1 and 3 to 5 of Schedule 6 to the Development of Rural Wales Act 1976**(a)**, and of all other powers enabling me in that behalf, I hereby make the following regulations:—

PART I

PRELIMINARY

Citation and commencement

1. These regulations may be cited as the Development of Rural Wales (Compensation) Regulations 1977 and shall come into operation on 21st December 1977.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires—

"accrued pension", in relation to a pensionable officer who has suffered loss of employment, means—

(*a*) if his last relevant pension scheme provided benefits in which he had a right to participate, the pension to which he would have become entitled under that scheme according to the method of calculation (modified where necessary for the purpose of giving effect to these regulations) prescribed by that scheme if, at the date on which he ceased to be subject to that scheme, he had attained normal retiring age, complied with any requirement of that scheme as to a minimum period of qualifying service or contribution and completed any additional contributory payments or payments in respect of added years which he was in the course of making; and

(*b*) in any other case, such portion of the pension (if any) of which he had reasonable expectations as the compensating authority consider equitable, having regard to any practice of the authority or body by whom he was employed on the day immediately preceding the loss, his age, the length of his employment at the date of loss and all the other circumstances of the case;

"accrued retiring allowance", in relation to a pensionable officer who has suffered loss of employment, means—

(*a*) if his last relevant pension scheme provided benefits in which he had a right to participate, any lump sum payment to which he would have become entitled under that scheme according to the method of calculation (modified where necessary for the purpose of giving effect to these regulations) prescribed by that scheme if, at the date on which he ceased to be subject to that scheme, he had attained normal retiring age, complied with any requirement of that scheme as to a minimum period of qualifying service or contribution and completed any additional contributory payments or payments in respect of added years which he was in the course of making; and

(*b*) in any other case, such portion of the lump sum payment (if any) of which he had reasonable expectations as the compensating authority consider equitable, having regard to any practice of the authority or body by whom he was employed on the day immediately preceding the loss, his age, the length of his employment at the date of loss and all the other circumstances of the case;

(a) 1976 c. 75.

"accrued incapacity pension" and "accrued incapacity retiring allowance" have the same respective meanings as "accrued pension" and "accrued retiring allowance" except that the reference to a person's attaining normal retiring age shall be construed as a reference to his becoming incapable of discharging efficiently the duties of his employment by reason of permanent ill-health or infirmity of mind or body;

"the Act" means the Development of Rural Wales Act 1976;

"added years", in relation to a person who suffers loss of employment, means—

(*a*) in the case of a pensionable employee, any additional years of service being purchased by him in his employment immediately prior to the loss in question under regulation D10 or D11 of the Local Government Superannuation Regulations 1974**(a)** and includes any additional years of service which having been granted under any provision similar to that referred to in the said regulations D10 or D11 were being so purchased under or by virtue of interchange rules, and

(*b*) in the case of any other person, any additional years of service, similar to those mentioned in paragraph (*a*) of this definition, reckonable by him under the last relevant pension scheme,

being in either case additional years which were being purchased partly at the expense of the employer and partly at the expense of the person under arrangements which were entered into before the employer either gave him notice in writing that his employment was to be terminated or gave him written notice of termination of his employment;

"additional contributory payments" means—

(*a*) additional contributory payments of the kind referred to in regulation D6, D7 or D8 of the Local Government Superannuation Regulations 1974; or

(*b*) any similar payments made under the last relevant pension scheme as a condition of—

(i) reckoning any period of employment as service or as a period of contribution for the purposes of the scheme; or

(ii) reckoning non-contributing service as contributing service (which expressions have the same meaning as in the scheme) for the purposes of the scheme; or

(iii) increasing the length at which any period of service or of contribution would be reckonable for the purpose of calculating a benefit under the scheme; or

(*c*) any payments similar to any of those mentioned in the foregoing paragraphs made in pursuance of interchange rules;

"the Agency" means the Welsh Development Agency established by the Welsh Development Agency Act 1975**(b)**;

"annual rate of emoluments" has the meaning given by regulation 37(3);

"the Board" means the Development Board for Rural Wales established by the Act;

"compensating authority" means in relation to a person described in column 1 of Schedule 2 and who suffers loss of employment or loss or diminution of emoluments as specified in regulation 4, the authority specified in column 2 of Schedule 2 opposite the description of that person;

(a) S.I. 1974/520 (1974 I, p. 1986). **(b)** 1975 c. 70.

"compensation question" means a question arising under these regulations—

(*a*) as to a person's entitlement to compensation for loss of employment, or for loss or diminution of emoluments; or

(*b*) as to the manner of a person's employment or the comparability of his duties;

"the Council" means the Council for Small Industries in Rural Areas;

"emoluments" has the meaning given by regulation 37(1);

"enactment" means any Act or any instrument made under an Act;

"fund authority" in relation to any person, means the authority maintaining the superannuation fund or account in relation to that person;

"instrument" includes an Order in Council, regulation, order, rule, scheme, direction or agreement;

"interchange rules" means rules made under section 2 of the Superannuation (Miscellaneous Provisions) Act 1948(**a**) (which provides for the pensions of persons transferring to different employments) and includes any similar instrument made, or having effect as if made, under any other Act which makes similar provision;

"last relevant pension scheme", in relation to a pensionable officer, means the pension scheme to which he was subject immediately before suffering loss of employment or loss or diminution of emoluments;

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

"material date", in relation to any person who has suffered loss of employment or loss or diminution of emoluments which is attributable to any provision or event specified in column 1 of Schedule 3 or of anything done under such a provision or event, shall be the date specified in column 2 of Schedule 3 opposite such provision or event;

"minimum pensionable age" means, in relation to a pensionable officer, the earliest age at which, under his last relevant pension scheme, he could have become entitled to receive payment of an unreduced pension solely by virtue of his having attained a specified age and completed a specified period of service;

"national service" means, in relation to any person, service which is compulsory national service or relevant service within the meaning of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951(**b**) and any similar service immediately following such service entered into with the consent of the authority or person under whom an officer held his last relevant employment, or, where appropriate, the authority by whom such an officer was appointed;

"normal retiring age" means, in the case of a pensionable officer to whom an age of compulsory retirement applied by virtue of any enactment to which he was subject in the employment which he has lost or the emoluments of which have been diminished or by virtue of the conditions of that employment, that age, and in any other case, the age of 65 if the officer is a male, or 60 if the officer is a female;

"pensionable employee" has the same meaning as in the Local Government Superannuation Regulations 1974;

(**a**) 1948 c. 33. (**b**) 1951 c. 65.

"pensionable officer", in relation to a person who has suffered loss of employment or loss or diminution of emoluments, means a person who immediately before such loss or diminution was subject to a pension scheme associated with the employment he has lost or, as the case may be, the employment in which his emoluments have been diminished;

"pension scheme", in relation to a pensionable officer, means any form of arrangement associated with his employment for the payment of superannuation benefits, whether subsisting by virtue of any enactment, trust, contract or otherwise;

"reckonable service", in relation to a person, means any period of whole-time or part-time employment in any relevant employment and includes any period of national service or war service undertaken on his ceasing to hold such an employment, but does not include employment in respect of which he has become entitled to receive a benefit from a pension scheme other than his last relevant pension scheme;

"relevant employment" means employment—

(*a*) in the service of the Agency;

(*b*) in the service of a development corporation established under section 2 of the New Towns Act 1965**(a)**, or under section 2 of the New Towns (Scotland) Act 1968**(b)**;

(*c*) in the service of the Council;

(*d*) in the service of the Scottish Development Agency established by the Scottish Development Agency Act 1975**(c)**;

(*e*) in the service of any previous organisation the functions of which were assumed by the Council, by the Agency or by the Scottish Development Agency;

(*f*) in the service of the English Industrial Estates Corporation;

(*g*) under the Crown or by any person, authority or body for the purposes of the Crown;

(*h*) in local government service in the United Kingdom;

(*i*) for the purposes of any statutory provision in the United Kingdom, being employment preceding any of the foregoing employments;

(*j*) by a body which provides a public service in the United Kingdom otherwise than for the purposes of gain or to whose funds any local authority contribute or to whom any grant is made out of moneys provided by Parliament, being employment preceding any of the foregoing employments; or

(*k*) in such other service as the Secretary of State may in the case of any named officer approve;

but, except for national service or war service, does not include service in the armed forces of the Crown;

"resettlement compensation" means compensation payable in accordance with Part III of these regulations for loss of employment;

"retirement compensation" means compensation payable in accordance with the provisions of regulation 17, 18 or 19;

"tribunal" means a tribunal established under section 12 of the Industrial Training Act 1964**(d)**;

(a) 1965 c. 59.
(b) 1968 c. 16.
(c) 1975 c. 69.
(d) 1964 c. 16.

"war service" means war service within the meaning of the Local Government Staffs (War Service) Act 1939(a), the Teachers Superannuation (War Service) Act 1939(b), the Education (Scotland) (War Service Superannuation) Act 1939(c) or the Police and Firemen (War Service) Act 1939(d) or employment for war purposes within the meaning of the Superannuation Schemes (War Service) Act 1940(e) if such service or employment immediately followed a period of relevant employment and was undertaken either compulsorily or with the permission of the employer in that employment.

(2) The holder of any office, appointment, place, situation or employment shall, for the purposes of these regulations, be regarded as an officer employed in that office, appointment, place, situation or employment, and the expressions "officer" and "employment" shall be construed accordingly.

(3) 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—

(*a*) the annual or capital value shall be ascertained in accordance with the tables set out in Schedule 1 to these regulations in so far as they provide for the particular case;

(*b*) where the said tables do not provide for a case in which 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 the value as may be agreed between the compensating authority and the person to whom the capital sum or annual amount is payable; and

(*c*) for the purpose of determining the application of the said tables, the headings and the note to each table shall be treated as part of the table.

(4) In these regulations, unless the context otherwise requires, references to any enactment shall be construed as references thereto as amended, re-enacted, applied or modified by any subsequent enactment.

(5) References in these regulations to a numbered regulation or Schedule shall, unless the reference is to a regulation or a Schedule of specified regulations, be construed as references to the regulation or Schedule bearing that number in these regulations.

(6) References in any regulation of these regulations to a numbered paragraph shall, unless the reference is to a paragraph of a specified regulation, be construed as references to the paragraph bearing that number in the first mentioned regulation.

(7) The Interpretation Act 1889(f) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

PART II

ENTITLEMENT TO COMPENSATION

Persons to whom the regulations apply

3. These regulations shall apply to any person who—

(*a*) was employed immediately before the material date for the whole or part of his time as described in paragraph 1 of column 1 of Schedule 2, or

(*b*) was employed on the material date for the whole or part of his time as

(a) 1939 c. 94.
(b) 1939 c. 95.
(c) 1939 c. 96.
(d) 1939 c. 103.
(e) 1940 c. 26.
(f) 1889 c. 63.

described in paragraph 2 of column 1 of Schedule 2, and who had been so employed for a period of two months immediately before the material date on work relating wholly or mainly to the Council's activities in Wales.

Grounds of entitlement to compensation

4. Subject to the provisions of these regulations any person to whom these regulations apply and who suffers loss of employment or loss or diminution of emoluments which is attributable to any provision or event specified in column 1 of Schedule 3 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 these regulations.

PART III

RESETTLEMENT COMPENSATION

Resettlement compensation for loss of employment

5. The compensating authority shall, subject to the provisions of these regulations, pay resettlement compensation to any person to whom these regulations apply and who satisfies the conditions set out in regulation 6.

Conditions for payment of resettlement compensation

6.—(1) Without prejudice to any other requirement of these regulations, the conditions for the payment of resettlement compensation to any person are that—

(*a*) he has suffered loss of employment attributable to any provision or event which is specified in column 1 of Schedule 3 not later than 10 years after the material date;

(*b*) he had not at the date of the loss attained normal retiring age;

(*c*) he had been for a period of 2 years immediately before the material date continuously engaged (disregarding breaks not exceeding in the aggregate 6 months) for the whole or part of his time in relevant employment;

(*d*) he has made a claim for such compensation in accordance with the provisions of Part VII of these regulations not later than 13 weeks after the loss of employment which is the cause of his claim, or 13 weeks after the coming into operation of these regulations, whichever is the later, or within any longer period which the compensating authority allow in any particular case where they are satisfied that the delay in making the claim was due to ill-health or other circumstances beyond the claimant's control;

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

(*f*) he has not, subject to paragraphs (2) and (3), after the employer either gave him notice in writing that his employment was to be terminated or gave him written notice of termination of his employment, been offered in writing—

(i) any relevant employment which is reasonably comparable with the employment which he has lost, or

(ii) any employment which is suitable for him in the service of any person,

authority or body in which he carries out substantially the same duties as in his employment immediately before the loss, at the same place or in the same locality as that where he was employed immediately before the loss.

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

(3) For the purposes of this regulation, where the compensating authority are satisfied—

(*a*) that acceptance of an offer would have involved undue hardship to the person, or

(*b*) that he was prevented from accepting an offer by reason of ill-health or other circumstances beyond his control, or

(*c*) that, before the commencement of these regulations, an offer—

(i) has not been accepted by him, and

(ii) has lapsed or otherwise terminated,

no account shall be taken of that offer.

Amount of resettlement compensation

7.—(1) The amount of resettlement compensation which may be paid to a person shall, subject to the provisions of paragraphs (2) to (6), be the amount described in sub-paragraph (*a*) or (*b*) whichever is the greater, namely—

(*a*) an amount equal to 13 weeks' emoluments and, in the case of a person who has attained the age of 45 one additional week's emoluments for every year of his age after attaining the age of 45 and before the loss of employment, subject to a maximum addition of 13 such weeks; or

(*b*) an amount equal to—

(i) one and one half week's emoluments for each completed year of reckonable service in which the person was not below the age of 41,

(ii) one week's emoluments for each completed year of reckonable service (not falling within sub-paragraph (i) above) in which the person was not below the age of 22, and

(iii) one half week's emoluments for each completed year of reckonable service not falling within sub-paragraph (i) or (ii) above.

(2) For the purposes of paragraph (1)(*a*), if the loss of employment takes place within three years of the date on which the person would have attained normal retiring age, the amount shall be reduced by the fraction of which—

(*a*) the numerator is the number of complete periods of 6 months in the period beginning on the date 3 years before that on which he would have attained normal retiring age and ending on the date of loss of employment, and

(*b*) the denominator is 6;

but the amount payable to a person who, on the material date, has not been continuously engaged in relevant employment as described in regulation 10(1)(*c*) shall not by this paragraph be reduced to less than the equivalent of 13 weeks' emoluments.

(3) For the purpose of paragraph (1)(*b*), in the case of a person who has completed more than 20 years' reckonable service, only the period of 20 years immediately prior to the loss of employment shall be taken into account.

(4) For the purpose of paragraph (1)(*b*), if the loss of a person's employment takes place after he has attained the age described in paragraph (5), the amount shall be reduced by the fraction of which the numerator is the number of whole months in the period beginning on the date on which he attained that age and ending on the date of loss of employment and of which the denominator is 12.

(5) The age mentioned in paragraph (4) is—

(*a*) the age of compulsory retirement applied to the person by virtue of any enactment to which he was subject in the employment which he has lost or by virtue of the conditions of that employment, less 12 months, or

(*b*) if no age of compulsory retirement is applied to the person as described in sub-paragraph (*a*) above, the age of 64.

(6) For the purposes of this regulation, the weekly rate of emoluments shall be deemed to be seven 365ths of the annual rate of emoluments.

Adjustment of resettlement compensation

8. A person who is entitled to—

(*a*) a redundancy payment under the Redundancy Payments Act 1965**(a)**, or

(*b*) any similar payment in consequence of the loss of his employment under any other enactment or under any contract or arrangement with the person, body or authority by whom he was employed (other than payments by way of a return of contributions under a pension scheme), or

(*c*) any payment under or by virtue of the provisions of any enactment relating to the reinstatement in civil employment of persons who have been in the service of the Crown,

shall—

(i) if the amount of any resettlement compensation that would, apart from this regulation, be payable exceeds the payment or payments specified in (*a*), (*b*) and (*c*) above, be entitled to resettlement compensation equal to that excess, or

(ii) if the amount of any resettlement compensation that would, apart from this regulation, be payable is equal to or less than the payment or payments specified in (*a*), (*b*) and (*c*) above, not be entitled to resettlement compensation.

PART IV

LONG-TERM COMPENSATION

Long-term compensation for loss of employment or loss or diminution of emoluments

9. The compensating authority shall, subject to the provisions of these regulations, pay long-term compensation to any person to whom these regulations apply and who satisfies the conditions set out in regulation 10.

Conditions for payment of long-term compensation

10.—(1) Without prejudice to any other requirement of these regulations, the

(**a**) 1965 c. 62.

conditions for the payment of long-term compensation to any person are that—

(*a*) he has suffered loss of employment or loss or diminution of emoluments attributable to any provision or event which is specified in column 1 of Schedule 3 not later than 10 years after the material date;

(*b*) he had not, save as is provided in regulation 25, at the date of the loss or diminution attained normal retiring age;

(*c*) he had been, for a period of not less than 5 years immediately before the material date, continuously engaged (without a break of more than 12 months at any one time) for the whole or part of his time in relevant employment;

(*d*) he has made a claim for such compensation in accordance with the provisions of Part VII of these regulations not later than 2 years after the loss or diminution which is the cause of the claim or 2 years after the coming into operation of these regulations whichever is the later;

(*e*) if the cause of the claim for compensation is loss of employment—

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

(ii) he has not, subject to paragraph (2), after the employer either gave him notice in writing that his employment was to be terminated or gave him written notice of termination of his employment, been offered in writing any relevant employment which is reasonably comparable with the employment which he has lost; and

(*f*) he is not in receipt of benefits payable in accordance with regulations made under section 260 of the Local Government Act 1972**(a)** or any corresponding enactment.

(2) Regulation 6(2) and (3) (which relate to offers of employment) shall apply for the purposes of this regulation in ascertaining whether a person has been offered reasonably comparable employment.

(3) Claims for long-term compensation for loss of employment 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 compensation

11.—(1) For the purpose of determining whether long-term compensation for loss or diminution of emoluments should be paid to any person and, if so, the amount of the compensation (subject to the limits set out in these regulations) the compensating authority shall, subject to the provisions of paragraphs (2) and (3), have regard to such of the following factors as may be relevant, that is to say—

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

(*b*) the emoluments and other conditions, including security of tenure, whether by law or practice, of any work or employment undertaken by the person as a result of the loss of employment;

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

(a) 1972 c. 70.

ment which, after the employer either gave him notice in writing that his employment was to be terminated or gave him written notice of termination of his employment, has been offered to him in writing;

(*d*) the amount of any retirement compensation or any compensation equivalent thereto which the person is receiving under regulations made under section 24 of the Superannuation Act 1972**(a)** or under any provision to the like effect in any other enactment (whenever enacted) if—

(i) the service by reference to which that compensation is calculated is reckonable service for the purpose of these regulations, and

(ii) the loss of employment or diminution of emoluments giving rise to that compensation occurred before the loss or diminution as respects these regulations; and

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

but subject to the provisions of regulation 39, no account shall be taken of the fact that he entered the employment which he has lost or the emoluments of which have been diminished after the material date; and any condition of either the employment which he has lost or any work or employment undertaken as a result of the loss requiring (either generally or in any particular case) the giving of notice of more than 3 months to terminate the employment shall for the purpose mentioned above be deemed to be a condition requiring the giving of 3 months' such notice.

(2) In ascertaining for the purposes of paragraph (1)(*b*) and (1)(*c*) the emoluments in respect of any work or employment that gives the employee or his widow, child or other dependant the right to benefit under a pension scheme under which the employee is not under an obligation to pay contributions, the amount of emoluments shall be increased by the amount of contributions which the employee would have to pay to secure equivalent benefits under a pension scheme in respect of which both the employer and the employee are under an obligation to pay equal contributions.

(3) Regulation 6(3) shall apply for the purposes of this regulation in ascertaining whether a person has been offered suitable employment.

Amount of long-term compensation payable for loss of emoluments

12.—(1) Long-term compensation for loss of emoluments shall, subject to the provisions of these regulations, be payable until the normal retiring age or death of a person to whom it is payable, whichever first occurs, and shall not exceed a maximum annual sum calculated in accordance with the provisions of paragraphs (2) to (4).

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

(*a*) for each year of the person's reckonable service up to a maximum of 40 such years, one sixtieth of the emoluments which he has lost; and

(*b*) in the case of a person who has attained the age of 40 at the date of the loss, a sum calculated in accordance with the provisions of paragraph (3) appropriate to his age at that date.

(3) Subject to the said maximum annual sum in no case exceeding two thirds of the emoluments which the person has lost, the sum referred to in paragraph (2)(*b*) shall be—

(*a*) in the case of a person who has attained the age of 40 but has not

(a) 1972 c. 11.

attained the age of 50 at the date of the loss, the following fraction of the emoluments which he has lost—

(i) where his reckonable service is less than 10 years, one sixtieth for each year of that service after attaining the age of 40; or

(ii) where his reckonable service amounts to 10 years but is less than 15 years, one sixtieth for each year of that service after attaining the age of 40 and one additional sixtieth; or

(iii) where his reckonable service amounts to 15 years but is less than 20 years, one sixtieth for each year of that service after attaining the age of 40 and two additional sixtieths; or

(iv) where his reckonable service amounts to 20 years or more, one sixtieth for each year of that service after attaining the age of 40 and three additional sixtieths;

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

(*b*) in the case of a person who has attained the age of 50 but has not attained the age of 60 at the date of the loss, one sixtieth of the said emoluments for each year of his reckonable service after attaining the age of 40, up to a maximum of 15 years; and

(*c*) in the case of a person who has attained the age of 60 at the date of the loss, one sixtieth of the said emoluments for each year of his reckonable service after attaining the age of 45.

(4) The amounts of long-term compensation calculated in accordance with paragraphs (2) and (3), shall be reduced by the amount by which the aggregate of—

(*a*) the emoluments of any work or employment undertaken by him as a result of the loss of employment, and—

(*b*) the long-term compensation which apart from this paragraph and any reduction under regulation 29(3) and (4) would be payable to him,

exceeds the emoluments of the employment which has been lost, and where at any time a person is receiving long term compensation or compensation equivalent thereto under any statutory or other provision and

(i) the service by reference to which that compensation is calculated is reckonable service for the purpose of these regulations; and

(ii) the loss of employment or diminution of emoluments giving rise to that compensation occurred before the loss or diminution as respects these regulations,

the amount of long-term compensation calculated in accordance with paragraphs (2) and (3) shall be reduced, or further reduced, as the case may be, by the amount of that compensation.

(5) Long-term compensation shall be payable to a person at intervals equivalent to those at which the emoluments of his employment were previously paid or at such other intervals as may be agreed between the person and the compensating authority.

Long-term compensation for diminution of emoluments

13.—(1) Long-term compensation for diminution of emoluments in respect of any employment shall, subject to the provisions of these regulations, consist of an annual sum calculated in accordance with the provisions of paragraph (2).

(2) The said annual sum shall not exceed the sum that would be the annual sum under the provisions of regulation 12(1) to (4) calculated on the assumptions—

(*a*) that there was a loss of employment, and

(*b*) that emoluments after diminution were emoluments of any work or employment undertaken as a result of the loss of employment within the meaning of regulation 11(1)(*b*) and 12(4).

(3) Long-term compensation for diminution of emoluments shall be payable to a person at intervals equivalent to those at which the emoluments of his employment are or were previously paid or at such other intervals as may be agreed between the person and the compensating authority.

Period during which long-term compensation is to be payable

14.—(1) Long-term compensation shall be payable with effect from the date of the claim or from any earlier date permitted by the succeeding provisions of this regulation.

(2) Where a claim for long-term compensation is duly made within 13 weeks of the commencement of these regulations or the occurrence of the loss or diminution which is the cause of the claim (whichever is the later), the award shall be made effective 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 paragraph (2), the compensating authority may—

(*a*) at their discretion make the award effective from a date not earlier than thirteen weeks prior to the date on which the claim was made, or

(*b*) if they are satisfied that the failure to make the claim within the period mentioned in paragraph (2) was due to ill-health or other circumstances beyond the claimant's control, make the award effective from a date not earlier than that on which the loss or diminution occurred.

(4) Long-term compensation shall not be payable to a person for any period in respect of which compensation under Part V of these regulations is payable to him.

PART V

RETIREMENT COMPENSATION AND PAYMENTS ON DEATH

Entitlement to retirement compensation and other payments

15.—(1) The compensating authority shall, subject to the provisions of these regulations, pay retirement compensation to any person to whom this part of these regulations applies and shall make the other payments for which provision is made in regulations 22 to 26.

(2) Save as is provided in regulation 25, this part of these regulations applies to a pensionable officer who satisfies the conditions set out in regulation 10.

(3) Regulation 11 shall apply in relation to compensation under this part of these regulations as it applies in relation to compensation under Part IV.

Additional factors governing payment of retirement compensation

16.—(1) Where retirement compensation is payable under any one of regulations 17, 18 or 19, compensation shall not be payable under any other of those regulations.

(2) If a person has attained the age of 40 at the date on which he lost his employment or suffered a diminution of his emoluments, the compensating authority, in calculating the amount of the retirement compensation payable to him, shall credit him with an additional period of service on the following basis, namely—

(*a*) 2 years, whether or not he has completed any years of service after attaining the age of 40,

(*b*) 2 years for each of the first 4 years of his reckonable service between the date when he attained the age of 40 and the date of the loss or diminution, and

(*c*) one year for each year of that reckonable service after the fourth,

but the additional period so credited shall not exceed the shortest of the following periods, namely—

(i) the number of years that, when added to his pensionable service, would amount to the maximum period of service which would have been reckonable by him had he continued in his employment until attaining normal retiring age;

(ii) the period of his reckonable service; or

(iii) 15 years;

and in calculating the amount of any retirement compensation payable to him, any period so added shall be aggregated with any period entailing reduction of the relevant pension or retiring allowance because of a retirement pension payable under section 28 of the Social Security Act 1975**(a)**.

(3) The benefit in respect of the additional period described in paragraph (2) shall be calculated at the same rate as is applicable for the day immediately preceding the loss or diminution.

(4) When retirement compensation is awarded, or when an award is reviewed under regulation 31, the additional compensation payable in consequence of any period credited to a person under paragraph (2) may be reduced or withheld to the extent that the compensating authority may think reasonable having regard to the pension scheme (if any) associated with any further employment obtained by him.

(5) If under his last relevant pension scheme the amount of any benefit to which a person might have become entitled could have been increased at the discretion of the authority administering the pension scheme or of any other body, the compensating authority may increase, to an extent not exceeding that to which his accrued pension, accrued retiring allowance, accrued incapacity pension or accrued incapacity retiring allowance might have been increased or supplemented, the corresponding component of any retirement compensation payable to him; and in this connection the compensating authority shall have regard to the terms of any relevant resolutions of the authority or body with regard to the increase of benefits and to the provisions of any enactment protecting the interests of that person.

(6) If under his last relevant pension scheme a person would have been entitled to surrender a proportion of any pension which might have become payable to him in favour of his spouse or any dependant, then if he so desires and informs the compensating authority by notice in writing accordingly within one month after becoming entitled to retirement compensation under these regulations, he may surrender a proportion of so much of the said compensation as is payable by way of an annual sum on the like terms and conditions and in consideration

(a) 1975 c. 14.

of the like payments by the compensating authority as if the said annual sum were a pension to which he had become entitled under the said pension scheme.

(7) In calculating for the purpose of regulation 17 or 18 the amount of the annual sum which is equal to a person's accrued pension, no account shall be taken of any reduction falling to be made in that pension by reason of the provisions of any enactment relating to National Insurance or Social Security until the person reaches the age at which under his last relevant pension scheme the pension would have been so reduced.

Retirement compensation for loss of emoluments payable to pensionable officer on attainment of normal retiring age

17.—(1) Subject to the provisions of these regulations, when a person to whom this part of these regulations applies reaches normal retiring age, the retirement compensation payable to him for loss of emoluments shall be—

(*a*) an annual sum equal to the amount of his accrued pension, and

(*b*) a lump sum equal to the amount of his accrued retiring allowance (if any).

(2) No compensation shall be payable under this regulation if the person has continued to pay superannuation contributions as if he had suffered no loss of emoluments.

Retirement compensation payable to pensionable officer on his becoming incapacitated or reaching minimum pensionable age

18.—(1) Where a person to whom this part of these regulations applies and who has suffered loss of employment before attaining what would have been his normal retiring age—

(*a*) becomes incapacitated in circumstances in which, if he had continued in the employment which he has lost, he would have become entitled to a pension under his last relevant pension scheme, or

(*b*) attains the age which, had he continued to serve in the employment which he has lost, would have been his minimum pensionable age,

he shall be entitled on the happening of either event to claim—

(i) in the case mentioned in sub-paragraph (*a*) above, an annual sum equal to the amount of his accrued incapacity pension and a lump sum equal to the amount of his accrued incapacity retiring allowance (if any), and

(ii) in the case mentioned in sub-paragraph (*b*) above, an annual sum equal to the amount of his accrued pension and a lump sum equal to the amount of his accrued retiring allowance (if any),

subject however to the conditions specified in paragraph (5).

(2) On receipt of a claim under paragraph (1), the compensating authority shall consider whether the claimant is a person to whom that paragraph applies, and—

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

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

and notification as described in sub-paragraph (*a*) or (*b*) above shall, for the purposes of these regulations, be deemed to be a notification by them of a decision on a claim for compensation.

(3) The compensating authority may require any person who makes a claim under paragraph (1)(*a*) to submit himself to a medical examination by a regi-

stered medical practitioner selected by them 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 they shall take that report into consideration together with the report of the medical practitioner selected by them.

(4) If a person 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 paragraph (2) 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.

(5) The calculation of compensation under this regulation shall be subject to the following conditions—

(*a*) where the compensating authority, by virtue of regulation 16, have credited the person with an additional period of service, no account shall be taken of any additional period beyond the period which he could have served, had he not lost his employment, before the date on which the claim was received by them;

(*b*) if, by reason of any provision of the last relevant pension scheme for a minimum benefit, the amount of any such pension or retiring allowance is in excess of that attributable to the person's actual service, no account shall be taken of any such additional period of service except to the extent (if any) by which it exceeds the number of years represented by the difference between his actual service and the period by reference to which the minimum benefit has been calculated; and

(*c*) if the number of years by reference to which an accrued incapacity pension or accrued incapacity retiring allowance is to be calculated is less than any minimum number of years of qualifying service prescribed by the last relevant pension scheme, the amount of the pension or retiring allowance shall, notwithstanding any minimum benefit prescribed by the pension scheme, not exceed the proportion of the minimum benefit which the number of years of pensionable service bears to the minimum number of years of qualifying service.

Retirement compensation for diminution of emoluments

19.—(1) A person to whom this part of these regulations applies and who has suffered a diminution of his emoluments shall be entitled to receive retirement compensation in accordance with the provisions of this regulation.

(2) The provisions of regulations 17 and 18 shall apply to any such person as if he had suffered loss of employment immediately before the diminution occurred; but the amount of retirement compensation payable shall be the amount which would have been payable in respect of loss of employment multiplied by a fraction of which—

(*a*) the numerator is the amount by which his pensionable emoluments have been diminished, and

(*b*) the denominator is the amount of his pensionable emoluments immediately before they were diminished;

and for the purposes of this calculation no account shall be taken of any reduction which might otherwise fall to be made in the accrued pension or accrued incapacity pension because of a retirement pension payable under section 28 of the Social Security Act 1975.

(3) No compensation shall be payable under this regulation—

(*a*) if the person has continued to pay superannuation contributions as if emoluments had not been diminished; or

(*b*) as respects any period in respect of which the person is entitled to retirement pension and retirement allowance under his last relevant pension scheme if, as respects that scheme, the whole of the relevant period for calculating the pensionable remuneration of that person falls before he suffered the diminution in his emoluments.

Superannuation contributions

20.—(1) A person entitled to retirement compensation under regulation 17 or 18 shall pay an amount equal to any sum which was paid to him by way of return of superannuation contributions (including any interest) after ceasing to be employed—

(*a*) if the provisions of his last relevant pension scheme enable him to be credited with benefits attributable to that sum, to the fund authority, and

(*b*) in any other case, to the compensating authority.

Provided that where contributions for a widow's pension have been refunded in accordance with the provisions of the last relevant pension scheme on the grounds that the person was unmarried at the date of ceasing to be subject to that scheme these contributions shall be payable only if the person has married prior to becoming entitled to receive retirement compensation.

(2) If the person does not pay as specified in paragraph (1), his retirement compensation shall be reduced by an annual amount the capital value of which is equal to the amount of the said superannuation contributions.

(3) For the purposes of this regulation the expression "superannuation contributions" shall include payments made by the person in respect of added years, any additional contributory payments made by him and any other payments made by him for the purpose of increasing the benefits to which he would have become entitled under his last relevant pension scheme.

(4) Any sums paid to a compensating authority under this regulation in respect of returned contributions shall be applied for the payment of compensation which the authority are liable to pay under this part of these regulations.

Retirement compensation of a person who obtains further pensionable employment

21.—(1) Where a person to whom this part of these regulations applies, after suffering loss of employment or diminution of emoluments, enters employment in which he is subject to a pension scheme and thereafter becomes entitled to reckon for the purposes of that scheme any service or period of contribution which falls to be taken into account for the purpose of assessing the amount of any retirement compensation payable to him, his entitlement to retirement compensation shall be reviewed and, subject to the provisions of this regulation, no retirement compensation shall be payable in respect of that service or period unless the annual rate of the emoluments to which he was entitled immediately before the loss or diminution exceeds the annual rate on entry of the emoluments of the new employment, and any retirement compensation so payable to him shall, insofar as it is calculated by reference to remuneration, be calculated by reference to the difference between the said annual rates.

(2) The provisions of this regulation shall not operate to increase the amount of any retirement compensation payable in respect of diminution of emoluments beyond the amount which would have been payable if the person had attained

normal retiring age immediately before he ceased to hold the employment in which he suffered the diminution of emoluments.

(3) No retirement compensation shall be payable in the circumstances mentioned in this regulation if the person has continued to pay superannuation contributions as if his emoluments had not been diminished.

Compensation payable to widow or dependants of a claimant

22.—(1) Where a person to whom this part of these regulations applies dies, payments in accordance with this regulation and regulations 23 and 24 shall be made to or for the benefit of his widow, child or other dependant or to his personal representatives or, as the case may be, to trustees empowered by him to stand possessed of any benefit under his last relevant pension scheme.

(2) Where the widow, child or other dependant has become, or but for the person's loss of employment would have become, entitled to benefits under his last relevant pension scheme, the widow, child or other dependant, as the case may be, shall (subject to the provisions of this regulation) be entitled to compensation calculated from time to time in accordance with the methods prescribed by the last relevant pension scheme modified as follows:—

(*a*) where the person dies before becoming entitled to receive retirement compensation and the last relevant pension scheme provides that when he dies in service his widow, child or other dependant shall be entitled for any period to a benefit equal to his pensionable remuneration, the annual rate of compensation for that period shall be equal to the annual amount of his long-term compensation calculated in accordance with paragraphs (1) to (3) of regulation 12;

(*b*) where the person dies before becoming entitled to receive retirement compensation and the last relevant pension scheme provides that when he dies in service his widow, child or other dependant shall be entitled for any period to a benefit calculated by reference to the pension or incapacity pension which would have been payable to him if he had retired immediately before his death, the compensation for that period shall be calculated by reference to the retirement compensation to which he would have been entitled under regulation 18 if that regulation had been applied to him immediately before his death;

(*c*) where a person dies after becoming entitled to receive retirement compensation and the last relevant pension scheme provides that when he dies after having retired his widow, child or other dependant shall be entitled for any period to a benefit equal to his pension, the annual rate of compensation for that period shall be equal to the annual amount of retirement compensation;

(*d*) where a person dies after he has become entitled to receive retirement compensation and the last relevant pension scheme provides that when he dies after having retired his widow, child or other dependant shall be entitled for any period to a benefit calculated by reference to his pension, the annual rate of compensation for that period shall be calculated by reference to the annual amount of retirement compensation that would have been payable to him but for any reduction or suspension under regulation 29(1);

(*e*) for the purposes of calculating compensation in accordance with the foregoing provisions, each year added to a person's reckonable service under regulation 16 (or which would have been added if retirement under

regulation 18 were assumed) shall be deemed to have been service rendered immediately before the loss of employment.

(3) Calculation of the amounts described in paragraph (2) shall be subject to the following adjustments:—

(*a*) where any retirement compensation has been surrendered under regulation 16(6) or compounded under regulation 32 any sum payable under paragraph (2)(*b*) and (*d*) shall be calculated as if such surrender or compounding had not taken place;

(*b*) it shall be assumed the retirement compensation payable, or which would have been payable, had been such sum as would have been payable if the accrued pension or accrued incapacity pension had not been reduced by reason of the provisions of any enactment relating to National Insurance or Social Security; and

(*c*) if immediately before his death the person's long-term compensation was reduced under regulation 12(4) or 31(7) or his retirement compensation was reduced or suspended under regulation 29(1) by reason of employment in which he was subject to a pension scheme and the widow, child or other dependant is entitled under that scheme for any period to a benefit equal to his pensionable remuneration, regard shall be had to any such reduction or suspension for the purposes of paragraph (2)(*a*) and (*c*).

(4) Where the widow, child or other dependant has become, or but for the person's loss of employment would have become, entitled to a benefit other than a benefit mentioned in paragraph (2)(*a*) to (*d*), the widow, child or other dependant, as the case may be, shall be entitled (subject to the provisions of paragraph (5)), to an annual sum equal to the annual amount of the pension which would have been payable if he had died immediately before the date on which he suffered the loss of employment, having then complied with any requirements of the last relevant pension scheme as to a minimum period of qualifying service or contribution and completed any additional contributory payments or payments in respect of added years which he was then in the course of making.

(5) The calculation referred to in paragraph (4) shall be made on the basis of the method prescribed by the last relevant pension scheme of the person in question for the calculation of benefits for a widow, child or other dependant, and insofar as the age at which he died is relevant for the purposes of the said calculation, the calculation shall be made by reference to his age at the date of death.

(6) Any sums payable to or for the benefit of a widow, child or other dependant under this regulation shall cease to be payable when a corresponding pension under the last relevant pension scheme would have ceased to be payable; and where that scheme provides for payment of the pension to any person on behalf of a child or other dependant, any sum payable under this regulation to a child or other dependant shall be paid to that person on behalf of the child or dependant in the like manner and for the like period as is provided in the pension scheme.

(7) Except where the compensation has been reduced under regulation 20, compensation payable under this regulation and regulation 23 shall in the aggregate be reduced by an amount the capital value whereof is equal to the amount of any superannuation contributions as defined in regulation 20(3) returned to the person in respect of whom the compensation is payable and not paid to the

fund authority or the compensating authority, the compensation under each of those regulations being reduced in proportion to the capital value of each amount.

(8) If the person in question suffered a diminution of emoluments, then—

(*a*) where his last relevant pension scheme provides benefits of a kind described in paragraph (2), the provisions of that paragraph shall apply with the substitution of references to diminution of emoluments for references to loss of employment, and the sums payable to his widow, child or other dependant shall be calculated as if he had suffered loss of employment and as if the loss of emoluments occasioned thereby had been equivalent to the amount of the diminution; but no sum shall be payable under this sub-paragraph—

(i) if the person has continued to pay superannuation contributions as if his emoluments had not been diminished, or

(ii) as repects any period in respect of which benefits are payable to the widow, child or other dependant of any person under his last relevant pension scheme if, as respects that scheme, the whole of the relevant period for calculating the pensionable remuneration of that person falls before he suffered the diminution of his emoluments;

(*b*) where his last relevant pension scheme provides benefits of a kind described in paragraph (4), the provisions of that paragraph and of regulation 29(3)(*a*) shall apply with the substitution of references to diminution of emoluments for the references to loss of employment and of a reference to employment in which he has suffered such a diminution for the reference to employment which he has lost.

Compensation where death grant would have been payable

23.—(1) If the widow, the personal representatives of a person to whom this part of these regulations applies or trustees empowered by that person to stand possessed of any benefit under his last relevant pension scheme might have become entitled to a death grant under that scheme, she or they, as the case may be, shall be entitled to receive a sum calculated in accordance with the provisions of regulation 22(7) and paragraph (2) of this regulation.

(2) The amount of the sum referred to in paragraph (1) shall be ascertained in accordance with the method of calculation prescribed by the last relevant pension scheme for the ascertainment of death grant as if the person had died immediately before losing his employment, subject to the following modifications—

(*a*) account shall be taken of any additional period of service credited to him under regulation 16(2)—

(i) in the case of a person who had been in receipt of retirement compensation under regulation 18, to the extent of the period between the loss of employment and the date of the claim made under that regulation, and

(ii) in any other case, to the extent of the period between the loss of employment and the person's death;

(*b*) if the aggregate of the person's pensionable service and the additional period under regulation 16(2) is less than any minimum period of qualifying service prescribed by the pension scheme for the receipt of a death grant, the said sum shall not exceed that proportion of the death grant calculated as aforesaid which is equal to the proportion which the aggregate service bears to the minimum period of qualifying service prescribed by the pension scheme; and

(*c*) there shall be deducted from the sum described above the amount of any retirement compensation paid to the person under regulation 17 or 18, or where any part of the compensation has been surrendered under regulation 16(6), the amount which would have been so paid but for such a surrender.

(3) In calculating a death grant under this regulation, any sum payable under regulation 22 to or for the benefit of the widow, child or other dependant shall be deemed to be a pension payable to or for the benefit of the widow, child or dependant, as the case may be.

(4) This regulation shall apply in the case of a person who has suffered a diminution of emoluments with the substitution of references to diminution of emoluments for references to loss of employment, and the sum payable to the widow, personal representatives or trustees of such a person shall be calculated as if he had lost emoluments equivalent to the amount of the diminution; but no sum shall be payable under this paragraph—

(*a*) if the person has continued to pay superannuation contributions as if his emoluments had not been diminished; or

(*b*) where, by virtue of the provisions of the last relevant pension scheme, a death grant is payable if, as respects that scheme, the whole of the relevant period for calculating the pensionable remuneration of that person falls before he suffered the diminution in his emoluments.

Balance payable to claimant's widow or personal representatives

24.—(1) If no sum is payable to the widow, child or other dependant of any person under regulation 22 and no sum is payable under regulation 23 and the person dies before he has received in the aggregate by way of retirement compensation a sum equivalent to the aggregate of—

(i) any superannuation contributions as defined in regulation 20(3) paid by him which have not been returned to him, and

(ii) any amount paid by him in accordance with regulation 20(1), together with compound interest thereon calculated—

(*a*) at the rate of 3 per cent per annum with half yearly rests up to the date of his death as from 1st April or 1st October following the half year in which the amount was paid, or

(*b*) in such other manner as may be provided by the last relevant pension scheme

(whichever calculation gives the greater amount) there shall be paid to his personal representatives the difference between the aggregate amount received by way of retirement compensation as aforesaid and the said equivalent sum.

(2) If any annual sum which became payable to a widow under regulation 22 has ceased to be payable on her remarriage or death, and any sum payable to a child or other dependant under that regulation has ceased to be payable, and if the aggregate amount of the payments which were made as aforesaid to her husband by way of retirement compensation and to the widow or personal representatives or trustees under regulation 23 is less than a sum equivalent to the amount which would have been payable to the personal representatives under that regulation if no sum had been payable under regulation 22, there shall be paid to her or her personal representatives the difference between such aggregate amount and the said equivalent sum.

(3) For the purpose of this regulation, a person who has surrendered any part of his retirement compensation under regulation 16(6) or whose retirement

compensation has been reduced in accordance with regulation 29(3), shall be deemed to have received during any period the amount of compensation for that period which he would have received but for such a surrender or such a reduction.

Compensation payable to non-pensionable officer on reaching normal retiring age

25.—(1) Where a person who is not a pensionable officer is receiving long-term compensation for loss of employment and attains normal retiring age, the compensating authority shall, if satisfied that the person would, but for the loss, have continued in the employment he has lost for a substantial period beyond that age, continue to pay compensation to him for the remainder of his life at half its former rate.

(2) Where a person who is not a pensionable officer suffers loss of employment on or after attaining normal retiring age, the compensating authority shall, if satisfied that the person would in the normal course have continued in the employment he has lost for a further substantial period, pay compensation to him for the remainder of his life at half the rate to which he would have been entitled under regulation 12 had he not attained normal retiring age at the date on which he lost his employment.

Persons subject to policy schemes

26.—(1) Regulations 17, 18, 19 and 23 shall not apply to a person (in this regulation referred to as a "policy scheme participant") who had been participating in a scheme associated with his employment for providing superannuation benefits by means of contracts or policies of insurance, and who, after the loss of his employment or the diminution of his emoluments, continued to participate in that scheme or become entitled to a benefit or prospective benefit thereunder other than a return of contributions.

(2) If a policy scheme participant has lost his employment, the compensating authority may, if the relevant scheme so permits, make such payments to or in respect of him, whether by way of the payment of premiums or otherwise, as are actuarially equivalent to the amounts by which his retirement compensation might have been increased under regulation 16(2) or (5) had he been a person to whom regulation 17 or 18 applied.

(3) If a policy scheme participant has suffered a diminution of his emoluments, the compensating authority may, if the relevant scheme so permits, make such payments to or in respect of him, whether by way of the payment of premiums or otherwise, as will secure to him the like benefits as if his emoluments had not been diminished.

(4) If a policy scheme participant becomes entitled to a benefit under such a scheme as is mentioned in paragraph (1) before reaching normal retiring age, the compensating authority may reduce any long-term compensation payable to him by the amount of such benefit.

Intervals for payment of compensation under Part V

27. Any compensation awarded under this part of these regulations to or in respect of any person shall be payable at intervals equivalent to those at which the corresponding benefit would have been payable under the person's last relevant pension scheme or at such other intervals as may be agreed between the person entitled to receive the compensation and the compensating authority.

PART VI

ADJUSTMENT, REVIEW AND COMPOUNDING OF COMPENSATION

Adjustment of compensation where superannuation benefit is also payable

28.—(1) Where any period of service of which account was taken in calculating the amount of any compensation payable under Part IV or V of these regulations is subsequently taken into account for the purpose of calculating the amount of any superannuation benefit payable to or in respect of any person in accordance with a pension scheme associated with any employment undertaken subsequent to the loss of employment or diminution of emoluments which was the subject of the claim for compensation, the compensating authority may in accordance with this regulation withhold or reduce the compensation payable.

(2) If the part of any superannuation benefit which is attributable to a period of service mentioned in paragraph (1) equals or exceeds the part of any compensation which is attributable to the same period, that part of the compensation may be withheld, or if the part of the superannuation benefit is less than the part of the compensation, the compensation may be reduced by an amount not exceeding that part of the superannuation benefit.

(3) In the case of a death benefit payable in respect of any person, the sum payable under regulation 23 may be reduced by an amount not greater than the proportion of the death benefit which the period of service mentioned in paragraph (1) bears to the total period of service of which account was taken in the calculation of the death benefit.

(4) In addition to any reduction authorised by paragraph (2) or (3), if, in the circumstances mentioned in paragraph (1), compensation is attributable in part to any provision of the last relevant pension scheme for a minimum benefit, the compensation may be reduced by an amount not exceeding that part.

(5) Where any additional period of service has been credited to a person under regulation 16(2) or under regulation 12(3) is deemed to be so credited and that period is equal to or less than the period spent in the employment mentioned in paragraph (1) and taken into account in calculating the amount of any superannuation benefit payable in accordance with the pension scheme associated with that employment the compensation may be reduced (in addition to any other reduction authorised by this regulation) by an amount not exceeding that part of the superannuation benefit which is attributable to a period of service equal to the additional period of service credited or deemed to be credited under regulation 16(2), or, if the period so credited is greater, by an amount not exceeding the part of the superannuation benefit which is attributable to the period spent in the subsequent employment and for the purpose of this paragraph the period spent in the subsequent employment shall be deemed to be increased by any additional period of service with which the person was credited under the pension scheme associated with that employment.

(6) Where compensation has been calculated in accordance with regulation 21, any reduction that may be made under paragraphs (2) to (5) shall not exceed the amount of the pension or lump sum comprising the part (if any) of the superannuation benefit relating to the subsequent employment which is attributable to annual emoluments in excess of those to which the person was entitled on entering the new employment referred to in regulation 21.

(7) Where compensation is payable in respect of diminution of emoluments, any reduction that may be made under paragraphs (2) to (5) shall not exceed the amount of the pension or lump sum comprising the part (if any) of the super-

annuation benefit relating to the subsequent employment which is attributable to annual emoluments in excess of those to which the person was entitled immediately after the diminution and taken into account in calculating the compensation.

(8) In making any reduction under paragraphs (2) to (5), or in applying paragraphs (6) or (7), the amount of pension or, as the case may be, lump sum to be taken into account relating to the subsequent employment shall be the amount of such pension or lump sum reduced by a fraction of that pension or lump sum, where—

(*a*) the numerator is equivalent to the aggregate of the amount of increases which would have been awarded under the provisions of the Pensions (Increase) Act 1971**(a)**, during the period beginning with the day following loss of the employment or diminution of the emoluments, as the case may be, for which compensation is payable and ending on the day the subsequent employment terminated, on an official pension (within the meaning of that Act) of £100 a year which commenced from the first mentioned day, and

(*b*) the denominator is equivalent to the aggregate of an official pension of £100 a year and the amount of the increase so determined.

Reduction of compensation in certain cases

29.—(1) If under a person's last relevant pension scheme any benefit for which the scheme provided would have been subject to reduction or suspension on his taking up other specified employment, any retirement compensation to which he is entitled for loss of employment or diminution of emoluments shall, where such an employment is taken up, be reduced or suspended in the like manner and to the like extent; but in calculating the amount of the reduction there shall be aggregated with the emoluments of the employment taken up the amount of any superannuation benefit by way of annual amounts payable to the person under a pension scheme associated with the employment which he has lost or, as the case may be, the employment in which the emoluments were diminished.

(2) There shall be deducted from the retirement compensation payable to any person any additional contributory payments remaining unpaid at the date when he suffered loss of employment that are not recovered in accordance with the provisions of the last relevant pension scheme, and any additional contributory payments not recovered at the date of his death shall be deducted from any compensation payable in respect of that person under regulation 22, 23 or 24(2).

(3) Where compensation for loss of employment is payable under these regulations to or in respect of any person, and that person or his widow, child or other dependant or his personal representatives or trustees as are mentioned in regulation 23(1) is or are also entitled (whether immediately or on the person's attaining some greater age) to a superannuation benefit under his last relevant pension scheme in respect of any service of which account was taken in calculating the compensation—

(*a*) any instalment of that compensation which is payable in respect of any period shall be reduced by the amount of the instalment of such superannuation benefit which is payable in respect of the same period, and

(*b*) any of that compensation which is payable under Part IV or Part V of these regulations and which is payable as a lump sum, shall be reduced by the amount of any lump sum superannuation benefit,

(a) 1971 c. 56.

and where part of the superannuation benefit is attributable to any additional period of service with which the person was credited under his last relevant pension scheme and—

(i) that period is equal to or less than any additional period credited to that person under regulation 16(2) or under regulation 12(3) deemed to be so credited, the amount of the compensation shall be reduced by that part of the superannuation benefit;

(ii) that period is greater than any additional period so credited, the amount of the compensation shall be reduced by an amount equal to the amount of the superannuation benefit attributable to a period equal in length to the additional period credited or deemed to be credited under regulation 16(2).

(4) Where compensation is payable under Part IV of these regulations to any person and that person is, or becomes, entitled to receive a superannuation benefit under a previous pension scheme other than his last relevant pension scheme in respect of service of which account was taken in calculating the compensation any instalment of that compensation which is payable in respect of any period shall be reduced by the amount of the instalment of such superannuation benefit which is payable in respect of the same period.

(5) For the purposes of paragraphs (3) and (4), no account shall be taken of any sum payable in consequence of the surrender by any person of part of his superannuation benefit under any provision in that behalf in the last relevant pension scheme or the previous pension scheme with a view to obtaining or increasing allowances for his widow, child or other dependant; and the person shall be deemed to have received during any period the amount of superannuation benefit which he would have received but for such a surrender.

(6) Where in any week a person entitled to long-term compensation for loss or diminution of emoluments is also entitled to social security benefit, there shall be deducted from the long-term compensation payable in respect of that week a sum equal to the amount by which the aggregate of—

(*a*) the social security benefit that would be payable in respect of that week if calculated at the rate applicable at the date of loss or diminution, and

(*b*) the weekly rate at which the long-term compensation would be payable but for this regulation

exceeds two-thirds of the weekly rate of the emoluments of the employment which he has lost or in which the emoluments have been diminished.

(7) No deduction shall be made under paragraph (6) insofar as—

(*a*) an equivalent sum is deducted from the emoluments of his current employment, and

(*b*) that deduction from those emoluments has not occasioned an increase in his long-term compensation.

(8) In paragraph (6) the expression "weekly rate" means seven 365ths of the relevant annual rate, and the expression "social security benefit" means any unemployment, sickness, invalidity or injury benefit or retirement pension payable under any enactment relating to National Insurance or Social Security, other than a benefit claimable by him in respect of a dependant.

Notification of change of circumstances

30. Where—

(*a*) a pensionable officer after suffering loss of employment or diminution of emoluments enters any employment referred to in regulation 21 or

becomes entitled to any superannuation benefit on ceasing to hold such an employment,

(*b*) a person entitled to long-term compensation, whilst that compensation is liable to review in accordance with the provisions of regulation 31, enters any employment, or ceases to hold an employment, or receives any increase in his emoluments in an employment,

(*c*) a person entitled to retirement compensation enters employment in which the compensation is subject to reduction or suspension under regulation 29 or ceases to hold such an employment, or receives any increases in his remuneration in such an employment, or

(*d*) a person entitled to long-term compensation starts to receive any benefit, any increase in benefit or any further benefit, under any enactment relating to National Insurance or Social Security,

he shall forthwith in writing inform the compensating authority of that fact.

Review of awards of long-term or retirement compensation

31—(1) The compensating authority shall—

(*a*) on the expiry of 6 months from the decision date, or

(*b*) on the occurrence of any material change in the circumstances of the case,

whichever shall first occur, and thereafter within a period of 2 years after the decision date, or within any longer period specified in the subsequent provisions of this regulation, and at intervals of not more than 6 months, review their decision or, where the claim has been the subject of an appeal, the decision of the tribunal, and (subject to paragraph (7)) these regulations shall apply in relation to such a review as they apply in relation to the initial determination of the claim; and on such a 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 person to whom the decision relates may require the compensating authority to carry out the review mentioned in paragraph (1) at any time within 2 years after the decision date 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), notwithstanding the expiration of the period of 2 years mentioned in that paragraph, if—

(*a*) the emoluments of employment or work undertaken as a result of the loss of employment had been taken into account in determining the amount of any compensation awarded,

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

(*c*) the compensating authority are satisfied that the loss or reduction is causing him hardship,

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

(4) Paragraphs (1) and (2) 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 relation to any decision mentioned in paragraph (1) and as if in paragraph (1) "decision date" means the date on which any decision on a claim for long-term compensation for diminution of emoluments is notified to the claimant, but—

(*a*) where the person to whom the decision relates ceases to hold the employment in which his emoluments were diminished, a review shall be held within three months after that date, but no further review shall be held after the expiry of that period, and

(*b*) while that person continues to hold that employment, 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 given by them or by the tribunal, on a claim for long-term compensation for loss of employment or diminution of emoluments after the expiry of any period within which a review is required to be made if at any time—

(*a*) the person to whom the decision relates becomes engaged in any employment (hereinafter referred to as "his current employment") the emoluments of which are payable out of public funds and which he has undertaken subsequent to the loss or diminution, and

(*b*) the aggregate of the emoluments of his current employment, any superannuation benefit by way of annual amounts payable to him in respect of the employment which he has lost or the employment in which his emoluments have been diminished and the long-term compensation payable to him exceeds the emoluments of the employment which he has lost or, as the case may be, in which the emoluments have been diminished.

(6) The compensating authority shall further review any decision reviewed under paragraph (5) whenever the emoluments of the person's current employment are increased.

(7) On any review under this regulation, the amount of long-term compensation which, apart from this paragraph and any reduction under regulation 29(3) and (4) would be payable to the person may be reduced by an amount not exceeding the amount by which the aggregate of the compensation and the annual rate of emoluments of his current employment exceeds the annual rate of emoluments of the employment which he has lost or, as the case may be, in which the emoluments have been diminished.

(8) The compensating authority shall give to a person to whom a decision relates not less than 14 days' notice of any review of that decision to be carried out under this regulation unless the review is carried out at his request.

(9) In this regulation the expression "decision date" means the date on which any decision on a claim for long-term or retirement compensation for loss of employment is notified to a claimant under regulation 33.

(10) For the purpose of regulation 12(4), 21(1) and 28(6) and (7) and on any review under this regulation, no account shall be taken of any increase in the emoluments of any work or employment undertaken as a result of the loss of employment or diminution of emoluments, or of any superannuation benefit attributable to such an increase, if any such increase is effective from any date after the date of the loss or diminution and is attributable to a rise in the cost of living.

(11) Nothing in this regulation shall preclude the making of any adjustment of compensation required by regulation 28 or 29.

Compounding of awards

32.—(1) In the case where an annual sum which has been or might be awarded under these regulations does not exceed £35, 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 and, if any lump sum payment has been awarded or might be awarded in addition to such sum under regulation 17, 18 or 19, the compensating authority may likewise discharge their liability in respect thereof by an immediate payment.

(2) In any other case, if the person who has been awarded long-term or retirement compensation requests them to do so, the compensating authority may, after having regard to the state of health of that person and the other circumstances of the case, compound up to one quarter of their liability to make payments under the award (other than payments to a widow, child or other dependant under regulation 22) by the payment of an equivalent amount as a lump sum or, where any compensation has been awarded as a lump sum by increasing that compensation to such equivalent amount; and in calculating for this purpose their liability to make such payments, account shall be taken of the annual value of lump sum payments of compensation other than payments of compensation under Part III of these regulations.

(3) The making of a composition under paragraph (2) in relation to an award of long-term or retirement compensation shall not prevent the subsequent making of a composition under paragraph (1) 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

Procedure on making claims

33.—(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 this regulation.

(2) Every such claim or request shall be made to the compensating authority in writing 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 in accordance with the relevant provisions of these regulations and shall notify the claimant in writing of their decision—

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

(*b*) in the case of a claim for, or request for the review of an award of, compensation under Part IV or V of these regulations, not later than one month after the receipt of the claim or request, and

(*c*) in any other case, as soon as possible after the decision;

but their decision shall not be invalidated by reason of the fact that notice of the decision is given after the expiry of the period mentioned in this paragraph.

(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 under regulation 41 if he is aggrieved by the decision, to institute proceedings before a tribunal and giving him the address to which any application instituting those proceedings should be sent.

Claimants to furnish information

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

(2) Such a person shall, on receipt of reasonable notice, present himself for interview at any place that the compensating authority may reasonably require; and any person who attends for interview may, if he so desires, be represented by his adviser.

Procedure on death of claimant

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

(2) Where any such claim is continued or made as aforesaid by personal representatives the personal representatives shall, as respects any steps to be taken or thing to be done by them in order to continue or make the claim be deemed for the purposes of these regulations to be the person entitled to claim but, save as aforesaid, the person in whose right they continue or make the claim shall be deemed for the purposes of these regulations to be that person, and the relevant provisions of the regulations shall be construed accordingly.

(3) The compensating authority may in any case where a person who, if he had survived could have been a claimant, has died, extend the period within which a claim under regulation 6 or 10 is to be made by his personal representatives.

Calculation of service

36.—(1) For the purpose of determining the amount of any compensation payable in respect of the loss of an office to which, or of any two or more offices to which in the aggregate, a person devoted substantially the whole of his time, any previous period of part-time employment shall be treated as though it were whole-time employment for a proportionately reduced period.

(2) For the purpose of making any calculation under these regulations in respect of a person's reckonable service, all periods of that service shall be aggregated by reference to completed years and completed days; and any provision in

these regulations requiring compensation to be calculated by reference to a year of reckonable service shall (unless the provision specifically states that compensation is payable in respect of completed years) be construed as including completed days, each completed day over and above a completed year being expressed as one 365th of a year.

General provisions as to emoluments

37.—(1) In these regulations, subject to the provisions of paragraph (2) and regulations 38 and 39 the expression "emoluments" means all salary, wages, fees and other payments paid or made to an officer as such for his own use, and also the money value of any accommodation or other allowances in kind appertaining to his employment, but does not include payments for overtime which are not a usual incident of his employment, or any allowances payable to him to cover 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 employment.

(2) Where fees or other variable payments were paid to an officer as part of his emoluments during any period immediately preceding the loss or diminution, the amount in respect of fees or other variable payments to be included in the annual rate of emoluments shall be the annual average of the fees or other payments paid to him during the period of 3 years immediately preceding the loss or diminution, or such other period as the compensating authority may think reasonable in the circumstances.

(3) For the purposes of these regulations the annual rate of emoluments in relation to any employment which has been lost or the emoluments whereof have been lost or diminished shall be the amount described in (*a*), (*b*) or (*c*) of this paragraph, whichever is the greatest:—

(*a*) the emoluments received by him in the 12 months immediately preceeding the loss or diminution;

(*b*) in the case of emoluments payable monthly, the emoluments payable in respect of the last complete month immediately preceding the loss or diminution multiplied by 12; or

(*c*) in the case of emoluments payable weekly, the emoluments payable in respect of the last complete week immediately preceding the loss or diminution multiplied by 52.

Emoluments of part-time employments

38. In ascertaining for the purposes of these regulations whether, and how far, the emoluments of alternative employment fall short of emoluments which have been lost where those emoluments were payable in respect of two or more part-time employments, the emoluments of the alternative employment or of the aggregate of two or more alternative employments shall be apportioned in the proportion which the emoluments of the part-time employments bore to each other.

Temporary variation of emoluments

39. In calculating for the purposes of these regulations the amount of any emoluments lost, or the amount by which any emoluments have been diminished and in determining the resettlement and long-term compensation of any person who has suffered such a loss or diminution no account shall be taken of any temporary increase or decrease in the amount of the person's emoluments which

is attributable to any provision or event mentioned in regulation 4, and otherwise than in the ordinary course of his employment.

Compensation not assignable

40.—(1) Subject to the provisions of any enactment in that behalf, any compensation to which a person 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) Without prejudice to any other right of recovery, any compensation paid in error may be recovered by the compensating authority by deduction from any compensation payable under these regulations.

Right of appeal from decision of compensating authority

41.—(1) Every person who is aggrieved by any decision of the compensating authority with respect to a compensation question or by any failure on their part to notify him of any such decision within the appropriate time prescribed by these regulations, may within 13 weeks of the notification to him of the decision or the expiry of the prescribed time, as the case may be, institute proceedings for the determination of the question by a tribunal in accordance with the Industrial Tribunals (Labour Relations) Regulations 1974(**a**) and these regulations, and the tribunal shall determine the question accordingly.

(2) For the purpose of any proceedings instituted in pursuance of this regulation, a person or persons may be appointed to sit with the tribunal as assessor or assessors.

(3) The compensating authority shall give effect to the decision of a tribunal subject to any modification that may be required in consequence of any appeal from that decision on a point of law.

J. Morris,
Secretary of State for Wales.

9th November 1977

(**a**) S.I. 1974/1386 (1974 II, p. 5330).

SCHEDULE 1 Regulation 2(3)

TABLES AS TO CAPITAL VALUES AND ANNUAL AMOUNTS

Table 1(*a*)

The capital value of an annual amount of £1 per annum, payable for life, which attracts pensions increase when the officer attains age 55, or immediately on retirement if age 55 has already been attained.

Age last birthday	Capital value of £1 per annum, with pensions increase attaching from age 55		Age last birthday	Capital value of £1 per annum, with pensions increase attaching from age 55	
	Female	Male		Female	Male
	£ p	£ p		£ p	£ p
30	14·82	14·34	55	13·79	12·52
31	14·86	14·37	56	13·54	12·24
32	14·91	14·39	57	13·28	11·95
33	14·95	14·41	58	13·01	11·66
34	14·99	14·42	59	12·74	11·36
35	15·03	14·43	60	12·46	11·06
36	15·06	14·44	61	12·17	10·76
37	15·09	14·44	62	11·87	10·45
38	15·12	14·43	63	11·57	10·14
39	15·14	14·42	64	11·27	9·82
40	15·15	14·40	65	10·96	9·51
41	15·16	14·37	66	10·64	9·19
42	15·15	14·33	67	10·32	8·87
43	15·14	14·29	68	10·00	8·56
44	15·12	14·23	69	9·68	8·25
45	15·09	14·16	70	9·36	7·94
46	15·05	14·08	71	9·03	7·63
47	14·99	13·99	72	8·70	7·32
48	14·92	13·88	73	8·38	7·02
49	14·83	13·75	74	8·05	6·72
50	14·72	13·61	75	7·73	6·43
51	14·59	13·45	76	7·41	6·14
52	14·43	13·26	77	7·09	5·86
53	14·25	13·04	78	6·78	5·59
54	14·04	12·79	79	6·47	5·32

NOTE:—This table is for use in connection with regulation 32(1) and (2) of the regulations for the compounding of annual retirement compensation which a person is currently entitled to receive under regulation 17, 18 or 19. Where the compensation is payable before age 60 (in the case of females) or 65 (in the case of males) but will be reduced on the attainment of that age to take account of a national insurance or social security pension the tables should be used in conjunction with Table II(*a*) ie Table II(*a*) should be used for valuing that part of the compensation which ceases to be payable at 60 (65) and this table should be used for valuing the remainder. This table is not applicable for—

(i) compounding an annual sum payable to a widow under regulation 22 of the regulations (Table III should be used):

(ii) compounding annual retirement compensation which will not begin to be paid until some future date.

TABLE I(*b*)

The capital value of an annual payment of £1, payable for life, and attracting pensions increase from the outset.

Age last birthday	Capital value of £1 per annum, attracting pensions increase throughout life	
	Female	Male
	£ p	£ p
23	18·59	18·24
24	18·52	18·15
25	18·44	18·05
26	18·36	17·95
27	18·28	17·85
28	18·19	17·74
29	18·10	17·63
30	18·00	17·51
31	17·90	17·38
32	17·79	17·25
33	17·68	17·12
34	17·57	16·98
35	17·45	16·83
36	17·32	16·68
37	17·19	16·52
38	17·05	16·35
39	16·91	16·18
40	16·76	16·00
41	16·61	15·81
42	16·45	15·62
43	16·29	15·42
44	16·12	15·21
45	15·94	15·00
46	15·76	14·78
47	15·57	14·56
48	15·37	14·33
49	15·17	14·09
50	14·96	13·84
51	14·74	13·59
52	14·51	13·33
53	14·28	13·07
54	14·04	12·80
55	13·79	12·52
56	13·54	12·24
57		
58		
59	as for Table I(*a*) from age 55	
60		

NOTE—This table is for use in connection with regulation 32(1) and (2) for the compounding of annual retirement compensation which a person is currently entitled to receive under regulation 18 if he becomes incapacitated before normal retiring age. Where the compensation is payable before age 60 (in the case of females) or 65 (in the case of males) but will be reduced

on the attainment of that age to take account of a national insurance or social security pension, the table should be used in conjunction with Table II(*b*), i.e. Table II(*b*) should be used for valuing that part of the compensation which ceases to be payable at 60(65) and this table should be used for valuing the remainder.

This table is not applicable for—

(i) compounding an annual payable sum to a widow under regulation 22 of the regulations (Table III should be used);

(ii) compounding annual retirement compensation which will not begin to be paid until some future date.

TABLE II(*a*)

Capital value of £1 per annum, ceasing at age 60 (females), 65 (males), which attracts pensions increase from age 55 or retirement age if greater.

Age last birthday	Capital value	
	Female	Male
	£ p	£ p
30	12·11	12·92
31	12·01	12·87
32	11·91	12·81
33	11·80	12·75
34	11·68	12·68
35	11·55	12·60
36	11·40	12·51
37	11·24	12·41
38	11·07	12·30
39	10·88	12·18
40	10·67	12·04
41	10·44	11·89
42	10·19	11·72
43	9·92	11·53
44	9·63	11·33
45	9·31	11·11
46	8·96	10·86
47	8·58	10·59
48	8·16	10·30
49	7·71	9·98
50	7·22	9·62
51	6·68	9·23
52	6·09	8·80
53	5·45	8·33
54	4·75	7·81
55	3·99	7·24
56	3·18	6·64
57	2·33	6·01
58	1·43	5·35
59	0·49	4·65
60	—	3·91
61	—	3·13
62	—	2·30
63	—	1·42
64	—	0·48

NOTE—This table is for use in connection with regulation 32(1) and (2) for the compounding of any part of annual retirement compensation which will cease to be payable on the attainment of age 60 (in the case of females) or 65 (in the case of males). Table 1(*a*) should be used in relation to the remainder of such compensation, i.e. the part which is payable for life—see note on that table.

TABLE II(*b*)

Capital value of £1 per annum, ceasing at age 60 (females), 65 (males), which attracts pensions increase from the outset of the pension.

Age last birth-day	Capital value		Age last birth-day	Capital value	
	Female	Male		Female	Male
	£ p	£ p		£ p	£ p
23	16·68	17·24	43	11·07	12·67
24	16·51	17·10	44	10·63	12·31
25	16·33	16·95	45	10·16	11·94
26	16·14	16·79	46	9·67	11·56
27	15·94	16·63	47	9·15	11·16
28	15·74	16·46	48	8·61	10·74
29	15·52	16·28	49	8·04	10·30
30	15·29	16·09	50	7·45	9·85
31	15·05	15·89	51	6·83	9·38
32	14·80	15·68	52	6·17	8·88
33	14·54	15·46	53	5·48	8·36
34	14·26	15·23	54	4·75	7·81
35	13·97	15·00	55	3·99	7·24
36	13·66	14·75	56	3·18	6·64
37	13·34	14·49	57	2·33	6·01
38	13·01	14·22	58	1·43	5·35
39	12·66	13·94	59	0·49	4·65
40	12·29	13·64	60	—	3·91
41	11·90	13·33	61	—	3·13
42	11·49	13·01	62	—	2·30
			63	—	1·42
			64	—	0·48

NOTE—This table is for use in connection with regulation 32(1) and (2) for the compounding of any part of annual retirement compensation which will cease to be payable on the attainment of age 60 (in the case of females) or 65 (in the case of males). Table I(*b*) should be used in relation to the remainder of such compensation, i.e. the part which is payable for life—see note on that table.

TABLE III

Capital value of an annual amount of £1, which attracts pensions increase from the outset, payable to a widow until death or remarriage.

Age of widow at date of widowhood	Capital value	Age of widow at date of widowhood	Capital value
	£ p		£ p
20	6·00	45	13·14
21	6·00	46	13·25
22	6·00	47	13·34
23	6·00	48	13·40
24	6·13	49	13·44
25	6·58	50	13·46
26	7·01	51	13·46
27	7·41	52	13·43
28	7·78	53	13·38
29	8·11	54	13·31
30	8·41	55	13·22
31	8·72	56	13·10
32	9·06	57	12·96
33	9·42	58	12·80
34	9·82	59	12·61
35	10·24	60	12·39
36	10·65	61	12·14
37	11·04	62	11·87
38	11·40	63	11·57
39	11·73	64	11·27
40	12·04	65	10·96
41	12·33	66	10·64
42	12·59	67	10·32
43	12·81	68	10·00
44	12·99	69	9·68
		70	9·35

NOTE—This table is for use in connection with regulation 32(1) for compounding annual compensation payable to a widow under regulation 22. It should also be used where a reduction of compensation under regulation 22(7) of the regulations falls to be apportioned between the compensation payable under that regulation and under regulation 23, for ascertaining the capital value of annual compensation to a widow.

TABLE IV(*a*)

The annual amount, payable for life, which attracts pensions increase from age 55, or from retirement if age 55 has already been attained, equivalent in value to a lump sum of £100.

Age last birthday	Annual amount, attracting pensions increase from age 55 and payable for life equal in value to a lump sum of £100		Age last birthday	Annual amount, attracting pensions increase from age 55 and payable for life equal in value to a lump sum of £100	
	Female	Male		Female	Male
	£ p	£ p		£ p	£ p
30	6·75	6·97	55	7·25	7·99
31	6·73	6·96	56	7·39	8·17
32	6·71	6·95	57	7·53	8·37
33	6·69	6·94	58	7·69	8·58
34	6·67	6·93	59	7·85	8·80
35	6·65	6·93	60	8·03	9·04
36	6·64	6·93	61	8·22	9·29
37	6·63	6·93	62	8·42	9·57
38	6·61	6·93	63	8·64	9·86
39	6·61	6·93	64	8·87	10·18
40	6·60	6·94	65	9·12	10·52
41	6·60	6·96	66	9·40	10·88
42	6·60	6·98	67	9·69	11·27
43	6·61	7·00	68	10·00	11·68
44	6·61	7·03	69	10·33	12·12
45	6·63	7·06	70	10·68	12·59
46	6·64	7·10	71	11·07	13·11
47	6·67	7·15	72	11·49	13·66
48	6·70	7·20	73	11·93	14·25
49	6·74	7·27	74	12·42	14·88
50	6·79	7·35	75	12·94	15·55
51	6·85	7·43	76	13·50	16·29
52	6·93	7·54	77	14·10	17·06
53	7·02	7·67	78	14·75	17·89
54	7·12	7·82	79	15·46	18·80

NOTE—This table is for use in connection with regulation 20 for ascertaining the annual amount by which retirement compensation under regulation 17, 18 or 19 is to be reduced where a claimant has not paid to the compensating authority an amount equal to any sum paid to him by way of superannuation contributions or that amount has been repaid to him by the compensating authority at his request. It should also be used in connection with regulation 32(2) of the regulations for calculating for the purposes of that paragraph the annual value of retirement compensation awarded as a lump sum.

TABLE IV(*b*)

The annual amount, which attracts pensions increase throughout life, equivalent in value to a lump sum of £100.

Age last birthday	Annual sum, attracting pensions increase throughout life, equal in value to a lump sum of £100		Age last birthday	Annual sum, attracting pensions increase throughout life, equal in value to a lump sum of £100	
	Female	Male		Female	Male
	£ p	£ p		£ p	£ p
23	5·38	5·48	43	6·14	6·49
24	5·40	5·51	44	6·20	6·57
25	5·42	5·54	45	6·27	6·67
26	5·45	5·57	46	6·35	6·77
27	5·47	5·60	47	6·42	6·87
28	5·50	5·64	48	6·51	6·98
29	5·52	5·67	49	6·59	7·10
30	5·56	5·71	50	6·68	7·23
31	5·59	5·75	51	6·78	7·36
32	5·62	5·80	52	6·89	7·50
33	5·66	5·84	53	7·00	7·65
34	5·69	5·89	54	7·12	7·81
35	5·73	5·94	55	7·25	7·99
36	5·77	6·00	56	7·39	8·17
37	5·82	6·05	57	As for Table IV(*a*) from age 55	
38	5·87	6·12	58		
39	5·91	6·18	59		
40	5·97	6·25	60		
41	6·02	6·33	—		
42	6·08	6·40	—		

NOTE—This table is for use in connection with regulation 20 for ascertaining the annual amount by which retirement compensation under regulation 18 is to be reduced where a claimant has become incapacitated before normal retiring age and has not paid to the compensating authority an amount equal to any sum paid to him by way of superannuation contributions or that amount has been repaid to him by the compensating authority at his request. It should also be used in connection with regulation 32(2) of the regulations for calculating for the purposes of that paragraph the annual value of retirement compensation awarded as a lump sum.

TABLE V

The annual amount, which attracts pensions increase from the outset, payable to a widow until death or remarriage, equivalent in value to a lump sum of £100

Age of widow at date of widowhood	Annual amount	Age of widow at date of widowhood	Annual amount
	£ p		£ p
20	16·67	45	7·61
21	16·67	46	7·55
22	16·67	47	7·50
23	16·67	48	7·46
24	16·31	49	7·44
25	15·20	50	7·43
26	14·27	51	7·43
27	13·50	52	7·45
28	12·85	53	7·47
29	12·33	54	7·51
30	11·89	55	7·56
31	11·47	56	7·63
32	11·04	57	7·72
33	10·62	58	7·81
34	10·18	59	7·93
35	9·77	60	8·07
36	9·39	61	8·24
37	9·06	62	8·42
38	8·77	63	8·64
39	8·53	64	8·87
40	8·31	65	9·12
41	8·11	66	9·40
42	7·94	67	9·69
43	7·81	68	10·00
44	7·70	69	10·33
		70	10·70

NOTE—This table is for use in connection with regulation 22(7) for ascertaining the annual amount by which compensation to a widow is to be reduced in the circumstances described in that paragraph. If a reduction is required to be apportioned between compensation payable under regulations 22 and 23 the capital value of annual compensation to a widow should be ascertained by reference to Table III.

TABLE VI(*a*)

The capital value of each £100 of the total amount of long-term compensation, payable to age 60, in which the annual payments attract pensions increase from age 55, according to the outstanding period of long-term compensation.

Outstanding number of complete years of long-term compensation	Capital value	
	Female	Male
	£ p	£ p
0	98·70	98·60
1	96·10	95·85
2	93·55	93·20
3	91·10	90·60
4	88·75	88·15
5	86·45	85·70
6	83·95	83·15
7	81·30	80·50
8	78·65	77·85
9	76·05	75·25
10	73·50	72·75
11	71·05	70·30
12	68·70	67·95
13	66·45	65·70
14	64·30	63·55
15	62·20	61·50
16	60·20	59·55
17	58·30	57·70
18	56·50	55·90
19	54·75	54·20
20	53·10	52·60
21	51·50	51·05
22	50·00	49·55
23	48·55	48·15
24	47·15	46·80
25	45·80	45·50
26	44·55	44·25
27	43·35	43·05
28	42·20	41·90
29	41·05	40·80
30	39·95	39·75

NOTE—This table is for use in connection with regulation 32(1) and (2) for compounding awards of long-term compensation under Part IV of the Regulations. The total amount of the annual long-term compensation which is to be compounded must first be calculated, i.e. the amount which the person would receive on account of that compensation, or the part of it which is to be compounded, if it were paid until age 60. For each £100 so calculated, the lump sum payment will be the amount shown in the table according to the number of complete years in the period between the date of compounding and age 60.

TABLE VI(*b*)

The capital value of each £100 of the total amount of long-term compensation, payable to age 65, in which the annual payments attract pensions increase from age 55, according to the outstanding period of long-term compensation.

Outstanding number of complete years of long-term compensation	Capital value	
	Female	Male
	£ p	£ p
0	98·65	98·50
1	95·95	95·50
2	93·25	92·60
3	90·65	89·80
4	88·20	87·15
5	85·90	84·70
6	83·70	82·40
7	81·60	80·25
8	79·60	78·20
9	77·70	76·30
10	75·80	74·40
11	73·85	72·45
12	71·80	70·45
13	69·75	68·40
14	67·70	66·40
15	65·65	64·40
16	63·65	62·45
17	61·70	60·55
18	59·80	58·75
19	58·00	57·00
20	56·25	55·30
21	54·55	53·65
22	52·95	52·10
23	51·40	50·60
24	49·90	49·15
25	48·45	47·75
26	47·05	46·50
27	45·75	45·10
28	44·45	43·90
29	43·20	42·75
30	42·05	41·60

NOTE—This table is for use in connection with regulation 32(1) and (2) for compounding awards of long-term compensation under Part IV of the Regulations. The total amount of the annual long-term compensation which is to be compounded must first be calculated, i.e. the amount which the person would receive on account of that compensation, or the part of it which is to be compounded, if it were paid until age 65. For each £100 so calculated, the lump sum payment will be the amount shown in the table according to the number of complete years in the period between the date of compounding and age 65.

Regulation 3

SCHEDULE 2

PERSONS TO WHOM THE REGULATIONS APPLY AND THE RESPECTIVE COMPENSATING AUTHORITIES

Col. 1 Persons or classes of person	Col. 2 Compensating authority
1. An officer of a development corporation established under section 2 of the New Towns Act 1965 for the development of a new town situated within the area for which the Board is responsible under section 1 of the Act.	1. The Board.
2. An officer of the Council.	2. The Agency.

Regulation 4

SCHEDULE 3

PROVISION OR EVENTS TO WHICH LOSS OR DIMINUTION IS ATTRIBUTABLE AND THE RESPECTIVE MATERIAL DATES

Col. 1 Provision or events to which loss or diminution is attributable	*Col. 2* "Material date"
1. In the case of an officer described in paragraph 1 of column 1 of Schedule 2, the dissolution of that development corporation by an order under section 3(2)(*a*) of the Act.	The date on which the order was made whether before or after the coming into operation of these regulations.
2. In the case of an officer described in paragraph 2 of column 1 of Schedule 2, the events specified in paragraph 3(2) of Schedule 6 to the Act, namely— (*a*) for the purpose of compensation to a person for loss of employment— (i) dismissal of that person from his employment with the Agency in a case where he has transferred to that employment from his employment with the Council; (ii) dismissal of that person from his employment with the Council in a case where he has remained in the employment of the Council. (*b*) for the purpose of compensation to a person for loss or diminution of emoluments, the variation of the terms or conditions of his employment— (i) with the Agency in a case where he has transferred to that employment from his employment with the Council and has been served with a notice under paragraph 2 of Schedule 6 to the Act specifying new terms and conditions of his employment which are, taken as a whole, less favourable than those on which he was employed before service of the notice; or (ii) with the Council in a case where he has remained in the employment of the Council.	1st April 1977

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

1. These Regulations provide for the payment of compensation to or in respect of—

(*a*) officers of a development corporation, established for the development of a new town situated within the area for which the Development Board for Rural Wales is responsible, who suffer loss of employment or loss or diminution of emoluments in consequence of an order under section 3(2)(*a*) of the Development of Rural Wales Act 1976 dissolving that development corporation, and

(*b*) officers of the Council for Small Industries in Rural Areas employed by the Council on 1st April 1977 (the day appointed for section 25 of the Development of Rural Wales Act 1976 to come into operation), and for a period of two months preceding that date on work relating wholly or mainly to the Council's activities in Wales, who suffer loss of employment or loss or diminution of emoluments in consequence of the events specified in paragraph 2 of column 1 of Schedule 3 to these Regulations.

2. Part I of the Regulations (with Schedule 1) contains definitions. Part II (with Schedules 2 and 3) 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);

(*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);

(*d*) compensation to the widow, child or other dependant or to the personal representatives of a claimant who was a pensionable officer (Part V).

4. Resettlement compensation is payable in a lump sum to officers with at least 2 year's service in relevant employment. The qualifying conditions and factors to be considered are set out in Regulation 6 and the methods of calculation are set out in Regulations 7 and 8.

5. Long-term and retirement compensation is payable to officers with at least five years' service in relevant employment. The qualifying conditions and factors to be considered are set out in Regulations 10 and 11.

6. The method of calculating the amount of long-term compensation is laid down in Regulations 12 (loss of emoluments) and 13 (diminution of emoluments). The compensation is payable from the date determined under Regulation 14, but is not payable for any period in respect of which retirement compensation is payable. In the case of a non-pensionable officer, compensation not exceeding one half of the rate of long-term compensation may be paid beyond normal retiring age (Regulation 25).

7. Retirement compensation payable to a pensionable officer is based upon his accrued pension rights (Regulations 17 and 19) supplemented in the case of persons aged 40 or over at the date of the loss or diminution by the addition of notional years of service (Regulation 16). Special provision is made for any persons whose pension arrangements are by way of policies of insurance (Regulation 26). Retirement compensation is ordinarily payable from normal retiring age, but in certain circumstances is payable earlier (Regulation 18).

8. Compensation is payable to the widow, child or other dependant or to the personal representatives or trustees of a claimant who dies where such persons would have benefited under the relevant pension scheme (Regulations 22 to 24).

9. Part VI provides for long-term and retirement compensation to be reviewed and for awards to be varied in the light of changing circumstances (Regulation 31). It also contains provisions for the adjustment, suspension and compounding of compensation in certain circumstances.

10. Part VII contains provisions relating to the procedure for making claims and notifying decisions. A right is given to a claimant who is aggrieved by a decision on a compensation question or the failure of the compensating authority to notify their decision to refer the question for determination by a tribunal in accordance with the Industrial Tribunals (Labour Relations) Regulations 1974.

SI 1977/1896
ISBN 0-11-071896-8

