STATUTORY INSTRUMENTS

1971 No. 1121

LOCAL GOVERNMENT, ENGLAND AND WALES

LONDON GOVERNMENT

The Fire Services (Compensation) (Amendment) Regulations 1971

Made - - -	*8th July* 1971
Laid before Parliament	*21st July* 1971
Coming into Operation	*10th August* 1971

Whereas the Minister for the Civil Service has determined under section 60(2) of the Local Government Act 1958(**a**) (read with Article 2(1) of the Minister for the Civil Service Order 1968(**b**)) that the Secretary of State is the appropriate Minister in relation to members of fire brigades of a class prescribed by the Firemen's Pension Scheme for the purposes of section 2 of the Fire Services Act 1951(**c**):

Now, therefore, in exercise of the powers conferred on me by the said section 60(2) and section 85(4) of the London Government Act 1963(**d**), I hereby make the following Regulations:—

1. These Regulations may be cited as the Fire Services (Compensation) (Amendment) Regulations 1971 and shall come into operation on 10th August 1971.

2. In these Regulations any reference to the principal Regulations is a reference to the Fire Services (Compensation) Regulations 1965(**e**).

3.—(1) Notwithstanding anything contained in the principal Regulations, Regulations 4, 5 and 6 of these Regulations shall apply with effect from the date of the coming into operation of these Regulations in relation to any compensation under the principal Regulations awarded before that date.

(2) Nothing in Regulation 7 of these Regulations shall affect the entitlement of any person to compensation under the principal Regulations where that entitlement has been determined before the date of the coming into operation of these Regulations.

(**a**) 1958 c. 55.
(**b**) S.I. 1968/1656 (1968 III, p. 4485).
(**c**) 1951 c. 27.
(**d**) 1963 c. 33.
(**e**) S.I. 1965/563 (1965 I, p. 1726).

4. For Regulation 6(1)(*a*) of the principal Regulations (deductions to be made in calculating resettlement compensation) there shall be substituted the following provision :—

"(*a*) unemployment, sickness or injury benefit under any Act relating to national insurance claimable by him in respect of such week (excluding any amount claimable by him in respect of any dependant) ;".

5. After Regulation 26 of the principal Regulations (adjustment of compensation) there shall be inserted the following Regulation :—

"*Deduction in respect of national insurance benefit*

26A.—(1) Where in any week a person is entitled to long-term compensation for loss or diminution of emoluments and is also entitled to unemployment, sickness or injury benefit under any Act relating to national insurance, other than a benefit claimable by him in respect of a dependant, there shall be deducted from the long-term compensation payable for that week a sum equal to the amount by which the aggregate of such national insurance benefits claimable in respect of that week, the weekly rate at which the long-term compensation would be payable but for this Regulation, and the weekly rate of any superannuation benefit taken into account for the purpose of Regulation 13(4) of these Regulations, exceeds two-thirds of the weekly rate of the net emoluments of the employment which he has lost or in which the emoluments have been diminished :

Provided that this paragraph shall not apply in relation to any such sickness or injury benefit in so far as an equivalent sum is deducted from the emoluments of his current employment and such deduction from those emoluments has not occasioned an increase in his long-term compensation.

(2) For the purposes of paragraph (1) of this Regulation the expression "weekly rate" means seven three hundred and sixty-fifths of the relevant annual rate.".

6. In Regulation 27 of the principal Regulations (certain changes in circumstances to be notified to the compensating authority) there shall be inserted after sub-paragraph (*c*) the following provision :—

"or,

(*d*) a person entitled to long-term compensation is receiving or starts to receive any benefit, any increase in benefit or any further benefit under any Act relating to national insurance,".

7. After Regulation 37(2) of the principal Regulations (interpretation) there shall be inserted the following provision :—

"(2A) Except as provided in Regulations 4(2) and 10(2) of these Regulations, the expression "relevant employment" shall not include service in the armed forces of the Crown.".

R. Maudling,
One of Her Majesty's Principal Secretaries of State.

Home Office,
Whitehall.
8th July 1971.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Fire Services (Compensation) Regulations 1965 (the principal Regulations) as follows:—

(i) all national insurance benefits (other than benefits payable in respect of dependants) are to be taken into account in assessing resettlement compensation and not only, as at present, benefits at the flat rate applicable to a single person (Regulation 4);

(ii) national insurance benefits (other than benefits payable in respect of dependants) are to be deducted from long-term compensation to such extent as is necessary to ensure that the total of benefits and compensation received in any week does not exceed two-thirds of the emoluments for the loss or reduction of which compensation is payable. This was until recently secured by Regulations under the National Insurance Acts (Regulation 5);

(iii) a person entitled to long-term compensation is required to inform the compensating authority about national insurance benefits received by him (Regulation 6);

(iv) the expression "relevant employment" (which is defined in Regulation 38(1) of the principal Regulations and which affects qualification for compensation and calculation of the amount) is not to include service in the armed forces of the Crown other than certain national service which is expressly made relevant employment for determining whether a person is qualified to claim compensation (Regulation 7).

The provisions mentioned in (i) to (iii) above apply to compensation in payment at the date of commencement of these Regulations as well as compensation awarded after that date (Regulation 3).