VI

All other loans:

For any period 4

2. Treasury Minute dated 19th October, 1953(a), fixing Rates of Interest on Local Loans (other than Loans to Local Authorities), is hereby revoked.

3. This Treasury Minute may be cited as the Treasury (Loans to persons other than local authorities) (Interest) Minute, 1954.

4. The Interpretation Act, 1889, shall apply to the interpretation of this Treasury Minute as it applies to the interpretation of an Act of Parliament.

5. This Treasury Minute shall come into force on the fourth day of June, 1954.

Dated this third day of June, 1954.

Edward Heath,
T. G. D. Galbraith,
Two of the Lords Commissioners of
Her Majesty's Treasury.

EXPLANATORY NOTE

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

This Minute reduces the rates of interest chargeable on loans advanced from the Local Loans Fund otherwise than on the security of local rates.

MAGISTRATES COURTS

1954 No. 1262

The Justices of the Peace Act, 1949 (Compensation) Regulations, 1954

Made - - - - 24*th September*, 1954
Coming into Operation 1*st November*, 1954

In pursuance of the powers conferred on me by section forty-two of the Justices of the Peace Act, 1949(b), I hereby make the following Regulations:—

1. These Regulations may be cited as the Justices of the Peace Act, 1949 (Compensation) Regulations, 1954, and shall come into operation on the first day of November, 1954.

(a) S.I. 1953/1528 (1953 I, p. 981). (b) 12, 13 & 14 Geo. 6. c. 101.

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

" accrued pension " in relation to a whole-time or part-time pensionable officer who has suffered loss of office, means the pension to which he would have become entitled in respect of his pensionable service according to the method of calculation prescribed by the pension scheme to which he was last subject before suffering loss of office if at the date on which he ceased to be subject thereto he had attained normal retiring age and complied with any requirement of the said scheme as to a minimum period of qualifying service or contribution, and includes the annual value as ascertained by an actuary of any contingent right under the pension scheme in respect of a widow's pension or a death grant which might have become payable to his widow or to his legal personal representatives on his death had he not suffered loss of office ;

" accrued retiring allowance ", in relation to a whole-time or part-time pensionable officer who has suffered loss of office, means any lump sum payment to which he would have become entitled in respect of his pensionable service according to the method of calculation prescribed by the pension scheme to which he was last subject before suffering loss of office if at the date on which he ceased to be subject thereto he had attained normal retiring age and complied with any requirement of the said scheme as to a minimum period of qualifying service or contribution ;

" the Act " means the Justices of the Peace Act, 1949 ;

" actuary " means a Fellow of the Institute of Actuaries or of the Faculty of Actuaries in Scotland ;

" completed year of service " means service for a period of three hundred and sixty-five days or a number of periods amounting in the aggregate to three hundred and sixty-five days: so however that if the period or periods of service when aggregated include a fraction of a year that fraction shall, if it equals or exceeds one hundred and eighty-two days, be treated as a year and in any other case be disregarded ;

" determining authority " means—

(*a*) when the claimant's loss of office is attributable to the coming into operation of section ten of the Act, the paying authority,

(*b*) in any other case the magistrates' courts committee which appointed or employed the claimant or, in the case of a justices' clerk or a person employed by him in connection with the clerkship who lost office or employment before the first day of April, 1953, the magistrates' courts committee which would be deemed to have appointed him or to the employment of which he would have been transferred had he continued to hold the office or employment he lost until the first day of April, 1953 ;

" emoluments " means all salary, wages, fees and other payments paid or made to the claimant for his own use in respect of the office he has lost and includes the money value of any apartments, rations or other allowances in kind appertaining to his office, but does not include payments in respect of overtime, and from the amount so calculated there shall be deducted—

(*a*) the amount of any salaries or other sums paid by him to persons employed by him in connection with the duties of his office, and

(*b*) the amount of his office expenses ;

and "net emoluments" means the annual rate of the emoluments paid or made to the claimant immediately before the loss of office, after deducting therefrom, in the case of a pensionable officer, any contribution payable by him under the pension scheme to which he was then subject;

"justices' clerk" includes a clerk to the justices of a liberty;

"local government service" includes service under a standing joint committee of a court of quarter sessions and a county council appointed under section thirty of the Local Government Act, 1888(a);

"material date" means the date on which occurred the event to which the loss of office in respect of which a person claims compensation under these Regulations is attributable (that is to say, that date on which occurred one of the events specified in paragraph (i), (ii) or (iii) of Regulation 4 of these Regulations to which his said loss is attributable);

"national service" means service of a description specified in the First Schedule to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951(b), and includes any period immediately following the termination of such service during which the claimant (with the consent, in the case of a clerk of the peace or justices' clerk, of the authority by whom he was appointed and, in the case of any other person, of the person or authority by whom he was employed before undertaking that service) continued in similar service;

"normal retiring age" means, in relation to a whole-time or part-time pensionable officer, the age of compulsory retirement prescribed by the pension scheme to which he was last subject before suffering loss of office and in any other case, in relation to a person claiming compensation in respect of the office of a justices' clerk, the age of seventy years and, in relation to any other person, the age of sixty-five years;

"office" includes employment;

"part-time officer" means a person who immediately before the material date devoted part only of his time to the office of clerk of the peace or justices' clerk or to assisting the holder of such an office in the performance of the duties of that office;

"paying authority" means—

(*a*) where the office in respect of which a claim arises was that of clerk of the peace for any borough or other area, the council of the borough or of the county in which that area is comprised,

(*b*) where the office in respect of which a claim arises was that of justices' clerk, in the case of a clerk to the justices for a borough having a separate commission of the peace, the council of that borough and, in any other case, the council of the county in which is comprised the petty sessions area or place in and for which the justices to whom the claimant was clerk acted,

(*c*) where the employment in respect of which a claim arises consisted of assisting the holder of such an office as aforesaid, the council of the county or borough which would be the paying authority if the claim were in respect of the said office;

"pensionable officer" means a person who immediately before the material date was subject to a pension scheme;

"pension scheme" means a scheme for the payment of superannuation benefits to a person as part of the terms and conditions of the office he lost;

(a) 51 & 52 Vict. c. 41. (b) 14 & 15 Geo. 6. c. 65.

"service", in relation to a person to whom these Regulations apply, means any period of whole-time or part-time employment after attaining the age of eighteen years in any of the following offices or employments, that is to say:—

(*a*) clerk of the peace,

(*b*) justices' clerk,

(*c*) employment in assisting the holder of such an office in the performance of the duties of that office,

(*d*) service as collecting officer or in the employment of a collecting officer,

(*e*) employment under the Crown,

(*f*) employment in local government service in Great Britain,

and includes any period of national service or war service undertaken on that person's ceasing to hold any such office or employment as aforesaid if, in the case of national service, that person, within six months after the termination of such service, again was appointed to any such office or entered any such employment as aforesaid, but does not, in the case of a person who has been appointed to any such office or entered any such employment as aforesaid after becoming entitled to a superannuation benefit under, or under Regulations made under, the Local Government Superannuation Act, 1953(**a**), or any other Act, include employment which was taken into account only for the purpose of determining whether he was entitled to receive that benefit or for the purpose of calculating the amount of that benefit;

"tribunal" means a referee or board of referees appointed by the Minister of Labour and National Service after consultation with the Lord Chancellor;

"war service" means—

(*a*) service in the armed forces of the Crown, being service rendered between the fourth day of August, 1914, and the thirty-first day of August, 1921; or

(*b*) war service within the meaning of the Local Government Staffs (War Service) Act, 1939(**b**); or

(*c*) any period after the termination of the last-mentioned service during which the claimant (with the consent, in the case of a clerk of the peace or justices' clerk, of the authority by whom he was appointed and, in the case of any other person, of the person or authority by whom he was employed before undertaking that service) continued in similar service;

"whole-time officer" means a person who immediately before the material date devoted the whole of his time to the office of clerk of the peace or justices' clerk or to assisting the holder of such an office in the performance of the duties of that office.

3.—(1) In relation to a justices' clerk who before the coming into operation of section nineteen of the Act was a collecting officer of any court, any emoluments in respect of that service shall, for the purposes of these Regulations, be treated as emoluments in respect of the duties of the clerkship and his duties as clerk shall, for the said purposes, be treated as including his services as collecting officer.

(**a**) 1 & 2 Eliz. 2. c. 25. (**b**) 2 & 3 Geo. 6. c. 94.

(2) Any reference in these Regulations to a person who suffers loss of office shall include a reference to a person who, before the date on which these Regulations came into operation, suffered loss of office.

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

4. These Regulations apply to any person who on the sixteenth day of December, 1949—

(*a*) was the holder of an office in respect of which he was paid a salary by a county or borough council ; or

(*b*) was employed by the holder of any such office to assist him in the performance of the duties of that office ; or

(*c*) would have been within one of the foregoing sub-paragraphs but for any national service or war service on which he was then engaged,

and, being immediately before the material date a whole-time officer or a part-time officer, suffers the loss of one of the following offices or employments, that is to say, the office of clerk of the peace or justices' clerk or employment in assisting the holder of such an office in the performance of the duties of that office or, being immediately before the material date a whole-time officer, suffers a diminution of emoluments in respect of any such office or employment which loss or diminution of emoluments is attributable to—

(i) the coming into operation of section ten of the Act, or

(ii) the making of an Order under section eighteen of the Act, or

(iii) the grouping of clerkships under a justices' clerk.

5. A person to whom these Regulations apply shall be entitled to have his case considered for the receipt of compensation under these Regulations, the question whether any such compensation is payable, and, if so, the amount thereof being determined in accordance with the provisions of the Schedule to these Regulations.

6.—(1) If a person to whom these Regulations apply has claimed compensation under these Regulations and is aggrieved by the refusal of the determining authority to accept his claim or by their failure to come to a decision on his claim within three months after the date on which it was received by them or by a decision that no compensation should be paid to him or by the amount of compensation awarded, he may, within three months after the refusal or failure or after the date on which he received notice of the decision or of the amount of compensation awarded, as the case may be, refer the matter to the tribunal ; and the tribunal shall consider any matter so referred in accordance with the provisions of these Regulations and determine accordingly whether, and if so what, compensation ought to be awarded to the claimant ; and the paying authority shall give effect to the decision of the tribunal.

(2) If any person to whom these Regulations apply has claimed compensation under these Regulations and the determining authority in relation to his claim are not the paying authority and the paying authority are aggrieved by a decision of the determining authority to accept the claim or by the amount of compensation awarded, the paying authority may, within one month after the date on which they receive notice of the decision or of

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

the amount of compensation awarded, as the case may be, refer the matter to the tribunal; and the tribunal shall consider any matter so referred in accordance with the provisions of these Regulations and determine accordingly whether, and if so what, compensation ought to be awarded to the claimant; and the paying authority shall give effect to the decision of the tribunal.

(3) The proceedings on any reference under these Regulations to the tribunal shall be deemed not to be an arbitration to which anything in the Arbitration Act, 1950(a), applies.

7.—(1) Any compensation payable under these Regulations shall be paid by the paying authority and shall be payable to, or in trust for, the person who is entitled to receive it, and shall not be assignable.

(2) Any sum payable as compensation to a person under these Regulations shall be recoverable as a debt due from the paying authority.

David Maxwell Fyfe,
One of Her Majesty's Principal Secretaries of State.

Home Office,
Whitehall,
24th September, 1954.

Regulation 5

SCHEDULE

PART I

Procedure

1. Every claim for compensation under these Regulations, and every request for a review of an award of compensation as provided for in paragraphs 11 and 25 of this Schedule, shall be made in accordance with the following provisions of this Part of this Schedule.

2. Every such claim and every such request shall be made in such form and in such manner as the determining authority may require.

3. In the event of the death of a person who has made a claim or who, if he had survived, could have made a claim for compensation under these Regulations, such claim may be continued by, or may be made by, his legal personal representatives.

4. On receipt of any such claim or request the determining authority shall, in accordance with the provisions of this Schedule, consider the same and notify the claimant and, unless in relation to the claimant they are the paying authority, the paying authority in writing of their decision in respect thereto.

5. Every notification to a claimant of a decision by the determining authority shall contain a statement directing the attention of the claimant to his right, if he is aggrieved by the decision, to refer the matter to a tribunal and informing him of the address of the appropriate tribunal.

6.—(1) A claimant, if so required by the determining authority, shall attend before the determining authority or any person duly appointed in that behalf by the determining authority and answer any questions touching the matters set forth in his claim, and shall produce all books, papers and other documents in his possession or under his control relating to his claim.

(2) A claimant who attends as aforesaid may, if he so desires, be represented by his adviser.

(a) 14 Geo. 6. c. 27.

PART II

Compensation for loss of office

7.—(1) On receipt of a first claim from a claimant for compensation in respect of loss of office, not being a claim for resettlement payment under Part VI of this Schedule, the determining authority shall consider forthwith whether the claimant is a person to whom this Part of this Schedule applies, and, if they consider that he is not such a person, shall so advise him within one month of the receipt of the claim.

(2) This Part of this Schedule applies to a whole-time officer or a part-time officer who, after attaining the age of eighteen years, for the period of eight years immediately preceding the material date continuously (except for breaks not exceeding in the aggregate eighteen months) devoted the whole or part only of his time to the office of clerk of the peace or justices' clerk or to assisting the holder of such an office in the performance of the duties of that office or to any combination of any such offices or employments except in so far as he was engaged on national service or war service undertaken on his ceasing to hold any such office or employment.

8. Unless the determining authority advise the claimant under sub-paragraph (1) of paragraph 7 of this Schedule, they shall, as soon as may be, assess the just amount (if any) of the compensation to be awarded under the succeeding provisions of this Part of this Schedule and notify the claimant and, unless in relation to the claimant they are the paying authority, the paying authority, of their decision.

9. For the purpose of determining whether any compensation under this Part of this Schedule should be awarded to a claimant for loss of office and, if so, the amount of the compensation, the determining authority shall have regard to—

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

(*b*) the conditions, including security of tenure whether by law or by practice, of any other office to which he may have been appointed in place of the office he has lost; and

(*c*) all the other circumstances of his case.

10.—(1) In the case of a whole-time officer to whom this Part of this Schedule applies, compensation under the said Part for loss of office shall be awarded by way of an annual sum payable until normal retiring age which sum shall not exceed a sum calculated as follows, namely:—

> for every completed year of the officer's service, one-sixtieth of the net emoluments of the office he has lost; and in addition in the case of an officer who has attained the age of forty-five years at the date of loss, one-sixtieth of the said net emoluments for every completed year of service since he attained that age;

so however that the sum shall not in any case exceed two-thirds of the net emoluments of the office which he has lost.

(2) In computing service for the purposes of this paragraph any service in part-time employment shall be treated as though it were service in whole-time employment for a proportionately reduced period.

11.—(1) (*a*) The determining authority shall have discretion to review an award of compensation to a whole-time officer under this Part of this Schedule at intervals of not less than six months and to increase it or decrease it in the light of any change in the circumstances of the case, so however that no review shall, save in exceptional circumstances, be made later than two years after the date of the decision of the determining authority under paragraph 8 of this Schedule or, if the matter was referred to the tribunal under Regulation 6 of these Regulations, two years after the date of the decision of the tribunal.

(*b*) A whole-time officer may, at intervals of not less than six months, request the determining authority to review an award made to him under this Part of this Schedule if he considers that there has been a material change in the circumstances to which regard was had when the award was made, so however that no such request shall, save in exceptional circumstances, be made later than two years after the date of the decision of the determining authority under paragraph 8 of this Schedule or, if the matter was referred to the tribunal under Regulation 6 of these Regulations, two years after the date of the decision of the tribunal.

(2) The determining authority shall forthwith notify in writing the whole-time officer and, unless in relation to the officer they are the paying authority, the paying authority of their decision on any review under sub-paragraph (1) of this paragraph.

(3) Regulation 6 of these Regulations shall apply to a decision of the determining authority on any review under this paragraph or to the amount of compensation awarded by such decision as it applies to a decision or to the amount of compensation referred to in the said Regulation.

(4) If a whole-time officer to whom compensation is awarded under this Part of this Schedule is appointed to another office within the said period of two years, he shall immediately notify the determining authority in writing of his appointment.

12.—(1) In the case of a part-time officer to whom this Part of this Schedule applies, compensation under the said Part for loss of office shall be awarded by way of a lump sum payment which shall not exceed an amount calculated as follows, namely:—

two-fifths of the net emoluments of the office the officer has lost for every completed year of service after the first seven such years and before the officer attains the age of sixty years, but not exceeding a sum equal to twice the net emoluments of the said office, less one-fifth of the said net emoluments for every completed year of service after the officer attains the age of sixty years:

Provided that the lump sum payment awarded under this paragraph shall, in the case of an officer to whom sub-paragraph (2) of this paragraph applies, not be less than the minimum set out in the said sub-paragraph unless the determining authority in the exercise of their discretion under paragraph 9 of this Schedule so determine.

(2) The minimum lump sum payment shall be—

(*a*) if the officer suffers loss of office after attaining the age of sixty years and before attaining the age of sixty-five years, three-fifths of the net emoluments of the office he has lost;

(*b*) if the officer suffers loss of office after attaining the age of sixty-five years and before attaining the age of sixty-seven years, two-fifths of the net emoluments of the office he has lost;

(*c*) if the officer suffers loss of office after attaining the age of sixty-seven years, one-fifth of the net emoluments of the office he has lost.

PART III

Superannuation provisions

13. Subject as hereinafter provided, a whole-time or part-time pensionable officer who suffers loss of office before attaining normal retiring age shall, on attaining normal retiring age, be entitled to receive the following compensation, namely:—

(*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.

14. Where a whole-time or part-time pensionable officer has been or is, after suffering loss of office, appointed to an office in which he is subject to a pension scheme in circumstances in which he is entitled to reckon for the purposes thereof service or contributions which fall to be taken into account for the purpose of assessing compensation under paragraph 13 of this Schedule, no compensation under that paragraph shall be payable unless the annual rate of the emoluments paid or made to him in respect of the office he has lost immediately before such loss exceeds the annual rate of the emoluments paid or made to him in respect of the office to which he has been or is appointed immediately after the appointment by more than five per cent., and any compensation payable under the said paragraph shall, in so far as it is calculated by reference to remuneration, be calculated by reference to the difference of the said annual rates.

15. If under the pension scheme to which a whole-time or part-time pensionable officer was last subject before suffering loss of office the amount of any pension to which he might have become entitled might have been increased by virtue of the exercise of any discretion conferred by the pension scheme, the determining authority may determine to increase the annual sum payable as compensation under paragraph 13 of this Schedule by an annual sum not exceeding the amount by which his accrued pension might have been increased or the annual value of the payments which might have been made to him by way of addition to, or supplementation of, his accrued pension.

16. If a whole-time or part-time pensionable officer had attained the age of forty years at the date on which he lost his office, the determining authority in calculating the amount of the compensation payable to him under paragraph 13 of this Schedule may credit him with additional years of service or additional contributions not exceeding one year of service or one year's contributions for each completed year of service between the date on which he attained the age of forty years and the date on which he lost his office, but not in any case exceeding ten years or such number of years as the officer could have served had he continued in his office until attaining normal retiring age, whichever is the less.

17. In deciding whether to add any number of years under the last preceding paragraph, the determining authority shall have regard to the conditions set out in paragraph 9 of this Schedule and also to the officer's rights under any pension scheme associated with any office to which he may have been appointed after suffering loss of office.

18.—(1) A whole-time or part-time pensionable officer whose accrued pension includes the annual value of a contingent right under the pension scheme to which he was last subject before suffering loss of office in respect of a widow's pension, may, if he so desires and informs the determining authority in writing within one month after attaining normal retiring age, agree to surrender so much of the annual sum payable to him as compensation under paragraph 13 of this Schedule as represents the annual value of any such contingent right in consideration of the paying authority granting to his widow an annual sum equal to one-third of his accrued pension less the part thereof surrendered under the provisions of this paragraph and less the annual value of any contingent right under the said pension scheme in respect of a death grant.

(2) In calculating the accrued pension for the purposes of this paragraph no account shall be taken of any additional years of service or additional contributions credited under paragraph 16 of this Schedule beyond the number of years which the officer could have served before his death had he not suffered loss of office.

(3) Any annual sum payable to a widow under this paragraph shall cease to be payable in any circumstances in which a widow's pension under the said pension scheme would have ceased to be payable.

19.—(1) A whole-time or part-time pensionable officer whose accrued pension includes the annual value of any contingent right under the pension scheme to which he was last subject before suffering loss of office in respect of a death grant, may, if he so desires and informs the determining authority in

writing within one month after attaining normal retiring age, agree to surrender so much of the annual sum payable to him as compensation under paragraph 13 of this Schedule as represents the annual value of any such contingent right in consideration of the paying authority granting to his legal personal representatives a sum equal to the amount of any death grant which would have become payable to them in accordance with the method of calculation prescribed by the pension scheme had he died immediately before suffering the loss of office and completed the minimum number of years of qualifying service or contributions required by the pension scheme less a sum equal to the aggregate amount of any payments made to him under paragraph 13 of this Schedule.

(2) If the amount of any death grant falls to be ascertained by reference to the officer's years of service or contributions, the years of service or contributions shall be deemed to include any additional years of service or contributions credited to the officer under paragraph 16 of this Schedule:

Provided that no account shall be taken of any number of such additional years of service or contributions beyond those which the officer could have served before his death had he not suffered loss of office.

(3) If the number of years of the officer's qualifying service or contributions is less than the minimum number of years of qualifying service or contributions prescribed by the pension scheme for the receipt of a death grant, the said sum shall not exceed such proportion of the death grant calculated as aforesaid as the number of years of the claimant's qualifying service or contributions bears to the minimum number of years of qualifying service or contributions required by the pension scheme.

(4) For the purpose of calculating the said death grant an annual sum payable under paragraph 18 of this Schedule shall be deemed to be a widow's pension.

20. A whole-time or part-time pensionable officer who, under the pension scheme to which he was last subject before suffering loss of office, would have been entitled on becoming entitled to a pension to surrender a part thereof in favour of his spouse or any dependant of his, may, if he so desires and informs the determining authority by notice in writing accordingly within one month after attaining normal retiring age, surrender on the like terms and conditions as on the surrender of part of a pension such part of the annual sum awarded by way of compensation under paragraph 13 of this Schedule, and the paying authority may grant to the spouse or any other dependant of the officer a pension of such value as would be the case were the annual sum a pension to which he had become entitled under the said pension scheme.

21.—(1) Compensation shall not be payable, or shall cease to be payable, under this Part of this Schedule to a whole-time or part-time pensionable officer who has received any sum by way of a return of contributions under the pension scheme to which he was last subject before suffering loss of office unless he pays to the paying authority an amount equivalent to the said sum.

(2) The amount referred to in sub-paragraph (1) of this paragraph shall be held by the paying authority subject to the condition that if no death grant is payable under paragraph 19 of this Schedule and the officer dies before he has received in the aggregate by way of compensation under this Part of this Schedule a sum equal to the amount so paid to the paying authority, together with compound interest thereon calculated at the rate of three per cent. per annum with half yearly rests up to the date of his death as from the first day of April or the first day of October following the half year in which the amount was paid, there shall be paid to his legal personal representatives the difference between the aggregate amount received by way of compensation and the said sum:

Provided that—

(i) this paragraph shall not apply to an officer in whose case paragraph 14 of this Schedule applies and, in the event of an officer becoming such a person after having made a payment under this paragraph, the amount of the sum so paid shall be returned to him by the paying authority;

(ii) if an annual sum becomes payable to the widow of such an officer under paragraph 18 of this Schedule and on the sum ceasing to be payable the aggregate amount of the payments which had been made to her or to her husband under this Part of this Schedule was less than the aggregate amount of the sum paid to the paying authority by the husband on account of contributions and the total of the compound interest thereon as aforesaid, the difference between the said aggregate amounts shall be paid to her or to her legal personal representatives and not to her husband's legal personal representatives.

(3) A whole-time or part-time pensionable officer shall, on or before the date on which compensation may become payable to him under this Part of this Schedule, be entitled, if he so desires and informs the determining authority in writing accordingly, to receive from the paying authority in lieu of any such compensation—

(*a*) if he has paid any sum to the paying authority under sub-paragraph (1) of this paragraph, an amount equivalent thereto, together with interest thereon calculated in the manner provided by the pension scheme as from the date of payment of the said sum ; and

(*b*) if he has not received a return of contributions under the pension scheme to which he was last subject before suffering loss of office and if, being entitled to such a return, he has relinquished that right, an amount equivalent to the amount of such contributions, together with interest thereon calculated in the manner provided by the pension scheme,

and any liability of the paying authority under paragraph 18 or 19 of this Schedule shall cease in the event of his giving such notice as aforesaid.

22.—(1) In the case of a whole-time officer receiving compensation for loss of office under Part II of this Schedule who is not a pensionable officer, the determining authority may, on his attaining normal retiring age, if they are satisfied that he would, but for the loss, have continued in the office he has lost for a substantial period beyond that age, determine that he be paid compensation for the remainder of his life at a rate one half of the rate of compensation being paid to him before he attained that age.

(2) In the case of a whole-time officer to whom Part II of this Schedule applies, who is not a pensionable officer, and who suffers loss of office on or after attaining normal retiring age, the determining authority may, if they are satisfied that he would, but for the loss, have continued in the office he has lost for a further substantial period, determine that he be paid compensation for the remainder of his life at a rate one half of the rate of compensation which would have been awarded to him under Part II of this Schedule had he not attained normal retiring age at the date on which he lost his office ; and Part II of this Schedule shall apply accordingly for the purpose of determining the said rate of compensation.

(3) The determining authority shall notify the officer and, unless in relation to the claimant they are the paying authority, the paying authority in writing of any determination under this paragraph, and any such notification shall, for the purpose of these Regulations, be deemed to be a notification by the determining authority of the amount of compensation awarded.

PART IV

Compensation for diminution of emoluments

23.—(1) The compensation awarded to a whole-time officer for diminution of emoluments shall be awarded by way of an annual sum, payable for the same period or periods as would be the case were he a whole-time officer claiming compensation for loss of office under Parts II and III of this Schedule, and shall not, in respect of any such period, exceed a sum bearing the same proportion to the maximum amount of compensation which could have been awarded had he lost office as the annual rate of his emoluments immediately after diminution bears to the annual rate of his emoluments immediately before diminution:

Provided that where the said proportion is less than five per cent. no compensation shall be awarded.

(2) Any reference in the foregoing provisions of these Regulations to loss of office shall, in their application to a claim for diminution of emoluments, be construed as a reference to diminution of emoluments.

(3) Compensation under this Part of this Schedule shall cease to be payable if the whole-time officer ceases to hold the office in respect of which he is receiving compensation, otherwise than on grounds of ill health, injury or infirmity or of loss of office, before attaining normal retiring age.

24. Paragraphs 7, 8 and 9, other than sub-paragraph (*b*) of paragraph 9, of this Schedule, shall apply to a first claim for compensation from a claimant for diminution of emoluments as they apply to a first claim for compensation from a claimant for loss of office.

25. A decision to award compensation to a whole-time officer under this Part of this Schedule in respect of the period before he attains normal retiring age shall be subject to review in like manner as a decision to award compensation under Part II of this Schedule:

Provided that—

(*a*) no review shall take place after the date on which he ceases to hold the office in respect of which he is receiving compensation for diminution of emoluments, except a review as at that date; and

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

26. Paragraphs 18 to 20 of this Schedule shall apply to a whole-time pensionable officer entitled to compensation for diminution of emoluments as they apply to a whole-time pensionable officer entitled to compensation for loss of office.

PART V

Miscellaneous

27.—(1) Where a whole-time or part-time officer to whom on attaining normal retiring age compensation by way of an annual sum is payable under Part III or Part IV of this Schedule has become or becomes entitled to a pension in respect of any office the remuneration of which was payable out of public funds and to which he had been appointed after suffering the loss of office or the diminution of emoluments, and in calculating the amount of such pension account is taken of any service or contributions which were taken into account in calculating the compensation payable, then, if the compensation payable after the person becomes so entitled does not exceed such part of the pension as is attributable solely to that service or those contributions, the compensation shall cease to be payable and, if it exceeds such part of the pension as aforesaid, it shall be reduced by an amount equal to that part.

(2) Where the widow of a whole-time or part-time officer to whom an annual sum is payable under paragraph 18 of this Schedule has become or becomes entitled to a widow's pension in respect of any office of her husband the remuneration of which was payable out of public funds and to which he had been appointed after suffering the loss of office or the diminution of emoluments and any part of such widow's pension is attributable to service or contributions of her husband of which account was taken in calculating his accrued pension by reference to which the said annual sum was calculated, then if the said annual sum does not exceed such part of the pension as is attributable solely to that service or those contributions, the said annual sum shall cease to be payable, and, if it exceeds such part of the pension as aforesaid, it shall be reduced by an amount equal to that part.

(3) Where the legal personal representatives of a whole-time or part-time officer to whom a sum is payable on the claimant's death under paragraph 19 of this Schedule have become or become entitled to receive a death grant under a pension scheme associated with any office of the claimant the remuneration of which was

payable out of public funds and to which he had been appointed after suffering the loss of office or the diminution of emoluments and as one of the factors in the calculation of the amount of such death grant account fell to be taken of any service or contributions which fell to be taken into account as one of the factors in the calculation of the said sum, the said sum shall be reduced by an amount equal to such proportion of the amount of the death grant as the number of years of service or contributions bears to the total number of years of service or contributions, of which account fell to be taken as aforesaid in the calculation of the death grant.

(4) Where any such compensation, annual sum or sum is reduced in accordance with the foregoing provisions of this paragraph, such compensation, annual sum or sum shall be further reduced by an amount equal to such part thereof (if any) as is attributable to any additional years of service or contributions credited in accordance with paragraph 16 of this Schedule.

(5) This paragraph shall not apply to, or in respect of, a whole-time pensionable officer in whose case paragraph 14 of this Schedule has been applied, except to the extent to which the amount of the pension, widow's pension or death grant to which the officer, his widow or his legal personal representatives has become or becomes entitled as aforesaid is attributable to annual emoluments of a greater amount than the amount of the annual emoluments to which the officer became entitled on being appointed to the office referred to in that paragraph.

(6) This paragraph shall not apply to, or in respect of, a whole-time officer to whom compensation is or was payable for diminution of emoluments and who has become entitled to a pension in respect of an office to which he had been appointed after suffering the diminution of emoluments or whose widow has become entitled to a widow's pension or whose legal personal representatives have become entitled to a death grant in respect of such office except to the extent to which the amount of the pension, widow's pension or death grant is attributable to annual emoluments of a greater amount than the amount of the annual emoluments of the officer's former office immediately after their diminution.

28.—(1) If a whole-time officer receiving compensation for loss of office under Part II of this Schedule is appointed to another office after suffering the loss of office and the remuneration thereof is payable out of public funds, he shall not, so long as he holds that office, be entitled to receive any greater sum by way of compensation in respect of such loss than would make up the amount (if any) by which the annual rate of the emoluments of that office fall short of the annual rate of the emoluments of the office he has lost immediately before such loss.

(2) If a whole-time officer receiving compensation for diminution of the emoluments of any office loses that office in circumstances in which he does not become entitled to compensation in respect of that loss and thereupon or thereafter he is appointed to another office the remuneration of which is payable out of public funds, he shall not, so long as he holds that office, be entitled to receive any greater sum by way of such compensation than would make up the amount (if any) by which the annual rate of the emoluments of that office fall short of the annual rate of the emoluments of the former office immediately before such diminution.

29.—(1) If a person becomes subject to the provisions of either of the two last preceding paragraphs he shall immediately notify the determining authority in writing accordingly.

(2) A person who has become subject to the provisions of the last preceding paragraph shall also notify the determining authority in writing of any increase in the remuneration of the office to which he has been appointed as aforesaid.

30. Any part-time pensionable officer who suffers diminution of emoluments may, if he so desires and informs the determining authority by notice in writing within six months after suffering the diminution or of the coming into operation of these Regulations, whichever last occurs, continue his contributions under the

pension scheme and continue to have contributions paid in respect of him and be entitled to the benefits thereunder by reference to the amount of his emoluments before they were diminished.

31.—(1) Any compensation payable under Part II, or under that Part as applied by Part IV, or under Part VI of this Schedule shall be, or commence to be, payable at the date fixed by the determining authority or the tribunal, as the case may be.

(2) The date fixed may be earlier than the date of the determination by the determining authority or the tribunal, as the case may be:

Provided that—

(i) in the case of an annual sum awarded to a whole-time officer under Part II of this Schedule to whom resettlement payment has also been awarded the date fixed shall not be earlier than the end of the period for which resettlement payment has been awarded;

(ii) the date fixed shall not, save in exceptional circumstances, be earlier than thirteen weeks before the date of the receipt of the claim for compensation by the determining authority.

PART VI

Resettlement payments for loss of office

32.—(1) On receipt of a claim for compensation for loss of office by way of a resettlement payment the determining authority shall consider forthwith whether the claimant is a person to whom this Part of this Schedule applies and, if so, what should be the amount of the resettlement payment payable to him and shall inform the claimant and, unless in relation to the claimant the determining authority are the paying authority, the paying authority of their decision within one month of the receipt of the claim.

(2) This Part of this Schedule applies to—

(*a*) a whole-time officer who at the date of the loss of office had not attained normal retiring age and who after attaining the age of eighteen years for the period of three years immediately preceding the material date continuously (except for breaks not exceeding in the aggregate six months) devoted the whole or part only of his time to the office of clerk of the peace or justices' clerk or to assisting the holder of such an office in the performance of the duties of that office or to any combination of any such offices or employment, except in so far as he was engaged on national service or war service undertaken on his ceasing to hold any such office or employment; or

(*b*) a part-time officer who at the date of suffering the loss of office had not attained normal retiring age and to whom Part II of this Schedule does not apply.

33. A part-time officer to whom this Part of this Schedule applies shall be entitled to receive resettlement payment of a lump sum equal to forty-two three hundred and sixty-fifths of the net emoluments of the office he has lost.

34. The amount of the resettlement payment payable to a whole-time officer to whom this Part of this Schedule applies shall be a sum which when added to—

(*a*) two-thirds of any remuneration the officer is receiving for any office during the period in respect of which resettlement payments are payable; together with

(*b*) where he is, or would if he made a claim thereto be, entitled to draw unemployment or sickness benefits under the National Insurance Acts, 1946 to 1953, the sum which would be so payable in respect of a person having no dependants,

is equal to two-thirds of the net emoluments of the office he has lost.

35.—(1) Resettlement payments to a whole-time officer to whom this Part of this Schedule applies shall be payable in respect of the period of thirteen weeks next succeeding the week in which he lost office or, in the case of a claimant who has attained the age of forty-five years, the said thirteen weeks extended by

an additional period of one week for every year of his age after attaining the age of forty-five years and before the date of the loss of office subject to a maximum addition of thirteen such periods.

(2) Such resettlement payments shall be payable at intervals equivalent to those at which the officer's emoluments were previously paid.

EXPLANATORY NOTE

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

These Regulations provide for the payment of compensation to persons who have held the office of clerk of the peace or justices' clerk or have been employed in assisting persons holding one of these offices and who suffered loss of office by reason of or under certain provisions of the Justices of the Peace Act, 1949, namely, section 10, which provides for the abolition of the separate commission of the peace for certain areas, section 18 which provides for the review of petty sessional divisions in a county and section 19 under which a magistrates' courts committee may group two or more clerkships under one justices' clerk.

The compensation is calculated in accordance with the provisions of the Schedule. A whole-time officer with eight years' service who suffers loss of office or diminution of emoluments will be eligible for compensation based on his net emoluments, age and length of service payable until normal retiring age (paragraphs 10 and 23); within the prescribed limit the amount of compensation is discretionary and is subject to review (paragraphs 9, 11, 24 and 25). A whole-time officer after attaining normal retiring age is entitled if he is a pensionable officer to his preserved pension rights (paragraphs 13 to 17) and if he is not a pensionable officer may in certain circumstances be granted a pension at half his previous rate of compensation (paragraph 22). Any rights in respect of a widow's pension or a death grant are also preserved (paragraphs 18 and 19).

A part-time officer with eight years' service who suffers loss of office will be eligible for a lump sum payment based on his net emoluments, age and length of service (paragraph 12); within the prescribed limit the amount of the compensation is discretionary (paragraph 9). A part-time pensionable officer is, after attaining normal retiring age, entitled to his preserved pension rights (paragraphs 13 to 17). Any rights in respect of a widow's pension or a death grant are also preserved (paragraphs 18 and 19).

Overlap with pensions or remuneration from public funds is avoided (paragraphs 14, 27 and 28). A part-time pensionable officer who suffers diminution of emoluments may contribute to and benefit from his pension scheme by reference to his former rate of pay (paragraph 30).

A part-time officer who suffers loss of office and has less than eight years' service is entitled to a resettlement payment equal to six weeks' salary (paragraphs 32 and 33). A whole-time officer with three years' service who suffers loss of office is entitled to a resettlement payment equal to two-thirds of his annual emoluments before the loss less the aggregate of two-thirds of any current earnings and, where he could claim unemployment or sickness benefits, the rate of benefit payable to a person without dependants. The resettlement payment to a whole-time officer is payable for not less than thirteen weeks and not more than twenty-six weeks depending on the claimant's age (paragraphs 32, 34 and 35).

Regulation 6 makes provision for appeal to a tribunal.