1965 No. 571

LOCAL GOVERNMENT, ENGLAND AND WALES

The Local Government (Compensation) (Amendment) Regulations 1965

Made - - - -	23*rd March* 1965
Laid before Parliament	30*th March* 1965
Coming into Operation	1*st April* 1965

The Minister of Housing and Local Government, as the Minister whom the Treasury have determined to be the appropriate Minister in relation to the persons to whom these regulations relate, in exercise of his powers under section 60(2) of the Local Government Act 1958(a) as amended by section 63 of the Police Act 1964(b), the said section 60(2) as applied by section 11(2) of the Public Libraries and Museums Act 1964(c) and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Local Government (Compensation) (Amendment) Regulations 1965, and shall come into operation on 1st April 1965.

Interpretation

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

"the regulations of 1963" means the Local Government (Compensation) Regulations 1963(d); and

"regulation" means regulation contained in the regulations of 1963.

(2) Unless the context otherwise requires, any reference in these regulations, or in the regulations of 1963 as amended by these regulations, to the provisions of any enactment shall be construed as a reference to those provisions as amended or re-enacted by any subsequent enactment.

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

Amendment of the Regulations of 1963

3.—(1) In the definition of "accrued pension" and "accrued retiring allowance" in regulation 2(1) for the words "regulation 23(2) of these regulations" there shall be substituted the words "regulations 23(2) and 45 of these regulations".

(2) The definition of "compensating authority" in regulation 2(1) shall be amended as follows:—

(*a*) in paragraph (*a*) after the words "the Act of 1933" there shall be inserted the words "or Part I of the Police Act 1964";

(a) 6 & 7 Eliz. 2. c. 55. (b) 1964 c. 48. (c) 1964 c. 75.
(d) S.I. 1963/999 (1963 II, p. 1634). (e) 52 & 53 Vict. c. 63.

(*b*) after paragraph (*b*) there shall be added the following paragraphs—

"(*c*) in the case of any person who suffers loss of employment or loss or diminution of emoluments in consequence of his transfer by the operation of any provision of the Public Libraries and Museums Act 1964, the authority to whose employment the person is so transferred, and in the case of any officer of a county council or joint board established under section 5 of that Act who suffers such loss or diminution in consequence of a reduction in the library area of the county council or joint board in the circumstances mentioned in section 11(2)(*b*) of that Act, the county council or joint board by whom the person is employed or was last employed prior to the loss of employment;

(*d*) in the case of an officer of a local valuation panel or person employed under such an officer, the Minister; and

(*e*) where an authority is not designated by or in accordance with any of the preceding paragraphs, such local authority or other body as the Minister may determine;".

(3) In paragraph (*a*) of the definition of "net emoluments" in regulation 2(1) after the words "the annual rate" there shall be inserted the words "(subject to regulation 45 of these regulations)".

(4) For the definition of "local authority" in regulation 2(1) there shall be substituted the following definition—

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

(5) At the end of the definition of "material date" in regulation 2(1) there shall be added the following words "except that in relation to any person who has suffered loss of employment or loss or diminution of emoluments in consequence of any provision of the Public Libraries and Museums Act 1964 mentioned in column 1 of the schedule to these regulations or of anything done under such provision, the material date for any purpose mentioned in the heading to column 2 or 3 of that schedule shall be the date specified in that column opposite such provision".

(6) In the definition of "relevant employment" in regulation 2(1) after the words "local authority" in paragraph (*a*) there shall be inserted the words "or local valuation panel".

4.—(1) In regulation 3(1) after the words "local authority" in both places where they occur there shall be inserted the words "or local valuation panel".

(2) In regulation 3(2) for paragraph (*a*) there shall be substituted the following paragraph—

"(*a*) any member of a fire brigade of a class prescribed, by the Firemen's Pension Scheme for the time being in force under section 26 of the Fire Services Act 1947(**a**), for the purposes of section 2 of the Fire Services Act 1951(**b**), or".

(**a**) 10 & 11 Geo. 6. c. 41. (**b**) 14 & 15 Geo. 6. c. 27.

5. For regulation 4 there shall be substituted the following regulation—

"4. Subject to the provisions of these regulations—

(*a*) every person to whom these regulations apply and who suffers loss of employment or loss or diminution of emoluments which is attributable to the provisions of any order under Part II of the Act or scheme under Part III thereof or of any scheme or order under section 43, 44 or 45 or Part VI of the Act of 1933 or Part I of the Police Act 1964, and

(*b*) every library officer within the meaning of the Public Libraries and Museums Act 1964 or officer of a county council or joint board established under section 5 of that Act, being in either case an officer to whom these regulations apply and who suffers loss of employment or loss or diminution of emoluments in consequence of his transfer by the operation of any provision of that Act or in consequence of a reduction in the library area of the county council or joint board in the circumstances mentioned in section 11(2)(*b*) of that Act,

shall be entitled to have his case considered for the payment of compensation under these regulations and such compensation shall be determined in accordance with the following provisions of these regulations.".

6. In regulation 5(1) after the words "local authority" in both places where they occur there shall be inserted the words "or local valuation panel".

7.—(1) In regulation 7(1) for paragraph (*a*) there shall be substituted the following paragraph—

"(*a*) he has suffered loss of employment attributable to any provision mentioned in regulation 4(*a*) of these regulations, or in consequence of any event described in regulation 4(*b*) of these regulations, not later than ten years after the material date;".

(2) In regulation 7(1) at the end of paragraph (*d*) there shall be added the words "or local valuation panel".

8.—(1) In regulation 13(1) for paragraph (*a*) there shall be substituted the following paragraph—

"(*a*) he has suffered loss of employment or loss or diminution of emoluments attributable to any provision mentioned in regulation 4(*a*) of these regulations, or in consequence of any event described in regulation 4(*b*) of these regulations, not later than ten years after the material date;".

(2) In regulation 13(1) at the end of paragraph (*c*)(ii) there shall be added the words "or local valuation panel".

9. In the proviso to regulation 14(1) for the words "or the Act" there shall be substituted the words "the Act or the Public Libraries and Museums Act 1964" and for the words "or status" there shall be substituted the words "status or functions".

10.—(1) In proviso (iii) to regulation 18(1) after the words "accrued incapacity pension" there shall be inserted the words "or accrued incapacity retiring allowance" and after the words "such pension" there shall be inserted the words "or retiring allowance".

(2) In regulation 18(2) for the words "three months" there shall be substituted the words "thirteen weeks".

11. In regulation 19(1) at the end of proviso (ii) there shall be added the words " or where the determination is reviewed under regulation 35(3) of these regulations, not later than two years after any such review ".

12. In regulation 20 for the words " Subject as hereinafter provided " there shall be substituted the words " Subject to the provisions of these regulations ".

13. In regulation 23(4) for the words " of any order or scheme under the Act of 1933 " there shall be substituted the words " of any enactment or instrument ".

14. In regulation 24(2) for the word " portion " there shall be substituted the word " proportion ".

15. In regulation 25(2) at the end of sub-paragraph (*c*) there shall be added the words " or where part of the compensation has been surrendered under regulation 23(5) of these regulations, the amount which would have been so paid but for any such surrender ".

16. In regulation 26 after paragraph (2) there shall be added the following paragraph—

" (3) For the purposes of this regulation an officer who has surrendered any part of his retirement compensation under regulation 23(5) of these regulations shall be deemed to have received during any period the amount of compensation for that period which he would have received but for any such surrender.".

17. In regulation 28 after the words " other dependant " in both places where they occur there shall be inserted the words " or personal representative ".

18. In regulation 30—

(*a*) for paragraphs (1) and (2) there shall be substituted the following paragraphs—

" (1) Except in relation to any accrued pension, accrued retiring allowance, accrued incapacity pension or accrued incapacity retiring allowance attributable to service as a contributory employee or local Act contributor, the provisions of regulations 18, 19, 20 and 21 of these regulations shall not apply to a person 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 became entitled to a benefit or prospective benefit thereunder other than a return of contributions.

(2) If the claimant is such a person as is mentioned in paragraph (1) of this regulation who 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 will secure that his benefits under the scheme are increased to an extent actuarially equivalent to that by which similar amounts of retirement compensation could be increased under regulation 23(2) or (4) of these regulations." ; and

(*b*) in paragraph (3) after the word " benefits " there shall be inserted the words " under the scheme ".

19. For regulation 34 there shall be substituted the following regulation—

"34. Where—

(*a*) a pensionable officer after suffering loss of employment or diminution of emoluments enters any employment referred to in regulation 22 of these regulations or becomes entitled to any superannuation benefit on ceasing to hold such employment, or

(*b*) a person entitled to long-term compensation enters employment the remuneration whereof is payable out of public funds, or ceases to hold such employment, or receives any increase in his remuneration in such employment, or

(*c*) a person entitled to retirement compensation enters employment in which the compensation is subject to reduction or suspension under regulation 33 of these regulations, or ceases to hold such employment, or receives any increase in his remuneration in such employment,

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

20. After regulation 44 there shall be added the following regulation—

"*Temporary variation of emoluments*

45. 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 net emoluments, the accrued pension or the accrued retiring allowance of any person who has suffered such a loss or diminution, no account shall be taken of any increase in the amount of the person's emoluments which is attributable to any temporary allowance made in consequence of the passing or making of any provision mentioned in regulation 4(*a*) of these regulations or of the happening of any event described under regulation 4(*b*) of these regulations, and which is made otherwise than in the ordinary course of his employment.".

21. The following schedule shall be added as a schedule to the regulations of 1963:—

"SCHEDULE

Provision to which loss or diminution is attributable	MATERIAL DATE *The purposes of regulations 3 and 5 of these regulations*	*Any other purposes of these regulations*
Section 4(1) of the Public Libraries and Museums Act 1964	1st April 1965	1st April 1965
Orders made under section 5(1), 5(3), 6(1), 6(5) or 10(2) of the Public Libraries and Museums Act 1964	The date of the making of the order	The date of operation of the order
Section 6(3) of the Public Libraries and Museums Act 1964	The date on which notice of approval is given	The date specified in the notice of approval as the date on which the council becomes a library authority."

Given under the official seal of the Minister of Housing and Local Government on 23rd March 1965.

(L.S.)

R. H. S. Crossman,
Minister of Housing and Local Government.

EXPLANATORY NOTE

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

These regulations amend the Local Government (Compensation) Regulations 1963 made under section 60(2) of the Local Government Act 1958, and extend the scope of those regulations under powers conferred by that section as amended by section 63 of the Police Act 1964 and section 11(2) of the Public Libraries and Museums Act 1964.

The principal amendments to the 1963 Regulations are as follows—

(1) The regulations are applied to—

(*a*) officers of local valuation panels affected by local government reorganisation (regulations 3(2)(*b*) and (6), 4(1), 6, 7(2) and 8(2));

(*b*) civilian employees of police authorities affected by amalgamations of such authorities under Part I of the Police Act 1964 (regulations 3(2)(*a*) and (4), 5, 7(1) and 8(1));

(*c*) library officers affected by the Public Libraries and Museums Act 1964 (regulations 3(2)(*b*) and (5), 5, 7(1), 8(1) and 9).

(2) Provision is made for the payment of retirement compensation to persons entitled under the regulations whose pension rights derive in part from statutory schemes and in part from schemes based on policies of insurance (regulation 18).

(3) Persons claiming compensation are required to inform the compensating authority if they become entitled to pension benefits (regulation 19).

(4) In assessing compensation no account is to be taken of any temporary increase of remuneration granted in connection with the reorganisation or other event which has led to the claim.

A number of other minor amendments are made to bring the regulations of 1963 in line with the London Government (Compensation) Regulations 1964 (S.I. 1964/1953).