STATUTORY INSTRUMENTS

1968 No. 913

LOCAL GOVERNMENT, ENGLAND AND WALES

The Local Government (Compensation) (Amendment) Regulations 1968

Made - - -	*7th June* 1968
Laid before Parliament	18*th June* 1968
Coming into Operation	1*st July* 1968

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**), and the said section 60(2) as applied by section 11(2) of the Public Libraries and Museum 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 1968 and shall come into operation on 1st July 1968.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires—
"the principal regulations" means the Local Government (Compensation) Regulations 1963(**d**), as amended (**e**) and
"regulation" means regulation contained in the principal regulations.

(2) Unless the context otherwise requires, any reference in these regulations, or in the principal regulations 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(**f**) shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

Amendment of the principal regulations

3. In regulation 2 (which defines the expressions used in the regulations)—
(*a*) in the definition of "added years" in paragraph (1), for paragraph (*b*) there shall be substituted the following paragraph—

(**a**) 1958 c. 55. (**b**) 1964 c. 48. (**c**) 1964 c. 75.
(**d**) S.I. 1963/999 (1963 II, p. 1634). (**e**) S.I. 1965/571 (1965 I, p. 1786). (**f**) 1889 c. 63.

"(*b*) in the case of a person employed in service which is reckonable service within the meaning of the Teachers' Superannuation Regulations 1967(**a**), any additional years of service similar to additional years of service referred to in paragraph (*a*) of this definition which at the date of the loss in question have become, or are in course of becoming, reckonable in his employment in such reckonable service;";

(*b*) in the definition of "relevant employment" in paragraph (1), after the word "means" there shall be inserted the words "subject to paragraph (2A) of this regulation";

(*c*) after paragraph (2) there shall be added the following paragraph—

"(2A) Except as provided in regulations 6(2) and 12(2) of these regulations, the expression "relevant employment" shall not include service in the armed forces of the Crown.".

4. For paragraph (*a*) of regulation 8(1) (which provides for calculation of the amount of resettlement compensation) there shall be substituted the following paragraph—

"(*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. The following regulation shall be inserted after regulation 33—

"Deduction in respect of National Insurance benefits

33A.—(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 15(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 insofar 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 34 as amended (which requires certain changes in circumstance to be notified to the compensating authority), after paragraph (*c*) there shall be inserted the following paragraph—

"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,".

(**a**) S.I. 1967/489 (1967 I, p. 1562).

7. In regulation 35 (which relates to the review of awards of compensation), in paragraph (7), for the words "regulation 32 or 33" there shall be substituted the words "regulation 32, 33 or 33A".

Transitional provisions

8.—(1) Nothing in regulation 3 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 operation of these regulations.

(2) Notwithstanding anything contained in the principal regulations, regulations 4, 5, 6 and 7 of these regulations shall apply with effect from the date of operation of these regulations in relation to any compensation under the principal regulations awarded before that date.

Given under the official seal of the Minister of Housing and Local Government on 7th June 1968.

(L.S.) *Anthony Greenwood,*
Minister of Housing and Local Government.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations amend the Local Government (Compensation) Regulations 1963 ("the principal regulations"). The main changes are as follows:—

(i) The expression "relevant employment" (which is defined in regulation 2(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 3(*c*))

(ii) 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)

(iii) 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)

Changes (ii) and (iii) apply to compensation in payment at the date of operation of the regulations as well as compensation awarded after that date.

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