STATUTORY INSTRUMENTS

1971 No. 1120

LOCAL GOVERNMENT, ENGLAND AND WALES
LONDON GOVERNMENT

The Probation (Compensation) (Amendment) Regulations 1971

Made - - - -	8*th July* 1971
Laid before Parliament	21*st July* 1971
Coming into Operation	10*th 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 to make Regulations thereunder in relation to the persons to whom these Regulations relate:

And whereas the Secretary of State is the appropriate Minister for the purposes of section 85(4) of the London Government Act 1963(**c**) as applied by section 35 of the Administration of Justice Act 1964(**d**) in relation to those persons:

Now, therefore, in exercise of the powers conferred on me by the said section 60(2) and the said section 85(4) as so applied, I hereby make the following Regulations:—

1. These Regulations may be cited as the Probation (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 Probation (Compensation) Regulations 1965(**e**).

3.—(1) Nothing in Regulation 4 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.

(2) Notwithstanding anything contained in the principal Regulations, Regulations 5, 6, 7 and 8 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.

4. After Regulation 2(1) of the principal Regulations (interpretation) there shall be inserted the following provision:—

"(1A) 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.".

(**a**) 1958 c. 55.
(**b**) S.I. 1968/1656 (1968 III, p. 4485).
(**c**) 1963 c. 33.
(**d**) 1964 c. 42.
(**e**) S.I. 1965/620 (1965 I, p. 1940).

5. For Regulation 8(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);".

6. After Regulation 33 of the principal Regulations (reduction of compensation) there shall be inserted the following Regulation:—

"*Deduction in respect of national insurance benefit*

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.".

7. In Regulation 34 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,".

8. In Regulation 35(7) (review of awards of compensation) for the words "Regulation 32 or 33" there shall be substituted the words "Regulation 32, 33 or 33A".

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 Probation (Compensation) Regulations 1965 (the principal Regulations) 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 4);

(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 5);

(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 (Regulations 6 and 8);

(iv) a person entitled to long-term compensation is required to inform the compensating authority about national insurance benefits received by him (Regulation 7).

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