STATUTORY INSTRUMENTS

1970 No. 301

ROAD TRAFFIC

The Vehicle and Driving Licences (Compensation to Officers) Regulations 1970

Made - - -	*25th February* 1970
Laid before Parliament	*6th March* 1970
Coming into Operation	*7th March* 1970

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The Minister of Transport, in exercise of his powers under section 2(3) of the Vehicle and Driving Licences Act 1969(a), and of all other enabling powers, hereby makes the following Regulations :—

PART I

PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Vehicle and Driving Licences (Compensation to Officers) Regulations 1970 and shall come into operation on 7th March 1970.

Interpretation

2.—(1) 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 pensionable officer who has suffered loss of employment, means—

(*a*) if his last relevant pension scheme provided benefits in which he had a right to participate, the pension to which he would have become entitled in respect of his pensionable service according to the method of calculation, modified where necessary for the purpose of giving effect to these Regulations, prescribed by that scheme if, at the date on which he ceased to be subject to that scheme, he had attained normal retiring age and complied with any requirement of that scheme as to a minimum period of qualifying service or contribution and completed any additional contributory payments or payments in respect of added years which he was in the course of making ; and

(*b*) in any other case, such portion of the pension (if any) of which he had reasonable expectations as the Minister considers equitable, having regard to the officer's age, the length of his employment at the date of loss and all the other circumstances of the case ;

"accrued retiring allowance", in relation to a pensionable officer who has suffered loss of employment, means—

(*a*) if his last relevant pension scheme provided benefits in which he had a right to participate, any lump sum payment to which he would have become entitled in respect of his pensionable service according to the method of calculation, modified where necessary for the purpose of giving effect to these Regulations, prescribed by that scheme if, at the date on which he ceased to be subject to that scheme, he had attained normal retiring age and complied with any requirement of that scheme as to a minimum period of qualifying service or contribution and completed any additional contributory payments or payments in respect of added years which he was in the course of making ; and

(*b*) in any other case, such portion of the lump sum payment (if any) of which he had reasonable expectations as the Minister considers equitable, having regard to the officer's age, the length of his employment at the date of loss and all the other circumstances of the case ;

"accrued incapacity pension" and "accrued incapacity retiring allowance" have the same respective meanings as "accrued pension" and "accrued

(a) 1969 c. 27.

retiring allowance" except that the reference to a person's attaining normal retiring age shall be construed as a reference to his becoming incapable of discharging efficiently the duties of his employment by reason of permanent ill-health or infirmity of mind or body ;

"added years", in relation to a person who suffers loss of employment, means—

(*a*) in the case of a contributory employee or local Act contributor any additional years of service reckonable by him in his employment immediately prior to the loss in question under Regulation 12 of the Local Government Superannuation (Benefits) Regulations 1954(**a**) as amended (**b**), or, in Scotland, under Regulation 12 of the Local Government Superannuation (Benefits) (Scotland) Regulations 1954(**c**) as amended (**d**), or any corresponding provision of a local Act scheme, or those Regulations or any such provision as aforesaid as applied by or under any enactment, and includes any additional years of service which, having been granted under any such provision or under any similar provision contained in any other enactment or scheme, have subsequently become and are reckonable under or by virtue of rules made under section 2 of the Superannuation (Miscellaneous Provisions) Act 1948(**e**), or any other enactment ; and

(*b*) in the case of any other person, any additional years of service, similar to those mentioned in paragraph (*a*) of this definition, reckonable by him under the pension scheme associated with the employment he has lost ;

"additional contributory payments" means—

(*a*) additional contributory payments of the kind referred to in section 2(3) and (4) of the Local Government Superannuation Act 1953(**f**); or

(*b*) any similar payments made under a local Act scheme or other pension scheme as a condition of reckoning any period of employment as service or as a period of contribution for the purposes of the scheme, or, where the scheme provides for the reckoning of non-contributing service, as contributing service for the purposes of the scheme ; or

(*c*) any payments made for the purpose of increasing the length at which any period of service or of contribution would be reckonable for the purpose of calculating a benefit under a local Act scheme ; or

(*d*) any payments similar to any of those mentioned in the foregoing sub-paragraphs made in pursuance of rules made under section 2 of the Superannuation (Miscellaneous Provisions) Act 1948 ;

"compensation question" means a question arising under these Regulations—

(*a*) as to a person's entitlement to compensation for loss of employment, or for loss or diminution of emoluments ; or

(*b*) as to the manner of a person's employment or the comparability of his duties ;

"contributory employee", "contributing service", "non-contributing service", "local Act contributor" and "local Act scheme" have the same mean-

(**a**) S.I. 1954/1048 (1954 II, p. 1595).
(**b**) S.I. 1955/1041 (1955 II, p. 1825).
(**c**) S.I. 1954/1059 (1954 II, p. 1632).
(**d**) S.I. 1955/1226 (1955 II, p. 1831).
(**e**) 1948 c. 33.
(**f**) 1953 c. 25.

ings as in the Local Government Superannuation Act 1937(**a**) or, in Scotland, as in the Local Government (Scotland) Act 1937(**b**) ;

"emoluments" means all salary, wages, fees and other payments paid or made to an officer as such for his own use, and also the money value of any apartments, rations or other allowances in kind appertaining to his employment, but does not include payments for overtime which are not a usual incident of his employment, or any allowances payable to him to cover the cost of providing office accommodation or clerical or other assistance, or any travelling or subsistence allowance or other moneys to be spent, or to cover expenses incurred by him for the purposes of his employment ; and

"net emoluments", in relation to any employment, means the annual rate (modified where necessary in accordance with Regulation 42) of the emoluments of that employment less such part of those emoluments as the officer was liable to contribute under a pension scheme, and in relation to any employment which has been lost or the emoluments of which have been diminished, the expression means the annual rate of emoluments as aforesaid immediately before the loss or diminution, as the case may be :

Provided that, where fees or other variable payments were paid to an officer as part of his emoluments during any period immediately preceding the loss or diminution, the amount in respect of fees or other variable payments to be included in the annual rate of emoluments shall be the annual average of the fees or other payments paid to him during the period of five years immediately preceding the loss or diminution, or such other period as the Minister may think reasonable in the circumstances ;

"enactment" means any Act or any instrument made under an Act ;

"local authority" means, in England and Wales, 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 and 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 ; and means, in Scotland, any county council, town council or district council including any joint committee or joint board of such authorities appointed under any enactment, order or scheme ;

"long-term compensation" means compensation payable in accordance with the provisions of Part IV of these Regulations for loss of employment or loss or diminution of emoluments ;

"material date" in relation to any person who has suffered loss of employment or loss or diminution of emoluments means—

(*a*) for the purposes of Regulation 3, the 25th June 1969 ; and

(*b*) for any other purpose of these Regulations, the 1st January 1975 or the date on which the loss or diminution occurred, whichever is the earlier ;

"minimum pensionable age" means, in relation to a pensionable officer, the earliest age at which, under his last relevant pension scheme, he could have become entitled to receive payment of a pension, other than a pension payable in consequence of his redundancy or the termination of his employment in the interests of efficiency or his incapacity to discharge efficiently the duties of his employment by reason of permanent ill-health or infirmity of mind or body ;

(**a**) 1937 c. 68. (**b**) 1937 c. 69.

"the Minister" means the Minister of Transport ;

"national service" means service which is relevant service within the meaning of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951(**a**) and includes service immediately following such service as aforesaid, being service in any of Her Majesty's naval, military or air forces pursuant to a voluntary engagement entered into with the consent of the authority or person under whom an officer held his last relevant employment ;

"normal retiring age" means, in the case of a pensionable officer to whom an age of compulsory retirement applied by virtue of any enactment to which he was subject in the employment which he has lost or the emoluments of which have been diminished or by virtue of the conditions of that employment, that age, and, in any other case, the age of sixty-five years if the officer is a male, or sixty years if the officer is a female ;

"officer" includes the holder of any place, situation or employment and the expression "office" shall be construed accordingly ;

"pensionable officer", in relation to a person who has suffered loss of employment or loss or diminution of emoluments, means a person who immediately before such loss or diminution was subject to a pension scheme;

"pension scheme", in relation to a pensionable officer, means any form of arrangement associated with his employment for the payment of superannuation benefits, whether subsisting by virtue of Act of Parliament, trust, contract or otherwise ; and "last relevant pension scheme", in relation to a pensionable officer, means a pension scheme to which he was subject immediately before suffering loss of employment or loss or diminution of emoluments ;

"reckonable service", in relation to a person, means any period of whole-time or part-time employment in any relevant employment and includes any period of war service or national service undertaken on his ceasing to hold any such employment but does not include employment of which account has been taken, or is required to be taken, in calculating the amount of any superannuation benefit to which he has become entitled ;

"relevant employment" means employment—

(*a*) under the Crown or in the service of a local authority or the Post Office ; or

(*b*) by any authority or body for the purposes of the Crown or of local government in Great Britain ; or

(*c*) under any officer employed as mentioned in paragraph (*a*) or (*b*) of this definition for the purposes of the functions of the employing authority or body ; or

(*d*) preceding any of the foregoing employments which was reckonable for the purposes of the last relevant pension scheme,

but, except as provided in Regulation 7(1) and 13(1), does not include service in the armed forces of the Crown ;

"resettlement compensation" means compensation payable in accordance with Part III of these Regulations for loss of employment ;

"retirement compensation" means compensation payable in accordance with the provisions of Regulation 20, 21, 22 or 23 ;

(**a**) 1951 c. 65.

"tribunal" means a tribunal established under section 12 of the Industrial Training Act 1964(**a**);

"war service" means war service within the meaning of the Local Government Staffs (War Service) Act 1939(**b**), the Teachers Superannuation (War Service) Act 1939(**c**) (or, in Scotland, the Education (Scotland) (War Service Superannuation) Act 1939(**d**)), the Police and Firemen (War Service) Act 1939(**e**) or employment for war purposes within the meaning of the Superannuation Scheme (War Service) Act 1940(**f**) and includes any period of service in the First World War in the armed forces of the Crown or in the forces of the Allied or Associated Powers if such service immediately followed a period of relevant employment and was undertaken either compulsorily or with the permission of the employer in that employment.

(2) (*a*) Where under any provision of these Regulations an annual value is to be assigned to a capital sum or a capital value to an annual amount, the annual or capital value shall be ascertained in accordance with the tables set out in the Schedule to these Regulations in so far as they provide for the particular case.

(*b*) For the purpose of determining the application of the said tables the headings and the note to each table shall be treated as part of the table.

(*c*) Where the said tables do not provide for a case in which an annual value is to be assigned to a capital sum or a capital value to an annual amount, the annual or capital value shall be such as may be agreed between the Minister and the person to whom the capital sum or annual amount is payable.

(3) Unless the context otherwise requires, references in these Regulations to the provisions of any enactment shall be construed as references to those provisions as amended, re-enacted or modified by any subsequent enactment.

(4) References in these Regulations to a numbered Regulation shall, unless the reference is to a regulation of specified regulations, be construed as references to the Regulation bearing that number in these Regulations.

(5) References in any of these Regulations to a numbered paragraph shall, unless the reference is to a paragraph of a specified Regulation, be construed as references to the paragraph bearing that number in the first mentioned Regulation.

(6) The Interpretation Act 1889(**g**) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

PART II

ENTITLEMENT TO COMPENSATION

Persons to whom the Regulations apply

3.—(1) These Regulations shall apply to any person who—

(*a*) was employed immediately before the material date for the whole or for part only of his time—

(i) as an officer of a county council or under such an officer for the purposes of the functions conferred on county councils by the Vehicles (Excise) Act 1962(**h**) or Part II of the Road Traffic Act

(**a**) 1964 c. 16.
(**b**) 1939 c. 94.
(**c**) 1939 c. 95.
(**d**) 1939 c. 96.
(**e**) 1939 c. 103.
(**f**) 1940 c. 26.
(**g**) 1889 c. 63.
(**h**) 1962 c. 13.

1960(a) (which provide for the levying of excise duty on vehicles, the licensing and registration of vehicles and the licensing of drivers) ; or

(ii) as an officer of the Council of the Isles of Scilly or under such an officer for the purposes of the functions relating to the licensing of drivers which are conferred on that council by virtue of the Isles of Scilly Order 1937(b), or

(*b*) would have been so employed at that time but for any national service on which he was then engaged.

(2) In this Regulation "county council" means the council of a county, the Greater London Council, the council of a county borough and the council of a burgh within the meaning of the Local Government Scotland Act 1947(c) containing a population, according to the census for the time being last taken, of or exceeding fifty thousand.

Grounds of entitlement to compensation

4. Subject to the provisions of these Regulations, any person to whom these Regulations apply and who suffers loss of employment or loss or diminution of emoluments which is attributable to section 1 of the Vehicle and Driving Licences Act 1969 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 these Regulations.

National service

5.—(1) Any person to whom these Regulations apply by virtue of Regulation 3(1)(*b*) and who before the expiry of two months after ceasing to be engaged on his national service, or if prevented by sickness or other reasonable cause, as soon as practicable thereafter, gives notice to the Minister that he is available for employment, shall be entitled to have his case considered for the payment of compensation on the ground—

(*a*) if he is not given or offered re-employment in his former office or in any reasonably comparable office (whether in the same or in a different service), of loss of employment ; or

(*b*) if he is so re-employed with diminished emoluments as compared with the emoluments which he would have enjoyed had he continued in his former employment, of diminution of emoluments.

(2) The loss of employment which is the cause of a claim for compensation under paragraph (1)(*a*) shall be treated as having occurred on the earlier of the two following dates, that is to say, the date of the refusal of re-employment or a date one month after the date on which the person gave notice that he was available for employment ; and the person shall be deemed to have been entitled to the emoluments which he would have enjoyed at such earlier date had he continued in his former employment.

PART III

RESETTLEMENT COMPENSATION

Resettlement compensation for loss of employment

6. The Minister shall, subject to the provisions of these Regulations, pay resettlement compensation to any person to whom these Regulations apply and who satisfies the conditions set out in Regulation 7.

(a) 1960 c. 16.
(b) S.R. & O. 1937/783 (Rev. XII, p. 554: 1937, p. 1550).
(c) 1947 c. 43.

Conditions for payment of resettlement compensation

7.—(1) Without prejudice to any other requirement of these Regulations, the conditions for the payment of resettlement compensation to any person are that—

(*a*) he has, not later than ten years after the material date, suffered loss of employment attributable to section 1 of the Vehicle and Driving Licences Act 1969 ;

(*b*) he has not at the date of the loss attained normal retiring age ;

(*c*) he has been for a period beginning three years immediately before the material date and ending on the date when the loss of employment occurred continuously engaged (disregarding breaks not exceeding in the aggregate six months) for the whole or part of his time in relevant employment ; and for this purpose the expression "relevant employment" includes any period of national service immediately following such employment ;

(*d*) he has made a claim for such compensation in accordance with the provisions of Part VII of these Regulations not later than thirteen weeks after the loss of employment which is the cause of his claim ;

(*e*) the loss of employment which is the cause of his claim has occurred for some reason other than misconduct or incapacity to perform such duties as, immediately before the loss, he was performing or might reasonably have been required to perform ; and

(*f*) he has not, subject to paragraph (3), been offered any reasonably comparable employment under the Crown or in the service of a local authority or the Post Office.

(2) In ascertaining for the purposes of this Regulation whether a person has been offered employment which is reasonably comparable with the employment which he has lost, no account shall be taken of the fact that the duties of the employment offered are in relation to a different service from that in connection with which his employment was held or are duties which involve a transfer of his employment from one place to another within Great Britain.

(3) No account shall be taken for the purposes of this Regulation of an offer of employment where the Minister is satisfied—

(*a*) that acceptance would have involved undue hardship to the person, or

(*b*) that he was prevented from accepting the offer by reason of ill-health or other circumstances beyond his control.

Amount of resettlement compensation

8.—(1) The amount of resettlement compensation which may be paid to a person shall, for each week for which such compensation is payable, be a sum ascertained by taking two-thirds of the weekly rate of the net emoluments which that person has lost and deducting therefrom, in addition to the items mentioned in Regulation 33(3) and (4), such of the following items as may be applicable :—

(*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 a dependant); and

(*b*) two-thirds of the net emoluments received by him in respect of such week from work or employment undertaken as a result of the loss of employment.

(2) For the purposes of this Regulation the weekly rate of a person's net emoluments shall be deemed to be seven three hundred and sixty-fifths of those emoluments.

Period for payment of resettlement compensation

9. Subject to the provisions of these Regulations, resettlement compensation shall be payable to a person only in respect of the period of thirteen weeks next succeeding the week in which he lost the employment in respect of which his claim has been made or, in the case of a person who has attained the age of forty-five years, the said thirteen weeks and one additional week for every year of his age after attaining the age of forty-five years and before the date of the loss of employment, subject to a maximum addition of thirteen such weeks.

Additional provisions relating to resettlement compensation

10.—(1) Resettlement compensation shall be payable to a person at intervals equivalent to those at which the emoluments of his employment were previously paid or at such other intervals as may be agreed between the person and the Minister.

(2) Resettlement compensation shall be terminated by the Minister—

(*a*) if without reasonable cause the recipient fails to comply with any of the provisions of Regulation 11, or

(*b*) if on being requested to do so, he fails to satisfy the Minister that, so far as he is able, he is seeking suitable employment.

Claimant for resettlement compensation to furnish particulars of employment

11. Every person claiming or in receipt of resettlement compensation shall (after as well as before the compensation begins to be paid)—

(*a*) forthwith supply the Minister in writing with particulars of any employment which he obtains or of any change in his earnings from any such employment, and

(*b*) if the Minister so requires, so long as he is out of employment and is not receiving sickness or injury benefit, register with the Department of Employment and Productivity.

PART IV

LONG-TERM COMPENSATION FOR LOSS OF EMPLOYMENT OR LOSS OR DIMINUTION OF EMOLUMENTS

Long-term compensation

12. The Minister shall, subject to the provisions of these Regulations, pay long-term compensation to any person to whom these Regulations apply and who satisfies the conditions set out in Regulation 13.

Conditions for payment of long-term compensation

13.—(1) Without prejudice to any other requirement of these Regulations the conditions for the payment of long-term compensation to any person are that—

(*a*) he has, not later than ten years after the material date, suffered loss of employment or loss or diminution of emoluments attributable to section 1 of the Vehicle and Driving Licences Act 1969 ;

(*b*) he has not, save as is provided in Regulation 29, at the date of the loss or diminution attained normal retiring age ;

(*c*) he has been, for a period beginning not less than eight years immediately before the material date and ending on the date when the loss or diminution occurred, continuously engaged (without a break of more than twelve months at any one time) for the whole or part of his time in relevant employment ; and for this purpose the expression "relevant employment" includes any period of national service immediately following such employment ;

(*d*) he has made a claim for such compensation in accordance with the provisions of Part VII of these Regulations not later than two years after the loss or diminution which is the cause of the claim ; and

(*e*) if the cause of the claim for compensation is loss of employment—

(i) the loss has occurred for some reason other than misconduct or incapacity to perform such duties as, immediately before the loss, he was performing or might reasonably have been required to perform ; and

(ii) he has not been offered any reasonably comparable employment under the Crown or in the service of a local authority or the Post Office.

(2) Regulation 7(2) and (3) (which relate to offers of employment) shall apply for the purposes of this Regulation in ascertaining whether a person has been offered reasonably comparable employment.

(3) Claims for long-term compensation for loss of employment shall in all respects be treated as claims for such compensation for the loss of emoluments occasioned thereby and the provisions of these Regulations shall apply to all such claims accordingly.

Factors to be considered in determining payment of long-term compensation

14.—(1) For the purpose of determining the amount (subject to the limits set out in these Regulations) of long-term compensation, if any, payable under these Regulations to any person for loss or diminution of emoluments, the Minister shall have regard to such of the following factors as may be relevant, that is to say—

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

(*b*) the emoluments and other conditions, including security of tenure, whether by law or practice, of any work or employment undertaken by the person as a result of the loss of employment ;

(*c*) the extent to which he has sought suitable employment and the emoluments which he might have acquired by accepting other suitable employment offered to him ;

(*d*) all the other circumstances of his case:

Provided that no account shall be taken of the fact that he entered the employment which he has lost or the emoluments of which have been diminished after 13th November 1968.

(2) In ascertaining for the purposes of paragraph (1)(*c*) whether a person has been offered suitable employment, Regulation 7(3) shall apply as it applies for the purpose of ascertaining whether employment is reasonably comparable with employment which has been lost.

Amount of long-term compensation payable for loss of emoluments

15.—(1) Long-term compensation for loss of emoluments shall, subject to the provisions of these Regulations, be payable until the normal retiring age or death of a person to whom it is payable, whichever first occurs, and shall not exceed a maximum annual sum calculated in accordance with the provisions of paragraphs (2) to (4).

(2) The said maximum annual sum shall, subject as hereinafter provided, be the aggregate of the following sums, namely—

(*a*) for every year of the person's reckonable service, one-sixtieth of the net emoluments which he has lost ; and

(*b*) in the case of a person who has attained the age of forty years at the date of the loss, a sum calculated in accordance with the provisions of paragraph (3) appropriate to his age at that date,

but the said maximum annual sum shall in no case exceed two-thirds of the net emoluments which the person has lost.

(3) The sum referred to in paragraph (2)(*b*) shall be—

(*a*) in the case of a person who has attained the age of forty years but has not attained the age of fifty years at the date of the loss, the following fraction of the net emoluments which he has lost—

(i) where his reckonable service is less than ten years, one-sixtieth for each year of such service after attaining the age of forty years; or

(ii) where his reckonable service amounts to ten years but is less than fifteen years, one-sixtieth for each year of such service after attaining the age of forty years and one additional sixtieth ; or

(iii) where his reckonable service amounts to fifteen years but is less than twenty years, one-sixtieth for each year of such service after attaining the age of forty years and two additional sixtieths ; or

(iv) where his reckonable service amounts to twenty years or more, one-sixtieth for each year of such service after attaining the age of forty years and three additional sixtieths ;

but the sum so calculated shall not in any case exceed one-sixth of the said net emoluments ;

(*b*) in the case of a person who has attained the age of fifty years but has not attained the age of sixty years at the date of the loss, one-sixtieth of the said net emoluments for each year of his reckonable service after attaining the age of forty years, up to a maximum of fifteen such years; and

(*c*) in the case of a person who has attained the age of sixty years at the date of the loss, one-sixtieth of the said net emoluments for each year of his reckonable service after attaining the age of forty-five years.

(4) Where a person has become entitled (whether immediately or prospectively on attaining some greater age) to a superannuation benefit by way of annual amounts under a pension scheme associated with the employment which he has lost, the maximum annual sum referred to in paragraph (1) shall be the maximum sum calculated under paragraphs (2) and (3) as if he had not become so entitled.

(5) Where long-term compensation is payable in respect of any period and resettlement compensation has also been paid in respect of that period, the long-term compensation shall be limited to the amount (if any) by which it exceeds the resettlement compensation paid as aforesaid.

(6) Long-term compensation shall be payable to a person at intervals equivalent to those at which the emoluments of his employment were previously paid or at such other intervals as may be agreed between the person and the Minister.

Long-term compensation for diminution of emoluments

16. Long-term compensation for diminution of emoluments in respect of any employment shall, subject to the provisions of these Regulations, be awarded and paid in accordance with the following provisions :—

(*a*) the compensation shall consist of an annual sum which shall be payable to a person at intervals equivalent to those at which the emoluments of his employment are or were previously paid or at such other intervals as may be agreed between the person and the Minister, and shall, subject to the provisions of these Regulations, be payable until normal retiring age or death, whichever first occurs ; and

(*b*) the said annual sum shall not exceed the maximum annual sum which could have been awarded under Regulation 15 if the person had suffered loss of employment and the loss of emoluments occasioned thereby had been equivalent to the amount of the diminution :

Provided that no compensation shall be payable if the emoluments have been diminished by less than $2\frac{1}{2}$ per cent.

Date from which long-term compensation is to be payable

17.—(1) Long-term compensation shall be payable with effect from the date of the claim or from any earlier date permitted by the succeeding provisions of this Regulation.

(2) Where a claim for long-term compensation is duly made within thirteen weeks of the occurrence of the loss or diminution which is the cause of the claim, the award shall be made retrospective to the date on which the loss or diminution occurred.

(3) Where a claim for long-term compensation is made after the expiry of the period mentioned in paragraph (2), the award may, at the discretion of the Minister, be made retrospective to a date not earlier than thirteen weeks prior to the date on which the claim was made :

Provided that if the Minister is satisfied that the failure to make the claim within the period mentioned in paragraph (2) was due to ill-health or other circumstances beyond the claimant's control, the award may be made retrospective to a date not earlier than that on which the loss or diminution occurred.

PART V

RETIREMENT COMPENSATION AND PAYMENTS ON DEATH

Entitlement to retirement compensation and other payments

18.—(1) The Minister shall, subject to the provisions of these Regulations, pay retirement compensation to any person to whom this Part of these Regulations applies, and shall make the other payments for which provision is made in Regulations 26 to 30.

(2) Save as is provided in Regulation 29, this Part of these Regulations applies to a pensionable officer who satisfies the conditions set out in Regulation 13.

(3) Regulation 14 shall apply in relation to retirement compensation as it applies in relation to long-term compensation.

Additional factors governing payment of retirement compensation

19.—(1) Where retirement compensation is payable under any one of Regulations 20, 21, 22 and 23, such compensation shall not be payable under any other of those Regulations.

(2) If a person has attained the age of forty years at the date on which he lost his employment or suffered a diminution of his emoluments, the Minister in calculating the amount of the retirement compensation payable to him, shall credit him with additional years of service or an additional period of contribution on the following basis, namely—

(*a*) two years, whether or not he had completed any years of service after attaining the age of forty years, and

(*b*) two years for each of the first four completed years of his reckonable service between the date when he attained the age of forty years and the date of the loss or diminution, and

(*c*) one year for each such year of service after the fourth ;

but the additional years of service or period of contribution so credited shall not exceed the shortest of the following periods, namely—

(i) such number of years as, when added to his pensionable service, would amount to the maximum period of such service which would have been reckonable by him had he continued in his employment until attaining normal retiring age, or

(ii) the number of years of his reckonable service, or

(iii) fifteen years ;

and in calculating the amount of any retirement compensation payable to him any period so added shall be aggregated with any years of service or period of contribution entailing reduction of the relevant pension or retiring allowance because of a retirement pension payable under section 30 of the National Insurance Act 1965(**a**).

(3) When retirement compensation is awarded, or when an award is reviewed under Regulation 35, the additional compensation payable in consequence of any years of service or period of contribution credited to a person under paragraph (2) may be reduced or withheld to such an extent as the Minister may think reasonable having regard to the pension scheme (if any) associated with any further employment obtained by him.

(4) If under his last relevant pension scheme the amount of any benefit to which a person might have become entitled could have been increased at the discretion of the authority administering the pension scheme or of any other body, the Minister may increase, to an extent not exceeding that to which his accrued pension, accrued retiring allowance, accrued incapacity pension or accrued incapacity retiring allowance might have been increased or supplemented, the corresponding component of any retirement compensation payable to him ; and in this connection the Minister shall have regard to the terms of any relevant resolutions of the authority or body with regard to the increase of benefits and to the provisions of any enactment protecting the interests of that person.

(5) If under his last relevant pension scheme a person would have been

(a) 1965 c. 51.

entitled to surrender a proportion of any pension which might have become payable to him in favour of his spouse or any dependant, then, if he so desires and informs the Minister by notice in writing accordingly within one month after becoming entitled to retirement compensation under these Regulations, he may surrender a proportion of so much of the said compensation as is payable by way of an annual sum on the like terms and conditions and in consideration of the like payments by the Minister as if the said annual sum were a pension to which he had become entitled under the said pension scheme.

(6) In calculating for the purposes of Regulation 20, 21 or 22 the amount of the annual sum which is equal to a person's accrued pension, no account shall be taken of any reduction falling to be made in that pension by reason of the provisions of any Act relating to National Insurance until the person reaches the age at which under his last relevant pension scheme the pension would have been so reduced.

(7) In paragraph (2) the expression "reckonable service" includes any period of employment of which account has been taken or is required to be taken in calculating the amount of any superannuation benefit to which a person has become entitled under a pension scheme associated with the employment which he has lost or, as the case may be, the employment in which his emoluments were diminished.

Retirement compensation for loss of emoluments payable to pensionable officer on attainment of normal retiring age

20.—(1) Subject to the provisions of these Regulations, when a person to whom this Part of these Regulations applies reaches normal retiring age, the retirement compensation payable to him for loss of emoluments shall be—

(*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 (if any).

(2) Where an annual sum is payable under this Regulation in respect of any period and resettlement compensation is also payable in respect of that period, the said annual sum shall be limited to the amount (if any) by which it exceeds the resettlement compensation so payable as aforesaid.

Retirement compensation payable to pensionable officer on his becoming incapacitated or reaching minimum pensionable age

21.—(1) Where a person to whom this Part of these Regulations applies and who has suffered loss of employment before attaining what would have been his normal retiring age—

(*a*) becomes incapacitated in circumstances in which, if he had continued in the employment which he has lost, he would have become entitled to a pension under his last relevant pension scheme ; or

(*b*) attains the age which, had he continued to serve in the employment which he has lost, would have been his minimum pensionable age,

he shall be entitled on the happening of either event to claim, in lieu of any compensation to which he would otherwise be entitled under these Regulations—

(i) in the case mentioned in sub-paragraph (*a*) of this paragraph, an annual sum equal to the amount of his accrued incapacity pension and a lump sum equal to the amount of his accrued incapacity retiring allowance (if any), and

(ii) in the case mentioned in sub-paragraph (*b*) of this paragraph, an annual sum equal to the amount of his accrued pension and a lump sum equal to the amount of his accrued retiring allowance (if any).

subject however to the conditions specified in paragraph (5).

(2) On receipt of a claim under paragraph (1) the Minister shall consider whether the claimant is a person to whom that paragraph applies, and within thirteen weeks after the date of the receipt of the claim—

(*a*) if he is satisfied that he is not such a person he shall notify him in writing accordingly ; or

(*b*) if he is satisfied that he is such a person he shall assess the amount of compensation payable to him and notify him in writing accordingly,

and any such notification shall, for the purposes of these Regulations, be deemed to be a notification by the Minister of a decision on a claim for compensation.

(3) The Minister may require any person who makes a claim under paragraph (1)(*a*) to submit himself to a medical examination by a registered medical practitioner selected by the Minister, and, if he does so, he shall also offer the person an opportunity of submitting a report from his own medical adviser as a result of an examination by him, and the Minister shall take that report into consideration together with the report of the medical practitioner selected by him.

(4) If a person wishes to receive compensation under this Regulation, he shall so inform the Minister in writing within one month from the receipt of a notification under paragraph (2) or, where the claim has been the subject of an appeal, from the decision of the tribunal thereon ; and the compensation shall be payable as from the date on which the Minister received the claim.

(5) The calculation of compensation under this Regulation shall be subject to the following conditions—

(*a*) where the Minister, by virtue of Regulation 19, has credited the person with additional years of service or an additional period of contribution, no account shall be taken of any additional years or period beyond the number of years which he could have served, had he not lost his employment, before the date on which the claim was received by the Minister; and

(*b*) if, by reason of any provision of the relevant pension scheme for a minimum benefit, the amount of any such pension or retiring allowance is in excess of that attributable to the person's actual service, no account shall be taken of any such additional years or period except to the extent (if any) by which they exceed the number of years represented by the difference between his actual service and the period by reference to which the minimum benefit has been calculated ; and

(*c*) if the number of years by reference to which an accrued incapacity pension or accrued incapacity retiring allowance is to be calculated is less than any minimum number of years of qualifying service prescribed by the relevant pension scheme, the amount of such pension or retiring allowance shall, notwithstanding any minimum benefit prescribed by the pension scheme, not exceed such proportion of such minimum benefit as the number of years of pensionable service bears to the minimum number of years of qualifying service.

Option to take retirement compensation prematurely

22.—(1) If a person to whom this Part of these Regulations applies ha

suffered loss of employment after attaining the age of fifty years and so requests the Minister by notice in writing, he shall be entitled, as from the date on which the Minister receives such notice, to an annual sum equal to the amount of his accrued pension and a lump sum equal to the amount of his accrued retiring allowance (if any), and in that event he shall not be entitled to receive any further payment of long-term compensation after that date :

Provided that—

(i) in calculating the amount of the compensation payable to a person who has given such notice as aforesaid no account shall be taken of any additional years of service or period of contribution credited to him under Regulation 19 ; and

(ii) where the person has claimed long-term compensation the said notice shall be given not later than two years after the decision on the claim or, where the decision has been reviewed under Regulation 35(3), not later than two years after the review, or if there has been more than one such review, after the latest.

(2) Regulation 21(2) shall apply in relation to a notice given under the last foregoing paragraph as it applies to a claim made under paragraph (1) of that Regulation.

(3) Where an annual sum is payable under this Regulation in respect of any period and resettlement compensation is also payable in respect of that period, the said annual sum shall be limited to the amount (if any) by which it exceeds the resettlement compensation so payable as aforesaid.

Retirement compensation for diminution of emoluments

23. Regulations 20 and 21 shall apply to a person to whom this Part of these Regulations applies and who has suffered a diminution of his emoluments, as if he had suffered loss of employment and as if the loss of emoluments occasioned thereby had been equivalent to the amount of the diminution :

Provided that no compensation shall be payable—

(i) if the emoluments have been diminished by less than 2½ per cent.; or

(ii) if the person has continued to pay superannuation contributions as if his emoluments had not been diminished.

Superannuation contributions

24.—(1) A person entitled to retirement compensation under Regulation 20, 21 or 22 shall pay to the Minister an amount equal to any sum which was paid to him by way of return of superannuation contributions, including any interest, after ceasing to be employed, and the Minister may at his request repay that amount to him at any time before he becomes entitled as aforesaid, but if that amount is not paid to the Minister or is repaid by him to the person, the compensation shall be reduced by an annual amount the capital value of which is equal to the amount of the said superannuation contributions.

(2) For the purposes of this Regulation the expression "superannuation contributions" shall include payments made by the person in respect of added years and any additional contributory payments made by him.

Retirement compensation of a person who obtains further pensionable employment

25.—(1) Where a person to whom this Part of these Regulations applies,

after suffering loss of employment or diminution of emoluments, enters employment in which he is subject to a pension scheme and thereafter becomes entitled to reckon for the purposes of that scheme any service or period of contribution which falls to be taken into account for the purpose of assessing the amount of any retirement compensation payable to him, his entitlement to retirement compensation shall be reviewed and no retirement compensation shall be payable in respect of such service or period unless the annual rate of the emoluments to which he was entitled immediately before such loss or diminution exceeds the annual rate on entry of the emoluments of the new employment by more than 2½ per cent. of such first mentioned emoluments, and any retirement compensation so payable to him shall, in so far as it is calculated by reference to remuneration, be calculated by reference to the difference between the said annual rates:

Provided that—

(i) if on entering the new employment a person—

(*a*) becomes a contributory employee or local Act contributor, and

(*b*) becomes entitled to reckon as non-contributing service, or as service at half-length for purposes of a local Act scheme, any service or period of contribution which immediately before the loss of employment or the diminution of emoluments was reckonable as contributing service or a period of contribution, one-half of that service or period shall not be subject to the provisions of this paragraph;

(ii) this paragraph shall not operate to increase the amount of any retirement compensation payable in respect of diminution of emoluments beyond the amount which would have been payable if the person had attained normal retiring age immediately before he ceased to hold the employment in which he suffered the diminution of emoluments.

(2) No retirement compensation shall be payable in the circumstances mentioned in paragraph (1) if the person has continued to pay superannuation contributions as if his emoluments had not been diminished.

Compensation payable to widow or dependants of a claimant

26.—(1) Payments in accordance with this Regulation and Regulations 27 and 28 shall be made to or for the benefit of the widow, child or other dependant or to the personal representatives of a person to whom this Part of these Regulations applies or, as the case may be, to trustees empowered by such a person to stand possessed of any benefit under his last relevant pension scheme.

(2) If the widow, child or other dependant of that person might have become entitled but for the loss of his employment to a pension under his last relevant pension scheme, the widow, child or other dependant, as the case may be, shall be entitled to receive—

(*a*) where the pension scheme provides for a prescribed proportion, an annual sum equal to the prescribed proportion of any retirement compensation by way of annual amounts payable to the person under Regulation 20, 21 or 22 immediately before his death or, if he dies before becoming entitled to receive compensation under any of those Regulations, the prescribed proportion of the compensation by way of annual amounts which he would have received under Regulation 21 had he become entitled thereto immediately before his death, and

(*b*) where the pension scheme does not provide for a prescribed proportion such an annual sum as is provided by paragraph (3):

Provided that—

(i) where any retirement compensation has been surrendered under Regulation 19(5) or compounded under Regulation 36, any sum payable under sub-paragraph (*a*) shall be calculated as if such surrender or compounding had not taken place, and

(ii) in calculating the sum payable under sub-paragraph (*a*) it shall be assumed that the retirement compensation payable, or which would have been payable, to a person under Regulation 20, 21 or 22 had been such sum as would have been payable if the accrued pension or accrued incapacity pension had not been reduced by reason of the provisions of any Act relating to National Insurance.

(3) The sum mentioned in paragraph (2)(*b*) shall be an annual sum equal to the annual amount of the pension (calculated in the manner specified in paragraph (4)) to which the widow, child or other dependant of the person in question would have become entitled if he had died immediately before the date on which he suffered the loss of employment, having then complied with any requirements of the last relevant pension scheme as to a minimum period of qualifying service or contribution and completed any additional contributory payments or payments in respect of added years which he was then in the course of making.

(4) The calculation referred to in paragraph (3) shall be made on the basis of the method prescribed by the last relevant pension scheme of the person in question for the calculation of benefits for a widow, child or other dependant and in so far as the age at which he died is relevant for the purposes of the said calculation, the date on which he died shall be taken to be the actual date of his death, the provisions of paragraph (3) to the contrary notwithstanding.

(5) Any annual sum payable to or for the benefit of a widow, child or other dependant under this Regulation shall cease to be payable in any circumstances in which a corresponding pension under the last relevant pension scheme would have ceased to be payable; and where that scheme provides for payment of the pension to any person on behalf of a child or other dependant, any annual sum payable under this Regulation to a child or other dependant shall be paid to that person on behalf of the child or dependant in the like manner and for the like period as is provided in the pension scheme.

(6) Except where the compensation has been reduced under Regulation 24, compensation payable under this Regulation and Regulation 27 shall in the aggregate be reduced by an amount the capital value whereof is equal to the amount of any superannuation contributions as defined in Regulation 24(2) returned to the person in respect of whom the compensation is payable and either not paid to the Minister or repaid to that person by the Minister, the compensation under each such Regulation being reduced in proportion to the capital value of each amount.

(7) If the person in question suffered a diminution of emoluments, then

(*a*) where his last relevant pension scheme provides for a prescribed proportion, the provisions of paragraph (2)(*a*) shall apply with the substitution of references to diminution of emoluments for references to loss of employment, and the annual sum payable to a widow, child or other dependant of such a person shall be calculated as if he had suffered loss of employment and as if the loss of emoluments occasioned thereby had been equivalent to the amount of the diminution:

Provided that no sum shall be payable under this sub-paragraph—

(i) if the emoluments have been diminished by less than 2½ per cent; or

(ii) if the person had continued to pay superannuation contributions as if his emoluments had not been diminished; and

(*b*) where the said scheme does not provide for a prescribed proportion, the provisions of paragraph (2)(*b*) and of Regulation 33(4)(*a*) shall apply with the substitution of references to diminution of emoluments for the references to loss of employment and of a reference to employment in which he has suffered such a diminution for the reference to employment which he has lost:

Provided that no sum shall be payable under this sub-paragraph if the sum calculated thereunder amounts to less than 2½ per cent of such sum as would have been payable had the person in question suffered a loss of employment instead of a diminution of emoluments.

(8) In this Regulation "prescribed proportion" means the proportion which, by the provisions contained in the last relevant pension scheme of a person to whom this Part of these Regulations applies, the pension payable to his widow, child or other dependant is to bear to that person's pension.

Compensation where death grant would have been payable

27.—(1) If the widow, the personal representatives of a person to whom this Part of these Regulations applies or trustees empowered by such a person to stand possessed of any benefit under his last relevant pension scheme, might have become entitled to a death grant under that scheme, she or they, as the case may be, shall be entitled to receive a sum calculated in accordance with the provisions of Regulation 26(6) and paragraph (2) of this Regulation.

(2) The amount of the sum referred to in paragraph (1) shall be ascertained in accordance with the method of calculation prescribed by the last relevant pension scheme for the ascertainment of death grant as if the person had died immediately before losing his employment, subject to the following modifications—

(*a*) except where the person had been in receipt of retirement compensation under Regulation 22, account shall be taken of any additional years of service or period of contribution credited to him under Regulation 19(2)—

(i) in the case of a person who had been in receipt of retirement compensation under Regulation 21, to the extent of the period between the loss of employment and the date of the claim made under that Regulation; and

(ii) in any other case, to the extent of the period between the loss of employment and the person's death;

(*b*) if the number of years of the person's service or period of contribution is less than the minimum number of years of qualifying service or period 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 person's pensionable service or period of contribution bears to the minimum number of years of qualifying service or period prescribed by the pension scheme; and

(*c*) there shall be deducted from such sum the amount of any retirement compensation paid to the person under Regulations 20, 21 or 22, or, where any part of the compensation had been surrendered under Regulation 19(5), the amount which would have been so paid but for any such surrender.

(3) For the purpose of calculating such death grant, an annual sum payable under either paragraph (2)(*a*) or paragraph 7(*a*) of Regulation 26 to or for the benefit of the widow, child or dependant shall be deemed to be a pension payable to or for the benefit of the widow, child or dependant, as the case may be.

(4) This Regulation shall apply in the case of a person who has suffered a diminution of emoluments with the substitution of references to diminution of emoluments for references to loss of employment, and the sum payable to the widow, personal representatives or trustees of such a person shall be calculated as if he had lost emoluments equivalent to the amount of the diminution;

Provided that no sum shall be payable under this paragraph—

(i) if the emoluments have been diminished by less than 2½ per cent; or

(ii) if the person has continued to pay superannuation contributions as if his emoluments had not been diminished.

Balance payable to claimant's widow or personal representatives

28.—(1) If no annual sum is payable to the widow, child or other dependant of any person under Regulation 26(2)(*a*) or (7)(*a*) and no sum is payable under Regulation 27 and the person dies before he has received in the aggregate by way of retirement compensation a sum equivalent to the amount of any contributions repaid by him under Regulation 24, together with compound interest thereon calculated at the rate of 3 per cent. per annum with half-yearly rests up to the date of his death as from the 1st April or the 1st October following the half year in which the amount was paid, there shall be paid to his personal representatives the difference between the aggregate amount received by way of retirement compensation as aforesaid and the said equivalent sum.

(2) If an annual sum becomes payable to a widow under either paragraph (2)(*a*) or paragraph (7)(*a*) of Regulation 26 and on her re-marriage or death the sum ceases to be payable, and any sum payable to a child or other dependant under either of those paragraphs has ceased to be payable, and if the aggregate amount of the payments which were made as aforesaid to her husband by way of retirement compensation and to the widow, personal representatives or trustees under Regulation 27 is less than a sum equivalent to the amount which would have been payable to the personal representatives under that Regulation if no annual sum had been payable under either of the said paragraphs (2)(*a*) or (7)(*a*), there shall be paid to her or her personal representatives the difference between such aggregate amount and the said equivalent sum.

(3) For the purposes of this Regulation a person who has surrendered any part of his retirement compensation under Regulation 19(5) 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.

Compensation payable to non-pensionable officer on reaching retiring age

29.—(1) Where a person who is not a pensionable officer is receiving long-term compensation for loss of employment and attains normal retiring age, the Minister may, if satisfied that the person would, but for the loss, have continued in the employment he has lost for a substantial period beyond that age, continue to pay compensation to him for the remainder of his life at half its former rate.

(2) Where a person who is not a pensionable officer suffers loss of employment on or after attaining normal retiring age, the Minister may, if satisfied that the person would in the normal course have continued in the employment

he has lost for a further substantial period, pay compensation to him for the remainder of his life at half the rate to which he would have been entitled under Regulation 15 had he not attained normal retiring age at the date on which he lost his employment.

Persons subject to policy schemes

30.—(1) Regulations 20, 21, 22, 23 and 27 shall not apply to a person (in this Regulation referred to as a "policy scheme participant") 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 a policy scheme participant has lost his employment, the Minister may, if the relevant scheme so permits, make such payments to or in respect of him, whether by way of the payments of premiums or otherwise, as are actuarially equivalent to the amounts by which his retirement compensation might have been increased under Regulation 19(2) or (4) had he been a person to whom Regulation 20, 21 or 22 applied.

(3) If a policy scheme participant has suffered a diminution of his emoluments, the Minister 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 to him the like benefits as if his emoluments had not been diminished.

(4) If a policy scheme participant becomes entitled to a benefit under such a scheme as is mentioned in paragraph (1) before reaching normal retiring age, the Minister may reduce any long-term compensation payable to him by the amount of such benefit.

Intervals for payment of compensation under Part V

31. Any compensation awarded as an annual sum under this Part of these Regulations to or in respect of any person shall be payable at intervals equivalent to those at which the corresponding benefit would have been payable under the person's last relevant pension scheme or at such other intervals as may be agreed between the person entitled to receive the compensation and the Minister.

PART VI

ADJUSTMENT, REVIEW AND COMPOUNDING OF COMPENSATION

Adjustment of compensation where superannuation benefit is also payable

32.—(1) Where any period of service of which account was taken in calculating the amount of any compensation payable under Part IV or V of these Regulations is subsequently taken into account for the purpose of calculating the amount of any superannuation benefit payable to or in respect of any person in accordance with a pension scheme associated with any employment undertaken subsequent to the loss of employment or diminution of emoluments which was the subject of the claim for compensation, the Minister may in accordance with this Regulation withhold or reduce the compensation payable in respect of any period for which such superannuation benefit is being received.

(2) If the part of any superannuation benefit by way of annual amounts which is attributable to a period of service mentioned in paragraph (1) equals or exceeds the part of any compensation by way of annual amounts which is

attributable to the same period, that part of the compensation may be withheld, or, if such part of the superannuation benefit is less than such part of the compensation, the compensation may be reduced by an amount not exceeding such part of the superannuation benefit.

(3) In the case of a death benefit payable in respect of any person, the sum payable under Regulation 27 may be reduced by an amount not greater than the proportion of the death benefit which the period of service mentioned in paragraph (1) bears to the total period of service of which account was taken in the calculation of the death benefit.

(4) In addition to any reduction authorised by paragraph (2) or (3), if, in the circumstances mentioned in paragraph (1), compensation by way of annual amounts is attributable in part to any provision of the relevant pension scheme for a minimum benefit, the compensation may be reduced by an amount not exceeding that part.

(5) Where any additional years of service or period of contribution have been credited to a person under Regulation 19(2), if the number of such years or such period is equal to or less than the period spent in the subsequent employment mentioned in paragraph (1), the compensation by way of annual amounts may be reduced (in addition to any other reduction authorised by this Regulation) by an amount not exceeding that attributable to the additional years or period so credited or, if the number of such years or such period is greater than the period spent in the subsequent employment, by such proportion of that amount as the period spent in the subsequent employment bears to the number of additional years or the period so credited.

(6) Where compensation has been calculated in accordance with Regulation 25, the provisions of this Regulation shall only apply—

(*a*) in relation to such part (if any) of the superannuation benefit as is attributable to annual emoluments in excess of those to which the person was entitled on entering the new employment referred to in Regulation 25, and

(*b*) in relation to any non-contributing service which becomes reckonable as contributing service pursuant to section 2 of the Local Government Superannuation Act 1953.

(7) Where compensation is payable in respect of diminution of emoluments, the provisions of this Regulation shall apply only in relation to such part (if any) of the superannuation benefit as is attributable to annual emoluments in excess of those to which the person was entitled immediately prior to the diminution.

Reduction of compensation in certain cases

33.—(1) If under a person's last relevant pension scheme any benefit for which the scheme provided would have been subject to reduction or suspension on his taking up other specified employment, any retirement compensation to which he is entitled for loss of employment or diminution of emoluments shall, where such employment is taken up, be reduced or suspended in the like manner and to the like extent:

Provided that in calculating the amount of the reduction there shall be aggregated with the emoluments of the employment taken up the amount of any superannuation benefit by way of annual amounts payable to the person under a pension scheme associated with the employment which he has lost or, as the case may be, the employment in which the emoluments were diminished.

(2) There shall be deducted from the retirement compensation payable to

any person any additional contributory payments remaining unpaid at the date when he suffered loss of employment; and any such payments not recovered at the date of his death shall be deducted from any compensation payable in respect of that person under Regulation 26, 27 or 28(2).

(3) Where a person is entitled to compensation under these Regulations and the circumstances are such that he is also entitled to—

(*a*) a redundancy payment under the Redundancy Payments Act 1965**(a)**, or

(*b*) any similar payment in consequence of the loss of his employment under any contract or arrangement with the authority by whom he was employed (other than payments by way of a return of contributions under a pension scheme), or

(*c*) any payment under or by virtue of the provisions of any enactment relating to the reinstatement in civil employment of persons who have been in the service of the Crown,

the compensation which would, apart from this paragraph, become due to the person, whether by instalments or lump sum or both, shall in the aggregate be reduced by the amount of the payments referred to in this paragraph.

(4) Where compensation under these Regulations is payable to or in respect of any person, and that person or his widow, child or other dependant or his personal representatives or trustees such as are mentioned in Regulation 27(1) is or are also entitled (whether immediately or on the person's attaining some greater age) to a superannuation benefit under a pension scheme associated with the employment which he has lost—

(*a*) any instalment of such compensation which is payable in respect of any period shall be reduced by the amount of the instalment of such superannuation benefit which is payable in respect of the same period; and

(*b*) any such compensation which is payable as a lump sum shall be reduced by the amount of any lump sum superannuation benefit.

(5) For the purposes of paragraph (4) no account shall be taken of any sum payable in consequence of the surrender by any person of part of his superannuation benefit under any provision in that behalf in the relevant pension scheme with a view to obtaining or increasing allowances for his widow, child or other dependant; and the person shall be deemed to have received during any period the amount of superannuation benefit which he would have received but for any such surrender.

(6) 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 and the weekly rate at which the long-term compensation would be payable but for this Regulation 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—

(a) 1965 c. 62.

(i) an equivalent sum is deducted from the emoluments of his current employment, and

(ii) such deduction from those emoluments has not occasioned an increase in his long-term compensation.

(7) In paragraph (6) the expression "weekly rate" means seven three hundred and sixty-fifths of the relevant annual rate.

Notification of change of circumstances

34. Where—

(*a*) a pensionable officer after suffering loss of employment or diminution of emoluments enters any employment referred to in Regulation 25 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 or the Post Office's 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, or ceases to hold such employment, or receives any increase in his remuneration in such employment, or

(*d*) a person entitled to long-term compensation starts to receive any benefit, any increase in benefit or any further benefit under any Act relating to National Insurance,

he shall forthwith inform the Minister in writing of that fact.

Review of awards of long-term or retirement compensation

35.—(1) The Minister shall, within a period of two years after the date on which any decision on a claim for long-term or retirement compensation for loss of employment (other than compensation payable under Regulation 22) is notified to a claimant under Regulation 37, or within such longer period as is specified in the subsequent provisions of this Regulation, and at intervals of not more than six months, review his decision or, where the claim has been the subject of an appeal, the decision of the tribunal, and these Regulations shall apply in relation to any such review as they apply in relation to the initial determination of the claim; and on such review, in the light of any material change in the circumstances of the case, compensation may be awarded, or compensation previously awarded may be increased, reduced or discontinued, subject to the limits set out in these Regulations.

(2) The person to whom the decision relates may require the Minister to carry out the review mentioned in paragraph (1) at any time within the period of two years mentioned in that paragraph if he considers that there has been a change in the circumstances of his case which is material for the purposes of these Regulations.

(3) The Minister shall carry out a review in accordance with paragraph (1), notwithstanding the expiration of the period mentioned in that paragraph, if—

(*a*) the emoluments of employment or work undertaken as a result of the loss of employment were taken into account in determining the amount of any compensation awarded, and

(*b*) such employment or work has been lost or the emoluments thereof reduced, otherwise than by reason of misconduct or incapacity to perform such duties as the person might reasonably have been required to perform, and

(*c*) the Minister is satisfied that such loss or reduction is causing him hardship,

and where any decision is so reviewed, the decision shall be subject to further review in accordance with paragraph (1) as if the review carried out under this paragraph had been the initial determination of the claim.

(4) Paragraphs (1) and (2) shall apply in relation to any decision on a claim for long-term or retirement compensation in respect of diminution of emoluments as they apply in relation to any decision mentioned in paragraph (1):

Provided that—

(i) where the person to whom the decision relates ceases to hold the employment in which his emoluments were diminished, a review shall be held within three months after that date, but no further review shall be held after the expiry of that period, and

(ii) while that person continues to hold that employment, there shall be no limit to the period within which a review may take place.

(5) Notwithstanding anything contained in the foregoing provisions of this Regulation, the Minister shall review a decision (whether his or the tribunal's) on a claim for long-term compensation for loss of employment or diminution of emoluments after the expiration of any period within which a review is required to be made if at any time—

(*a*) the person to whom the decision relates becomes engaged in employment (hereinafter referred to as his "current employment") the remuneration whereof is payable out of public or the Post Office's funds and which he has undertaken subsequent to the loss or diminution, and

(*b*) the aggregate of the net emoluments of his current employment, any superannuation benefit by way of annual amounts payable to him in respect of the employment which he has lost or the employment in which his emoluments have been diminished and the long-term compensation payable to him exceeds the net emoluments of the employment which he has lost or, as the case may be, in which the emoluments have been diminished.

(6) The Minister shall further review any decision reviewed under paragraph (5) whenever the net emoluments of the person's current employment are increased.

(7) If on any review under paragraph (5) or (6) the compensation is reduced, it shall not be reduced below the amount by which the net emoluments of the person's current employment, together with any superannuation benefit by way of annual amounts payable to him in respect of the employment which he has lost or the employment in which his emoluments have been diminished, falls short of the net emoluments of the employment he has lost or, as the case may be, in which the emoluments have been diminished.

(8) The Minister shall give to a person to whom a decision relates not less than fourteen days' notice of any review of that decision to be carried out under this Regulation unless the review is carried out at that person's request.

(9) Nothing in this Regulation shall preclude the making of any adjustment of compensation required by Regulation 32 or 33.

Compounding of awards

36.—(1) In a case where an annual sum which has been or might be awarded under these Regulations does not exceed £26, the Minister may, at his discretion, compound his liability in respect thereof by paying a lump sum equivalent to the capital value of the annual sum and, if any lump sum payment has been or might be awarded in addition to such annual sum under Regulation 20, 21, 22 or 23, the Minister may likewise discharge his liability in respect thereof by an immediate payment.

(2) In any other case, if the person who has been awarded long-term or retirement compensation requests him to do so, the Minister may, after having regard to the state of health of that person and the other circumstances of the case, compound up to one quarter of his liability to make payments under the award (other than payments to a widow, child or other dependant under Regulation 26) by the payment of an equivalent amount as a lump sum or, where any compensation has been awarded as a lump sum, by increasing that compensation to such equivalent amount; and in calculating for this purpose the liability of the Minister to make such payments, account shall be taken of the annual value of lump sum payments of compensation.

(3) The making of a composition under paragraph (2) in relation to an award of long-term or retirement compensation shall not prevent the subsequent making of a composition under paragraph (1) in relation to that award but subject as aforesaid, not more than one composition may be made in relation to any award.

PART VII

PROCEDURE AND MISCELLANEOUS

Procedure on making claims

37.—(1) Every claim for compensation under these Regulations and every request for a review of an award of long-term or retirement compensation shall be made in accordance with this Regulation.

(2) Every such claim and request shall be made to the Minister in writing, shall set out the grounds on which the claim or request is made and shall state whether any other claim for compensation has been made by the claimant under these Regulations.

(3) Resettlement compensation shall be claimed separately from any other form of compensation claimable under these Regulations.

(4) The Minister shall consider any such claim or request in accordance with the relevant provisions of these Regulations and shall notify the person making the claim or request in writing of his decision—

(*a*) in the case of a claim for resettlement compensation, not later than one month after the receipt of the claim, and

(*b*) in the case of a claim for, or request for the review of an award of compensation under Part IV or V of these Regulations, not later than thirteen weeks after the receipt of the claim or request, and

(*c*) in any other case, as soon as possible after the decision;

but the decision of the Minister shall not be invalidated by reason of the fact that notice of the decision is given after the expiry of the period mentioned in this paragraph.

(5) Every notification of a decision by the Minister (whether granting or refusing compensation or reviewing an award, or otherwise affecting any compensation under these Regulations) shall contain a statement—

(*a*) giving reasons for the decision;

(*b*) showing how any compensation has been calculated and, in particular if the amount is less than the maximum which could have been awarded under these Regulations, showing the factors taken into account in awarding that amount; and

(*c*) directing the attention of the claimant to his right under Regulation 44 if he is aggrieved by the decision, to institute proceedings before a tribunal and giving him the address to which the application instituting such proceedings should be sent.

Claimants to furnish information

38.—(1) Any person claiming or receiving compensation or whose award of compensation is being reviewed shall furnish all such information as the Minister may at any time reasonably require; and he shall verify the same in such manner, including the production of books or of original documents in his possession or control, as may be reasonably so required.

(2) Any such person shall, on receipt of reasonable notice, present himself for interview at such place as the Minister may reasonably require; and any person who attends for interview may, if he so desires, be represented by his adviser.

Procedure on death of claimant

39.—(1) In the event of the death of a claimant or of a person who, if he had survived, could have been a claimant, a claim for compensation under these Regulations may be continued or made, as the case may be, by his personal representatives.

(2) Where any such claim is continued or made as aforesaid by personal representatives, the personal representatives shall, as respects any steps to be taken or thing to be done by them in order to continue or make the claim, be deemed for the purposes of these Regulations to be the person entitled to claim, but, save as aforesaid, the person in whose right they continue or make the claim shall be deemed for the purposes of these Regulations to be such person, and the relevant provisions of these Regulations shall be construed accordingly:

Provided that the Minister may in any such case extend the period within which a claim is required to be made by Regulation 7 or 13.

Calculation of service

40.—(1) For the purpose of determining the amount of any compensation payable in respect of the loss of an office to which, or of any two or more offices to which in the aggregate, a person devoted substantially the whole of his time, any previous period of part-time employment shall be treated as though it were whole-time employment for a proportionately reduced period.

(2) For the purpose of making any calculation under these Regulations in respect of a person's reckonable service, all periods of such service shall be aggregated and, except where reference is made to completed years of service, if the aggregated service includes a fraction of a year, that fraction shall, if it equals or exceeds six months, be treated as a year, and shall in any other case be disregarded.

Emoluments of part-time employments

41. In ascertaining for the purposes of these Regulations whether, and how far, the remuneration of alternative employment falls short of emoluments which have been lost where those emoluments were payable in respect of two or more part-time employments, the remuneration of the alternative employment or of the aggregate of two or more such employments shall be apportioned in the proportion which the emoluments of the part-time employments bore to each other.

Temporary variation of emoluments

42. 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 loss or diminution, no account shall be taken of any temporary variation in the amount of the person's emoluments which is attributable to section 1 of the Vehicle and Driving Licences Act 1969 and which occurs otherwise than in the ordinary course of his employment.

Compensation not assignable

43. Subject to any statutory provision in that behalf, any compensation to which a person becomes entitled under these Regulations shall be paid by the Minister and shall be payable to, or in trust for, the person who is entitled to receive it, and shall not be assignable:

Provided that, without prejudice to any other right of recovery, any compensation paid in error to a person may be recovered by the Minister from him by deduction from any compensation payable to him under these Regulations.

Right of appeal from decision of Minister

44.—(1) Every person who is aggrieved by any decision of the Minister with respect to a compensation question or by any failure on the part of the Minister to notify him of any such decision within the appropriate time prescribed by these Regulations, may within thirteen weeks of the notification to him of the decision or the expiry of the prescribed time, as the case may be, institute proceedings for the determination of the question by a tribunal in accordance with—

(*a*) in England and Wales, the Industrial Tribunals (Employment and Compensation) Regulations 1967**(a)**; and

(*b*) in Scotland, the Industrial Tribunals (Employment and Compensation) (Scotland) Regulations 1967**(b)**,

and these Regulations; and the tribunal shall determine the question accordingly.

(2) For the purpose of any such proceedings a person or persons may be appointed to sit with the tribunal as assessor or assessors.

(3) The Minister shall give effect to the decision of a tribunal subject to any modifications that may be required in consequence of any appeal from that decision on a point of law.

Given under the Official Seal of the Minister of Transport the 25th February 1970.

(L.S.)

Fred Mulley,
Minister of Transport.

(a) S.I. 1967/361 (1967 I, p. 1205). **(b)** S.I. 1967/362 (1967 I, p. 1220).

Regulation 2(2)

SCHEDULE

TABLE I

Table showing the capital value of an annual amount of £1 payable for life

Age	Capital value of £1 per annum payable for life	
	Female	Male
	£ s. d.	£ s. d.
Under 35	15 11 0	15 3 0
35 and under 40	15 2 0	14 12 0
40 and under 45	14 11 0	13 19 0
45 and under 50	13 18 0	13 2 0
50	13 9 0	12 11 0
51	13 5 0	12 7 0
52	13 2 0	12 3 0
53	12 18 0	11 18 0
54	12 14 0	11 14 0
55	12 10 0	11 9 0
56	12 6 0	11 5 0
57	12 2 0	11 0 0
58	11 18 0	10 15 0
59	11 13 0	10 10 0
60	11 8 0	10 5 0
61	11 4 0	10 0 0
62	10 19 0	9 14 0
63	10 14 0	9 9 0
64	10 8 0	9 3 0
65	10 3 0	8 18 0
66	9 18 0	8 12 0
67	9 12 0	8 7 0
68	9 7 0	8 1 0
69	9 1 0	7 16 0
70	8 15 0	7 10 0

NOTE:—This table is for use in connection with Regulation 36(1) and (2) for the compounding of annual retirement compensation which a person is currently entitled to receive under Regulation 20, 21, 22 or 23. Where the compensation is payable before age 60 (females), 65 (males) but will be reduced on the attainment of that age (in connection with National Insurance pension) the table should be used in conjunction with Table II, i.e. Table II should be used for valuing that part of the compensation which ceases to be payable at 60 (65) and this table should be used for valuing the remainder.

TABLE II

Table showing the capital value of an amount of £1 per annum ceasing at age 60 (females), 65 (males)

Age	Capital Value	
	Female	Male
	£ s. d.	£ s. d.
Under 35	13 8 0	14 2 0
35 and under 40	12 5 0	13 3 0
40 and under 45	10 14 0	11 19 0
45 and under 50	8 13 0	10 8 0
50	7 3 0	9 6 0
51	6 12 0	8 18 0
52	6 0 0	8 9 0
53	5 7 0	7 19 0
54	4 13 0	7 10 0
55	3 18 0	6 19 0
56	3 3 0	6 8 0
57	2 6 0	5 17 0
58	1 9 0	5 4 0
59	10 0	4 11 0
60	—	3 17 0
61	—	3 2 0
62	—	2 6 0
63	—	1 8 0
64	—	10 0

NOTE:—This table is for use in connection with Regulation 36(1) and (2) for the compounding of any part of annual retirement compensation which will cease to be payable on the attainment of age 60 (females), 65 (males). Table I should be used in relation to the remainder of such compensation, i.e. the part which is payable for life—see note on that table.

TABLE III

Table showing the capital value of an annual amount of £1 payable to a widow until death or remarriage

Age of widow at date of widowhood	Capital value of £1 per annum as at date of widowhood	Age of widow at date of widowhood	Capital value of £1 per annum as at date of widowhood
	£ s. d.		£ s. d.
20	6 0 0	45	11 18 0
21	6 0 0	46	12 1 0
22	6 0 0	47	12 3 0
23	6 0 0	48	12 5 0
24	6 0 0	49	12 6 0
25	6 5 0	50	12 6 0
26	6 12 0	51	12 6 0
27	6 19 0	52	12 5 0
28	7 6 0	53	12 4 0
29	7 13 0	54	12 3 0
30	8 0 0	55	12 1 0
31	8 8 0	56	11 19 0
32	8 15 0	57	11 16 0
33	9 2 0	58	11 13 0
34	9 8 0	59	11 10 0
35	9 15 0	60	11 6 0
36	10 1 0	61	11 3 0
37	10 6 0	62	10 19 0
38	10 11 0	63	10 14 0
39	10 16 0	64	10 8 0
40	11 1 0	65	10 3 0
41	11 5 0	66	9 18 0
42	11 9 0	67	9 12 0
43	11 12 0	68	9 7 0
44	11 15 0	69	9 1 0
		70	8 15 0

NOTE:—This table is for use in connection with Regulation 36(1) for compounding annual compensation payable to a widow under Regulation 26. It should also be used, where a reduction of compensation under Regulation 26(6) falls to be apportioned between the compensation payable under that Regulation and under Regulation 27, for ascertaining the capital value of annual compensation to a widow.

TABLE IV

Table showing the annual amount payable for life equivalent in value to a lump sum of £100

Age	Annual sum, payable for life, equal in value to a lump sum of £100	
	Female	Male
	£ s. d.	£ s. d.
Under 35	6 8 7	6 12 0
35 and under 40	6 12 5	6 17 0
40 and under 45	6 17 5	7 3 4
45 and under 50	7 3 11	7 12 8
50	7 8 8	7 19 4
51	7 10 11	8 1 11
52	7 12 8	8 4 7
53	7 15 0	8 8 1
54	7 17 6	8 10 11
55	8 0 0	8 14 8
56	8 2 7	8 17 9
57	8 5 3	9 1 10
58	8 8 1	9 6 0
59	8 11 8	9 10 6
60	8 15 5	9 15 1
61	8 18 7	10 0 0
62	9 2 8	10 6 2
63	9 6 11	10 11 8
64	9 12 4	10 18 7
65	9 17 0	11 4 9
66	10 2 0	11 12 7
67	10 8 4	11 19 6
68	10 13 11	12 8 5
69	11 1 0	12 16 5
70	11 8 7	13 6 8

NOTE:—This table is for use in connection with Regulation 24(1) for ascertaining the annual amount by which retirement compensation under Regulation 20, 21 or 22 is to be reduced where a claimant has not paid to the Minister an amount equal to any sum paid to him by way of superannuation contributions or that amount has been repaid to him by the Minister at his request. It should also be used in connection with Regulation 36(2) for calculating for the purposes of that paragraph the annual value of retirement compensation awarded as a lump sum.

TABLE V

Table showing the annual amount payable to a widow until death or remarriage equivalent in value to a lump sum of £100

Age of widow at date of widowhood	Annual amount equal in value to a lump sum of £100	Age of widow at date of widowhood	Annual amount equal in value to a lump sum of £100
	£ s. d.		£ s. d.
20	16 13 4	45	8 8 1
21	16 13 4	46	8 6 0
22	16 13 4	47	8 4 7
23	16 13 4	48	8 3 3
24	16 13 4	49	8 2 7
25	16 0 0	50	8 2 7
26	15 3 0	51	8 2 7
27	14 7 9	52	8 3 3
28	13 14 0	53	8 3 11
29	13 1 5	54	8 4 7
30	12 10 0	55	8 6 0
31	11 18 1	56	8 7 4
32	11 8 7	57	8 9 6
33	10 19 9	58	8 11 8
34	10 12 9	59	8 13 11
35	10 5 2	60	8 17 0
36	9 19 0	61	8 19 5
37	9 14 2	62	9 2 8
38	9 9 7	63	9 6 11
39	9 5 2	64	9 12 4
40	9 1 0	65	9 17 0
41	8 17 9	66	10 2 0
42	8 14 8	67	10 8 4
43	8 12 5	68	10 13 11
44	8 10 3	69	11 1 0
		70	11 8 7

NOTE:—This table is for use in connection with Regulation 26(6) for ascertaining the annual amount by which compensation to a widow is to be reduced in the circumstances described in that paragraph. If a reduction is required to be apportioned between compensation payable under Regulations 26 and 27, the capital value of annual compensation to a widow should be ascertained by reference to Table III.

TABLE VI

Table showing, according to the outstanding period of long-term compensation, the capital value of each £100 of the total amount of long-term compensation compounded

Outstanding number of complete years of long-term compensation	Capital value of each £100 of the total amount of long-term compensation	
	Female	Male
	£ s. d.	£ s. d.
0	98 8 0	98 4 0
1	95 4 0	94 16 0
2	92 2 0	91 10 0
3	89 4 0	88 6 0
4	86 8 0	85 8 0
5	83 16 0	82 14 0
6	81 6 0	80 2 0
7	78 18 0	77 14 0
8	76 14 0	75 8 0
9	74 12 0	73 4 0
10	72 12 0	71 4 0
11	70 12 0	69 6 0
12	68 16 0	67 10 0
13	67 0 0	65 14 0
14	65 6 0	64 2 0
15	63 14 0	62 10 0
16	62 2 0	61 0 0
17	60 12 0	59 12 0
18	59 4 0	58 4 0
19	57 16 0	56 18 0
20	56 10 0	55 12 0
21	55 4 0	54 8 0
22	54 0 0	53 4 0
23	52 16 0	52 0 0
24	51 12 0	50 18 0
25	50 10 0	49 18 0
26	49 8 0	48 18 0
27	48 8 0	47 18 0
28	47 8 0	46 18 0
29	46 8 0	45 18 0
30	45 10 0	45 0 0

NOTE:—This table is for use in connection with Regulation 36(1) and (2) for compounding awards of long-term compensation under Part IV of these Regulations. The total amount of the annual long-term compensation which is to be compounded must first be calculated, i.e. the amount which the person would receive on account of that compensation or the part of it which is to be compounded, if it were paid until "normal retiring age" (as defined in these Regulations). For each £100 so calculated, the lump sum payment will be the amount shown in the table according to the number of complete years in the period between the date of compounding and "normal retiring age".

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

1. These Regulations, made under section 2 of the Vehicle and Driving Licences Act 1969, provide for the payment of compensation to or in respect of persons who suffer loss of employment or loss or diminution of emoluments which is attributable to section 1 of that Act, which provides for the transfer to the Minister of Transport of local authorities' functions relating to vehicle and driving licences etc.

2. Part I of the Regulations contains definitions. Part II specifies the persons to whom the Regulations apply and the grounds of entitlement to compensation. The Regulations apply to persons employed immediately before 25th June 1969 whole-time or part-time by or on behalf of a local authority for the purposes of the functions mentioned in paragraph 1 of this note and to persons who would have been so employed but for national service.

3. The compensation payable is—

(*a*) resettlement compensation for loss of employment (Part III of the Regulations);

(*b*) long-term compensation for loss of employment or loss or diminution of emoluments (Part IV);

(*c*) retirement compensation for loss of employment or loss or diminution of emoluments (Part V);

(*d*) compensation to the widow, child or other dependant or to the personal representatives of a claimant who was a pensionable officer (Part V).

4. Resettlement compensation is payable for a period not exceeding 26 weeks to officers with at least three years' service in relevant employment. The qualifying conditions and factors to be considered are set out in Regulation 7. The method of calculating the amount of compensation is contained in Regulation 8.

5. Long-term and retirement compensation is payable to officers with at least eight years' service in relevant employment. The qualifying and other conditions are set out in Regulation 13.

6. The method of calculating the maximum amount of long-term compensation is laid down in Regulations 15 (loss of employment) and 16 (diminution of emoluments). This amount is a proportion, not exceeding two-thirds, of the net emoluments lost or of the amount by which emoluments have been diminished, as the case may be. This compensation is payable from a date determined under Regulation 17 and can be payable up to normal retiring age. In the case of a non-pensionable officer, compensation not exceeding one-half of the rate of long-term compensation may be paid beyond normal retiring age (Regulation 29).

7. Retirement compensation payable to a pensionable officer is based upon his accrued pension rights (Regulations 20 and 23) supplemented in the case of persons aged 40 or over at the date of loss by the addition of notional years of service (Regulation 19). Special provision is made for any persons whose pension arrangements are by way of policies of insurance (Regulation 30). Retirement compensation is ordinarily payable from normal retiring age but in certain circumstances is payable earlier (Regulations 21 and 22.)

8. Compensation is payable to the widow, child or other dependant or to the personal representatives or trustees of a claimant who dies where such persons would have benefitted under the relevant pension scheme (Regulations 26 to 28).

9. Part VI of the Regulations provides for long-term and retirement compensation to be reviewed and for awards to be varied in the light of changing circumstances (Regulation 35). It also contains provisions for the adjustment, suspension and compounding of compensation in certain circumstances.

10. Part VII contains provisions relating to the procedure for making claims and notifying decisions, and confers upon a claimant who is aggrieved by a decision on a compensation question or the failure of the Minister of Transport to notify his decision a right to refer the question for determination by a tribunal established under section 12 of the Industrial Training Act 1964.

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