
STATUTORY INSTRUMENTS

1967 No. 80

The Redundant Association Officers
Compensation Regulations 1967

PART IX

REVIEW AND COMPOUNDING OF COMPENSATION

Review of decisions

32.—(1) A decision of the Secretary of State as to eligibility for long term compensation or retirement compensation or as to the amount of such compensation may, subject to the following provisions of this regulation, be reviewed by him from time to time, and as a result of a review of such compensation he may vary his decision.

(2) A person to whom such a decision as is mentioned in paragraph (1) relates may request the Secretary of State to carry out a review under that paragraph if that person considers that there has been a change in the circumstances of his case which is material for the purposes of these regulations.

(3) No review under paragraph (1) of this regulation of a decision on eligibility for long term compensation for loss of employment as an officer of an Association or on the amount of such compensation shall take place more than two years after the initial decision of the Secretary of State thereon has been notified to the person to whom the decision relates except in the cases provided for in the following provisions of this regulation.

(4) No review under paragraph (1) of this regulation of a decision on eligibility for long term compensation for diminution in emoluments as an officer of an Association or on the amount of such compensation shall take place after the person to whom the decision relates ceases to be employed as such an officer except a review which takes into account the circumstances obtaining on that person ceasing to be so employed, and except in the cases provided for in the following provisions of this regulation.

(5) A decision as to the amount of long term compensation for loss of employment as an officer of an Association may be reviewed after the expiration of the period mentioned in paragraph (3) of this regulation if—

- (a) the decision took into account the emoluments of other employment;
- (b) that other employment has been lost by the person to whom the decision relates or its emoluments have been reduced; and
- (c) the Secretary of State is satisfied that the loss or reduction was not by reason of the misconduct or inefficiency of that person, and is causing him hardship.

(6) A decision as to the amount of long term compensation for loss of employment or for diminution in emoluments as an officer of an Association may be reviewed (notwithstanding the expiration of the period mentioned in paragraph (3) of this regulation and notwithstanding the provisions of paragraph (4)) if the person to whom the decision relates is for the time being engaged in employment the remuneration of which is payable out of public funds (including employment as an officer of an Association), and if the aggregate of the net annual emoluments of

that employment and the long term compensation payable to him exceeds the net annual emoluments of the employment as an officer of an Association which he has lost:

Provided that on such a review the long term compensation shall not be reduced below the amount by which the net annual emoluments of the employment in which he is for the time being engaged fall short of the net annual emoluments of the employment as an officer of an Association which he has lost or, as the case may be, the employment as such in which his emoluments were diminished.

(7) Not less than 14 days' notice of a review under this regulation shall be given to the person to whom the decision to be reviewed relates, unless the review is carried out at his request.

(8) Nothing in this regulation shall preclude the making of any adjustment of compensation provided for by Part VIII or Part X of these regulations.

Compounding of awards

33.—(1) In a case where an annual sum which has been or might be paid under these regulations does not exceed £26, the Secretary of State may commute the annual sum by paying a lump sum equivalent to the capital value of the annual sum.

(2) In any other case the Secretary of State may, if a person to whom long term or retirement compensation is payable requests him to do so and the Secretary of State, after having regard to the state of health of that person and the other circumstances of the case, thinks fit, permit the commutation of up to one quarter of the annual sum payable (not being a sum payable to a spouse or dependant under Part VI of these regulations) by the payment of an equivalent amount as a lump sum or, where any compensation is payable as a lump sum, by increasing that compensation to such equivalent amount; and in calculating for this purpose annual sums payable, account shall be taken of the annual value of lump sum payments of compensation.

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

(4) In lieu of paying a person retirement compensation or compensation under Part VI of these regulations the Secretary of State may arrange with the authority administering the relevant pension scheme that sums payable under the scheme to that person shall be increased by an amount equivalent to the amount of the compensation which but for this paragraph would have been payable and may make any payment which may be required to secure the payment of the increase.