

---

STATUTORY RULES OF NORTHERN IRELAND

---

**2001 No. 279**

The Local Government (Discretionary  
Payments) Regulations (Northern Ireland) 2001

Part V

Injury Allowances etc.

**Loss of employment through permanent incapacity**

**33.—(1)** If—

- (a) as a result of anything he was required to do in carrying out his work a person who is employed in a relevant employment—
  - (i) sustains an injury; or
  - (ii) contracts a disease; and
- (b) he ceases to be employed in that or any other relevant employment as a result of an incapacity which is likely to be permanent and was caused by the injury or disease,

he shall be entitled to an annual allowance not exceeding 85 per cent. of his annual rate of remuneration in respect of the employment when he ceased to be employed.

(2) The allowance is to be paid by the relevant employer and, subject to paragraph (1), is to be of such amount as that employer may from time to time determine.

(3) In ascertaining for the purposes of paragraph (1) a person's annual rate of remuneration when he ceased to be employed—

- (a) the annual rate of any fluctuating element included in his remuneration is to be estimated by reference to an average taken over a representative period;
- (b) the annual rate of any benefit in kind included in his remuneration is to be the estimated annual value of the benefit in kind as at the date on which he ceased to be employed;
- (c) if at that date he had no remuneration or his remuneration was reduced because of absence from duty, the annual rate is that which would have applied if he had not been absent;
- (d) if at that date he was entitled to an allowance under regulation 34 by reason of a reduction in his remuneration (whether as a result of the same or another injury or disease), the annual rate is that which would have applied if his remuneration had not been reduced;
- (e) if his remuneration is calculated by reference to a rate which is not annual, the annual rate is to be derived from the applicable rate at that date; and
- (f) if his remuneration is retrospectively altered as a result of a pay award, the annual rate is that based on the award.

(4) The relevant employer may suspend or discontinue the allowance under this regulation if the person becomes capable of working again.