

SCHEDULE

DETERMINATION OF COMPENSATION

II

COMPENSATION FOR LOSS OF EMPLOYMENT

B

ASSESSMENT OF COMPENSATION

Supplementary provisions as to compensation payable to pensionable officer

13.—(1) Where a claimant, after suffering loss of employment, enters employment in which he participates in the benefits of the pension scheme associated with the employment he has lost, or becomes entitled to participate in any other pension scheme, in circumstances in which he is entitled to reckon for the purposes thereof service which falls to be taken into account for the purpose of assessing compensation under paragraph 11 or 12 of this Schedule, no compensation under either of those paragraphs shall be payable unless the amount of the annual rate of the emoluments of the employment he has lost exceeds the amount of the annual rate of the emoluments to which he becomes entitled on entering such employment as aforesaid by more than 5 per cent. of the first-mentioned amount, and any compensation payable thereunder shall be calculated by reference only to the amount of the difference.

(2) If a claimant has unreasonably refused a suitable offer of such employment as is mentioned in the preceding sub-paragraph, he shall be deemed for the purposes of that sub-paragraph to have entered the employment so offered to him.

14. The provisions of paragraphs 11 and 12 of this Schedule shall not apply to a person who had been participating in a scheme for providing superannuation benefits by means of contracts or policies of insurance, and who, on losing his employment, continued to participate in that scheme, or became entitled to a benefit or prospective benefit thereunder other than a return of contributions.

15.—(1) If the claimant was a person in respect of whose service a widow's pension might have become payable under the pension scheme to which he was last subject before losing his employment, then, if he so desires and informs the compensating authority by notice in writing accordingly when making his claim, he may surrender so much of any annual sum which may become payable to him as compensation under paragraphs 11 or 12 of this Schedule as represents the annual value of the contingent right in respect of widow's pension, in consideration of the payment by the compensating authority to the person who as his widow might have become entitled to such widow's pension as aforesaid in the event of her surviving him—

- (a) if he dies before attaining normal retiring age, and without having given a notice pursuant to the provisions of paragraph 11 of this Schedule, of an annual sum equal to the amount of the pension to which she would have become entitled had he, immediately before he died, become entitled to a pension under the pension scheme on grounds of ill-health of an amount equal to the amount of his accrued incapacity pension, less the part thereof surrendered under the provisions of this paragraph and any part thereof surrendered under the provisions of paragraph 17; and
- (b) if he dies on or after attaining normal retiring age, or after giving a notice pursuant to the provisions of paragraph 11 of this Schedule, of an annual sum equal to the amount of the pension to which she would have become entitled in accordance with the method of calculation prescribed by the pension scheme had he, at the date on which he attained

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normal retiring age, or gave the said notice, become entitled to a pension under the pension scheme of an amount equal to the amount of his accrued pension or accrued incapacity pension, as the case may be, less the part thereof surrendered under the provisions of this paragraph and any part thereof surrendered under the provisions of paragraph 17.

(2) In the calculation of the amount of the annual sum payable to a widow under the preceding sub-paragraph, account shall be taken of any additional years of service or additional contributions credited to the claimant under paragraph 20 of this Schedule:

Provided that no account shall be taken of any number of such additional years of service or contributions beyond the number of years which the claimant could have served before his death had he not lost his employment.

(3) Any sum payable to a widow under this paragraph shall cease to be payable or shall be suspended in any circumstances in which a widow's pension under the aforesaid pension scheme would have ceased to be payable or would have been suspended.

16. If under the pension scheme to which he was last subject before losing his employment, the claimant would have been 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 compensating authority in writing accordingly within one month after becoming entitled to compensation under paragraph 11 or 12 of this Schedule, 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 compensating authority as if the said annual sum were a pension to which he had become entitled under the said pension scheme.

17.—(1) If the claimant was a person in respect of whose service a death benefit might have become payable to his legal personal representatives under the pension scheme to which he was last subject before losing his employment, then, if he so desires, and informs the compensating authority in writing accordingly when making his claim, he may surrender so much of any annual sum which may become payable to him as compensation under paragraph 11 or 12 of this Schedule as represents the annual value of the contingent right in respect of the said benefit, in consideration of the payment by the compensating authority to his legal personal representatives—

- (a) if he dies before attaining normal retiring age, and without having given a notice pursuant to the provisions of paragraph 11 of this Schedule, of a sum equal to the amount of any death benefit which would have become payable in accordance with the method of calculation, as modified by the next succeeding paragraph, prescribed by the pension scheme to which he was last subject before losing his employment, had he died immediately before the date on which he lost his employment and complied with any requirement of the said scheme as to a minimum period of qualifying service; or
- (b) if he dies on or after attaining normal retiring age or after giving a notice pursuant to the provisions of paragraph 11 of this Schedule, of a sum equal to the amount of any such death benefit as aforesaid, less a sum equal to the aggregate amount of any payments made to him by way of compensation under paragraph 11 or 12 of this Schedule.

(2) In the calculation of the amount of the sum payable under the preceding sub-paragraph, account shall be taken of any additional years of service or additional contributions credited to the claimant under paragraph 20 of this Schedule:

Provided that no account shall be taken of any number of such additional years of service or contributions beyond the number of years which the claimant could have served before his death had he not lost his employment.

18. For the purposes of these Regulations—

- (a) the amount of any accrued pension or accrued incapacity pension, if the number of years of service by reference to which the pension is to be calculated is less than any

minimum number of years of qualifying service prescribed by the pension scheme, 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; and

- (b) if the amount of any death benefit falls to be ascertained, by virtue of any pension scheme, wholly or partly by reference to the emoluments or average emoluments of a pensionable officer, and the number of years of his pensionable service is less than any minimum number of years of qualifying service prescribed by the pension scheme for the receipt of a death benefit, the said amount shall not exceed such proportion of the emoluments or average emoluments of the officer as the number of years of pensionable service bears to the minimum number of years of qualifying service.

19. If under the pension scheme to which the claimant was last subject before suffering loss of employment the amount of any pension to which he might have become entitled might have been increased at the discretion of the authority administering the pension scheme or of any other body or if under the said pension scheme any additional or supplementary payments might have been made to the claimant on his becoming entitled to a pension, the compensating authority may increase the compensation payable under paragraph 11 or 12 of this Schedule by an annual sum not exceeding the amount by which his accrued incapacity pension or accrued pension might have been increased or the annual value of the payments which might have been made to him by way of addition to or supplementation of his accrued pension.

20. If the claimant had attained the age of forty years at the date on which he lost his employment, the compensating authority in calculating the amount of the compensation payable to him under paragraph 11 or 12 of this Schedule may credit him with additional years of service or additional contributions not exceeding one year of service or one year's contributions for each completed year between the date on which he attained the age of forty years and the date on which he lost his employment, but not in any case exceeding ten years or such number of years as the claimant could have served had he continued in his employment until attaining normal retiring age, whichever is the less.

21. In deciding whether to add any number of years under the last preceding paragraph, the compensating authority shall have regard to the considerations set out in paragraph 8 of this Schedule, and also to the claimant's rights under any pension scheme associated with any employment which he may have obtained in place of the employment he has lost.

22.—(1) If the claimant was such an officer as is mentioned in paragraph 14 of this Schedule, the compensating authority may make such payments to or in respect of him, whether by way of the payment of premiums or otherwise, as are actuarially equivalent to the compensation which could have become payable to him by virtue of paragraph 19 or 20 of this Schedule if he had been a person to whom paragraph 11 or 12 applied.

(2) If the claimant is such an officer as aforesaid, and he becomes entitled to a benefit under such a scheme as is mentioned in paragraph 14 of this Schedule before reaching normal retiring age, the compensating authority may reduce any compensation payable to him under paragraph 9 of this Schedule accordingly.

23.—(1) Compensation shall not be payable or shall cease to be payable under paragraph 11 or 12 of this Schedule to a person who has received any sum by way of a return of contributions under the pension scheme to which he was last subject on his ceasing to be subject thereto, unless forthwith on receiving such sum he pays to the compensating authority an amount equivalent thereto, such amount to be held by the compensating authority subject to the condition that if the pension scheme made no provision for death benefit and he dies before he has received in the aggregate by way of compensation under paragraph 11 or 12 of this Schedule a sum equal to the amount so paid as aforesaid to the compensating authority, together with compound interest thereon, calculated at the

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rate of 2½ per cent. per annum, with half-yearly rests, up to the date of his death, as from the first day of April or the first day of October following the half-year in which the amount was paid, there shall be paid to his legal personal representatives the difference between the aggregate amount received by way of compensation and the said sum:

Provided that—

- (a) if a sum becomes payable to his widow on his death under paragraph 15 of this Schedule and on her re-marriage or death the sum ceases to be payable, and the aggregate amount of the payments which were made to her or her husband under these Regulations is less than a sum equal to the amount so paid to the compensating authority by her husband as aforesaid on account of contributions, after the addition thereto of interest thereon as aforesaid, there shall be paid to her or her legal personal representatives the difference between the aggregate amount of the payments made to her or her husband as aforesaid and the said sum;
- (b) this paragraph shall not apply to a person to whom paragraph 13 of this Schedule applies, and in the event of a claimant becoming such a person after having made a payment under this paragraph, the amount of the sum so paid shall be returned to him by the compensating authority; and
- (c) this paragraph shall not apply to a person who has been an officer on war service to whom Regulation 20 applies, and who received a return of contributions before ceasing to be engaged in war service.

(2) A person to whom paragraph 11 or 12 of this Schedule may become applicable shall on or before the date on which compensation may become payable to him thereunder be entitled, if he so desires and informs the compensating authority in writing accordingly, to receive from the compensating authority in lieu of any such compensation—

- (a) if the person has paid any sum to the compensating authority under sub-paragraph (1) of this paragraph, an amount equivalent thereto, together with interest thereon, calculated in the manner provided by the pension scheme as from the date of payment of the said sum; and
- (b) if the person has not received a return of contributions under the pension scheme, and if, being entitled to such a return he has relinquished that right, an amount equivalent to the amount of such contributions together with interest thereon, calculated in manner provided by the pension scheme;

and any liability of the compensating authority under paragraph 15 or 17 of this Schedule shall cease in the event of his giving such notice as aforesaid.