
STATUTORY INSTRUMENTS

1948 No. 1458

Local Government (Compensation) Regulations 1948

PART III

Officers on War Service on the Material Date

8.—(1) Any person (hereinafter referred to as an “officer on war service”) who is engaged in war service immediately before the material date and who, if he had continued to be employed until the material date in the capacity in which he was employed before becoming engaged in war service, would have been an existing officer, shall be deemed to be an existing officer within the meaning of these regulations, and if at the date on which he ceased to be so employed he was subject to a pension scheme, and his war service or any part thereof would be reckonable for the purposes of that scheme if he again became subject thereto on the termination of his war service, he shall also be deemed to be a pensionable officer within the meaning of these regulations.

(2) The expression “the material date,” in relation to an officer on war service, means the date on which functions of the authority or body by whom he was employed before becoming engaged in war service ceased in consequence of the coming into force of any Part of the Act.

9. Subject to the provisions of the next succeeding regulation, if an officer on war service ceases to be engaged in war service and in consequence of the Act—

- (a) is not given or offered by his former employer re-employment in his former office, or in any reasonably comparable office; or
- (b) is so re-employed with reduced emoluments,

he shall be deemed for the purposes of these regulations, in the former case, to have suffered loss of employment which is attributable to the Act owing to the abolition of his office at the date of the refusal to re-employ him, and, in the latter case, to have suffered diminution of emoluments which is attributable to the Act.

10. No person shall, by virtue of the last preceding regulation, be entitled to have his case considered for compensation for any loss suffered by him by reason of his not being re-employed as therein mentioned unless within a period of two months after the date on which he ceased to be engaged in war service he gives notice in writing that he is available for employment to the authority or body by whom he was employed before becoming engaged in war service or, if that authority or body ceases to exist by virtue of the Act, to the compensating authority in relation to officers of the first mentioned authority or body:

Provided that if the person is prevented from giving notice within the said period by his sickness or other reasonable cause, the notice may be given as soon as reasonably may be after the expiration of that period.

11. For the purpose of ascertaining the net emoluments of a person to whom regulation 9 applies such person shall be deemed to have continued to follow his former employment until the cause of claim arose and to have been entitled to the emoluments thereof.

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12. In relation to a pensionable officer to whom sub-paragraph (a) of regulation 9 applies, the expression “accrued pension” means the pension to which he would have become entitled according to the method of calculation, as modified by paragraph 17 of the schedule to these regulations, prescribed by the pension scheme to which he was subject before becoming engaged in war service, if at the date on which he ceased to be engaged in war service he had been serving in his civil capacity and had attained normal retiring age, having complied with any requirement of the said pension scheme as to a minimum period of qualifying service.