

## SCHEDULE

### PART II

#### Compensation for loss of office

7.—(1) On receipt of a first claim from a claimant for compensation in respect of loss of office, not being a claim for resettlement payment under Part VI of this Schedule, the determining authority shall consider forthwith whether the claimant is a person to whom this Part of this Schedule applies, and, if they consider that he is not such a person, shall so advise him within one month of the receipt of the claim.

(2) This Part of this Schedule applies to a whole-time officer or a part-time officer who, after attaining the age of eighteen years, for the period of eight years immediately preceding the material date continuously (except for breaks not exceeding in the aggregate eighteen months) devoted the whole or part only of his time to the office of clerk of the peace or justices' clerk or to assisting the holder of such an office in the performance of the duties of that office or to any combination of any such offices or employments except in so far as he was engaged on national service or war service undertaken on his ceasing to hold any such office or employment.

8. Unless the determining authority advise the claimant under sub-paragraph (1) of paragraph 7 of this Schedule, they shall, as soon as may be, assess the just amount (if any) of the compensation to be awarded under the succeeding provisions of this Part of this Schedule and notify the claimant and, unless in relation to the claimant they are the paying authority, the paying authority, of their decision.

9. For the purpose of determining whether any compensation under this Part of this Schedule should be awarded to a claimant for loss of office and, if so, the amount of the compensation, the determining authority shall have regard to—

- (a) the conditions upon which he held his office, including in particular its security of tenure, whether by law or by practice;
- (b) the conditions, including security of tenure whether by law or by practice, of any other office to which he may have been appointed in place of the office he has lost; and
- (c) all the other circumstances of his case.

10.—(1) In the case of a whole-time officer to whom this Part of this Schedule applies, compensation under the said Part for loss of office shall be awarded by way of an annual sum payable until normal retiring age which sum shall not exceed a sum calculated as follows, namely:—

for every completed year of the officer's service, one-sixtieth of the net emoluments of the office he has lost; and in addition in the case of an officer who has attained the age of forty-five years at the date of loss, one-sixtieth of the said net emoluments for every completed year of service since he attained that age;

so however that the sum shall not in any case exceed two-thirds of the net emoluments of the office which he has lost.

(2) In computing service for the purposes of this paragraph any service in part-time employment shall be treated as though it were service in whole-time employment for a proportionately reduced period.

- (a) 11. (1) (a) The determining authority shall have discretion to review an award of compensation to a whole-time officer under this Part of this Schedule at intervals of not less than six months and to increase it or decrease it in the light of any change in the circumstances of the case, so however that no review shall, save in exceptional circumstances, be made later than two years after the date of the decision of the

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determining authority under paragraph 8 of this Schedule or, if the matter was referred to the tribunal under Regulation 6 of these Regulations, two years after the date of the decision of the tribunal.

- (b) A whole-time officer may, at intervals of not less than six months, request the determining authority to review an award made to him under this Part of this Schedule if he considers that there has been a material change in the circumstances to which regard was had when the award was made, so however that no such request shall, save in exceptional circumstances, be made later than two years after the date of the decision of the determining authority under paragraph 8 of this Schedule or, if the matter was referred to the tribunal under Regulation 6 of these Regulations, two years after the date of the decision of the tribunal.

(2) The determining authority shall forthwith notify in writing the whole-time officer and, unless in relation to the officer they are the paying authority, the paying authority of their decision on any review under sub-paragraph (1) of this paragraph.

(3) Regulation 6 of these Regulations shall apply to a decision of the determining authority on any review under this paragraph or to the amount of compensation awarded by such decision as it applies to a decision or to the amount of compensation referred to in the said Regulation.

(4) If a whole-time officer to whom compensation is awarded under this Part of this Schedule is appointed to another office within the said period of two years, he shall immediately notify the determining authority in writing of his appointment.

**12.—(1)** In the case of a part-time officer to whom this Part of this Schedule applies, compensation under the said Part for loss of office shall be awarded by way of a lump sum payment which shall not exceed an amount calculated as follows, namely:—

two-fifths of the net emoluments of the office the officer has lost for every completed year of service after the first seven such years and before the officer attains the age of sixty years, but not exceeding a sum equal to twice the net emoluments of the said office, less one-fifth of the said net emoluments for every completed year of service after the officer attains the age of sixty years:

Provided that the lump sum payment awarded under this paragraph shall, in the case of an officer to whom sub-paragraph (2) of this paragraph applies, not be less than the minimum set out in the said sub-paragraph unless the determining authority in the exercise of their discretion under paragraph 9 of this Schedule so determine.

- (2) The minimum lump sum payment shall be—
  - (a) if the officer suffers loss of office after attaining the age of sixty years and before attaining the age of sixty-five years, three-fifths of the net emoluments of the office he has lost;
  - (b) if the officer suffers loss of office after attaining the age of sixty-five years and before attaining the age of sixty-seven years, two-fifths of the net emoluments of the office he has lost;
  - (c) if the officer suffers loss of office after attaining the age of sixty-seven years, one-fifth of the net emoluments of the office he has lost.