

SCHEDULE

PART III

Superannuation provisions

13. Subject as hereinafter provided, a whole-time or part-time pensionable officer who suffers loss of office before attaining normal retiring age shall, on attaining normal retiring age, be entitled to receive the following compensation, namely:—

- (a) an annual sum equal to the amount of his accrued pension; and
- (b) a lump sum equal to the amount of his accrued retiring allowance.

14. Where a whole-time or part-time pensionable officer has been or is, after suffering loss of office, appointed to an office in which he is subject to a pension scheme in circumstances in which he is entitled to reckon for the purposes thereof service or contributions which fall to be taken into account for the purpose of assessing compensation under paragraph 13 of this Schedule, no compensation under that paragraph shall be payable unless the annual rate of the emoluments paid or made to him in respect of the office he has lost immediately before such loss exceeds the annual rate of the emoluments paid or made to him in respect of the office to which he has been or is appointed immediately after the appointment by more than five per cent., and any compensation payable under the said paragraph shall, in so far as it is calculated by reference to remuneration, be calculated by reference to the difference of the said annual rates.

15. If under the pension scheme to which a whole-time or part-time pensionable officer was last subject before suffering loss of office the amount of any pension to which he might have become entitled might have been increased by virtue of the exercise of any discretion conferred by the pension scheme, the determining authority may determine to increase the annual sum payable as compensation under paragraph 13 of this Schedule by an annual sum not exceeding the amount by which his 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.

16. If a whole-time or part-time pensionable officer had attained the age of forty years at the date on which he lost his office, the determining authority in calculating the amount of the compensation payable to him under paragraph 13 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 of service between the date on which he attained the age of forty years and the date on which he lost his office, but not in any case exceeding ten years or such number of years as the officer could have served had he continued in his office until attaining normal retiring age, whichever is the less.

17. In deciding whether to add any number of years under the last preceding paragraph, the determining authority shall have regard to the conditions set out in paragraph 9 of this Schedule and also to the officer's rights under any pension scheme associated with any office to which he may have been appointed after suffering loss of office.

18.—(1) A whole-time or part-time pensionable officer whose accrued pension includes the annual value of a contingent right under the pension scheme to which he was last subject before suffering loss of office in respect of a widow's pension, may, if he so desires and informs the determining authority in writing within one month after attaining normal retiring age, agree to surrender so much of the annual sum payable to him as compensation under paragraph 13 of this Schedule as represents the annual value of any such contingent right in consideration of the paying authority granting to his widow an annual sum equal to one-third of his accrued pension less the part thereof surrendered under the provisions of this paragraph and less the annual value of any contingent right under the said pension scheme in respect of a death grant.

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(2) In calculating the accrued pension for the purposes of this paragraph no account shall be taken of any additional years of service or additional contributions credited under paragraph 16 of this Schedule beyond the number of years which the officer could have served before his death had he not suffered loss of office.

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

19.—(1) A whole-time or part-time pensionable officer whose accrued pension includes the annual value of any contingent right under the pension scheme to which he was last subject before suffering loss of office in respect of a death grant, may, if he so desires and informs the determining authority in writing within one month after attaining normal retiring age, agree to surrender so much of the annual sum payable to him as compensation under paragraph 13 of this Schedule as represents the annual value of any such contingent right in consideration of the paying authority granting to his legal personal representatives a sum equal to the amount of any death grant which would have become payable to them in accordance with the method of calculation prescribed by the pension scheme had he died immediately before suffering the loss of office and completed the minimum number of years of qualifying service or contributions required by the pension scheme less a sum equal to the aggregate amount of any payments made to him under paragraph 13 of this Schedule.

(2) If the amount of any death grant falls to be ascertained by reference to the officer's years of service or contributions, the years of service or contributions shall be deemed to include any additional years of service or contributions credited to the officer under paragraph 16 of this Schedule:

Provided that no account shall be taken of any number of such additional years of service or contributions beyond those which the officer could have served before his death had he not suffered loss of office.

(3) If the number of years of the officer's qualifying service or contributions is less than the minimum number of years of qualifying service or contributions prescribed by the pension scheme for the receipt of a death grant, the said sum shall not exceed such proportion of the death grant calculated as aforesaid as the number of years of the claimant's qualifying service or contributions bears to the minimum number of years of qualifying service or contributions required by the pension scheme.

(4) For the purpose of calculating the said death grant an annual sum payable under paragraph 18 of this Schedule shall be deemed to be a widow's pension.

20. A whole-time or part-time pensionable officer who, under the pension scheme to which he was last subject before suffering loss of office, would have been entitled on becoming entitled to a pension to surrender a part thereof in favour of his spouse or any dependant of his, may, if he so desires and informs the determining authority by notice in writing accordingly within one month after attaining normal retiring age, surrender on the like terms and conditions as on the surrender of part of a pension such part of the annual sum awarded by way of compensation under paragraph 13 of this Schedule, and the paying authority may grant to the spouse or any other dependant of the officer a pension of such value as would be the case were the annual sum a pension to which he had become entitled under the said pension scheme.

21.—(1) Compensation shall not be payable, or shall cease to be payable, under this Part of this Schedule to a whole-time or part-time pensionable officer who has received any sum by way of a return of contributions under the pension scheme to which he was last subject before suffering loss of office unless he pays to the paying authority an amount equivalent to the said sum.

(2) The amount referred to in sub-paragraph (1) of this paragraph shall be held by the paying authority subject to the condition that if no death grant is payable under paragraph 19 of this Schedule

and the officer dies before he has received in the aggregate by way of compensation under this Part of this Schedule a sum equal to the amount so paid to the paying authority, together with compound interest thereon calculated at the rate of three 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—

- (i) this paragraph shall not apply to an officer in whose case paragraph 14 of this Schedule applies and, in the event of an officer 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 paying authority;
- (ii) if an annual sum becomes payable to the widow of such an officer under paragraph 18 of this Schedule and on the sum ceasing to be payable the aggregate amount of the payments which had been made to her or to her husband under this Part of this Schedule was less than the aggregate amount of the sum paid to the paying authority by the husband on account of contributions and the total of the compound interest thereon as aforesaid, the difference between the said aggregate amounts shall be paid to her or to her legal personal representatives and not to her husband's legal personal representatives.

(3) A whole-time or part-time pensionable officer shall, on or before the date on which compensation may become payable to him under this Part of this Schedule, be entitled, if he so desires and informs the determining authority in writing accordingly, to receive from the paying authority in lieu of any such compensation—

- (a) if he has paid any sum to the paying 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 he has not received a return of contributions under the pension scheme to which he was last subject before suffering loss of office 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 the manner provided by the pension scheme,

and any liability of the paying authority under paragraph 18 or 19 of this Schedule shall cease in the event of his giving such notice as aforesaid.

22.—(1) In the case of a whole-time officer receiving compensation for loss of office under Part II of this Schedule who is not a pensionable officer, the determining authority may, on his attaining normal retiring age, if they are satisfied that he would, but for the loss, have continued in the office he has lost for a substantial period beyond that age, determine that he be paid compensation for the remainder of his life at a rate one half of the rate of compensation being paid to him before he attained that age.

(2) In the case of a whole-time officer to whom Part II of this Schedule applies, who is not a pensionable officer, and who suffers loss of office on or after attaining normal retiring age, the determining authority may, if they are satisfied that he would, but for the loss, have continued in the office he has lost for a further substantial period, determine that he be paid compensation for the remainder of his life at a rate one half of the rate of compensation which would have been awarded to him under Part II of this Schedule had he not attained normal retiring age at the date on which he lost his office; and Part II of this Schedule shall apply accordingly for the purpose of determining the said rate of compensation.

(3) The determining authority shall notify the officer and, unless in relation to the claimant they are the paying authority, the paying authority in writing of any determination under this paragraph, and any such notification shall, for the purpose of these Regulations, be deemed to be a notification by the determining authority of the amount of compensation awarded.