

## SCHEDULE

### PART V

#### Miscellaneous

27.—(1) Where a whole-time or part-time officer to whom on attaining normal retiring age compensation by way of an annual sum is payable under Part III or Part IV of this Schedule has become or becomes entitled to a pension in respect of any office the remuneration of which was payable out of public funds and to which he had been appointed after suffering the loss of office or the diminution of emoluments, and in calculating the amount of such pension account is taken of any service or contributions which were taken into account in calculating the compensation payable, then, if the compensation payable after the person becomes so entitled does not exceed such part of the pension as is attributable solely to that service or those contributions, the compensation shall cease to be payable and, if it exceeds such part of the pension as aforesaid, it shall be reduced by an amount equal to that part.

(2) Where the widow of a whole-time or part-time officer to whom an annual sum is payable under paragraph 18 of this Schedule has become or becomes entitled to a widow's pension in respect of any office of her husband the remuneration of which was payable out of public funds and to which he had been appointed after suffering the loss of office or the diminution of emoluments and any part of such widow's pension is attributable to service or contributions of her husband of which account was taken in calculating his accrued pension by reference to which the said annual sum was calculated, then if the said annual sum does not exceed such part of the pension as is attributable solely to that service or those contributions, the said annual sum shall cease to be payable, and, if it exceeds such part of the pension as aforesaid, it shall be reduced by an amount equal to that part.

(3) Where the legal personal representatives of a whole-time or part-time officer to whom a sum is payable on the claimant's death under paragraph 19 of this Schedule have become or become entitled to receive a death grant under a pension scheme associated with any office of the claimant the remuneration of which was payable out of public funds and to which he had been appointed after suffering the loss of office or the diminution of emoluments and as one of the factors in the calculation of the amount of such death grant account fell to be taken of any service or contributions which fell to be taken into account as one of the factors in the calculation of the said sum, the said sum shall be reduced by an amount equal to such proportion of the amount of the death grant as the number of years of service or contributions bears to the total number of years of service or contributions, of which account fell to be taken as aforesaid in the calculation of the death grant.

(4) Where any such compensation, annual sum or sum is reduced in accordance with the foregoing provisions of this paragraph, such compensation, annual sum or sum shall be further reduced by an amount equal to such part thereof (if any) as is attributable to any additional years of service or contributions credited in accordance with paragraph 16 of this Schedule.

(5) This paragraph shall not apply to, or in respect of, a whole-time pensionable officer in whose case paragraph 14 of this Schedule has been applied, except to the extent to which the amount of the pension, widow's pension or death grant to which the officer, his widow or his legal personal representatives has become or becomes entitled as aforesaid is attributable to annual emoluments of a greater amount than the amount of the annual emoluments to which the officer became entitled on being appointed to the office referred to in that paragraph.

(6) This paragraph shall not apply to, or in respect of, a whole-time officer to whom compensation is or was payable for diminution of emoluments and who has become entitled to a pension in respect of an office to which he had been appointed after suffering the diminution of emoluments or whose widow has become entitled to a widow's pension or whose legal personal representatives have become entitled to a death grant in respect of such office except to the extent to which the amount

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of the pension, widow's pension or death grant is attributable to annual emoluments of a greater amount than the amount of the annual emoluments of the officer's former office immediately after their diminution.

**28.**—(1) If a whole-time officer receiving compensation for loss of office under Part II of this Schedule is appointed to another office after suffering the loss of office and the remuneration thereof is payable out of public funds, he shall not, so long as he holds that office, be entitled to receive any greater sum by way of compensation in respect of such loss than would make up the amount (if any) by which the annual rate of the emoluments of that office fall short of the annual rate of the emoluments of the office he has lost immediately before such loss.

(2) If a whole-time officer receiving compensation for diminution of the emoluments of any office loses that office in circumstances in which he does not become entitled to compensation in respect of that loss and thereupon or thereafter he is appointed to another office the remuneration of which is payable out of public funds, he shall not, so long as he holds that office, be entitled to receive any greater sum by way of such compensation than would make up the amount (if any) by which the annual rate of the emoluments of that office fall short of the annual rate of the emoluments of the former office immediately before such diminution.

**29.**—(1) If a person becomes subject to the provisions of either of the two last preceding paragraphs he shall immediately notify the determining authority in writing accordingly.

(2) A person who has become subject to the provisions of the last preceding paragraph shall also notify the determining authority in writing of any increase in the remuneration of the office to which he has been appointed as aforesaid.

**30.** Any part-time pensionable officer who suffers diminution of emoluments may, if he so desires and informs the determining authority by notice in writing within six months after suffering the diminution or of the coming into operation of these Regulations, whichever last occurs, continue his contributions under the pension scheme and continue to have contributions paid in respect of him and be entitled to the benefits thereunder by reference to the amount of his emoluments before they were diminished.

**31.**—(1) Any compensation payable under Part II, or under that Part as applied by Part IV, or under Part VI of this Schedule shall be, or commence to be, payable at the date fixed by the determining authority or the tribunal, as the case may be.

(2) The date fixed may be earlier than the date of the determination by the determining authority or the tribunal, as the case may be:

Provided that—

- (i) in the case of an annual sum awarded to a whole-time officer under Part II of this Schedule to whom resettlement payment has also been awarded the date fixed shall not be earlier than the end of the period for which resettlement payment has been awarded;
- (ii) the date fixed shall not, save in exceptional circumstances, be earlier than thirteen weeks before the date of the receipt of the claim for compensation by the determining authority.