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## STATUTORY INSTRUMENTS

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# 1965 No. 620

## The Probation (Compensation) Regulations 1965

### PART VI

#### ADJUSTMENT, REVIEW AND COMPOUNDING OF COMPENSATION

##### **Adjustment of compensation where superannuation benefit is also payable**

**32.**—(1) Where any period of service of which account was taken in calculating the amount of any compensation payable under Part IV or V of these Regulations is also taken into account for the purpose of calculating the amount of any superannuation benefit payable to or in respect of the officer in accordance with a pension scheme associated with an employment undertaken subsequent to the loss of employment or diminution of emoluments which was the subject of the claim for compensation, the compensating authority may adjust the compensation in accordance with this Regulation by withholding or reducing the amount of compensation payable in respect of any period for which such a superannuation benefit is being received.

(2) If the part of any superannuation benefit by way of annual amounts which is attributable to a period of service mentioned in paragraph (1) of this Regulation equals or exceeds the part of any compensation by way of annual amounts which is attributable to the same period, that part of the compensation may be withheld, but if such part of the superannuation benefit is less than such part of the compensation, the compensation may be reduced by an amount not exceeding such part of the superannuation benefit.

(3) In the case of a death benefit payable to the personal representative of the officer, the sum payable to the personal representative under Regulation 25 of these Regulations may be reduced by an amount not greater than the proportion of the death benefit which the period of service mentioned in paragraph (1) of this Regulation bears to the total period of service of which account was taken in the calculation of the death benefit.

(4) In addition to any reduction authorised by paragraph (2) or (3) of this Regulation, if, in the circumstances mentioned in paragraph (1) of this Regulation, compensation by way of annual amounts is attributable in part to any provision of the relevant pension scheme for a minimum benefit, the compensation may be reduced by an amount not exceeding that part.

(5) Where any additional years of service or period of contribution have been credited to a claimant under Regulation 23(2) of these Regulations, if the number of such years or such period is equal to or less than the period spent in the subsequent employment mentioned in paragraph (1) of this Regulation, the compensation by way of annual amounts may be reduced (in addition to any other reduction authorised by this Regulation) by an amount not exceeding that attributable to the additional years or period so credited, or if the number of such years or such period is greater than the period spent in the subsequent employment, by such proportion of that amount as the period spent in the subsequent employment bears to the number of additional years or the period so credited.

(6) Where compensation has been calculated in accordance with Regulation 22 of these Regulations, the provisions of this Regulation shall apply only in relation to such part (if any) of the superannuation benefit as is attributable to annual emoluments in excess of those to which the officer was entitled on entering the new employment referred to in the said Regulation 22.

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(7) Where compensation is payable in respect of diminution of emoluments, the provisions of this Regulation shall apply only in relation to such part (if any) of the superannuation benefit as is attributable to annual emoluments in excess of those to which the officer was entitled immediately prior to the diminution.