
STATUTORY INSTRUMENTS

1967 No. 80

**The Redundant Association Officers
Compensation Regulations 1967**

PART IV

**LONG TERM COMPENSATION FOR LOSS OF
EMPLOYMENT OR DIMINUTION IN EMOLUMENTS**

Eligibility for long term compensation

12.—(1) Subject to the provisions of these regulations, compensation under this Part of these regulations (referred to in these regulations as “long term compensation”) may be paid to a person who since the coming into force of these regulations has lost employment as an officer of an Association or has suffered a diminution in his emoluments as such an officer if

- (a) in the opinion of the Secretary of State the loss of employment or diminution in emoluments was due to a relevant cause;
- (b) the person had been for a period of not less than eight years immediately preceding the qualifying date continuously engaged (which for the purposes of this regulation means without a break of more than twelve months at any one time) for the whole or part of his time in relevant employment;
- (c) the person had at the date of the loss of employment or commencement of diminution in emoluments not attained normal retiring age;
- (d) the person has made a claim for compensation in accordance with the procedure for making claims set out in Part X of these regulations not later than two years after the loss of employment or commencement of the diminution in emoluments in respect of which the claim is made; and
- (e) in the case of a claim in respect of loss of employment he has not been offered any reasonably comparable employment under the Crown or by an Association.

(2) Regulation 7(2) and (3) of these regulations (which relate to offers of employment) shall apply for the purposes of this regulation as they apply for the purposes of regulation 7.

Factors in determining payment of long term compensation

13.—(1) For the purpose of determining whether compensation should be paid under this Part of these regulations, and if so the amount of the compensation (subject to the limits set out in these regulations), regard shall be had to the following factors, that is to say:—

- (a) the conditions upon which a person claiming compensation for loss of employment held that employment, including in particular its security of tenure, whether by law or by practice;

- (b) the emoluments and other conditions, including security of tenure, whether by law or practice, of any work or employment undertaken by a person claiming compensation for loss of employment since the loss;
- (c) the extent to which a person claiming compensation has sought suitable employment and the emoluments which he might have acquired by accepting other suitable employment offered to him;
- (d) the amount of any compensation recovered by him under or by virtue of the provisions of any enactment relating to the reinstatement in civil employment of persons who have been in the service of the Crown, or payable to him otherwise than under these regulations in respect of the loss or diminution, whether by reason of any service agreement or contract, or otherwise howsoever (not being a payment in respect of which a deduction falls to be made under regulation 27);
- (e) all the other circumstances of his case.

(2) In ascertaining for the purposes of sub-paragraph (c) of the last foregoing paragraph whether a person has been offered suitable employment, regulation 7(3) shall apply as it applies for the purposes of regulation 7.

Long term compensation for loss of employment

14.—(1) Subject to the provisions of these regulations, long term compensation for loss of employment may be paid until the normal retiring age or death of a person to whom it is payable, whichever first occurs, but shall not exceed a maximum annual sum calculated in accordance with the provisions of paragraphs (2), (3) and (4) of this regulation.

(2) The said maximum annual sum shall, subject as hereinafter provided, be the aggregate of the following sums, namely—

- (a) for every year of the reckonable service of the person to whom the compensation is payable, one sixtieth of the net annual emoluments which he has lost; and
- (b) in the case of a person who has attained the age of forty years at the date of the loss, a sum calculated in accordance with the provisions of paragraph (3) of this regulation as being appropriate to his age at that date:

Provided that the said maximum annual sum shall not in any case exceed a sum equivalent to two thirds of the net annual emoluments which he has lost reduced in accordance with paragraph (4) of this regulation.

(3) The sum referred to in sub-paragraph (b) of the last foregoing paragraph shall be—

- (a) in the case of a person who has attained the age of forty years but has not attained the age of fifty years at the date of the loss, the following fraction of the net annual emoluments which he has lost—
 - (i) where his reckonable service is less than ten years, one sixtieth for each year of such service after attaining the age of forty years; or
 - (ii) where his reckonable service amounts to ten years but is less than fifteen years, one sixtieth for each year of such service after attaining the age of forty years and one additional sixtieth; or
 - (iii) where his reckonable service amounts to fifteen years but is less than twenty years, one sixtieth for each year of such service after attaining the age of forty years and two additional sixtieth; or
 - (iv) where his reckonable service amounts to twenty years or more, one sixtieth for each year of such service after attaining the age of forty years and three additional sixtieths;

but the sum so calculated shall not in any case exceed one sixth of the said net annual emoluments;

- (b) in the case of a person who has attained the age of fifty years but has not attained the age of sixty years at the date of the loss, one sixtieth of the said net annual emoluments for each year of his reckonable service after attaining the age of forty years, up to a maximum of fifteen such years; and
- (c) in the case of a person who has attained the age of sixty years at the date of the loss, one sixtieth of the said net annual emoluments for each year of the claimant's reckonable service after attaining the age of forty-five years.

(4) In order to calculate the maximum annual sum referred to in paragraph (1) of this regulation (in addition to deduction from long term compensation for a redundancy payment or for national insurance benefits effected in accordance with regulation 27) the following deductions shall be made from the aggregate of the sums referred to in paragraph (2) of this regulation:—

- (a) a deduction equivalent to the amount of any resettlement compensation paid in respect of a period in respect of which long term compensation under this regulation is also payable; and
- (b) a deduction equivalent to the amount of any payment of pension or other periodic payment under the relevant pension scheme payable in respect of a period in respect of which long term compensation under this regulation is also payable.

Long term compensation for diminution in emoluments

15. Long term compensation for diminution in emoluments may, subject to the provisions of these regulations, be paid until the normal retiring age or death of a person to whom it is payable, whichever first occurs, but shall not exceed the annual sum which bears to the maximum annual sum which could have been awarded to him under regulation 14, if he had suffered loss of employment, the same ratio as the amount by which his net annual emoluments have been diminished bears to his net annual emoluments before diminution, so, however, that no compensation shall be payable under this regulation if this ratio is less than 2½%.

Date from which long term compensation is to be payable

16.—(1) Long term compensation may be paid with effect from the date on which the claim for such compensation is received by the Secretary of State or from such earlier date as is mentioned in the succeeding provisions of this regulation.

(2) Where a claim for long term compensation is submitted within thirteen weeks of the occurrence of the loss or commencement of the diminution which is the subject of the claim, the compensation may be made payable with effect from the date on which the loss occurred or the diminution commenced.

(3) Where a claim for long term compensation is submitted after the expiry of the period mentioned in the last foregoing paragraph, the compensation may be made payable with effect from a date not earlier than thirteen weeks prior to the date on which the claim was received:

Provided that if the Secretary of State is satisfied that the failure to make the claim within the period mentioned in the last foregoing paragraph was due to ill-health or other circumstances beyond the claimant's control the compensation may be made payable with effect from a date not earlier than that on which the loss occurred or the diminution commenced.