
STATUTORY INSTRUMENTS

1967 No. 80

**The Redundant Association Officers
Compensation Regulations 1967**

PART V

RETIREMENT COMPENSATION

Eligibility for Retirement Compensation

17.—(1) Subject to the provisions of these regulations, compensation under this Part of these regulations (referred to in these regulations as “retirement compensation”) may be paid in the cases provided for in the following provisions of this Part to a person who after attaining the age of forty years has lost his employment as a pensionable 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 engaged 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;
- (e) the person has subsequently been granted a pension under the relevant pension scheme either on reaching normal retiring age, or by virtue of any provision of the relevant pension scheme providing for payment of a reduced pension on retirement before that age; and
- (f) the person is a person who in accordance with regulation 18 is deemed to have made further or increased contributions to the relevant pension scheme.

(2) For the purposes of this regulation a lump sum payable to a person under a pension scheme to which he has contributed shall be regarded as a pension.

Notional additional and increased contributions

18.—(1) For the purpose of computing the amount of retirement compensation which may be paid to such a person as is mentioned in regulation 17—

- (a) if he has lost his employment, there shall be deemed to have been made after the loss further contributions to the relevant pension scheme at the rate at which contributions were being made immediately before the loss of employment, or

(b) if he has suffered a diminution in emoluments, the contributions made after the commencement of the diminution shall be deemed to have been increased to the rate at which contributions were being made immediately before the diminution began, for the period specified in the following paragraph of this regulation.

(2) The period for which by virtue of this regulation contributions are deemed to have been made or increased, as the case may be, shall comprise the sum of the following periods—

- (a) two years, whether or not he has completed any years of service after attaining the age of forty years, and
- (b) two years for each of the first four completed years of his reckonable service between the date when he attained the age of forty years and the date of the loss, and
- (c) one year for each such year of service after the fourth;

but shall not exceed the shortest of the following periods, namely—

- (i) such number of years as, when added to his pensionable service, would amount to the maximum period of such service which would have been reckonable by him had he continued in his employment until attaining normal retiring age, or
- (ii) the number of years of his reckonable service, or
- (iii) fifteen years.

(3) When retirement compensation is awarded or when an award is reviewed under regulation 32 the periods specified in paragraph (2) of this regulation may be reduced to such extent as the Secretary of State may think reasonable having regard to the pension scheme (if any) attaching to any further employment obtained by the person to whom the compensation has been awarded.

(4) In this regulation reckonable service includes service in respect of which superannuation benefits have been paid or are immediately payable.

Retirement compensation payable to pensionable officers at normal retiring age

19. The retirement compensation which may be paid to such a person as is mentioned in regulation 17 who has reached normal retiring age without previously having been in receipt of retirement compensation shall be the equivalent of the difference between the pension and the lump sum or either of them paid to him under the relevant pension scheme and the pension and the lump sum or either of them to which he would have been entitled under that scheme if,—

- (a) where retirement compensation is payable by reason of loss of employment, there had been made, in addition to the actual contributions made, the further contributions which, by virtue of regulation 18, are deemed to have been made,
- (b) where retirement compensation is payable by reason of diminution in emoluments, there had been made the increased contributions which, by virtue of that regulation, are deemed to have been made,

subject to any deduction for a redundancy payment effected in accordance with regulation 27.

Retirement compensation payable to pensionable officers before reaching normal retiring age

20.—(1) The retirement compensation which may be paid to such a person as is mentioned in regulation 17 who has been granted a pension before reaching normal retiring age shall be the equivalent of the retirement compensation payable to him on attaining normal retiring age, adjusted

- (a) so that the period during which for the purpose of computing retirement compensation further contributions or increased contributions are deemed to have been made does not

extend beyond the date on which the claim for compensation under this regulation is received by the Secretary of State;

(b) by such a reduction as shall appear to the Secretary of State to be appropriate having regard to the period by which payment of retirement compensation to a person under this regulation precedes his attaining normal retiring age; and

(c) by any reduction for a redundancy payment effected in accordance with regulation 27.

(2) The Secretary of State will notify a person claiming compensation under this regulation whether compensation under this regulation may be paid and if so the amount of such compensation.

(3) Retirement compensation shall not be payable under this regulation to a person unless—

(a) he has submitted a claim to the Secretary of State in writing to be paid retirement compensation under this regulation, and

(b) within one month after receiving a notification by the Secretary of State that retirement compensation under this regulation will be payable and of the amount thereof, he has in writing informed the Secretary of State of his desire to receive that amount as retirement compensation.

(4) Where retirement compensation is payable under this regulation, the first annual sum payable shall be payable in respect of the year beginning on the date on which the Secretary of State received the claim.

(5) Long term compensation shall not be payable to a person in respect of a period in respect of which retirement compensation is payable to him.

Retirement compensation payable to joint pensioners

21.—(1) If, under the relevant pension scheme, a pension is paid to such a person as is mentioned in regulation 17 for the joint lives of himself and his spouse or a dependant, and thereafter to the survivor for his life, retirement compensation may be similarly paid.

(2) Accordingly in such a case regulations 19 and 20 shall have effect as if the references to pensions paid to such a person as is mentioned in regulation 17 were references to joint pensions, and as if references to payment of retirement compensation to such a person were references to payment of retirement compensation in accordance with paragraph (1) of this regulation.