
STATUTORY INSTRUMENTS

1975 No. 1092

The Colleges of Education (Compensation) Regulations 1975

PART VI

ADJUSTMENT, REVIEW AND COMPOUNDING OF COMPENSATION

Reduction of compensation in certain cases

30.—(1) If under a person's last relevant pension scheme any benefit for which the scheme provided would have been subject to reduction or suspension on his taking up other specified employment, any retirement compensation to which he is entitled for loss of employment or diminution of emoluments shall, where such an employment is taken up, be reduced or suspended in the like manner and to the like extent; but in calculating the amount of the reduction there shall be aggregated with the emoluments of the employment taken up the amount of any superannuation benefit by way of annual amounts payable to the person under a pension scheme associated with the employment which he has lost or, as the case may be, the employment in which the emoluments were diminished.

(2) There shall be deducted from the retirement compensation payable to any person any additional contributory payments remaining unpaid at the date when he suffered loss of employment that are not recovered in accordance with the provisions of the last relevant pension scheme; and any additional contributory payments not recovered at the date of his death shall be deducted from any compensation payable in respect of that person under regulation 23, 24 or 25(2).

(3) Where compensation under these regulations is payable to or in respect of any person, and that person or his widow, child or other dependant or his personal representatives or trustees as are mentioned in regulation 24(1) is or are also entitled (whether immediately or on the person's attaining some greater age) to a superannuation benefit under his last relevant pension scheme in respect of any service of which account was taken in calculating the compensation—

- (a) any instalment of that compensation which is payable in respect of any period shall be reduced by the amount of the instalment of such superannuation benefit which is payable in respect of the same period, and
- (b) any of that compensation which is payable under Part IV or Part V of these regulations and which is payable as a lump sum, shall be reduced by the amount of any lump sum superannuation benefit.

(4) For the purposes of paragraph (3), no account shall be taken of any sum payable in consequence of the surrender by any person of part of his superannuation benefit under any provision in that behalf in the relevant pension scheme with a view to obtaining or increasing allowances for his widow, child or other dependant; and the person shall be deemed to have received during any period the amount of superannuation benefit which he would have received but for such a surrender.

(5) Where in any week a person entitled to long-term compensation for loss or diminution of emoluments is also entitled to a National Insurance benefit, there shall be deducted from the long-term compensation payable in respect of that week a sum equal to the amount by which the aggregate of—

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- (a) the National Insurance benefit that would be payable in respect of that week if calculated at the rate applicable at the date of loss or diminution, and
- (b) the weekly rate at which the long-term compensation would be payable but for this regulation,

exceeds two-thirds of the weekly rate of the emoluments of the employment which he has lost or in which the emoluments have been diminished.

- (6) No deduction shall be made under paragraph (5) insofar as—
 - (a) an equivalent sum is deducted from the emoluments of his current employment, and
 - (b) that deduction from those emoluments has not occasioned an increase in his long-term compensation.

(7) In paragraph (5) the expression “weekly rate” means seven 365ths of the relevant annual rate, and the expression “National Insurance benefit” means any unemployment, sickness, invalidity or injury benefit or retirement pension payable under any enactment relating to National Insurance, other than a benefit claimable by him in respect of a dependant.