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STATUTORY INSTRUMENTS

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**1978 No. 1682**

**The Justices of the Peace Act 1949  
(Compensation) Regulations 1978**

**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 office 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 office which he has lost or, as the case may be, the office 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 office 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 for loss of office is payable under these Regulations 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,

and where part of the superannuation benefit is attributable to any additional period of service with which the person was credited under his last relevant pension scheme and—

- (i) that period is equal to or less than any additional period credited to that person under Regulation 17(2) or under Regulation 13(3) deemed to be so credited, the amount of the compensation shall be reduced by that part of the superannuation benefit;
- (ii) that period is greater than any additional period so credited, the amount of the compensation shall be reduced by an amount equal to the amount of the superannuation benefit attributable to a period equal in length to the additional period credited or deemed to be credited under Regulation 17(2).

(4) Where compensation is payable under Part IV of these Regulations to any person and that person is, or becomes entitled to receive a superannuation benefit under a previous pension scheme other than his last relevant pension scheme in respect of service of which account was taken in calculating the compensation 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.

(5) For the purposes of paragraphs (3) and (4) 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 last relevant pension scheme or the previous 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.

(6) 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—

- (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 office which he has lost or in which the emoluments have been diminished.

(7) No deduction shall be made under paragraph (6) 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.

(8) In paragraph (6) 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 or social security, other than a benefit claimable by him in respect of a dependant.