
STATUTORY INSTRUMENTS

1996 No. 1680

**The Local Government (Discretionary
Payments) Regulations 1996**

PART III

COMPENSATION FOR PREMATURE RETIREMENT

Miscellaneous and supplemental

Notification of compensation

27. Before the expiry of the period of one month beginning with the date of—
- (a) the grant of a credited period to any person under regulation 8;
 - (b) the death of a person to whom such an award has been made; or
 - (c) the making of any adjustment affecting the compensation payable to a person in accordance with this Part,

the employing authority shall give that person, or any other person to whom compensation is payable in accordance with this Part, written notification of the compensation payable or, as the case may be, of the adjustment, giving details of the calculation in question.

Information

28.—(1) Where a person who has been granted a credited period under regulation 8 enters or ceases to hold a new employment, before the expiry of the period of one month beginning with the date on which he does so he shall give his employing authority written notification of that fact.

- (2) A person to whom compensation is payable in accordance with this Part shall—
- (a) furnish all such information as the employing authority may at any time reasonably require; and
 - (b) verify that information in such manner, including by the production of documents in his possession or control, as may be reasonably so required.

Payment of compensation

29.—(1) Compensation (other than lump sum compensation) which is payable to a person under this Part shall be payable at intervals equivalent to those at which his pension is payable under the LGPS Regulations (or would have been so payable but for a relevant disqualification and on the relevant assumptions or, as the case may be, the transfer of benefits to another pension scheme), or at such other intervals as may be agreed between him and the paying authority.

(2) Without prejudice to any statutory provision to the contrary, any compensation payable under this Part—

- (a) shall be payable to or in trust for the person entitled to receive the compensation; and

- (b) shall not be assignable or chargeable with his debts or other liabilities.
- (3) Where any compensation under this Part is paid in error to any person (including an overpayment)—
 - (a) he shall as soon as practicable repay it to the paying authority; and
 - (b) the paying authority may recover it from him (including, but without prejudice to any other means of recovery, by deducting it from any compensation payable to or in respect of him under this Part).
- (4) In this regulation “the paying authority” means the authority who, in accordance with regulation 31, pay the compensation.

Interest on sums due under Part III

30.—(1) Where all or part of any sum due under this Part by way of compensation is not paid before the expiry of the relevant period after the date on which it becomes payable, the paying authority shall pay the person to whom the sum is payable interest on the amount remaining unpaid, calculated at one per cent. above base rate on a day to day basis from that date to the date of payment, and compounded with three-monthly rests.

- (2) In paragraph (1) “the relevant period” means—
 - (a) in the case of compensation payable in the form of a lump sum, one month; and
 - (b) in the case of other compensation, one year.

Paying authority

31.—(1) Subject to paragraph (2), compensation payable under this Part shall be paid by the employing authority.

(2) The appropriate authority in relation to any person who is entitled to any compensation under this Part may agree with the employing authority to pay any compensation arising in respect of that person (other than compensation payable in the form of a lump sum) on their behalf, and to recover the amount from them within a period of two months from the payment.

(3) In paragraph (2) the reference to the appropriate authority, in relation to any person, is a reference to the authority who are the administering authority in relation to him for the purposes of the LGPS Regulations or who would be that authority in relation to him but for a relevant disqualification and on the relevant assumptions.