
STATUTORY INSTRUMENTS

1996 No. 1680

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

PART V

INJURY ALLOWANCES ETC.

Considerations in determining amount of benefits

38.—(1) In determining the amount of an allowance under regulation 34 or 35 or of an allowance or a lump sum under regulation 37, the relevant employer is to have regard to all the circumstances of the case, including the matters specified in paragraph (2) (except in so far as they are excluded by paragraph (3)).

(2) The matters mentioned in paragraph (1) are—

- (a) any right to benefit under Part V of the Social Security Contributions and Benefits Act 1992⁽¹⁾;
- (b) any other statutory right to benefit or compensation;
- (c) any right to receive pension benefit (whether payable under an enactment or otherwise); and
- (d) any damages recovered and any sum received by virtue of a contract of insurance.

(3) In the case of an allowance or a lump sum which is payable by virtue of a person having sustained an injury, no regard shall be had—

- (a) to any benefit payable periodically which the person was entitled to be paid before the injury was sustained;
- (b) to any right which accrued before that time; or
- (c) to any damages or sum received by virtue of such a right.

(1) 1992 c. 4.