
STATUTORY INSTRUMENTS

1970 No. 1488

**The Yorkshire Deeds Registries
(Compensation to Officers) Regulations 1970**

PART V

RETIREMENT COMPENSATION AND PAYMENTS ON DEATH

Entitlement to retirement compensation and other payments

17.—(1) The compensating authority shall, subject to the provisions of these Regulations, pay retirement compensation to any person to whom this Part of these Regulations applies, and shall make the other payments for which provision is made in Regulations 25 to 29.

(2) Save as is provided in Regulation 28, this Part of these Regulations applies to a pensionable officer who satisfies the conditions set out in Regulation 12.

(3) Regulation 13 shall apply in relation to retirement compensation as it applies in relation to long-term compensation.

Additional factors governing payment of retirement compensation

18.—(1) Where retirement compensation is payable under any one of Regulations 19, 20, 21 and 22, such compensation shall not be payable under any other of those Regulations.

(2) If a person has attained the age of forty years at the date on which he lost his employment or suffered a diminution of his emoluments, the compensating authority, in calculating the amount of the retirement compensation payable to him, shall credit him with additional years of service or an additional period of contribution on the following basis, namely—

- (a) two years, whether or not he had 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 or diminution, and
- (c) one year for each such year of service after the fourth;

but the additional years of service or periods of contribution so credited 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;

and in calculating the amount of any retirement compensation payable to him any period so added shall be aggregated with any years of service or period of contribution entailing reduction of the

relevant pension or retiring allowance because of a retirement pension payable under section 30 of the National Insurance Act 1965.

(3) When retirement compensation is awarded, or when an award is reviewed under Regulation 34, the additional compensation payable in consequence of any years of service or period of contribution credited to a person under paragraph (2) may be reduced or withheld to such an extent as the compensating authority may think reasonable having regard to the pension scheme (if any) associated with any further employment obtained by him.

(4) If under his last relevant pension scheme the amount of any benefit to which a person might have become entitled could have been increased at the discretion of the authority administering the pension scheme or of any other body, the compensating authority may increase, to an extent not exceeding that to which his accrued pension, accrued retiring allowance, accrued incapacity pension or accrued incapacity retiring allowance might have been increased or supplemented, the corresponding component of any retirement compensation payable to him; and in this connection the compensating authority shall have regard to the terms of any relevant resolutions of the authority or body with regard to the increase of benefits and to the provisions of any enactment protecting the interests of that person.

(5) If under his last relevant pension scheme a person would have been entitled to surrender a proportion of any pension which might have become payable to him in favour of his spouse or any dependent, then, if he so desires and informs the compensating authority by notice in writing accordingly within one month after becoming entitled to retirement compensation under these Regulations, he may surrender a proportion of so much of the said compensation as is payable by way of an annual sum on the like terms and conditions and in consideration of the like payments by the compensating authority as if the said annual sum were a pension to which he had become entitled under the said pension scheme.

(6) In calculating for the purposes of Regulation 19, 20 or 21 the amount of the annual sum which is equal to a person's accrued pension, no account shall be taken of any reduction falling to be made in that pension by reason of the provisions of any Act relating to National Insurance until the person reaches the age at which under his last relevant pension scheme the pension would have been so reduced.

(7) In paragraph (2) the expression "reckonable service" includes any period of employment of which account has been taken or is required to be taken in calculating the amount of any superannuation benefit to which a person has become entitled under a pension scheme associated with the employment which he has lost or, as the case may be, the employment in which his emoluments were diminished.

Retirement compensation for loss of emoluments payable to pensionable officer on attainment of normal retiring age

19.—(1) Subject to the provisions of these Regulations, when a person to whom this Part of these Regulations applies reaches normal retiring age, the retirement compensation payable to him for loss of emoluments shall be—

- (a) an annual sum equal to the amount of his accrued pension, and
- (b) a lump sum equal to the amount of his accrued retiring allowance (if any).

(2) Where an annual sum is payable under this Regulation in respect of any period and resettlement compensation is also payable in respect of that period, the said annual sum shall be limited to the amount (if any) by which it exceeds the resettlement compensation so payable as aforesaid.

Retirement compensation payable to pensionable officer on his becoming incapacitated or reaching minimum pensionable age

20.—(1) Where a person to whom this Part of these Regulations applies and who has suffered loss of employment before attaining what would have been his normal retiring age—

- (a) becomes incapacitated in circumstances in which, if he had continued in the employment which he has lost, he would have become entitled to a pension under his last relevant pension scheme; or
- (b) attains the age which, had he continued to serve in the employment which he has lost, would have been his minimum pensionable age,

he shall be entitled on the happening of either event to claim, in lieu of any compensation to which he would otherwise be entitled under these Regulations—

- (i) in the case mentioned in sub-paragraph (a) of this paragraph, an annual sum equal to the amount of his accrued incapacity pension and a lump sum equal to the amount of his accrued incapacity retiring allowance (if any), and
- (ii) in the case mentioned in sub-paragraph (b) of this paragraph, an annual sum equal to the amount of his accrued pension and a lump sum equal to the amount of his accrued retiring allowance (if any),

subject however to the conditions specified in paragraph (5).

(2) On receipt of a claim under paragraph (1) the compensating authority shall consider whether the claimant is a person to whom that paragraph applies, and within thirteen weeks after the date of the receipt of the claim—

- (a) if they are satisfied that he is not such a person, they shall notify him in writing accordingly; or
- (b) if they are satisfied that he is such a person, they shall assess the amount of compensation payable to him and notify him in writing accordingly,

and any such notification shall, for the purposes of these Regulations, be deemed to be a notification by the authority of a decision on a claim for compensation.

(3) The compensating authority may require any person who makes a claim under paragraph (1) (a) to submit himself to a medical examination by a registered medical practitioner selected by that authority, and, if he does so, they shall also offer the person an opportunity of submitting a report from his own medical adviser as a result of an examination by him, and the authority shall take that report into consideration together with the report of the medical practitioner selected by them.

(4) If a person wishes to receive compensation under this Regulation, he shall so inform the compensating authority in writing within one month from the receipt of a notification under paragraph (2) or, where the claim has been the subject of an appeal, from the decision of the tribunal thereon; and the compensation shall be payable as from the date on which the compensating authority received the claim.

(5) The calculation of compensation under this Regulation shall be subject to the following conditions—

- (a) where the compensating authority, by virtue of Regulation 18, have credited the person with additional years of service or an additional period of contribution, no account shall be taken of any additional years or period beyond the number of years which he could have served, had he not lost his employment, before the date on which the claim was received by the compensating authority; and
- (b) if, by reason of any provision of the relevant pension scheme for a minimum benefit, the amount of any such pension or retiring allowance is in excess of that attributable to the person's actual service, no account shall be taken of any such additional years or period

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except to the extent (if any) by which they exceed the number of years represented by the difference between his actual service and the period by reference to which the minimum benefit has been calculated; and

- (c) if the number of years by reference to which an accrued incapacity pension or accrued incapacity retiring allowance is to be calculated is less than any minimum number of years of qualifying service prescribed by the relevant pension scheme, the amount of such pension or retiring allowance shall, notwithstanding any minimum benefit prescribed by the pension scheme, not exceed such proportion of such minimum benefit as the number of years of pensionable service bears to the minimum number of years of qualifying service.

Option to take retirement compensation prematurely

21.—(1) If a person to whom this Part of these Regulations applies has suffered loss of employment after attaining the age of fifty years and so requests the compensating authority by notice in writing, he shall be entitled, as from the date on which the compensating authority receives such notice, to an annual sum equal to the amount of his accrued pension and a lump sum equal to the amount of his accrued retiring allowance (if any), and in that event he shall not be entitled to receive any further payment of long-term compensation after that date:

Provided that—

- (i) in calculating the amount of the compensation payable to a person who has given such notice as aforesaid no account shall be taken of any additional years of service or period of contribution credited to him under Regulation 18; and
- (ii) where the person has claimed long-term compensation the said notice shall be given not later than two years after the decision on the claim or, where the decision has been reviewed under Regulation 34(3), not later than two years after the review, or if there has been more than one such review, after the latest.

(2) Regulation 20(2) shall apply in relation to a notice given under the last foregoing paragraph as it applies to a claim made under paragraph (1) of that Regulation.

(3) Where an annual sum is payable under this Regulation in respect of any period and resettlement compensation is also payable in respect of that period, the said annual sum shall be limited to the amount (if any) by which it exceeds the resettlement compensation so payable as aforesaid.

Retirement compensation for diminution of emoluments

22.—(1) A person to whom this Part of these Regulations applies and who has suffered a diminution of his emoluments shall be entitled to receive retirement compensation in accordance with the provisions of this Regulation.

(2) The provisions of Regulations 19 and 20 shall apply to any such person as if he had suffered loss of employment immediately before the diminution occurred; but the amount of the retirement compensation payable shall be the amount which would have been payable in respect of loss of employment multiplied by a fraction of which—

- (a) the numerator is the amount by which his emoluments have been diminished, and
- (b) the denominator is the amount of his emoluments immediately before they were diminished.

For the purpose of this calculation no account shall be taken of any reduction which might otherwise fall to be made in the accrued pension or accrued incapacity pension because of a retirement pension payable under section 30 of the National Insurance Act 1965.

(3) No compensation shall be payable under this Regulation—

- (a) if the person's emoluments have been diminished by less than 2½ per cent., or
- (b) if the person had continued to pay superannuation contributions as if his emoluments had not been diminished.

Superannuation contributions

23.—(1) A person entitled to retirement compensation under Regulation 19, 20 or 21 shall pay to the compensating authority an amount equal to any sum which was paid to him by way of return of superannuation contributions, including any interest, after ceasing to be employed, and the compensating authority may at his request repay that amount to him at any time before he becomes entitled as aforesaid, but if that amount is not paid to the compensating authority or is repaid by them to the person, the compensation shall be reduced by an annual amount the capital value of which is equal to the amount of the said superannuation contributions.

(2) For the purposes of this Regulation the expression “superannuation contributions” shall include payments made by the person in respect of added years and any additional contributory payments made by him.

Retirement compensation of a person who obtains further pensionable employment

24.—(1) Where a person to whom this Part of these Regulations applies, after suffering loss of employment or diminution of emoluments, enters employment in which he is subject to a pension scheme and thereafter becomes entitled to reckon for the purposes of that scheme any service or period of contribution which falls to be taken into account for the purpose of assessing the amount of any retirement compensation payable to him, his entitlement to retirement compensation shall be reviewed and no retirement compensation shall be payable in respect of such service or period unless the annual rate of the emoluments to which he was entitled immediately before such loss or diminution exceeds the annual rate on entry of the emoluments of the new employment by more than 2½ per cent. of such first mentioned emoluments, and any retirement compensation so payable to him shall, in so far as it is calculated by reference to remuneration, be calculated by reference to the difference between the said annual rates:

Provided that—

- (i) if on entering the new employment a person—
 - (a) becomes a contributory employee or local Act contributor, and
 - (b) becomes entitled to reckon as non-contributing service, or as service at half-length for purposes of a local Act scheme, any service or period of contribution which immediately before the loss of employment or the diminution of emoluments was reckonable as contributing service or a period of contribution, one-half of that service or period shall not be subject to the provisions of this paragraph;
- (ii) this paragraph shall not operate to increase the amount of any retirement compensation payable in respect of diminution of emoluments beyond the amount which would have been payable if the person had attained normal retiring age immediately before he ceased to hold the employment in which he suffered the diminution of emoluments.

(2) No retirement compensation shall be payable in the circumstances mentioned in paragraph (1) if the person has continued to pay superannuation contributions as if his emoluments had not been diminished.

Compensation payable to widow or dependants of a claimant

25.—(1) Payments in accordance with this Regulation and Regulations 26 and 27 shall be made to or for the benefit of the widow, child or other dependant or to the personal representatives of a

person to whom this Part of these Regulations applies or, as the case may be, to trustees empowered by such a person to stand possessed of any benefit under his last relevant pension scheme.

(2) If the widow, child or other dependant of that person might have become entitled to a pension under his last relevant pension scheme, the widow, child or other dependant, as the case may be, shall be entitled to receive an annual sum equal to the prescribed proportion of any retirement compensation by way of annual amounts payable to the person under Regulation 19, 20, 21 or 22 immediately before his death or, if he dies before becoming entitled to receive compensation under any of those Regulations, the prescribed proportion of the compensation by way of annual amounts which he would have received under Regulation 20 or 22 had he become entitled thereto immediately before his death:

Provided that—

- (i) where any retirement compensation has been surrendered under Regulation 18(5) or compounded under Regulation 35, any sum payable under this Regulation shall be calculated as if such surrender or compounding had not taken place, and
- (ii) in calculating the sum payable as aforesaid it shall be assumed that the retirement compensation payable, or which would have been payable, to a person under Regulation 19, 20, 21 or 22 had been such sum as would have been payable if the accrued pension or accrued incapacity pension had not been reduced by reason of the provisions of any Act relating to National Insurance.

(3) Any annual sum payable to or for the benefit of a widow, child or other dependant under this Regulation shall cease to be payable in any circumstances in which a corresponding pension under the last relevant pension scheme would have ceased to be payable; and where that scheme provides for payment of the pension to any person on behalf of a child or other dependant, any annual sum payable under this Regulation to a child or other dependant shall be paid to that person on behalf of the child or dependant in the like manner and for the like period as is provided in the pension scheme.

(4) Except where the compensation has been reduced under Regulation 23, compensation payable under this Regulation and Regulation 26 shall in the aggregate be reduced by an amount the capital value whereof is equal to the amount of any superannuation contributions as defined in Regulation 23(2) returned to the person in respect of whom the compensation is payable and either not paid to the compensating authority or repaid to that person by the compensating authority, the compensation under each such Regulation being reduced in proportion to the capital value of each amount.

(5) In this Regulation “prescribed proportion” means the proportion which, by the provisions contained in the last relevant pension scheme of a person to whom this Part of these Regulations applies, the pension payable to his widow, child or other dependant is to bear to that person's pension.

Compensation where death grant would have been payable

26.—(1) If the widow, the personal representatives of a person to whom this Part of these Regulations applies or trustees empowered by such a person to stand possessed of any benefit under his last relevant pension scheme, might have become entitled to a death grant under that scheme, she or they, as the case may be, shall be entitled to receive a sum calculated in accordance with the provisions of Regulation 25(4) and paragraph (2) of this Regulation.

(2) The amount of the sum referred to in paragraph (1) shall be ascertained in accordance with the method of calculation prescribed by the last relevant pension scheme for the ascertainment of death grant as if the person had died immediately before losing his employment, subject to the following modifications—

- (a) except where the person had been in receipt of retirement compensation under Regulation 21, account shall be taken of any additional years of service or period of contribution credited to him under Regulation 18(2)—

- (i) in the case of a person who had been in receipt of retirement compensation under Regulation 20, to the extent of the period between the loss of employment and the date of the claim made under that Regulation; and
 - (ii) in any other case, to the extent of the period between the loss of employment and the person's death;
- (b) if the number of years of the person's service or period of contribution is less than the minimum number of years of qualifying service or period prescribed by the pension scheme for the receipt of a death grant, the said sum shall not exceed such proportion of the death grant calculated as aforesaid as the number of years of the person's pensionable service or period of contribution bears to the minimum number of years of qualifying service or period prescribed by the pension scheme; and
- (c) there shall be deducted from such sum the amount of any retirement compensation paid to the person under Regulation 19, 20 or 21, or, where any part of the compensation had been surrendered under Regulation 18(5), the amount which would have been so paid but for any such surrender.
- (3) For the purpose of calculating such death grant, an annual sum payable under Regulation 25 to or for the benefit of the widow, child or dependant shall be deemed to be a pension payable to or for the benefit of the widow, child or dependant, as the case may be.
- (4) In the case of a person who has suffered diminution of emoluments, the sum payable under this Regulation to his widow or personal representatives shall be the sum which would have been payable if he had suffered loss of employment, multiplied by the fraction specified in Regulation 22(2); but no sum shall be payable under this paragraph in the circumstances described in Regulation 22(3)(a) or (b).

Balance payable to claimant's widow or personal representatives

27.—(1) If no annual sum is payable to the widow, child or other dependant of any person under Regulation 25 and no sum is payable under Regulation 26 and the person dies before he has received in the aggregate by way of retirement compensation a sum equivalent to the amount of any contributions repaid by him under Regulation 23, together with compound interest thereon calculated at the rate of 3 per cent. per annum with half-yearly rests up to the date of his death as from the 1st April or the 1st October following the half year in which the amount was paid, there shall be paid to his personal representatives the difference between the aggregate amount received by way of retirement compensation as aforesaid and the said equivalent sum.

(2) If an annual sum becomes payable to a widow under Regulation 25 and on her re-marriage or death the sum ceases to be payable, and any sum payable to a child or other dependant under that Regulation has ceased to be payable, and if the aggregate amount of the payments which were made as aforesaid to her husband by way of retirement compensation and to the widow, personal representatives or trustees under Regulation 26 is less than a sum equivalent to the amount which would have been payable to the personal representatives under that Regulation if no annual sum had been payable under Regulation 25, there shall be paid to her or her personal representatives the difference between such aggregate amount and the said equivalent sum.

(3) For the purposes of this Regulation a person who has surrendered any part of his retirement compensation under Regulation 18(5) shall be deemed to have received during any period the amount of compensation for that period which he would have received but for any such surrender.

Compensation payable to non-pensionable officer on reaching retiring age

28.—(1) Where a person who is not a pensionable officer is receiving long-term compensation for loss of employment and attains normal retiring age, the compensating authority may, if satisfied

that the person would, but for the loss, have continued in the employment he has lost for a substantial period beyond that age, continue to pay compensation to him for the remainder of his life at half its former rate.

(2) Where a person who is not a pensionable officer suffers loss of employment on or after attaining normal retiring age, the compensating authority may, if satisfied that the person would in the normal course have continued in the employment he has lost for a further substantial period, pay compensation to him for the remainder of his life at half the rate to which he would have been entitled under Regulation 14 had he not attained normal retiring age at the date on which he lost his employment.

Persons subject to policy schemes

29.—(1) Regulations 19, 20, 21, 22 and 26 shall not apply to a person (in this Regulation referred to as a “policy scheme participant”) who had been participating in a scheme associated with his employment for providing superannuation benefits by means of contracts or policies of insurance, and who, after the loss of his employment or the diminution of his emoluments, continued to participate in that scheme, or became entitled to a benefit or prospective benefit thereunder other than a return of contributions.

(2) If a policy scheme participant has lost his employment, the compensating authority may, if the relevant scheme so permits, make such payments to or in respect of him, whether by way of the payment of premiums or otherwise, as are actuarially equivalent to the amounts by which his retirement compensation might have been increased under Regulation 18(2) or (4) had he been a person to whom Regulation 19, 20 or 21 applied.

(3) If a policy scheme participant has suffered a diminution of his emoluments, the compensating authority may, if the relevant scheme so permits, make such payments to or in respect of him, whether by way of the payment of premiums or otherwise, as will secure to him the like benefits as if his emoluments had not been diminished.

(4) If a policy scheme participant becomes entitled to a benefit under such a scheme as is mentioned in paragraph (1) before reaching normal retiring age, the compensating authority may reduce any long-term compensation payable to him by the amount of such benefit.

Intervals for payment of compensation under Part V

30. Any compensation awarded as an annual sum under this Part of these Regulations to or in respect of any person shall be payable at intervals equivalent to those at which the corresponding benefit would have been payable under the person's last relevant pension scheme or at such other intervals as may be agreed between the person entitled to receive the compensation and the compensating authority.