

**Status:** Point in time view as at 01/01/2006.

**Changes to legislation:** Health and Personal Social Services (Northern Ireland) Order 1972, Temporary provision as to compensation is up to date with all changes known to be in force on or before 01 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

## SCHEDULES

### SCHEDULE 17

#### SAVING, TEMPORARY AND TRANSITIONAL PROVISIONS

##### Temporary provision as to compensation

##### 5.—(1) Where—

- (a) in accordance with any enactment mentioned in sub-paragraph (4), compensation has been awarded to any officer in respect of his removal from or relinquishment of office;
- (b) that officer subsequently becomes entitled (whether by virtue of any enactment or otherwise) to a superannuation allowance in respect of any office which he has accepted after the date of such removal or relinquishment; and
- (c) in the calculation of the amount of such allowance, account has been taken of any period of service in respect of which such compensation is payable;

then, except as provided in sub-paragraph (3), such compensation—

- (i) shall cease to be payable if it does not exceed such part of the superannuation allowance as is attributable solely to that period of service;
- (ii) shall, if it exceeds such part so attributable, be reduced by an amount equal to that part.

##### (2) If a person receiving compensation under any enactment mentioned in sub-paragraph (4)—

- (a) obtains any office under any local or public body; or
- (b) receives, by virtue of this Order or of anything done in pursuance of this Order, any increase in the remuneration of the office held by him at the date at which the compensation was assessed;

then, except as provided in sub-paragraph (3), he shall not, so long as he holds that office or receives that increased remuneration, be entitled to receive, by way of compensation in respect of the office for which compensation is awarded, any greater sum than would make up the amount (if any) by which the remuneration which he is receiving falls short of the remuneration of the office in respect of which compensation was awarded.

(3) The Ministry may, on the application of the person concerned or of the body by which the compensation is payable, direct that the operation of sub-paragraph (1) or, as the case may be, sub-paragraph (2), in relation to that person, shall be modified so far as is, in the opinion of the Ministry, necessary in order equitably to meet the circumstances of the case.

##### (4) The enactments referred to in sub-paragraphs (1)(a) and (2) are—

- (a) Schedule 3 to the Public Health (Tuberculosis) Act (Northern Ireland) 1946, both as originally enacted and as applied by section 2 of the Health Services Act (Northern Ireland) 1958; and
- (b) Schedule 6 to the Health Services Act (Northern Ireland) 1948.

(5) If a person receiving compensation under Schedule 4 to the Public Health and Local Government (Administrative Provisions) Act (Northern Ireland) 1946

- (a) obtains any office under the Crown or under any local or other public authority; or

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- (b) receives, by virtue of this Order or of anything done in pursuance of or in consequence of this Order, any increase of the emoluments of that office held by him;

then he shall not, while receiving the emoluments of that office, receive any greater amount of compensation (if any) than with the emoluments of the said office, is equal to the emoluments for which compensation was granted to him, and if the emoluments of the office he holds are equal to or greater than the emoluments for which compensation was granted, his compensation shall be suspended while he holds that office.

- (6) In this paragraph—

- (a) in sub-paragraph (2)( a), “local or public body” includes any authority or body specified in paragraph 1 of Schedule 1 to the<sup>F1</sup> Financial Provisions (Northern Ireland) Order 1983 as an authority or body to whom government loans may be made];
- (b) in sub-paragraph (5), “local authority” and “emoluments” have the same meanings as in section 29 of and paragraph 17 of Schedule 4 to, the Public Health and Local Government (Administrative Provisions) Act (Northern Ireland) 1946 and “local authority” also includes a district council or a joint committee of district councils.

**F1** 1983 NI 1

*Para. 6 rep. by 1978 NI 15*

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