

SCHEDULE

DETERMINATION OF COMPENSATION

II

COMPENSATION FOR LOSS OF EMPLOYMENT

B

ASSESSMENT OF COMPENSATION

Supplementary provisions as to compensation payable to pensionable officer

23.—(1) Compensation shall not be payable or shall cease to be payable under paragraph 11 or 12 of this Schedule to a person who has received any sum by way of a return of contributions under the pension scheme to which he was last subject on his ceasing to be subject thereto, unless forthwith on receiving such sum he pays to the compensating authority an amount equivalent thereto, such amount to be held by the compensating authority subject to the condition that if the pension scheme made no provision for death benefit and he dies before he has received in the aggregate by way of compensation under paragraph 11 or 12 of this Schedule a sum equal to the amount so paid as aforesaid to the compensating authority, together with compound interest thereon, calculated at the rate of 2½ per cent. per annum, with half-yearly rests, up to the date of his death, as from the first day of April or the first day of October following the half-year in which the amount was paid, there shall be paid to his legal personal representatives the difference between the aggregate amount received by way of compensation and the said sum:

Provided that—

- (a) if a sum becomes payable to his widow on his death under paragraph 15 of this Schedule and on her re-marriage or death the sum ceases to be payable, and the aggregate amount of the payments which were made to her or her husband under these Regulations is less than a sum equal to the amount so paid to the compensating authority by her husband as aforesaid on account of contributions, after the addition thereto of interest thereon as aforesaid, there shall be paid to her or her legal personal representatives the difference between the aggregate amount of the payments made to her or her husband as aforesaid and the said sum;
- (b) this paragraph shall not apply to a person to whom paragraph 13 of this Schedule applies, and in the event of a claimant becoming such a person after having made a payment under this paragraph, the amount of the sum so paid shall be returned to him by the compensating authority; and
- (c) this paragraph shall not apply to a person who has been an officer on war service to whom Regulation 20 applies, and who received a return of contributions before ceasing to be engaged in war service.

(2) A person to whom paragraph 11 or 12 of this Schedule may become applicable shall on or before the date on which compensation may become payable to him thereunder be entitled, if he so desires and informs the compensating authority in writing accordingly, to receive from the compensating authority in lieu of any such compensation—

- (a) if the person has paid any sum to the compensating authority under sub-paragraph (1) of this paragraph, an amount equivalent thereto, together with interest thereon, calculated in the manner provided by the pension scheme as from the date of payment of the said sum; and

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- (b) if the person has not received a return of contributions under the pension scheme, and if, being entitled to such a return he has relinquished that right, an amount equivalent to the amount of such contributions together with interest thereon, calculated in manner provided by the pension scheme;

and any liability of the compensating authority under paragraph 15 or 17 of this Schedule shall cease in the event of his giving such notice as aforesaid.