

SCHEDULE

DETERMINATION OF COMPENSATION

IV

MISCELLANEOUS

35.—(1) Where a person to whom compensation is payable under these Regulations for loss of employment has become or becomes entitled to a pension in respect of the employment he has lost otherwise than on losing such employment or where a person to whom compensation is payable under these Regulations for loss of employment or diminution of emoluments has become or becomes entitled to a pension in respect of any employment the remuneration of which was payable out of public funds and which he had obtained in place of the employment he had lost or in place of or in addition to the employment the emoluments of which were diminished, and in calculating the amount of such pension account is taken of any service which was taken into account in calculating the compensation payable, then, if the compensation does not exceed such part of the pension as is attributable solely to that service, the compensation shall cease to be payable, and if it exceeds such part of the pension as aforesaid, it shall be reduced by an amount equal to that part.

(2) Where a claimant's widow to whom an annual sum is payable under paragraph 15 or 30 of this Schedule has become or becomes entitled to a widow's pension in respect of any employment of her husband the remuneration of which was payable out of public funds and which he had obtained in place of the employment he had lost or in place of or in addition to the employment the emoluments of which were diminished, and any part of such widow's pension is attributable to service of her husband of which account was taken in calculating his accrued pension or accrued incapacity pension by reference to which the said annual sum was calculated, then if the said annual sum does not exceed such part of the pension as is attributable solely to that service, the said annual sum shall cease to be payable, and if it exceeds such part of the pension as aforesaid, it shall be reduced by an amount equal to that part.

(3) Where a claimant's legal personal representatives to whom a sum is payable on the claimant's death under paragraph 17 or 30 of this Schedule have become entitled to receive a death benefit under a pension scheme associated with any employment of the claimant the remuneration of which was payable out of public funds and which he had obtained in place of the employment he had lost or in place of or in addition to the employment the emoluments of which were diminished, and as one of the factors in the calculation of the amount of such benefit account fell to be taken of any service which fell to be taken into account as one of the factors in the calculation of the said sum, the said sum shall be reduced by an amount equal to such proportion of the amount of the death benefit as the number of years of the said service bears to the total number of years of service of which account fell to be taken as aforesaid in the calculation of the death benefit.

(4) Where any compensation, annual sum or lump sum is reduced in accordance, with the foregoing provisions of this paragraph, such compensation, annual sum or lump sum shall be further reduced by an amount equal to such part thereof (if any) as is attributable to any additional years of service or contributions credited in accordance with paragraph 20 of this Schedule and by an amount equal to such part thereof (if any) as is attributable to any minimum benefit prescribed by a pension scheme.

(5) This paragraph shall not apply to or in respect of a person in whose case paragraph 13 of this Schedule has been applied, except to the extent to which the amount of the pension, widow's pension or death benefit to which the person, his widow or his legal personal representatives have become or become entitled as aforesaid is attributable to annual emoluments of a greater amount than the

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amount of the annual emoluments to which the person became entitled on entering the employment referred to in that paragraph.

(6) This paragraph shall not apply to or in respect of a person to whom compensation is or was payable for diminution of emoluments and who has become entitled to a pension in respect of employment which he had obtained in place of the employment the emoluments of which were diminished or whose widow has become entitled to a widow's pension or whose legal personal representatives have become entitled to a death benefit in respect of such employment, except to the extent to which the amount of the pension, widow's pension or death benefit is attributable to annual emoluments of a greater amount than the amount of the annual emoluments of the person's former employment after their diminution.