

## SCHEDULE

### DETERMINATION OF COMPENSATION

#### II

#### Compensation for Loss of Employment

##### B

##### Assessment of Compensation

##### *Compensation payable to pensionable officer on his becoming incapacitated or reaching pensionable age*

- 11.**—(1) If the claimant was a pensionable officer, and before attaining normal retiring age—
- (a) he becomes incapacitated in circumstances in which if he had continued in the employment he has lost he would have become entitled to a pension under the pension scheme to which he was last subject before losing his employment; or
  - (b) he attains an age at which had he continued to serve in the employment he has lost he would have become entitled to retire with a pension on the ground of having attained that age and completed a prescribed period of service,

and compensation is not then payable to him under these regulations, or compensation by way of annual sum equal to the amount of his accrued incapacity pension or his accrued pension, as the case may be, together with the annual value of his accrued retiring allowance (if any), would be greater than the annual amount of any compensation to which he may then be entitled under these regulations, he shall be entitled, if he so requests at any time thereafter by notice in writing to the compensating authority, as from the date on which the compensating authority receive such notice, in lieu of any compensation to which he would otherwise be entitled under these regulations—

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

Provided that if in calculating the amount of compensation payable to a person who has given such notice as aforesaid, the compensating authority, by virtue of paragraph 19 of this schedule, have credited him with additional years of service or contributions, no account shall be taken for the purpose of the foregoing provision of any number of such additional years beyond the number of years which he could have served, had he not lost his employment, before the date on which such notice as aforesaid was received by the compensating authority.

(2) On receipt of a notice under the last preceding sub-paragraph, the compensating authority shall consider forthwith whether the person giving the notice is a person to whom that sub-paragraph applies, and within three months after the date of the receipt of the notice—

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

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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 to compensation.

(3) A compensating authority may require any such person as is mentioned in head (a) of sub-paragraph (1) of this paragraph, who gives a notice under that sub-paragraph, to submit himself to a medical examination by a registered medical practitioner selected by that authority, and, if they do 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.