
STATUTORY INSTRUMENTS

1948 No. 1458

Local Government (Compensation) Regulations 1948

PART II

Compensation of Officers who suffer Loss of Employment or Diminution of Emoluments which is attributable to the passing of the Act

4. Subject to the provisions of the next succeeding regulation, every person who was an existing officer and who suffers loss of employment or diminution of emoluments which is attributable to the passing of the Act shall be entitled to have his case considered for the receipt of compensation under these regulations, such compensation to be determined in accordance with the provisions of the schedule hereto.

5. Nothing in the last preceding regulation shall entitle a person to have his case considered for compensation unless—

- (a) the cause of the claim to compensation arises not later than ten years after the material date, and the claim is made not later than two years after the date on which the cause of claim arises; and
- (b)
 - (i) his office is abolished and he is not offered a reasonably comparable office under the Crown or in the local government service; or
 - (ii) his appointment is determined because his services are not required or because his duties are diminished (no misconduct being established); or
 - (iii) his emoluments are diminished:

Provided that for the purposes of this regulation a person shall not be deemed to have been offered an office which is not reasonably comparable with an office which is abolished by reason only of the fact that the duties of the office offered are duties in relation to the administration of a different service from that in connection with which his office was held or are duties which involve a transfer of his employment from one place to another within England or Wales.

6. If a person who has claimed compensation under these regulations is aggrieved by the refusal of the compensating authority to accept his claim or by their failure to come to a decision on his claim within three months after the date on which it was received by them, or by a decision that no compensation should be paid to him or by the amount of compensation awarded, he may, within three months after the refusal or failure or after the date on which he received notice of the decision, as the case may be, refer the matter to the tribunal, and the tribunal shall consider any matter so referred in accordance with the provisions of these regulations and determine accordingly whether any, and if so what, compensation ought to be awarded to the claimant, and the compensating authority shall give effect to the decision of the tribunal.

7.—(1) Any compensation to which an officer becomes entitled under these regulations shall be paid by the compensating authority and shall be payable to, or in trust for, the person who is entitled to receive it, and shall not be assignable.

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format. The electronic version of this UK Statutory Instrument has been contributed by Westlaw and is taken from the printed publication. **Read more***

(2) Any sum payable as compensation to a person by a local authority shall be recoverable as a debt due from the authority.

(3) Where the compensating authority is a rating authority represented on a joint committee of rating authorities or is a rating authority whose rating area is included in an assessment area consisting of more than one rating area, the other rating authorities concerned shall contribute towards the payment of any compensation payable by the compensating authority in proportion to the rateable values of their rating areas on the 31st day of March, 1948.