

SCHEDULE

DETERMINATION OF COMPENSATION

II

Compensation for Loss of Employment

B

Assessment of Compensation

Compensation payable, subject to earlier cesser in certain cases, until normal retiring age

8. For the purpose of determining whether any compensation, apart from any interim compensation paid under paragraphs 4 and 5 of this schedule, is payable to any person for loss of employment, and if so the amount of the compensation to be paid, subject to the provisions of paragraph 11 of this schedule, until normal retiring age, the compensating authority shall have regard to—

- (a) the conditions upon which his appointment was made;
- (b) the nature of his office;
- (c) the extent to which he has sought suitable alternative employment; and
- (d) all the other circumstances of his case:

Provided that no compensation shall be payable to such a claimant as is mentioned in proviso (i) to sub-paragraph (2) of the next succeeding paragraph if the security of tenure of the work or employment undertaken, obtained or offered as therein mentioned is substantially similar to that of the employment lost and the amount of the annual rate of the emoluments of the employment lost does not exceed the amount of the annual rate of the emoluments of the work or employment undertaken, obtained or offered as aforesaid by more than five per cent. of the first-mentioned amount.

9.—(1) Compensation for loss of employment shall be an annual sum calculated in accordance with the provisions of sub-paragraph (2) of this paragraph, and shall be payable, subject to the provisions of paragraph 11 of this schedule, until normal retiring age, as from the date of loss, if the claim was made within three months thereafter, and in any other case, as from the date on which the claim was made or from such earlier date not being more than three months before the date on which the claim was made, as the compensating authority may in their discretion allow.

Provided that if the loss occurred before the date of the coming into operation of these regulations, and the claim was made with three months after the said date, the compensation shall be payable as from the date of loss.

(2) The said annual sum shall, subject as hereinafter provided, be the aggregate of the following sums, namely—

- (a) for every completed year of the claimant's service, one-sixtieth of the net emoluments of the employment he has lost; and
- (b) in the case of a claimant over the age of forty-five years at the date of loss, a further one-sixtieth of the said net emoluments for every completed year of service since he attained the age of forty-five:

Provided that—

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- (i) where the claimant has undertaken or obtained other work or employment in place of the employment he has lost or has been offered other suitable employment, the said annual sum shall be calculated by reference only to the amount (if any) by which the annual rate of the emoluments of the employment he has lost exceeds the annual rate of the emoluments of the work or employment undertaken, obtained or offered to him as aforesaid;
- (ii) if the said annual sum is required to be calculated in accordance with proviso (i) to this sub-paragraph, it shall be reduced or increased by such amount (if any) as the compensating authority think fit, having regard to the relative security of tenure of the employment lost and the work or employment undertaken, obtained or offered as aforesaid, so however that the said annual sum shall not by virtue of any such increase as aforesaid be greater than if it were calculated without reference to proviso (i) and this proviso;
- (iii) the said annual sum shall also be reduced by such an amount (if any) as the compensating authority think fit having regard to the matters to which they are required to have regard by the last preceding paragraph and to any compensation payable to the claimant under the Re-instatement in Civil Employment Act, 1944, or under or in pursuance of any other enactment; and
- (iv) the said annual sum shall in no case exceed two-thirds of the net emoluments of the employment which the claimant has lost.

10. There shall be deducted from any payments made under paragraph 9 of this schedule in respect of any period in respect of which interim payments have been made under paragraphs 4 and 5 the amount of such payments, so far as they do not exceed the payments due under paragraph 9 in respect of that period.