
STATUTORY INSTRUMENTS

1970 No. 1488

**The Yorkshire Deeds Registries
(Compensation to Officers) Regulations 1970**

PART IV

**LONG-TERM COMPENSATION FOR LOSS OF EMPLOYMENT
OR LOSS OR DIMINUTION OF EMOLUMENTS**

Long-term compensation

11. The compensating authority shall, subject to the provisions of these Regulations, pay long-term compensation to any person to whom these Regulations apply and who satisfies the conditions set out in Regulation 12.

Conditions for payment of long-term compensation

12.—(1) Without prejudice to any other requirement of these Regulations, the conditions for the payment of long-term compensation to any person are that—

- (a) he has, not later than ten years after the material date, suffered loss of employment or loss or diminution of emoluments in consequence of Part II of the Law of Property Act 1969;
- (b) he has not, save as is provided in Regulation 28, at the date of the loss or diminution attained normal retiring age;
- (c) he has been, for a period beginning on a date not less than eight years immediately before the material date and ending on the date when the loss or diminution occurred, continuously engaged (without a break of more than twelve months at any one time) for the whole or part of his time in relevant employment; and for this purpose the expression “relevant employment” includes any period of national service immediately following such employment;
- (d) he has made a claim for such compensation in accordance with the provisions of Part VII of these Regulations not later than two years after the loss or diminution which is the cause of the claim; and
- (e) if the cause of the claim for compensation is loss of employment—
 - (i) the loss has occurred for some reason other than misconduct or incapacity to perform such duties as, immediately before the loss, he was performing or might reasonably have been required to perform; and
 - (ii) he has not been offered any reasonably comparable employment under the Crown or in the service of a local authority.

(2) Regulation 6(2) and (3) (which relate to offers of employment) shall apply for the purposes of this Regulation in ascertaining whether a person has been offered reasonably comparable employment.

(3) Claims for long-term compensation for loss of employment shall in all respects be treated as claims for such compensation for the loss of emoluments occasioned thereby and the provisions of these Regulations shall apply to all such claims accordingly.

Factors to be considered in determining payment of long-term compensation

13.—(1) For the purpose of determining the amount (subject to the limits set out in these Regulations) of long-term compensation, if any, payable under these Regulations to any person for loss or diminution of emoluments, the compensating authority shall have regard to such of the following factors as may be relevant, that is to say—

- (a) the conditions upon which the person held the employment which he has lost, including in particular its security of tenure, whether by law or practice;
- (b) the emoluments and other conditions, including security of tenure, whether by law or practice, of any work or employment undertaken by the person as a result of the loss of employment;
- (c) the extent to which he has sought suitable employment and the emoluments which he might have acquired by accepting other suitable employment offered to him;
- (d) all the other circumstances of his case.

(2) In ascertaining for the purposes of paragraph (1)(c) whether a person has been offered suitable employment, Regulation 6(2) and (3) shall apply as they apply for the purpose of ascertaining whether employment is reasonably comparable with employment which has been lost.

Amount of long-term compensation payable for loss of emoluments

14.—(1) Long-term compensation for loss of emoluments shall, subject to the provisions of these Regulations, be payable until the normal retiring age or death of a person to whom it is payable, whichever first occurs, and shall not exceed a maximum annual sum calculated in accordance with the provisions of paragraphs (2) to (4).

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

- (a) for every year of the person's reckonable service, one-sixtieth of the net emoluments which he has lost; and
- (b) in the case of a person who has attained the age of forty years at the date of the loss, a sum calculated in accordance with the provisions of paragraph (3) appropriate to his age at that date,

but the said maximum annual sum shall in no case exceed two-thirds of the net emoluments which the person has lost.

(3) The sum referred to in paragraph (2)(b) shall be—

- (a) in the case of a person who has attained the age of forty years but has not attained the age of fifty years at the date of the loss, the following fraction of the net emoluments which he has lost—
 - (i) where his reckonable service is less than ten years, one-sixtieth for each year of such service after attaining the age of forty years; or
 - (ii) where his reckonable service amounts to ten years but is less than fifteen years, one-sixtieth for each year of such service after attaining the age of forty years and one additional sixtieth; or

(iii) where his reckonable service amounts to fifteen years but is less than twenty years, one-sixtieth for each year of such service after attaining the age of forty years and two additional sixtieths; or

(iv) where his reckonable service amounts to twenty years or more, one-sixtieth for each year of such service after attaining the age of forty years and three additional sixtieths;

but the sum so calculated shall not in any case exceed one-sixth of the said net emoluments;

(b) in the case of a person who has attained the age of fifty years but has not attained the age of sixty years at the date of the loss, one-sixtieth of the said net emoluments for each year of his reckonable service after attaining the age of forty years, up to a maximum of fifteen such years; and

(c) in the case of a person who has attained the age of sixty years at the date of the loss, one-sixtieth of the said net emoluments for each year of his reckonable service after attaining the age of forty five years.

(4) Where a person has become entitled (whether immediately or prospectively on attaining some greater age) to a superannuation benefit by way of annual amounts under a pension scheme associated with the employment which he has lost, the maximum annual sum referred to in paragraph (1) shall be the maximum sum calculated under paragraphs (2) and (3) as if he had not become so entitled.

(5) Where long-term compensation is payable in respect of any period and resettlement compensation has also been paid in respect of that period, the long-term compensation shall be limited to the amount (if any) by which it exceeds the resettlement compensation paid as aforesaid.

(6) Long-term compensation shall be payable to a person at intervals equivalent to those at which the emoluments of his employment were previously paid or at such other intervals as may be agreed between the person and the compensating authority.

Long-term compensation for diminution of emoluments

15. Long-term compensation for diminution of emoluments in respect of any employment shall, subject to the provisions of these Regulations, be awarded and paid in accordance with the following provisions:—

(a) the compensation shall consist of an annual sum which shall be payable to a person at intervals equivalent to those at which the emoluments of his employment are or were previously paid or at such other intervals as may be agreed between the person and the compensating authority and shall, subject to the provisions of these Regulations, be payable until normal retiring age or death, whichever first occurs; and

(b) the said annual sum shall not exceed the maximum annual sum which could have been awarded under Regulation 14 if the person had suffered loss of employment and the loss of emoluments occasioned thereby had been equivalent to the amount of the diminution;

Provided that no compensation shall be payable if the emoluments have been diminished by less than 2½ per cent.

Date from which long-term compensation is to be payable

16.—(1) Long-term compensation shall be payable with effect from the date of the claim or from any earlier date permitted by the succeeding provisions of this Regulation.

(2) Where a claim for long-term compensation is duly made within thirteen weeks of the occurrence of the loss or diminution which is the cause of the claim, the award shall be made retrospective to the date on which the loss or diminution occurred.

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(3) Where a claim for long-term compensation is made after the expiry of the period mentioned in paragraph (2), the award may, at the discretion of the compensation authority, be made retrospective to a date not earlier than thirteen weeks prior to the date on which the claim was made:

Provided that if the compensating authority are satisfied that the failure to make the claim within the period mentioned in paragraph (2) was due to ill-health or other circumstances beyond the claimant's control, the award may be made retrospective to a date not earlier than that on which the loss or diminution occurred.