

---

STATUTORY INSTRUMENTS

---

**1977 No. 1316**

**The Vehicle and Driving Licences  
(Compensation to Officers) Regulations 1977**

**PART I**

**PRELIMINARY**

**Citation, commencement and revocation**

1.—(1) These regulations may be cited as the Vehicle and Driving Licences (Compensation to Officers) Regulations 1977 and shall come into operation on 2nd September 1977.

(2) Subject to the following paragraphs of this regulation, the Vehicle and Driving Licences (Compensation to Officers) Regulations 1970(1) are hereby revoked.

(3) Nothing in these regulations shall have effect, in relation to a person to whom the 1970 Regulations applied, so as to invalidate or otherwise affect the operation of those regulations or anything duly done or suffered under them before these regulations first applied to that person and thereafter anything so done or suffered as well as any payments for loss or diminution of emoluments made by or on behalf of the Secretary of State to or in respect of that person before the commencement of these regulations shall be taken into account by the Secretary of State in considering that person's case for the payment of compensation under these regulations, and any compensation to which that person becomes entitled under these regulations shall be reduced or where appropriate otherwise adjusted accordingly.

(4) Without prejudice and subject to paragraph (3) any claim made, review begun or decision notified under the 1970 Regulations before the commencement of these regulations shall be continued and have effect under these regulations as if it were made, begun or notified under the corresponding provisions of these regulations subject, however, to such adjustments or alterations as are appropriate to take account of the provisions of these regulations; and in particular where any person has become entitled to payment of any compensation under the 1970 Regulations, the Secretary of State shall under regulation 32(1)(b) carry out a review of his decision, or where the decision has been the subject of an appeal, the decision of the tribunal relating to that person as if the coming into operation of these regulations were an occurrence of a material change in the circumstances of the case, whether that person has required such a review under regulation 32(2) or not, and whether the said occurrence took place before or after the expiry of 6 months from the decision date within the meaning of regulation 32(4).

**Interpretation**

2.—(1) In these regulations, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—

“accrued pension” in relation to a pensionable officer who has suffered loss of employment, means—

---

*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**

---

- (a) if his last relevant pension scheme provided benefits in which he had a right to participate, the pension to which he would have become entitled under that scheme according to the method of calculation, modified where necessary for the purpose of giving effect to these regulations, prescribed by that scheme, if, at the date on which he ceased to be subject to that scheme, he had attained normal retiring age and complied with any requirement of that scheme as to a minimum period of qualifying service or contribution and completed any additional contributory payments or payments in respect of added years which he was in the course of making; and
- (b) in any other case, such portion of the pension (if any) of which he had reasonable expectations as the Secretary of State considers equitable, having regard to any practice of the authority or body by whom he was employed on the day immediately preceding the loss, the officer's age, the length of his employment at the date of loss and all the other circumstances of the case;

“accrued retiring allowance”, in relation to a pensionable officer who has suffered loss of employment, means—

- (a) if his last relevant pension scheme provided benefits in which he has a right to participate, any lump sum payment to which he would have become entitled under that scheme according to the method of calculation (modified where necessary for the purpose of giving effect to these regulations) prescribed by that scheme if, at the date on which he ceased to be subject to that scheme, he had attained normal retiring age and complied with any requirement of that scheme as to a minimum period of qualifying service or contribution and completed any additional contributory payments or payments in respect of added years which he was in the course of making; and
- (b) in any other case, such portion of the lump sum payment (if any) of which he had reasonable expectations as the Secretary of State considers equitable, having regard to any practice of the authority or body by whom he was employed on the day immediately preceding the loss, the officer's age, the length of his employment at the date of loss and all the other circumstances of the case;

“accrued incapacity pension” and “accrued incapacity retiring allowance” have the same respective meanings as “accrued pension” and “accrued retiring allowance” except that the reference to a person's attaining normal retiring age shall be construed as a reference to his becoming incapable of discharging efficiently the duties of his employment by reason of permanent ill-health or infirmity of mind or body;

“added years”, in relation to a person who suffers loss of employment, means—

- (a) in the case of a pensionable employee, any additional years of service being purchased by him in his employment immediately prior to the loss in question under regulation D10 or D11 of the Local Government Superannuation Regulations 1974<sup>(2)</sup> or, in Scotland, of the Local Government Superannuation (Scotland) Regulations 1974<sup>(3)</sup> or, under any of the former regulations within the meaning of regulation A4 of either of the said sets of superannuation regulations of 1974 and includes any additional years of service which having been granted under any provision similar to that referred to in either of the said regulations D10 or D11 were being so purchased under or by virtue of interchange rules, and
- (b) in the case of any other person, any additional years of service, similar to those mentioned in paragraph (a) of this definition, being purchased by him under the last relevant pension scheme, being in either case additional years which were being purchased partly at the expense of the employer and partly at the expense of the person under arrangements

---

<sup>(2)</sup> (1974 I, p. 1986).

<sup>(3)</sup> (1974 II, p. 3093).

which were entered into before the employer either informed him in writing that his employment was to be terminated or was likely to be terminated or gave him written notice of termination of his employment;

“additional contributory payments” means—

- (a) additional contributory payments of the kind referred to in regulation D6, D7 or D8 of the Local Government Superannuation Regulations 1974 or, in Scotland, in the correspondingly numbered regulations of the Local Government Superannuation (Scotland) Regulations 1974, or under any of the former regulations within the meaning of the said regulation A4, or
- (b) any similar payments made under the last relevant pension scheme as a condition of—
  - (i) reckoning any period of employment as service or as a period of contribution for the purposes of the scheme, or
  - (ii) reckoning non-contributing service as contributing service (which expressions have the same meaning as in the scheme) for the purposes of the scheme, or
  - (iii) increasing the length at which any period of service or of contribution would be reckonable for the purpose of calculating a benefit under the scheme, or
- (c) any payments similar to any of those mentioned in the foregoing paragraphs made in pursuance of interchange rules;

“compensation question” means a question arising under these regulations—

- (a) as to a person's entitlement to compensation for loss of employment or for loss or diminution of emoluments, or
- (b) as to the manner of a person's employment or the comparability of his duties;

“emoluments” has the meaning given by regulation 38(1), and “annual rate of emoluments” has the meaning given by regulation 38(3);

“enactment” includes any instrument made under an Act;

“fund authority” in relation to any person, means the authority maintaining the superannuation fund or account in relation to that person;

“interchange rules” means rules made under section 2 of the Superannuation (Miscellaneous Provisions) Act 1948 (which provides for the pensions of persons transferring to different employment) and includes any similar instrument made, or having effect as if made, under any other Act which makes similar provision;

“local authority” means in England and Wales, any of the authorities listed in Part I of Schedule 2 to these regulations, and in Scotland, any of the authorities listed in Part II of that Schedule;

“long-term compensation” means compensation payable in accordance with the provisions of Part IV of these regulations for loss of employment or loss or diminution of emoluments;

“material date”, in relation to any person who has suffered loss of employment or loss or diminution of emoluments, means the date of the coming into operation of these regulations or the date on which the loss or diminution occurred, whichever is the earlier;

“minimum pensionable age” means, in relation to a pensionable officer, the earliest age at which under his last relevant pension scheme he could have become entitled to receive payment of an unreduced pension solely by virtue of his having attained a specified age and completed a specified period of service;

“national service” means, in relation to any person, service which is compulsory national service or relevant service within the meaning of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 and any similar service immediately following such service entered

into with the consent of the authority or person under whom an officer held his last relevant employment, or, where appropriate, the authority by whom such an officer was appointed;

“normal retiring age” means in the case of a pensionable officer to whom an age of compulsory retirement applied by virtue of any enactment to which he was subject in the employment which he has lost or the emoluments of which have been diminished or by virtue of the conditions of that employment, that age, and in any other case the age of sixty-five years if the officer is a male, or sixty years if the officer is a female;

“officer” includes the holder of any place, situation or employment and the expression “office” shall be construed accordingly;

“pensionable employee” has the same meaning as in the Local Government Superannuation Regulations 1974, and, in Scotland, as in the Local Government Superannuation (Scotland) Regulations 1974;

“pensionable officer”, in relation to a person who has suffered loss of employment or loss or diminution of emoluments, means a person who immediately before such loss or diminution was subject to a pension scheme associated with the employment he has lost or, as the case may be, the employment in which his emoluments have been diminished;

“pension scheme”, in relation to a pensionable officer, means any form of arrangement associated with his employment for the payment of superannuation benefits, whether subsisting by virtue of Act of Parliament, trust, contract or otherwise; and “last relevant pension scheme”, in relation to a pensionable officer, means a pension scheme to which he was subject immediately before suffering loss of employment or loss or diminution of emoluments;

“reckonable service”, in relation to a person, means any period of whole-time or part-time employment in any relevant employment and included any period of national service or war service undertaken on his ceasing to hold such an employment, but does not include employment in respect of which he has become entitled to receive a benefit from a pension scheme other than his last relevant pension scheme;

“the 1970 Regulations” means the Vehicle and Driving Licences (Compensation to Officers) Regulations 1970(4),

“relevant employment” means employment—

- (a) under the Crown or in the service of a local authority; or
- (b) by any authority or body for the purposes of the Crown or of local government in Great Britain; or
- (c) under any officer employed as mentioned in paragraph (a) or (b) of this definition for the purposes of the functions of the employing authority or body; or
- (d) preceding any of the foregoing employments which was reckonable for the purposes of the last relevant pension scheme;

but, except for national service and war service, does not include service in the armed forces of the Crown;

“resettlement compensation” means compensation payable in accordance with Part III of these regulations for loss of employment;

“retirement compensation” means compensation payable in accordance with the provisions of regulation 18, 19 or 20;

“the Secretary of State”, except in paragraph 8 of Schedule 2, means the Secretary of State for Transport;

“tribunal” means a tribunal established under section 12 of the Industrial Training Act 1964;

---

(4) (1970 I, p. 1125).

“war service” means war service within the meaning of the Local Government Staffs (War Service) Act 1939, the Teachers Superannuation (War Service) Act 1939 or, in Scotland, the Education (Scotland) (War Service Superannuation) Act 1939, the Police and Firemen (War Service) Act 1939 or employment for war purposes within the meaning of the Superannuation Schemes (War Service) Act 1940 and includes any period of service in the First World War in the armed forces of the Crown or in the forces of the Allied or Associated Powers if such service immediately followed a period of relevant employment and was undertaken either compulsorily or with the permission of the employer in that employment.

(2) Where under any provision of these regulations an annual value is to be assigned to a capital sum or a capital value to an annual amount—

- (a) the annual or capital value shall be ascertained in accordance with the tables set out in Schedule 1 insofar as they provide for the particular case;
- (b) where the said tables do not provide for a case in which an annual value is to be assigned to a capital sum or a capital value to an annual amount, the annual or capital value shall be the value as may be agreed between the Secretary of State and the person to whom the capital sum or annual amount is payable; and
- (c) for the purpose of determining the application of the said tables, the headings and the note to each table shall be treated as part of the table.

(3) In these regulations, unless the context otherwise requires, references to any enactment shall be construed as references thereto as amended, re-enacted, applied or modified by any subsequent enactment.

(4) References in these regulations to a numbered regulation or Schedule shall, unless the reference is to a regulation of or a Schedule to specified regulations, be construed as references to the regulation or Schedule bearing that number in these regulations.

(5) References in any of these regulations to a numbered paragraph shall, unless the reference is to a paragraph of a specified regulation, be construed as references to the paragraph bearing that number in the first mentioned regulation.

(6) The Interpretation Act 1889 shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament, and, subject to regulation 1(3) and (4), as if for the purposes of section 38 of that Act those regulations were an Act of Parliament and the Regulations revoked by regulation 1(2) were Acts of Parliament thereby repealed.