
STATUTORY INSTRUMENTS

2011 No. 2954

The Local Government (Discretionary Payments) (Injury Allowances) Regulations 2011

Reduction in remuneration

3.—(1) If—

- (a) in the course of carrying out his or her work a person who is employed in a relevant employment—
 - (i) sustains an injury; or
 - (ii) contracts a disease,and suffers a reduction in his or her remuneration while he or she is employed in that employment; and
- (b) regulation 4 does not apply,

the person may, subject to paragraph (2), be entitled to an allowance while the reduction continues.

(2) The relevant employer shall from time to time determine whether the person continues to be entitled to an allowance under paragraph (1).

(3) For the purposes of paragraph (1), a person's remuneration is to be treated as reduced at any time when it is lower than it would have been but for the injury or disease.

(4) Subject to paragraph (5) and regulation 8, the allowance under paragraph (1) is to be paid by the relevant employer and is to be of such amount as the employer may from time to time determine, but must not in any year exceed the shortfall between—

- (a) the person's remuneration in the relevant employment; and
- (b) the remuneration the person would have been paid if he or she had not sustained the injury or, as the case may be, contracted the disease.

(5) The amount of the allowance determined under paragraph (4)—

- (a) shall take into account a deduction for the purpose of national insurance contributions; and
- (b) shall not be regarded as pensionable pay for the purposes of regulation 4 (meaning of pensionable pay) of the Benefits Regulations⁽¹⁾.

(1) Regulation 4 was amended by [S.I. 2009/3150](#); [S.I. 2010/528](#) and [S.I. 2010/2090](#).