1967. No. 337 **[C]**

LOCAL GOVERNMENT (COMPENSATION) REGULATIONS

REGULATIONS, DATED 20TH DECEMBER 1967, MADE BY THE MINISTRY OF DEVELOPMENT, WITH THE APPROVAL OF THE MINISTRY OF FINANCE, UNDER SECTION 3 OF THE LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1966.

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The Ministry of Development, in exercise of the powers conferred on it by section 3 of the Local Government Act (Northern Ireland) 1966(a), and of all other powers enabling it in that behalf, hereby makes the following regulations:—

PART I

PRELIMINARY

Title

1. These regulations may be cited as the Local Government (Compensation) Regulations (Northern Ireland) 1967.

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

(*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 in respect of his pensionable service according to

(a) 1966, c. 38 (N.I.).

the method of calculation, modified where necessary in accordance with regulation 18(2), 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 compensating authority consider equitable, having regard to his 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 had a right to participate, any lump sum payment to which he would have become entitled in respect of his pensionable service according to the method of calculation, modified where necessary in accordance with regulation 18(2), 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 compensating authority consider equitable, having regard to his 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;

"the Act" means the Local Government Act (Northern Ireland) 1966;

"added years" means any additional years reckonable by virtue of regulation 26 of the Local Government (Superannuation) Regulations (Northern Ireland) 1962(a) and includes any additional years which, having been granted thereunder or under any similar provision contained in any other enactment or scheme, have subsequently become reckonable under or by virtue of any enactment by an officer in relation to any such employment as is mentioned in paragraph (3) of regulation 18 of the said regulations;

"additional contributory payments" means any payment made for the purposes of regulation 22, paragraphs (3) and (4) of regulation 25 and regulations 27 and 28 of the Local Government (Superannuation) Regulations (Northern Ireland) 1962;

"compensating authority" means, in the case of any person or class of persons who suffers loss of employment or loss or diminution of emoluments which is attributable to the provisions of any Order under section 1 of the Act, the authority to whose employment the person or class of persons was transferred by the Order;

"compensation question" means a question—

(a) S.R. & O. 1962, No. 210.

(*a*) as to a person's entitlement to compensation for loss of office or employment, or the loss or diminution of emoluments or of pension rights, or

(*b*) as to the manner of a person's employment or the comparability of his duties;

"emoluments" means all salary, wages, fees and other payments paid or made to an officer as such for his own use, and also the money value of any apartments, rations or other allowances in kind appertaining to his employment, but does not include payments for overtime, other than payments which are a usual incident of his employment, or any allowances payable to him to cover the cost of providing office or laboratory accommodation or clerical or other assistance, or any travelling or subsistence allowance or other moneys to be spent, or to cover expenses incurred, by him, for the purposes of his employment; and "net emoluments", in relation to any employment, means the annual rate of the emoluments of that employment, less such part of those emoluments as the officer was liable to contribute under any pension scheme, and in relation to any employment which has been lost or the emoluments of which have been diminished, the expression means the annual rates of emoluments as aforesaid immediately before the loss or diminution, as the case may be:

Provided that where fees or other variable payments were paid to an officer as part of his emoluments during any period immediately preceding the loss or the diminution, the amount in respect of fees or other variable payments to be included in the annual rate of emoluments shall be the annual average of the fees or other payments paid to him during the period of five years immediately preceding the loss or diminution, or such other period as the compensating authority may think reasonable in the circumstances;

"local authority" means the council of any county, county or other borough, urban or rural district, any county or county borough health, welfare and education committee, any joint board within the meaning of the Public Health Acts (Northern Ireland) 1878 to 1966 or of section 7 of the Water Supplies and Sewerage Act (Northern Ireland) 1945(a), and any "joint committee" meaning a body, not being a body corporate, constituted under any enactment for the purpose of a combination of local authorities and consisting exclusively of persons appointed by those authorities;

"long-term compensation" means compensation payable in accordance with the provisions of part IV 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 on which the Order, to which such loss or diminution was attributable, was made or such other date or dates as may be specified in the Order in relation to him for all or any of the purposes of these regulations;

"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 a pension other than a pension payable in consequence of his redundancy or his incapacity to discharge efficiently the duties of his employment by reason of permanent ill-health or infirmity of mind or body;

"Ministry" means the Ministry of Development;

(a) 1945. c. 17.

"normal retiring age" means, in the case of a pensionable officer to whom an age of compulsory retirement applied by virtue of any pension scheme to which he was subject in the employment 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, subject to the provisions of paragraph (2), the holder of any place, situation or employment;

"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;

"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 the pension scheme to which he was last subject 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 includes any period of war service undertaken on his ceasing to hold any such employment but does not include employment of which account has been taken, or is required to be taken, in calculating the amount of any superannuation benefit to which he has become entitled;

"registration officer" means a superintendent registrar or registrar of births and deaths appointed prior to the fifth day of July 1948, pursuant to the Births and Deaths Registration Acts (Northern Ireland) 1863 to 1947, and a superintendent registrar or registrar of marriages appointed prior to the fifth day of July 1948, pursuant to the Registration of Marriages (Ireland) Act 1863(**a**);

"relevant employment" means, subject to paragraph (3) of this regulation, employment—

(*a*) under the Crown or in the service of a local authority in Northern Ireland, or

(*b*) by any authority or body for the purposes of the Crown or of local government in Northern Ireland, or

(*c*) under any officer employed as mentioned in either of the foregoing paragraphs 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 any pension scheme associated with the employment which has been lost, or

(*e*) in such other service as the Ministry may, in the case of any named officer, approve;

"resettlement compensation" means compensation payable in accordance with part III for loss of employment;

"retirement compensation" means compensation payable in accordance with the provisions of regulation 19, 20, 21 or 22;

"tribunal" means a tribunal established under section 13 of the Industrial Training Act (Northern Ireland) 1964(**b**);

"war service" means war service within the meaning of the Local Government Staffs (War Service) Act (Northern Ireland) 1939(**c**), or employment

(a) 26 & 27 Vict. c. 90.
(b) 1964, c. 18 (N.I.).
(c) 2 & 3 Geo. 6. c. 27 (N.I.).