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STATUTORY RULES OF NORTHERN IRELAND

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**2001 No. 279**

The Local Government (Discretionary  
Payments) Regulations (Northern Ireland) 2001

Part III

Compensation for Premature Retirement

*Miscellaneous and supplemental*

**Notification of compensation**

- 26.** Before the expiry of the period of one month beginning with the date of—
- (a) the grant of a credited period to any person under regulation 7;
  - (b) the death of a person to whom such an award has been made; or
  - (c) the making of any adjustment affecting the compensation payable to a person in accordance with this Part,

the employing authority shall give that person, or any other person to whom compensation is payable in accordance with this Part, written notification of the compensation payable or, as the case may be, of the adjustment, giving details of the calculation in question.

**Information**

**27.—**(1) Where a person who has been granted a credited period under regulation 7 enters or ceases to hold a new employment, before the expiry of the period of one month beginning with the date on which he does so he shall give his employing authority written notification of that fact.

- (2) A person to whom compensation is payable in accordance with this Part shall —
- (a) furnish all such information as the employing authority may at any time reasonably require; and
  - (b) verify that information in such manner, including by the production of documents in his possession or control, as may be reasonably so required.

**Payment of compensation**

**28.—**(1) Compensation (other than lump sum compensation) which is payable to a person under this Part shall be payable at intervals equivalent to those at which his pension is payable under the LGPS Regulations (or would have been so payable but for a relevant disqualification and on the relevant assumptions or, as the case may be, the transfer of benefits to another pension scheme), or at such other intervals as may be agreed between him and the paying authority.

(2) Without prejudice to any statutory provision to the contrary, any compensation payable under this Part —

- (a) shall be payable to or in trust for the person entitled to receive the compensation; and
  - (b) shall not be assignable or chargeable with his debts or other liabilities.
- (3) Where any compensation under this Part is paid in error to any person (including an overpayment) —
- (a) he shall as soon as practicable repay it to the paying authority; and
  - (b) the paying authority may recover it from him (including, but without prejudice to any other means of recovery, by deducting it from any compensation payable to or in respect of him under this Part).
- (4) In this regulation “the paying authority” means the authority which, in accordance with regulation 30, pays the compensation.

### **Interest on sums due under Part III**

- 29.**—(1) Where all or part of any sum due under this Part by way of compensation is not paid before the expiry of the relevant period after the date on which it becomes payable, the paying authority shall pay the person to whom the sum is payable interest on the amount remaining unpaid, calculated at one per cent above base rate on a day to day basis from that date to the date of payment, and compounded with three-monthly rests.
- (2) In paragraph (1) “the relevant period” means—
- (a) in the case of compensation payable in the form of a lump sum, one month; and
  - (b) in the case of other compensation, one year.

### **Paying authority**

- 30.**—(1) Subject to paragraph (2), compensation payable under this Part shall be paid by the employing authority.
- (2) Subject to paragraph (3), the Committee in relation to any person who is entitled to any compensation under this Part may agree with the employing authority to pay any compensation arising in respect of that person on its behalf and to recover the amount from it within such period (subject to paragraph (4)) and on such terms as the Committee may determine.
- (3) Compensation payable in the form of a lump sum may not be paid from the fund.
- (4) The amount of any other compensation paid by the Committee on behalf of an employing authority must be repaid to the Committee by the employing authority immediately or within a period of up to two months from the payment being made, as may be agreed.