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*Status:* Point in time view as at 02/02/1991. This version of this provision never came into effect.

*Changes to legislation:* Criminal Justice Act 1988, Paragraph 12 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 7

#### COMPENSATION

##### *Reduction of compensation by reference to pension rights*

- 12 (1) Compensation payable, other than compensation in respect of funeral expenses, shall be assessed on the basis that the loss to be compensated is reduced by the value of any pension rights, other than private pension rights, which—
- (a) where the claimant is the person who sustained the injury to which the claim relates, are enjoyed by him in consequence of that injury and by virtue of any office or employment of his; or
  - (b) where the claimant is a dependant of the person who sustained the injury to which the claim relates, are enjoyed by him in consequence of that person's death and by virtue of any office or employment of that person.
- (2) In assessing the value of any pension rights for the purposes of this paragraph, regard shall be had to any likelihood that present or future liability to income tax may reduce their value.
- (3) In this Schedule “private pension rights” means rights arising under pension arrangements for which no person wholly or partly pays except—
- (a) the person who sustained the injury to which the claim relates;
  - (b) his spouse;
  - (c) any person who on the date that that injury was sustained—
    - (i) was living in the same household as the person who sustained that injury;
    - (ii) was so living with him as his spouse; and
    - (iii) had been so living with him in the same household during the whole of the period of two years immediately preceding that date;
  - (d) where the person who sustained that injury was at the time under the age of 18 years, his parent or guardian.
- (4) For the purposes of this paragraph “pension rights” includes sums paid under insurance arrangements, other than private insurance arrangements, and gratuities.

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