

EXPLANATORY NOTE

These Regulations provide for the payment of compensation to persons who have held the office of clerk of the peace or justices' clerk or have been employed in assisting persons holding one of these offices and who suffered loss of office by reason of or under certain provisions of the Justices of the Peace Act, 1949, namely, section 10, which provides for the abolition of the separate commission of the peace for certain areas, section 18 which provides for the review of petty sessional divisions in a county and section 19 under which a magistrates' courts committee may group two or more clerkships under one justices' clerk.

The compensation is calculated in accordance with the provisions of the Schedule. A whole-time officer with eight years' service who suffers loss of office or diminution of emoluments will be eligible for compensation based on his net emoluments, age and length of service payable until normal retiring age (paragraphs 10 and 23); within the prescribed limit the amount of compensation is discretionary and is subject to review (paragraphs 9, 11, 24 and 25). A whole-time officer after attaining normal retiring age is entitled if he is a pensionable officer to his preserved pension rights (paragraphs 13 to 17) and if he is not a pensionable officer may in certain circumstances be granted a pension at half his previous rate of compensation (paragraph 22). Any rights in respect of a widow's pension or a death grant are also preserved (paragraphs 18 and 19).

A part-time officer with eight years' service who suffers loss of office will be eligible for a lump sum payment based on his net emoluments, age and length of service (paragraph 12); within the prescribed limit the amount of the compensation is discretionary (paragraph 9). A part-time pensionable officer is, after attaining normal retiring age, entitled to his preserved pension rights (paragraphs 13 to 17). Any rights in respect of a widow's pension or a death grant are also preserved (paragraphs 18 and 19).

Overlap with pensions or remuneration from public funds is avoided (paragraphs 14, 27 and 28). A part-time pensionable officer who suffers diminution of emoluments may contribute to and benefit from his pension scheme by reference to his former rate of pay (paragraph 30).

A part-time officer who suffers loss of office and has less than eight years' service is entitled to a resettlement payment equal to six weeks' salary (paragraphs 32 and 33). A whole-time officer with three years' service who suffers loss of office is entitled to a resettlement payment equal to two-thirds of his annual emoluments before the loss less the aggregate of two-thirds of any current earnings and, where he could claim unemployment or sickness benefits, the rate of benefit payable to a person without dependants. The resettlement payment to a whole-time officer is payable for not less than thirteen weeks and not more than twenty-six weeks depending on the claimant's age (paragraphs 32, 34 and 35).

Regulation 6 makes provision for appeal to a tribunal.