

---

STATUTORY INSTRUMENTS

---

**1965 No. 564**

**The Police (Compensation) Regulations 1965**

**PART V**

**ADJUSTMENT, REVIEW AND COMPOUNDING OF COMPENSATION**

**Adjustment of compensation where superannuation benefit is also payable**

**26.**—(1) This Regulation shall apply to a person who, after suffering loss of office as a member of a police force or diminution of emoluments, enters employment in which he is subject to a pension scheme and thereafter a superannuation benefit becomes payable to or in respect of him under that scheme for the purposes of which service is reckonable—

- (a) by virtue of any reckonable service by reference to which any long-term compensation payable to him falls to be assessed; or
- (b) by virtue of any pensionable service which is taken into account for the purposes of any award or notional award under the Police Pensions Regulations, by reference to which the amount of any retirement compensation or compensation payable on death, payable to or in respect of him, falls to be assessed.

(2) The compensating authority may adjust the long-term compensation, retirement compensation or compensation payable on death, as the case may be, payable to or in respect of a person to whom this Regulation applies, by withholding or reducing the compensation in accordance with this Regulation, in respect of any period for which the benefit mentioned in the preceding paragraph is payable.

(3) If the part of any superannuation benefit by way of annual amounts which is attributable to a period of service reckonable as mentioned in paragraph (1) of this Regulation equals or exceeds the part of any compensation which is attributable to the reckonable or pensionable service so mentioned, that part of the compensation may be withheld, but if such part of the superannuation benefit is less than such part of the compensation, the compensation may be reduced by an amount not exceeding such part of the superannuation benefit.

(4) Where retirement compensation is payable to a person to whom this Regulation applies who had attained the age of forty years at the date of loss of office or diminution of emoluments, then, if the compensation is assessed by reference to his notional pension calculated in accordance with Regulation 21 of these Regulations, the compensation may be reduced by that part thereof as is attributable to the additional period of pensionable service referred to in paragraph (2) of the said Regulation or by so much of that part as appears appropriate to the compensating authority, having regard to—

- (a) the proportion that additional period of pensionable service bears to the period of subsequent employment mentioned in paragraph (1) of this Regulation; and
- (b) the provisions under which service is reckonable for the purposes of the relevant pension scheme as mentioned in paragraph (1)(b) of this Regulation.

(5) Where compensation has been calculated in accordance with Regulation 20 of these Regulations, the provisions of this Regulation shall apply only in relation to such part (if any) of

the superannuation benefit as is attributable to annual emoluments in excess of those to which the person concerned was entitled on entering the new employment referred to in the said Regulation 20.

(6) Where compensation is payable in respect of diminution of emoluments, the provisions of this Regulation shall apply only in relation to such part (if any) of the superannuation benefit as is attributable to annual emoluments in excess of those to which the person concerned was entitled immediately prior to the diminution.

### **Provision of information**

**27.** Where—

- (a) a person after suffering loss of office or diminution of emoluments enters any employment referred to in Regulation 20(1) of these Regulations or becomes entitled to any superannuation benefit on ceasing to hold such employment; or
- (b) a person entitled to long-term compensation enters employment the remuneration whereof is payable out of public funds, or ceases to hold such employment, or receives any increase in his remuneration in such employment, or
- (c) a person entitled to retirement compensation enters service or employment by virtue of which the compensation may be withdrawn under Regulation 22(5) of these Regulations, or ceases to be in such service or employment, or receives any increase in his remuneration in such service or employment,

he shall forthwith inform the compensating authority in writing of that fact.

### **Review of award of long-term or retirement compensation**

**28.—**(1) The compensating authority shall, within a period of two years after the date on which any decision on a claim for long-term or retirement compensation for loss of office as a member of a police force (other than compensation payable under Regulation 17 of these Regulations) is notified to a claimant under Regulation 30 of these Regulations, review their decision or, where the claim has been the subject of an appeal, the decision of the tribunal at intervals of not more than six months, and these Regulations shall apply in relation to any such review as they apply in relation to the initial determination of the claim; and on such review, in the light of any material change in the circumstances of the case, compensation may be awarded, or compensation previously awarded may be increased, reduced or discontinued, subject to the limits set out in these Regulations.

(2) The claimant may require the compensating authority to carry out the review mentioned in the last foregoing paragraph at any time within the period of two years mentioned in that paragraph if he considers that there has been a change in the circumstances of his case which is material for the purposes of these Regulations.

(3) The compensating authority shall carry out a review in accordance with paragraph (1) of this Regulation, notwithstanding the expiration of the period mentioned in that paragraph if—

- (a) the emoluments of employment or work undertaken in place of service as a member of a police force had been taken into account in determining the amount of any compensation awarded, and
- (b) such employment or work has been lost or the emoluments thereof reduced, otherwise than by reason of misconduct or incapacity to perform such duties as he might reasonably have been required to perform, and
- (c) the compensating authority is satisfied that such loss or reduction is causing hardship to the claimant,

and where any decision is so reviewed, the decision shall be subject to further review in accordance with paragraph (1) of this Regulation as if the review carried out under this paragraph had been the initial determination of the claim.

(4) Paragraphs (1) and (2) of this Regulation shall apply in relation to any decision on a claim for long-term or retirement compensation in respect of diminution of emoluments as they apply in respect of any decision mentioned in the said paragraph (1):

Provided that—

- (a) no review shall take place after the date on which the claimant ceases to hold the office in which his emoluments were diminished, except a review as at that date; and
- (b) while the claimant continues to hold that office there shall be no limit to the period within which a review may take place.

(5) Notwithstanding anything contained in the foregoing provisions of this Regulation, the compensating authority shall review a decision (whether of the authority or the tribunal) on a claim for long-term compensation for loss of office or diminution of emoluments as a member of a police force after the expiration of any period within which a review is required to be made if at any time—

- (a) the claimant is engaged in employment (hereinafter referred to as his “current employment”) the remuneration whereof is payable out of public funds and which he has undertaken in place of service as a member of a police force, and
- (b) the aggregate of the net emoluments of his current employment and the long-term compensation payable to him exceed his net emoluments as a member of a police force or, as the case may be, the amount of those emoluments prior to their diminution,

and the authority shall thereafter further review such decision whenever the net emoluments of the claimant's current employment are increased; but if on any such review the compensation is reduced, it shall not be reduced below the amount by which the net emoluments of the claimant's current employment fall short of his net emoluments as member of a police force or, as the case may be, the amount of those emoluments prior to their diminution.

(6) The compensating authority shall give to a claimant not less than fourteen days' notice of any review to be carried out under this Regulation otherwise than at his request.

(7) Nothing in this Regulation shall preclude the making of any adjustment of compensation required by any other provision of these Regulations.

### **Compounding of awards**

**29.—**(1) In a case where compensation which has been or might be awarded under these Regulations does not exceed £26 a year, the compensating authority may, at their discretion, compound their liability in respect thereof by paying a lump sum equivalent to the capital value of the annual sum.

(2) In any other case the compensating authority may, if the person who has been awarded long-term or retirement compensation requests them to do so and they, in their discretion, after having regard to the state of health of that person and the other circumstances of the case, deem fit, compound up to one quarter of their liability to make payments under the award (other than payments to a widow or child under Regulation 23 of these Regulations) by the payment of an equivalent amount as a lump sum.

(3) The making of a composition under paragraph (2) of this Regulation in relation to an award of long-term or retirement compensation shall not prevent the subsequent making of a composition under paragraph (1) of this Regulation in relation to that award, but, subject as aforesaid, not more than one composition may be made in relation to any award.