

---

STATUTORY INSTRUMENTS

---

**1970 No. 187**

**The British Transport (Compensation  
to Employees) Regulations 1970**

**PART VI**

**ADJUSTMENT, REVIEW AND COMPOUNDING OF COMPENSATION**

**Reduction of compensation in certain cases**

**32.**—(1) If under a person's last relevant pension scheme any benefit or pension for which the scheme provided would have been subject to reduction or suspension on his taking up other employment specified in that behalf in the scheme, any retirement compensation to which he is entitled for loss or diminution of pension rights shall, where such employment is taken up, be reduced or suspended in the like manner and to the like extent:

Provided that in calculating the amount of the reduction of the compensation in a case where by the provisions of the scheme the amount of the reduction of the benefit or pension is to be related to the emoluments of the employment taken up, the amount of any pension by way of annual amounts payable to the person under his last relevant pension scheme shall be treated as emoluments which shall for the purpose of the calculation be aggregated with the actual emoluments of the said employment.

(2) There shall be deducted from the retirement compensation payable to any person any additional contributory payments remaining unpaid at the date when he suffered loss or diminution of pension rights; and any such payments not recovered at the date of his death shall be deducted from any compensation payable in respect of that person under regulation 27, 28 or 29.

(3) Where a person is entitled to compensation under these regulations and the circumstances are such that he is also entitled to—

- (a) a redundancy payment under the Redundancy Payments Act 1965, or
- (b) any similar payment in consequence of the loss of his employment under any contract or arrangement with the body or person by whom he was employed (other than payments by way of a return of contributions under a pension scheme), or
- (c) any payment under or by virtue of the provisions of any enactment relating to the reinstatement in civil employment of persons who have been in the service of the Crown,

the compensation which would, apart from this paragraph, become due to the person, whether by instalments or lump sum or both, shall in the aggregate be reduced by the amount of the payments referred to in this paragraph.

(4) Where any resettlement or long-term compensation is payable to or in respect of any person, and that person or his widow, child or other dependant or his personal representatives is or are also entitled (whether immediately or on the person's attaining some greater age) to a pension under that person's last relevant pension scheme, any instalment of such compensation which is payable in respect of any period shall be reduced by the amount of the instalment of such pension which is payable in respect of the same period.

---

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format. The electronic version of this UK Statutory Instrument has been contributed by Westlaw and is taken from the printed publication. **Read more**

---

(5) For the purposes of paragraph (4) no account shall be taken of any sum payable in consequence of the surrender by any person of part of his pension under any provision in that behalf in his last relevant pension scheme with a view to obtaining or increasing allowances for his widow, child or other dependant; and the person shall be deemed to have received during any period the amount of pension which he would have received but for any such surrender.

(6) Where in any week a person is entitled to long-term compensation and is also entitled to unemployment, sickness or injury benefit under any Act relating to National Insurance, other than a benefit claimable by him in respect of a dependant, there shall be deducted from the long-term compensation payable for that week a sum equal to the amount by which the aggregate of such National Insurance benefit claimable in respect of that week and the weekly rate at which the long-term compensation would be payable but for this regulation exceeds two thirds of the weekly rate of the net emoluments of the employment which he has lost or in which the emoluments have been diminished:

Provided that this paragraph shall not apply in relation to any such sickness or injury benefit in so far as—

- (i) an equivalent sum is deducted from the emoluments of his current employment, and
- (ii) such deduction from those emoluments has not occasioned an increase in his long-term compensation.

(7) In paragraph (6) the expression “weekly rate” means seven three hundred and sixty-fifths of the relevant annual rate.