
STATUTORY INSTRUMENTS

1971 No. 2008

The Courts (Compensation to Officers) Regulations 1971

PART VII

PROCEDURE AND MISCELLANEOUS

Procedure on making claims

37.—(1) Every claim for compensation under these Regulations and every request for a review of an award of long-term or retirement compensation shall be made in accordance with this regulation.

(2) Every such claim or request shall be made to the compensating authority in a form approved by that authority and shall state whether any other claim for compensation has been made by the claimant under these Regulations.

(3) Resettlement compensation shall be claimed separately from any other form of compensation claimable under these Regulations.

(4) The compensating authority shall consider any such claim or request in accordance with the relevant provisions of these Regulations and shall notify the person making the claim or request in writing of its decision—

- (a) in the case of a claim for resettlement compensation, not later than one month after the receipt of the claim, and
- (b) in the case of a claim for, or request for the review of an award of, compensation under part IV or V of these Regulations, not later than thirteen weeks after the receipt of the claim or request, and
- (c) in any other case, as soon as possible after the decision;

but the decision of the compensating authority shall not be invalidated by reason of the fact that notice of the decision is given after the expiry of the period mentioned in this paragraph.

(5) Every notification of a decision by the compensating authority (whether granting or refusing compensation or reviewing an award, or otherwise affecting any compensation under these Regulations) shall contain a statement—

- (a) giving reasons for the decision;
- (b) showing how any compensation has been calculated and, in particular, if the amount is less than the maximum which could have been awarded under these Regulations, showing the factors taken into account in awarding that amount; and
- (c) directing the attention of the claimant to his right under regulation 43, if he is aggrieved by the decision, to institute proceedings before a tribunal and giving him the address to which the application instituting such proceedings should be sent.

Claimants to furnish information

38.—(1) Any person claiming or receiving compensation or whose award of compensation is being reviewed shall furnish all such information as the compensating authority may at any time

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reasonably require; and he shall verify the same in such manner, including the production of books or of original documents in his possession or control, as may be reasonably so required.

(2) Any such person shall, on receipt of reasonable notice, present himself for interview at such place as the compensating authority may reasonably require; any any person who attends for interview may, if he so desires, be represented by his adviser.

Procedure on death of claimant

39.—(1) In the event of the death of a claimant or of a person who, if he had survived, could have been a claimant, a claim for compensation under these Regulations may be continued or made, as the case may be, by his personal representatives.

(2) Where any such claim is continued or made as aforesaid by personal representatives, the personal representatives shall, as respects any steps to be taken or thing to be done by them in order to continue to make the claim, be deemed for the purposes of these Regulations to be the person entitled to claim, but, save as aforesaid, the person in whose right they continue or make the claim shall be deemed for the purposes of these Regulations to be such person, and the relevant provisions of these Regulations shall be construed accordingly:

Provided that the compensating authority may in any such case extend the period within which a claim is required to be made by regulation 7 or 13.

Calculation of service

40.—(1) For the purpose of determining the amount of any compensation payable in respect of the loss of an office to which, or of any two or more offices to which in the aggregate, a person devoted substantially the whole of his time, any previous period of part-time employment shall be treated as though it were whole-time employment for a proportionately reduced period.

(2) For the purpose of making any calculation under these Regulations in respect of a person's reckonable service, all periods of such service shall be aggregated and, except where reference is made to completed years of service, if the aggregated service includes a fraction of a year, that fraction shall, if it equals or exceeds six months, be treated as a year, and shall, in any other case be disregarded.

Emoluments of part-time employments

41. In ascertaining for the purposes of these Regulations whether, and how far, the remuneration of alternative employment falls short of emoluments which have been lost where those emoluments were payable in respect of two or more part-time employments, the remuneration of the alternative employment or of the aggregate of two or more such employments shall be apportioned in the proportion which the emoluments of the part-time employments bore to each other.

Compensation not assignable

42. Subject to any statutory provision in that behalf, any compensation to which a person becomes entitled under these Regulations shall be paid by the compensating authority and shall be payable to, or in trust for, the person who is entitled to receive it, and shall not be assignable:

Provided that, without prejudice to any other right of recovery, any compensation paid in error may be recovered by the compensating authority by deduction from any compensation payable under these Regulations.

Right of appeal from decision of compensating authority

43.—(1) Every person who is aggrieved by any decision of the compensating authority with respect to a compensation question or by any failure on the part of the compensating authority to notify him of any such decision within the appropriate time prescribed by these Regulations, may within thirteen weeks of the notification to him of the decision or the expiry of the prescribed time, as the case may be, institute proceedings for the determination of the question by a tribunal in accordance with the Industrial Tribunals (Employment and Compensation) Regulations 1967⁽¹⁾ and these Regulations; and the tribunal shall determine the question accordingly.

(2) For the purpose of any such proceedings a person or persons may be appointed to sit with the tribunal as assessor or assessors.

(3) The compensating authority shall give effect to the decision of a tribunal subject to any modifications that may be required in consequence of any appeal from that decision on a point of law.

⁽¹⁾ (1967 I. p. 1205).