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STATUTORY INSTRUMENTS

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**1974 No. 540**

**The Fire Services (Compensation) Regulations 1974**

**PART IV**

**LONG-TERM COMPENSATION**

**Factors to be considered in determining payment of long-term compensation**

**13.**—(1) For the purpose of determining whether long-term compensation for loss or diminution of emoluments should be paid to any person and, if so, the amount of the compensation (subject to the limits set out in these Regulations) the compensating authority shall, subject to the provisions of paragraphs (2) and (3), have regard to such of the following factors as may be relevant, that is to say:—

- (a) the conditions upon which the person held the employment which he has lost, including in particular its security of tenure, whether by law or practice;
- (b) the emoluments and other conditions, including security of tenure, whether by law or practice, of any work or employment undertaken by the person as a result of the loss of employment;
- (c) the extent to which he has sought suitable employment and the emoluments he might have acquired by accepting other suitable employment which, after the employer either informs him in writing that his employment is to be terminated or is likely to be terminated or gives him written notice of termination of his employment, has been offered to him in writing;
- (d) all the other circumstances of his case;

but no account shall be taken of the fact that he entered the employment which he has lost or the emoluments of which have been diminished after—

- (i) 26th October 1972, where the loss or diminution was attributable to any provision of the Act,
- (ii) after the making of any instrument under the Act, where the loss or diminution was attributable to any provision of that instrument, or
- (iii) 18th July 1973, where the loss or diminution was attributable to any provision of the National Health Service Reorganisation Act 1973.

(2) In ascertaining for the purposes of paragraph (1)(b) and (1)(c) the emoluments in respect of any work or employment that gives the employee or his widow, child or other dependant the right to benefit under a pension scheme under which the employee is not under an obligation to pay contributions, the amount of emoluments shall be increased by the amount of contributions which the employee would have to pay to secure equivalent benefits under a pension scheme in respect of which both the employer and the employee are under an obligation to pay equal contributions.

(3) Regulation 7(3) shall apply for the purposes of this Regulation in ascertaining whether a person has been offered suitable employment.