
STATUTORY INSTRUMENTS

1975 No. 1092

The Colleges of Education (Compensation) Regulations 1975

PART VI

ADJUSTMENT, REVIEW AND COMPOUNDING OF COMPENSATION

Review of awards of long-term or retirement compensation

32.—(1) The compensating authority shall—

- (a) on the expiry of 6 months from the decision date, or
- (b) on the occurrence of any material change in the circumstances of the case,

whichever shall first occur, and thereafter within a period of 2 years after the decision date, or within any longer period specified in the subsequent provisions of this regulation, and at intervals of not more than 6 months, review its decision or, where the claim has been the subject of an appeal, the decision of the tribunal, and (subject to paragraph (7)) these regulations shall apply in relation to such a review as they apply in relation to the initial determination of the claim; and on such a 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 person to whom the decision relates may require the compensating authority to carry out the review mentioned in paragraph (1) at any time within 2 years after the decision date 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), notwithstanding the expiration of the period of 2 years mentioned in that paragraph, if—

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

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

(4) Paragraphs (1) and (2) 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 relation to any decision mentioned in paragraph (1) and as if in paragraph (1) “decision date” means the date on which any decision on a claim for long-term compensation for diminution of emoluments is notified to the claimant, but—

- (a) where the person to whom the decision relates ceases to hold the employment in which his emoluments were diminished, a review shall be held within three months after that date, but no further review shall be held after the expiry of that period, and
 - (b) while that person continues to hold that employment, 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 employment or diminution of emoluments after the expiration of any period within which a review is required to be made if at any time—
- (a) the person to whom the decision relates becomes engaged in any employment (hereinafter referred to as “his current employment”) the emoluments of which are payable out of public funds and which he has undertaken subsequent to the loss or diminution, and
 - (b) the aggregate of the emoluments of his current employment, any superannuation benefit by way of annual amounts payable to him in respect of the employment which he has lost or the employment in which his emoluments have been diminished and the long-term compensation payable to him exceeds the emoluments of the employment which he has lost or, as the case may be, in which the emoluments have been diminished.
- (6) The compensating authority shall further review any decision reviewed under paragraph (5) whenever the emoluments of the person's current employment are increased.
- (7) On any review under this regulation, the amount of long-term compensation which, apart from this paragraph and any reduction under regulation 30(3), would be payable to the person may be reduced by an amount not exceeding the amount by which the aggregate of the compensation and the annual rate of emoluments of his current employment exceeds the annual rate of emoluments of the employment which he has lost or, as the case may be, in which the emoluments have been diminished.
- (8) The compensating authority shall give to a person to whom a decision relates not less than 14 days' notice of any review of that decision to be carried out under this regulation unless the review is carried out at his request.
- (9) In this regulation the expression “decision date” means the date on which any decision on a claim for long-term or retirement compensation for loss of employment is notified to a claimant under regulation 34.
- (10) For the purposes of regulations 13(4), 22(1) and 29(7) and (8) and on any review under this regulation, no account shall be taken of any increase in the emoluments of any work or employment undertaken as a result of the loss of employment or diminution of emoluments, or of any superannuation benefit attributable to such an increase, if any such increase is effective from any date after the date of the loss or diminution and is attributable to a rise in the cost of living.
- (11) Nothing in this regulation shall preclude the making of any adjustment of compensation required by regulation 29 or 30.