
S T A T U T O R Y I N S T R U M E N T S

1975 No. 353**LOCAL GOVERNMENT, ENGLAND AND WALES****The Coroners (Compensation) Regulations 1975**

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Whereas the Secretary of State for the Home Department is the appropriate Minister for the purposes of section 259 of the Local Government Act 1972(a) in relation to coroners:

Now, therefore, in pursuance of the said section 259, I hereby make the following Regulations:---

PART I

PRELIMINARY

Title and commencement

1. These Regulations may be cited as the Coroners (Compensation) Regulations 1975, and shall come into operation on 10th April 1975.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

“accrued pension” has the meaning given by regulation 18(3);

“the Act” means the Local Government Act 1972;

“the Act of 1926” means the Coroners (Amendment) Act 1926(b);

“compensating authority” means the local authority last paying emoluments prior to their loss or diminution or, if that authority has ceased to exist, the authority to whom the residue of its property and liabilities has been transferred under the Act;

“compensation question” means a question arising under these Regulations—

(a) as to a person’s entitlement to compensation for loss of employment, or for loss or diminution of emoluments; or

(b) as to the manner of a person’s employment or the comparability of his duties;

“coroner” does not include a deputy or assistant deputy coroner;

“emoluments” and “annual rate of emoluments” have the meanings given by Regulation 35;

“enactment” means any Act or any instrument made under an Act;

“instrument” means an Order in Council, regulation, order, rule, scheme, direction or agreement;

“long-term compensation” means compensation payable in accordance with the provisions of Part IV of these Regulations for loss of employment or loss or diminution of emoluments;

“material date” means—

(a) in relation to a person who has suffered loss of employment or loss or diminution of emoluments in consequence of a provision of the Act, 1st April 1974 or (except in Regulations 7(1)(a) and 11(1)(a)) the date on which the loss or diminution occurred, if that was earlier;

(b) in relation to a person who has suffered any such loss or diminution in consequence of an instrument made under the Act, the date on which the instrument was made or (if some other date is specified therein) that other date;

“pensionable officer” has the meaning given by Regulation 18(1);

(a) 1972 c. 70.

(b) 1926 c. 59.

“pension scheme” means any form of arrangement associated with employment for the payment of superannuation benefits, whether subsisting by virtue of any enactment, trust, contract or otherwise;

“reckonable service” means any period of service as a coroner;

“resettlement compensation” means compensation payable in accordance with Part III of these Regulations for loss of employment;

“retirement compensation” means compensation payable in accordance with the provisions of Regulation 19, 20, 21 or 22;

“tribunal” means a tribunal established under section 12 of the Industrial Training Act 1964(a).

(2) References in these Regulations to employment, or to loss or diminution of emoluments, shall, unless the context otherwise requires, be to employment in the office of coroner, or to loss or diminution of emoluments as coroner.

(3) Where under any provision of these Regulations an annual value is to be assigned to a capital sum or a capital value to an annual amount, the annual or capital value shall be calculated by the Government Actuary.

(4) In these Regulations, unless the context otherwise requires, references to any enactment shall be construed as references thereto as amended, re-enacted, applied or modified by any subsequent enactment.

(5) References in these Regulations to a numbered regulation or Schedule shall, unless the reference is to a regulation or a Schedule of specified regulations, be construed as references to the regulation or Schedule bearing that number in these Regulations.

(6) References in any of these Regulations to a numbered paragraph shall, unless the reference is to a paragraph of a specified regulation, be construed as references to the paragraph bearing that number in the first mentioned regulation.

(7) The Interpretation Act 1889(b) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

PART II

ENTITLEMENT TO COMPENSATION

Persons to whom the regulations apply

3. These Regulations shall apply to a person who, immediately before the material date, held the office of coroner, or would have held that office but for any national service on which he was then engaged.

Grounds of entitlement to compensation

4. Subject to the provisions of these Regulations, a person to whom these Regulations apply and who has suffered loss of employment or loss or diminution of emoluments which is attributable to any provision of the Act or any instrument made under the Act shall be entitled to have his case considered for the payment of compensation under these Regulations, and such compensation shall be determined in accordance with these Regulations.

(a) 1964 c. 16.

(b) 1889 c. 63.

National service

5.—(1) Where a person to whom these Regulations apply would immediately before the material date have held the office of coroner but for any national service on which he was then engaged, then if before the expiry of two months after ceasing to be so engaged, or if prevented by sickness or other reasonable cause, as soon as practicable thereafter, he gives notice to the compensating authority that he is available for employment, that person shall be entitled to have his case considered for the payment of compensation on the ground—

- (a) if he is not given or offered re-employment in his former office or in any reasonably comparable office (whether in the same or in a different service), of loss of employment; or
- (b) if he is so re-employed with diminished emoluments as compared with the emoluments which he would have enjoyed had he continued in his former employment, of diminution of emoluments.

(2) The loss of employment which is the cause of a claim for compensation under paragraph (1)(a) shall be treated as having occurred on the earlier of the two following dates, that is to say, the date of the refusal of re-employment or a date one month after the date on which the person gave notice that he was available for employment; and the person shall be deemed to have been entitled to the emoluments which he would have enjoyed at such earlier date had he continued in his former employment.

PART III

RESETTLEMENT COMPENSATION

Resettlement compensation for loss of employment

6. The compensating authority shall, subject to the provisions of these Regulations, pay resettlement compensation to any person to whom these Regulations apply and who satisfies the conditions set out in Regulation 7.

Conditions for payment of resettlement compensation

7.—(1) Without prejudice to any other requirement of these Regulations, the conditions for the payment of resettlement compensation to any person are that—

- (a) he has suffered loss of employment attributable to any provision of the Act or any instrument made under the Act not later than 10 years after the material date;
- (b) he had not at the date of the loss attained age 65;
- (c) he had for a period of 2 years immediately before the material date held continuously (disregarding breaks not exceeding in the aggregate 6 months) the office of coroner;
- (d) he has made a claim for such compensation in accordance with the provisions of Part VII of these Regulations not later than 13 weeks after the loss of employment which is the cause of his claim, or 13 weeks after the coming into operation of these Regulations, whichever is the later, or within any longer period which the compensating authority allow in any particular case where they are satisfied that the delay in making the claim was due to ill-health or other circumstances beyond the claimant's control;

- (e) the loss of employment which is the cause of his claim has occurred for some reason other than misconduct or incapacity to perform the duties that, immediately before the loss, he was performing or might reasonably have been required to perform; and
- (f) he has not, subject to paragraphs (2) and (3), after the local authority either informs him in writing that his services are or are likely to be terminated or gives him written notice of termination of services, been offered in writing any reasonably comparable employment being employment in the office of coroner or in assisting the holder of such an office in the performance of the duties of that office or under the Crown or in the service of a local authority, or such other employment as the Secretary of State may, in the case of any named person, approve.

(2) In ascertaining for the purposes of this Regulation whether a person has been offered employment which is reasonably comparable with the employment which he has lost, no account shall be taken of the fact that the duties of the employment offered are in relation to a different service from that in connection with which his employment was held or are duties which involve a transfer of his employment from one place to another within England and Wales.

(3) For the purposes of this Regulation, where the compensating authority is satisfied—

- (a) that acceptance of an offer would have involved undue hardship to the person,
- (b) that he was prevented from accepting an offer by reason of ill-health or other circumstances beyond his control, or
- (c) that, before the coming into operation of these Regulations, an offer—
 - (i) has not been accepted by him, and
 - (ii) has lapsed or otherwise terminated,

no account shall be taken of that offer.

Amount of resettlement compensation

8.—(1) The amount of resettlement compensation which may be paid to a person shall, subject to the provisions of paragraphs (2) to (5), be the amount described in sub-paragraph (a) or (b) whichever is the greater, namely—

- (a) an amount equal to 13 weeks' emoluments and, in the case of a person who has attained the age of 45, one additional week's emoluments for every year of his age after attaining the age of 45 and before the loss of employment, subject to a maximum addition of 13 such weeks; or
- (b) an amount equal to—
 - (i) one and one half week's emoluments for each completed year of reckonable service in which the person was not below the age of 41,
 - (ii) one week's emoluments for each completed year of reckonable service (not falling within sub-paragraph (i) above) in which the person was not below the age of 22, and
 - (iii) one half week's emoluments for each completed year of reckonable service not falling within sub-paragraph (i) or (ii) above.

(2) For the purposes of paragraph (1)(a), if the loss of employment takes place within 3 years of the date on which the person would have attained the age of 65, the amount shall be reduced by the fraction of which—

(a) the numerator is the number of complete periods of 6 months in the period beginning on the date 3 years before that on which he would have attained the age of 65 and ending on the date of loss of employment, and

(b) the denominator is 6;

but the amount payable to a person who, on the material date, has not held continuously the office of coroner as described in Regulation 11(1)(c) shall not by this paragraph be reduced to less than the equivalent of 13 weeks' emoluments.

(3) For the purpose of paragraph (1)(b), in the case of a person who has completed more than 20 years' reckonable service, only the period of 20 years immediately prior to the loss of employment shall be taken into account.

(4) For the purpose of paragraph (1)(b), if the loss of a person's employment takes place after he has attained the age of 64, the amount shall be reduced by the fraction of which the numerator is the number of whole months in the period beginning on the date on which he attained that age and ending on the date of loss of employment and of which the denominator is 12.

(5) For the purposes of this Regulation, the weekly rate of emoluments shall be deemed to be seven 365ths of the annual rate of emoluments.

Adjustment of resettlement compensation

9. A person who is entitled to a redundancy or similar payment in consequence of the loss of his employment under any enactment or under any contract or arrangement with the authority by whom he was employed, shall—

(a) if the amount of any resettlement compensation that would, apart from this regulation, be payable exceeds the redundancy or similar payment, be entitled to resettlement compensation equal to that excess, or

(b) if the amount of any resettlement compensation that would, apart from this Regulation, be payable is equal to or less than the redundancy or similar payment, not be entitled to resettlement compensation.

PART IV

LONG-TERM COMPENSATION

Long-term compensation for loss of employment or loss or diminution of emoluments

10. The compensating authority shall, subject to the provisions of these Regulations, pay long-term compensation to any person to whom these Regulations apply and who satisfies the conditions set out in Regulation 11.

Conditions for payment of long-term compensation

11.—(1) Without prejudice to any other requirement of these Regulations, the conditions for the payment of long-term compensation to any person are that—

(a) he has suffered loss of employment or loss or diminution of emoluments attributable to any provision of the Act or any instrument made under the Act not later than 10 years after the material date;

(b) he had not at the date of the loss or diminution attained the age of 65;

- (c) he had, for a period of not less than 5 years immediately before the material date, held continuously (without a break of more than 12 months at any one time) the office of coroner;
- (d) he has made a claim for such compensation in accordance with the provisions of Part VII of these Regulations not later than 2 years after the loss or diminution which is the cause of the claim or 2 years after the coming into operation of these Regulations whichever is the later; and
- (e) if the cause of the claim for compensation is loss of employment—
 - (i) the loss has occurred for some reason other than misconduct or incapacity to perform the duties that, immediately before the loss, he was performing or might reasonably have been required to perform; and
 - (ii) he has not, subject to paragraph (2), after the local authority either informs him in writing that his services are or are likely to be terminated or gives him written notice of termination of services, been offered in writing any reasonably comparable employment being employment in the office of coroner or in assisting the holder of such an office in the performance of the duties of that office or under the Crown or in the service of a local authority, or such other employment as the Secretary of State may, in the case of any named person, approve.

(2) Regulation 7(2) and (3) (which relate to offers of employment) shall apply for the purposes of this Regulation in ascertaining whether a person has been offered reasonably comparable employment.

(3) Claims for long-term compensation for loss of employment shall in all respects be treated as claims for such compensation for the loss of emoluments occasioned thereby and the provisions of these Regulations shall apply to all such claims accordingly.

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

12.—(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 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 which he might have acquired by accepting other suitable employment which, after the local authority either informed him in writing that his services were to be terminated or were likely to be terminated or gave him written notice of termination of services, has been offered to him in writing; and
- (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, or
- (ii) the making of any instrument under the Act where the loss or diminution was attributable to any provision of that instrument.

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

Amount of long-term compensation payable for loss of emoluments

13.—(1) Long-term compensation for loss of emoluments shall, subject to the provisions of these Regulations, be payable until the age of 65 or death of a person to whom it is payable, whichever first occurs, and shall not exceed a maximum annual sum calculated in accordance with the provisions of paragraphs (2) to (4).

(2) The said maximum annual sum shall, subject as hereinafter provided, be the aggregate of the following sums, namely—

- (a) for every year of the person's reckonable service, one sixtieth of the emoluments which he has lost; and
- (b) in the case of a person who has attained the age of 40 at the date of the loss, a sum calculated in accordance with the provisions of paragraph (3) appropriate to his age at that date,

but the said maximum annual sum shall in no case exceed two thirds of the emoluments which the person has lost.

(3) The sum referred to in paragraph (2)(b) shall be—

- (a) in the case of a person who has attained the age of 40 but has not attained the age of 50 at the date of the loss, the following fraction of the emoluments which he has lost—
 - (i) where his reckonable service is less than 10 years, one sixtieth for each year of that service after attaining the age of 40; or
 - (ii) where his reckonable service amounts to 10 years but is less than 15 years, one sixtieth for each year of that service after attaining the age of 40 and one additional sixtieth; or
 - (iii) where his reckonable service amounts to 15 years but is less than 20 years, one sixtieth for each year of that service after attaining the age of 40 and two additional sixtieths; or
 - (iv) where his reckonable service amounts to 20 years or more, one sixtieth for each year of that service after attaining the age of 40 and three additional sixtieths;

but the sum so calculated shall not in any case exceed one sixth of the said emoluments;

- (b) in the case of a person who has attained the age of 50 but has not attained the age of 60 at the date of the loss, one sixtieth of the said emoluments for each year of his reckonable service after attaining the age of 40, up to a maximum of 15 years; and
- (c) in the case of a person who has attained the age of 60 at the date of the loss, one sixtieth of the said emoluments for each year of his reckonable service after attaining the age of 45.

(4) The amount of long-term compensation calculated in accordance with paragraphs (2) and (3) shall be reduced by the amount by which the aggregate of—

- (a) the emoluments of any work or employment undertaken by him as a result of the loss of employment, and
- (b) the long-term compensation which apart from this paragraph would be payable to him,

exceeds the emoluments of the employment which has been lost.

(5) Long-term compensation shall be payable to a person at intervals equivalent to those at which the emoluments of his employment were previously paid or at such other intervals as may be agreed between the person and the compensating authority.

Long-term compensation for diminution of emoluments

14.—(1) Long-term compensation for diminution of emoluments in respect of any employment shall, subject to the provisions of these Regulations, consist of an annual sum calculated in accordance with the provisions of paragraph (2).

(2) The said annual sum shall not exceed the sum that would be the annual sum under the provisions of Regulation 13(1) to (4) calculated on the assumptions—

- (a) that there was a loss of employment, and
- (b) that emoluments after diminution were emoluments of any work or employment undertaken as a result of a loss of employment within the meaning of Regulation 12(1)(b).

(3) Long-term compensation for diminution of emoluments shall be payable to a person at intervals equivalent to those at which the emoluments of his employment are or were previously paid or at such other intervals as may be agreed between the person and the compensating authority.

Period during which long-term compensation is to be payable

15.—(1) Long-term compensation shall be payable with effect from the date of the claim or from any earlier date permitted by the succeeding provisions of this Regulation.

(2) Where a claim for long-term compensation is duly made within 13 weeks of the commencement of these Regulations or the occurrence of the loss or diminution which is the cause of the claim (whichever is the later), the award shall be made effective from the date on which the loss or diminution occurred.

(3) Where a claim for long-term compensation is made after the expiry of the period mentioned in paragraph (2), the compensating authority may—

- (a) at their discretion make the award effective from a date not earlier than thirteen weeks prior to the date on which the claim was made, or
- (b) if they are satisfied that the failure to make the claim within the period mentioned in paragraph (2) was due to ill-health or other circumstances beyond the claimant's control, make the award effective from a date not earlier than that on which the loss or diminution occurred.

(4) Long-term compensation shall not be payable to a person for any period in respect of which compensation under Part V of these Regulations is payable to him.

PART V

RETIREMENT COMPENSATION

Entitlement to retirement compensation and other payments

16.—(1) The compensating authority shall, subject to the provisions of these Regulations, pay retirement compensation to any person to whom this Part of these Regulations applies and shall make the other payments for which provision is made in Regulation 24.

(2) Save as is provided in Regulations 19 and 24, this Part of these Regulations applies to a pensionable officer who satisfies the conditions set out in Regulation 11.

(3) Regulation 12 shall apply in relation to compensation under this Part of these Regulations, other than compensation under Regulation 19, as it applies in relation to compensation under Part IV.

Additional factors governing payment of retirement compensation

17.—(1) Where retirement compensation is payable under any one of Regulations 19, 20, 21 or 22, compensation shall not be payable under any other of those Regulations.

(2) If a person has attained the age of 55 at the date on which he lost his employment or suffered a diminution of his emoluments, the compensating authority, in calculating the amount of the retirement compensation payable to him, shall credit him with an additional period of service on the following basis, namely—

(a) 2 years, whether or not he has completed any years of service after attaining the age of 55,

(b) 2 years for each of the first 4 years of his reckonable service between the date when he attained the age of 55 and the date of the loss or diminution, and

(c) one year for each year of that reckonable service after the fourth,

but the additional period so credited shall not exceed the shortest of the following periods, namely—

(i) the number of years that, when added to his reckonable service, would amount to the maximum period of service which would have been reckonable by him had he continued in his employment until attaining the age of 65,

(ii) the period of his reckonable service, or

(iii) 15 years.

(3) The benefit in respect of the additional period described in paragraph (2) shall be calculated at the same rate as is applicable for the day immediately preceding the loss or diminution.

(4) When retirement compensation is awarded, or when an award is reviewed under Regulation 29, the additional compensation payable in consequence of any period credited to a person under paragraph (2) may be reduced or withheld to the extent that the compensating authority may think reasonable having regard to the pension scheme (if any) associated with any further employment obtained by him.

Pensionable officers, and accrued pensions

18.—(1) The following shall be pensionable officers for the purpose of these Regulations—

- (a) a person described in Regulation 19;
- (b) a person who, had he continued to serve in the office of coroner, would, on attaining the age of 65, have completed 15 years service as a coroner;
- (c) a person in respect of whom the authority paying his emoluments immediately before the material date has made a determination that, had he attained the age of 65 and retired on or before that date, he would have been granted a pension under section 6 of the Act of 1926;
- (d) a person in respect of whom the compensating authority has made an affirmative determination under paragraph (2).

(2) Any person other than one described above who wishes to ascertain whether he is a pensionable officer for the purpose of these Regulations may at any time request the compensating authority to determine the matter; and the authority shall thereupon, having regard to all the circumstances of the case, determine whether, had he attained the age of 65 and retired on or before the material date, he would have been granted a pension under section 6 of the Act of 1926.

(3) The accrued pension of a pensionable officer shall, for the purpose of these Regulations, be the maximum amount that, had he attained the age of 65 at the material date, could have been granted to him as pension under section 6 of the Act of 1926, account being taken of any additional period of service credited to him under Regulation 17.

Retirement compensation payable to pensionable officer who has attained age 65 before loss of employment

19.—(1) A person who has suffered loss of employment attributable to any provision of the Act or instrument made thereunder, and who had both attained the age of 65 years and completed 15 years service as a coroner on or before his loss of employment, shall be entitled to receive an annual sum as retirement compensation equal to the pension he would have received under section 6 of the Act of 1926 had he been called upon to vacate his office under that section.

(2) The provisions of Regulations 11(1)(b), (c) and (e), 11(2), 17(2), (3) and (4), Part VI, and Regulations 32, 34, 35 and 36 shall not apply in the case of a person to whom this Regulation applies.

Retirement compensation payable to a pensionable officer who attains age 65 after loss of employment

20. Subject to the provisions of these Regulations, when a person to whom this Part of these Regulations applies attains the age of 65 years, the retirement compensation payable to him for loss of emoluments shall be an annual sum equal to the amount of his accrued pension.

Retirement compensation payable to pensionable officer on his becoming incapacitated

21.—(1) Where a person to whom this Part of these Regulations applies, and who has suffered loss of employment before attaining the age of 65 years, becomes incapacitated in circumstances in which, if he had continued in the

employment he has lost, he would have qualified for the grant of a pension under section 6 of the Act of 1926, he shall be entitled to claim an annual sum equal to the amount of his accrued pension, subject however to paragraph (5) of this Regulation.

(2) On receipt of a claim under paragraph (1), the compensating authority shall consider whether the claimant is a person to whom that paragraph applies, and—

(a) if they are satisfied that he is not such a person, they shall notify him in writing accordingly, or

(b) if they are satisfied that he is such a person, they shall assess the amount of compensation payable to him and notify him in writing accordingly; and notification as described in sub-paragraph (a) or (b) above shall, for the purposes of these Regulations, be deemed to be a notification by the authority of a decision on a claim for compensation.

(3) A compensating authority may require any person who makes a claim under paragraph (1) to submit himself to a medical examination by a registered medical practitioner selected by that authority, and if they do so, they shall also offer the person an opportunity of submitting a report from his own medical adviser as a result of an examination by him, and the authority shall take that report into consideration together with the report of the medical practitioner selected by them.

(4) If a person wishes to receive compensation under this Regulation, he shall so inform the compensating authority in writing within one month from the receipt of a notification under paragraph (2) or, where the claim has been the subject of an appeal, from the decision of the tribunal thereon; and the compensation shall be payable as from the date on which the compensating authority received the claim.

(5) Where the compensating authority by virtue of Regulation 17 have credited the person with an additional period of service, no account shall be taken of any additional period beyond the period which he could have served, had he not lost his employment, before the date on which the claim was received by the compensating authority.

Retirement compensation for diminution of emoluments

22.—(1) A person to whom this Part of these Regulations applies and who has suffered a diminution of his emoluments shall be entitled to receive retirement compensation in accordance with the provisions of this Regulation.

(2) The provisions of Regulations 19, 20 and 21 shall apply to any such person as if he had suffered loss of employment immediately before the diminution occurred; but the amount of retirement compensation payable shall be the amount which would have been payable in respect of loss of employment multiplied by a fraction of which—

(a) the numerator is the amount by which his pensionable emoluments have been diminished, and

(b) the denominator is the amount of his pensionable emoluments immediately before they were diminished.

Retirement compensation of a person who obtains further pensionable employment

23.—(1) Where a person to whom this Part of these Regulations applies, after suffering loss of employment or diminution of emoluments, enters employment

in which he is subject to a pension scheme and thereafter becomes entitled to reckon for the purposes of that scheme any service or period of contribution which falls to be taken into account for the purpose of assessing the amount of any retirement compensation payable to him, his entitlement to retirement compensation shall be reviewed, and, subject to the provisions of this Regulation, no retirement compensation shall be payable in respect of that service or period unless the annual rate of the emoluments to which he was entitled immediately before the loss or diminution exceeds the annual rate on entry of the emoluments of the new employment, and any retirement compensation so payable to him shall, insofar as it is calculated by reference to remuneration, be calculated by reference to the difference between the said annual rates.

(2) The provisions of this Regulation shall not operate to increase the amount of any retirement compensation payable in respect of diminution of emoluments beyond the amount which would have been payable if the person had attained the age of 65 immediately before he ceased to hold the employment in which he suffered the diminution of emoluments.

Compensation payable to non-pensionable officer on attaining the age of 65 years

24.—(1) Where a person who is not a pensionable officer is receiving long-term compensation for loss of employment and attains the age of 65, the compensating authority shall, if satisfied that the person would, but for the loss, have continued in the employment he has lost for a substantial period beyond that age, continue to pay compensation to him for the remainder of his life at half its former rate.

(2) Where a person who is not a pensionable officer suffers loss of employment on or after attaining the age of 65 years, the compensating authority may, if satisfied that he would in the normal course have continued in the employment he has lost for a further substantial period, determine that compensation shall be paid to him for the remainder of his life at half the rate to which he would have been entitled under Regulation 13 had he not attained the age of 65 years at the date on which he lost his employment.

Intervals for payment of compensation under Part V

25. Any compensation awarded under this Part of these Regulations shall be payable at intervals equivalent to those at which a pension would have been payable under the Act of 1926 or at such other intervals as may be agreed between the person entitled to receive the compensation and the compensating authority.

PART VI

ADJUSTMENT, REVIEW AND COMPOUNDING OF COMPENSATION

Adjustment of compensation where superannuation benefit is also payable

26.—(1) Where any period of service of which account was taken in calculating the amount of any compensation payable under Part IV or V of these Regulations is subsequently taken into account for the purpose of calculating the amount of any superannuation benefit payable to or in respect of any person in accordance with a pension scheme associated with any employment undertaken subsequent to the loss of employment or diminution of emoluments which was the subject of the claim for compensation, the compensating authority may in accordance with this Regulation withhold or reduce the compensation payable.

(2) If the part of any superannuation benefit which is attributable to a period of service mentioned in paragraph (1) equals or exceeds the part of any compensation which is attributable to the same period, that part of the compensation may be withheld or if the part of the superannuation benefit is less than the part of the compensation the compensation may be reduced by an amount not exceeding that part of the superannuation benefit.

(3) Where any additional period of service has been credited to a person under Regulation 17(2), and that period is equal to or less than the period spent in the subsequent employment mentioned in paragraph (1), the compensation may be reduced (in addition to any other reduction authorised by this Regulation) by an amount not exceeding that attributable to the additional period of service so credited or, if the period is greater than the period spent in the subsequent employment, by the proportion of that amount which the period spent in the subsequent employment bears to the additional period so credited.

(4) In making any reduction under paragraph (2) or (3), the amount of pension or, as the case may be, lump sum to be taken into account relating to the subsequent employment shall be the amount of such pension or lump sum reduced by a fraction of that pension or lump sum, where—

(a) the numerator is equivalent to the aggregate of the amount of increases which would have been awarded under the provisions of the Pensions (Increase) Act 1971(a), during the period beginning with the day following loss of the employment for which compensation is payable and ending on the day the subsequent employment terminated, on an official pension (within the meaning of that Act) of £100 a year which commenced from the first mentioned day, and

(b) the denominator is equivalent to the aggregate of an official pension of £100 a year and the amount of the increases so determined.

(5) Where compensation has been calculated in accordance with Regulation 23, the provisions of this Regulation shall only apply in relation to the part (if any) of the superannuation benefit which is attributable to annual emoluments in excess of those to which the person was entitled on entering the new employment referred to in Regulation 23.

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

Reduction of compensation in certain cases

27.—(1) Where in any week a person entitled to long-term compensation for loss or diminution of emoluments is also entitled to a National Insurance benefit, there shall be deducted from the long-term compensation payable in respect of that week a sum equal to the amount by which the aggregate of—

(a) the National Insurance benefit that would be payable in respect of that week if calculated at the rate applicable at the date of loss or diminution, and

(b) 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 emoluments of the employment which he has lost or in which the emoluments have been diminished.

- (2) No deduction shall be made under paragraph (1) insofar as
- (a) an equivalent sum is deducted from the emoluments of his current employment, and
 - (b) that deduction from those emoluments has not occasioned an increase in his long-term compensation.

(3) In paragraph (1) the expression “weekly rate” means seven 365ths of the relevant annual rate, and the expression “National Insurance benefit” means any unemployment, sickness, invalidity or injury benefit or retirement pension payable under any enactment relating to National Insurance, other than a benefit claimable by him in respect of a dependant.

Notification of change of circumstances

28. Where—

- (a) a pensionable officer after suffering loss of employment or diminution of emoluments enters any employment referred to in Regulation 23 or becomes entitled to any superannuation benefit on ceasing to hold such an employment,
- (b) a person entitled to long-term compensation, whilst that compensation is liable to review in accordance with the provisions of Regulation 29, enters any employment, or ceases to hold an employment, or receives any increase in his emoluments in an employment,
- (c) a person entitled to retirement compensation enters employment in which the compensation is subject to reduction under Regulation 27 or ceases to hold such an employment, or
- (d) a person entitled to long-term compensation starts to receive any benefit, any increase in benefit or any further benefit, under any enactment relating to National Insurance,

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

Review of awards of long-term or retirement compensation

29.—(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” meant 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 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 31.

(10) For the purposes of Regulations 13(4), 23(1) and 26(5) and (6) 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 26 or 27.

Compounding of awards

30.—(1) In the case where an annual sum which has been or might be awarded under these Regulations does not exceed £35, 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, if the person who has been awarded long-term or retirement compensation requests them to do so, the compensating authority may, after having regard to the state of health of that person and the other circumstances of the case, compound up to one quarter of their liability to make payments under the award by the payment of an equivalent amount as a lump sum.

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

PART VII

PROCEDURE AND MISCELLANEOUS

Procedure on making claims

31.—(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 writing 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 claimant in writing of their decision—

- (a) in the case of a claim for resettlement compensation, not later than one month after the receipt of the claim,
 - (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 one month 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 38, if he is aggrieved by the decision, to institute proceedings before a tribunal and giving him the address to which any application instituting those proceedings should be sent.

Claimants to furnish information

32.—(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 reasonably require; and he shall verify that information in such manner, including the production of documents in his possession or control, as may be reasonably so required.

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

Procedure on death of claimant

33.—(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 or 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 that person, and the relevant provisions of the regulations shall be construed accordingly.

(3) The compensating authority may, in any case where a person who, if he had survived, could have been a claimant has died, extend the period within which a claim under Regulation 7 or 11 is to be made by his personal representatives.

Calculation of service

34. For the purpose of making any calculation under these Regulations in respect of a person's reckonable service, all periods of that 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 6 months, be treated as a year, and shall in any other case be disregarded.

General provisions as to emoluments

35.—(1) In these Regulations, subject to the provisions of paragraph (2) and Regulation 36, the expression "emoluments" means all salary, wages, fees and other payments paid or made to a person as such for his own use, and also the money value of any accommodation or other allowances in kind appertaining to his employment, but does not include any allowances payable to him to cover the remuneration of deputy or assistant deputy coroners or the cost of providing office accommodation or clerical or other assistance, or any travelling or subsistence allowance or other moneys to be spent, or to cover expenses incurred, by him for the purposes of his employment.

(2) Where fees or other variable payments were paid to a person as part of his emoluments during any period immediately preceding the loss or diminution, the amount in respect of fees or other variable payments to be included in the annual rate of emoluments shall be the annual average of the fees or other payments paid to him during the period of 5 years immediately preceding the loss or diminution, or such other period as the compensating authority may think reasonable in the circumstances.

(3) For the purposes of these Regulations the annual rate of emoluments in relation to any employment which has been lost or the emoluments whereof have been lost or diminished shall be the amount described in (a), (b) or (c) of this paragraph, whichever is the greater—

- (a) the emoluments received in the period of 12 months immediately preceding the loss or diminution;
- (b) in the case of emoluments payable monthly, the emoluments payable in respect of the last complete month immediately preceding the loss or diminution multiplied by 12; or
- (c) in the case of emoluments payable quarterly, the emoluments payable in respect of the last complete quarter immediately preceding the loss or diminution multiplied by 4.

Emoluments of part-time employments

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

Compensation not assignable

37.—(1) Subject to the provisions of any enactment 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.

(2) 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

38.—(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 13 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 (Labour Relations) Regulations 1974(a) and these Regulations; and the tribunal shall determine the question accordingly.

(2) Every interested authority aggrieved by any decision of the compensating authority with respect to a compensation question may, within 13 weeks of the notification to them of the decision, institute proceedings for the determination of the question by a tribunal in accordance with the Industrial Tribunals (Labour Relations) Regulations 1974 and these Regulations; and the tribunal shall determine the question accordingly.

(3) For the purpose of any proceedings instituted in pursuance of this Regulation, a person or persons may be appointed to sit with the tribunal as assessor or assessors.

(4) 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.

Roy Jenkins,
One of Her Majesty's Principal
Secretaries of State.

Home Office,
Whitehall.

10th March 1975.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations provide for the payment of compensation to coroners who have suffered or will suffer loss of office or loss or diminution of emoluments in consequence of the provisions of the Local Government Act 1972 or any instrument made thereunder.

Part I of the Regulations contains definitions. Part II specifies the persons to whom the Regulations apply and the grounds of entitlement to compensation.

(a) S.I. 1974/1386 (1974 II, p. 5330).

The compensation payable is:

- (a) resettlement compensation for loss of employment (Part III);
- (b) long-term compensation for loss of employment or loss or diminution of emoluments (Part IV);
- (c) retirement compensation for loss of employment or loss or diminution of emoluments (Part V).

Resettlement compensation is payable in a lump sum to persons with at least 2 years' service as coroner. The qualifying conditions and factors to be considered are set out in Regulation 7, and the methods of calculation are set out in Regulations 8 and 9.

Long-term and retirement compensation is payable to persons with at least 5 years' service as coroner. The qualifying conditions and factors to be considered for long-term compensation are set out in Regulations 11 and 12, and applied to retirement compensation by Regulation 16.

The method of calculating the amount of long-term compensation is laid down in Regulations 13 (loss of emoluments) and 14 (diminution of emoluments). Where a claim is duly made as provided by Regulation 15, it will be paid from the date on which the loss or diminution occurred. Long-term compensation is not payable for any period in respect of which retirement compensation is payable.

Retirement compensation payable to a pensionable officer is based upon his accrued pension rights (Regulations 18, 19 and 20) supplemented in the case of persons aged 55 or over at the date of loss or diminution by the addition of notional years of service (Regulation 17). Provision for determining for the purpose of the Regulations whether a particular person is a pensionable officer, and as to the amount of accrued pension, is contained in Regulation 18. In the case of non-pensionable officers compensation not exceeding one-half of the rate of long-term compensation may be paid (Regulation 24). Retirement compensation is normally payable from age 65 but in cases of incapacity may be paid earlier (Regulation 21).

Part VI provides for long-term and retirement compensation to be reviewed and for awards to be varied in the light of changing circumstances (Regulation 29). It also contains provisions for the adjustment, reduction and compounding of compensation in certain circumstances.

Part VII contains provisions relating to the procedure for making claims and notifying decisions. A right is given to a claimant who is aggrieved by a decision on a compensation question or the failure of the compensating authority to notify its decision to refer the question for determination by a tribunal in accordance with the Industrial Tribunals (Labour Relations) Regulations 1974.

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