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STATUTORY INSTRUMENTS

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**1978 No. 1682**

**The Justices of the Peace Act 1949  
(Compensation) Regulations 1978**

**PART II**

**ENTITLEMENT TO COMPENSATION**

**Persons to whom the Regulations apply**

3. These Regulations shall apply to any person who—
- (a) was, immediately before the material date, either for the whole or for a part only of his time, the holder of the office of justices' clerk or employed in assisting the holder of such an office in the performance of the duties of that office, or
  - (b) would have been the holder of such an office or so employed at that time but for any national service on which he was then engaged.

**Grounds of entitlement to compensation**

4.—(1) Subject to the provisions of these Regulations, any person to whom these Regulations apply and who, on or after the coming into operation of these Regulations suffers loss of office or loss or diminution of emoluments which is attributable to—

- (a) the making of an order under section 18 of the Act,
- (b) the grouping of clerkships under a justices' clerk under Part III of the Act, or
- (c) the conversion of part-time justices' clerkships to a whole-time clerkship under the said Part III,

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.

(2) Subject to the provisions of these Regulations, any person to whom these Regulations apply and who—

- (a) has suffered loss of office or loss or diminution of emoluments which occurred during the period beginning on 1st April 1974 and ending immediately on the coming into operation of these Regulations (“the transitional period”), which loss or diminution is attributable to any of the events set out in paragraph (1), and
- (b) is not placed in a worse position under these Regulations than under the Justices of the Peace Act 1949 (Compensation) Regulations 1965, as amended<sup>(1)</sup>,

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, except that, as respects the transitional period, there shall be deducted from the amount of compensation payable

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(1) S.I. 1971/1119.

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under these Regulations the amount of any payments made to him by way of compensation under the said Regulations of 1965.

### **National Service**

5.—(1) Where any person to whom these Regulations apply would have been employed immediately before the material date in any capacity referred to in Regulation 3(a) but for any national service on which he was then engaged, then if before the expiry of 2 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 determining 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 administration of the same or in a different service), of loss of office; 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 office, of diminution of emoluments.

(2) The loss of office 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 office.