
STATUTORY INSTRUMENTS

1978 No. 1682

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

PART IV

LONG-TERM COMPENSATION

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 office or loss or diminution of emoluments attributable to one of the events specified in Regulation 4 on, or not later than 10 years after, the material date;
- (b) he had not, save as is provided in Regulation 26, at the date of the loss or diminution attained normal retiring age;
- (c) he had been, for a period of not less than 5 years immediately before the material date, continuously engaged (without a break of more than 12 months at any one time) for the whole or part of his time in relevant employment;
- (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;
- (e) if the cause of the claim for compensation is loss of office—
 - (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 he has received from the magistrates' courts committee either written notice that his office was to be terminated or written notice of termination of his office, been offered in writing any relevant employment which, is reasonably comparable with the office he has lost; and
- (f) he is not in receipt of benefits payable in accordance with regulations made under section 260 of the Local Government Act 1972 or any corresponding regulation.

(2) Regulation 7(3) and (4) (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 office 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.