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STATUTORY INSTRUMENTS

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**1986 No. 151**

**The Local Government Reorganisation  
(Compensation) Regulations 1986**

**PART II**

**LOSS OF EMPLOYMENT**

**Compensation where redundancy is certified**

**3.—(1)** This regulation applies to a person who becomes entitled to a retirement pension under regulation E2(1)(b)(iii) of the Superannuation regulations by virtue of the competent authority's certifying under regulation E2(3)(a) of those regulations that he has ceased to hold his employment by reason of redundancy.

(2) Subject to paragraph (3), where this regulation applies the like compensation is payable as would have been payable under the 1982 regulations and Part II of the 1984 regulations if they had applied (in the case of the former, with the modifications set out in Part I of the Schedule to these regulations) and—

- (a) the person had been an eligible person within the meaning of the 1982 regulations, and
- (b) he had been required—
  - (i) unless he elects to be credited with a shorter period, to be credited with the maximum period of additional service under regulation 5 of the 1982 regulations, and
  - (ii) if he is entitled to a redundancy payment, to be paid the maximum compensation under Part II of the 1984 regulations.

(3) In the case of a woman who would have been entitled to a redundancy payment but for section 82(1)(b) of the 1978 Act (attainment of the age of 60), paragraph (2)(b)(ii) does not apply and she is instead entitled to compensation equal to the redundancy payment to which she would have been entitled if in the 1978 Act—

- (a) for section 82(1)(a) and (b) there had been substituted the words “has attained the age of sixty-five.”,
- (b) in paragraph 4(2) of Schedule 4, for the words from “, in relation to a man” to “her birth” there had been substituted the words “means the sixty-fourth anniversary of the day of the employee's birth”, and
- (c) paragraph 8(1)(c) of Schedule 14 had been repealed.

(4) In this regulation “the competent authority” means the body which is for the time being competent to certify as mentioned in paragraph (1).

**Compensation in other cases of redundancy**

**4.—(1)** A person who is entitled to a redundancy payment and who on the relevant date had not attained the age of 41 is entitled—

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- (a) if he had then been employed in relevant local government service for 5 years or more, to compensation equal to the difference between—
    - (i) the redundancy payment, and
    - (ii) 2 weeks' pay (calculated as if Schedule 14 to the 1978 Act, except paragraph 8, had applied) for each year of such service in which he was not below the age of 18, and
  - (b) in any other case, to the like compensation as would have been payable if Part II of the 1984 regulations had applied and he had been required to be paid the maximum compensation under that Part.
- (2) A person who is entitled to a redundancy payment and—
- (a) who on the relevant date had attained the age of 41, and
  - (b) to whom regulation 3 does not apply,
- is entitled to compensation of the amount specified in paragraph (3).
- (3) The amount mentioned in paragraph (2) is the difference between—
- (a) the redundancy payment to which the person is entitled, and
  - (b) the redundancy payment to which he would have been entitled if the 1978 Act had applied with the modifications set out in paragraphs 6 and 7 of the Schedule to these regulations.
- (4) A woman who would have been entitled to a redundancy payment but for section 82(1)(b) of the 1978 Act and to whom regulation 3 does not apply is entitled to compensation of the amount specified in paragraph (5).
- (5) The amount mentioned in paragraph (4) is that of the redundancy payment to which she would have been entitled if the 1978 Act had applied with the modifications set out in Part II of the Schedule to these regulations.

#### **Date for certain calculations**

**5.** In the case of a person who immediately before 1st April 1986 is in the service of the Greater London Council or a metropolitan county council, in making any calculation for the purposes of regulation 3(2)(b)(ii) or (3) or 4(1)(a)(ii), (1)(b), (3)(b) or (5) the calculation date for the purposes of Part II of Schedule 14 to the 1978 Act is to be taken to be 31st March 1986.