
STATUTORY INSTRUMENTS

1986 No. 151

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

PART IV

MISCELLANEOUS

Calculation of compensation

10. In calculating the amount of any compensation to which a person is entitled under these regulations no account is to be taken of any temporary increase or decrease in his emoluments which is attributable to any provision made by or under the 1985 Act.

Payment of compensation

11.—(1) Compensation to which a person is entitled under these regulations is payable by the compensating authority.

(2) Subject to paragraphs (3) and (4), compensation under Part III is payable at the end of each compensation period.

(3) The compensating authority may during a compensation period, at such intervals as they think fit, and having regard to any material change of circumstances occurring during the period, make interim payments to a person entitled to compensation under Part III on account of any compensation that may become payable to him at the end of that period.

(4) If the total of any payments made to a person under paragraph (3) during any of the first seven compensation periods exceeds or falls short of the compensation payable at the end of that period, the excess or shortfall is to be deducted from, or as the case may be added to, any compensation payable to him at the end of the following compensation period.

Apportionment of certain costs

12.—(1) Where any new compensation is payable by a council designated by an order under section 66 of the 1985 Act which makes provision for the apportionment of costs, the cost of the new compensation is to be apportioned as if that provision had applied.

(2) In paragraph (1) “new compensation” means compensation under these regulations which is payable by the designated council, otherwise than in the discharge of a liability imposed on them by the order, to a person who has ceased to be employed by another body.

Claims and decisions

13.—(1) A claim for compensation under these regulations must be made to the compensating authority by notice in writing, which may be sent by post.

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(2) A decision by the compensating authority on a claim, and any decision made by them as to the amount of compensation payable for any period, is to be notified by them in writing to the person concerned, and in their notification they must—

- (a) give reasons for the decision,
- (b) show how any compensation has been calculated, and
- (c) inform the claimant of his right to institute proceedings under paragraph (3) and of the address to which any application instituting such proceedings should be sent.

(3) If the person is dissatisfied with the compensating authority's decision, or they have not notified him of a decision within 13 weeks after, as the case may be—

- (a) their receiving a claim, or
- (b) the end of any compensation period,

he may institute proceedings for the determination of the matter by an industrial tribunal established in pursuance of the Industrial Tribunals (England and Wales) Regulations 1965⁽¹⁾.

(4) Proceedings under paragraph (3) must be instituted within 13 weeks after, as the case may be—

- (a) the notification of the compensating authority's decision, or
- (b) the expiry of the 13 weeks mentioned in that paragraph.

Amendment of 1982 regulations

14.—(1) Regulation 6(3C)(b) of the 1982 regulations is amended by substituting for the words “beginning on and payable from” the words “beginning, and first qualifying for increases under that Act, on”.

(2) Part I of Schedule 1 to the 1982 regulations is amended by inserting after paragraph (i) the following:

- “(j) the Inner London Education Authority established by section 18 of the Local Government Act 1985;
- (k) a residuary body established by section 57 of that Act.”.

⁽¹⁾ amended by S.I. 1967/301, 1970/941, 1977/1473.