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STATUTORY INSTRUMENTS

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**1994 No. 3025**

**The Local Government (Compensation  
for Redundancy) Regulations 1994**

**PART III**

**Persons to whom this Part applies**

5. This Part applies to a person who—
- (a) ceases during the prescribed period to hold his employment with a relevant body by reason of redundancy or in the interests of the efficient exercise of that body's functions; and
  - (b) meets the prescribed conditions.

**Prescribed conditions**

6.—(1) The provisions of the next subsequent paragraphs are the prescribed conditions for the purposes of regulation 5.

(2) The first condition is that the person is not entitled to have his case considered for the payment of compensation within the meaning of Part I of Schedule 2 to the 1982 Regulations.

(3) The second condition is that the person has on the material date—

- (a) attained the age of 18 years but has not attained the age of 50 years, and is entitled to count reckonable service and qualifying service amounting in aggregate to not less than 2 years; or
- (b) has attained the age of 50 years.

(4) The third condition, which applies only to the case of a person who ceases to be employed by a relevant body in Wales in circumstances under which he is otherwise entitled to payment under these Regulations, is that—

- (a) where the relevant body is an old authority as defined in section 64(1) of the Local Government (Wales) Act 1994, the body which is the successor, as defined in section 51(2) of that Act, in relation to that relevant body certifies to the relevant body that—
  - (i) the person would otherwise be entitled to payment under these Regulations; and
  - (ii) the loss of employment is attributable to any provision made by or under the Local Government (Wales) Act 1994; or
- (b) where the relevant body is a county council or county borough council established under section 1 of the Local Government (Wales) Act 1994 or the Residuary Body for Wales established under section 39 of that Act, it certifies that the loss of employment is attributable to any provision made by or under that Act.

**Computation of compensation**

7. Within 6 months after the material date a relevant body—

- (a) shall determine to pay the compensation prescribed in regulation 8 to a person who meets the requirements of regulation 8(1);
- (b) may determine to pay the compensation prescribed in regulation 9 to a person who meets the requirements of regulation 9(1);
- (c) may determine to pay the compensation prescribed in regulation 10 to a person who meets the requirements of regulation 10(1); and
- (d) may determine to pay the compensation prescribed in regulation 11 to a person to whom regulation 9 or 10 applies.

### **General mandatory compensation**

**8.—(1)** This regulation applies to a person to whom this Part applies and who, on the material date,

- (a) has attained the age of 18 years but has not attained the age of 50 years and who is entitled to count reckonable service and qualifying service amounting in aggregate to not less than 2 years; or
  - (b) has attained the age of 50 years and who is entitled to count reckonable service and qualifying service amounting in aggregate to less than 2 years.
- (2) The compensation payable under regulation 7(a) shall not exceed the lesser of—
- (a) a sum equivalent to 66 weeks' remuneration; or
  - (b) the relevant aggregate sum referred to in paragraphs (3) or (4) of regulation 4.

### **Discretionary compensation for certain persons**

**9.—(1)** This regulation applies to a person to whom this Part applies and who—

- (a) ceases employment on or after the attainment of age 50; and
- (b) is entitled to count reckonable service and qualifying service amounting in aggregate to 2 or more but less than 5 years.

(2) The compensation which may be payable under regulation 7(b) shall, at the discretion of the relevant body, be—

- (a) a sum calculated in accordance with paragraphs (3) and (4); or
  - (b) the relevant compensation referred to in paragraph (5).
- (3) The compensation shall not exceed the lesser of—
- (a) a sum equivalent to 45 weeks' remuneration; or
  - (b) the relevant aggregate sum referred to in paragraph (4).
- (4) The relevant aggregate sum shall be—
- (a) a sum equivalent to one and one half weeks' remuneration for each complete year of reckonable service on or after the attainment of age 18;
  - (b) a sum equivalent to two and one half weeks' remuneration for each complete year of reckonable service on or after the attainment of age 41; and
  - (c) a sum equivalent to one half week's remuneration.

(5) For the purposes of paragraph (2)(b) the relevant compensation is such sum which when aggregated to the compensation payable under paragraph (2)(a) shall not exceed the relevant maximum.

- (6) For the purposes of paragraph (5), the relevant maximum means the lesser of—

- (a) a sum equivalent to 66 weeks' remuneration; or
- (b) the aggregate of—
  - (i) a sum equivalent to 2 weeks' remuneration for each complete year of reckonable service on or after the attainment of age 18; and
  - (ii) a sum equivalent to 3 weeks' remuneration for each complete year of reckonable service on or after the attainment of age 41.
- (7) No payment shall be made to a person under this regulation unless—
  - (a) the person gives written consent to such payment after receipt of the written notification referred to in regulation 15; and
  - (b) the person waives in writing his right to the immediate payment of benefits under regulation E2(1)(b)(iii) and (4) of the Superannuation Regulations.

#### **Discretionary compensation for certain persons**

- 10.**—(1) This regulation applies to a person to whom this Part applies and who—
- (a) ceases employment on or after the attainment of age 50; and
  - (b) is entitled to count reckonable service and qualifying service amounting in aggregate to not less than 5 years.
- (2) The compensation which may be payable under regulation 7(c) to a person shall, at the discretion of the relevant body, be—
- (a) a sum calculated in accordance with regulation 9(3) and (4); or
  - (b) the relevant compensation referred to in paragraph (3).
- (3) For the purposes of paragraph (2)(b) the relevant compensation is—
- (a) such sum which when aggregated to the compensation payable under paragraph (2)(a) shall not exceed the relevant maximum; or
  - (b) the credit allowable under regulation 5(1) of the 1982 Regulations, as abated under regulation 13 of those Regulations.
- (4) For the purposes of paragraph (3)(a) “relevant maximum” has the meaning given to it in regulation 9(6).

#### **Discretionary compensation**

- 11.**—(1) The compensation which may be payable under regulation 7(d) is such sum which when aggregated to the compensation payable under regulation 9 or 10, as the case may be, shall not exceed the relevant maximum.
- (2) In paragraph (1) “relevant maximum” has the meaning given to it in regulation 9(6).

#### **Offset of redundancy payment**

- 12.** From the total sum payable, other than that part payable under regulation 10(3)(b), to a person to whom this Part applies there shall be deducted an amount equivalent to any redundancy payment made to that person.