
STATUTORY INSTRUMENTS

2011 No. 2954

The Local Government (Discretionary Payments) (Injury Allowances) Regulations 2011

Loss of employment through permanent incapacity

4.—(1) If—

- (a) in the course of carrying out his or her work a person who is employed in a relevant employment—
 - (i) sustains an injury; or
 - (ii) contracts a disease; and
- (b) he or she ceases to be employed in that employment as a result of an incapacity which is likely to be permanent and was caused by the injury or disease,

the person may subject to paragraph (2), be entitled to an annual allowance not exceeding 85 per cent of his or her annual rate of remuneration in respect of the employment when he or she ceased to be employed.

(2) The relevant employer shall from time to time determine whether the person continues to be entitled to an allowance under paragraph (1).

(3) The allowance is to be paid by the relevant employer and, subject to paragraph (1) and regulation 8, is to be of such amount as that employer may from time to time determine.

(4) In ascertaining for the purposes of paragraph (1) a person's annual rate of remuneration when he or she ceased to be employed—

- (a) the annual rate of any fluctuating element included in his or her remuneration is to be estimated by reference to an average taken over a representative period;
- (b) the annual rate of any benefit in kind included in his or her remuneration is to be the estimated annual value of the benefit in kind as at the date on which he or she ceased to be employed;
- (c) if at that date—
 - (i) the person had no remuneration; or
 - (ii) the person's remuneration was reduced because of absence from duty,

the annual rate is that which would have applied if he or she had been in receipt of remuneration or had not been absent;

- (d) if at that date the person was entitled to an allowance under regulation 3 by reason of a reduction in his or her remuneration (whether as a result of the same or another injury or disease), the annual rate is that which would have applied if his or her remuneration had not been reduced;
- (e) if the person's remuneration is calculated by reference to a rate which is not annual, the annual rate is to be derived from the applicable rate at that date; and
- (f) if the person's remuneration is retrospectively altered as a result of a pay award, the annual rate is that based on the award.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(5) The relevant employer may suspend or discontinue the allowance under this regulation if the person secures gainful employment.

(6) In this regulation “gainful employment” means paid employment for not less than 30 hours in each week for a period of not less than 12 months.