
STATUTORY RULES OF NORTHERN IRELAND

2003 No. 61

The Local Government (Early Termination of
Employment) (Discretionary Compensation)
Regulations (Northern Ireland) 2003

PART IX

INFORMATION ABOUT AND PAYMENT OF COMPENSATION

Policy statements

25.—(1) Each Scheme employer must formulate, publish within four months of the commencement date, and keep under review –

- (a) the policy that it applies in the exercise of its discretionary powers under Parts II to IV and Parts VI to VIII; and
- (b) the policy it applies in the exercise of its duty under regulations 16 and 18 to reduce annual compensation.

(2) If the Scheme employer decides to change either policy, it must publish a statement of the amended policy within one month of the date of its decision.

(3) The Scheme employer must not give effect to any policy change until one month has passed since the date of publication of the statement under paragraph (2).

(4) In formulating and reviewing its policies the Scheme employer must –

- (a) have regard to the extent to which the exercise of its discretionary powers (in accordance with the policy), unless properly limited, could lead to a serious loss of confidence in the public service; and
- (b) be satisfied that the policy is workable, affordable and reasonable having regard to the foreseeable costs.

Information relevant to compensation – employing authorities

26.—(1) Within one month after the date of –

- (a) the award of a credited period;
- (b) the death of a person in respect of whom a credited period had been awarded; or
- (c) the making of any adjustment affecting the compensation payable to, or for the benefit of, a person under any of Parts IV to VIII,

the employing authority must, by notice in writing, inform the recipient of the effect of the award or the adjustment, as the case may be, giving details of any relevant calculation.

(2) The employing authority may at any time, by notice in writing, require a person to whom compensation is payable under any of Parts IV to VIII –

- (a) to supply such information; and

(b) to produce such documents in support of that information, as it may reasonably require for the discharge of its functions under these Regulations; and may require the information and documents to be supplied and produced within such reasonable period as may be specified in the notice.

Information relevant to compensation – individuals

27.—(1) Within one month after the date of his entry into, or departure from, a new employment, a person to whom a credited period has been awarded must, by notice in writing, inform his employing authority of that fact.

(2) A person who has received a notice under regulation 26(2) must supply the information and produce the documents required (in so far as they are in his possession or under his control); and, if a period for their supply and production has been specified in the notice, must supply and produce them before the end of that period.

Payments and repayments

28.—(1) Any compensation payable under these Regulations –

- (a) is payable to or in trust for the person entitled to receive it;
- (b) is not assignable or chargeable with his debts or other liabilities; and
- (c) on his bankruptcy, shall not vest in his trustee in bankruptcy as part of his estate.

(2) Compensation (other than compensation payable in a lump sum) payable to, or in respect of, a person shall be payable where the entitlement arises under Part IV or VIII, at the same intervals as those at which his pension is payable under the Pension Regulations (or, but for a relevant disqualification and on the relevant assumptions or, as the case may be, the transfer of benefits to another pension scheme, would have been so payable).

(3) Where any compensation is paid in error to any person (including any overpayment) –

- (a) the paying authority must, as soon as possible after the discovery of the error –
 - (i) inform the person concerned, by notice in writing, giving details of the relevant calculation;
 - (ii) where there has been an underpayment, make a further payment;
 - (iii) where there has been an overpayment, specify a reasonable period for repayment;
- (b) a person who has received a notice under sub-paragraph (a) must repay any overpayment within the specified period; and
- (c) the paying authority may take such steps as it considers appropriate to recover from the person to whom it was paid any overpayment which has not been repaid within the specified period.

(4) The paying authority shall take into account the person's circumstances (so far as known or reasonably ascertainable), before taking steps under paragraph (3)(c).

Interest on late payments

29.—(1) Where all or part of any compensation due under either of Part IV or VIII is not paid by the paying authority within the relevant period after the due date, that authority must pay interest on the unpaid amount to the person to whom it is payable.

(2) Interest under paragraph (1) must be calculated at one per cent. above base rate on a day to day basis from the due date to the date of payment, and compounded with three-monthly rests.

Authority by whom compensation is payable

30.—(1) Unless other provisions of these Regulations have a different effect, compensation payable under either of Part IV or VIII shall be paid by the employing authority.

(2) The Committee in relation to any person who is entitled to any compensation under Part IV or VIII may agree with the employing authority to pay on its behalf such compensation arising in respect of that person and to recover the amount from the employing authority within such period (subject to paragraph (4)) and on such terms as the Committee may determine.

(3) Lump sum compensation may not be paid from the fund maintained by the Committee under the Pension Regulations.

(4) The amount of any compensation paid under Part IV or VIII from the fund by the Committee on behalf of the employing authority must be recovered from the employing authority within two months from the payment.