STATUTORY INSTRUMENTS

1968 No. 1087 (S. 120)

REGISTRATION OF BIRTHS, DEATHS, MARRIAGES, ETC.

The Registration of Births, Deaths and Marriages (Local Registration Authorities' Officers) Compensation (Scotland) Amendment Regulations 1968

Made - - -	*9th July* 1968
Laid before Parliament	*23rd July* 1968
Coming into Operation	*1st August* 1968

In exercise of the powers conferred on me by section 7(11) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965(a), and of all other powers enabling me in that behalf, I hereby make the following regulations:—

Citation and commencement

1. These regulations may be cited as the Registration of Births, Deaths and Marriages (Local Registration Authorities' Officers) Compensation (Scotland) Amendment Regulations 1968, and shall come into operation on 1st August 1968.

Interpretation

2.—(1) In these regulations "the principal regulations" means the Registration of Births, Deaths and Marriages (Local Registration Authorities' Officers) Compensation (Scotland) Regulations 1966(b).

(2) The Interpretation Act 1889(c) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

Amendment of the principal regulations

3. The principal regulations shall be amended as follows:—

(1) In regulation 2(1) there shall be added at the end of the definition of "relevant employment" the words "but, except as provided in regulations 6(2) and 12(2) of these regulations, shall not include service in the armed forces of the Crown;".

(2) For sub-paragraph (*a*) of regulation 8(1) there shall be substituted the following sub-paragraph:—

"(*a*) unemployment, sickness or injury benefit under any Act relating to National Insurance claimable by him in respect of such week (excluding any amount claimable by him in respect of any dependant);".

(a) 1965 c. 49.
(b) S.I. 1966/759 (1966 II, p. 1750).
(c) 1889 c. 63.

(3) After regulation 34 there shall be added the following regulation:—

" 34A.—(1) Where in any week a person is entitled to long-term compensation for loss or diminution of emoluments and is also entitled to unemployment, sickness or injury benefit under any Act relating to National Insurance, other than a benefit claimable by him in respect of a dependant, there shall be deducted from the long-term compensation payable for that week a sum equal to the amount by which the aggregate of such National Insurance benefits claimable in respect of that week and the weekly rate at which the long-term compensation would be payable but for this regulation, and the weekly rate of any superannuation benefit taken into account for the purposes of regulation 15(4) of these regulations, exceeds two-thirds of the weekly rate of the net emoluments of the employment which he has lost or in which the emoluments have been diminished:

Provided that this paragraph shall not apply in relation to any such sickness or injury benefit—

(*a*) in so far as an equivalent sum is deducted from the emoluments of his current employment; and

(*b*) such deduction from those emoluments has not occasioned an increase in his long-term compensation.

(2) In paragraph (1) of this regulation the expression ' weekly rate ' means seven three hundred and sixty-fifths of the relevant annual rate.".

(4) In regulation 35, after paragraph (*c*) there shall be added the following paragraph:—

" or (*d*) a person entitled to long-term compensation is receiving or starts to receive any benefit, any increase in benefit or any further benefit under any Act relating to National Insurance,".

(5) In regulation 36(7), for the words " 32 or 34 " there shall be substituted the words " 32, 34 or 34A ".

Transitional provisions

4.—(1) Nothing in regulation 3(1) of these regulations shall affect the entitlement of any person to compensation under the principal regulations where that entitlement has been determined before the date of operation of these regulations.

(2) Notwithstanding anything contained in the principal regulations, regulation 3(2), (3), (4) and (5) of these regulations shall apply with effect from the date of operation of these regulations in relation to any compensation under the principal regulations awarded before that date.

William Ross,

One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

9th July 1968.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Registration of Births, Deaths and Marriages (Local Registration Authorities' Officers) Compensation (Scotland) Regulations 1966 (" the principal Regulations ").

The main changes are as follows:—

(i) The expression " relevant employment " (which is defined in Regulation 2(1) of the principal Regulations and which affects qualification for compensation and calculation of the amount) is not to include service in the armed forces of the Crown except for certain national service which is expressly made relevant employment for determining whether a person is qualified to claim compensation (Regulation 3(1)).

(ii) National Insurance unemployment, sickness and injury benefits (other than benefits payable in respect of dependants) are to be taken wholly into account in assessing resettlement compensation and not only, as at present, the current rate applicable to a single man (Regulation 3(2)).

(iii) National Insurance unemployment, sickness and injury benefits (other than benefits payable in respect of dependants) are to be deducted from long-term compensation to such extent as is necessary to ensure that the total of benefits and compensation received in any week does not exceed two-thirds of the emoluments for the loss or reduction of which compensation is payable (Regulation 3(3)).

Changes (ii) and (iii) apply to compensation in payment at the date of operation of the Regulations as well as to compensation awarded after that date.