
STATUTORY INSTRUMENTS

1965 No. 620

The Probation (Compensation) Regulations 1965

PART III

RESETTLEMENT COMPENSATION FOR LOSS OF EMPLOYMENT

Resettlement compensation for loss of employment

- 6.—(1) The compensating authority shall, subject to the provisions of these Regulations—
- (a) consider and determine the entitlement to resettlement compensation of every person to whom this Part of these Regulations applies who claims such compensation and in relation to whom the conditions set out in the next succeeding Regulation are satisfied, and
 - (b) pay the amount of any compensation so determined.

(2) This Part of these Regulations applies to a person who at the date of the loss of employment had not attained normal retiring age and who had been for a period of not less than three years immediately preceding the material date continuously engaged (exclusive of breaks not exceeding in the aggregate six months) for the whole or part of his time in relevant employment; and for this purpose the expression “relevant employment” includes any period of national service immediately following upon such employment .

Conditions for payment of resettlement compensation

7.—(1) Without prejudice to any other requirement of these Regulations, nothing in these Regulations shall entitle a person to resettlement compensation unless—

- (a) he has suffered loss of employment attributable to any provision mentioned in Regulation 4 of these Regulations not later than ten years after the material date;
- (b) he has made his claim for resettlement compensation in accordance with the provisions for making claims set out in Part VII of these Regulations not later than thirteen weeks after the loss of employment which is the cause of his claim;
- (c) the loss of employment which is the cause of his claim has occurred for some reason other than misconduct or incapacity to perform such duties as immediately before the loss he was performing or might reasonably have been required to perform; and
- (d) he has not, subject to paragraph (3) of this Regulation, been offered any reasonably comparable employment as a probation officer or by a probation committee in connection with the work of probation officers or under the Crown or in the service of a local authority.

(2) In ascertaining for the purposes of this Regulation whether a claimant has been offered employment which is reasonably comparable with the employment which he has lost no account shall be taken of the fact that the duties of the employment offered are in relation to the administration of a different service from that in connection with which his employment was held or are duties which involve a transfer of his employment from one place to another within England or Wales.

(3) No account shall be taken for the purposes of this Regulation of an offer of employment where the compensating authority are satisfied—

- (a) that acceptance would have involved undue hardship to the claimant, or
- (b) that the claimant was prevented from accepting the offer by reason of ill-health or other circumstances beyond his control.

Amount of resettlement compensation

8.—(1) Subject to the provision of paragraph (2) of this Regulation, resettlement compensation payable to a person to whom this Part of these Regulations applies shall for each week for which such compensation is payable be a sum ascertained by taking two thirds of the weekly rate of the net emoluments which the claimant has lost and deducting therefrom such of the following items as may be applicable:—

- (a) unemployment, sickness or injury benefit under any Act relating to National Insurance at the current rate for a person having no dependants, in so far as any such benefit (whether at that or any other rate) is claimable by him in respect of such week;
- (b) two thirds of the net emoluments received by him in respect of such week from work or employment undertaken in place of the employment which he has lost;
- (c) any periodical payment to which he is entitled in respect of such week by virtue of any pension scheme to which he was subject in relation to the employment which he has lost.

(2) In determining the amount of resettlement compensation the compensating authority shall have regard to any payments to which the claimant becomes entitled in consequence of the loss of his employment under any contract or arrangement with the authority by whom he was employed (other than payments by way of a return of contributions under a pension scheme).

(3) For the purposes of this Regulation the weekly rate of a claimant's net emoluments shall be deemed to be seven three hundred and sixty-fifths of those emoluments.

Period for payment of resettlement compensation

9. Subject as hereinafter provided, resettlement compensation to a person to whom this Part of these Regulations applies shall be payable in respect of the period of thirteen weeks next succeeding the week in which he lost the employment in respect of which his claim has been made or, in the case of a claimant who has attained the age of forty-five years, the said thirteen weeks extended by one additional week for every year of his age after attaining the age of forty-five years and before the date of the loss of employment, subject to a maximum addition of thirteen such weeks.

Claimant for resettlement compensation to furnish particulars of employment

10. Every claimant for resettlement compensation shall (after as well as before the compensation begins to be paid)—

- (a) forthwith supply the compensating authority in writing with particulars of any employment which he obtains or of any change in his earnings from any such employment, and
- (b) if the compensating authority so requires, so long as he is out of employment and is not receiving sickness or injury benefit, register with the Ministry of Labour.

Additional provisions relating to resettlement compensation

11. Resettlement compensation shall be payable to a claimant at intervals equivalent to those at which the emoluments of his employment were previously paid or at such other intervals as may be agreed between the claimant and the compensating authority and shall forthwith be terminated by the compensating authority—

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- (a) if without reasonable cause the claimant fails to comply with any of the provisions of Regulation 10 of these Regulations, or
- (b) if, on being requested to do so, he fails to satisfy the compensating authority that, so far as he is able, he is seeking suitable employment.