

---

STATUTORY INSTRUMENTS

---

**1967 No. 1889**

**The Harbour Reorganisation (Compensation  
to Employees) Regulations 1967**

**PART III**

**RESETTLEMENT COMPENSATION FOR LOSS OF EMPLOYMENT**

**Persons to whom Part III of the regulations applies**

- 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 3 years immediately preceding the material date continuously engaged (disregarding breaks not exceeding in the aggregate 6 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 in consequence of any of the provisions of a harbour reorganisation scheme not later than 10 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 13 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 under the Crown or in the service of any local authority, harbour authority, local lighthouse authority or of any person carrying out harbour operations or under an officer in any such service, being employment for the purposes of the functions of the authority or person employing that officer.

(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 Great Britain.

(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 provisions 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 claimable by him in respect of such week (excluding any amount claimable by him in respect of any dependant);
- (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 harbour or local lighthouse authority or person carrying out harbour operations 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 13 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 45 years, the said 13 weeks extended by one additional week for every year of his age after attaining the age of 45 years and before the date of the loss of employment, subject to a maximum addition of 13 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 require, 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—

- (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.