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STATUTORY INSTRUMENTS

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**1967 No. 1889**

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

**PART V**

**RETIREMENT COMPENSATION AND PAYMENTS ON  
DEATH FOR LOSS OR DIMINUTION OF PENSION RIGHTS**

*Option to take retirement compensation prematurely in certain cases*

**23.**—(1) If a pensionable officer to whom this Part of these regulations applies has suffered loss of employment after attaining the age of 50 years, and so requests the compensating authority by notice in writing, then, subject to the provisions of these regulations, he shall be entitled as from the date on which the compensating authority receive such notice, in lieu of any compensation, other than resettlement compensation, to which he would otherwise be entitled under these regulations, to an annual sum equal to the amount of his accrued pension and a lump sum equal to the amount of his accrued retiring allowance (if any):

Provided that—

- (i) in calculating the amount of the compensation payable to a person who has given such notice as aforesaid, no account shall be taken of any additional years of service or period of contribution credited to that person under regulation 27(2) of these regulations, and
  - (ii) where the officer has claimed long-term compensation, the said notice shall be given not later than 2 years after the determination of the claim or, where the determination is reviewed under regulation 38(3) of these regulations, not later than 2 years after any such review.
- (2) Regulation 22(2) of these regulations shall apply in relation to a notice given under the last foregoing paragraph as it applies to a claim made under paragraph (1) of that regulation.
- (3) Where an annual sum is payable under this regulation in respect of any period and resettlement compensation is also payable in respect of that period, the said annual sum shall be limited to the amount (if any) by which it exceed the resettlement compensation payable as aforesaid.
- (4) As from the date on which the said annual sum is payable to a pensionable officer under this regulation his entitlement to any long-term compensation shall cease.
- (5) A pensionable officer to whom compensation under this regulation becomes payable, who enters employment in which he is subject to a pension scheme, and thereafter becomes entitled to reckon for the purposes of that scheme any service or period of contribution which falls or fell to be taken into account for the purpose of assessing the amount of compensation so payable, shall be subject to the provisions of regulation 26 of these regulations as from the date upon which he enters or entered such employment notwithstanding that payment under the award has commenced and, subject to the provisions of regulation 35 of these regulations, any further retirement compensation payable to him from that date shall be calculated in accordance with the said regulation 26.

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(6) For the removal of doubt, the compensating authority may, at any time for the purpose of giving effect to the last preceding paragraph, adjust the amount of compensation paid or payable under this regulation, notwithstanding that the provisions of regulation 38 of these regulations do not apply.