
STATUTORY INSTRUMENTS

1967 No. 1889

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

PART VII

PROCEDURE AND MISCELLANEOUS

Procedure on making claims

40.—(1) Every claim for compensation under these regulations and every request for a review of an award of long-term or retirement compensation shall be made in accordance with the provisions of this regulation.

(2) Every such claim and request shall be made to the compensating authority in writing, shall set out the grounds on which the claim or request is made and shall state whether any other claim for compensation has been made by the claimant under these regulations.

(3) Resettlement compensation shall be claimed separately from any other form of compensation claimable under these regulations.

(4) The compensating authority shall consider any such claim or request in accordance with the relevant provisions of these regulations and shall notify the claimant in writing of their decision—

- (a) in the case of a claim for resettlement compensation, not later than one month after the receipt of the claim, and
- (b) in the case of a claim for, or request for the review of an award of, compensation under Part IV or Part V of these regulations, not later than 13 weeks after the receipt of the claim or request, and
- (c) in any other case, as soon as possible after the decision.

(5) Every notification of a decision by the compensating authority (whether granting or refusing compensation or reviewing an award, or otherwise affecting any compensation under these regulations) shall contain a statement—

- (a) giving reasons for the decision;
- (b) showing how any compensation has been calculated and, in particular, if the amount is less than the maximum which could have been awarded under these regulations, showing the factors taken into account in awarding that amount; and
- (c) directing the attention of the claimant to his right, under regulation 47(1) of these regulations, if he is aggrieved by the decision, to institute proceedings before the tribunal, and giving him the address to which an application instituting such proceedings should be sent.

Claimants to furnish information

41.—(1) Any person claiming or receiving compensation or whose award of compensation is being reviewed shall furnish all such information as the compensating authority may at any time

reasonably require; and shall verify the same in any such manner, including the production of books or of original documents in his possession or control, as may be reasonably so required.

(2) Any such person as aforesaid shall, on receipt of reasonable notice, present himself for interview at any such place as the compensating authority may reasonably require.

(3) Any person who attends for interview as aforesaid may, if he so desires, be represented by his adviser.

Procedure on death of claimant

42.—(1) In the event of the death of a claimant or of a person who, if he had survived, could have been a claimant, the claim for compensation under these regulations may be continued or made (as the case may be) by his personal representatives.

(2) Where any such claim is continued or made as aforesaid by personal representatives, the personal representatives shall, as respects any steps to be taken or thing to be done by them in order to continue or make the claim, be deemed for the purposes of these regulations to be the claimant, but, save as aforesaid, the person in right of whom they continue or make the claim shall be deemed for the purposes of these regulations to be the claimant, and the relevant provisions of these regulations shall be construed accordingly:

Provided that the compensating authority may in any such case extend the period within which a claim is required to be made by regulation 7 or 13 of these regulations.

Calculation of service

43.—(1) For the purpose of determining the amount of any compensation payable in respect of the loss of an office to which, or of any two or more offices to which in the aggregate, an officer devoted substantially the whole of his time, any previous period of part-time employment shall be treated as though it were whole-time employment for a proportionately reduced period.

(2) For the purpose of making any calculation under these regulations in respect of the reckonable service of an officer, all periods of such service shall be aggregated, and, if the aggregated service includes a fraction of a year, that fraction shall, if it equals or exceeds 6 months, be treated as a year, and in any other case be disregarded.

Emoluments of part-time employments

44. In ascertaining for the purposes of these regulations whether, and how far, the remuneration of alternative employment falls short of emoluments which have been lost where those emoluments were payable in respect of two or more part-time employments, the remuneration of the alternative employment or of the aggregate of two or more such employments shall be apportioned in the proportion which the emoluments of the part-time employments bore to each other.

Temporary variation of emoluments

45. In calculating for the purposes of these regulations the amount of any emoluments lost, or the amount by which any emoluments have been diminished, and in determining the net emoluments, the accrued pension or the accrued retiring allowance of any person who has suffered such a loss or diminution, no account shall be taken of any increase or decrease in the amount of the person's emoluments which is attributable to any temporary variation of his emoluments made in consequence of any of the provisions of a harbour reorganisation scheme.

Compensation not assignable

46.—(1) Subject to any statutory provision in the behalf, any compensation to which an officer becomes entitled under these regulations shall be paid by the compensating authority and shall be payable to, or in trust for, the person who is entitled to receive it, and shall not be assignable.

(2) Any sum payable as compensation to a person by a compensating authority shall be recoverable as a debt due from the authority.

Right to refer a decision of the compensating authority to a tribunal

47.—(1) Every claimant who is aggrieved by any decision of the compensating authority with respect to a compensation question, or by any failure on the part of the compensating authority to notify him of any such decision within the appropriate time prescribed by these regulations, may, within 13 weeks of the notification to him of the decision or the expiry of the prescribed time, as the case may be, institute proceedings for the determination of the question by the tribunal in accordance with the rules of procedure laid down in the Industrial Tribunals (Employment and Compensation) Regulations 1967(1), or, in Scotland, the Industrial Tribunals (Employment and Compensation) (Scotland) Regulations 1967(2), and the tribunal shall determine the question accordingly.

(2) The compensating authority shall give effect to the decision of the tribunal with any modifications that may be required in consequence of any appeal from the decision on a point of law.

(3) For the purpose of any proceedings instituted pursuant to paragraph (1) of this regulation, one or more person having special knowledge or experience in relation to the subject matter of the reference may, under the appropriate regulations specified in paragraph (1) of this regulation, be appointed, if it is thought fit, to sit with the tribunal as assessor or assessors.

Application of payments

48. Any sums paid to a compensating authority under regulation 27(1) of these regulations in respect of returned contributions shall, except in so far as they are repaid to the officers concerned, be applied for the payment of compensation which the authority are liable to pay under Part V of these regulations.

(1) (1967 I, p. 1205).

(2) (1967 I, p. 1220).