
STATUTORY INSTRUMENTS

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**

Compensation payable on the death of a claimant

28.—(1) Payments in accordance with this and the next two succeeding regulations shall be made to or for the benefit of the widow, child or other dependant or to the personal representatives of an officer to whom this Part of these regulations applies and who has died.

(2) If the widow, child or other dependant of the officer might have become entitled to a pension under the pension scheme to which the officer was last subject before losing his employment if such loss of employment had not occurred, the widow, child or other dependant, as the case may be, shall be entitled to receive an annual sum equal to the prescribed proportion of any retirement compensation by way of annual amounts payable to the officer under regulation 22, 23 or 24 of these regulations immediately prior to his death or, if he dies before becoming entitled to receive compensation under any of those regulations, the prescribed proportion of the compensation by way of annual amounts which he would have received under regulation 22 of these regulations had he become entitled thereto immediately prior to his death:

Provided that—

- (i) where any retirement compensation had been surrendered or compounded under regulation 27(5) or regulation 39 of these regulations, any sum payable under this regulation shall be calculated as if such surrender or compounding had not taken place;
- (ii) where the pension scheme provides for payment of the pension to any person on behalf of the child or other dependant, any annual sum payable as aforesaid to a child or other dependant shall be paid to that person on behalf of the child or other dependant in the like manner and for the like period as is provided in the pension scheme;
- (iii) in calculating the sum payable as aforesaid, it shall be assumed that the retirement compensation payable, or which would have been payable, to an officer under regulation 22, 23 or 24 of these regulations had been such sum as would have been payable if the accrued pension or accrued incapacity pension had not been reduced as a result of any provision of regulations made or deemed to have been made under section 110(1) of the National Insurance Act 1965 which are for the time being in force.

(3) Any sum payable to or for the benefit of a widow, child or other dependant under this regulation shall cease to be payable in any circumstances in which a corresponding pension under the said pension scheme would have ceased to be payable.

(4) Except where any compensation payable to the officer concerned has been reduced under regulation 27(1) of these regulations, compensation payable under this and the next following

regulation shall in the aggregate be reduced by an amount the capital value whereof is equal to the amount of any superannuation contributions returned to the officer and either not paid to the compensating authority or repaid by the compensating authority to the officer, the compensation under each such regulation being reduced in proportion to the capital value of each amount.

(5) This regulation shall apply in the case of an officer who has suffered a diminution of emoluments with the substitution of references to diminution of emoluments for references to loss of employment, but the annual sum payable to a widow, child or other dependant of such an officer shall be a sum which bears to the sum which would have been payable under paragraph (2) of this regulation had the claim been in respect of loss of employment, the same ratio as the amount by which the officer's net emoluments have been diminished (calculated as an annual rate) bears to the amount of his net emoluments:

Provided that no sum shall be payable under this paragraph if this ratio is less than 2½ per cent.

(6) In this regulation “prescribed proportion” means the proportion which, under the pension scheme to which the officer was subject immediately prior to the loss of employment or diminution of emoluments, the pension payable to a widow, child or other dependant, as the case may be, bears to an officer's pension.

29.—(1) If the personal representatives of the officer might have become entitled to a death grant under the pension scheme to which the officer was last subject before losing his employment had such loss not occurred, they shall be entitled to receive a sum calculated in accordance with the provisions of the next succeeding paragraph, and paragraph (4) of the last preceding regulation.

(2) The amount of such sum shall be ascertained in accordance with the method of calculation prescribed by the pension scheme for the ascertainment of death grant as if the officer had died immediately before losing his employment, subject to the following modifications—

- (a) except where the officer had been in receipt of retirement compensation under regulation 23 of these regulations, account shall be taken of any additional years of service or period of contribution credited to the officer under regulation 27(2) of these regulations—
 - (i) in the case of an officer who had been in receipt of retirement compensation under regulation 22 of these regulations, to the extent of the period between the loss of employment and the date of the claim made under that regulation, and
 - (ii) in any other case, to the extent of the period between the loss of employment and the officer's death;
- (b) if the number of years of the officer's service or period of contribution is less than the minimum number of years of qualifying service or period prescribed by the pension scheme for the receipt of a death grant, the said sum shall not exceed such proportion of the death grant calculated as aforesaid as the number of years of the claimant's qualifying service or period of contribution bears to the minimum number of years of qualifying service or period required by the pension scheme; and
- (c) there shall be deducted from such sum the amount of any retirement compensation paid to the officer under regulation 22, 23 or 24 of these regulations or, where any part of the compensation has been surrendered under regulation 27(5) of these regulations, the amount which would have been so paid but for any such surrender.

(3) For the purpose of calculating such death grant, an annual sum payable to or for the benefit of a widow, child or other dependant under the last preceding regulation shall be deemed to be a pension payable to or for the benefit of the widow, child or dependant, as the case may be.

(4) This regulation shall apply in the case of an officer who has suffered a diminution of emoluments with the substitution of references to diminution of emoluments for references to loss of employment, but the sum payable to the personal representatives of such an officer shall be a sum

which bears to the sum which would have been payable under paragraph (1) of this regulation had the claim been in respect of loss of employment the same ratio as the amount by which the officer's net emoluments have been diminished (calculated as an annual rate) bears to the amount of his net emoluments:

Provided that no sum shall be payable to personal representatives under this paragraph if this ratio is less than 2½ per cent.

30.—(1) If no annual sum is payable to the widow, child or other dependant under regulation 28 of these regulations and no sum is payable under the last preceding regulation and the officer dies before he has received in the aggregate by way of retirement compensation a sum equivalent to the amount of any contributions repaid by him under regulation 27(1) of these regulations, together with compound interest thereon calculated at the rate of 3 per cent. per annum with half-yearly rests up to the date of his death as from the 1st April or the 1st October following the half year in which the amount was paid, there shall be paid to his personal representatives the difference between the aggregate amount received by way of retirement compensation as aforesaid and the said equivalent sum.

(2) If an annual sum becomes payable to a widow under regulation 28 of these regulations and on her re-marriage or death the sum ceases to be payable and the aggregate amount of the payments which were made to her as aforesaid, to her husband by way of retirement compensation and to his personal representatives under regulation 29 of these regulations is less than a sum equivalent to the amount which would have been payable to the personal representatives under that regulation if no annual sum had been payable to the widow under the said regulation 28, there shall be paid to her or her personal representatives the difference between such aggregate amount and the said equivalent sum.

(3) For the purposes of this regulation an officer who has surrendered any part of his retirement compensation under regulation 27(5) of these regulations shall be deemed to have received during any period the amount of compensation for that period which he would have received but for any such surrender.