

1968 No. 914

WATER RESOURCES, ENGLAND AND WALES
**The River Authorities (Compensation) (Amendment)
Regulations 1968**

<i>Made - - - -</i>	<i>7th June 1968</i>
<i>Laid before Parliament</i>	<i>18th June 1968</i>
<i>Coming into Operation</i>	<i>1st July 1968</i>

The Minister of Housing and Local Government, the Minister of Agriculture, Fisheries and Food and the Minister of Transport, so far as these regulations apply to loss of employment or loss or diminution of emoluments in consequence of any such order or agreement as is mentioned in section 82(9) of the Water Resources Act 1963(a), and the Minister of Housing and Local Government and the Minister of Agriculture, Fisheries and Food, so far as these regulations relate to any other such loss or diminution as is mentioned in section 106(1) of the said Act, in exercise of the powers conferred on them by the said section 106, and by that section as applied by the Thames Conservancy (New Functions of River Authorities in Thames Catchment Area) Order 1964(b) and the Lee Conservancy Catchment Board (New Functions of River Authorities) Order 1965(c) and by section 7 of the Isle of Wight River and Water Authority Act 1964(d), and of all other powers enabling them in that behalf, hereby make the following regulations :—

Citation and commencement

1. These regulations may be cited as the River Authorities (Compensation) (Amendment) Regulations 1968 and shall come into operation on 1st July 1968.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires—

“the principal regulations” means the River Authorities (Compensation) Regulations 1965(e) and

“regulation” means regulation contained in the principal regulations.

(2) Unless the context otherwise requires, any reference in these regulations, or in the principal regulations as amended by these regulations, to the provisions of any enactment shall be construed as a reference to those provisions as amended or re-enacted by any subsequent enactment.

(3) The Interpretation Act 1889(f) shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

(a) 1963 c. 38.
(d) 1964 c. xxv.

(b) S.I. 1964/1251.
(e) S.I. 1965/836 (1965 I, p. 2305).

(c) S.I. 1965/701.
(f) 1889 c. 63.

Amendment of the principal regulations

3. In regulation 2 (which defines the expressions used in the regulations)—

(a) in the definition of “relevant employment” in paragraph (1), after the word “means” there shall be inserted the words “subject to paragraph (2A) of this regulation”;

(b) after paragraph (2) there shall be added the following paragraph—

“(2A) Except as provided in regulations 6(2) and 12(2) of these regulations, the expression “relevant employment” shall not include service in the armed forces of the Crown.”

4. For paragraph (a) of regulation 8(1) (which provides for calculation of the amount of resettlement compensation) there shall be substituted the following paragraph—

“(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);”

5. The following regulation shall be inserted after regulation 33—

“Deduction in respect of National Insurance benefits

33A.—(1) Where in any week a person is entitled to long-term compensation for loss or diminution of emoluments and is also entitled to unemployment, sickness or injury benefit under any Act relating to National Insurance, other than a benefit claimable by him in respect of a dependant, there shall be deducted from the long-term compensation payable for that week a sum equal to the amount by which the aggregate of such National Insurance benefits claimable in respect of that week, the weekly rate at which the long-term compensation would be payable but for this regulation, and the weekly rate of any superannuation benefit taken into account for the purpose of regulation 15(4) of these regulations, exceeds two-thirds of the weekly rate of the net emoluments of the employment which he has lost or in which the emoluments have been diminished:

Provided that this paragraph shall not apply in relation to any such sickness or injury benefit insofar as an equivalent sum is deducted from the emoluments of his current employment and such deduction from those emoluments has not occasioned an increase in his long-term compensation.

(2) For the purposes of paragraph (1) of this regulation the expression “weekly rate” means seven three hundred and sixty-fifths of the relevant annual rate.”

6. In regulation 34 (which requires certain changes of circumstance to be notified to the compensating authority), after paragraph (c) there shall be inserted the following paragraph—

“or (d) a person entitled to long-term compensation is receiving or starts to receive any benefit, any increase in benefit or any further benefit under any Act relating to National Insurance.”

7. In regulation 35 (which relates to the review of awards of compensation), in paragraph (7), for the words “regulation 32 or 33” there shall be substituted the words “regulation 32, 33 or 33A”.

Transitional provisions

8.—(1) Nothing in regulation 3 of these regulations shall affect the entitlement of any person to compensation under the principal regulations where that entitlement has been determined before the date of operation of these regulations.

(2) Notwithstanding anything contained in the principal regulations, regulations 4, 5, 6 and 7 of these regulations shall apply with effect from the date of operation of these regulations in relation to any compensation under the principal regulations awarded before that date.

Given under the official seal of the Minister of Housing and Local Government on 7th June 1968.

(L.S.)

Anthony Greenwood,
Minister of Housing and Local Government.

In witness whereof the official seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 30th May 1968.

(L.S.)

Cledwyn Hughes,
Minister of Agriculture, Fisheries and Food.

Given under the official seal of the Minister of Transport on 27th May 1968.

(L.S.)

Richard Marsh,
Minister of Transport.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations amend the River Authorities (Compensation) Regulations 1965 ("the principal regulations"). The main changes are as follows:—

- (i) The expression "relevant employment" (which is defined in regulation 2(1) of the principal regulations and which affects qualification for compensation and calculation of the amount) is not to include service in the armed forces of the Crown other than certain national service which is expressly made relevant employment for determining whether a person is qualified to claim compensation. (Regulation 3(b))
- (ii) All National Insurance benefits (other than benefits payable in respect of dependants) are to be taken into account in assessing resettlement compensation and not only, as at present, benefits at the flat rate applicable to a single person. (Regulation 4)
- (iii) National Insurance benefits (other than benefits payable in respect of dependants) are to be deducted from long-term compensation to such extent as is necessary to ensure that the total of benefits and compensation received in any week does not exceed two-thirds of the emoluments for the loss or reduction of which compensation is payable. This was until recently secured by regulations under the National Insurance Acts. (Regulation 5)

Changes (ii) and (iii) apply to compensation in payment at the date of operation of the regulations as well as compensation awarded after that date.