
STATUTORY INSTRUMENTS

1971 No. 2008

The Courts (Compensation to Officers) Regulations 1971

PART III

RESETTLEMENT COMPENSATION

Conditions for payment of resettlement compensation

7.—(1) Without prejudice to any other requirement of these Regulations, the conditions for the payment of resettlement compensation to any person are that—

- (a) he has suffered loss of employment attributable to any of the matters referred to in regulation 4 on or after 30th June 1971 but not later than ten years after the material date;
- (b) he had not at the date of the loss attained normal retiring age;
- (c) he had been for a period beginning on the date three years immediately before the material date and ending on the date when the loss of employment occurred continuously engaged (disregarding breaks not exceeding in the aggregate six 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 such employment;
- (d) he has made a claim for such compensation in accordance with the provisions of Part VII of these Regulations not later than thirteen weeks after the loss of employment which is the cause of his claim, or thirteen weeks after the coming into operation of these Regulations, whichever is the later, or within such longer period as the compensating authority may allow in any particular case where they are satisfied that the delay in making the claim was due to ill-health or other circumstances beyond the claimant's control;
- (e) 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
- (f) he has not, subject to paragraph (3), been offered any reasonably comparable employment under the Crown or in the service of a local authority.

(2) In ascertaining for the purposes of this regulation whether a person 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 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 England and Wales.

(3) No account shall be taken for the purposes of this regulation of an offer of employment where the compensating authority is satisfied—

- (a) that acceptance would have involved undue hardship to the person, or
- (b) that he was prevented from accepting the offer by reason of ill-health or other circumstances beyond his control.