
STATUTORY INSTRUMENTS

1972 No. 632

**The Transport Holding Company
(Compensation to Employees) Regulations 1972**

PART III

RESETTLEMENT COMPENSATION

Resettlement compensation for loss of employment

6. The compensating authority shall, subject to the provisions of these regulations, pay resettlement compensation to any person to whom these regulations apply and who satisfies the conditions set out in regulation 7.

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, before, on, or not later than 10 years after the date of the relevant event, suffered loss of employment which is properly attributable to the happening of the relevant event;
- (b) he has not at the date of the loss attained normal retiring age;
- (c) he has, for a period beginning 3 years immediately before the material date and ending on the date of the loss, been continuously engaged (disregarding breaks not exceeding in the aggregate 6 months) on a full-time basis 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—
 - (i) the end of the period in respect of which resettlement compensation can be payable in his case under the provisions of regulation 9, or
 - (ii) 13 weeks after the coming into operation of these regulations, whichever is the later;
- (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 national transport authority, the London Transport Executive or a subsidiary of any of the foregoing bodies.

(2) In ascertaining for the purpose of this regulation whether a person has been offered employment which is reasonably comparable with the employment which he has lost, the following facts shall be disregarded—

- (a) the fact that the employment so offered is employment by a body such as is mentioned in paragraph (1)(f) other than the person or body in whose employment he suffered the attributable loss;
 - (b) the fact that the duties of the employment so offered are duties in connection with activities which did not form part of the activities of that section of the undertaking of the person or body in whose employment he suffered the attributable loss;
 - (c) the fact that the duties of the employment so offered involve a transfer of his employment from one place to another in the United Kingdom.
- (3) No account shall be taken for the purposes of this regulation of an offer of employment where the compensating authority are 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.

Amount of resettlement compensation

8.—(1) The amount of resettlement compensation which may be paid to a person shall, for each week for which such compensation is payable, be a sum ascertained by taking two thirds of the weekly rate of the net emoluments which that person has lost and deducting therefrom, in addition to the items mentioned in regulation 32(3) and (4), such of the following items as may be applicable—

- (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 a dependant); and
- (b) two thirds of the net emoluments received by him in respect of such week from work or employment undertaken as a result of the loss of employment.

(2) For the purposes of this regulation the weekly rate of a person's net emoluments shall be deemed to be seven three hundred and sixty-fifths of those emoluments.

Period for payment of resettlement compensation

9. Subject to the provisions of these regulations, resettlement compensation shall be payable to a person only in respect of the period of 13 weeks next succeeding the week in which he lost the employment in connection with which his claim has been made or, in the case of a person who has then attained the age of 45 years, the said 13 weeks and one additional week for every year of his age between the date of his attaining the age of 45 years and the date of the loss of employment, subject to a maximum addition of 13 such weeks.

Additional provisions relating to resettlement compensation

10.—(1) Resettlement compensation shall be payable to a person at intervals equivalent to those at which the emoluments of his employment were previously paid or at such other intervals as may be agreed between the person and the compensating authority.

- (2) Resettlement compensation shall be terminated by the compensating authority—
- (a) if without reasonable cause the recipient fails to comply with any of the provisions of regulation 11, or
 - (b) if on being requested to do so, he fails to satisfy the compensating authority that, so far as he is able, he is seeking suitable employment.

Claimant for resettlement compensation to furnish particulars of employment

11. Every person claiming or in receipt of resettlement compensation shall (after as well as before the compensation begins to be paid)—

- (a) forthwith supply the compensating authority in writing with particulars of any employment which he obtains or of any change in his earnings from any such employment, and
- (b) if the compensating authority so require, so long as he is out of employment and is not receiving sickness or injury benefit, register with the Department of Employment.