
STATUTORY INSTRUMENTS

1974 No. 540

The Fire Services (Compensation) Regulations 1974

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 suffered loss of employment attributable to any provision of the Act or of any instrument made under the Act not later than 10 years after the material date;
- (b) he had not at the date of the loss attained the age of compulsory retirement;
- (c) he had been for a period of 2 years immediately before the material date continuously engaged (disregarding breaks not exceeding in the aggregate 6 months) for the whole or part of his time in relevant employment;
- (d) he has made a claim for such compensation in accordance with the provisions of Part VII of these Regulations not later than 13 weeks after the loss of employment which is the cause of his claim, or 13 weeks after the coming into operation of these Regulations, whichever is the later, or within any longer period which the compensating authority 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 the duties that, immediately before the loss, he was performing or might reasonably have been required to perform;
- (f) he has not, subject to paragraphs (2) and (3), on or after the employer either informs him in writing that his employment is to be terminated or is likely to be terminated or gives him written notice of termination of his employment, been offered in writing—
 - (i) any relevant employment which is reasonably comparable with the employment which he has lost, or
 - (ii) any employment by a fire authority which is suitable for him and is at the same place or in the same locality as that where he was employed immediately before the loss.

(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) For the purposes of this Regulation, where the compensating authority are satisfied—
- (a) that acceptance of an offer would have involved undue hardship to the person,
 - (b) that he was prevented from accepting an offer by reason of ill-health or other circumstances beyond his control, or
 - (c) that, before the commencement of these Regulations, an offer—
 - (i) has not been accepted by him, and
 - (ii) has lapsed or otherwise terminated,

no account shall be taken of that offer.

Amount of resettlement compensation

8. The amount of resettlement compensation which may be paid to a person shall, subject to the provisions of Regulation 9, be the amount described in paragraph (a) or (b) of this Regulation whichever is the greater—

- (a) an amount equal to 13 weeks' emoluments and, in the case of a person who has attained the age of 45 years, one additional week's emoluments for every year of his age after attaining the age of 45 years and before the loss of employment, subject to a maximum addition of 13 such weeks;
- (b) subject to the provisions of Regulation 35, an amount equal to—
 - (i) 1½ weeks' emoluments for each completed year of reckonable service in which the person was not below the age of 41 years.
 - (ii) 1 week's emoluments for each completed year of reckonable service (not falling within (i) of this paragraph) in which the person was not below the age of 22 years, and
 - (iii) ½ week's emoluments for each completed year of reckonable service not falling within either (i) or (ii) of this paragraph.

Special factors relating to calculation of amount of resettlement compensation

9.—(1) For the purposes of paragraph (a) of Regulation 8, if the loss of employment takes place within 3 years of the date on which he would have become entitled to retire with an ordinary pension under the Firemen's Pension Scheme, the amount shall be reduced by the fraction of which—

- (a) the denominator is 6, and
- (b) the numerator is the number of complete periods of 6 months in the period beginning with the date 3 years before that on which he would have become so entitled and ending on the date of loss of employment;

but the amount payable to a person who, on the material date, has not been continuously engaged in relevant employment as described in Regulation 12(1)(c) shall not by this paragraph be reduced to less than the equivalent of 13 weeks' emoluments.

- (2) For the purposes of paragraph (b) of Regulation 8—
- (a) in the case of a person who has completed more than 20 years' reckonable service, only the period of 20 years immediately prior to the loss of employment shall be taken into account, and
 - (b) if the loss of employment takes place within the period of one year prior to the date on which the person would have attained the age of compulsory retirement, the amount shall

be reduced by the fraction of which the denominator is 12 and of which the numerator is the number of whole months in the period commencing at the beginning of the said period of one year and ending with the date of loss of employment.

(3) For the purposes of Regulation 8 and this Regulation, the weekly rate of emoluments shall be deemed to be seven-three hundred and sixty-fifths of the annual rate of emoluments.

Adjustment of resettlement compensation

10. A person who is entitled to—

- (a) a redundancy payment under the Redundancy Payments Act 1965, or
- (b) any similar payment in consequence of the loss of his employment under any other enactment or under any contract or arrangement with the authority by whom he was employed (other than payments by way of a return of contributions under a pension scheme), or
- (c) any payment under or by virtue of the provisions of any enactment relating to the reinstatement in civil employment of persons who have been in the service of the Crown, shall—
 - (i) if the amount of any resettlement compensation that would, apart from this Regulation, be payable exceeds the payment or payments specified in (a), (b) or (c) above, be entitled to resettlement compensation equal to that excess, or
 - (ii) if the amount of any resettlement compensation that would apart from this Regulation be payable is equal to or less than the said payment or payments, not be entitled to resettlement compensation.