

on days for which he does not claim benefit, as persons claiming benefit are required to do, and shall if the Ministry so directs furnish other evidence that those days were days of unemployment.

Consequential amendments are made by Regulations 2 to 4. The remaining Regulations make a number of other minor amendments.

1959. No. 110

[C]

TRANSPORT

Compensation to Ulster Transport Authority Employees

REGULATIONS, DATED THE 19TH DAY OF JUNE, 1959, MADE BY THE MINISTRY OF COMMERCE, WITH THE APPROVAL OF THE MINISTRY OF FINANCE, UNDER SECTION 22 OF THE TRANSPORT ACT (NORTHERN IRELAND), 1958.

The Ministry of Commerce, in exercise of the powers conferred upon it by section 22 of the Transport Act (Northern Ireland), 1958(a), hereby makes the following Regulations:—

1.—(1) These Regulations may be cited as “The Ulster Transport Authority (Compensation to Employees) Regulations (Northern Ireland), 1959”, and save as provided in Regulation 6 shall be deemed to have come into operation on the 1st day of October, 1958.

(2) In these Regulations and the Schedules thereto, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“the Act” means the Transport Act (Northern Ireland), 1958(a);

“the Act of 1948” means the Transport Act (Northern Ireland), 1948(b);

“the Act of 1953” means the Great Northern Railway Act (Northern Ireland), 1953(c);

“the Ministry” means the Ministry of Commerce;

“the Authority” means the Ulster Transport Authority;

“the Board” means the Great Northern Railway Board constituted under the Act of 1953;

“the Company” means the Great Northern Railway Company (Ireland);

“officer or servant” means an officer or servant of the Authority;

“officer or servant of the Board” means an officer or servant of the Board employed by the Board before the transfer date;

“officer or servant of the Company” means a person who was in the employment of the Company as an officer or servant and who became an officer or servant of the Board by virtue of Section 36 of the Act of 1953;

“relevant transfer” means the transfer effected by the Act of part of the Board’s undertaking to the Authority;

“transfer date” means the first day of October, nineteen hundred and fifty-eight;

- “relevant termination of service” means the termination wholly by the Authority in accordance with the provisions of Section 57 of the Act of 1948 of a transport service provided by the Authority on any railway line of the Authority’s undertaking;
- “relevant event” means relevant transfer or relevant termination of service as the case may be;
- “loss of employment” means the loss or relinquishment of employment in the circumstances set out at (a) or (b) of Regulation 2;
- “existing superannuation scheme” means such a superannuation or pension scheme as is referred to in section 36 or section 37 of the Act of 1948 and in section 14 or section 15 of the Act;
- “emoluments” means all salary, wages, fees and other payments of a similar nature paid or made to an officer or servant as such for his own use; all bonuses, allowances, commissions, gratuities, special duty and overtime pay that are of a recurrent (whether seasonal or otherwise) nature; and the money value of all travel privileges, free accommodation, and any other allowances in kind, privileges, or benefits, whether obtaining legally or by customary practice; it excludes all payments for travelling, subsistence, accommodation, engagement of assistance and other expenses incurred in the course of employment, and all overtime and other payments that do not reflect a permanent state of affairs;
- “current net emoluments” in relation to an officer or servant suffering loss of employment or loss or diminution of emoluments or worsening of conditions means his annual rate of emoluments at the date of such loss, diminution or worsening, after deducting therefrom any contribution payable by the officer or servant under any pension scheme associated with his employment; furthermore any amount by which emoluments exceed £4,000 shall be disregarded;
- “tribunal” means a referee or board of referees appointed by the Ministry of Labour and National Insurance;
- “war service” means—
- (a) service in any of Her Majesty’s Forces;
 - (b) any employment in the merchant navy or fishing fleets;
 - (c) any full time employment in the Civil Defence Services (including the National Fire Service), the Royal Observer Corps, the Police War Reserve, the Nursing and First Aid Services, and the Women’s Land Army;
 - (d) any full-time employment into which the officer or servant entered by direction of the Ministry of Labour and National Insurance;
 - (e) detention by the enemy as a prisoner, military or civil, in any enemy or enemy-occupied country, or internment in any enemy or enemy-occupied or neutral country in consequence of the war;
 - (f) such other employment as the Ministry may in writing approve; such service, employment, detention or internment being on or after the twenty-sixth day of May, 1939, or during the war of 1914 to 1918, but not including any voluntary extension of war service or voluntary enlistment after the cessation of hostilities otherwise than with the consent of the undertaking in whose service the officer or servant was, both at the time of the consent and immediately before the commencement of his war service;

“superannuable age” in relation to any officer or servant means the earliest age at which he becomes entitled to periodical payments of superannuation under an existing superannuation scheme;

“relevant age” means, in relation to an officer or servant, the age (not exceeding 65 years in the case of males and 60 years in the case of females) which is agreed between the Authority and that officer or servant in the light of all the circumstances of his case, to be the age when he would have retired in due course;

“whole time service” means employment after attaining the age of eighteen years—

- (a) as an officer or servant;
- (b) as an officer or servant of the Board;
- (c) as an officer or servant of the Company;
- (d) on service with any undertaking transferred to the Authority or to any predecessor of the Authority pursuant to any enactment;
- (e) on any detached service which, in accordance with the customary practice of the Authority, Board or Company would, or which it was expressly agreed at the time should, be reckoned as service with the Authority, Board or Company;
- (f) on war service following immediately upon any of the preceding employments;
- (g) on such other service as the Ministry may in the case of any named employee in writing approve;

to which the employee is required to devote on the average not less than 30 hours per week during which he is not at liberty to undertake other work in consideration of a fee or other remuneration;

“completed year of whole time service” means service for a period of three hundred and sixty-five days, or a number of periods amounting in the aggregate to three hundred and sixty-five days:

Provided that if the period or periods of whole time service when aggregated include a fraction of a year, that fraction shall, if it exceeds one hundred and eighty-two days, be treated as a year, and in any other case be disregarded.

2. Without prejudice to any other requirements of these Regulations nothing in these Regulations shall entitle an officer or servant to compensation unless in consequence of the relevant event one or more of the following conditions are satisfied in relation to that officer or servant, that is to say:—

- (a) (i) his office or situation as an officer or servant is abolished or he is required by the Authority to vacate that office or situation for any reason other than reaching the relevant age, misconduct or incapacity to perform such duties as immediately before vacating that office he was performing or might reasonably have been required to perform, and
- (ii) he loses or relinquishes his employment as an officer or servant by reason of the fact that he is not offered by the Authority a reasonably comparable office or situation; or
- (b) his services are dispensed with by the Authority on the ground that they are not required or for any reason other than reaching the relevant age, misconduct or incapacity to perform such duties as immediately before his services were dispensed with he was performing or might reasonably have been required to perform; or

- (c) his emoluments are reduced; or
- (d) he otherwise suffers any direct pecuniary loss (including loss of pension rights); or
- (e) he is without his consent in a worse position with respect to the conditions of his service as a whole (including tenure of office, emoluments, sick fund or sick pay, and pension rights) as compared with the conditions of service formerly obtaining in respect of him;

Provided that the duties which an officer or servant is required to perform shall not, for the purposes of this Regulation, be deemed to be not reasonably comparable to those which (apart from any war service) he last performed by reason only that they involve a transfer of his employment from one place to another place.

3.—(1) This Regulation applies to every officer or servant who suffers loss of employment as an officer or servant in consequence of the relevant event and thereby suffers direct pecuniary loss being an officer or servant who had been continuously engaged (exclusive of any breaks due to sickness or personal injury not exceeding in the aggregate six months or such longer period within the discretion of the Authority as may have been or may be certified by medical evidence to be required for restoration to health) in whole-time service for the period of three years immediately preceding the date of the relevant event.

(2) Subject to the provisions of this Regulation every officer or servant to whom this Regulation applies shall subject to his complying with the procedure and conditions set out in the First Schedule be entitled to receive, by way of compensation in respect of loss of employment, resettlement payment to be determined in accordance with the provisions of the Second and Third Schedules.

(3) Without prejudice to any other requirements of these Regulations, nothing in this Regulation shall entitle an officer or servant to whom this Regulation applies to compensation under the foregoing provisions of this Regulation unless—

- (a) the cause of claim to compensation arises not later than five years after the relevant event; and
- (b) the claim to resettlement payment is made, in the manner set out in the First Schedule, not later than twelve weeks after the date of the loss of employment in consequence of the relevant event or, if the Authority are satisfied that exceptional circumstances have caused unavoidable delay in the making of a claim in a particular case, within such longer period as the Authority may in that case determine.

4.—(1) This Regulation applies to every officer or servant who, in consequence of the relevant event, suffers loss of employment or diminution of emoluments or whose position is worsened, being an officer or servant who—

- (a) had been continuously engaged (exclusive of breaks due to sickness or personal injury not exceeding in the aggregate eighteen months or such longer period within the discretion of the Authority as may have been or may be certified by medical evidence to be required for restoration to health) in whole-time service for the period of eight years immediately preceding the date of the relevant event; and
- (b) in the case of an officer or servant suffering loss of employment was at the date of the relevant event aged 50 years or over.

(2) Without prejudice to any other requirements of these Regulations, nothing in these Regulations shall entitle an officer or servant to whom this Regulation applies to compensation under this Regulation unless—

- (a) the cause of claim to compensation arises not later than five years after the relevant event; and
- (b) the claim to compensation is made in the manner set out in the First Schedule and
 - (i) if the claim is in respect of loss of employment, not later than twelve weeks after the end of the re-settlement period;
 - (ii) if the claim is in respect of diminution of emoluments or worsening of conditions, not later than twelve weeks after the date on which the cause of claim arises;
—or if the Authority are satisfied that exceptional circumstances have caused unavoidable delay in the making of a claim in a particular case, within such longer period as the Authority may in that case determine.

(3) Subject to the provisions of these Regulations every officer or servant to whom this Regulation applies who, in consequence of the relevant event, suffers any direct pecuniary loss by reason of the abolition of his office or situation, the dispensing by the Authority with his services, or the loss or diminution of his emoluments or otherwise, shall subject to his complying with the procedure and conditions set out in the First Schedule be entitled to receive in respect of that loss compensation to be determined in accordance with the conditions of Sections I, II, IV and V of the Fourth Schedule.

(4) Subject to the provisions of these Regulations every such officer or servant who, in consequence of the relevant event, suffers any loss or injury, not being a pecuniary loss in respect of which he is entitled to compensation under paragraph (3), by reason of his position as an officer or servant being without his consent worsened shall subject to his complying with the procedure and conditions set out in the First Schedule be entitled to receive in respect of that loss or injury compensation calculated in the following manner, that is to say—

- (a) the pecuniary value of the loss or injury shall be expressed in terms of current net emoluments; and
- (b) the appropriate compensation shall be determined accordingly in accordance with the provisions of Sections I, II, IV and V of the Fourth Schedule.

5.—(1) Subject to the provisions of these Regulations every officer or servant to whom Regulation 3 or 4 applies who in consequence of the relevant event suffers any direct pecuniary loss by the loss or diminution of his pension rights shall subject to his complying with the procedure and conditions set out in the First Schedule be entitled to receive in respect of that loss compensation to be determined in accordance with the provisions of Section III of the Fourth Schedule.

(2) Without prejudice to any other requirements of these Regulations, nothing in this Regulation shall entitle an officer or servant to whom this Regulation applies to compensation under the preceding paragraph unless the claim to compensation for loss or diminution of pension rights is made in the manner set out in the First Schedule and—

- (a) if the claim is in respect of loss of employment, not later than twelve weeks after the end of the resettlement period;

- (b) if the claim is in respect of diminution of emoluments, not later than twelve weeks after the date on which the cause of claim arises;
—or if the Authority are satisfied that exceptional circumstances have caused unavoidable delay in the making of a claim in a particular case, within such longer period as the Authority may in that case determine.

6.—(1) This Regulation applies to an officer or servant of the Board, being an officer or servant of the Board who—

- (a) suffered loss of employment or loss or diminution of emoluments or pension rights or whose position was worsened in consequence of the Board terminating wholly in the period 1st January, 1955, to 30th September, 1958, a transport service provided on any railway line of its undertaking; and
(b) immediately prior to such termination was resident in Northern Ireland.

(2) Every officer or servant of the Board to whom this Regulation applies shall for the purposes of the payment of compensation be treated by the Authority as if any such termination of service by the Board as is referred to in paragraph (1) had been a relevant termination of service within the meaning of these Regulations and accordingly all the provisions of these Regulations shall apply for the purposes of payment of compensation by or the assessment or review of compensation payable by the Authority to every officer or servant of the Board to whom this Regulation applies in the same way as they apply to an officer or servant and for the purposes of this Regulation (but for no other purpose) the Regulations shall be deemed to have effect from 1st January, 1955.

(3) The Great Northern Railway (Compensation to Employees) Regulations (Northern Ireland), 1957(a) (hereinafter referred to as “the revoked Regulations”) are hereby revoked.

(4) All claims made and all other things done in connection with the determination of compensation by the Board under the revoked Regulations shall be deemed to have been made or done under these Regulations and it shall be the duty of the Authority to secure that any person entitled to compensation under the revoked Regulations or to claim compensation or to require a review of an award made under the revoked Regulations is not, by reason of such revocation, placed in a worse position than he would have been if the revoked Regulations had not been revoked.

7.—(1) Where an officer or servant who is entitled to compensation under these Regulations in consequence of a relevant event (hereinafter called “the first relevant event”) makes a claim for compensation under the Regulations in consequence of a subsequent relevant event (hereinafter called “the subsequent claim”) his entitlement to compensation in respect of the first relevant event shall subject to the provisions of paragraphs (2) and (3) cease with effect from the date of the cause of the subsequent claim and the Authority shall for the purposes of the subsequent claim deem the current net emoluments and other relevant conditions of service which applied at the date of the first relevant event to apply at the date of the cause of the subsequent claim.

(2) Notwithstanding the provisions of paragraph (1) an officer or servant to whom this Regulation applies shall pending a decision by the Authority or a tribunal on his subsequent claim continue to receive payments of compensation in accordance with his entitlement in respect of the first relevant

event and an amount equal to such payments shall be deducted from the compensation (if any) to which he may become entitled by virtue of his subsequent claim.

(3) An officer or servant shall not by reason of the provisions of this Regulation be placed in a worse position as regards payment of compensation under these Regulations than he would otherwise have been.

8.—(1) If an officer or servant who has duly claimed compensation under any of the provisions of these Regulations is aggrieved by the failure of the Authority to inform him of their decision upon his claim within the prescribed time or by their refusal to allow an extension of the time prescribed for making a claim, or by their refusal to grant compensation or by the amount of compensation granted, he may in accordance with the provisions of the First Schedule require the matter to be referred to a tribunal and the tribunal shall consider the case in accordance with the Second, Third and Fourth Schedules and shall determine whether any, and if so what, compensation ought to be granted to the claimant and the Authority shall give effect to the decision of the tribunal.

(2) If the Authority and an officer or servant have failed to agree upon the relevant age in his case for the purposes of paragraph 13 of the Fourth Schedule the Authority shall forthwith bring the matter before a tribunal and the tribunal shall determine the relevant age in that particular case.

9.—(1) Any compensation payable under these Regulations shall be paid by the Authority subject to the following conditions:—

- (a) subject to the provisions of sub-paragraph (b), the compensation shall be paid to, or in trust for, the officer or servant concerned;
- (b) any compensation payable in respect of loss or diminution of pension rights shall, if the officer or servant requires the Authority so to do, be paid to, or in trust for, such person as is entitled to receive the corresponding payments under any existing superannuation scheme;
- (c) save in so far as is permitted by the foregoing provisions of this Regulation, no compensation payable under these Regulations shall be assignable.

(2) Any compensation payable by the Authority shall be payable at the date or dates fixed by the Authority or the tribunal as the case may be.

Sealed with the Official Seal of the Ministry of Commerce for Northern Ireland this nineteenth day of June, nineteen hundred and fifty-nine.

(L.S.)

John F. Irvine,
Assistant Secretary.

The Ministry of Finance hereby approves the foregoing Regulations.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this nineteenth day of June, nineteen hundred and fifty-nine.

(L.S.)

W. W. Arthur,
Assistant Secretary.

FIRST SCHEDULE**Determination of Compensation****PROCEDURE**

1. Every claim for compensation made under these Regulations and every request for a review of an award of compensation as provided for in paragraphs 4, 7, or 12 of the Fourth Schedule shall be made in accordance with the following provisions of this Schedule.

2. Every such claim and every such request shall be addressed to the Authority and shall be made in such form and in such manner as the Authority may determine.

3. On receipt of any such claim or request the Authority shall consider the same in accordance with the provisions of these Regulations and Schedules and shall within the time therein prescribed notify the claimant in writing of their decision in respect thereto.

4. Every such notification of a decision by the Authority shall in the case of an award or a review of an award of compensation or of a refusal to make or review an award of compensation contain a statement directing the attention of the claimant to his right, if he is aggrieved by the decision, to refer the matter to a tribunal.

5. Every claimant for compensation who is aggrieved by a decision of the Authority including a decision reviewing or refusing to review an award of compensation may within three months of the decision being notified to him require the matter to be referred to a tribunal.

6. Every claimant who desires to have such a matter referred to a tribunal shall give notice thereof to the Authority in such form and in such manner as the Authority may determine. On receipt of such a notice the Authority shall refer the matter to the tribunal appointed to determine the matter so referred.

7. A claimant if so required by the Authority shall attend before the Authority or any person duly appointed in that behalf by the Authority and answer any questions touching the matters set forth in his claim and shall further produce all books, papers and other documents in his possession or under his control relating to his claim.

8. The death of a person who has made a claim or who, if he had survived, could have made a claim for compensation under the Regulations shall not affect any obligation of the Authority to pay compensation under the Regulations in respect of any period prior to the death of such person.

SECOND SCHEDULE**Assessment of Resettlement Payment**

1. On receipt of a claim for resettlement payment made after the manner set out in the First Schedule the Authority shall consider forthwith whether the claimant satisfies the conditions of eligibility set out in Regulations 2 and 3 and shall decide whether, and if so, what resettlement payment should be awarded and what resettlement period shall apply having regard to the provisions of the following paragraph and the Third Schedule and shall advise the claimant of their decision not later than fourteen days after the receipt of the claim.

2. In relation to every claimant whose number of completed years of whole-time service before the relevant event is set out in the First Column of the Third Schedule the resettlement period shall be the corresponding period of weeks set

out in the Second Column of that Schedule commencing with the week next succeeding the week in which the claimant loses his employment as an officer or servant in consequence of the relevant event:

Provided that if periodical payments by virtue of an existing superannuation scheme should commence during the resettlement period the resettlement period shall notwithstanding the provisions of the Third Schedule be terminated at the end of the week in respect of which the said periodical payments commence.

3. Resettlement payment shall be payable only in respect of a claimant's resettlement period and in the event of a claimant's death during the said period it shall terminate at the end of the week in which he dies.

4. Resettlement payment shall subject to the provisions of this paragraph be payable at intervals equivalent to those at which the claimant's emoluments were paid:

Provided that—

- (a) no resettlement payment shall be payable for any period in respect of which a claimant is not registered for employment with the Ministry of Labour and National Insurance for Northern Ireland or is, under sub-section (2) of section 12 of the National Insurance Act (Northern Ireland), 1946(a), disqualified for receiving unemployment benefit or fails to satisfy the Authority that he was actively seeking suitable employment;
- (b) proviso (a) shall not apply in respect of any period during which a claimant is employed or entitled to sickness or injury benefits.

5. The amount of the resettlement payment payable to a claimant shall be a sum which when added to a sum equal to the aggregate of the following sums—

- (a) two-thirds of any sums the applicant is receiving under a service agreement or contract; and
- (b) where he is, or would if he made a claim thereto, be entitled to draw unemployment, sickness or injury benefits, the sum which would be so payable in respect of a person having no dependants;

is equal to two-thirds of his current net emoluments.

6. An award of resettlement payment may be made retrospective but not, save in exceptional circumstances, to a date more than two weeks earlier than the date of the receipt of the claim by the Authority.

7. Where payments in respect of resettlement payment are in arrears for any period and assistance grants under the National Assistance Act (Northern Ireland), 1948(b), have been made for that period by reference to the requirements of the person to whom the payments are due, the payments shall be abated to the extent to which the actual amount of those assistance grants exceeds what would have been their amount, as decided by the National Assistance Board, if the said payments had not been in arrears.

8. The Authority shall have discretion to review an award of resettlement payment at any time and to alter it either upwards or downwards in the light of any change in the circumstances of the case and for the purpose of such a review the Authority may make it a condition of an award of resettlement payment that the claimant should notify the Authority of any material change in his circumstances.

(a) 1946. c. 23.

(b) 1948. c. 13.

THIRD SCHEDULE

Scale for Assessment of Resettlement Period

Number of completed years of whole-time service before the relevant event	Number of weeks in resettlement period
three } four } five } six } seven }	13
eight } nine } ten }	14
eleven } twelve }	15
thirteen	16
fourteen	17
fifteen	18
sixteen	19
seventeen	21
eighteen	23
nineteen	25
twenty	27
twenty-one	29
twenty-two	31
twenty-three	34
twenty-four	37
twenty-five	40
twenty-six	43
twenty-seven	47
twenty-eight	51
twenty-nine	55
thirty	59
thirty-one	63
thirty-two	68
thirty-three	73
thirty-four	78
thirty-five	83
thirty-six	88
thirty-seven	94
thirty-eight	100
thirty-nine or more	104

FOURTH SCHEDULE

I—Loss of Emoluments through Abolition of Office or Discharge

1. On receipt of a first claim for compensation in respect of loss of employment (not being a claim for resettlement payment) made after the manner set out in the First Schedule, the Authority shall consider forthwith whether the claimant satisfies the conditions of eligibility for payment of compensation set out in Regulation 2 and in Regulation 4. If the Authority consider that these conditions are not satisfied, the Authority shall advise the claimant accordingly within four weeks of the receipt of the claim. If the Authority consider that the conditions are satisfied the Authority shall proceed to decide the amount of compensation payable to him in accordance with paragraphs 2 and 3 of this Schedule and shall advise him of their decision not later than three months after the termination of his resettlement period.

COMPENSATION AWARD

2. For the purpose of determining whether compensation should be awarded to any person for loss of emoluments, and if so the amount of that compensation, regard shall be had to—

- (a) the conditions upon which he held his appointment, including in particular its security of tenure, whether by law or by practice;
- (b) the conditions, including security of tenure, whether by law or by practice, of any other employment he may have obtained;
- (c) the extent to which the claimant has sought suitable employment and the emoluments which he has, or might have, acquired by accepting other suitable employment, including retraining, offered to him;
- (d) the amount of any compensation recovered under the Reinstatement in Civil Employment Act, 1944(a);
- (e) all the other circumstances of his case.

3. Compensation for loss of emoluments shall subject to paragraphs 13 and 17 of this Schedule be awarded by way of an annual sum, payable until the officer or servant reaches superannuable age, which shall not exceed the aggregate of the following sums:—

- (a) for every completed year of whole-time service, one-sixtieth of the applicant's current net emoluments;
- (b) for every completed year of whole-time service after the age of fifty, one-sixtieth of the applicant's current net emoluments:

Provided that the annual rate of compensation shall not in any event exceed two-thirds of the current net emoluments of the applicant immediately before his loss of employment.

4. The Authority shall have discretion to review an award of compensation at intervals of not less than six months and to alter it, either upwards or downwards, in the light of any change in the circumstances of the case. Similarly an applicant may at intervals of not less than six months request the Authority to review the award made to him if he considers that there has been a material change in the circumstances to which regard was had when the award was made.

II—Diminution of Emoluments or Non-pecuniary Worsening of Conditions

5. On receipt of a claim for compensation in respect of diminution of emoluments or worsening of conditions, the Authority shall decide the amount of compensation (if any) payable and shall advise the applicant accordingly not later than three months after the date of receipt of the claim.

(a) 7 & 8 Geo. 6. c. 15,

6. In determining whether compensation shall be awarded and, if so, the amount of that compensation, regard shall be had to the conditions upon which an applicant held his appointment including in particular its security of tenure whether by law or by practice and all the other circumstances of the case.

7. Awards for diminution of emoluments or worsening of conditions shall be subject to review on the same basis as is set out in paragraph 4 of this Schedule.

8. The compensation awarded to an applicant who suffers diminution of emoluments or worsening of conditions shall, subject to paragraphs 13 and 17 of this Schedule, be awarded by way of an annual sum payable until the officer or servant reaches superannuable age, which sum shall not exceed the figure which bears to the maximum amount which could have been awarded had he lost his employment the same ratio as the amount by which his current net emoluments are diminished bears to their amount before diminution, provided that no compensation shall be payable if this ratio is less than two and a half per cent.

III—Compensation for Loss or Diminution of Pension Rights

9. Compensation for loss or diminution of pension rights shall not be awarded if a claimant has not exercised any right conferred on him under an existing superannuation scheme to secure the payment of periodical sums under that scheme at superannuable age.

10. Compensation for loss or diminution of pension rights where such loss or diminution is established shall be awarded by way of a payment or payments additional to those payable to or in respect of the officer or servant by virtue of any existing superannuation scheme. Subject to paragraphs 11, 12 and 17 of this Schedule, any payment so made shall not exceed the difference between the payment made by virtue of the said existing superannuation scheme and the payment which would have been made by virtue of that scheme if the officer or servant had had one additional completed year of whole-time service, without increase in emoluments, for each completed year of whole-time service above the age of 40, not exceeding the number of years to be served by him before reaching the relevant age or ten years, whichever shall be the less. In the calculation of such difference in the case of an award for diminution of pension rights, the Authority may disregard any limitation in an existing superannuation scheme on the number of years of service ranking for benefit. Any payment made shall be made at the same times, in the same manner and subject to the same conditions as the corresponding payment made by virtue of the said existing superannuation scheme.

11. No payment of compensation under the last preceding paragraph made at any time shall be such that the amount of that payment, when added to any payment due to be made to or in respect of an officer or servant by virtue of any existing superannuation scheme at that time exceeds the amount which would have been payable to or in respect of him by virtue of that scheme at that time had he suffered no loss or diminution of pension rights.

12. In determining the number of years, if any, to be added for the purpose of assessing the compensation to be awarded under paragraph 10 of this Schedule, regard shall be had to the considerations set out in paragraph 2 of this Schedule, and also to the pension arrangements attaching to any employment which the officer or servant may have obtained. Such determination shall be made at the same time as the award, if any, of compensation for loss or diminution of emoluments (not being an award of resettlement payment) is determined, or, if no application for such an award of compensation has been made, within thirteen weeks of the receipt of the claim for compensation for loss or diminution of pension rights, and any award made shall be subject to review on the same basis as is set out in paragraph 4 of this Schedule.

IV—Extension of Compensation after the Superannuable Age in certain cases

13. Where the Authority or the tribunal are satisfied in relation to any officer or servant that the relevant age is greater than the superannuable age, paragraphs

3 and 8 of this Schedule shall apply as if the relevant age were substituted for the superannuable age, provided that in a case to which paragraph 3 applies any compensation payable in the period between the attainment of the superannuable age and the attainment of the relevant age shall not exceed an amount which, when added to—

- (a) any periodical payments to the officer or servant under an existing superannuation scheme;
- (b) any compensation for diminution of pension rights under paragraph 10 of this Schedule;

equals the amount of compensation which would have been awarded under this Schedule if compensation had been payable until the relevant age without reduction in respect of superannuation payments or compensation for diminution of pension rights.

For the purposes of this paragraph any option which an officer or servant may have exercised under an existing superannuation scheme to receive a lower rate of periodical payments of superannuation shall be ignored and accordingly periodical payments under an existing superannuation scheme shall be taken into account at the full rate to which an officer or servant would be entitled apart from the exercise of any such option.

V—Miscellaneous

14. If a person receiving compensation from the Authority for loss of employment becomes an officer or servant he shall not, so long as he remains such an officer or servant be entitled to receive any greater sum by way of compensation than that which would have been awarded to him for diminution of emoluments or worsening of conditions had he been or remained in the employment of the Authority.

15. An award of compensation (not being an award of resettlement payment) may be made retrospective but not, save in exceptional circumstances, to a date more than thirteen weeks earlier than the date of receipt of the claim by the Authority, and in any event not to a date earlier than the end of the resettlement period.

16. Where payments of compensation are in arrears for any period and assistance grants under the National Assistance Act (Northern Ireland), 1948, have been made for that period by reference to the requirements of the person to whom the payments are due, the payments shall be abated to the extent to which the actual amount of those assistance grants exceeds what would have been their amount, as decided by the National Assistance Board, if the said payments had not been in arrears.

17. The Authority may, at their sole option, compound their liability to make annual awards of compensation to a person by payment of an immediate lump sum equal to the present actuarial value of such awards, if the lump sum does not exceed £250. In any other case of an annual award the Authority shall have discretion at the request of the person in receipt of compensation, after having regard to his state of health and other circumstances, to compound

- (a) up to one quarter of their liability other than their liability to pay compensation for loss or diminution of pension rights; and
- (b) up to one quarter of their liability to pay compensation for loss or diminution of pension rights, or, if the pension scheme relating to those rights enabled them to be compounded to a greater extent, up to that extent.

EXPLANATORY NOTE

(This Note is not part of the Regulations but is intended to indicate their general purport.)

These Regulations provide for the payment by the Ulster Transport Authority of compensation to the Authority's officers or servants in accordance with the provisions of Section 22 of the Transport Act (Northern Ireland), 1958.

Compensation under the Regulations becomes payable to an officer or servant of the Authority who, in consequence of a relevant event as defined in the Regulations, suffers loss of employment or loss or diminution of emoluments or pension rights or whose position is worsened. The relevant event may be either the transfer to the Authority on 1st October, 1958, of part of the G.N.R. Board's undertaking under the Transport Act (Northern Ireland), 1958, or the termination by the Authority of a railway service provided by the Authority.

The Regulations also enable the Authority to pay compensation, on terms and conditions similar to those provided in the Regulations for the Authority's officers and servants, to certain former officers or servants of the Great Northern Railway Board who suffered loss of employment or loss or diminution of emoluments or pension rights or whose position has worsened in consequence of the termination of railway services by the Board in the period 1st January, 1955, to 30th September, 1958. The Great Northern Railway (Compensation to Employees) Regulations (Northern Ireland), 1957, are accordingly superseded and revoked by these Regulations (Regulation 6).

Subject to conditions as to age or length of service, or both, the Regulations provide for three types of compensation—short-term resettlement payments for those who lose their employment; long-term compensation for those who lose their employment or suffer loss or diminution of emoluments; and compensation for loss or diminution of pension rights.

Resettlement Payments

Resettlement payments are provided (Regulation 3 and the Second and Third Schedules) for those who lose their employment with the Authority in consequence of the relevant event. To be eligible for resettlement payments a claimant must have been continuously engaged in whole-time service for at least three years before the relevant event. Full-time service includes service with the Great Northern Railway and with the predecessors of the Authority as well as service with the Authority. Unless he is sick or injured, a claimant must actively seek suitable employment and must register with the Ministry of Labour and National Insurance. The resettlement payments will be two-thirds of his net emoluments before the loss of employment less two-thirds of any current earnings or, where he could claim unemployment, sickness or injury benefits, less the rate of benefit payable to a person without dependants. Resettlement payments will be payable for a minimum of 13 weeks following the loss of employment and a maximum of 104 weeks, the number of weeks being related to length of service.

Long-term Compensation

To be eligible for long-term compensation (Regulation 4 and Sections I, II, IV and V of the Fourth Schedule) a claimant must have been continuously engaged in whole-time service for at least eight years before the date of the relevant event which gives rise to his claim for compensation and be aged 50 years or over at that date. Compensation will be payable until normal

retiring age (not exceeding 65 for men and 60 for women), it will be subject to a maximum based on the claimant's net emoluments and length of service and to adjustment to take account of any pension or superannuation payments to which the claimant may be entitled. The award of compensation will have regard to the circumstances set out in paragraph 2 of the Fourth Schedule including the extent to which the claimant has sought other suitable work and the earnings he has or could have obtained by so doing. The award will be subject to review at intervals of not less than six months. For reduction of emoluments or worsening of conditions the maximum compensation will be proportionately reduced as compared with total loss of emoluments.

Compensation for loss of Pension Rights

Persons over 40 who have the expectation of a pension related to years of service will be eligible for compensation for loss or diminution of pension rights suffered in consequence of the relevant event; this will take the form of crediting them with added years of service in recognition of their loss of future years of pensionable service or reduction of pensionable emoluments (Regulation 5 and Section III of the Fourth Schedule).

Overlap with earnings from subsequent service with the Authority is avoided (paragraph 14 of the Fourth Schedule) and there is certain provision for compounding (paragraph 17 of the Fourth Schedule). There is provision for dealing with claims from the same person in respect of more than one relevant event (Regulation 7) and for appeal to a tribunal (Regulation 8).

No claim for compensation will be entertained if its cause arises later than five years after the relevant event which has given rise to it; in the case of resettlement payments the claim must be made not later than twelve weeks after the date on which the cause of claim arises; in the case of long-term compensation for loss of employment the claim must be made not later than twelve weeks after the end of the resettlement period; in the case of long-term compensation for diminution of emoluments or worsening of conditions or loss or diminution of pension rights the claim must be made not later than twelve weeks after the date on which the cause of claim arises. There is provision for longer periods in which to make claims in exceptional circumstances.

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This Order has been exempted from printing by the Statutory Rules Act (Northern Ireland), 1958. A summary is given in the List of Statutory Rules of a Local Character under the heading LOCAL GOVERNMENT.