(2) STAFF

The Electricity (Staff Compensation) Regulations, 1949

1949 No. 460

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ARRANGEMENT OF REGULATIONS

Part I. Entitlement to compensation ... Regulations 1 to 5
Part II. Amount of compensation ... ... Regulations 6 to 9
Part III. Assessment of compensation ... Regulations 10 to 12
Part IV. Miscellaneous ... ... Regulations 13 to 19

Whereas a draft of the following Regulations has been laid before Parliament:

And Whereas each House of Parliament has by resolution approved the said draft:

Now, therefore, the Minister of Fuel and Power and the Secretary of State, in exercise of the powers conferred on them by section fifty-five of the Electricity Act, 1947(a), and of all other powers enabling them in that behalf, hereby make the said Regulations:—

PART I

Entitlement to compensation

Persons entitled to compensation.

1.—(1) The persons entitled to compensation under these Regulations (in these Regulations referred to as "compensation") shall be all persons to whom this regulation applies who within the terms of the next following regulation have suffered loss of employment or loss or diminution of emoluments or pension rights, or whose position has been worsened.

(2) Subject to the provisions of the next following paragraph, this regulation shall apply to any person who, after attaining the age of eighteen years, had continuously during a period of not less than eight years immediately preceding the vesting date been—

(*a*) employed by one or more bodies to whom Part II of the Act applied, being, where employed by any local authority or composite company, a person employed by them wholly or mainly in their capacity as authorised undertakers; or

(*b*) employed whole-time for the purpose of administering undertakings or parts of undertakings of authorised undertakers:

(a) 10 & 11 Geo. 6. c. 54.

Provided that this regulation shall not apply to any person who was not required to devote to employment as aforesaid an average weekly aggregate of thirty hours or more during which he was restricted from undertaking other work in consideration of emoluments; so however that for the purpose of this proviso in relation to any person there may be included any time devoted by him to services as a director of any company to whom Part II of the Act applied.

(3) For the purposes of the last foregoing paragraph, any of the following shall in relation to any person be deemed to have been employment by the employers by whom, and for the purpose for which, that person was employed immediately before the vesting date, that is to say—

(*a*) any previous employment in a capacity mentioned in the said paragraph by or in relation to one or more other such employers or undertakings;

(*b*) engagement on war service;

(*c*) any period during which that person was not employed, if preceded and followed by periods of employment in any such capacity as aforesaid, so however that the periods included by virtue of this sub-paragraph shall not in the aggregate exceed eighteen months.

(4) Subject where relevant to the provisions of regulation three, this regulation shall also apply to any person taken into the employment of an Electricity Board in the period beginning at the passing of the Act and ending on the vesting date, or engaged at the vesting date on war service, who but for being taken into the said employment, or becoming engaged on the said service, would have been a person to whom the foregoing paragraphs apply.

Grounds of entitlement.

2.—(1) Subject to the provisions of paragraph (3) of this regulation, any of the following occurring to a person to whom regulation one applies shall be a ground of entitlement to compensation if consequent on the vesting in an Electricity Board by virtue of the Act, or the transfer to another Electricity Board, or subsequent disposal, of property, rights, liabilities or obligations of any authorised undertakers, or other body to whom Part II of the Act applied, that is to say—

(*a*) loss of employment, with or without any loss or diminution of pension rights;

(*b*) loss, or, in the case of a person for the time being employed by an Electricity Board, diminution, of emoluments;

(*c*) the worsening of a person's position with respect to his conditions of service as a whole, as compared with his conditions before the date of loss as defined in paragraph (4).

(2) For the purposes of the foregoing paragraph, and of any assessment of compensation in relation thereto, the employment of any person by any Electricity Board other than the Board concerned in relation to that person, as provided in paragraph (3) of regulation four, shall be deemed to be employment by that last mentioned Board.

(3) Nothing in this regulation shall entitle any person to compensation in respect of any right created—

(*a*) by the making, or, to the extent of the variation in question, the variation, of a contract effectively disclaimed in pursuance of section eighteen of the Act;

(*b*) by any transaction to which section twenty-nine of the Act applies;

(*c*) by the operation or variation of a pension scheme otherwise than in the ordinary course, being a right in respect of which notice has been effectively given in pursuance of regulation ten of the Electricity (Pension Rights) Regulations, 1948(**a**).

(4) In these Regulations the ground of entitlement of any person to compensation is referred to as that person's "loss"; and the expression "date of loss" means in relation to any such person the date on which he lost his employment, or the date as from which his emoluments or pension rights were lost or diminished, or his position was worsened, as the case may be; so however that, in relation to a person to whom the next following regulation applies, the said expression means the date of service on the Electricity Board concerned of the notice referred to in paragraph (1) of that regulation.

Persons engaged on war service at vesting date.

3.—(1) Where any person engaged at the vesting date on war service, being a person to whom regulation one applies, gives notice before the expiry of two months after ceasing to be so engaged, or, if prevented by sickness or other reasonable cause, as soon as practicable thereafter, to the Electricity Board specified in the next following paragraph that he is available for employment, that person shall be entitled to compensation on the ground—

(*a*) if he is not employed, of loss of employment;

(*b*) if he is employed with reduced emoluments, or placed in any worse position, as compared with the emoluments or position he would have enjoyed if he had continued to be employed in the capacity in which he was employed immediately before becoming so engaged, of diminution of emoluments or worsening of position, as the case may be.

(2) The Electricity Board concerned shall be the Board in whom have vested the property, rights, liabilities and obligations of the body by whom that person was last employed before becoming engaged on war service, or, if they have vested in more than one such Board, or he was employed in connection with more than one undertaking or part of an undertaking, the Board in whom has vested the undertaking, or part of an undertaking, in connection with which he was then chiefly employed.

Electricity Boards by whom compensation is to be paid.

4.—(1) Subject to the provisions of the next following paragraph, compensation shall be paid, if the loss is consequent on—

(*a*) the vesting in an Electricity Board by virtue of the Act of any property, rights, liabilities or obligations, by the Electricity Board in whom have vested the property, rights, liabilities and obligations of the undertaking in connection with which, or with part of which, the person entitled was employed immediately before the vesting date;

(*b*) the transfer from one Electricity Board to another of any property, rights, liabilities or obligations by the Electricity Board to whom the same were transferred;

(*c*) the disposal by any Electricity Board, otherwise than by transfer to another Electricity Board, of any property, rights, liabilities or obligations, by the Electricity Board disposing of the same.

(**a**) S.I. 1948 (No. 2172) I, p. 873.

(2) Where under the foregoing paragraph compensation would be payable to any person by more than one Electricity Board, all compensation to which that person is entitled shall be paid to him by the Board in whom has vested the undertaking, or part of an undertaking, in connection with which he was at the vesting date chiefly employed; and any other Board by whom under the said provisions compensation to that person would be payable shall contribute to the compensation paid by the first mentioned Board in proportion to the extent to which that person was at the vesting date employed in connection with the undertaking, or part of an undertaking, vested in that other Board.

(3) Any question arising in relation to any person as to the Electricity Board by whom compensation is to be paid, or as to whether, or to what extent, any other such Board are to contribute to that compensation, shall be determined by the Minister, or, if the North of Scotland Board are party to the question, by the Minister and the Secretary of State jointly.

(4) In these Regulations, in relation to any person who is, or claims to be, entitled to compensation, the Electricity Board who under this regulation are, or would be, required to pay compensation to that person are referred to as "the Board."

Time limit for entitlement.

5. No person shall be entitled to compensation on the ground of anything occurring after the expiry of ten years from the vesting date.

PART II

Amount of Compensation

Factors affecting compensation.

6.—(1) In any assessment of the compensation to which any person is entitled for loss of employment, regard shall be had to—

(*a*) the terms and conditions of his employment, including any accrued or prospective pension rights, before the date of loss;

(*b*) the terms and conditions of any employment, including any accrued or prospective pension rights, obtained by him since the date of loss;

(*c*) the extent to which he has sought alternative employment; and whether he has been registered for employment at an employment exchange, or with the Appointments Department of the Ministry of Labour and National Service;

(*d*) any emoluments which he has, or might have, secured by accepting any suitable and reasonable employment or training offered to him since the date of loss, so however that employment by another Electricity Board, or employment in a place other than the place where he was employed immediately before the date of loss, shall not be held not to be suitable or reasonable by reason only of the difference of employer or place;

(*e*) any compensation to which he is entitled under the Reinstatement in Civil Employment Act, 1944(a);

(*f*) all other circumstances affecting his case.

(2) Where any sum has been or is paid or awarded to any person by way of compensation or damages for the variation or termination of any agreement of his for services to, or in relation to, any authorised undertakers or other body to whom Part II of the Act applied, or to any Electricity Board, any compensation to which that person would be entitled shall to that extent be reduced.

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

(3) In the determination of the emoluments received by any person in respect of employment—

(*a*) the amount of any fees or other variable payments included shall be the average thereof as received by that person during the longest period in comparable circumstances for which evidence of the amounts received by him can be made available;

(*b*) the money value of any accommodation, board or other privilege shall be included;

(*c*) there shall be excluded any sum paid to that person in respect of—

(i) expenses incurred by him in the course of his employment; or

(ii) overtime, not being a sum paid as a regular increment to his wages or salary.

(4) Any amount by which the emoluments received by any person before the date of loss exceeded the sum of four thousand pounds per annum shall be disregarded.

(5) For the purpose of determining the emoluments received before the date of loss by any person to whom regulation three applies, an addition shall be made to the emoluments received by him before becoming engaged on war service equal to any increments thereto based on completed service which might reasonably have been anticipated if he had continued until the date of loss to be employed in the capacity in which he was employed before becoming so engaged; and, if, at the date of becoming so engaged, he was subject to a pension scheme, the pension rights which might reasonably have accrued to him at the date of loss shall be deemed to be his pension rights for the purpose of his claim.

(6) No person shall be entitled to compensation for loss or diminution of emoluments, or for the worsening of his position, unless the amount of the said loss or diminution, or the amount assessed in respect of the said worsening, as the case may be, is, in terms of an annual sum, equal to or greater than five per centum of the emoluments annually received by him in respect of his employment immediately before the date of loss.

(7) No claim to compensation shall be valid unless made before the expiry of two years from the date of loss.

Immediate compensation.

7.—(1) Where any claim is made for compensation for loss of employment, the Board shall, unless within one month of receipt by them of the claim they give notice to the claimant of the rejection thereof, pay immediate compensation as from the date of loss in the amount in any period of a sum which, when added to a sum equal to two-thirds of any unemployment benefit to which the claimant is entitled, is equal to two thirds of the emoluments which would have been received by him in that period in respect of his lost employment, after deduction of any contribution payable by him for the purpose of a pension scheme.

(2) Subject to the provisions of paragraph (2) of the next following regulation, immediate compensation shall be payable until assessment by the Board of the substantive compensation (or, in the case of a person who has attained retiring age, the residual compensation) to which the person concerned is entitled, so however that, if that person

obtains other employment, or unreasonably refuses suitable employment, or if the Board are satisfied that he is not actively seeking other employment, no immediate compensation shall thereafter be paid to him unless, being a person who has obtained other employment, he loses that employment on a ground other than his own default.

(3) Any person in receipt of immediate compensation who obtains other employment shall forthwith give notice thereof to the Board.

Substantive compensation.

8.—(1) In this regulation, the expression "the emoluments lost" means in relation to a person entitled to compensation, and in relation to—

(*a*) loss of employment, the amount, in terms of an annual sum, of the emoluments received by that person in respect of that employment immediately before the date of loss, after deduction of any contribution payable by that person for the purpose of a pension scheme;

(*b*) loss or diminution of emoluments, the difference between the amounts, in terms of an annual sum and after deduction as aforesaid, of the emoluments respectively received by that person in respect of his employment before and after the date of loss;

(*c*) worsening of position, an assessment by reference to value in money, in terms of an annual sum, of the difference in the position of that person with respect to his conditions of service as a whole before and after the date of loss.

(2) Every person entitled to compensation who has not attained retiring age shall, subject to the provisions of paragraph (5), be paid substantive compensation during and in respect of the period beginning at the date of loss, or, if the compensation is for loss of employment, at the expiry of three months from that date, and ending when he dies, or attains retiring age, whichever first occurs:

Provided that any immediate compensation paid to that person in respect of any part of that period shall be deemed to have been a payment on account of the substantive compensation to which he is entitled.

(3) The amount of the substantive compensation to which any person is entitled shall not exceed the aggregate of—

(*a*) for each completed year of his service, whether before or after the vesting date, one sixtieth of the emoluments lost; and, in addition,

(*b*) for each such year after attaining the age of forty-five years, one sixtieth of the emoluments lost:

Provided that no such compensation shall in any case exceed an amount equal to two thirds of the emoluments lost.

(4) Where any person is receiving substantive compensation, the amount thereof shall on review in pursuance of regulation eleven be subject to adjustment if, being compensation for—

(*a*) loss of employment, that person obtains other employment;

(*b*) loss or diminution of emoluments, or worsening of position, that person becomes entitled to additional or increased emoluments, or enjoys an improved position;

and any such person shall, if any such matter occurs with respect to him, forthwith give notice thereof to the Board.

(5) Any person in receipt of substantive compensation, who by reason of ill-health or otherwise—

(*a*) becomes entitled under any pension scheme to which he is subject; or

(*b*) having ceased to be subject to a pension scheme by reason of his loss, would have become entitled under that scheme, but for so ceasing;

to a pension, or to benefits, payable in respect of his service before the date of loss, shall cease to be entitled to substantive compensation, and in lieu thereof shall become entitled to such residual compensation as is applicable to him, if—

(i) the value of his residual compensation is greater than the value of his substantive compensation; and

(ii) he gives to the Board notice of his desire to be paid residual compensation accordingly.

Residual compensation.

9.—(1) Residual compensation, in so far as provided in this regulation, shall be payable where any person entitled to compensation for loss of employment has attained or attains retiring age, or dies, or becomes entitled thereto in pursuance of paragraph (5) of the last foregoing regulation.

(2) Where any such person had in respect of service before the date of loss the expectation of a pension, the Board shall (unless that service has been effectively reckoned for the purpose of benefits under a pension scheme to which that person has become subject since the date of loss) ensure that sums equal to the amounts of any pension and lump sum benefit to which in respect of that service that person—

(*a*) is entitled under any pension scheme to which he is subject; or

(*b*) having ceased to be subject to a pension scheme by reason of his loss, would have been entitled under that scheme, but for so ceasing;

are paid to that person (or, if that person was in pursuance of the said scheme party to an agreement that any part of the said pension or benefit should be paid to another person, to that other person) in satisfaction of the said pension and benefit.

(3) For the purposes of the payments aforesaid—

(*a*) the said person shall pay to the Board a sum equal to the amount of any return of contributions made to him under the said scheme, or the compensation shall be reduced by an amount the capital value whereof is equal to the said sum;

(*b*) the amount of the pension or benefit to be satisfied shall be determined in relation to any person as if every condition had been fulfilled qualifying him to receive such a pension or such benefit, but (where relevant, and subject to any customary addition) by reference to the actual length of the service completed by that person before the date of loss.

(4) If a person to whom paragraph (2) applies had at the date of loss attained the age of forty-five years, an assessment of compensation may require the Board to ensure that a sum is paid by way of addition to his pension and benefit, as if for an added year of service, in respect of each completed year of service, whether before or after the vesting date, after attaining the age of forty years:

Provided that the number of such additions shall not in the case of any person be greater than ten, or the difference in years between the age of that person at the date of loss and retiring age, whichever is the less: and

Provided also that if any person for whom any such addition has been assessed becomes entitled to residual compensation by virtue of paragraph (5) of the last foregoing regulation, or dies, the said addition shall have effect, with respect to any sum paid as pension or benefit, with such added years only as the said person might have completed between the date of loss and the date when he became entitled to residual compensation, or died, as the case may be.

(5) Where any such person as aforesaid had not in respect of service before the date of loss the expectation of a pension, but the Board, or, on appeal under regulation twelve, the tribunal specified in that regulation, are satisfied that that person had a reasonable prospect of being retained in his employment for any substantial period after attaining retiring age, residual compensation shall be payable to him for the remainder of his life equal to half the substantive compensation to which he was, or, but for having attained retiring age before the date of loss, would have been, entitled.

PART III

Assessment of compensation

Assessment of compensation and discharge of onus of proof.

10.—(1) The compensation to which any person is entitled shall, subject to the provisions of these Regulations regarding a right of appeal, be assessed by the Board.

(2) Save with respect to immediate compensation, or where any payment by way of lump sum benefit is to be made, compensation shall be assessed in terms of an annual sum.

(3) Where any person alleges that he has lost his employment in consequence of the vesting, transfer or disposal, as the case may be, of any property, rights, liabilities or obligations, he shall (unless the contrary be proved) be deemed to have lost his employment accordingly if, before the expiry of ten years from the vesting date, being a person employed in any capacity mentioned in paragraph (2) of regulation one connected with the property, rights, liabilities or obligations, he loses his said employment on any ground other than his own request (including acceptance of membership of an Electricity Board) or the attainment by him of retiring age, or his own misconduct or incapacity to perform any duty which he was, or reasonably might have been, required to perform in the course of the said employment.

(4) Where any person engaged at the vesting date on war service is deemed to have suffered loss of employment by virtue of sub-paragraph (*a*) of paragraph (1) of regulation three, no employment offered to him by the Board shall be deemed to be suitable and reasonable within the meaning of sub-paragraph (*d*) of paragraph (1) of regulation six unless it is the same as, or similar to, his employment immediately before becoming engaged on war service, or unless the offer of employment included an offer of training on such terms that at the conclusion thereof he would not have been prejudiced by reason that the said employment was not the same as, or similar to, his employment aforesaid.

Review of substantive compensation.

11.—(1) Where substantive compensation has been assessed for any person, the amount thereof may at intervals of not less than six months be reviewed by the Board, and, in the event of a variation in any matter to which under paragraph (1) or (2) of regulation six, or paragraph (4) of regulation eight, regard is to be had, a different amount assessed:

Provided that, if the compensation is for loss of employment, there shall be no such review as aforesaid after the expiry of two years from the date of the first assessment of the compensation, or, if there was an appeal from that assessment, from the date of the award thereon, unless that person obtains employment from an Electricity Board.

(2) Any person receiving substantive compensation may, subject to the proviso to the foregoing paragraph, require the Board to review the amount of his compensation as provided in that paragraph.

Right of appeal from decision of the Board.

12. Any person aggrieved by any decision of the Board in their rejection of any claim, or in their assessment of any compensation, whether initially or on review, or in the exercise of their discretion with regard to the payment of any lump sum, may appeal to a referee or board of referees (in these Regulations referred to as "the tribunal") appointed, after consultation with the Lord Chancellor, or, where the proceedings are to be held in Scotland, with the Secretary of State, by the Minister of Labour and National Service; who shall rehear that person's claim with respect to the matter determined and may make an award of compensation, or, within the limits specified in the proviso to paragraph (1) of regulation thirteen, give a direction with regard to the payment of a lump sum in satisfaction of any such compensation, which shall be binding on the Board and on that person.

PART IV

Miscellaneous

Further provisions concerning compensation.

13.—(1) Except in the cases specified in paragraph (2) of regulation ten, compensation shall be satisfied by the payment of the annual sum assessed in pursuance of that regulation:

Provided that the Board may at their discretion, but subject to the last foregoing regulation, pay a lump sum, not being less than the capital value by actuarial valuation of the amount to be satisfied, in satisfaction of any compensation—

(*a*) if the annual sum assessed does not exceed twenty-six pounds, as to the whole amount;

(*b*) at the request of the person entitled, if the annual sum assessed exceeds twenty-six pounds, and there is no lump sum benefit so assessed, as to one quarter thereof, so however that if the difference between that quarter, in terms of an annual sum, and the total annual sum assessed does not exceed twenty-six pounds, the whole amount of the compensation may be so satisfied;

and, where any compensation is so satisfied, the provisions of these Regulations relating to review shall in so far as concerns that compensation cease to have effect.

(2) Compensation shall be paid—

(*a*) if for loss or diminution of pension rights, to any person entitled under the provisions of paragraph (2) of regulation nine to payment

thereof; and as an addition to any pension which is or becomes payable in respect of the service of the person concerned before the date of loss;

(*b*) in any other case, to the person entitled thereto; and at such weekly or longer intervals as may be fixed when the compensation is assessed, being intervals corresponding so far as may be, unless otherwise agreed by that person and by the Board, to the intervals at which that person received his emoluments before the date of loss;

so however that, where under regulation nine the Board are required to ensure that any sum is paid to any person, the Board may in lieu of direct payment make payments as requisite to any person concerned with providing any pension or benefit to which that person is entitled, and, if the payment which the Board is required to ensure is received when due by the person entitled to the same, the compensation to which that person is entitled shall to that extent be satisfied.

(3) Compensation shall not be assignable.

Calculation of service.

14.—(1) The provisions of paragraph (3) of regulation one, other than sub-paragraph (*c*), shall apply in relation to the service of any person calculated for the assessment of substantive or residual compensation as they apply in relation to service calculated for the purpose of paragraph (2) of that regulation:

Provided that no period during which any person was engaged on war service shall on any such assessment be included, unless that period was preceded by employment in a capacity mentioned in the said paragraph (2).

(2) While any person is in receipt of a pension which he began to receive before the date of loss, no part of the service reckoned for the purposes of that pension shall be reckoned in the assessment of any substantive or residual compensation to which he is entitled; and if that person was while in receipt of the said pension retained in, or taken into, any employment in a capacity mentioned in paragraph (2) of regulation one, or the employment of any Electricity Board, service while in that employment shall not, unless the person is subject to a pension scheme expressly related to it, be deemed to be service in respect of which that person had the expectation of a pension.

(3) Where any periods of service required under the foregoing provisions to be aggregated include fractions of a year, those fractions shall be included; but where an aggregate as so determined includes such a fraction, the fraction shall, if it equals or exceeds six months, be treated as one year, and, in any other case, be disregarded.

Procedure on claims.

15.—(1) Any person claiming to be entitled to compensation shall give notice thereof to the Board as soon as may be after the date of loss; and shall furnish therewith full information, verified by a statutory declaration made by that person, as to the matters specified in the Schedule to these Regulations.

(2) The Board shall assess the substantive compensation, and any residual compensation, to which any person is entitled, or shall reject that person's claim, as soon as practicable after service upon them of

notice thereof, and in any event before the expiry of three months from the date of the said service; so however that, where any such assessment has been made before complete investigation of every matter to which under paragraph (1) of regulation six regard is to be had, the Board may thereafter review the amount thereof, as if in pursuance of regulation eleven, and assess a different amount, notwithstanding that no variation in any such matter has occurred.

(3) Any assessment may be made in any such manner, whether with regard to the claimant or any other person making representations in his behalf, or otherwise, as the Board may at their discretion determine.

(4) The Board shall forthwith after the rejection by them of any claim, or the assessment of any compensation, whether initially or on review, give notice thereof to the claimant, with notice of the amount of any compensation assessed.

(5) The Board shall, when giving to any person notice of any decision of theirs, draw the attention of that person to the provisions of these Regulations regarding his right—

(*a*) in case of rejection of a claim, or the exercise of discretion with respect to the payment of a lump sum in satisfaction of compensation, to appeal against the decision;

(*b*) in case of an assessment of compensation, to appeal against the decision on the amount assessed, and to require a review of the said amount.

Extension of time.

16.—(1) Except with respect to the periods specified for making a valid claim for compensation, and for the review of substantive compensation for loss of employment, any period or date specified in these Regulations as the period within which, or the date by which, anything is to be done, may, notwithstanding that the period has expired or the date has passed, being a period, be extended, or, being a date, be postponed, by the Minister in any case where the Minister is satisfied that there has been reasonable ground for not doing, or for not having done, that thing within that period, or by that date, as the case may be.

(2) The foregoing paragraph shall have effect, with regard to any person in relation to whom the Board are the North of Scotland Board, as if for references to the Minister there were substituted references to the Secretary of State.

Claimants to furnish information.

17.—(1) Any person claiming or receiving compensation shall furnish all such information, and supplementary information, as the Board or the tribunal may at any time reasonably require; and shall verify the same in any such manner, including the production of books, or of original documents, in his possession and control, as may be reasonably so required.

(2) Any such person as aforesaid shall, on receipt of reasonable notice, present himself for interview at any such place as the Board or the tribunal may reasonably require.

(3) Where compensation is being paid to any person, and the Board are satisfied, after giving to that person an opportunity of being heard, that a material statement made by that person at the assessment or award of the said compensation was false, or that that person has failed to give notice of any matter required under paragraph (3) of

regulation seven or paragraph (4) of regulation eight to be notified, the Board may discontinue payment of any amount by which the said compensation exceeds what would have been payable if the material facts had been truly stated or if notice had been duly given, as the case may be, and may recover from that person as money had and received to their use the amount of any such excess previously paid to that person.

(4) Any person aggrieved by any discontinuance in pursuance of the last foregoing paragraph may appeal to the tribunal; and the tribunal may make an order confirming or avoiding the said discontinuance which shall be binding on the Board and on that person.

(5) In relation to Scotland, paragraph (3) of this regulation shall have effect as if the words "as money had and received to their use" were omitted.

Interpretation.

18.—(1) Without prejudice to the application of section thirty-one of the Interpretation Act, 1889(a), the following expressions shall in these Regulations, unless the context otherwise require, have the meanings hereby assigned to them respectively, that is to say—

"the Act" means the Electricity Act, 1947;

"the Board" has the meaning assigned by paragraph (4) of regulation four;

"compensation" means compensation under these Regulations;

"employed" means employed as an officer and "employment" shall be construed accordingly;

"loss" and "date of loss" have the meanings assigned to them respectively by paragraph (4) of regulation two;

"the Minister" means the Minister of Fuel and Power;

"officer" includes a managing director and a director whose functions are substantially those of an employee but not any other director, and also includes a servant;

"pension," in relation to any person, means a pension, whether contributory or not, of any kind whatsoever payable to or in respect of him, and includes a gratuity so payable and a return of contributions to a pension fund, with or without interest thereon or any other addition thereto;

"pension rights" includes, in relation to any person, all forms of right to or eligibility for the present or future payment of a pension to or in respect of that person, and any expectation of the accruer of a pension to or in respect of that person under any customary practice and includes a right of allocation in respect of the present or future payment of a pension;

"pension scheme" includes any form of arrangements for the payment of pensions, whether subsisting by virtue of an Act, trust, contract or otherwise;

"retiring age" in relation to any person means—

(*a*) if that person is in respect of his employment subject to a pension scheme, the age at which he becomes entitled to, or receives, a pension under that scheme, whichever last occurs;

(a) 52 & 53 Vict. c. 63.

(*b*) if that person, not being a person to whom sub-paragraph (*a*) applies, ceased to be subject to a pension scheme by reason of his loss, the age at which under that scheme he would have become subject to compulsory superannuation ;

(*c*) in any other case, being a male person, sixty-five years, or, being a female person, sixty years ;

" the tribunal " has the meaning assigned by regulation twelve ;

" unemployment benefit " means unemployment benefit received under the provisions of the National Insurance Act, 1946(a) ;

" war service " means service at any time in any of His Majesty's forces, and whole time service performed since the third day of September, nineteen hundred and thirty-nine—

(*a*) in the Merchant Navy ;

(*b*) as a constable, not being service so performed by a person employed by any railway, inland navigation, dock or harbour undertaking ;

(*c*) as a member of the National Fire Service, or the Auxiliary Fire Service ;

(*d*) as a member of the Civil Defence Reserve ;

(*e*) in the employment of any local authority, or port or harbour authority, in any civil defence service ; or

(*f*) in any employment of national importance into which that person entered by direction of the Minister of Labour and National Service, or with the expressed consent of the person by whom he was employed at the date of such entry.

(2) Expressions to which meanings are assigned by the Act or by these Regulations shall, unless the context otherwise require, bear the same meanings in any instrument issued under the provisions of these Regulations.

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

Commencement and citation.

19. These Regulations shall come into operation on the twenty-fourth day of March, nineteen hundred and forty-nine ; and may be cited as the Electricity (Staff Compensation) Regulations, 1949.

Dated this seventeenth day of March, nineteen hundred and forty-nine.

Hugh Gaitskell,
Minister of Fuel and Power.

Arthur Woodburn,
One of His Majesty's Principal Secretaries of State.

(a) 9 & 10 Geo. 6. c. 67.

Regulation 15 (1).

SCHEDULE

Matters in respect of which information must be furnished by a person claiming compensation

1. His full names and address.
2. The date of his birth.
3. The basis of his claim (whether loss of employment with or without loss or diminution of pension rights, or loss or diminution of emoluments or worsening of position with respect to conditions of service as a whole).
4. The original date upon which his employment with authorised undertakers or other bodies to whom Part II of the Act applied, or upon service in administering undertakings, began.
5. (*a*) the service in respect of which he claims compensation, showing the names of all employers, the dates upon which service with each began and ended, and particulars of any war service;
   (*b*) the name of his employers at 31st March, 1948, or, if he was then employed by an Electricity Board, at the date when he was last employed before being taken into that employment with particulars, if employment by those employers was not whole-time, of the average number of hours per week devoted to it.
6. (*a*) The nature of his employment at the date of loss;
   (*b*) his contract of service; whether or not it was in writing (a copy of any written contract, or of any letter or minute setting out terms of service should be attached);
   (*c*) his remuneration at the date of loss (with particulars of any increments); any special privilege, capable of assessment in money, such as free accommodation or board, to which he claims to be entitled; the annual receipts for the last five years of any fees or other variable payments (expenses, and overtime not paid as a regular increment, should not be included);
   (*d*) particulars of any compensation:—
      (i) paid to him under the Reinstatement in Civil Employment Act, 1944;
      (ii) awarded to him, or claimed by him, in respect of the variation or termination of any employment mentioned under 5.
7. (*a*) Any expectation which he had of a pension or other similar payment on retirement;
   (*b*) particulars of any relevant pension scheme or fund to which he was subject, showing the name, the contributions payable by him, any repayment of contributions made to him and any further relevant particulars.
8. (*a*) The name of his present employers (if any), the remuneration received and the date of appointment.
   (*b*) if unemployed, particulars of the efforts he has made to obtain suitable employment since the date of loss; whether any offer of employment has been made, the terms of any such offer and the grounds upon which it was rejected.

EXPLANATORY NOTE

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

These Regulations require Electricity Boards to pay compensation for loss of employment, loss or diminution of emoluments or pension rights, or worsening of position, in circumstances such as are specified in section 55 of the Electricity Act, 1947, occurring before the expiry of ten years from the vesting date (1st April, 1948).

Persons entitled to compensation are persons who during a specified minimum period immediately preceding the vesting date were employed by one or more bodies to whom Part II of that Act applied (in so far as concerns local authorities or composite companies, in employment wholly or mainly in their capacity as authorised undertakers) or were employed whole-time for the purpose of administering undertakings or parts of undertakings of authorised undertakers, (and persons engaged at the vesting date on war service, who would have been in one of these categories if they had continued until the vesting date in their former employment).

There is a proviso to the effect that entitlement is only for persons who were required to devote to their employment an average of thirty hours or more per week; but to bring himself within the proviso, though not for other purposes, a claimant may count all time devoted to services as a director of a company to whom Part II of the Act applied.

The specified minimum period is eight years after attaining the age of eighteen.

There are three stages of compensation, immediate (Reg. 7), substantive (Reg. 8) and residual (not applicable in all cases) (Reg. 9).

Provisions defining the matters to be taken into account in assessing compensation are contained in Reg. 6. Compensation is to be assessed by the Electricity Board concerned, but a right of appeal to a referee or board of referees is given to any claimant aggrieved by any decision of the Board. The amount of the compensation may be reviewed, if circumstances change, at any time within two years of assessment, or, in the case of persons who have lost their employment but are later re-employed by an Electricity Board, or who, while still in the employment of an Electricity Board, are receiving compensation for diminution of emoluments, at any time.

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3. CONVERSION DATES

The Electricity (Conversion Date) (No. 5) Order, 1949

1949 No. 437

Made - - - -	14*th March*, 1949
Laid before Parliament	15*th March*, 1949
Coming into Operation	1*st April*, 1949

The Minister of Fuel and Power, in pursuance of the Third Schedule to the Electricity Act, 1947(a), hereby makes the following order:—

1. The conversion date for Central Electricity 3½ per cent. Stock 1963/93, being a security in respect of which compensation is payable under Part II

(a) 10 & 11 Geo. 6. c. 54.