IRON AND STEEL

1953 No. 1019

The Iron and Steel Act 1953 (Appointed Day) Order, 1953

Made - - - -	*29th June*, 1953
Coming into Operation	*2nd July*, 1953

The Minister of Supply, in exercise of the powers conferred upon him by Section 1 of the Iron and Steel Act, 1953(**a**), hereby makes the following Order:—

1. The 13th day of July, 1953, is appointed as the day upon which (subject to the provisions of the Iron and Steel Act, 1953)—

(*a*) the Iron and Steel Act, 1949(**b**), shall cease to have effect; and

(*b*) all the property, rights, liabilities and obligations which, immediately before that day, were property, rights, liabilities and obligations of the Iron and Steel Corporation of Great Britain shall, by virtue of the Iron and Steel Act, 1953, become property, rights, liabilities and obligations of the Iron and Steel Holding and Realisation Agency constituted under Part III of that Act.

2. This Order may be cited as the Iron and Steel Act 1953 (Appointed Day) Order, 1953, and shall come into operation on the 2nd day of July, 1953.

Dated this 29th day of June, 1953.

Duncan Sandys,
Minister of Supply.

1953 No. 1848

The Iron and Steel (Compensation to Officers and Servants) (No. 1) Regulations, 1953

Made - - - -	*16th December*, 1953
Coming into Operation	*31st December*, 1953

The Minister of Supply, in exercise of the powers conferred upon him by Section 24 of the Iron and Steel Act, 1953(**a**), hereby makes the following Regulations, a draft thereof having been approved in accordance with subsection (1) of Section 31 of the said Act by resolution of each House of Parliament:—

PART I—COMING INTO OPERATION: INTERPRETATION

1.—(1) These Regulations shall come into operation on the fifteenth day after the date on which they are made, and shall have effect from the 15th day of February, 1951.

(2) These Regulations may be cited as " The Iron and Steel (Compensation to Officers and Servants) (No. 1) Regulations, 1953 ".

(**a**) 1 & 2 Eliz. 2. c. 15. (**b**) 12, 13 & 14 Geo. 6 c. 72.

(3) These Regulations provide for payment, in the cases and to the extent hereinafter specified, of compensation to persons who were officers or servants of companies at the time when they came into public ownership within the meaning of the Iron and Steel Act, 1949(a), and suffered or suffer loss of employment or loss or diminution of emoluments or pension rights in consequence of the companies having become publicly owned companies within the meaning of the said Act.

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

"the Act" means the Iron and Steel Act, 1953;

"the 1949 Act" means the Iron and Steel Act, 1949;

"the Agency" means the Iron and Steel Holding and Realisation Agency constituted under Part III of the Act;

"claimant" means a person who, as being an eligible officer or servant, claims or has claimed compensation under these Regulations;

"completed year of reckonable service" means reckonable service for a period of 365 days, or for a number of periods which when added together amount to 365 days: Provided always that if in relation to any claimant the aggregate of the entire period or of all of the periods of his reckonable service includes a fraction of a year, that fraction shall, if it exceeds 182 days, be treated as a completed year of reckonable service, and in every other case be disregarded;

"the Corporation" means the Iron and Steel Corporation of Great Britain constituted under the 1949 Act:

"current net emoluments", in relation to a claimant, means his annual rate of emoluments (being emoluments of his employment) immediately before the occurrence of the disturbance leading to the claim for the compensation the award or calculation of which is in question, after deducting therefrom the annual amount of any contribution then payable by him for pension purposes: Provided that for all the purposes of this definition (including the ascertainment of the amount of any deduction to be made as aforesaid) any amount by which the said annual rate of emoluments exceeds £4,000 shall be disregarded;

"the disturbance leading to the claim" means whichever of the following constitutes the disturbance which leads to the making of the claim—

(*a*) the termination of the claimant's employment as officer or servant of the employing company, being the employment which was subsisting on the date of the relevant event and which has continued since that date without any interruption (breaks due to sickness, personal injury or war service being disregarded), or

(*b*) the loss or diminution, before the termination of that employment, of any of its emoluments, or

(*c*) the loss or diminution, before the termination of that employment, of any pension rights connected with it;

"eligible officer or servant" means a person who was employed as an officer or servant of a publicly owned company in whole time employment in connection with the business of that company on the date when that company came into public ownership under and within the meaning of the 1949 Act;

(a) 12, 13 & 14 Geo. 6. c. 72.

" emoluments " includes any of the following payments or other benefits made to or enjoyed by a person in respect of his employment:—

(*a*) salary, wages, fees (excluding fees paid to a director otherwise than in respect of services rendered as a managing director or in discharge of functions substantially those of an employee) and other payments of a similar nature for his own use,

(*b*) all bonuses, allowances, commission, gratuities, special duty and overtime pay, which are of a recurrent nature, whether seasonal or otherwise and whether obtaining legally or by customary practice, and

(*c*) 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,

but does not include payments for travelling, subsistence, accommodation, engagement of assistance or other expenses incurred in the course of the employment, or overtime or other payments of a non-recurring nature;

" emoluments of his employment ", in relation to a claimant, means the emoluments received by him in respect of his employment as officer or servant of the employing company;

" the employing company " means the publicly owned company by which the claimant was employed as officer or servant on the date of its coming into public ownership under and within the meaning of the 1949 Act;

" the Minister " means the Minister of Supply;

" normal pensionable age " means in relation to a claimant:—

(*a*) if he has pension rights in connection with his employment as officer or servant of the employing company, or, having had such rights, has lost them in circumstances entitling him to claim compensation under these Regulations for loss of pension rights, the age at which he becomes or would have become entitled to receive a normal retirement pension by virtue of such pension rights, and

(*b*) in any other case, 65 years of age for a man and 60 years of age for a woman;

" the pension scheme ", in relation to a claimant for compensation under the Regulations for loss or diminution of pension rights, means the arrangement which subsists (whether by virtue of any statute, trust, contract, customary practice or otherwise) in connection with his employment as an officer or servant of the employing company, being the arrangement under which he had or has pension rights;

" publicly owned company " means a company which came into public ownership under and within the meaning of the 1949 Act;

" reckonable service " means whole time employment:—

(*a*) in the service of a publicly owned company,

(*b*) before the 15th day of February, 1951, in the service of any person who carried on in Great Britain any of the activities specified in the first column of the Second Schedule to the 1949 Act, being employment in connection with those activities,

(*c*) on war service following immediately upon any of the preceding employments, or

(*d*) in such other service as the Minister may in the case of any named employee approve;

" relevant event " means the coming of the employing company into public ownership under and within the meaning of the 1949 Act;

" the service of a publicly owned company " includes service as well before as after the coming into public ownership of that company under and within the meaning of the 1949 Act ;

" tribunal " means a referee or board of referees appointed by the Minister of Labour and National Service after consultation with the Lord Chancellor, or, where the proceedings are to be held in Scotland, after consultation with the Secretary of State ;

" 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 entered by direction of the Minister of Labour and National Service,

(*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 war,

(*f*) such other employment as the Minister may in writing approve,

such service, employment, detention or internment being on or after the 26th day of May, 1939, or during the war of 1914 to 1918, but not including any voluntary enlistment after the cessation of hostilities or voluntary extension of war service otherwise than with the consent of the person in whose service the employee was or would, but for his war service, have been at the time of the consent ;

" whole time employment " means employment after attaining the age of 18 years, being employment to which the employee is required to devote on the average not less than 30 hours per week and during which he is not at liberty to undertake other work in consideration of a fee or remuneration.

(2) In ascertaining for the purposes of these Regulations whether employment offered to a claimant is comparable with the employment the termination of which constitutes the disturbance leading to the claim, no account shall be taken of the fact that the duties of the employment offered involve a transfer of the claimant's employment from one place to another place in Great Britain.

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

PART II—ENTITLEMENT TO COMPENSATION

3. The Agency shall, subject to the provisions of these Regulations, award and pay compensation under these Regulations for loss of employment, loss or diminution of emoluments, or loss or diminution of pension rights, to every eligible officer or servant who claims such compensation and in relation to whom the following conditions are satisfied, that is to say :—

(*a*) on the date of the relevant event he had been continuously engaged (exclusive, however, of any breaks not exceeding in the aggregate eighteen months) for at least eight years in reckonable service ;

(*b*) the disturbance leading to the claim has occurred before whichever shall first happen of the following :—

(i) the expiration of ten years from the date of the relevant event, or

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

(ii) the return to private ownership under the Act of the undertaking of the employing company, or

(iii) where his services as officer or servant of the employing company were on the date of the relevant event solely connected with part only of that undertaking and that part is returned to private ownership as aforesaid separately from the other part or parts thereof, the return to private ownership as aforesaid of the part with which his said services were so connected ;

(*c*) he has, in consequence of the relevant event, suffered loss of employment or loss or diminution of emoluments or pension rights ;

(*d*) the loss or diminution aforesaid, being the loss or diminution for which compensation under these Regulations is claimed, has occurred not later than two years after the disturbance leading to the claim ; and

(*e*) he has made his claim for compensation under these Regulations, in accordance with the provisions for making claims set out in Part VII of these Regulations, not later than two years after the date of the coming into operation of these Regulations or the date of the occurrence of the loss or diminution referred to in sub-paragraph (*d*) of this Regulation, whichever date is the later, or, where he could not reasonably have known of the occurrence of the loss or diminution aforesaid at the date when in fact it did occur, not later than two years after the date of the coming into operation of these Regulations or the first date upon which he could reasonably have known of its occurrence, whichever is the later.

4.—(1) Without prejudice to any other requirement in these Regulations, nothing in these Regulations shall entitle a person to compensation, unless—

(*a*) he is an eligible officer or servant ;

(*b*) the conditions set out in Regulation 3 are satisfied in relation to him ; and

(*c*) if the disturbance leading to the claim for compensation under these Regulations is the termination of his employment as officer or servant of the employing company—

(i) his said employment has been terminated for some reason other than reaching normal pensionable age, misconduct or incapacity to perform such duties as immediately before the termination he was performing or might reasonably have been required to perform, and

(ii) he has not been offered by the Corporation, the Agency or any publicly owned company comparable employment.

(2) No compensation shall be payable under these Regulations in respect of—

(*a*) any loss sustained in connection with the disclaimer by the Corporation under the provisions of the 1949 Act of any agreement for the rendering of personal services ; or

(*b*) the loss or diminution of any increase in emoluments or pension rights, being an increase given in connection with any provision made by the 1949 Act or in anticipation of the making of any such provision, otherwise than in the ordinary course of business ; or

(*c*) any pecuniary loss incurred by reason only of the issue of British Iron and Steel Stock under the 1949 Act in replacement of securities or assets previously held.

5. Compensation under these Regulations for loss of employment, for loss or diminution of emoluments, and for loss or diminution of pension rights, if claimable by the same person, shall be the subject of separate claims, but—

(*a*) subject to the provisions of Part III of these Regulations relating to interim payment of compensation, claims for compensation for loss of employment shall in all respects be treated as claims for compensation for the loss of the emoluments occasioned thereby and the provisions of these Regulations shall apply to all such claims accordingly, and

(*b*) where the loss or diminution of both emoluments and pension rights occur at the same time, the claims for compensation therefor shall be made together.

Part III—Interim Payment of Compensation for Loss of Employment

6. Interim payment of compensation for loss of employment suffered by eligible officers or servants shall be made in accordance with the provisions of this Part of these Regulations.

7.—(1) On receipt of a first claim for compensation for loss of employment made in accordance with the provisions of Part VII of these Regulations, the Agency shall consider whether the claimant satisfies the conditions of entitlement contained in Part II of these Regulations, and if they consider that he has not satisfied these conditions, shall so advise him within eight weeks of the coming into operation of these Regulations or within four weeks of the receipt of the claim whichever period ends the later.

(2) If the Agency do not advise the claimant within the period specified in paragraph (1) of this Regulation that they consider that he has failed to satisfy the said conditions, they shall forthwith commence to make such interim payment of compensation as is allowed by this Part of these Regulations.

8.—(1) Interim payment of compensation for loss of employment shall be made in respect only of the period (not exceeding thirteen weeks) from the date of the receipt of the claim by the Agency to the date of the notification of the claimant, by the Agency, of the determination of the award of compensation under Part IV of these Regulations and shall be calculated so as not to exceed the sum ascertained by taking two-thirds of the claimant's current net emoluments, apportioned in respect of the above mentioned period, and by deducting therefrom such of the following items as may be applicable:—

(*a*) unemployment, sickness, or injury benefit at the current rate for a person having no dependants, in so far as any such benefit (whether at that or any other rate) is claimable by him in respect of the whole or any part of such period,

(*b*) two-thirds of any earnings received by him in respect of the whole or any part of such period from other employment, and

(*c*) any sum payable to him in respect of the whole or any part of such period in connection with his former employment with the employing company.

(2) Payment shall be made to the claimant at intervals equivalent to those at which the emoluments of his employment were previously paid (the first payment to include any amount already accrued due) and may be reduced or discontinued by the Agency in respect of any period during which—

(*a*) the claimant fails to satisfy the Agency that he is actively seeking suitable employment, or

(*b*) the claimant, for any reason other than obtaining employment or becoming entitled to sickness or injury benefit, ceases to receive unemployment benefit.

(3) The Agency may require, as a condition of making or continuing to make any interim payment, that the recipient should register with the Ministry of Labour and National Service.

PART IV—AWARD OF COMPENSATION FOR LOSS OR DIMINUTION OF EMOLUMENTS

9. Awards of compensation for loss or diminution of emoluments suffered by eligible officers or servants shall be made in accordance with the provisions of this Part of these Regulations.

10.—(1) The Agency shall determine every award of compensation under this Part of these Regulations and notify the claimant accordingly not later than thirteen weeks after the receipt of the claim.

(2) Any interim payment of compensation under Part III of these Regulations shall be treated as a payment on account of the compensation awarded under this Part of these Regulations.

(3) Compensation under this Part of these Regulations shall be payable to the claimant at intervals equivalent to those at which the emoluments of his employment were previously paid.

11. For the purpose of determining whether compensation should be awarded under this Part of these Regulations to a claimant, and, if so, the amount of that compensation, regard shall be had to such of the following factors as may be relevant, that is to say :—

(*a*) the existence, in connection with the claimant's employment as officer or servant of the employing company, of any right or expectation under customary practice to the payment of compensation in the event of discharge or of reduction in earnings ;

(*b*) the conditions upon which he held his said employment, including in particular its security of tenure, whether by law or by practice ;

(*c*) the conditions, including security of tenure, whether by law or by practice, of any other employment which he may have obtained ;

(*d*) the extent to which he has sought suitable employment and the emoluments which he has, or might have, acquired by accepting other suitable employment, including retraining, offered to him ;

(*e*) the amount of any compensation recovered 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 ;

(*f*) the amount of any other compensation payable under these Regulations or any other regulations made by the Minister under Section 24 of the Act ; and

(*g*) all the other circumstances of his case.

12. Where a claimant has any such right or expectation as is referred to in Regulation 11 (*a*) and the right or expectation is to the payment of compensation until normal pensionable age, the following provisions shall apply to the award of compensation under this Part of these Regulations to such claimant:—

(*a*) the compensation (whether for loss or for diminution of emoluments) shall consist of an annual sum which shall, subject to Regulation 22, be payable until normal pensionable age ;

(*b*) where the claim is for compensation for loss of emoluments, the annual sum shall not exceed the aggregate of the following sums:—

(i) for every completed year of reckonable service, one sixtieth of the claimant's current net emoluments; and

(ii) in the case of a claimant aged over 45, one sixtieth of his current net emoluments for every completed year of reckonable service since he attained the age of 45;

Provided that such annual sum shall in no circumstances exceed two thirds of the claimant's current net emoluments; and

(*c*) where the claim is for compensation for diminution of emoluments, the annual sum shall not exceed the figure which bears to the maximum annual sum which could have been awarded under subparagraph (*b*) of this Regulation, had the claim been for compensation for loss of emoluments, the same ratio as the amount of the diminution (calculated as an annual rate) bears to the amount of his current net emoluments, but so however that no compensation shall be payable if this ratio is less than two and half per cent.

13. Where a claimant has any such right or expectation as is referred to in Regulation 11 (*a*) and the right or expectation is to the payment of compensation otherwise than until normal pensionable age, the following provisions shall apply to the award of compensation under this Part of these Regulations to such claimant:—

(*a*) the compensation (whether for loss or for diminution of emoluments) shall consist of a weekly sum which shall, subject as hereinafter provided, be payable for a period of not less than thirteen weeks (inclusive of any period in respect of which interim payment under Part III of these Regulations, where applicable, has been made) or, in the case of a claimant aged over 45, of not less than thirteen weeks (inclusive of any such period as aforesaid) extended by an additional period of one week for every completed year of reckonable service since he attained the age of 45, but subject to a maximum addition of thirteen such periods;

(*b*) the total amount of the compensation shall in no circumstances exceed the total amount of compensation which would have been payable to the claimant under Regulation 12 had he been entitled to an award thereunder;

(*c*) no compensation shall be payable in respect of any week after the claimant ceases to suffer loss or diminution of emoluments (as the case may be) or, subject to Regulation 15, after the claimant reaches normal pensionable age,

(*d*) where the claim is for compensation for loss of emoluments, the weekly sum shall not exceed an amount which when added to the current rate of unemployment, sickness or injury benefit for a person having no dependants (in so far as any such benefit, whether at that or any other rate, is then claimable by the claimant), would equal two thirds of the weekly rate of his current net emoluments calculated at a weekly rate; and

(*e*) where the claim is for compensation for diminution of emoluments, the weekly sum shall not exceed the figure which bears to the maximum weekly sum which could have been awarded under subparagraph (*d*) of this Regulation had the claim been for compensation for loss of emoluments the same ratio as the amount of the diminution (calculated as a

weekly rate) bears to the weekly rate of his current net emoluments, but so however that no compensation shall be payable if this ratio is less than two and half per cent.

14. Where a claimant has no such right or expectation as is referred to in Regulation 11 (*a*), the provisions of subparagraphs (*a*) to (*e*) of Regulation 13, modified however by the omission of the words "not less than" before the words "thirteen weeks" where these words appear in subparagraph (*a*), shall apply to the award of compensation under this Part of these Regulations to such claimant.

15.—(1) Where a claimant for compensation under this Part of these Regulations satisfies the Agency or tribunal that he would have continued to work as an officer or servant of the employing company beyond normal pensionable age if the disturbance leading to the claim had not occurred, the Agency or tribunal may, in their discretion, extend beyond that age the period for which such compensation is payable, but, in the case of an extension for a period expressed to be that of the claimant's lifetime, the rate of compensation payable after normal pensionable age shall not exceed one half of that payable before normal pensionable age.

(2) Where a claimant suffers loss or diminution of emoluments after normal pensionable age, the Agency or tribunal may, in their discretion, award him compensation at the rate which would have been awarded to him had the loss or diminution occurred immediately before normal pensionable age but upon the basis of his current net emoluments and his length of reckonable service at the time when the disturbance leading to the claim occurred, save that, in the case of an award for a period expressed to be that of the claimant's lifetime, the rate of compensation shall not exceed one half of that which would have been so awarded as aforesaid.

PART V—AWARD OF COMPENSATION FOR LOSS OR DIMINUTION OF PENSION RIGHTS

16. Awards of compensation for loss or diminution of pension rights suffered by eligible officers or servants shall be made in accordance with the provisions of this Part of these Regulations.

17.—(1) The Agency shall determine every award of compensation under this Part of these Regulations and notify the claimant accordingly not later than thirteen weeks after the receipt of the claim therefor.

(2) Where claims are made by the same person and at the same time for compensation under Part IV of these Regulations and under this Part of these Regulations, the Agency shall determine the awards and notify the claimant accordingly at the same time.

18. The following provisions shall apply to the award of compensation under this Part of these Regulations to a claimant:—

(*a*) the compensation shall consist of a payment or payments additional to those (if any) payable to or in respect of the claimant by virtue of the pension scheme;

(*b*) the total amount of such payment or payments shall not exceed the difference between—

(i) the total amount of the payments made or due to be made by virtue of the pension scheme to or in respect of the claimant, and

(ii) the total amount of the payments which would have been made or due to be made by virtue of that scheme to or in respect of him if (subject to sub-paragraphs (*c*) and (*d*) of this Regulation) he had had one additional completed year of reckonable service, without increase in emoluments, for each completed year of reckonable service above the age of 40 ;

(*c*) the number of additional years for the purposes of sub-paragraph (*b*) (ii) of this Regulation shall not exceed the number of years to be served by the claimant before reaching normal pensionable age (or, where the Agency or the tribunal are satisfied that the claimant would have continued to work as an officer or servant of the employing company beyond that age, the age to which they are satisfied that he would have continued to work), or ten, whichever is the less ;

(*d*) in determining the number of additional years for the purposes of sub-paragraph (*b*) (ii) of this Regulation, regard shall be had to such of the factors set out in Regulation 11 (*b*) to (*g*) as may be relevant, and also to any pension arrangements attaching to any employment which the claimant may have obtained ;

(*e*) where the claim is for compensation for diminution of pension rights, any limitation in the pension scheme on the number of years of service ranking for benefit may be disregarded in calculating the difference between the amounts mentioned in sub-paragraph (*b*) of this Regulation ; and

(*f*) the total amount of compensation under this Part of these Regulations, when added to the payments (if any) made or due to be made by virtue of the pension scheme to or in respect of the claimant, shall in no circumstances exceed the amount which would have been payable to or in respect of him by virtue of that scheme had he suffered no loss or diminution of pension rights.

Part VI—Payment, Review and Composition

19.—(1) Except as otherwise provided in this Regulation, all compensation under these Regulations shall be paid to or in trust for the claimant only.

(2) Any compensation under these Regulations which has accrued due to a claimant at the date of his death but has not been paid to or in trust for him as aforesaid and the apportioned amount of any such compensation accruing due to him at that date shall be payable to his legal personal representative.

(3) Any compensation under Part V of these Regulations shall, if the claimant or his legal personal representative so requests, be paid to or in trust for such other person who is or would be entitled to receive the corresponding payment under the pension scheme.

(4) No compensation under these Regulations (other than compensation payable under paragraph (3) of this Regulation to some person other than the claimant or his legal personal representative) shall accrue in respect of any period after the death of the claimant.

(5) Except as provided in paragraph (3) of this Regulation, no compensation under these Regulations shall be assignable.

20.—(1) Compensation shall commence to be payable with effect from the date fixed by the Agency or the tribunal, as the case may be.

(2) An award of compensation may be made retrospective but, except as provided in paragraph (3) of this Regulation, it shall not (save in exceptional circumstances) be made retrospective to a date more than thirteen weeks earlier than the date upon which the claim is received by the Agency.

(3) Where—

(*a*) within thirteen weeks of the occurrence of a loss or diminution for which a claim for compensation under these Regulations can be made, the claimant makes his claim in respect thereof in accordance with Part VII of these Regulations, or

(*b*) the loss or diminution has occurred before the coming into operation of these Regulations and within thirteen weeks of such coming into operation the claimant makes his claim for compensation therefor in accordance with Part VII of these Regulations,

the award of compensation shall be made retrospective to the date upon which such loss or diminution occurred.

21.—(1) Every award of compensation under these Regulations may be reviewed by the Agency at the instance either of the claimant or of the Agency, and may in consquence of such review be increased or decreased.

(2) Subject as hereinafter provided, review under this Regulation shall not take place at intervals of less than six months or, save in exceptional circumstances, later than two years from the making of the award.

(3) Notwithstanding the provisions of paragraph (2) of this Regulation, any such award as aforesaid shall be subject to review at any time if the claimant is in the service of the Agency or any subsidiary of the Agency.

(4) Where a request for a review is made by the claimant, the Agency shall carry out such review and notify the claimant accordingly not later than thirteen weeks after the receipt of the request.

22.—(1) In a case where at any time the present actuarial value of the payments under an award of compensation under these Regulations does not exceed £250, the Agency may, at their sole option, compound their liability under the award by paying to the person in receipt of or entitled to receive those paments a lump sum equivalent to such actuarial value.

(2) In any other case the Agency may, if the person in receipt of or entitled to receive the compensation requests them so to do and they, in their discretion, after having regard to the state of health of that person and the other circumstances of the case, deem fit, compound—

(*a*) up to one-quarter of their liability to make payments under an award of compensation under Part IV of these Regulations ; and

(*b*) up to one-quarter, or such larger fraction as the pension scheme permits for composition of pension rights under it, of their liability to make payments under an award of compensation under Part V of these Regulations.

(3) The making of a composition under paragraph (2) of this Regulation in relation to an award of compensation shall not prevent the subsequent making of a composition under paragraph (1) of this Regulation in relation to that award, but, subject as aforesaid, not more than one composition may be made in relation to any award.

PART VII—PROCEDURE AND MISCELLANEOUS

23.—(1) Every claim for compensation under these Regulations and every request for a review of an award of such compensation shall be made in accordance with the provisions of this Regulation.

(2) Every such claim and request shall be made to the Agency in such form and in such manner as the Agency may determine.

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

(4) Every notification of a decision by the Agency (whether granting or refusing an award or a review of an award of compensation, or otherwise affecting any compensation under these Regulations) shall 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, and furnishing particulars of the address of the appropriate tribunal.

24.—(1) Every claimant who is aggrieved by any decision of the Agency with respect to compensation under these Regulations or by any failure on the part of the Agency to notify him of any such decision within the appropriate time prescribed by these Regulations, may within three months of the notification to him of the decision or the expiry of the prescribed time, as the case may be, refer the matter to a tribunal.

(2) Reference of a matter to a tribunal as aforesaid by a claimant shall be made in writing to the appropriate tribunal.

(3) On receipt of such a reference, the appropriate tribunal shall consider and determine the matter in accordance with the provisions of these Regulations and the Agency shall give effect to the decision of the tribunal.

25. A claimant, if so required by the Agency, shall attend before the Agency or any person duly appointed in that behalf by the Agency and answer any questions touching the matters set forth in his claim or request, and shall further produce all books, papers and other documents in his possession or under his control relating to his claim or request, so however that, when so attending, a claimant may, if he so desires, be accompanied and be represented by his adviser.

26. If at any time the Agency, after giving the claimant (if then living) an opportunity of being heard in relation thereto, are satisfied that a material statement, made by or on behalf of him in connection with his claim to compensation under these Regulations or any review of an award of compensation in his favour, was false, the Agency may reduce or discontinue the compensation to the extent to which it exceeds the amount which would have been paid or awarded had the material facts been truly stated, and the amount of any excess found to have been previously paid shall be recoverable from the claimant or his estate, or from any other person who has received it, as a debt due to the Agency and may be deducted from future payments (if any) of compensation remaining to be made.

27.—(1) In the event of the death of a claimant or of a person who, if he has survived, could have been a claimant, the claim for compensation under these Regulations may be continued or made (as the case may be) by his legal personal representative.

(2) Where any such claim is continued or made as aforesaid by a personal representative, the personal representative shall, as respects any steps to be taken or thing to be done by him in order to continue or make the claim,

be deemed for the purposes of these Regulations to be the claimant, but, save as aforesaid, the person in right of whom he continues or makes the claim shall be deemed for all the purposes of these Regulations to be the claimant, and the relevant provisions of these Regulations shall be construed accordingly.

(3) In applying the provisions of Regulation 26 to a case where a claim has been continued or made as aforesaid by a personal representative, account may be taken as well of statements made by or on behalf of the personal representative himself as of statements made by or on behalf of the person in right of whom he has continued or made the claim.

Dated this 16th day of December, 1953.

Duncan Sandys,
The Minister of Supply.

EXPLANATORY NOTE

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

1. The Regulations provide for payment by the Iron and Steel Holding and Realisation Agency of compensation to officers or servants who suffer financial loss by reason of the nationalisation of the iron and steel industry under the Iron and Steel Act, 1949, that is to say, to persons who were officers or servants of companies at the time when they came into public ownership under the 1949 Act (the date of the general transfer to public ownership was the 15th day of February, 1951), and who have suffered or suffer loss of employment or loss or diminution of emoluments or pension rights in consequence of the companies' coming into public ownership.

2. The compensation payable is compensation for loss of employment or loss or diminution of emoluments or pension rights and the qualifying conditions (which must be satisfied by every claimant) are contained in Part II of the Regulations (particularly Regulation 3).

3. Officers or servants who have lost their employment are entitled to interim payment of compensation under Part III of the Regulations pending the assessment by the Agency of their final entitlement. Interim payment may continue for thirteen weeks.

4. Where loss or diminution of emoluments (including any loss of emoluments resulting from loss of employment) has been suffered, compensation can be awarded in accordance with Part IV of the Regulations, the method of calculating the maximum amount and duration of compensation varying with the right or expectation to the payment of compensation (apart from the Regulations) which the claimant may have in connection with his employment (see Regulations 12, 13 and 14). The period for which compensation is payable can extend up to (and in certain cases beyond) the claimant's pensionable age.

5. Where loss or diminution of pension rights has been suffered, compensation can be awarded in accordance with Part V of the Regulations, the method of calculating the maximum amount of compensation being set out in Regulation 18.

6. Provisions relating to the payment, review and composition of the compensation are contained in Part VI of the Regulations and provisions relating to the procedure for claiming compensation (including appeals to a tribunal) in Part VII.