1953 No. 1849

The Iron and Steel (Compensation to Officers and Servants) (No. 2) Regulations, 1953

Made - - - - 16*th December*, 1953
Coming into Operation 31*st 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 13th day of July, 1953.

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

(3) These Regulations provide for payment, in the cases and to the extent hereinafter specified, of compensation to—

(*a*) persons who, on the day appointed under Section 1 of the Iron and Steel Act, 1953, were officers or servants of companies which on that day became subsidiaries of the Iron and Steel Holding and Realisation Agency constituted under Part III of the said Act, and who suffer loss of employment or loss or diminution of emoluments or pension rights in consequence of the duty imposed on the said Agency by Section 18 of the said Act to secure the return to private ownership of the undertakings therein mentioned, and

(*b*) persons who were officers or servants of the Iron and Steel Corporation of Great Britain immediately before the day appointed as aforesaid, and who suffer loss of employment or loss or diminution of emoluments or pension rights in consequence of any provision 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(b);

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

"the appointed day" means the day appointed by the Minister under Section 1 of the Act, that is to say the 13th day of July, 1953;

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

" claimant " means a person who, as being an eligible officer or servant of a company, or of the Corporation, 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)—

(*a*) immediately before the occurrence of the disturbance leading to the claim for compensation the award or calculation of which is in question, where the claimant is an eligible officer or servant of a company, or

(*b*) immediately before the appointed day, where the claimant is an eligible officer or servant of the Corporation,

after deducting therefrom the annual amount of any contribution then payable by the claimant 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—

(*a*) in relation to a claim by an eligible officer or servant of a company for resettlement compensation, the termination of his employment as officer or servant of the employing company, being the employment which was subsisting on the appointed day and which has continued since that day without any interruption (breaks due to sickness, personal injury or war service being disregarded),

(*b*) in relation to a claim by an eligible officer or servant of a company for long term compensation, whichever of the following constitutes the disturbance which leads to the making of the claim,

(i) the termination of the employment referred to in (*a*) above, or

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

(iii) the loss or diminution, before the termination of that employment, of any pension rights connected with it, and

(*c*) in relation to a claim by an eligible officer or servant of the Corporation for resettlement compensation, the termination of his employment as officer or servant of the Corporation, or, if his agreement (whether in writing or not) for employment as officer or servant of the Corporation has taken effect under paragraph 6 of the First Schedule to the Act as if the Agency had been a party thereto and he has continued to be employed under that agreement on and after the appointed day as an officer or servant of the Agency without any interruption (breaks due to sickness, personal injury or war service being disregarded),

the termination of his said employment as officer or servant of the Agency ;

" eligible officer or servant of a company " means a person who on the appointed day was an officer or servant of a company which on that day became a subsidiary of the Agency, in whole time employment in connection with the business of that company ;

" eligible officer or servant of the Corporation " means a person who immediately before the appointed day was an officer or servant of the Corporation in whole time employment in connection with the activities of the Corporation under the 1949 Act ;

" 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 an eligible officer or servant of a company or of the Corporation, means the emoluments received by him in respect of his employment as officer or servant of the employing company or of the Corporation, as the case may be ;

" the employing company ", in relation to an eligible officer or servant of a company, means the company by which he was employed as officer or servant on the appointed day ;

" long term compensation " means compensation, payable under an award made in accordance with the provisions of Part III of these Regulations, for loss of employment or loss or diminution of emoluments or pension rights, suffered by an eligible officer or servant of a company ;

" the Minister " means the Minister of Supply ;

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

(*a*) if, being an eligible officer or servant of a company, 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 long term compensation 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 long term compensation for loss or diminution of pension rights, means the arrangement subsisting (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 ;

" reckonable service " means whole time employment—

(*a*) in the service of the Corporation,

(*b*) in the service of a company which on the appointed day became a subsidiary of the Agency,

(*c*) 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,

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

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

" relevant event " means—

(*a*) in relation to a claim by an eligible officer or servant of a company for resettlement or long term compensation, the exercise by the Agency of their powers under the Act for the purpose of securing the return to private ownership of the undertaking of the employing company, being the exercise which results in disturbance leading to the claim, and

(*b*) in relation to a claim by an eligible officer or servant of the Corporation for resettlement compensation, the operation of any provision of the Act, being the operation which results in the disturbance leading to the claim ;

" resettlement compensation " means compensation, payable in accordance with Part II of these Regulations, for loss of employment suffered by an eligible officer or servant of a company or of the Corporation ;

" resettlement period ", in relation to a claimant, means the period beginning at the date on which occurs the termination of employment which constitutes the disturbance leading to the claim by him for resettlement compensation or which would constitute such disturbance if he claimed such compensation, and running therefrom for thirteen weeks supplemented by, in the case of a claimant aged over 45, one additional week for each completed year by which on the said date he exceeds the age of 45, but subject however to a maximum of thirteen such additional weeks ;

" 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—RESETTLEMENT COMPENSATION FOR LOSS OF EMPLOYMENT

3.—(1) The Agency shall, subject to the provisions of these Regulations, pay resettlement compensation to every eligible officer or servant of a company who claims such compensation and in relation to whom the following conditions are satisfied, that is to say:—

(*a*) he was on the 31st day of December, 1951, engaged in whole time employment as an officer or servant of a company which on the appointed day became a subsidiary of the Agency;

(*b*) immediately before the date on which occurred the disturbance leading to the claim either—

(i) he held a permanent appointment as an officer or servant of the employing company, or

(ii) he had been continuously engaged (exclusive, however, of any breaks due to sickness or personal injury not exceeding in the aggregate six months) for at least three years in whole time employment in one or more of the following, that is to say:—

(A) the service of the Corporation,

(B) the service of any company which on the appointed day became a subsidiary of the Agency,

(C) war service following immediately upon employment under (A) or (B);

(*c*) the disturbance leading to the claim has occurred not later than ten years after the coming into operation of these Regulations;

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

(*d*) he has, in consequence of the relevant event, suffered loss of employment; and

(*e*) he has made his claim for resettlement compensation, in accordance with the provisions for making claims set out in Part IV of these Regulations, before the end of his resettlement period or of thirteen weeks from the date of the coming into operation of these Regulations, whichever is the later.

(2) The Agency shall also, subject to the provisions of these Regulations, pay resettlement compensation to every eligible officer or servant of the Corporation who claims such compensation and in relation to whom the following conditions are satisfied, that is to say:—

(*a*) he was on the 31st day of December, 1951, engaged in whole time employment as an officer or servant of the Corporation;

(*b*) immediately before the appointed day either—

(i) he held a permanent appointment as an officer or servant of the Corporation, or

(ii) he had been continuously engaged (exclusive, however, of any breaks due to sickness or personal injury not exceeding in the aggregate six months) for at least three years in such whole time employment as is described in paragraph (1) (*b*) (ii) of this Regulation;

(*c*) the disturbance leading to the claim has occurred not later than ten years after the coming into operation of these Regulations;

(*d*) he has, in consequence of the relevant event, suffered loss of employment; and

(*e*) he has made his claim for resettlement compensation, in accordance with the provisions for making claims set out in Part IV of these Regulations, before the end of his resettlement period or of thirteen weeks from the date of the coming into operation of these Regulations, whichever is the later.

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

(*a*) he is an eligible officer or servant of a company or of the Corporation;

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

(*c*) the termination of his employment which constitutes the disturbance leading to the claim has occurred 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

(*d*) he has not been offered by the Agency, by the employing company or by any subsidiary of the Agency comparable employment.

5.—(1) Subject as hereinafter provided, resettlement compensation shall be payable to a claimant in respect of his resettlement period only.

(2) Resettlement compensation shall not be payable to a claimant in respect of any week after he has reached normal pensionable age, unless he is able to satisfy the Agency or the tribunal that he would have continued to work as an officer or servant of the employing company or of the Corporation or the Agency beyond that age if the disturbance leading to the claim had not occurred.

6.—(1) Resettlement compensation shall consist of a weekly sum, which shall, in respect of each of the weeks for which such compensation is payable to a claimant as aforesaid, be calculated so as not to exceed the sum ascertained by taking two thirds of the weekly rate of the claimant's current net emoluments 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 such week,

(*b*) two thirds of any earnings received by him in respect of such week from other employment,

(*c*) any sums payable to him in respect of such week in connection with his former employment with the employing company or with the Corporation or the Agency (as the case may be), and

(*d*) any compensation payable to him in respect of such week under any other Regulations made under Section 24 of the Act.

(2) Resettlement compensation, where payable, shall begin to be paid by the Agency not later than two weeks from the receipt by the Agency of the claim therefor in accordance with Part IV of these Regulations, and the first payment of such compensation shall, subject to the provisions of these Regulations, include any sums already accrued due.

7. Every claimant for resettlement compensation shall (as well after as before the compensation begins to be paid)—

(*a*) forthwith supply the Agency in writing with particulars of any employment which he obtains or of any change in his earnings from any such employment, and

(*b*) so long as he is out of employment and is not receiving sickness or injury benefit, register with the Ministry of Labour and National Service.

8. Resettlement compensation shall be payable to a claimant at intervals equivalent to those at which the emoluments of his employment were previously paid and shall forthwith be terminated by the Agency—

(*a*) if he fails to comply with any of the provisions of Regulation 7, or

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

(*c*) if, for any reason other than obtaining employment or becoming entitled to sickness or injury benefit, he ceases to receive unemployment benefit.

PART III—LONG TERM COMPENSATION FOR LOSS OF EMPLOYMENT OR LOSS OR DIMINUTION OF EMOLUMENTS OR PENSION RIGHTS

9. The Agency shall, subject to the provisions of these Regulations, award and pay long term compensation to every eligible officer or servant of a company who claims such compensation and in relation to whom the following conditions are satisfied, that is to say:—

(*a*) he was on the 31st day of December, 1951, engaged in whole time employment as an officer or servant of a company which on the appointed day became a subsidiary of the Agency;

(*b*) at the date on which occurred the disturbance leading to the claim he had been continuously engaged (exclusive, however, of any breaks due to sickness or personal injury not exceeding in the aggregate eighteen months) for at least eight years in whole time employment in one or more of the following:—

(i) the service of the employing company,

(ii) the service of any predecessor in title to the undertaking of that company,

(iii) war service following immediately upon employment under (i) or (ii);

(*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 long term compensation is claimed, has occurred not later than ten years after the coming into operation of these Regulations and not later than two years after the disturbance leading to the claim; and

(*e*) he has made his claim for long term compensation, in accordance with the provision for making claims set out in Part IV of these Regulations, not later than two years after the date of the occurrence of the loss or diminution referred to in subparagraph (*d*) of this Regulation, 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 first date upon which he could reasonably have known of its occurrence.

10.—(1) Without prejudice to any other requirement in these Regulations, nothing in these Regulations shall entitle a person to an award of long term compensation, unless—

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

(*b*) the conditions set out in Regulation 9 are satisfied in relation to him; and

(*c*) if the disturbance leading to the claim for such compensation 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 Agency, by the employing company or by any subsidiary of the Agency comparable employment.

(2) Long term compensation shall not be payable in respect of 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 the Act or in anticipation of the making of any such provision, otherwise than in the ordinary course of business.

11.—(1) Long term compensation and resettlement compensation, if claimable by the same person, shall be the subject of separate claims.

(2) Claims for long term compensation for loss of employment shall in all respects be treated as claims for such compensation for the loss of emoluments occasioned thereby and the provisions of these Regulations shall apply to all such claims accordingly.

(3) Long term compensation for loss or diminution of emoluments and long term compensation for loss or diminution of pension rights, if claimable by the same person, shall be the subject of separate claims by the claimant, but where the loss or diminution of both emoluments and pension rights occur at the same time, the claims shall be made together.

12. For the purpose of determining whether long term compensation for loss or diminution of emoluments should be awarded to a claimant, and, if so, the amount of the compensation, regard shall be had to such of the following factors as may be relevant, that is to say:—

(*a*) the conditions upon which the claimant held his employment as officer or servant of the employing company, 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 which he may have obtained;

(*c*) 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;

(*d*) the amount of any compensation recovered by him 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;

(*e*) the amount of any compensation payable to him in connection with or in consequence of his employment as an officer or servant of the employing company, whether by reason of any service agreement or contract or otherwise howsoever;

(*f*) the amount of any other compensation payable to him 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.

13. Award and payment of long term compensation for loss of emoluments shall be made in accordance with the following provisions:—

(*a*) the compensation shall consist of an annual sum which shall be payable at intervals equivalent to those at which the emoluments of the claimant's employment were previously paid, and shall, subject to Regulation 20, continue to be payable until normal pensionable age; and

(*b*) the said annual sum shall not exceed the aggregate of the following:—

(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.

14. Award and payment of long term compensation for diminution of emoluments shall be made in accordance with the following provisions:—

(*a*) the compensation shall consist of an annual sum which shall be payable at intervals equivalent to those at which the emoluments of the claimant's employment are or were previously paid, and shall, subject to Regulation 20, continue to be payable until normal pensionable age; and

(*b*) the said annual sum shall not exceed the figure which bears to the maximum annual sum which could have been awarded under Regulation 13, 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.

15.—(1) Where a claimant for long term compensation for loss or diminution of emoluments 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 long term compensation for such loss or diminution 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 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.

16. Award and payment of long term compensation for loss or diminution of pension rights shall be made in accordance with the following provisions :—

(*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 subparagraphs (*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 subparagraph (*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 subparagraph (*b*) (ii) of this Regulation, regard shall be had to such of the factors set out in Regulation 12 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 subparagraph (*b*) of this Regulation; and

(*f*) the total amount of the compensation, 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.

17.—(1) The Agency shall determine every award of long term compensation and notify the claimant accordingly not later than thirteen weeks after the receipt of the claim.

(2) Where claims are made by the same person and at the same time for long term compensation for loss or diminution of emoluments and for loss or diminution of pension rights, the Agency shall determine the awards and notify the claimant accordingly at the same time.

18.—(1) Subject to the provisions of this Regulation, long term 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 such 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, within thirteen weeks of the occurrence of a loss or diminution for which a claim for long term compensation can be made, the claimant makes his claim in respect thereof in accordance with Part IV of these Regulations, the award shall be made retrospective to the date upon which such loss or diminution occurred or the claimant's resettlement period (if any) ended, whichever is later.

(4) Notwithstanding any other provisions of these Regulations, long term compensation for loss or diminution of emoluments shall not be payable to a claimant during or in respect of his resettlement period, except in so far as such compensation is compensation for loss or diminution of emoluments occurring before the termination of the claimant's employment as an officer or servant of the employing company.

19.—(1) Every award of long term compensation may be reviewed by the Agency at the instance either of the claimant or of the Agency, and may in consequence 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.

20.—(1) In a case where at any time the present actuarial value of the payments under an award of long term compensation 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 payments 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 long term 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 long term compensation for loss or diminution of emoluments; 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 long term compensation for loss or diminution of pension rights.

(3) The making of a composition under paragraph (2) of this Regulation in relation to an award of long term 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 IV—PROCEDURE AND MISCELLANEOUS

21.—(1) Every claim for compensation under these Regulations and every request for a review of an award of long term 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 relevant provisions of these Regulations, and shall within the time prescribed therein notify the claimant in writing of their decision in respect thereto.

(4) Every notification of a decision by the Agency (whether granting or refusing compensation or an award of compensation or a review of an award, 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.

22.—(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.

23. 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 question 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.

24. If at any time the Agency, after giving him (if then living) an opportunity of being heard, are satisfied that a claimant, in whose favour resettlement compensation is being or has been paid or an award of long term compensation has been made, has failed to comply with the requirements of Regulation 7 (*a*), or that a material statement, made by or on behalf of such a claimant in connection with his claim to compensation under these Regulations or any review of an award of long term compensation in his favour, or in any particulars supplied under Regulation 7 (*a*), 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 said requirements been complied with or the material facts been truly stated, as the case may be, 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.

25.—(1) In the event of the death of a claimant or of a person who, if he had 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 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 24 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.

26.—(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 long term compensation for loss or diminution of pension rights 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.

Dated this 16th day of December, 1953.

Duncan Sandys,
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 the payment by the Iron and Steel Holding and Realisation Agency of compensation to officers or servants who suffer financial loss by reason of the denationalisation of the iron and steel industry, that is to say:—

(*a*) to persons who on the 13th day of July, 1953, were officers or servants of companies which on that day became subsidiaries of the Agency and who suffer loss of employment or loss or diminution of emoluments or pension rights in consequence of the duty imposed on the Agency to secure the return of the undertakings of those companies to private ownership, and

(*b*) to persons who were officers or servants of the Iron and Steel Corporation of Great Britain immediately before the 13th day of July, 1953, and who suffer loss of employment in consequence of the operation of the Iron and Steel Act, 1953.

2. The compensation payable is:—

(*a*) resettlement compensation for loss of employment (see Part II of the Regulations), and

(*b*) long term compensation for loss of employment or loss or diminution of emoluments or pension rights (see Part III of the Regulations).

3. Resettlement compensation is payable to officers or servants of companies which have become subsidiaries of the Agency and also to officers or servants of the Corporation. The qualifying conditions for such compensation are set out in Regulation 3 and the method of calculating the maximum amount of such compensation in Regulation 6. The maximum period for which resettlement compensation can be paid is twenty-six weeks.

4. Long term compensation is payable to officers or servants of companies which have become subsidiaries of the Agency. The qualifying conditions for such compensation are set out in Regulation 9 and the method of calculating the maximum amount of such compensation in Regulations 13 (loss of emoluments), 14 (diminution of emoluments) and 16 (loss or diminution of pension rights). Long term compensation for loss of emoluments (including any loss of emoluments resulting from loss of employment) or for diminution of emoluments can be payable up to (and in certain cases beyond) the claimant's pensionable age.

5. The provisions relating to the procedure for claiming compensation (including appeals to a tribunal) and other ancillary matters are contained in Part IV of the Regulations.