1964. No. 197 **[C]**

TRANSPORT

Compensation to Ulster Transport Authority Employees

REGULATIONS, DATED THE 8TH DAY OF DECEMBER, 1964, MADE BY THE MINISTRY OF HOME AFFAIRS, WITH THE APPROVAL OF THE MINISTRY OF FINANCE UNDER SECTION 22 OF THE TRANSPORT ACT (NORTHERN IRELAND) 1958(a).

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

1. These Regulations may be cited as The Ulster Transport Authority (Compensation to Employees) Regulations (Northern Ireland) 1964.

2. These Regulations shall apply to an officer or servant of the Authority who suffers loss of employment or loss or diminution of emoluments or pension rights or whose position is worsened in consequence of the Authority terminating wholly a transport service provided on any railway line of their undertaking.

3. The Authority shall pay to an officer or servant to whom these Regulations apply compensation in accordance with the provisions of the draft Articles of Agreement and Appendices set out in the Schedule.

4. The Ulster Transport Authority (Compensation to Employees) Regulations (Northern Ireland) 1959(b) are revoked.

Sealed with the Official Seal of the Ministry of Home Affairs this 8th day of December, 1964.

(L.S.) *John F. Irvine,*
Assistant Secretary.

The Ministry of Finance hereby approves the foregoing Regulations.
Sealed with the Official Seal of the Ministry of Finance this 8th day of December, 1964.

(L.S.) *W. W. Arthur,*
Assistant Secretary.

(a) 1958. c. 15.

(b) S.R. & O. (N.I.) 1959, No. 110.

SCHEDULE

DRAFT ARTICLES OF AGREEMENT

between the

Ulster Transport Authority

and the

Trade Unions representing the Authority's officers and servants

1. It is agreed that the following scheme of compensation shall apply in connection with redundancy arising among officers or servants who were in the employment of the Ulster Transport Authority on or before 13th February, 1964.

2. The period covered by the scheme shall be 13th February, 1964, to 12th February, 1967, hereinafter referred to as "the relevant period".

SCHEME OF COMPENSATION

PART I

DEFINITIONS

3. In this Agreement, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"the Authority" means the Ulster Transport Authority;

"officer or servant" means an officer or servant of the Authority;

"loss of employment" means the loss or relinquishment of employment in circumstances set out at (*a*) or (*b*) of paragraph (1) of Article 4;

"current net emoluments", in relation to an officer or servant suffering loss of employment or loss or diminution of emoluments or worsening of conditions, means his annual rate of emoluments as an officer or servant at the date of such loss, diminution or worsening after deducting therefrom any contribution payable by the officer or servant under any pension scheme associated with his employment but excluding from such deduction any payment made by the officer or servant under an existing superannuation scheme for the purpose of ante-dating of membership in such scheme; furthermore, any amount by which emoluments exceed £5,000 shall be disregarded;

"emoluments" means any of the following payments or other benefits made to or enjoyed by an officer or servant in respect of services rendered by him as such:—

(*a*) all salary, wages, fees and other payments of a similar nature for his own use,

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

(*c*) the money value of all travel privileges, free accommodation, and 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 in the course of employment and overtime and other payments that do not reflect a permanent state of affairs;

"existing superannuation scheme" means such a superannuation or pension scheme as is referred to in Section 36 or Section 37 of the Transport Act

(Northern Ireland) 1948(a) and in Section 14 or Section 15 of the Transport Act (Northern Ireland) 1958;

"tribunal" means a board of referees appointed by the Ministry of Labour and National Insurance in the following manner:—

(*a*) one member to be selected from time to time from a panel previously nominated by the Authority and to serve until the particular issue referred has been decided;

(*b*) one member to be selected from time to time from a panel previously nominated by the Trade Unions and to serve until the particular issue referred has been decided:

(*c*) a chairman to be appointed by the Ministry of Labour and National Insurance. The appointment may be for a specified period or for the hearing of particular issues;

"war service" means service in any of the naval, military or air forces of the Crown in connection with the war which commenced on the 3rd day of September, 1939, or any employment for war purposes within the meaning of the Superannuation Schemes (War Service) Act (Northern Ireland) 1941(b), but does not include any voluntary extension of such service or employment after the cessation of hostilities otherwise than with the consent of the Authority or its predecessors;

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

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

"qualifying service" means employment—

(*a*) as an officer or servant;

(*b*) on service with any undertaking transferred to the Authority or to any predecessor of the Authority pursuant to any enactment;

(*c*) on any detached service which, in accordance with the customary practice of the Authority, would, or which it was expressly agreed at the time should, be reckoned as service with the Authority;

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

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

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

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

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

"the Ministry" means the Ministry of Home Affairs;

"standard weekly time-work rate" means—

(a) 1948. c. 16.

(b) 5 & 6 Geo. 6. c. 6 (N.I.).

(*a*) in relation to an officer or servant paid weekly the basic weekly rate of wages agreed under the appropriate wages negotiating machinery as applicable to him at the relevant time;

(*b*) in relation to an officer or servant paid monthly an amount equal to one fifty-second part of the basic annual rate of salary as applicable to him at the relevant time.

4.—(1) Without prejudice to any other requirements of this Agreement nothing in this Agreement shall entitle an officer or servant to compensation unless during the relevant period one or more of the following conditions are satisfied in relation to that officer or servant, that is to say:—

(*a*) (i) his office or situation as an officer or servant is abolished or he is required by the Authority to vacate that office or situation for any reason other than reaching the relevant age, misconduct or incapacity to perform such duties as immediately before vacating that office he was performing or might reasonably have been required to perform, and

(ii) he loses or relinquishes his employment as an officer or servant by reason of the fact that he is not offered by the Authority a reasonably comparable office or situation; or

(*b*) his services are dispensed with by the Authority on the ground that they are not required or for any reason other than reaching the relevant age, misconduct or incapacity to perform such duties as immediately before his services were dispensed with he was performing or might reasonably have been required to perform; or

(*c*) his emoluments are reduced; or

(*d*) he otherwise suffers any direct pecuniary loss (including loss of pension rights); or

(*e*) he is without his consent in a worse position with respect to the conditions of his service as a whole (including tenure of office, emoluments, sick fund or sick pay, and pension rights) as compared with the conditions of service formerly obtaining in respect of him; or

(*f*) being aged 55 years or more he voluntarily vacates his office or situation as an officer or servant:

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

(2) The aggregate of the sums payable by way of compensation under this Agreement in the case of any officer or servant shall not exceed a sum equivalent to the total of the current net emoluments which he would have earned if he had continued in receipt of his current net emoluments until the relevant age.

Part II

Severance Pay

5.—(1) Every officer or servant who suffers loss of employment in the relevant period and in relation to whom the requirements of paragraph (2) are satisfied shall, after complying with the procedure and conditions set out in Appendix 1, be entitled to receive by way of compensation in respect of that loss severance pay to be determined in accordance with the provisions of Appendix 2.

(2) The requirements referred to in paragraph (1) are:—

(*a*) the officer or servant shall have been an officer or servant on or before 13th February, 1964;

(*b*) the officer or servant:

(i) shall not have attained the age of 45 years at the date of the loss of employment; or

(ii) having attained the age of 45 years at the date of the loss of employment is unable to fulfil the conditions necessary to become entitled to compensation under Article 7;

(*c*) the claim shall be made in the manner set out in Appendix 1 not later than 6 weeks after the date of the loss of employment, or, if the Authority are satisfied that exceptional circumstances have caused unavoidable delay in the making of a claim in a particular case, within such longer period as the Authority may in that case determine;

(*d*) the officer or servant shall have been continuously engaged (exclusive of any breaks due to sickness or personal injury not exceeding in the aggregate six months or such longer period as may have been or may be certified by medical evidence to be required for restoration to health) in qualifying service for the period of one year immediately preceding the date on which he loses his employment as an officer or servant.

PART III

RESETTLEMENT PAYMENTS

6.—(1) Every officer or servant who suffers loss of employment in the relevant period and in relation to whom the requirements of paragraph (2) are satisfied shall, after complying with the procedure and conditions set out in Appendix 1, be entitled to receive by way of compensation in respect of that loss resettlement payments to be determined in accordance with the provisions of Appendix 3.

(2) The requirements referred to in paragraph (1) are:—

(*a*) the officer or servant shall have been an officer or servant on or before 13th February, 1964;

(*b*) the claim shall be made in the manner set out in Appendix 1 not later than 12 weeks after the date of the loss of employment, or, if the Authority are satisfied that exceptional circumstances have caused unavoidable delay in the making of a claim in a particular case, within such longer period as the Authority may in that case determine;

(*c*) the officer or servant shall have been continuously engaged (exclusive of any breaks due to sickness or personal injury not exceeding in the aggregate six months or such longer period as may have been or may be certified by medical evidence to be required for restoration to health) in qualifying service for the period of one year immediately preceding the date on which he loses his employment as an officer or servant.

PART IV

LONG-TERM COMPENSATION

7.—(1) Every officer or servant who, by reason of the loss, in the relevant period, of his employment as an officer or servant or by reason of the loss or diminution, in the relevant period, of his emoluments or pension rights or otherwise suffers any direct pecuniary loss and in relation to whom the requirements of paragraph (3) are satisfied shall, after complying with the