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

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

1959. No. 110 **[C]**

TRANSPORT

Compensation to Ulster Transport Authority Employees

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

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

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

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

"the Act" means the Transport Act (Northern Ireland), 1958(**a**);

"the Act of 1948" means the Transport Act (Northern Ireland), 1948(**b**);

"the Act of 1953" means the Great Northern Railway Act (Northern Ireland), 1953(**c**);

"the Ministry" means the Ministry of Commerce;

"the Authority" means the Ulster Transport Authority;

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

"the Company" means the Great Northern Railway Company (Ireland);

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

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

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

"relevant transfer" means the transfer effected by the Act of part of the Board's undertaking to the Authority;

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

(**a**) 1958. c. 15. (**b**) 1948. c. 16. (**c**) 1953. c. 25.

" relevant termination of service" means the termination wholly by the Authority in accordance with the provisions of Section 57 of the Act of 1948 of a transport service provided by the Authority on any railway line of the Authority's undertaking;

"relevant event" means relevant transfer or relevant termination of service as the case may be;

"loss of employment" means the loss or relinquishment of employment in the circumstances set out at (*a*) or (*b*) of Regulation 2;

"existing superannuation scheme" means such a superannuation or pension scheme as is referred to in section 36 or section 37 of the Act of 1948 and in section 14 or section 15 of the Act;

"emoluments" means all salary, wages, fees and other payments of a similar nature paid or made to an officer or servant as such for his own use; all bonuses, allowances, commissions, gratuities, special duty and overtime pay that are of a recurrent (whether seasonal or otherwise) nature; and the money value of all travel privileges, free accommodation, and any other allowances in kind, privileges, or benefits, whether obtaining legally or by customary practice; it excludes all payments for travelling, subsistence, accommodation, engagement of assistance and other expenses incurred in the course of employment, and all overtime and other payments that do not reflect a permanent state of affairs;

"current net emoluments" in relation to an officer or servant suffering loss of employment or loss or diminution of emoluments or worsening of conditions means his annual rate of emoluments at the date of such loss, diminution or worsening, after deducting therefrom any contribution payable by the officer or servant under any pension scheme associated with his employment; furthermore any amount by which emoluments exceed £4,000 shall be disregarded;

"tribunal" means a referee or board of referees appointed by the Ministry of Labour and National Insurance;

"war service" means—

(*a*) service in any of Her Majesty's Forces;

(*b*) any employment in the merchant navy or fishing fleets;

(*c*) any full time employment in the Civil Defence Services (including the National Fire Service), the Royal Observer Corps, the Police War Reserve, the Nursing and First Aid Services, and the Women's Land Army;

(*d*) any full-time employment into which the officer or servant entered by direction of the Ministry of Labour and National Insurance;

(*e*) detention by the enemy as a prisoner, military or civil, in any enemy or enemy-occupied country, or internment in any enemy or enemy-occupied or neutral country in consequence of the war;

(*f*) such other employment as the Ministry may in writing approve;

such service, employment, detention or internment being on or after the twenty-sixth day of May, 1939, or during the war of 1914 to 1918, but not including any voluntary extension of war service or voluntary enlistment after the cessation of hostilities otherwise than with the consent of the undertaking in whose service the officer or servant was, both at the time of the consent and immediately before the commencement of his war service;

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

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

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

(*a*) as an officer or servant;

(*b*) as an officer or servant of the Board;

(*c*) as an officer or servant of the Company;

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

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

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

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

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

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

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

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

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

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

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

(*c*) his emoluments are reduced; or

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

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

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

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

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

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

(*a*) the cause of claim to compensation arises not later than five years after the relevant event; and

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

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

(*a*) had been continuously engaged (exclusive of breaks due to sickness or personal injury not exceeding in the aggregate eighteen months or such longer period within the discretion of the Authority as may have been or may be certified by medical evidence to be required for restoration to health) in whole-time service for the period of eight years immediately preceding the date of the relevant event; and

(*b*) in the case of an officer or servant suffering loss of employment was at the date of the relevant event aged 50 years or over.

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

(*a*) the cause of claim to compensation arises not later than five years after the relevant event; and

(*b*) the claim to compensation is made in the manner set out in the First Schedule and

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

(ii) if the claim is in respect of diminution of emoluments or worsening of conditions, not later than twelve weeks after the date on which the cause of claim arises;

—or if the Authority are satisfied that exceptional circumstances have caused unavoidable delay in the making of a claim in a particular case, within such longer period as the Authority may in that case determine.

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

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

(*a*) the pecuniary value of the loss or injury shall be expressed in terms of current net emoluments; and

(*b*) the appropriate compensation shall be determined accordingly in accordance with the provisions of Sections I, II, IV and V of the Fourth Schedule.

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

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

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