then in respect of any week during which no person is receiving a guardian's allowance under the National Insurance Act (Northern Ireland), 1946, in respect of that child, and no grant is payable to or in respect of the child out of any naval, military or air force fund in pursuance of any royal warrant or other instrument or under any scheme made under the Personal Injuries (Emergency Provisions) Act, 1939, the Ministry with the consent of the Ministry of Finance may in their discretion —

(i) in the case of a child who is the only child included in a family within the meaning of the Family Allowances Act, (Northern Ireland), 1945, or that one of the children so included who is older than the others, grant an allowance of twelve shillings a week or increase the amount of the allowance, if any, to which the child is entitled by the difference between the amount of the allowance ascertained as aforesaid and twelve shillings a week;

(ii) in the case of any other child included in a family within the meaning of the Family Allowances Act (Northern Ireland), 1945, grant an allowance of seven shillings a week.

FOURTH SCHEDULE

Staff Officer,
Assistant Staff Officer,
Barrack Master,
Paymaster,
Assistant Paymaster,
Headquarters Clerks,
Special Service Driver

ULSTER TRANSPORT AUTHORITY

Transferred Undertakings:
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Compensation

REGULATIONS,* DATED 18TH MAY, 1950, MADE BY THE MINISTRY OF COMMERCE, WITH THE APPROVAL OF THE MINISTRY OF FINANCE, UNDER SECTION 38 OF THE TRANSPORT ACT (NORTHERN IRELAND), 1948 (a).

1950. No. 113

The Ministry of Commerce, in exercise of the powers conferred upon it by section 38 of the Transport Act (Northern Ireland), 1948, hereby makes the following Regulations :—

1.—(1) These Regulations shall come into operation on 28th June, 1950, and shall be deemed to have had effect from 30th September, 1948.

(a) 1948 Ch. 16, (N.I.)

* These Regulations were approved in draft in accordance with subsection (3) of Section 71 of the Transport Act (N.I.), 1948, by the Senate and the House of Commons on 27th June, 1950.

(2) These Regulations may be cited as " The Transferred Undertakings (Compensation to Employees) Regulations (Northern Ireland), 1950."

(3) 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 Transport Act (Northern Ireland), 1948 :

" the Ministry " means the Ministry of Commerce :

" the Authority " means the Ulster Transport Authority :

" transferred undertakings " means the undertakings of the Northern Ireland Road Transport Board, the Belfast and County Down Railway Company and that part of the undertaking of the British Transport Commission situated in Northern Ireland which was operated and managed by the Northern Counties Committee :

" relevant event " means

(*a*) in relation to an officer or servant formerly employed as such by the Northern Ireland Road Transport Board, the transfer effected by Part II of the Act ;

(*b*) in relation to an officer or servant formerly employed as such by the Belfast and County Down Railway Company, the transfer effected by Part III of the Act ;

(*c*) in relation to an officer or servant formerly employed as such by the British Transport Commission, the transfer effected by the arrangement dated 14th December, 1948, made under the provisions of section 65 of the Act between the British Transport Commission and the Authority :

" existing officer or servant " means a person who was immediately before the date of the relevant event employed as an officer or servant by any of the transferred undertakings and had been continuously engaged (exclusive of any breaks not exceeding in aggregate eighteen months) in whole time service since the 1st January, 1940 :

Provided that a person, who immediately before the date of the relevant event was not so employed but was then otherwise engaged in whole time service immediately upon such employment, shall be treated as if immediately before the said date he had been employed as such officer or servant :

" officer or servant " means a person employed as an officer or servant by the Authority who became so employed immediately on ceasing to be employed as an officer or servant

(*a*) by the Northern Ireland Road Transport Board ;

(*b*) by the Belfast and County Down Railway ;

(*c*) by the British Transport Commission in connection with that part of their undertaking situated in Northern Ireland

which was operated and managed by the Northern Counties Committee :

" pensionable officer or servant " means an officer or servant who has pension rights :

" normal maximum retiring age " means 65 years for males and 60 years for females :

" 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 existing officer or servant suffering loss of employment or loss or diminution of emoluments means his annual rate of emoluments at the date of such loss or diminution, after deducting therefrom any contribution payable by the officer or servant under any pension scheme associated with his employment :

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

" war service " means

(i) service in any of His Majesty's forces ;

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

(iii) 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 ;

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

(v) 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 ;

(vi) 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 ;

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

(i) as an officer or servant ;

(ii) where an undertaking has become, as the result of an acquisition or merger, part of the undertaking of any of the transferred undertakings, by the persons carrying on that undertaking, and in the case of previous acquisitions or mergers of undertakings, which are indirectly represented by the undertaking of any of the transferred undertakings, by the persons carrying on the undertakings so acquired or merged ;

(iii) on any detached service which in accordance with the customary practice of the persons by whom he was employed as aforesaid, would, or which it was expressly agreed at the time should, be reckoned as service with those persons ;

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

(v) 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.

(4) The Interpretation Act, 1889, shall apply for the purposes of the interpretation of these Regulations in like manner as it applies, by virtue of the Interpretation Act, 1921 (a), for the purposes of the interpretation of an Act of the Parliament of Northern Ireland.

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

(i) he is an existing officer or servant ; and

(ii) the cause of the claim to compensation arises not later than ten years after the relevant event, and the claim is made, in the manner set out in the First Schedule to these Regulations, not later than two years after the date on which the cause of claim arises, or where the claimant could not reasonably have known that a cause of claim had arisen at the date when it in fact arose not later than two years after the first date upon which he could reasonably have known that a cause of claim had arisen ; and

(a) 12 Geo. 5, Ch. 4 (N.I.)

(iii) in consequence of the relevant event one or more of the following conditions are satisfied in relation to such persons, that is to say —

(*a*) his office or situation is abolished and he is not offered by the Authority a reasonably comparable office or situation ; or

(*b*) having been required to perform duties such as are not analogous or which are an unreasonable addition to those which he might formerly have been required to perform, he relinquishes his office or situation ; or

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

(*d*) his emoluments are reduced ; or

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

(*f*) 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 a person is required to perform shall not, for the purposes of this paragraph, be deemed to be not reasonably comparable or not analogous to those which (apart from any war service) he last performed before the relevant event by reason only that they are duties in connection with activities which did not form part of the activities of the undertaking in which he was employed before the relevant event or that they involve a transfer of his employment from one place to another place within Northern Ireland.

(2) No compensation shall be payable in respect of

(i) any agreement or contract for the rendering of personal services, or any variation of such agreement or contract, disclaimed by the Authority under the provisions of the Act ; or

(ii) any increase in emoluments or pension rights given, in connection with any provision made by the Act or in anticipation of the making of any such provision, otherwise than in the ordinary course.

3.—(1) Every existing officer or servant who, in consequence of the relevant event, suffers any direct pecuniary loss by reason of the abolition or relinquishment of his office or situation, the dispensing by the Authority with his services, or the loss or diminution of his emoluments or pension rights or otherwise, shall, subject to his complying with the