
STATUTORY INSTRUMENTS

1953 No. 1849

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

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.