

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.

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

procedure and conditions set out in Appendix 1, be entitled to receive in respect of that loss compensation, to be determined in accordance with the provisions of Appendix 4.

(2) Every officer or servant who suffers any loss or injury, not being a pecuniary loss in respect of which he is entitled to compensation under paragraph (1), by reason of his position as officer or servant being worsened in the relevant period and in relation to whom the requirements of paragraph (3) are satisfied shall, subject to the provisions of this Agreement, and after complying with the procedure and conditions set out in Appendix 1, 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 his current net emoluments; and
- (b) the appropriate compensation shall be determined accordingly as provided in Appendix 4.

(3) 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 shall be not less than 45 years of age at the date of loss of employment;
- (c) the claim shall be made in the manner set out in Appendix 1—
  - (i) not later than 12 weeks after the end of the resettlement period, if the claim arises from loss of employment;
  - (ii) not later than 12 weeks after the date on which the cause of a claim arises, if the claim arises from diminution of emoluments;—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 eighteen 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 eight years immediately preceding the date of the loss of employment:

Provided that an officer or servant in respect of whom all the foregoing requirements are satisfied may at his option, to be exercised within six weeks from the date of the loss of employment, elect to receive severance pay to be determined in accordance with Appendix 2, thereby waiving any entitlement to compensation under Part I of Appendix 4.

#### PART V

##### VOLUNTARY VACATION OF OFFICE OR SITUATION AT AGE 55 OR OVER

8.—(1) This Article applies to an officer or servant being aged 55 years or over who voluntarily vacates his office or situation as an officer or servant during the relevant period.

(2) An officer or servant to whom paragraph (1) applies shall be treated for the purposes of Articles 6 and 7 as if he had suffered loss of employment.

(3) An officer or servant to whom paragraph (1) applies shall have the right if he waives any entitlement to compensation under Article 6 to claim

a lump sum determined in accordance with the provisions of paragraph 4 of Appendix 4 and payable as soon as practicable after his loss of employment.

## PART VI

### MISCELLANEOUS

9. If an officer or servant who has duly claimed compensation under any of the provisions of this Agreement is aggrieved by the failure of the Authority to inform him of their decision upon his claim within the prescribed time, or by their refusal to grant compensation, or by the amount of compensation granted, he may in accordance with the provisions of Appendix 1 refer the matter to a tribunal, and the tribunal shall consider the case in accordance with Appendices 2, 3 or 4 (as the case may be) and determine whether any, and if so what, compensation ought to be granted to the claimant, and the Authority shall give effect to the decision of the tribunal.

10.—(1) Any compensation payable under this Agreement shall be paid by the Authority subject to the following conditions:—

- (a) subject to the provisions of sub-paragraph (b), the compensation shall be paid to, or in trust for, the officer or servant concerned;
- (b) any compensation payable in respect of loss or diminution of pension rights shall, if the officer or servant requires the Authority so to do, be paid to, or in trust for, such person as is entitled to receive the corresponding payments under any existing superannuation scheme;
- (c) save in so far as is permitted by the foregoing provisions of this Article, no compensation payable under this Agreement shall be assignable.

(2) Any compensation payable by the Authority shall be payable at the date or dates fixed by the Authority or the tribunal as the case may be.

## APPENDIX 1

### Determination of Compensation

#### PROCEDURE

1. Every claim for compensation made under this Agreement and every request for a review of an award of compensation as provided for in paragraph 13 of Appendix 4 shall be made in accordance with the following provisions of this Appendix.

2. Every such claim and every such request shall be addressed to the Authority and shall be made in such form and in such manner as the Authority may determine.

3. On receipt of any such claim or request the Authority shall consider the same in accordance with the provisions of this Agreement and shall within the time therein prescribed notify the claimant in writing of their decision in respect thereto.

4. Every such notification of a decision by the Authority shall in the case of an award or a review of an award of compensation or of a refusal to make or review an award of compensation 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.

5. Every claimant for compensation who is aggrieved by a decision of the Authority including a decision reviewing or refusing to review an award of compensation may within three months of the decision being notified to him require the matter to be referred to a tribunal.

6. Every claimant who desires to have such a matter referred to a tribunal shall give notice thereof to the Authority in such form and in such manner as the Authority may determine. On receipt of such a notice the Authority shall refer the matter to the tribunal appointed to determine the matter so referred.

7. A claimant if so required by the Authority shall attend before the Authority or any person duly appointed in that behalf by the Authority and answer any question touching the matters set forth in his claim and shall further produce all books, papers and other documents in his possession or under his control relating to his claim.

8. The death of a person who has made a claim or who, if he had survived, could have made a claim for compensation under this Agreement shall not affect any obligation of the Authority to pay compensation under the Agreement in respect of any period prior to the death of such person.

## APPENDIX 2

### Assessment of Severance Pay for Loss of Employment

1. On the receipt of a claim for severance pay made in accordance with the provisions of Appendix 1 the Authority shall consider forthwith whether the claimant satisfies the conditions of eligibility set out in Article 5 and shall decide whether, and if so what, severance pay should be awarded and shall advise the claimant of their decision not later than fourteen days after the receipt of the claim.

2. The claimant at his option shall select one of two methods of assessment of severance pay, that is to say:—

either (a) a sum equivalent to two-thirds of his standard weekly time-work rate for each completed year of qualifying service;

or (b) a sum equivalent to two-thirds of his current net emoluments (expressed as a weekly amount) for each completed year of qualifying service:

Provided that if the claimant selects the method of assessment at (b) he shall not be entitled to commute to a lump sum his resettlement payments.

## APPENDIX 3

### Assessment of Resettlement Payments for Loss of Employment

1. On the receipt of a claim for resettlement payments made in accordance with the provisions of Appendix 1 the Authority shall consider forthwith whether the claimant satisfies the conditions of eligibility set out in Article 6 and shall decide whether, and if so what, resettlement payments should be awarded and shall advise the claimant of their decision not later than fourteen days after the receipt of the claim.



2. In relation to every claimant whose number of completed years of qualifying service before losing employment is set out in the First Column of the Table in paragraph 4 the resettlement period shall be the corresponding period of weeks set out in the Second Column of that Table commencing with the week next succeeding the week in which the claimant loses his employment as an officer or servant:

Provided that if periodical payments by virtue of an existing superannuation scheme should commence during the resettlement period the resettlement period shall notwithstanding the provisions of the Table be terminated at the end of the week in respect of which the said periodical payments commence.

3. Resettlement payments shall be payable only in respect of a claimant's resettlement period and in the event of a claimant's death during the said period they shall terminate at the end of the week in which he dies.

4. SCALE FOR ASSESSMENT OF RESETTLEMENT PERIOD

<i>Number of completed years of qualifying service before loss of employment</i>	<i>Number of weeks in resettlement period</i>
1 - 3	2
4	3
5	4
6	5
7	6
8	7
9	8
10	10
11 - 13	12
14 - 15	15
16	18
17	21
18	24
19	27
20	30
21	33
22	36
23	39
24	42
25	45
26	49
27 or more	52

5. Resettlement payments shall, subject to the provisions of this paragraph, be payable to a claimant in respect of his resettlement period only, and shall be payable at intervals equivalent to those at which the claimant's emoluments were previously paid:

Provided that—

(a) no resettlement payment shall be payable for any period in respect of which a claimant is not registered for employment with the Ministry of Labour and National Insurance for Northern Ireland or is, under subsection (2) of section 12 of the National Insurance Act (Northern Ireland) 1946(a), disqualified for receiving unemployment benefit or fails to satisfy the Authority that he was actively seeking suitable employment;

(b) proviso (a) shall not apply in respect of any period during which a claimant is employed or entitled to sickness or injury benefits;

(c) a claimant who has been unemployed may, on obtaining other employment, elect to receive in a lump sum the remainder of the weekly resettlement payments which he would have received had he continued to be unemployed subject to a maximum lump sum equal to six weeks' resettlement payments.

6. The amount of the resettlement payment payable to a claimant shall be a sum which when added to a sum equal to the aggregate of the following sums—

(a) two-thirds of any sums the applicant is receiving under a service agreement or contract; and

(b) where he is, or would if he made a claim thereto, be entitled to draw unemployment, sickness or injury benefits, the sum which would be so payable in respect of a person having no dependants,

is equal to two-thirds of his current net emoluments.

7.—(1) In lieu of periodic resettlement payments under paragraph 5 a claimant who—

(a) has elected to receive severance pay based on two-thirds of his standard weekly time-work rate in accordance with paragraph 2(a) of Appendix 2; and

(b) has not, at the date of the loss of employment, attained the age of 45; or

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

may, at his option, to be exercised within four weeks of the commencement of the resettlement period, elect to receive a lump sum calculated in accordance with the provisions of sub-paragraph (2).

(2) The lump sum referred to in sub-paragraph (1) shall be calculated by taking two-thirds of the total of the weekly resettlement payments payable after the option is exercised, the weekly resettlement payment being at the rate of payment immediately before the date of the option.

8. Where payments in respect of resettlement payment are in arrears for any period and assistance grants under the National Assistance Act (Northern Ireland) 1948(a) have been made for all or part of that period by reference to the requirements of the person to whom the payments are due, the payments shall be abated to the extent to which the actual amount of those assistance grants exceeds what would have been their amount, as decided by the National Assistance Board, if the said payments had not been in arrears.

9. The Authority shall have discretion at any time to review an award of resettlement payments (other than a lump sum paid under paragraph 7) and to alter them either upwards or downwards in the light of any change in the circumstances of the case and for the purpose of such a review the Authority may make it a condition of an award of resettlement payments that the claimant should notify the Authority of any material change in his circumstances.

(a) 1948, c. 13.

## APPENDIX 4

**Assessment of Compensation for Pecuniary Loss or  
Worsening of Position****(I) LOSS OF EMPLOYMENT**

1. On receipt of a first claim for compensation in respect of loss of employment (not being a claim for resettlement payment) made after the manner set out in Appendix 1, the Authority shall consider forthwith whether the claimant satisfies the conditions of eligibility for payment of compensation set out in Article 7 and in Article 8. If the Authority consider that these conditions are not satisfied, the Authority shall advise the claimant accordingly within four weeks of the receipt of the claim. If the Authority consider that the conditions are satisfied the Authority shall proceed to decide the amount of compensation payable to him in accordance with paragraphs 2, 3 and 4 and shall advise him of their decision not later than four weeks after the date of receipt of the claim.

2. For the purpose of determining whether compensation should be awarded to a claimant for loss of emoluments, and if so, the amount of that compensation, regard shall be had to—

- (a) the conditions upon which he held his appointment, 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 the claimant has sought suitable employment and the emoluments which he has, or might have, acquired by accepting other suitable employment (including re-training) offered to him;
- (d) the amount of any compensation recovered under the Reinstatement in Civil Employment Act 1944(a);
- (e) all the other circumstances of his case:

Provided that where an officer or servant has exercised the option to waive his claim to resettlement payments under paragraph (3) of Article 8 regard shall be had only to sub-paragraph (a) above.

3.—(1) Compensation for loss of emoluments shall, subject to paragraphs 12 and 13, be awarded by way of an annual sum payable until the officer or servant reaches superannuable age, which shall not exceed the aggregate of the following sums:—

- (a) in the case of every claimant, one-sixtieth of the claimant's current net emoluments for every completed year of qualifying service;
- (b) (i) where the claimant is under 50 years of age, an additional one-sixtieth for every completed year of qualifying service since he attained the age of 40, together with—
  - (1) where the claimant's total qualifying service amounts to not less than ten completed years but less than fifteen completed years, a further additional one-sixtieth,
  - (2) where the claimant's total qualifying service amounts to not less than fifteen completed years but less than twenty completed years, a further additional two-sixtieths, or

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(a) 7 & 8 Geo. 6. c. 15.

- (3) where the claimant's total qualifying service amounts to twenty completed years or more, a further additional three-sixtieths, but subject, however, to a maximum of ten additional sixtieths;
- (ii) where the claimant is 50 years of age or over but is under 60 years of age, an additional one-sixtieth for every completed year of qualifying service since he attained the age of 40, but subject to a maximum of fifteen additional sixtieths; or
- (iii) where the claimant is 60 years of age or over, an additional one-sixtieth for every completed year of qualifying service since he attained the age of 45 :

Provided that the annual rate of compensation shall not in any event exceed two-thirds of the claimant's current net emoluments; and in relation to any officer or servant the award of compensation shall, during the period of 52 weeks following the date of commencement of the resettlement period, not exceed a sum equivalent to 52 times the rate of resettlement payment applicable in his case.

(2) An award of compensation under this paragraph shall be regarded as an interim award pending completion of reviews in accordance with paragraph 13 (other than a review under exceptional circumstances under paragraph 13(3)), whereupon the award of compensation shall be deemed to be a final award.

4. In lieu of the annual payments provided for in paragraph 3 the claimant may, at his option, within one month after the date of the final award (or in the case of an officer or servant to whom Article 8 applies within one month after the date of his loss of employment) elect to receive in lump sum an amount ascertained by taking two-thirds of the balance of his entitlement to compensation, as assessed at the date of the final award, subject to a maximum amount equivalent to six years' such entitlement.

#### (II) DIMINUTION OF EMOLUMENTS OR WORSENING OF CONDITIONS

5. On receipt of a claim for compensation in respect of diminution of emoluments or worsening of conditions, the Authority shall decide the amount of the compensation (if any) payable and shall advise the claimant accordingly not later than four weeks after the date of receipt of the claim.

6. In determining whether compensation shall be awarded and, if so, the amount of that compensation, regard shall be had to such of the considerations set out in paragraph 2 as may be relevant.

7. The compensation awarded to an applicant who suffers diminution of emoluments or worsening of conditions shall, subject to paragraphs 12 and 16, be awarded by way of an annual sum payable until the officer or servant reaches superannuable age, which sum shall not exceed the figure which bears to the maximum annual sum which could have been awarded had he lost his employment, the same ratio as the amount by which his current net emoluments are diminished bears to their amount before diminution, provided that no compensation shall be payable if this ratio is less than two and a half per cent.

#### (III) COMPENSATION FOR LOSS OR DIMINUTION OF PENSION RIGHTS

8. Compensation for loss or diminution of pension rights shall not be awarded if a claimant has not exercised any right conferred on him under an existing superannuation scheme to secure the payment of periodical sums under that scheme at superannuable age.

9. Compensation for loss or diminution of pension rights, where such loss or diminution is established, shall be awarded by way of a payment or payments additional to those payable to or in respect of the claimant by virtue of any existing superannuation scheme. Subject to paragraphs 10, 11 and 16 any payment so made shall not exceed the difference between the payment made by virtue of the said superannuation scheme and the payment which would have been made by virtue of that scheme if there were added to the claimant's completed years of qualifying service the aggregate of the following numbers of years of such service without increase in emoluments, that is to say:—

- (a) two years of such service in all cases,
- (b) two years of such service for each of the first four completed years of qualifying service after the claimant attains the age of 40,
- (c) one year of such service for each completed year of qualifying service after the claimant attains the age of 44,

but so, however, that the number of years to be added as aforesaid shall not exceed the number of years to be served by the claimant before reaching the relevant age, or the total number of the claimant's actually completed years of qualifying service, or fifteen years, whichever shall be the least. In the calculation of such difference in the case of an award for diminution of pension rights, the Authority may disregard any limitation in an existing superannuation scheme on the number of years of service ranking for benefit. Any payment made shall be made at the same times, in the same manner and subject to the same conditions as the corresponding payments made under such superannuation scheme as aforesaid.

10. No payment of compensation under the last preceding paragraph made at any time shall be such that the amount of that payment, when added to any payment due to be made to or in respect of a claimant by virtue of any existing superannuation scheme at that time, exceeds the amount which would have been payable to or in respect of him by virtue of that scheme at that time had he suffered no loss or diminution of pension rights.

11. In determining the number of years, if any, to be added for the purpose of assessing the compensation to be awarded under paragraph 9, regard shall be had to such of the considerations set out in paragraph 2 as may be relevant, and also to the pension arrangements attaching to any employment which the officer or servant may have obtained. Such determination shall be made at the same time as the award, if any, of compensation for loss or diminution of emoluments is determined, or, if no claim for such an award has been made, within thirteen weeks of the receipt of the claim for compensation for loss or diminution of pension rights.

#### (IV) EXTENSION OF COMPENSATION AFTER SUPERANNUABLE AGE IN CERTAIN CASES

12.—(1) Where the Authority or the tribunal are satisfied in relation to any officer or servant that the relevant age is greater than the superannuable age, paragraphs 3 and 7 shall apply as if the relevant age were substituted for the superannuable age, provided that in a case to which paragraph 3 applies any compensation payable in the period between the attainment of the superannuable age and the attainment of the relevant age shall not exceed an amount which, when added to—

- (a) any periodical payments to the officer or servant under an existing superannuation scheme;

(b) any compensation for diminution of pension rights under paragraph 9, equals the amount of compensation which would have been awarded under this Appendix if compensation had been payable until the relevant age without reduction in respect of superannuation payments or compensation for diminution of pension rights.

For the purposes of this paragraph any option which an officer or servant may have exercised under an existing superannuation scheme to receive a lower rate of periodical payments of superannuation shall be ignored and accordingly periodical payments under an existing superannuation scheme shall be taken into account at the full rate to which an officer or servant would be entitled apart from the exercise of any such option.

(2) In calculating the lump sum payable under paragraph 4 to an officer or servant to whom sub-paragraph (1) applies the balance of entitlement to compensation shall be the balance of entitlement to compensation which would have been awarded if compensation had been payable until the relevant age without reduction in respect of any superannuation payments or compensation for diminution of pension rights.

#### (V) MISCELLANEOUS

13.—(1) Every award of compensation under this Appendix, other than an award under paragraph 4, may be reviewed by the Authority at the instance of that body, or at the request of the claimant, if a material change in the circumstances of the case is alleged, and may in consequence of such review be increased or decreased.

(2) No award shall be reviewed at intervals of less than six months.

(3) Subject as hereinafter provided, no award shall be reviewed later than two years after it was first made unless the circumstances are exceptional.

(4) The time limit prescribed by sub-paragraph (3) shall not apply in relation to any award if the claimant is an officer or servant when the review is initiated or requested.

14. If a person receiving compensation from the Authority for loss of employment becomes an officer or servant, he shall not, so long as he remains such an officer or servant, be entitled to receive any greater sum by way of compensation than that which would have been awarded to him for diminution of emoluments or worsening of conditions had he been or remained in the employment of the Authority.

15. Where payments of compensation are in arrears for any period and assistance grants under the National Assistance Act (Northern Ireland) 1948 have been made for all or part of that period by reference to the requirements of the person to whom the payments are due, the payments shall be abated to the extent to which the actual amount of those assistance grants exceeds what would have been their amount, as decided by the National Assistance Board, if the said payments had not been in arrears.

16. The Authority may, at their sole option, compound their liability to make annual awards of compensation to a person by payment of an immediate lump sum equal to the present actuarial value of such awards if the lump sum does not exceed £250. In any other case of an annual award, the Authority shall have discretion at the request of the person in receipt of compensation, after having regard to his state of health and other circumstances, to compound—

- (a) up to one quarter of their liability, other than their liability to pay compensation for loss or diminution of pension rights; and
- (b) up to one quarter of their liability to pay compensation for loss or diminution of pension rights, or, if the pension scheme relating to those rights enables them to be compounded to a greater extent, up to that extent.

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### EXPLANATORY NOTE

*(This Note is not part of the Regulations, but is intended to indicate their general purport.)*

These Regulations provide for the payment by the Ulster Transport Authority of compensation to persons who were on or before 13th February, 1964, officers or servants of the Ulster Transport Authority and who in the period 13th February, 1964, to 12th February, 1967, suffer loss of employment or loss or diminution of emoluments or pension rights or whose position is worsened or who, being aged 55 years or over, voluntarily vacate their offices or situations in consequence of the termination by the Authority of a railway service.

Subject to conditions as to age or length of service, or both, the Regulations provide for four types of compensation—severance pay, resettlement payments, long-term compensation, for those who lose their employment or suffer loss or diminution of emoluments as the case may be, and compensation for loss or diminution of pension rights.

#### *Severance Pay*

Severance pay is provided (Article 5 and Appendix 2 of the draft Agreement scheduled) for those who lose their employment during the period 13th February, 1964, to 12th February, 1967, in consequence of the termination by the Authority of a railway service provided by the Authority. To be eligible for severance pay a claimant must have been continuously engaged in qualifying service for one year prior to loss of employment and, except for certain cases, be aged less than 45 years. Depending on the option exercised by the claimant severance pay (a lump sum) will amount to two-thirds of either his current net emoluments or standard weekly timework rate before the loss of employment for each year of qualifying service. Qualifying service includes service with the Authority's predecessors as well as service with the Authority.

#### *Resettlement payments*

Resettlement payments are provided (Article 6 and Appendix 3 to the draft Agreement scheduled) for those who lose their employment during the period 13th February, 1964, to 12th February, 1967, in consequence of the termination by the Authority of a railway service provided by the Authority. To be eligible for resettlement payments a claimant must have been continuously engaged in qualifying service for one year prior to loss of employment. The resettlement payments will be two-thirds of his current net emoluments before loss of employment less two-thirds of any current earnings or, where he could claim unemployment, sickness or injury benefits, less the rate of benefit payable to a person without dependants. Resettlement payments will be payable for a period ranging from 2 weeks to 52 weeks following the loss of employment—the number of weeks being related to length of service. On taking up new employment within the resettlement period a claimant may elect to receive in a lump sum the remainder of the weekly resettlement

payments which he would have received had he continued to be unemployed subject to a maximum of six weeks' resettlement payments. Where a claimant has exercised the option to take severance pay at two-thirds of his standard weekly timework rate he may, in lieu of the periodic resettlement payments, elect to take in a lump sum two-thirds of the total of the weekly resettlement payments payable after the option is exercised.

#### *Long-term compensation*

To be eligible for long-term compensation (Article 7 and Parts (I), (II), (IV) and (V) of Appendix 4 of the Agreement scheduled) a claimant must have been continuously engaged in qualifying service for at least eight years before the date of the event which gives rise to his claim for compensation and be aged 45 years or over at that date. Compensation will be payable until normal retiring age (not exceeding 65 years for men and 60 years for women); it will be subject to a maximum based on the claimant's net emoluments and length of service and to adjustment to take account of any pension or superannuation payments to which the claimant may be entitled. The award of compensation will have regard to the circumstances set out in paragraph 2 of Appendix 4 including the extent to which the claimant has sought other suitable work and the earnings he has or could have obtained by so doing. The award will be subject to review at intervals of not less than six months and, apart from exceptional circumstances, no review shall be made later than two years after an award was first made. For reduction of emoluments or worsening of conditions the maximum compensation will be proportionately reduced as compared with total loss of emoluments.

In lieu of periodic payments a claimant may elect to receive in a lump sum two-thirds of the balance of his entitlement at the date of the final award subject to a maximum of six years' such entitlement.

A person aged 55 years or over who voluntarily vacates his office or situation may elect to waive any entitlement to resettlement payments and to claim payment of the lump sum referred to in the preceding paragraph.

#### *Compensation for loss of Pension Rights*

Persons over 45 who have the expectation of a pension related to years of service will be eligible for compensation for loss or diminution of pension rights suffered in consequence of the termination by the Authority of a railway service; this will take the form of crediting them with added years of service in recognition of their loss of future years of pensionable service or reduction of pensionable emoluments (Article 7 and Part (III) of Appendix 4 of the draft Agreement scheduled).

#### *General*

Overlap with earnings from subsequent service with the Authority is avoided (paragraph 14 of Appendix 4) and there is provision for compounding certain liabilities (paragraph 16 of Appendix 4). There is provision for appeal to a tribunal (Article 9).

In the case of severance pay the claim must be made not later than six weeks after loss of employment and in the case of resettlement payments not later than 12 weeks. In the case of long-term compensation for loss of employment or loss of pension rights the claim must be made not later than twelve weeks after the end of the resettlement period; in the case of long-term compensation for diminution of emoluments or pension rights or worsening of conditions the claim must be made not later than twelve weeks after the cause of the claim arises. There is provision for longer periods in which to make claims in exceptional circumstances.