

1971. No. 282

[C]

NEW TOWNS AND TOWN DEVELOPMENT

Municipal Functions—Compensation

REGULATIONS, DATED 1ST SEPTEMBER 1971, MADE BY THE MINISTRY OF DEVELOPMENT UNDER SECTIONS 35(5) AND 43 OF THE NEW TOWNS ACT (NORTHERN IRELAND) 1965.

The Ministry of Development in exercise of the powers conferred on it by Sections 35(5) and 43 of the New Towns Act (Northern Ireland) 1965(a) and of all other powers enabling it in that behalf hereby makes the following regulations:—

Title

1. These regulations may be cited as the New Towns and Town Development (Municipal Functions—Compensation) Regulations (Northern Ireland) 1971.

Interpretation

2.—(1) The expressions used in these regulations shall, unless the context otherwise requires, have the meanings assigned to them by the Local Government (Compensation) Regulations (Northern Ireland) 1967(b) (hereinafter referred to as “the Local Government Regulations”) except the following expressions used in the Local Government Regulations which shall have the meanings hereby respectively assigned to them, that is to say:—

“the Act” means the New Towns Act (Northern Ireland) 1965;

“compensating authority” means the Ministry of Development;

“material date”, in relation to any person, means the date of coming into operation of the municipal functions order by virtue of which Section 35(3) or (4) of the Act became applicable to him.

(2) Any reference in the Local Government Regulations to loss of employment or loss or diminution of emoluments or any reference to the like effect shall be construed as a reference to such direct pecuniary loss by the termination of employment as is referred to in Section 35(3) or (4) of the Act or, as the case may be, such diminution of emoluments as is referred to in Section 35(4) of the Act.

Payment of compensation

3. There shall be payable to or in respect of any person to whom Section 35(3) or (4) of the Act is applicable by virtue of the making of a municipal functions order such form or forms of compensation as may be appropriate in accordance with the provisions of the Local Government Regulations and for this purpose the Local Government Regulations shall have effect in relation to any such person subject to the modifications set out in the Schedule.

Sealed with the Official Seal of the Ministry of Development for Northern Ireland this 1st day of September 1971.

(L.S.)

J. A. D. Higgins,
Assistant Secretary.

(a) 1965. c. 13 (N.I.).

(b) S.R. & O. (N.I.) 1967, No. 337.

SCHEDULE

Modifications of the Local Government Regulations consequent upon regulation 3

Regulations 3 and 4 shall be omitted.

In Regulation 6—

- (a) in paragraph (1)(a) for the words “any such Order as is mentioned in regulation 4” there shall be substituted the words “a municipal functions order under the New Towns Act (Northern Ireland) 1965”;
- (b) in paragraph (1)(d) for the words “these regulations” there shall be substituted the words “the New Towns and Town Development (Municipal Functions—Compensation) Regulations (Northern Ireland) 1971”;
- (c) paragraphs (1)(e) and (f) shall be omitted; and
- (d) paragraphs (2) and (3) shall be omitted.

Regulation 7(1)(b) shall be omitted.

Regulation 9(2)(b) shall be omitted.

In regulation 12—

- (a) in paragraph (1)(a) for the words “any such Order as is mentioned in regulation 4” there shall be substituted the words “a municipal functions order under the New Towns Act (Northern Ireland) 1965”;
- (b) in paragraph (1)(d) for the words “these regulations” there shall be substituted the words “the New Towns and Town Development (Municipal Functions—Compensation) Regulations (Northern Ireland) 1971”;
- (c) paragraph (1)(e) shall be omitted; and
- (d) paragraph (2) shall be omitted.

Regulation 13(1)(b) and (c) and regulation 13(2) shall be omitted.

In regulation 16(2) after the words “of the claim,” there shall be inserted the words “or within thirteen weeks after the coming into operation of the New Towns and Town Development (Municipal Functions—Compensation) Regulations (Northern Ireland) 1971, whichever is the later.”

In regulation 18(3) the words “or when an award is reviewed under regulation 34” shall be omitted.

In regulation 21 in proviso (ii) to paragraph (1) the words “or, where the determination has been reviewed under regulation 34(3) not later than two years after the review” shall be omitted.

Regulation 24 shall be omitted.

Regulation 31(6) shall be omitted.

Regulation 32(1) shall be omitted.

In regulation 33—

- (a) paragraphs (a) and (c) shall be omitted; and
- (b) in paragraph (b) there shall be inserted after the words “long-term compensation” the words “, or retirement compensation,” and for the words “the remuneration whereof is payable out of public funds” there shall be substituted the words “under any local or public body” and for the purpose of construing the paragraph as so modified the expression “local or public body” shall have the same meaning as in the Act.

Regulation 34 shall be omitted.

In regulation 36—

- (a) in paragraph (1) the words “and every request for a review of an award of long-term or retirement compensation” shall be omitted;
- (b) in paragraph (2) the words “and request” shall be omitted;
- (c) in paragraph (4)(b) the words “or request for a review of an award of” and the words “or request” shall be omitted; and
- (d) in paragraph (5) the words “or reviewing an award” shall be omitted.

In regulation 37(1) the words “or whose award of compensation is being reviewed” shall be omitted.

Regulation 41 shall be omitted.

EXPLANATORY NOTE

(This note is not part of the regulations, but is intended to indicate their general purport.)

These regulations are made under Sections 35 and 43 of the New Towns Act (Northern Ireland) 1965 and provide the basis for determining compensation for loss of income through termination of employment or diminution of emoluments caused by the operation of a municipal functions order under Section 28 of the Act.

The regulations apply, with modifications for those purposes, the Local Government (Compensation) Regulations (Northern Ireland) 1967; consequently the forms of compensation are—resettlement compensation, long-term compensation and retirement compensation, the first being payable only where employment has been terminated and the other two being payable either when employment has been terminated or emoluments have been diminished. Compensation is also available for the widow, child or other dependent or legal personal representative of a person who was a pensionable officer.

The main modifications of the Local Government (Compensation) Regulations (Northern Ireland) 1967 are the omission of regulations 24 and 34 of those regulations concerning the review of compensation awards in certain circumstances including the taking up by the recipient of further employment. These regulations are unnecessary since the matter is already covered by section 35(6) of the New Towns Act (Northern Ireland) 1965.