
STATUTORY INSTRUMENTS

1953 No. 1849

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

PART I

COMING INTO OPERATION: INTERPRETATION

2.—(1) 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 Iron and Steel Act, 1953;

“the 1949 Act” means the Iron and Steel Act, 1949;

“the Agency” means the Iron and Steel Holding and Realisation Agency constituted under Part III of the Act;

“the appointed day” means the day appointed by the Minister under Section 1 of the Act, that is to say the 13th day of July, 1953;

“claimant” means a person who, as being an eligible officer or servant of a company, or of the Corporation, claims or has claimed compensation under these Regulations ;

“completed year of reckonable service” means reckonable service for a period of 365 days, or for a number of periods which when added together amount to 365 days: Provided always that if in relation to any claimant the aggregate of the entire period or of all of the periods of his reckonable service includes a fraction of a year, that fraction shall, if it exceeds 182 days, be treated as a completed year of reckonable service, and in every other case be disregarded;

“the Corporation” means the Iron and Steel Corporation of Great Britain constituted under the 1949 Act;

“current net emoluments” , in relation to a claimant, means his annual rate of emoluments (being emoluments of his employment)—

(a) immediately before the occurrence of the disturbance leading to the claim for compensation the award or calculation of which is in question, where the claimant is an eligible officer or servant of a company, or

(b) immediately before the appointed day, where the claimant is an eligible officer or servant of the Corporation,

after deducting therefrom the annual amount of any contribution then payable by the claimant for pension purposes: Provided that for all the purposes of this definition (including the ascertainment of the amount of any deduction to be made as aforesaid) any amount by which the said annual rate of emoluments exceeds £4,000 shall be disregarded;

“the disturbance leading to the claim” means—

(a) in relation to a claim by an eligible officer or servant of a company for resettlement compensation, the termination of his employment as officer or servant of the employing company, being the employment which was subsisting on the appointed day and which

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has continued since that day without any interruption (breaks due to sickness, personal injury or war service being disregarded),

- (b) in relation to a claim by an eligible officer or servant of a company for long term compensation, whichever of the following constitutes the disturbance which leads to the making of the claim,
 - (i) the termination of the employment referred to in (a) above, or
 - (ii) the loss or diminution, before the termination of that employment, of any of its emoluments, or
 - (iii) the loss or diminution, before the termination of that employment, of any pension rights connected with it, and
- (c) in relation to a claim by an eligible officer or servant of the Corporation for resettlement compensation, the termination of his employment as officer or servant of the Corporation, or, if his agreement (whether in writing or not) for employment as officer or servant of the Corporation has taken effect under paragraph 6 of the First Schedule to the Act as if the Agency had been a party thereto and he has continued to be employed under that agreement on and after the appointed day as an officer or servant of the Agency without any interruption (breaks due to sickness, personal injury or war service being disregarded), the termination of his said employment as officer or servant of the Agency;

“eligible officer or servant of a company” means a person who on the appointed day was an officer or servant of a company which on that day became a subsidiary of the Agency, in whole time employment in connection with the business of that company;

“eligible officer or servant of the Corporation” means a person who immediately before the appointed day was an officer or servant of the Corporation in whole time employment in connection with the activities of the Corporation under the 1949 Act;

“emoluments” includes any of the following payments or other benefits made to or enjoyed by a person in respect of his employment:—

- (a) salary, wages, fees (excluding fees paid to a director otherwise than in respect of services rendered as a managing director or in discharge of functions substantially those of an employee) and other payments of a similar nature for his own use,
- (b) all bonuses, allowances, commission, gratuities, special duty and overtime pay, which are of a recurrent nature, whether seasonal or otherwise and whether obtaining legally or by customary practice, and
- (c) 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,

but does not include payments for travelling, subsistence, accommodation, engagement of assistance or other expenses incurred in the course of the employment, or overtime or other payments of a non-recurring nature;

“emoluments of his employment”, in relation to an eligible officer or servant of a company or of the Corporation, means the emoluments received by him in respect of his employment as officer or servant of the employing company or of the Corporation, as the case may be;

“the employing company”, in relation to an eligible officer or servant of a company, means the company by which he was employed as officer or servant on the appointed day;

“long term compensation” means compensation, payable under an award made in accordance with the provisions of Part III of these Regulations, for loss of employment or loss or diminution of emoluments or pension rights, suffered by an eligible officer or servant of a company ;

“the Minister” means the Minister of Supply;

“normal pensionable age” means in relation to a claimant—

- (a) if, being an eligible officer or servant of a company, he has pension rights in connection with his employment as officer or servant of the employing company, or, having had such rights, has lost them in circumstances entitling him to claim long term compensation for loss of pension rights, the age at which he becomes or would have become entitled to receive a normal retirement pension by virtue of such pension rights, and
- (b) in any other case, 65 years of age for a man and 60 years of age for a woman;

“the pension scheme”, in relation to a claimant for long term compensation for loss or diminution of pension rights, means the arrangement subsisting (whether by virtue of any statute, trust, contract, customary practice or otherwise) in connection with his employment as an officer or servant of the employing company, being the arrangement under which he had or has pension rights;

“reckonable service” means whole time employment—

- (a) in the service of the Corporation,
- (b) in the service of a company which on the appointed day became a subsidiary of the Agency,
- (c) before the 15th day of February, 1951, in the service of any person who carried on in Great Britain any of the activities specified in the first column of the Second Schedule to the 1949 Act, being employment in connection with those activities,
- (d) on war service following immediately upon any of the preceding employments, or
- (e) in such other service as the Minister may in the case of any named employee approve;

“relevant event” means—

- (a) in relation to a claim by an eligible officer or servant of a company for resettlement or long term compensation, the exercise by the Agency of their powers under the Act for the purpose of securing the return to private ownership of the undertaking of the employing company, being the exercise which results in disturbance leading to the claim, and
- (b) in relation to a claim by an eligible officer or servant of the Corporation for resettlement compensation, the operation of any provision of the Act, being the operation which results in the disturbance leading to the claim;

“resettlement compensation” means compensation, payable in accordance with Part II of these Regulations, for loss of employment suffered by an eligible officer or servant of a company or of the Corporation;

“resettlement period”, in relation to a claimant, means the period beginning at the date on which occurs the termination of employment which constitutes the disturbance leading to the claim by him for resettlement compensation or which would constitute such disturbance if he claimed such compensation, and running therefrom for thirteen weeks supplemented by, in the case of a claimant aged over 45, one additional week for each completed year by which on the said date he exceeds the age of 45, but subject however to a maximum of thirteen such additional weeks;

“tribunal” means a referee or board of referees appointed by the Minister of Labour and National Service after consultation with the Lord Chancellor, or, where the proceedings are to be held in Scotland, after consultation with the Secretary of State;

“war service” means—

- (a) service in any of Her Majesty's Forces,
- (b) any employment in the Merchant Navy or fishing fleets,

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- (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 entered by direction of the Minister of Labour and National Service.
- (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 war,
- (f) such other employment as the Minister may in writing approve,

such service, employment, detention or internment being on or after the 26th day of May, 1939, or during the war of 1914 to 1918, but not including any voluntary enlistment after the cessation of hostilities or voluntary extension of war service otherwise than with the consent of the person in whose service the employee was or would, but for his war service, have been at the time of the consent;

“whole time employment” means employment after attaining the age of 18 years, being employment to which the employee is required to devote on the average not less than 30 hours per week and during which he is not at liberty to undertake other work in consideration of a fee or remuneration .

(2) In ascertaining for the purposes of these Regulations whether employment offered to a claimant is comparable with the employment the termination of which constitutes the disturbance leading to the claim, no account shall be taken of the fact that the duties of the employment offered involve a transfer of the claimant's employment from one place to another place in Great Britain.

(3) The Interpretation Act, 1889, shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.