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STATUTORY INSTRUMENTS

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**1968 No. 1170**

**The Iron and Steel (Compensation  
to Employees) Regulations 1968**

**PART VII**

**PROCEDURE**

**Procedure on making claims**

**32.**—(1) Every claim for compensation under these regulations and every request for a review of an award of long-term or retirement compensation shall be made in accordance with this regulation.

(2) Every such claim and request shall be made to the Corporation in a form approved by them, and shall state whether any other claim for compensation has been made by the claimant under these regulations.

(3) Resettlement compensation may however be claimed separately from any other form of compensation claimable under these regulations.

(4) The Corporation shall, provided that the person making the claim or request has complied with the provisions of this Part of these regulations, notify him in writing of their determination—

- (a) in the case of a claim for resettlement compensation, not later than one month after the receipt of the claim; and
- (b) in the case of a claim for, or request for the review of an award of, compensation under Part IV or V of these regulations, not later than 13 weeks after the receipt of the claim or request; and
- (c) in any other case, as soon as possible after the determination.

(5) A determination of the Corporation shall not be invalidated by reason of the fact that notice of the determination is given after the expiry of the period mentioned in paragraph (4) unless the claimant has meanwhile instituted an appeal in accordance with regulation 34 and that appeal is not withdrawn.

(6) For the purposes of an appeal under regulation 34 a failure of the Corporation to comply with the provisions of the preceding paragraph within the period there mentioned shall be treated as a rejection of the claim in question.

(7) Every notification of a determination by the Corporation granting or refusing compensation or reviewing an award, or otherwise affecting any compensation under these regulations shall contain a statement—

- (a) giving reasons for the determination;
- (b) showing how any compensation has been calculated and, in particular, showing the factors taken into account in assessing loss or diminution of emoluments or pension rights; and
- (c) directing the attention of the claimant to his right under regulation 34, if he is aggrieved by the determination, to bring an appeal before a tribunal and giving him the address to which the application instituting an appeal should be sent.

### **Claimants to furnish information**

**33.**—(1) Any person claiming or receiving compensation or whose award of compensation is being reviewed shall furnish all such information as the Corporation may at any time reasonably require; and he shall verify the same in such manner, including the production of books or of original documents in his possession or control, as may be reasonably so required.

(2) Any such person shall, on receipt of reasonable notice, present himself for interview at such place as the Corporation may reasonably require; and any person who attends for interview may, if he so desires, be represented by his adviser.

### **Right of appeal from determination of Corporation**

**34.**—(1) A claimant who is aggrieved by any determination of the Corporation as to whether any or what compensation under these regulations is payable to him may within 13 weeks of the notification to him of the determination bring an appeal before a tribunal in accordance with the Industrial Tribunals (Employment and Compensation) Regulations 1967<sup>(1)</sup> or, in Scotland, the s1967no362 Industrial Tribunals (Employment and Compensation) (Scotland) Regulations 1967<sup>(2)</sup>, and these regulations.

(2) For the purpose of any such proceedings a person or persons may be appointed to sit with the tribunal as assessor or assessors.

### **Review of awards of long-term or retirement compensation**

**35.**—(1) The Corporation shall, within a period of 2 years after the date on which any determination on a claim for long-term or retirement compensation (other than compensation payable under regulation 20) is notified to a claimant under regulation 32, review their determination or, where the claim has been the subject of an appeal, the decision of the tribunal, at intervals of not more than 6 months, and these regulations shall apply in relation to any such review as they apply in relation to the initial determination of the claim; and on such review, in the light of any material change in the circumstances of the case, compensation may be awarded, or compensation previously awarded may be increased, reduced or discontinued, subject to the limits set out in these regulations: Provided that where the claimant ceases to hold the employment in which his emoluments were diminished a review shall be held within 3 months after that date.

(2) After the expiration of the period mentioned in paragraph (1) the Corporation may, at their discretion, carry out reviews in accordance with that paragraph at intervals of not less than 12 months.

(3) The person to whom the determination relates may, at any time, require the Corporation to carry out a review in accordance with paragraph (1) if he considers that there has been a change in the circumstances of his case which is material for the purposes of these regulations.

(4) Notwithstanding anything contained in the foregoing provisions of this regulation—

- (a) the Corporation shall in accordance with paragraph (1) review a determination of the Corporation or a decision of the tribunal, as the case may be, on a claim for long-term compensation for loss of employment after the expiration of the period mentioned in the said paragraph if at any time subsequent to the loss of employment the person to whom the determination or decision relates enters employment (hereinafter referred to as his “current employment”) the remuneration whereof is payable by the Corporation or a publicly-owned company; and

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(1) (1967 I, p. 1205).

(2) (1967 I, p. 1220).

- (b) the Corporation shall further review in accordance with paragraph (1) any determination or decision reviewed under the foregoing provisions of this paragraph whenever the emoluments of the current employment of the person in question are increased.
- (5) The Corporation shall give to a person to whom a determination or decision relates not less than 14 days' notice of any review of that determination or decision to be carried out under this regulation unless the review is carried out at his request.
- (6) Nothing in this regulation shall preclude the making of any adjustment of compensation required by regulation 28 or 29 or the withholding, reducing or deducting from compensation under any other provision of these regulations.

#### **Procedure on death of claimant**

**36.—**(1) In the event of the death of a claimant or of a person who, if he had survived, could have been a claimant, a claim for compensation under these regulations may be continued or made, as the case may be, by his personal representatives.

(2) Where any such claim is continued or made as aforesaid by personal representatives, the personal representatives shall, as respects any steps to be taken or thing to be done by them in order to continue or make the claim, be deemed for the purposes of these regulations to be the person entitled to claim, but, save as aforesaid, the person in whose right they continue or make the claim shall be deemed for the purposes of these regulations to be such person, and the relevant provisions of these regulations shall be construed accordingly:

Provided that the Corporation may in any such case extend the period within which a claim is required to be made by regulation 5, 10, 16 or 20.