
STATUTORY INSTRUMENTS

1970 No. 2019

The London Transport (Compensation to Employees) Regulations 1970

PART II

ENTITLEMENT TO COMPENSATION

Persons to whom the regulations apply

3. These regulations shall apply to any person who suffers attributable loss and who—
- (a) was employed immediately before the first material date on a full-time basis, as an officer of—
 - (i) the London Board,
 - (ii) the Executive,
 - (iii) the Railways Board,
 - (iv) the Bus Company,
 - (v) a subsidiary of any of the foregoing bodies,
 - (vi) a person whose business consists of, or includes the provision of, transport services or facilities specified in any proposals submitted under section 20(1) of the Act and to which the Council has thereunder directed the Executive to give effect, or
 - (b) would have been so employed at that time but for any national service on which he was then engaged.

Grounds of entitlement to compensation—Compensating authorities

4.—(1) Subject to the provisions of these regulations, any person to whom these regulations apply shall be entitled to have his case considered for the payment of compensation under these regulations, and such compensation shall be determined in accordance with these regulations.

(2) Compensation for attributable loss suffered by a person to whom these regulations apply shall be payable by the appropriate authority specified in column (3) of Schedule 1 to these regulations opposite to the relevant event which is specified in column (1) of that Schedule and to the happening of which that loss is properly attributable, and the said authority is referred to in these regulations, in relation to the person suffering that loss, as “the compensating authority”.

(3) Where the same loss of employment or loss or diminution of emoluments or pension rights or worsening of position is properly attributable to the happening of more than one relevant event:—

- (a) not more than one claim shall be made or satisfied under these regulations in respect of that loss, diminution or worsening, as the case may be, and
- (b) for the purpose of ascertaining the first material date, the second material date and the compensating authority in relation to the person who suffers that loss, diminution or worsening, regard shall be had only to the last of those relevant events to happen.

National service

5.—(1) Any person to whom these regulations apply by virtue of regulation 3(b) and who before the expiry of two months after ceasing to be engaged on national service, or if prevented by sickness or other reasonable cause, as soon as practicable thereafter, gives notice to the compensating authority that he is available for employment, shall be entitled—

- (a) in a case where, in consequence of an event specified in any of paragraphs (a) to (c) of section 37(1) of the Act, he is not given or offered re-employment in his former office or in any reasonably comparable office (whether in the same or in a different service), to have his case considered for payment of compensation for loss of employment, and (if appropriate) for loss or diminution of pension rights, and
- (b) in a case where, in consequence of any such event, he is so re-employed with diminished emoluments, or with loss or diminution of pension rights or worsening of his position as compared with the emoluments, pension rights or position which he would have enjoyed had he continued in his former employment, to have his case considered for payment of compensation for diminution of emoluments, or for loss or diminution of pension rights, or for worsening of his position (as the case may warrant).

(2) The loss of employment which is the cause of a claim for compensation under paragraph (1) (a) shall be treated as having occurred on the earlier of the two following dates, that is to say, the date of the refusal of re-employment or a date one month after the date on which the person gave notice that he was available for employment, and the person shall be deemed to have been entitled to the emoluments which he would have enjoyed at such earlier date had he continued in his former employment.