

1962 No. 2834

## TRANSPORT

**The British Transport Reorganisation (Compensation to Employees) Regulations 1962***Laid before Parliament in draft**Made* . . . . . 20th December 1962*Coming into Operation* . . . . . 1st January 1963

The Minister of Transport, in exercise of the powers conferred upon him by Section 81 of the Transport Act 1962(a), and of all other enabling powers, hereby makes the following Regulations, a draft of which has been laid before Parliament and has been approved by resolution of each House of Parliament in accordance with subsection (5) of that Section:—

1.—(1) These Regulations shall come into operation on the 1st January 1963, and shall have effect from the 1st September 1962.

(2) These Regulations may be cited as the British Transport Reorganisation (Compensation to Employees) Regulations 1962.

(3) 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 Transport Act 1962;

“the Act of 1947” means the Transport Act 1947(b);

“the appropriate body” has the meaning assigned to it in Section 81 (8) of the Act;

“a Board” means any of the following bodies established by the Act—  
the British Railways Board,  
the London Transport Board,  
the British Transport Docks Board,  
the British Waterways Board;

“the Commission” means the British Transport Commission;

“compensation” (except in Regulation 3 and Schedule 3 to these Regulations) includes resettlement payment;

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

“current net emoluments”, in relation to an officer or servant suffering loss of employment or loss or diminution of emoluments or worsening of

(a) 10 &amp; 11 Eliz. 2. c. 46.

(b) 10 &amp; 11 Geo. 6. c. 49.

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 ;

“ 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, or over-time or other payments of a temporary nature ;

“ the Holding Company ” means the Transport Holding Company established by the Act ;

“ insurance scheme ” means a scheme for the provision of pensions by means of contracts or policies made or effected with an insurance company carrying on life assurance business within the meaning of the Insurance Companies Act 1958(a), including contracts or policies made or effected with such a company for the purpose of implementing any form of private superannuation fund ;

“ the Minister ” means the Minister of Transport ;

“ nationalised transport body ” means any of the following :—

- (a) the Commission,
- (b) a subsidiary of the Commission,
- (c) a Board,
- (d) the Holding Company,
- (e) a subsidiary of a Board or of the Holding Company ;

“ normal retiring age ” means 65 years for males and 60 years for females ;

“ officer or servant ” means a person employed as an officer or servant by a nationalised transport body ;

“ pensionable officer or servant ” means an officer or servant having pension rights ;

“ pensionable service ”, in relation to an officer or servant, means any period ranking for benefit under his pension scheme ;

“ qualifying service ”—

- (a) in relation to a claim for resettlement payment under Schedule 2 to these Regulations, has the meaning assigned in Regulation 2 (3), and
- (b) in relation to a claim for compensation under Schedule 3 to these Regulations, has the meaning assigned in Regulation 3 (4) ;

“ resettlement period ”, in relation to a claimant, means the period beginning at the date on which occurs the loss of employment in respect

of which he claims, or could claim, resettlement payment under these Regulations, 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 ;

“the statutory reorganisation” has the same meaning as the expression “the reorganisation effected by this Act” has in the Act ;

“subsidiary” has the meaning assigned to it in Section 92 (1) of the Act ;

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

“vesting date” has the meaning assigned to it by Section 31 of the Act ;

“war service” means—

- (a) service in any of Her Majesty's Forces ;
- (b) any employment in the merchant navy or fishing fleets ;
- (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, or the Women's Land Army ;
- (d) any full-time employment into which the officer or servant entered by direction of the Minister of Labour ;
- (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 the war ;
- (f) such other employment as the Minister may in writing approve :  
such service, employment, detention or internment being on or after the 26th May 1939 or during the war of 1914 to 1918, but not including any voluntary extension of war service or voluntary enlistment after the cessation of hostilities otherwise than with the consent of the employer in whose service the officer or servant was or would, but for his war service, have been at the time of the consent.

(4) The Interpretation Act 1889(a) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

2.—(1) Every officer or servant who, in consequence of the statutory reorganisation, loses his employment as an officer or servant, and in relation to whom the requirements of paragraph (2) of this Regulation are satisfied, shall, subject to the provisions of these Regulations, and after complying with the procedure and conditions set out in Schedule 1 to these Regulations, be entitled to receive by way of compensation in respect of that loss resettlement payment to be determined in accordance with the provisions of Schedule 2 to these Regulations.

(2) The requirements referred to in paragraph (1) of this Regulation are—

- (a) the officer or servant shall have been an officer or servant of the Commission at the passing of the Act ;
- (b) the cause of the claim to compensation shall arise not later than ten years after the vesting date ;

(c) the claim shall be made, in the manner set out in Schedule 1 to these Regulations, before the end of the claimant's resettlement period, or the expiration of thirteen weeks from the date of the coming into operation of these Regulations, whichever is the later ;

(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) in qualifying service for the period of three years immediately preceding the date on which he loses his employment as an officer or servant.

(3) For the purposes of this Regulation the expression "qualifying service" means employment—

(a) as an officer or servant ;

(b) on war service following immediately upon employment as an officer or servant ;

(c) on such other service as the Minister may in the case of any named employee in writing approve :

being employment to which the employee is required to devote on the average not less than thirty hours per week during which he is not at liberty to undertake other work in consideration of a fee or remuneration.

3.—(1) Every officer or servant who, in consequence of the statutory reorganisation, suffers any direct pecuniary loss by reason of the loss of his employment as an officer or servant, or by reason of the loss or diminution of his emoluments or pension rights, or otherwise, and in relation to whom the requirements of paragraph (3) of this Regulation are satisfied, shall, subject to the provisions of these Regulations, and after complying with the procedure and conditions set out in Schedule 1 to these Regulations, be entitled to receive in respect of that loss compensation to be determined in accordance with the provisions of Schedule 3 to these Regulations.

(2) Every officer or servant who, in consequence of the statutory reorganisation, suffers any loss or injury, not being a pecuniary loss in respect of which he is entitled to compensation under paragraph (1) of this Regulation, by reason of his position as officer or servant being worsened, and in relation to whom the requirements of paragraph (3) of this Regulation are satisfied, shall, subject to the provisions of these Regulations, and after complying with the procedure and conditions set out in Schedule 1 to these Regulations, 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 Schedule 3 to these Regulations.

(3) The requirements referred to in paragraphs (1) and (2) of this Regulation are—

(a) the officer or servant shall have been an officer or servant of the Commission at the passing of the Act ;

(b) the cause of the claim to compensation shall arise not later than ten years after the vesting date ;

(c) the claim to compensation shall be made, in the manner set out in Schedule 1 to these Regulations, not later than two years after the date on which the cause of claim arises, or where the claimant

could not reasonably have known that a cause of claim had arisen at the date when it in fact arose, not later than two years after the first date upon which he could reasonably have known that a cause of claim had arisen ;

(d) the officer or servant shall have been continuously engaged (exclusive of breaks due to sickness or personal injury not exceeding in the aggregate eighteen months) in qualifying service for the period of eight years immediately preceding the occurrence of the event which gives rise to the claim.

(4) For the purposes of this Regulation the expression "qualifying service" means employment—

(a) as an officer or servant ;

(b) immediately before becoming an officer or servant, by a person whose undertaking or part of whose undertaking was transferred to the Commission by Part II of the Act of 1947, by a notice of acquisition under Part III of that Act, or by agreement, being employment in that part of the undertaking the activities of which were such activities as are specified in Section 2 (1) of the said Act, or by the Railway Clearing House ;

(c) where an undertaking had become, as a result of an acquisition or merger, part of an undertaking so transferred to the Commission, by the persons carrying on the first mentioned undertaking, and in the case of previous acquisitions or mergers of undertakings which were indirectly represented by the undertaking so transferred to the Commission, by the persons carrying on the undertaking so acquired or merged (but so long only as the employment was employment in connection with that part of the undertaking the activities of which were such activities as are specified in Section 2 (1) of the Act of 1947) ;

(d) on war service following immediately upon any of the preceding employments ;

(e) on such other service as the Minister may in the case of any named employee in writing approve :

being employment to which the employee is required to devote on the average not less than thirty hours per week during which he is not at liberty to undertake other work in consideration of a fee or remuneration, and includes any period before the date of his becoming an officer or servant during which he was the owner or part owner of any undertaking referred to in sub-paragraphs (b) or (c) of this paragraph ; provided however that in relation to any claim for compensation for loss or diminution of pension rights, employment before attaining the age of 18 years shall be disregarded unless such employment is reckonable as pensionable service.

4.—(1) Without prejudice to any other requirements of these Regulations, nothing in these Regulations shall entitle an officer or servant to compensation unless, in consequence of the statutory re-organisation, one or more of the following conditions are satisfied in relation to that officer or servant, that is to say—

(a) he loses his employment as an officer or servant for any reason other than attainment of normal retiring age, misconduct, or incapacity to perform the duties which before the loss of employment occurred, he was performing or might reasonably have been required to perform,

and he is not offered reasonably comparable employment by a nationalised transport body; or

(b) his emoluments are reduced; or

(c) he otherwise suffers any direct pecuniary loss (including loss of pension rights); or

(d) the conditions of his service as a whole (including tenure of office, emoluments, sick fund or sick pay, and pension rights) are worsened.

(2) In ascertaining for the purpose of this Regulation whether employment offered by a nationalised transport body to an officer or servant is reasonably comparable with the employment which he has lost, the following facts shall be disregarded—

(a) the fact that the employment so offered is employment by a different nationalised transport body;

(b) the fact that the duties of the employment so offered are duties in connection with activities which did not form part of the activities of that section of the undertaking of the Commission in which the officer or servant was employed;

(c) the fact that the duties of the employment so offered involve a transfer of the employment of the officer or servant from one place to another place in Great Britain.

(3) No account shall be taken for the purposes of this Regulation of an offer of employment by a nationalised transport body where the officer or servant concerned establishes—

(a) that his acceptance of the offer would have involved undue hardship to him, or

(b) that he was prevented from accepting the offer by reason of ill-health or other circumstances beyond his control.

5. If an officer or servant who has duly claimed compensation under any of the provisions of these Regulations is aggrieved by the failure of the appropriate body 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 Schedule 1 to these Regulations refer the matter to a tribunal, and the tribunal shall consider the case in accordance with Schedule 2 or 3 (as the case may be) to these Regulations and determine whether any, and if so what, compensation ought to be granted to the claimant, and the appropriate body shall give effect to the decision of the tribunal.

6.—(1) Any compensation payable under these Regulations shall be paid by the appropriate body, subject to the following conditions:—

(a) subject to the provisions of sub-paragraph (b) of this paragraph, the compensation shall be paid to, or in trust for, the officer or servant concerned, or in the event of his death, to his personal representatives, and not otherwise;

(b) any compensation payable in respect of loss or diminution of pension rights shall, if the officer or servant requests the appropriate body so to do, be paid to, or in trust for, such person as is entitled to receive any corresponding payments which fall to be made under any pension scheme in which the pension rights of the claimant are preserved by virtue of an order made by the Minister under Section 74 of the Act;



(c) save in so far as is permitted by the foregoing provisions of this Regulation, no compensation payable under these Regulations shall be assignable.

(2) Any compensation payable by the appropriate body shall be, or commence to be, payable at the date fixed by the appropriate body or the tribunal, as the case may be.

Given under the Official Seal of the Minister of Transport the 20th December 1962.

(L.S.)

*Ernest Marples,*  
The Minister of Transport.

## SCHEDULE 1

### DETERMINATION OF COMPENSATION

#### *Procedure*

1. Every claim for compensation under these Regulations, and every request for a review of an award of compensation as provided for in paragraph 14 of Schedule 3 to these Regulations, shall be made in accordance with the following provisions of this Schedule.

2. Every such claim and every such request shall be made to the appropriate body in writing and shall set out the grounds on which the claim or request is made.

3. In the event of the death of a person who has made a claim or who, if he had survived, could have made a claim for compensation under these Regulations, such claim may be continued or made by his personal representative, and where any such claim is continued or made as aforesaid by a personal representative, the personal representative shall, as respects any steps to be taken or thing to be done by him in order to continue or make the claim, be deemed for the purposes of these Regulations to be the claimant, but, save as aforesaid, the person in right of whom he continues or makes the claim shall be deemed for all the purposes of these Regulations to be the claimant, and the relevant provisions of these Regulations shall be construed accordingly.

4. On receipt of any such claim or request the appropriate body shall consider the same in accordance with the provisions of these Regulations, and shall within the time therein prescribed notify the claimant in writing of their decision in respect thereto.

5. Every notification of a decision by the appropriate body 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 and informing him of the address of the appropriate tribunal.

6. Every claimant for compensation who is aggrieved by a decision of the appropriate body, including a decision reviewing or refusing to review an award of compensation, may within three months of the decision being notified to him refer the matter to a tribunal.

7. A claimant, if so required by the appropriate body, shall attend before the appropriate body or any person duly appointed in that behalf by them, and shall answer any questions 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, so however that, when so attending, a claimant may, if he so desires, be accompanied by and be represented by his adviser.

## SCHEDULE 2

## ASSESSMENT OF RESETTLEMENT PAYMENT FOR LOSS OF EMPLOYMENT

1. On the receipt of a claim for resettlement payment made in accordance with the provisions of Schedule 1 to these Regulations, the appropriate body shall consider forthwith whether the claimant satisfies the conditions of eligibility set out in Regulations 2 and 4 and shall decide whether, and if so what, resettlement payment should be awarded and shall advise the claimant of their decision not later than fourteen days after the receipt of the claim.

2. Resettlement payment 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 no resettlement payment shall be payable in respect of any period during which for any reason (other than his obtaining other employment or becoming entitled to sickness or injury benefit) a claimant is not registered with the Ministry of Labour, or ceases to be entitled to unemployment benefit, or in respect of which he fails to satisfy the appropriate body that he was actively seeking suitable employment.

3. The amount of the resettlement payment payable to a claimant in respect of loss of employment shall be a sum ascertained by taking two-thirds of his current net emoluments immediately before his loss of employment and deducting therefrom the aggregate of such of the following amounts as may be applicable :—

- (i) two-thirds of any earnings which the claimant is receiving from other employment ;
- (ii) unemployment, sickness or injury benefit at the current rate for a person having no dependants, insofar as any such benefit (whether at that or any other rate) is claimable by the claimant ;
- (iii) any periodical payments received by the claimant from any pension scheme in which the pension rights of the claimant are preserved by virtue of an Order made by the Minister under Section 74 of the Act ;
- (iv) any payment received by the claimant under a contract or service agreement in connection with his former employment as an officer or servant (not being a payment from any such pension scheme as is mentioned in (iii) above).

## SCHEDULE 3

ASSESSMENT OF COMPENSATION FOR PECUNIARY LOSS OR  
WORSENING OF CONDITIONS(I) *Loss of Emoluments*

1. On receipt of a claim for compensation for loss of emoluments (whether by reason of loss of employment or otherwise) made in accordance with the provisions of Schedule 1 to these Regulations, the appropriate body shall consider forthwith whether the claimant satisfies the conditions of eligibility set out in Regulations 3 and 4, and if they consider that these conditions are not satisfied, they shall advise the claimant to this effect not later than four weeks after the date of receipt of the claim.

2. If the appropriate body do not so advise the claimant within the four weeks aforesaid, they shall determine the amount of the compensation payable and advise the claimant accordingly not later than thirteen weeks after the date of receipt of the claim.

3. 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—

- (i) the conditions upon which he held his appointment, including in particular its security of tenure, whether by law or by practice ;



- (ii) the conditions, including security of tenure, whether by law or by practice, of any other employment which he may have obtained ;
- (iii) 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 ;
- (iv) the amount of any compensation recovered under any enactment relating to the reinstatement in civil employment of persons who have been in the service of the Crown ;
- (v) any other compensation payable to the claimant ;
- (vi) all the other circumstances of his case.

4. Compensation for loss of emoluments shall, subject to paragraph 17 of this Schedule, be awarded by way of an annual sum payable until whichever of the following events shall first happen, that is to say: the attainment by the claimant of normal retiring age, the death of the claimant, the commencement in respect of the claimant of any periodical payments made under any pension scheme in which his pension rights are preserved by virtue of an Order made by the Minister under Section 74 of the Act. The said annual sum shall not exceed the aggregate of the following sums :—

- (i) in the case of every claimant, one-sixtieth of the claimant's current net emoluments for every completed year of qualifying service ;
- (ii) in the case of a claimant aged 40 or over, additional sixtieths of his current net emoluments as follows:—

(a) 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

(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 ;

(b) 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

(c) 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.

## (II) *Diminution of Emoluments or Worsening of Conditions*

5. On receipt of a claim for compensation for diminution of emoluments or worsening of conditions, the appropriate body shall decide whether compensation shall be awarded and, if so, the amount of the compensation payable and shall advise the claimant accordingly not later than thirteen 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 3 of this Schedule as may be relevant.

7. The compensation awarded to a claimant who suffers diminution of emoluments or worsening of conditions shall, subject to paragraph 17 of this Schedule,

be awarded by way of an annual sum payable until whichever of the following events shall first happen, that is to say:—the attainment by the claimant of normal retiring age, the death of the claimant, the commencement in respect of the claimant of any periodical payments made under any pension scheme in which his pension rights are preserved by virtue of an Order made by the Minister under Section 74 of the Act. The said annual sum shall not exceed the figure which bears to the maximum annual sum which could have been awarded under paragraph 4 of this Schedule, had the claim been for compensation for loss of emoluments, the same ratio as the amount of the diminution of the claimant's current net emoluments, or of the pecuniary value of the worsening of conditions expressed in terms of current net emoluments (as the case may be), bears to the amount of such emoluments before the diminution or worsening occurred, but so however that no compensation shall be payable if this ratio is less than two and a half per cent.

### (III) *Extension of Compensation after Normal Retiring Age*

8. In the case of a claimant receiving compensation for loss or diminution of emoluments or worsening of conditions, the appropriate body or the tribunal may in their discretion, when they are satisfied that the claimant would have continued to work as an officer or servant beyond normal retiring age, extend the period of the award of compensation beyond that age, but at a rate of one half of the rate of compensation being paid before normal retiring age.

9. If an officer or servant suffers loss or diminution of emoluments, or worsening of conditions, after normal retiring age, the appropriate body or the tribunal may, in their discretion, award him compensation at a rate not exceeding one half of that which would have been awarded to him had the loss or diminution of emoluments, or worsening of conditions, occurred shortly before normal retiring age, but at a salary and with a length of qualifying service equal to those at the time of loss or diminution of emoluments, or worsening of conditions (as the case may be).

### (IV) *Compensation for Loss or Diminution of Pension Rights in the case of Pensionable Officers and Servants*

10. Compensation for loss or diminution of pension rights, where such loss or diminution is established and the claimant is not less than 40 years of age when such loss or diminution occurs, shall be awarded by way of a payment or payments additional to those payable to or in respect of him under any pension scheme in which the pension rights of the claimant are preserved by virtue of an Order made by the Minister under Section 74 of the Act. Subject to paragraphs 11, 12 and 13 of this Schedule any payment so made shall not exceed the difference between the payments made under such pension scheme and the payments which would have been made thereunder 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 normal retiring age (or where the appropriate body or the tribunal are satisfied that the claimant would have continued to work beyond that age, the age to which they are satisfied that he would have continued to work), 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 appropriate body may disregard

any limitation in a pension 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 pension scheme as aforesaid.

11. If in the case of a claimant who, immediately before the date of losing his employment as an officer or servant, is a participant in an insurance scheme (being a scheme under which any payments made in respect of pension rights are related to the participant's years of pensionable service and in which the pension rights of the claimant are preserved by virtue of an Order made by the Minister under Section 74 of the Act) the payment or payments in respect of pension rights secured to or in respect of the claimant after that date under that scheme are less than those which would have been payable had they been related to his years of pensionable service, there shall be awarded by way of compensation in respect of that loss a payment or payments, additional to those payable to or in respect of the claimant under the said scheme, equal in amount to the difference between any payments made under that scheme and the payments which would have been made thereunder had the payments been related to the years of pensionable service of the claimant before he lost his employment as an officer or servant.

12. No payment of compensation under the two last preceding paragraphs 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 at that time under any such pension scheme as is mentioned in those paragraphs, exceeds the amount which would have been payable to or in respect of him by virtue of such scheme at that time, had he suffered no loss or diminution of pension rights.

13. In determining the number of years, if any, to be added for the purpose of assessing the compensation to be awarded under paragraph 10 of this Schedule, regard shall be had to such of the considerations set out in paragraph 3 of this Schedule 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.

#### (V) *Miscellaneous*

14.—(1) Every award of compensation under this Schedule may be reviewed by the appropriate body 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 the last foregoing sub-paragraph shall not apply in relation to any award if the claimant is an officer or servant when the review is initiated or requested.

15. If a person receiving compensation under these Regulations for loss or diminution of emoluments or worsening of conditions, 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 remained in the employment of a nationalised transport body.

16. An award of compensation may be made retrospective, but not, save in exceptional circumstances, to a date more than thirteen weeks earlier than the date of receipt of the claim by the appropriate body or, in the case of a person to whom resettlement payment has, or but for the proviso to paragraph 2 of Schedule 2 to these Regulations would have, been paid for any period, to a date earlier than the end of that period.

17. The appropriate body 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 actuarial value of such awards at that time, if the lump sum does not exceed £250. In any other case of an annual award, the appropriate body, on receipt of a request from the person in receipt of the compensation, shall have a discretion, after having regard to his state of health and other circumstances, to compound—

- (i) up to one quarter of their liability, other than their liability to pay compensation for loss or diminution of pension rights; and
- (ii) 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 enabled 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 British Railways Board, the London Transport Board, the British Transport Docks Board, the British Waterways Board, and the Transport Holding Company of compensation to persons who were, at the passing of the Transport Act 1962, officers or servants of the British Transport Commission and who, in consequence of the reorganisation effected by that Act, suffer loss of employment or loss or diminution of emoluments or pension rights or whose position is worsened.

The conditions which must be satisfied before a title to compensation is established are prescribed in Regulations 2, 3 and 4 in conjunction with the definitions in Regulation 1 (3). Schedule 1 prescribes the procedure to be followed when making and dealing with claims. Schedule 2 deals with the assessment of resettlement payment immediately following loss of employment and Schedule 3 with the assessment of long-term compensation. Provision is made in Regulation 5 for a claimant to appeal to a tribunal appointed by the Minister of Labour.