
2. Procedure

THE REINSTATEMENT IN CIVIL EMPLOYMENT (PROCEDURE)
REGULATIONS, 1944, DATED JULY 28, 1944, MADE BY
THE MINISTER OF LABOUR AND NATIONAL SERVICE
UNDER THE REINSTATEMENT IN CIVIL EMPLOYMENT
ACT, 1944 (7 & 8 GEO. 6. c. 15).

1944 No. 880

The Minister of Labour and National Service by virtue of the powers conferred on him by the Reinstatement in Civil Employment Act, 1944, hereby makes the following Regulations :—

REINSTATEMENT IN CIVIL EMPLOYMENT

Short title,
commence-
ment and
inter-
pretation.

1.—(1) These Regulations may be cited as the Reinstatement in Civil Employment (Procedure) Regulations, 1944, and shall come into force on the 1st day of August, 1944.

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

(3) In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them, that is to say :—

“ the Act ” means the Reinstatement in Civil Employment Act, 1944 ;

“ application for reinstatement ” means an application to be taken into employment under Section one of the Act ;

“ local office ” means an employment exchange or such other local office of the Minister of Labour and National Service or of the Ministry of Labour for Northern Ireland as may be appointed for the purposes of the Act by the Minister or the Ministry as the case may be ;

“ the Minister ” means the Minister of Labour and National Service ;

“ the Ministry ” means the Ministry of Labour for Northern Ireland ;

“ reinstated ” means taken into the employment of an employer in pursuance of an application for reinstatement or under such circumstances that such an application has been waived or dispensed with ;

“ the Umpire ” includes a deputy Umpire.

(4) Any reference in these Regulations to a form set out in the Schedule hereto shall include a reference to a form approved by the Minister substantially to the like effect.

Applica-
tions for
re-instat-
ment and
notifica-
tions of
availability
for employ-
ment made
at local
offices.

2.—(1) An application for reinstatement shall, if made at a local office, be in the form set out in Part I of the Schedule hereto.

(2) The renewal of an application for reinstatement shall, if made at a local office, be in the form set out in Part II of the said Schedule.

(3) A notification by or on behalf of an applicant of the date on which the applicant will be available for employment shall, if made at a local office, unless already made in the form set out in Part I of the said Schedule, be in the form set out in Part III thereof.

Applica-
tions to
Reinstat-
ment Com-
mittees.

3.—(1) An application by any person to a Reinstatement Committee under Section nine of the Act shall be in writing in the form set out in Part IV of the Schedule hereto and shall be sent to or delivered at a local office—

(a) in the case of an applicant who has been reinstated, not later than fifty-two weeks after the date of reinstatement ; and

(b) in the case of an applicant who has not been reinstated, within a period of thirteen weeks from the date on which the

applicant made an application for reinstatement or within thirteen weeks from the date of any renewal of any such application ;

or within such further period as the Chairman of the Reinstatement Committee may in any particular case for good cause allow, and shall be decided by such Reinstatement Committee as the Minister may determine.

(2) An application to a Reinstatement Committee may be withdrawn by the applicant at any time on his giving notice in writing at a local office that he wishes to withdraw his application.

4.—(1) The Reinstatement Committee shall cause a copy of any such application as is mentioned in the last preceding Regulation to be sent to the person alleged by the applicant to be his former employer together with a request that such person shall, within ten days of the receipt thereof, submit such observations to the Committee as he thinks fit and the Committee shall forthwith cause a copy of such observations to be sent to the applicant at his last known address. The Committee shall, if the applicant so requests, adjourn the hearing of any case in which the copy of any such observations as aforesaid has not been sent to the applicant at least three days before the date fixed for the hearing.

Procedure
of Rein-
statement
Committees.

(2) Not less than seven days' notice of the time and place at which the Reinstatement Committee will sit for the consideration of any case shall be sent to the applicant and to the person alleged by the applicant to be his former employer addressed to them at their last known addresses and where such notice has been given the Committee may proceed to adjudicate on the matter notwithstanding that the applicant or the person alleged to be the former employer is not present.

(3) Any case before a Reinstatement Committee may, with the consent of the applicant and of the person alleged to be the former employer, but not otherwise, be proceeded with in the absence of any one member of the Committee other than the Chairman and in any such case the Committee shall be deemed to be properly constituted and the Chairman shall, if the number of the members of the Committee is an even number, have a second or casting vote.

(4) No person shall act as a member of a Reinstatement Committee during the consideration of a case in which he appears as the representative of the applicant or of any person who is or is alleged to be the former employer of the applicant, or by which he is or may be directly affected or in which he has taken any part as an official of an association or as a witness or otherwise.

(5) The applicant and any person who is or is alleged to be the former employer of the applicant may conduct his own case or may be represented at the sitting of the Committee—

(a) by a representative of any organisation of employers or employed persons of which he was a member when the application was made to the Reinstatement Committee ;

(b) by a relative or personal friend ;

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(c) in the case of an employer, by a director, partner, manager or any member of his staff ; or

(d) by Counsel or Solicitor.

(6) The hearing of cases before a Reinstatement Committee shall be in public unless the Chairman in any particular case for special reasons directs that members of the public and representatives of any newspaper shall not be admitted to or shall withdraw during the hearing of that case or any part thereof. For the purpose of discussing their decisions the Committee may order all persons not being members of the Committee to withdraw.

(7) A Reinstatement Committee shall keep a record of its proceedings and such record shall, in respect of each case, include a statement of the facts found by the Committee together with a record of the decision reached and the reasons therefor and in any case where such decision is not unanimous a statement of the reasons given by the dissention member. The decision of the majority of a Reinstatement Committee shall be the decision of the Committee. A copy of such record shall be supplied on request to the applicant, to any former employer of the applicant affected by the decision and to any person who was alleged by the applicant to be his former employer.

(8) Save as otherwise expressly provided in these Regulations, the procedure of a Reinstatement Committee shall be such as the Chairman may determine.

Appeals to
the Umpire.

5.—(1) Application for leave to appeal to the Umpire from any determination or order of a Reinstatement Committee or from the refusal of such a Committee to make an order may be made orally to the Committee immediately after the Committee has given its decision but if not so made shall be in writing and shall be sent to or delivered at a local office within fourteen days of the date of the decision or within such further period as the Chairman of the Committee may in any particular case for good cause allow and shall be in the form set out in Part V of the Schedule hereto.

(2) If the Committee refuse leave to appeal, application to the Umpire for leave to appeal shall be in writing and shall be sent to or delivered at a local office within fourteen days of the date on which leave to appeal was refused by the Committee or within such further period as the Umpire may in any particular case for good cause allow and shall be in the form set out in Part VI of the Schedule hereto.

(3) An application for leave to appeal to the Umpire may be determined by the Reinstatement Committee or the Umpire, as the case may be, without an oral hearing.

(4) An appeal to the Umpire from a decision of a Reinstatement Committee shall be in writing in the form set out in Part VII or Part VIII of the Schedule hereto (as the circumstances require), and shall be sent to or delivered at a local office within fourteen days of the date of the decision of the Reinstatement Committee or, where leave to appeal has been granted, within fourteen days of the date on which such leave was granted or within such further period as the Umpire may in any particular case for good cause allow.

(5) On the hearing of any appeal to the Umpire any party to the appeal may conduct his own case or may be represented by any of the persons specified in sub-paragraphs (a), (b), (c) and (d) of paragraph (5) of Regulation four of these Regulations.

(6) The hearing of cases before the Umpire shall be in public unless the Umpire in any particular case for special reasons directs that members of the public and representatives of any newspaper shall not be admitted to or shall withdraw during the hearing of that case or any part thereof.

(7) Save as otherwise expressly provided in these Regulations, the procedure of the Umpire shall be such as he may determine.

Signed by order of the Minister of Labour and National Service
this 28th day of July, 1944.

T. W. Phillips,
Secretary of the Ministry of
Labour and National Service.

SCHEDULE.

PART I.

APPLICATION TO BE TAKEN INTO EMPLOYMENT.

N.B. This form may be completed and signed either by the applicant or by someone acting with his authority.

To.....

.....
(Name and address of former employer)

I have finished a period of war service and I wish to return to my former employment. I therefore make application under the Reinstatement in Civil Employment Act, 1944, to be taken into your employment.

Particulars supplied by applicant.

1. *Surname of applicant* (in BLOCK LETTERS)
Christian name(s) in full
2. *Address for reply*
3. *Last employment in the four weeks before beginning war service.*
 - (a) Name of employer
 - (b) Place of employment
 - (c) Nature of employment
 - (d) Identifying particulars (Branch, Department, Check No. (if known) etc.)
4. *Particulars of whole time war service :*
 - (a) Service entered
 - (b) Date whole time service began
 - (c) Date this whole time service ended
5. *Particulars of certain further whole time service :*
 - (a) Nature of service
 - (b) Date this service ended
6. *Notification of availability for employment :*

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* I can start work on _____ and would be glad to hear from you whether you can offer me employment, and, if so, when, and on what terms and conditions.

* I will notify you in writing when I can start work.

7. *Other remarks*

Date of application..... Signature.....

* Delete whichever is not applicable.

PART II.

RENEWAL OF APPLICATION.

N.B. This form may be completed and signed either by the applicant or by someone acting with his authority.

To.....

.....
(Name and address of former employer)

Surname of Applicant (in BLOCK LETTERS)

Christian Name(s) in full

Address for reply

With reference to my _____ application under the Reinstatement in Civil Employment Act, 1944, to be taken into your employment made on _____, I hereby renew my application and should be glad to hear from you whether you can offer me employment and, if so, when, and on what terms and conditions.

Other remarks

Date of renewal application..... Signature.....

PART III.

NOTIFICATION OF AVAILABILITY FOR EMPLOYMENT.

N.B. This form may be completed and signed either by the applicant or by someone acting with his authority.

To.....

.....
(Name and address of former employer)

Surname of Applicant (in BLOCK LETTERS)

Christian Name(s) in full

Address for reply

With reference to my application under the Reinstatement in Civil Employment Act, 1944, to be taken into your employment made on _____ I hereby notify you that I can start work on _____ and should be glad to hear from you whether you can offer me employment, and, if so, when, and on what terms and conditions.

Other remarks

Date of Notification..... Signature.....

PART IV.

APPLICATION TO A REINSTATEMENT COMMITTEE UNDER SECTION 9 OF THE ACT.

Surname (in BLOCK LETTERS)

Christian Name(s) in full

Address (in full) for reply

Name of employer concerned in the application

Address of employer

I claim to be a person to whom the Act applies and that I have rights under the Act which are being, or have been, denied me. In support of this claim I submit the information furnished below. I understand that this information may be communicated to the employer to whom I refer.

1. *Last employment in the four weeks before beginning war service*

- (a) Name of employer
- (b) Place of employment
- (c) Nature of employment

2. *Particulars of whole time war service*

- (a) Date whole time service began
- (b) Service entered
- (c) Date this whole time service ended

3. *Particulars of certain further whole time service*

- (a) Nature of service
- (b) Date of beginning of service
- (c) Circumstances in which service was undertaken
- (d) Date of termination of service

Statement by Applicant

State here the grounds of your complaint and the facts on which you rely in support of your complaint, *including particulars of any applications or notifications made to the employer* and relevant statements made by him.

I certify that the above particulars are correct to the best of my knowledge and belief.

* I have not previously made an application to a Reinstatement Committee.

* My last application to a Reinstatement Committee was considered by a Committee sitting at _____ on _____

Date Signature

* Delete whichever is not applicable.

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PART V.

APPLICATION TO REINSTATEMENT COMMITTEE FOR LEAVE TO APPEAL

Name of applicant for reinstatement

Name of employer concerned

Application is hereby made to the Reinstatement Committee for leave to appeal to the Umpire against the decision dated _____ of the Committee sitting at _____ on _____

The grounds of the application are

Date Signature

Address

PART VI.

APPLICATION TO UMPIRE FOR LEAVE TO APPEAL.

Name of applicant for reinstatement

Name of employer concerned

Application is hereby made to the Umpire for leave to appeal to him from the decision dated _____ of the Reinstatement Committee sitting at _____ on _____

The grounds of the application are

Application for leave to appeal in the above case was made to the above Reinstatement Committee but was refused by them on _____

Date Signature

Address

PART VII.

NOTICE OF APPEAL TO THE UMPIRE BY THE EMPLOYER CONCERNED OR THE APPLICANT.

Name of applicant for reinstatement

Name of employer concerned

Notice is hereby given of appeal to the Umpire from the decision dated _____ of the Reinstatement Committee sitting at _____ on _____

The grounds of appeal are that

Date Signature

Address

PART VIII.

NOTICE OF APPEAL TO THE UMPIRE AT THE INSTANCE OF AN ORGANISATION OF EMPLOYERS OR AN ASSOCIATION OF EMPLOYED PERSONS.

Name of applicant for reinstatement

Name of employer concerned

Notice is hereby given of appeal to the Umpire from the decision dated
of the Reinstatement Committee sitting at
on

The grounds of appeal are that

I hereby certify that _____ of
*the employer concerned in the above case *the applicant
in the above case, was a member of the undermentioned organisation of
*employers *employed persons on the date on which the application which
was decided by the Reinstatement Committee aforesaid was made.

Date Signature

Office held

Organisation

Address

* Delete item not applicable.
