BRITISH TRANSPORT COMMISSION

1954 No. 1428

The British Transport Commission (Amendment of Pension Schemes) Regulations, 1954

Made - - - -	*27th October,* 1954
Laid before Parliament	*3rd November,* 1954
Coming into Operation	*4th November,* 1954

The Minister of Transport and Civil Aviation in exercise of his powers under section 98 of the Transport Act, 1947(a), hereby makes the following Regulations :—

1.—(1) These Regulations shall come into operation on the fourth day of November, 1954, and may be cited as the British Transport Commission (Amendment of Pension Schemes) Regulations, 1954.

(2) 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, 1947 ;

" accrued pension rights " has the meaning assigned to it by paragraph (3) of this Regulation ;

" the Authority " means the Ulster Transport Authority established under the Transport Act (Northern Ireland), 1948(b) ;

" the Commission " means the British Transport Commission ;

" the Corporation " means the British European Airways Corporation established by the Air Corporations Act, 1949(c) ;

" the date of change " in relation to an officer or servant to whom these Regulations apply means the date on which the officer or servant ceases to be so employed for the purpose of becoming employed as an officer or servant by the Corporation or by any person carrying on a railway undertaking in a country outside of the United Kingdom, not being a foreign country ;

" foreign country " has the same meaning as in the British Nationality Act, 1948(d) ;

" officer or servant " means a person—

(*a*) employed as a member of the Commission or of an Executive or as an officer or servant by the Commission (whether or not the employment is by virtue of the Act to be treated as employment by an Executive), or

(*b*) employed as an officer or servant by the Authority who became so employed immediately upon ceasing to be employed as specified in paragraph (*a*) ;

" pensionable event " in relation to an officer or servant to whom these Regulations apply means—

(*a*) retirement from the employment upon which he enters after the date of change, on or after attaining the age at which persons in that employment are normally required to retire ; or

(a) 10 & 11 Geo. 6. c. 49.
(b) 1948, c. 16 (N.I.).
(c) 12, 13 & 14 Geo. 6. c. 91.
(d) 11 & 12 Geo. 6. c. 56.

(*b*) the happening of any contingency other than reaching the relevant age which would have carried entitlement to pension under the rules of his railway pension scheme or society pension scheme;

"railway pension scheme" means any pension scheme established by or under the London Midland and Scottish Railway (Superannuation Fund) Act, 1924 (**a**), the Southern Railway (Superannuation Fund) Act, 1927(**b**) the London and North Eastern Railway (Superannuation Fund) Act, 1939(**c**), the Great Western Railway (Superannuation Fund) Act, 1941(**d**), or the Railway Clearing System Superannuation Fund Act, 1873(**e**).

"the relevant age" in relation to an officer or servant means the minimum age at which under the rules of his railway pension scheme he can exercise a right to receive a pension on retirement;

"society pension scheme" means any pension scheme of the society known as the London and North Western Railway Provident Society for providing Pensions for Widows and Orphans of the Salaried Staff or the Great Western Railway Salaried Staff Widows and Orphans Pensions Society, as the case may be.

(3) In these Regulations, the expression "accrued pension rights" in relation to an officer or servant means any right to the payment on or after reaching the relevant age or on or after the happening of any other contingency carrying entitlement to pension under his scheme, of a pension payable to or in respect of him calculated at such fraction or fractions of his pensionable emoluments in respect of each year or part of a year of his pensionable service as would have been applicable under that scheme in the calculation of the pension, if he had at the date of change reached the relevant age or, as the case may be, had the other contingency then happened, and there had been no requirement of the scheme as to a minimum qualifying period of pensionable service:

Provided that in the case of any officer or servant to whom these Regulations apply, for the purposes of ascertaining the amount of any such pension no account shall be taken of any provision in the scheme for the payment of a minimum pension.

(4) Any reference in these Regulations to any enactment shall be construed as a reference to that enactment as amended, extended or applied by or under any other enactment.

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

2. These Regulations shall apply to—

(*a*) every officer or servant being a participant in a railway pension scheme or in a society pension scheme or in both a railway pension scheme and a society pension scheme—

(i) who, upon ceasing to be employed as an officer or servant by the Commission (whether or not the employment is by virtue of the Act to be treated as employment by an Executive), becomes with the consent of the Commission employed as an officer or servant by the Corporation or by a person carrying on a railway undertaking in a country outside of the United Kingdom, not being a foreign country, or

(ii) who, upon ceasing to be employed as an officer or servant by the Authority, becomes with the consent of the Authority and of the Commission employed as an officer or servant by the Corporation or by a person carrying on a railway undertaking in a country outside of the United Kingdom, not being a foreign country;

(**a**) 14 & 15 Geo. 5. c. li. (**b**) 17 & 18 Geo. 5. c. xi. (**c**) 2 & 3 Geo. 6. c. xxii.
(**d**) 4 & 5 Geo. 6. c. ii. (**e**) 36 & 37 Vict. c. lxxxviii. (**f**) 52 & 53 Vict. c. 63.

(*b*) any railway pension scheme or society pension scheme in which any officer or servant to whom these Regulations apply was a participant at the date of change.

3. Where any officer or servant to whom these Regulations apply is entitled under any pension scheme to which these Regulations apply, on ceasing to be an officer or servant, to receive any payment by way of a return of contributions paid by or in respect of him, with or without interest thereon, he may, at any time within three months of the date of change, exercise his right to receive such a payment; and where such a right is exercised by any officer or servant the subsequent provisions of these Regulations shall not apply to him, and the persons managing any such scheme, the persons in whom any fund held for the purposes thereof is vested and the Commission shall be discharged from all other liability under the scheme to or in respect of that officer or servant or to any other person by reason of that right having been exercised.

4.—(1) Subject to the provisions of these Regulations, the subsequent provisions of this Regulation shall be terms of any pension scheme to which these Regulations apply and notwithstanding anything to the contrary therein contained, every such scheme and any statutory provisions relating thereto and all trust deeds, rules and other instruments made for the purposes thereof shall be construed accordingly.

(2) Subject to the provisions of this Regulation, the persons administering the scheme or, as the case may be, the persons in whom any funds held for the purposes of the scheme are vested shall pay to or in respect of any officer or servant to whom these Regulations apply, being a participant in the scheme, as from the date of the pensionable event the payment or payments comprised in his accrued pension rights.

(3) In the case of any officer or servant to whom these Regulations apply who before the happening of the pensionable event leaves the employment upon which he enters after the date of change, paragraph (2) of this Regulation shall have effect as if the reference therein—

(*a*) to payment as from the date of the pensionable event were a reference to payment within three months of the date upon which he leaves that employment;

(*b*) to the payment or payments comprised in his accrued pension rights were a reference to such payment or payments comprised in his accrued pension rights as would have been payable under the scheme had he voluntarily ceased to be a participant therein at the date of change.

(4) In the case of any officer or servant to whom these Regulations apply who after the date of change becomes employed by a person carrying on a railway undertaking in a country outside of the United Kingdom, not being a foreign country, the payment or payments comprised in his accrued pension rights falling to be made under paragraph (2) of this Regulation shall, so far as they are attributable to his having been a participant in a railway pension scheme, be reduced, according to his age at the date of the pensionable event, by the percentage shown in the appropriate column of the table set out in the schedule to these Regulations:

Provided that the provisions of this paragraph shall not apply in any case where such an officer or servant whilst so employed dies or retires on the ground of ill health before attaining the age at which persons so employed are normally required to retire.

(5) Subject to the foregoing provisions of this Regulation, the rules of any pension scheme to which these Regulations apply shall apply in relation to the accrued pension rights of any officer or servant to whom these Regulations apply, being a participant in the scheme, as they apply in relation to the pension rights of other participants in the scheme at the date of change.

Given under the Official Seal of the Minister of Transport and Civil Aviation this twenty-seventh day of October, 1954.

(L.S.) *John Boyd-Carpenter,*
The Minister of Transport and Civil Aviation.

SCHEDULE

Table showing the percentage by which pension payments are to be reduced, according to age at the pensionable event, in cases to which Regulation 4 (4) applies.

Age at last birthday preceding the pensionable event	Percentage Reduction	
	Males	Females
59	5	—
58	10	—
57	15	—
56	20	—
55	25	—
54	30	5
53	35	10
52	40	15
51	45	20
50	49	25
49	52	29
48	55	33
47	57	36
46	59	39
45	61	42

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport)

These Regulations provide for the preservation of the accrued pension rights of certain members of railway salaried staff pension schemes, employed by the British Transport Commission or formerly employed by the Commission and now employed by the Ulster Transport Authority, who transfer to the employment of the British European Airways Corporation or to railway employment in a country (other than a foreign country) outside the United Kingdom.

The pension rights accrued up to the date of transfer will normally be payable when the employee retires from the employment to which he transfers, or when an event occurs which would have given rise to benefit under the rules of his pension scheme. If an employee who transfers to railway employment retires (otherwise than on the ground of ill health) at an earlier age than that at which he could have retired on pension if he had not transferred, the retirement benefits will be reduced by the percentage shown in the Schedule.